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HOUSE OF REPRESENTATIVES—*Thursday, April 21, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 21, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Bishop Vicken Aykazian, The Armenian Church of America, offered the following prayer:

Lord God of creation, we ask Your blessing on the men and women gathered here today, all of whom labor in the cause of liberty and justice for the people of this great Nation.

We pray that You will inspire our leaders with wisdom, compassion, and resolution in the face of evil. In a time of uncertainty across our world, Lord, we seek above all to know and perform Your will. We pray that You will remember the precious sacrifices made in the name of liberty, that You will shepherd the downtrodden out of the darkness of tyranny, and that You will steer our entire world to a new dawn of peace and dignity, for all Your children.

We are aware, Lord, of the solemn occasion approaching us this week marking the 90th anniversary of the Armenian genocide. Even after four generations, the effects of that terrible episode are still felt. We ask You to grant rest to the souls of all whose lives were taken and bestow Your peace on their descendants.

Finally, Lord, we thank You for the bounty and liberty of this great country of America. Bless this land and her people, so that America may continue to be the great beacon of hope to our world.

For all of these blessings, may Your Name be praised from generation to generation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Nevada (Ms. BERKLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. BERKLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests per side.

HONORING KENNETH SCHERMERHORN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, on Monday, April 18, 2005, Tennessee lost legendary Nashville Symphony Orchestra conductor, Maestro Kenneth Schermerhorn. For more than 2 decades as music director and principal conductor, he led the Nashville Symphony not only to national recognition but to international acclaim.

With astounding talent, Schermerhorn was not simply a metronome leading musicians through a musical score; rather, he gave life to the music he so clearly loved. He enriched the lives of thousands of adults and children in middle Tennessee, and he brought the joy of music to communities around the globe. He truly was a dear friend to so many Tennesseans and an inspirational leader to those of us who served on the symphony board.

It is with deep sorrow that I join music lovers in my State and in countries around the world to mourn the loss of our gifted friend. Our thoughts and prayers are with his family.

RISING GAS PRICES

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Madam Speaker, gas prices are rising at alarming rates across the country, and these costs are hurting America's working families. The average price of a gallon of gas in Arkansas is $2.11, up from $1.72 just a year ago. That is a 22.6 percent increase. This high cost not only affects our overall economy but also directly impacts individual families, seniors, and farm families. Our farm families are facing higher overhead costs and family vacations are being canceled for many working families.

Americans deserve more. They deserve to know why the cost of gas is skyrocketing. More importantly, Americans deserve a solution. We must reduce our Nation's dependence on foreign oil.

FILIBUSTERS PART OF THE DEMOCRATS' CYNICAL CAMPAIGN OF OBSTRUCTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Senate Democrats are blocking votes on qualified judicial nominees. Each of these nominees would receive the majority support of most Senators in a vote. So it was interesting when Democrats say exposing these obstructionist tactics is

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

un-American, in the words of one Senator.

The fact is Democrats oppose these judges because they support judges who say the Ten Commandments, the Pledge, and prayer in public are illegal. They support judges who have no fear of legislating from the bench. They oppose judges who share the same values as most of America. But they do not want people to know that. They would rather keep that all under wraps.

But there is a growing voice in this country that is calling them out. Senate Democrats and their liberal allies at the ACLU and People for the American Way have declared people of faith ineligible to serve on the Federal bench. This strategy represents the worst that our Nation's leaders have to offer, using religious conviction as an excuse for obstructionism in the Senate. It is all part of a cynical campaign of obstructionism.

THE ENERGY POLICY ACT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, now is the time to create an energy plan to wean this country from its reliance on foreign oil and to harness renewable energy sources. It is not the time to line the pockets of the special interests. This Congress should be developing a long-term energy policy that will make this Nation energy independent by utilizing 21st-century technology, not propping up obsolete energy sources guaranteed to continue this Nation's reliance on the oil, gas, and nuclear industries.

We should be putting our resources into the research and development of renewable energy, harness the sun, wind, geothermal. At a time when oil companies are reaping record profits, the Republican energy bill will give 93 percent of the subsidies in this bill to the oil, gas, and nuclear industries and chump change for research and development of renewable energy. It boggles my mind that at a time of record prices for gasoline, we are doing absolutely nothing in this bill to reduce gas prices. This debacle of a Republican bill will actually increase gas prices by 3 cents on the gallon.

I am appalled that we would spend one cent more on nuclear energy when we have no solution to the nuclear waste problem. We continue to lavish billions of dollars on the nuclear industry when we have no safe way to store the waste. I hope that we defeat this ridiculous piece of legislation.

HOUSE ETHICS

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Madam Speaker, yesterday the Democrat leadership in the House of Representatives rejected compromise to organize the House Ethics Committee. They rejected reasonable compromise because they want to use the ethics process for partisan political purposes. It is time to say enough is enough. The Democrat leadership must work with the Republican leadership so we can move this House forward. Reasonable Democrats on the other side of the aisle need to call off the dogs, need to say enough is enough with their Democrat whip and their Democrat leader and say, Come to the table. Let's organize. Let's move forward. Let's quit these baseless, partisan attacks on our Republican leader, TOM DELAY. Let's move forward. Let's move forward together as a House.

But, no, they reject that because they want to use the ethics process for partisan political gain. It is not about ethics to them. It is about partisanship. It is not about doing what is right. It is about using it for electoral gain, and it is not going to work. Enough is enough. Reasonable Democrats, come to the table. Let us work through this process and move this House forward.

HOUSE ETHICS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, since the beginning of the year, the House Republican leadership has worked to undermine the ethics process here in the House. First, the leadership floated an ethics proposal that would have allowed members of its leadership to continue to serve in leadership if they were indicted. Now under the weakened rules, the new chairman of the committee says he will conduct an investigation of one of the Republican leaders.

The American people should not be fooled. The leadership rushed through a new rule that ends ethics complaints after 45 days. And then the Republican leadership purged the committee of three members who were not always willing to toe the party line. And then they replaced them with party loyalists.

The Republican majority has weakened the ethics rules to the point that they are meaningless. The Republican leaders have gone to extreme lengths to protect one of their own. And now they are trying to deceive the American people into believing that a real investigation would actually take place.

That is a farce.

PRAISING DAVID McMILLON'S ACADEMIC ACCOMPLISHMENT

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to praise Bentonville High School senior David McMillon for his academic excellence.

When David was in the 10th grade, he scored a 35 on the ACT exam, just one point shy of a perfect score. That excellent score was 14 points higher than the national average. Now a senior, David took the test again, and this time managed to best his previous accomplishment by achieving a perfect score.

David was one of only 17 students who took the ACT last December to get a perfect score. It is quite an elite group when you consider that over 371,000 students across the country took this test last December. And David achieved this honor while serving as captain of the school's ACE team, earning the distinction of National Merit Finalist, and playing the lead in several Bentonville High School drama productions.

Madam Speaker, David McMillon should be praised for this accomplishment. This talented young Arkansan has a bright future ahead of him, and I congratulate him again on this accomplishment.

COSPONSOR THE GAS PRICE SPIKE ACT OF 2005

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, all over this country, the American people are troubled by the fast increasing price of gasoline. The oil companies are making billions of dollars in windfall profits while families have had to tighten their budget. While families have experienced less money for food, clothing, shelter and education, the oil companies continue to rake the American consumer over the coals. The fastest way to bring relief from these high prices is to eliminate the price gouging by the oil companies and reduce demand.

I have submitted a bill called the Gas Price Spike Act of 2005, which will discourage price gouging and reduce demand by implementing, first, a windfall profits tax on gasoline and diesel. Such a tax is to be imposed on key oil industry profits that are above a reasonable rate of return. If the oil companies are collecting excessive profits, they should be subject to a stiff tax on those excessive profits.

It is time to stand up for the American consumers and take on these oil companies.

□ 1015

INTEGRATED HEALTH CARE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Madam Speaker, study after study associates untreated depression with increased rates of chronic illness and increased health care costs. For cancer, heart disease, asthma, arthritis, diabetes the incidence of depression can be double that of the general population. Untreated depression complicates treatment and can double health care costs. Untreated depression can cost employers $51 billion per year.

Depression management programs, however, can save employers an average of $2.600 per employee through increased productivity and reduced absenteeism.

The time has come to improve health care by integrating and coordinating medical and mental health services for more effective diagnosis and treatment.

Rather than just cut the payments for health care, Congress can lead the way to saving lives and money through integrated care. Science supports this, and I look forward to working with my colleagues to transform our health care system through innovation, information, and incentives to lower health care costs for every American. I ask my colleagues to learn more about integrated care by visiting my website at Murphy.house.gov.

THE ENERGY BILL

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, today we will vote on the energy bill, written by and for the energy industry in secret meetings with Vice President CHENEY.

Tomorrow is Earth Day, and the theme this year is "Protect our children and our future." Is this how the Republican Congress envisions celebrating Earth Day and protecting our children and the future?

This bill will pollute our air at a time when childhood asthma rates are growing. It exempts MBTE producers from poisoning our water and keeps us dependent on foreign oil. This environmentally irresponsible bill offers over $37 billion in tax breaks and subsidies to oil, coal, and nuclear power industries.

The energy industry does not need this money. In 2004 the profits of the top 10 oil and gas companies jumped by more than 30 percent.

The Republican Congress and the administration continue to prioritize short-term corporate profits over long-term health and safety of our children and our earth. We should be protecting our children, our future, and this planet. This energy bill destroys our environment. It is a danger to public health. It forces consumers to pay more for gas and keeps us dependent on foreign oil.

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Texas?

There was no objection.

ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with Mr. BONILLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday April 20, 2005, amendment No. 14 printed in House report 109–49 offered by the gentlewoman from California (Ms. SOLIS) had been disposed of.

REQUEST TO OFFER AMENDMENT

Mrs. CAPPS. Mr. Chairman, pursuant to clause 11 of rule XVIII, I offer an amendment that will strike an unfunded mandate in section 1502.

The Acting CHAIRMAN. The Chair will respond momentarily.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Texas is recognized.

Mr. BARTON of Texas. My parliamentary inquiry is that that is not an amendment that we knew and precleared under the Committee on Rules.

The Acting CHAIRMAN. Will the gentleman withhold his parliamentary inquiry?

Mr. BARTON of Texas. I will be happy to, Mr. Chairman.

The Acting CHAIRMAN. Will the gentlewoman consider withholding her motion at this time and perhaps bringing it up a little later?

Mrs. CAPPS. Mr. Chairman, could we discuss this, please?

The Acting CHAIRMAN. Bringing up the motion at a later time would be perfectly acceptable and would give the Chair an opportunity to evaluate the situation.

Mrs. CAPPS. Mr. Chairman, I am willing to withhold the amendment without prejudice to give us time for discussion.

The Acting CHAIRMAN. The amendment is withheld without prejudice.

It is now in order to consider amendment No. 15 printed in House report 109–49.

AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. UDALL of New Mexico:

Strike section 631 (and amend the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Mexico (Mr. UDALL) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

I would like to first thank the Committee on Rules and the gentleman from California (Chairman DREIER) for making my amendment in order. My amendment strikes section 631 of this legislation. Section 631 is typical of this flawed, shortsighted energy bill, which does not give us a national energy policy and does not help consumers with high gas prices.

Section 631 is a $30 million giveaway to dangerous uranium mine technology. It is unsound fiscal policy for an unproven type of mining. Furthermore, this $30 million giveaway will encourage a company to pollute the groundwater of a community of 10,000 Navajo Indians.

At its worst, this section targets a minority community with a dangerous technology and uses them in an experiment. At best, it is an unwarranted giveaway to the uranium mining industry.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The Udall amendment would strike from the energy bill all funding for research and development into environmentally sensitive uranium mining and reclamation technologies.

Uranium mining is necessary for the production of enriched uranium that is necessary to create nuclear fuel used in nuclear power plants. The bill before us today paves the way for an expansion of the domestic nuclear industry, and we need to authorize funding to develop more environmentally sensitive uranium technologies to feed the growing demand for nuclear power.

Section 631 of the bill creates a uranium mining research and development program to improve uranium mining technologies. This important funding supports advanced uranium mining technologies that can allow mining operations to be conducted with greater environmental sensitivity. Section 631 would also authorize funds for the development of new environmental cleanup technologies for the remediation of closed uranium mines.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry. Section 631 provides funding for environmentally sensible uranium mining to support a growing nuclear industry.

With respect to the gentleman from New Mexico's (Mr. UDALL) specific concerns for uranium mining issues in his home State, I would like to point out the provision specifically excludes New Mexico from receiving any funding under this provision. So I am not sure exactly what his objection could be at this point, at least with respect to his home State.

I would encourage my colleagues to vote against the Udall amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

With all due respect to the chairman, he claims that this section excludes New Mexico. I have a memo here from the Congressional Research Service that reads as follows: "The proposed statutory language, section 631, does not appear to prohibit precisely the same sorts of projects envisioned by section 631 from occurring within New Mexico. This statute, section 631, even appears to permit the Department of Energy to fund these types of programs in New Mexico so long as there are alternative available sources of Federal funding that can be utilized."

Also, I would point out funds are fungible. This $30 million could end up and free up funds committed elsewhere. A company can use the now freed-up money to mine in New Mexico. Thus, this subsidy would indirectly facilitate uranium mining in Navajo communities.

This has broader communications than just for my State. We should not be experimenting in communities' water supply anywhere. My amendment protects all communities near uranium mines from potentially having their water supplies polluted.

Section 631 also has very serious fiscal concerns. This proposed subsidy would lead to even further unsound policy. At a time of skyrocketing Federal deficits and in an uncertain economic future, we should not be giving away $30 million to the uranium industry. We have too many priorities that are not being met because of policies like this subsidy.

Taxpayers for Common Sense views this as an unfair corporate giveaway. We do not need more of this type of uranium development. Promoting this type of development does not safely provide new energy sources; instead, it increases the potential for drastically harming the environment and causing potential harm to thousands.

The case, Mr. Chairman, for this amendment is strong. This is corporate welfare, pure and simple. It is unwise use of taxpayer dollars and dangerous to my constituents. My amendment can prevent the potential damage this provision can inflict on the health of thousands of Native Americans. But as I stated earlier, this provision has implications to far more communities than in my district. The potential long-term damage this section could inflict on the environment is also immeasurable.

I ask my colleagues to take a close look at this and consider whether or not they would want this type of dangerous mining occurring in the neighborhoods of their constituents. I urge my colleagues to support my amendment, stop corporate welfare, help protect the health of Native Americans and help protect the environment.

In closing, I ask to include for the RECORD this list of organizations that are supporting my amendment to demonstrate the broad support we received from both New Mexico and nationally.

SUPPORTERS OF THE UDALL AMENDMENT

Taxpayers for Common Sense
Natural Resources Defense Council
US PIRG
National Environmental Trust
Friends of the Earth
Public Citizen
Sierra Club
Navajo Nation
Southwest Research and Information Center
New Mexico Environmental Law Center
Eastern Navajo Dine Against Uranium Mining (ENDAUM)

THE NAVAJO NATION,
Washington, DC, April 20, 2005.

Hon. TOM UDALL,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN UDALL: As the Executive Director of the Navajo Nation Washington Office, representing the Navajo Nation in Washington, DC, I wish to express strong opposition to any attempt to reopen the Navajo Nation to uranium mining. Section 631 of H.R. 6, the Energy Policy Act of 2005, would create a $30 million subsidy for the domestic uranium mining industry over three years to "identify, test, and develop improved in situ leaching mining technologies." While proponents of in situ leach mining contend that this type of mining poses a low risk to groundwater contamination, the fact remains that the technology is unproven and the possibility of environmental restoration is inconclusive.

The history of uranium mining on the Navajo Nation is painful. Many Navajo People have died or suffered the painful effects from uranium exposure through contaminated air, water, and livestock. To this day, the Navajo Nation continues to work with the United States government to address the harmful physical, emotional, and financial hardships Navajo families continue to endure because of past uranium activity.

The Dine' will not tolerate the risk of being exposed to uranium again. It is important to note that the proposed legislation would not only threaten the health of the Navajo People, but also threatens the Navajo Aquifer, which provides the entire region with uncontaminated drinking water. The proposed sites for the uranium leaching would be Church Rock and Crownpoint, New Mexico, located 90 miles from Albuquerque. This area is also home to approximately 15,000 people, and thousands more non-Navajos who could soon be effected by possible uranium exposure.

For the sake of the health and safety of the Navajo People, and the non-Navajo communities surrounding the Navajo Nation, I support your proposed amendment to remove Section 631 from H.R. 6. Thank you for your attention to this urgent matter.

Sincerely,
SHARON CLAHCHISCHILLIAGE,
Executive Director, Navajo Nation Washington Office.

EASTERN NAVAJO DINÉ
AGAINST URANIUM MINING,
Crownpoint, NM, April 20, 2005.

DEAR REPRESENTATIVE: Eastern Navajo Diné Against Uranium Mining (ENDAUM)—a Navajo citizens group that has been trying to stop a uranium solution mining project in two Diné communities in New Mexico for more than 10 years—urges you to support the Udall Amendment to the Energy Policy Act of 2005 (H.R. 6). The Udall Amendment strikes Section 631, which authorizes a $30 million dollar subsidy to companies using the in situ leach (ISL), or solution mining, method to extract uranium. This unnecessary act of corporate welfare could indirectly facilitate uranium mining in Navajo communities that don't want it and on a sovereign American Indian nation that just this week enacted a statutory ban on uranium mining and processing.

Since 1995, ENDAUM and other groups have mounted a legal challenge to the Nuclear Regulatory Commission's licensing of Hydro Resources Inc.'s Crownpoint Uranium Project. ENDAUM believes that solution mining at four sites in Church Rock and Crownpoint, New Mexico, will contaminate the regional aquifer that provides the only source of drinking water for an estimated 15,000 people.

Even though Section 631 contains a limitation that bars the Department of Energy (DOE) from awarding any of the $30 million in grants for "restoration demonstration projects" located in New Mexico, ENDAUM fears that the provision, if enacted, could fund HRI's parent company, Uranium Resources, Inc. (URI). URI, which is based in Texas and operates three ISL mines there, qualifies for the DOE grants under language in Section 631. ENDAUM fears that should URI receive a DOE grant to be used at its Texas mines, it would free up cash to fund HRI's defense of its NRC license and eventually to construct the proposed ISL mines in Church Rock and Crownpoint.

Since the early 1950s, many Navajo communities including Church Rock have dealt with the devastating impacts of uranium mining on the health of workers and community members and the environment. This 50-

year legacy was one of the principal reasons cited by the Navajo Nation Council when it voted 63–19 on April 19 to adopt the Diné Natural Resources Protection Act of 2005, which created Navajo Nation law banning uranium mining and processing, including ISL mining.

Congress has a responsibility to pass energy policy that promotes development of sustainable and renewable energy sources while protecting the environment and public health and respecting the sovereignty of Native American tribes. ISL mining in a currently used drinking water aquifer in Navajo communities is inimical to these objectives and is opposed not only be the overwhelming majority of people in the area, but also by the Navajo Nation government. Again, ENDAUM urges you to support the Udall Amendment to strike from the Energy Policy Act of 2005 the $30 million subsidy to the uranium mining industry.

Sincerely,

LYNNEA SMITH,
Project Specialist.

TAXPAYERS FOR COMMON SENSE ACTION,
STOP URANIUM SUBSIDIES FROM FOULING UP THE ENERGY BILL

SUPPORT THE UDALL AMENDMENT

DEAR REPRESENTATIVE: We urge you to support Representative Tom Udall's amendment to strike Section 631 from H.R. 6, the Energy Policy Act of 2005. We are deeply concerned with this provision, which gives a $30 million handout to the uranium industry, and we will consider including your vote on the Udall amendment on our annual scorecards.

Section 631 authorizes $30 million in federal spending to aid the uranium industry's efforts to develop in situ leaching mining technology. This unnecessary act of corporate welfare subsidizes a mature industry that has existed in the United States for more than half a century, and does not need the government to hold its hand any longer. The U.S. already has an ample supply of uranium, and does not need to spend hard-earned taxpayer dollars to scour for new sources.

The 50-year-old nuclear industry has benefited from cradle-to-grave subsidization for too long. These subsidies distort price signals and undermine the natural market forces of the energy industry. Section 631 is yet another example of the government's wasteful support of nuclear power, an industry that cannot survive on its own.

This $89 billion energy bill is ballooning in cost, and at a time of unprecedented deficits it is the taxpayers of the next generation that will foot the bill. We urge you to oppose the energy bill, and to demonstrate your commitment to fiscal responsibility by supporting the Udall amendment. If you would like any more information, please contact Evan Berger at (202) 546–8500x111.

Sincerely,

JILL LANCELOT,
President/Co-founder.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is only a page amendment, section 631. It authorizes $10 million each year for 2006, 2007, 2008.

□ 1030

It would create cooperative cost-sharing agreements between the Department of Energy and the domestic uranium producers, and these cost-sharing agreements would be competitively selected demonstration projects. So it is a 3-year $10 million per-year, openly competed demonstration program to try to find new ways to improve mining technologies with the appropriate environmental restoration technologies.

But the part that I want to read into the RECORD is, and I have great respect for the Congressional Research Service, but it very plainly states in section C of section 631, and I am going to read this verbatim: "Limitation. No activities funded under this section may be carried out in the State of New Mexico."

That is the plain language of the section: "No activities funded under this section may be carried out in the State of New Mexico."

Now, the gentleman from New Mexico has every right to offer an amendment to strip the section if he has some concerns generically about its impact nationally; but if he has any concern about this program being used in his home State, it is not going to happen, because it very clearly states in this amendment, this section C of the section 631, it cannot happen.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the Congressional Research Service was specifically asked the question, and there is absolutely no doubt. I read it into the RECORD. It is there.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, with all due respect, this bill came out of my committee. I mean, read it. Would I put something in there or approve something, or is there some secret language, some code word that the gentleman and I, either one, do not know? "No activities funded under this section may be carried out in the State of New Mexico." Boom.

Now, I am not saying the Congressional Research Service did not tell the gentleman what he read in the RECORD. The gentleman is an honest man, but this is the bill. I mean, the gentleman understands that. Sure.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HALL), to close.

The Acting CHAIRMAN (Mr. BONILLA). The gentleman from Texas (Mr. BARTON) has 1½ minutes remaining.

Mr. HALL. Mr. Chairman, like so many times when I stand up here, I am very fond of the author of the amendment, but I do not like the amendment. The name of Udall is almost a sacred name in the West.

The salient part of this bill, I think of this entire bill, that the gentleman from Texas (Chairman BARTON) has brought to us and we have passed through committee and subcommittee, is that it covers waterfront, and that means that we need all energy sources. This is just another of the sources that we pool together.

I think assuring reliable, economical, and environmentally sensitive domestic uranium mining industry is essential to be a part of this bill and to carry out and make the fullness of the bill.

As the gentleman from Texas (Chairman BARTON) pointed out, section 631 of the bill reported by the House Committee on Energy and Commerce, I do not know how many votes were against it, but the committee authorizes a modest research and development program; it is $10 million a year over a 3-year period. I think they have allocated the money out according to the good it will do. This program would be cost-shared, and it is consistent with far larger programs for other electricity generation. It makes no sense to eliminate this important funding and forego opportunities for this.

For all of these reasons, I oppose the Udall amendment.

Mr. BURGESS. Mr. Chairman, I rise this morning in opposition to the Udall amendment.

The Udall amendment will strike Section 631, which provides R&D funding for environmentally sensitive uranium mining and reclamation.

Nuclear power is an important part of our domestic fuel mix. It is an emission-free source of electricity that powers our homes and businesses. Today, nuclear power provides 20 percent of power in the United States.

As our economy continues to grow, we will consume more electricity. I think we can all agree that a healthy, robust economy is a desirable thing. Clean air is also desirable.

Nuclear power will help provide the electricity that our growing economy needs without increasing emissions. This is truly an environmentally responsible source of energy.

Section 631 will encourage improvements to uranium mining practices to make them more environmentally friendly. It encourages new environmental clean-up technologies as well.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry.

We are at a point in our Nation's history where we cannot afford to turn our back on any reasonable power source to meet our Nation's energy needs.

I urge my colleagues to vote against the Udall amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109-49.

AMENDMENT NO. 16 OFFERED BY MR. FORD

Mr. FORD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FORD:

In title VII, subtitle B, part 1, add at the end the following new section:

SEC. 713. EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles. The program shall include grants to domestic automobile manufacturers to—

(1) encourage production of efficient hybrid and advanced diesel vehicles; and

(2) provide consumer incentives, including discounts and rebates, for the purchase of efficient hybrid and advanced diesel vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for carrying out this section $300,000,000 for each of the fiscal years 2006 through 2015.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Tennessee (Mr. FORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which is very simple. We increase funding for research and development of hybrid vehicles. Namely, the amendment would create a $3 billion program over the next 10 years to provide incentives for car manufacturers to dramatically increase their production of hybrid and advanced diesel vehicles, and for consumers as well, Mr. Chairman, to purchase those vehicles at a discount and get them on the road as quickly as possible.

I would turn my attention, and I will be glad to yield at any time to the gentleman from Texas (Mr. BARTON) if he has a question.

I would point my colleagues' attention to two things. H.R. 6 makes every effort to address our dependence on foreign oil. However, 93 percent of the tax credits of the bill go to producers of traditional sources of energy, oil, gas and otherwise, compared to only about 6 percent for renewable sources of energy and energy efficiency.

This small amount that would go towards the development of hybrid vehicles would allow us to do two or three things right away, Mr. Chairman: first, to increase our fuel standards without addressing some of the more controversial ways that came up on the floor yesterday involving CAFE standards and increases there. It is known that a midsized hybrid SUV gets 31 percent better gas mileage than its conventional counterpart. And the "greener" hybrids, Mr. Chairman, can increase fuel efficiency by 85 percent.

A hybrid Honda Insight is rated at 61 miles per gallon in the city and 70 miles per gallon on the highway. A comparable traditional Honda Civic gets just 32 miles per gallon in the city and 37 miles per gallon on the highway.

I need not explain to those in my home district of Memphis who are paying an average of $2.15 cents a gallon that we need better fuel efficiency, not only for our pocketbooks and our wallets but also for our air and our environment.

In addition, if indeed we were to travel this route and provide these incentives, Mr. Chairman, not only would we enjoy a net savings at the pump, but we would also enjoy a net increase in jobs estimated, according to the Union of Concerned Scientists, by some 182,000 new jobs in the service, finance, insurance, manufacturing, and retail industries.

The second point I would make before yielding is that there have been questions raised by those in the automotive industry regarding how would we define a company that manufactures or assembles vehicles, or a domestic manufacturer. I would be more than willing to work with those in conference, but my intent is clear. Any company that manufactures or assembles vehicles in the United States would be covered under this amendment, meaning those at the Nissan plant in Smyrna, Tennessee, and those at the Saturn plant in Spring Hill, Tennessee, would be covered and protected.

Last, Mr. Chairman, this bill also seeks to promote research and development of advanced diesel engines, which would help companies to develop the next generation of cleaner, more energy-efficient trucks. This means that companies like Peterbilt and even Averitt Express in my home State of Tennessee would benefit from the program as well.

Finally, the program would also assist companies like the largest employer in my district and State, FedEx. For those of my colleagues who do not know, they are a little package delivery company in Memphis, which plans to introduce 75 new hybrid diesel-electric trucks into service nationwide in the next 12 months. These trucks are being built by a consortium of companies, including the Eaton Corporation and Freightliner.

In closing, Mr. Chairman, this is a good solid amendment. It is one that has no partisan stripes, only an effort to help clean up the environment, find ways to reduce our dependence on foreign oil, and create good old American jobs here in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition, although I am actually supportive of the amendment, but I had to apparently say I was opposed to get the time, and I yield myself such time as I may consume.

Mr. Chairman, this is a good amendment. It adds to the bill. The gentleman from Arizona (Mr. SHADEGG) offered a similar amendment in markup that was adopted. This goes further and establishes the program at the EPA. The only concern, well, not concern, but I need to let the distinguished gentleman from Tennessee know that this authorizes the program, it does not appropriate the funds, and it would be subject to appropriations; but certainly, authorizing the program so that we can go to the Committee on Appropriations and request funding.

There is no question, it is without question that hybrid technology extends our available full fuel resources and that it is a coming thing, and I want to thank the gentleman from Tennessee for offering this amendment, and I do strongly support it.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I thank the chairman for his support and ask all of my colleagues in both parties to be supportive of it.

Just to point out one last thing, I appreciate the chairman pointing out that this authorizes the program, and forgive me for not making that point clear, as well as the fact that the EPA will administer this program. Finally, as my colleagues know, the budget measure that President Bush proposed would grant about $7 billion, a little over $7 billion, in tax breaks; and a good 70 percent of that would go towards energy efficiency and alternative sources of energy. I believe that this amendment advances that goal, not only for the President but, more importantly, for the country.

Ms. PRYCE of Ohio. Mr. Chairman, I rise to express some concerns that I have with the Ford amendment. I support the concept of promoting production of fuel efficient vehicles and encouraging the creation of U.S. jobs. But there are some issues that should be clarified as the bill proceeds to conference. I understand it is Congressman FORD's intention that any manufacturer producing vehicles in the United States would be eligible for funds under this program. That is encouraging and that intention needs to be made clear in the final statutory language in conference.

There are other terms that need additional clarification as well. What is meant by an "efficient hybrid" and an "advanced diesel vehicle"? If we are going to subsidize production, we should incentivize only the most efficient vehicles that reduce our nation's dependence on foreign oil.

In addition, I am concerned that the consumer incentives provided by this legislation are to be provided by the manufacturer. I am not sure how that would work logistically. The mechanism for distributing the incentives should be further refined.

And finally, before we enact this provision into law, we need an opinion from the Office of the United States Trade Representative as to whether it is consistent with our international obligations under the World Trade Organization and the North American Free Trade Agreement.

Mrs. KELLY. Mr. Chairman, I regret that I missed the votes during House consideration of the Energy Policy Act of 2005 due to a death in my family. I wanted to take this opportunity to talk about some of the important issues which came up during this debate.

For the past several years, fluctuating and high energy prices have caused a severe burden on American consumers and businesses. Without a comprehensive energy policy in place our economic and national security continues to be affected. Unfortunately, the bill passed by the House falls short regarding some very important issues, and I wanted to take an opportunity to state my concerns on this matter.

I remain opposed to drilling in the Arctic National Wildlife Refuge, ANWR, and will continue to support the removal of this provision from a final energy bill. I have continually supported amendments, similar to the one offered by Mr. MARKEY which protects ANWR from exploration and development. Drilling in the Arctic would do little to address our country's long-term energy needs, and the cost to a critical environmental asset would be substantial.

I also support the amendment offered by Reprentative CAPPS regarding MTBE contamination. As we now know, this highly-soluble additive is contaminating our water and posing a threat to our communities by leaking out of underground storage tanks and from gasoline spills and spreading rapidly into groundwater. The current circumstances demonstrate that our reliance on MTBE has resulted in harmful side-effects. We need energy policies which promote the use of cleaner burning fuels that do not endanger our water supply. By phasing-out the use of MTBE and allowing states to pursue alternative courses to meeting strong clean air standards, significant strides might be made in our effort to create sensible, well-rounded environmental policies. The Town of Wappinger and the Village of Pawling, two water providers in my district, have filed suit against oil companies because of MTBE contamination of their drinking water sources. I've also heard from residents in the Town of Highlands, who have expressed to me their opposition to a proposal that would retroactively apply the product liability waiver to October 1, 2003. I opposed this provision when it was included in the energy bill considered by the House in the last Congress. My colleague, Mrs. CAPPS offered a sound amendment which would ensure that the oil and chemical industries remain fully liable in order to ensure that public health and safety are protected. Though the amendment unfortunately failed, I will continue to work with my colleagues on this provision to ensure my communities are protected.

The time has come to reform our Corporate Average Fuel Economy, CAFE, standards for vehicles. As my record indicates, I have consistently voted in favor of amendments which will do just that. This year, my colleague from New York, Mr. BOEHLERT offered a smart amendment to increase the fuel economy of America's vehicles to 33 miles per gallon by 2015. America's cars and trucks consume over 8 million barrels of oil per day and are a major source of the heat-trapping pollution that causes global warming. We could safely achieve 33 miles per gallon and not only save American consumers money at the gas pumps but curb global warming emissions.

The encouragement of a more domestic production of oil with incentives such as a streamlined permit process, promotes a greater refining capacity to bring more oil to market, and increases the gasoline supply by stopping the proliferation of expensive regional boutique fuels. The nation needs to reduce its dangerous dependence on foreign oil. Mr. WAXMAN's amendment advances this policy by allowing new domestic oil and gas exploration and development by authorizing expansion of the Strategic Petroleum Reserve's capacity to 1 billion barrels.

We need a clean fuels program that will help reduce smog in afflicted areas, primarily the eastern half of the country, which has the greatest smog problems. More than 150 million Americans live in areas where EPA has determined that ground-level ozone or smog levels are high enough to cause serious health problems. I continue to be a supporter of the Clean Smokestacks Act, which calls for significant emission reductions for sulfur dioxide, mercury, nitrogen oxide and carbon dioxide, and have made it clear to the EPA my opposition to any modifications to the Clean Air Act which will increase pollution.

Thank you for the opportunity to comment on several key provisions contained in the House-passed energy bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to explain the purpose of Section 924(c) of this bill, Standardization Report and Program, which originated as my amendment and was approved by the Committee on Science.

The purpose of the amendment is to transfer important knowledge related to energy conservation from the government to the private sector. The Department of Energy and other agencies involved in building research, development, and construction have acquired a wealth of knowledge on high performance buildings. These are buildings that are optimized over their life for energy conservation and other important values such as security and environmental quality. DOE and other agencies have worked with a government-chartered non-profit organization, the National Institute of Building Sciences (NIBS), to accumulate this knowledge on the Whole Building Design Guide website. In turn, these agencies require their contractors to use the information in the design, construction, operation, and upgrading of federal buildings.

The private sector construction industry can benefit greatly from this information but the companies involved are often too small to use the information in its current form. Therefore, in my amendment I have called on NIBS, under a DOE contract, to work with voluntary consensus standards organizations and other appropriate industry groups to examine voluntary consensus standards as a whole to see which ones need to be upgraded to take into account whole building values contained on the website on a building life cycle basis such as energy efficiency, environmental quality, sustainability, safety and security, and accessibility.

A goal is to look forward ten to twenty years and design buildings so that they can be retrofitted easily to remain state of the art structures. Another goal is to think through what standards are now in use and to work with the developers of those standards so that an easy-to-use set of procedures and standards can be put in place both for construction and for renovation. Once the study is complete, hopefully no longer than a year and a half from the date of enactment, the section directs the Secretary, in cooperation with NIBS as appropriate, to establish a program of technical assistance and grants to aid the affected standards development organizations and other appropriate industry groups in bringing to fruition the user friendly system this section envisions.

Mr. COSTELLO. Mr. Chairman, those of us who come from coal-producing states, like Illinois, believe that DOE's fossil energy research and development program is very important to the future of coal utilization. Over the years, the coal R&D program of the Department of Energy has been broad-based and has led to many of the combustion and gasification technologies now in use. These technologies represent both environmental and energy-efficiency improvements over the technologies they have replaced. In last year's energy bill passed by the House, Science Chairman BOEHLERT and I reached agreement on a set of coal programs of research, development and demonstration priorities for the next decade. We also agreed that the authorizations for the coal programs set out in what are now sections 963, 965 and 967 should be at least 60 percent of the total authorization in section 968(a). The agreed-upon language from last year has been omitted from the version of H.R. 6 before us today. The requirement that at least 60 percent of fossil energy research and development funds be spent on coal remains in the Committee on Science's report, but not in the H.R. 6 bill language. There, the traditional categories of coal research funding are removed and replaced with a series of objectives, which are consistent with the roadmap for these programs developed by the Department in conjunction with industry. Therefore, it is my assumption and will be my position going forward into Conference that the intent of the House of Representatives towards coal research and development has not changed. We still favor a fossil R&D program that allocates at least the historical 60 percent of funds to coal R&D and that the House is not mandating significant structural changes in the program that we set out in last year's version of H.R. 6.

Mr. BOEHLERT. Mr. Chairman, my colleague from Illinois, Mr. COSTELLO, has made a statement which points out that the language of H.R. 6, Energy Policy Act of 2005, unlike last year, does not include a provision requiring that 60 percent or more of the total fossil energy research and development budget be allocated to coal research and development. This allocation is the position of the Committee on Science as set out in its report on H.R. 6. In conference, I will be happy to support and work towards including the 60 percent or more funding language in the conference text of H.R. 6.

Mr. FORD. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. FORD).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109–49.

AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Ohio (Ms. KAPTUR).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KUCINICH:

In section 722(a), strike "15" and insert "20".

In section 722(e)(1), strike "$20,000,000" and "$15,000,000".

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to modify this amendment by striking the number "20" in the first place it appears and inserting the number "30" in lieu thereof.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. KUCINICH of Ohio by striking "20" the first place it appears and inserting "30" in lieu thereof.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I will not object, Mr. Chairman, simply to say that the gentleman has cleared this with the majority. It would change the numerical number of cities that would be eligible, but it would not change the total funding, and this is an acceptable change, and we are very willing to accept it.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the modification to the amendment is accepted.

There was no objection.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I want to express my appreciation to the Chair for accepting the modification and my appreciation to the gentlewoman from Ohio (Ms. KAPTUR), who I have worked with on this amendment that would double the number of Department of Energy Clean City programs that could apply for a pilot program to invest in alternative fuel vehicles. By amending section 722, the amendment would increase the number of project grants from 15 to 30 for State governments, local governments, and metropolitan transportation authorities.

Now, we are offering this amendment because we believe that farmers and our urban centers can work together to eliminate our dependency on oil. Farmers grow biomass feedstocks that can be processed locally to supply nearby cities such as Cleveland and Toledo.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), with whom I have had the privilege of working on this amendment.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Cleveland and say that the north coast of Ohio is well represented here today as we help America, through the Kucinich-Kaptur amendment, take another small step for humankind toward energy independence.

This program is budget neutral. All it does is it allows for 30 communities in our country to adapt alternatively fueled vehicles in their public fleets, as well as some of the infrastructure to support it. It allows for those competitive grants to be in the amount up to $15 million as opposed to $20 million. So we reduce the actual amount, and we increase the number of communities, so we at least have an additional 30. It allows greater energy security, greater economic security and, without a doubt, greater environmental security.

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I want to say thank you to the gentleman, who has been such a leader on this issue, the gentleman from Ohio (Mr. KUCINICH), for Cleveland and for our country. It is important to think about new ways of doing things, to close the book on the 20th century, the petroleum age, and move toward a new energy age for America and the world.

Sixty-two percent of what powers our vehicles today is imported, that is, two-thirds. This is not a sustainable position for the United States, particularly when spot markets in oil are ringing in at over $50, and $55 a barrel. Every family in America is feeling the pain of this. So this program will help us move forward millions of vehicles in the public realm that can help us transition to a new age of energy independence.

I am very sensitive to the gentleman's time and do not want to impose.

Mr. KUCINICH. Well, the gentlewoman has made it possible for me to help and offer this amendment.

We can grow our way out of our energy crisis; and farmers growing biomass feedstocks that can be processed locally to supply, in our case, nearby cities such as Cleveland and Toledo can help us do that. They will benefit with new and more stable markets; our fuel supply is home grown, thus reducing our dependence on foreign oil; fuel prices are reduced; and the air we breathe is cleaner.

I yield to the gentlewoman.

Ms. KAPTUR. Mr. Chairman, I would just say, along with what the gentleman has stated for the record, there are over 140 million cars and 85 million trucks on our highways. And today 3,300,000 of those cars and trucks all already are on our highways running on 85 percent ethanol. If we but use our fleets in a wiser way and help transition to these new fuels, we can make a difference in the pockets of every single American and leave a better world to our children.

Today, there are 187,000 retail locations in our country from which we purchase our fuels, but only 400 stations across 38 States sell E–85. I want to buy. I just said to the head of GM, who came here to Washington this week, to the Auto Caucus event, I said, Sir, I want to buy a GM Malibu powered by ethanol. Do you sell it? And even if I bought it, could I go to Toledo and buy the fuel?

He said, "I do not think I have that yet." I said, "Can you go back to Detroit and figure that one out for me?"

I know that the Jeep Liberty that is rolling off the lines in Toledo today has, for the first time in U.S. history, a 5 percent biodiesel blend as original equipment, called B–5. Someday we are going to get that up to B–20, and the farms in Ohio that surround the cities that some of us live in are going to provide that fuel. And that money is going to be going in their pockets. We are going to have a new fuel-based age in this Nation.

I get pretty excited about this, because I have seen the future and it is in Ohio, and it is in Iowa, and it is in Nebraska.

Mr. BARTON of Texas. Mr. Chairman, if the gentlewoman will yield, it is in Texas.

Ms. KAPTUR. Mr. Chairman, it is definitely in Texas. And we want to be able to use that fuel in a new way.

So we thank the gentleman for allowing the amendment to be offered. I would hope that we would get favorable consideration by the committee or when we come to the floor for a vote.

So we would urge consideration and support of the Kaptur-Kucinich amendment, which is future-oriented, budget-neutral, and helps move America to a new biofuel age.

The Acting CHAIRMAN (Mr. BONILLA). All time has expired on this debate.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report No. 109–49.

AMENDMENT NO. 18 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. MILLENDER-McDONALD:

In title VII, after section 743 insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 743A. DIESEL TRUCK RETROFIT AND FLEET MODERNIZATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall establish a program for awarding grants on a competitive basis to public agencies and entities for fleet modernization programs including installation of retrofit technologies for diesel trucks.

(b) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only to a State or local government or an agency or instrumentality of a State or local government or of two or more State or local governments who will allocate funds, with preference to ports and other major hauling operations.

(c) AWARDS.—

(1) IN GENERAL.—The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

(2) PREFERENCES.—In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, and/or particulate matter per proposal or per truck; or

(B) involve the use of Environmental Protection Agency or California Air Resources Board verified emissions control retrofit technology on diesel trucks that operate solely on ultra-low sulfur diesel fuel after September 2006.

(d) CONDITIONS OF GRANT.—A grant shall be provided under this section on the conditions that—

(1) trucks which are replacing scrapped trucks and on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1998 and before; and

(C) will be used for the transportation of cargo goods especially in port areas or used in goods movement and major hauling operations;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 5 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit, from any source other than this section.

(e) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to—

(1) make grants pursuant to this section;

(2) verify that trucks powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur after September 2006; and

(3) verify that grants are administered in accordance with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended the following sums:

(1) $20,000,000 for fiscal year 2005.

(2) $35,000,000 for fiscal year 2006.

(3) $45,000,000 for fiscal year 2007.

(4) Such sums as are necessary for each of fiscal years 2008 and 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today I am offering an amendment to the energy bill that establishes a diesel truck retrofit and fleet modernization program. This amendment will advance some of our country's most pressing environmental and transportation concerns.

Currently, there are over 90,000 trucks in operation in the United States, and over 30,000, or 35 percent, are over 10 years old. Heavy-duty trucks are known to operate for 20 years or more and 1 million miles or more.

The emissions from these older, heavy-duty trucks are among the highest contributors to ozone and particulate pollution in the country. Heavy-duty trucks are the highest polluters among on-road transportation emissions resources. This is a national issue.

In 2003, 62 million people lived in 97 U.S. counties with particulate levels higher than the particulate matter 2.5, and/or PM-10 Federal standards; and 159 million people lived in areas that do not meet the 8-hour ozone standards. The health impact of particulates and ozone pollution are increasingly a major public concern.

The problem is that we have to get the old trucks off the highways so that we can fully receive the benefits of the progress we have made over the past 30 years. My amendment authorizes $100 million in funding between fiscal year 2006 and fiscal year 2008 that will be an incentive to replace and scrap the oldest and highest emitting heavy-duty trucks; incentives to retrofit heavy-duty trucks that will be operating for more than many years; incentives to develop and implement a training program for technicians working with advanced diesel technology and alternative fueled vehicles; and an exemption from Federal income taxes on any incentive payments to truck owners and operators who participate in voluntary replacement and/or retrofit programs, and where the incentive payments are used toward purchasing or retrofitting newer, cleaner-burning heavy-duty trucks.

Mr. Chairman, to date, 322 old trucks have been scrapped since September 2002. In the last year alone, only 11 trucks have been removed from the road. I think we can do better.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

This amendment creates an EPA program for awarding competitive grants. We like that. We like the fact that the fleet modernization and retrofitting of existing equipment is going to reduce harmful emissions and lessen smog-forming pollution.

It is a good amendment, and the majority is in favor of it. I thank the gentlewoman from California (Ms. MILLENDER-McDONALD) for introducing it and explaining it and passing it.

Creates an EPA program for awarding competitive grants to public agencies and entities for fleet modernization including installation of retrofit technologies for diesel trucks.

Grants are to be awarded to State and local governments or agencies that will allocate funds with a preference to ports and other major hauling operations.

Preference is given to proposals that achieve greatest emissions reductions and involve the use of EPA or California Air Resources Board (CARB) verified retrofit technologies. In addition, those diesel trucks retrofitted with emissions control technologies should operate on ultra-low sulfur diesel fuel.

Marine ports in the United States are major hubs of economic activity and sources of pollution. Ports experience thousands of diesel truck visits per day. This activity contributes significantly to local and regional air pollution.

This program is a measure that will work towards decreasing the impact of air pollution by ports on the local and regional level.

Fleet modernization and retrofit of existing equipment will reduce harmful emissions and lessen smog forming pollutants.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, this amendment establishes a diesel truck retrofit and fleet modernization program. It authorizes $200 million funding between 2006 and 2008.

This amendment is modeled after a very successful program which my colleagues and I initiated in 2001 through the gateway cities region. The gateway region is comprised of 27 cities throughout southern Los Angeles County, one of which has the highest pollution area in the State of California, that I and the gentlewoman from California (Ms. MILLENDER-McDONALD) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and other Members represent.

In 2000, the gateway region was identified in a study as having some of the highest levels of toxic exposure caused by diesel emissions in that whole region. As you know, 80 percent of the goods received at the Ports of Long Beach and Los Angeles are transported by trucks through our cities, and this traffic heavily impacts the region's infrastructure, the quality of life, and the health of the area's residents, particularly the young and vulnerable elderly.

Diesel engine emissions contain cancer-causing substances such as arsenic, benzene, et cetera, et cetera. I urge all of my colleagues to vote for the amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the support of the Members for my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 19 printed in House Report 10-49.

AMENDMENT NO. 19 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. BLUMENAUER.

In title VII, subtitle D, after section 754, insert the following new section (and amend the table of contents accordingly):

SEC. 755. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the "Conserve by Bicycling Program".

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Today I am introducing an amendment to the Energy Policy Act to create a new conservation and research program, Conserve by Bike. This is something that we discussed the last time we had an energy program before us. This was approved by a voice vote. This legislation represents a small but important step forward towards determining our energy future.

There is much discussion on the floor about things that are mandatory. There are lots of things that make people cranky. This is one thing that will be able to help us move forward to actually take advantage of proven technology, and something that is a very positive development in each and every community across the country.

Bicycling, as virtually every Member of this assembly knows, is one of the cleanest, healthiest, most efficient and environmentally friendly modes of transportation that exists. It is the most efficient form of urban transportation in history.

As an alternative to automobile travel, bicycling can be an important element of a comprehensive energy conservation strategy. However, the relationship has not been adequately studied. The Conserve by Bike amendment recognizes that it is time to better understand the positive effects that bicycling can have on the conservation of our energy resources.

The amendment seeks to ensure that the Federal Government educates the public and provides appropriate research into the benefits of bicycling as it relates to energy conservation.

We are well aware of the health impacts. We are well aware of the opportunities that bicycling affords to young people, for example, to being able to have access to school.

This assembly, just last month, has approved in our transportation legislation, almost $1 billion in Safe Routes to Schools. With ISTEA and TEA-21 we have increasingly supported bike facilities through State, Federal and local funding. This amendment will leverage these investments to help people take advantage of energy conservation choices they have in getting around their community.

First, the amendment would establish a Conserve by Bicycling pilot program in the Department of Transportation, oversee up to 10 geographically dispersed pilot projects across the country designed to conserve energy resources, providing education and marketing tools to convert car trips to bike trips.

In addition, the projects would encourage partnerships between stakeholders from transportation, law enforcement, education, public health, environment and energy fields. The project results in energy savings must be documented, and the Secretary of Transportation is instructed to report to Congress the results of the pilot program within 2 years of implementation.

According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation, demonstrating their potential for commuter use.

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In recent years there have been significant upgrades to bicycling environments in the communities across the country. At a time when these communities are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, decrease petroleum dependence, bicycles offer a relatively simple, energy-saving alternative to driving. At a time when we talk seriously about transportation alternatives as an important component to comprehensive energy conservation strategy, this gives us the elements to make sure that we can document the impact.

The Conserve by Bike program is a critical step in the right direction. I strongly urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, on the Blumenauer amendment, I rise to say that we will accept the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we encourage bicycling. It serves to ease traffic congestion and all that. I think this bill was accepted last year in the same bill and they accept it this year.

Mr. Chairman, the first bill I voted on when I came up here 25 years ago was to give a gasoline allowance to guys that rode their bikes to work. I thought that was interesting. I do not know if the gentleman has that in part of this amendment or not, but I hope it is in here. We do accept it.

It is one of our oldest modes of transportation. Everyone recognizes the benefits, and it is a good amendment, and we thank the gentleman for introducing it again this year. Perhaps we will make it to the end of the gate.

I would like to also, if I have some time, I would like to just say that this establishes the Conserve the Bicycling pilot program within the Department of Transportation, and up to, I think, 10 pilot projects geographically disbursed all across the country designed to conserve energy and resources by providing education and marketing tools to convert car trips to bike trips. It makes a lot of sense.

According to the Chicagoland Bicycle Federation, right now slightly less than one trip in 100 is by bicycle. If the United States would just raise the levels to just 1½ trips per 100, we would save over 462 million gallons of gasoline a year. That is hard to multiply that out and come up with that, but that is an amazing figure.

Bicycling, as I have said, is one of the oldest modes of transportation. Everyone recognizes the benefits including health and quality of life for bicycling, not only what it does for the environment. And encouraging bicycling serves to ease traffic congestion; it mitigates air quality impact from cars and trucks and traffic. I think it is a good amendment, and I thank the gentleman for offering it.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman from Texas' (Mr. HALL) willingness to accept the amendment. What he said is true: there are over 100 million bicycles in this country. We have seen in community after community when there have been opportunities people bike. In my home town of Portland, Oregon, we have tripled the number of people who are commuting by bicycle. And when you take thousands of people off the road, it makes a difference in air quality. It makes a difference in congestion, and it makes a difference in terms of people's health.

This is a small step in the right direction. I urge its adoption, and I look forward to greater application in the future.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109-49.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

In section 910, add at the end the following new subsection:

(h) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—In addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, $49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank both the chairman of the Committee on Energy and Commerce and as well the members of the committee. How ever we debate this legislation, it is long in coming.

I also want to acknowledge my colleague and friend, the gentleman from Texas (Mr. HALL) who is presiding for the other side this morning, because we have talked quite often about the importance of energy safety and energy security. Many of the elements of this legislation deal with those issues.

I want to say to my constituents in the 18th Congressional District and surrounding areas that we have for a long time in Texas lived alongside of the energy industry. It has created our jobs, of course, and created the underpinnings of the economic infrastructure for America. We have been on rocky times, Mr. Chairman. We have gone through some challenges whether it relates to the appropriate or inappropriate handling of our finances that drew the collapse of some of our companies, to some tragedies that have occurred that have caused the loss of life. But I do believe that the consensus is that we need an energy policy that responds to all of the elements that want an independent and strong future for America.

I would hope that at the end of the day we will have legislation that will speak to a strong future for America and that requires not only safety in our further development of refineries and our LNG sites but also giving opportunity to many different aspects of our society to create energy.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects and activities at a cost of $49 million for each of fiscal years 2005 to 2009, equaling $5 million. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation.

Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers, many of whom have looked to future opportunities to ensure that they are taking advantage, one, of the current needs of America.

I also had amendments that would have focused on the offshore drilling, environmentally safe offshore drilling that is occurring of the Texas and Louisiana shore. That has been going on for a number of years. My amendment had wanted to ensure that the reports given from the Department of Interior would be every 2 years as opposed to every 5 years. My effort was really to ensure the continued energy resources and to build the independence of the United States from foreign oil.

This amendment that is now being offered acknowledges the value of biomass. It also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides for the opportunity to translate those products from the particular entities into energy. There is a great opportunity for this, Mr. Chairman.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources. In addition, this gives a great opportunity for Historically Black Institutions and Hispanic-serving Institutions who are located in these rural areas to be able to coalesce with these farmers and ranchers to be able to create new opportunities.

What starts with a little start can build up to a huge opportunity to build this Nation into a strong, secure and independent country, independent of foreign oil.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. Furthermore, bioenergy is oftentimes produced by a form of biomass which is organic matter that can be used to provide heat, make fuels and generate electricity. Wood, the largest source of bioenergy has been used to provide heat for thousands of years, but there are many other types of biomass such as wood, plants, residue from agricultural forestry, and the organic component of municipal and industrial waste that can now be used as energy sources.

My constituents back home, as many of our constituents across the Nation, have asked the question about gasoline prices. We need to move forward with these new and creative resources and technologies to be able to say to our constituents, we understand the soaring rates on gasoline prices. We are sympathetic, and we are looking forward to making sure that those prices come down, so that our constituents can do the job that they need to do and, that is, providing for their families.

I would hope that this legislation moves forward. We will have amendments that will address the question of gasoline costs. But this amendment which deals with our farmers and our ranchers, Mr. Chairman, works towards making us a safe and secure Nation. I ask my colleagues to support this amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 6 "The Energy Policy Act of 2005." Before doing so, I want to thank the Chairman of the Committee on Energy and Commerce for moving the bill out of committee so quickly so we can begin to aggressively deal with the energy crisis going on in this country and for his support of my amendment.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, and activities, at a cost of $49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.

While my amendment acknowledges the value of biomass, it also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides the opportunity to translate those products from those particular entities into energy.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources? Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs.

Furthermore bioenergy is oftentimes produced by a form of biomass, which is organic matter that can be used to provide heat, make fuels, and generate electricity. Wood, the largest source of bioenergy, has been used to provide heat for thousands of years. But there are many other types of biomass—such as wood, plants, residue from agriculture or forestry, and the organic component of municipal and industrial wastes—that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops, such as fast-growing trees and grasses, called bioenergy feedstocks.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel. Ethanol, an alcohol, is made by fermenting any biomass high in carbohydrates, like corn, through a process similar to brewing beer. It is mostly used as a fuel additive to cut down a vehicle's carbon monoxide and other smog-causing emissions. Biodiesel, an ester, is made using vegetable oils, animal fats, algae, or even recycled cooking greases. It can be used as a diesel additive to reduce vehicle emissions or in its pure form to fuel a vehicle. Heat can be used to chemically convert biomass into a fuel oil, which can be burned like petroleum to generate electricity. Biomass can also be burned directly to produce steam for electricity production or manufacturing processes. In a power plant, a turbine usually captures the steam, and a generator then converts it into electricity. In the lumber and paper industries, wood scraps are sometimes directly fed into boilers to produce steam for their manufacturing processes or to heat their buildings. Some coal-fired power plants use biomass as a supplementary energy source in high-efficiency boilers to significantly reduce emissions.

Even gas can be produced from biomass to generate electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it runs an electric generator instead of propelling a jet. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

I ask that my Colleagues join me in supporting this amendment.

Mr. HALL. Mr. Chairman, I ask unanimous consent to speak for 5 minutes in support of the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is such a good amendment. This author is known for amending bills and upgrading them. Here is another instance. Actually, I think it is short enough to read to get it into the RECORD once again and before us:

"In section 910, add at the end the following new subsection," here is the part that I want to emphasize, "integrated bioenergy research and development in addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development, programs, projects and activities, $49 million for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of the Federal agencies including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers."

That is the end of the amendment. It is a simple and direct amendment. The Jackson-Lee amendment not only acknowledges the value of biomass but at the same time it focuses on socially disadvantaged minority ranchers and farmers. That means it reaches through the Nation. Specifically, what it does, and I thank the gentlewoman for this, it provides the opportunity to translate these products from those particular entities into that wonderful thing we call energy.

What the Jackson-Lee amendment actually does, and let us just see what it does here, it would authorize funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, activities at the cost of $49 million for each of the fiscal years 2005 through 2009.

Activities funded under this subsection would be coordinated with ongoing related programs of other Federal agencies including the Plant Genome Program of the National Science Foundation, as was stated in the bill itself.

Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training, that is very important, and for education, that follows, targeted to minority and socially disadvantaged farmers and ranchers.

The gentlewoman from Houston, Texas (Ms. JACKSON-LEE) has another good amendment, and we do support the amendment and ask that it be attached to the bill and passed. I think it will help us when we get this bill to the President for his signature after the other body in their wisdom sees fits to find us two more votes and pass it on to a good President who will sign a good bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 109-49.

AMENDMENT NO. 21 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TOM DAVIS of Virginia:

Strike section 978 (and conform the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, section 978 creates two new Senate-confirmed assistant secretary positions within the Department of Energy. This change would increase the total number of Senate-confirmed assistant secretaries in the Department from six to eight.

The Department of Energy has been plagued by management problems for years. Since 1990 GAO has designated contract management at DOE as a high-risk area for waste and mismanagement.

A recently released GAO report requested by the Committee on Government Reform confirms that DOE contract management should remain on the GAO high-risk list. Additionally, the DOE Inspector General has reported for years that the Department is not doing enough to protect its facilities and materials from threats to our national security.

While the issues that these proposed assistant secretaries would be responsible for no doubt are important issues, adding an additional layer of bureaucracy does not elevate the issue. DOE management will not improve as a result of adding these new layers. In fact, the new position could have the opposite effect by slowing down the decision-making process.

In addition to adding more unnecessary bureaucracy to the Department, this section adds to the ranks over 500 positions in the executive branch that go through the cumbersome Senate confirmation process. I have yet to be convinced that requiring positions below the secretary level through the confirmation process in the other body yields better candidates or more effective governmental administration.

Our Committee on Government Reform, which has jurisdiction over the Federal civil service and therefore the creation of new layers of bureaucracy, unanimously agreed to strike this section from the energy bill when the committee marked up our provisions last week.

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Unfortunately, when the broader energy bill was cobbled together before coming to the floor, the provision was not only reinserted, it was added to by creating two new Assistant Secretaries rather than just one.

Based on conversations with my colleague that support the creation of these new positions, this is an issue that I pledge to work with them on as the bill moves through the conference. Of the two new proposed positions, one is simply an elevation of a preexisting Senate-confirmed post within DOE, whereas the other is a brand new Senate-confirmed position.

For the time being, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). Who seeks time?

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I join my colleague, the chairman of the Committee on Government Reform, in urging Members to adopt this change in the Department of Energy structure. The change would increase the total number of Senate-confirmed Assistant Secretaries in the Department from six to eight.

We have had an opportunity to evaluate this proposal, and it makes good sense. I think the Department will become much more efficient, and it will give greater attention to very important energy issues.

So I join in support and urge my colleagues to vote for the Davis-Waxman amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Davis-Waxman amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) has been allotted that time by unanimous consent.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would ask that maybe the gentleman from California (Mr. WAXMAN) could yield the gentlewoman from Illinois (Mrs. BIGGERT) any time that he would have remaining, so that she could make a case.

Mr. WAXMAN. Mr. Chairman, I would like to yield——

Mrs. BIGGERT. Mr. Chairman, the Chair did not ask him if he rose in opposition.

Mr. TOM DAVIS of Virginia. The gentlewoman in opposition to the amendment has no time because the gentleman has taken her time. I have 3 minutes remaining. I can give her 2 of my minutes. If the gentleman from California (Mr. WAXMAN) can give her a couple of minutes, she can make her case against our amendment.

Mr. WAXMAN. Mr. Chairman, I am willing to be as cooperative as possible, but I am not sure what the gentleman is suggesting. We have a Member on our side who wants to speak in favor of the proposal.

Mr. TOM DAVIS of Virginia. We will see how much time she takes. If the gentleman can see how much time she takes, and then we can give the balance to the gentlewoman from Illinois (Mrs. BIGGERT).

I have a gentleman from our side who wants to speak in favor as well. We will try to accommodate the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Nevada (Ms. BERKLEY).

The Acting CHAIRMAN. The gentlewoman from Nevada (Ms. BERKLEY) is recognized on the gentleman from California's (Mr. WAXMAN) time.

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for yielding his time.

I rise in support of this amendment which would strike the provision in the bill to expand the number of Assistant Secretaries at the Department of Energy, one of which being an Assistant Secretary for improved management of nuclear energy issues.

Why are we creating a new position for nuclear power? There is no Assistant Secretary for gas or oil or coal. Nuclear energy should not be elevated above all the others.

This administration continues to push for expanded nuclear power, despite having no solution for the issue of radioactive nuclear waste disposal.

Recently, the Department of Energy revealed that Federal employees working on the Yucca Mountain project deliberately falsified scientific documentation regarding water infiltration and climate studies.

The D.C. Circuit Court of Appeals, the second highest court in the land, struck down the EPA's radiation standards, which they said were inadequate for a mere 290,000 years. Yet the DOE continues to move forward with its license application for a dump that will never be built and continues to spend billions of dollars of taxpayers' money while they are doing it.

Before creating an Assistant Secretary for Nuclear Issues and increasing our reliance on nuclear power, we must find a safe and scientifically sound solution to the problem of disposing of tens of thousands of tons of radioactive, toxic nuclear waste.

Mr. Chairman, Yucca Mountain is not a solution to our current problem, nor will it address the issue of storing newly created nuclear waste. Creating yet another layer of bureaucracy is not the answer to this Nation's energy problem, and certainly the Department of Energy has done nothing, nothing in its history to warrant additional funding and additional support.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise today in support of the Davis-Waxman amendment to H.R. 6.

Mr. Chairman, I could stand here all day and discuss some of the problems that are currently plaguing the Department of Energy, but as chairman of the Subcommittee on the Federal Workforce and Agency Organization within the Committee on Government Reform, I am growing more and more convinced the Department of Energy is not only experiencing problems relating to how to remove nuclear waste, but also other energy-related projects.

Now is not the time to be introducing two new Assistant Secretaries at the Department of Energy. I firmly believe that adding additional layers of bureaucracy to this department will only serve to cause more problems, rather than to solve problems.

Mr. Chairman, when the Committee on Government Reform and the subcommittee were considering the energy bill, I introduced an amendment to strip this position. My amendment was supported unanimously by the full committee. My colleagues recognized that with the current existence of a culture of mismanagement, now is not the time to create additional bureaucracy.

I urge my colleagues on both sides of the aisle to support this bipartisan amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent each side be given 1 additional minute.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield my 3 remaining minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, whatever time we have, I would also yield to the gentlewoman from Illinois (Mrs. BIGGERT) so she will have her full time.

The Acting CHAIRMAN. The gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 6 minutes.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman. I appreciate both of the gentlemen for yielding time to me.

I rise in opposition to this amendment which strikes from the bill a section that makes two simple, but important organizational changes at the Department of Energy. As the title of the section implies, these two changes are designated to improve the coordination and management of civilian science and technology programs at the Department of Energy.

First, section 978(a) of H.R. 6 simply changes from Director to Assistant Secretary the title of the position responsible for overseeing the DOE Office of Science.

Let me be clear about this. The Director of the Office of Science already is an Assistant Secretary in all but title. Like the other Assistant Secretaries at DOE, the Director of the Office of Science is already appointed by the President and confirmed by the Senate. Like the other Assistant Secretaries at DOE, the Director position is on an executive schedule. Like the other Assistant Secretaries at the DOE, the Director position is a Level IV on the executive schedule.

This is not a new position nor is it a promotion. This is a title change only, no extra pay, no extra head count, no extra bureaucracy.

This simple title change is still critically important to the operation and organization of the DOE. We all know how important titles are within our Federal departments and agencies, and this title change appropriately acknowledges the central importance of science and technology to fulfilling the Department's varied missions.

That is why the person with the primary responsibility for overseeing basic scientific research within the Department should have at least the same title as his or her counterparts who are responsible for applied energy research as their mission of the Department.

The second provision contained in section 978(b) creates an additional Assistant Secretary at the Department and expresses the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

I would really like to thank the gentleman from Virginia (Mr. TOM DAVIS) for clarification of his position and his willingness to work to find an acceptable compromise, and also for the gentleman from Texas (Chairman BARTON) for his commitment to revisit this issue.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New York, the Chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment. Just let me talk about the part that concerns me the most, which affects the Director of the Office of Science.

As I understand it, the concern about the bill is that it would create a new Senate-confirmed position in the Department, but the Director of the Office of Science is already treated like an Assistant Secretary in all but name. He, or at points in the past she, is Senate-confirmed. The office holder is paid at the same level as an Assistant Secretary.

In fact, everything about the Director slot is identical to being an Assistant Secretary except the name, and in protocol-driven Washington and in capitals abroad, that can create confusion and be a problem.

So I hope that when the Senate comes back with this same provision, as I expect they will, we will be able to work it out based on the facts.

All we are trying to do here is make sure the Office of Science, the leading funder of physical science research, has the stature it needs to do its job even better. This elevation will not create any more hierarchy at the Department of Energy, and it will not cost any additional money.

Mr. Chairman, I thank the gentleman for his cooperation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent for 1 additional minute on each side.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I just want to say to my friends on the Committee on Science that while we continue to stand in opposition to the creation of new bureaucracy as a way to solve the problems, I think there may be some kind of middle ground, as the gentleman has addressed, and I pledge as we move forward to work with them to try to find a solution to the issue they have identified with this Assistant Secretary for the Office of Science.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, we are in favor of the amendment, of course, and I just want to point out that the Davis-Waxman amendment strikes section 978, which I will have the opportunity maybe at a later time to go into in more depth, but it strikes out "improved coordination and management of civilian science and technology programs" which would create two new Senate-confirmed Assistant Secretary positions within the Department of Energy, increasing the total number of Senate-confirmed Assistant Secretaries in the Department to eight. The proposed positions include one for science and one for nuclear energy.

Now, some of the talking points for this are, among others, there are a good many reasons to talk for this Department. The Department has significant management challenges. It is not the solution to add two more Senate-confirmed Assistant Secretaries to further bog down the situation. The Davis-Waxman amendment appropriately recognizes we do not need more Senate-confirmed Assistant Secretaries.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

In closing, I want to urge support for the amendment and also express to the gentleman from New York (Mr. BOEHLERT), for whom I have the highest regard, that I would like to work with him, along with the gentleman from Virginia (Mr. TOM DAVIS), to find a middle ground and to resolve any concerns that he has. I was unaware of his concerns, but I certainly would want to take them into serious consideration.

Mr. Chairman, I urge an "aye" vote for the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time has expired.

The Chair thanks the gentlewoman from Illinois (Mrs. BIGGERT) for her understanding and the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) for their accommodation.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 109–49.

AMENDMENT NO. 22 OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. WALSH:

SEC. 1452. NATIONAL PRIORITY PROJECT DESIGNATION.

(a) DEFINITIONS.—For purposes of this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(b) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is hereby established the National Priority Project designation, which shall be evidenced by a medal bearing the inscription "National Priority Project". The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(2) MAKING AND PRESENTATION OF DESIGNATION.—

(A) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations, if any, that have—

(i) advanced the field of renewable energy technology and contribute to North American energy independence; and

(ii) a project that has been certified by the Secretary under subsection (c).

(B) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(C) USE OF DESIGNATION.—An organization that receives a designation under this section may publicize its designation as a National Priority Project in its advertising.

(D) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate designations shall be made to qualifying projects in each of the following categories:

(i) Renewable energy generation projects.

(ii) Energy efficient and renewable energy building projects.

(c) APPLICATION AND CERTIFICATION.—

(1) SELECTION CRITERIA.—Certification and selection of the projects to receive the designation shall be based on the following criteria:

(A) FOR ALL PROJECTS.—The project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

(B) FOR ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In addition to meeting the criteria established in subparagraph (A), building projects shall—

(i) comply with nationally recognized standards for high-performance, sustainable buildings;

(ii) utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(iii) utilize renewable energy for at least 50 percent of its energy consumption;

(iv) comply with applicable Energy Star standards; and

(v) include at least 5,000,000 square feet of enclosed space.

(2) APPLICATION.—

(A) INITIAL APPLICATIONS.—No later than 4 months after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with the provisions of this section.

(B) CONTENTS.—The application shall describe the project, or planned project, and its plans to meet the criteria listed in paragraph (1).

(3) CERTIFICATION.—Not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria described in paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 6 recognizes the key role of renewable energy and energy conservation as part of a balanced, comprehensive energy policy.

The National Priority Project Designation Act, which is this amendment, would complement the provisions already included in H.R. 6 by creating an additional incentive for renewable energy deployment and energy conservation at virtually no cost to the Federal Government.

The National Priority Project Designation would not only recognize the winning projects, it would also educate the public and the business community about the potential of renewable energy to contribute to North American energy independence. The designation would draw attention to large renewable energy projects, such as large wind farms that provide hundreds of megawatts of electricity generation capacity.

The designation would also encourage large building developments to expand on planned renewable energy and energy efficient features to add scale and deploy emerging technologies. This is a free-market, extremely low-cost way to encourage investment and innovation in renewable energy and energy conservation.

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In summary, the amendment, which is modeled after the Malcolm Baldrige Quality Award Act, would recognize and highlight major green building and renewable energy projects. The legislation would direct the Secretary of Energy to establish guidelines for those interested in the designation to submit applications for an annual award process. The amendment establishes an open competitive process with minimum qualifying criteria. The Secretary of Energy would certify those projects that meet minimum criteria. The President would then, in consultation with the Secretary of Energy, select projects that advance the field of renewable energy technology and contribute to North American energy independence to receive the National Priority Project designation. Winning projects would receive a medal commemorating the designation. Winning projects could also use the National Priority Project designation in their advertising.

The amendment would establish two categories of projects, pure renewable energy generation of 30 megawatts or more; and integration of at least 30 megawatts of renewable energy generation with large, energy-efficient buildings.

Mr. Chairman, I support enactment of this important energy legislation, and I urge my colleagues to include this amendment therein.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I will speak in favor of the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we think this is a good amendment, and I think it is enough to go down through the projects that he outlined. In general, it says it hereby establishes the National Priority Project designation, which shall be evidenced by a medal bearing the inscription National Priority Project. And this medal would be of such design and materials and bear such additional inscriptions as the President might prescribe.

The President, on the basis of a recommendation made by the Secretary, can annually designate organizations, if any, that have, one, advanced the field of renewable energy technology and contributed to North American energy independence; and a project that has been certified by the Secretary under subsection (c). The President shall designate projects with such ceremonies as the President may prescribe.

It goes on to state, an organization that receives the designation under this section may publicize this designation as a National Priority Project in its advertising. Separate designations also could be made to qualifying projects in each of the following categories: the first one is renewable energy generation, and the second is energy-efficient and renewable energy building projects.

Under selection criteria, and it is pointed out absolutely from the very beginning, where this is made clear, that certification and selection of the projects to receive the designation have to be based on criteria, and they set that out, that is, that the project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

It states further that, in addition to meeting the criteria established in subparagraph (A), building projects shall, one, comply with nationally recognized standards for high performance, sustainable buildings; two, utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls.

They go on to say, also could utilize renewable energy for at least 50 percent of its energy consumption, comply with applicable Energy Star standards, and include at least 5 million square feet of enclosed space.

For the initial applications, it goes on to point out that no later than 4 months after the date of this enactment, and annually thereafter, the Secretary would publish in the Federal Register an invitation and guidelines for it.

Under contents and certification, it reads: the application shall describe the project, or planned project, and its plans to meet criteria listed in paragraph (1), and they certify it not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria prescribed in this paragraph.

For these reasons, we support this amendment and urge its passage.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time; and, in conclusion, I would just like to say that any national energy policy should be heavily invested in energy conservation. That is what this amendment attempts to do, with little cost to the taxpayer and to the government.

I want to thank the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. BARTON) for the hard work they have done on this bill and for asking that the amendment be included.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 109–49.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. ENGEL:

In section 1512, in the section heading, strike "**CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE**" insert "**CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS**".

In section 1512, in the proposed subsection (r), in the subsection heading, strike "CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE" and insert "CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS".

In section 1512, in the proposed subsection (r)(1), strike "waste-derived ethanol" and insert ", waste-derived ethanol, and approved renewable fuels".

In section 1512, in the proposed subsection (r)(1), insert "or approved renewable fuels" after "production of ethanol" .

In section 1512, in the proposed subsection (r)(2)(B), insert "or renewable" after "uses cellulosic" .

In section 1512, in the proposed subsection (r), insert after paragraph (3) the following new paragraph:

"(4) DEFINITIONS.—For the purposes of this subsection:

"(A) The term 'approved renewable fuels' are fuels and components of fuels that have been approved by the Department of Energy, as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), which have been made from renewable biomass.

"(B) The term 'renewable biomass' is, as defined in Presidential Executive Order 13134, published in the Federal Register on August 16, 1999, any organic matter that is available on a renewable or recurring basis (excluding old-growth timber), including dedicated energy crops and trees, agricultural food and feed crop residues, acquatic plants, animal wastes, wood and wood residues, paper and paper residues, and other vegetative waste materials. Old-growth timber means timber of a forest from the late successional stage of forest development. ".

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer a perfecting amendment to a good grant proposal offered in section 1512.

Under H.R. 6, the Secretary of Energy may provide grants to merchant producers of cellulosic biomass ethanol and waste-derived ethanol. My amendment would simply allow producers of other renewable fuels approved by the Department of Energy to also apply for these grants.

This amendment simply expands the types of renewable fuels eligible for funding under the grant program in H.R. 6. There is no change in cost to the grant program or H.R. 6 under my amendment.

Currently, there is no available technology that can convert much of the urban waste into ethanol; yet there is at least one such technology that can convert urban waste into components for another DOE-recognized alternative fuel called P-Series fuels.

P-Series is a family of renewable nonpetroleum liquid fuels that can substitute for gasoline. P-Series fuels were officially designated as an alternative fuel by the U.S. Department of Energy in 1999. Forty-five percent of P-Series fuels are made from ethanol; the rest is made up of MTHF, natural gas liquids and butane. Both the ethanol and MTHR are derived from renewable domestic feedstocks, such as corn, wastepaper, cellulosic biomass, agricultural waste, and wood waste from construction.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would efficiently and effectively help replace petroleum imports. DOE also found P-Series to have environmental benefits because of the reduction in hydrocarbon and CO emissions, toxics, and greenhouse gases. P-Series fuel addresses three problems: the need for nonpetroleum energy sources, solid waste management, and affordability.

A pilot plan for this technology is operating in South Glens Falls, New York. It was constructed with funds invested by the U.S. Department of Energy. Associated Technology was developed at the U.S. Department of Energy's Pacific Northwest National Laboratory. This conversion process is well regarded and is deserving of the same level of assistance that are intended for ethanol conversion technologies. It won the President's Green Chemistry Challenge, a competition sponsored by the U.S. EPA's Office of Pollution Prevention and Toxics.

The U.S. Government spent considerable time and effort to develop this technology. Expanding the renewable fuels eligible under the grant program will be a win for all. Mr. Chairman, I know of no opposition to this amendment. I urge my colleagues to approve this simple amendment to H.R. 6.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, I seek the time in opposition to the amendment; and I yield 3 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I do rise in opposition to this amendment. The Committee on Resources opposes this amendment because of problems with a definition within the amendment that will prohibit many private landowners from participating in this program.

While the intent of this amendment is laudable, in reality it is nothing more than an attempt to grant special treatment to one company, with one facility, in one State.

This also does remind me of an important issue in a different part of the bill that is not part of this amendment, and that is title II, which contains a crucial provision that will benefit our Nation regarding hydropower relicensing. Hydropower is a reliable, secure, and clean source of power. Because it generates electricity through an electrochemical reaction instead of simple combustion, hydroelectricity helps reduce air pollution and greenhouse gas emissions linked to global warming.

Hydropower is also America's leading renewable energy source, accounting for well over 80 percent of our renewable electricity. Hydropower can be harnessed to generate electricity for homes, industry, and offices, leaving little more than steam as a by-product.

The hydrorelicensing provision in title II stimulates hydroelectric energy growth by improving the relicensing process between Federal resource agencies and their licensees. It does so by striking a balance between environmental concerns and energy production in hydro projects. These critical facilities are too often strangled by unsound and unproven mandates that choke hydroelectric production.

In the next 15 years, hydroelectric facilities that serve over 30 million homes must undergo relicensing. The relicensing process must be modified before our Nation's hydropower resources lose the ability to provide clean, emission-free energy to America's energy consumers. The fact that Federal resource agencies mandate restrictive conditions on the operations of hydropower projects, without comprehensive analysis of their impacts or an independent review of these conditions, is unacceptable.

Regulation of the hydro industry is plagued by uncertainty, duplication, and contradiction. Further, the licensing process for hydroelectricity is cumbersome, confusing, and costly, with no one party acting as a final arbiter of the competing interests involved in the project.

This language will result in greater interaction between the resource agencies and licensees, great flexibility in the development of environmental measures, and create an increased efficiency in the way we produce safe hydroelectric energy.

I want to thank our chairman, the gentleman from Texas (Mr. BARTON), for including this provision in the bill. It will greatly benefit our Nation, and for that reason I oppose the amendment before us.

Mr. HALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as my colleague said a moment ago, this amendment is laudable, and I admire the gentleman for pushing it; but I have to say that, in reality, it is really special treatment for one company, with one facility, in one State. Pure Energy Corporation is the only company I know of in the United States to have a patent for technology that can convert urban waste into a DOE-recognized fuel called a P-Series fuel. This amendment would grant enormous latitude for the application for this one technology to benefit this one company, and it is really not a matter of national policy.

Further, the company in question also receives funding and grants from the DOE in support of this technology. This is the type of action that government agencies are designed and delegated to do, to spot promising technologies and financially assist their development, and they are doing that. Government agencies are a lot better suited to determine the value of burgeoning technologies in their respective fields than Congress would be, and we should leave these decisions to the experts.

I might go on further and say that this amendment essentially provides for the expansion of national policy for the benefit of one type of fuel, the P-Series fuel, and the one technology that can produce it. The production quantities of the fuel are so minimal that it is unlikely to have any part of an impact on a national scale. And, finally, there are only two vehicle manufacturers that currently produce flexible fuel vehicles that have engines that are compatible to this type of fuel.

The consumer market for this product is extremely limited. With high gas prices, this type of fuel is not cost competitive and is even more expensive than regular fuel.

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For this reason it does not please me to oppose a Member of Congress who is supporting his own and goes that extra mile for his constituents that he represents, but I have to point out that actually this will not have an impact on a national scale and is not a matter of national policy.

Mr. Chairman, I yield back the balance of my time.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Let me say I am disappointed that the majority does not agree that we ought to really look at renewable fuels. This, to me, is part of the reason why the bill is so problematic. I do not believe there is a commitment on the majority side to look at renewable fuels.

This does not strike anything. This does not add any more money. This just allows companies to apply for these grants from the Secretary of Energy. If the Secretary of Energy feels it is not worthy or it is one company, they can reject it. This does not add anything. This just would show that we are serious in looking at other renewable fuels. Why would we want to restrict the amount of the different kinds of renewable fuels that we can look at?

This is technology into the future. We should be expanding these things. Here we are just saying, Open it up and let other groups apply. They can be rejected if it is not meritorious. We believe P-series fuels are very important and can help us in the future to look at alternative sources of energy other than gasoline.

I am deeply disappointed, and I think this again shows the problems with the underlying bill. The majority is not really serious in my opinion, with all due respect, in trying to find alternative ways that Americans can get their energy from other than gasoline. That is why this bill is a big sock to the oil-producing companies and to the special interest industries, because whenever we want to expand it to help the American people, we are told, no, no, it is no good.

Again, this does not add any money. This just says let other people apply. If a Secretary of Energy deems these applications are not good, they can reject them. I can see no reason why there is opposition.

I am very disappointed, and I urge my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ENGEL) will be postponed.

It is now in order to consider amendment No. 24 printed in House Report 109–49.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

Mr. ISRAEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. ISRAEL:

At the end of title XVI, add the following new section:

SEC. 1614. CONSOLIDATION OF GASOLINE INDUSTRY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on—

(1) the retail price of gasoline,

(2) small business ownership,

(3) other corollary effects on the market economy of fuel distribution,

(4) local communities, and

(5) other market impacts of such consolidation.

(b) SUBMISSION TO CONGRESS.—The Comptroller General shall submit such study to the Congress not later than one year after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ISRAEL) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I yield myself such time as I may consume.

I rise for two reasons: First, to support the right of America's small, independent gas and auto repair stations to a level playing field; and second, because we all know that a level playing field ensures free and fair markets, competition and lower gas prices.

In recent years, we have seen a sweeping consolidation of the oil industry at almost every level, the manufacturing level, wholesalers, refiners, and retailers. One corporation can control the prices at every single step, and that increases prices at the street corner.

My amendment is very straightforward. It directs the Comptroller General to study the effects of consolidation on prices, on market economics, and small business ownership.

Most people who live in a community for a long time are accustomed to talking about their local service station, where they know their mechanic and their owner, where they know the prices; but those days are in the past. Now their local facility is controlled by a giant corporation which has gobbled up their local facility. And lower prices on the street corner have also become a thing of the past.

In 2002, the Senate Committee on Government Reform Permanent Subcommittee on Investigations studied consolidation of fuel refineries. The subcommittee's findings are now over 3 years old, and are alarming in their prescience. As the report indicated, corporate interests are dominating pricing, controlling the market and pricing out privately owned retail outlets. Corporations are earning windfall profits while privately owned stations are struggling to keep afloat.

The subcommittee did not focus on wholesale and retail consolidation. This amendment would achieve that goal and give us the data we need to ensure that consumers are protected from price inflation and our small business owners can compete in a fair market.

Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Israel amendment. In Cleveland, Ohio, my district, people do not understand why prices vary from street to street. They can drive around and see a gas station will have $2.25 and a couple blocks later it will be $2.35.

The gentleman's study is so important because it will provide some insight into pricing, into how the market is set up; and the small and independent gas station owners who are getting squeezed in the market are going to have their cause elevated.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

The amendment itself is brief. It is titled Consolidation of the Gasoline Industry, and says, "The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on: the retail price of gasoline; small business ownership; other corollary effects on the market economy of fuel distribution; local communities; and other market impacts of such consolidation."

Then at the very end it says, "The Comptroller General shall submit such study to the Congress not later than 1 year after the date of the enactment of this act." It could delay it as much as a year.

The hard, cold facts about this amendment are that the GAO released studies in July 2004 that were titled, "Mergers and Other Factors That Affect the U.S. Refining Industry," which attempted to discover the cause behind higher gasoline prices.

This amendment essentially commissions the GAO to create a report that was already released last year. So there is real need for it.

There have been many criticisms of the GAO report because of its inadequate methodology and faulty assumptions. These critiques arose from the Federal Trade Commission, a government agency that has been studying and tracking gasoline price volatility as a result of mergers or anticompetitive behavior. They found the GAO study to be fundamentally flawed and the results as suspect.

GAO has already tried to wade through these issues of gasoline prices and wade through the issues of wholesale markets, and they have shown it does not have the expertise nor the breadth and depth of knowledge needed to properly analyze this subject.

The amendment would be commissioning a futile study and is a waste of time and resources. I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISRAEL. Mr. Chairman, I yield myself the balance of my time.

The studies that the gentleman cites did not take a look at the top-to-bottom consolidation of the oil industry. There have been a number of studies, but each study has been conducted almost in a vacuum without considering the entirety, the entire scope of this problem, a problem that is putting small, independent retailers out of business and driving up prices on every street corner in America.

We are not taking a position necessarily on the issue. We are simply saying it ought to be a responsibility of the Federal Government to investigate this situation, to talk about the marketplace.

The other side speaks passionately about free and fair markets and competition. The purpose of free, fair and competitive markets is to help drive prices down. By opposing this amendment, we are protecting an industry which is driving prices up.

I am deeply disappointed that the other side would take that position. I urge them to reconsider.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ISRAEL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ISRAEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which proceedings were postponed in the following order: amendment No. 15 by the gentleman from New Mexico

(Mr. UDALL): amendment No. 23 by the gentleman from New York (Mr. ENGEL): and amendment No. 24 by the gentleman from New York (Mr. ISRAEL).

AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 225, not voting 5, as follows:

[Roll No. 124]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Ford
Frank (MA)
Gilchrest
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hefley
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu

NOES—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—5

Franks (AZ)
Kelly
Platts
Portman
Young (FL)

□ 1222

Mr. BRADY of Texas changed his vote from "aye" to "no."

Messrs. CHABOT, CASE, HEFLEY, BISHOP of Georgia, DAVIS of Florida, and GILCHREST changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ENGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 190, not voting 5, as follows:

[Roll No. 125]

AYES—239

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens

Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn

NOES—190

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—5

Cannon
Franks (AZ)
Kelly
Portman
Young (FL)

☐ 1241

Mr. ROYCE changed his vote from "aye" to "no."

Mrs. BONO, Messrs. McHUGH, ISSA, MILLER of Florida, and BOREN, and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ISRAEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 128, not voting 4, as follows:

[Roll No. 126]

AYES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—128

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Feeney
Ferguson
Flake
Foley
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Keller
King (IA)
Kline
Knollenberg
Kuhl (NY)
Latham
Lewis (CA)
Linder
Lucas
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Weller
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—4

Baird
Kelly
Oxley
Portman

□ 1333

Ms. HARRIS and Messrs. PORTER. PUTNAM and SHIMKUS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LIMITATION OF DEBATE ON MOTION TO STRIKE OFFERED BY MRS. CAPPS

Mr. HALL. Mr. Chairman. I ask unanimous consent that debate on the motion to strike offered by the gentlewoman from California (Mrs. CAPPS) be limited to 30 minutes equally divided and controlled by Mrs. CAPPS and an opponent.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

Mrs. CAPPS. Reserving the right to object, Mr. Chairman, it is my understanding that the amendment will be recognized after the Grijalva amendment and before the Inslee amendment: am I correct?

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Texas.

Mr. HALL. That is our understanding, Mr. Chairman.

Mrs. CAPPS. Mr. Chairman. I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 109-49.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. KUCINICH:

In title XVI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1614. FEASIBILITY STUDY OF MUSTARD SEED BIODIESEL.

(a) STUDY.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for a study to determine the feasibility of using of mustard seed as a feedstock for biodiesel.

(b) CONTENTS.—The study shall include comparisons to other biodiesel feedstocks using the following criteria:

(1) Economics from crop production to biodiesel in the typical percentage blends.

(2) Adaptability to various geographic and agricultural regions in the United States.

(3) Percentage and quality of oil content.

(4) Cetene ratings, viscosity ratings, emissions for the typical percentage blends.

(5) Potential to enhance oil, pesticide and herbicide qualities.

(6) Process technologies to convert into biodiesel.

(7) Usefulness of byproducts from the conversion process.

(8) Other criteria the National Academy of Sciences considers pertinent.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall transmit results of the study to Congress, the Secretary of Energy, and the Secretary of Agriculture, including any findings and recommendations.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a noncontroversial amendment which authorizes a National Academy of Science study on the feasibility of mustard seed as a feedstock for biodiesel.

Now, mustard seed has many advantages over other feedstocks, including higher oil content, it is easier to grow in colder and drier climates of the U.S., and the conversion process leaves behind an organic pesticide and herbicide. Initial research studies by the University of Idaho and the National Renewable Energy Laboratory have shown favorable results.

Now, Mr. Chairman, mustard seed has roots deep in all cultures, and it is specifically mentioned in the Bible. I want to read you a passage from Mark which will show the recognition of mustard seed as a crop that deserves recognition here.

Mark, in the fourth chapter, talks about the Kingdom of Heaven, and says: "It is like a mustard seed, which when sewn in the Earth is less than all the seeds that be in the Earth. But when it is sewn, it groweth up and becometh greater than all the other herbs and shooteth out great branches."

So something that was understood in the intelligence of the world thousands of years ago needs once again to be recognized, because what we have here is a crop that gives a great potential. And we know that farmers are key to eliminating our dependency on foreign oil and that we can grow our way out of this energy crisis. That is one of the reasons I am offering this.

Mark is not the only place where mustard seed is mentioned. We are told that if we have faith as a grain of mustard seed, we can move mountains. Well, this is an opportunity for us to show not only faith in the good will of this House to help America take an important step towards sustainable energy, but also faith in alternative energy and faith in our own Nation. I think that we can take this opportunity to give farmers a chance for growing options for biomass feedstocks. It is imperative that we find those feedstocks that will eliminate our dependency on foreign oil as soon as possible.

So, again, to the chairman, this is a noncontroversial amendment. It would authorize the National Academy of Sciences to study the feasibility of mustard seed as a feedstock, and I would certainly appreciate the support of the committee and of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman. I ask unanimous consent to take the time in opposition, though we do not oppose the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from Texas will be recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the use of mustard seed as a feedstock for biodiesel will increase the United States' portfolio of energy fuel resources. And just to be terribly brief, this amendment would only authorize a study on the benefits and the compatibility of mustard seed oil in the Nation's energy supply. It is a complementary amendment to an energy bill that is full of initiatives intent on expanding the Nation's energy supply and security.

Mr. Chairman, I am for anything that is going to help and further along this energy bill, even anything as small as a mustard seed. We accept it.

Mr. KUCINICH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HALL. Mr. Chairman. I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 109-49.

AMENDMENT NO. 26 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman. I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. HOLT:

In title XVI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1614. STUDY OF FUEL SAVINGS FROM INFORMATION TECHNOLOGY FOR TRANSPORTATION.

Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Transportation, report to Congress on the potential fuel savings from information technology systems that help businesses and consumers to plan their travel and avoid delays. These systems may include web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems. The report shall include analysis of fuel savings, analysis of system costs, assessment of local, State, and regional differences in applicability, and evaluation of case studies, best practices, and emerging technologies from both the private and public sector.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume, and I am offering an amendment to the energy bill for a study of the potential for fuel savings from information technology. This will help businesses and consumers and, really, the country at large.

Suppose you are driving to work. Today, you can listen to the radio and get some traffic information. You can use that, occasionally, to avoid delays. But what if you had something in your car that was giving you real-time information that would say, turn right now and save 10 minutes, and you could use that every day? You would save time, fuel, and money. Multiply that by the millions of people commuting doing the same thing, and it adds up to a real difference in our fuel use.

I mean, how many times have you driven around the block looking for a place to park? Suppose you had a system in your car that told you where the open parking spots are and how to get there?

Mr. Chairman, this is not Buck Rogers stuff. This is not so far fetched. Information technology is cheap. The electronic systems are inexpensive and easy to install, but we have not really looked at them systematically. So where my legislation talks about Web-based real-time transit information systems, or congestion information systems, or carpool information systems, do not think of them as systems; think of them as saving time so you can get home to read a bedtime story to your kids or get to work not quite so frazzled and save money.

Suppose you thought about taking a bus to get across town. Nowadays, you pretty much face the prospect of standing at the bus stop hoping the bus comes along, wondering if the bus will come along, wondering when you will get to work. What if you had a monitor, maybe on your cell phone, maybe at the bus stop that would tell you what the schedule is, where the bus is now, and when the bus will be at your stop? You could even check before you left your house.

These kinds of things are here today, not widely installed: but they could be. My amendment simply calls for a study of the energy savings that would come from such things. I think it is straightforward and will be attractive to people all over the country, to businesses, to individuals, to cities, and of course to those who care about our energy usage; and I urge its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though we do not have opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment requires the Secretary of Energy to work with the Secretary of Transportation and report to Congress on the potential fuel savings from utilizing advanced technology. I think we have seen dramatic strides in technology in systems that help consumers in their drives on the road as well as business opportunities and then through communities, so we feel it will be helpful. We are pleased with the amendment, support it, and urge its passage.

Mr. Chairman, I yield back the balance of my time.

Mr. HOLT. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentleman from New Jersey has 2 minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and permitting me to speak on this and for his bringing this forward. It is an example of where we can take steps forward to deal with how we put the pieces together in terms of transportation.

Intelligent transportation has tremendous potential for energy savings, to put money back in the pockets of taxpayers and consumers around the country; and it is an example that we do not have to make this equation quite as hard as we tend to on the floor of the House. This, I hope, is going to lead to a broader sense of application about how we squeeze more value.

I appreciate the gentleman's leadership in focusing on the notion of the $800 billion that is spent dealing with energy in this country. That is $800 billion; yet the amount of money that is spent in research for government and for the private sector is arguably less than 1 percent, less than for any other major sector of our economy.

I appreciate my colleague's leadership in focusing on what impact research and technology can have in this critical area. By focusing on intelligent transportation, it will be one important area of research application that will make a difference for millions of Americans, it will save hundreds of millions of gallons of fuel, and it will improve the quality of life for our communities in the offing.

This is the sort of approach that will truly make our communities more livable, make our families safer, healthier, and more economically secure. I appreciate the gentleman's leadership and strongly urge the adoption of this amendment.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 109–49.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. GRIJALVA:

Strike section 2005.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

□ 1345

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would strike section 2005 of H.R. 6. This section of the bill requires the Secretary of the Interior to suspend collection of royalty fees from oil and gas companies operating in the deep waters of the Gulf of Mexico.

The authors say this provision is needed to "encourage" oil and gas companies to explore for and produce oil and gas at water depths greater than 400 feet in the Gulf of Mexico.

Let there be no misunderstanding. This royalty relief is a subsidy to oil and gas companies. It is unnecessary and is nothing more than corporate welfare for the oil and gas industry. Subsidies will not increase production of domestic oil and gas. The Energy Information Administration and Interior Secretary Norton have both asserted that subsidies would do little to enhance domestic production of oil and gas.

Even the President, a former oilman, recognizes that royalty relief is not a good idea. Just yesterday he said, "With oil at more than $50 a barrel, by the way, energy companies do not need taxpayer funded incentives to explore for oil and gas."

Mr. Chairman, the deep waters of the Gulf of Mexico have seen consistent and striking growth in oil and gas exploration for 10 straight years. Deepwater projects have increased by 51 percent since 2002. Clearly no one needs an incentive to explore for oil and gas in one of the most vital areas in the world. Therefore, there was no rational justification for this section. It is just more special treatment for oil and gas at the expense of everybody else.

Mr. Chairman, I reserve the balance of my time.

Mr. JINDAL. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN (Mr. SIMPSON). The Chair recognizes the gentleman from Louisiana (Mr. JINDAL) for 5 minutes.

Mr. JINDAL. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment, and coming from south Louisiana, I would like to provide some guidance and clarify some of the misleading facts that surround this issue.

We know the production off the coast of our State is important to meet the Nation's energy needs. Congress did a good thing back in 1995 in passing the Deep Water Royalty Relief Act. That act did a simple thing. It provided automatic royalty relief for new leases for 5 years in the deep waters of the Gulf of Mexico.

For those who would argue nothing happened, I would say, Look at the numbers. In 1995, we averaged just over 1,200 leases. After that act, the number of active leases increased up to 3,300 leases. This is not a giveaway. We actually generated more, not less, money for the Federal Government. Our lease bid revenues increased from $800 million in 1995 to over $1.5 billion in 1996, almost $2 billion in 1997.

I rise in opposition to this amendment because it would cost the Treasury, and it would decrease the supply of domestic energy which this bill is trying to increase.

Third, this is not a giveaway but rather there are price thresholds and safety mechanics. The Secretary of the Interior already has the regulations and the ability to say, as the MMS does today, if the price of oil is over, let us say, $34 per barrel, these royalty relief provisions do not go into effect.

The language as written is commonsense language that encourages production and allows large investments. We are talking about investments of hundreds of millions of dollars, maybe a billion. We are talking about drilling in deep water where there is great risk. This relief provision allows these companies to get the access to capital they need to take these risks.

I rise in strong opposition to the amendment. The current relief provides jobs in my State and provides energy for our country and lowers the price of energy for our industry.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I must rise in opposition to this amendment. Knowing the economy of Louisiana and particularly south Louisiana, my district is very reliant on the oil and gas industry. The gentleman from Louisiana (Mr. JINDAL) gave some numbers that apply to what has happened with the leaseholds out on the Outer Continental Shelf in recent times. Just at Port Fourchon, which is the focal point for the Gulf of Mexico for oil drilling, deep and shallow water, we have increased the number of jobs there by thousands. We have 125 companies that have located at Port Fourchon, and there are 25 companies presently on the list waiting for locations to open up at the port.

I am concerned, as most are, about the energy crisis in this country. I understand my colleagues' concern about subsidies and big oil, as everyone describes it. At the same time, in order for us to reach some independence, we need to continue to encourage deep water, shallow water, oil, gas and every type of mining that will help us get out of this problem.

Mr. JINDAL. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Chairman, and both sides of the aisle, I stand with President Bush on this issue. The President has said, "With oil at more than $50 a barrel, by the way, energy companies do not need taxpayer-funded incentives to explore for oil and gas." That was President George W. Bush in the Washington Post, April 21, 2005.

This amendment protects the taxpayer. This amendment is vital to restore some semblance of sanity to this legislation. To my colleagues from the Gulf States I would say, vote for this amendment if you also support the provisions in H.R. 6 to distribute $500 million in OCS revenues to coastal States and to redirect $2 billion in OCS to alter deep water research. If you support that, you simply cannot have it both ways. There will not be revenue enough for you to distribute if we do not collect the royalties on OCS production.

I urge my colleagues, and from the Gulf States especially, to support this amendment, and also I urge my colleagues on both sides of the aisle, support President Bush on this.

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, of all of the subsidies and all of the giveaways in this bill, this one itself may be the most egregious. This is royalty relief to those companies who are drilling in deep water. These companies are drilling in deep water no matter what they do because that is where the oil is, and it is very lucrative to do so.

The gentleman from Louisiana defends this provision saying they have a cutoff when the price of oil goes up. When this provision was put into law, the cutoff was $28 a barrel, but the Secretary did not cut it off. When it got to $30, the Secretary did not cut it off. When it got to $40 and $45, the Secretary did not cut it off. When it got to $50, the Secretary did not cut it off. And today, when it is $52, the Secretary has not cut it off.

This is not about royalty relief, this is about a handout to the most profitable companies in the United States. This is about a handout to these companies to drill the public's oil.

Of the 132 million barrels of oil they have produced, 76 percent are royalty free. That means Mr. and Mrs. Taxpayer in America did not get the royalties that these companies should have paid them to drill on the public lands that the taxpayers of this country own. That is why this amendment should prevail.

The gentleman from Arizona (Mr. GRIJALVA) is right. He is a hero to the taxpayers.

Mr. GRIJALVA. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I rise in support of this amendment to make this junk food energy bill just a little bit healthier.

Members, help me with this quote: "I tell you, with $50 oil, we do not need incentives to oil and gas companies. There are plenty of incentives." No, this was not some liberal, left-wing environmental activist. You are right, it was the President of the United States, who comes from the oil industry, that recognizes that the oil companies are awash with profits.

During President Bush's 2000 Presidential campaign, he railed against the so-called royalty holiday saying that it was, and I quote, "Giving major oil companies a huge tax break."

Agree with the President of the United States, agree with us, accept this amendment.

Section 2005 waives Federal royalty collections from offshore oil and gas production on the Outer Continental Shelf. Added to the rest of Title 20, this will put $483 million of taxpayer money into the already deep pockets of big oil during a time in which they are reaping record profits. In fact, an April 8, 2005 Wall Street Journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for a publicly traded U.S. company ever: $8.4 billion.

Do big oil companies like Exxon really need taxpayer-provided "incentives" to explore and drill? President Bush doesn't think so.

In addition, the oil royalties the Federal Government does not collect from big oil will starve the Land and Water Conservation Fund of critical financial resources. The Land and Water Conservation Fund provides special protection for some of our most precious wildlands and has been a valuable tool for nearly 40 years. A portion of revenues from oil royalties is dedicated to this special fund for acquisition and conservation of natural places and habitat. Without these oil royalty revenues, State environmental protection efforts will suffer.

In a time of serious budget deficits, immense war costs and a sluggish economy, we cannot afford to grant such outlandish subsidies to some of our Nation's largest corporations. I urge my colleagues support the Grijalva amendment.

Mr. GRIJALVA. Mr. Chairman, I yield myself the balance of my time.

H.R. 6 guarantees an additional financial windfall, courtesy of the taxpayers, for oil and gas companies already reaping and sowing profits, record profits, and provides absolutely no guarantee of relief for the high price that consumers are paying for their gas and oil.

I urge Members to reject this approach and, instead, support my amendment which brings some semblance of fiscal responsibility to H.R. 6.

I find it ironic that the provision this amendment attempts to strike would stop the collection of royalties, yet throughout H.R. 6, the $2.5 billion in subsidies that the gentleman from West Virginia (Mr. RAHALL) pointed out, $2 billion of which go to the ultra-deep provision, is so strongly supported by the majority leader. I think it is time for the Members of Congress to say in terms of subsidies and handouts to rich, profitable companies, When is enough enough? I urge a "yes" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. JINDAL. Mr. Chairman, I yield myself the balance of my time.

I agree with my colleagues and I agree with the President. I agree, with the price of oil above $50 a barrel, we do not need relief. This provision does not do that.

Let me be clear. Under the current MMS rules, what this provision would do would simply provide relief for those companies making multiyear in many cases, multi, hundreds of millions of dollars of investments to produce oil for our country's needs.

We have a choice. Many of my colleagues do not want us drilling for oil off the coast of Florida and do not want us to drill for oil off the coast of California. I would ask those colleagues to join with me in providing incentives so we can drill for oil in the deep waters of the Gulf of Mexico.

The people of Louisiana welcome this production. We know it is good for our State, our country, and for our economy. We have a choice. We have to meet the growing energy needs of our country.

What this provision simply does is make it economical for companies to take greater risk than they have ever had to take before to allow them to raise the capital and spend hundreds of millions of dollars, maybe even a billion dollars, on these rigs to produce the energy that our country so desperately needs, that our farmers need, that our petrochemical industry needs.

We have a choice. We do stand with the President saying, No, we do not need relief at $50, but we do need relief to make sure that there continues to be production, especially if the price falls below that threshold.

But we have a choice: Do we produce our own energy needs, or do we become increasingly dependent on foreign sources? We have a choice. Do we drill in the deep waters of the Gulf of Mexico where such production is welcomed and invited, or do we look to other areas where that production is not welcomed and not invited?

I do stand behind our President, and I invite my colleagues to also stand with our President and support the language as written, support the overall energy bill, and vote for domestic production. Vote to keep manufacturing in our country, vote so we can become more independent of foreign sources of energy.

The language as written is good language. It does not provide relief today. It does not provide those incentives today, but it allows companies to raise money to take risks to produce our country's domestic energy needs.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) will be postponed.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment to strike an unfunded mandate.

The Clerk read as follows:

Amendment offered by Mrs. CAPPS:

In title XV, in section 1502, strike ", or methytertiary butyl ether (hereinafter in this section referred to as 'MTBE')" and strike "or MTBE" in each place it appears.

The Acting CHAIRMAN. Pursuant to the order of the Committee of today, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 1½ minutes, and appreciate the opportunity to bring this amendment to strike an unfunded mandate to the floor for debate.

Mr. Chairman, this motion would do one thing: It would strike the safe harbor provisions for MTBE which CBO has identified as an unfunded mandate. This is CBO's analysis of the bill, and I quote, "Section 1502 would shield manufacturers of motor fuels and other persons from liability for claims based on defective product.

"The provision would impose both an intergovernmental and private sector mandate as it would limit existing rights to seek compensation under current law."

This provision in H.R. 6 transfers the cost of cleanups from responsible parties to constituents. It is an unfunded mandate, and it should be stricken from the bill.

□ 1400

Mr. Chairman, this is a bad provision. MTBE contamination has averaged over 1,800 water systems in 29 States. Cleanup costs are at least $29 billion. MTBE contamination is a huge problem, and it is not going away.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are so many ways to oppose this particular amendment that I am at a little bit of a loss as to which way to start in opposition, but I think I will start first on the procedural opposition. This is basically the same vote and the same amendment that the gentlewoman from California (Mrs. CAPPS) had a vote on yesterday on a point of order before consideration of the rule. That was defeated overwhelmingly, in the neighborhood of 231–188 or something like that. To give her credit, she has come back and she and her allies have found a way to use the rules to come up and get a second bite of the apple. But my first line of opposition is that if you voted against it yesterday, you ought to vote against it today.

Secondly, I want to talk about the concept that is embodied in the Capps amendment, that somehow this is an unfunded mandate. What she is seeking to strike is a provision in the underlying bill which was in the bill last year that says you cannot de facto go in and in an existing lawsuit state that MTBE, because it is MTBE, or also ethanol, is defective because of its chemical composition.

You have to prove that it is defective, not just say that, because it is what it is. It is similar to saying this piece of wood that this table is made of is defective because it is wood. That is a very limited safe harbor provision. The gentlewoman from California (Mrs.

CAPPS) would strike that. CBO last year looked at this language and said there is no unfunded mandate. In fact, several years ago in the medical malpractice legislation where we capped damages, capped awards, CBO said that is not an unfunded mandate. But this year the CBO analysts in question looked at it and said, while the evidence was difficult to ascertain, it could be construed as an unfunded mandate.

The lawsuits that have been filed and could be filed are going to be filed on a wide range of issues. Any particular court and any particular jury may find in this case or that case and we are not precluding that, but to somehow say that now because if the safe harbor provision were to become law that you would actually have to prove MTBE was defective, that somehow that is an unfunded mandate to me is just beyond the pale.

I have got several court cases that have already been considered on the defective product situation with MTBE, and I would like to read those right now. In a New Jersey case, a court ruled that MTBE was an oxygenate that Congress contemplated would be used frequently. Therefore, the court found: "Because Congress required that gasoline include an oxygenate and specifically designated that MTBE would be one of the most common and effective oxygenates, this court concludes that gasoline containing MTBE cannot be deemed a defective product."

A California court, the State the gentlewoman hails from: "Federal law permits the use of MTBE, and the supremacy clause precludes State tort liability from attaching based on the mere use of this allowed option." The court reasoned that: "Permitting plaintiffs to pursue their common law claims conflicts with the reformulated gasoline and oxygenated fuels provisions of the Clean Air Act and the regulatory actions taken under it." We have other court cases that we can put into the RECORD.

We have got several lines of opposition here. The first line is that we have already had the vote. We have the second line that this is not an unfunded mandate because we are not precluding what States can or cannot do in the future. And under current law, the cleanup costs are borne 96 percent by the parties, not borne by the States. You have to have an orphaned site before the State would even come into it. So we think the allegation that it is unfunded is spurious on the measure.

And, lastly, on the item of whether MTBE is defective as a product just because it is MTBE, it has clearly been ruled in several cases, and common sense would dictate, that something that is made properly and used properly and actually cleans up the air, there is no way that can be a defective product.

I am giving Members three lines of reasoning to vote against the Capps amendment, and I would hope that when the vote comes that we keep the language in the bill and we are able to go to conference with the Senate and continue to work to find a compromise if we need to do more to expedite the cleanup in those States that have MTBE contamination.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I am honored to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman from California for yielding me this time, and I thank her for her leadership on protecting the environment and the health of America's children. I particularly commend her for her resourcefulness in bringing this amendment to the floor. Because of a letter dated April 19 from the Congressional Budget Office which deems the MTBE giveaway an unfunded mandate, the gentlewoman from California (Mrs. CAPPS) was able to bring this amendment to the floor. I thank the gentlewoman from California. It is important to all who care about the health of our children.

I rise in support of the gentlewoman from California's amendment to strike, really, this disgraceful MTBE giveaway, and I commend her for seizing the opportunity to offer this amendment.

Mr. Chairman, as we discussed yesterday in general debate, a few drops of MTBE can poison an entire drinking water system. But the industry lobbied for MTBE to be added to gasoline, anyway. The dirty little secret is that the industry knew all along that MTBE could leak out of gasoline storage tanks and contaminate groundwater. In fact, there was a deliberate attempt by the MTBE producers to hide the groundwater impacts of their product from Congress.

Today, communities across America are suffering the effects of MTBE. MTBE contamination of groundwater and surface water is a major problem in my State of California, and many drinking water wells have had to be shut down because of this contaminant. MTBE contamination has been detected in all 50 States, and a recent study indicates that it costs between $12 billion and $63 billion to clean it up. It will cost between $12 billion and $63 billion to clean it up, to clean up something that the industry knew was dirty to begin with and withheld information about that from Congress.

Not surprisingly, the MTBE producers and the big oil companies want to be protected from liability for contaminating our drinking water supplies. And not surprisingly, TOM DELAY and House Republicans are happy to oblige. The gentleman from Texas insisted on the MTBE provision in the last Congress, even at the cost of killing the energy bill. He insisted on it again this year. In fact, this is the majority leader's bill we are debating today.

Instead of eliminating MTBE now, the Republican energy bill gives 9 years for a phaseout, 9 years of MTBE leaking into our water supply. And a loophole in this very law may even allow MTBE to be used indefinitely. It gives MTBE producers liability protection in contamination lawsuits, and it gives a $2 billion subsidy to MTBE manufacturers.

Let me repeat: this is a contaminant, a small supply of which can poison a water supply. And this bill is giving the manufacturers 9 years to phase it out and a loophole that may even make the use of MTBE indefinite. It is saying that you have no liability, MTBE manufacturers, for contamination, no liability, long term to phase out, if ever; and third of all, we are going to fund it. For $2 billion, we are going to give a subsidy to MTBE manufacturers.

According to the Republican Congress, the punishment for polluting the groundwater, if you pollute our groundwater, you get $2 billion. That is your gift for contaminating our groundwater. Republicans are not even giving MTBE polluters a slap on the wrist. They are giving them a pat on the back. But in their attempt to shield MTBE producers and big oil companies from accountability, Republicans have created a huge unfunded mandate for States and localities, and it is taxpayers who are stuck with the bill.

Remember unfunded mandates? Was that not principle number one of the Contract with America, no unfunded mandates? Here it is. The CBO, the Congressional Budget Office, nonpartisan CBO, says that this amounts to an unfunded mandate. That is why the gentlewoman from California (Mrs. CAPPS) was able to get this amendment made in order under the rules.

And then in their attempts to shield MTBE producers and big oil companies from accountability, Republicans have created this unfunded mandate, which is called such by the National Water Resources Association, the American Public Works Association, Western Coalition of Arid States, American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Towns and Townships, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors. These organizations say that this provision agrees with the Congressional Budget Office that it amounts to a massive unfunded mandate on local governments and citizens.

Republicans used to oppose these, as I mentioned; and the rules of the House still allow us to strike them. I thank the gentlewoman from California (Mrs. CAPPS). I urge my colleagues to support the Capps amendment and to demand accountability and to stop the outrageous MTBE giveaway.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I guess this is a postponed vote on MTBE. It is an issue we have been dealing with, at least in the Committee on Energy and Commerce, for a number of years. MTBE was mandated, maybe not specifically in the Clean Air Act of 1990, but reformulated gas was. And for an area like I have in Houston, we have been using MTBE as a reformulated gas in our gas to clean up our air because it replaced the lead that we used to have because lead was polluting. And now we find out that MTBE does not smell or taste good and that is right. But whatever we have in our gas tanks is not something else we want to smell or taste, either. We may not be able to taste the benzene and everything else.

But EPA informed Congress in 1990 that a reformulated oxygenate requirement would be met almost exclusively by MTBE, and congressional statements at the time reflect that knowledge. Nowadays you can use ethanol, which comes a long way, or MTBE.

It is true MTBE existed before the Clean Air Act of 1990. In fact, it was first approved by the EPA in 1979 to comply with another Federal gasoline mandate, in reducing lead. EPA followed the legislative history of the Clean Air Act and its scientific analysis and repeatedly reaffirmed approval for MTBE. The reason this bill has this provision in here is because we mandated reformulated gas in certain areas, including the district I represent. We have not had trouble with MTBE in groundwater or surface water pollution, at least in the Houston area. I know some parts of the country have.

The oxygenate requirement has done a great deal to clean up our smoggy urban air; and to this day the EPA will talk about the success of it, particularly in the Houston area. MTBE is on the way out and being cleaned up around the country, regardless of the amount of litigation. Tank owners, insurance and State funds are doing the real work, 96 percent of all cleanups according to the EPA. A case in point, the city of Santa Monica is suing its former law firm over the $66 million legal bill for its trouble in suing over MTBE.

□ 1415

I guess the concern I have is that MBTE, if it is a defective product, we mandated it. And let me quote from some of the remarks earlier in the Clean Air Act. We had Members who are still sitting Members of Congress who were bragging about, we mandated the oil companies to be able to do stuff, for cleaning up our air; and yet nowadays, 10 years later, 15 years later, we are going to say, no, they are responsible, even though we told them to do it, and it has been successful.

My concern about the loss of MBTE, we cannot trade clean air for clean water; we have to have both. And there is a way we can have both, but not by taking away the ability to have MBTE, which is probably the most in use because it is the most efficient in reformulated gasoline.

But, again, Congress made a decision to deal with ethanol more than MBTE, and that will happen. This bill allows for fixing the best by using the Leaking Underground Storage Tank fund, and that will go a long way to help us.

Mrs. CAPPS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, on behalf of the citizens of Pascoag, Rhode Island, who have lived with contaminated water from MBTE, I rise in support of the Capps amendment.

I would like to thank my good friend Congresswoman CAPPS for fighting to bring this debate to the floor today.

I have seen firsthand the devastation that the gasoline additive MTBE can have on our local communities.

In my home state of Rhode Island, the citizens of Pascoag were unable to use their water for months due to this contamination.

No child should have to turn on the water faucet to have their tap water smell like turpentine.

But the provision in this bill that seeks to protect MTBE manufacturers is simply yet another one of many that puts the needs of individuals and families below the requests of industry in this dangerous bill.

I urge my colleagues to take a stand for the forty-five million Americans whose water systems have been affected by MTBE contamination and vote to strike this provision from the bill.

Mrs. CAPPS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), who represents Santa Monica, where a huge MBTE pollution problem has occurred.

Mr. WAXMAN. Mr. Chairman, the Republican leadership in the House has done everything it could possibly do to keep us from voting on this issue. They so badly wanted to protect the oil companies and to push the costs onto the local governments to take care of the polluted drinking water.

We had a vote earlier, as the gentleman from Texas (Chairman BARTON) indicated, but it was on a procedural vote. Now we have a vote on the merits. And if we do not support the Capps amendment, we are keeping this unfunded mandate in the bill and our local governments are going to have to pick up the billions of dollars of costs to clean up the drinking water.

That is why it is an unfunded mandate. And that is why I am speaking for the Republican side of the Chamber, because the Republicans came in under the Contract with America and said, We want to do away with unfunded mandates, and we will let them be challenged on the House floor.

And I congratulate the gentlewoman from California (Mrs. CAPPS) for bringing this to the House floor under a procedure that the Republicans allowed.

States' rights, that used to be a Republican position. But this bill has the view that Washington knows best. So we do not let States decide things anymore. They cannot regulate, or participate even, in key energy decisions affecting States and localities such as LNG facilities or relicensing of hydroelectric dams. Washington knows best. And in this bill the most egregious example of arrogant centralization of power in Washington is this massive unfunded mandate.

We have heard that Congress insisted that MBTE be used for reformulated gas. That is not true. Under the Clean Air Act, we required reformulated gasoline, but we left it to the oil companies to decide how to do that, and they were using MBTE before the 1990 Clean Air Act was adopted. Now that we know what they may have known in advance, that MBTE can cause problems in our drinking water, they want to shift the costs from the oil companies that have caused the pollution to the local taxpayers.

I remember when Republicans would have objected to this. And I hope today they will object to it as well. And I guess the Republican leadership fears that they might, because that is why they have gone to such enormous lengths to not allow anybody in this Chamber to vote on this specific issue. Every time we asked the Committee on Rules to allow a motion to strike be in order, they denied it. There was a point of order raised, and that way they were able to keep us from voting on it.

But thanks to Newt Gingrich and the Contract with America, we have this way of bringing the issue on the merits. Vote for the Capps amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Briefly, before I yield time to the gentleman from New Hampshire (Mr. BASS), just to make one major point, we were not aware that this amendment might come up today. We were not even told it could until we walked on the floor and saw the gentlewoman from California (Mrs. CAPPS). That is point number one.

Point number two, when we huddled at the leadership level to decide what to do about this, I was given several parliamentary options to try to defeat any kind of an effort to have a substantive debate, and I chose not to do that. I made the decision that if the gentlewoman from California (Mrs. CAPPS) and her allies were smart enough to figure out a way to use the House rules to get her vote up, she ought to be given that chance to do it. And I had several opportunities to gimmick the rules up and do complicated parliamentary procedure that would have obfuscated the issue.

So I do not want to come onto this floor and be told that somehow I have tried to be unfair or prevent an honest debate.

I will be honest, I would rather not have this debate right now. But we are going to have it, and let us have a substantive debate. I am fine on that.

The second point I want to make is, I am not going to disparage what the gentleman from California (Mr. WAXMAN) just said, but when we were debating these amendments back in the early 1990s, we had numerous instances where he went on record saying that MBTE was something that should be included as an oxygenate. He even offered an amendment in committee to increase the oxygenate requirement to 3 percent.

If I am correct, then I will let him look at the statements and tell me that they are incorrect.

I am for a fair and open debate.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

We called for reformulated gasoline. We did not spell out how that was to be done. We did not spell out the technology. We said to the oil companies, You figure out how to do it. They could have done it with ethanol. They chose reformulated gasoline. What we wanted was cleaner gasoline, and they did not have to use MBTE.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I want to read a quote and have the gentleman tell me whether he thinks he said this or not.

I quote from the gentleman from California (Mr. WAXMAN): "This level of oxygenation, required in the Clean Air Act amendments, is high enough to achieve most of the benefits of oxygenated fuels but low enough to allow several different oxygenates to compete for market share. The leading oxygenates are ethanol and ethers made of ethanol, ETBE; or methanol, MBTE."

That is attributed to the gentleman as a direct quote. Is that correct?

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I will assume that it is a correct quote, but let me tell the gentleman that was not the only choice they could have made, and they knew evidently, from what we are learning, that MBTE was a problem. They could have used ethanol.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I am not saying that he stipulated that MBTE had to be used. I am stipulating that he knew it could be used. And he is entitled to change his mind, change his position. It is a free country. But at one time he thought that MBTE could help clean up the air. That is all I am saying.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, he is correct. But we did not know at that time that it was going to pollute the drinking water.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman for yielding time to me.

As we can tell, this is the kind of issue that we could spend the next 10 years debating.

I want to solve the problem. The problem is not going to be solved by filing lawsuits, by scoring political points, by paying huge legal fees to the trial bar, waiting year after year after year while constituents of all of us wait for some kind of remediation.

Sure, claims have been filed, almost 100 of them, I understand. There has not been a single judgment to date. There have been some settlements, but there has not been a single judgment rendered. I do not call that a safe way to procure that our constituents get their water cleaned up.

Last year CBO said that this was not an unfunded mandate. This year another analysis says it is an unfunded mandate.

As one who served on the Committee on the Budget and was here in 1995, I would suggest that this would be classified, if one is an accountant, as a contingent unfunded liability or a hypothetical unfunded liability. But it will not be that way in the end because there are two choices that we face here today: an easy choice, which is to vote "yes" and to have the status quo and to go forward as we have in the past; or the hard vote is to really solve the problem.

Having voted to strip MBTE provisions from this bill last year, I am voting the other way this year, and I am proud of it, and I will tell the Members why. I have established it with the chairman, a task force that is going to work between now and conference time on a plan that will structure a remediation program that will clean up the water, not 10 years from now or 20 years from now, not unfairly in this community and not in that community and not in this State or that State, but across the whole country.

My constituents deserve a workout for this problem, and we as policymakers have an obligation to work together in a bipartisan fashion in our conference to come up with a solution.

It is my hope that this solution will include the creation of a fund that will include participation by all the potentially responsible parties, a way to settle claims in a quick and fair fashion that reduces the overall cost.

I do not want to see communities like South Tahoe City suing their own lawyers to try to get the money back so that they can actually perform the remediation that they had planned to do and might have been able to do if it had been settled in such a fashion so that they did not have to deal with other costs. I want to see a fund created that will really resolve this issue.

Please allow this bill to go forward to conference, and when we come back with a conference product, it will be a product that my constituents who have been hurt by MBTE contamination will see their wells cleaned up, will see adequate compensation to redress their issues; and we will have the problem resolved, and we will end this endless fight that we could have if we do nothing.

I urge opposition to the pending amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from New Hampshire (Mr. BASS), I show him the headline in the newspaper of a little town in my district, where they had to sue Chevron for $9 billion for contamination of the water supply and it was settled out of court. They never would have gotten the settlement without the lawsuit.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, my good Republican colleagues and friends are seeing something that they made possible today. Years ago, in 1995, they passed the Unfunded Mandates Reform Act. They should recognize this. They said how this was going to stop the imposition of unfunded mandates upon communities and States.

That is exactly what the amendment does. If they had been fair and given this a decent rule, then we would have been able to debate these in a proper fashion and they would not be complaining about surprise.

But having said this, there are some 80 lawsuits that are going to be able to go forward. The judge had this to say about these kinds of lawsuits, and, by the way, they are in New York and New Hampshire: "Innocent water providers and, ultimately, innocent water users should not be denied relief from the contamination of their water supply if the defendants breached a duty to avoid an unreasonable risk from their products."

This bill is an immunity bath for MBTE manufacturers and for the refineries. That is wrong.

It should be possible for there to be responsibility where the polluters pay.

and that is exactly what this amendment allows. It leaves ethyl alcohol and other renewables okay, but it removes MBTE from the liability waiver.

APRIL 5, 2005.

OPPOSE THE MTBE LIABILITY WAIVER

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: the undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember.

1. MTBE was never mandated, and Congress is not obligated to provide the producers "safe harbor." And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of $29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Donald J. Borut, Executive Director, National League of Cities; Larry Naake, Executive Director, National Association of Counties; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Jack Hoffbuhr, Executive Director, American Water Works Association; Steve Hall, Executive Director, Association of California Water Agencies; Peter B. King, Executive Director, American Public Works Association; Larry Libeu, President, Western Coalition of Arid States; Thomas F. Donnelly, Executive VP, National Water Resources Association.

Mrs. CAPPS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman for yielding to me this time.

Mr. Chairman, I rise to support the Capps amendment. And it really is a mystery to me why we are even where we are right now. I think that, collectively, the House of Representatives should remember that this very provision took down the entire energy bill in the last Congress. That is how important this provision is.

Now we have this debate about whether polluters should pay. I do not care what district anyone represents in this country. No constituent is going to stand up and say, Put the tax burden on us and allow the industry to get away with it.

That is what this amendment is about. That is why we should all vote for the Capps amendment.

The base bill contains a provision that creates a safe harbor. What does that mean? It lets the industry off the hook. It relieves the industry of any obligation to pay even a portion of the estimated $29 billion of cost of cleaning up drinking water that has been contaminated by this product.

☐ 1430

We know the product has contaminated groundwater. Now we are sending the bill to local governments.

The National Association of Counties, the National League of Cities, attorneys general from across the United States have weighed in. This is not just simply a matter of who pays. It is also a matter of public health.

I agree with my colleague, the gentleman from New Hampshire (Mr. BASS). Of course it is a matter of public health. Why do we need a task force to try and figure this out? Let us make the bill right. Let us not stand on the wrong leg and try and defend something that is indefensible. This is an unfunded mandate. The CBO has weighed in and said that. The Congress has responded to unfunded mandates by having rule XVIII in the House rules.

So I ask my colleagues on a bipartisan basis, let us do the right thing. Let us pass the Capps amendment.

Mr. Chairman, the base bill contains a provision that creates a "safe harbor" preventing defective product claims against the producers of gasoline that contains MTBE.

What this "safe harbor" does is relieve industry of any obligation to pay even a portion of the estimated $29 billion cost of cleaning up drinking water that's been contaminated by its product.

Instead, the burden of MTBE clean up will fall entirely on States and localities.

It's an unfunded mandate and a tax on the American people.

In California, successful lawsuits have led to substantial settlements with oil companies, and these settlements have enabled some communities to begin cleaning up their drinking water supplies.

Now, because communities are winning these suits, industry wants Congress to let it off the hook.

But this isn't simply a matter of who pays; it's also a matter of public health.

MTBE is a potential carcinogen. It's been detected in groundwater in all 50 States.

When MTBE is in drinking water, we need to clean it up.

In response to the public health threat, 42 States have established action levels, cleanup levels, or drinking water standards for MTBE; 19 States have imposed full or partial bans on MTBE in gasoline.

In justifying the "safe harbor," some will claim that Congress established a mandate to use MTBE when it passed the Clean Air Act's 2 percent oxygenate requirement in the early 1990s. That's not true.

First, the industry didn't have to use MTBE to meet the oxygenate requirement; it had alternatives such as ethanol and other petroleum-based products.

Second, the industry lobbied Congress to ensure that MTBE could be used to meet the oxygenate requirement.

Third, at the time Congress was debating the oxygenate requirement, some producers already knew MTBE was likely to seep into groundwater at faster rates and persist at greater levels than other gasoline components. In fact, in the South Lake Tahoe lawsuit, ARCO admitted that it withheld information about groundwater contamination from Congress.

Mr. Chairman, we're not talking about clean hands here. There's a reason the refiners and the MTBE producers are losing in court; there's a reason they're settling claims. They're responsible for the mess.

Why are we creating a safe harbor for them?

Nobody outside of the industry thinks this provision is a good idea.

In 2003, 14 attorneys general, including the attorneys general of California, New York, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wisconsin wrote in opposition to providing a safe harbor for MTBE.

In April of this year, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the Association of California Water Agencies and other sent letters voicing their opposition.

This is a bad provision and we should strip it from the bill.

Vote for this amendment.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in support of the Capps amendment. This is really about what are we really doing here in Congress. Are we here to protect the profits of oil companies, or are we here to protect the States and communities from which we come?

Let me just tell my colleagues the story as it applies to me. In 1995, reformulated gas containing MTBE entered the marketplace in Maine. Two years later, the Maine Bureau of Health reported that they found MTBE in 7 percent of Maine's public water supplies. One year later, in 1998, it was found in 16 percent of Maine's water supplies. So that is how we learned about MTBE.

But let us just go back 15 years, go back 15 years. In 1981, Shell engineers were joking that MTBE stood for Most Things Biodegrade Easier, or Menace Threatening Our Bountiful Environment, or Major Threat to Better Earnings.

We have had a discussion here about what Members of Congress knew back in the 1990s. What we know now is that the industry knew in the early 1980s that this was a hazard to groundwater and they went ahead and put it in the gasoline anyway. So now the question is, who pays? The manufacturers or the taxpayers in all of our communities? The majority is saying the taxpayers should pay.

Well, there is a court in Manhattan yesterday, New York Federal District Court refused to dismiss 80 lawsuits brought on the ground that the majority is trying to eliminate, and the judge said, innocent water providers and, ultimately, innocent water users, should not be denied relief from the contamination of their water supply if defendants breached a duty to avoid an unreasonable risk of harm from their products. That lawsuit includes the State of New Hampshire as plaintiff, many municipalities, the City of New York.

So here we are, here we are. Who will pay? The majority says, certainly not the manufacturers. The Capps amendment and we say, those responsible should pay.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I also rise to support the Capps amendment to eliminate MTBE, the safe harbor liability.

The provision, as many of my colleagues know, is an unfunded mandate on our communities and water providers. In fact, I will submit for the RECORD a list of 10 of those major organizations in opposition to the MTBE liability waiver. The U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the National Association of Towns and Townships are all opposed to shielding these folks.

In addition to that, I would like to tell my colleagues that right now as it stands, we are not paying for sufficient cleanup as it is of underground storage tanks where we know MTBE is leaking. We are doing a foul job on behalf of the American public. Approximately 136,000 leaks are not being addressed right now, and EPA anticipates that over the next decade anywhere from 6,000 to 12,000 new leaks will occur each year. Who is going to get caught with the tab to clean that up? Guess who? Our local townships, our local municipalities, our States, and the public.

Despite the need to clean up funds through EPA, we know that this is a wrong decision. We need to work this out. We need to make sure that we support the Capps amendment and that we do everything we can to educate the public of the harmful effects of MTBE, because in the State of California, we are plagued with having to clean up this water. We have higher standards there.

We should be looking at models, models from other States. Just as the Republicans used to agree that local control was a primary factor in their agenda back in the 1990s, now they are saying it does not cut it anymore. Our colleagues have to be clear. They have to understand that there is something very wrong with this system and that the public is crying out for elected officials like ourselves to say, this must stop. Do not hold the taxpayers liable for the corporations that are actually polluting our water.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Chairman, the Republican leadership acts as if there is one set of rules for Republicans and another set of rules for the rest of us. Well, it has taken more than 4 hours, but they have finally, reluctantly recognized that at least on this occasion a Democrat, the gentlewoman from California (Mrs. CAPPS), has a right to offer an amendment, a good amendment that strikes a provision in this bill that protects polluters and penalizes taxpayers.

For people who are not familiar with the rules of the House, here is what is going on. In 1995 the Republicans passed a law called the Unfunded Mandates Reform Act. The purpose of the law was to prevent the Federal Government from passing bills that impose unfunded mandates on our State and local governments. At the time, they touted this law as a sign that they would run the government differently and show more respect to local governments. They issued thousands of press releases patting themselves on the back for this legislative accomplishment.

Well, here is the problem. According to the Congressional Budget Office, not the gentlewoman from California (Mrs. CAPPS), not the gentleman from Massachusetts (Mr. MCGOVERN), not the gentlewoman from California (Ms. PELOSI), but according to the Congressional Budget Office, the MTBE provision in this bill is a big, fat unfunded mandate. That is the bottom line. The other side can spin it all they want, but CBO says this is an unfunded mandate.

To my friends who want to protect the polluters, I say, come up with the money to pay for it. Do not pass it on to communities that are already strapped for cash. Do not pass the buck. Cleaning up the MTBE drinking water contamination could cost our local communities as much as $29 billion.

Thanks to the Capps amendment, you will have the opportunity to go on record as to whether you favor or oppose this unfunded mandate.

To my friends who sometimes vote against things claiming that they are mere partisan procedural votes, this is different. This is not a procedural vote. This is an amendment to strike out language that gets MTBE producers off the hook for polluting our drinking water and sticks average taxpayers with the bill.

So this is a different vote from the vote we had yesterday.

Let me say to my friends in the Republican leadership, you could have avoided the scene we saw on the House floor today. The gentlewoman from California (Mrs. CAPPS) brought her amendment to the Committee on Rules Tuesday night and asked for an opportunity to consider this amendment on the House floor. But the heavy hand of the gentleman from Texas (Mr. DELAY) and the Republican leadership denied her. I am happy that we have the opportunity to right that wrong.

This vote is clear. You either favor unfunded mandates or you do not. You either want to reward polluters at taxpayers' expense or you do not.

Vote for the Capps amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from California has 1 minute remaining, and the gentleman from Texas has 30 seconds remaining.

Mrs. CAPPS. Mr. Chairman, I yield the remaining time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, three brief points. We are back here because of the obsession of the majority leader, the gentleman from Texas (Mr. DELAY), to provide the relief to the oil companies. My friend, the gentleman from California (Mr. WAXMAN), said that this was one of several oxygenated options. That is what the chairman of the committee raised. He did not pick one of them.

The second point is that we have not voted on this. The procedural vote that we had yesterday was without the focus from the CBO that this is, in fact, an unfunded mandate. The people of this Chamber will be voting with the knowledge that if they do not approve the Capps amendment, they will be imposing unfunded costs.

Last, but not least, it is obscene that we would be transferring these costs to local communities when we are giving billions to the oil companies under this bill, and they are already enjoying unprecedented profits.

It is not fair. It is not right. I strongly urge the approval of the Capps amendment.

The Acting CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. BARTON of Texas. First, I yield for a unanimous consent request to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I urge defeat of this amendment.

Mr. BARTON of Texas. Mr. Chairman, to close the debate, I yield the remaining 30 seconds to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, let me say at the beginning, I am no fan of MTBE, and my State has banned it. But let me point out a couple of facts.

In this bill, the LUST fund, Leaking Underground Storage Tanks fund, has $2.1 billion to clean up these tanks. We have an additional $1 billion for oxygenate as well. And a precedent exists. The Federal Government mandated that we had to have oxygenate in this bill in the past and we have done that before, we have done that with flu vaccine, we have done that for Biomaterials Access Insurance fund. The government mandated it. We have to protect people that carried through on those provisions.

I accept the agreement that is going to be made between the gentleman from New Hampshire (Mr. BASS) and the chairman to work this out.

Please vote "no" on the Capps amendment.

Mr. DOOLITTLE. Mr. Chairman, today we are about to further our independence on foreign sources of energy. I fully support that effort and urge my colleagues to do so as well. However, one item of particular concern to me is the contamination of groundwater by MTBE—a fuel additive that has been fully supported and promoted by this Congress and our Federal Government.

It is interesting to note that MTBE was first approved for use as a fuel additive by the Environmental Protection Agency, EPA, in 1979. In 1988, the EPA approved the use of MTBE once again and significantly increased the amount of it that could be used in fuel.

In 1990, Congress passed amendments to the Clean Air Act which mandated a fuel oxygenate. In its regulations implementing those amendments, the EPA once again approved MTBE for use as an additive in gasoline. These three instances show direct promotion by the Congress and the Federal Government of the use of MTBE. It is important to point out that these actions, including the amendments to the Clean Air Act, were vigorously supported by both parties in Congress and many national environmental organizations which hailed MTBE as a great victory for clean air.

While it's true that MTBE is a great product for cleaner air, it unfortunately contaminates the water. In fact, my constituents in South Lake Tahoe have personal experience with this problem because in 1996 they discovered that their water supply had been contaminated by MTBE. Consequently, 18 out of 34 wells in South Lake Tahoe were shut down or suffered limited pumping to contain the contamination. As a result, my constituents lost 3.4 million gallons of water a day.

Because I believe strongly that the Federal Government is responsible for MTBE contamination, I fought for and succeeded in getting the Federal Government to participate in the cleanup of MTBE from South Lake Tahoe water by authorizing and appropriating $1 million in the Lake Tahoe Restoration Act of 2000, P.L. 105–506. That appropriation was just a drop in the bucket, however, as the total estimated cleanup of MTBE in South Lake Tahoe is just over $69 million. These funds will be used for a combination of treating contaminated sources and drilling new wells to replace the bad ones.

The City of Santa Monica, CA, has also experienced the impacts of fowled water quality resulting from MTBE and recently settled its lawsuit for just over $325 million. Mr. Speaker, these are just two of many examples of the serious problems caused by the use of MTBE. In fact, to date, the legal fees, costs, and settlement for MTBE litigation in California is over $750 million alone. Furthermore, the water industry estimates that full cleanup of MTBE contamination across the country will be over $29 billion.

Mr. Chairman, MTBE contamination is a serious problem in California, and it is time for the Federal Government to admit that its overt promotion of MTBE is a major reason why we now find this additive in the water supplies of our communities.

For this reason, I am an ardent supporter of expanding the Leaking Underground Storage Tank, LUST, fund and am happy that Chairman BARTON has agreed to increase the fund's expenditures to over $2 billion over 5 years. The expanded LUST fund will give local communities the necessary resources to identify cleanup needs and proceed with actual cleanup efforts.

But more must be done in order to further protect communities like South Lake Tahoe.

Representative CHARLIE BASS has offered a proposal that would create a task force to seek a resolution to the MTBE cleanup issues in both New Hampshire and California.

I think this proposal is an important first step, and I encourage the House leadership to take a serious look at Representative BASS's proposal and work towards a more comprehensive solution for MTBE contamination in our communities.

In the end, Mr. Chairman, the Federal Government helped cause this problem and the Federal Government needs to help resolve it. The solution is not more litigation and lawsuits, but recognition that the Federal Government pushed MTBE on our communities, and now our communities need our help.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the Capps amendment.

During our committee hearing on February 16, 2005, we had a lively and substantial debate on the MTBE limited defective product liability waiver contained in the energy bill.

And during our markup last week, the committee considered a number of amendments on the MTBE provisions, including several offered by Mrs. Capps.

During our hearing on the 16th, we heard testimony from many different people, including Mr. Erik Olson on behalf of the National Resources Defense Council.

During his testimony, Mr. Olson alleged that MTBE causes cancer. Later in the hearing, I asked Mr. Olson if there is any conclusive evidence that proves that MTBE causes cancer in humans. Mr. Olson was unable to answer. That is because there is no evidence that MTBE does cause cancer in humans.

In fact, in the U.S. Department of Health and Human Services' 2002 Report to Congress, HHS found that there is not sufficient evidence to list MTBE as a carcinogen.

Even the World Health Organization and the European Union have both concluded that there are "negative results" or inadequate evidence that would merit classification of MTBE as a carcinogen.

Regardless, we do not want MTBE in our drinking water. But nor do we want benzene nor any other gasoline component that may be seeping into our groundwater.

That is why the energy bill bans its use in gasoline. That is why there are provisions in the bill that will send more Leaking Underground Storage Tank Trust fund money to help cleanup orphaned and abandoned sites.

In conclusion, I oppose the Capps amendment.

Ms. SOLIS. Mr. Chairman, I wholeheartedly support my colleague, Ms. CAPPS', amendment to eliminate the MTBE safe harbor liability shield.

This provision is an unfunded mandate on our communities and water providers who will be left holding the tab while the polluters cash in.

Our communities and those organizations representing them oppose this language.

These include: The U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Association of Towns and Townships, the Association of Metropolitan Water Agencies, the American Water Works Association, the Association of California Water Agencies, the Western Coalition of Arid States, the American Public Works Association, and the National Water Resources Association.

Supporters of this language, like the National Petrochemical and Refiners Association, claim that 96 percent of cleanups are paid for by the responsible parties, insurance companies, or state cleanup funds, and that future cleanup funds will be adequately paid for.

Similarly, supporters also believe that the funding this bill authorizes through the leaking underground storage tank trust fund will be sufficient to pay for cleanups.

What supporters are ignoring is that the existing authorizing program for regular cleanups, not intended solely for MTBE cleanups, is severely underfunded and State programs are broke.

Approximately 136,000 leaks are not being addressed yet, and EPA anticipates that over the next decade there will be between 6,000 and 12,000 new leaks each year.

EPA currently fails to meet its program goal of cleaning up 21,000 sites per year. In 2003, the EPA only cleaned up 18,000 sites—3,000 sites short of its goal. In 2004, only 14,235 sites were cleaned up—7,000 sites short of EPA's goal.

Despite the need for cleanup funds and EPA's inability to meets its cleanup goal, this administration has cut funding for cleanups by 8 percent, from $72 million in fiscal year 2001 to $69.4 million in the fiscal year 2005 omnibus.

Cleanups are not an administration priority. Cleanups are not the appropriators' priority.

Supporters can talk all day long about authorizing "sufficient" funds but it means nothing.

The reality is that this is an unfunded mandate and our cities, communities and water providers will be left holding the bag. An unfunded mandate on states which are paid for by taxpayers and largely broke.

In Arizona, California, Georgia, Illinois, Kentucky, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Rhode Island, South Dakota, Texas, Virginia and Wisconsin the funds are serviced exclusively with fuel taxes.

Programs in Alabama, Arkansas, Colorado, Florida, Iowa, Indiana, Louisiana, Massachusetts, Maine, Mississippi, North Carolina, North Dakota, Nebraska, New Mexico, Nevada, New York, Pennsylvania, South Carolina, Tennessee and Vermont are funded predominantly by fuel taxes.

In fact, Alaska, Delaware, Hawaii, Maryland, Oregon, Washington and West Virginia don't have cleanup funds.

More than 12 States have funds with more claims than money. The entire Texas financial assurance fund will sunset on September 1, 2006. Tennessee's fund is in the process of going broke; Michigan needs an estimated $1.7 billion to cleanup orphan sites. If you are from Florida, your state stopped accepting claims years ago. Arizona, Minnesota, Missouri, Nebraska and Vermont will all have stopped accepting claims by 2010, and Kansas and North Dakota, will not accept claims after 2014.

The bottom line is that, unlike supporters of the safe harbor provision would like to believe, the Federal Government is not funding the cleanups and the State programs cannot afford to fund the cleanups. Authorizing money in this bill will not solve that problem.

Colleagues, the Federal Government is not paying for cleanups and language amending the LUST program—supported by Republicans—will do nothing to help, in fact, it will further hinder the EPA's ability to clean up these sites and States' ability to prevent contamination.

This leaves taxpayers footing the bill instead of manufacturers. When taxpayers realize their money is being spent cleaning up the mess of corporate polluters who got rich off voluntarily using MTBE, when they realize that the Federal Government transferred a HUGE unfunded mandate onto them, those doing the dirty work, those supporting this provision, will be responsible.

The San Gabriel Valley Tribune said it best when they said "polluters should foot the bill."

I urge my colleagues to support efforts to strip this unfunded mandate from the energy bill.

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES

State	Client	Case Status
CA	California-American Water Company (Monterrey).	Filed 9-30-03
CA	California-American Water Company (Sacramento County).	Filed 9-30-03
CA	California Water Service Company	Filed 12-30-04
CA	Citrus Heights Water District	Filed 9-30-03
CA	City of Riverside	Filed 10-1/-03
CA	City of Roseville	Filed 10-16-03
CA	City of Sacramento	Filed 9-30-03
CA	Del Paso Manor Water District	Filed 9-30-03
CA	Fair Oaks Water District	Filed 9-30-03
CA	Florin Resource Conservation District	Filed 9-30-03
CA	Martin Silver. et. al.	Filed 9-30-03
CA	Orange County Water District	Filed 5-06-03
CA	Quincy Community Services District	Filed 11-07-03
CA	Rio Linda Elverta Community Water District.	Filed 9-30-03
CA	Sacramento County Water Agency	Filed 9-30-03
CA	Sacramento Groundwater Authority	Filed 9-30-03
CA	Sacramento Suburban Water District	Filed 9-30-03
CA	San Juan Water District	Filed 9-30-03
CA	The People of the State of California	Filed 9-30-03
CT	Columbia Board of Education	Filed 9-30-03
CT	Horace Porter School	Filed 9-30-03
CT	Town of East Hampton	Filed 10-22-03
CT	American Distilling and Mfg. Co. Inc.	Filed 10-22-03
CT	Our Lady of the Rosary Chapel	Filed 10-22-03
CT	United Water Connecticut, Inc.	Filed 11-07-03
FL	Escambia County Utilities Authority	Filed 10-24-03
IN	Campbellsburg	Filed 1-12-04
IN	Town of Mishawaka	Filed 11-17-03
IN	North Newton School Corp.	Filed 11-20-03
IN	City of Rockport	Filed 10-24-03
IN	Southbend	Filed 11-20-03
IA	City of Galva	Filed 9-30-03
IA	City of Ida Grove	Filed 9-30-03
IA	City of Sioux City	Filed 9-30-03
IL	Island Lake	Filed 11-18-03
IL	Village of East Alton (Individual Action)	Filed 2001
IL	Village of East Alton (Class Action)	Filed 9-30-03
KS	Bel Aire	Filed 11-14-03
KS	Chisholin Creek Utility Authority	Filed 11-14-03
KS	Dodge City	Filed 11-14-03
KS	Park City, City of	Filed 11-18-03
LA	City of Marksville	Filed 11-20-03
LA	City of Rayville	Filed 1-20-04
MA	Brimfield Housing Authority (Brimfield, MA).	Filed 9-30-03
MA	Centerville-Osterville-Marsons Mills Water Department.	Filed 11-17-03
MA	Chelmsford Water District (Chelmsford, MA).	Filed 9-30-03
MA	Dedham Westwood Water District	Filed 11-17-03
MA	City of Brockton	Filed 11-17-03
MA	City of Methuen	Filed 11-17-03
MA	City of Peabody	Filed 9-30-03
MA	Cotuit Fire District Water Department (Cotuit, MA).	Filed 9-30-03
MA	East Chelmsford Water District (Chelsford, MA).	Filed 9-30-03
MA	Hillcrest Water District (Leicester, MA)	Filed 9-30-03
MA	Leicester Water Supply District (Leicester, MA).	Filed 9-30-03
MA	Massasoit Hills Trailer Park, Inc.	Filed 11-17-03
MA	North Chelmsford Water District (Chelsford, MA).	Filed 9-30-03
MA	North Raynham Water District	Filed 11-17-03
MA	Sandwich Water District	Filed 11-17-03
MA	South Sagamore Water District	Filed 9-30-03
MA	Sudbury Water District	Filed 11-17-03
MA	Town of Avon	Filed 11-17-03
MA	Town of Bedford	Filed 11-17-03
MA	Town of Bellingham	Filed 11-17-03
MA	Town of Charlton	Filed 9-30-03
MA	Town of Danvers	Filed 11-17-03
MA	Town of Dover	Filed 11-17-03
MA	Town of Dudley	Filed 9-30-03
MA	Town of Duxbury	Filed 9-30-03
MA	Town of East Bridgewater	Filed 11-17-03
MA	Town of East Brookfield	Filed 11-17-03
MA	Town of Edgartown	Filed 9-30-03
MA	Town of Halifax	Filed 9-30-03
MA	Town of Hanover	Filed 9-30-03
MA	Town of Hanson	Filed 11-17-03
MA	Town of Holliston	Filed 11-17-03
MA	Town of Hudson	Filed 9-30-03
MA	Town of Maynard	Filed 9-30-03
MA	Town of Merrimac	Filed 11-17-03
MA	Town of Millis	Filed 11-17-03
MA	Town of Monson	Filed 9-30-03
MA	Town of Norfolk	Filed 11-17-03
MA	Town of North Attleborough	Filed 11-17-03
MA	Town of North Reading	Filed 11-17-03
MA	Town of Norwell	Filed 11-17-03
MA	Town of Pembroke	Filed 9-30-03
MA	Town of Reading	Filed 11-17-03
MA	Town of Salisbury	Filed 4-21-04
MA	Town of Spencer	Filed 9-30-03
MA	Town of Stoughton	Filed 11-17-03
MA	Town of Tewksbury	Filed 9-30-03
MA	Town of Tyngsboro	Filed 9-30-03
MA	Town of Ware	Filed 9-30-03
MA	Town of Wayland	Filed 9-30-03
MA	Town of West Bridgewater	Filed 11-17-03
MA	Town of West Brookfield	Filed 9-30-03
MA	Town of Weymouth	Filed 11-17-03
MA	Town of Wilmington	Filed 11-17-03
MA	Town of Yarmouth	Filed 11-17-03
MA	United Methodist Church (Wellfleet, MA)	Filed 9-30-03
MA	Water Supply District of Acton	Filed 4-21-04
MA	Westport Federal Credit Union	Filed 11-17-03
MA	Westview Farm, Inc. (Monson, MA)	Filed 9-30-03
NH	City of Dover	Filed 11-20-03
NH	City of Portsmouth	Filed 10-24-03
NH	State of New Hampshire	Filed 9-30-03
NJ	Thoedore Holten, et al	Filed 08-25-00
NJ	Borough of Penns Grove	Filed 10-23-03
NJ	City of Bridgeton	Filed 10-23-03
NJ	City of Camden	Filed 10-23-03
NJ	City of Gloucester City	Filed 10-23-03
NJ	City of Winslow	Filed 11-20-03
NJ	Elizabethtown Water Company	Filed 10-23-03
NJ	Little Egg Harbor Township	Filed 11-21-03
NJ	Mount Holly Water Company	Filed 10-23-03
NJ	Mount Laurel Municipal Utilities Authority	Filed 10-23-03
NJ	New Jersey American Water Company, Inc	Filed 10-23-03
NJ	Penns Grove Water Supply Company, Inc	Filed 10-23-03
NJ	Point Pleasant	Filed 11-21-03
NJ	Southeast Morris County Municipal Utilities Authority.	Filed 4-28-04
NJ	Township of Montclair	Filed 11-17-03
NJ	United Water Arlington Hills, Inc.	Filed 11-17-03
NJ	United Water Hampton, Inc.	Filed 11-17-03
NJ	United Water New Jersey, Inc.	Filed 11-17-03
NJ	United Water Toms River, Inc.	Filed 11-17-03
NJ	United Water Vernon Hills, Inc.	Filed 11-17-03
NY	Franklin Square Water District	Filed 11-14-03
NY	Great Neck North	Filed 10-28-03
NY	Hicksville	Filed 1-23-04
NY	Long Island Water Corporation	Filed 10-15-03
NY	Nassau County	Filed 9-30-03
NY	Port Washington Water District	Filed 11-07-03
NY	Rosyln Water District	Filed 4-28-04
NY	Suffolk County	Filed 10-20-02
NY	Town of Wappinger	Filed 4-28-04
NY	United Water New York, Inc.	Filed 11-10-03
NY	Village of Pawling	Filed 11-18-03
NY	Village of Sands Point	Filed 11-05-03
NY	Western Nassau Water Authority	Filed 10-02-03
NY	Village of Mineola	Unknown
NY	Village of Hempstead	Unknown
NY	West Hempstead Water District	Unknown
NY	Town of South Hampton	Unknown
NY	Town of East Hampton	Unknown
NY	Carle Place Water District	Unknown
NY	Westbury Water District	Unknown
NY	Plainview Water District	Unknown
NY	Christ the King Catholic Church (Queens)	Unknown
NC	Bobbie Adams, et al	Filed 8-15-03
PA	Northhampton Bucks County	Filed 3-11-04
VT	Craftsbury Fire District #2	Filed 1-12-04
VT	Town of Hartland	Filed 11-18-03
VA	Buchanan County School Board	Filed 11-10-03
VA	Greensville County Water & Sewer Authority.	Filed 11-17-03
VA	Patrick County School Board	Filed 10-30-03
WV	Matoaka	Filed 1-20-04

Source. Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states. other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

MTBE CONTAMINATION IS SOARING

Although the use of MTBE in gasoline is rapidly declining, detections of MTBE in water supplies are soaring. The number of water systems reporting MTBE contamination in tap water supplies increased more than 15-fold between 1996 and 2004, from 137 to 1,861, and the number of states reporting problems more than doubled, from 11 to 29, according to EWG Action Fund's analysis of state water testing data. These figures are not necessarily systems whose customers are currently drinking MTBE in their tap water, but those where it has been detected somewhere in the system. The total number of contaminated systems includes private water supplies that may serve only a single customer, but more than 60 percent (about 1,100 systems) supply drinking water to cities, counties, rural communities and schools.

In the majority of the affected communities, consumers are unaware of the contamination because water utilities take steps to protect them as soon as MTBE is detected. MTBE contamination as low as two parts per billion—two drops in an Olympic-sized swimming pool—can produce a harsh chemical odor and taste that can cause tap water to be undrinkable. To cope with the problem, water utilities must either blend MTBE-contaminated water with clean sources to dilute the chemical, install costly systems to remove it, or abandon affected wells and find new water sources. The American Water Works Association, representing 4,700 U.S. water systems, estimates nationwide MTBE cleanup and water replacement costs at $29 billion—and rising with each new detection.

MTBE contamination affects communities of all sizes, with contamination reported from large systems like San Diego, where the water utility serves 1.2 million people, to the Millbrook Country Day School in Massachusetts, serving 25 students and teachers. MTBE has been detected in water supplies serving 32 million people in California, about 4.7 million in New Jersey, about 2.2 million in Massachusetts and 1 million in Texas.

MTBE HAS BEEN FOUND IN TAP WATER IN AT LEAST 29 STATES

State	Number of systems affected by MTBE	Population served*
Alaska	1	36,000
Alabama	9	298,000
Arkansas	110	593,000
California	144	32,087,000
Delaware	15	83,000
Florida	13	857,000
Iowa	3	3,000
Illinois	44	354,000
Indiana	14	193,000
Massachusetts	221	2,243,000
Maryland	116	196,000
Maine	17	58,000
Michigan	14	57,000
Minnesota	27	224,000
Missouri	13	17,000
Nebraska	8	11,000
New Hampshire	280	409,000
New Jersey	430	4,791,000
New Mexico	5	39,000
Nevada	4	231,000
New York	170	453,000
Ohio	5	9,000
Oklahoma	13	6,000
Pennsylvania	47	981,000
Rhode Island	28	83,000
South Carolina	20	63,000
Texas	46	1,080,000
Virginia	15	12,000
Wisconsin	29	234,000
Total	1.861	21,557,000 to 45,698,000

* Low end estimate excludes systems serving over 1 million people. In large systems MTBE contamination typically affects only a portion of the population.

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

Important Note: A reported detection of MTBE does not mean the contaminant was found at any level in finished drinking water that the water system delivered to consumers. Some results reflect tests conducted on a water source, others may reflect results from finished tap water. MTBE contamination as low as 2 parts per billion produces a harsh chemical odor that renders the tap water undrinkable. For that reason, in the vast majority of the affected communities water utilities have taken steps to protect consumers, often with costly remedial action, as soon as MTBE is detected and before water is delivered. Water utilities either blend contaminated water with clean sources to dilute the MTBE in finished water, install costly systems to remove the chemical, or abandon tainted wells and shift to clean sources. Community water suppliers would be unable to recover the cost of these remedies from MTBE manufacturers under the liability shield Republican leaders have proposed to include in pending national energy legislation.

Data are primarily for community water systems. Comparable data are not available for MTBE contamination of the majority of private wells.

In some communities, a substantial portion of the local water supply has been contaminated, while in many others only one or two detections of MTBE have been made. But this last fact is less reassuring than it is worrisome. State water testing records obtained by EWG indicate that in almost all systems with just one positive detection of MTBE, tests for the compound were conducted in the last four years. Water systems nationwide are wrapping up a years-long process of meeting federal requirements mandating testing for "unregulated contaminants" like MTBE. This suggests that MTBE is only now showing up in many drinking water systems. The prospect that the MTBE contamination crisis has yet to peak makes the scheme to shield polluters from liability all the more troubling.

Also rising rapidly are lawsuits against the oil companies by communities whose water is contaminated with MTBE. Since 2003, 155 water systems in 17 states have filed suits arguing that MTBE is a defective product, and that refiners knew that it would contaminate groundwater before they began adding it to gasoline but failed to warn consumers. In 2002 that argument, outlined in devastating detail in industry documents, convinced a jury to find Shell, Texaco and four other companies liable for contaminating drinking water supplies in South Lake Tahoe, Calif., forcing a $60 million settlement for cleanup. In 2003, Shell, Exxon, ChevronTexaco and 15 other companies settled a contamination lawsuit brought by Santa Monica, Calif., by agreeing to spend an estimated $200 million on a filtration system to remove MTBE from the city's water supplies.

The success of those lawsuits in holding the oil companies responsible for MTBE contamination sparked the first attempt in 2003 by the industry and its political allies to make it impossible for communities to sue on defective product grounds. In turn, the push for the waiver set off a rush to file lawsuits by communities with contamination. Of the 150-plus cases now in court, all but three were filed after September 2003 and would be thrown out by the retroactive provision of the DeLay-Barton bill. If MTBE makers are given immunity from defective product lawsuits, the burden of cleanup will fall to individual gas station owners, most of whom lack the kind of money it would take, and ultimately to the taxpayers.

In the House, 21 Republicans and five Democrats who voted for the energy bill and MTBE liability waiver now are faced with the prospect, if they again support it, of throwing out a total of 38 lawsuits filed by community water systems in the districts they represent. Three Members are from New Jersey, which has a total of 430 water systems where MTBE has been detected—far more systems than in any other state, supplying drinking water to 4.7 million Garden State residents. Eleven are from California, where MTBE has been found in 144 water systems serving more than 32 million people—almost 90 percent of the state's population.

An additional 81 House members—74 Republicans and 9 Democrats—who supported the energy bill and liability waiver represent districts where MTBE has been detected in the water supply, but lawsuits have not been filed. Seven are from California, representing districts where 22 water systems have detected MTBE. Thirteen, including Delay and Barton, are from Texas; in their districts are 29 water systems with MTBE contamination. One House member who voted yes in 2003 (Arkansas Democrat Mike Ross) has 50 water systems in his district with contamination. Another (Maryland Republican Roscoe G. Bartlett) has 50.

84 HOUSE MEMBERS WHO VOTED TO PROTECT OIL COMPANIES FROM LITIGATION IN 2003 ALSO REPRESENT COMMUNITIES WITH MTBE IN THEIR DRINKING WATER

Member	State/District	Systems with contamination	Vote on Energy Bill final passage in 2003
1. Akin, W. Todd	MO–2nd	2	Yea
2. Baca, Joe	CA–43rd	2	Yea
3. Bachus, Spencer	AL–6th	2	Yea
4. Barrett, J. Gresham	SC–3rd	4	Yea
5. Bartlett, Roscoe G.	MD–6th	50	Yea
6. Barton, Joe	TX–6th	1	Yea
7. Berry, Marion	AR–1st	28	Yea
8. Biggert, Judy	IL–13th	1	Yea
9. Blunt, Roy	MO–7th	2	Yea
10. Bonilla, Henry	TX–23rd	3	Yea
11. Bonner, Jo	AL–1st	5	Yea
12. Boozman, John	AR–3rd	18	Yea
13. Brady, Kevin	TX–8th	1	Yea
14. Brown, Henry E. Jr.	SC–1st	1	Yea
15. Burgess, Michael C.	TX–26th	1	Yea
16. Buyer, Steve	In–4th	3	Yea
17. Camp, Dave	MI–4th	3	Yea
18. Cantor, Eric	VA–7th	3	Yea
19. Carter, John R.	TX–31st	2	Yea
20. Cole, Tom	OK–4th	4	Yea
21. Culberson, John Abney	TX–7th	2	Yea
22. Cunningham, Randy "Duke"	CA–50th	1	Yea
23. Davis, Jo Ann	VA–1st	1	Yea
24. DeLay, Tom	TX–22nd	1	Yea
25. Dreier, David	CA–26th	6	Yea
26. Emerson, Jo Ann	MO–8th	4	Yea
27. Evans, Lane	IL–17th	6	Yea
28., Everett, Terry	AL–2nd	1	Yea
29. Feeney, Tom	FL–24th	1	Yea
30. Foley, Mark	FL–16th	3	Yea
31. Gerlach, Jim	PA–6th	11	Yea
32. Gibbons, Jim	NV–2nd	3	Yea
33. Goode, Virgil H. Jr.	VA–5th	2	Yea
34. Goodlatte, Bod	VA–6th	2	Yea
35. Graves, Sam	MO–6th	2	Yea
36. Green, Gene	TX–29th	2	Yea
37. Gutknecht, Gil	MN–1st	4	Yea
38. Hall, Ralph M.	TX–4th	4	Yea
39. Harris, Katherine	FL–13th	1	Yea
40. Hastert, J. Dennis	IL–14th	5	Yea
41. Hoekstra, Peter	MI–2nd	1	Yea
42. Holden, Tim	PA–17th	3	Yea
43. Hunter, Duncan	CA–52nd	2	Yea
44. Hyde, Henry J.	IL–6th	1	Yea
45. Issa, Darrell E.	CA–49th	4	Yea
46. Istook, Ernest J. Jr.	OK–5th	4	Yea
47. Johnson, Timothy V.	IL–15th	2	Yea
48. Kennedy, Mark R.	MN–6th	5	Yea
49. Kline, John	MN–2nd	7	Yea
50. LaHood, Ray	IL–18th	7	Yea
51. Lewis, Jerry	CA–41st	3	Yea
52. Lucas, Frank D.	OK–3rd	5	Yea
53. McCotter, Thaddeus G.	MI–11th	1	Yea
54. McHugh, John M.	NY–23rd	14	Yea
55. Manzullo, Donald A.	IL–16th	8	Yea
56. Neugebauer, Randy	TX–19th	2	Yea
57. Ney, Robert W.	OH–18th	2	Yea
58. Osborne, Tom	NE–3rd	4	Yea
59. Pearce, Stevan	NM–2nd	2	Yea
60. Pence, Mike	IN–6th	1	Yea
61. Peterson, Collin C.	MN–7th	3	Yea
62. Platts, Todd Russell	PA–19th	4	Yea
63., Radanovich, George	CA–19th	4	Yea
64. Ramstad, Jim	MN–3rd	2	Yea
65. Rogers, Mike	MI–8th	3	Yea
66. Rogers, Mike	AL–3rd	1	Yea
67. Ross, Mike	AR–4th	50	Yea
68. Sabo, Martin Olav	MN–5th	1	Nay
69. Sessions, Pete	TX–32nd	1	Yea
70. Shaw, E. Clay Jr.	FL–22nd	1	Yea
71. Sherwood, Don	PA–10th	7	Yea
72., Shimkus, John	IL–19th	8	Yea
73. Skelton, Ike	MO–4th	1	Yea
74 Smith, Lamar S.	TX–21st	12	Yea
75. Terry, Lee	NE–2nd	1	Yea
76. Thornberry, Mac	TX–13th	1	Yea
77. Upton, Fred	MI–6th	2	Yea
78. Weldon, Curt	PA–7th	5	Yea
79. Weller, Jerry	IL–11th	5	Yea
80. Wilson, Heather	NM–1st	1	Yea
81. Wilson, Joe	SC–2nd	7	Yea
82. Wynn, Albert Russell	MD–4th	2	Yea
83. Young, C. W. Bill	FL–10th	1	Yea
84. Young, Don	AK–At Large	1	Yea

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

APRIL 5, 2005.

OPPOSE THE MTBE LIABILITY WAIVER!

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: The undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember:

1. MTBE was never mandated, and Congress is not obligated to provide the producers "safe harbor." And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of $29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Larry Naake, Executive Director, National Association of Counties; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Steve Hall, Executive Director, Association of California Water Agencies; Larry Libeu, President, Western Coalition of Arid States.

Donald J. Borut, Executive Director, National League of Cities; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Jack Hoffbuhr, Executive Director, American Water Works Association; Peter B. King, Executive Director, American Public Works Association; Thomas F. Donnelly, Executive VP, National Water Resources Association.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

The point of no quorum is considered withdrawn.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order and engage in a colloquy with the chairman of the Committee on Agriculture.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise to congratulate my good friend, the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, for his leadership in forging a comprehensive, cohesive energy policy for our Nation. I also applaud the chairman for his attempts to ensure a reliable, efficient, and affordable energy supply. We all can agree that a transparent energy market is essential to achieving the overall goals of this bill.

I am concerned, however, Mr. Chairman, that the current language in title 12, specifically section 1281, weakens the protections afforded the sensitive and proprietary information used to determine energy prices.

Mr. Chairman, I seek the assurance of the gentleman from Texas (Mr. BARTON) that he will work with me and concerned others on language that clarifies the Commodity Futures Trading Commission's exclusive jurisdiction with respect to accounts, agreements, and transactions involving commodity futures and options.

The CFTC has a long history of sharing futures and options trading data with other Federal and State regulators that agree to abide by the public disclosure restrictions found in section 8 of the Commodity Exchange Act.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for raising these concerns and agree with the gentleman that market transparency is an absolute need for an affordable energy supply and that the protection of proprietary data is a must for the efficient and effective use of U.S. futures markets. Regulation of United States futures exchanges is certainly within the jurisdiction of the CFTC. I give the gentleman my assurances I will work with him on language that reflects the Commodity Futures Trading Corporation's jurisdiction in its vital role in market transparency.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order to engage in a colloquy with the gentlewoman from Ohio (Ms. PRYCE).

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, section 1287 of H.R. 6 includes permissive rulemaking authority for the Federal Trade Commission to adopt rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric customers.

Am I correct, sir, in understanding that it was the committee's intent to grant the FTC rulemaking authority with respect to the information practices of utility companies not already regulated, or to the extent they are not already regulated, under the Gramm-Leach-Bliley Act?

Mr. BARTON of Texas. The gentlewoman is correct.

Ms. PRYCE of Ohio. Am I further correct that it was not the intention that utility companies be restricted in their ability to report payment history information to consumer reporting agencies?

Mr. BARTON of Texas. The gentlewoman is once again correct.

Ms. PRYCE of Ohio. Sir, am I further correct that it was not your intention that the FTC be given broad rulemaking authority with respect to the goods or services that can be offered to a customer simply because the customer uses electricity, but rather the FTC has the authority to regulate the offering or billing of products or services by utility companies?

Mr. BARTON of Texas. The gentlewoman is correct, for the third time in a row.

Ms. PRYCE of Ohio. Mr. Chairman, I thank the gentleman for his clarifications and for his assistance and the assistance of his staff in this situation.

Mr. BARTON of Texas. We always thank the gentlewoman for her inquiries.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 28 printed in House Report 109–49.

AMENDMENT NO. 28 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. INSLEE:

At the end of title XXVI add the following:

SEC. ___. LIMITATION ON RENT AND OTHER CHARGES WITH RESPECT TO WIND ENERGY DEVELOPMENT PROJECTS ON PUBLIC LANDS.

(a) IN GENERAL.—The Secretary of the Interior may not impose rent and other charges, excluding for the cost of processing rights-of-way, with respect to any wind energy development project on public lands that, in the aggregate, exceed 50 percent of the maximum amount of rent that could be charged with respect to that project under the terms of Bureau of Land Management Instruction Memorandum No. 2003-020, dated October 16, 2002.

(b) TERMINATION.—Subsection (a) shall not apply after the earlier of—

(1) the date on which the Secretary of the Interior determines there exists at least 10,000 megawatts of electricity generating capacity from non-hydropower renewable energy resources on public lands; or

(2) the end of the 10-year period beginning on the date of the enactment of this Act.

(c) STATE SHARE NOT AFFECTED.—This section shall not affect any State share of rent and other charges with respect to any wind energy development project on public lands.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This amendment is part of our continuing effort to diversify our supplies of energy by increasing the amount of wind power we can generate off of our Department of the Interior lands, principally, our Bureau of Land Management lands. It will do so by cutting in half the royalty that is scheduled to be applied under the BLM criteria. We are actually quite high, probably in the neighborhood of almost twice sometimes what the private sector and private lands charge. Reduce it from about $2,300 on average to about $1,100 per megawatt.

This is very similar to a provision we passed last year in the energy bill, and it really follows the tremendous growth of wind energy we are experiencing.

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Well, actually wind energy is growing about 30 percent a year, which is rather a Herculean growth rate that we are having, and that is because we have abundant wind energy, thankfully, in this great land of ours.

Now, we want to maximize it on our public lands. I know in many places we are having success with wind. In Washington State we are proud of the largest wind farm in the North American hemisphere, at State Line, Washington, which has about 263 megawatts, powers about 25,000 homes. We have several projects in Washington State, in fact, on public land in Washington State we have at least 600 acres very eligible for economically efficient production of wind energy.

So we think this is a way to help boost wind because what we have found is that every time we increase the number of units of wind energy we use, we decrease its price. There is a very clear correlation. Every time the number of units go up by a factor of 10, prices come down by 20 percent. Actually, wind energy has been reduced in price this decade by 80 percent. It is a pretty spectacular success story.

Wind is not without any impacts. It has aesthetic impacts, of course, but we think this is one way to give a boost to an infant, nascent industry that can go up to a place where right now is very close to market-based, really is market-based rates at this time.

The gentleman from California (Mr. POMBO) was good enough to agree to an amendment in the Resources Committee to state a national goal of generating 10,000 megawatts of renewable energy from our Federal lands within the decade. This is one small step in that direction. So we hope that we will continue the growth of wind.

This is one very small part of a larger project I am championing called the New Apollo Energy Project, which really will spur the development of high technology.

Let me lastly state that other countries are having successes as well. Denmark hopes to have 50 percent of their electrical content generated by wind and other renewables in 2025. They are at about 30 percent now.

This is not pie in the sky; it is very achievable. We want to grow those jobs here in America, eventually have a domestic wind turbine job base, industrial base; and we have a lot of jobs to create, hooking up those wind turbines.

We hope that we can pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to claim the time on our side.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from California will control 5 minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may use.

I congratulate my colleague, the gentleman from Washington (Mr. INSLEE) for bringing this amendment forward. I think this is an important amendment. It is very consistent with the rest of the bill.

When we look at royalty relief, we know that that does spur investment in a particular industry. It helps to build domestic energy in this country, and it is all part of the effort of the overall bill to gain greater energy independence from foreign countries.

I believe very strongly in wind energy. I think it is a positive move. It is something that has moved dramatically in the last 20 years in this country. But we do know that royalty relief is something that spurs investment in a particular industry.

I look forward to working with the gentleman from Washington (Mr. INSLEE) further on wind energy, but also on increasing the amount of investment we have on energy independence in this country, things like we are doing on deep drill and deep water drilling and other things that we are doing in the bill. I am glad that he recognizes that royalty relief is a way to spur greater independence in this country.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON), the Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Chairman, I just want to add my support for the amendment. I think it helps the bill. I would encourage my friend from Washington, as he once again gets another amendment in the bill, to consider voting for final passage.

He is going to have more stuff in the bill than I am. So at some point in time the weight of the evidence is that he should be supportive of the bill.

Mr. POMBO. Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the gentleman from Texas (Mr. BARTON). We cannot measure contribution by number, we have to measure by weight. However, Mr. Chairman, I think you are still going to win the debate.

By the way, I am a new member of the Commerce Committee. I want to thank the gentleman from Texas (Mr. BARTON), the chairman, for the very fair-minded way that he handled this in committee, in giving both sides an adequate degree of leeway to argue their positions. We all appreciate his leadership.

Mr. Chairman, I yield back the balance of my time.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

I urge support of the amendment. The Resources Committee accepts the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 29 printed in House report 109–49.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. HASTINGS of Florida:

At the end of the bill, add the following new title:

TITLE XXVII—ENVIRONMENTAL JUSTICE

SEC. 2701. EXECUTIVE ORDER 12898.

The provisions of Executive Order 12898, dated February 11, 1994, pertaining to Federal actions to address environmental justice in minority populations and low-income populations, shall remain in force until changed by law. In carrying out such executive order, the provisions of this title shall apply.

SEC. 2702. ADDITIONAL PROVISIONS RELATING TO ENVIRONMENTAL JUSTICE.

(a) DEFINITION OF ENVIRONMENTAL JUSTICE.—For purposes of Executive Order 12898, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, educational level, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that minority and low-income communities have adequate access to public information relating to human health and environmental planning, regulations, and enforcement. Environmental justice ensures that no population, especially the elderly and children, are forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazard.

(b) Identification and Prioritization of Environmental Justice Communities.—For purposes of Executive Order 12898, criteria for defining an environmental justice community shall include demographic characteristics, such as percentages of minority and low-income residents within an area, as well as—

(1) health vulnerabilities, such as cancer mortality and incidence rate, infant mortality, low birth weight, asthma, and childhood lead poisoning; and

(2) environmental conditions, such as facility density and proximity to Corrective Action/Superfund Sites, Enforcement Data (percent and number of uninspected facilities, percent and number of unaddressed violations, average and total penalty and air nonattainment status), emissions, attainment status, indoor air issues, 305b stream data, fish advisories, beach closings, and truck traffic.

(c) Establishment of Offices of Environmental Justice.—For purposes of Executive Order 12898, each of the following shall establish an Office of Environmental Justice:

(1) Department of Health and Human Services.

(2) Department of Housing and Urban Development.

(3) Department of Defense.

(4) Department of Labor.

(5) Department of Agriculture.

(6) Department of Transportation.

(7) Department of Justice

(8) Department of the Interior.

(9) Department of Commerce.

(10) Department of Energy.

(11) Environmental Protection Agency.

(12) Office of Management and Budget.

(13) Office of Science and Technology Policy.

(14) Office of the Deputy Assistant to the President for Environmental Policy.

(15) Office of the Assistant to the President for Domestic Policy.

(16) National Economic Council.

(17) Council of Economic Advisers.

(18) Such other Government officials as the President may designate.

(d) Integration of Environmental Justice Policies in Agency Actions.—For purposes of the environmental justice strategies developed by agencies under Executive Order 12898, each agency shall integrate the strategy into the operation and mission of the agency and explicitly address compliance with this Act, including in the following activities:

(1) Future rulemaking activities.

(2) The development of any future guidance, environmental reviews (including NEPA, CAA, Federal Land Policy Act), regulation, or procedures for Federal agency programs, policies, or activities that affect human health or the environment.

(e) Interagency Federal Working Group Coordination and Guidance.—The interagency Federal Working Group on Environmental Justice (in this section referred to as the "Working Group") shall—

(1) coordinate an integrated environmental justice training plan for the Federal agencies and offices listed in subsection (c);

(2) formalize public participation efforts;

(3) survey the Federal agencies and offices to determine what is effective and how to best facilitate outreach without duplicating efforts;

(4) develop a strategy for allocating responsibilities and ensuring participation, even when faced with competing agency priorities; and

(5) coordinate plans to communicate research results so reporting and outreach activities produce more useful and timely information.

(f) Agency Public Participation Efforts.—

(1) Outreach efforts.—Each Federal agency listed in subsection (c) shall carry out and report outreach activities to the Working Group, including the following:

(A) Respond directly to inquiries from the public and other stakeholders.

(B) Maintain websites and listservers.

(C) Produce and distribute hardcopy documents and multimedia products.

(D) Conduct or sponsor briefings, lectures, and press conferences.

(E) Testify before Congress or other government bodies.

(F) Finance scholarships, fellowships, and internships.

(G) Support museum exhibits and other public displays.

(H) Sponsor, participate, or otherwise contribute to meetings attended by stakeholders.

(I) Provide scientifically-sound content for K-12 education activities; and

(J) fund outreach efforts managed outside the Federal Government.

(2) Stakeholders.—To ensure their active public participation and to provide input early in environmental decision-making, Federal agencies along with the Working Group shall develop ways to enhance partnerships and coordination with stakeholders, including affected communities, Federal, Tribal, State, and local governments, environmental organizations, nonprofit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.

(g) Community Technology Centers.—

(1) In general.—Federal agencies shall fund community technology centers to assist with technical assistance issues in the environmental justice area.

(2) Description.—In this subsection, the term "community technology center" (CTC) refers to programs with the goal of providing at least 10 hours of open access a week for anyone in a community, especially youth and adults in low-income urban and rural communities, for purposes of providing technical assistance to communities experiencing issues of environmental hazards.

(3) Location.—A community technology center may be located in places such as libraries, community centers, schools, churches, social service agencies, low-income residential housing complexes, and Minority Academic Institutions (such as Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges).

(4) Activities of community technology center.—A community technology center funded under this section shall—

(A) assist community members in becoming active participants in cleanup and environmental development activities;

(B) provide independent and credible technical assistance to communities affected by hazardous waste contamination;

(C) review and interpret technical documents and other materials;

(D) sponsor workshops, short courses, and other learning experiences to explain basic science and environmental policy;

(E) inform community members about existing technical assistance materials, such as publications, videos, and web sites;

(F) offer training to community leaders in facilitation and conflict resolution among stakeholders; and

(G) create technical assistance materials tailored to the identified needs of a community.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Florida (Mr. Hastings) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. Hastings).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment of critical importance to the health and well-being of minority, low-income, and other underserved communities.

It was barely 20 years ago when our Nation first became concerned with minority communities and the disproportionate impact pollution has on their health. Over the years, we have sought, and many have done good things to combat, these environmental injustices across community lines.

Following the lead of former President George H.W. Bush, who established the Office of Environmental Justice at EPA in 1994, then President Clinton signed Executive Order 12898, titled Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

This order required that all appropriate Federal agencies collect data on the health and environmental impact of their programs and activities in minority and low-income populations, and then develop policies to achieve environmental justice. The order also required Federal agencies and their funding recipients to conduct their programs and implementing policies in a nondiscriminatory manner.

Despite the order, Federal efforts to achieve environmental justice have been minimal at best. In fact, in 2002, the U.S. Commission on Civil Rights concluded, "There is inconsistency and unevenness in the degree to which agencies achieve integration of the environmental justice into their core mission."

When I asked, just last week, about the future of environmental justice at EPA, an official stated, and I quote, "What are we going to do for 2005?" We do not know.

The amendment that I am offering today codifies Executive Order 12898. My amendment establishes offices of environmental justice in appropriate agencies and reestablishes the Interagency Federal Working Group on Environmental Justice. Perhaps, most importantly, the amendment represents the first time ever that Congress has attempted to define the term "environmental justice."

Mr. Chairman, more than 70 percent of African Americans and Latinos, compared to only 58 percent of the majority community, live in counties which regularly fail to meet current clean air standards. In these areas, a disproportionate number of citizens are suffering from cancer, asthma, toxic poisoning and lung-related deaths.

In my own district, there are continuing problems in this area throughout the district and specifically in Ft. Lauderdale. People are literally dying from pollution in their own back yards. It is not by coincidence that the majority of power plants and refineries in the United States are built in low-incomes areas. The land is cheap, the political influence of the neighborhood is virtually nonexistent, and in the bill we are considering this week, such siting is actually encouraged.

This amendment does nothing to change existing policy, nor does it amend any provision in the bill. All that it does is ensure that avenues which currently exist will always exist for underserved communities wishing to seek recourse when poor energy and environmental policies adversely affect their health and well being.

I implore my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) will control 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment not because I oppose environmental justice, but because I do not think this amendment is necessary. The amendment does not codify existing powers in the Federal Government. It would change the way that they are currently operating.

The current environmental justice programs are in no danger of being repealed. The subject of the amendment, Executive Order 12898, is already in effect and requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental affects of its programs, policies and activities on minority populations and low-income populations.

In my opinion, this amendment is a step backward in allowing minority and low-income communities the opportunity for individual choice and economic freedom in creating jobs and encouraging development in these low-income areas that are in such desperate need of revitalization and economic growth.

More environmental restrictions and quotas, that would result from this amendment, will only continue the plight of these economically disadvantaged communities by discouraging further development.

EPA already has several offices that have responsibility for overseeing and instituting environmental justice programs, including two specific ones, the Office of Environmental Justice and a national advisory committee that gives national focus to environmental justice concerns in all environmental protection programs at the EPA.

So I know it is a well-intentioned amendment, but it is not necessary because we have existing executive orders. The agencies are implementing it. And I think this would actually do more harm than good.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM.)

Mr. CUNNINGHAM. Mr. Chairman, I am opposed to my friend's amendment, and he is a friend, he is a good friend. I have not had a chance to speak on the floor, but I thought this fit right in line with environmental justice.

When many of us came, in 1990, the Clean Air Act came up. And I remember Mr. Daschle, who is no longer with the other body, standing up and talking about how good MTBEs were. None of us knew. I saw a special that showed how bad MTBEs are, and that they are poisoning our waters in many communities. They should be removed.

But when the Government asks any industry to do its bidding, and it does that, then I think that the government should protect that individual, whatever the company is, because it did what the government told it to do. Now, I think what we should do with this is push forward, help with the cleanup, and fight and do everything we can to get MTBEs out of our system and out of our groundwater.

The gentleman from California (Mr. POMBO) did that in 1996, and my colleagues on the other side fought that tooth, hook and nail. I was the cosponsor of the bill.

When you talk about justice, let us look at why we ended up with it, where we are, and let us work together to get rid of this stuff.

The Acting CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining, and the gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. HASTINGS of Florida. Mr. Chairman, I yield my remaining 30 seconds to my good friend and colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise to support the Hastings amendment. California law, back in 1996, we passed this particular amendment, and I carried that bill. It was one of the first in this country. Now there are 29 States that are enforcing this.

Under the energy bill, this provision is necessary because they will be able to put refineries, be able to go onto Native Americans lands, they will be able to go into communities of color, in low-income communities like mine that are underserved right now, that have many, many egregious projects that are there that are polluting our waters, and making our life, I think, a health hazard.

This is the wrong direction to go in with the energy bill. We need to support this amendment for environmental justice when right now, under the Bush administration, 33 percent of EJ moneys have been cut.

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The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I will yield 1 of my 2 minutes to the gentleman if he wants to close on the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman, but sometimes enough is enough and Members want to go home.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in strong support of this amendment and I congratulate the gentleman from Florida, Mr. HASTINGS, for bringing it to the floor of the House.

The amendment would expand the Federal definition of environmental justice, directs each Federal Agency to establish an office of environmental justice, reestablishes the interagency Federal Working Group on Environmental Justice, and requires that Executive Order 12898 remain in force until changed by law.

By adopting the amendment we can take a significant step to ensuring that current and future Federal policies will be informed by the need to protect minority and low-income communities from poor environmental and energy decisions and policies.

The amendment is similar to a bill I introduced earlier this year with our colleague from California, Representative HILDA SOLIS. It is also cosponsored by the gentleman from New Jersey, Mr. ANDREWS as well as by Mr. HASTINGS of Florida, the author of this amendment.

Like this amendment, that legislation was prompted by our continued concern about the way Federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—

without full appreciation that human beings, who deserve to be treated with respect and dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

This amendment, like our bill, would help do just that. The amendment, like our bill, essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all Federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although Federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to "institutionalize" the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this amendment, like our bill, would do.

It would do this by statutorily requiring all federal agencies to—make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low-income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees: The Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, State agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell, what this amendment—like our bill—would do is require Federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells Federal agencies, "In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future."

I urge adoption of the amendment.

Mr. BARTON of Texas. Mr. Chairman. I urge a "no" vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman. I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

The point of no quorum is considered withdrawn.

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 109-49.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 30 offered by Mr. CASTLE:
>
> In title III, strike section 320, and make the necessary conforming changes in the table of contents.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am very concerned about the process by which terminals for LNG will be selected in this country. Let me say. I support natural gas. I support the use of liquefied natural gas. I understand we need ports. I also understand the nearer they are to the pipeline the better off we are. But the bottom line is that the process that is in this legislation which supplants the existing process, in my judgment, tramples on the rights of the States and the individual communities, as they have indicated in their letters to us, to be able to influence these decisions that are made.

If you read this carefully, you will see that H.R. 6 requires FERC to consult with the State, but it clearly removes the directive that FERC base its decision on community support or opposition, which it does now.

States do a heck of a lot more than consult. At times they can object entirely. There may be problems. In the case of one being located in the Delaware River, New Jersey has some problems with it, in terms of boats being able to turn and environmental issues, whatever it may be. There are a lot of problems across the United States of America.

My judgment is that we are taking absolutely the wrong step by this rather strong measure that turns over to this Federal commission the right to make local decisions. That is something that none of us in the Congress of the United States should endorse.

So for that reason I hope the amendment reverting to where it was before would be accepted.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I rise to make remarks on the subrogation provision in the Price Anderson section of H.R. 6.

Mr. Chairman, I would like to discuss a provision in this bill that I have some concerns with.

I have the pleasure of representing the Department of Energy sites in Oak Ridge, Tennessee. This site is a natural asset that not only has a vitally important defense mission, a growing and prominent science mission, but an ongoing active environmental cleanup activity. I am proud of the caliber of contractors we have in Oak Ridge and the work they do for our country.

I have some concerns with Section 612 in the nuclear title of this bill.

This provision, dealing with Price Anderson Act indemnity, is reportedly designed to make DOE contractors more "financially accountable" for their actions in support of the DOE nuclear mission.

The fact is that there are already a wide variety of mechanisms in place to ensure DOE contractor accountability: from civil penalties of up to $110,000 a day; to stop work orders; to contract terminations; to criminal fines and imprisonment. There is no evidence that additional sanctions are needed.

In the 48-year history of Price Anderson, no government contractors have been found to have engaged in "willful misconduct."

Are we willing to ask the government's best contractors at all levels, the ones we want involved in this business, to face significantly increased financial risks that have and will likely remain uninsurable?

I believe that we presently have sufficient mechanisms in place to hold the contracting community accountable. The inclusion of this provision in the final Energy bill will have the opposite effect as intended. Rather than adding to financial accountability it will drive the most prudent and best performing contractors out of the DOE nuclear market.

I do not want to imagine a time when the activities at Oak Ridge are not being conducted by the most qualified DOE contractors.

If Section 612 was enacted, I fear that it will have a detrimental impact on not only the defense mission of DOE, but on most of the government's nuclear science activities.

I look forward to working with Chairman BARTON and the Energy and Commerce Committee to perfect this provision as we head to Conference with the Senate.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT) for purposes of a colloquy.

Mr. CALVERT. Mr. Chairman, I want to thank the gentleman for engaging in this colloquy with me addressing the Department of Defense, DOD's concern in any decision FERC would make authorizing the siting of liquefied natural gas facilities, LNG, on or contiguous to our defense installations.

Mr. Chairman, I know and believe our colleagues all recognize the extreme importance of our duty to ensure that our men and women in uniform are able to operate and train in an environment free of any unnecessary constraints.

Should a proposal to site an LNG terminal be on or adjacent to a military installation or range, I believe there would be concerns that should be addressed as to whether there may be an impact upon military operations, training and readiness. Among the factors that may impact the day-to-day operations of a military installation or range include the actual location of an LNG storage and regasification unit, shipment routes, frequency of shipments, natural gas pipelines, maintenance and inspection regimes, and other activities mandated by Federal and State laws and regulations.

I have spoken with the officials at the Department of Defense and assessing non-military impacts to installation operations and training is something they are capable of and in fact do on a regular basis. It is my belief the Department of Defense should have a role in assessing the impact of such proposed sitings to be considered on or contiguous to a military installation or range. I believe that the commission should consider the Department's evaluations so that any siting does not interfere with our military's duties as prescribed in title 10 of the U.S. Code.

Mr. Chairman, can you confirm that we can discuss this concern further at conference?

Mr. BARTON of Texas. If the gentleman will yield, Mr. Chairman, I tell the distinguished gentleman from California, my good friend, that we can discuss this further at conference and I look forward to that.

Mr. CALVERT. I thank the gentleman.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I thank the chairman for working with me to put this into the base bill.

Since 1999 natural gas prices have more than tripled to over $7. It is off the charts now. It is projected that if we do not do anything about natural gas supplies, it could reach $13, $14 by 2020.

What does that mean?

It means higher heating bills; 65 percent of my constituents heat their homes in Nebraska by natural gas. By the way, we have lost, Mr. Chairman, about 3 million jobs in the industrial manufacturing bases. Just for our farmers, our agricultural folks in the Midwest, farmers have seen the prices of nitrogen fertilizer increase from $175 per ton in 2000 to more than $400 this planting season, and we have lost half of our fertilizer manufacturers chasing the lower natural gas prices.

Mr. Chairman, in regard to safety, the gentleman wrote into this language specifically giving the States the right to participate in this process, and I encourage my colleagues to vote "no."

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this photo behind me is an LNG tanker in Boston Harbor delivering LNG to Everett, Massachusetts. Right behind you can see East Boston High School. If there was a terrorist attack, if there was an accident, you would not call the Federal Government. It would be the local police, the local fire department, the local emergency medical technicians that would respond.

The Republican bill eliminates the State and local participation in determining where a facility like this would be placed. Now, it is not like there is a crisis. In America there were two of these facilities in 2001. There are now five. Six more have already been licensed by the State governments and the Federal Government in the United States. There is no crisis.

So why are the mayors, why are the Governors being walled out? It is because the Republican majority wants to hand it over to the Federal Government and to the natural gas industry. But it would be very dangerous to exclude the communities that are most affected, especially when States know they need the LNG, we admit that, but we want to put it in more remote areas in the State or perhaps offshore and have it be piped in. But the Republican majority says, no, we want to put it in the most densely populated areas and wall out all Governors, all State officials.

Vote "yes" for the Castle amendment. Protect States' rights.

Mr. BARTON of Texas. Mr. Chairman, I commend the gentleman from Massachusetts (Mr. MARKEY) on his visual.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I always enjoy following my colleague. He is very impassioned. He is just wrong on this.

The picture that the gentleman put up, he wants it offshore and wants it piped in. One of the most crazy things ever to happen to me is I am sitting in my office and the energy company comes in. They are excited about building an LNG facility in the Bahamas and they want to pipe this natural gas in to Florida.

Now, who gets the tax revenue from that facility? Not the United States. Who will get the jobs from that facility? Not the United States. Who is going to get energy security from that facility? Not the United States. Who has a problem with a pipeline underneath the ocean? We do.

I just cannot believe that we want to give up the jobs, the energy security, and the ability to have these facilities in the United States and put them in remote areas, many of them outside the continental United States.

If we want good jobs, we want lower prices, we want to help our farmers with lower fertilizer deals, we have to defeat this amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I urge strong support of the Castle-Markey amendment to H.R. 6. This amendment would ensure that the States have a proper role in the siting of energy facilities.

There is this photograph of a large tanker in Boston Harbor. I do not have the good fortune to represent a city like Boston, but there are four, five or six communities in my congressional district, communities of 1,000; 5,000; or 10,000 people where a facility like this would change the basic characteristics of that community forever.

Some people are passionately for the LNG facilities. Other people are passionately against the LNG facilities. I have told these folks they get the chance to decide and not a bureaucrat 3,000 miles away.

Vote for this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, my colleagues supporting this amendment say we do not have a crisis. We do have a crisis. Natural gas prices are triple what they should be. We are paying more to heat and cool our homes and also for our raw materials for our chemical industry and all of our industries, so we need to do something.

The solution is to either drill more or import it, and LNG is one of ways we can do it. We have a great safety record not only in our own country but worldwide in liquefied natural gas. And it is frustrating when you say you do not want to drill, you do not want to refine, and you do not even want to import. The only way you will get around then is by walking.

In Houston, we are too big to walk so we will have to have gasoline and we have to have something to cool our homes in the summer.

The low natural gas supply is impacting our jobs and driving up electricity prices causing higher consumer prices. Higher prices are leading to inflation and slow-down worries, which is why Alan Greenspan testified before our committee that the United States needs more LNG.

LNG import terminals can be our interstate commerce. That is why we need to have a Federal role, but the States will still have a very important role in this process.

States will have influence over the kind and use of facility; the existing and projected population of the local area; the existing and proposed land use near the local area; and the natural and physical aspects of the location.

The bill creates new authority for states to inspect LNG terminals for safety and security, beyond what they have in interstate natural gas projects.

Low natural gas supply is impacting jobs, driving up electricity prices, and causing higher consumer prices for a variety of goods and services.

Higher prices are leading to inflation and slowdown worries, which is why Alan Greenspan testified to our Committee that the U.S. needs more LNG.

LNG import terminals are engaged in both foreign and, in most cases, interstate commerce. LNG is a matter of national or, at the very least, regional importance.

Approval and siting is properly done in the national interest consistent with the Commerce Clause of the Constitution. The Federal Energy Regulatory Commission has sited interstate natural gas pipelines under the Natural Gas Act since 1942.

States participate in the FERC's National Environmental Policy Act process, and have new authority in this bill to inspect for safety and security.

States retain their authority to issue or deny permits under federal statutes such as the Coastal Zone Management Act and the Clean Water Act. This bill takes away no state authority, as long as state permitting agencies issue timely decisions.

Let me repeat: State permitting authority remains in place under H.R. 6. States can still deny LNG facilities on their coasts. But they need a reason—Clean Air Act, Clean Water Act, or the Coastal Zone Management Act.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent that we extend debate by 2 minutes on both sides.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in support of my friend's amendment.

When there is a decision being made to site a plant which, if there were an accident, could be catastrophic, I think that the people who make the decision whether to build the plant or not should be politically accountable to the people who live in the place where the plant is going to be sited, they should have visited the place where the plant is going to be sited, and they should have some clue as to what the locality is of where the plant will be sited.

The issue is who gets to decide, a stranger or someone intimately familiar with the community.

For all those who believe in home rule, vote "yes" on the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, natural gas prices have risen by over 300 percent since 1998. And while we are concerned about jobs going overseas, let us be reminded that we pay 25 percent more than China and 14 percent more than Europe. We have lost some 3 million manufacturing jobs in this Nation related to higher natural gas prices since 1999. In the last 5 years, 90,000 jobs from the chemical industry alone have been lost because of higher natural gas prices.

We have doubled the price of fertilizer which increases the price for farmers which is passed on in higher food costs. Homeowners have seen a 55 percent increase in natural gas prices in their home.

This is the issue of the law of supply and demand. If we want to increase the supplies, if we want to lower the cost, if we want to save jobs in America that so many people talk about here all the time, we have to have more natural gas in this country, which means we should be opening up safe opportunities, allow States to monitor this, all of which is in the energy bill.

I recommend my colleagues oppose this amendment so we can keep jobs and keep natural gas prices lower.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me time.

I support the Castle-Markey amendment and would say to my fellow Republicans, if this is the party that believes in local government and decisions being made on the local level and the State level as opposed to the Federal level, you would be supporting this amendment.

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It seems absolutely clear as can be to me that if you do not give authority, some authority, and rights to States and local communities, you are going to have companies come in and bully their way because they will not have to be answerable. They will not have to work out problems with their States and local governments. They will just have the capability to advise, and advice means very little.

Mr. Chairman, I rise in strong support of the Castle-Markey-Shays-Andrews amendment, striking the Liquefied Natural Gas (LNG) siting language contained in Section 320 of H.R. 6.

There are risks as well as benefits associated with the siting and expansion of LNG terminals in populated areas. It is essential states be able to evaluate their effect on sensitive coastal areas. In Long Island Sound just off Connecticut, there is a very real possibility that a facility will be sited with little to no state or local input.

We propose an amendment to restore the role of state and local authority in citing decisions. States and localities should be able to maintain the ability to review and impact decisions that could pose serious environmental and health hazards to its coastal areas and its citizens.

My party has always believed state and local governments know best what works in their communities.

Mr. Chairman, while energy security is a national issue, it seems to me, local communities, who will live with our decisions far into the future, deserve a voice in the decision-making process.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I appreciate the gentleman yielding me time.

Mr. Chairman, we had a speaker just a few moments ago who said that we were going to have to give up jobs, taxes and energy security if we had a pipeline that brought gas to Florida from out of the country.

I will tell my colleagues, in Rhode Island we would welcome the chance to have our gas piped in from some other country because the fact of the matter is, our State knows, as every other State that has an LNG facility knows, that if we were to ever have that explode, it would decimate a 50-mile radius.

We will take our lives over our jobs, over our taxes, over our security. Let us support the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this issue is one of whether or not you want the Federal Government to decide if you are on a coastline in the United States that an LNG facility is coming to your district. If you want your governor, your mayors to have a role, some role, in deciding where an LNG facility is located, which would have catastrophic consequences if there was an accident or terrorist attack, you vote "aye" on the Castle amendment.

If you just want the Federal Government to decide in the middle of your district where this most attractive of all terrorist targets will be located, then you vote "no," but understand the consequences on the floor today.

Mr. CASTLE. Mr. Chairman, it is my understanding that the chairman of the committee has the right to close? He is the only speaker they have. I am the final speaker.

I yield myself the balance, which I believe is 2 minutes.

Mr. Chairman, actually the gentleman from Texas (Mr. BARTON) and I were just discussing this. It is a shame we do not have more time for this amendment. It is a pretty significant amendment. It is complicated, and I have spent a lot of time trying to educate myself as to what the procedures were before and what they are now. It could be a little bit difficult, and there is a court suit pending in California, and obviously we need this. I will be the first to tell my colleagues that.

On the other hand, for the States and the local areas to give up their jurisdiction and their ability to influence this decision, I think would be absolutely wrong.

I have read this statute very carefully. For instance, it says on page 13: "The term 'Federal authorization' means any authorization required under Federal law in order to construct, expand, or operate a liquefaction or gasification natural gas terminal, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or State agency."

You are basically taking what has been partially codified and developed by procedure, and you are trying to codify it here in what is a much tighter measure, giving to the energy commission the ability to make the decision and overrule what happens at the State and local levels. That is the problem that I have.

And certainly the chairman may get up and say, Well, that is not quite what it is.

It certainly can be interpreted that way. If we look at this language, it certainly appears to be that way, as far as I am concerned.

They talk about safety inspections. That is after it has already been built. So that does not do us any good as far as the original preparation is concerned.

I think we need to do more than just consult. That is what the State role now becomes: it becomes consulting. And let me tell my colleagues something. This may be more than just the terminals for LNG. This could end up being other things, not in this legislation necessarily, but this commission could reach out and start to deal with energy lines, could start to deal with pipelines and a variety of other things, taking away the local jurisdiction over land.

If we want to protect what happens at our homes, we need to have a process by which we involve the local community, and by involving the local community, we make the right decisions. Yes, we have to make them, but let us not forget the States and the local communities; and that is what, in my judgment, this legislation would do if we do not amend it.

Support the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Castle-Markey amendment, and I wanted this behind me. I do not oppose this at all except that the color is burnt orange, which is the University of Texas, and this is Aggie Muster Day, April 21, when Sam Houston and his Texans routed the Mexicans at the battle of San Jacinto and won independence for my great State. So this is a sacred day in Aggie history, and that is the only thing I object to.

When I look at this, what I see is energy for America, I see security for America, and I also see safety. Admittedly, it is a big boat and it looks threatening, I will grant that; but we already have existing provisions in law to make sure that these terminals that are already in existence are as safe it is possible to be. I am not aware of any major accident, and I would stand corrected if the gentleman from Delaware (Mr. CASTLE) or the gentleman from Massachusetts (Mr. MARKEY) says there has been, but I am not aware of that.

This particular section of the bill that is before us simply says that we are going to need more LNG facilities, which is shorthand for liquefied natural gas; and we have tried to craft in the guarantee that the State has a stronger role, not a weaker role. We do not preempt any State permit. If the State of Massachusetts or Delaware or California or any other coastal State, if through their own permitting process they make the decision that the terminal should not be built, it will not be built.

What this provision does is, if a State agency has not made a decision, has refused to make a decision, and one of the parties goes into the district court here in Washington, D.C., and asks that a decision be made, that will expedite the decision-making process.

For the first time, if this provision of the bill were to become law, we would give the States a guarantee to actually go in and inspect these facilities under Federal law, not under State law, but under Federal law. They do not have that right now.

I have told the gentleman from Delaware, and I will tell the gentleman from Massachusetts, if we defeat this amendment and we go to conference with the existing language and we need to in some way strengthen the States' rights end of this provision, I am going to be for that. I come from a coastal State.

I come from a coastal State. I want the safest possible. That is why we have the increased State guarantee in the bill, because I insisted upon it; but we cannot stick our heads in the sand and say we do not need more LNG facilities.

We need more energy for America. I wish we could produce it within our shores, but it does not look like that is going to be possible. We are going to have to go offshore.

We have about 30 pending permits for LNG facilities right now under consideration, and what this language does in the bill is give an expedited provision that the Federal Energy Regulatory Commission is the lead agency to expedite the Federal part of it. I believe this actually strengthens the State role.

So I would respectfully ask for a "no" vote on the Castle-Markey amendment, and then what we need to work on in the conference we will work on.

Mr. BISHOP of New York. Mr. Chairman, I rise to express my support of the amendment offered by Mr. CASTLE to strike the Liquefied Natural Gas (LNG) Siting provision in H.R. 6. The language included in H.R. 6 silences the voices of state governments, local municipalities, and environmental advocacy organizations during the LNG terminal site selection process.

Mr. Chairman, the language in H.R. 6 solidifying FERC's exclusive role in the siting of LNG terminals is entirely unnecessary. Until recently, only one LNG importation terminal existed in the country. There are now five in operation and 6 more have already been approved by federal regulators. The process for selecting sites and approving LNG importation terminals is working and in no way requires removing partial-authority from states. The new FERC rule would be another example of catering to the already too powerful oil and gas industry.

Furthermore, when I cast my vote in support of Mr. CASTLE's amendment to preserve states' rights and strike this language from H.R. 6, I know that I will also be speaking for many others residing in my district and across the Nation. Numerous organizations and legislative bodies who seek to be heard will speak through my vote, including, but certainly not limited to the League of Conservation Voters, National Association of Counties, U.S. Public Interest Research Group, National League of Cities, U.S. Conference of Mayors, and the National Conference of States Legislatures, and so many more.

A quarter-mile long floating LNG importation terminal has been proposed in the Long Island Sound between Connecticut and Long Island. Lawmakers and civic organizations at every level of government in my congressional district have expressed their opposition to this proposal and are furious at the prospect that their voices will be silenced during the FERC approval process. Mr. CASTLE's amendment, if passed, will allow their opinions to count.

The Long Island Sound is an environmentally unique estuary that needs to be protected. The residents and elected officials of Long Island have fought vigorously for many years and spent millions of dollars to preserve the quality of life that the Long Island Sound offers. Additionally, our tourism and fishing industries, which provide billions of dollars to the state's economy, will be threatened, as fishermen will undoubtedly be displaced.

Mr. Chairman, I will speak for my constituents by lending my support to Mr. CASTLE's amendment. I urge my colleagues to support this bipartisan measure.

Mr. ISRAEL. Mr. Chairman, I rise today in support of Mr. CASTLE's amendment.

Under current law three new liquid natural gas facilities have been constructed in recent years and six others approved. Current law permits construction of liquid natural gas facilities but it doesn't do what this bill in its present form would do: virtually guarantee construction of liquid natural gas facilities in any location where there is a strong energy demand regardless of state and local concerns that arise. These concerns can include safety, environmental risks and/or terrorist threats.

These are not concerns that should be divorced from the approval process. In fact, these concerns, and state and local governments' ability to represent them, ought to be elevated in importance. Our nation has a heritage of listening to the voice of its people. This legislation serves only to silence the voice of Americans.

The leadership of this House has turned a deaf ear to the concerns of Long Islanders and to the many Americans in predicaments like my constituents. By granting full authority over the zoning of liquid natural gas facilities to the federal government, this bill grossly violates the so-called Republican principle of local control.

Before moving forward with any legislation in regards to liquid natural gas facilities, this body must fully vet the issue through hearings and the commissioning of appropriate studies. Not a single hearing on the pros and cons of the consequences of shifting zoning authority away from the states and to the federal government was held. This is nearsighted and irresponsible.

The Castle amendment ensures that local oversight over these vital zoning issues remains. It provides time for the proper detailed review of potential legal changes. I urge my colleagues to support the Castle Amendment and to prevent this federal power grab.

Mr. TIERNEY. Mr. Chairman, I rise in support of the Castle-Markey amendment to strike Section 320 of H.R. 6.

The bill that the Committee reported last week provides the Federal Energy Regulatory Commission (FERC) the authority to approve LNG import terminals. Although this provision allows FERC to consult with state governments, this signals a departure from current law whereby states and localities play a significant role in siting decisions. Protecting the health, welfare, and safety of the surrounding communities—as well as preserving the environment and not disturbing commerce—are critical factors when determining where to site an LNG facility. Let me ask: who knows better than the local officials how a proposed facility will affect their area? To diminish their role in the process, as this provision will, only does a disservice to our constituents who trust us to act wisely on their behalf. At a time when there is a proliferation of onshore and offshore proposed LNG projects, and as there currently exists no framework to make sure that we are meeting our national demand for natural gas in a way that makes sense and best meets the regional needs of American communities, Congress should be strengthening the rights of those in our cities and towns and ensuring they have a vocal and viable role in the process. Section 320 does the opposite. I believe it should be struck from the bill, and urge my colleagues' support for the Castle-Markey amendment.

Section 320 is one of a number of provisions in H.R. 6 that tramples on the rights of states:

This bill provides unnecessary liability protections for manufacturers of MTBE, thus forcing the clean-up cost of drinking-water Contamination to states and localities instead of sending the bill where it belongs: to the polluters themselves. This legislation doesn't just reward polluters, it pays them—giving the MTBE production companies $1.75 billion in so-called "transition costs" as the pollutant is phased out by 2015. That is irresponsible and fundamentally unfair to the American taxpayers.

The bill also repeals the Public Utility Holding Company Act (PUHCA). PUHCA limits the geographic size and types of subsidiaries energy companies can operate. The law is necessary to help states regulate large, multistate electricity companies by keeping their corporate structures transparent. Without PUHCA, states will find themselves helpless to protect their consumers against the actions of scandalous energy companies like Enron.

This bill grants the Federal Energy Regulatory Commission (FERC) jurisdiction over reliability standards for electricity transmission networks, allowing the FERC to approve new power lines over states' objections. It abolishes states' rights to meaningful input and participation in decisions over power lines and transmission networks.

The bill also fails to recognize and reflect successful practices being put into use at the state level. Initiatives like California's plan to limit carbon dioxide emissions from automobiles and New York's efforts to organize a consortium of Northeastern states to begin reducing power-plant emissions show promise and ought to be promoted on the federal level.

We had the chance to encourage state innovation with this bill, but its authors and GOP Leadership squandered that opportunity. I am a co-sponsor of Rep. TOM UDALL's renewable portfolio standard bill (H.R. 983), which was offered as an amendment to the energy bill before the Rules Committee but was not made in order. This amendment would establish a state renewable energy account program along with setting guidelines for a renewable portfolio standard. Another missed opportunity here means another missed opportunity to enlist the states as our partners in promoting innovative energy programs to lead us toward a stable energy future instead of undermining states' rights.

This bill also deals a serious blow to the environment. Longstanding public health and environmental laws are under assault in this bill.

Saturday's New York Times reported that H.R. 6 includes a provision that, should it become enacted into law, would constitute one of the most sweeping changes to the Clean Air Act in 15 years. The provision would allow communities to delay cleaning up their dirty air, and complying with national air quality standards, if their pollution is derived from other heavily concentrated areas. This undermines the intent of the Clean Air Act and may lead to increased cases of asthma, which, according to the EPA, already afflicts 20 million Americans, including 6.3 million children.

Hydraulic fracturing, an invasive oil and gas recovery technique, that may contaminate drinking water has been removed from the Safe Drinking Water Act. News reports indicate that the Halliburton Corporation is the largest practitioner of hydraulic fracturing and has been lobbying for this provision.

Rather than seizing an opportunity to address skyrocketing gas prices (the average price is $2.28), reduce our reliance on fossil fuels and foreign oil, improve our fuel efficiency standards, and bolster the incentives to develop and utilize alternative energy sources, the energy bill before us today upholds the unacceptable status-quo and exacerbates our many current problems, as it:

Authorizes $8 billion in tax breaks for oil, gas, and nuclear companies, while directing less than $600 million to promote renewable energy and conservation-related initiatives;

Opens Alaska to oil drilling, although the U.S. Geological Survey projects that the Arctic Refuge has only approximately 3.2 billion barrels of economically recoverable oil, equivalent to what the U.S. consumes in less than 6 months, and would take between 10 and 12 years to introduce the oil into the marketplace; and

Exempts companies drilling on public lands from paying royalties for oil and natural gas extracted from public lands, which is required under current law and has resulted in billions in additional revenue for states over the past five years.

The bottom-line with this bill, however, is that—as its previous incarnations have done—it reinforces the wrong priorities at the expense of consumers, the environment, and American taxpayers. I urge my colleagues to oppose H.R. 6.

Mr. WU. Mr. Chairman, I rise in strong support to the Castle-Markey amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment would ensure that States have control over whether an LNG facility is sited in their district. Under the energy bill, the Federal Energy Regulatory Commission (FERC) would have the sole authority to make decisions regarding the construction, expansion and operation of LNG facilities. While the bill requires FERC to consult with State and local governments, they have no role in the final decision, and FERC is not required to consider their concerns.

This is unconscionable. It is exactly the local communities who must have the final say in whether or not an LNG facility is built in their district. It is these people who must live with the decision either way. The Castle amendment would create authority for States to have a say in the final decision.

Currently, I have four proposed LNG sites in my district, and I have heard from many of my constituents about these proposals, both against the sites because of environmental concerns and because of job creation. It is exactly these individuals who should get to decide if an LNG plant will be sited in their community; it should not be a decision made by a Washington, DC based government official who has no connection to the site.

This amendment would enhance the process of selection and provide the community an outlet to be more involved. It is my hope that the local communities, State, and FERC can work together in deciding whether or not a LNG facility is good for Oregon.

I am a strong believer in participation of all stakeholders when it comes to monumental decisions like these. I support transparency among the local, State, and federal governments to ensure the process is thorough and thoughtful.

I strongly believe that the States should have authority in LNG facility sites and I urge my colleagues to vote for the Castle-Markey amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CASTLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Delaware (Mr. CASTLE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

amendment No. 25 by Mr. KUCINICH of Ohio;

amendment No. 27 by Mr. GRIJALVA of Arizona;

an amendment by Mrs. CAPPS of California;

amendment No. 29 by Mr. HASTINGS of Florida;

amendment No. 30 by Mr. CASTLE of Delaware.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 171, not voting 4, as follows:

[Roll No. 127]

AYES—259

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cox
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doolittle
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rogers (AL)
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOES—171

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Walsh
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Berman
Fossella
Kelly
Velázquez

□ 1553

Messrs. KINGSTON, CAPUANO, and MORAN of Kansas changed their vote from "aye" to "no."

Messrs. DELAY, BURTON of Indiana, BURGESS, GIBBONS, SHIMKUS, PORTER, WELLER, GERLACH, UPTON, RENZI, SHUSTER, SAXTON, WAMP, GALLEGLY, McHUGH, KIRK, MURPHY, TIAHRT, BRADY of Texas, COBLE, REYES, RAMSTAD and Mrs. MILLER of Michigan changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203. noes 227. not voting 4. as follows:

[Roll No. 128]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown, Corrine
Kelly
Mica
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1601

Mrs. JONES of Ohio and Mr. GORDON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213. noes 219. not voting 3, as follows:

[Roll No. 129]

AYES—213

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gilchrest
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—219

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—3

Keller
Kelly
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1610

Mr. RYAN of Wisconsin changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 243, not voting 6, as follows:

[Roll No. 130]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cubin
English (PA)
Hall
Kelly
Shays
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1617

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHAYS. Mr. Chairman, on April 21, I inadvertently missed a recorded vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that I would have voted "yes" on recorded vote number 130.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware (Mr. CASTLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 237, not voting 3, as follows:

[Roll No. 131]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Keller
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Price (NC)
Rahall
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Young (FL)

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (MN)
Kilpatrick (MI)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—3

Kelly
Souder
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1626

Mr. MORAN of Virginia changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HASTERT. Mr. Chairman, American consumers are being hit hard at the gas pump right now. The legislation we have on the floor today will go a long way towards giving our Nation the sound, comprehensive energy policy that our citizens need and deserve.

Our Nation is too dependent on a fickle foreign oil market that is being stretched to the limit by global demands.

The evidence can be seen at gas stations across the United States. Recently, the national average price of gasoline hit an all-time high of $2.28 a gallon. Oil prices, at one point, jumped to almost $58 a barrel. Analyst forecast a higher spike to $60 soon.

In some parts of the country, like the West Coast, gas has jumped to more than $2.50 for a gallon of unleaded.

The House has passed energy legislation three times. Each time it has been blocked for partisan gamesmanship.

Meanwhile, families are finding it more expensive to plan a family vacation or even drive their kids to little league practice. Many of our small business owners, like florists, truck drivers and pizza delivery companies, are struggling to make ends meet.

This is unacceptable. America is in the midst of an energy crisis that threatens our national and economic security.

The House legislation does a number of things to address the crisis.

It reduces our dependence on foreign oil by expanding domestic supplies and allowing oil and gas exploration right here in the United States. Incentives are provided for the energy industry to increase refining capacity for gasoline, diesel fuel, home heating oil and jet fuel.

And, this legislation makes a significant venture into the use of renewable fuels like ethanol and biodiesel—environmentally safe alternatives that can be found in the corn, soybean and sugarcane fields right here in the United States.

Under this legislation, our citizens would have access to more fuel efficient cars. It launches a state-of-the-art program to have emission-free hydrogen fuel cell vehicles on the road by the year 2020.

And, it provides grants to State and local governments to acquire alternative fueled vehicles, hybrids and ultra-low sulfur vehicles.

There's also a positive economic aspect to the bill. It would create nearly half a million jobs in the manufacturing, construction, agriculture and technology sectors.

House Republicans have produced a bill that is environmentally friendly yet comprehensive, sound and balanced. More importantly, it eases America's dependence on an unpredictable foreign market.

This legislation provides a clear path towards the more efficient, reliable and affordable energy policy that our citizens deserve. I urge the obstructionists to put partisan politics aside for the good of the American people and support this legislation.

Mr. ENGEL. Mr. Chairman, serious problems deserve respectful consideration. The intense polarization of the energy debate has been compounded by the leadership's insistence on repeatedly forcing Congress to consider essentially the same bill. Congress had a great opportunity to produce a balanced energy policy that is diversified, reduces our dependence on oil and invests in alternative energy, but our leadership chose to essentially recycle an old bill that favors special interests over consumers.

This is not the way to make policy. American energy policy is at the crossroads and our national security is being compromised daily by our dependence on foreign energy supplies. Today, oil is at over $50 per barrel and we still haven't passed reliability standards to address the electricity blackout that assaulted the Northeast and Midwest in 2003. Blackouts cost consumers $80 billion, and yet this bill caps the necessary spending to do an acceptable job of providing reliability. Partisan politics have paralyzed this Congress into deadlock and our Nation's energy has suffered the consequences.

Although I appreciate Chairman BARTON's willingness to extend hearings on energy this year prior to the 109th Congress's consideration of the Energy Policy Act, I was very disappointed that a letter that 14 of my colleagues and I sent to Chairman BARTON at the beginning of February requesting that our committee invite the National Commission on Energy Policy to testify went unanswered. In February, Secretary Bodman testified of his familiarity with the NCEP's report and of his willingness to work with Congress to produce a bill in a bipartisan fashion. If the NCEP was able to bridge the differences between Republicans and Democrats, industry and labor, perhaps we could have too.

And yet, here we are again, with a bill strikingly similar to the one we considered over two years ago. There is a laundry list of problems in this bill. There is nothing in this bill that reduces our consumption of oil or reduces the price of oil. The Energy Information Agency has stated in a 2004 report that under policies proposed by the Energy Policy Act, by 2025, U.S. consumption is projected to increase to 28.3 million barrels per day and our country would increase its imports of foreign oil by 85 percent. It even found that gasoline prices under the bill would increase more than if the bill was not enacted.

The bill's provision protecting manufacturers of MTBE from liability for contaminating water supplies means that taxpayers will bear billions of dollars in cleanup costs, while at the same time paying MTBE manufacturers $2 billion in subsidies. In a much anticipated ruling yesterday in the Southern District of New York, a Federal judge who had consolidated over 80 MTBE lawsuits brought by local governments and State Attorney Generals, ruled that all of the cases can proceed against the oil industry. Including the MTBE liability waiver in the bill would essentially undermine this ruling, while at the same time cutting off the most effective tool that States and local governments have utilized to clean up their drinking water.

New York, which banned MTBE on January 1, 2004, will long be dealing with the repercussions of MTBE contamination. The New York State Department of Environmental Conservation says there are about 10,000 MTBE spills throughout the state. The average cost per clean up is about $1 million which translates to a cost of about $10 billion statewide.

In and around Jamaica, Queens, where more than a million NYC residents and businesses rely on groundwater instead of surface water from the upstate reservoirs, MTBE has contaminated much of the groundwater supply in the aquifer. Gasoline refiners choose less expensive MTBE from among a number of oxygenate options and knew at the time of the contamination risk that MTBE posed to groundwater. The refiners should therefore pay for MTBE remediation efforts.

Perhaps most insulting to the taxpayers is the billions to be spent to prop up the ailing nuclear power industry. I have long supported shutting down Indian Point nuclear power plant because of safety concerns for New Yorkers. Yet, the Republicans in Congress have ignored these safety issues and instead provided tax dollars to subsidize building new power plants. While I am not opposed to nuclear power, these tax dollars would be better used to insulate homes and assist renewable energy production methods in being brought to market.

The fact of the matter is that this bill has some bad provisions that are simply anti-consumer and anti-environment. H.R. 6 weakens laws such as the Safe Drinking Water Act and the Leaking Underground Storage Tank program that protect the environment and the public health. This bill will allow oil drilling in the Alaska National Wildlife Refuge, even though the oil won't be available for a decade and even then at levels that would not significantly affect oil prices or imports.

I am proud that two of my amendments were accepted into the Energy Policy Act. The first, which I introduced during the House Energy and Commerce Committee consideration of H.R. 6, expresses the sense of Congress that energy cooperation between the United States of America and Israel is mutually beneficial, acknowledges the cooperative agreement between the U.S. and Israel and states the Department of Energy should report on past and future cooperative energy projects between the U.S. and Israel.

My second amendment expanded opportunities for producers of renewable fuels, such as P-Series fuels, to get grant funding. Currently, there is no available technology that can convert much of the urban biomass waste into ethanol. Yet there is at least one such technology that can convert urban biomass waste into components for another DOE recognized alternative fuel, called P-series fuels.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would effectively help replace petroleum imports. DOE also found P-Series to have environmental benefits because of the reductions in hydrocarbon and CO emissions, toxics, and greenhouse gases.

By virtue of my amendment, producers of alternative fuels like P-Series fuels will be able to responsibly address three problems: the need for non-petroleum energy sources, solid waste management, and affordability. This is good energy policy.

Our energy policy is intricately tied to our national security and our economic well-being. As the co-chair of the Congressional Oil and National Security Caucus, I know we need to ensure that our energy policy is diversified, reduce our dependence on oil, and create skilled jobs while reducing energy costs. We must ensure that we create policies that will protect the environment and our consumers. Unfortunately, this simply cannot be achieved under this Energy Policy Act, and so I must vote against it.

Mr. MEEHAN. Mr. Chairman, I rise in strong opposition to this imbalanced energy bill, which allows big energy companies to exploit our natural resources at the expense of U.S. taxpayers.

The bill would repeal the Public Utilities Holding Companies Act—PUHCA—which prevents big energy firms, like Enron, from driving smaller utilities out of business and monopolizing the energy market.

The bill includes a safe-harbor provision for MTBE manufacturers even though the chemical has been detected polluting groundwater sources across the Nation, including in Massachusetts.

The bill's authors included a variety of special-interest favors for oil and gas production despite the fact that producers are already reaping profits from record high energy prices. And yet President Bush himself admitted that it will do nothing to lower the price that consumers pay for gas at the pump.

And the bill would open the door to oil and gas exploration in the Arctic National Wildlife Refuge, a pristine habitat that would yield less than three-tenths of a percent of world oil production by 2015.

The California energy crisis and today's high fuel demands are evidence that the Nation needs an energy strategy that is focused on clean energy technologies and energy independence. The United States needs to become less reliant on foreign energy sources. We cannot drill our way to independence. The only effective strategy will balance increased fuel efficiency with renewable energy technologies.

Instead of using the technology we already have and could achieve to increase the fuel economy of new fleets of vehicles, the bill does little more than order a study.

Unfortunately, this bill will only worsen our Nation's dependence on fossil fuels imported from the Middle East. At current production levels the U.S. supply of oil will only last another 20 years, while the oil supply in Saudi Arabia is estimated to last another 75 years. Our reliance on Saudi oil is harmful to our environment and our values.

Fossil fuels like oil and coal provide the vast majority of energy for the United States. That was unlikely to change for the near future no matter what bill we had a chance to vote on. Unfortunately, this bill does little to put this Nation on a path to greater energy independence.

This bill does not represent a national energy policy—it is 1000 pages of shameless special interest giveaways. I urge its defeat.

Mr. EVANS. Mr. Chairman, I rise today to state my opposition to H.R. 6, the Energy Policy Act. We cannot simply seek more fossil fuel supplies and increase use of conventional energy sources as a long-term solution to improving the United States' energy security. Instead of creating a truly comprehensive plan for addressing our energy needs, this legislation sets us on the wrong path, making us more reliant on oil than we already are. It will not help consumers save on energy costs and it will not help the U.S. become energy independent.

This legislation sends us in the wrong direction by relying on the fuels of today to provide energy in the future. We cannot sacrifice investment in new, cleaner, domestic sources in order to pay $8.1 billion to oil producers in tax cuts and subsidies. I am pleased to see that H.R. 6 does contain some encouraging provisions, such as increasing use of ethanol and biodiesel, but these provisions are far outweighed by the bill's misguided support of oil. We need to create new, clean, renewable resources for addressing our current and future needs and develop technology and programs that encourage conservation.

This legislation would allow the oil industry, currently experiencing some of its most profitable years, to further their reach through exploration in sensitive environments, such as the Arctic National Wildlife Refuge, and the Great Lakes. Allowing such activities is misguided at best. Additionally, H.R. 6 takes MTBE producers off the hook for dirtying local drinking water supplies and passes the costs of the clean up to State and local government.

Additionally, this legislation will not stabilize the electricity market. One of the primary purposes of developing a comprehensive energy policy for the U.S. is to prevent another regional blackout and to prevent future Enron-like scandals. The legislation that was brought to the House floor exposes consumers to potential electricity scams by repealing the Public Utility Holding Company Act (PUCHA). This measure was enacted to prevent companies like Enron from holding monopolies and help consumers get justice when companies conspire to cheat. The Federal Energy Regulatory Commission is not designed to effectively protect consumers.

In order to create a policy that looks to future needs and U.S. security, we cannot rely on increased drilling and oil refineries. We must look to methods to reduce our need for energy and expand the domestic and renewable resources available to us. Finding new, efficient, clean, renewable sources of energy is not just better than continuing down the path H.R. 6 sends us on, it is necessary for the security of the U.S.

Mr. GREEN of Wisconsin. Mr. Chairman, today Congress took a significant step in establishing a comprehensive national energy plan to help lower gas prices and improve the reliability and accessibility of energy in Wisconsin. This legislation contains language I strongly support to reduce the price spikes caused by "boutique fuels" and helps expand the domestic supply of oil and gas.

This energy bill requires five billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increased use of ethanol will save 1.3 billion barrels of oil by 2016 while helping support our rural economy.

Our Nation's electricity grid will also see considerable improvement. The bill provides for enforceable mechanisms to ensure reliability and stop future blackouts.

Although I am generally pleased by the passage of the energy bill, it nevertheless contains some disappointing provisions, and I will be working expeditiously in the weeks to come to improve the bill even further. In particular, I plan to push for the inclusion of a ban on oil and gas drilling in the Great Lakes. The Great Lakes represent a critical and treasured part of our environment, our economy and our identity. The risks drilling poses to the lakes are unacceptable.

I will also continue to lend my support to the effort to remove special liability protections for MTBE. We unfortunately came up short today to strip this MTBE language, but I'll keep up the fight until this provision is removed. The manufacturers of MTBE should not be shielded from their responsibility to clean up contaminated groundwater.

Mr. MACK. Mr. Chairman, I rise today in support of the Energy Policy Act of 2005. This important legislation is critical to protecting and preserving our Nation's freedom, security, and prosperity.

Over the past decade, the United States' energy consumption has increased by more than twelve percent; however, our domestic production has increased by less than one-half of one percent. That means that our Nation is more and more reliant on foreign sources of energy. When our Nation depends on just a few countries for the majority of our energy, this adversely impacts American security. This is unacceptable.

Mr. Chairman, the Energy Policy Act of 2005 sets forth a comprehensive national energy policy. It reduces foreign energy dependence by requiring conservation and domestic exploration. By using less energy and opening up new areas for environmentally-responsible exploration, we will become less dependent on foreign sources of energy.

Finally, the Energy Policy Act of 2005 will provide an environment of certainty and stability that will foster prosperity in America. Rising energy prices is like a tax that Americans must pay everyday in the form of higher gas prices, higher costs to heat and cool our homes, and higher prices to move products across the country. Having a comprehensive energy policy will allow businesses to flourish as we will have reliable and dependable sources of energy.

Mr. Chairman, as a supporter of the Energy Policy Act of 2005, I encourage my colleagues to vote for this responsible measure.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this legislation.

There is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But at a time of sky-rocketing oil prices, this bill doesn't do what it needs to do—help us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

The bill is not all bad, of course. I support most of the provisions developed by the Science Committee, and I commend Chairman BOEHLERT and Ranking Member GORDON for their bipartisan approach.

In particular, I'm pleased that the Science Committee bill included generous authorization levels for renewable energy and energy efficiency R&D. As Co-chair of the Renewable Energy and Energy Efficiency Caucus, this funding is very important to me.

I am also pleased that this bill includes the Clean Green School Bus Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

H.R. 6 also includes provisions from my bill, the Distributed Power Hybrid Energy Act, which would direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

Unfortunately, though, this bill—like the ones we've debated twice before—remains all too reminiscent of that old Western movie—"the Good, the Bad, and the Ugly." In fact, over the years it has only gotten worse and uglier.

One of the ugliest parts is the provision that would open to drilling the coastal plain of the Arctic National Wildlife Refuge.

On that question, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds. The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems."

Estimates are that there is six months' supply of economically recoverable oil in the refuge's coastal plain. While the economically recoverable amount could increase along with higher oil prices, we know for certain that drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

But the idea of opening the refuge is only one example of misplaced priorities or flawed policies concerning this legislation.

This bill would provide oil and gas companies massive forgiveness of royalty payments. It would shift the cost of MTBE cleanup from MTBE manufacturers to taxpayers—an unfunded mandate on our communities. That should not have been included in the bill.

Further, the bill significantly weakens the Clean Air Act by exempting states from having to clean up their dirty air if some of their pollution comes from "upwind" states. It would exempt industry from requirements of the Safe

Drinking Water Act when they inject diesel fuel and other harmful chemicals into the ground during drilling.

It would repeal the heart of the National Environmental Policy Act for energy projects by eliminating the requirement that agencies examine alternatives that could lead to lesser harm or greater benefits. It would repeal the Public Utility Holding Company Act, a law that protects consumers and investors from corporate abuses.

And then there are all the things the bill would not do. It would not increase vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles. The bill does not give federal regulators the tools they need to prevent and punish the Enrons of the world who manipulate power markets. The bill does not suspend deliveries to the Strategic Petroleum Reserve and instead put the oil on the marketplace, which could bring gasoline prices down.

Most importantly, according to analyses conducted by the Department of Energy's Energy Information Administration, our need for imported oil will increase by 75 percent in twenty years under provisions in this bill.

Coloradans on average are already paying $2.25 for a gallon of regular gas. This bill will do nothing to bring those prices down.

Of the bill's total $8.1 billion in tax incentives, $7.5 billion (or 93 percent) is for traditional energy sources such as oil, natural gas, and nuclear power. The oil and gas industries are getting these massive subsidies from the taxpayer at the same time that their profits have never been higher.

I don't always agree with President Bush. But I think he is absolutely right about one thing—at $55 a barrel, we don't need incentives to oil and gas companies to explore.

Instead, we need a strategy to wean our nation from its dependence on foreign oil.

Colorado is uniquely positioned to take advantage of alternative energy opportunities, such as wind and sun. Voters approved Amendment 37 last year, which is making a difference in our energy supply. Colorado is leading the nation in this area.

Not only are we producing cleaner, cheaper energy, we are also providing economic development in rural Colorado in places like Sterling and Holyoke. In fact, I am going to be doing a Harvesting Energy Tour in Northeastern Colorado this weekend with former Colorado House Speaker Lola Spradley, representatives from the Colorado Farm Bureau and the Rocky Mountain Farmers Union and renewable energy companies to talk about how renewable energy can be an economic development boon for rural Colorado.

But we need federal incentives to help move renewable energy and energy efficiency technologies to the mainstream, and yet only 7 percent of the incentives in this bill would promote their development.

That's why—along with my colleague Representative ZACH WAMP, who co-chairs the Renewable Energy and Energy Efficiency Caucus with me—I offered amendments to the bill to make it more balanced. Our amendments would have extended the renewable energy production tax credit until 2008, would have extended the tax credit that individuals receive for purchasing hybrid vehicles, and would have increased and extended the business and residential solar tax credits. Unfortunately, the Republican leadership didn't allow them to be debated and voted on.

I also tried to improve the Resources Committee's energy bill provisions with an amendment dealing with oil shale language in the bill. The bill requires the Interior Department to set up a new leasing program for commercial development of oil shale, with final regulations to be in place by the end of next year. In other words, it calls for a crash program to meet a short, arbitrary deadline.

My amendment would not have barred oil shale development. Instead, it would have said that before we leap again, we should take a look and have a clear idea of where we are apt to land.

Colorado has the most significant amounts of oil shale—and also the most experience with oil shale fever. In Colorado, we have had several bouts of oil shale fever. The last one started during the 1970s energy crisis and ended abruptly on "Black Sunday" in 1982. That was when Exxon announced it was pulling out of the Colony shale project, an event that left an impact crater from the Western Slope to downtown Denver. That was followed by an exodus of other companies that had been working on oil shale—which led to an exodus of jobs and of Coloradans who had nowhere else to turn.

Under my amendment, Interior would be told to prepare regulations for a new oil shale leasing program—and to get them finished "promptly" after finishing the analysis required by NEPA and the regular process for developing new federal regulations.

Unfortunately, the Republican leadership of the Resources Committee opposed my amendment, and so it was not adopted. The result is that this part of the bill is much uglier than it should be.

In conclusion, Mr. Chairman, we need a plan in place to increase our energy security. Thirteen percent of the twenty million barrels of oil we consume each day comes from the Persian Gulf. In fact, fully 30 percent of the world's oil supply comes from this same volatile and politically unstable region of the world. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. For every step it takes to move us away from our oil/carbon-based economy, it takes two in the opposite direction. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today. Given the magnitude of the crisis ahead, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

Two days ago, at the opening of the Abraham Lincoln Museum in Springfield, President Bush attempted to draw parallels between his goal of expanding freedom in the world and Lincoln's effort to expand freedom in the U.S. I have some questions about that comparison, but I do think it is good to consider Lincoln's example when we debate public policy.

In fact, I wish President Bush and the Republicans would draw a few more parallels to Lincoln in their approach to energy policy—because, as that greatest of Republican Presidents said, "The dogmas of the quiet past are inadequate for the stormy present. Our present is piled high with difficulties. We must think anew and act anew—then we will save our country."

And while we are not engaged in a civil war, our excessive dependence on fossil energy is a pressing matter of national security. We have an energy crisis. We need to think anew to devise a better energy policy in order to save our country from this energy crisis.

Unfortunately, too much of this bill reflects not just a failure but an absolute refusal to think anew. Provision after provision reflects a stubborn insistence on old ideas—more tax subsidies, more royalty giveaways, more restrictions on public participation, more limits on environmental reviews—and a hostility to the search for new approaches.

Maybe we could have afforded such a mistake in the past. But now the stakes are too high—because, as I said, energy policy isn't just an economic issue, it's a national security issue. America's dependence on imported oil poses a risk to our homeland security and economic wellbeing. And so, Mr. Chairman, I must vote against it.

Mr. HOLT. Mr. Chairman, I rise in opposition to the energy legislation that we are debating on the House floor today.

As an energy scientist who spent nearly a decade working at one of the nation's premiere alternative energy research labs I understand the complex and challenging nature of moving toward sustainable energy sources. Having served in this body for more than six years, I understand the difficulties in balancing competing interests to obtain a policy that benefits the nation. Unfortunately, rather than providing a productive and clear vision that leads this nation towards energy independence, this bill subsidizes oil and gas companies and eases environmental regulations and fails to put the U.S. on the right path.

This legislation sets a dangerous precedent by allowing the destruction of one of our national treasures to extract a minimal amount of resources. The very essence of the Arctic Refuge is that it is a pristine and untouched ecosystem. This unique environment serves as a critical breeding or migratory habitat for over 200 species of animals including polar and grizzly bears. Arctic wolves, and endangered species like the shaggy musk ox. This legislation completely ignores the precious nature of this land and instead provides yet one more opportunity for oil and gas companies to expand their operations. If this legislation is approved all Americans will lose something special and irreplaceable.

There are some good points in this bill. It does authorize increases in research on efficiency and renewable energy in future years. And I would like to thank my colleagues for accepting my amendment for a study of fuel savings from information technology for transportation.

But the good points of the bill are far outweighed by the bad. Instead of investing in cleaner, long term solutions, this bill brushes aside our nation's future energy needs in order to provide nearly 8 billion of taxpayer dollars to the oil, gas and other traditional energy industries to promote short-term, polluting energy sources. These tax incentives should not be going to industries that are thriving, but should be used to invest in our future by increasing research funding for alternative energy sources such as wind energy, fuel cells and fusion.

Everyone knows that we have a serious energy problem in this country. Our dependence on foreign oil affects not only our economy but also our national security. We will never drill our way to independence domestically. Yet we have an energy bill that is stuck in the past that yet again seeks to drill a little deeper, in a few more places.

We need a responsible and sustainable approach to addressing our nation's energy needs. On behalf of the residents of the 12th District, I pledge to continue to work toward the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. WELDON of Florida. Mr. Chairman, I rise today to speak in support of H.R. 6, the Energy Policy Act of 2005. It's a tremendous step in the right direction for this nation to achieve energy independence. Through a combined strategy of strong R&D, efficiency and incentives we can help ensure future generations of Americans a vibrant and growing economy while not having to worry about the whims of foreign influence on our energy.

The bill also authorizes $200 million for the "Clean Cities" program, which will provide grants to state and local governments to acquire alternative fueled vehicles. I have been working in Central Florida over the past several years to promote research into hydrogen-powered vehicles. I applaud the White House for taking such a proactive stance on new technologies. This bill promotes a cleaner environment by encouraging new innovations and the use of alternative power sources by launching a state-of-the-art program to enable hydrogen fuel cell cars to compete in the marketplace by 2020.

Under this bill, American consumers will have better product labeling for a number of commercial and household products so that they will be able to make more informed decisions when purchasing energy saving products. H.R. 6 further decreases America's dangerous dependence on foreign oil by expanding domestic production and authorizing expansion of the Strategic Petroleum Reserve's capacity to 1 billion barrels of oil.

America's energy consumption is at an all-time high and rising, despite ongoing efficiency gains, with consumption projected to grow as our economy expands. If our nation is to meet these needs in the coming decades, it will be in part due to continued advances in energy efficiency and conservation—helping to reduce our demand on foreign supply and stimulating economic growth. One goal is to save consumers and businesses' money spent on energy, so they can invest, spend and grow the economy and improve our standard of living. Expanding our energy production capacity is a key to long-term economic growth and energy independence.

H.R. 6 encourages the great American tradition of technological innovation and creative problem solving. It is America working at its best and this legislation is long overdue. I stand in strong support of this legislation and look forward to seeing it enacted into law.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act of 2005.

For the third time in 5 years, the House Republican leadership has passed up an historic opportunity to craft an energy policy for the 21st Century. With oil prices hitting record levels and repeated predictions that the cost of a barrel of oil could hit over $100 in the coming years, we should be focusing our efforts on alleviating our nation's dependence on fossil fuels.

Instead, H.R. 6 is stuck in the past. Modeled after the energy plan developed by Vice President CHENEY's secret energy committee 4 years ago, H.R. 6 reflects the philosophy that the only solution to the high price of oil is more oil. However, analyses by the U.S. Department of Energy's Energy Information Administration indicate that even if the provisions of H.R. 6 becomes law, America's imports of foreign oil will still increase by as much as 85 percent during the next 20 years, thereby increasing our dependency.

H.R. 6 should have been an honest, bipartisan effort to halt America's growing dependence on fossil fuels for energy. It could have been focused on developing new technologies, improving energy efficiency, promoting renewable energy, and conducting the research and development that could produce the breakthroughs that would power the world of tomorrow.

I have no objection to supporting some new or additional oil and gas exploration or production because, until we develop the energy alternatives of the future, we must continue to meet our oil and gas needs. Unfortunately, the majority of the bill's eight billion dollars in energy tax incentives are for oil and gas production. That's billions in tax breaks, paid for by our children and grandchildren, going to energy companies that have been earning record profits. Even President Bush admitted recently ". . . with $55 oil, we don't need incentives for oil and gas companies to explore." His fiscal year 2006 budget called for $6.7 billion in tax breaks for energy with 72 percent going toward renewable sources of energy and energy efficiency. In contrast, H.R. 6 only provides six percent of the tax benefits for renewable energy and energy efficiency.

In addition, H.R. 6 irresponsibly sacrifices environmental protection for petroleum production. Exposing our great natural treasures, especially the North Carolina coastline, to exploitation and possible degradation is not responsible. For example the bill shuts states out from the appeals process for offshore mineral development, thereby limiting coastal states' ability to protect their coastlines from unwanted energy development.

I am also dismayed that H.R. 6 continues to provide liability protection for methyl tertiary butyl ether (MTBE) manufacturers for past contamination of water supplies. So Republicans believe when somebody gets sick from MTBE, these companies should not be held accountable. That's just plain wrong. If it becomes law, the provision will force local governments to foot the bill for removing MTBE from water supplies. It was this single issue that scuttled the energy bill last year. Despite this, the Republican leadership's arrogance demands that this provision remain in the bill.

Gas prices in America continue to reach record heights. Natural gas prices have increased raising the cost not only of the gas itself but of derivative products like fertilizer. Gas prices and energy costs affect every American. This problem is particularly acute in farm country. Unfortunately, the Republican congressional leadership wasted an opportunity to develop a prudent energy policy that directly addresses these issues and instead developed a bill that serves as a tremendous handout to oil companies. As a result, I oppose H.R. 6.

Mr. KIND. Mr. Chairman, I rise in opposition to the Energy Policy Act. The bill before us today, full of the same objectionable policies, such as providing liability protections for MTBE makers and taxpayer-funded largesse for the big fossil fuels industries, reminds me of the proverb provided by Saint Bonaventure who said, "the higher the monkey climbs, the more you see of it's behind." Mr. Speaker, this ugly bill has repeatedly scaled the tree and the view hasn't improved any.

I believe the American people expect more from their elected representatives than to simply rehash an energy bill whose flaws have been exposed and it's economic and environmental price tags too high to pay. Yet, once again, the majority refused to work in a bipartisan fashion to craft a balanced and sensible energy bill that meets America's needs.

Every day, millions of American families struggle to keep up with soaring energy costs. Motorists see soaring prices at the pump. Farmers working to provide a secure future for their children watch as their operating margins are squeezed even further. And all too many low-income and elderly Americans are being forced to decide between adequately heating and cooling their homes or purchasing the food and medicines they need.

The American people understand that we face both a short and a long-term energy crisis and that we must develop a comprehensive and balanced plan for our Nation—a plan that finds 21st century solutions to deal with our 21st century energy needs. A bill that directs needed resources to renewable energy sources and efficiency programs. It is unfortunate that the best the majority believes we can do is pass a bill better suited to the start of the industrialization era.

The bill, inexplicably, provides little to promote renewable energy sources or reduce energy use. Instead, it funnels ever more tax benefits to energy companies already making huge profits from high energy prices. In fact, an April 19, 2005 wall street journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for publicly traded U.S. company ever: $8.4 billion. Of the $8 billion in tax incentives, less than $500 million would go to promote renewable energy sources or foster efficiency and conservation programs. After sticking it to the consumers at the pump, do big oil companies like Exxon really need taxpayer-provided "incentives"?

President Bush doesn't think so. In a recent interview, President Bush said, "I will tell you; with $55 oil we don't need incentives to oil and gas companies. There are plenty of incentives." I agree.

The few bright-spots of the bill: like tripling the amount of gasoline sold that contains enthanol by 2012; promoting safe and clean nuclear energy; developing the liquified natural gas infrastructure needed in our country; ensuring electric reliability and easing transmission—all have been overshadowed by the bloated excess and taxpayer-funded subsidies for some of our nation's largest oil and gas companies.

Mr. Chairman, there are unfortunately many more very bad provisions for American taxpayers in H.R. 6, and title 20 in particular—much of which is premised on a 'drill at taxpayers' expense approach to the management of energy resources on public lands.

Perhaps the best example is the issue of drilling in the arctic national wildlife refuge. As my colleagues know, the arctic national wildlife refuge was set aside over 40 years ago by Republican President Dwight D. Eisenhower for the clear and express purpose of protecting its remarkable wilderness and wildlife values. I, like a majority of Americans, oppose developing one of our nation's last remaining pristine areas for a short term energy fix.

And there are other provisions that, standing alone, make this a bad bill: such as the "royalties in kind" provision; granting broad authority to the Secretary of the Department of the Interior for permitting alternative energy-related uses on the Outer Continental Shelf; and reimbursing oil and gas companies for doing the environmental impact studies that are required under law. I know there are a number of my colleagues who are anxious to speak on some of these provisions, so I welcome their comments and lend my support to their wise concerns.

One of the most egregious provisions of this bill is what is being called "royalty relief" for some of our Nation's largest oil companies. This provision waives federal royalty collections on huge amounts of publicly owned lands. Simply put, Title 20 will put billions of dollars of taxpayer money into the already deep pockets of big oil. The amendment offered by my friend from Arizona, Mr. GRIJALVA, would strike section 2005 and restore the collection of royalty payments to the Treasury for offshore oil and gas production on the Outer Continental Shelf—a measure I helped lead last year and one that I strongly urge my colleagues' support.

And buried deep in this bill, under the title named "miscellaneous" there is another provision that could have major consequences for communities struggling to clean up their dirty air. This provision allows cities and towns whose air pollution comes from hundreds of miles away to delay meeting national air quality standards until their offending neighbors clean up their own air. In considering the most significant change in the Clean Air Act in 15 years, I must note the irony that we are just days away from celebrating the 35th anniversary of Earth Day. Earth Day, begun by Wisconsin's own Senator Gaylord Nelson, provided the impetus to President Nixon signing the Clean Air Act.

In addition, the majority party has stuck in the bill a provision that would limit the ability of coastal states to challenge offshore oil and natural gas production. Apparently, the majority party in Congress no longer has much regard for the 10th amendment.

So that is the back-side of our monkey. I urge my colleagues to join me in opposing this energy bill that does little to lessen our dependence on fossil fuels—or the fossil fuels' industry dependence on taxpayer dollars.

Ms. WATERS. Mr. Chairman, I rise in opposition to H.R. 6, the Energy Policy act.

H.R. 6 is a continuation of the disastrous energy policy that the Republican Leadership has been trying to force through Congress for the past four years. They claim that their bill will reduce the cost of a gallon of gasoline—which now averages $2.24 per gallon—and that it will reduce our reliance on foreign oil.

Unfortunately, both of these claims are false. In fact, enactment of H.R. 6 is likely to result in higher prices at the pump for Americans. Even the Department of Energy estimates the price of a gallon of gasoline will increase by three cents if this bill is signed into law.

Mr. Chairman, HR 6 is a massive give-away to oil and gas companies. It provides $7.5 billion in tax breaks and billions more in royalty relief to companies like Exxon, Mobil, Chevron, Texaco and ConocoPhillips, which are already earning record profits, supposedly to encourage these companies to drill more on our public lands and produce more gasoline and oil. As the President noted the other day, with the price of oil at $55 per barrel, these companies do not need any more encouragement to produce gasoline and oil.

The bill also permits drilling in the Artic refuge thereby putting at risk one of the last pristine areas in the world, simply to gain less than six months' worth of oil. Opening ANWR does not make economic or environmental sense and we should not allow it to happen. Instead, we should be increasing the corporate average fuel economy (CAFE) standards for cars and trucks sold in the United States to a more reasonable level. Taking this step would save millions more gallons of gasoline than would be recovered from ANWR, and raising these standards would help improve the quality of air that we breathe.

This bill also weakens our nation's environmental laws including the Clean Air Act.

Mr. Chairman, Los Angeles is consistently ranked among the worst cities in America when it comes to air pollution and smog. Yet, if Congress allows this bill to pass, the Clean Air Act will be severely weakened and thousands of my constituents will see their health suffer because of the increased pollution and smog. We should be supporting a bill that strengthens the Clean Air Act, not weakening it.

Mr. Chairman, I am also very disappointed in the fact that this bill does nothing to address the massive defrauding of Californian consumers at the hands of Enron and other energy companies during the energy crisis of 2000 and 2001.

During that time, energy companies intentionally took generators off line, made false submissions about the prices they bought and sold gas for, and fabricated transactions, all with the intention to make as much money as possible.

Unfortunately, for thousands of Californians, the energy companies succeeded in their efforts. In the summer of 2000, energy companies overcharged California $2.5 billion. In 2001, California paid approximately $26 billion for electricity because of the unscrupulous trading practices of the energy companies, raising the rates of every California ratepayer.

Mr. Chairman, the Federal Energy Regulatory Commission has already ruled that the prices the energy companies charged California were not 'just and reasonable' as required by law. Yet the companies have not had to pay any penalty for their criminal actions. This bill does nothing to change that, but it should.

Mr. Chairman, the American people need us to enact legislation that will actually reduce the cost of gasoline and reduce our dependence on foreign oil. They want us to support a bill that makes real investments in renewable energy and energy conservation. I urge my colleagues to reject this special-interest legislation that puts big business before American consumers.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to oppose this flawed, shortsighted energy bill, which does not give us a national energy policy, and provides more than $22 billion in taxpayer dollars to the private industry. I'm not sure what era the authors of this bill think we're living in, but this bill does not reflect our present or future energy needs in the 21st Century.

High gas prices are on the minds of many Americans right now, and this bill does nothing to change that. The Energy Information Administration has said that this will actually increase gas prices by three cents and will have almost no effect on production, consumption, or prices. I suspect my constituents in New Mexico who are paying $2.32 a gallon will be concerned about that. But this is only one of the several reasons why I oppose this legislation.

One of my great concerns is the provision that allows drilling in the Arctic National Wildlife Refuge, ANWR. I have been to Alaska and I've seen the tremendously diverse wildlife that will be hurt if drilling occurs in the area. In addition, there are native tribes who depend on this wildlife, and they have asked Congress and the state of Alaska to stand up for them and oppose drilling. The environmental costs of this provision are sky-high, and benefits are little to none—six month's supply of oil. Opening ANWR would have no effect on our dependence on foreign oil. It is simply not worth it.

How can the Majority call this bill "comprehensive" when it does nothing to address fuel efficiency in our vehicles? China will produce cars and trucks that are more energy-efficient than the U.S. fleet as soon as 2008. That is why I strongly supported the amendment offered by Rep. MARKEY of Massachusetts to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over $25 million abroad each hour to pay for foreign oil. This amendment would have truly benefited our national security, our economy, and consumers.

I think my constituents will also be interested in the provision in this bill shielding lawsuits against oil companies who used methyl tertiary-butyl ether, MTBE, which has contaminated 1,861 water systems serving 45 million Americans in 29 states, including New Mexico. Documents from recent court cases reveal that the industry knew MTBE could cause severe harm to groundwater supplies as early as the mid 1980s. Internal Exxon memos from 1985 show the company knew MTBE pollutes groundwater more easily and is more difficult to treat than other gas additives. I find it incredibly disturbing that some members of this body place the pockets of oil companies ahead of the constituents in their districts whose lives have been adversely affected by this negligence.

Another grave concern that I have is section 631, which is a $30 million dollar giveaway to a dangerous uranium mining technology that could seriously harm the water and health of 12,000 Navajo Indians. The proposed in-situ leach mining would leach uranium from an aquifer that is the sole source of drinking water for thousands of people in northwestern New Mexico, thereby threatening their health and the integrity of their communities. The proposed mining would leave high levels of uranium in the drinking water supply, which is a slap in the face of Navajo communities that are still struggling to get compensation for the diseases they are suffering from uranium mining conducted near them during the Cold War. This is also unsound fiscal policy for an unproven type of mining. I offered an amendment to strike this section of the bill. Unfortunately, it was defeated by a vote of 225–204. I have been told that these subsidies will not be included in the Senate bill. I hope that remains true, and I look forward to working with my colleagues to ensure that this provision is stripped from the bill in conference.

I brought two other amendments to the Rules Committee that were unfortunately not allowed a vote in the full House. One would create a federal Renewable Portfolio Standard, so that by the year 2022 electric utilities, excluding rural electric cooperatives, would generate 15 percent of their energy from renewable energy sources, and 20 percent by the year 2027. This bipartisan amendment was cosponsored by Rep. MARK UDALL of Colorado, Rep. LEACH of Iowa, and Rep. PLATTS of Pennsylvania. Right now, the U.S. relies on foreign oil to meet roughly 60 percent of our oil needs. This inevitably leaves us dependent on unfriendly nations and harms our national security. We consume a quarter of the world's oil, yet we only control two percent of its supply. It is high time we invest in renewable energy technologies and develop practical solutions to encourage renewable energy production. It is my hope that the Senate will move forward with a more progressive renewable energy policy in its version of the Energy bill.

My last amendment, which I cosponsored along with Rep. DINGELL of Michigan and Rep. BOEHLERT of New York, was designed to fix unnecessary inequities in the hydropower dam relicensing process proposed in H.R. 6, while still ensuring that the relicensing process proceeds quickly. This amendment applies all new rights given to a license applicant to any other party. All stakeholders—States, Tribes, private landowners, local businesses, fishermen, irrigators, conservationists, water sports enthusiasts, and other concerned citizens—would be given the chance to participate in decisions that affect the health of American rivers. I believe it is only fair to include these stakeholders in the appeals process, and I was disappointed that this amendment was not allowed a vote on the floor.

Why does the Majority insist on passing a bill full of tax incentives and subsidies for the oil and gas industry at a time of record profits for those companies? Even President Bush said last week, "I will tell you with $55 oil we don't need incentives to oil and gas companies to explore." The massive royalty tax breaks for energy companies are ill conceived. This bill is anti-taxpayer, anti-environmental, and anti-consumer.

We need a comprehensive energy policy that encourages safe domestic energy production, that will not drastically harm the environment and cause potential harm to thousands, and that does not contain billions of dollars in giveaways to big oil and gas companies. We need a real energy strategy that will help consumers, decrease our dangerous dependence on foreign oil, and keep us competitive internationally. I ask my colleagues to join me in voting against this flawed bill, and I hope we can work toward a more comprehensive energy bill in the future.

Mr. VAN HOLLEN. Mr. Chairman, as Yogi Berra used to say "it's déjà vu all over again." I never would have imagined: During a time of war in the Middle East, heading into the summer smog season in cities like Washington, DC, with prices at the pump hitting $2.50 a gallon, we are here today telling our constituents that the wisest course of action—the best America can do with its energy policy—is "more of the same".

Nonsense. We have choices. We always have choices. What we apparently don't have—yet—is the leadership to make them.

Take national security. Rather than heeding the clarion call of former CIA Director Woolsey, former National Security Advisor McFarlane and others to reduce our use of foreign oil by launching "a major new initiative to curtail U.S. consumption through improved efficiency and the rapid development of . . . petroleum fuel alternatives," this legislation actually increases our reliance on foreign oil, according to the independent Energy Information Agency (EIA).

What about economic growth? We've lost over 2.8 million manufacturing jobs since 2001—and no matter how hard today's proponents try to spin it—this bill isn't going to bring them back. To the contrary, by doling out additional tax breaks to already highly profitable oil companies, this legislation represents a monumental missed opportunity to target critical federal investments towards the rapidly expanding green industries of the 21st century. We should be the world leader in renewable energy and hybrid technologies—not playing catch up to the Danes, Germans and Japanese. In that regard, I regret that an amendment I offered with Reps. INSLEE (D–WA) and HOLT (D–NJ) to achieve this goal was blocked by the Rules Committee and will not be permitted a floor vote today.

Finally, no serious discussion about formulating a comprehensive national energy policy can take place without reference to the environmental impacts of our nation's energy consumption. However, rather than having that discussion, this bill instead goes the other direction by deliberately chipping away at the Clean Water, Clean Air and National Environmental Policy Acts. It once again proposes to despoil the ANWR while ignoring the potential for far greater fuel gains through a long overdue increase in CAFÉ standards. And it brazenly extends a special interest liability waiver to MTBE manufacturers whose product is polluting groundwater in many of our districts—leaving taxpayers to pick up the tab. In my home state of Maryland, important statewide energy efficiency standards and local LNG siting perogatives are preempted. And throughout the entire 1019 pages of this legislation, you will not find a single reference to climate change—despite a bipartisan effort I joined to attach language which would have taken the modest step of establishing a national greenhouse gas registry. That amendment, which twice received unanimous support in the Senate, was similarly quashed by the Rules Committee.

Mr. Chairman, America needs an energy policy that strengthens our national security, promotes long term economic growth and protects the environment. This is not that policy. I ask my colleagues to oppose this bill.

Mr. HOLDEN. Mr. Chairman, coal is by far the largest domestic source of energy we produce. Here in the United States, we have between 250 and 300 years of a coal supply. That is more than the amount of recoverable oil contained in the entire world.

I am proud to represent the anthracite coal fields of Pennsylvania, which have the largest anthracite coal deposit in North America, arguably the largest deposit in the world. It is a high-Btu, low-sulfur fuel, and is considered the cleanest-burning solid fuel on the commercial market today.

But as we can see through rising fuel prices, we are too dependent upon foreign oil. In the United States, we consume about 20.5 million barrels of oil per day. That's about 7.5 billion barrels per year. Half of that is imported. And almost half of American oil consumption is for motor vehicles.

One of our priorities should be to reduce our dependence on foreign oil. We should be increasing research and development into our fossil fuel program. With continued research of coal, the potential of the United States becoming energy self-sufficient in an environmentally friendly manner is enhanced.

For over 15 years, through the clean coal programs of the Department of Energy, the Federal Government has been a solid partner, working jointly with private companies and the states to develop and demonstrate a new generation of environmentally clean technology using coal.

One benefit of the clean coal programs takes advantage of a decades' old technology of converting coal and waste coal into clean diesel fuel. In Pennsylvania alone, there is an excess of 200–300 million tons of waste coal that has accumulated over the years. A company in Gilberton, Pennsylvania, in my district, is ready to do convert this waste coal to diesel fuel and electricity on a large scale. The plant has received support from DOE's Clean Coal Power Initiative.

Coal research and development provides huge benefits for the nation, and pay for itself many times over through taxes flowing back to the Treasury from expanded economic activity.

The clean coal programs are important for several reasons. They: Clean up the environment by burning waste coal; reduce emissions of nitrogen oxides and air toxics; develop cleaner, more efficient power systems; sponsor promising technologies that are too risky for private industry to undertake alone; provide a model for future government-industry technology partnerships; and provide tremendous job opportunities in this country, not in the Middle East.

In 2002, President Bush said, "We will promote clean coal technology." The President recently outlined four important objectives that need to be included in this energy bill. These objectives are all met by clean coal programs: Encourage the use of technology to improve conservation; encourage more production at home in environmentally sensitive ways; diversify our energy supply by developing alternative sources of energy and create more energy choices; and help us find better, more reliable ways to deliver energy to consumers.

We need to take advantage of our own natural resources. I encourage my colleagues to continue to support clean coal programs.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this legislation—an $88 billion giveaway to the oil and gas industry that does nothing to alleviate the record high costs of oil and gas.

At a time when science and common sense tells us we should be doing more research into alternative energy and less drilling in our precious public lands, this bill provides $8 billion in tax breaks for companies to do more drilling and less research into alternative energy. In an $88 billion bill, less than $500 million is dedicated to any kind of renewable energy research.

The legislation promotes drilling in the last vestiges of the great American frontier—places like Alaska's Arctic Refuge and the Rocky Mountain Front—ruining forever these examples of nature's magnificence all for what amounts to 5 percent of a one year's supply of oil. At the same time, it authorizes $80 billion in new spending to assist the big oil companies—one reason conservative organizations such as Taxpayers for Common Sense and Citizens Against Government Waste oppose this bill. Just yesterday, the president expressed similar concerns as well. Another provision gives legal protection to producers of MTBE—a substance if consumed can cause a variety of health problems.

I would like to also express my concern about two very important sections of this bill. Section 330 limits the ability of state governments to oversee the permitting process of pipeline construction projects or construction of LNG facilities, placing that responsibility solely within the FERC, with states relegated to a consultative role. This would eviscerate my state government's ability to regulate proposed projects in the Long Island Sound, despite the state's undisputed leadership in the clean-up of the Sound. To say we do not trust Connecticut to act in the best interests of one of its most prized natural resources is bad public policy and I hope that an amendment offered by Mr. CASTLE to strike this section will be adopted.

Rather, we should be reducing our dependence on foreign oil by improving our energy efficiency and maximizing our domestic energy production in an environmentally-sound way—by investing in cleaner, more secure energy sources such as solar, wind, biomass and fuel cell technology. My State of Connecticut is a leader in fuel cell technology, with several businesses doing research that is on the cusp of revolutionizing the way our nation powers its homes, cars and businesses. This bill should be investing in American small businesses like Proton Energy in Wallingford, Nxegen in Middletown and Danbury's Fuel Cell Energy—companies that already do over $300 million worth of fuel cell business and move us closer to true energy independence.

That is the future of energy in this country, and that is what this bill should be encouraging. By pressing for 20th Century solutions to deal with 21st Century energy challenges, this majority continues us down the road of ever-rising gas prices, harming our economy and leaving middle-class families to bear the brunt of the cost. And that is no plan, Mr. Chairman—it is an abdication of our responsibilities. Oppose this bill.

Mr. CANTOR. Mr. Chairman, the comprehensive energy package that we pass today is a major step forward in our ability to provide certainty in the United States' energy sector. This legislation is the result of hundreds of hours of work developing a plan that will reduce our dependence on foreign oil, improve our economy, and create jobs.

This legislation improves our nation's electricity transmission and reliability. It provides for safer, stable and more reliable energy sources within our own country, making us less reliant on oil from the Middle East.

Clean coal technology and incentives for renewable energies are a key part to the future of energy production and consumption in this country. Domestic oil and gas exploration will make us less susceptible to the rising prices of foreign energy sources.

And let us not forget that this bill does something for American families. As gas prices climb, it becomes more and more expensive to take our children to sports games, visit out-of-town family, and even drive. to work. We need relief from high gas prices and this legislation is a step in that direction.

Mr. CUMMINGS. Mr. Chairman, while Vice President CHENEY still refuses to release the records of his Energy Task Force, it is obvious from the bill under consideration today who participated in the task force and who shaped the Energy Policy Act before us. For the uninitiated, let me tell you, it was the big oil, coal, natural gas, and nuclear energy companies and concerns who shaped this legislation.

According to the Congressional Research Service, U.S. energy consumption has almost tripled between 1950 and now. The U.S. has 3 percent of the world's oil reserves—but now uses 25 percent of the oil produced in the world. In 2003, our nation used approximately 20 billion barrels of petroleum per day—while producing just under 6 billion barrels of crude oil.

How much has our energy use increased? Our petroleum usage in 2003 was almost 3 times higher than it was in 1950. Our consumption of natural gas in 2003 was almost 4 times greater than in 1950. Our consumption of coal in 2003 was double the amount we used in 1950.

In fact, today, in 2005, 86 percent of the energy we consume is still generated through the use of non-renewable fossil fuels.

America's energy policy at this critical time should pioneer the use of renewable fuels and move our nation away from dependence on fossil fuels. At a minimum, national energy legislation should reduce our dependence on foreign oil

However, the U.S. Energy Information Administration has concluded that the legislation before us today will not support the development and wide usage of renewable fuels or even reduce our reliance on foreign oil. In fact, the Energy Information Administration concludes that the bill will reduce oil imports by just over 1 percent by 2025—20 years from now.

While not taking any responsible steps to lay the foundation for a new energy policy in America, the bill before us does provide $8 billion in tax breaks for the energy industry. In keeping with the basic irresponsibility of this legislation, less than 10 percent of these tax breaks will go to the renewable fuel industry.

H.R. 6 would also allow drilling in the Arctic National Wildlife Preserve despite the fact that the U.S. Geological Survey has estimated that there is less than a year's supply of oil in the Preserve.

Only 15 percent of Federal land in the Rocky Mountain states is currently off-limit to oil drilling. A total of 42 million acres of federally held land are currently leased to oil and gas companies. There is no reason to expand drilling to include Alaska's Wildlife Preserve.

Similarly, H.R. 6 would provide $2 billion to support research on recovering oil and gas resources from the deep waters in the Gulf of Mexico—despite the fact that oil companies are generating record profits.

H.R. 6 would also limit the liability of MTBE manufacturers for pollution to drinking water supplies despite the fact that the use of MTBE was not mandated and that there was evidence even before it was widely used that it could be harmful to drinking water supplies. The costs of cleaning up MTBE pollution will be in the billions of dollars—far more than many local jurisdictions can afford to pay from their own resources.

While the groups who met with Vice President CHENEY were clearly focused on maintaining the status quo in America's energy policy, there are in fact many things that can be done to decrease our dependence on fossil fuels and particularly to decrease our dependence on foreign oil.

We can support increased energy conservation. We can revamp—not repeal—the Public Utility Holding Company Act. We can implement policies to reduce the ability of energy traders to manipulate markets and rates.

Further, we can increase spending on the development of bioenergy and other renewable fuels. For example, the 2002 Farm Bill authorized $150 million in spending in fiscal 2006 to support bioenergy initiatives. However, the President's short-sighted fiscal 2006 budget proposes to limit expenditures on these initiatives to just $60 million.

Such reductions in spending on bioenergy—especially given the provisions of the H.R. 6—are misguided.

H.R. 6 does not provide the new energy policy we so desperately need. I urge a no vote on this legislation.

Mr. HIGGINS. Mr. Chairman, I rise today in objection to H.R. 6, the Energy bill under consideration by the full House of Representatives this week. Sadly, the energy bill does little to reduce our nation's dependence on foreign oil, decrease rising oil and gas prices, increase our national security, protect our environment, or encourage investment in renewable energy sources.

In fact, Mr. Chairman, of the $8 billion in tax breaks in this bill, only about 6 percent goes toward energy efficiency and renewable sources of energy, and the rest goes to the already booming oil and natural gas industry that already receives more than generous incentives. And we're not getting anything back from this disproportionate investment. The Administration's own Energy Information Administration acknowledges that with this bill, "changes to production, consumption, imports, and prices are negligible." They even find that gasoline prices under this legislation would increase by between three and eight cents per gallon.

Clearly, this measure is a short sighted political move aimed at winning friends and contributors instead of what it should be—a long term plan to ease the energy burden on consumers and make the United States safer and energy independent—and that's a shame.

As a member of the Committee on Government Reform's Subcommittee on Energy and Natural Resources, I know all too well how energy needs shape our foreign policy and our national security agenda. Our desperate need for oil pits us against China and India. It forces us into a position of funding governments and world leaders who funnel our payments to groups that are currently planning to do us harm. And our need for oil from foreign markets forces our brave Armed Service men and women into harm's way to protect our vital interests.

But oil need not be the lead driver in our national security policy. We have resources at home like water, wind and sun that, with research and investment, can produce cleaner energy sources and cheaper alternatives, can reduce our dependence on foreign oil, and can create jobs and spur spending here at home. Just outside my district, with the water heaving over the Niagara Falls, we convert water into electricity every day. It's a shame this bill doesn't address similar options around the country.

All too often I hear from my constituents in Western New York that too many low-income families, disabled individuals and senior citizens are not able to afford their energy costs. My district is particularly hard hit with extreme cold temperatures, which cause more families to face unaffordable heating costs and put families and seniors at a higher risk of life-threatening illness or death if their homes are too cold in the winter or too hot in the summer. I will vote against the energy bill on the floor because this legislation ignores my constituents' needs and adds to their troubles through higher prices, an increased tax burden, more pollution, and less national security. I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this legislation and in support of the Markey/Johnson amendment to protect the Arctic National Wildlife Refuge.

I am pleased to be an original cosponsor of the Udall-Eisenhower Arctic Wilderness Act and am diametrically opposed to drilling in the refuge. I say this as an unabashed advocate for protecting the environment.

As Rep. MARKEY recently stated, "We must draw the line against drilling in our few remaining pristine habitats set aside specifically for preserving wildlife for future generations. If we allow drilling in the Arctic National Wildlife Refuge, there will be no place in America so special that it cannot be opened up for commercial exploitation."

Unfortunately, the environmental ethic holds no value with this White House or a majority of my colleagues in this chamber.

They simply don't care.

So let me try another tract. It's one that I fear is too real a scenario and one this energy bill falls seriously short of addressing.

Today, this year, this decade, it really doesn't matter, but someday and someday soon we will cross the point where world demand for oil will outpace available supply. The disagreement isn't about if it will occur, it's when.

And, when it does occur it will be a time of reckoning. We will have to reorient our oil-dependent economy into something less consumptive of oil. If the shortfall in supply takes on crisis type dimensions, the transition will be much more disruptive economically and socially.

The one reserve we possess to ease this transition, buy us time and mitigate a crisis, is the untapped reserve thought to exist under the National Arctic Wildlife Refuge.

I would hate to see this reserve extracted under any circumstance, but if one day it must, let it be for better reasons than those presented today.

I doubt there will ever be sufficient safeguards to guarantee this Serengeti of the Arctic can be protected once drilling starts, but if there is credence to the argument that the technology and safeguards used today are better than yesterday's, then tomorrow's will still be more advanced than today's improvements.

Let's not drill now, squander our last reserve of oil and gain nothing in improved economic security.

Unless this bill places our Nation on a path toward lower levels of oil consumption, greater use of alternative fuels, greater levels of fuel efficiency and conservation, why should we advance the calendar on the day of reckoning?

Why should we consume next year's seed corn, when we haven't experimented with alternative diets or eating less?

Support the Markey/Johnson amendment; oppose drilling in the refuge.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Boehlert/Markey CAFE standard amendment.

When it comes to cheap energy and low gasoline prices, we have lived on borrowed time.

As a whole our energy policies promote profligate consumption. The more you buy and consume the cheaper the unit price.

The bill before us does little to wean our nation from its dependence on foreign and unstable sources of energy. According to DOE, this nation consumes 24 percent of the world's energy while comprising less than 7 percent of the world's population.

Today, the world is racing to develop and catching up with our consumptive habits and standard of living. It's a race that cannot succeed and is unsustainable over the long term.

I deeply regret that a majority in this Congress for years blocked the Department of Transportation from raising the Corporate Average Fuel Efficiency Standard for automobiles and trucks

Then, when the White House changed hands in 2001, and perhaps confident that no real action to raise standards would occur, the restriction was no longer included as a rider in the appropriations bills.

This short sighted policy has placed us squarely in the situation we are in today.

Had the current president's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from OPEC today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of $50 barrels of oil and $2.35 per gallon of gasoline.

Mr. Chairman, for the sake of the future of our country and our long term economic prosperity we need to wean ourselves from our dependency on oil.

Nothing is likely to have a greater impact in accomplishing this goal than making our transportation sector more fuel efficient.

I urge my colleagues to support the Boehlert-Markey amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise in vehement opposition to this legislation.

Two years have passed since the last time we debated a comprehensive energy bill on the House floor, but the majority appears to have learned nothing since that time.

What we are considering today is practically the same, identical bill from last Congress. It even has the same bill number (H.R. 6) as last time, as if it were photocopied with complete indifference to the disturbing news and international developments that have come to pass in recent years.

Mr. Chairman, why is oil more than $50 a barrel and gasoline prices averaging $2.28 per gallon?

The simple answer, demand is up and supply is limited.

A more thorough investigation leaves one very troubled with the direction we are headed. While demand from the U.S. and other industrialized nations is growing on average 1.2 percent, the situation in developing nations has radically altered. Demand for oil in these countries is now growing at an average of 2.7 percent annually. On its face that may not sound like a lot but it is not sustainable and is largely the cause behind the higher prices we're encountering today.

In China, demand for oil is growing at almost an exponential rate. India isn't far behind either. Combined, these countries represent 35 percent of the world's population.

Another sign of concern is that Indonesia, a member of OPEC, became a net importer of oil in 2004.

These recent increases in worldwide oil demand are not a one-time phenomenon; there're here to stay and will continue to squeeze markets and push oil prices ever higher.

The Department of Energy, on its own Web site, even suggests that crude oil prices will continue to cost over $50 per barrel. (Though they are silent on any long-term forecast.)

Mr. Chairman, we are an oil-based economy. While coal, uranium and some renewable sources such as wind comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

Unfortunately, H.R. 6 does very little to prepare us for the day when this insatiable demand for oil outpaces world supplies.

When that day comes, the prospect of $80 barrels of oil and $4.50 a gallon of gasoline are not unrealistic. Some pessimistic forecasts even predict $200 barrels and $10 a gallon of gasoline.

Many experts believe that most of the world's proven reserves have been found and that supplies will decline an average of 3 to 6 percent a year once the oil peak has been crossed.

The oil shock caused by the Arab oil embargo of 1973–74 cut supplies temporarily by 5 percent.

The social and economic disruptions caused by this temporary disruption in supply were felt for more than a decade. Gas prices shot up 400 percent, inflation ran rampant and was fought with double digit interest rates and unemployment climbed over 10 percent.

Are we prepared or are we preparing ourselves for some permanent downward decline in supply?

Does this bill prepare us for this eventuality?

I think the answer is that it clearly does not.

Why are we rushing to exploit pristine wilderness areas like the Arctic National Wildlife Refuge and bestowing more tax incentives on some of America's most profitable companies and individuals to tap our last domestic sources of domestic oil and gas when these sources won't even make a dent in our oil and gas needs?

Where are the incentives and subsidies to wean us from our dependency on foreign oil?

Where are the incentives and subsidies to retool industry to alternative fuels and greater efficiency?

One part of our solution to the looming energy crisis is to require automobiles to be more fuel efficient. Had we improved efficiency through higher CAFE standards 27 miles for light trucks and 33 for cars back in the early 1990s, we could have displaced all the oil we imported from OPEC today. This bill is shamefully silent on that issue.

We have been shortsighted in our energy policies, preferring to influence short-term prices, keeping them artificially low while ignoring the long-term consequences of programs and policies that promote greater consumption and profligate waste.

When oil supplies begin their decline and prices spiral higher, our profligate waste may be our one silver bullet to respond.

There are incredible opportunities to make industry, office buildings, homes and vehicles more fuel efficient.

We cannot sustain a situation where 6.7 percent of the world's population continues to consume 24 percent of the world's energy. (Energy Information Administration 2002 figures: 405 quadrillion Btus world—98 quadrillion Btus U.S.)

Mr. Chairman, this bill is deficient and heads our country in the wrong direction. It rushes us closer to the day shortages occur and sets us backward on our ability to address it.

I urge my colleagues to reject this bill.

Mrs. BONO. Mr. Chairman, I first want to thank Chairman BARTON for putting so much time and effort into this legislation. It is due to his leadership and commitment to establishing a better national energy policy that we are here today.

H.R. 6 takes many important steps. I am especially pleased at its focus on renewable energy and I thank Chairman BARTON for including my Renewable Energy Production Incentive (REPI) legislation in the bill. In addition to REPI, H.R. 6 also helps homeowners across the nation through its weatherization assistance program and makes an important commitment to hydrogen fuel research, including my public transit provision, to spur the development of hydrogen vehicles and infrastructure. Teaming together with private enterprise, we can become less dependent on using fossil fuels for our homes and our cars.

But while we work towards achieving freedom from oil and those nations who produce it, the reality is we still need this resource. To address that need and its impact on our economy, this legislation also helps expand domestic exploration. We can take important steps in not only creating a greater sense of independence and lowering the costs at the pump, but also help our own economy and the small, independent producers who are struggling today. We cannot and should not allow our very own producers to be overlooked when resources are limited and the price of gas is rising.

My home state of California has seen its share of energy problems. It is critical for our nation to have a national strategy on energy so we can clear many of these hurdles looming in our future. This bill takes our country in the right direction.

Again, I wish to thank Chairman BARTON for his diligence and effort on this legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Boehlert-Markey amendment to raise fuel economy standards for automobiles and I thank the gentlemen offering this amendment for yielding me time.

Mr. Chairman, we have heard it repeated over and over during debate on this bill from members on both sides of the aisle—we must reduce our dependence on foreign sources of oil, and we must stabilize our energy costs. Yet H.R. 6 does none of these things!

That is why I strongly support this amendment to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Increasing the fuel economy is one important step we can take towards making all this rhetoric a reality. This amendment truly does benefit our national security, our economy, and consumers.

Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over $25 million abroad each hour to pay for foreign oil. These payments increase the trade imbalance, reduce the strength of the dollar, drive up-the cost of other imported goods, and stunts the growth of the nation's GDP.

In addition, many of the world's major automakers recently signed an agreement with the government of Canada that commits them to improving fuel economy standards by 25 percent by 2010. China will soon produce cars and trucks that are more energy-efficient than the U.S. fleet. Considering that the U.S. consumes a quarter of the world's oil, we must keep pace with these other countries and improve our fuel economy standards.

This amendment matches the rhetoric by truly reducing our dependence on foreign oil, helping our economy, and benefiting consumers. I urge my colleagues to support this amendment.

Mr. RYUN of Kansas. Mr. Chairman, the energy policy before us is comprehensive and timely. It bolsters the economy while preserving the environment, recognizing that one need not be sacrificed for the other. In addressing both present and future concerns, this plan provides real improvements to our energy policy with the goal of reducing our dependence on foreign oil.

This bill looks inward by expanding our refinery capacities and tapping into our domestic resources in an environmentally safe way. This will help provide relief for rising gas prices and begin to safeguard us against the whims of OPEC.

Beyond traditional energy, this plan promotes the development of renewable fuels. By approving this bill, we will do much for the development and expansion of alternative fuels. For example, the increased use of Ethanol will not only reduce our dependence on foreign oil but will also benefit our economy and environment. Farmers in Kansas and across the country stand ready to help with this effort.

We have gone without a national energy plan for far too long. We must act now and finally pass this forward-looking energy plan into law.

Mr. BLUMENAUER. Mr. Chairman, it is commonly heard that the world changed after September 11, 2001; yet the energy bill did not.

What Congress is considering this week is virtually identical to that which came forth from DICK CHENEY's energy task force and the Congressional process four years ago. The ever growing concerns about energy reliability, the Enron scandal, skyrocketing gas prices, increasing demands on ever scarce supplies in unstable areas of the world all have not produced a change in the mindset of Congress. At a time when we should call forth our best, the energy bill is both a mediocre effort and more appropriate for the 1950s than this new century.

With the American energy experience over the last third of a century, public opinion has grown clearer while Congress' vision has not.

With 10 percent of our energy use tied directly to our vehicular traffic, it is selfevident to the majority of Americans that our fuel efficiency standards should be significantly increased. The Japanese and Europeans are already far ahead of us. Even the Chinese have now adopted more stringent fuel efficiency standards. Congress cannot keep up with the American public or the policymakers in China, Japan or Europe.

The public knows that the Arctic National Wildlife Refuge is the last place that America should look for oil, not the next place.

The public supports investing in renewable energy sources, but this bill is heavily skewed towards more public subsidy of oil and gas interests, already awash in cash. These companies have ample money available to exploit energy resources in this country if they wish. Alternative energy sources are shortchanged in this bill. It has been estimated that they get one dollar for every $363 invested in other sources. Wind and solar energy are abundant, and non-polluting; with a fraction of the resources lavished on traditional energy sources, alternative energy could increase the production and reduce cost.

The public is not interested in cutting deals with special-interests at the expense of the environment and public health. This bill poses significant risk to air pollution and makes an unnecessary and unwise compromise with MTBE manufacturers at the expense of state and local authorities and the quality of local drinking water.

I am opposed to a provision in the bill that shortchanges public participation in the hydropower relicensing process. By denying rights to private landowners, farmers, local businesses, tribes, fishermen, conservationists and others who share a direct interest in dam operations, the bill would make it less likely that license applicants would agree to an outcome that allows for energy generation as well as protection of the river ecosystem. In Oregon, PacifiCorp is in the process of relicensing a number of dams on the Klamath River. The company has been involved in an open and cooperative process with stakeholders, and I am concerned that the language in the bill would both undermine that progress as well as reduce incentives for other companies to engage in this type of open process.

I am disappointed that Congress defeated a number of Democratic amendments that would have boosted fuel efficiency, removed language allowing drilling the Arctic National Wildlife Refuge, kept in place important consumer protections, and reduced our dependence on foreign oil. I am pleased that one small, but important, step was taken by the acceptance of my amendment to establish a Conserve by Bike program. This amendment authorizes pilot programs and a national study that will help us better understand the benefits of converting trips from cars to bikes and how to educate people about these benefits

In short, this bill looks at our energy problem through a rearview mirror; it gives too much to the wrong people to do the wrong thing and is dramatically out of step with what the American public needs and wants. One can only hope that as it works its way through the Senate, and as the public discovers what's in this bill, that some of the more unfortunate provisions will be eliminated or modified.

There will come a time in the foreseeable future when the needs of our country and the wishes of the public are heard and that will be reflected in an energy policy for this century that is cost effective and rational.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 6.

The people of our nation need an energy policy. We need to pass an energy policy that actually brings down record high gas prices, protects our environment, and truly reduces our dependence on foreign oil by encouraging energy efficiency and the use of renewable sources of energy.

Instead, at a time of record gas prices, this special-interest, anti-consumer energy bill would actually increase gas prices. The national average price for gasoline remains at a record level of $2.24 per gallon. And yet, according to the Bush Administration's own Energy Department, the Republican bill will actually increase gas prices by 3 cents and will have almost no effect on production, consumption, or prices,

As if raising gas prices were not bad enough, H.R. 6 also harms our environment. It rolls back important safeguards in the Clean Water Act and the Safe Drinking Water Act, which are critical in keeping our waterways clean and safe. Protecting the producers of MTBE from paying for polluting our drinking water, H.R. 6 actually passes the cost of cleaning up the industry's mess to taxpayers. Finally, it opens the Arctic National Wildlife Refuge, one of our nation's greatest natural treasures, to drilling by the oil and gas industries.

At this time in history, it is crucial that we work to reduce our dependence on foreign oil by prioritizing energy efficiency and renewable energy. Of all the tax incentives in H.R. 6, only 7 percent are designated to encourage renewable energy and conservation, while billions of dollars in tax breaks are funneled to the oil and gas industries. On top of these tax breaks, provisions in this bill would provide as much as $2 billion over ten years to companies who drill in the deep waters off the Gulf of Mexico. Instead of increasing corporate giveaways at a time when oil and gas companies are raking in record profits, we must redouble our efforts to support renewable energy and conservation.

Mr. Chairman, because H.R. 6 would increase gas prices, harm our environment, and do so little to encourage renewable energy sources, I oppose this legislation and urge my colleagues to do the same.

Mr. EMANUEL. Mr. Chairman, there is a simple test this energy bill should pass.

Is big oil going to see their largess before the American people see relief at the pump?

The answer's yes, and that's exactly what's wrong with this legislation.

It isn't a bill written for the benefit of the American people, but by high-priced lobbyists for the benefit of their high-priced clients.

The Energy Department says this bill doesn't lower gas prices. In fact, it could actually raise gas prices by 3 to 5 cents per gallon according to the Department's independent budget analysis.

Even President Bush said this bill subsidizes the oil and gas companies and that he would have written it differently.

The energy bill is supposed to provide this nation with a comprehensive energy policy, but what's written here is an $8 billion giveaway to big oil.

Mr. Chairman, yesterday the President said, "I wish I could simply wave a magic wand and lower gas prices tomorrow."

Well, Mr. President, I wish that I could wave a magic wand and get your administration and this Congress out of the pockets of big oil companies.

Then maybe we could begin the people's work.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 6, the Energy Policy Act of 2005. Completion of this energy bill is a step forward in our struggle for energy security and independence. A reliable and affordable energy supply is crucial to America's economic vitality, security, and quality of life.

While this energy bill is not perfect, we continue to make progress towards promoting energy conservation and efficiency; increasing the use of all domestic energy resources, including coal and ethanol; improving our energy infrastructure; and promoting the development of advanced energy technologies.

The combustion of fossil fuels is essential to our energy policy and must continue to be a part of a balanced energy plan for this country. Coal is absolutely critical to our nation's economic health and global competitiveness because there is no present alternative to coal to meet our energy needs. Coal accounts for more than 50 percent of U.S. electricity production in the U.S., and in my home state of Illinois, the coal reserves contain more BTU's than the oil reserves of Saudi Arabia and Kuwait. Twenty-three of the state's 82 generating facilities run on coal and employ over 2,883 employees. However, a majority of the coal facilities burn Western coal. The coal provisions included in today's energy bill could help these plants switch back to Illinois coal, keep them operating in a more environmentally friendly way, and maintains jobs.

I am pleased this year's energy bill contains provisions for clean coal technologies to burn coal more efficiently and cleanly with the hope of achieving a healthier environment while maintaining jobs. Specifically, I am referring to an important provision in H.R. 6 that authorizes $200 million for fiscal years 2006 through 2014 for the Clean Coal Power Initiative (CCPI) to direct the Secretary of Energy to carry out pollution control and coal gasification projects to promote environmentally safe energy production using performance goals for coal emissions, awarding grants and funding coal gasification projects. I am also pleased the energy bill again contains my language to create national centers for coal research, one of which is Southern Illinois University Carbondale (SIUC) because of the university's proven record of demonstrating clean coal technologies. Further, this year in the House Science Committee, I introduced a new initiative that was included in today's energy bill to create a program to develop advanced technologies to remove carbon dioxide from coal emissions and permanently sequester it below ground. This is one of the technologies that the FutureGen project is designed to use. Southern Illinois is the perfect location for FutureGen, which is a clean coal power plant with emissions equal to those of natural gas that has been proposed by President Bush and needs Congress's support.

In addition to the clean coal provisions, the bill contains provisions instrumental in helping increase conservation and lowering consumption. Included in this are ethanol provisions that are used as a replacement and additive for gasoline consumption. Under this legislation, ethanol use would increase, nearly tripling the current requirement. This is expected to increase the average price of corn paid to farmers 6.6 percent, or 16 cents per bushel and increase average net cash income to farmers by $3.3 billion over the next decade, or more than six percent. This increased use of ethanol will save 1.3 billion barrels of oil by 2016, improve the trade deficit by $28.5 billion over 15 years, add $135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate $32 billion in income for American consumers over 15 years. Illinois currently produces over 800 million gallons of ethanol per year at 7 different plants, roughly 28% of all U.S production, employing 1,168 people.

Although I am pleased the energy bill promotes essential investments in energy efficiency, renewable fuels, and advanced vehicle technologies, much more is needed. The security and environmental challenges can no longer be overlooked if our country wants to truly reduce our oil dependence. Therefore, I am disappointed the Boehlert/Markey amendment which I supported did not pass. This would have increased the fuel economy of America's vehicles to 33 miles per gallon by 2015. The technology exists today to make all vehicles to go farther on a gallon of gas while improving safety and consumer choice. This amendment would save American consumers money at the gas pump, protects the environment, and cuts America's dangerous dependence on oil.

I am also disappointed an amendment offered by Representatives MARKEY and JOHNSON that would prohibit drilling in the Arctic National Wildlife Refuge (ANWR). I have consistently opposed oil and gas exploration, development, and production in the Arctic Refuge and voted in favor of the Markey/Johnson amendment to strike the title from the bill.

Finally, I supported a motion to strike a provision in H.R. 6 that has been identified by the Congressional Budget Office as an unfunded mandate on state and local governments and the private sector. This provision shifts the clean-up of methyl tertiary butyl ether (MTBE), burden on communities and the federal government. Clean up is a huge and growing problem in communities across the country, including my congressional district, as MTBE contamination is extremely expensive, and taxpayers should not be obligated to pick up the tab.

Mr. Chairman, America deserves an energy policy that makes the country safer and more secure. There are many aspects of the energy bill, such as the coal and ethanol provisions that help Illinois, and I will work with my colleagues to ensure they are an integral part of our energy future.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act.

I believe every Member in this chamber agrees that our country faces a potential energy crisis if we do not act quickly to establish a new national energy policy. We need to make major investments in energy self-reliance, infrastructure, and new technologies. However, where we differ is on how best to achieve those goals. When I look at the provisions of this bill, I do not see a clear vision for America's future. Instead, I see a policy that promises more of the same and that does not end our nations' dependence on foreign oil. It astonishes me that the nation that mobilized to put an American on the moon is not leading the world in developing new, clean and renewable energy sources. Such an effort would revitalize our economy, improve our environment, and strengthen our national security. However, this mission can be successful only with the leadership of Congress and the President, and I regret that we have not pursued that goal here today.

Instead, this bill clings to the incorrect assumption that our nation can drill and dig its way to energy independence. Although transportation is the largest source of oil consumption in the nation, H.R. 6 authorizes drilling in the Arctic National Wildlife Refuge rather than making modest improvements to automobile fuel efficiency standards. Instead of investing in renewable energy sources, 93 percent of its $8.1 billion in energy production tax incentives are targeted toward gas, oil, and other non-renewable sources.

The measure also includes some very disturbing provisions that can damage the health and safety of our citizens. H.R. 6 includes a liability exemption for manufacturers of MTBE, the fuel additive that has contaminated the groundwater of communities throughout the nation, including in Pascoag, Rhode Island. It also strips states of their ability to provide for the safety of their citizens by granting the Federal Energy Regulatory Commission almost unlimited authority in siting new liquefied natural gas facilities. A recent study by the Department of Energy noted a deliberate attack on a LNG tanker could result in a deadly fire reaching as far as a mile away. Nevertheless, FERC is considering an application for a LNG facility in Providence, in proximity to Interstate 95, schools, neighborhoods, and Rhode Island Hospital, the only Level trauma center in the state. A broad, bipartisan group of state public officials, including the Governor, Lieutenant Governor, Attorney General, Mayor of Providence, and the Congressional delegation, have expressed their united opposition to the proposal, but the provisions in this bill would place the decision solely in the hands of FERC without the consent of those elected to protect the people of Rhode Island.

Last week, right before the April 15th tax filing deadline, this Congress passed an estate tax bill that benefited only the wealthiest one-third of one percent of Americans while adding massive debt to burden future generations. Today, the day before Earth Day, we are considering an energy bill that provides massive tax breaks to the oil and gas industry instead of investing in cleaner renewable sources and energy efficiency. Again, Congress has identified a problem and responded in a fashion contrary to the long-term interests of our nation. I am deeply disappointed in this measure and urge my colleagues to vote against it so that we can refocus our efforts on an energy policy for America's future.

Mrs. DAVIS of California. Mr. Chairman, I rise regrettably in opposition to H.R. 6, the Energy Policy Act. While there are many good provisions in the act that make modest improvements in support of energy efficiency, there are major deficiencies in this bill.

My constituents are very clear about the problems they face. First, gas prices are too high at the pump. Second, our country will always have to rely on foreign-produced oil. Third, the costs of electricity have been inflated by the manipulations of energy corporations which have not been required to refund their illegal profits. In addition, many are concerned about the effect of greenhouse gas emissions. This measure does not strongly address these issues.

The cost of gas is a function of supply and demand. This body had the opportunity to enact a wisely balanced policy to reduce the demand for oil in this country and to address the supply of fuel by investing aggressively in alternative energy sources. The President's own energy administration have said this bill will have only negligible impact on production, consumption and imports of oil. In fact, they said it will probably increase the price of gasoline by 3 cents per gallon.

What this bill does is to authorize more money for existing energy producers to increase oil drilling in sensitive areas for sources of supply that will not greatly reduce future reliance on foreign oil. The President himself declared that with oil costing over $50 per barrel, the oil industry does not need further incentives to increase production. Price alone does that. Yet, this bill provides $8 billion in subsidies for the oil and gas industry.

The President proposed $6.7 billion for tax breaks for energy with 72 percent invested in renewable energy sources and energy efficiency. Instead, this bill reduces that investment to 6 percent. Even an existing program to provide tax credits for wind power will sunset this year and has not been renewed in this bill. Yet, high costs of electric energy must be reduced by use of renewable sources for power.

A major way Congress could have acted to reduce petroleum demand would have been to increase fuel efficiency standards for automobile fleets. A major report by the National Commission on Energy Policy advocated enhancing oil security by reforming and significantly strengthening vehicle efficiency standards. Within a relatively short time, expanding the production of vehicles with existing technologies could have reduced fuel consumption of automobiles and U.S. oil demand. Yet, an amendment to increase fuel efficiency standards failed.

The Commission also advocated providing $300 million per year in manufacturer and consumer incentives for production and purchase of efficient hybrid-electric and advanced diesel vehicles. This bill falls short of that goal, providing only $35 million for 2006 for grants to develop hybrid technology and no funding for incentives to manufacture or purchase them.

Regrettably, the amendment to strike drilling for oil in the Arctic National Wildlife Refuge also failed. Drilling there would not address the near-term supply of oil and therefore gas prices and is not projected to have a major impact on reducing dependence on foreign oil. In fact, this country cannot be self-sufficient in oil. We must reduce our demand.

Related to an issue of great concern to Californians, the bill protects producers of the additive MTBE from liability for their knowing sale of a product which seeps into local water supplies rendering them toxic. Initially, an amendment striking this was not allowed to be debated and voted. States like California could be stuck with paying the estimated $29 billion bill for cleaning up these sites of leaking storage tanks and polluted water supply.

There are a host of other issues that affect my constituents on the coast of California. These relate to the ability to appeal decisions under the Coastal Zone Management Act and incentives for drilling for oil on the Outer Continental Shelf. The bill removes the power of states to determine siting of liquefied natural gas facilities. There are also provisions which will reduce the incentive for states to clean their air, thus increasing global warming.

In addition, the bill increases the power of the Federal Energy Regulatory Commission, the body which has failed to order appropriate refunds for California utility consumers based on the 2000–2001 manipulation of the power market.

While I applaud a number of measures, like continuing the Energy Star program for appliances and providing grants of $50 million in 2006 to develop or promote photo voltaic technologies, these measures are modest compared to the overall need for investing in alternative energy sources and passing measures to decrease our dependence on petroleum.

Mr. TIAHRT. Mr. Chairman, I rise today in strong support of H.R. 6, the Energy Policy Act of 2005. This comprehensive energy bill is a bipartisan effort to bring lower energy prices to consumers while spurring our economy toward growth for the future. Hundreds of thousands of jobs will be created, energy conservation will be promoted and our environment will be cleaner as a result of the policies in this bill.

House Republicans have a track record of passing energy legislation in both the 107th Congress and the 108th Congress. But we were unfortunately not able to get a bill to the President due to unwillingness by Senate Democrats.

I am hopeful this year will be different and that Congress will finally pass an energy policy that will take our country forward. I know Kansans in my district are tired of paying high prices for gasoline, and they want a good energy bill passed soon. The longer we wait to pass a national energy plan, the longer it will take to counter rising energy costs. The Energy Policy Act of 2005 is a huge step in the right direction and will help both the public and private sector address our energy needs for years to come.

H.R. 6 promotes clean coal technology and provides incentives for renewable energies such as ethanol, biomass, wind, solar and hydroelectricity.

I am very pleased H.R. 6 includes a Renewable Fuels Standard that will help introduce up to five billion gallons a year by 2012. The more ethanol and biodiesel is used by drivers across America, the cleaner our air will be. Plus, we will be providing America's farming communities with alternative income opportunities for commodities such as corn and soybeans.

I have spoken to numerous Kansas farmers who say over and over again that the ethanol provisions contained in the energy bill are good for our struggling rural communities. Many counties and small towns in Kansas have faced years of declining populations. Whenever we can provide increased economic opportunities for rural communities while providing for our nation's energy needs, we create a win-win situation.

Another promising renewable energy source is wind energy. There are plenty of places in the great State of Kansas where landowners are eager and willing to work with private investors to capture this abundant natural resource and turn it into usable energy. Anyone who has visited our State will know we have plenty of wind. By reauthorizing the Renewable Energy Production Incentive program to provide renewable energy production incentives for wind, we are giving landowners and businesses the assistance needed to tap into this underutilized energy source.

This legislation also establishes a Department of Energy rebate program for renewable energy systems installed in homes or small businesses. And the Federal Government is directed to use more renewable energy in future years with a goal of using 7.5 percent or more by 2013.

By promoting forms of renewable energy, we are helping move our country toward a more sustainable energy future.

In addition to promoting renewable energy sources and looking toward the future, this energy bill also addresses the realities of our energy needs today. Americans everywhere are frustrated with high gasoline prices. One of the contributing factors to high fuel prices is the fact that the United States has not built a large-scale refinery in over 20 years. And since 1981, half of the refineries have been shut down. When we not only cease building new refineries, but we reduce the number of facilities needed to produce fuel, it is no wonder gasoline prices continue to steadily rise.

H.R. 6 helps address rising fuel costs by providing an accelerated review and approval process for new refinery facilities in a refinery revitalization zone. The energy bill designates certain areas as refinery revitalization zones based on a region's previous refining or manufacturing experience and current unemployment rate.

The United States depends on foreign sources of oil for 62 percent of our Nation's supply, and that percentage is projected to increase to 75 percent within 5 years. Not only is our demand for oil rising, but global crude oil demand is increasing, particularly in countries like China. We must take action to reduce our dependence on foreign oil.

This energy bill has several provisions that help us do just that. It expands our domestic supply by increasing domestic oil and gas exploration and development on non-park Federal lands. And by requiring five billion gallons of renewable fuel by 2012, we will save 1.6 billion barrels of oil by 2012.

The Energy Policy Act of 2005 promotes a cleaner environment by encouraging new innovations and the use of alternative power sources by launching a state-of-the-art program to enable hydrogen fuel cell cars to compete in the marketplace by 2020. This is just one example of how we are encouraging ideas to move from conception to application in the marketplace.

H.R. 6 requires the Department of Energy to develop a plan outlining technical milestones as well as technical and non-technical hurdles to hydrogen vehicles and their associated infrastructure. The hydrogen program is to be conducted as a partnership between public and private enterprises to address the production of hydrogen from diverse sources.

Hydrogen can be produced from fossil fuels, hydrogen-carrier fuels and renewable energy resources, including biomass and nuclear energy. The program also addresses pipeline hydrogen transmission, convenient refueling, advanced vehicle technologies, hydrogen storage and the development of necessary codes and standards.

The legislation authorizes $200 million for the "Clean Cities" program, which will provide grants to state and local governments to acquire alternative fueled vehicles.

H.R. 6 will improve our Nation's electricity transmission capacity and reliability. By providing for expedited siting processes on both Federal and private lands, transmission lines will be able to be more efficiently and quickly placed so power can be transmitted across the country. The bill also greatly improves the operation and reliability of electric transmission networks by providing for open access to transmission lines not previously subject to the same open access requirements. The Federal Energy Regulatory Commission is directed to do an incentive rate rulemaking and to provide for participant funding.

The Energy Policy Act of 2005 promotes investment in the electric sector by repealing existing Public Utility Holding Company Act requirements and replacing them with authority for Federal and State regulators to examine relevant books and records.

H.R. 6 promotes more natural gas exploration. Many Kansans rely on natural gas to fuel stoves, furnaces, water heaters, clothes dryers and even backyard barbeques. Natural gas is the cleanest fossil fuel, resulting in approximately 50 percent less carbon dioxide than coal and a third less carbon dioxide than oil. But those who rely on this energy source have seen their bills skyrocket.

Provisions in H.R. 6 allow for more natural gas exploration and development by providing royalty relief for deep and ultra-deep gas wells in the shallow waters of the Gulf of Mexico. Improved access to North America's abundant natural gas resources will help reduce high utility bills, create jobs and provide more than $500 million of increased revenues for the U.S. economy.

Businesses depend on natural gas to produce steel, glass, paper, clothing, aluminum, brick and most importantly, electricity.

Even farmers rely on it to produce fertilizer needed for the crops that ultimately become food on our tables. And cities rely on natural gas to comply with tough air quality standards.

H.R. 6 also extends daylight savings time by two months. This extension will reduce energy consumption by the equivalent of 100,000 barrels of oil each day. Studies indicate the proposal to adopt extended daylight savings time from the first Sunday in March to the last Sunday in November will lower crime and traffic fatalities. This provision will also give families more daylight hours to enjoy outdoor recreation and opportunity for increased economic activity.

If America wants to be more competitive globally, we must pass a comprehensive energy bill that allows businesses to operate with sustainable, low-cost forms of energy. H.R. 6 moves us in that direction, and I urge my colleagues to help make America more competitive by voting for the Energy Policy Act of 2005.

Mr. MOORE of Kansas. Mr. Chairman, our country needs to reduce its dependence on foreign oil and increase its national energy independence. Increasing our energy independence will stabilize future energy prices, benefit American consumers and businesses, and enhance both our energy security and our national security.

As a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. H.R. 6 included tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for. As a co-chair of the Biofuels Fuels Caucus, I also support the renewable fuels standard which I have promoted to decrease our dependency on foreign oil, help U.S. farmers and protect the environment.

There are several issues, however, that concern me about H.R. 6, and these issues have continually blocked congressional passage of comprehensive energy legislation over the last few years. It has become clear that removing these provisions would ensure that the Senate will pass, and the President will sign, this measure.

Section 22 of H.R. 6, provides for drilling in the Alaskan National Wildlife Refuge (ANWR). While some consider this area to be one of the most promising U.S. onshore oil and gas prospects, studies indicate that this area could only provide six month's supply of oil, 10 years from now, and consequently have no significant effect on our nation's dependence on foreign oil. This 1.5 million acre coastal plain, however, is an area often referred to as "America's Serengeti" because of the presence of caribou, polar bears, grizzly bears, wolves, migratory birds, and many other species living in a nearly undisturbed state. In fact, the Refuge and two neighboring parks in Canada have been proposed for an international park, and several species in the area are protected by international treaties or agreements. In the 108th Congress, I supported a conference agreement on H.R. 6 that eliminated the provisions opening up ANWR for drilling. A future conference agreement needs to eliminate this controversial section from this bill to ensure its passage.

Title 15, Section 1502 of H.R. 6, contains a safe-harbor provision protecting producers of methyl tertiary butyl ether [MTBE] and other fuel oxygenates from product liability claims. This provision includes language applying the safe-harbor retroactively, potentially barring several pending suits against some of the worst environmental polluters in our country.

Under this provision, cities and towns would be prevented from bringing against potential offenders "defective product" lawsuits, which some cities have employed to recapture the cost of MTBE clean ups. Approximately 130 lawsuits have been filed by states, cities, water districts, and businesses over MTBE contamination. The trade association for the MTBE industry conservatively estimates that a nationwide cleanup of MTBE will cost between $500 million and $1 billion. The U.S. Conference of Mayors, however, maintains that those costs could run higher than $29 billion. Our states and localities, which are struggling with budget deficits, should not be forced to pay the tab for these clean ups. If our states and localities are forced to pay these costs, the real costs will be borne by taxpayers, who should not be responsible for the actions of a few MTBE producers.

I also cannot support provisions in this legislation that do nothing to safeguard electricity consumers from unscrupulous utility companies that abuse market power and manipulate electricity prices. Rather than holding these electricity companies accountable, this bill would weaken consumer protections regarding electricity. I supported Representative JOHN DINGELL's amendment that would have protected electricity consumers by increasing penalties for violations of the Federal Power Act and would authorize the Federal Energy Regulatory Commission (FERC) to refund electricity overcharges. Unfortunately, the House defeated this amendment that would have helped safeguard electricity consumers.

I urge my colleagues to work together to pass a true comprehensive energy legislation that is fiscally responsible and that protects consumers, our communities, and environmentally sensitive areas. Our national energy situation should not be a partisan issue, and I hope that both parties can come together to do the right thing for America.

Mr. HENSARLING. Mr. Chairman, today the House of Representatives approved the Energy Policy Act of 2005 (H.R. 6). I supported this bill because our nation needs to take positive steps towards ending our nation's dangerous dependence on foreign sources of energy. This bill helps by allowing America to better utilize sources of energy that we possess right here at home. Furthermore, by streamlining the regulations governing domestic and off-shore energy production and repealing current restrictions on the ability of people to invest in electricity, H.R. 6 increases our energy security and makes certain that our economy will continue to have access to the energy that is necessary for growth.

Unfortunately, despite its strengths, H.R. 6 also contains a number of provisions that I believe are unnecessary at best, and detrimental to the American taxpayer at worst. This bill contains dozens of newly authorized programs, including programs to acquire scooters and Segways. Although I believe there is a role for the government in helping develop cleaner sources of energy, the country currently faces an oncoming fiscal tsunami. To that end, I believe that we need to exercise extreme caution with the money entrusted to us by the American people.

Additionally, while H.R. 6 undoubtedly contains vital provisions aimed at improving energy efficiency, conservation, and development of alternative fuel sources, I am concerned that many of the tax incentives used to achieve these purposes will lead to the government picking winners and losers in the marketplace. In light of high gas prices, I believe there are already numerous incentives for energy users to develop ways to conserve and use energy more efficiently. Furthermore, high energy prices can also be a powerful driver of innovation for alternative, renewable fuels. Any producer who can develop an alternative fuel that is as efficient, reliable, and at least as cost-effective as gasoline could make tremendous profits in the energy market, even without government encouragement.

I congratulate Chairman JOE BARTON on crafting a bill that makes our nation safer and less dependent on foreign energy. His leadership and commitment to passing this needed legislation should be commended. H.R. 6 will make energy in this country more affordable, increase our energy security, and help Americans use energy in ways that are increasingly environmentally friendly. It is my hope that when we go to conference with the Senate, our conferees will remember the importance of promoting competition and innovation, while protecting taxpayers.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, pursuant to House Resolution 219, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHIMKUS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249. noes 183. not voting 3, as follows:

[Roll No. 132]

AYES—249

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rush
Ryan (WI)
Ryun (KS)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—183

Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Frank (MA)
Gerlach
Gilchrest
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—3

Kelly
Sessions
Velázquez

□ 1644

Mr. JONES of North Carolina changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 748, THE CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 748, the Child Interstate Abortion Notification Act, which I suspect will be discussed by my friends, the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY), in just a moment.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by noon on Tuesday, April 26, 2005. Members should draft their amendments to the bill as reported by the Committee on the Judiciary by April 13, 2005. Members are advised that the report of the Committee on the Judiciary was filed today, and Members are also advised that the text of the reported bill should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by Friday, April 22, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. DELAY), the majority leader, for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 748, the Child Interstate Abortion Notification Act.

Mr. Speaker, I yield back to the distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Mr. Leader, I noticed that the budget conference report is not listed on the schedule next week. The gentleman and I talked about that last week. Can the gentleman tell us when the gentleman believes the budget conference will be appointed and when we might have that on the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I believe the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), has had some informal discussions with his Senate counterpart. I have spoken to the majority leader of the Senate. They are hoping to call a conference committee meeting sometime next week, which means we will have to go to conference sometime next week. As the gentleman may or may not know, the Senate is taking a work period the following week, so they are trying as hard as they can to get this conference formed, a meeting, and work done so that we can have a conference report on the floor of the House and the Senate by the end of next week.

☐ 1645

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. If I could raise one additional issue, it is my understanding that one of the reasons we have not appointed conferees and we have not gone to conference is the issue of the Medicaid cuts.

I understand a substantial number of Members on your side have suggested that those cuts are not advisable. Obviously, the Senate did not include those cuts. Can the majority leader tell me at this point in time if there has been any resolution of this issue, as to where we might stand on those Medicaid cuts.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. All I can tell the gentleman is, I know there is a lot of discussion about that over in the Senate. I do not know what their resolution is, even if there is a resolution on the Senate side.

The House, as the gentleman knows, passed the budget that has substantial mandatory savings in it. The House is very interested in holding the line on their mandatory savings, and the Senate is trying to work through this process.

So it is really up to the Senate as to what they are going to bring to the conference.

Mr. HOYER. Mr. Chairman, I thank my friend for that information. Again, I do not know the accuracy of the letter in terms of the numbers of people, but there seemed to be a fair number of people, there were over 40, on the letter which appeared to agree with the Senate's view, obviously a large number on this side who share that view as well.

Perhaps we might have some discussions about reaching agreement on that issue at some point in time.

Mr. DELAY. I appreciate the gentleman yielding. I am sure that the discussions will fly fast and furious over next week in trying to get this conference report done.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his information, and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, APRIL 25, 2005, AND HOUR OF MEETING ON TUESDAY, APRIL 26, 2005.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and, further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 26, 2005 for morning hour debate.

The SPEAKER pro tempore (Mr. LAHOOD) Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1095

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1095, a bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SUPPORT FOR THE MAJORITY LEADER

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Mr. Speaker, it may come as a surprise to the minority leader and her liberal followers in this Chamber to learn that when I am back in the 4th District of Kentucky I am not asked why I support the majority leader. I am asked why the liberal Democrats insist on obstructing progress in the House.

My constituents want to know why the so-called progressive party opposes legislation to create jobs, to lower the cost of health care, to secure our borders, to fortify our military and to strengthen Social Security for future generations. And now my constituents want to know why the liberal Democrats will not let the majority leader appear before the ethics committee to clear his name.

It appears to my constituents that the liberals are afraid the majority leader, a man who does not stand in violation of any law, will clear his name. And then what happens? The minority leader and her followers will have to explain why they wasted America's time assassinating the character of the majority leader rather than working in Congress to help our country.

I think the answer is already clear.

SUPPORT FOR THE MAJORITY LEADER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, for the last 6 weeks, Democratic leaders have been speaking out of both sides of their mouths. They have leveled charges against the majority leader, yet at the same time they will not allow the ethics committee to convene and explore the facts. If they are serious about our ethics process in this institution, why will they not let the ethics committee organize so that it can conduct its business?

Time and time again the ethics committee chairman has offered to end the Democratic logjam. This is the same old, tired, petty, partisan politics of the past. A Democrat leader is quoted as saying this issue will cost Republican seats in next year's election, petty, partisan politics.

There is only one conclusion that can be drawn from the activities of the Democrat leaders, they would rather have an issue than a solution. It is sad and it is cynical.

Mr. Speaker, House Republicans are committed to an open, fair and expedient ethics process and are willing to work with Democrats productively. I challenge all Members of this body to ask their leaders to act responsibly. Let us allow the ethics committee to proceed with their appropriate work. Stop the petty, partisan, political tactics. Let us work together and honor our constituents' trust.

SUPPORT FOR THE MAJORITY LEADER

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, we have heard a lot of complaints about rules changes by Democrats. As a freshman, as a former judge and chief justice, I am still in the process of making assessments. When I hear allegations for or against either side, I am looking to figure out, is there evidence to support or dispel the allegations.

In this case, the allegations about the rules changes, you have to take a look at. In the first place, there have been ethical allegations made about the majority leader, Mr. DELAY, and the complaint about the rules changes.

Well, we look at the rules. First of all, allowing someone to know what they are charged with in advance seems pretty reasonable. Allowing someone to hire their own attorney sounds pretty reasonable. Going from

90 days to 45 days seemed a little short, and then we hear Chairman HASTINGS say. We will go and I will give you an automatic extension back to 90.

You look at the evidence, the fact that there was a RICO lawsuit filed against the majority leader that was dismissed with prejudice because there was nothing there, you have a DA that has been trying to indict him for years unsuccessfully.

There is an old saying, Mr. Speaker, justice delayed is justice denied. It appears now that this is all about denying justice to DELAY.

SUPPORT FOR THE MAJORITY LEADER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, for the past 6 weeks Democrats have attacked the character, leadership and intentions of the majority leader, the gentleman from Texas (Mr. DELAY).

Although Democrats continue to smear the gentleman from Texas (Mr. DELAY), they forget that they are responsible for preventing the ethics committee from investigating the charges directed at the gentleman from Texas (Mr. DELAY).

Since the beginning of the 109th Congress, House Democrats have refused to allow the ethics committee to meet to address this issue. Four ethics committee Republicans have pledged that as soon as the Democrats permit the ethics committee to function again, they will vote to form an investigative subcommittee to review various allegations concerning travel and other actions by the gentleman from Texas (Mr. DELAY).

Majority Leader DELAY has said all along that he wants to appear before the ethics committee to address the recent accusations. Unfortunately, Democrats prefer to attack his character for political purposes rather than officially investigate these allegations.

Democrats should stop playing politics with the House ethics committee and should give the gentleman from Texas (Mr. DELAY) the opportunity to defend himself through the congressional ethics process.

In conclusion, God bless our troops. We will never forget September the 11.

SUPPORT FOR THE MAJORITY LEADER

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, we are now 4 months into the 109th Congress and Republicans have passed bankruptcy reform, repealed the death tax, adjusted class action lawsuits to help victims, enacted border security to keep out terrorists, passed a budget and wartime funding, strengthened job training for millions and passed the highway bill. Meanwhile, the House Democrats have not proposed an agenda, but instead have remained negative, obstructive and focused on partisan attacks.

I rise today to support the majority leader, the gentleman from Texas (Mr. DELAY), not because he has proven to be an effective leader, but because he has been a victim of political gameplaying and a relentless media, a media not focused on policies that have helped millions of Americans lead better lives, but instead focused on tabloid attacks on our leader.

Time and time again, the gentleman from Texas (Mr. DELAY) has requested to appear in front of the ethics committee. He has requested this opportunity to prove his innocence and put an end to these meritless accusations, accusations that are based upon nothing but pure partisan rhetoric.

Democrats' attack on the Republican majority leader is nothing but a coordinated agenda to stop an effective leader from accomplishing the people's business.

Ethics is an issue that should not be taken lightly. The committee in Congress should not be used as a partisan tool. We need to get back to debating the principles to make America a better place.

IN SUPPORT OF THE MAJORITY LEADER

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, I want to commend my friend from Washington, and the gentleman from Washington (Mr. HASTINGS) the chairman of the ethics committee, for his efforts to resolve the regrettable impasse that has prevented the committee from organizing. He has made a thoughtful and good-faith attempt to clear up any misunderstanding and resolve any perceived concerns.

But this was rejected out of hand by our friends on the other side of the aisle. Why? Because their concerns are neither real nor substantive. They want the committee to be in limbo. They are creating an issue for political purposes without any positive ideas about how to resolve the very serious challenges facing our Nation. Negativity and political attacks are their only strategy.

Mr. Speaker, this is wrong. Let us move forward constructively and stop abusing our ethics process for purely political gain.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, tomorrow is the 35th anniversary of the first Earth Day, which is considered the birth of the modern environmental movement in this country. In the 3½ decades since, it was first celebrated in 1970, Earth Day has become a day for reflection, a day for education, and a day for action. It provides an annual benchmark by which we can measure our progress as stewards of our planet.

That stewardship is about more than preserving pristine wilderness and endangered species. Our economic and national security are also at stake. The biggest impediment to sound environmental policies in the United States comes from those who see environmentalism as competing with our economic prosperity and our national security.

The energy bill that was just considered by the House was advertised by its supporters as providing security for America by reducing our dependence on foreign sources of fossil fuels. It does this through $8 billion in tax breaks to encourage domestic production.

Unfortunately, 95 percent of the tax subsidies benefit the oil, gas, coal and nuclear industries, while only 5 percent are directed towards wind, solar and other renewable sources. In my opinion, the energy bill is a short-sighted response to two of the central strategic challenges confronting our country, beginning the transition to a post-fossil-fuel economy and reducing the emission of greenhouse gases that every reputable scientist knows are contributing to global warming.

We cannot drill our way to energy independence. We cannot burn our way to a cleaner environment. We cannot go on behaving as if time and resources are on our side.

Rather than making America more secure, the energy bill does the opposite. Both economically and in terms of our national security, the policies enshrined in this bill will make us profoundly weaker.

In doing so, we have shied away from the challenge of developing new ways of powering our lives by unleashing the driving force behind America economic competitiveness, technological innovation mixed with entrepreneurship.

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And while America sits on the sidelines, our competitors in Europe and Asia are developing technologies that will enable them to reduce fuel consumption and lower emissions of greenhouse gases. Rather than American entrepreneurs driving these changes, it is our competitors who prosper.

In just one graphic example, there are 6-month waiting lists to buy Japanese hybrids while American car makers fall further and further behind.

In addition to environmental and economic considerations, there are equally compelling national security reasons to confront the scarcity and costs of oil, the challenge of global warming and environmental degradation. Imagine the increased strength, independence, and security that would come to an America that could tell the oil-producing nations, we do not need your oil, we do not want your oil, we can do better. And imagine the risk to America if we negligent the sobering evidence of global warming.

Last year the Pentagon's Office of Net Assessment issued a report on the national security aspects of climate change. The report evaluated one scenario in which the Earth's climate rose by 5 degrees in North America over a 15-year period between 2005 and 2020. The consequences of such a rapid temperature increase were myriad and catastrophic: drought, fire, storms and sea levels that rose around the world, flooding heavily populated coastal regions.

Unfortunately, the administration has failed to provide leadership or vision on this issue. Senior level positions at the National Security Council and in the Department of Defense dealing with the security threat of environmental degradation have been downgraded or eliminated. From the President on down, this administration has had a contempt for science that is at odds with its policy or belief.

Now, Mr. Speaker, at a time when this Nation should be marshaling its talents and resources for a new Manhattan Project to make practical solar, wind, and wave energy, we have instead opted to subsidize the extraction of every last barrel of oil and ton of coal that we can get our hands on.

Even as we have driven up the financial burden on our children through reckless fiscal policies, we are imperiling their very existence through willful neglect of our responsibilities to the environment. I can only hope that we will not have to tell our grandchildren, to paraphrase the words of Kurt Vonnegut, We could have saved the Earth, but we were too darned cheap.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 6, ENERGY POLICY ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

IN SUPPORT OF LT. ILARIO PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have spoken at length on the floor about Second Lt. Ilario Pantano, a Marine who served this Nation bravely in both gulf wars.

During his service in Iraq last year, Lt. Pantano was faced with a very difficult decision that caused him to make a split-second decision to defend his life. He felt threatened by the actions of two insurgents under his watch, and in an act of self-defense he had to resort to force. Two and a half months later, a sergeant under his command who never even saw the shooting accused him of murder. Lt. Pantano now faces two counts of murder.

Mr. Speaker, what is happening to this young man is an injustice. Lt. Pantano has served this Nation in great honor. My personal experiences with him and his family convince me that he is a dedicated family man and a man who loves his corps and his country; but I am not the only one who believes he is innocent.

I have read excerpts of pieces from the Washington Times and respected journalist Mona Charen defending Lt. Pantano. I have received letters and e-mails from Vietnam veterans who sympathize with him and ask that I do something to help him. They know what it is like to be in a battle with an unconventional enemy. One second can make the difference between life and death.

I have read excerpts from his fitness report in which his superiors praise his leadership and talent. In that report, his superior officer evaluated "accomplished infantry leader. His actions during the fighting in Fallujah and Al Zaidon highlighted a solid understanding of tactics and ability to anticipate the enemy. Leads from the front always and balances his aggressive style with true concern for the welfare of his Marines. Exceptional communication skills for a Second Lt. Organized, aggressive, focused and driven. Ready for increased responsibility. Retain, promote, and assign to challenging assignments."

Mr. Speaker, that came 2 months after the sergeant reported him for murder.

Mr. Speaker, Lt. Pantano by all accounts is an exceptional Marine. On Monday, April 25, there will be an Article 32 hearing to determine whether or not Lt. Pantano will face a court-marshal for a murder trial. If convicted by a court-marshal, Lt. Pantano can be subject to the death penalty for an action he took in self-defense on the battlefield.

I hope and pray, Mr. Speaker, that on Monday Lt. Pantano will be cleared of all charges because I am confident that he did his duty as any Marine officer should when faced with the enemy.

Mr. Speaker, I have introduced House Resolution 167 to support Lt. Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. Lt. Pantano's mother, a wonderful lady whom I have spoken to by telephone on several occasions, also has a Web site that I encourage people to visit. The address is www.defendthedefenders.org.

Mr. Speaker, I close by asking the Good Lord to please bless our men and women in uniform and their families and to please be with Lt. Pantano on Monday, April 25 and may he be exonerated of these charges for doing his duty to protect America. God bless him and God bless America.

SMART ENERGY POLICIES, NATIONAL SECURITY, AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, H.R. 6, which the House passed earlier today, is called the Energy Policy Act of 2005. But the only real policies to be found in this immoral legislation are tax breaks for polluters, swollen gasoline prices, and continued reliance on fossil fuels of the past. This legislation fails to even mention climate change or global warming which scientists of all stripes acknowledge is caused at least in part by high levels of carbon dioxide emissions from automobiles.

It fails to correct the matter of MTBE, a gasoline additive that has leaked into the Earth and tarnished our drinking water, except, however, to waive liabilities for MTBE providers.

Most significant of all, Mr. Speaker, this legislation fails to truly address

America's reliance on Middle East oil. Of the 21 million barrels consumed by the United States each day, 14 million barrels are imported, making Middle East oil the United States' main source of energy. Much of this oil is imported from countries that do not share America's commitment to democracy and our commitment to human rights, countries like Saudi Arabia, Libya, and Venezuela.

It is obvious in this energy bill that those who claim that drilling in the Arctic National Wildlife Refuge in Alaska will cure our Nation's energy policy do not know much about how oil is produced. Drilling in ANWR will do little to reduce our current dependence on foreign oil because it will take a full decade to process what little oil may be there in the first place. That does not sound like a comprehensive energy strategy to me.

By continuing to purchase Middle East oil by the boatload, we are failing to take advantage of life-changing renewable energy technologies while continuing to promote our national insecurity by providing billions of dollars each year to repressive regimes.

The oil dollars that go to oppressive Middle East regimes do not, of course, help the poor people in these countries. Instead, they line the already thick pockets of the fat-cat ruling elite. In this way, U.S. policies actually discourage democracy in the Middle East because we continue to help maintain the economic gap between the rich and the poor.

In truth, this failure to reduce our dependence on Middle East oil along with President Bush's supremely misguided invasion of Iraq have combined to make Americans less secure, not more secure.

The Bush administration has falsely labeled the war in Iraq, much like the latest energy bill, as the essence of protecting our national security, when in fact both contribute to our lack of security.

Already more than 1,500 American soldiers and tens of thousands of Iraqi civilians have been killed in this war, not to mention the more than 12,000 troops who have been gravely wounded. Hardly the stuff of a national security.

Let us never forget that the invasion of Iraq was a war of choice against a country that never posed a threat to the United States and never possessed relationships with international terrorist groups like al Qaeda.

President Bush claims that things are going well in Iraq, demonstrated by the fact that 150,000 Iraqi soldiers "have been adequately trained." But if 150,000 Iraqi soldiers have been trained, then why do 150,000 American soldiers remain in the country? Why do our troops continue to die for a war that was a mistake from the very beginning?

If President Bush continues to support a misguided war that is draining our national resources, and if the Republicans will not work to reduce our dependence on foreign oil, how can they possibly claim to be securing America against the threat of terrorism? Clearly, much more needs to be done to make America secure.

Mr. Speaker, I will soon reintroduce the SMART Security resolution, legislation to secure America for the future by preventing the threat of terrorism; reducing nuclear stock piles; eliminating the possible use of nuclear weapons through diplomatic means; and establishing a new Apollo Project to secure America's energy independence.

I urge my colleagues on both sides of the aisle to join me in this effort to truly secure America for the future.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland (Mr. CUMMINGS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SERIOUS ENERGY PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, America has a serious problem with energy prices. If you just peruse today's Wall Street Journal and New York Times, you will see the airlines are reporting record losses in great part despite efficiencies, despite concessions by labor because of an increase in fuel prices. You see that General Motors has had a huge drop-off in the purchase of their lucrative SUVs and other larger vehicles that consume more gas, Ford similarly.

We find this in small businesses across America; it has been embedded in everything. And now we are beginning to hear that there are stirrings of inflation beyond the price of oil and gas. This is a serious problem; and, unfortunately, this body, the House of Representatives, to its discredit did not adopt a serious or effective proposal to begin to address this problem in either the short or the long term.

Short term. American consumers need relief from high gas prices. They are being gouged at the pump by Big Oil and the OPEC cartel.

Now, I have asked President Bush numerous times, written to him and asked him, he is a big fan of rule of law, international trade agreements, the WTO, all of those things. I am not a big fan. But he says he believes in rules-based trade.

Well, the OPEC cartel is violating the rules of the World Trade Organization. Seven of the OPEC nations are members. They are clearly colluding to restrict production and drive up the price of oil to make a profit. That is clearly prohibited by the WTO. But the President and his trade representative have failed to take any action against the OPEC companies.

Then we have price gouging by Big Oil. Last quarter saw record profits for most of the industry, $8 billion in one quarter for Exxon Mobile. Their cash reserves have doubled to over $20 billion in 1 year, money extracted from Americans 5 cents a gallon at a time or more at the pump by piggybacking on the cartel activities of OPEC, and Big Oil is getting away with it.

This administration is not doing anything to rein in Big Oil. They merge, close refineries, and then blame a shortage of refineries on environmental laws when they have been closed because of mergers to drive up the profits of the oil industry.

We should reinstate a windfall profit tax on the industry. We should break up a number of these huge companies and begin to get some true competition again in that industry.

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We cannot continue to bleed this much money. Every day, Americans are bleeding money at the pump, which is ultimately going to spill over into a tremendous problem for our economy, especially if we look at the failing trade policies of this administration.

Then there is energy efficiency, new technologies, energy independence. These are things that seem very foreign to my colleagues on the other side of the aisle and to the old oil men who are running this country down at the White House and at an undisclosed location.

Energy efficiency, this bill makes sort of a passing chuckle and nod at energy efficiency. It spends 20 times as much money subsidizing the oil, coal and gas industry. Wait a minute, were we not just talking about the fact they had record profits last quarter? Yes, they do have record profits and they are extracting that from American consumers, but they want their hands in both pockets. They do not want to just take money out of your wallet, they want to take money from taxpayers, too.

So there is $8 billion in this bill, supposedly to help with energy problems. Unfortunately, 95 percent of it is subsidies to the wildly profitable oil, coal and gas industry, which will provide no help to American consumers; and a mere 5 percent is a nod toward the idea perhaps America could develop new sources of energy, perhaps America could become more efficient, perhaps America could become energy independent, but that is only worth 5 percent of what they are putting into the bill.

Just think what it would be like to have an energy-independent America relying upon homegrown sources of energy and new technologies and new efficiencies, and how that would insulate us from these problems around the world. But that is not a vision that is shared by my colleagues on the other side of the aisle. They have delivered us today something that would not have been a very enlightened energy policy in 1955, but is just pathetic in the 21st century, considering the threats to our economy and to our national security.

Unfortunately, they prevailed today, but hopefully, in the future, we can do better by the American people.

COMMEMORATING THE BATTLE OF SAN JACINTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, today I rise to commemorate an historical event in the Lone Star State's grand, glorious heritage. On March 2, 1836, Texas declared independence from the dictatorship of Mexico. On March 6, the Alamo fell with the loss of 187 defenders, all volunteers, William Barrett Travis, Davy Crockett, and Jim Bowie.

Now, I am going to tell my colleagues, Mr. Speaker, the rest of the story and why this day is so important to Texas.

Less than 60 days after the fall of the Alamo, on this day years ago, an 18-minute battle took place on the murky banks of the San Jacinto River where it meets Buffalo Bayou in southeast Texas. History forever changed. Texas' independence from Mexico was secured, and Texas became a country for 9 years.

After the Alamo fell, the Texas army moved rapidly east, being chased by three invading armies from Mexico. The Texans had been joined by settlers fleeing the advance of the tyrant Santa Anna, who was burning Texas settlements. The armies reached a marshy lowland where General Sam Houston decided it was time to turn and fight the enemy.

In a letter Sam Houston wrote to a friend on the morning of April 19, he said, "The odds are greatly against us, but the troops are in fine spirits and now is the time for action. We go to conquer" for Texas and they did.

Most battles, Mr. Speaker, in our history start at sunrise, but the Texans were not waiting for another day. So General Sam's army of frontiersmen, shopkeepers, lawyers, ranchers and former slaves, all volunteers, in various types of odd attire, began mustering at high noon. They did not look like an army, but they all had the boldness and bravery and brazen courage to fight for Texas and for freedom.

The Battle of San Jacinto started at 4 o'clock on the afternoon of April 21, 1836. The Texan army consisted of approximately 800 volunteers under the command of General Sam Houston. The Mexican army consisted of approximately 2,000 professional, experienced soldiers under the command of Mexican President and General Antonio Lopez de Santa Anna. Santa Anna's army of hardened veterans had not yet been defeated in battle and even a few years before had defeated the French invasion of Mexico.

The battle began when the Texans, advancing in a single column, attacked the Mexican camp. They were fatigued, they were filthy, famished and fuming, but Houston was mounted on his white stallion leading the army. Armed with tomahawks, Bowie knives and long rifles, they went forward across the open marshy plain of southeast Texas. A Georgian Huguenot, a Kentucky colonel, and a Scotch-Irishman from Tennessee led the march across the tall grass and down upon a Mexican camp engaged in their afternoon siestas.

The pace was set by two unlikely characters that played field music as they marched. There was a German named Frederick Lemsky on the fife and a free black that, by all accounts, his name was Dick the Drummer. Two other musicians volunteered, but none of the foursome knew any marching music. They were only familiar with the popular music of the day. Therefore, Sam Houston, with a smile, had the foursome play "Come to the Bower," a bawdy-house love song regarded as quite risque at the time. As the soldiers marched on to victory, they carried their banner, a flag of Miss Liberty consisting of a partially clad female proclaiming freedom.

The enemy was caught by a stunning surprise. The battle lasted 18 minutes, but the Mexican defeat was devastating. Only nine Texans were killed or mortally wounded. Six hundred thirty Mexican soldiers were killed, and the number of Mexican soldiers taken prisoner exceeded the entire number of the Texas army.

The battle cries of "Remember the Alamo" and "Remember Goliad" were the soldiers' calls for vengeance. This was a soldiers' battle, and they had scores to settle because they had lost brothers and friends at the Alamo and Goliad.

The heroes of the battle of San Jacinto were a diverse mix. The youngest soldier at San Jacinto was Elijah Votaw, a 15-year-old that had been in Texas for about a year. The oldest was Asa Mitchell, a 60-year-old who had been in Texas for about 14 years.

Captain Juan Seguin headed a unit of about two dozen Tejanos, people of Hispanic descent born in Texas, who fought in Houston's army and wore pieces of cardboard in their hatbands so fellow soldiers would not mistake them for the enemy.

If we want to credit the most unlikely of heroes, we have to acknowledge the Yellow Rose of Texas, Emily Morgan. Legend has it that Emily Morgan, the young, beautiful, racially mixed housekeeper who had been captured earlier by Mexican forces, is said to have been lingering with Santa Anna in his tent, causing him to be unprepared for the Texans' attack. Later Santa Anna, when he was captured, was found hiding in a well.

The battle of San Jacinto avenged the massacre of Texan soldiers at the Alamo and the murder of hundreds of Texans taken prisoner at Goliad and gave Texas its independence from Mexico.

Texas claimed the entire area from the Gulf of Mexico all the way to Canada, including not only the State of Texas, but New Mexico, Oklahoma, Kansas, Colorado and Wyoming.

So General Sam Houston, his boys took the day, and they defeated the invaders and proclaimed to all, "Don't mess with Texas."

Mr. Speaker, every year a local radio station, KILT, with its morning crew of Hudson and Harrigan and top newsman in America, Robert McEntire, honor this day by playing a recording of a bunch of third graders from Tomball, Texas, singing the State song, "Texas, our Texas," with an old, out-of-tune piano. It is because of the Battle of San Jacinto, Mr. Speaker, all Texans can sing along with pride, "God bless you, Texas, and keep you brave and strong, that you may grow in power and worth throughout the ages long."

When Sam Houston died some years later, his last words were "Texas, Texas." And Mr. Speaker, the rest, they say, is Texas history.

JASON KAMRAS, NATIONAL TEACHER OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House for a joyful moment.

On the front page of the Washington Post today is a very large picture of children of the District of Columbia and one of their teachers, who was entertained yesterday by President Bush at the White House to celebrate the fact that he has been named Teacher of the Year, the oldest and most prestigious award for teachers in our country.

This is a young man who teaches at Sousa Junior High School in Washington, D.C. Jason Kamras is his name. He is a math teacher who graduated from Princeton University. What does he think to do with his life? Come to the District of Columbia to teach disadvantaged children in our elementary and middle schools.

He began teaching in 1996. He took 2 years out because he thought he ought to go and get an education degree, and he went and got a master's degree in education, but came right back to the District of Columbia to teach math at Sousa.

Typical of the way this young man approached his job is the student he first met when he was in middle school at Sousa. His name was Wendell Jefferson. He said, Wendell, you keep trying; you will do well. Wendell Jefferson went on to high school. When he got to high school, no longer under the care of Mr. Kamras, Mr. Kamras tutored him in math. Wendell Jefferson is now studying electrical engineering at Morehouse College.

This story is perhaps emblematic of the way this young man approaches teaching. He lobbied his principal for double the time for students in math, with two teachers for each student. He redesigned the curriculum using technologies so as to adjust the curriculum to all learning styles. He took to heart this notion that every child can learn, those words which have become such a cliche, a cliche because we all know them to be true, but we do not know always how to unlock what makes them true.

In his first year, using his new curriculum, these children went from 80 percent below basic to 40 percent below basic. Something happened to almost 40 percent of them when they got a teacher who homed in on their individual needs. Now, we are talking about a school where all but 40 of about 380 students qualify for the reduced price lunch. It tells us something of the poverty level of the students.

Actually, the District of Columbia public schools look a lot like every big public school, except the Members of Congress see this one up close. We are very pleased to have a new superintendent, Mr. Janey, who is in the process of restructuring our public schools, but of course, the most basic restructuring of schools has to do, first, with the children in those schools, how the schools are restructured so that they are child-oriented and how are they restructured so as to understand the most important adult in each child's life during the school day is the teacher. Somehow or the other this young man, fresh out of college, understood that.

He works from 7:00 a.m. to 7:00 p.m. according to his principal. My mother was a schoolteacher, so I want to say that those long hours are fairly typical of how teachers operate. They do not do it at school. They are working that hard because of the hours they put in at home in preparing to teach.

But for Mr. Kamras, teaching in a big city school system was much more difficult than it was for my mother when she taught when I was a child because of the concentration of poverty in big cities today. This city was a much larger city, 200,000 people more than it has today, and it was far more mixed economically. Then, of course, people began to move to larger quarters in the suburbs leaving concentrations of poverty here. We have lots of middle-class people in the District, I am pleased to say, but we have large concentrations of poverty, and this is reflected in the scores.

The fact that Jason Kamras was able not only to reach the children, but to reach the measurement, which I think is the right measurement; there is no way to get around the fact that test scores are the only way to know for sure that children are progressing. I wish there were a better way. I wish there were a more objective way, but that is it.

□ 1730

This teacher has somehow made these test scores go up.

Mr. Speaker, I do want to quote something that he said, because it tells something of his world view. He said, "My intense desire to see my school excel comes not only from an unwavering belief that all students deserve an excellent education, but also the unique role Sousa played in the civil rights movement."

This young man's world view gives him a sense that justice in the classroom must be done because he believes in justice in our country for African Americans, and he has brought it to bear right here in the public schools of the District of Columbia.

I know you would want to, Mr. Speaker, congratulate him; I know this House would want to congratulate him. We take great pride in his achievement today, and we thank the President of the United States for honoring him.

Mr. Speaker, I include for the RECORD the article I referred to earlier in my remarks:

[From the Washington Post]

A D.C. TEACHER'S DAY IN THE ROSE GARDEN

MATH INNOVATOR IS FIRST FROM CITY TO BE DECLARED BEST IN NATION

(By Manny Fernandez and V. Dion Haynes)

The sixth-graders were hunched over their desks behind the metal-screened windows of the middle school—still digesting the difference between similes and metaphors—as the limousine carrying their school's best teacher pulled up to the northwest gate of the White House yesterday.

Welcomed at the gate, Jason Kamras made his way up the driveway flanked with red tulips and walked into a limelight that falls sparingly on the weathered urban school where he has taught math for close to a decade.

"My children simply want the opportunity to pursue their dreams," Kamras said as he stood in the Rose Garden beside the president and first lady.

The ceremony recognized Kamras, 31, as the National Teacher of the Year. He is the first winner from a D.C. public school in the contest's 53-year history.

"He's usually at work at 7 a.m., and he rarely leaves before 7 p.m.," President Bush said as bright sunshine streamed down on those who gathered for the event. Kamras receives great joy, Bush told them, "when a student proclaims, 'Mr. Kamras, I get it.' "

Kamras smiled.

At that moment—six miles and a world away—students in Room 120 at John Philip Sousa Middle School had their rulers out, drawing rectangles, some of them quiet and studious, others loud and distracted.

Sousa sits at the edge of a park east of the Anacostia River, on the poorer side of Washington's dividing line between the haves and the have-nots.

With its tall chimney, the 50-year-old, red-brick building looks more like a factory than a school.

The white flag pole has no flag, and a sign near the entrance declares that firearms are banned within 500 feet. Two women were shot to death down the street several years ago, and the metal detector that students walk through each morning has turned up several knives.

All but 40 of the roughly 380 students qualify for a free or reduced-price lunch, a commonly used indicator of poverty. A year ago, 46 percent of the students scored "below basic" on reading tests, and 73 percent scored below basic in math.

Kamras said he doesn't dwell on the negative. His focus is on the faces in his classroom.

"They inspire me every day with their intelligence, creativity and humor," he said in the Rose Garden yesterday. Teachers "can and do make a dramatic difference in their lives every day."

He was fresh out of Princeton almost nine years ago, and the middle school was showing signs of age, when he first laid eyes on it.

Sousa's principal, William Lipscomb, had fetched him from the Minnesota Avenue Metro station in Northeast, and the two men immediately found common ground.

"We both are from New York and we instantly bonded on that," Kamras said.

Two sixth-grade teachers, Carol Taylor and Elaine Stewart, supplied Kamras with construction paper for his classroom and a bit of an introduction to the school.

"Some of the things they raised were the lack of resources. They talked about the socioeconomic challenges that some students at Sousa face," Kamras recalled in an interview this week. "Some students here have encountered violence personally."

But from the start, he said, he was determined to "never use the negative factors as predictors of ability or potential."

During his first year of teaching, Kamras said, he sought to get to "know the students as individuals, taking the time to learn who they are, what they care about, what their needs are as learners."

Kamras made bridging the inequities in staffing and other resources between urban and suburban schools a priority. He got creative. He brought a cookie with colorful frosting to class to illustrate circumference, diameter and radius. He took his students to outings at the Lincoln and Jefferson memorials and made time after school to encourage their hobbies. He encouraged his students to take photographs of community life, and their prints were put on display in city offices at Judiciary Square and other places in the city.

And he played chess with student Wendall Jefferson once a week. "He would routinely defeat me, and I was trying my hardest," Kamras said.

During those games he learned about the student and his family, and he sought to inspire him to "focus in class and tap into the fullness of his potential."

"I think I was learning as a first year teacher how to engage students and bring their natural love . . . for their hobbies into the classroom," Kamras recalled. "I wanted to use that as a catalyst."

Jefferson graduated from Sousa in 1999 as valedictorian, and Kamras regularly tutored him in math and science when he went on to high school. Now Jefferson is studying electrical engineering at Morehouse College in Atlanta. He is the first in his family to go to college.

"He said, 'Wendall, you have great potential.'" recalled Jefferson, 20, who attended the Rose Garden ceremony yesterday. "I said, 'I'm destined to do great things.' He said, 'Always keep that dream.'"

Kamras began "early bird" advanced math classes before the regular school day began, working to prepare students for the standardized test known as the Stanford 9.

He also came up with an idea that doubled the amount of math instruction by providing two teachers—teaching separate classes—for every student. The program was started for seventh-graders and then expanded to other grades.

"Our Stanford 9 scores went from approximately 80 percent below basic to 40 percent below basic in one year," he said.

Though the program continues in other grades, it was discontinued for seventh-graders because there weren't enough qualified teachers.

Kamras said he steadfastly refused to let "negative factors shape my perspective."

At the White House, Kamras, who with his boyish looks could have been mistaken for a student all dressed up, heard Bush say, "Your students are fortunate to have you in their lives."

He shook hands with Bush and—holding his teaching award, a glass apple on a plaque—posed for photos with the president and first lady Laura Bush.

Next year, he plans to travel the country to promote innovative teaching techniques. He's taking today and tomorrow off. But he plans on being back in the classroom, as usual, first thing Monday morning.

TRAGEDIES IN FLORIDA REQUIRE STRENGTHENING OF LAWS

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I read with horror, outrage, and disgust the news accounts of the death of Jesse Lunsford in Florida. Little 9-year-old Jesse Lunsford was buried alive in garbage bags at the hands of a sick, depraved, and despicable John Evander Cooey, a convicted sex offender who has admitted to raping and killing God's little angel, 9-year-old Jesse.

I am more than troubled by this and other murders, including the death of Sarah Lunde, a 13-year-old, again in Florida, killed by David Ostott; David Ostott being another convicted rapist, a violent rapist convicted in 1997 for violently raping a woman and walking the streets in Florida a few short years later.

What is wrong with our system? We made a Federal case out of Martha Stewart recently, and we have ankle bracelets on Martha Stewart's legs as she goes around her $20 million mansion in upstate New York. Hardly, hardly a threat to anyone in society. But David Ostott, a convicted rapist, and John Cooey, a convicted sex offender, are free to roam the communities in which our families live and who are subjected to the violence and demonic and desperate behavior of these perverted and sick individuals.

The tragedies that have happened in Florida recently are inexcusable. The fact that families have to be frightened is a sad commentary on our system. I must tell you, Mr. Speaker, I am absolutely determined to change the fate of the laws of this Nation. As cochairman with my good friend, the gentleman from Alabama (Mr. CRAMER), of the Congressional Missing and Exploited Children's Caucus, we are working and have been working for some time on a fundamental rewrite of the laws governing the way we conduct both investigations, hopefully sentencing, as well as registries to try to make these issues and these systems more effective for our constituents and for our communities.

We have to get a handle on and our hands around this significant problem. We cannot allow another life to be wasted in such a vicious and malicious fashion, buried like garbage. We treat our pets better. We have had foster kids abused, we have had problems rife throughout the system, and it has to stop.

I am encouraged that so many in Congress and so many in the State legislatures who have heard these dramatic cases are working aggressively to try to change the laws and to strengthen the laws. We have to do more. We can do more. We can do better. I am embarrassed beyond belief that these type of people could be wandering the streets.

There is a 90 percent likelihood of recidivism for sexual crimes against children. Ninety percent. That is the standard. That is their record. That is the likelihood. Ninety percent. Yet we say that the prisons are too crowded and we probably have to let these people out early on good behavior. Oftentimes they tell their probation officers and the courts that they are sick and they need help; and yet they are told, well, you will have to find it somewhere in the mental health corridor of your community.

We expect them to show up. That is another really mind-boggling thought here, that we tell these people that have been convicted of violently raping women and children that they should show up to a local official and register so that they can be on an offender list. That is not going to happen, so we have to stop trusting them to show up and register.

As we begin this process, I welcome both sides of the aisle, as I mentioned my colleague, the gentleman from Alabama (Mr. CRAMER), in this debate to try to strengthen and codify into law things that will actually work. No more panaceas, no more feel-good solutions, no more expectations that these people who commit these crimes repeatedly will somehow become models of behavior in their communities. We have to be sure that they are monitored. Whether it is through ankle bracelets or other means, we will insist that they be followed, that they be pursued, and if they violate again that they never be let out of jail to harm another individual or innocent citizen.

OPPOSED TO CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I rise in opposition to the Central American Free Trade Agreement, otherwise known as CAFTA. As many of my colleagues here know, CAFTA is nothing more than a green light for corporations to outsource American jobs.

I am appalled by some of the awful provisions in this shameful trade agreement. When you look at the restrictions on Central American workers and the outsourcing of American jobs, you will quickly realize that there is nothing free about the Central American Free Trade Agreement.

My friends, make no mistake, if we ratify this agreement there will be no jobs left in this country to outsource. Did we not learn anything as a body from the NAFTA agreement? The lesson we should have learned from NAFTA was that not all free trade agreements give us fair trade.

For instance, NAFTA, which was supposed to be this great jobs creator, middle class creator in Mexico, failed to create the middle class that it promised. Since NAFTA, the rich are getting richer in Mexico while poverty and income disparity are more prevalent than ever. As NAFTA failed to protect the middle class, so will CAFTA.

Congress needs to step up and tell the administration that worker protections matter. We need to do what is right and support trade policy that is fair and balanced. We need to do what is right and make agreements that strengthen labor protections, not overlook them. We need to do what is right for safeguarding the environment. We need to do what is right for all working people and scrap this terrible agreement. We have a moral obligation to make trade fair for all Americans and the rest of the world.

TRIBUTE TO THE LATE MAYOR RICHARD J. DALEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the greatest public servant and political leader the City of Chicago has ever produced, the late Mayor Richard J. Daley.

Mayor Daley, who passed away in 1976, was elected and inaugurated to his first term as mayor 50 years ago this month. It is not an overstatement to say that the Chicago most of the world recognizes today is a legacy of Mayor Daley. In his 21 years in office, Mayor Daley earned the nickname Dick the Builder, as he helped guide the construction of the Sears Tower, O'Hare Airport, the John Hancock building, Chicago's expressway system, McCormick Place, twice, and dozens of other renowned landmarks synonymous with the city. Richard J. Daley turned the city of Al Capone and pork bellies into the world capital of Mies Van der Rohe and jet travel.

The great Chicago songwriter Steve Goodman put it this way in a tribute song: "When it came to building big buildings, no job was too tough. Daley built McCormick place twice because once was not enough."

Last night, Richard J. Daley's memory was honored at a dinner by those who knew and worked with him as well as by individuals who simply wanted to celebrate the legacy of this great American leader. Appropriately, events took place on the campus of the University of Illinois at Chicago, UIC, which the mayor felt was his greatest achievement. So strong was his commitment to education that for nearly 30 years, from his days in the Illinois General Assembly in the 1930s until the completion of UIC in the 1960s, Richard J. Daley fought to bring a branch campus of our State's world-class public university to the people of Chicago and the region.

The mayor's achievements were not limited to the city's skyline. He was a political leader who others, such as Presidents John F. Kennedy and Lyndon Baynes Johnson, counted on not only for support but good advice on important issues of the day.

Mayor Daley was truly a self-made man. Before he was the leader of one of the world's great cities, he was a kid from the Bridgeport neighborhood who put himself through college and law school working as a cowboy at the famous Union Stockyards. As a State legislator in the 1930s, he married a lovely young woman from Bridgeport named Eleanor "Sis" Guilfoyle, with whom he raised seven outstanding children, including Richard M. Daley, the current mayor of Chicago; John Daley, chairman of the Committee on Finance of the Cook County Board and Democratic Committeeman of the 11th Ward; and William Daley, former U.S. Commerce Secretary. However, Mayor and Mrs. Daley were as proud of their children who pursued careers in teaching and homemaking as they were of their sons involved in public service.

I had the honor to meet Mayor Daley once as a young man. After my father's inauguration as a Chicago alderman in 1975, our family met the mayor and Mrs. Daley at a reception. As the young Alderman Lipinski shook Mayor Daley's hand, it seemed the mayor did not recognize him, until the ever-observant and ever-gracious Sis Daley gently reminded the mayor who the gentleman in front of him was.

Like all great leaders, Richard J. Daley had his share of setbacks and critics, but his legacy was and is Chicago's reputation, the City That Works. Mr. Speaker, let us not forget this legacy on the 50th anniversary of Mayor Richard J. Daley's inauguration.

DEMOCRAT CAMPAIGN AGAINST MAJORITY LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, the Democrat leadership has led their party on a campaign against the Republican majority leader, the gentleman from Texas (Mr. DELAY), through baseless character assassinations and misleading attacks. It is time to start hearing the truth, though.

The media reported yet that the gentlewoman from Ohio (Mrs. JONES), a Democrat, disclosed in 2001 that a registered lobbyist paid for her trip to Puerto Rico, a trip the minority leader was also on, in clear violation of House rules.

On February 28, the minority leader, the gentlewoman from California (Ms. PELOSI), publicly called for an investigation by the Committee on Standards of Official Conduct of the majority leader. The gentlewoman from California (Ms. PELOSI) stated: "These are substantive allegations," that must be "fully investigated by the Ethics Committee."

□ 1745

But so far there have been no calls for an investigation of the gentlewoman from California (Ms. PELOSI) or the gentlewoman from Ohio (Mrs. JONES) by the rest of the Democrat leadership. Is this hypocrisy? Democrats want to apply the House rules, but they do not want to apply the rules to themselves. Let us see if the Democrats really care about ethics or if they are more interested in personal attacks.

I believe these developments are further evidence that the Democrats are not interested in taking a thorough, honest look into the allegations against the gentleman from Texas (Mr. DELAY); all they want to do is obstruct the work of the House of Representatives.

Yesterday Republican leaders of the House Committee on Standards of Official Conduct agreed to impanel a formal investigation into the recent allegations regarding the majority leader, but Democrats flatly refused to allow the Committee on Standards of Official Conduct to begin the work this year.

Instead of allowing the case to be heard in an appropriate venue, an investigation by the House Committee on Standards of Official Conduct, Democrats are trying to use the media to launch a partisan, politically motivated attack against the gentleman from Texas (Mr. DELAY), the majority leader, rather than giving the gentleman from Texas an appropriate opportunity to respond.

Majority Leader DELAY has said over and over that he has done nothing wrong, and has expressed his desire to publicly present and state his case. Indeed, he wants an ethics hearing to clear his good name and to keep ethics from being used for partisan, political purposes.

Appearing before the Committee on Standards of Official Conduct is the most appropriate venue for this to happen. The refusal to even allow the case to be heard before the Committee on Standards of Official Conduct is clear evidence that the Democrat leadership is not concerned about seeing this matter reviewed. They only want to use this situation to obstruct the legislative process.

It is a move carefully designed by partisan political hacks, carefully designed to achieve nothing more than purely partisan political gain. These actions obstruct legislation that the American people want.

So far under the majority leader's leadership, Republicans have passed a comprehensive energy policy, killed the death tax for small businesses and family-owned businesses, improved America's highways by passing a transportation bill, passed tort reform, passed bankruptcy reform, and is poised to modernize and strengthen our Social Security system.

Rather than effect change through elections, they have chosen, the Democrat leadership has chosen, to use partisan attacks and a conspiracy of character assassination to destroy the reputation of one of the most successful legislative leaders in this century and in the last century and, in fact, in congressional history.

Mr. Speaker, there is nothing more unethical than falsely accusing another human being in order to destroy that person's reputation. There is nothing more unethical, there is nothing more disgraceful than falsely accusing another human being. That is what the Democrat leadership has done, that is what the minority leader and the gentleman from Maryland (Mr. HOYER) are doing. They are stonewalling the ethics process for partisan gain, and we will not stand for it.

We ask the gentlewoman from California (Ms. PELOSI) and the Democratic leadership to stop these attacks. Call off the dogs.

Mr. Speaker, we need a reasonable ethics process in this House. We need to say enough is enough when it comes to partisan political attacks. Let us move forward with the American people's agenda.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. SCHWARZ). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to not only address the House, but the American people, to make sure that this government stays within the realm of the responsibility that the American people have given us to come to this U.S. House of Representatives and this Congress to represent them and their needs and their family's needs.

Those great Americans that have worked their entire lives to save and be a part of the Social Security system, to make sure that we hold our promise to their well-being not only during their retirement years, but even those that are beneficiaries of those that have passed on.

The gentlewoman from California (Ms. PELOSI), the Democratic leader, has designated this hour for the 30-something Working Group. And every week we come to the floor to address not only the House, but we keep the American people up to date on what is happening regarding Social Security and the challenges they are facing with the ongoing effort not only by the President, but also by some Members on the majority side to privatize Social Security.

I can tell Members that we pride ourselves on making sure that we get not only accurate, but up-to-date information so we can share not only mainly with the Members of this Congress the importance of the reason why they need to stand up and represent their constituents.

I must say I am very pleased that a number of Democrats on this side of the aisle, and I do mean almost 110 percent, I will say there are many Democrats who are big, heavy supporters of Social Security and do not want to see it privatized. I believe we are 100 percent.

I believe, on the majority side, we have a few Members who are holding out and are saying they are not going to gamble with their constituents' future, their guaranteed retirement.

Last week we talked about the 48 million Americans that celebrate a Social Security benefit which is right now, on average, about $955 that each Social Security beneficiary gets. That is very important because 33 million of those individuals would be under the poverty line if it was not for Social Security. So when we start looking at what is going on and the hype around the fact that Social Security is going to blow up tomorrow, I think it is important that we share the facts.

The facts are that there is not a crisis as it relates to Social Security. A crisis is something you have to respond to right now because if you do not respond to it now, it will turn into something that will be devastating to whatever the situation may be.

We do know now, in the next 47 or 50 years, we all agree that Social Security will be able to provide the benefits to the individuals that are in the program. When they reach retirement, it will be there for them. That is 100 percent for the next 47 to 50 years. I will receive 100 percent of my benefits if nothing happens to Social Security.

We know we want to look beyond that and do creative things to make sure that not only my generation, but future generations, the generation-after-next generation, that Social Security is there for them. As Democrats, we agree on the fact that we have to make sure that it is there. But to say to privatize it is the answer, it is not the answer. I cannot help but share some of the issues that are going on.

Last week we talked about the 48 million during our hour. I ran into some of my colleagues this past week. They said, We know about that 48 million, and a lot of them are in Florida and that is what you are concerned about; my State is not really affected, and the private accounts will not hurt.

I guarantee Members this, they will hurt and benefits will fall in Social Security if we go to private accounts. That is a fact.

Alan Greenspan had some interesting comments yesterday as it relates to the stock market, and if we had private accounts right now, how those individuals would have been penalized. The President said, We are going to secure and isolate. If you invest in the stock market, it is very hard to isolate your investments. When it goes under, it goes under. So to turn Wall Street into Las Vegas as it relates to folks' retirement, that may be good for a private pension plan, but it is not good for Social Security.

I pulled some of the statistics from my colleagues' States so they understand what we are saying about this issue, not just voting with the next person because they say we have to follow the leadership and privatize Social Security.

I think it is important to know in the great State of Alabama that the report as it relates to young Social Security beneficiaries, and I think this is important because a lot of folks have a misperception of the fact that Social Security is just for individuals who have retired. Right now we have 801,290 beneficiaries in Alabama: seventeen and under, 71,350; from age 18 to 39, we have 30,930; and other ages beyond that point is 699,010. Those are the numbers of Alabamians that count on Social Security. And I will say if folks want to start playing the Potomac two-step with Social Security, they need to understand that their constituents are going to end up losing versus gaining.

Another State that is important to address because we have folks that say they do not quite understand what is going on as it relates to the State of Illinois. 1.816 million individuals receive benefits right now. The number of those individuals that are over the age of 39 receiving are 1,652,030. I think it is important that people know there are a number of individuals who will be affected by this privatization plan.

I want to be able to address the Members and let it be known what we should be doing. The 30-something Working Group, when we sit down and talk about this, we talk about bipartisanship, and we talk about the fact that to come up with a Social Security forecast, Democrats and Republicans have to come together. In 1986, we know that Speaker Tip O'Neill and also Ronald Reagan came together to save Social Security, and I think it is important that we do that now.

Mr. Speaker, maybe under the circumstances we cannot do. It is not because the minority side does not want to do it, it is because the majority side does not want to do it. I think it is important that you understand that we believe in strengthening Social Security 110 percent because it is a Democratic plan. And it is a plan that Republicans voted for in 1986, not all of them, but enough to say it is a part of our Nation. I think it is important for us to realize that with the numbers we are dealing with now, as relates to Social Security, we must pay very close attention to what we are doing.

Now, the President has been flying around the country. This is not about politics because the bottom line is that the President is in his last term. So criticism that that is just some guy from Florida that is trying to hurt the President's hopes from being reelected, he cannot be reelected again. But it is important that we share accurate and good information, and it is important to make sure that every American has an opportunity to see his or her President when they come to their town or their city or their county.

Now, if the President was to come to south Florida and I was standing in line to see the President, I would not want to be pulled out of line and escorted out of the parking lot and dropped off somewhere far away from the convention center or wherever the President is going to speak because I disagree with him on Social Security.

I guess if I was not a Member of Congress, I would be escorted out. But we have accounts from throughout the country, and I happen to have one right here in front of me. Fox News, of all news organizations, criticized the President on the screening tactics that they are using.

□ 1800

One of my fine colleagues here in the House said, speaking of the President, "Regardless of the affiliation of the individual, anybody should have the opportunity to go see the President." Aaron Johnson, a spokesperson for the gentlewoman from Colorado (Mrs. MUSGRAVE), "It shouldn't be the job of anybody to make sure the crowd is 100 percent sympathetic."

So if I had this sign and I was standing in line, Mr. Speaker, to go see the President, I guess I could not go in because I do not necessarily agree with him. That is not democracy. That is kingdom politics. I think that all Americans and also Members of this House should not condone that, especially when the President is flying around on taxpayer dollars. It is important that a democracy stays a democracy, and it is not in the Constitution. Nowhere in the Constitution does it say, It's either my way or the highway.

I think it is important, because this is an actual news account, and AP and other news organizations covered the fact that if you disagree with the President and you want to show up, you better be undercover, you better not show your hand, you better not have a bumper sticker because there are those that are watching out for those kinds of individuals that are attending these events. I think it is very unfortunate that that is happening.

That sends a perception out to the American people as though the President is talking about private accounts and some proponents on the majority side are talking about private accounts, that it is so great, that there is not an objection to it.

If I was standing in front of the precinct where I am elected to come and serve in this Congress and folks were getting out of their car with the literature of my opponent and I was to have my friends go over there and escort them down the street so they cannot vote, I would get 100 percent of the vote. So when we send this perception through that we are all together on this, it is not true. It is important, and I ask for Members to let their friends know at the White House and other places where these events are going on that it is important. And also as it relates to individuals that disagree with the President on other issues.

I think it is important, not only that the 30-something Working Group continues to do what we are doing, but we want to commend those other groups that are out there. AARP, I must add, the largest retirement organization in this country, continues to go around and raise objection as it relates to Social Security. It is working. The reason why there is not a bill here on the floor, the fact that we have other things to do, which we do, because Social Security is not a crisis. I mean, that has not stopped some people from continuing to talk about it as though it is a Federal crisis right now. It is not. It is the fact that the American people object to the idea of privatizing their guaranteed retirement.

You heard the statistics that I read off as it relates to States of children that are beneficiaries, receiving survivor benefits. That is helping them make it through college. That is helping them make ends meet. They are a part of the 33 million that would be otherwise under the poverty line. It is important that we pay very close attention to what is going on.

In that same report, I think it is important as it relates to the President and what is going on in this one-sided deal, we have the Secret Service in Denver that told the three the next day that the bumper sticker on their car which read "No More Blood For Oil," a common anti-Iraq slogan, triggered the ejection of those three individuals from the Bush rally, or the Social Security rally. I can tell you that as we start leading into this era of kingdom politics, we are going to find ourselves in more and more trouble.

I want to talk a little bit about what is guaranteed under what we are dealing with now, Mr. Speaker. Some folks say there is a great mystery of what the benefit of going into, or lack thereof, a private account and what it means. The President said, well, we are spending money to save money, $5 trillion onto the debt. There is not a $5 trillion surplus or the surplus that the President had when he came into office, but this is a $5 trillion loan. I want to just pull my deficit chart up here. As the vice chair of the Democratic Caucus, the gentleman from South Carolina (Mr. CLYBURN), has said, the only thing that you are guaranteed, Members, and your constituents are guaranteed, is the $26,296.10 that you owe right now on the debt.

That is not only for father. That is for mother, that is for child, no matter what the age of that child. A child that was just born 5 minutes ago, they already have a debt to this country, a financial debt to this country, not due to the fact of irresponsible spending on behalf of Democrats. We are not in charge of the House of Representatives. But when we were in charge of the House of Representatives, we balanced the budget. We took down the debt. We had a surplus. So to say, Yeah, it's those Democrats that are spending the money, that is not necessarily the case. As a matter of fact, we are being fiscally responsible by looking at it from the standpoint of if we are going to do something, why make the situation worse financially.

We want to deal with Social Security, but we do not want to dig into making the debt even deeper, the national debt. And the whole argument about the reason why we are privatizing or that the President wants to privatize and some Members of the other body and some Members within this body want to privatize Social Security is the fact that we have to watch out for future generations.

Let us look at that for a minute. Future generations. I am a Member of the U.S. Congress. My mother before me was a Member of the U.S. Congress. I have two young children. They are going to have a different experience than the rest of my constituents within the 17th Congressional District in Florida. Not because they are that much smarter than the rest of the 8-year-olds and the 10-year-olds in their community, but it is the fact that I am a U.S. Congressman and their mother is an outstanding lady and she is a professional and my mother was a past Congresswoman, that they are going to have a different snap at life than the next person.

But people did not elect me to have a better opportunity towards not only health care but a better opportunity as it relates to a good retirement. They did not say, That's what we're electing you for. They elected us to represent them. So we have to watch out for the future generations. A $26,000 debt and change, I must add, is not a way to help our future generations. There are a number of individuals that are graduating from college, especially those that have gone through the postgraduate experience, that are leaving on an average of $20,000 in debt, and we are adding this debt on what they are going to have to pay somehow some way in the very near future. Over 40 percent of our debt is owned by foreign interests.

I think it is important to understand, also, that this information on the debt can be found. Some people may think, Oh, you're just coming up with those numbers and you're just putting them out there. I want to make sure that the Members are aware of this. They can go on www.house.gov/budget_democrats to get this information, not only on the ticker but also letting it be known that the $26,000 and change, what they can actually print out and place somewhere on the door so that they can know exactly what we are doing to our future generations. If you can check that Web site, in 4 hours it will even be higher, the national debt.

I think it is also important to know when dealing with the $5 trillion what could happen and what we could do with that money. We talked about the fact that it is not a Federal emergency as it relates to the issue on Social Security, and it is not. But what does $5 trillion do for programs over the next 20 years? I can do an awful lot for $5 trillion. I was talking to one of my mayors recently, and I mentioned $5 trillion to him and he said, goodness gracious, we could solve a lot of the issues facing our cities, and I can probably go around to many of my friends throughout the country. With $5 trillion we can make education better, we can make infrastructure better, we can do better services for our elderly, we can make sure that our communities are more secure, and we can make sure that we have a future for many of our young people.

Let us look at $5 trillion. Pell grants. We hear a lot of discussion about Pell grants. It has helped a lot of young people and folks make it to school. Maybe they will not have that $20,000 in debt when they graduate. We know that there are a number of young people that go to school and have to return back home, not to take care of Mom and Dad; but it is the fact that they cannot go out and buy a home because they have debt. Unfortunately, many of our young people fall into that downward spiral of falling into debt and getting a bad credit rating.

We can raise the maximum Pell grant from $4,050 to $59,500. Now, 5.3 million students receive $4,050 in Pell grants. With $5 trillion, 23.7 million students would receive a $59,500 Pell grant.

I can go on and on and on, but I think it is important for us to understand what $5 trillion can do. The President and some of those proponents for private accounts want to go and borrow $5 trillion to not only take down the benefit structure but the benefits that now Americans enjoy. I think there is a majority of the Members in this Chamber, I know on the Democratic side, a supermajority on our side, and I think there are other individuals on the other side of the aisle that would say different, that we have other crises that are facing this country right now versus a crisis that is 50 years off, or could be a crisis where it would only go down to 80 percent of the benefits that we have now.

We have got to deal with the Federal debt before we start getting into saying that. Well, we know we have the highest deficit in the history of the Republic, the 109th Congress oversees that debt, let's see, let's make it worse. Let's add 5 trillion more dollars on to it. Let's really make history. Let's go further than any other Congress has gone in the light of making sure that the only guaranteed benefit out of this whole exercise will be a $26,200-and-change debt given to every American no matter what their age may be.

My colleague from Florida and a member of the 30-something Working Group and a good friend of mine, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), I am so glad you came down.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congressman MEEK. We are continuing to try to educate our generation and other generations about the significantly negative impact that privatizing Social Security would have on them. As much as the President, as you have outlined, would like to lead people to believe that privatization is not going to harm people 55 and older, and there is going to be this amazing panacea, this incredible windfall for our generation and for supposedly savvy investors that are from our generation, we know differently. What we have been trying to do as the 30-something Working Group convened by Leader PELOSI is to try to separate fact from fiction.

To follow up on some of your really excellent descriptions of what the kind of money we are talking about really means for people, you just talked about $5 trillion and what $5 trillion, which is what the President's privatization proposal would cost and add to the deficit in the next 20 years, what that would mean, what we could do with $5 trillion instead of ballooning the deficit.

I was just elected. I am a freshman Member of the Congress. We have had an opportunity to work together over the years. I am still definitely in learning mode, and I have got a learning curve. One of the things that I have noticed in my learning curve is that when you go from being in the State legislature like we were where you are dealing with billions of dollars, with a B, to the Congress, when you are dealing with trillions, with a T, it is hard for anyone, Members of Congress, Members of State legislatures and average citizens to really grasp what that kind of money is. No one deals with trillions of dollars. The current budget deficit is more than $7 trillion. It is $7.7 trillion.

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And what the gentleman just described, the President's privatization proposal would add another $5 trillion to that.

So let us just take the $7.7 trillion that is included in the projected deficit now and try to help people get their minds around what that is. If we took $7.7 trillion and can pile enough $1 bills, and there are actually people that figure these things out, on top of one another, it would reach the moon and back.

The Moon is 93 million miles away from here. I am pretty sure that is right, 93 million miles away from here. So that is two stacks of $1 bills that would reach the moon, and that is how much our deficit is.

We would still have almost $6.5 billion left over. With that money, after traveling to the moon and back, we could make 1,329 stacks of $1 bills that would reach up into the stratosphere, however high that would go.

There is a really instructive Web site that the Department of Treasury has, and I think it would be helpful for people to know what that Web site is. It gives what the current deficit is, and it also gives what is each American's share of that deficit. It is a ticker and it is constantly changing. But that Web site is www.house.gov/budget_democrats. And they can get access to the U.S. Treasury Department's Web page with that information; if they sign on to that Web site, it will link them right to that information.

The national debt as of April 21 is $7,782,705,281,978.34. We could really improve the quality of people's lives with that kind of money.

And the direction that this country has been going in is really disturbing. When I go home and talk to the people that live in my community in Broward and Miami-Dade Counties, and we represent both of the same counties in South Florida, it does not matter whether I talk to people who consider themselves conservative, people who consider themselves moderate, people who consider themselves liberal. After the events of the last few weeks and the concerns that people have over the deficit, their share of it, this privatization plan which the President is suggesting would pull the safety net of Social Security out from under people.

People are really starting to say just hold it a second, we need to get this train back on the tracks and start going in the direction that most people are comfortable with.

And I think we really need to start encouraging people, as we have been doing, to raise their voices to help get that train back on the tracks, because it is moving so far to the right even for people who consider themselves on the right, even people like that are coming up to me and telling me they are disturbed. So I just wanted to share that illustration with people.

We have talked often about the impact that privatization has had, and we had been on a break and we were not able to spend time during our 30-something hour. We did not have a 30-something hour last week because of votes.

So I think it is important, and I am not sure if the gentleman already talked about it, the impact that privatization would have on different categories of people. Particularly as the 30-something Group, we want to explain how it would hurt young people and working families.

The cost of privatization would just explode the national debt, which we have been talking about, but what it means beyond exploding the national debt is that people who collect Social

Security would literally experience a 46 percent cut in their benefits.

There has been this portrayal by the President on his 60-day tour of the country to try to sell this plan, which I know the gentleman outlined and talked about, how they restrict access to their town hall meetings and we let anybody come and we are willing to take on the people who stand up and actually ask questions that are not the same as the position that we take in our town hall meetings.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that is what a democracy is all about. And I hope that the President disabused himself of escorting Americans out, taxpaying Americans that want to hear what he has to say.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman would continue to yield, it is really unbelievable.

I met with representatives of the Egyptian Government today, and they were talking to me about the democratic reforms that they are making and being more inclusive and involving their public in the role that government has. And I just cannot even imagine what kind of example the President is setting to burgeoning democracies and democracies that are trying to become even more democratic.

I mean, if the President of the greatest democracy in world does not feel that the right thing to do is to let anyone into a town hall meeting whether or not they agree with him, then that really sends a terrible message.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the real issue is that the President would like to put the perception out there of roaring crowds, saying, "We love you. We appreciate what you are doing. Thank God you are saving Social Security by privatizing accounts even though my benefit level is going to go down." And anyone that objects to that, they are going to see the parking lot.

Ms. WASSERMAN SHULTZ. People have seen the parking lot.

Mr. MEEK of Florida. They will not even see the inside because they will take those individuals out of line.

Like I said, if anyone were to show up with this, just as an American, freedom of speech, and the Supreme Court is right across the street, "Hands off of my Social Security," they are a goner. They are out of there. They are taking them. "Excuse me, sir, ma'am, we need to take you over here."

Ms. WASSERMAN SCHULTZ. I think they made it pretty clear how they feel about the courts.

Mr. MEEK of Florida. That is another special order, Mr. Speaker. This is democracy we are talking about.

I am a member of the Committee on Armed Services. We have men and women, several thousand, that are fighting against this kind of thing. And we have to make sure that we give very little to others to point to and say, "See, you are telling me to do something, but you are not doing it."

And if someone is the President of the United States, they can pretty much say, if someone has a T-shirt, if someone has a sign, if someone is standing in line and they say, "I disagree with the President and I want to hear what he says, but I do not think we need to privatize Social Security." Or to go in and then come out and talk to the media or talk to anyone, they have the right to do that.

This is not a private event. This is paid for by the taxes that the gentlewoman pays, I pay, and all of our constituents pay. So if our tax dollars are going to work against us because we disagree, and we are right to disagree, it is insane.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what I have noticed is that this President treats democracy as an inconvenience. He treats democracy as if what it means is "I am going to listen to you when you agree with me and I am going to apply democratic principles when I can surround myself with people who tell me what I want to hear." And that is just the worst message we could possibly be sending.

When the gentleman and I listened to the State of the Union and we listened to the Inaugural Address, both of which included a treatise on the President's desire to help spread democracy around the world, I really think that the greatest democracy in the world and the leader of that democracy should be setting an example at home. And I think that that is what we expect parents to do.

We ask parents to set examples for their children, and we tell parents that they cannot expect their children to behave any better than they do. And I do not know how the President could expect democracies or burgeoning democracies around the world to behave any better than he does.

There are a couple other things I wanted to highlight for people about the impact of the privatization plan because we got on our soap box for a little while.

Mr. MEEK of Florida. Rightfully so. I am glad I am a Member of the Congress and no one can walk in here and escort me out. I mean, right now they cannot.

But I am glad. I am glad that that is the case because I would be kind of concerned if I were standing outside at one of the stops that the President was making and we were having this conversation. We may very well be asked to spend some time in the parking lot because we cannot go in.

Ms. WASSERMAN SCHULTZ. Absolutely, Mr. Speaker. And that is because they do not want the facts to go out. Because if light is shed on their proposal, if they are forced to face their accusers, so to speak, if they are forced to respond to people who have the facts, their facts just do not hold up under the sheen of light.

So what I started to say a few minutes ago was what his proposal does is, and like I said, I call it a proposal, but I should say his vague outlines of a proposal, he has promoted across the country the concept or the belief that private accounts would be a windfall and has led people to believe that they would both be able to have the money in their private accounts as well as their Social Security benefits, and that is not the case. There would be a commensurate cut in Social Security benefits, about 46 percent, commensurate in proportion to the amount in someone's private account.

An average 20-year-old, over their 20-year retirement, would lose about $152,000 in Social Security benefits under the vague outlines of the President's proposal.

Let us take disability insurance and survivor benefits, because I am not sure if the gentleman talked about that before I got here; but Social Security provides disability insurance for young families. There is no private insurance plan that could compete with the disability benefits provided by Social Security. For a worker in her mid-20s who has a spouse and her two children, and there are millions of those across this country, Social Security provides the equivalent of a $350,000 disability policy. Most people, especially a young widow with two children, cannot afford to go out and buy a policy on the private market like that. It would just not be available to her.

Suppose, God forbid, there is a young parent who suddenly dies. Social Security provides for the children who are left behind. Social Security provides survivors benefits. Survivor benefits replace as much as 80 percent of the earnings for a 20-year-old average-wage worker who dies leaving two young children and a spouse. For that parent, Social Security survivor benefits are equivalent to a $403,000 life insurance policy.

That is what it means when we talk about what privatization would do to young families. That is real. That would be gone, that benefit. Because when it comes to disability and survivor benefits, privatization does not apply because there is no income being generated. One has to have income in order to have a private account. People who are disabled and people who are widows and widowers do not have that income coming in by its very nature.

Mr. MEEK of Florida. Mr. Speaker, the thing about it is that Democrats, Republicans, Independents, white, black, Asian, name it, are part of the 48 million Americans that are receiving benefits right now. And this issue is not only in districts on the Democratic side of the aisle, but on the Republican side of the aisle. And I will tell the Members this will not hold.

Now, it is not all doom and gloom because, guess what. Thank God the Democratic leadership is saying we do not want to increase the debt to go on a scheme of a $500 trillion over the next 20 years cost for individuals to have to pay more on the debt and also for individuals to lose some of their benefits.

And the bad thing about what the President and some Members on the majority side, the Republican side, are proposing is the fact that they are saying that, yes, it will go up and down but over time private accounts will win. Guess what. If one is in a private account or they opt to be in a private account from the Social Security philosophy, and I must add if I said "plan," I want to take that back, philosophy that the majority side has and that the President is talking about, they are going to lose, too. They are going to lose some of their benefits, too, and I think it is important that people understand that.

Also, let us just put it this way: Some people may say what is the Democratic plan? I will say what is the Republican plan? Where is it? What Web site can I go to? Is someone coming to my office with some sort of bound copy? Maybe I need to come to my office to find out if something came since I have been here on the floor. Where is the bill?

□ 1830

Well, there is a hearing that is going to take place on Capitol Hill. Guess what? There are over 200 hearings that take place in every Congress. They do not all result in legislation. I am hoping that in that hearing, if someone wants to do something, or the majority side wants to work with the minority side, because I do know that the gentlewoman from California (Leader PELOSI), I know that the gentleman from Maryland (Whip HOYER), and our caucus chairman and vice chairman and others in leadership would love to sit down. The gentleman from New York (Mr. RANGEL) is always saying, my door is open, I am ready to go. Let us talk about this thing.

But let me just say this, because I think it is important. The Democratic plan is already in 48 million wallets of Americans that have Social Security benefits. That is the Democratic plan. Hello? That is the Democratic plan. So the Democratic plan is to make sure that we do not add more to the $26,000 that every American already owes the Federal Government, the highest deficit in the history of the Republic. The Democratic plan is to fight to bring that number down and to go into surplus where we were before this administration got in.

That is the Democratic plan.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if I could jump in here for a second.

Mr. MEEK of Florida. Of course. I was looking for my little note here, because I wanted to remind Members but also the American people. Please add to this. There is just so much, we do not know what to share. We have so many other plans as Democrats.

Ms. WASSERMAN SCHULTZ. That is why we spend an hour on this every week, because there is plenty of information to disseminate. I sit on the Committee on Financial Services, and I have an opportunity to interact with people on the New York Stock Exchange and Chairman Greenspan, who testified before our committee, and representatives of the Mercantile Exchange and the Board of Trade and all of the exchanges. One of the things that I got out of those meetings that was clear and that has been written about in the last few days is, let us remember what the foundation of this whole privatization is built on. It is built on the stock market. It is built on stocks and bonds.

Now, last week, we had one of the most significant drops in the market in over 2 years. The Dow Jones Industrial Average has fallen more than 9 percent in the last 6 weeks, including a drop of 115 points, or 1.1 percent, on Wednesday. Now, I do not know if most Americans are going to want to throw their retirement security to the whims of the stock market. There are two words in the name of this program: social and security. This proposal removes and decimates the concept of "security" in Social Security. It would be social insecurity, because there would be no ability to ensure that future retirees would have that investment there for them when they retired, because we have fluctuations in the market.

Mr. MEEK of Florida. Mr. Speaker, I see the gentleman from California (Chairman DREIER) wants us to yield for a minute here, so I yield to the chairman.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I am preparing to make some remarks myself about Middle East policy in just a few minutes. But when I heard about this drop in the Dow, I just wanted to state for the record, and my colleagues may not have heard it today, that the largest gain in the Dow Jones industrial average took place today, the largest gain in 2 years, and the largest gain in about 9 months in the NASDAQ. So I just wanted to say that, for the record we had an over-200 point gain in the Dow today. How it fluctuates, I think that is just an important point I wanted to make.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, that is an important point, and I appreciate the gentleman making that point.

But the point is that from one day to the next, we had a 200-point swing. Now, is that what people are going to be comfortable with in terms of their retirement security, in terms of ensuring that they have at least a minimum amount of money available for them when they retire? Because, for example, 20 percent of single retired women, most of whom are widows, the only source of their income is their Social Security. Now, if we invest it in the stock market and privatize Social Security, what are we going to do for those women when their nest egg that they banked on is not there because of fluctuations like the one that the gentleman from California (Mr. DREIER) just referred to? I just wonder.

Mr. MEEK of Florida. Well, that is important, and that is what happens when we start talking about investing private accounts in a private system; we may say publicly traded or whatever the case may be. But I think it is important to understand that what is guaranteed also is the $940 billion to Wall Street that is guaranteed in the proposal or the philosophy that individuals have, somewhere around that number.

Now, I do not have a problem with investments, this, that, and the other; but Social Security, like the gentlewoman said, and her definition is Webster's definition; it is not a DEBBIE WASSERMAN SCHULTZ's definition.

But let me say, what is interesting here, Mr. Speaker, that we must pay very close attention to is that there are some very fine Members of this Chamber that came to this Congress and we were here late one night in the 108th Congress and talked about, well, this will be the number as it relates to the medicare prescription drug issue. We have a number; this is how much it will cost Americans. And some folks ran around here on the floor and gave emotional speeches about how we have to get prescription drugs to the people, and it is too high, and this, that, and the other; and I have another editorial on that.

But we were told by the administration that it will only be $350 billion. I mean, that is a big number. That is all it will be, so you do not need to be worried about it. Even though we are borrowing that too, that is all it will be. Later, I was looking, while the gentlewoman was talking, I was looking through my notes, because that is the reason why democracy has to play a role here. Bipartisanship has to be a part of this debate. If bipartisanship was a part of the debate, maybe we would not have been shocked later to find out that it would be $400 billion.

Did it stop there? Well, sure enough, after the bill was passed, it jumped up to $530 billion. Now we are being told, now, just recently, just a month ago, we are being told that it will be $724 billion. This is real money. Meanwhile, community development block grants are being cut. Meanwhile, we are saying that, well, we are going to provide certain cuts here, certain cuts there, a trade bill here.

Where is my credit card? We are getting the opportunity to pull out the

U.S. Treasury credit card here and say, well, that is fine, let us just put it on the credit card; it is okay.

We talk a little bit about responsibility within the family. I mean, my mom, when I used to be in college and say, Hey, I need some money. Oh, just put it on a credit card, it will be okay. She did not say that. She said, Either you cannot do it because you do not have the money, or you need to be able to generate the money to do it. Now, let me tell my colleagues something. I think they are doing both. They are generating the money, but they are generating it from the credit card.

Now, some may say, well, he is just talking. By the rules of this House, if our leadership had the ability within the rules, we definitely have the will, but within the rules, if we can call a committee meeting and call some of these individuals out of why we are continuing to borrow and spend, borrow and spend, borrow and spend. And I am a Democrat. So when folks start talking about the definition of the tax and spend, well, that is something that the majority side says, because that is not reality. The Democratic Congress balanced the budget, I say to the gentlewoman, and the Democratic Congress, along with many of the caucuses within this side of the Chamber, works day in and day out to talk about the Federal debt and the irresponsible spending, if we want to talk about future generations.

The last point I want to make on this particular subject, I am going to pick up where I left off as it relates to what is the Democratic plan. Well, the Democratic plan is $555 on average benefit to 48 million Americans that receive Social Security today. The Democratic plan keeps Social Security solvent for the next 50 years. That is the Democratic plan. The Democratic plan is making sure that we do not see, under the philosophy that the majority has, the 46 percent decrease in benefits as it relates to the cuts that will happen over time. The Democratic plan is making sure that the monthly average benefit does not fall down to $516. That is the Democratic plan. The democratic plan is to make sure that we work in a bipartisan way with the majority if we want to approach this issue of Social Security. And the Democratic plan is to also get out the truth of the fact that this is not a crisis.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. MEEK of Florida. So that is the reason why some of the Members even on the majority side are saying no can do: I am not going to disrupt my constituents and their way of life and add on to the party numbers of my district, because it is not right. And if it is not right, I do not care if you fly around for 160 days. It is not going to change as long as you are talking about gambling with the Social Security and the security of folks' retirement.

So I can tell my colleague right now, I look forward to the day that Americans say, enough is enough, and that we do not have to speak from the position of saying, well, we are informing you; we will be actually doing it if we were in control of this House, and that is what the debate is about. It is about not only sharing with the Members that if they get into this whole issue of believing the hype on the privatization of Social Security and folks start losing benefits, they are making a career decision. They do not want to be in Congress, because I can tell my colleague right now, when folks say, listen, I do not know what I have been doing; maybe I have been voting politics over principle. Maybe I need to get back to voting principle over politics. Well, they say that the guy that was running against the other guy or the young lady, that they are tax and spend. Well, you know, the evidence does not necessarily add up to be that way.

So I love to talk about the Democratic and the bipartisan proposal that went down in this Chamber in 1986 and even before then. That was bipartisanship. Even though a supermajority, all Democrats voted for it, some Republicans voted for it when Ronald Reagan was in the White House, and we made it happen. It is just that simple.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is absolutely right. We have to right the ship of state. I mean, it is keeling over right now. It is going to fall from the weight of the debt. I mean, why the Republican majority here will not listen to Chairman Greenspan when he expresses again and again, as recently as this week, again and again he has warned us about the danger of the increasing deficits.

The leadership here is just ignoring it. It is like they hope that if they ignore the problem long enough, maybe it will go away. Maybe they will wake up, just like my kids hope that the next day something that happened that they did not like the day before will not be true when they wake up, like so many of us do. But the worst nightmare is that when something bad happens, when you wake up the next day, you cannot make it go away just by a night's sleep or ignoring it. It does not work that way. We have to be responsible. That is the whole way we need to deal with this Social Security problem. Problem, not crisis.

We have a problem, but we need to be responsible and take the time that we need to address the problem and do it right. We did not create this problem overnight, and there is no miracle solution; there is no instantaneous solution to this problem. The President has already acknowledged that privatization does not even solve the problem. We need to make sure that we get privatization off the table so we can all sit down together, just like they did in 1983, and find a bipartisan solution that we can all be comfortable with, or at least that the majority can be comfortable with, because we will probably not get everybody. But the majority is willing to come to the table, it is just that the President needs to let go of an untenable proposal that the vast majority of the people do not support. It is time to let it go, Mr. President.

Mr. MEEK of Florida. Mr. Speaker, the gentlewoman is right. We say this to make sure that the Members and also the American people understand 110 percent what we are dealing with here. We could have both been halfway home by now; but we have taken the opportunity because this is a pivotal time in history as we start looking at Social Security the way it is now and the way that it could be in the future.

I read those medicare prescription drug estimates that were given to us officially in this House to serve as an example of the misinformation that takes place under this dome and the misinformation that is given to Americans. I talk a lot about the Potomac two-step, but when it comes down to Social Security and you have one out of six Americans that depends on this thing as it relates to the 48 million that is out there, you cannot help but think that if you are serving in a body where the discussion is taking place, not only in the halls, but in the newspapers, you cannot help but say in the future, when folks look back and they say, well, what happened in the 109th Congress and what role did you play to stop it?

□ 1845

I am proud to say, boldly and with a chestful of air, the fact that the Democratic leadership and Members that sit on this side of the Chamber are sleeping with their fists balled up ready to use any tool verbally possible and power-wise to be able to educate and to be able to have town hall meetings with some 300, well now 400-plus town hall meetings that have taken place on this side of the aisle.

And I can tell you that if someone showed up and said that they support privatization, they can come in the town hall meeting. They are not saying, okay, you need to go over here and you need to wait outside, because you are going to ask a question that we do not want to answer right now.

We are saying, bring it on. We want to answer those questions because we have the prima facie evidence to show that what the President is talking about is not necessarily going to benefit Social Security as we see it today. So we fight for those individuals that have sent us up here to deal with that.

Last point, and Congresswoman, we have about 3 minutes left. I want to close. I want you to make your closing comments, then we will yield back our time. But, it is important that we keep up the fight. And I want to commend some of my Members on the Republican side of this aisle that are saying, no, I am not going to vote to privatize Social Security.

I want to let them know that as a Member of this House, I commend them for that, but the American people have a role to play too. They have to hold us accountable. If they do not hold us accountable, then the question will be asked of them, what were you doing when all of this was happening? Did you call your Congressman or -woman? Were you involved? Did you write? Did you do op-eds to the editor? What did you do?

Ms. WASSERMAN SCHULTZ. I agree with you. I am ready to stand and fight and make sure that the security remains in Social Security.

And, you know, just to close my portion of this out, the illustrative thing that I want to leave people with is we are both under 40; that is why we are here. Our generation, my friends, your friends, most of them when we chat with them when we are out to dinner, and we ask them whether they think Social Security is likely to be there for them when they retire, it is almost universal that the answer is no.

In 37 years, 36 years, let us say 2041, we are going to be 74 years old. You and I are 3 weeks apart. And I am 3 weeks younger, I might add. We are going to be 74 years old.

Now, when I learned that, I was amazed because I really was one of those people. Social Security will be there, even if we do nothing, which is not what we are advocating. We are advocating take a little slower approach. Let us make sure that we keep the security in Social Security.

In 46 years, the outlying date for which insolvency is less likely to occur, we will be 84 years old. Now, that is well within the number of years, 20 years after retirement, that we can ensure that Social Security will be there for us.

What we have to do is we have to stand with our feet firmly planted on the ground and say you have taken this country this far, no further.

Mr. MEEK of Florida. Yes, you are right. And Congresswoman, I am going to thank you for being an active Member within the 30-something Working Group and all the input, even when we are not on the floor in the discussion that we have on this issue.

Mr. Speaker, I want to make sure that Members are fully informed about the fact that Leader PELOSI is out doing what she is doing. She will be speaking at Columbia University next Tuesday to young people on the issue of Social Security in New York. It is important that we continue to share this information.

SUPPORT FOR THE IRAQI PEOPLE

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, let me say that I again thank both of my colleagues earlier for yielding to me. And I would invite them to stay and participate if they would like, and I will be happy to yield to them at any point.

I know it is now 10 minutes of 7:00 and you would probably like to go. I would be happy to yield to my friends.

Mr. MEEK of Florida. We always appreciate your love and appreciation. Anytime we come before the Rules Committee, we would love to have our amendments passed in your committee.

So I would just say that and then humbly walk out of the Chamber.

Mr. DREIER. I am happy to say to my friend, the gentleman from Florida (Mr. MEEK), that as you know, we were particularly proud of the work product we have had over the last 2 days. Of the 30 amendments that were made in order, we saw 22 of those amendments made in order offered by colleagues on your side of the aisle.

And we continue to try to do everything we possibly can to ensure a free-flowing debate on a wide range of issues. And obviously the existence of these Special Orders does create an opportunity to do just that. I thank you all very much for being here.

Mr. Speaker, I have taken this time out this evening to talk about a very important mission which took place over the Easter District Work Period with a number of our colleagues. And I am very pleased to be joined here in the Chamber by my very good friend, the gentleman from Georgia (Mr. GINGREY), who was a member of this delegation.

It also included, this was a rules committee trip, it included the vice-chairman of the Rules Committee, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART); the chairman of the ethics committee who is also a member of the Rules Committee, the gentleman from Washington (Mr. HASTINGS); and our friend from Ft. Lauderdale, we had three Floridians actually, the gentleman from Florida (Mr. HASTINGS of Florida); and we had another Floridian, as I said, the gentleman from Florida (Mr. CRENSHAW).

So this 6-Member delegation specifically went during a 12-day period, during that district work period to the Middle East. We went to a grand total of eight countries plus the Palestinian territories.

And on this trip, Mr. Speaker, we were able to go into Iraq and visit the different regions in Iraq. We went to Fallujah, the Shiia area. We went into Baghdad, the Sunni area, and then we went to Kirkuk in the north which is the Kurdish area.

And we had a chance to visit with our troops. We had a chance to meet with people who have been able to be among those 8½ million Iraqis who on January 30 of this year, for the first time in half a century, participated in free and fair elections. And we were able to see the struggle that is going on.

Now, of course we continue to get tragic news from Iraq. This morning we got the report of 12 people who were tragically killed, a contract helicopter went down. We have had a number of our Marines killed in recent days.

Just this past week, a very good friend who worked with my chief of staff, Brad Smith, who was in Iraq during the month of January last year, she was a relief worker there, was tragically killed. So, Mr. Speaker, we continue to have very, very tragic news that has come from Iraq. And we regularly see reports of these tragedies.

But the thing that was so incredible for this delegation, and I know repeatedly for colleagues of mine who have had the chance to go to Iraq, is that it has shocked many, including yours truly, someone who was a strong supporter of the President, but believed that maybe looking at the January 30 elections, it might not have happened just right, so we might have considered delaying that election.

Well, thank God President Bush and Prime Minister Blair and other international leaders, and leaders in Iraq, it was a mixed view in Iraq, but thank God that they went ahead and insisted on holding that election. Because they had a 58.5 percent turnout, as I said 8½ million Iraqis finally exercising the right to begin the process in this election of the 275-member transitional national assembly.

And they elected this national assembly. They have put together a government within the past couple of weeks. And we in our meetings had the chance to meet with the now new prime minister; he had not been selected by the transitional national assembly at the time, Ibrahim Jaffari.

We met with the interim prime minister, who is no longer prime minister, but was just for the third time yesterday a target of an assassination attempt, that being Iyad Allawi, the man who delivered a phenomenal address to a joint session of Congress here. And we, as I said a moment ago, also got to see many of our troops, the courageous men and women in uniform.

And as I said, Mr. GINGREY is here with us on the House floor, but our entire delegation had the chance to stand before a large group of Marines led by my very good friend, Colonel Mike Shupp, who was there and was one of the key leaders in last November's battle of Fallujah, and to see the dedication and the resolve of our men and women in uniform is something that is inspiring to all of us.

Mr. Speaker, to me, one of the most amazing things from having witnessed what we did in Iraq, is that we found President George W. Bush was absolutely right. He was absolutely right when he referred to the fact that by encouraging the effort to rid the Iraqi people of Saddam Hussein and move in the direction of free and fair elections, which, remember, many skeptics all over the world, including here in the United States, said could never happen, how in the world could the Iraqi people actually choose their own leaders?

Well, the fact that President Bush insisted on doing that, he was right when he said that the example that we will see in Iraq will spread throughout the region. Well, I have to admit I was not quite as sanguine as he about this. I, of course, as everyone did, hoped that this would be the case, but I did not have the degree of certainty that President Bush obviously had.

And I am so gratified that President Bush was absolutely right. And I am able to provide this report, because along with visiting Iraq, this great example that we have now seen based on what took place on January 30, we have seen in country after country, people indicating, leaders indicating that movements towards political pluralism, the rule of law, the development of very important democratic institutions is on the move. It is on the move today.

Now, on this trip, as I said, as well as visiting Iraq, we went to Egypt. And in Egypt we had a wide range of meetings with leaders in that country, including the new prime minister, who for the past 8 months has served as prime minister, Prime Minister Nazif. And he referred to the fact that under President Mubarak a decision has been made to actually modify what is called article 76 of the Egyptian Constitution. That is an interesting irony that it is article 76, because we all know what an important number that is in this history of the United States of America: 1776, the year that we declared our independence.

But the change in article 76 in Egypt created an opportunity for President Mubarak to establish a chance for multi-candidate elections for the first time in Egypt. We know that there have been very bold, wonderful dynamic and strong military leaders in Egypt, Gamal Abdel Nasser, who was obviously a very, very strong leader.

The world remembers in the early 1980s when that dynamic very, very, very bright leader, Anwar Sadat, who had been a leader in the region, was brutally assassinated, and now we for the last 2 decades have seen Hozni Mubarak as president. All of those people, all of those people military leaders in Egypt.

But, when we met with Prime Minister Nazif, he made it clear to us that the country is now moving for the first time ever towards multi-candidate elections, that, again, a very encouraging sign for us. He in fact went to the extreme of saying they today regularly have to violate the Constitution of Egypt, it is understood that they have to violate the Constitution of Egypt. Why? Because he described it as a socialist constitution, the constitution which was obviously wrought out of the era of the Soviet Union; and it is a constitution which clearly needs to be rewritten, as they acknowledged to us, and it is something that clearly will take place.

He also, this is Prime Minister Nazif, referred to the fact that bold moves towards economic liberalization are taking place. In fact, one of the things that struck us was the fact that in Egypt they have just reduced the top rate, the top corporate tax rate from 42 percent to 22 percent, knowing that that is very important towards encouraging economic growth.

□ 1900

They also are looking for their comparative advantage economically. What is it that they are doing in Egypt?

We had the chance, my friend, the gentleman from Georgia (Mr. GINGREY) and I and the rest of our delegation, to visit something known as the Smart Village where many of the high tech companies that are based here in the United States have established new operations. In fact, the great leader of Microsoft, Bill Gates, had dedicated a Microsoft facility in this Smart Village just outside Cairo, Egypt. And so we, I believe, saw many, many great things come from that visit.

We also visited with the defense minister. It was very impressive to see this individual, who is obviously a strong military leader, indicate when asked the question, what would it be like, would it be possible for a nonmilitary leader to actually be elected president of Egypt? And his response was, if the people of Egypt elect a nonmilitary leader, so be it; that is the way it will be. Another sign that was very, very encouraging in that country.

We also had the chance to visit Jordan. In Jordan we met with the deputy prime minister who is providing great leadership in the area of economic and political reform in the country. But we also had a chance to meet with King Abdullah II. And we know that he has worked diligently to try to bring about a resolution to the Israeli-Palestinian question.

He, as a Western-educated individual, is someone who has worked a lot to provide leadership on human rights issues for all in the Middle East. And in our meeting he referred to the fact that Jordan at that moment was not in the forefront of political liberalization in the region. He said to us that in 6 months we will be in touch and he assured us that Jordan will, in fact, be in the forefront.

And I was happy to see that just a week or two ago he removed over half of his cabinet and is obviously on the road towards creating the kind of political liberalization to go hand in hand with the very important economic liberalization that he has already pursued. We have been part of that, of course, by virtue of our having established a U.S.-Jordan free trade agreement. So we are very, very excited to see the things that took place there and are continuing to take place there.

We also had the chance to visit Israel and the Palestinian territories. Mr. Speaker, we all know what a challenge that has been for years and years and years, and we have seen attempts made to try and bring about a resolution. We happen to be in the Knesset just as they completed the vote on what was called disengagement. It was a referendum on the government and it has to do specifically with the disengagement, the removal of 3,000 settlers from Gaza. And it was a vote that by a two-to-one margin, nearly two-to-one margin prevailed for the Sharon government and an indication that great steps are being made towards the resolution of the Israeli-Palestinian issue.

We also went to Ramallah in the Palestinian territories and met with a number of the leaders there, Hanan Ashrawi, a woman who has been one of the great proponents of women's rights and a leader in the Palestinian area. We met with the opponents of Mahmoud Abbas, Mr. Barghouti, and we talked about the challenges that exist in the relationship and the fact that on January 9 of this year 1 million Palestinians participated, following the death of Yasser Arafat, in this free and fair election, which is again an indication that we are seeing great progress made in that region.

One of the most moving experiences we had, of course, was when we went to Beirut, Lebanon. And in going to Lebanon, Mr. Speaker, we were literally there on the heels of the tremendous uprising that we saw take place, probably 6 weeks ago at this point, when on one occasion a quarter of a million young people and other Lebanese gathered in what is now known as Martyr Square. And on another occasion a million people gathered in Martyr Square. Why? To protest the fact that for 3 long decades the Syrians have basically thrust themselves into and controlled Lebanon. And we know that there has been great civil strife in Lebanon in the past, but we have witnessed the Syrian involvement which has been so extraordinarily great in that area.

Well, we stood at the graveside site of Rafik Hariri, who tragically was assassinated and we stood with students who said to us that they felt as if they had been in jail. And they said, We are in the process of breaking from this jail and we today are willing to give our lives to ensure that the people of Lebanon will be free of Syrian control.

They were inspired by a couple of factors. The efforts that the United States and the Coalition forces put together to allow the opportunity for the people of Iraq to be free of Saddam Hussein and to see 8.5 million of them participate in their election, coupled with again, the tragic assassination of the revered former Prime Minister, Rafik Hariri. These events led to this huge uprising.

I am very happy to report that this afternoon, or this morning, I met with the deputy chief of mission, our deputy chief of mission in Beirut. He was here in town, Chris Murray, and he talked about the reports that we have seen about 95 percent of the Syrian forces including the intelligence operation, along with the military leaving Lebanon, and he felt very strongly that by the end of April we will see all of the Syrian forces out of Lebanon.

The law calls for an election to be held by the 31st of May. And we were there encouraging that election to take place. We are happy to get the report that every indication that we have is that the elections in Lebanon will, in fact, take place. And it was a great experience, a wonderful one, and very inspiring to see these courageous human beings.

We met with opposition members of parliament who were there, including a man called Mr. Hamadeh, who 6 months ago was nearly killed, and you could still see the burns on his face from a terrorist attack that he had suffered. But he was willing to stand up for the cause of freedom in this country. Mrs. Mouawad, who is the widow of a former prime minister who, in 1991, had been assassinated, and a wide range of very dynamic leaders who are looking forward to a strong future in Lebanon.

Now, one of the questions that exists is the commitment of the United States and the international community for the future of Lebanon because it is clear that over the past several few decades we have had a mixed record there in dealing with encouragement of support for the people of Lebanon. And I am very happy to say that this administration and the United States Congress will stand proudly with the people of Lebanon as they pursue this goal of greater self-determination, free of Syrian control.

Mr. Speaker, it is important to note that this is all in the interest of our national security. This is all in the interest of the national security of the United States of America. President Bush has said time and time again, democratically elected leaders in countries do not attack others. If we can see more democracy take place throughout the world, it is obvious that we will diminish the kind of threat that has existed for the United States of America.

As we encourage economic growth in country after country, I am convinced that we will see a diminution in the attraction that many young people, who are hungry, have towards international terrorism. In fact, I remember talking to a number of people who said if we had a percentage point or two of economic growth in Pakistan and Afghanistan, we might have avoided what took place on September 11 because many of the people who were involved in terrorism are seeking economic opportunity in so doing.

Not all. I am not so naive as to believe that all are, but many people are attracted because they have nothing else to do and no economic opportunity.

So as we encourage the economic and political liberalization that is taking place today in the region, it clearly will play a big role in focusing on stability in that long troubled part of the world: and at the same time it will play a big role in ensuring our national security and the security of the neighbors throughout that area.

Now, as I said, I was joined on this trip by five of my colleagues, and it is after 7 o'clock and we finished a very long night last night working on the energy bill. We finally completed that this afternoon. I am very happy to be joined by a distinguished member of the House Committee on Rules, who was a very important part of this delegation.

Mr. Speaker, I would like to yield to my friend from Marietta, Georgia (Mr. GINGREY) at this time.

Mr. GINGREY. Mr. Speaker, I thank the gentleman chairman for yielding to me.

As he mentioned at the outset of his remarks, I was one of a group of six Members primarily from the Committee on Rules, we affectionately called it CODEL Dreier, and we had an opportunity really to visit these 8 countries and the Palestinian West Bank as well. But I think more than anything else what we did in visiting those countries is to let the people in the Middle East, and this was almost exclusively a Middle Eastern trip, to let them know that we are their friends, to let them know that we are willing to reach out and to help solve the myriad problems in the Middle East. Mr. Speaker, there is no question that there are plenty of them.

We are of course continuing to try to help the Iraqi people as they build their own government and stand up their military so they can defend themselves. They want democracy. They have had a taste of it. So at these many places that we stopped you could see it just sort of blossoming, blooming. And they seemed very, very appreciative that we would meet and listen.

We did a whole lot of listening, Mr. Speaker; we did a little bit of talking. We had some formal sessions, but mainly I think it was a great experience for us, but it was a great experience for them as well, as I say, to see Members of Congress.

It is not the easiest place in the world to get to. It is certainly not what you would call a vacation paradise, like some folks would go on spring break down to Panama City or some of the beautiful beaches in our country. It was not anything at all like that, of course.

But on one of the last days of our trip, Mr. Speaker, we were actually on the island of Cyprus and had an opportunity there to visit what they call the Green Zone. It is a separation, demarcation, almost like the DMZ, frozen in time since the uprisings between the Greek Cypriots and the Turkish Cypriots in 1974, I think.

But we discussed that separation, that division, the fact that they had recently had a referendum where one side, the north, the Turks were very much in favor of unification per the Kofi Annan plan from the United Nations. And the Greek Cypriots were, I think, 70 percent voted in opposition to that. But we had an opportunity to visit, to sit down, and just right across the table from the President of Cyprus, President Papadopoulos.

And as the chairman said, we also had an opportunity to meet with the Turkish Cypriot leader and let them know that we are concerned and we care about what is going on with that, I guess you could call it the "Gateway to the Middle East."

□ 1915

So there were so many things like that, almost like each day was another opportunity, and certainly, not the least of which as the Chairman has just pointed out, the time we spent in Lebanon and visiting that grave site of former Prime Minister Hariri and the poignant, very sad, but most important, opportunity to meet and talk with his widow. I thought that was a unique opportunity for the group and I appreciate the gentleman from California (Chairman DREIER) for arranging that.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I would say to my friend, if we look at what it is that so many of these young people, in Lebanon especially, stood for, there clearly was, as I was saying, a direct correlation between what is taking place in Iraq and what it is that we are now seeing take place there; the idea of seeing in country after country people saying if they can do it, then we can, too.

Now, Lebanon is a nation that has had a long history of democracy. It has been a tradition there for many, many, many decades, but obviously, when they have struggled with this control from Bashar al-Asad and Syria for such a long period of time and his father before that, Hafiz al-Asad, we need to do everything we can, and the United States played a big role in leading in the United Nations Security Council the passage of Resolution 1559 which called for the complete withdrawal of Syrian forces.

I will never forget just looking into the eyes of these young people who were there saying, We are willing to die to make sure that the people of Lebanon can be free of the kind of tyranny that has been inflicted on us. Of course, we have continued to see terrorist attack after terrorist attack. Just a couple of days before we were there, there was a huge explosion in the printing factory the Saturday before we went in, and we decided it was very important for us to go anyway so that we could encourage these people and let them know that the international community stands behind them today and this immediate struggle but will be with them for the long pull as they do move towards these elections.

One of the things that I am very happy about is that we in the Congress have just played a role in helping in Lebanon, and it will be in other countries, with the establishment of a new commission, the Democracy Advisory Commission, that we are going to have that will provide a chance for Members of the United States House of Representatives to directly work with our counterparts and newly-elected parliaments in other parts of the world, and obviously, Lebanon will, I believe, be a very important part of that as they begin this rebuilding effort.

Mr. GINGREY. Mr. Speaker, if the chairman would yield for a minute, there was certainly an opportunity to meet with those students in Beirut. Actually, they were in a tent city and had been there protesting the Syrian involvement in Lebanon, and they came up to us. It was fairly early in the day. They probably just came out of the tents where their living conditions were not so great. They were unshaven, but as the Chairman pointed out, just to look in their eyes, just to look in that deep feeling that we could see, it just came through, loud and clear. They care so much to have democracy and freedom: freedom of speech, freedom of the opportunity to vote, and freedom from outside interference with their country. The Lebanese are very proud, proud people, as the chairman pointed out, and that was a very important moment for me.

Mr. DREIER. Mr. Speaker, I think it is also important to note that on this trip we also had an opportunity, as we were coming back, to stop and report to our counterparts in the European parliament as we went to Brussels, Belgium. Actually, I spoke about this the other day here on the House floor, Mr. Speaker, when I introduced a resolution calling for negotiations for a U.S.-EU free trade agreement.

One of the things that we have found is we were reporting to European parliaments about the importance of this, the developments that we are seeing in the region, and they were very encouraged. Of course, a number of these countries had been strong opponents, very strong opponents to our effort that had taken place in the Middle East and in Iraq.

I will never forget the dinner that we had in Brussels when a socialist member of the European parliament from Lisbon, Portugal, stood up, and he was proud to be a socialist. We obviously disagreed on a wide range of issues, but what he said was that in watching both the inaugural address and the State of the Union message delivered by President Bush, in which he talked about the struggle for freedom in Iraq and other parts of the world, that he had never been more proud to hear a statement from a President of the United States, and he had never been in such strong agreement or as inspired by a statement of the President of the United States as he was by the statement from President Bush. In that meeting that we had in Brussels, we were able to get into a number of very important issues with the Europeans that impact the United States.

First and foremost, and one of the main reasons that I wanted to stop in Brussels to meet with members of the European commission and European parliamentarians was that we wanted to ensure that we would not see the European Union lift the arms embargo on the sale of weapons to the People's Republic of China. I have been very gratified and I know it was not just our effort because President Bush and Secretary of State Condoleezza Rice had very successful trips. The President had one trip. Secretary of State Rice has had three trips to Europe since she has become Secretary of State, talking about the need to ensure that there is not a lifting of the arms embargo. I am happy to see that since we were there and since these other efforts have been put into place that our European allies have decided not to lift the arms embargo on the transfer of these weapons.

We have other trade disputes that exist over the issue of Airbus, some other measures that were put into place by the Europeans, and it is my hope that we can begin negotiations on a European Union-U.S. free trade agreement that will allow us to address many of these concerns that are understandable and have been there.

Mr. Speaker, I would be happy to further yield.

Mr. GINGREY. Mr. Speaker, as the gentleman will recall, as the chairman led this delegation, as he just mentioned, in Brussels, that opportunity to meet with the European commission and the EU, as well as visit NATO, which was a very good experience, but we took an opportunity to let the European Union know, as the gentleman from California (Chairman DREIER) pointed out, how strongly we do feel about being in opposition to them lifting that arms embargo, particularly in light of the fact that in just a very recent session of their people's Congress, they voted unanimously an anti-secession law which basically says that it is illegal for the Republic of China, Taiwan as we know it, to leave their country and they are still part of the mainland, according to this law.

So we wanted to make sure, and I think the chairman did an excellent job in his one-on-one discussion with several leading members of the European commission, of how important it was to us for stability in that region, for stability in the Middle East. I mean, I think that was, of all of the diplomatic things that we were able to accomplish, and there were many on this 10-day trip, but I thought that was real significant.

Mr. DREIER. Well, I thank my friend for his contribution. I want to say that he was very helpful in that effort as well.

Mr. Speaker, I would just like to say that as we look at where we are headed in the future, it seems to me that we have gotten to the point where there is an understanding that freedom, economic freedom and political freedom, are interdependent. We need to do everything that we can to encourage people to choose their own leaders, to live under the rule of law, and at the same time, we need to encourage economic opportunity for people all over the world.

One of the things that we have learned from this trip that we took is that it is a God-given right and it is something that everyone aspires to. The arrogance that has existed in the past, believing that somehow, some people may not be educated enough or have an understanding or they may be tied to some tribe or some other entity, and so the notion of thinking that they might be able to play a role in choosing their own leaders is extraordinary arrogance on the part of people who hold that view, because I believe that every single person on the face of the earth should have that opportunity to be able to choose their own leaders, to be able to seek economic opportunity for themselves.

Mr. GINGREY. Mr. Speaker, if the chairman would yield, this is such an important point that the chairman is making, and I hope my colleagues are listening because that reaching out, as I have said earlier, that is so important. I do not think anybody could do it any better than the gentleman from California (Chairman DREIER), and this delegation showed them that we are very much willing to open our arms and our hearts and our support of the people in the Middle East in realizing, as the chairman pointed out, that they want to grasp hold to a little measure of that peace and liberty that, quite honestly, people in our country, Members of Congress as well, sort of fall into the trap of taking that for granted. It is not something to be for granted when we go to these countries, and we realize that they only have a very small measure of it. So I thought that was extremely beneficial.

Mr. DREIER. Mr. Speaker, the gentleman is absolutely right, and when one thinks about the lives that have been lost, the more than 1,500 lives that have been lost in Iraq, the lives lost in Afghanistan and the American lives lost throughout history, and of course, the coalition forces in our entire struggle in the global war on terror, all of this that has taken place is geared towards ensuring the safety and security of the American people, and that, again, it is in our interest to encourage and pursue these kinds of developments.

So I would like to just close by expressing my appreciation to my friend from Marietta who not only went on the trip but stayed into Thursday evening for us to have a chance to talk about this important mission, but I also want to express my appreciation to all of our colleagues who took time out from this traditional district work period to make sure that we continue to pursue and encourage the cause of freedom and stability throughout the world.

So I thank my friend for his participation, and I thank our colleagues and I thank the American people, Mr. Speaker, for the strong support that they have provided in our quest to ensure that we win this global war on terror and expand political pluralism and freedom for peoples throughout the world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MELANCON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, April 26 and 27.

Mr. FEENEY, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, April 25, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1709. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Continuing Assessment Rate and Reporting Requirements [Docket No. FV04-983-2 FR] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1710. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Quarantined Areas [Docket No. 05-005-1] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1711. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-4] (RIN: 0579-AB47) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1712. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN: 3064-AC82); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 05-XX] (RIN: 1557-AC86), Office of Thrift Supervision [No. 2005-06] (RIN: 1550-AB91); Federal Reserve System [Regulation BB; Docket No. R-1205] received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1713. A letter from the Legal Advisor/Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 22 of the Commission's Rules To Benefit the Consumers of Air-Ground Telecommunications Services [WT Docket No. 03-103] Biennial Regulatory Review — Amendment of Parts 1, 22, and 90 of the Commission's Rules; Amendment of Parts 1 and 22 of the Commission's Rules To Adopt Competitive Bidding Rules for Commercial and General Aviation Air — Ground Radiotelephone Service [WT Docket No. 05-42] Application of Verizon Airfone Inc. for Renewal of 800 MHz Air-Ground Radiotelephone License, Call Sign KNKG804 (File No. 0001716212) Received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1714. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule — Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction [Docket No. 2002N-0277] received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1715. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 2000N-1596] received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1716. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls [Docket No. 050218043-5043-01] (RIN: 0694-AD42) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1717. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RIN: 3209-AA00) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1718. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Revisions to General Permit Procedures (RIN: 1018-AC57) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1719. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 032305B] received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1720. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 031505B] received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1721. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Hyrdaulic and Electric Brake Systems [Docket No. NHTSA-04-19892] (RIN: 2127-AI63) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1722. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Important Restrictions Imposed on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador [CBP Dec. 05-10] (RIN: 1505-AB56) received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1723. A letter from the Assistant Secretary of Employment and Training, Department of Labor, transmitting the Department's final rule — Training and Employment Guidance Letters 2-03, Change 1-Alternative Trade Adjustment Assistance (ATAA) for Older Workers Questions and Answers, and Change 2-Requests for Certification Under the Alternative Trade Adjustment Assistance (ATAA) Program for Certain Worker Groups Covered by Certified TAA Petitions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1724. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2005-16) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1725. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Expanded Authority for Cross-Program Recovery of Benefit Overpayments [Regulatinos No. 4, 8, and 16] (RIN: 0960-AG06) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 741. A bill to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; with an amendment. (Rept. 109–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 748. A bill to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes; with an amendment (Rept. 109–51). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. House Resolution 22. Resolution expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights; with amendments (Rept. 109–52). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. Kingston, Mr. Deal of Georgia, Mr. Linder, Mr. Garrett of New Jersey, Mr. Akin, and Mr. Burton of Indiana):

H.R. 1748. A bill to require labor organizations to guarantee members the opportunity to vote on contracts prior to work stoppage; to the Committee on Education and the Workforce.

By Mr. OTTER (for himself, Mr. Cardoza, Mr. Duncan, Mr. Simpson, Mr. Norwood, Mr. Lewis of Kentucky, Mr. Terry, Mr. Hostettler, Mr. Doolittle, Mr. Kuhl of New York, Mr. Peterson of Minnesota, Mr. Cannon, Miss McMorris, Mr. Osborne, Mr. Goodlatte, Mr. Berry, Mr. Baker, Mr. Wicker, Mr. Hastings of Washington, Mr. Walden of Oregon, Mr. Sullivan, Mr. Boustany, Mr. Rehberg, Mr. Pombo, Mr. Holden, Mr. Lucas, Mr. Taylor of Mississippi, Mr. Taylor of North Carolina, Mr. Bishop of Georgia, and Mr. Salazar):

H.R. 1749. A bill to amend the Federal Water Pollution Control Act to affirm that a permit is not required in certain circumstances, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT:

H.R. 1750. A bill to establish a Grand Canyon hydrogen-powered transportation research, development, and demonstration program; to the Committee on Science.

By Mr. GOHMERT (for himself and Mr. Weiner):

H.R. 1751. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

By Mr. ADERHOLT:

H.R. 1752. A bill to suspend temporarily the duty on Polyethylene HE2591; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1753. A bill to provide financial assistance to law school graduates who choose to accept employment in a public interest position; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1754. A bill to ensure that interest accrues on overdue child support payments, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1755. A bill to amend the Social Security Act to require that anticipated child support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1756. A bill to amend the Internal Revenue Code of 1986 to make the Hope and Lifetime Learning Credits refundable, and to allow taxpayers to obtain short-term student loans by using the future refund of such credits as collateral for the loans; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1757. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1758. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1759. A bill to amend title 38, United States Code, to authorize the use of educational assistance under the Montgomery GI Bill to pay Federal student loans; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. Obey, Mr. Sensenbrenner, Mr. Petri, Mr. Kind, Mr. Green of Wisconsin, Ms. Moore of Wisconsin, and Mr. Ryan of Wisconsin):

H.R. 1760. A bill to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. BECERRA (for himself, Mr. Rangel, Mr. Towns, Ms. Millender-McDonald, Mr. Abercrombie, Mr. Owens, Mr. George Miller of California, Mr. Frank of Massachusetts, Ms. Kilpatrick of Michigan, Mr. Gutierrez, Ms. Roybal-Allard, Mr. Kucinich, Mr. McDermott, and Ms. Solis):

H.R. 1761. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to coordinate the threshold requirement for coverage of domestic employees under Social Security with the amount required for a quarter of coverage; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mrs. Johnson of Connecticut, Mr. Jindal, and Mr. Feeney):

H.R. 1762. A bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. Green of Wisconsin, and Mr. Gohmert):

H.R. 1763. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. Owens, Mr. Bishop of Georgia, Mr. Conyers, and Mrs. McCarthy):

H.R. 1764. A bill to authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to prevent reading failure; to the Committee on Education and the Workforce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Porter, Mr. Hoyer, Mr.

LEWIS of Kentucky, Mr. McHUGH, Mr. WOLF, Mr. ALEXANDER, Mr. PUTNAM, Mr. RUPPERSBERGER, Mrs. JO ANN DAVIS of Virginia, Mr. SANDERS, Mr. PAYNE, Mr. VAN HOLLEN, Mr. ALLEN, Mr. CUMMINGS, Mr. FARR, Mr. PALLONE, Mr. MORAN of Virginia, Mr. OWENS, Mr. TIERNEY, Mr. WAXMAN, Mr. WEXLER, Mr. WYNN, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. NORTON, Mr. RUSH, Mr. WEINER, Mr. CONYERS, Mrs. MALONEY, Ms. WATSON, Mr. McDERMOTT, and Mr. BROWN of Ohio):

H.R. 1765. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees under Federal student loan repayment programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 1766. A bill to amend the Internal Revenue Code of 1986 to simplify the determination and deduction of interest on qualified education loans; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. KENNEDY of Rhode Island, and Mr. ENGLISH of Pennsylvania):

H.R. 1767. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself and Mr. CROWLEY):

H.R. 1768. A bill to amend the provision of law establishing the Presidential 9/11 Heroes Medals of Valor to make certain technical corrections to carry out the intent of the provision; to the Committee on Financial Services.

By Mr. FOSSELLA:

H.R. 1769. A bill to authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes; to the Committee on Resources.

By Mr. GALLEGLY:

H.R. 1770. A bill to require employers at critical infrastructure sites to participate in the pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. HINOJOSA, Mr. CUELLAR, Mr. ORTIZ, Mr. REYES, and Mr. DOGGETT):

H.R. 1771. A bill to amend the Internal Revenue Code of 1986 to clarify that a NADBank guarantee is not considered a Federal guarantee for purposes of determining the tax-exempt status of bonds; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. GIBBONS, Mr. DREIER, Mr. PAUL, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. OTTER):

H.R. 1772. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Ms. HERSETH (for herself, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. MICHAUD, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. SANDERS, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. CASE, Mr. PALLONE, Mr. OBERSTAR, and Mr. BOOZMAN):

H.R. 1773. A bill to amend title 38, United States Code, to make permanent the Native American Veteran Housing Loan Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CASE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. COOPER, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DeFAZIO, Ms. DeGETTE, Mr. DELAHUNT, Ms. DeLAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIRK, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Ms. MATSUI, Mrs. McCARTHY, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-McDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYES, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 1774. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF:

H.R. 1775. A bill to suspend temporarily the duty on Thiacloprid; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. FEENEY, Mr. HENSARLING, Mr. McHENRY, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, and Mrs. NORTHUP):

H.R. 1776. A bill to reform Social Security by establishing a Personal Social Security Savings Program and to provide new limitations on the Federal Budget; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 1777. A bill to suspend temporarily the duty on Pyrimethanil; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1778. A bill to suspend temporarily the duty on Foramsulfuron; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1779. A bill to suspend temporarily the duty on Fenamidone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1780. A bill to suspend temporarily the duty on Cyclanilide Technical; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1781. A bill to suspend temporarily the duty on para-Benzoquinone; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1782. A bill to suspend temporarily the duty on palmitic acid; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1783. A bill to suspend temporarily the duty on Anisidine; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1784. A bill to suspend temporarily the duty on Tetrakis; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1785. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1786. A bill to suspend temporarily the duty on Crotonaldehyde; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1787. A bill to suspend temporarily the duty on t-Butyl acrylate; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1788. A bill to suspend temporarily the duty on propyl gallate; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. RAMSTAD):

H.R. 1789. A bill to educate health professionals concerning substance use disorders and addiction; to the Committee on Energy and Commerce.

By Mr. KLINE (for himself, Mr. PAUL, Mr. KENNEDY of Minnesota, Mr. SAM JOHNSON of Texas, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. LaTOURETTE, Mr. SOUDER, Mr. GUTKNECHT, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. BOEHNER):

H.R. 1790. A bill to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Kentucky (for himself, Mr. CHANDLER, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. DAVIS of Kentucky, Mr. TANNER, Mr. HENSARLING, Mr. JENKINS, Mr. SIMMONS, Mr. TERRY, Mrs. JO ANN DAVIS of Virginia, Mr. PETRI, Mr. NEY, Mr. KENNEDY of Minnesota, Mr. MILLER of Florida, Mr. COBLE, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. BONILLA, Mr. FOLEY, Mr. PAUL, Mr. RADANOVICH, Mr. BOEHNER, Mr. SESSIONS, Mr. SHAW, Mr. TOWNS, Mr. CARDOZA, Mr. CUNNINGHAM, Mr. HASTINGS of Washington, Mr. ROGERS of Michigan, and Mr. CULBERSON):

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. KENNEDY of Rhode Island):

H.R. 1792. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2006 through 2010 for nutrition services for older individuals; to the Committee on Education and the Workforce.

By Ms. ZOE LOFGREN of California (for herself, Mr. CUNNINGHAM, Mr. MCGOVERN, Mr. EHLERS, Mr. HOLT, Mr. BUTTERFIELD, Ms. BALDWIN, and Mr. HONDA):

H.R. 1793. A bill to promote fusion energy development in the United States; to the Committee on Science.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. WEINER, Mr. OWENS, and Mrs. MCCARTHY):

H.R. 1794. A bill to direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. OWENS, Mr. ISRAEL, and Mr. SERRANO):

H.R. 1795. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, to authorize assistance under that program for losses related to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Ms. BORDALLO, Mr. BOSWELL, Mr. BERRY, and Mr. SABO):

H.R. 1796. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Miss MCMORRIS (for herself, Mr. DICKS, and Mr. KILDEE):

H.R. 1797. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 1798. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Resources.

By Mr. PETERSON of Pennsylvania:

H.R. 1799. A bill to extend the duty suspension on ORGASOL polyamide powders; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 1800. A bill to provide for the establishment and maintenance of personal Social Security investment accounts under the Social Security system; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. WATT, Mr. BERRY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. OWENS, Mr. PAYNE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. STRICKLAND, and Mr. MILLER of North Carolina):

H.R. 1801. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Mr. REHBERG:

H.R. 1802. A bill to amend the Tariff Act of 1930 with respect to the marking of imported live bovine animals; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1803. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to subsequent plan years or deposited into certain health or retirement plans; to the Committee on Ways and Means.

By Mr. RYUN of Kansas (for himself, Mr. GARRETT of New Jersey, Mr. BAKER, Mr. HENSARLING, Mr. GRAVES, Mr. TIAHRT, Mr. KENNEDY of Minnesota, and Mr. EVERETT):

H.R. 1804. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. MCHUGH):

H.R. 1805. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security.

By Mr. STRICKLAND (for himself, Mr. KING of New York, Mr. HOLDEN, and Mr. KENNEDY of Rhode Island):

H.R. 1806. A bill to require prisons and other correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to do by law; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ (for herself, Mr. GUTIERREZ, Ms. LEE, Mr. OWENS, and Mr. CROWLEY):

H.R. 1807. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself and Mr. DAVIS of Florida):

H.R. 1808. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a uniform certification standard for Internet pharmacies and to prohibit Internet pharmacies from engaging in certain advertising activities, to prohibit the use of certain bank instruments for purchases associated with illegal Internet pharmacies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 1809. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 80; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1810. A bill to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 1811. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Resources.

By Mr. TANCREDO (for himself, Mr. BARTLETT of Maryland, and Mr. JONES of North Carolina):

H.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. MCGOVERN, and Ms. WATSON):

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Con. Res. 138. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring famous Staten Island-born 19th Century Hudson River Painter Jasper Francis Cropsey, and the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. NEY:

H. Res. 224. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. CLYBURN, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. BARTON of Texas, Ms. NORTON, and Mr. HASTINGS of Florida):

H. Res. 225. A resolution recognizing the historic steps India and Pakistan have taken toward achieving bilateral peace; to the Committee on International Relations.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Mr. KIND, Mr. GREEN of Wisconsin, Ms. MOORE of Wisconsin, and Mr. RYAN of Wisconsin):

H. Res. 226. A resolution honoring the life and legacy of Robert "Fighting Bob" La Follette, Sr.; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Faleomavaega, Mr. Wilson of South Carolina, Ms. Ros-Lehtinen, Mr. Jindal, Mr. Menendez, Mr. Lantos, Mr. McNulty, Ms. Watson, Mr. Crowley, Mr. Pallone, Mr. Cannon, Mrs. Blackburn, Mrs. Capito, Mr. Chocola, Mr. English of Pennsylvania, Mr. Lewis of California, Mr. Sweeney, Mr. Renzi, Mr. Franks of Arizona, Mr. Souder, Mrs. Miller of Michigan, Ms. Foxx, Mr. Waxman, Mr. Berman, Mr. Wynn, Ms. Loretta Sanchez of California, Mr. Hastings of Florida, Mr. Rangel, Mr. Turner, Mr. Holt, Mr. Shays, Mr. Moran of Virginia, Mr. Chandler, Ms. Zoe Lofgren of California, Mr. Cox, Mr. Porter, Mr. Ney, Mr. Smith of New Jersey, Mrs. Capps, Mr. Knollenberg, Mr. Murphy, Mr. McKeon, Mr. Duncan, Mr. Gibbons, Mr. Pearce, Mr. Weller, Mrs. Bono, Mr. Shuster, Mr. Hyde, Mr. Bonilla, Mr. Walden of Oregon, Mr. Foley, Mr. Platts, and Mr. Issa):

H. Res. 227. A resolution recognizing and honoring the contributions of Indian Americans to economic innovation and society generally; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Ms. Zoe Lofgren of California, Ms. Loretta Sanchez of California, Mr. Smith of New Jersey, Mr. Becerra, Ms. Solis, Ms. Watson, Ms. Roybal-Allard, Ms. Waters, Ms. Millender-McDonald, Mrs. Napolitano, Ms. Linda T. Sánchez of California, Mr. Filner, Mr. Farr, Mr. Akin, Ms. Woolsey, Mr. Edwards, Mr. Honda, Mr. Moran of Virginia, Mr. Wolf, Mr. Lincoln Diaz-Balart of Florida, and Mr. Berman):

H. Res. 228. A resolution observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam; to the Committee on International Relations.

By Ms. McCOLLUM of Minnesota (for herself and Ms. Watson):

H. Res. 229. A resolution supporting the people of the Togolese Republic in their desire for free, fair, and open elections and the establishment of a democratic, representative government; to the Committee on International Relations.

By Mr. ROSS:

H. Res. 230. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should reconsider and revise rules governing broadband over power line systems based on a comprehensive evaluation of the interference potential of those systems to public safety services and other licensed radio services; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself and Mr. Whitfield):

H. Res. 231. A resolution recognizing and celebrating the life and accomplishments of the great African American jockey Jimmy "Wink" Winkfield and the significant contributions and excellence of other African American jockeys and trainers in the sport of horse racing and the history of the Kentucky Derby; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Cole of Oklahoma and Mr. Udall of Colorado.

H.R. 19: Mr. Sessions.

H.R. 98: Mr. Gary G. Miller of California.

H.R. 128: Mr. McIntyre, Mr. Emanuel, Mr. Boehlert, Mr. Cleaver, Mr. Lipinski, Mr. Gerlach, Mr. Clay, Mr. Davis of Alabama, Mr. Al Green of Texas, Ms. Moore of Wisconsin, Ms. McKinney, Mr. Scott of Virginia, Ms. Watson, Mr. Watt, Mr. Fitzpatrick of Pennsylvania, Mr. Ruppersberger, Mr. Holt, and Mrs. Maloney.

H.R. 134: Mrs. Jones of Ohio and Mr. Weiner.

H.R. 193: Mr. Gutierrez, Mr. Schiff, Ms. Watson, Mr. Grijalva, Mrs. Christensen, Ms. Solis, Ms. Zoe Lofgren of California, and Ms. Millender-McDonald.

H.R. 209: Ms. Lee.

H.R. 239: Mr. Barrett of South Carolina, Mr. Garrett of New Jersey, Mr. Conaway, and Mr. Ehlers.

H.R. 282: Mr. Putnam, Mrs. Northup, Mr. King of Iowa, Mr. Barrow, and Miss McMorris.

H.R. 283: Mr. Kildee, Mr. Payne, Mr. Cummings, Mr. Towns, Mr. Grijalva, and Mr. Gonzalez.

H.R. 297: Mr. Udall of Colorado and Mr. Cardin.

H.R. 302: Mr. Ruppersberger, Mr. Lantos, and Mr. Sherman.

H.R. 303: Mr. Higgins, Ms. Baldwin, Mr. Sherman, and Mr. Tierney.

H.R. 305: Mr. Otter, Mr. Ramstad, Mr. Norwood, Mr. Cole of Oklahoma, Mr. Price of Georgia, Mr. Hoekstra, and Mr. Burton of Indiana.

H.R. 311: Mr. Miller of North Carolina, Mr. Higgins, Mr. Price of North Carolina, Ms. Matsui, Mrs. Christensen, Mr. Pallone, Mr. Schiff, Mr. Chandler, and Mr. Rothman.

H.R. 312: Mr. Murphy, Mr. Norwood, Mr. Cooper, Mr. Case, and Mr. Moore of Kansas.

H.R. 328: Mr. Bishop of Georgia and Mr. Pastor.

H.R. 341: Mr. Rogers of Kentucky, Mr. Kuhl of New York, and Mr. Schwarz of Michigan.

H.R. 371: Mr. Platts.

H.R. 408: Mr. Sherman.

H.R. 414: Mr. Frank of Massachusetts, Mr. Tiberi, Mr. Terry, and Mrs. Wilson of New Mexico.

H.R. 415: Mr. McCotter, Mr. McGovern, Mr. Bradley of New Hampshire, Mr. Terry, Mrs. Wilson of New Mexico, Mr. Hyde, and Mr. Whitfield.

H.R. 500: Mr. Putnam, Mr. Tiahrt, Mr. Chocola, Mr. Sodrel, Mr. Hayes, Mr. Brady of Texas, Mr. Shadegg, Mr. Conaway, Mrs. Myrick, Mr. Sullivan, Mr. Keller, and Mr. Price of Georgia.

H.R. 515: Mr. Lipinski.

H.R. 535: Ms. Loretta Sanchez of California.

H.R. 554: Mr. Issa and Mr. Daniel E. Lungren of California.

H.R. 581: Mr. LaHood.

H.R. 586: Mr. Calvert, Mr. Simpson, and Mr. Shimkus.

H.R. 631: Mr. Pastor.

H.R. 633: Ms. Moore of Wisconsin.

H.R. 659: Mr. Udall of New Mexico.

H.R. 668: Ms. Slaughter.

H.R. 669: Mr. Stupak and Ms. Linda T. Sánchez of California.

H.R. 670: Mr. Kind and Mr. Porter.

H.R. 687: Mr. Holden.

H.R. 699: Mr. Boyd, Ms. Watson, Mr. Schwarz of Michigan, Mr. Udall of Colorado, Mr. Inslee, Mr. Simpson, Mr. McDermott, Mr. Walden of Oregon, Mr. Dicks, Mr. Rangel, Ms. Herseth, Mr. Grijalva, Mr. Hastings of Florida, and Mr. Butterfield.

H.R. 719: Mr. Price of North Carolina and Mr. Pastor.

H.R. 745: Mr. Jones of North Carolina.

H.R. 747: Mr. Kind, Mr. Ford, and Mr. Payne.

H.R. 748: Mr. Schwarz of Michigan.

H.R. 759: Ms. Linda T. Sánchez of California.

H.R. 771: Ms. Schakowsky, Mr. Jones of North Carolina, Mr. Gene Green of Texas, and Mr. Cardoza.

H.R. 783: Mr. Davis of Illinois, Mr. Ferguson, Mr. Pallone, Mr. Pascrell, and Mr. Paul.

H.R. 792: Mr. Kuhl of New York.

H.R. 800: Mr. Forbes.

H.R. 808: Mr. Bishop of Georgia, Mr. Blumenauer, Mrs. Capps, Mr. Davis of Illinois, Mr. Hayes, Mr. Kildee, Mr. LaHood, Mr. Lantos, Mrs. Lowey, Mrs. Maloney, Mr. McDermott, Mr. Porter, Mr. Ross, Mr. Salazar, Mr. Sanders, Mr. Schwarz of Michigan, Mr. Udall of New Mexico, Mr. Wilson of South Carolina, Mr. Emanuel, and Mr. Neugebauer.

H.R. 827: Mr. Gillmor.

H.R. 838: Mr. Stupak.

H.R. 880: Mr. Case.

H.R. 887: Mr. Souder.

H.R. 897: Mr. Lewis of Kentucky and Mr. LaTourette.

H.R. 925: Mr. Royce and Mr. Culberson.

H.R. 930: Mr. Forbes.

H.R. 939: Mr. Brady of Pennsylvania.

H.R. 944: Mr. Pallone, Mr. Rangel, and Mr. Price of North Carolina.

H.R. 948: Mr. Israel.

H.R. 952: Mr. Price of North Carolina.

H.R. 968: Mr. Udall of New Mexico, Mr. Moore of Kansas, Mr. Schwarz of Michigan, Mr. Gutierrez, Mr. McKeon, Mr. Barrow, Mr. Cardoza, Mr. Costello, Mr. Jackson of Illinois, and Mr. Moran of Kansas.

H.R. 977: Mr. Paul, Mr. Garrett of New Jersey, Mr. Otter, Mr. Wilson of South Carolina, Mr. Wicker, and Mr. Kuhl of New York.

H.R. 978: Mr. Paul, Mr. Garrett of New Jersey, Mr. Otter, Mr. Wilson of South Carolina, Mr. Wicker, and Mr. Kuhl of New York.

H.R. 979: Mr. Paul, Mr. Garrett of New Jersey, Mr. Otter, Mr. Wilson of South Carolina, Mr. Wicker, and Mr. Kuhl of New York.

H.R. 980: Mr. Paul, Mr. Garrett of New Jersey, Mr. Otter, Mr. Wilson of South Carolina, Mr. Wicker, and Mr. Kuhl of New York.

H.R. 981: Mr. Paul, Mr. Garrett of New Jersey, Mr. Otter, Mr. Wilson of South Carolina, Mr. Wicker, and Mr. Kuhl of New York.

H.R. 985: Mr. Gilchrest, Mr. Boehner, Mrs. Maloney, Mr. Price of North Carolina, Mr. Gingrey, Mr. Coble, Mr. Moore of Kansas, Mr. Bishop of New York, Ms. Solis, Mr. Pallone, Ms. Kaptur, Ms. Matsui, Mr. Sanders, Mr. Rothman, Mr. Kucinich, Mr. Kind, Ms. Berkley, Mr. Baird, Ms. Schakowsky, Ms. Woolsey, Mr. Ross, Mr. Honda, Ms. Velázquez, Mr. Cooper, Mrs. Tauscher, Mr. Cramer, Mr. Hinojosa, Mr. Gutierrez, Mr. Baca, Mr. Filner, and Mr. Stark.

H.R. 997: Mr. GOHMERT and Mr. HOSTETTLER.

H.R. 998: Mr. KELLER.

H.R. 1000: Mrs. MALONEY.

H.R. 1028: Mr. PAUL. Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, and Mr. WICKER.

H.R. 1059: Mr. SERRANO.

H.R. 1092: Mr. NORWOOD, Mr. HENSARLING, Mrs. CUBIN, Mr. PLATTS, Mr. TANCREDO, and Mr. GARY G. MILLER of California.

H.R. 1105: Mr. PASCRELL.

H.R. 1119: Mr. SALAZAR.

H.R. 1120: Mrs. BONO, Ms. MCCOLLUM of Minnesota, and Mr. GENE GREEN of Texas.

H.R. 1125: Mr. PORTER.

H.R. 1133: Ms. PELOSI.

H.R. 1157: Mr. TOWNS.

H.R. 1175: Mr. SOUDER.

H.R. 1182: Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. CROWLEY, Mr. CLAY, Mr. BISHOP of Georgia, Ms. LEE, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. BUTTERFIELD, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. CLYBURN, Mr. PAYNE, Ms. WATSON, Mr. FATTAH, Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. GUTIERREZ, and Mr. THOMPSON of Mississippi.

H.R. 1220: Mr. FOLEY, Mr. MCGOVERN, and Mr. MCHUGH.

H.R. 1222: Mr. LARSON of Connecticut and Ms. SCHWARTZ of Pennsylvania.

H.R. 1224: Mr. GILLMOR.

H.R. 1237: Mr. STUPAK.

H.R. 1242: Mr. WOLF, Mr. FILNER, and Mr. LYNCH.

H.R. 1245: Mr. ANDREWS, Mr. SNYDER, Mr. DICKS, Mr. ENGEL, and Ms. SLAUGHTER.

H.R. 1246: Mr. HENSARLING.

H.R. 1248: Mr. DEAL of Georgia.

H.R. 1251: Mr. PASCRELL.

H.R. 1273: Mr. BARRETT of South Carolina.

H.R. 1279: Mr. SOUDER, Mrs. CAPITO, and Mr. GENE GREEN of Texas.

H.R. 1282: Mr. GENE GREEN of Texas and Mr. FATTAH.

H.R. 1295: Mr. ISRAEL, Mr. FITZPATRICK of Pennsylvania, Mr. LAHOOD, and Mr. BISHOP of Georgia.

H.R. 1306: Mr. LATHAM and Mr. PETRI.

H.R. 1312: Mr. CUMMINGS, Mr. ENGEL, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Ms. LEE, Ms. MATSUI, Mr. MCDERMOTT, Mr. PALLONE, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY.

H.R. 1316: Mrs. CUBIN.

H.R. 1317: Mr. PRICE of North Carolina.

H.R. 1321: Mr. STUPAK.

H.R. 1333: Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. SIMMONS, Mr. LAHOOD, and Mrs. WILSON of New Mexico.

H.R. 1335: Mr. RANGEL, Mr. OWENS, Mr. YOUNG of Alaska, Mr. RUSH, and Mr. HOLDEN.

H.R. 1345: Mr. SENSENBRENNER.

H.R. 1352: Mr. CROWLEY, Ms. SOLIS, Ms. SLAUGHTER, Mr. EHLERS, Mr. STUPAK, Mr. BOSWELL, Mr. LIPINSKI, Mr. RANGEL, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. BACA, Mr. GRIJALVA, Mr. REYES, Mr. PASTOR, Ms. MATSUI, Mr. WAXMAN, Mr. HONDA, and Ms. HOOLEY.

H.R. 1364: Mr. ACKERMAN.

H.R. 1365: Mr. CLEAVER, Mr. WATT, and Mr. BISHOP of Georgia.

H.R. 1386: Mr. BUTTERFIELD.

H.R. 1389: Mr. MARKEY.

H.R. 1405: Mr. PALLONE.

H.R. 1408: Mr. ISSA.

H.R. 1409: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

H.R. 1413: Ms. DELAURO, Mr. JEFFERSON, and Mrs. CAPPS.

H.R. 1420: Mr. EDWARDS.

H.R. 1424: Mr. DAVIS of Alabama, Mr. ROTHMAN, Ms. DELAURO, Mr. JEFFERSON, Ms. WATERS, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. FATTAH, Mr. FORD, and Mr. AL GREEN of Texas.

H.R. 1426: Mr. BISHOP of New York, Mr. ROGERS of Kentucky, and Mr. DAVIS of Illinois.

H.R. 1435: Mr. TOWNS, Mr. MCNULTY, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. PALLONE, Mr. KUCINICH, and Ms. WOOLSEY.

H.R. 1441: Mr. GUTIERREZ, Mr. KILDEE, Mr. OWENS, Ms. SLAUGHTER, Mr. MOORE of Kansas, and Mr. MORAN of Virginia.

H.R. 1443: Mr. MCCOTTER, Mr. KILDEE, Mr. CLAY, and Mrs. CAPITO.

H.R. 1447: Mr. ABERCROMBIE.

H.R. 1469: Mr. BISHOP of Utah.

H.R. 1500: Mr. GARRETT of New Jersey.

H.R. 1505: Mr. KELLER, Ms. HERSETH, Mr. GUTKNECHT, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. MCCAUL of Texas, Mrs. BIGGERT, Mr. BACHUS, Mrs. MILLER of Michigan, Mr. TAYLOR of North Carolina, Mrs. DRAKE, Mr. WEXLER, Mr. MILLER of Florida, Ms. SOLIS, Mr. BEAUPREZ, Mr. JONES of North Carolina, Mr. BOOZMAN, Mr. HENSARLING, Mr. TIBERI, Mr. MCHENRY, Mr. FEENEY, Mr. MACK, Mrs. CUBIN, Mr. GERLACH, Mr. BURGESS, Mr. FRANKS of Arizona, Mr. WELLER, and Mr. RENZI.

H.R. 1517: Mr. WELLER, Mr. OTTER, Mr. PITTS, Mrs. BIGGERT, Mrs. CUBIN, Mr. CONAWAY, Ms. HART, Mr. TAYLOR of North Carolina, and Mr. TIBERI.

H.R. 1520: Mr. UDALL of Colorado.

H.R. 1526: Mr. CAPUANO, Mr. OLVER, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. JOHNSON of Illinois, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. WEXLER, Mr. PASTOR, Mr. UDALL of Colorado, and Ms. MATSUI.

H.R. 1545: Mr. TOWNS and Mr. BRADLEY of New Hampshire.

H.R. 1575: Mr. TAYLOR of North Carolina and Mr. PASCRELL.

H.R. 1581: Mr. NEUGEBAUER and Mrs. MUSGRAVE.

H.R. 1588: Mr. CHANDLER.

H.R. 1595: Mr. KILDEE, Mr. BISHOP of Georgia, and Mr. LIPINSKI.

H.R. 1602: Mr. UDALL of Colorado.

H.R. 1608: Mr. SALAZAR and Mr. EVANS.

H.R. 1630: Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. WEINER, Mr. BOSWELL, Mr. PASCRELL, Mr. BLUMENAUER, Mr. CHANDLER, and Ms. CARSON.

H.R. 1631: Mr. SIMMONS, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. BISHOP of New York, Mr. WEINER, Mr. BOSWELL, Mr. BLUMENAUER, Mr. CHANDLER, and Ms. CARSON.

H.R. 1635: Mr. PORTER, Mr. ROGERS of Michigan, and Mr. SIMMONS.

H.R. 1636: Ms. MCCOLLUM of Minnesota, Mr. ALLEN, and Mr. EHLERS.

H.R. 1642: Mr. PRICE of Georgia.

H.R. 1648: Mr. DAVIS of Florida, Mr. CLAY, Mr. CLYBURN, and Ms. KILPATRICK of Michigan.

H.R. 1651: Mr. SESSIONS and Mr. BONILLA.

H.R. 1652: Ms. SOLIS, Mr. OLVER, and Ms. SCHAKOWSKY.

H.R. 1664: Mr. MCDERMOTT and Ms. WOOLSEY.

H.R. 1666: Mr. EMANUEL and Mr. LARSEN of Washington.

H.R. 1674: Mr. GILCHREST, Mr. BAIRD, Mr. CASE, Ms. BORDALLO, and Mr. MCDERMOTT.

H.R. 1690: Mr. GONZALEZ, Mr. WOLF, Mr. RANGEL, Ms. ESHOO, and Mr. RUPPERSBERGER.

H.R. 1696: Mr. LANGEVIN, Mr. ROTHMAN, Ms. HERSETH, Mr. SMITH of Washington, Mr. GORDON, Mr. LATOURETTE, Mr. PASCRELL, Mr. EVANS, and Ms. MOORE of Wisconsin.

H.R. 1736: Mr. CULBERSON.

H.R. 1741: Mrs. MILLER of Michigan.

H.J. Res. 10: Mr. OXLEY.

H.J. Res. 16: Mr. DELAY.

H.J. Res. 23: Mr. TAYLOR of Mississippi and Mr. GIBBONS.

H. Con. Res. 9: Ms. LEE.

H. Con. Res. 40: Ms. MOORE of Wisconsin.

H. Con. Res. 71: Mr. KUHL of New York, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, and Ms. BERKLEY.

H. Con. Res. 83: Mr. DAVIS of Kentucky.

H. Con. Res. 90: Mr. INSLEE and Mr. PLATTS.

H. Con. Res. 99: Mr. HONDA.

H. Con. Res. 120: Mr. KIND, Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. DEFAZIO, and Mr. WEXLER.

H. Con. Res. 127: Mr. JACKSON of Illinois.

H. Con. Res. 128: Mr. DAVIS of Illinois.

H. Res. 30: Mr. CARDOZA and Mr. OBERSTAR.

H. Res. 137: Mr. EDWARDS and Mr. BACHUS.

H. Res. 167: Mr. MILLER of Florida and Mr. KING of New York.

H. Res. 193: Mr. CONAWAY, Mrs. MILLER of Michigan, Mr. PUTNAM, Mr. KELLER, Mr. BOYD, Mr. MCCAUL of Texas, Mr. FORTUÑO, and Mr. DELAY.

H. Res. 200: Ms. ZOE LOFGREN of California and Mr. PASCRELL.

H. Res. 212: Ms. SLAUGHTER, Mr. FITZPATRICK of Pennsylvania, Mr. MARKEY, Mr. SIMMONS, Mr. MCHUGH, Mr. WEXLER, Mr. BOREN, and Mr. FORBES.

H. Res. 214: Mr. ADERHOLT.

H. Res. 216: Mr. GILLMOR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1095: Mr. SHAYS.

SENATE—*Thursday, April 21, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of heaven and Earth, Creator of humanity in Your own image, we rejoice because of Your strength. Lord, from the quietness that heals, from the searching that reveals, guide Your Senators into channels of faithful service. Use them to bind up the wounds of the broken, the disinherited, and the rejected. Teach them to bring harmony from discord and hope from despair. Help them to daily celebrate life in all its myriad aspects. May they never lose their zeal in working to make our planet a place of peace.

Bless the men and women of our military as they sacrifice to keep us free. Shower them with eternal blessings. We praise You, Lord, for all Your glorious power. Let the works of our mouths and the meditations of our hearts bring glory to Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin with a 1-hour period for morning business. We will finish the emergency supplemental appropriations bill during today's session. The order from last night provides for up to three votes, including final passage, and those votes will be stacked for a time certain late this afternoon. We also have an agreement to consider the nomination of John Negroponte to be Director of National Intelligence. We will debate that nomination today and stack that vote to occur with the remaining votes on the emergency supplemental bill.

I thank Chairman COCHRAN and Senator BYRD for their hard work on the appropriations measure. That bill will go to conference next week, and we hope that we can have a conference report available in a reasonable period of time.

Again, we will alert Members when we have locked in the exact time of the stacked votes later today.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from South Dakota.

JUDICIAL NOMINATIONS

Mr. THUNE. Mr. President, I rise today in morning business to speak about a matter of great importance, and that is our broken judicial nomination and confirmation process. As Senators, we have sworn to support and defend the Constitution, and on the issue of judicial nominations the Constitution is straightforward. It states that the President nominates judges and the Senate has the duty to give its advice and consent on those nominations. For over 200 years, that is exactly how it worked, regardless of which party was in power.

Over the past 2 years, the Democrat minority has attempted to change the rules and stand 200 years of Senate tradition on its head. The Democrat minority now thinks that 41 Senators should be able to dictate to the President which judges he can nominate. The minority also thinks that it should be able to prevent the rest of the Senate from fulfilling its constitutional duty of voting up or down on judicial nominees.

The Democrats' position is contrary to our Constitution, our Senate traditions, and the will of the American people as expressed at the ballot box this past November. It must stop.

The advice and consent provision in the Constitution has served us for over 214 years up until the last Congress. That meant that the Senate should vote, and for over 200 years no nominee with majority support has been denied an up-or-down vote in this body, zero.

The Democrats have said that they have confirmed 98 percent of the President's nominees. The actual number is 89 percent. But even at that, are we to say that we are only going to follow the Constitution 89 percent of the time? Furthermore, this Senate's record on dealing with the President's appellate court nominees is the worst for any President in modern history. This President's record of having his appellate court nominees voted on is 69 percent, which ranks him lowest of any President in modern history.

It would be one thing if these nominees did not have the votes for confirmation, but they do. These nominees will have 54 or 55, 56, 57 votes for confirmation. It is wrong to deny them what the Constitution says they deserve and for us to ignore our constitutional responsibility to see that they have an up-or-down vote in this body.

The Democrats have said that it is their prerogative to debate. Well, that is great. Let us debate them on the floor of the Senate. But before they can be debated, a nomination has to be brought to the Senate floor for debate. We have a right to debate under the Constitution in the Senate.

They have also suggested that judges ought to have broad support; that they ought to have more than the necessary 51 votes for the simple majority that has traditionally been the case in the Senate. There is nothing in the Constitution about filibustering judges. There is nothing in the Constitution about requiring a super-majority to confirm judges. If the Founders had wanted judges to get a super-majority vote, they would have put that in there. They did it for treaties, for constitutional amendments, and for overriding a Presidential veto. Clearly,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that was not the case with judges. It was the Founders' intention that the Senate dispose of them with a simple majority vote.

The Democrats in the Chamber have said that what we are trying to accomplish is "the nuclear option," suggesting that somehow this is a radical process that we are trying to implement. Well, simply, that is not true. There is nothing nuclear about re-establishing the precedent that has been the case, the practice, and the pattern in this Senate for over 200 years.

What is nuclear is what is being discussed by the Democrats in this body, and that is shutting the Senate down over the issue of judicial nominees, which means important legislation to this country, such as passing a highway bill that will create jobs and growth in this economy, could get shut down, or an energy policy which is important in my State of South Dakota. We have gas prices at record levels, we have farmers going into the field, the tourism industry is starting its season, so we need to do something to help become energy independent. I am very interested in the issue of renewable fuels. I want to see as big a renewable fuels standard as we can get on the Energy bill, but we have to get it on the floor to debate it first. We cannot have these attempts, these threats—and I hope they are just that: threats—because it would be tragic, it would be nuclear, if the other side decided to shut this Senate down over the issue of judicial nominees.

The Democrats in this Chamber have tried to confuse the issue of legislative and judicial filibusters, clearly trying to confuse the public about what this means. Well, what we are talking about is simply the narrow issue of judicial nominees. It is part of this Senate's constitutional responsibility and duty, and we must take it very seriously. However, in the last Congress that became extremely politicized.

What we are talking about again is simply the issue of judicial filibusters. Incidentally, it was the Democrats who last voted on the filibuster in the Senate to do away with it back in 1995. It was a 76-to-19 vote. It had to do with the whole issue, not just judicial but legislative filibusters as well. Many of those Democrats who voted to end the filibuster still serve in this institution today.

The American people see this as an issue of fundamental fairness. They understand that this body's constitutional obligation, responsibility, and duty is to provide advice and consent, and that means an up-or-down vote in the Senate.

The Democrats in the Senate have said that this President's nominees are extreme. There are going to be a couple of them reported out of the Judiciary Committee today. Janice Rogers Brown received 76 percent of the vote the last time she faced the voters in California, which is not exactly a bastion of conservatism. Her nomination in this Senate has been stalled out for 21 months. Priscilla Owen will also be reported out today. She received 84 percent of the vote the last time she faced the voters in Texas. She has been waiting around for 4 years in the Senate to get an up-or-down vote on her nomination. She was endorsed by every major newspaper in the State of Texas. These nominees are not extreme. What is extreme is denying these good nominees a vote, and it betrays the role and responsibility the Founders gave the Senate.

So as we embark upon and engage in this debate that is forthcoming on judicial nominees, let us keep in sight and in focus the facts, and the role and responsibility this institution has to perform its duty. And that is to make sure that when good people put their names forward for public service, they at least are afforded the opportunity that every nominee with majority support throughout this Nation's history has had, and that is the chance to be voted on in the Senate.

I fully support what the other side is saying about wanting to debate these nominees. Let us do it. I am certainly willing and hopeful that we will be able to engage in a spirited and vigorous debate. Let us debate, but then let us vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

JUDICIAL NOMINATIONS

Mr. REID. I understand we are in a period for morning business. I will use leader time.

Mr. President, I have the greatest respect for my friend from South Dakota, but his assertion of facts is simply without foundation. When the Democrats took the majority in the Senate, I, along with others, said that this was not payback time; we were not going to treat the Republicans the way they treated us during the Clinton years. During those years, they did not have the decency even to have hearings for judicial nominations; they simply left them, 60 in number, in the committee. We thought that was inappropriate, and that is the reason during the time that President Bush has been President—we were in the majority, and we are now in the minority—we have approved 205 judges for President Bush and turned down 10, which is a pretty good record.

For people to say there have not been judicial filibusters in the past is simply without historical foundation. In the early days of this Republic, there was no way to stop a filibuster. The only way one could stop a filibuster on judges or anything else was by virtue of agreeing to stop talking. Many judges were simply left by the wayside. They were talked out and they simply never came forward for a vote before the Senate.

The most noteworthy filibuster of a judge that would require a vote that failed was in 1881. There was a filibuster of a judge that went to a vote. Prior to that time, they never even went to a vote.

It was determined in the Senate in 1970 that it would be appropriate to figure out some way to break a filibuster—on judges, on Cabinet nominations, and on legislation. At that time the Senate changed its rules by a two-thirds vote and had filibusters broken, then, by 67 votes. In the 1960s it was determined that was a burden that was no longer necessary, and it was changed to 60 votes. From that time to today, there has been the ability to break a filibuster by 60 Senators voting.

There have been filibusters since that rule was changed in 1960, filibusters of judges. The most noteworthy, of course, was Abe Fortas. There was a filibuster, and there are wonderful statements in the CONGRESSIONAL RECORD by Howard Baker at that time, who extolled the virtues of the filibuster.

During the time I have been in the Senate there have been filibusters of judges. I can name two that come to my mind: Berzon and Paez. We had a vote to break those here, on the filibuster. The majority leader voted against breaking those filibusters. So we have had votes on many occasions dealing with filibusters of judges. This is no new thing.

What we have to keep in mind is that we, the legislative branch of Government, are separate but equal. That is what checks and balances are all about. The President should not have, from the Senate, a rubberstamp for everything he wants. We have the advise and consent clause in the Constitution and we have the obligation to look at these judges. We have approved 205 and turned down 10. For people to suggest that you can break the rules to change the rules is un-American.

The only way you can change the rule in this body is through a rule that now says, to change a rule in the Senate rules to break a filibuster still requires 67 votes. You can't do it with 60. You certainly cannot do it with 51. But now we are told the majority is going to do the so-called nuclear option. We will come in here, having the Vice President seated where my friend and colleague from Nevada is seated. The Parliamentarian would acknowledge it is illegal, it is wrong, you can't do it, and they would overrule it. It would simply be: We are going to do it because we have more votes than you.

You would be breaking the rules to change the rules. That is very un-

American. I ask my friends to look at what is going on in the press. In the Post today, David Broder, a nationwide columnist, talks about how bad it would be. Dick Morris, who certainly is no lapdog for the Democrats, has stated very clearly it would be the wrong thing to do. The political damage would be done to Republicans for many years to come.

This is something we should work out. This is something that should not cause the disruption and dysfunction of our family, the Senate family. If this is done, the Senator from South Dakota is absolutely right; we will be working off the Democrats' agenda. We will let things go forward. Of course, we will let things go forward to take care of the troops and let us make sure the Government is funded. We are not going to do the Gingrich plan.

But things around here work by unanimous consent. Maybe the majority wants an excuse not to complete business because most of their business is a little faulty anyway. But we have worked very hard and showed our good faith in the first quarter of this Congress. We have passed, for example, the class action bill; we passed the bankruptcy bill—both of which were 15 years in the making. These are bills the majority of the Senators on this side of the aisle opposed. But I thought it was appropriate that we do business the way we should be doing business: have people speak, debate the issue, and take your wins and losses as they come. We had a couple of losses. But the fact is, we believe the business of the Senate should be conducted in this manner.

I do not know what is going to happen in the Foreign Relations Committee as it relates to Bolton, but the fact is, that is how things should be decided. They should debate publicly and openly and then make a decision as to whether he is good or bad for the United Nations. They are going to have some more hearings in that regard. I think that is appropriate. But to think that just because you do not get your way that you are going to change the rules is wrong.

I have said once or twice on the Senate floor, when I was a little boy I took a big trip. My brother was 10 or 12 years older than I. He was working for Standard Stations in a place in Arizona. It was a little town. It seemed like a big town coming from Searchlight. It took quite a few hours to drive over there. I spent a week with my brother. I thought it was going to be a week, but he had a girlfriend and I didn't spend much time with him at all. I spent time with his girlfriend's brother. I could beat her brother in anything—all card games, board games, running, jumping, throwing. But I could never win because he kept changing the rules in the middle of the game. That is what is happening in the Senate. The majority can't get what they want so they break the rules to change the rules.

We believe the traditions of the Senate should be maintained. We believe if you are going to change the rules in the Senate, change them legally, not illegally.

I hope my friends, people of goodwill on the other side of the aisle, will take a very close look at this and see if it is the right thing to do. I think we do have people of goodwill on the other side of the aisle who understand the importance of maintaining the integrity of this body.

As Senator Dole said when asked on Public Radio last week what he thought about the so-called nuclear option. He said: Watch it because we are not going to be in the majority all the time. It will come back—these are my words, not his but the same meaning—it will come back to haunt us because the majority changes all the time.

I think it would be wrong for the Democrats to be able to do what the Republicans are talking about doing. I think it would be wrong for the Republicans to do what they are talking about doing. That is why we, Senator FRIST and I, working with our caucus, have to try to tamp down the emotions on this issue and do what we can to bring the Senate family together and do things the right way so we can continue to do legislation.

I spoke to the distinguished majority leader a few minutes ago. We want to do the highway bill. We have the Energy bill. Senator DOMENICI and Senator BINGAMAN are working hand in hand, more than they have in many years. They are going to come up with the Energy bill. The Senators are going to bring it to the floor and we will debate it.

As the President was told several days ago by Senator BAUCUS when they were called to the White House. Senator BAUCUS said: You do the nuclear option, there will be no Energy bill. That is the way things are and that is wrong.

(Ms. MURKOWSKI assumed the Chair.)

Mr. REID. Madam President, I hope we will be able to work our way through this issue and come up with something appropriate and move on. We have a number of judges who are pending now. They should not have to wait around.

In the situation we now have there is no question the committees are working so well together. Senator SPECTER and Senator LEAHY are working well together. I do not like the asbestos bill. I am not sure there is anything that can be done to make me happy about the asbestos bill because I have such strong feelings about the people who died of mesothelioma and asbestosis. But one of the things I did when I became leader, I told my ranking members that they were their committees. They could do whatever was appropriate in the confines of that committee.

Senator LEAHY did what he thought was appropriate. I may disagree with that asbestos bill, but he had every right to work with Senator SPECTER and come up with a bill. That bill is here at the desk right now. That is the way things should work.

Senators SPECTER and LEAHY have gotten so much done during the first few months they have been working together. There is a lot more we can do. That Judiciary Committee has some of the most interesting but controversial issues that we have. When you have two people working together as closely as LEAHY and SPECTER have been, we can expect some things on the floor of the Senate that will be interesting and controversial, but that is our job.

I repeat for the third time, I hope we can move forward and get the work of the American people done. That is what this is all about. We do not come here to please any particular constituency. We come here to please the people of our States and the people of this country. That is our job.

We need to recognize we have equal power to the judicial and executive branches of Government. A number of years ago, when President Kennedy was President, there was a chairman of the Rules Committee in the House by the name of Smith. He was a Democrat. President Kennedy was a Democrat. He called Mr. Smith because he wanted an appropriate ruling from the Rules Committee of which Mr. Smith was the chairman. And Smith wouldn't even return the President's call. He knew he did not have to. He stood for the legislative branch of Government. He didn't have to take orders or suggestions or even talk to the President.

He may have carried things a little too far, but that shows the strength of the legislative branch. We are as powerful as the judicial branch of Government and the executive branch of Government. When we come to the realization that we are not, it is not good for this country.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I respect the Senator and I appreciate what he has to say about wanting to move the agenda. That is something I am very concerned about because of the Highway Bill, as well as the Energy Bill. Those are things that are lined up and need to be done. They are unfinished business from the last Congress. My concern from all this, and the Senator from Nevada has been here long enough, obviously, to know this, the Senate does set its rules and procedures. That is part of the Constitution. Back in 1980, of course, the Senate did the same things we are talking about doing here when the Democrats had control under Senator BYRD.

But more important, this needs to be based on facts. The facts are on our side in this debate. If you look back—the Senator from Nevada talked about historical precedents. The reality is what I said earlier is absolutely accurate, and that is there has not been a judicial nominee with majority support in the history of this Nation, up until the last Congress, who was denied an up-or-down vote in the Senate by a filibuster or by using the Standing Rules of the Senate to prevent that from happening. That simply is a fact.

It is also a fact that in the instance he referred to back in 1968, the Fortas nomination to the High Court, it was President Johnson's selection for Chief Justice. That was, I should say, a bipartisan attempt. It was a judge who did not have majority support in the Senate, and furthermore it was a judge about whom they were raising ethical issues.

The nominees we are referring to here are people of high quality. They are people who have been rated by the American Bar Association as being highly qualified to serve on the bench. They are not extreme, as the Democrats have suggested. They are judges who have been voted on in their States and won overwhelming majorities. These are people who deserve to be voted on in the Senate. This is about the tradition, it is about the precedent, it is about the history of the Senate, and it is about the Constitution. And it is about the responsibility, as Senators, that we have to see that these judicial nominees who are presented by the President for confirmation, for the Senate to perform its advise and consent role, are dealt with in an appropriate way.

I hope the Senator from Nevada will work with our leadership to try to fashion a way in which these judges can be voted on in the Senate. If they are not, we are setting an entirely new precedent for the future of how these judicial nominees are going to be considered in the Senate because this is unprecedented in the history of this Nation, what has happened in the last session of Congress, and what is being suggested by the Democrats in the Senate at this time. And that is that they will shut this institution down and keep other legislation from moving forward simply because they want to dictate to the majority and to the President of the United States about the kind of judges he ought to be submitting to the Senate for confirmation.

I have a couple of other colleagues here who want to speak to this issue, but it is important that this debate be about the facts. I hope we can have an opportunity to debate these judges. Then I hope we have the opportunity to vote on them.

I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I, too, rise this morning to speak about an issue of great importance to me as a freshman of this body; more important, to the Senate as an institution; and most important, to America as a Nation: that is, what is clearly our horribly broken and partisan judicial confirmation process.

Two years ago, the Members of the Senate freshman class of the 108th Congress called on all of their Senate colleagues, Democrats and Republicans, to take a careful look at the Senate's process of confirming judicial nominees. They were fresh from the campaign trail in their respective States, fresh from talking to citizens every day in their campaigns. They heard over and over how dissatisfied people were with the partisanship, the bitter partisanship and obstructionism that they found in Washington, particularly in the Senate. They heard over and over that the clearest example of that was the horribly broken, bitterly partisan judicial confirmation process.

Unfortunately, their valiant efforts did not succeed in fundamentally changing and improving the process. Because of that, as I was on the campaign trail to run for the Senate last year, I heard those same themes, those same concerns from voters all across Louisiana. I know my other freshman colleagues heard the same things from voters in their States. They heard over and over how tired and upset people were at the bitter partisanship in Washington, particularly in the Senate; the endless obstructionism, the endless filibusters. Again, the clearest example of that in citizens' minds was the horribly broken, bitterly partisan judicial confirmation process.

I heard over and over in every part of the State, folks from all walks of life, folks from both parties: Do the people's business. Get beyond all of that game playing. Get beyond that bitter partisanship. The obstructionism, the filibusters, that is not doing the people's business.

Yesterday, I joined with many other Members of my freshman class, the current Senate freshman class, in again calling for the Senate leadership to work together to address the judicial crisis—I use that word for good reason—the judicial crisis we are facing.

As we stated in our freshman letter to our colleagues from Tennessee and Nevada, progress often requires us to make difficult but fairminded decisions. The time has come to prepare our damaged, broken judicial confirmation process. We need a genuine commitment to upholding the equitable principles of our judicial system, a sense of respect for our deeply rooted traditions, and the willingness to compromise.

Several judicial vacancies have been lingering not for months but for years, as my colleague from South Dakota has said, causing more than one jurisdiction to formally declare a "judicial emergency." Because of long-term vacancies, it is imperative we, as Senators, respond promptly to these emergencies. It is unacceptable we should have judicial vacancies in our courts for up to 6 or more years in some cases. It is time to put aside the grievances, the obstructionism, the partisanship that has been built up.

A recent case in point is the nomination of Janice Rogers Brown to the U.S. Court of Appeals for the DC Circuit. Judge Brown, whose nomination has been pending since July 2003, as my colleague from South Dakota noted, is a highly qualified judicial candidate, as evidenced by her background and her training. Justice Brown has 8 years of experience on the California appellate bench, and she has dedicated all but 2 years of her 26-year legal career to public service. Right now, she serves as associate judge of the California Supreme Court, a position she has held since May 1997.

Justice Brown is the first African-American to serve on that State's highest court and was retained with 76 percent of the vote in her last election. California is not exactly a rightwing State. In 2002, Justice Brown's colleagues relied on her to write the majority opinion for the California Supreme Court more times than any other justice.

The daughter of sharecroppers, Justice Brown was born in Greenville, AL, in 1949. She came of age in the South, tragically in the midst of Jim Crow policies, having attended segregated schools in her youth. She grew up listening to her grandmother's stories about the NAACP lawyer who defended Martin Luther King, Jr., and Rosa Parks. Her experiences as a child and those stories from her grandmother moved her to become a lawyer. In her teens, she moved to California with her family. She earned a B.A. in economics from California State in 1974. She earned her law degree from UCLA Law School in 1977.

In 2003, a bipartisan group of 12 of Justice Brown's current and former judicial colleagues wrote then-Judiciary Committee Chairman ORRIN HATCH in support of her nomination—again, a fully bipartisan group. Another fully bipartisan group of 15 California law professors did the same, as did a dean of the appellate bar in California, and the California director of Minorities in Law Enforcement. What those who know her best say is Justice Brown is a superb judge, conscientious, hardworking, intelligent, sensible, openminded.

Yet Justice Brown, like multiple other judicial nominees, has been waiting and waiting and waiting for an up-or-down vote in the Senate. It is unfair to her. More importantly, it is unfair to the citizens of this country.

Some, like the distinguished minority leader, argue that this is some longstanding venerable practice. That is simply not true. A few minutes ago, the minority leader said in the early days of the Republic, filibusters were common. I hope, in the midst of this very important debate, he will read the history carefully because in the early days of the Republic, the Senate rules had no such thing as a filibuster. The Senate rules were pure majority rule because there was a motion that no longer exists to call the question, to end debate by a majority vote. So in the early days of the Republic—and this is crystal clear in history—there was no opportunity for filibuster because the Senate, just like the House, then and now, operated by pure majority vote.

Certainly it is clear this practice of judicial filibusters for appellate court nominees is brand new. It has never, ever happened for a nominee with majority support before the last Congress. They are very clear, very well-known examples that prove the point. What about Robert Bork and Clarence Thomas—very controversial nominations opposed by many on the Democratic side but neither was filibustered. Both got up-or-down votes in the relatively recent past. One was confirmed. One was not. That is how the process is supposed to work. That is how it did work until the last Congress.

Others say, yes, these floor filibusters are new but nominees have been held up in the committee before. That has been the functional equivalent of these filibusters we now see when the majority party in the past held up certain nominees in committee.

My response is very simple and very direct. We should change the committee rules as part of this process to ensure every appellate court nominee, every Supreme Court nominee gets to the Senate floor for an up-or-down vote within a certain amount of time. That will fully respond to any legitimate concerns in that regard. That will fully respond to any of those grievances from the past. They can come to the Senate, within a certain amount of time, under a mandate which we can put in the committee or the full Senate rules, and the committee can send them to the Senate with a recommendation we confirm that judge, or that confirmation can come to the Senate with a negative report by a majority of the committee.

We face an impasse. We must do whatever is necessary to end it. Inaction is no longer accessible. Now is the time to resolve it.

Like the complicated policy issues we tackle every day, we cannot avoid the judicial crisis and its surrounding confirmation issues without expecting our inaction to have a major impact on our country. The integrity of our entire judicial system is at stake. Indeed, the integrity of the Federal Government and Congress is at stake as citizens again and again say: Put the people's business first. Take up the people's business. Get beyond this horrible partisanship, obstructionism, and these filibusters.

In closing, I encourage all of my colleagues to take a careful look at the Senate confirmation process. I ask we work together to refine our judicial confirmation process and to break down those partisan walls that have stood in the way of advancing judicial nominations.

There is one compelling reason we need to do this. That is doing the people's business. That is serving the people—not partisan political interests—and the people, across the Nation, all of our citizens, are demanding it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I was one of those new Members of the Senate elected in the class of 2002 my friend and colleague from Louisiana talked about. We did lament the partisan divide that certainly has been growing in this body for a while but has been clearly reflected in the battle over judicial appointments.

The President has the constitutional authority to appoint judges. That is very clear. It is an authority that has never, in the history of this country, up until last year, when my colleague across the aisle decided to filibuster those appointees, it has never in the history of this country required anything more than a majority vote. We are talking about judicial appointments.

The President must appoint folks who are qualified. There are standards by which one can review that. The American Bar Association is involved in that process and they, in fact, grade nominees. In the case of the President's appointees, each of those nominees received the endorsement—in effect, the label, the standard—of "qualified" or "highly qualified." They met the basic test that has to be met.

What has happened in the last year is now a new political test put in place, a political test that has then required a new standard, an unprecedented standard in the history of this country. I repeat, in the history of this country, nominees who could get a majority vote have not been filibustered until last year.

The other side has said: We have confirmed so many judges, hundreds of judges, but when it comes to appellate court judges, the level below the Supreme Court, last year I believe it was 30 percent of those were filibustered, were stopped, and a higher percentage then face that this year. Our obligation in the Constitution is to advise and consent. It is not to advise and construct. Nominees deserve simply an up-or-down vote. That has been the process that has served this country so well for nearly 250 years.

I support the right of filibuster. I love that movie "Mr. Smith Goes to Washington." I thought Jimmy Stewart was fabulous. I watched that as a kid, and I thought being on the floor of the Senate, standing and not stepping down, fighting for what you believe, is part of the history of the Senate.

It is not, by the way, the history of the United States for its entire existence. It was not the history of the United States, contrary to the words of the distinguished and learned minority leader from Nevada. It is not the history when this country began. But it has been part of our history. I recognize that.

By the way, it has not always been as glorious as when Jimmy Stewart was in that movie, standing on the floor of the Senate. The history of the filibuster, which now is being paraded as this icon of protection of rights, this history, unfortunately, has a history of being used to block anti-lynching legislation. It was used to block civil rights legislation. That has been the history of the filibuster. But I respect that history. I respect that tradition of filibustering legislation even if I disagree with it.

But never before has there been a tradition of using that filibuster, that tool, to block judicial nominees. That is what is different today.

I do believe the last effort to limit the filibuster occurred when Republicans took control of the Senate about 1994 and 1995; there were efforts to limit the filibuster. There were 19 votes for that effort. Every one of them were Democrats. Every one of them were my colleagues across the aisle, some of whom still serve in this institution today. That has been the history of limiting the filibuster. But the history is clear that, up until last year, the filibuster has not been used to block a nominee who has majority support.

I am also deeply concerned about what we are doing to civics with this discussion. I think we are confusing young people. When I grew up and studied civics, I understood what checks and balances were. I am watching commercials today that talk about the effort of the Democrats to block judicial appointees is somehow applying the concept of checks and balances. I have to gather my 15-year-old daughter Sarah and tell her that is not what checks and balances are about. The concept of checks and balances has to do with the wisdom of our Founders to balance the power of the executive branch against the power of the legislative branch and the power of the judicial branch. That is checks and balances—a magnificent concept.

But checks and balances does not mean, and has never meant, that somehow the minority can block the majority from governing in an Executive

Calendar, where the President has the authority to appoint individuals who he thinks are qualified, and then we measure that qualification—not politics, not their views on certain political issues, but their competence, their integrity, their capacity to do the job—and we then advise and consent, we give the up-or-down vote.

But checks and balances have nothing to do with the attempt of the minority, right here, to block the majority from simply confirming Presidential appointees. We are not talking about changing the legislative calendar. We are not talking about interfering with the right to filibuster on legislative issues. We are talking about upholding the Constitution.

It is interesting, if you go back—and like the Presiding Officer, I have been here only a few years—we have learned from some of our colleagues about the history of what went on before. In the past, the Senate did not filibuster judicial nominees. There were times when you had very liberal judges coming up for confirmation by Democratic Presidents, and you had Republicans controlling the process, and you had majority leaders such as Trent Lott supporting cloture for liberal nominees who, on the basis of ideology, they would not support.

Judge Paez, in the Ninth Circuit, I believe was one of the judges involved in the decision that you cannot say "one Nation under God." I know many of my colleagues felt Judge Paez's views were extreme. But they respected the power of the President to make an appointee, and they respected the history and tradition of this institution that says: Give nominees an up-or-down vote. Paez got that up or down vote and was confirmed.

So my deep concern is somehow we are involved in almost this Orwellian doublespeak today that we are talking about checks and balances in a process that has no relationship to what checks and balances have always meant. Again, our young people should understand that.

We have bent over backward to protect minority views in this Senate. When it comes to appointments, the majority has a right and a responsibility to act. Then all of us have the right to vote yes or no. Let's do the right thing. Let's uphold the tradition of this institution. Give people the right to get an up-or-down vote when they are nominated for a judicial office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COLEMAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

JUDICIAL NOMINATIONS

Mr. SALAZAR. Madam President, I come to this Chamber this morning to make a few comments in response to my colleagues from Minnesota, South Dakota, and Louisiana, concerning the judicial nomination process.

Let me say at the outset, I believe the work of this body and this Congress should be getting about the people's business. I believe this issue concerning the filibuster rule is something that is distracting this country and this Congress from doing what we should be working on.

In the Washington Post this morning, the headline story talks about the economic worries of America. The first two paragraphs of the article in the Washington Post read as follows:

> Inflation and interest rates are rising, stock values have plunged, a tank of gas induces sticker shock, and for nearly a year, wages have failed to keep up with the cost of living.
>
> Yet in Washington, the political class has been consumed with the death of a brain-damaged woman in Florida, the ethics of the House majority leader, and the fate of the Senate filibuster.

I would submit that we as a body have a responsibility to address the issues the people of this country care about. Those issues are about passing a transportation bill for America. Those issues are about getting an energy bill passed for the people of America that helps us get rid of our overdependence on foreign oil. Those issues are about making sure we address the most crippling issue affecting America today—and that is business and people alike—the issue of health care, which is bankrupting this country and many families throughout our States.

We get into this discussion here about what is happening with respect to judges. The fact is, what the majority is attempting to do is to simply break the rules. They are simply attempting to break the rules because they have the power.

Now, I live in an America that strongly supports the fact we have a power that was created by our Founding Fathers, distributed between the executive, with checks and balances, and the Congress, and different rules for the Senate. Part of that is assuring a guarantee when we make decisions for the American people, especially with respect to judges who have lifetime appointments, that we are appointing the very best people to those positions. The debate that is underway today concerning the so-called filibuster rule, from my point of view, is an effort to try to change the rules in midstream. It also is reflective of the abuse of power we see in Washington today. To be sure, when you look at the history of what has happened with judicial appointments in the last decade and a half or so, there have been 60 Democratic nominees from President Clinton who were rejected by this Senate. On the other hand, if you look at what has happened with President Bush's nominees, we have had over 96 percent of all of his appointees confirmed by the Senate.

Now, under anybody's scorecard, if you get a 96-percent success rate, I think you have done pretty well. You can ask my daughters, who are stellar students in their school: getting a 96-percent grade is pretty good. That is a much higher rating for President Bush's appointees than we had for prior Presidents.

So I would say this is not about these particular nominees. I have not yet taken my own position with respect to what I will do with these seven nominees. I will study their records, and I will make my decision based on those records. But, at the end of the day, this is whether we will uphold the cherished traditions of this Senate that have provided the kinds of checks and balances that have been important for this Senate to be able to function.

In my view, those rules force us, as Republicans and Democrats, to come together to work through the issues that are most important for our country. I believe the way this issue has been presented to this body and to the American people has been destructive not only to this body but also destructive to the real agenda on which we as the elected representatives of the people should be working.

That real agenda is about roads. It is about transportation. It is about energy. It is about health care. It is about the issues that affect every person every day. They are the kinds of issues that affect people when they get out of bed in the morning and wonder what is going to happen to their families, their children, and their parents. Those are the kinds of issues we should be working on as opposed to working on these kinds of very divisive issues.

AFGHAN SECURITY FORCES STANDARDS AMENDMENT

Mr. SALAZAR. Madam President, I would like to speak a little bit about amendment No. 454, which was adopted unanimously by the Senate last night. I appreciate and thank Senators COCHRAN and BYRD for the time they have spent working with me on this amendment. I also note and appreciate the work of Senators MCCONNELL and LEAHY on this matter. Their staff members, Paul Grove and Tim Rieser, were very helpful.

It is clear that success in Iraq and Afghanistan is dependent on how well and how fast we train security forces and police there. It is also clear that the faster and better we train these forces, the sooner our troops can come home.

This amendment is designed to ensure that the training in Afghanistan—for which this bill dedicates more than $600 million, including $44.5 million which is to be available only for the establishment of a pilot program to train local Afghan police forces—is handled well and is handled in an accountable fashion.

We have seen what happens when training is rushed or when accountability is ignored. The Haitian National Police, for which we spent hundreds of millions of dollars training in the 1990s, is all but disbanded. We are all familiar with the stories of mismanagement of police training in the Balkans. And just last week, Secretary Rumsfeld took an emergency trip to Baghdad to try to salvage some of the training we have done there as Shiite political leaders threaten to purge Sunni officials from the forces.

This amendment is meant to ensure that training in Afghanistan benefits from lessons learned and the mistakes of the past. It adds commonsense provisions to the $660 million appropriated for police and counternarcotics programs in Afghanistan. We need to take this step because the challenges we face in training a capable security and police force in Afghanistan are perhaps even more daunting than in Iraq.

First, Afghanistan is the world's largest producer of poppy, the raw material for heroine. It produces 80 percent of the world's heroine and, according to the United Nations, is currently producing dramatically more than it did under the control of the Taliban. Keep in mind that heroine use not only fuels crime throughout Europe and in the United States, but it funds terrorist organizations and is responsible for the looming AIDS crisis throughout eastern Europe.

Second, there are already several countries and organizations training forces in Afghanistan, including for the vitally important effort of counternarcotics. In fact, this difficult task of building a capable law enforcement system in that formerly ruler-less country is divided among the United States, Italy, Great Britain and several different international organizations.

And third, the way the administration has structured this program lends itself to confusion and competition among American agencies. The funding in the bill goes to the Department of Defense, but much of the police training will be handled by the State Department.

This amendment is an effort to make sure we can get the accountability our taxpayers deserve as well as the success that our national security demands.

I recognize good training will not be easy. I also understand that in post-conflict societies, it is often difficult to find good personnel. But I also recognize that we simply have to get better at how we train other people to take over security in their own countries.

The stress on our Armed Forces demands no less. The challenges facing U.S. taxpayers demand no less. And success in post-conflict societies demands no less.

Before coming to the U.S. Senate, I had the honor of serving our great State of Colorado as attorney general. In that job, I made homeland security my highest priority.

One of the responsibilities I had as attorney general was being chairman of the Peace Officers Standards and Training Board, POST. Given all that our police officers and their families give for us and for our State, the least I could do was to fight for additional training and support resources.

In 2003, we did that, and in exchange we asked for greater accountability. We did that, too, and the result has been a better trained and more accountable police force, not to mention a safer Colorado.

It has worked in Colorado and across this country. I believe with the adoption of this amendment we can start to make it happen in our police training overseas as well.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POPE BENEDICT XVI

Mr. SALAZAR. Madam President, I want to take a moment this morning to discuss the election of Pope Benedict XVI as the leader of my church and the leader of the 1 billion Catholics in our world. I pray for him as he assumes this awesome responsibility for our church and for our world.

I have also been comforted by the comments we have heard from Pope Benedict XVI. We know we face some difficult challenges in the Catholic Church in the days and years ahead. We also know we as Catholics are not united on every issue. As I said on this floor after the passing of Pope John Paul the Great, we as Catholics are both comforted by our church's teachings and challenged by its demands. That will continue to be the case. And that is as it should be.

What is also true is what Pope Benedict XVI said yesterday. He said: Catholics "look serenely at the past and do not fear the future."

I was also touched by another thing the Pope said yesterday. In relation to John Paul the Great's efforts to reach out to other Christian faiths, Pope Benedict XVI said:

> I am fully determined to accept every initiative that seems opportune to promote contact and understanding.

"I am fully determined to accept every initiative that seems opportune to promote contact and understanding."

I am praying for those kinds of efforts. I hope each of us will take a moment this Sunday, the very day of the Pope's inaugural mass, to pause and reflect on how we can best live up to this challenge from Pope Benedict XVI.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. JOHNSON. Madam President, as a Senator who has served in both the House of Representatives and the Senate, in both the majority and the minority in the House and both in the majority and the minority in the Senate, I am distressed at some of the rhetoric and debate that has gone forward relative to the role of the so-called filibuster rule or the nuclear option, as some people refer to it. It is my hope the debate can go forward in a more civil and thoughtful manner than has sometimes been the case up until now.

I have served—and it has been an honor to serve—in both bodies. Each of the bodies, the House and the Senate, has a respective and important role to play. One of the factors, however, that most distinguishes the Senate from the other body is the existence of the 60-vote rule, the so-called filibuster rule, which has the consequence of requiring both political parties to come to the center, to have some at least modicum of bipartisanship in the proposals they pursue, the nominees who are considered.

That is one of the great strengths of the Senate. I know it frustrates some who would like to see the Senate operate more as the other body does, where a one-vote margin is all that is essentially ever necessary. A rules committee further streamlines things. As a consequence, the other body tends to be and has been over the years most often a far more partisan body than the Senate.

The Founders designed the Senate with 6-year terms and a differing basis for selection as a body that would be the more thoughtful, more deliberative, would take the longer view of initiatives that are before the Congress. The Senate plays a very important role.

There is too much partisanship in Congress. I have the honor of representing South Dakota, a State some would describe as a dark red State that President Bush won by a large margin this last time. I am very proud of the Republican support that has been extended to me over the years I have had the honor of serving in the House and the Senate. The people of South Dakota are tired and grow weary of the intensity of the partisanship that too often exists in Washington, DC. The people of South Dakota want to see both sides brought together to govern as Americans rather than as Republicans or Democrats. That is not asking too much, for the traditions and the historic rules that have existed in this body that encourage bipartisanship should remain.

This notion that somehow in the midst of Congress rules that have been in place for generations should be eliminated and the bipartisan mandate they allow for should be eliminated is a step in the wrong direction.

One of the consequences of the 60-vote rule is it takes both parties by the scruff of the neck, brings them together and says: You will have to reach across the aisle and cooperate, coordinate with your colleagues from the other political party, whether or not you like it. That has been a very valuable asset to the Senate and, again, one of the things that distinguishes the debate and deliberation and progress of legislation in the Senate from what transpires with our colleagues in the other body.

There is too much division in America today. There is too much partisanship. The rhetoric has grown far too bitter. It has grown far too extreme. What America wants, and what I believe my constituents want, is more governing from the center. Most South Dakotans and most Americans recognize neither party has all the answers, neither party has all the good or bad ideas, and we are governing best when we come together in the political center. That will leave the far left and the far right unhappy. They are unhappy most of the time, anyway. But I do think governing from the center, which the 60-vote rule requires, is one of the great strengths of the Senate.

It would be a horrible mistake for this body to discard that bipartisan mandate that rule imposes on this body. A loss of bipartisanship would not only affect the consideration of judges, but the precedent would certainly be in place to affect consideration of all other legislation as well.

Keeping in mind that this body, even with that rule in place, has approved some 205 Federal judges nominated by President Bush, has rejected roughly 10, and that we have one of the lowest judicial vacancy rates in American history right now—in fact, about 60 percent of all Federal appellate judges are appointees of Republican administrations over the last number of years—to suggest somehow there is a crisis with judges is a fabrication, frankly. It is simply untrue.

Judges are being considered, voted on, approved at a record rate. In fact, all of these judges have had up-or-down votes as opposed, sadly, to the experience during the Clinton administration where some 60 of his nominees never received a hearing or a vote. In this case every nominee has received a vote in committee and on the floor, albeit that vote on the floor is consistent with the 60-vote parliamentary rule of the Senate which does require both sides to come together in the center.

Clearly, President Bush can have the approval of 100 percent of his judges. All he has to do is to nominate conservative Republican judges who are part of the conservative mainstream of America, a very broad range of discretion that he has. Those judges will be confirmed, as have the 200 plus who have routinely been confirmed by this body.

The Senate does have a constitutional obligation of advice and consent on these lifetime appointments. That is one of the reasons why this issue is so profoundly important, because this is not simply a legislative matter that will come and go and be reconsidered at another time. We are considering the appointments of people to high office for a lifetime. It is imperative the Senate insist that each of these individuals, men and women, be part of the political and judicial mainstream of America, albeit we have a Republican President, and certainly he will nominate conservative Republican judges, as well he ought, and they will be approved in a routine manner as over 200 have already.

But there is an importance that the nominees do fall within the political mainstream, and the one test to see to it that is the case is the 60-vote margin rule where no judge, regardless of what their political background or judicial background might be, can be approved unless, in fact, there is some modest bipartisan support, not an overwhelming consensus.

Nobody is suggesting a 90-percent rule or 75-percent rule or even the 66-percent rule which used to be the case for filibusters some years ago but that there be a 60-vote margin. I don't think that is asking too much in the name of bipartisanship, in the name of requiring both parties to come together, and in the name of diminishing the level of partisan hardball that characterizes the other body and to some degree has infected the debate and the rhetoric even here in the Senate.

Having witnessed the political dynamic in both bodies, having had the honor to serve in both bodies, having been in both the majority and minority, because the rule we are talking about of bipartisanship should prevail regardless of whether Republicans or Democrats are in the majority or the minority, having witnessed all of that and knowing where my constituents come from in terms of growing weary of the partisanship and the political efforts in Washington, DC, to jam one idea past another without the need for deliberation, without the need for give and take between the two parties, I have to believe we ought to reject the strategies that will play into the hands of the far left or the far right and continue the historic rules that have been in place for the Senate which, in fact, not only encourage but require at least a modest level of bipartisanship and deliberative thinking when we consider legislation or lifetime appointments to the U.S. courts.

It is my hope cooler heads will prevail, that the historic rules of this body will prevail, and that the Senate will continue to play the incredibly important and unique role it has throughout 200 years of American history. That is a body where the hot rhetoric of the day is set aside and the two political parties are required to come together, to approach issues in a more thoughtful, more deliberative and bipartisan fashion. We would be a poorer nation, indeed, were it not for that kind of bipartisan mandate that the current rules of the Senate insist upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. DURBIN. Madam President, I ask unanimous consent for an additional 6 minutes—I believe the majority party had about that added to their morning business—if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I thank my colleague from South Dakota who just spoke. I just left the Senate Judiciary Committee of which I have been a member for a number of years. It is not just an ordinary meeting of the committee today; it is a historic meeting. It is a meeting I am sure, when they chronicle this episode in the history of the Senate, they will point to as a catalyst for a constitutional confrontation, the likes of which the Senate has never seen in its history. Let me tell you what is going on.

Many times in the history of this country, a President with a popular mandate comes to Washington in their second term unhappy with the judiciary, unhappy with judges who do not see the world as they do. These Presidents come to the conclusion that with their popular mandate, with their majorities in Congress, they can change the Constitution, they can change the courts.

It is happening with President Bush, but he is not the first President who has been through this experience. President Thomas Jefferson, in the beginning of his second term, so angry over the opposition party that controlled judgeships, tried to impeach a member of the U.S. Supreme Court. He brought the issue to the floor of the Senate, to a floor that was dominated by his own political party, and said: Give me the power to get rid of these outrageous judges. His party turned on him and said: No, the Constitution, Mr. President, is more important than your power. We reject your notion that you can pack the Supreme Court with friendly judges.

Thomas Jefferson was not the last. A President whom I honor and venerate, Franklin Delano Roosevelt, in the beginning of his second term came to the White House with this large popular mandate and, in frustration, said: I am sick and tired of the ideas of the New Deal being killed in that Supreme Court. Give me the power as President, Franklin Roosevelt said, and I will replace and add to the membership of that Supreme Court until we get Justices who think like I do.

He came to this Senate, this Chamber, dominated by Members of his own political party, and said: Stand with me. You voted for the New Deal, now stand with me. We are going to make sure the Supreme Court goes along. And his party said no. They said: Franklin Roosevelt, the Constitution is more important than your power as President. We will stand by the Constitution. You are wrong, Mr. President.

But look what is happening today. President Bush, not content to have 95 percent of his judicial nominees approved by this Senate, has now said: This Republican Party is going to change the rules of the Senate, change the constitutional principles that have guided us so that President Bush can have every single judicial nominee approved by the Senate, bar none.

So what will happen in a Senate dominated by the President's party? Will they rise in the tradition of Thomas Jefferson's Senate? Will they rise in the tradition of Franklin Delano Roosevelt's Senate? Will they, as the President's party, stand up and say: The Constitution is more important than the power of any President? Sadly, it appears they will not. They are lapdogs as the President is demanding this power. They will come to the Senate with the so-called nuclear option. It is a good name. It is a good name because it signifies the importance and gravity of what they will do.

The first thing they have to do is break the rules of the Senate. If you want to change a Senate rule, you need 67 votes. They do not have 67 votes to give President Bush this unbridled power, so they will break the rules of the Senate with a so-called point of order to change the rules of the Senate and to say that this President, unlike any other President in history, will not have his judicial nominees subject to the rules of the Senate as we know them.

Oh, they argue, this opposition to President Bush's nominees is unprecedented. Nobody has ever used the filibuster on a judicial nominee. That is what they say. But they are wrong. It has happened 11 times. Most recently the Republicans used the filibuster against President Clinton's nominees. They have done it. They have done it because the rules allowed them to do it. And now, in the middle of the game, they want to change the rules and diminish the power of the Senate and attack the principle of checks and balances.

The reason this great democracy has survived longer than any in history is that we have this tension between the branches of Government—the power of the Presidency checked by the power of Congress checked by the power of the judiciary—and this tension among the three branches of Government has given us this democracy that has survived while others have failed. Yet the majority party, the Republican Party in the Senate, would walk away from that fundamental principle, for what? For what? So that this President can have every single judicial nominee without fail? Madam President, 95 percent is not enough? And 205 out of 215 is not enough?

I have stood with my colleagues and voted against some of these nominees. I will do it again. These are men and women far outside the mainstream of American political thought. They have been pushed to the forefront by special interest groups demanding they get lifetime appointment on a court in America to make decisions that will affect everyone—every family, every worker, the air we breathe, and the privacy we revere.

What is the agenda? We hear this agenda. It is spelled out in detail by Congressman TOM DELAY of Texas. He threatens the judiciary: We are going to dismantle them if they don't agree with me, he says. TOM DELAY is going to set the standard for judges in America? This man who was pushing through the Terry Schiavo case, defying 15 years of court decisions, defying the wishes of that poor woman's family? He was so angry when the Federal judges did not agree with him, he said: We will get even with you. That is what this is about.

So judicial nominees will come to the floor who will be approved who will follow the TOM DELAY school of thinking, who will follow something far outside the mainstream of America.

We need to have bipartisanship. We need balance. We need fairness. We need to say to a President of any political party: As powerful as you may be, you are never more powerful than our Constitution. The Constitution, which is the one commonality in the Senate, of all the things we argue about and all the things on which we disagree, we—each and every one of us—stand proudly next to that well, raise our hands, and swear to uphold and defend the Constitution of the United States.

To my colleagues and friends who are following this debate, the constitutional crisis we are facing is unnecessary. If the President's own party has the courage that Thomas Jefferson's party had, that Franklin Roosevelt's party had, they would say to the President: You have gone too far. The Constitution is more important than any President. But, sadly, we are on a path to this crisis.

If it occurs—and I hope it does not—it is going to change this body. It is going to change it dramatically. The Senate is so much different from the House. The Senate is successful because each and every day you will hear said over and over, "I ask unanimous consent." Unanimous consent is just as the phrase suggests—any Senator can object. But it seldom occurs because we agree to move forward together—Democrats on this side, Republicans on the other side—move forward with the people's business. But if the Republican majority pushes through this constitutional confrontation, destroys this tradition of the Senate, assaults the principle of checks and balances, then the courtesy, the comity, and the cooperation which makes this such a unique institution is in danger.

I hope that cooler minds will prevail. I am heartened by the fact that Senator JOHN MCCAIN, a leading Republican, has stood up and begged his fellow Republican colleagues: Don't do this. The Senate and its traditions and the Constitution, Senator MCCAIN says, are more important than any President or any party.

I am confident the Judiciary Committee will send this nomination of Priscilla Owen of Texas to the floor. I hope that once it reaches the calendar, cooler minds will prevail and all of us who have sworn to uphold this Constitution will honor it by our actions on the floor of the Senate.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the period for morning business be extended until 12 noon, with 45 minutes under the control of Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATORIAL INDEPENDENCE

Mr. SPECTER. Mr. President, I thank the floor schedulers for reserving time for me this morning. I had hoped to be here at 11:15, but I have been chairing an executive business meeting of the Judiciary Committee where we voted on the nominations of Justice Owen and Justice Brown. Not unexpectedly, it went over the planned 11:15 conclusion, but I do appreciate the allocation of time. I asked for 45 minutes for a presentation, which I am about to make.

Mr. SPECTER. Mr. President, I seek recognition today to address the subject of Senators' independence and dissent. As members of political parties, we owe loyalty to the party that helped get us elected and which enables us to join together to achieve broad policy objectives. Historically, we have found our system of Government functions best with a two-party system. But as part of that historical perspective, we have simultaneously seen loyalty to our Nation take precedence to loyalty to party. At certain junctures of American history, the fate of our system of Government has rested on the ability of Members of this body to transcend party loyalty for the national interest. I believe the Senate currently faces such a challenge between party line voting on filibusters and potential voting on the constitutional, or so-called nuclear option.

I have watched the issue on confirmation of Federal judges fester and become exacerbated as each party has racheted up the ante beginning with the last 2 years of President Reagan's administration when Democrats took control of the Senate and continuing to the present day.

In 1987, upon gaining control of the Senate and the Judiciary Committee, on which I have served since being elected in 1980, the Democrats denied hearings to seven of President Reagan's circuit court nominees and denied floor votes to two additional circuit court nominees. As a result, the confirmation rate for Reagan's circuit nominees fell from 89 percent prior to the Democratic takeover to 65 percent afterwards. While the confirmation rate decreased, the length of time it took to confirm judges increased. From the Carter administration through the first 6 years of the Reagan administration, the length of the confirmation process for both district and circuit court seats consistently hovered at approximately 50 days. For President Reagan's final Congress, after the Democrats took control, the number doubled to an average of 120 days for these nominees to be confirmed.

The pattern of delay and denial continued through 4 years of President George H.W. Bush's administration. President Bush's lower court nominees waited, on average, 100 days to be confirmed, which was about twice as long as had historically been the case. The Democrats also denied committee hearings for more nominees. President Carter had 10 nominees who did not receive hearings. For President Reagan, the number was 30. In the Bush Sr. administration, the number jumped to 58.

When we Republicans won the 1994 election and gained the Senate majority, we exacerbated the pattern of delaying and blocking nominees. Over the course of President Clinton's presidency, the average number of days for the Senate to confirm judicial nominees increased even further to 192 days for district court nominees and 262 days for circuit court nominees. Through blue slips and holds, 70 of President Clinton's nominees were blocked. When it became clear that the Republican-controlled Senate would not allow the nominations to move forward, President Clinton withdrew 12 of those nominations and chose not to renominate 16.

During that time I urged my Republican colleagues on the Judiciary Committee to confirm well-qualified Democratic nominees. For example, I broke ranks with many of my colleagues on the Republican side to speak and vote in favor of the confirmation of Marsha Berzon and Richard Paez, both to the Ninth Circuit Court of Appeals. While many of my Republican colleagues criticized me for voting for Berzon and Paez, I thoroughly reviewed their records and determined that both were qualified for the positions to which they had been nominated. While I did not agree with Ms. Berzon and Mr. Paez on every issue, I realized the importance of working toward solutions when the Senate is at an impasse on a nomination.

After the 2002 elections with control of the Senate returning to Republicans, the Democrats resorted to the filibuster on ten circuit court nominations, which was the most extensive use of the tactic in the Nation's history. The filibusters started with Miguel Estrada, one of the most talented and competent appellate lawyers in the country. The Democrats followed with filibusters against nine other circuit court nominees. During the 108th Congress, there were 20 cloture motions on ten nominations. All 20 failed.

To this unprecedented move, President Bush responded by making for the first time in the Nation's history two recess appointments of nominees who had been successfully filibustered by the Democrats. That impasse was broken when President Bush agreed to refrain from further recess appointments.

Against this background of bitter and angry recriminations with each party serially trumping the other party to "get even" or, really, to dominate, the Senate now faces dual threats, one called the filibuster and the other the "constitutional" or "nuclear" option, which rival the US/USSR confrontation of mutual assured destruction. Both situations are accurately described by the acronym "MAD", which was used for the confrontation between our Nation and the Soviet Union.

We Republicans are threatening to employ the "constitutional" or "nuclear" option to require only a majority vote to end filibusters. The Democrats are threatening to retaliate by stopping the Senate agenda on all matters except national security and homeland defense. Each ascribes to the other the responsibility for "blowing the place up."

The gridlock occurs at a time when we expect a U.S. Supreme Court vacancy within the next few months. If a filibuster would leave an 8-person court, we could expect many 4-to-4 votes since the Court now often decides cases with 5-to-4 votes. A Supreme Court tie vote would render the Court dysfunctional, leaving in effect the circuit court decision with many splits among the circuits, so the rule of law would be suspended on many major issues.

On these critical issues with these cataclysmic consequences, I urge my colleagues on both sides of the aisle to study the issues and to vote their consciences independent of party dictation. I have not rendered a decision on how I would vote on the constitutional/nuclear option, but instead have been working to break the impasse by confirming or rejecting the previously filibustered nominees by up or down votes.

As Chairman of the Judiciary Committee, I selected William Myers as the first of the filibustered judges to be reported out of Committee for Senate floor action. Two Democrats, Senator JOE BIDEN and Senator BEN NELSON, had voted in the 108th Congress to end the filibuster on Mr. Myers, and Senator KEN SALAZAR made a campaign promise to support an end to the Myers filibuster, although he has since equivocated on that commitment. Being only 2 or 3 votes shy of 60, 55 Republicans plus presumably two or three Democrats, I thought Myers had a realistic chance for confirmation.

With any judicial nominee, or any Senators for that matter, opponents can pick at their record. On the totality of his record, as demonstrated at two hearings and the Judiciary Committee Executive session, Myers is qualified for confirmation. Beyond the issue of his own qualifications, his conservative credentials would lend some balance to the Ninth Circuit.

The Democrats have signaled their intent not to filibuster Thomas Griffith or Judge Terrence Boyle which may help to diffuse the situation. In addition, intensive efforts are being made to clear three of President Bush's nominees for the 6th Circuit. If enough of the President's nominees can be confirmed, we may be able to deflate the controversy without a vote on the constitutional/nuclear option. That is what I am trying to do in my capacity as chairman of the Judiciary Committee.

In due course, I will have more to say about the other pending Bush nominees; but for now, I only urge my colleagues to be independent and to examine the nominees' records on the merits without having their votes determined by party loyalty.

The fact is that all, or almost all, Senators want to avoid the crisis. I have had many conversations with my Democrat colleagues about the filibuster of judicial nominees. Many of them have told me that they do not personally believe it is a good idea to filibuster President Bush's judicial nominees. They believe that this unprecedented use of the filibuster does damage to this institution and to the prerogatives of the President. Yet despite their concerns, they gave in to party loyalty and voted repeatedly to filibuster Federal judges in the last Congress.

Likewise, there are many Republicans in this body who question the wisdom of the constitutional or nuclear option. They recognize that such a step would be a serious blow to the rights of the minority that have always distinguished this body from the House of Representatives. Knowing that the Senate is a body that depends upon collegiality and compromise to pass even the smallest resolution, they worry that the rule change will impair the ability of this institution to function.

The importance of independence was noted on November 3, 1774 in a speech of historical importance to the Electors of Bristol by Edmund Burke, a Member of the British Parliament:

> ". . . his (the legislators) unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

President John F. Kennedy, while a member of this body, wrote Profiles in Courage which cities the roles of courageous Senators who chose the national good over party loyalty. He summed it up on one of his famous quotations: "Sometimes party loyalty asks too much."

As President Kennedy wrote in the introduction to his book:

> Of course, both major parties today seek to serve the national interest. They would do so in order to obtain the broadest base of support, if for no nobler reason. But when party and officeholder differ as to how the national interest is to be served, we must place first the responsibility we owe not to our party or even to our constituents but to our individual consciences.

Kennedy further noted, in words which ring as true today as they did decades ago:

> Today the challenge of political courage looms larger than ever before. For our everyday life is becoming so saturated with the tremendous power of mass communications that any unpopular or unorthodox course arouses a storm of protests such as John Quincy Adams—under attack in 1807—could never have envisioned. Our political life is becoming so expensive, so mechanized and so dominated by professional politicians and public relations men that the idealist who dreams of independent statesmanship is rudely awakened by the necessities of election and accomplishment.

Continuing, Kennedy wrote:

> Of course, it would be much easier if we could all continue to think in traditional political patters—of liberalism and conservatism, as Republicans and Democrats, from the viewpoint of North and South, management and labor, business and consumer or some equally narrow framework. It would be more comfortable to continue to move and vote in platoons, joining whomever of our colleagues are equally enslaved by some current fashion, raging prejudice or popular movement. But today this nation cannot tolerate the luxury of such lazy political habits. Only the strength and progress and peaceful change that come from independent judgment and individual ideas—and even from the unorthodox, and the eccentric—can enable us to surpass that foreign ideology that fears free thought more than it fears hydrogen bombs.

Beyond his stirring words, Kennedy provides us examples. John Quincy Adams' faced such a controversy when English ships seized American ships and conscripted American sailors who could not "prove" that they were not British subjects. Adams, a Federalist, was incensed. Ultimately, he voted with President Jefferson and the Republicans to enact an embargo against Great Britain. Yet most other Federalists, including those in Adams' home state of Massachusetts, preferred to make excuses for the British behavior and urge caution. Realizing the political suicide he was committing, Adams remarked to a friend, "This measure will cost you and me our seats but private interest must not be put in opposition to public good." His prediction was right. He lost his seat.

Kennedy recounts further in "Profiles in Courage," how Senator Thomas Hart Benton, a Democrat from the slave-holding state of Missouri, elevated his love of the Union and his belief in manifest destiny over populist notions of secessionist Southern states. Though Benton owned slaves and was one of the few Senators to bring them with him to his Washington home, he refused to speak in favor of or against slavery in emergent states such as California and New Mexico, as they were added to the Union. Benton was known for his fiery rhetoric and independent streak throughout his thirty years in the Senate. In a prescient, foreboding statement, one of Benton's Missouri contemporaries remarked, "[a]t an early period of [Benton's] existence, while reading Plutarch, he determined that if it should ever become necessary for the good of his country, he would sacrifice his own political existence." Senator Benton did exactly that.

Courageous Senators and this institution as a whole resisted great political pressure to reject steps that would have threatened the separation of judicial powers and the independence of the President. These instances were the 1804–1805 impeachment and trial of Associate Justice Samuel Chase and the 1868 impeachment of President Andrew Johnson.

Republicans under Thomas Jefferson sought to have Associate Justice Samuel Chase of the United States Supreme Court impeached in 1804. The outcome of Justice Chase's trial would largely determine whether the judiciary could remain independent or become a subordinate branch of government where justices looked to the legislature for patronage and job security.

It was Justice Chase's penchant for politicking and expressing Federalist views from the bench that got him in trouble.

Justice Chase was tried before the Senate. Aaron Burr, the controversial Vice President who was wanted in two states for his dueling homicide of Alexander Hamilton, presided at the hearing. During closing arguments, Justice Chase's counsel, Luther Martin, a Maryland delegate to the Constitutional Convention, predicted the outcome and noted the wisdom of the Founding Fathers in the constitutional provision giving the Senate the power to try and decide cases of impeachment. There were Senators in the Chase impeachment proceeding who transcended the pressures of their party, and bravely cast votes of "not guilty" for Justice Chase, thereby protecting the independence of the U.S. Judiciary.

A similar great example of Senate independence occurred in the impeachment trial of President Andrew Johnson. President Johnson achieved the ire of the Congress, and the public generally, when he suspended the Secretary of War, Edwin Stanton, in violation of the 10-year Oath-of-Office Act which passed over the President's veto. That legislation prevented the President from removing, without the consent of the Senate, all new officeholders whose appointments require confirmation of that body. Public opinion ran very high against President Johnson.

In "Profiles in Courage," Senator KENNEDY again described the unfolding drama:

> To their dismay, at a preliminary Republican caucus, six courageous Republicans indicated that the evidence produced so far was not in their opinion sufficient to convict Johnson . . .

There were public outcries and party outcries against the deviation from their party loyalty. The party said: "All must stand together!" All but one Republican Senator announced their opinions. One who would not was Edmond G. Ross of Kansas.

> The Radicals were outraged that a Senator from such an anti-Johnson stronghold as Kansas could be doubtful. Indeed, despite public clamor and partisan outcery against him, Senator Ross was resolute in his unwillingness to signal his thoughts in advance of the ultimate vote on the Articles of Impeachment. As the impeachment trial droned on, he remained the only unknown voter among Republican Senators.

Ross ultimately voted not guilty, in defiance of party loyalty. Reflecting on what colored his odd voting pattern, given his disdain for President Johnson, and his near mechanical party loyalty until that single moment, Ross said, in historic words:

> In a large sense, the independence of the executive office as a coordinate branch of government was on trial. . . . If . . . the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy. . . . This government had never faced so insidious a danger . . . control by the worst element of American politics.

Ross went on to say:

> If Andrew Johnson were acquitted by a nonpartisan vote . . . America would pass the danger point of partisan rule and that intolerance which so often characterizes the sway of great majorities and makes them dangerous.

Mr. President, I know morning business has expired. But in the absence of any other Senator seeking recognition, I ask unanimous consent to proceed for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, independence and dissent from the majority view has a great tradition in our country, further exemplified by independent, thoughtful U.S. Supreme Court Justices who formulated important legal principles which were later embraced as the law of the land.

In a series of powerful and famous dissents, Justice Oliver Wendell Holmes and Justice Louis Brandeis, articulated a logic so compelling that it became the majority view within a generation. Their examples serve as a reminder of the importance of dissent and independence.

As a law student, I was inspired by Justice Holmes's dissent in Abrams v. United States, when he wrote:

> But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be successfully carried out. That, at any rate, is the theory of our constitution.

The theme of free-thought and independence, so artfully articulated by Justice Holmes, is also the foundation of "Profiles in Courage." I think the essence of that theme was best summarized by then-Senator John Kennedy, when he said:

> Foreign ideology . . . fears free thought more than it fears hydrogen bombs.

Free thought is the ultimate road to truth. Free thought is the energy that drives the political machine that leads to good public policy in our society. Free thought, and its companion, freedom of speech and assembly and press, are the core attributes of democracy that are today taking root around the world.

"Free trade in ideas" cannot flourish when Senators are constrained to follow a political party's edict. When the merits of individual judicial nominees are debated and considered, without the counter-marjoritarian filibuster preventing resolution, only then do we achieve Holmes's "best test of truth." Similarly, if the constitutional/nuclear option is debated and considered without adherence to the party line, we will pursue the tested process to find the truth that is "the only ground upon which [our] wishes can be successfully carried out."

The value of independence, expressed in the dissenting opinions of Holmes and Brandeis, called public attention to values which later became the pillars of our democracy. Dissenting in Olmstead v. United States, Justice Brandeis said:

> The makers of our Constitution conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the [Constitution].

That view of the most basic "right to be let alone" later became the pillar of civil rights in our society in many contexts. It is the foundation of today's debate on the Patriot Act where representatives of the political right and the political left reference that value as the barometer of the balance of governmental power to provide for our Nation's security.

The Holmes/Brandeis independent views, expressed in Supreme Court dissents, later became the law of the land on such important issues as freedom of speech, prohibiting child labor, limiting working hours, and peremptory challenges in criminal cases.

These illustrations of Senatorial and judicial independence demonstrate the value of free thinking in deciding what is best for our Nation's long-range interests. Central to the definition of deliberation is thought. And we pride ourselves on being the world's greatest deliberative body. And thought requires independence—not response to party loyalty or any other form of dictation. The lessons of our best days as a nation should serve as a model today for Senators to vote their consciences on the confirmation of judges and on the constitutional/nuclear option.

If we fail, then I fear this Senate will descend the staircase of political gamesmanship and division. But if we succeed, our Senate will regain its place as the world's preeminent deliberative body.

I thank the Chair and thank my colleagues and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAHAM). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE TO BE DIRECTOR OF NATIONAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of calendar No. 69, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Director of National Intelligence.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate equally divided between the two leaders or their designees, and the Democratic time will be equally divided between the Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from Oregon, Mr. WYDEN.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank you.

Mr. President, as chairman of the Senate Select Committee on Intelligence, I rise today in strong support of the nomination of Ambassador John D. Negroponte to serve as our Nation's first Director of National Intelligence.

The committee held Ambassador Negroponte's confirmation hearing on Tuesday, April 12, and voted favorably to report his nomination to the full Senate on Thursday, April 14.

Now, the speed with which the committee acted upon this nomination and the nomination of LTG, soon to be four-star general, Michael Hayden, to be the Principal Deputy Director of National Intelligence, really underscores the importance the committee, and I believe the Senate, places on continuing and ensuring reform of our Nation's intelligence community and, as a result, our national security.

While our intelligence community has a great number of successes—let me emphasize that—of which intelligence professionals should be justifiably proud—and the problem here is that when we have successes in the intelligence community, many times either the community or those of us who serve on the committee or those who are familiar with those successes cannot say anything about them because it is classified—but the intelligence failures associated with the attacks of 9/11 and the intelligence community's flawed assessments of Iraq's WMD programs underscored the need for fundamental change across the intelligence community.

In my years on the Senate Intelligence Committee, I have met many of these hard-working men and women of the intelligence community who work day in and day out with one goal in mind; that is, to keep this Nation secure and our people safe.

They are held back, however, by a flawed system that does not permit them to work as a community to do their best work. So we need to honor their commitment and their sacrifices by giving them an intelligence community worthy of their efforts and capable of meeting their aspirations and our expectations of them.

So responding to that demonstrated need for reform, Congress really created the position of Director of National Intelligence with the intent of giving one person the responsibility and authority to provide the leadership that the Nation's intelligence apparatus has desperately needed and to exercise command and control across all the elements of the intelligence community.

In short, through legislation, we created the DNI, the Director of National Intelligence, to provide the intelligence community with a clear chain of command and the accountability that comes with that.

To facilitate that chain of command, and to foster accountability, the National Security Intelligence Reform Act of 2004 gave the DNI significant management authorities and tools, including expanded budget authority, acquisition, personnel, and tasking authorities.

These authorities, however, are limited in significant ways, and the legislation leaves certain ambiguities about the DNI's authorities.

As a result, there are questions about the DNI's ability to bring about the kind of change and true reform necessary to address the failures highlighted by the 9/11 attacks and the assessments of Iraq's WMD programs.

So the task of resolving these ambiguities and questions will fall to the first Director of National Intelligence. As the WMD Commission pointed out in its recent report, the DNI will have to be adept at managing more through resource allocation than through command.

Moreover, the first DNI will define the power and scope of future Directors of National Intelligence and will determine, in large measure, the success of our efforts to truly reform the intelligence community.

Bringing about that reform is not going to be easy. Numerous commissions—many commissions—have identified the same failings as those that resulted in the legislation that created the DNI. Yet previous reform efforts have proven largely fruitless.

So immune to reform is the intelligence community that the WMD Commission described it as a "closed world" with "an almost perfect record of resisting external recommendations."

Allow me to relay one example to demonstrate this point.

Over 3 years have passed since the September 11 attacks, and the elements of the community have not made the progress that we want in sharing intelligence data amongst the community. The distinguished vice chairman and I call that "information access."

Elements within the intelligence community, unfortunately, continue to act—some elements—as though they own the intelligence data they collect rather than treating that data as belonging to the U.S. Government.

As a result of the community's failure to repudiate outdated restrictions on information access, and its refusal to revisit legal interpretations and policy decisions that predate the threats now confronting the United States, impediments to information access are reemerging—reemerging, even today—in the very programs designed to address the problem.

Clearly, then, the Nation's first Director of National Intelligence will face tremendous challenges and will require unwavering support from both Congress and the White House.

I am pleased President Bush has made it very clear that the DNI will have strong authority in his administration. We in Congress must do our part, and we begin with the nomination of Ambassador Negroponte.

The President has made an excellent choice in choosing the Ambassador to serve as the first DNI. He has dedicated more than 40 years of service to our country. Over the course of his public service career, the Senate has confirmed him seven times, including five times for ambassadorial positions in Honduras, Mexico, the Philippines, the United Nations and, of course, most recently in Iraq. Ambassador Negroponte has also held a number of key positions within the executive branch, including serving as Deputy National Security Advisor.

In short, his career has been dedicated to intelligence and national security matters, and he has a great deal of experience to offer as the new Director of National Intelligence. He is well suited for this position. I look forward to working with him.

In my discussions with Ambassador Negroponte, I have made it clear that Congress and the American people expect him to make a difference in the intelligence community. I must say, on behalf of the Senate Select Committee on Intelligence and on behalf of my vice chairman and myself, we have promised to conduct aggressive, preemptive oversight in regard to helping the DNI answer the challenges he will face with regard to the capabilities we have or do not have with regard to the intelligence community.

We expect him to break down those barriers to information access I alluded to earlier. We expect him to improve the human intelligence capabilities we need. And ultimately, we expect him to provide leadership and accountability. In response to these questions, during his confirmation hearing, the Ambassador simply responded "I will" with conviction.

Clearly Ambassador Negroponte will face significant challenges. He is going to carry heavy burdens. I am convinced, however, he has the character, the expertise, and the leadership skills required to successfully meet these challenges and to shoulder these responsibilities.

I urge my colleagues to support this nomination, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I join with the chairman of the Intelligence Committee in what he has said. Today the Senate is considering the nomination of Ambassador John Negroponte to become the Nation's first Director of National Intelligence. Personally, I strongly support this nomination, and I will discuss the reasons why in a moment.

First, however, as the chairman did, I am going to take a few minutes to describe how critical this new position is to our country and its future, the magnitude of the challenges Ambassador Negroponte will face.

In 1947, Congress created the Central Intelligence Agency and the Director of Central Intelligence. The Cold War was upon us and the Nation needed intelligence about our new adversary. The structure we put in place at that time to keep tabs on the Soviet Union grew and took on additional missions over the next 40 years. But the intelligence community stayed primarily focused on that one target of the Soviet Union.

Then in 1990, the Soviet Union dissolved. The world changed dramatically, but our intelligence organizations for the most part did not. As a consequence. we have for the past 15 years made do with an intelligence system designed to penetrate and collect information about a single static adversary. There was no one in charge to force change from within, and before September 11 of 2001, there was little impetus for change from without.

The National Security Act of 1947, the genesis of all of this, designated the DCI to serve as the head of the Central Intelligence Agency, also the principal adviser to the President on intelligence matters, and the head of the U.S. intelligence community—all three of those assignments.

The Director of Central Intelligence ran the CIA, advised the President, but, frankly, never exercised the third responsibility, which is probably the most important other than advising the President, and that is managing the intelligence community itself.

Even after the events, tragic though they might have been, of 9/11, it took 3 years, two major investigations of those events, and the stunning intelligence failures prior to the Iraq war to break through the entrenched interests and to achieve reform that created the position of director of something called national intelligence, all of it.

The difficulty involved in the birth of this new office serves as a warning for the challenges that the Ambassador, if confirmed, as I hope he will be, will face. Bureaucracies are amazingly slow to change. That doesn't say anything bad about the people. That is the way the world works, whether it is corporate, private, or whatever. The bureaucracies are tenacious in defending their turf. Some of the stories are remarkable within the 15 intelligence agencies the Ambassador will have to oversee. Reform of the intelligence community will involve stepping on the turf of some of the most powerful bureaucracies in Washington. And first and foremost among those is the Department of Defense.

Eighty percent of our intelligence spending is in the DOD budget. The incoming Director of National Intelligence will have to quickly establish a close working relationship with the Secretary of Defense, but it must be a relationship of equals, and Ambassador Negroponte must be willing to exercise the authority given him by the legislation and the President when he and the Secretary differ. In effect, the Director of National Intelligence supersedes the head of the Department of Defense.

Ambassador Negroponte also will encounter and need to manage the CIA, an organization accustomed to operating with tremendous autonomy, a world unto itself. Some of these agencies, such as the National Security Agency—they are called NSA—get acronyms, "no such agency"—that is part of the way their world operates. That is not to denigrate them, their public service, their public commitment, their willingness to offer up their lives for their country. But bureaucracy of a huge magnitude it surely is.

Then there is the FBI, an agency which is dominated by its law enforcement history and struggling to make itself into a full partner in the intelligence community. Some question whether that can be done; my mind is still open to it. They are trying. Most people say it is working at the top but not in the middle, because if you are a lawyer, you have a yellow pad, you go arrest somebody for breaking the law. If you are an intelligence officer, you find somebody you are suspicious of, and you don't arrest that person. You surveil that person, you trail that person, maybe for weeks, months, to find out where that person takes you and what intelligence we can learn from that.

But these are powerful organizations with very proud histories. They are populated by dedicated and talented public servants who have contributed to our security for decades. But our needs are now different. All of these agencies now must change the way they do business.

Ambassador Negroponte takes charge at a time when the intelligence community is reeling from criticism for the lapses prior to 9/11 and the significant failures related to prewar intelligence on Iraq.

The chairman and I worry about that because it affects morale. One doesn't want to affect morale. But on the other hand, intelligence agencies have to reflect the current needs of this country and act accordingly.

The loose amalgam of 15 intelligence agencies needs a leader who can change not simply the boxes on an organizational chart but the way we do intelligence. The different agencies traditionally have collected intelligence from their sources, analyzed it, put it into their databases, and then shared it as they deemed appropriate. The chairman and I are very fond—both of us—of saying the word "share" is now outmoded. There is a need-to-know basis from time to time. But if you share something, that means you own it and that you make the decision you will share it with somebody. We prefer the modern word for intelligence which is going to have to be "access," that anybody in that business has access to that intelligence automatically by definition unless there is a particular need-to-know restriction.

The Director of National Intelligence has to create a new culture where the process of producing intelligence is coordinated across agencies from the beginning. The collection strategies for various targets need to be unified, and the intelligence collected needs to be available to everyone with the proper clearance and the need to know that information.

That is the concept of jointness in operation that the Presiding Officer knows well because he is on the Armed Services Committee, as is my colleague, the chairman of the Intelligence Committee. Jointness is a concept the military has used and made work very effectively. It goes back to the Goldwater-Nichols Act almost 20 years ago, and it is something the Intelligence Committee is going to have to learn how to do. Making fundamental changes is absolutely essential in order to make sure our intelligence is timely, objective, and independent of political consideration.

The credibility of the intelligence community—and, by extension, the credibility of the United States—has suffered when key intelligence reports such as the prewar intelligence report on Iraq failed the test of being timely, objective, and independent as required by law. It is not something they just ought to be doing; it is required by the 1947 National Security Act.

Making major changes in the way the community operates and produces intelligence will be the first step for Ambassador Negroponte. He also must instill a sense of accountability. On this many of us feel strongly. The joint inquiry conducted by the Senate and the House Intelligence Committees into the events of 9/11 called for accountability for the mistakes made prior to the attack where thousands lost their lives. The WMD commission, which finished its work, also highlighted this issue.

But despite these findings and despite what one would think the country would assume and expect, no one has been held accountable for the numerous failures to share critical intelligence and act on intelligence warnings in the year and a half prior to the 9/11 attacks. Likewise there has been a lack of accountability over the failings in the collection, analysis, and use of intelligence prior to the Iraq war itself.

Accountability means people get fired or people get demoted or people get scolded or, concurrently, people are patted on the back, rewarded, encouraged, motivated further, held up before their colleagues as exemplary because they have done something particularly well.

So the Ambassador is not only going to have to deal with problems from the past, but he will have to face immediately the growing scandal surrounding the collection of intelligence through the detention, interrogation, and rendition of suspected terrorists and insurgents. We have been subjected to an almost daily deluge of accusations of abuse stemming from these operations.

The intelligence we gain through these interrogations is, frankly, too important to allow shortcomings in this program to continue, and the Director of National Intelligence will be the official responsible for ensuring we have a comprehensive, consistent, legal, and operational policy on the detention and interrogation of prisoners because there is enormous flux in that whole area right now. The lack of clarity in these areas has led to confusion and likely contributed to the abuse we have witnessed.

Dealing with the many challenges is a tall order. But if anybody can succeed in the position of DNI, Director of National Intelligence, an entirely new position in the U.S. Government, one of the three or four toughest jobs in Washington, that person is Ambassador Negroponte. He has a 40-year career of public service, as has been indicated, in some of most difficult and critical posts in the Foreign Service: Vietnam, the Paris peace talks, South and Central America, the U.N., and most recently in Baghdad.

He has been doing this for 40 years. One of the things I have appreciated particularly about him is that he is not a military person, not a political person, not an intelligence person. He is a diplomat. He is somebody who, through his entire career, has engaged in understanding the nuances of the cultures we have to deal with in the intelligence world and what follows intelligence across the world. But he also knows a great deal about intelligence and the military operations and the political aspects of life simply because you cannot be an ambassador and avoid those things.

He is a diplomat, a manager, a negotiator, which is crucial to bringing these agencies together and to go back and forth with the President and the Congress. He has extensive knowledge of the workings of the Government. That is a very prosaic statement, until one takes it at face value. Most people don't. They have extensive knowledge about certain parts of Government. He covers the ballfield. He has the temperament, standing, and self-confidence, frankly, to deal with the Washington bureaucracy. He has a great deal of confidence in himself, and he ought to—he has the backing of somebody called the President of the United States of America.

The Intelligence Reform Act provides the Director of National Intelligence with considerable authority. But in Washington, DC, the support of the President is invaluable in exercising authority. To put it another way, a person loses their stature pretty quickly if the President is not backing that person in high-profile decisions, particularly in those instances when decisions meet resistance from the heads of other departments and other agencies which have full call on the President and his attention. The President's support will be absolutely critical to Ambassador Negroponte's success—and succeed he must, Mr. President.

The United States faces a period of enormous uncertainty and threat. The problems of international terrorism will be with us for many decades, and the proliferation of weapons of mass destruction poses a danger at this minute for the entire world and will for decades to come.

These are difficult targets for the intelligence community, but these are the things that threaten our security every moment. These are the issues the intelligence community must master. They are our front line of defense. The warfighter has not yet engaged properly until the intelligence has been collected and disseminated and policy is made from that. Ambassador Negroponte must lead all of us into a new era on intelligence. I think he is very well suited for the task, and I look forward to his swift confirmation.

In closing, I also hope the Senate moves very quickly to confirm the President's nominee to be Principal Deputy Director of National Intelligence, and that is LTG Michael Hayden. This is a tandem made in Heaven. General Hayden understands the military, the lifelong service of it. He understands intelligence. He is Director of the National Security Agency. He has a profound, intuitive, knowledge-based understanding of what is under the rocks and what is plainly in sight, what is plainly good or wrong about the intelligence profession. He has led the National Security Agency for the last 6 years. It is an interesting fact that in the National Security Agency, under their roof, is the largest collection of mathematicians in this world. That may be known or not; I suspect it is. But these people do incredibly important things. He has led them now, having been reappointed three times. Together, Ambassador Negroponte and General Hayden make a powerful team. I am very pleased to support them both.

I thank the Chair and yield the floor.

Mr. ROBERTS. Will the vice chairman yield?

Mr. ROCKEFELLER. Of course.

Mr. ROBERTS. Mr. President, I thank the Senator for a very comprehensive statement. I thank him for what I think is a very accurate statement, more especially with the history he has outlined of the intelligence community; more especially with the contributions of the men and women within the intelligence community who have successes that obviously you cannot talk about, but the obvious need for reform because of what we have gone through; especially for the Senator's comment in relationship to the new DNI in relation to the Department of Defense. That was right on target.

There has been a great deal of comment, as the vice chairman knows, that 80 percent of the funding of the intelligence budget goes to the military, and in terms of being the majority user of intelligence nobody would quarrel with that. I don't know of any Member of Congress who would say otherwise. I think we have made great progress between the intelligence and the military and the real-time analysis or real-time intelligence to the warfighter, even though our challenges in parts of the world are very great. But I point out—and I think the vice chairman agrees—that the principal user of intelligence—not majority but principal user of intelligence—is not the military, as important as they are: it is the President of the United States and the National Security Council and the Congress of the United States to determine policy.

I thank the Senator for bringing that out and I thank him for a very fine statement and also for being a fine vice chairman. We aggressively tried to provide insight and advice to the new DNI.

Mr. ROCKEFELLER. If my friend will yield. I further say that the President made an enormous contribution, which was sort of generally overlooked—not by those of us who work in this field of intelligence—when he made it very clear and made an executive decision that 80 percent of the budget that goes to the military, minus a few very specific tactical areas, and necessarily so, would be under the Director of National Intelligence. That was the President declaring that whoever is in that position will control the funding. Complications can arise, but the President has been clear about who is going to run this operation, and that is very important.

Mr. ROBERTS. Mr. President, I could ask for unanimous consent to lock in the order, but I think I can just make a suggestion with the few Senators we have here. I am sure more will come. Senator BOND has a time conflict and would like to be recognized for 10 minutes. Senator FEINSTEIN has been waiting, as has Senator WYDEN. And then Senator COLLINS will come to the floor very quickly, one of the coauthors of the Intelligence Reform Act. If we can have an understanding that that would be the order, I think that would be appropriate.

Also, I ask unanimous consent that the time consumed by any quorum calls be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I am more than happy to yield 10 minutes to a valued member of the committee, the Senator from Missouri, Mr. BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank Chairman ROBERTS. As we all know, this February, President Bush nominated Ambassador John Negroponte to serve as the Nation's first Director of National Intelligence. I rise today in strong support of his confirmation for this demanding position. I agree with the chairman and vice chairman; I can think of few people as well suited by experience, intelligence, and dedication to tackle this assignment. I heard the remarks of the vice chairman, and I wish to associate myself with those very fine remarks—particularly his remarks about General Hayden who is nominated to be the Principal Deputy. We are not talking about his nomination today, but I associate myself with the high commendation that has been made of this gentleman, who also deserves prompt confirmation, so that we can get about the critically important work of providing intelligence. Ambassador Negroponte's wealth of experience and outstanding track record should be well known to all of us. A proven leader and manager in our national security establishment, he served five tours as chief of mission in U.S. Embassies. He has worked closely not only with frontline intelligence officers but himself served as Deputy National Security Adviser. He has solid experience working with the U.S. military, as well as representatives of Cabinet departments. Most telling, his recent experience as U.S. Ambassador to Iraq and the United Nations provide him with a unique view into the spectrum of national security challenges we now face and how best to construct an intelligence apparatus to meet those challenges. He understands that while collecting, analyzing, and disseminating good intelligence are not only requirements of a sound foreign policy and a secure homeland, they are key elements. Most important, these are processes in dire need of repair. The Ambassador is the right choice at the right time to take on these challenges.

As we continue our war on terror against those who would do us harm, our intelligence community must also work to stem the proliferation and prevent the use of weapons of mass destruction, maintain a watchful eye on global competitors and adversaries, be alert to emerging threats, and provide guidance to policymakers on how best to positively influence global change. Most importantly, they must be able to provide policymakers with timely, accurate, and authoritative intelligence to manage, instead of reacting to looming threats. In short, the Ambassador has his work cut out for him.

He will have to invigorate human intelligence capabilities. Our spies and agents must not only collect better intelligence, they must work to penetrate the governments of rogue states, terrorist and insurgent organizations, and closed societies where some of the most devious plots to attack America and its people and interests, as well as our allies, are hatched. We know we have fallen short in our human intelligence—or HUMINT—capabilities leading up to the conflicts in Afghanistan and Iraq. We are going to have to correct that and we look for the DNI's leadership to do that.

As DNI, the Ambassador will have to work diligently to ensure that signals intelligence and other technical collection means are continuously updated, expanded, and modified to not only provide strategic intelligence but also actionable information for our war fighters—something in which I am personally most interested.

Our intelligence community is home to some of the world's finest minds which have averted disaster and provided the highest quality information to consumers from the President down to the privates on the front line. However, inferential analysis and "group think" are practices against which the DNI must guard. The DNI must ensure that rigorously competitive analysis models and improved analytics tradecraft be implemented.

The problem of inaccurate information sharing amongst agencies has been a recurring theme during the review of the Senate Select Committee on Intelligence of our recent intelligence failures leading to 9/11 and U.S. assessments of Iraq WMD programs. We have seen, unfortunately, even since 9/11, far too recent incidents where agencies working on common problems did not share that information and those sources. In this day, that is totally unacceptable. The DNI will not only face the challenge of ensuring that information is passed up and down the chain of command, but that colleagues working for different agencies within the intelligence community can and do regularly share and exchange information and ideas.

The Senate Select Committee on Intelligence, under the wise, compassionate guidance of Chairman ROBERTS, has espoused the idea of not merely information sharing but of information access. It is a difficult task. Sensitive information must be protected from disclosure, and too often protecting it from disclosure means not sharing it with people who are working on the same project. Nonetheless, the Ambassador has assured me that an analyst with a need to know will have access to the information, regardless of who collects it and who is working on it.

In the end, no matter what means is used to collect intelligence, it is the fine, brave, and dedicated men and women of the intelligence community who will make it work on any given day on the ground. It will be not only a responsibility but a duty of the DNI to ensure that these men and women receive the proper education and training to discharge their duties. While substantive expertise and technical prowess are essential, leadership and management training, along with mentorship programs are key elements that will ensure that we attract, as well as retain, the talented, motivated, and dedicated personnel we need.

The men and women of the intelligence community are our first tripwire to help stave off disaster. They can advise us on prudent courses of action to advance our national security interests. They willingly take great risks and make great sacrifices daily. Accordingly, it is the solemn obligation of the DNI to ensure their ranks continue to be filled with competent visionaries, managers, and innovators who are willing to lead and care for them.

Over the years, this body has seen and even drafted recommendations to establish a DNI and/or a more accountable and powerful chief of our intelligence community. While the establishment of a DNI is historic, it was not established to the degree of budgetary and other powers that I, along with several of my colleagues, would have liked and thought would be very necessary. So the Ambassador will face challenges as he asserts his authority over the 15 intelligence agencies he will supervise. I hope he will use the implied powers of this position and the positive enforcement and support of the President to make sure the work that needs to be done is done and the DNI will have the power that, unfortunately, he was not given in the legislation but we believe he must exercise.

Reflecting on the recommendations of the 9/11 Commission, and the WMD Commission, as well as many pre-9/11 studies, and the work that has gone on in the Select Committee on Intelligence, I fully endorse and call on my colleagues to support Ambassador Negroponte as he establishes these powers to make sure our homeland is protected and our policymakers and warfighters on the ground are well informed.

Having met with Ambassador Negroponte at length and being well aware of his qualifications, I am confident he will not only meet these high standards but will set a fine precedent for all succeeding DNIs to follow.

I ask my colleagues to act quickly to confirm Ambassador Negroponte to lead our intelligence community so he may begin in earnest to make the difficult changes we believe are sorely needed.

I thank the Chair, I thank the managers of this nomination, and I urge prompt confirmation.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, as a member of the Intelligence Committee, I wish to make a few comments both about Ambassador John Negroponte and also LTG Michael Hayden. He is soon to be General Hayden, I understand.

Mr. ROCKEFELLER. Will the Senator allow me to yield to her such time as she may desire?

Mrs. FEINSTEIN. I certainly will. I thank the Senator from West Virginia.

I know General Hayden will be a four-star general very shortly. I think that is very good news. So we will have the first Director and Principal Deputy Director of National Intelligence.

I believe these are both excellent nominees. They will provide strong new overall management and leadership to the intelligence community as it finally adapts to post-Cold War realities.

Ambassador Negroponte has served with distinction, both in Washington and around the globe. He served as United States Ambassador to four nations and to the United Nations. As Deputy National Security Adviser, Ambassador Negroponte was intimately involved in the formation and use of intelligence. He is well suited to overseeing the collection of vital intelligence needed for the United States to protect itself. Ambassador Negroponte comes to this new position without strong ties or bias to any specific intelligence agency. That is an enormous strength, and I believe he will be an honest broker and manager for the community. He has pledged that he will be a neutral and apolitical provider of intelligence to Government policymakers.

Although General Hayden's nomination is not before us at this time, I wish to say I hold him in the highest regard. He is a skilled manager and an expert in the workings of our Nation's intelligence apparatus. General Hayden led a remarkable turnaround of an enormously complex and technical agency, the National Security Agency. He was first made Director of the NSA under President Clinton and has had his tour extended three times by President Bush. That is a true testament to his leadership. He has proven his ability to establish a skilled and dedicated workforce. In short, General Hayden is a strong choice to be the day-to-day manager of the intelligence community.

Both men have the strength, the vision, and the determination that is necessary to be successful in their new positions.

As my colleagues know, I introduced legislation to create a DNI in the 107th Congress and again in the 108th Congress. So I was pleased to see that with the support of the 9/11 Commission and the chairs and ranking members of the Intelligence and Governmental Affairs Committees, this position was finally established.

As Director and Deputy Director of National Intelligence, these appointees face daunting challenges. The 15 intelligence agencies are a community in name only. The fiefdoms and turf battles—the stovepipes—between agencies may have lessened since September 11, but they continue to hinder our intelligence operations.

Our technical means for collecting intelligence must be adapted to this new nonstate terrorist world and its challenges. The acquisition and development of new intelligence systems need better management.

The demands for better human intelligence are well documented by reports, including the Congressional Joint Inquiry, our Intelligence Committee's Iraq study, the 9/11 Commission, and the President's own WMD Commission. Each of these reports spells out, in stark terms, the organizational, the leadership, and the capability challenges that await Director Negroponte and General Hayden.

The U.S. intelligence estimates of Iraq's weapons of mass destruction were, as the WMD Commission stated, "dead wrong" before the war. There was a lack of solid intelligence, made worse by fundamental and inexcusable lapses in tradecraft and judgment. The systematic failings will take sustained leadership and vigorous oversight to correct.

Our intelligence capabilities in other crucial areas—Iran and North Korea among them—are still inadequate and unacceptable. As the war and postwar operations in Iraq show dramatically and tragically, we cannot govern effectively and cannot make informed decisions without timely and accurate intelligence. We cannot afford to fail again. The stakes are very large, indeed.

Thankfully, the recent Commission and Senate reports have also made important recommendations. Both Ambassador Negroponte and General Hayden have expressed willingness to make important changes. They will take steps to integrate and bolster intelligence collection and to end "group think" and untested assumptions. They will use red teams and alternative analysis when intelligence conflicts. This was a substantial lacking that led to the wrong judgments made in the Iraq National Intelligence Estimate that so many of us relied upon to make our judgment on how to vote to authorize the President with use of force in Iraq.

The Director also has the authority to put in place a management team and implement changes, including new mission managers and new centers, to focus attention on the most pressing problems.

I believe strongly it is going to take a strong and authoritative Director of National Intelligence to put our intelligence community back on the right track. Equally important, it will take forthright and impeccably objective leaders to restore the credibility both to the American people and to the world that was destroyed by the assessments of Iraqi weapons of mass destruction.

The legislation that created the DNI last year, the Intelligence Reform and Terrorism Prevention Act, spells out the framework for a strong DNI, but it did not fill in the details. The authorities and responsibilities that should have been made clear in law, I believe, will have to be instead established in practice. I have discussed privately and through the confirmation hearing process with Ambassador Negroponte the need for him to assert authority by taking bold action to lead and manage the intelligence community, and I will support him in doing so.

I have confidence the new Director shares this vision and will take the necessary steps immediately after taking office. General Hayden, with his experience in fighting these battles as Director of NSA, will be a key adviser and ally in fulfilling this charge.

The men and women who work for the 15 intelligence agencies are skilled and dedicated, but they need innovative, new tools and ways of doing business to meet our future strategic intelligence needs. I am confident that Director Negroponte and Deputy Director Hayden will work to provide these needs.

I thank the President for forwarding such skilled, nonpartisan nominees, and I wholeheartedly support their confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I am delighted to yield 10 minutes to the distinguished chairman of the Homeland Security and Governmental Affairs Committee, whose unflagging, untiring, persevering efforts, along with her coauthor, Senator LIEBERMAN, led to passage of the Intelligence Reform Act that has returned us to this whole process where we have Ambassador Negroponte and General Hayden, an outstanding team, not only to reform but to lead the intelligence community.

I thank the Senator for her leadership and her efforts. She persevered, and she was successful.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank the distinguished chairman of the Senate Intelligence Committee and his extraordinary ranking member for all their work to improve the quality of the intelligence upon which our policymakers, our men and women who are on the front lines, and all of us rely.

Last July, the Senate leaders assigned the Homeland Security and Governmental Affairs Committee the task of developing legislation to implement the recommendations of the 9/11 Commission. The committee I am privileged to chair devoted more than 5 months to this important and complex issue that is so crucial to the safety and well-being of the American people. We successfully accomplished our assignment with the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004, which the President signed into law in December.

During the committee's inquiry into how to fix the flaws in our Nation's intelligence capability that permitted so many dots to go unconnected for so long, one remedy emerged as being among the very highest priorities. Our intelligence community—15 disparate agencies and entities, each with its own expertise and experience—clearly needed one leader. The role of this leader has often been described as that of a CEO in business, a person with the ultimate authority over the operation and with the ultimate accountability for results. An even more succinct description was offered by former Secretary of State Powell at one of our committee's many hearings. He said what the intelligence community really needed was an empowered quarterback.

The new law creates the Director of National Intelligence as that empowered quarterback, with significant authority to manage the intelligence community and to transform it into, to use President Bush's term, a single unified enterprise.

I believe John Negroponte is the right person, the right leader to be that CEO, that empowered quarterback.

Ambassador Negroponte is an accomplished diplomat, which is a vital credential in the international war against terrorism. Having served very recently as our Ambassador in Iraq, he knows firsthand how important the intelligence provided is. He has been an intelligence consumer. Throughout his distinguished and varied career in service to our country, he has demonstrated strong, decisive leadership skills. These skills will be invaluable in exercising the Director of National Intelligence authorities and in carrying out the intelligence community transformation called for in our legislation.

The Ambassador's extensive experience in national security and foreign relations is a solid foundation for the weighty responsibilities he will have in this critical position. As the first DNI, Ambassador Negroponte will not only serve a critical role immediately, he will also establish the relationships and set the precedent for future DNIs. Thus, when I met with the Ambassador, I encouraged him to aggressively use the authorities we worked so hard to secure in the intelligence reform bill. One of those key authorities concerns the DNI's responsibility for determining the budget for the national intelligence program. He also will have significant authority to execute that budget and to transfer funds, if needed, to meet emerging threats and the greatest priorities.

Today, at a hearing before the Armed Services Committee on the nomination of General Hayden to be the No. 2 person to the DNI, I raised the issue with General Hayden about the need to aggressively exercise that budget authority. The law is very clear on this point, but already we have seen some signs from the Defense Department of a potential challenge to the new DNI in exercising that authority.

I think it should be very clear, through the legislative history and in our conversations today, that the DNI has a direct relationship to the heads of the National Security Agency and the other intelligence agencies that are housed within the Pentagon but serve not only the Department of Defense but all intelligence consumers. I was pleased to hear General Hayden's understanding of the extent of that authority.

Ambassador Negroponte will be the first intelligence CEO to set the community's budget, to establish community-wide intelligence gathering and analytical priorities, and to employ financial, technological, and human resources where and when they are most needed, or, as Secretary Powell might have put it, he will be calling the plays. This is an unprecedented challenge and unprecedented authority, and I am convinced John Negroponte will meet this challenge in an exemplary manner. I am convinced he understands the need to exercise that authority to the full extent of the law.

Ambassador Negroponte will provide our intelligence community with accomplished, experienced, dedicated, and needed leadership. I wholeheartedly urge my colleagues to approve this important nomination without any delay. Again, I commend the chairman and the ranking member for bringing this nominee so quickly to the Senate floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oregon.

Mr. WYDEN. Mr. President, it is not easy for a member of the Senate Select Committee on Intelligence to oppose Ambassador Negroponte's nomination on the floor of this Senate. I am well aware that many do not share the concerns, and the views I will express this afternoon have not been arrived at casually.

The Ambassador is the consummate diplomat, a dedicated public servant, a well-liked person who is popular with Members of the Senate of both political parties. He has been confirmed by the Senate for a variety of posts. I have voted twice for those confirmations, but I am not convinced that Ambassador Negroponte is the right man for this job. I have reached this judgment based on my strong belief that a prerequisite for this position should be a willingness to be direct and forthcoming with policymakers even when the truth is difficult. Unfortunately, directness was nowhere in sight in the Ambassador's responses at his confirmation hearing last week.

At that hearing, the Ambassador was not even as direct and forthcoming in discussing controversial matters as he has been in the past. For example, at the hearing I discussed with the Ambassador his service in Honduras. I made it clear at the outset that I understand it makes no sense to relitigate a war that took place in Central America more than 20 years ago. In spite of the lengthy news accounts printed that morning, the morning of his confirmation hearing, providing new information documenting the Ambassador's continued backing of the Contras after the House had voted to halt U.S. support, I chose not to focus on those issues. I raised the Honduras issue last week and return to it this afternoon because I believe the record of the Ambassador's service there is particularly telling in terms of his judgment and his willingness to confront difficult facts, which I believe are two key requirements for the Director of National Intelligence.

For example, I find it especially troubling that the Ambassador's perception of the human rights situation in Honduras differs so dramatically from that expressed by the Central Intelligence Agency, the InterAmerican Court, the Honduras Human Rights Commission, and others. The Central Intelligence Agency released a report entitled "Selected Issues Relating to CIA Activities in Honduras in the 1980s" which found:

> Honduran military committed hundreds of human rights abuses since 1980, many of which were politically motivated and officially sanctioned.

The CIA report linked the Honduran military personnel to death squad activities.

Mr. Negroponte, on the other hand, said in a September 12, 1982, letter that was printed in the New York Times Magazine that:

> Honduras's increasingly professional armed forces are dedicated to defending the sovereignty and territorial integrity of the country, and they are publicly committed to civilian constitutional rule.

The InterAmerican Court for Human Rights heard cases concerning human rights abuses in Honduras. In 1989, the Court found:

> A practice of disappearances carried out or tolerated by Honduran officials existed between 1981 and 1984; and
>
> The Government of Honduras failed to guarantee the human rights affected by that practice.

In an October 23, 1982, letter printed in the Economist, Ambassador Negroponte wrote:

> Honduras's increasingly professional armed forces are fully supportive of this country's constitutional system.

The Honduran Human Rights Commissioner released a report on forced disappearances that occurred in Honduras during Ambassador Negroponte's tenure. The report states:

> [t]here existed within the Armed Forces a deliberate policy of kidnapping and forcibly disappearing persons.

Yet the introductory passage of the 1983 State Department Country Report issued while Mr. Negroponte was Ambassador stated:

> The Honduran military, which ruled the country for almost 20 years before 1982, supports the present civilian government and is publicly committed to national and local elections, which are scheduled in 1985, as well as the observance of human rights.

The fact is, when you read what the Ambassador has said about Honduras, and what the CIA and others have said about the same time period, it is as if John Negroponte was an ambassador to a different country.

Given these sharp differences, I asked the Ambassador last week to reconcile this very large gap between what he saw and what others reported. I expected an answer that would have at least acknowledged these very substantial differences and indicated that in hindsight the Ambassador would have been more outspoken about human rights practices.

Instead, the Ambassador tried to dismiss the issue altogether by simply saying the differences were not so great, something I thought was pretty hard to fathom, given the accounts I had provided to him.

The fact is, in trying to brush off this issue of Honduras, the Ambassador actually showed less candor last week than he has in the past. For instance, at his 2003 hearing before the Foreign Relations Committee when he was being considered for Ambassador to the United Nations, Mr. Negroponte stated the following about Honduran human rights abuses:

> Maybe it was a mixed picture, Senator. I am more than willing to acknowledge that.

At the same hearing he said:

> Could I have been more vocal? Well, you know, in retrospect, perhaps I could have been.

So you have to ask, as I have done, Why would the Ambassador be less direct last week than he had been previously? Certainly there was no national security reason for him to duck questions about events that are decades old. Perhaps the newspaper articles that morning made him fear Congress would get into issues he might find uncomfortable. That is certainly understandable, but it is absolutely unacceptable for a nominee tapped to head our Nation's intelligence community at a time when directness and forthrightness is more important than ever before. Throughout his confirmation hearing, on issue after issue, the Ambassador ducked and avoided giving anything resembling a straightforward answer.

I asked the Ambassador whether he foresaw his office involving itself in decisions relating to the implementation of the PATRIOT Act's surveillance powers, and in particular whether his office might weigh in on whether the Federal Bureau of Investigation should seek a FISC warrant.

His answer?

> Senator, I am not entirely certain what my authorities would be under FISC.

I asked the Ambassador whether he would be willing to take a fresh look at the United States rendition policy, possibly the most controversial weapon being used in fighting terrorism today. Rendition involves sending a suspected terrorist from one country to another without court proceedings. Republican and Democratic administrations have used renditions in the past, but their use has increased significantly since 9/11, and the policy has certainly changed. Previously, most suspects were rendered to the United States. Now it works the opposite way. More and more often the United States is rendering suspects to foreign countries. News reports indicate that suspects are frequently being rendered to countries known to torture suspected terrorists, such as Syria, Egypt, Uzbekistan, and Saudi Arabia. While the United States gets assurances from foreign governments they will not use torture, U.S. officials have little control over the situation once a suspect is in the hands of the foreign country.

Rendition is the practice used to address a very difficult dilemma. America may lack the evidence to bring a suspected terrorist into court; there is some proof of wrongdoing, but not enough for a court of law. If the suspect is not an American citizen, it is possible to send them elsewhere to be dealt with, but that can be a dicey prospect. Renditions get suspects off the streets, something which makes Americans safer. But the tactic has raised serious concerns for many of our citizens and for many people in other countries as well. I have heard those concerns, but I also recognize that renditions can serve a legitimate and valuable purpose. It is a question of how this policy is carried out. Our country needs to have a frank and candid and direct discussion about this policy of rendition. But, before that can happen, there needs to be some answers to some tough questions:

Have any suspects been rendered based on faulty intelligence and, if so, what amount of intelligence should be necessary before a rendition takes place?

Are there certain countries to which the United States should not render suspects?

Are the assurances the United States gets in the rendition area sufficient with regard to the use of torture?

Does the United States need to retain more control of suspects it renders, especially to countries that have weak human rights records?

How good is the intelligence the United States is getting from rendered suspects?

What is the effect of a rendition policy on America's diplomatic relations with other countries?

These are some of the important questions that need to be answered. So in an effort to examine Ambassador Negroponte's openness and to try to determine his judgment in a difficult area such as this, I asked the Ambassador whether he would be willing to take a fresh look at our rendition policy; not a point-by-point description of what he would do, but simply would he be willing to take a fresh look, a new inspection of this country's approach in rendition.

The Los Angeles Times summed up the Ambassador's response to my question about rendition with four words. They said: "Negroponte avoided the question."

The Ambassador, I would point out, ducked other important questions asked by members of the Senate Select Committee on Intelligence. For example, our colleague from Michigan, Senator LEVIN, asked the Ambassador to explain what action he would take if the Ambassador concluded policymakers were making public statements that differed from the classified intelligence. There was no direct answer to that important question asked by Senator LEVIN.

Senator FEINSTEIN sought detailed information on how, with regard to countries such as Iran and North Korea, the Ambassador intended to assure the United States developed much needed credible intelligence. Ambassador Negroponte responded:

> Well, Senator, the law prescribes a number of approaches to this.

Then I asked the Ambassador about the issue of overclassification of material in the area of national security. This is an issue that has concerned many in the Senate, of both political parties. I have been interested in this matter for some time.

I was, frankly, flabbergasted when 9/11 Commissioner Tom Kean, who did such a superb job in his work, with Lee Hamilton, former Member of the other body—Tom Kean said 75 percent of everything he saw when he chaired the 9/11 Commission that was classified should not have been classified. This is what Tom Kean said in the extraordinarily important inquiry he conducted.

The Central Intelligence Agency initially blacked out over 50 percent of the Senate Select Committee on Intelligence Report on Iraq's WMD programs and links to terrorist groups.

I will tell colleagues I thought Chairman ROBERTS and Senator ROCKEFELLER did a superb job in guiding our committee to a unanimous judgment with respect to Iraq and that important report. But if the CIA had had its way, page after page after page would have been blacked out.

The National Archives Information Security Office reported 14.2 million classification actions in 2003, twice the number recorded 10 years earlier. The agencies are becoming more creative in terms of how they overclassify. In addition to the traditional "limited official use," "secret" and "top secret," some agencies now have "sensitive security information," "sensitive Homeland Security information," "sensitive but unclassified" and "for official use only" classifications, as well.

Secrecy has become so pervasive it makes you wonder whether facts are being classified for legitimate reasons or to protect the individuals and agencies involved.

As I mentioned, this has been a bipartisan concern. I am particularly grateful for the work Senator LOTT has been willing to do with me. We took some modest steps in the intelligence reform bill to open this process and try to bring some balance back into the area of classification. But given this history, given the huge explosion in terms of overclassification of Government documents, I was interested in what the Ambassador had to say with respect to this.

When I first asked, he said:

> Senator, I don't know about classification or overclassification.

But then he went on to make the mind-boggling claim that "Certainly the trend in my lifetime has been to reduce levels of classification wherever possible. And I've seen that happen before my own eyes."

Troubling as that answer was and the nonanswers that I received to the other important questions I asked with respect to the PATRIOT Act and relating to rendition and other topics, as troubling as what I was told and wasn't told, is it is not only what the Director of National Intelligence will know that is so important but what he is willing to say that is vital.

In spite of the Ambassador's responses to these questions, I have no question in my mind of Ambassador Negroponte's ability to master the facts. What I am not confident of is his steadfast commitment to speaking those facts to ears that do not want to hear them. And history tells us the consequences of an inability or an unwillingness to speak truth to power can be disastrous.

This country saw what happened in the Bay of Pigs, an unsuccessful attempt by United States-backed Cuban exiles to overthrow the Government of the Cuban dictator Fidel Castro. It is a classic example of what can happen when America's intelligence community is unwilling or unable to be candid. In his review of the Bay of Pigs invasion release to the public in 1998, CIA Inspector General Lyman Kirkpatrick identified numerous failures. These include:

> [The f]ailure to subject the president, especially in its latter frenzied stages, to a cold and objective appraisal by the best operating talent available, particularly by those not involved in the operation, such as the Chief of Operations and the chiefs of the Senior Staffs;
>
> [The f]ailure to advise the president, at an appropriate time, that success has become dubious and to recommend the operation be, therefore, canceled and that the problem of unseating Castro be restudied;
>
> The failure to maintain the covert nature of the project—"[f]or more than three months before the invasion the American press was reporting, often with some accuracy, on the recruiting and training of Cubans. Such massive preparations could only be laid to the U.S. The agency's name was freely linked with these activities. Plausible denial was a pathetic illusion."

This is what the inspector general said. This is not what a partisan said. Yet the CIA unrealistically plowed ahead, unwilling or unable to face the reality of the situation that the operation was doomed to fail, and as a result the CIA was humiliated, many died, our prestige was damaged.

Throughout the entire time our country was in Vietnam the intelligence community also failed to be forthright and was plagued by overoptimism. One example was particularly worth noting.

In 1963, the Board of National Estimate's draft Nation Intelligence Estimate concluded that "The struggle in South Vietnam at best will be protracted and costly [because] very great weaknesses remain and will be difficult to surmount."

Unhappy with the pessimistic conclusion, the Director of Central Intelligence John McCone rejected the draft and instructed the board to seek the views of senior policymakers in revising the Nation's Intelligence Estimate.

So the final version of the 1963 stated:

> We believe that Communist progress has been blunted and that the situation is improving . . .

As those who put together the Pentagon papers later observed:

> The intelligence and reporting problems occurring during this period cannot be explained away . . . In retrospect [the estimators] were not only wrong, but more importantly, they were influential. As a result, a generation paid the price for the unwillingness or the inability of the intelligence community's inability to be forthright.

Now our country deals with those consequences.

Many in the Senate will remember George Tenet told the President of the United States that the weapons of mass destruction case against Iraq was a "slam dunk." Now America knows what George Tenet knew and what he was unwilling or unable to tell the President of the United States, that it wasn't a slam dunk at all.

The Niger yellowcake, the high-strength aluminum, the mobile weapons lab, the aerial vehicles, the intelligence provided by Curveball and the Iraqi National Congress witnesses, all of this intelligence was questionable and was being questioned by at least some members of the intelligence community.

However, George Tenet was not direct. He was not forthcoming. He told the President of the United States what the President wanted to hear. Whether he was unwilling or unable to be straight with the President, I cannot possibly determine. What I do know is that as a member of the Select Committee on Intelligence I want to do everything I can. I know every Member of the Senate wants to make sure these mistakes are not repeated. The stakes are simply too high.

The Intelligence Reorganization Act gave the Director of National Intelligence a whole lot of responsibility but very little enforcement power. As the Director works to make 15 intelligence agencies pull together, his credibility will be his currency. Critical to his success will be the understanding of all concerned that this person is going to be direct, that the person will be forthcoming, that the person will make sure that no matter who the truth hurts, no matter what policymakers think, they are going to get the facts.

Here is what I think the country needs. The United States needs a Director of National Intelligence who is going to speak truth to power, somebody who has, in Hamilton's words, the "gumption" to tell the President and other senior policymakers what they don't want to hear.

The United States needs a Director of National Intelligence who has the knowledge and the experience to step in and begin fixing the problems facing the intelligence sector immediately.

The United States needs a Director of National Intelligence who will break down existing walls inhibiting analysts throughout the intelligence community and, when appropriate, officials and citizens outside that realm from getting access to the information they need to keep Americans safe. The United States needs a Director of National Intelligence willing to, when necessary, go head to head with the agencies under his control, especially the Department of Defense. If the Director lets them push him around, he is doomed.

The United States needs a Director of National Intelligence to take control over the intelligence budget. Before Congress created the position, the intelligence community lacked a leader willing to make tough budget priority and tradeoff decisions. Each agency asked for funds. It was, in effect, a matter of passing the request along. This has to stop. There are not limitless resources. A strategic view, not a parochial lens, ought to be guiding budget decisions.

The United States needs a Director of National Intelligence to shape the intelligence agencies he oversees into a true community because, at this point, the phrase "intelligence community" is pretty much a misnomer. While coordination and cooperation have improved, the individual intelligence agencies persist in maintaining their own culture and collection practices. As the military services have learned to fight jointly, our intelligence collection agencies need to learn how to act together to gather critical information our policymakers and warfighters need to protect our country.

The United States needs a Director of National Intelligence who recognizes he cannot do this alone. This position is new and its authority, while substantial, is unclear. His fights with the administration over matters of significant national policy need not, and should not, always be kept quiet. If the Director of National Intelligence is to succeed, he will need to look to allies in the executive branch and here in the Congress to help.

While Ambassador Negroponte is surely a skilled diplomat and has many allies in the Senate, Senators of both parties I admire greatly, I am not confident the administration's nominee will meet these expectations.

For that reason, I will be voting no on the nomination of Ambassador John Negroponte to be Director of National Intelligence.

Mr. President, I want to wrap up with one additional point. I am pleased to be in strong support of General Hayden, who will, when the nominee is confirmed, be the deputy. I thought General Hayden's directness and openness at his confirmation hearing was particularly welcome.

For example, I asked him, on the matter of privacy rights, which is pretty important, given his past background at the NSA, how he would handle that issue. I think there was a sense it is possible to fight terrorism ferociously while still protecting civil liberties. General Hayden, in contrast to what we heard at the earlier confirmation hearing, was refreshingly direct in his responses, where he talked about pushing right up to the line—I believe those were his exact words—but being sensitive to civil liberties.

So I am pleased to be able to say, on the floor of the Senate, I am looking forward to the support General Hayden will be receiving from the Senate shortly. I expect Ambassador Negroponte and General Hayden to be approved. My door will be open to both of them. As a member of the Intelligence Committee, it is my hope that both of these individuals will not hesitate to ask me and ask colleagues for help. The safety of our country depends on the performance of these two individuals in this key post.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, how much time remains on this side of the aisle?

The PRESIDING OFFICER. The Senator from West Virginia has 32 minutes.

Mr. ROCKEFELLER. Mr. President, I yield myself such time as I may consume, which will be less than that.

Mr. President, I am going to use this opportunity to speak on an unrelated issue, not entirely but somewhat, but one that is of critical importance to the intelligence community and the American people.

Last week, I filed an amendment to the emergency supplemental appropriations bill. Unfortunately, I was not able to bring the amendment before the Senate because it was not germane under postcloture rules. This amendment is important enough, however, that I will take just a few minutes to explain it.

My amendment was, and is, simple and straightforward. It expresses the sense of the Senate. It is not directive. It expresses the sense of the Senate that the Senate Select Committee on Intelligence should conduct an investigation into matters related to the collection of intelligence through the detention, interrogation, and rendition of prisoners. That is its purpose.

The amendment, as I indicated, does not direct the committee to undertake this much needed and long overdue congressional review. Rather, it is a statement by the Senate that the committee should carry out its oversight duties and carefully, thoroughly, and constructively evaluate the interrogation practices of the U.S. Intelligence Community.

A year has passed since the appearance of photographs graphically portraying the abuse of Iraqi prisoners at Abu Ghraib prison. Since then, we have seen a steady stream of accusations relating to the way U.S. military and intelligence agencies treat individuals in their custody. Allegations of mistreatment have surfaced wherever the United States holds prisoners overseas—across Iraq, in Afghanistan, and at Guantanamo Bay.

Troubling new revelations have become almost a daily occurrence—literally a daily occurrence—with a disturbing number of these incidents resulting in prisoner deaths.

At least 26 prisoners have died in American custody. The disturbing charge has been leveled against the United States that we are exporting torture through rendition practices that lack accountability.

Who can honestly say these events and allegations are not serious enough to warrant an Intelligence Committee investigation?

The collection of intelligence through interrogation and rendition is an extremely important part of our counterterrorism effort and one of our most important intelligence tools.

But this tool, as with all others, must be applied within the bounds of our laws and our own moral framework. It must be subject to the same scrutiny and congressional oversight as every other aspect of intelligence collection. This, unfortunately, has not been the case.

Despite the critical importance of interrogation-derived intelligence and the growing controversy surrounding detention, interrogation, and rendition practices and policies, the Congress has largely ignored the issue, holding few hearings that have provided only limited insight.

More disturbingly, in this Senator's judgment, the Senate Intelligence Committee—the committee charged with overseeing intelligence programs, and the only committee with the jurisdiction to investigate all aspects of this issue—is, in this Senator's judgment, sitting on the sidelines and effectively abdicating its oversight responsibility to media investigative reporters who go at it very aggressively and on a daily basis.

As the Intelligence Committee's vice chairman, I have been pushing, for the past 3 months, for an investigation into the legal and operational questions at the heart of the detention and interrogation controversy.

My requests, and those of other committee members, have been rebuffed, based upon the argument that we have been fully informed on the particulars of our detention and interrogation program, and the Intelligence Committee need only monitor these operations.

The point has also been made that the Intelligence Committee should not undertake an investigation into these issues because the CIA Inspector General is conducting his own investigation. I reject this notion that the Senate should cede to the executive branch its oversight responsibilities. Carrying out oversight is why the Senate Intelligence Committee exists.

Effective congressional oversight is not achieved passively waiting for and accepting the parameters of internal executive branch reviews. We are separate in our responsibilities, executive and legislative. While it is true that the CIA inspector general is investigating specific allegations of abuse involving intelligence personnel, those specific cases represent a small portion of what the Intelligence Committee should be examining. Many fundamental legal and operational issues are outside the inspector general's very limited focus and deserve the Intelligence Committee's immediate attention.

We have a duty to not simply monitor but to actively inquire about the conduct of congressionally funded activities—that is our job—especially activities such as prisoner interrogation that can have life or death implications. Down the road, if we don't set these rules straight, that can come back to haunt our soldiers and their safety.

Up to this point, the Intelligence Committee oversight that I am speaking of has been, in the judgment of this

Senator, abdicated to the press over the past year. Here is a sampling, which I will go through quickly, of headlines from articles that have been published in recent weeks: "Interrogator Says U.S. Approved Handling of Detainee Who Died"; "White House Has Tightly Restricted Oversight of CIA Detentions"; "FBI Report Questions Guantanamo Tactics"; "Questions Are Left by C.I.A. Chief on the Use of Torture"; "CIA's Assurances on Transferred Subjects Doubted—Prisoners Say Countries Break No-Torture Pledges"; "Europeans Investigate CIA Role in Abductions"; "Army Details Scale of Abuse of Prisoners in an Afghan Jail"; "Prisoners at Abu Ghraib Said to Include Children"; "Army, CIA Agreed on 'Ghost' Prisoners"; "Lack of Oversight Led to the Abuse of Detainees, Investigator Says"; "Ex-CIA Lawyer Calls for Law on Rendition"; "CIA Avoids Scrutiny of Detainee Treatment"; "Files Show New Abuse Cases in Afghan and Iraqi Prisons"; "CIA Is Seeking New Role on Detainees"; "FBI Agents Allege Abuse of Detainees at Guantanamo Bay"; "CIA Was Wary of U.S. Interrogation Methods in Iraq."

I think the Presiding Officer gets the drift.

I ask my colleagues to consider the finding made by General Fay in his recent report on the abuses at Abu Ghraib. General Fay found that CIA practices "led to a loss of accountability, abuse . . . and the unhealthy mystique that further poisoned the atmosphere at Abu Ghraib."

General Fay was unable to fully investigate the CIA's role at Abu Ghraib and other prisons. The Senate Intelligence Committee, however, is not unable to do that. That is our job.

These and other reports highlight the need for the sort of strong congressional oversight that in my judgment is now absent. There are many legal and operational questions that we should be investigating to ensure that this vitally important intelligence collection program is not continually hampered by vague and confusing legal and operational directives.

For example, on March 18, 2005, the Central Intelligence Agency issued a statement that:

> CIA policies on interrogation have always followed legal guidance from the Department of Justice.

That may be so, but was that legal guidance supportable? A lengthy legal opinion of the Department of Justice on interrogation practices, which had been issued in secret in August 2002, was quickly repudiated by the White House when it became public in June of 2004 and was superseded by a public Justice Department legal opinion in December of 2004. As that episode indicates, secret law is an invitation to great error.

The Intelligence Committee, which includes members of the Senate Judiciary Committee, must conduct a complete examination of the legal guidance that CIA and Defense Department interrogators have been given. What supporting roles do the CIA and FBI play in the interrogation of suspects at military-run institutions? And how are their activities coordinated, if they are?

It has been publicly reported that the CIA requested that a number of prisoners held in Iraq not be registered and be kept from international inspection—so-called ghost detainees—and that FBI officials lodged strenuous complaints about the mistreatment of prisoners held at Guantanamo Bay. I cannot emphasize how strongly those FBI objections were. These reports and others strongly suggest that different agencies are operating by different sets of interrogation and detention rules, which is a recipe for disaster.

The Congress should evaluate the general policy guidelines for which it is appropriate to render a detainee to another country, and what intelligence is gained from such practice.

More specifically, we must examine the validity of assurances that the United States is given when detainees are rendered to other countries that they will not be tortured. The Congress should undertake, with the intelligence community, case studies of interrogations, including the methods used and, importantly, the reliability of the information obtained. As with other intelligence tools, we should consider on the basis of facts, rather than surmise, what works, what does not work, to obtain reliable information that actually contributes to our national security. The Congress should examine plans for the long-term detention or prosecution of persons detained or rendered for interrogation purposes.

Should the United States, for example, hold detainees without trial for years or decades to come? Is it acceptable to do that for the reason that the detainees' acknowledgment of their actions came during interrogations that would neither meet the standards of a U.S. court or U.S. military commission?

The reality may be that if Congress continues to default in its oversight and legislative responsibilities, that the courts, in fact, themselves will end up filling that vacuum. The threat of terrorism is going to be with us for many years, if not decades. The intelligence we gain through interrogations will be crucial in protecting Americans themselves against future attacks. If we are to optimize those counterterrorism efforts, we need to have a plan, not an ad hoc policy, for how to deal with people in our custody.

America is not a nation that uses or condones torture. We are party to international agreements that prohibit these acts, and we demand humane treatment for our citizens when they are arrested abroad and for our soldiers when they are captured on the battlefield. We must uphold the same high standards for individuals in our custody or we will rightly be branded as hypocrites, and we will put our soldiers and our citizens in danger. I cannot emphasize that enough.

Next year will mark the 30th anniversary of the Senate Intelligence Committee. The committee was created in the crucible of an extensive bipartisan investigation in 1975, led by Senators Frank Church and John Tower, into allegations of abuse by U.S. intelligence agencies. One conclusion, as described by Howard Baker—somebody I admire enormously—was that the congressional oversight system had provided "infrequent and ineffectual review" and that "many of the abuses revealed might have been prevented had Congress been doing its job."

Accordingly, the resolution establishing the Intelligence Committee charged it to "provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States."

It is time for the Senate Intelligence Committee to carry out the vigilant legislative oversight that is our duty and which a number are calling for us to do. We should launch a comprehensive and constructive investigation into the detention, interrogation, and rendition practices of the intelligence community because it is long overdue.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD several editorials that have appeared around the country calling for congressional action. They include editorials from many newspapers, including the Washington Times and newspapers from Tennessee, Oregon, Florida, Maryland, New York, and California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Petersburg Times, Feb. 17, 2005]

INVESTIGATE THE CIA

The extensive use of "extraordinary rendition," by which the CIA moves terrorist suspects to undisclosed prisons around the world for interrogation, has to be the agency's worst kept secret. News reports abound of potentially dozens of al-Qaida suspects held overseas by the CIA, incommunicado and without charge or turned over to the security services of other nations known for their abusive treatment of prisoners, such as Egypt and Syria.

Congress has been inexcusably reluctant to investigate these actions. The Republican leadership apparently has been happy to let the CIA dirty its hands with extralegal strategies in the nation's efforts to fight terrorism. But thanks to some pushing by Sen. John D. Rockefeller IV, D-W.Va., the ranking Democrat on the Senate Intelligence Committee, Congress may begin to open its eyes. Rockefeller has asked the committee to open a formal investigation into the CIA's use of detention, interrogation and rendition. Rockefeller told the New York Times that he felt the committee would be "derelict if we did not carry out our oversight responsibilities."

Until now, Congress has done little more than shrug as more evidence has emerged of U.S. intelligence services engaging in brutal interrogations. During the Senate confirmation proceedings of Attorney General Alberto Gonzales, it became clear that the CIA had solicited the Justice Department memorandum giving legal cover to those who use aggressive techniques against prisoners. The CIA wanted to protect its agents from criminal liability. And the administration's view remains that the CIA is not bound by the president's 2002 directive that prisoners in American custody be treated humanely. Late last year, when some in Congress sought to impose new limits on abusive interrogation tactics by the CIA, the White House intervened and the those limits were dropped.

Congress has willingly collaborated in this charade that America is maintaining its moral authority in the world even as it adopts the tactics of human rights abusers. But as former Secretary of State Colin Powell and retired military leaders have repeatedly warned, when America approves of the use of torture it puts its own soldiers in danger of facing the same brutality.

Rockefeller's call for an investigation seems to have some momentum. Sen. Pat Roberts, R-Kan., the Intelligence Committee's chairman, is open to the suggestion. This is Congress' duty. The committee should demand a full accounting of every detainee under the direct or indirect control of the CIA, and it should demand to know precisely what techniques have been used to elicit information. This has been allowed to go on far too long.

[From the Sunday Oregonian, Mar. 6, 2005]

THE TORTURE BUSINESS LANDS IN PORTLAND

(By David Sarasohn)

It could make you wonder if congressmen are interested in economic development.

Rep Earl Blumenauer, D-Ore., is actually asking Congress to investigate a hometown company. Moreover, the company is in a booming business, which will be profiled on "60 Minutes" tonight.

In fact, this worldwide business is so big, nobody even knows how big it is—or how big it could get.

You'd think we'd want a piece of it.

But at the end of February, Blumenauer wrote leaders of the International Relations Committee, "I am simply appalled by continued revelations in the media regarding the torture of detainees in American custody, whether by CIA officials, military personnel, or after being transferred to foreign governments.

"The extensive reports of physical and mental abuse at American detention facilities around the world, the evidence of detainees being turned over to other countries to be interrogated and tortured, and continued efforts by the Bush administration to restrict legal and constitutional protections from detainees form a compelling case that these are not isolated incidents but administration policy."

Moreover, Blumenauer wrote, "I am additionally troubled by the use of a Gulfstream V jet registered to a shadowy—and possibly illegal—dummy front company, Bayard Foreign Marketing LLC, in my hometown of Portland, Oregon. Press reports have found no public record of the company's alleged owner, nor have calls to their office been successful at locating him. The evidence certainly points to a violation of Oregon law in order to hide the true nature and breadth of this extraordinary rendition program."

Picky, picky, picky.

Here we have a Portland company involved in what is clearly a growth industry—the United States shipping prisoners secretly around the world to be tortured by countries that lack the U.S. Constitution or scruples—and people insist on looking at it as a human rights violation instead of an economic development opportunity.

In November, the Sunday Times of London reported a flight log for the Gulfstream showing more than 300 flights to countries such as Libya and Uzbekistan—countries that not only offer an expansive view of interrogation, but are normally difficult to get to from Portland. It's not clear if passage on the plane is ever round-trip.

At the time, the plane was owned by Premier Executive Transport Services of Dedham, Mass., which the Boston Globe found had the same non-existent corporate structure as Bayard Foreign Marketing. "Sightings of the plane," said the Globe, ". . . have been published in newspapers across the globe and on the Internet."

Tonight, "60 Minutes" profiles another plane in the same business, a Boeing 737 that has made 600 flights since 9/11, including 10 to Uzbekistan—where the British ambassador at one point complained to his superiors and to U.S. authorities about how the prisoners were being tortured, techniques involving rape, suffocation and immersing limbs in boiling liquid.

As one of the CIA agents who set up the program explains to the show's reporter, "It's finding someone else to do your dirty work."

Except that nobody around the world seems to be fooled. When Blumenauer went to East Asia to inspect tsunami damage, people everywhere—China, Thailand, Indonesia—wanted to talk about what happened to those in U.S. custody. "It just happened repeatedly," he said Friday.

Last week, when the State Department issued its annual report on human rights, countries from China to Turkey responded that the United States had no standing to comment on the issue. Noting the irony of the United States condemning countries where it was shipping its prisoners, William F. Schulz of Amnesty International suggested, "The State Department's carefully compiled record of countries' abuses may perversely have been transformed into a Yellow Pages for the outsourcing of torture."

Congress, thinks Blumenauer, might at least want to ask some questions.

"There is so much of what is happening that is not accountable," he says. "To suggest that there are thousands of people caught up with this is no exaggeration."

And Blumenauer is now even more interested, since he's found the program is almost a constituent.

Torture, it seems, now has a Portland address.

[From the Times Union, Mar. 10, 2005]

TORTURE ON THE WING

Most Americans would cringe at any suggestion that there are parallels between the human rights abuses in Argentina during the 1970s, and Central Intelligence Agency interrogations of suspected terrorists today. But the similarities are there, and that should shame the Bush administration and Congress. An investigation is more than warranted.

During the years when a military junta ruled Argentina, suspected political opponents "disappeared." They were imprisoned by government forces and tortured. Many were murdered, but some were returned to the streets to tell their stories.

No one has suggested that the CIA interrogators have systematically murdered captives, to be sure. Nor is there any way to know if American citizens have been seized. But the very secrecy of these operations, and the lack of accountability, raise the possibility that such abuses can occur.

What is known is distressing enough. Recent news accounts have detailed how CIA agents or mercenaries—it's hard to tell because the captors are masked—have been abducting suspected terrorists, putting them aboard planes and flying them to countries like Syria, Saudi Arabia, Egypt and Afghanistan, where they are interrogated and tortured.

The abductions aren't a new development, either. Indeed, former President Clinton once advocated kidnapping Osama bin Laden and turning him over to Saudi Arabia, where he would face "streamlined" justice. But according to a New York Times article printed in this newspaper Sunday, the abductions have been stepped up markedly in response to the terrorist attacks of Sept. 11, 2001. There is no requirement that the CIA get prior approval from the Justice Department or the White House to seize a suspect. And by sending captives to foreign countries, there is no obligation to afford the captives any rights under American law, including the prohibition against torture.

Defenders of these operations claim that they are justified because they have produced information that has saved American lives by thwarting possible terrorist attacks. Others argue that in a time of war, extreme measures are often necessary. Given the urgency of breaking up terrorist plots, they argue, there is little time to observe a long legal process. Moreover, the suspects are most likely foreigners or illegal immigrants, not citizens who are being deprived of their right to due process.

The consequences of such abductions can't be so easily dismissed, however. Without a system of checks and balances, there is no way to know whether there was good reason to detain someone. That point was driven home during an interview with one detainee, who told the television news program "60 Minutes" last Sunday of being abducted while on vacation in Macedonia, shackled, put on a plane and flown to the Middle East for interrogation. He was later released on his own in Albania after, he claims, his captors acknowledged they had confused his name with that of a terror suspect.

Then there's the matter of placing Americans living abroad at risk of being abducted by terrorist organizations who hope to use their hostages to bargain for their comrades' release.

Finally, and hardly least, there is the damage to America's image and values. At the least, Congress should demand some system of accountability to prevent abuses. More than that, it should investigate the claims that these operations have indeed provided life-saving intelligence, or if they have merely tarnished the image of a nation committed to the rule of law.

[From the Fresno Bee, Mar. 14, 2005]

Glass Houses Human Rights Report Has One Glaring Omission—The United States

As required by Congress, the State Department has issued its annual report on human rights progress, or the lack of it, in countries around the world.

Among those faulted are a number of U.S. allies, including the provisional government in Iraq that is partly a U.S. creature. As always, only one country was missing: the United States.

That's not entirely self-serving. This country doesn't rate itself because, as a State Department official put it, "it wouldn't have any credibility." Besides, he said, there's no shortage of critics, including U.S.-based human rights groups.

But this year's report comes at an especially awkward time. There is continuing evidence of abuses in U.S.-run prisons in Afghanistan, Iraq and at Guantanamo Bay, Cuba—the same kind of abuses for which State's report rightfully faults other governments. But there has not been the full, impartial probe that's needed to give a fuller picture of what happened and who, at whatever level, is responsible.

As long as the United States fails to fully investigate, report and correct its own lapses, it allows abusive regimes abroad to deflect criticism by asking: Who is the United States to judge?

Indeed, Russia and China did just that following publication of the State Department report.

It's a fair question, and part of the response should be a thorough attempt to go beyond the focus on abuses by low-level military and intelligence personnel. Too much is already known to accept the facile explanation that the accumulating scandal reflects only isolated "rogue" behavior.

And while there have been several investigations, and more continue, all have been conducted by or for the Pentagon, which is unlikely to point the finger of blame upward. Whatever the full truth may be about where ultimate culpability lies, an air of cover-up hovers over the process.

On Capitol Hill, Sen. Pat Roberts, the Republican chairman of the Senate Intelligence Committee, has rejected a proposal by the Democratic vice chairman, Sen. Jay Rockefeller, to launch a broad probe into the role of U.S. intelligence agencies in the detention, interrogation and "rendition"—transferring to the custody of foreign governments—of terror suspects. This standoff suggests a partisan approach to a vital national security matter.

What's at stake in the investigation of prisoner abuses is the credibility of this country, which is likelier to be restored through an independent, nonpartisan investigation that lays out whatever facts it finds.

Perhaps there is no "smoking gun" to be found at the top. But for as long as the process remains an essentially in-house exercise, those annual State Department human rights reports will continue to raise the question: Who is the United States to judge?

[From the Baltimore Sun, Jan. 31, 2005]

American Scar; Permitting Torture Brands Us in the Worst Way

(By George Hunsinger)

When the Senate confirms Alberto R. Gonzales as U.S. attorney general, the vote will be the beginning, not the end, of public debate about our government's policy on torture.

The Abu Ghraib scandal is only the most visible sign that this policy is inconsistent. Officially, our government opposes torture and advocates a universal standard for human rights. Yet, at the same time, it has allowed ingenious new interrogation methods to be developed that clearly violate these standards. They include stress positions, sleep deprivation, sexual humiliation and desecration of religious objects. These practices, which should never be used, are no less traumatic than the infliction of excruciating pain.

For religious people, torture is especially deplorable because it sins against God and against humanity created in God's image. It degrades everyone involved—planners, perpetrators and victims.

More than 225 Christian, Jewish, Muslim and Sikh religious leaders signed an open letter to Mr. Gonzales. They objected to his role in developing a narrow definition of torture and to his equally troubling assertion that some people are not subject to the protections of international law. They registered deep concern about our government's moral foundations, urging support—in practice, not just in words—for fundamental human rights.

Four steps must now be taken to clarify that our government has truly abolished torture.

First, Congress must remove the false partition placed between the military and intelligence services governing extreme interrogation techniques tantamount to torture. The Senate was right to pass, nearly unanimously, new restrictions for the Pentagon, CIA and other intelligence services. But congressional leaders in both houses later buckled under White House pressure and scrapped the language governing intelligence services.

Whether the military or intelligence services are conducting practices tantamount to torture is of absolutely no significance. Trying to differentiate between the two perhaps eases the conscience of decision-makers, but it is a distinction without a difference. It fails to insulate us from the absolute evil that is torture.

Second, Congress must outlaw "extraordinary rendition," a euphemism for torture by proxy. It means that detainees are secretly transferred to countries where torture is practiced as a means of interrogation. Although made public only through shocking cases, such as those of Maher Arar, who was deported to Syria by the United States, and Mamdouh Habib, an Australian citizen who was sent to Egypt before being held at Guantanamo, it has become a mainstay counterterrorism tool.

Does it really need to be said that "disappearing" people without any kind of due process is contrary to everything America stands for, not to mention our laws and treaties? The reasons for a detainee's arrest and his guilt or innocence are irrelevant. No sound moral argument can be made that enabling torture through rendition is permissible.

Third, Mr. Bush should make a clear statement that torture is wrong in any form and under any circumstances. He should state beyond a shadow of doubt that America will not be complicit in its commission. Leadership from the president would go a long way toward resolving the torture crisis.

Finally, America needs a special prosecutor. Our reputation has been so badly damaged by Guantanamo, Bagram and Abu Ghraib that no other remedy will do. The existing investigations are not enough because they have not been truly independent. Organizations such as the American Bar Association, Amnesty International and the highly respected International Commission of Jurists in Geneva have all insisted that an independent investigation is imperative.

Nothing less is at stake in the torture crisis than the soul of our nation. What does it profit us if we proclaim high moral values but fail to reject torture? What does it signify if torture is condemned in word but allowed in deed? A nation that rewards those who permitted and promoted torture is approaching spiritual death.

George Hunsinger is McCord professor of theology at Princeton Theological Seminary and coordinator of Church Folks for a Better America.

[From Chattanooga Times Free Press, Feb. 8, 2005]

Stories From the Inside

"During the whole time we were at Guantanamo," said Shafiq Rasul, "we were at a high level of fear. When we first got there the level was sky-high. At the beginning we were terrified that we might be killed at any minute. The guards would say to us, 'We could kill you at any time.' They would say, 'The world doesn't know you're here. Nobody knows you're here. All they know is that you're missing, and we could kill you and no one would know.' "

The horror stories from the scandalous interrogation camp that the United States is operating at Guantanamo Bay, Cuba, are coming to light with increased frequency. At some point the whole shameful tale of this exercise in extreme human degradation will be told. For the time being we have to piece together what we can from a variety of accounts that have escaped the government's obsessively reinforced barriers of secrecy.

We know that people were kept in cells that in some cases were the equivalent of animal cages, and that some detainees, disoriented and despairing, have been shackled like slaves and left to soil themselves with their own urine and feces. Detainees are frequently kicked, punched, beaten and sexually humiliated. Extremely long periods of psychologically damaging isolation are routine.

This is all being done in the name of fighting terror. But the best evidence seems to show that many of the people rounded up and dumped without formal charges into Guantanamo had nothing to do with terror. They just happened to be unfortunate enough to get caught in one of Uncle Sam's depressingly indiscriminate sweeps. Which is what happened to Shafiq Rasul, who was released from Guantanamo about a year ago. His story is instructive, and has not been told widely enough.

Rasul was one of three young men, all friends, from the British town of Tipton who were among thousands of people seized in Afghanistan in the aftermath of Sept. 11, 2001. They had been there, he said, to distribute food and medical supplies to impoverished Afghans.

The three were interviewed soon after their release by Michael Ratner, president of the Center for Constitutional Rights, which has been in the forefront of efforts to secure legal representation for Guantanamo detainees.

Under extreme duress at Guantanamo, including hundreds of hours of interrogation and long periods of isolation, the three men confessed to having been in a terrorist training camp in Afghanistan. They also said they were among a number of men who could be seen in a videotape of Osama bin Laden. The tape had been made in August 2000.

For the better part of two years, Rasul and his friends, Asif Iqbal and Rhuhel Ahmed, had denied involvement in any terror activity whatsoever. But Rasul said they eventually succumbed to long months of physical and psychological abuse. Rasul had been held in isolation for several weeks (his second sustained period of isolation) when an interrogator showed him the video of bin Laden. He said she told him: "I've put detainees here in isolation for 12 months and eventually they've broken. You might as well admit it now."

"I could not bear another day of isolation, let alone the prospect of another year," said Rasul. He confessed.

The three men, all British citizens, were saved by British intelligence officials, who proved that they had been in England when the video was shot, and during the time they were supposed to have been in Qaida training camps. All three were returned to England, where they were released from custody.

Rasul has said many times that he and his friends were freed only because their alibis were corroborated. But they continue to worry about the many other Guantanamo detainees who may be innocent but have no way of proving it.

The Bush administration has turned Guantanamo into a place that is devoid of due process and the rule of law. It's a place where human beings can be imprisoned for life without being charged or tried, without ever seeing a lawyer, and without having their cases reviewed by a court. Congress and the courts should be uprooting this evil practice, but freedom and justice in the United States are on a post–9/11 downhill slide.

So we are stuck for the time being with the disgrace of Guantanamo, which will forever be a stain on the history of the United States, like the internment of the Japanese in World War II.

Mr. ROCKEFELLER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I regret that I am compelled to speak on this subject. The topic of the day is the confirmation of Ambassador John Negroponte to be the new National Director of Intelligence, but it appears as if that topic has now changed, and I have no alternative but to respond in that basically the purpose and the responsibilities of the Intelligence Committee have been challenged by the vice chairman.

I understand that the vice chairman feels strongly about this issue. We have discussed this at length—not as much as I had hoped and that we had intended to—to seek common ground, but he feels so strongly that he offered an amendment to the supplemental appropriations bill, which he has discussed.

I feel equally as strong, so much so that I filed a second-degree amendment in response. My second-degree amendment is in stark contrast to the amendment offered by my colleague and my friend. My amendment actually expresses support for our Armed Forces and intelligence officers, rather than calling into question their actions, while they are on the front lines in the war on terror. The amendment underscored the Intelligence Committee's continuing aggressive oversight of all aspects of the war on terror, including terrorist detention and interrogation.

The Rockefeller amendment is a sense of the Senate, as he indicated, calling for the Intelligence Committee to launch yet another formal investigation of the men and women who are prosecuting the war against the terrorists. The proposed Rockefeller investigation, as I read the parameters originally proposed and then refined, I think would be virtually boundless in its exploration of any matter even tangentially related to the use of rendition, detention, and interrogation of terrorists.

I want my colleagues to know that these are the very tools that are being used by our brave men and women in the military and intelligence agencies to combat a continuing terrorist threat against every American and our interests. They are also critical in our efforts in Iraq and Afghanistan, and they are saving lives as I speak.

I oppose the efforts of Senator ROCKEFELLER to launch yet another wide-ranging investigation because I believe, despite what he believes—and reasonable men can certainly disagree—that it is currently unnecessary. I believe it would be impractical and damaging to the ongoing operations and morale of the people who are doing the job.

We are not sitting on the sidelines. We are not being passive, we are not rebuffing, we are not defaulting, and we sure as heck are not going to let the media drive the agenda within the Intelligence Committee with regard to classified information and our national security. The Senate Intelligence Committee, in the conduct of its normal but aggressive oversight responsibilities, is examining the broad issues of the effectiveness of interrogation operations, the humane treatment of detainees, the role of intelligence in tribunals and combatant status review boards, and, yes, rendition operations.

In conducting this oversight, just this past month committee staff—both minority and majority—once again visited the detention facility at Guantanamo Bay for onsite inspections, briefings, and discussions. The committee is continuing its oversight through visits, interviews of relevant individuals and personnel, through requests of documents, reviews of prior investigations, and briefings from intelligence community element, using basically the same methodology we used during the WMD review and investigation.

In other words, we are doing our job. I believe we are fulfilling our oversight responsibilities. And there are still ongoing investigations, including the Navy inspector general's investigation into FBI allegations of abuse at Guantanamo Bay in Cuba and the comprehensive efforts of the CIA inspector general of which we are fully informed to the degree that we have never been informed before.

Further, I believe the Rockefeller proposal is unnecessary because this issue has been thoroughly investigated over the past 3 years. We have investigated and investigated and investigated. In fact, we have investigated the investigations.

Let me give you an idea of how many times our own people have been investigated: in January 2002, the Custer report; January 2003, the DOD general counsel and DOD working group, with relation to the interrogation of detainees held in the global war on terrorism; September 2003, the Miller report; November 2003, the Ryder report; May 2004, the Navy inspector general review; June 2004, the Taguba report in regard to the tragedy that happened in Abu Ghraib; June 2004, the Jacoby report; July 2004, the Mikolashek report; August 2004, the Jones and Fay investigation; mid-August 2004, the Schlesinger Commission; August 2004, the Formica report; December 2004, the Army Reserve Command inspector general's assessment of military intelligence and military police training; March 2005, last month, the Church report.

This issue has been—and will continue to be—thoroughly investigated by inspectors general and criminal investigators from the DOD, all of the uniformed services, the CIA, and the Justice Department. It is hard to keep track, but I count at least 15 comprehensive national level investigations and well over 300 investigations of specific allegations of abuse. Between these investigations and our regular and aggressive oversight—I will emphasize, our regular, aggressive oversight—I am comfortable as chairman that the Intelligence Committee is meeting its responsibilities.

I want my colleagues to also think about something else. Last year, just as we have talked about, we enacted the most comprehensive reorganization of the intelligence community since its creation over 50 years ago. We created the position of the Director of National Intelligence and gave him new authorities and enormous responsibilities, further encumbered by our very high expectations. We have all spoken to that during this confirmation process.

If the Intelligence Committee embarks on an unnecessary and boundless what some would even call a fishing expedition that is surely to be tainted by politics, suggested by any leak that has appeared in the press, it will be the first thing that greets the new DNI when he takes office. As Ambassador Negroponte begins the difficult process of fixing what we and numerous commissions have said need fixing, he would be met with endless requests for documents, interviews, and hearings. So Ambassador Negroponte and General Hayden need to hit the ground running, and that would be exceedingly hard to do if they land right in the middle of an unnecessary congressional investigation.

I believe that would be a very serious mistake and contrary to the intent of Congress.

Finally, I oppose Senator ROCKEFELLER's investigation because it will hinder ongoing intelligence collection, and I believe it would damage morale.

My colleagues should know there is a consensus in the intelligence community that terrorist interrogations are the single best source of actionable intelligence against the ongoing plans and plots of our enemy. Terrorist interrogations today are saving lives in Iraq—American lives, Iraqi lives, Afghan lives—and are subverting plots against our own homeland.

The information gleaned from interrogating terrorists is doing exactly what I said in terms of the priority that we have and our responsibilities on the Intelligence Committee in reference to our national security. The majority of usable and actionable intelligence against al-Qaida comes from the terrorist interrogations and debriefings. We must preserve this irreplaceable source of information. Do it right, yes, but we must preserve it.

There is no doubt that this is a delicate intelligence oversight issue. The oversight of detention and interrogation does command a large portion of the Intelligence Committee staff and time and effort. We must continue to treat interrogation as a delicate oversight issue or we risk losing it.

I am concerned an unnecessary informal investigation would accomplish little beyond what we already do in the course of our normal and, yes, aggressive oversight efforts. As I have said on other occasions, it will likely cause risk aversion, the very thing we are trying to avoid.

The constant and repetitive investigations of our frontline personnel will have a chilling effect, a no-confidence vote, really, on the collection of intelligence through interrogations.

The Senate and the Intelligence Committee should be publicly supportive of our men and women of our Armed Forces and intelligence agencies because the overwhelming majority of these people are doing their best to protect us all. Where there have been allegations, they are reported and they are being investigated. And after they are investigated, they are turned over to the Justice Department, if warranted, and people are being charged.

Frankly, I am fast losing patience with what appears to me to be almost a pathological obsession with calling into question the actions of the men and women who are on the front line in the war on terror. Some of these very courageous individuals wear uniforms and some do not. They leave their spouses and children at home, after assuring them that everything will be all right, with the understanding that it may not be all right, and sometimes it is not all right. They travel to the other side of the world in the service of their country with a reasonable expectation that their country supports them. At times they make mistakes, and sometimes they make serious mistakes for which they must account, and rightfully so, and we are doing that.

But as we sit here in the relative safety and comfort of the Capitol complex, I cannot help but think that some of us have lost our perspective. We will and must do our duty as elected officials. As I have indicated, we will continue aggressive oversight on this issue, and we will reach out to our friends across the aisle to incorporate their concerns. But, Mr. President, I say to my friends, we are at war. Therefore, our first and foremost duty is to support our troops and intelligence officers at home and abroad. I, for one, will not advocate using the constitutional authorities vested in this great institution as a blunt instrument on the very people we depend on to keep us safe every day.

I am on their side. And make no mistake, if we sanction another needless investigation, it will be a very public vote of no confidence in our men and women on the front lines in the war on terror. I, for one, have not lost confidence in our people.

The Senator from West Virginia referred to the almost daily revelations regarding the alleged abuses. It is very clear to me what is happening. Facts already known to us and to investigators are now finding their way into the press through Freedom of Information Act requests and, quite frankly, leaks. In Washington, a leak is not a leak until somebody gets wet. I can tell you, on the Intelligence Committee, we are right about up to here, and the same thing is true in many other agencies.

I do not think I am being conspiratorial when I suggest this is a deliberate effort to give the public the impression that this is an ongoing and growing problem. It is not. I do not believe it is. Mistakes have been made by our military and our intelligence agencies, and the Justice Department has responded properly with investigations of abuse and misconduct. We will oversee that. We are being told that, and we are being kept fully informed. I will always meet our oversight duties using facts not press reports.

I urge my colleagues to consider this, as we have two options to take. Again, I offer the open door of suggestions just as we did with the WMD inquiry to incorporate concerns of the minority on the committee with responsibilities as I see them as chairman of the Intelligence Committee and do our due diligence.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time do I have remaining under the agreement that was entered into earlier?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator has 29 minutes remaining.

Mr. WYDEN. Mr. President, I yield 5 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank my colleague. Needless to say, all of us on the Intelligence Committee do all of this for the protection of the American people and protection of the American troops. That goes without saying.

I have to say that all of the investigations to which my friend and distinguished chairman of the Intelligence Committee referred in his remarks were all about the military. None of them were authorized to get into or had access to information about the Central Intelligence Agency and its role. We do not investigate the military in particular; the Armed Services Committee does. We investigate the Central Intelligence Agency and any other intelligence efforts with respect to detention, interrogation, and rendition.

So there are lots of studies that have been done, but there are precious few, if any, that have been done with respect to the intelligence community.

I have put forward this amendment because I think it must be done. I do not consider it irrational. I do not consider it against our troops. I think I made the point it is in part to protect our troops because we are going to be facing these kinds of situations for years and years to come.

I look forward to and I have some confidence that the chairman and myself and members of the committee can come to an agreement on how we approach this in a way which works, gives us the information we need, and we can proceed forward to protect our soldiers.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will speak very briefly on this matter because I would like to support Senator ROCKEFELLER's call for an inquiry into this area, particularly as it relates to rendition.

Let me begin by saying that I strongly agree with my friend and chairman, the distinguished Senator from Kansas, with respect to how important a time this is with our people in harm's way. Chairman ROBERTS is absolutely right that the fight against terrorists certainly is not a nice business. We understand that.

I want to take a minute and support Senator ROCKEFELLER in the hopes we can work this out and do it in a bipartisan way along the route we took with respect to Iraq, where we got a unanimous agreement in our committee and showed a difficult area could be tackled in a bipartisan way.

The reason I support Senator ROCKEFELLER and want this matter addressed is I think this inquiry could especially provide another useful tool in our fight against al-Qaida. I say that because the longer the war against al-Qaida and its associates goes on, the more we realize what a sophisticated enemy we are facing.

Bin Laden and his followers understand the modern media, both here and abroad. They know that allegations of torture and mistreatment undercut our efforts amongst our allies and influences world opinion against the United States. It seems to me we cannot allow ourselves to be defamed by deceitful and murderous madmen who have learned how to manipulate public perception.

What Senator ROCKEFELLER is talking about would provide us, through an inquiry, the opportunity to discredit information collected from al-Qaida and other terrorists in custody. Torture is not an effective way of getting valuable, credible intelligence. A suspect in extreme pain or psychological stress will lie about anything and everything necessary to stop what that suspect is enduring, and if the possibility of torture is removed, those analyzing the information will have greater faith in the reporting.

If, however, an investigation proves that torture was used by anyone, we will have an additional reason to question the information and better ability to determine the truth from fabrication. So I come to the floor today to say I support Senator ROCKEFELLER in terms of his request. I think Senator ROBERTS, the chairman of our committee, makes a very valid point about the sensitivity of this time, our people being in harm's way, terrorists will stop at nothing, and I think what Senator ROCKEFELLER is talking about could provide an additional tool, an additional opportunity, to strengthen the fight against al-Qaida by publicly correcting their lies and to give us an opportunity to expose the al-Qaida spin machine.

I have spoken at some length on the floor this afternoon, but I want to make clear that I hope the distinguished chairman and the ranking member can work this out. I support Senator ROCKEFELLER.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of the nomination of Ambassador John D. Negroponte to serve as our first Director of National Intelligence, a position whose importance to our national security cannot be stressed enough.

After 9/11 and the failure of the intelligence community to predict the absence of weapons of mass destruction in Iraq, study after study has told us that our intelligence system is broken, and desperately in need of repair. We began the process of fixing our intelligence community in December, when we passed the Intelligence Reform Act of 2004. Arguably the most important part of that legislation was the creation of a new position—the Director of National Intelligence—with appropriate budgetary and personnel authority to effectively coordinate the fifteen different intelligence agencies. Eliminating gaps and ensuring that our intelligence agencies are working together is vital to winning the war against al Qaeda, as well as to our long-term national security.

That having been said, the mere creation of this position was not a silver bullet. Many challenges lie ahead for the new DNI. Transforming our intelligence agencies—getting them to work together and share information—will not be easy. According to the Robb-Silverman Commission, turf battles are again emerging between the Central Intelligence Agency, CIA, Federal Bureau of Investigation, FBI, and Department of Defense, DOD. These turf battles contributed to past intelligence failures, and if we are going to truly reform the intelligence community, we need to put an end to this. The key to a well-functioning intelligence community is to resolve these disputes in the best interest of the country, and not one agency or another. Independence and strong leadership are essential to the DNI's success.

Good intelligence is vital to our ability to protect against the threats we face today, as well as the threats we will face in the future. That cannot happen without better management, a DNI to coordinate all of our intelligence efforts—to make sure everyone involved remembers that we are all on the same team, working toward the same goal. It is critical that he succeed in making meaningful changes to our intelligence community. These are high hurdles, but I believe Ambassador Negroponte is up to the job.

Mr. LEVIN. Mr. President, I want to discuss the nomination of John Negroponte to be the first Director of National Intelligence. This is a new position created by Congress as a key element of intelligence reform after the recommendations of the 9/11 Commission, and after the many failures we saw concerning intelligence on Iraq and weapons of mass destruction.

I want to discuss one particular aspect of the problems we had with the intelligence community, and how I hope Ambassador Negroponte will improve upon that situation.

In the course of conducting oversight of the executive branch, Congress requires information and documents produced by the executive branch, including from the intelligence community. This is especially true in cases where Congress, or members of Congress, are conducting oversight for which they are responsible.

Unfortunately, it has been disturbingly difficult to obtain information and documents from this administration on a number of serious issues and from a number of agencies, including from the intelligence community, as well as from the Defense and Justice Departments.

The only conclusion I can draw from my experience in seeking information and documents from this administration as part of my oversight responsibilities is that too often they have not cooperated fully or appropriately.

Let me turn to some specific examples. Each year, the Armed Services Committee holds a hearing with the senior leaders of the intelligence community on worldwide threats. After the hearings, members write questions for the record, and the answers are made part of the official hearing record.

Last year, on March 9, 2004, the Armed Services Committee held its annual worldwide threat hearing with the Director of Central Intelligence or DCI, George Tenet, and the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby. But the CIA did not answer all the questions for the record until one year later, after I brought this delay to the attention of the new DCI, Porter Goss.

In June 2003, as the ranking member of the Armed Services Committee, I initiated a minority staff inquiry into the pre-war intelligence on Iraq, and the use of that intelligence by the administration. In order to conduct this inquiry, it was necessary to request many documents from the intelligence community, as well as from the Defense Department.

Although the intelligence community provided some documents, they stonewalled other requests. For example, on April 9, 2004, I wrote to Director of Central Intelligence George Tenet, requesting the declassification of three sets of briefing charts produced by the Office of Under Secretary of Defense Douglas Feith concerning the Iraq-al Qaeda relationship. The charts contained intelligence that only the intelligence community could declassify.

I knew that one slide, which had been declassified previously at my request, was highly critical of the intelligence community's assessment of the Iraq-al Qaeda issue, and that it had been shown to Defense Secretary Rumsfeld and later to the staffs of the Office of the Vice President and the National Security Council, but that it had not been shown to DCI Tenet when he was briefed.

On July 6th, I received a letter from Stanley Moskowitz, the Director of Congressional Affairs at the CIA. His letter said that in response to my April 9 request, the “declassification review of the charts is underway and we hope to have an answer to you shortly. We apologize for the delay."

However, although his staff told my staff that they were working on the request, and later that they had completed the review, the documents were not forthcoming, nor was an explanation for the delay. I finally received the documents earlier this month, after the current Director of Central Intelligence, Porter Goss, provided them.

In another example, on April 29, 2004, I requested the declassification of specific portions of three finished intelligence reports from the CIA concerning the relationship between Iraq and al Qaeda. I requested that they respond by May 10th, but they did not reply for 2 months.

In that same July 6th letter from Stanley Moskowitz, it said that, in response to my April 29 request, "the declassification review is underway and we hope to have an answer to you shortly."

However, the CIA did not provide an answer "shortly." It did not provide any answer until after Director Tenet had left the CIA, and I had brought the situation to the attention of the new management team. The declassified materials were finally provided on April 6, 2005, nearly a year after the request.

I have had similar problems with obtaining documents from the Department of Defense. I made a request for documents on November 25, 2003, and I am still awaiting documents from that request.

In that case, the Defense Department said it was withholding some of the documents to determine whether they were covered by executive privilege. It did so until late March, when it finally provided some of the documents, 16 months after my original request. I would note that it is unclear what possible executive privilege concern could exist for these documents, some of which were unclassified talking points to be used by Pentagon officials.

In the same case, the Defense Department originally told me they were withholding some documents containing intelligence information that was "Originator Controlled," also known as ORCON. The Department promised me that they would provide any documents cleared for release by the CIA. But instead of doing so, they simply swept all the CIA-cleared documents into their executive privilege review.

The new leadership of the CIA and the Intelligence Community, Porter Goss, is adopting a more responsive and responsible attitude toward congressional requests for information and documents than did his predecessor.

After I brought these delays to his attention at a hearing in March, he said he would look into the matter and ensure that the information was provided. And he did what he promised. On April 6th, he wrote me a letter as a follow-up to providing me the materials that had been delayed so long.

I would like to quote from the last paragraph of his letter:

> You should have received answers to these requests months ago. There is no excuse for such delays. I have conveyed to my staff that this is not how the Agency will treat requests.

That is the right approach to take. After all the frustrating delays and stonewalling, it is a welcome breath of fresh air. And I hope the window stays open for the whole Intelligence Community.

This brings me back to the nomination of Ambassador Negroponte to be the new leader of the Intelligence Community. At his nomination hearing before the Intelligence Committee, I asked him about this problem of stonewalling, ignoring, or delaying on requests for information and documents. I asked him if he would ensure that the intelligence community provides timely and responsive answers to such requests, and he basically said he would look into the situation.

Frankly, I was hoping he would have a more robust and positive answer, and that he would commit to taking steps, if confirmed, to ensure that the intelligence community is fully responsive in a timely manner to congressional requests for information and documents.

However, I am hopeful that when Ambassador Negroponte does look into the matter, he will be more responsive, in light of the law we just passed. He has a responsibility to the Nation, to the Congress, and to the people—not just to the President.

I have some of the correspondence outlining the problems I have described, and I would ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 9, 2004.

Hon. GEORGE TENET,
Director of Central Intelligence,
Washington, DC.

DEAR MR. DIRECTOR: I am writing to request information and action relative to a series of three briefings presented by the Office of the Under Secretary of Defense for Policy (OUSDP), Douglas Feith, to several audiences, entitled "Assessing the Relationship between Iraq and al Qaeda." I believe you received a copy of these briefings as attachments to a letter written by Under Secretary Feith to me on March 25, 2004, a copy of which he sent to you.

According to Secretary Feith, the first briefing was presented to the Secretary of Defense in August, 2002. The second briefing was presented to you in August, 2002. The third briefing was presented to staff of the National Security Council (NSC) and the Office of the Vice President (OVP) in September, 2002.

I am requesting the following:

1. As these briefings contain intelligence information, I request that you declassify the briefings, to the greatest possible extent. One page used in two of the briefings (to the Secretary of Defense and to the NSC/OVP staffs) has already been declassified at my request.

2. Did the CIA see and clear these briefings before they were presented to the Secretary of Defense and to NSC and OVP staffs? If so, when? Did CIA request changes to the briefings? Given that they contain intelligence information controlled by the originating agencies, would such clearance requests be the normal course of action?

3. Please explain when you and when the CIA first learned of the existence of the OUSDP briefs; when you and the CIA first learned that this briefing was going to be (or had been) provided to the Secretary of Defense and to NSC and OVP staffs; and when the CIA first learned that a different version of the briefing was going to be (or had been) presented to NSC and OVP staffs than had been presented to the CIA.

4. Please provide the CIA's views on two aspects of these briefings: first, the substantive findings and conclusions (both implied and explicit) of the briefings; and second, the reliability of each intelligence item or report cited in the briefings.

5. Please provide your views on the appropriateness of two activities: first, the presentation by non-Intelligence Community personnel to senior policymakers or administration officials of any formal intelligence analysis that is not cleared by the Intelligence Community or made known to it; and second, the provision of comments and edits by entities outside of the Intelligence Community on the contents of Intelligence Community products, whether draft or final.

I appreciate your assistance in this request, and I look forward to your response by April 23, 2004.

Sincerely,

CARL LEVIN,
Ranking Member.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 29, 2004.

Hon. GEORGE TENET,
Director of Central Intelligence, Central Intelligence Agency, Washington, DC.

DEAR DIRECTOR TENET: I request that you declassify the following information:

(1) From the June 21, 2002 Counter-Terrorism Center document relating to Iraq's relationship to al Qaeda (CTC 2002–40078CH): In the Key Findings section, p. i, third bullet under the first paragraph; p. iii, second bullet; p. v in its entirety (the Scope Note); In the main body of the report, p. 6, the second section on the page (first and second columns, one paragraph and two sub-bullets).

(2) From the October 2, 2002 National Intelligence Estimate on Iraq and weapons of mass destruction (WMD) (NIE 2002–16HC): p. 68, the first non-bulleted full paragraph and the two subsequent sub-bullets.

(3) From the January 29, 2003 Counter-Terrorism Center document relating to Iraq and terrorism (CTC 2003–40004HJX): beginning on p. 16, the section that begins with the last paragraph on the page, all of page 17, and the first two bullets on page 19; p. 27, second column: the section heading and first full paragraph under the heading; and the second-to-last full paragraph.

I would expect that expeditious declassification should be possible, given that you have already declassified significant portions of the October 2002 NIE, including all the key judgments, all the text concerning uranium, and the alternative views of the State Department's Bureau of Intelligence and Research.

Please have a member of your staff call Richard Fieldhouse of the Committee staff at 202-224-0750 with any questions or requests for clarification.

I appreciate your assistance with this request and look forward to your response by May 10, 2004.

Sincerely,

CARL LEVIN,
Ranking Member.

THE DIRECTOR OF CENTRAL INTELLIGENCE,
Washington, DC, April 6, 2005.

Hon. CARL LEVIN,
Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I have confirmed that responses to the long outstanding requests you brought to my attention during the Senate Armed Services Committee (SASC) Global Intelligence Challenges hearing have now been provided to the Committee. As you made me aware, these requests were from last year's Worldwide Threat hearing, as well as from correspondence dating back to last April. As promised, I instructed Agency personnel to promptly complete their review and provide appropriate and meaningful answers.

You should have received answers to these requests months ago. There is no excuse for such delays. I have conveyed to my staff that this is not how the Agency will treat requests.

Sincerely,

PORTER J. GOSS.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, July 6, 2004.

Hon. CARL LEVIN,
Ranking Democratic Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I am responding on behalf of the Director of Central Intelligence to your letter of 9 April 2004 requesting information and action relative to a series of briefings presented by the Office of the Under Secretary of Defense for Policy, Douglas Feith, to several audiences, entitled "Assessing the Relationship between Iraq and al Queda." Specifically, you asked five questions. The responses to your questions are provided below.

1. As these briefings contain intelligence information, I request that you declassify the briefings, to the greatest possible extent. One page used in two of the briefings (to the Secretary of Defense and to the NSC/OVP staffs) has already been declassified at my request.

Answer: The declassification review of the charts is underway and we hope to have an answer to you shortly. We apologize for the delay.

2. Did the CIA see and clear these briefings before they were presented to the Secretary of Defense and to the NSC and OVP staffs? If so, when? Did CIA request changes to the briefings? Given that they contain intelligence information controlled by the originating agencies, would such clearance requests be the normal course of action?

Answer: CIA did not see or clear these briefings before they were given to the Secretary of Defense, NSC or OVP. The intelligence information used in these briefings was from products previously disseminated to IC and Executive Branch elements, to include DoD and the White House. There was no need for further clearance in presenting the intelligence information to the Secretary of Defense, NSC or OVP as the originator control clearance had been resolved at the time of initial dissemination.

3. Please explain when you and when CIA first learned of the existence of the OUSDP briefs; when you and the CIA first learned that this briefing was. going to be (or had .been) provided to the Secretary of Defense and to NSC and OVP staffs; and when CIA first learned that a different version of the briefing was going to be (or had been) presented to NSC and OVP staffs than had been presented to the CIA.

Answer: We first learned of the brief in mid-August 2002 when it was presented to the DCI. We believe it was at that point that we learned that it had been presented to senior levels in the Pentagon. We did not learn that it had been presented to the NSC and OVP or that there were different versions until earlier this year.

4. Please provide the CIA's views on two aspects of these briefings: first, the substantive findings and conclusions (both implied and explicit) of the briefings; and second, the reliability of each intelligence item or report cited in the briefings.

Answer: The CIA's January 2003 paper, Iraqi Support for Terrorism, represents the CIA views on the issues covered in the DoD slides. This paper has been provided to the Committee.

5. Please provide your views on the appropriateness of two activities: first, the presentation by non-Intelligence Community personnel to senior policymakers or administration officials of any formal intelligence analysis that is not cleared by the Intelligence Community or made known to it; and second, the provision of comments and edits by entities outside of the Intelligence Community on the contents of the Intelligence Community products, whether draft or final.

Answer: The DCI responded to a similar question from you at the 9 March 2004 hearing. He said, "My experience is that people come in and may present those kinds of briefings on their views of intelligence, but I have to tell you, Senator, I'm the President's chief intelligence officer; I have the definitive view about these subjects. From my perspective it is my view that prevails."

Lastly, in response to your 29 April 2004 letter requesting the declassification of information contained in two Counterterrorism Center publications and the October 2002 National Intelligence Estimate, the declassification review is underway and we hope to have an answer to you shortly.

Sincerely,

STANLEY M. MOSKOWITZ,
Director of Congressional Affairs.

Mr. DOMENICI. Mr. President, I would like to express my support for John Negroponte to be the first Director of National Intelligence, DNI. I have the utmost respect for Ambassador Negroponte and confidence that he will excel in this position.

It is apparent that there is a need to improve our Nation's intelligence capabilities. The passage of the Intelligence Reform and Terrorism Prevention Act, by creating the position of Director of National Intelligence, is an important step in achieving this goal. Creating centralized leadership in the intelligence community will provide better management of capabilities and produce common standards and practices across the foreign and domestic intelligence divide. The position of DNI will better allow the intelligence community to set priorities and move resources where they are most needed. The position of DNI is going to be difficult and demanding. I believe Ambassador Negroponte's experience and character make him an excellent choice to take on this vast responsibility.

From 1960 to 1997 Ambassador Negroponte was a member of the Career Foreign Service, serving at eight different posts in Asia, Europe, and Latin America. He has been Ambassador to Honduras, Mexico, and the Philippines. Ambassador Negroponte also served as Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and as Deputy Assistant to the President for National Security affairs.

More recently, Mr. Negroponte distinguished himself as ambassador to the United Nations, during the difficult time immediately after the terrorist attacks of September 11. Furthermore Mr. Negroponte last year became the first American Ambassador to Iraq since the fall of Saddam Hussein. In this role he played an important role in moving the nation of Iraq towards a democratic and stable future.

Ambassador Negroponte has a long and distinguished career during his more than 40 years of service to this country. During that time he faced many challenges and difficult situations. I have the highest expectations that he will take on the assignment as Director of National Intelligence with the same dedication he has shown in the past. Under his leadership, I believe America will have the intelligence capability it so urgently needs to fight and win the continuing global war on terror.

Ms. SNOWE. Mr. President, I rise today in support of John Negroponte to be confirmed as the Director of National Intelligence. These are historic and perilous times as we continue to face enemies intent upon attacking us and the values and freedoms upon which our Nation was founded.

Because we still know very little about our Nation's most dangerous adversaries, the new Director of National Intelligence will be responsible for ensuring that this Nation's intelligence community has the collection and analytic expertise required to confront our greatest challenges no matter from which quarter they appear. While many are concerned about the emergence of China as a peer competitor in the Northern Pacific, we obviously still face the scourge of international terrorism, international criminal organizations and other transnational threats. And, of course, there remains the perplexing problem of gathering intelligence against closed societies such as Iran and North Korea so called "hard" targets.

Ambassador Negroponte has both the distinct privilege and solemn obligations that come with being the first Director of National Intelligence. How he leads, how he manages the community, how he shapes his role, the relationships he creates with the various agencies and their leaders will not only determine how effective he is in reforming our intelligence community but very likely how each of his successors will approach the oversight of our intelligence community as well. And the transformation he is charged with overseeing carries with it the future security of this Nation.

Our intelligence community professionals are the best in the world and every day they toil tirelessly, often unrecognized, in the shadows to keep this country safe. I believe they are eagerly looking for strong leadership so they can move forward with the business of securing the country.

It has been said that "A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go but ought to be." I believe that John Negroponte possesses the experience and leadership necessary to take this Nation's 15 intelligence agencies and the thousands of dedicated professionals in those agencies who toil to protect us all to where they ought to be.

He has demonstrated a recognition of the need to refocus our intelligence community, so that disparate intelligence agencies are working together more cooperatively, so that information access is improved to enable all relevant agencies to provide necessary input, and so that the intelligence products provided to national policy makers are not only timely but reflect the best judgment of the entirety of the intelligence community.

Ambassador Negroponte has taken on some of the toughest and most important jobs in our diplomatic service in his long and illustrious career as a Foreign Service Officer. He has been nominated for and confirmed as Chief of Mission in four embassies and as the President's representative to the United Nations. He has served in leadership positions within the Department of State and as a security advisor in the White House. John Negroponte has demonstrated the resolve and ability to take on tough management and policy positions and to perform admirably.

In the past 3 years, there have been four major investigations that have concluded that the time has come for significant reform in the intelligence community. In December 2002, the primary recommendation of the Joint Inquiry into the Terrorist Attacks of September 11, 2001 was that Congress should amend the National Security Act of 1947 to create a statutory Director of National Intelligence to be the President's principal advisor on intelligence with the full range of management, budgetary, and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole.

Last July, the Senate Select Committee on Intelligence issued its Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq that found that although the Director of Central Intelligence was supposed to act as head of both the CIA and the intelligence community, for the most part he acted only as the head of the CIA to the detriment of the intelligence product provided to National policymakers.

Later that month, the 9/11 Commission issued their report on the terrorist attacks and also recommended that the current position of Director of Central Intelligence should be replaced by a National Intelligence Director with two main areas of responsibility: to oversee National intelligence centers and to manage the National intelligence program and oversee the agencies that contribute to it.

Finally, earlier this month the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction found the Intelligence Community is "fragmented, loosely managed, and poorly coordinated; the 15 intelligence organizations are a 'community' in name only and rarely act with a unity of purpose." They also concluded that the Director of National Intelligence will make our intelligence efforts better coordinated, more efficient, and more effective.

Clearly, with this many investigations and Commissions arriving at the same conclusions time and again, for the sake and safety of the Nation we must begin the transformation of the fifteen agencies tasked with collecting and analyzing intelligence into a single, coordinated community with the agility to predict, respond to and overcome the threats our Nation will face. The confirmation of the first Director of National Intelligence is the first step in executing this extremely complex undertaking and time is of the essence. Indeed, I cannot recall a time when a nominee has come before the Senate with the entire community they have been nominated to lead in the midst of such sweeping transformation.

And once again, I believe the President has made an excellent choice in John Negroponte to lead the intelligence community through such a transformation.

I look forward to working with him in the coming years as we shape our intelligence community into a cohesive whole and as he defines the role of Director of National Intelligence. With a strong DNI and a focused intelligence team, our Nation will be safer. I urge my colleagues to join me in supporting the confirmation of John Negroponte the first Director of National Intelligence.

Mr. KERRY. Mr. President, the successes of the intelligence community are never really known to the American public. But the spectacular failures of the last few years have been apparent to us all. Blue-ribbon panels, presidential commissions, and common sense have all told us that the intelligence community needs reform. In recent months, with action by Congress and the administration, we've begun to see progress. With the vote on John Negroponte's nomination today, we will take an important step in giving life to the structural reforms we've debated for so many months.

John Negroponte faces a daunting challenge as the country's first Director of National Intelligence. It will be his responsibility to make intelligence reform a reality, to break-down the barriers between intelligence agencies, and to restore the credibility of the American intelligence community. There once was a time where the word of the President of the United States was enough to reassure world leaders. After the intelligence failures of the last few years, that is no longer true.

In his confirmation hearings, Mr. Negroponte identified ways to improve the intelligence process—formalizing lessons-learned exercises across the community; utilizing "Team B" analyses to avoid self-reinforcing analysis premised on faulty assumptions; improving inter-agency and community-wide cooperation; and removing barriers between foreign and domestic intelligence. He must also be able to work effectively with Secretary Rumsfeld and the Department of Defense—and its 80 percent of the intelligence budget—to really reform the community. Many of us in Congress will support his efforts, and I urge President Bush to be steadfast in this regard as well.

But Mr. Negroponte's most immediate and urgent task will be to speak truth to power. When the intelligence does not support the policy goals or ambitions of the administration, Mr. Negroponte must never flinch, never waiver, never compromise one iota of his integrity or the integrity of the intelligence. He must also be willing to push analysts to challenge assumptions, consider alternatives, and follow the evidence wherever it may lead them. And when they do, he must back them with the full authority of his office.

Today we face many threats, the dangerous legacy of the Cold War in vast nuclear arsenals, the spread of weapons of mass destruction, the spread of terrorism, lingering disputes in various regions of the world, and new forces, like globalization, all crying out for leadership by the United States. The decisions policy makers make are influenced by many factors. But on issues of war and peace, on protecting this country, on determining our long-term national security needs and the direction of our foreign policy, there is no substitute for intelligence that is accurate, timely, and trusted.

Mr. Negroponte will shape the role of Director of National Intelligence in fundamental ways. He will be judged on whether or not America is safer at the end of his tenure than when he starts. For the sake of us all, I hope he succeeds.

Mr. WARNER. Mr. President, I strongly support the nomination of Ambassador John D. Negroponte to be the first Director of National Intelligence.

This is not a moment without precedent in history. President Roosevelt faced a similar situation in 1941 when he had disparate intelligence and information gathering organizations within the government, but did not have a single person in charge. President Roosevelt convinced a reluctant Colonel William J., Wild Bill, Donovan to be the first "Coordinator of Information," an organization that eventually became the Office of Strategic Services, OSS, and ultimately, the Central Intelligence Agency.

I would like to read a quote from the book, "Donovan of O.S.S.," by Corey Ford:

> The appointment of Colonel Donovan as director of COI was formally announced by executive order on July 11, 1941, and his duties were defined in Roosevelt's own words: 'To collect and analyze all information and data which may bear upon national security, to correlate such information and data and make the same available to the President and to such departments and officials of the Government as may the President may determine, and to carry out when request by the President such supplementary activities as may facilitate the securing of information important for national security not now available to the Government.'
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> The directive was purposely obscure in its wording, due to the secret and potentially offensive nature of the agency's functions; and the other intelligence organizations, jealous of their prerogatives, took advantage of the vague phraesology to set loose a flock of rumors that Donovan was to be the Heinrich Himmler of an American Gestapo, the Goebbels of a controlled press, a super-spy over Hoover's G-men and the Army and Navy, the head of a grand strategy board which would dictate even to the General Staff. In vain, the President reiterated that Donovan's work, 'is not intended to supersede or to duplicate or to involve any direction of or interference with the activities of the General Staff, the regular intelligence services, the Federal Bureau of Investigation, or of other existing agencies.' The bureaucratic war was on.
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> It was a war all too familiar to Washington, the dog-eat-dog struggle among government departments to preserve their own areas of power.

Ambassador Negroponte and General Michael Hayden, USAir Force, his deputy, face a similar situation today, and I wish them well.

Some have said the Intelligence Reform and Terrorism Prevention Act of 2004 uses similarly "vague phraseology" in describing the authorities and responsibilities of the new Director of National Intelligence. Some say that Roosevelt was intentionally vague to allow the strong personality of Wild Bill Donovan to make this new intelligence organization work.

I think we have two very strong personalities in Ambassador Negroponte and General Hayden who are up to the task and will make this new Office of National Intelligence work. Their work will be even more effective as they forge strong alliances with their colleagues in other departments of Government.

As Ambassador Negroponte begins this important effort, I know he is mindful on the balance that must be maintained between the needs of national policy makers, military commanders on distant battlefields, and local and national homeland security officials, who are all charged with the safety and security of the American homeland. The support these elements enjoy today has not always been the case. When General Norman Schwarzkopf testified before the Senate Armed Services Committee in June 1991 regarding lesson learned during the first Persian Gulf War, he told the committee that responsive national intelligence support has been unsatisfactory from his perspective as the theater commander in charge of combat operations. Clearly, much has changed since 1991, but we must all remain vigilant in ensuring that intelligence support for our men and women in uniform is maintained and enhanced.

Ambassador Negroponte has a strong record of public service as the U.S. Ambassador to Honduras, Mexico, the Philippines, the United Nations, and most recently, Iraq. He has a great reputation as a problem solver who can be counted on for the epitome of candor and integrity.

John Negroponte has served his Nation faithfully and well. His willingness to take on this daunting challenge is a testament to a man who understands service to Nation and has, once again, answered the call to serve. We are fortunate to have a citizen of such character to undertake this important and challenging task of bringing our Intelligence Community together as a coherent, well-coordinated entity.

I strongly support confirmation of Ambassador John D. Negroponte to be the first Director of National Intelligence, and hope the spirit of Wild Bill Donovan guides and inspires his efforts.

Mr. HATCH. Mr. President, today I rise to give my enthusiastic vote of support for President Bush's nominee to be this Nation's first Director of National Intelligence. I have known Ambassador Negroponte for over 20 years, and his professional career as one of our Nation's best diplomats began 20 years earlier. And rarely have I voted in support of a Presidential nominee with greater confidence. I trust that my colleagues will lend their support unanimously to the President's selection for a position we are anxious to fill.

As he assumes the position we created last year to unify the intelligence community's capabilities as they have never been unified before, I offer Ambassador Negroponte my complete support, with three points to consider.

First, as I have told the nominee, this will be the most difficult job he will ever hold. And I say this to the man who has just returned from serving as our first ambassador to a liberated Iraq. During Ambassador Negroponte's nomination hearing two weeks ago, the distinguished chairman of the Senate Select Intelligence Committee, who also has my greatest respect, while reviewing the job requirements for the new position of DNI, candidly asked the nominee: "Why would you want this job?"

The answer, for those who know him, is that Ambassador Negroponte has always responded to the call by his country to take on difficult challenges. And we in the Senate have supported him by confirming him, to date, seven times.

Second, as I also told the nominee, and I have said to my colleagues: Osama bin Laden is not quaking in his hideaway because we have created the position of Director of National Intelligence. Let us be candid to ourselves about this. Too often in Washington, a bureaucratic response is mistaken for a solution. I hope we all recognize, after the years of discussing reform, that the legislation we passed last year initiates the beginning, not the end of reform.

And this leads to my third point. Ambassador Negroponte's mission, once we confirm him, is to take the elements of the intelligence community and de-Balkanize them. His mission will be to create a whole that is greater than the sum of the intelligence community parts. He will do this by achieving what we call jointness between all parts of the community. When he does that—and this will have to do as much with creating new doctrine, and creating community culture that integrates this doctrine—then will our already impressive elements we have in our community be able to advance our security. Only then will we be creating the 21st century global intelligence capabilities that will make bin Laden's inevitable successors and wannabees sweat and run.

In my conversations with Ambassador Negroponte about his new brief, I have shared some of my ideas with him, and I have found him to be welcoming of these and all ideas. He understands the problems we face, as he has been a consumer of intelligence for most of his career, and he has spent his last tour in Iraq confronting the challenge of multiple armed groups dedicated to collaborating against us. I believe he knows what we need, and I know he is determined to take the impressive technological and human capacities already in place in our intelligence community and take it to the level necessary to give the American public a strategic intelligence capability we need and must have.

I believe Ambassador Negroponte has always served this country honorably. As we confirm him today, which I trust we will, I offer him my support and, once again, gratitude for choosing to serve his country in one of the most challenging positions in our history.

Ms. MIKULSKI. Mr. President, one of my top priorities is the real reform of our Nation's intelligence. The Intelligence Reform Act of 2004 was a first step toward transforming the U.S. intelligence community. Information sharing will be strengthened, while diverse opinion and independent analysis will be protected.

The single most important provision in the act was the creation of a Director of National Intelligence, who would have authority, responsibility, and financial control over the entire intelligence community.

The President has nominated an experienced diplomat to be Director of National Intelligence. Ambassador John D. Negroponte has worked hard for his country and has made personal sacrifices. When his country called, he has exposed himself to hardship and danger most notably in Vietnam and in Iraq.

He has also had extensive exposure to U.S. intelligence products and operations. He had intelligence coordination responsibilities in Washington on the National Security Council. He recently had responsibility for leading the U.S. Embassy in Baghdad during a time when intelligence on the Iraqi insurgency had the highest priority.

Yet I have serious concerns with certain aspects of Ambassador Negroponte's record—particularly his actions while he was ambassador to Honduras. There is a serious discrepancy between his description of the Honduran government's human rights record during those years and that of the CIA Inspector General and nongovernmental organizations. He has yet to show complete candor in discussing U.S. activities there with the Congress.

I believe that Ambassador Negroponte could have been more outspoken in reporting from his vantage point at the United Nations in the winter of 2003—when our country was on the verge of war.

Despite these concerns, I will vote for the confirmation of Ambassador Negroponte. I am encouraged by his responses to my questions during hearings before the Senate Select Committee on Intelligence.

In a very important exchange, he provided assurances that he will "speak truth to power." In response to my questions, Ambassador Negroponte said he would make sure that reliability problems with sources are put before decisionmakers. He agreed to explore mechanisms like the State Department's Dissent Channel to encourage those who see yellow flashing lights to express their views to senior officials and to protect dissenters from political retaliation. And he said that he himself would be taking the "unvarnished truth" to the President. He also said that all organizations under his purview will obey the law and that there will be full accountability.

These assurances are critical. My vote to confirm Ambassador Negroponte is based on them. As a member of the Senate Select Intelligence Committee, I will be watching closely to see that they are honored and will do what I can to contribute to Ambassador Negroponte's success as the first Director of National Intelligence.

Mr. FRIST. Mr. President, it is my pleasure to support the nomination of Ambassador John Negroponte to the post of Director of National Intelligence.

Mr. Negroponte is superbly qualified for this new and challenging position. I applaud the President on his choice of candidate. Last week, Mr. Negroponte was approved by the Senate Select Committee on Intelligence. I expect he will be confirmed with overwhelming, bipartisan support here on the Senate floor.

Mr. Negroponte's career in public service spans four decades and three continents. He has served in Europe, Asia and Latin America. He speaks five languages fluently, and has won Senate confirmation for 7 previous posts. He is widely regarded as one of our most distinguished and respected public officials.

Among his many career highlights, Mr. Negroponte has served as Ambassador to Honduras, Ambassador to Mexico, Ambassador to the Philippines, and Ambassador to the United Nations. He has served under multiple presidents, Republican and Democrat.

In 2004, President Bush nominated Mr. Negroponte to serve as our Ambassador to the newly liberated Iraq.

As his background attests, Mr. Negroponte has tackled many difficult and sensitive missions. He has also earned a reputation as a skilled manager—skills he will surely need in the job ahead.

As Director of National Intelligence, Mr. Negroponte will be responsible for overseeing the entire intelligence community. It will be Mr. Negroponte's job to keep America safe by bridging the gaps between our 15 intelligence agencies and improving information sharing between agencies.

He will determine the annual budgets for all National intelligence agencies and offices, and direct how these funds are spent. The Director will also report directly to the President.

It is a tough job and a tremendous responsibility. But I am confident that Mr. Negroponte will work hard to make the necessary reforms to help keep America safe.

We learned on 9–11 that the enemy is deadly and determined. He doesn't wear a uniform or march under a recognized flag. He hides in the shadows where he plots his next attack.

Dangerous weapons proliferation must be stopped. Terrorist organizations must be destroyed. And we must have an intelligence community that works together to confront these very real dangers so that we never suffer another 9–11 or worse.

I look forward to Mr. Negroponte's swift confirmation. He has served our country with honor and distinction over many years. America is fortunate to have a public servant of his caliber working hard on our behalf.

Mr. CORZINE. Mr. President, I rise today in support of the confirmation of John Negroponte to be our Nation's first Director of National Intelligence. This is a historic moment, and a critical step toward making our nation more secure. But it is also only the beginning of what will be a long and challenging effort to reform and improve our intelligence capabilities.

It is worth recalling how we got here. The establishment of the Director of National Intelligence would not have happened had it not been for the patriotism and passion of some remarkable Americans. Let me begin with the families of the victims of 9/11 who managed to turn their grief into real, effective action. The Family Steering Committee and, in particular, four 9/11 widows from my State who called themselves the "Jersey Girls," fought for real answers. They pushed for the creation of the 9/11 Commission, whose recommendations included the position for which Mr. Negroponte is being confirmed today. They also insisted that the administration cooperate fully with the Commission as it sought a full accounting of the terrorist attack. They did all this for one reason: they wanted America to be safer than it was on the day they lost their loved ones.

We also owe an enormous debt to the 9/11 Commission, led by former New Jersey Governor Tom Kean and former Congressman Lee Hamilton. The Commission's hard work, persistence, intellectual honesty, and political neutrality brought about something truly incredible: a national consensus. The Commission's meticulous and thorough study of the events leading up to and including September 11 and its wise and succinct recommendations gave us an understanding of the past and a path forward. And, by involving the American people in their deliberations, they helped generate public support for much needed reform.

It is almost impossible to overstate the challenges ahead for the new Director of National Intelligence. The intelligence failures that led to the terrorist attack of September 11, 2001, happened in part because of a lack of coordination among our intelligence agencies. It is the DNI's job to resolve this problem. Mr. Negroponte will need the President's support. He will also need Congress' support. He has mine.

The DNI will also have to correct the intelligence failures that led to the war in Iraq. That includes ensuring that intelligence analyses are objective and that those analyses are used appropriately by policy makers. The DNI will need to speak truth to power, to tell policymakers the hard truth about what we know and what we don't know. Intelligence must guide policy, and not vice versa.

Our intelligence serves many purposes, from informing foreign policy to supporting tactical military decisions. The new DNI will be responsible for guiding our priorities. But this position would not have been created had we not been attacked on our soil, on September 11, 2001. The intelligence community has new consumers: the Department of Homeland Security, Federal, State and local government officials, law enforcement and our Nation's first responders. It is critical that these people have the information they need to protect us.

Mr. Negroponte is highly qualified for this position and I am proud to support his confirmation. But he cannot do this alone. This and future administrations and the Congress must stay engaged in and remain committed to the hard work of intelligence reform.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for this historic nomination of Ambassador John Negroponte to be the first Director of National Intelligence named under the Intelligence Reform and Terrorism Prevention Act of 2004—the most sweeping reform of the intelligence community in over 50 years. With this appointment, we will finally have a single official with the authority, responsibility, and accountability to lead a more unified and more integrated intelligence community capable of avoiding the unacceptable intelligence failures recounted in excruciating detail by the independent 9/11 Commission and, more recently, by the President's WMD Commission.

I am confident Ambassador Negroponte is up to this admittedly difficult task. With a career in public service spanning over four decades, Ambassador Negroponte has demonstrated the commitment and determination this post demands. His service in numerous Foreign Service posts across Asia, Europe, and Latin America—and most recently as the U.S. Ambassador to Iraq—has certainly provided him with the global perspective of our intelligence needs that the position requires. And, having served in senior positions here in Washington at the State Department and at the National Security Council, Ambassador Negroponte has developed the bureaucratic skills that the DNI must exercise in order to be effective.

The most important factor in whether Ambassador Negroponte—indeed, whether the entire intelligence reform effort—succeeds, is the degree of support provided by President Bush and the White House in the early but formative stages of this process. The path toward reform is always a difficult one, particularly with the likely array of bureaucratic and institutional obstacles the DNI is likely to confront. As the WMD Commission candidly recognized, "The Intelligence Community is a closed world, and many insiders admitted to us that it has an almost perfect record of resisting external recommendations." It should come as no surprise that the array of strong statutory authorities provided to the DNI under the legislation can, in and of itself, only accomplish so much; implementation will now be the crucial test, and the President must show the same level of commitment he demonstrated during the final push to pass the intelligence reform legislation in the last Congress.

I am encouraged in this regard by the President's remarks in announcing the nomination of Ambassador Negroponte. President Bush said:

> In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we're going to stop the terrorists before they strike, we must ensure that our intelligence agencies work as a single, unified enterprise. And that's why I supported, and Congress passed, reform legislation creating the job of Director of National Intelligence.
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> As DNI, John will lead a unified intelligence community, and will serve as the principle advisor to the President on intelligence matters. He will have the authority to order the collection of new intelligence, to ensure the sharing of information among agencies, and to establish common standards for the intelligence community's personnel. It will be John's responsibility to determine the annual budgets for all national intelligence agencies and offices and to direct how these funds are spent. Vesting these authorities in a single official who reports directly to me will make our intelligence efforts better coordinated, more efficient, and more effective.

Unfortunately, we had no single official who effectively forged unity of effort across the intelligence community prior to September 11. We had no quarterback. Prior to this legislation, the Director of Central Intelligence (DCI) had three jobs: No. 1. principal intelligence advisor to the President; No. 2. head of the CIA; and No. 3. head of the intelligence community. As the 9/11 Commission concluded: "No recent DCI has been able to do all three effectively. Usually what loses out is management of the intelligence community, a difficult task even in the best case because the DCI's current authorities are weak. With so much to do, the DCI often has not used even the authority he has."

The new Director of National Intelligence has two main responsibilities: to head the intelligence community and to serve as principal intelligence advisor to the President. As principal advisor to the President, the DNI is responsible—and accountable—for ensuring that the President is properly briefed on intelligence priorities and activities. The CIA Director will now report to the DNI, who is not responsible for managing the day to day activities of that agency while also heading the intelligence community. In fact, the legislation specifies that the Office of the DNI may not even be co-located with the CIA or any other element of the intelligence community after October 1, 2008.

As head of the intelligence community, the DNI will have—and must effectively use—the wide range of strong budget, personnel, tasking, and other authorities detailed in the legislation to forge the unity of effort needed against the threats of this new century. I am pleased that Ambassador Negroponte, appearing before the Senate Select Committee on Intelligence, indicated he has heeded the advice from many quarters, including the President's WMD Commission, to push the envelope with respect to his new authorities.

Perhaps the most significant of these authorities is the DNI's control over national intelligence funding, now known as the National Intelligence Program NIP. Money equals power in Washington, or to paraphrase one of the witnesses who testified before the Senate Homeland Security and Governmental Affairs Committee as we drafted the intelligence reform legislation, former DCI James Woolsey: "The Golden Rule in Washington is that he who has the gold, makes the rules." For instance, with respect to budget development, the bill authorizes the DNI to "develop and determine" the NIP budget—which means that the DNI is the decision-maker concerning the intelligence budget and does not share this authority with any department head.

Once Congress passes the national intelligence budget, the DNI must "ensure the effective execution" of the NIP appropriation across the entire intelligence community whether the funds are for the CIA, NSA, the Federal Bureau of Investigation, or any element of the intelligence community. The Director of the Office of Management and Budget must apportion those funds at the "exclusive direction" of the DNI. The DNI is further authorized to "direct" the allotment and allocation of those appropriations, and department comptrollers must then carry out their responsibilities "in an expeditious manner." In sum, the DNI controls how national intelligence funding is spent across the executive branch, regardless of the department in which any particular intelligence element resides.

In order to marshal the necessary resources to address higher priority intelligence activities, the DNI has significantly enhanced authorities to transfer funds and personnel from one element of the intelligence community to another. And, in addition to these budget and transfer authorities, the legislation provides the DNI with many new and increased authorities by which to effectively manage the sprawling intelligence community and force greater integration and cooperation among intelligence agencies. The DNI has the power to develop personnel policies and programs, for example, to foster increased "jointness" across the intelligence community—like the Goldwater-Nichols Act accomplished in the military context. The DNI also has the authority to exercise greater decisionmaking with respect to acquisitions of major systems, such as satellites, to task intelligence collection and analysis, and to concur in the nominations or appointments of senior intelligence officials at the Departments of Defense, Homeland Security, Treasury, State, and Energy, the FBI, and elsewhere across the executive branch.

More important than any individual authority, however, is the sum total. There is no longer any doubt as to who is in charge of, or who is accountable for, the performance of the United States intelligence community. It is the DNI. Until exercised in practice, however, these authorities are simply the words of a statute. And, unless exercised, they will atrophy. Timidity, weakness, even passivity are not an option. History will judge harshly a DNI who squanders this opportunity to spread meaningful and lasting reform across the intelligence community. And our national security depends upon it.

I fully anticipate that Ambassador Negroponte will rise to the occasion. He must, and I believe he will, hit the ground running, boldly face the inevitable challenges and frustrations that lie ahead, and aggressively assert the authorities with which he has been provided. But the DNI will not be alone. With the full support of the President, the Joint Intelligence Community Council—composed of the Secretaries of State, Treasury, Defense, Energy, Homeland Security, and the Attorney General—will advise the DNI and make sure the DNI's programs, policies, and directives are executed within their respective departments in a timely manner. And, if confirmed, the President's nominee for Principal Deputy DNI, NSA Director Lieutenant General Michael Hayden, will be a most valuable asset in leading the reform effort.

We have largely provided Ambassador Negroponte with the flexibility to establish the Office of the DNI as he sees fit in order to accomplish the goal of reform. In addition to his Principal Deputy, he may appoint as many as four other deputies with the duties, responsibilities, and authorities he deems appropriate. And, in addition to the National Counterterrorism Center, which is specifically mandated under the legislation, Ambassador Negroponte is authorized to establish national intelligence centers, apart from any individual intelligence agency, to drive community-wide all-source analysis and collection on key intelligence priorities. These national intelligence centers have significant potential to shift the center of gravity in the intelligence community from individual stove-piped agencies toward a mission-oriented integrated intelligence network.

In sum, we have provided Ambassador Negroponte with the tools to get the job done. Now, with the backing of the President, he must use those authorities to transform the intelligence community as envisioned by the 9/11 Commission, expected by Congress, and needed for the security of the American people. On September 11, 2001, it became painfully evident that the threats we face as a nation had evolved, and that our national security structure needed to evolve accordingly. Ambassador Negroponte will now have the opportunity to help our intelligence community meet these new security challenges. I wish him well.

Mr. BUNNING. Mr. President, I speak today on the nomination of John Negroponte to be the first Director of National Intelligence. I want to express my full support for his confirmation.

John Negroponte is without question one of the most qualified public servants to fill this position. Over the past four decades he has continually worked to advance American policy both domestically and abroad.

He is a career diplomat and served in the United States Foreign Service from 1960 to 1997. Among his most notable posts are Vietnam, the Philippines, Honduras and Mexico.

After the Foreign Service, Mr. Negroponte was appointed as the U.S. Ambassador to the United Nations from September 2001 until June 2004. After that, he was confirmed overwhelmingly by the Senate as the first U.S. Ambassador to the new democratic Iraq.

Throughout his ambassadorship in Iraq, he received immense praise even from the harshest of critics for his removal of corruption in the reconstruction effort in Iraq. He later oversaw, what many deemed impossible—the first successful Iraqi democratic elections. As we have seen through his leadership in Iraq, democracy has quickly taken root in the country and I believe it will continue to grow.

While the position of the Director of National Intelligence is new to our Government, I am confident that Mr. Negroponte will be successful in his endeavors to create a united intelligence entity. His experience and success in Iraq will serve him well in this new position.

Intelligence reform is an issue that we know all too well. It has been widely addressed in a variety of government bodies since September 11 and continues to be the topic of many debates. I commend President Bush in his efforts to directly confront this problem and to create a more unified and efficient intelligence apparatus.

I am confident the Senate will overwhelming confirm Mr. Negroponte. I wish him well in his new position and with the daunting task of reforming our intelligence agencies. It is not an easy one. Despite this challenge, I believe he will make our intelligence efforts better coordinated, more efficient and more effective.

Mr. SALAZAR. Mr. President, I rise in support of Ambassador John Negroponte's nomination to be the first Director of National Intelligence.

I am pleased President Bush filled this critical position, and pleased that the Senate Intelligence Committee moved with such dispatch to move him through the process. The Director of National Intelligence will be one of the most difficult jobs in Washington. The director will have to integrate information from 15 Federal agencies involved in gathering anti-terrorism information.

To break down the boundaries that fracture our intelligence community, Negroponte will have to draw on more than 40 years' experience in the Foreign Service. He served as U.S. ambassador to the United Nations from 2001 until last June, when he became the first U.S. ambassador to Iraq since the 1991 Gulf War. He served in the U.S. Embassy in Vietnam from 1964 to 1968 and has been ambassador to Mexico, the Philippines and Honduras.

Mr. Negroponte is going to have to take advantage of his closeness with President Bush to overcome some of the institutional inertia within the intelligence community. However, Negroponte cannot allow that closeness to be a double-edged sword. The DNI needs to be an independent voice. He needs to be able to withstand pressure from the President and report threats to American security as they are, not as others want them to be.

I hope that Ambassador Negroponte will make it a priority to improve the flow of accurate, timely and actionable intelligence to state and local security officials.

Right now, local officials—our front line in the battle for homeland security—are getting intelligence from a dozen Federal terrorism watch lists. They get conflicting or incomplete data or information that has no impact on them. They don't have the resources and expertise to process intelligence, form a complete picture of the threats they face, and what steps they can take.

We need to move away from a "need-to-know" intelligence culture to a "need-to-share" one. State and local emergency officials represent more than 800,000 sworn law enforment officers and 95 percent of America's counter-terrorism capability. They are on the front lines of the war on terror and they need better information in order to protect us.

I recognize that will be difficult to do, and I also recognize that the solutions to this problem will require new thinking. But after serving with Colorado's police officers for 6 years as Attorney General, I also know that the current system of information and intelligence sharing is absolutely insufficient. We can do better—and we must do better.

Mr. REID. Mr. President, I rise to express my support for the nominations of Ambassador John Negroponte and General Michael Hayden to be Director and Deputy Director of National Intelligence.

The Senate's swift action on these two nominations is but the latest example of how the Senate's confirmation process should work, and, for the vast majority of President Bush's nominees, has worked.

It is really a simple formula for success: the President puts forward good, qualified nominees and the committee of jurisdiction and the full Senate act expeditiously to approve the nomination.

In nominating Ambassador John Negroponte and General Michael Hayden to be Director and Deputy Director of National Intelligence, the President has put forward people with long years of dedicated service to the country.

Some have concerns about Ambassador Negroponte's previous service on Latin American issues, and these questions are certainly legitimate to explore.

Ambassador Negroponte and General Hayden are men who have wide support across both parties, men who have proven track records as professional public servants.

Together, these two men are good choices for the important new positions at the top of our intelligence community.

With Ambassador Negroponte's recent experience in Iraq, long experience in diplomatic matters, and years of time as a "customer" of intelligence, I am hopeful he will focus on improving how intelligence is used.

It is essential that he put in place the personnel and processes necessary to help the intelligence community avoid future colossal failures like Iraq, where in an effort to make the case for the use of force there, the President and the intelligence community repeatedly asserted that Saddam possessed weapons of mass destruction.

As has become increasingly clear over time, Saddam did not possess stockpiles of these terrible weapons and a number of questions have been raised about whether the administration shaped or misused the available intelligence.

Never again should a Secretary of State be sent in front of the United Nations to make the President's case for war based on evidence that was so terribly flawed.

If Ambassador Negroponte can prevent such misuse of intelligence, and speak truth to power, he will be a successful Director.

If Ambassador Negroponte is to succeed in developing the right intelligence and ensuring that it is used properly, he will have to dramatically transform our intelligence agencies.

In the intelligence reform bill we passed last year, we demanded that someone take charge of improving the intelligence agencies' performance. In that bill, we gave him the tools and the mandate needed.

Working with his Deputy Director, General Hayden, who has nearly 3 decades of experience in transforming intelligence as a military officer, I expect Ambassador Negroponte to transform the intelligence community.

The first step in this critical transformation must be to dramatically improve our intelligence collection capabilities, especially our human intelligence efforts, against the 21st century threats of terrorism and the proliferation of weapons of mass destruction.

I hope these nominees will maximize their use of the strong, new authorities Congress provided them in last year's bill. Our Nation's security rests in large measure on their efforts. I wish them every success in their endeavors.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, if there is no other Member on our side who wishes to speak, I yield back the remainder of my time.

Mr. WYDEN. I may be the only one with time remaining and I yield back the remainder of my time as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield back all time on the pending nomination, other than the 5 minutes that will be reserved for Senator STEVENS; provided further that the vote on the confirmation of the nomination occur at 3:45 today. I further ask that at 3:30 today the Senate resume consideration of the emergency supplemental bill for the final 15 minutes of debate and that the votes scheduled on the two amendments and final passage occur immediately following the vote on the Negroponte nomination. I ask that all votes in the sequence after the first be limited to 10 minutes in length and that there be 2 minutes for debate equally divided between the votes. Finally, I ask unanimous consent that following this consent, the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

THE BOLTON NOMINATION

Mr. SMITH. Mr. President, I rise today to speak in behalf of John Bolton to be the U.S. Permanent Representative to the United Nations. I know this nomination is gaining controversy. Yet the more I listen to it, I realize there may be an attempt to kill his nomination from a thousand cuts.

It is not unusual in this town to see someone with a strong personality being subject to all kinds of innuendo and charges and hearsay. Certainly all of these things warrant investigation so that the Senate can perform its advise and consent duty. However, I think it is also very important we remember the President's right to nominate the individuals he believes are important in order to pursue his policies after his election, an election he earned at the ballot box, and the right conferred upon him by the Constitution.

I rise here not as an opponent of the United Nations, but as one deeply disappointed in the United Nations in the 9 years in which I have served as a Senator. The U.N. is going through a challenging period, one that is raising questions about its effectiveness and ability to fulfill its mission on a global scale. New and unprecedented challenges face the United States and our allies. We cannot solve all the world's problems on our own. We need to continue to work with our allies to combat threats around the world, especially the threat of terrorism and the spread of weapons of mass destruction, for those two factors in combination probably pose the greatest security threat to our Nation and the civilized world.

An efficient and effective United Nations can still play a valuable role in world affairs. The U.N. demonstrated this by its response to the tsunami disasters that befell Indonesia, India, Sri Lanka, Thailand and the other nations in the Indian Ocean. The United Nations can still serve an integral humanitarian function. Its success in coordinating relief efforts is helping the region to recover from its tragedy. I am also pleased with the U.N.'s establishment of new levels of oversight to monitor how enormous levels of humanitarian assistance are distributed to needy people.

Unfortunately, the U.N. can, and should, and must be more and do more. We have a United Nations that is tragically rife with corruption and mismanagement. It is an organization that is starting now to admit its problems. That is a positive. But it seems incapable of addressing these issues in any meaningful way.

The international community has been rocked by scandals involving the United Nations. The most obvious example of its malfeasance, of course, is the Oil-for-Food Program. As you know, the U.N. was responsible for overseeing the Oil-for-Food Program, which was established to provide relief to the Iraqi people suffering under Saddam Hussein's brutal regime. Instead, it allowed—and possibly even directed—the incredible scheme of kickbacks, bribes, and other financial crimes that may have even enriched some members of the U.N. bureaucracy.

The United Nations peacekeepers, sent to provide some semblance of security to war-torn countries, have been accused of such crimes as rape, child molestation, and sexual abuse in the Democratic Republic of Congo, the Balkans, and in Haiti.

High-ranking United Nations officials have been accused of sexual harassment. The U.N. High Commissioner for Refugees, Ruud Lubbers, was recently removed from his post because of sexual harassment.

To tackle this challenge, on March 7, 2005, President Bush nominated John Bolton to be the Permanent United Nations Representative for the United States. I believe Mr. Bolton can help produce a more effective and efficient U.N., a stronger U.S.-U.N. relationship, and a U.N. that lives up to its founding principles and ideals.

I do not know Mr. Bolton. I have shaken has hand, I believe, on one occasion. But as I have reviewed his record of accomplishment and his answers to the Senate Foreign Relations Committee, on which I once was privileged to serve, it is clear to me he is intelligent. I believe he is honest. He is certainly candid. These are qualities I think that can help him help the United Nations.

When we think back on U.N. ambassadors from our Nation, those willing to shake things up have been most meaningful in helping the U.N. to live up to its high purposes. The name of our former colleague, Daniel Patrick Moynihan, comes to mind. Jeanne Kirkpatrick also comes to mind. These are two who were not afraid to step on toes or to do what was necessary to get the job done and help the U.N. to change.

I believe John Bolton's personality, while not perfect for everyone, will work in a manner that will create change leading to needed reforms. Frankly what you need in this capacity is probably a strong backbone more than a winning personality. He understands the strengths and especially the weaknesses of the U.N. At no time in the history of the United Nations has reform been as needed as right now. The United States, as the leading contributor to the United Nations' budget, must take the lead in setting forth the necessary reforms.

The United Nations is losing respect, not only in the United States but throughout the world. The United Nations has a serious legitimacy problem. I remember hearing the Secretary General saying legitimacy comes uniquely from the United Nations. I wish it did. But it does not. Legitimacy comes from democracy and processes that are open and transparent and free from corruption and, when corruption is found, rooted out through the process of law.

The Security Council—and I think the American people understand this—is not a place where Americans can find security. In some of the worst cases of genocide in our planet, it has been idle, unable, unwilling, and too gridlocked to stand up to some of the worst human crime in our time.

It sets high standards for itself and then sits on its hands while genocide occurs in places such as Rwanda and in the Sudan. Countries that harass their people, that imprison those who clamor for democratic rights, that thwart all efforts at civilized behavior, have the same voting power as those with free, democratic societies.

I wish it was the United Democratic Nations but, it tragically is not. Legitimacy is given to the United Nations from countries such as the United States. We do not need a stamp of approval from the U.N. to act, but the U.N. does need the stamp of approval from its member states before it can act.

How can one not doubt the legitimacy of the United Nations when a human rights stalwart such as Libya, or Cuba, is appointed to chair the Human Rights Commission and the United States is removed? Or Iran is chairing the Disarmament Commission? The question answers itself.

With the 60th anniversary of the United Nations approaching this summer, though, we have a real opportunity to encourage the U.N. to change its ways, to live up to its founding ideals. The United States must take the lead in helping to reform the United Nations. This is the only way the U.N. can fulfill its original promise of promoting international peace and security.

John Bolton may or may not be the perfect nominee. That is not my point. But I think he can be effective simply because he can be confrontational. Under Secretary Bolton has, with all the slings and arrows directed his way, served his country with honor and distinction at many different times. He has been an effective diplomat, enjoying a strong record of success, and has demonstrated his enthusiasm for working with other countries to meet common challenges.

When one reviews John Bolton's credentials, it is clear he is extremely qualified to be United States Ambassador to the United Nations. I say that without any commentary at all on his personality. As an Assistant Secretary for International Organizations from 1989 to 1993 in the first Bush administration, Under Secretary Bolton worked for Secretary James Baker on U.N. reform matters and on the repayment of arrearages and assessments.

While serving as the Assistant Secretary for International Organizations, he detailed his concept of a unitary U.N. that sought to ensure management and budget reforms that impacted the entire U.N. system, not only the U.N. Secretariat. This is truly a forward thinking initiative. This is the type of creativity and resourcefulness we need in order to address the enormous problems within the United Nations.

In 1991, Under Secretary Bolton was the principal architect behind the initiatives that finally led the United Nations General Assembly to repeal the resolution that equated Zionism and racism, one of the more notorious and heinous resolutions ever passed by the United Nations. Imagine this: The United Nations, created out of the ashes of World War II, passing a resolution in 1975 equating Zionism with racism and refusing for nearly 20 years to repeal that appalling notion.

During his time out of Government, Mr. Bolton served the United Nations on a pro bono basis between 1997 and 2000, as an assistant to former Secretary of State Baker in his capacity as the Secretary General's personal envoy for Western Sahara, working to resolve the dispute over that territory—quite an effort from someone who does not believe in the power of multilateralism and international organizations, which is alleged against him but is not true.

For the past 4 years he has served as the Under Secretary of State for Arms Control and International Security Affairs. Under Secretary Bolton led the efforts to implement the President's agenda to counter nonproliferation, including the reform of the International Atomic Energy Agency.

He also shaped the administration's approaches to countering the threat of WMD proliferation and, most importantly, the proliferation security initiative, a program that led directly to the discovery of Libya's nuclear program and its subsequent disarmament.

John Bolton is the best candidate to help usher in this needed reform because he is the one the President nominated and he has a long record of achievement. He knows the United Nations. He knows the changes that need to be made, and with his prior experience he can work with fellow members of the U.N. and to implement the necessary reforms.

My mother used to tell me when I was a little boy, got in trouble and punished: Son, it is better to be trusted than loved. Frankly, if Mr. Bolton is feared, while not loved, he may do more good than if he is loved and getting along with all. With all the problems illustrated with the United Nations, why would we want to send someone to New York who is more interested in the status quo than with engaging this institution with real reform for its organizations.

Again, I don't know Mr. Bolton personally. His personality is probably much different than my own. But I do know the President has a right to appoint whom he will appoint. Unless something is unearthed that disqualifies him because of his conduct, then all the innuendo, the hearsay, and the charges made against him that are "he said, she said" need to be understood in the long tradition in this town of killing one by 1,000 cuts, simply for political gain.

We owe this country and especially the United Nations, something better than an effort of blood sport in the Senate. Unless something is quickly unearthed about Mr. Bolton, I ask my colleagues to advise and consent on this nomination and to confirm him as quickly as possible because the work of reform at the United Nations is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent—I will not speak that long—to proceed for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I ask unanimous consent my comments be separated. I will make a few comments about Secretary Bolton and ask that they are separated and appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will say a few words about Secretary Bolton.

The Senator from Oregon and I are good friends and we have known each other a long time in the Senate and have worked together on a number of issues. As he well knows, the issue that defines the Bolton nomination is not politics. It is not "death by 1,000 cuts." It is an examination of the record of an individual who has been nominated for one of the largest embassies in the world, one of the most important spokesperson jobs in the world, one of the most important diplomatic jobs in the world.

It is vital, in the aftermath of Secretary Powell's testimony to the United Nations—which he now has publicly acknowledged was in error, on the basis of intelligence that was erroneous—that we send a message to the world about the credibility of that spokesperson and the United States itself. If that spokesperson comes to the job with a background of having interfered with the work of analysts in the State Department in the research and the intelligence research department, or if that person comes to the job with proof that there is, in fact, a retribution system for not providing the intelligence according to what that person wanted—not according to what the intelligence was—that is a problem. It is a serious problem.

If the nominee was not candid with the committee under oath before which he appeared, that is a serious problem. It is not politics. There will be a lot more time to discuss this over the course of the next days. The committee, to its credit, is going to do what is appropriate, which is examine these issues. Every member of the committee is duty-bound and will review that evidence with diligence, an open mind, and honesty. That is all we can ask.

We should not be reducing every question, particularly legitimate questions, to the sense of politics. It is a mistake. It is a mistake for the quality of the government we are trying to provide the American people. It is a mistake with respect to our constitutional obligations when we go up to this desk and raise our hand and swear to uphold the Constitution of the United States.

It is not the first time in American history a nominee has been questioned—Democrat or Republican. It is appropriate to perform that function.

I heard colleagues on the committee say in the beginning, this is only one offense. If there were a pattern, I would be disturbed by this. Lo and behold, in the next day, a pattern appeared, and all of a sudden the "pattern" people disappeared. It was not a question of if there is a pattern, it was now, well, the President has a right to make his choice. Another reason and rationale was found.

I don't even know why we get into such a partisan tizzy about it. The other side of the aisle ought to care as much as we do who is there or who is not there. We have had nominees in the course of time that I have been here who have not been confirmed or who were not confirmable, some of whom were delayed endlessly. I remember what a good friend of mine, Richard Holbrooke, went through in the process of his nomination. Senator Helms had him jumping through hoops for months looking at his financial records and his transactions, none of which occurred in the course of his public business, but, nevertheless, that is what happened. And he patiently went through it. And we patiently worked through it. Ultimately he was confirmed and I think he did an outstanding job for the country as a consequence of that.

So I think it is time to find a different path here.

NUCLEAR OPTION

Mr. KERRY. Mr. President. I will speak about the second issue I would like to talk about.

The Republican nuclear option has been discussed endlessly on editorial pages, talk radio, and here in this Chamber. The ongoing debate is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship between each other, Republicans and Democrats, leaders all sworn to uphold the Constitution and with the responsibility to try to lead this Nation in difficult times and find the common ground and build a consensus for our country.

At its core is a debate about how we live out our own democracy in America. Beneath it are questions about how this city, the Nation's Capital, is functioning today, how we relate to each other, how our committees work, how the Senate itself functions. It appears as if we are headed in a direction that ultimately clashes with the real will and needs of the American people. That is what this is really all about.

The fact that we are even talking about this nuclear option is a stark reminder that Washington is not caught up fighting for the broader interests of the American people, that we are not spending most of our time consumed by the things that affect the lives of average Americans—losing their jobs, seeing more expensive health care, watching jobs go overseas, seeing the deficit grow, seeing the trade deficit grow, wondering about the health care system of our Nation, schools where our kids still have teachers who dig into their pockets in order to take out of their not-so-great salaries to put materials in front of those kids so they can study—while we here make other choices.

From the outside looking in, our democracy appears broken to an awful lot of Americans. It certainly seems to be endangered by a one-party rule—not a supermajority, a simple majority—in a very closely divided Nation, a party rule that seems intent on amassing power to be able to effect its will no matter what, often at the expense of the real work and the real needs of the American people.

Now, in recent weeks alone, we have witnessed a really disturbing course of events, probably as disturbing as I have seen in the 22 years I have been privileged to serve here. Republican leaders of Congress, in my judgment—I say this respectfully—are crossing lines I think should not be crossed: the line that says a leader of the House of Representatives should never carelessly threaten or intimidate Federal judges; the line that says the leader of the Senate should never accuse those who disagree with his political tactics of waging a war against people of faith; the line that says respect for core constitutional principles should never be undermined by a political party's agenda; most important of all, the line that says that a political party's leader should never let the hunger to get done whatever that political agenda is overshadow the needs and the interests of respecting both the Constitution and the will of the American people.

It is, frankly, almost hard to believe that in a Congress where leaders of both parties once worked together to find common ground despite ideological differences, we face this. If Everett Dirksen were here, or Hugh Scott, people I was privileged to meet as a younger American when I was looking at the system, I think they would shudder at this relationship we see today.

Yesterday, when JIM JEFFORDS announced his retirement, I remembered the very different words about a different Washington that JIM captured so eloquently about 4 years ago. He spoke of a political tradition where leaders represented their States first. They spoke their minds, he said, often to the dismay of their party leaders. And they did their best to guide this city in the direction of our fundamental principles.

It is underscored by what happened in the Foreign Relations Committee just the other day. Our distinguished colleague, Senator VOINOVICH, had the courage to think. He had the courage to tap into his own conscience and to respect that tradition of thought and individualism in the Senate. But it was astonishing the reaction of the press, the reaction of the commentators, the reaction of partisans, the reaction of members of his own party, who underscored how rare, how absolutely out of order and how out of the sequence it was for this Senator to individualize his judgment, all of a sudden.

Senator VOINOVICH is now being vilified on talk radio and on the Internet for having the audacity to say that he felt uncomfortable casting a vote without enough information. He did not say he planned to vote against the President's nominee; he said he just wants to make an informed decision on the matter, a matter of great importance. That does not seem very controversial to me. But, oh, boy, are the attack folks out. The daggers are out. Senator VOINOVICH is persona non grata among certain circles.

Senator CHAFEE actually said he had never seen such an act as Senator VOINOVICH's in his 4 years in Washington. What a terrible comment on the way this place works today, that a new Senator has not seen an act of individual conscience where a Senator thinks something through and realizes he is not prepared and wants more information. Before the era of C-SPAN and 24-hour news and 24-hour attack and the World Wide Web, Senators showed the courage and the independence all the time. Senators did not think twice about acting on their conscience ahead of partisanship. And today, it is a statement that Senator VOINOVICH is subject to widespread denigration in partisan circles, when Americans ought to be standing up and admiring and respecting his independence.

Open your eyes across this country and look at what is happening in the Congress today, and you are quickly reminded that some of those who run this city have chosen to do so in a way that does not seek to find that common ground, that does not try to stay in touch with the mainstream values but pushes a narrower set of priorities.

What does it tell you when an embattled majority leader of the House is willing to go on talk radio and attack a Supreme Court Justice, let alone a Supreme Court Justice appointed by Ronald Reagan, confirmed by a nearly unanimous Senate, a Justice who ruled in favor of President Bush in Bush v. Gore? Ronald Reagan's nominee to the highest court in the land cannot even escape TOM DELAY's partisan assaults. Yet here on the floor of the Senate there is no outcry, no moderating Republican voice willing to say this shocking attack has no place in our democracy.

I guess none of this should be a surprise when the majority leader announces what he is going to do on this Sunday. The majority leader plans to headline a religious service devoted to defeating, and I quote, "a filibuster against people of faith."

Mr. President, I resent that. I am a person of faith, and I do not believe we should lose our right to have a filibuster to stop things that we disagree with, according to the rules of the Senate. It has nothing to do with faith. And when the leader of the Senate questions how any Senator applies their faith in opposing procedures of the Senate, we are going too far. You go beyond endangering the rules that protect the cherished rights of the majority and the minority; you wind up challenging the foundation of our democracy and of how this Senate is supposed to work.

Make no mistake, this may be an isolated issue, but the rights of the minority are fundamental to our democracy. Many people have written that the real sign of a democracy is not the rights of the majority. It is the rights of the minority that are, in fact, a signal of a truly strong and vibrant democracy, and diluting those rights is a threat to that vibrancy.

Forces outside the mainstream now seem to effortlessly push Republican leaders toward conduct that the American people do not want in their elected leaders—inserting the Government into our private lives, injecting religion into debates about public policy when it does not apply, jumping through hoops to ingratiate themselves to their party's base—while, step by step and day by day, real problems that keep Americans up at night fall by the wayside here in Washington.

We each have to ask ourselves, Who is going to stop it? Who is going to stand up and say: Are we really going to allow this to continue? Are Republicans in the House going to continue spending the people's time defending TOM DELAY, or are they going to defend America and defend our democracy?

Will Republican Senators let their silence endorse Senator FRIST's appeal to religious division, or will they put principle ahead of partisanship and refuse to follow him across that line? Will they join in an effort across the aisle to heal the wounds of this institution and begin addressing the countless challenges that face this Nation? It is time to come together to fulfill our fundamental obligations to our soldiers, our military families who have sacrificed so much. It is time to bring down gas prices and to move America toward less dependence on foreign oil. It is time to find common ground to cover the 11 million children in this country who have no health insurance at all. Are we willing to allow Washington to become a place where we can rewrite the ethics rules to protect TOM DELAY but sell out the ethics of the American people by refusing to rewrite a law to provide health care to every child in the country? Are we willing to allow the Senate to fall in line with the majority leader when he invokes faith, all of our faiths over here? JOE LIEBERMAN is a person of faith. HARRY REID is a person of faith. They don't believe we should rewrite the rules of the

Senate. And we certainly should not allow this to be an issue of people who believe in the Constitution somehow challenging the faith of others in our Nation.

Are we going to allow the majority leader to invoke faith to rewrite Senate rules to put substandard extremist judges on the bench? Is that where we are now? It is not up to us to tell any one of our colleagues what to believe as a matter of faith.

I can tell you what I do believe though. When you have tens of thousands of innocent souls perished in Darfur, when 11 million children are without health insurance, when our colossal debt subjects our economic future to the whims of Asian bankers, no one can tell me that faith demands all of a sudden that you put the Senate in a position where it is going to pull itself apart over the question of a few judges. No one with those priorities has a right to use faith to intimidate any one of us.

It is time we made it clear that we are not willing to lie down and put this narrow, stubborn agenda ahead of our families, ahead of our Constitution, and ahead of our values. The elected leadership in Washington owes the American people and this institution better than this.

What is at stake is far more than the loss of civility or the sacrifice of bipartisanship. What is at stake is our values, both as a country and an institution, respecting the rights of the minority, separation of church and state, honesty and responsibility.

Every one of us knows there is no real crisis in the confirmation of judges or judicial nominations, when over 90 percent of the President's nominees have already been confirmed, 205 out of 215 total. What is really at stake is something a lot greater, a struggle between a great political tradition in the United States that seeks common ground so we can do the common good, and a new ethic that on any given issue is prepared to use any means to justify the end of absolute victory over whatever and whoever stands in the way of that ethic; a new view that says if you don't like the facts, just change them; if you can't win playing by the rules, just rewrite them; a new view that says if you can't win a debate on the strength of your argument, demonize your opponents; a new view that says it is OK to ignore the overwhelming public interest as long as you can get away with it. For what? For a so-called nuclear option over a few judges, an option that seeks to put extreme, substandard judges on the bench against the will of the American people.

Is it worth undermining our democracy on behalf of Priscilla Owens, who took contributions from Enron and Halliburton and then ruled in their favor? A conflict? Is it worth this distraction from the people's business to confirm a Charles Pickering who fought against implementing the Voting Rights Act and manipulated the judicial system to reduce the sentence of a convicted cross burner? Is it worth throwing out 200 years of Senate tradition to defend William Myers, Janice Rogers Brown, and Bill Pryor whom numerous members of the impartial American Bar Association deemed unqualified?

The fact that we even have to debate a nuclear option over these judges tells you this is all about power, about victory, about a sort of unchallenged ability to be able to do whatever you want, despite the fact that that is not the way it works here and that is not the way our Founding Fathers intended it to work.

It is time to put Americans back in control of their own lives and put Washington back on their side. That means restoring accountability, accountability for false promises, accountability for failure to address issues that we have promised to address, ranging from energy independence to military families who just lose their benefits when they are called to duty and struggle with their families, accountability for fiscal insanity, for record deficits, for mounting debts. That is the debate we owe the American people, accountability for 45 million Americans who have no health care and middle-class Americans who are one doctor's bill away from bankruptcy, especially the 11 million children who have no health care at all. That is what the American people want us to debate with passion, not the rules of the Senate but the legitimacy and the substance of those choices. That is what we ought to do.

Any Senator who has been here for a period of time has watched the decline of the quality of the exchange between both sides of the aisle in this institution. That is not what this Senate is renown for. It is called the greatest deliberative body in the world, a place where people on both sides can find the common ground and get good things done.

I think Senator McCAIN has said publicly: We are not always going to be in the majority.

That has been the course of history here. What goes around comes around. That is part of the respect that has always guided this institution. We need to work harder, all of us, to restore what the American people want and haven't had for too long. That is a Washington that works for them.

I yield the floor.

NOMINATION OF JOHN NEGROPONTE

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor to talk about my good friend, John Negroponte. I have known him and Diana and their children—Marina, Alejandra, John, George, and Sophia—for quite some time. I think the Nation is very lucky to have a man of the caliber of John Negroponte on deck, so to speak, and willing to take the assignment of being the new Director of National Intelligence. He has had considerable experience as an ambassador.

I remember full well the first time I met him was in Honduras when he was the Ambassador there. We had a rather severe problem, as people will recall; we called them the Contras. But I got to know him fairly well in the time we were down there. When he returned to Washington, I met his wife and was with him and spent time with him on a family basis. I have spent time with him now in his various positions he has had since that time, at the U.N. and in Iraq.

He is a man of great talent and depth. I believe there are many of us—and I am one of them—who had severe questions about the direction we were taking in terms of this new Director of National Intelligence and how it would relate to existing agencies and to the State Department and to the Department of Defense and to the National Security Agency and all others who are involved in intelligence and relate to those in the Congress who have the oversight responsibility for the intelligence function and for the classified areas of the activities of our Nation.

John Negroponte is a man who can do this job. He is a man of great talent. But more than that, he has demonstrated the ability to work with people and various entities, not only here in our country but throughout the world. This new Director of National Intelligence could well become the most important Cabinet position we have in the years to come. John Negroponte is the man to fashion that office, to determine what it needs in order to function properly at the beginning, and to set the course for this new intelligence agency.

So I am here to urge that the Senate promptly approve this nomination and confirm John Negroponte so he can start on this very important task.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I associate myself with the remarks of the senior Senator from Alaska concerning the qualifications of John Negroponte. Both the Senator from Alaska and I have known him for many years and his service is one of great distinction. I am confident he will receive the endorsement of an overwhelming majority of the Senate.

NOMINATION OF JOHN BOLTON

Mr. McCAIN. Mr. President, I rise to discuss the nomination of John Bolton as ambassador to the United Nations. We all know, somewhat unexpectedly, Mr. Bolton's nomination has been held pending further discussion and consideration by the Foreign Relations Committee.

I want to say I strongly support Mr. Bolton's nomination. He has been confirmed by the Senate four times in the past. He is a smart, experienced, hardworking, and talented man, and he knows the United Nations. He is not a career diplomat, but neither was Jean Kirkpatrick. He is not a career diplomat, either by profession or temperament, but then the role of ambassador to the U.N. has always required something special. A look back at some of the personalities who have held the job—from Adlai Stevenson to Daniel Patrick Moynihan, from Madeleine Albright, to Jean Kirkpatrick, to Richard Holbrooke—shows that directness and forcefulness are assets, not hindrances, to effectiveness there.

We all know Mr. Bolton is perhaps not the world's most beloved manager, nor one to keep his temper entirely under wraps. Perhaps, Mr. President, that evokes a certain sympathy and empathy from this individual, although it is well known that on no occasion have I ever become emotionally involved in anything.

I am sorry about a little levity here.

Seriously, I ask my colleagues is it unique to Mr. Bolton to be strong in his views and opinions? If a temper and an unorthodox management style were disqualifiers from Government service, I would bet a large number of people in Washington would be out of a job.

It is worth wondering not whether Mr. Bolton is a mild, genteel diplomat—we know he is not—but rather whether he is the representative we need at the United Nations. We need an ambassador who truly knows the U.N. We need an ambassador who is willing to shake up an organization that requires serious reform. No one knows better than the Senator from Minnesota, who is in the chair, who has been heavily involved in the issues of the U.N. We need an ambassador who has the trust of the President and the Secretary of State. Mr. Bolton, it seems to me, has what it takes for the job.

I am reminded, on the judges issue and in this issue, elections do have consequences. I believe there are significant numbers of the American people who do take into consideration the consequences of a Presidential election, and that is the earned right of a President, under anything other than unusual circumstances, to pick his team. There were nominees of the previous Clinton administration I didn't agree with. I would not have selected but because President Clinton was elected President, I voted for his nominees on that basis.

The U.N. is a vital organization to the world and to the national interests of the United States. It is not perfect by any means, and John Bolton knows this. There has been talk that the nomination of Mr. Bolton was an indication of the administration's disdain for multilateral diplomacy. I cannot believe Mr. Bolton wishes to be dispatched for 4 years to an ineffective body, unloved by the United States. I do believe he wants to work actively to reform the U.N., make it stronger and better. Mr. Bolton, seeing clearly the U.N.'s strengths and its weaknesses, will be well positioned to improve the organization and America's relationship with him.

As the Chair well knows, what kind of a U.N. is it that has Libya, Cuba, and Zimbabwe as part of its Human Rights Commission? Is it all right with the U.N. today? We are seeing more and more indications of the Oil-for-Food scandal which, again, the Senator from Minnesota, the Chair, has carefully examined. There is a crying need for reform.

I am pleased the Secretary General of the U.N. has made proposals for reform. I support those and believe perhaps we need more. Again, it seems to me Mr. Bolton sees clearly the strengths and weaknesses, and he would be well positioned to help in this reform effort. Let's not forget that it desperately needs improving. It is hard to take an organization that has countries such as I mentioned that are members of the Human Rights Commission or whose General Assembly equates Zionism with racism. But at the moment, a great opportunity presents itself. The panel named by the Secretary General, on which one of my most respected Americans and beloved Americans, Brent Scowcroft, served, has recently issued its list of recommendations to transform the U.N. Kofi Annan has presented his own serious plan to implement these recommendations.

In other words, I argue that right now the U.N. is in a unique moment, perhaps, in its history; and because of the scandals associated with it, it is open to reform. We need a strong personality, in my view, and a knowledgeable one to help bring about those reforms.

But without hard work and pressure, nothing will happen. Over the years, the U.N. has proven itself to be remarkably resistant to change. I believe John Bolton could provide the medicine the United Nations needs.

As I mentioned earlier, elections have consequences, and one consequence of President Bush's reelection is he actually should have the right to select officials of his choice. I stress this because the President nominates not the Democrats' selection, nor mine, nor that of any other Senator, but his own choice. I mentioned that when President Clinton was elected, I didn't share the policy views of some of the officials he nominated, but I voted to confirm them, knowing the President has a right to put into place the team he believes will serve him best.

The Foreign Relations Committee is examining whether Mr. Bolton has engaged in truly unacceptable behavior that would disqualify him for office. I believe, unless we see a pattern of inappropriate conduct—which so far I have not—I believe the Senate must move forward expeditiously to confirm John Bolton as America's ambassador to the United Nations.

Mr. President, as I criticize some of the activities of the U.N., there are other activities of the U.N. going on as we speak that I think require America's presence. The situation in Darfur, Sudan, for example, is one that cries out for American participation in the decisionmaking process because one could draw a scenario where under extreme circumstances, to prevent genocide, American troops, or certainly American support in the form of logistics and other areas, could be heavily involved, as well as expenditure of American tax dollars, which already constitutes a significant portion of the financing of the United Nations.

So I hope we can set a time and date certain for a vote on Mr. Bolton. As I said, if somebody has information that would disqualify him, that is fine. I don't think he or anybody else deserves a long, drawn-out, exhausting process which damages our ability to participate in the U.N. and also may damage the character of a good man.

I hope we will act as expeditiously as possible. I have great respect for the Foreign Relations Committee and its chairman, Senator LUGAR, all members, and the ranking member, Senator BIDEN. But I certainly hope they realize inordinate delay is not healthy. I, having had the opportunity of knowing Mr. Bolton for many years, believe he would do an outstanding job as our ambassador to the United Nations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's licenses and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

Pending:

Ensign amendment No. 487, to provide for additional border patrol agents for the remainder of fiscal year 2005.

Bayh amendment No. 520, to appropriate an additional $213,000,000 for Other Procurement, Army, for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

The PRESIDING OFFICER. There is now 15 minutes equally divided. Who yields time?

The Senator from Massachusetts.

AMENDMENT NO. 520

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

In December, just a few months ago, the Secretary of Defense on a visit to Iraq was asked by a soldier why our troops were sent into battle with unarmored vehicles.

It was a question on the minds of many Americans—especially those with sons, daughters, husbands, wives, friends, and neighbors who had answered their country's call and whose lives are on the line every day in Iraq and Afghanistan.

The American people are appalled that our troops have had to fend for themselves by strapping plywood and scrap metal onto their vehicles. Our troops call them "cardboard coffins." As one soldier who served in Iraq said, "I would feel safer in a Volvo than I would in one of these (unarmored) Humvees."

But month after month, the Pentagon has failed to provide enough armored Humvees to meet the urgent security needs of our troops on dangerous patrols in Iraq. On nine different occasions, we have asked the Pentagon for their requirements for armored Humvees, and nine times they have been wrong.

An now the Pentagon actually wants to decrease the production of armored Humvees.

Tell that to our troops in Iraq and Afghanistan and they'll let you know how irresponsible that is—just as they told Secretary Rumsfeld on his trip to Iraq in December.

Tell that to the family of James Sherill, a Kentucky National Guardsman who was killed in an unarmored vehicle just this month.

Tell that to the families in Massachusetts who have lost loved ones in Iraq.

Tell that to the tens of thousands of dedicated men and women in uniform about to serve their second and third tours there. Tell them they may have to ride into the danger zone yet again without enough armor.

We know that American companies can produce more.

Armor Holdings—the company that puts the armor on the armored Humvee—told my office this morning that its current contract with the Army will mean sharp reductions in production. Right now, they provide 550 armored Humvees a month. Their current Army contract calls for only 239 in June, zero in July, 40 in August, and 71 in September. The company is negotiating with the Army for slightly higher levels of production for June, July, and August, but it still expects to decrease production to 71 by September.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I will take another minute.

We cannot let the Department of Defense get it wrong for the tenth time. For the sake of our troops we need to get it right.

I ask unanimous consent to have printed in the RECORD a letter from the Department of Defense to Senator INOUYE that says:

> To sustain production at the maximum capacity through the end of FY05, the Army would need an additional funding of approximately $213 million.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, OFFICE
OF THE DEPUTY CHIEF OF STAFF,
G-3/5/7,
Washington, DC.

Hon. DANIEL K. INOUYE,
Ranking Minority Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: Greatly appreciate your outstanding support as you work your way through the FY05 supplemental request. Understand you are receiving several inquiries regarding Up-Armored HMMWVs (UAH). To lend clarity to Army requirements for the UAH in support of the Global War on Terrorism (GWOT), we provide the following information.

The current GWOT requirement for UAH is 10,079. The amount already appropriated and supported in reprogramming actions funds 4,528 UAHs in FY05 enabling the Army to meet the 10,079 requirement in June 05 with no additional funding.

We currently are producing at the manufacturer's maximum capacity of 550 per month. This will continue through June 05, at which time production rates will decline. To sustain production at the maximum capacity through the end of FY05, the Army would need additional funding of approximately $213 million; however, this sum is not necessary to address the extant requirement.

Thank you very much for your hard work and fast action on the supplemental bill. Your dedication to our men and women in uniform, and their families, is deeply valued.

Sincerely,

DAVID F. MELCHER,
Lieutenant General,
U.S. Army, Deputy Chief of Staff, G–8.
JAMES J. LOVELACE,
Lieutenant General,
U.S. Army, Deputy Chief of Staff, G–3.

Mr. KENNEDY. The House of Representatives added 232. This amendment is to do what the Department of Defense says is necessary to keep the production line going. I hope it will be accepted.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

AMENDMENT NO. 368, AS MODIFIED

Mr. CORZINE. Mr. President, amendment No. 368, as modified, was accepted by both sides on the Foreign Operations Subcommittee last night before a unanimous consent agreement, not in time for inclusion in the managers' amendment. I therefore ask unanimous consent to lay aside the pending amendment so I may call up amendment No. 368, as modified, and ask unanimous consent this amendment be adopted.

Senator BROWNBACK, Senator DEWINE, and others are on this amendment as well, which is funding for the Darfur peacekeeping operations as well as disaster assistance.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, this is an amendment we worked on for a long time, a Darfur amendment, $50 million for peacekeepers, $40 million for food aid. It was agreed to but not in the managers' package last night. We do ask unanimous consent this be brought up and we will be asking for a voice vote on it. It has broad bipartisan support.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, this is an amendment that will clearly save lives. It is the right thing to do and I join my colleagues in asking it be passed.

The PRESIDING OFFICER. Is there objection? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have no objection to the amendment being called up. We have discussed the amendment with the Senator from New Jersey and the Senators from Kansas and Ohio. We have no objection to proceeding to consider the amendment.

Mr. CORZINE. I ask for the yeas and nays.

Mr. COCHRAN. We are not going to join that request.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. DURBIN, Mr. LEAHY, and Mr. OBAMA, proposes an amendment numbered 368, as modified.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 183, after line 23, add the following:

SUDAN

SEC. . Of the funds appropriated in this Act for "Contributions for International Peacekeeping Activities", $90,500,000 may be made available for assistance for Darfur, Sudan: *Provided*, That within these amounts, $50,000,000 may be transferred to "Peacekeeping Operations" for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan; *Provided further*, That $40,500,000 may be transferred to "International Disaster and Famine Assistance" for assistance for Darfur, Sudan and other African countries.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 368), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object. I do not intend to object, but I thought we had a brief time for discussion of this amendment. That is what I heard the unanimous consent agreement was, for 15 minutes. That is what I thought we were going to debate and vote on at a quarter of. That is the only reason I raise this objection because there was a unanimous consent.

If the Senator wants to complete a brief unanimous consent request, I will not object, but I hope if there are arguments against this amendment, we will be able to hear them. We are prepared to put some more arguments out there on the table.

Mr. CRAIG. I appreciate the concern of the Senator. I believe the amendment I am sending to the desk has been agreed to on both sides. There is a second degree. We should be able to move very quickly through it.

Mr. KENNEDY. I have no objection.

AMENDMENT NO. 564

Mr. CRAIG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself and Mr. AKAKA, proposes an amendment numbered 564.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title)

At the appropriate place, insert the following:

SEC. . TRAUMATIC INJURY PROTECTION.

(a) IN GENERAL.--Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

"(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

"(A) Bathing.

"(B) Continence.

"(C) Dressing.

"(D) Eating.

"(E) Toileting.

"(F) Transferring."; and

(2) by adding at the end the following:

"§ 1980A. Traumatic injury protection

"(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

"(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

"(A) total and permanent loss of sight;

"(B) loss of a hand or foot by severance at or above the wrist or ankle;

"(C) total and permanent loss of speech;

"(D) total and permanent loss of hearing in both ears;

"(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

"(F) quadriplegia, paraplegia, or hemiplegia;

"(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

"(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

"(2) For purposes of this subsection—

"(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

"(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

"(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

"(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

"(c) A payment under this section may be made only if—

"(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

"(2) the loss results directly from that traumatic injury and from no other cause; and

"(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

"(d) Payments under this section for losses described in subsection (b)(1) shall be—

"(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

"(2) based on the severity of the covered condition; and

"(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

"(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

"(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

"(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

"(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

"(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

"(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

"(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

"(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

AMENDMENT NO. 551 TO AMENDMENT NO. 564

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 551 to amendment No. 564.

Mr. DEWINE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the traumatic injury insurance provision retroactive for servicemembers injured in Iraq)

On page 8, line 16, strike "(c)" and insert the following:

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d)

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 551) was agreed to.

AMENDMENT NO. 564, AS AMENDED

Mr. CRAIG. Mr. President, prior to a vote on the amendment as amended, I would like to speak for up to 3 minutes.

I have sought recognition to comment on an amendment I have offered to address a tremendous gap in coverage that exists in our treatment of the soldiers, sailors, marines, and airmen, who are fighting for our country. My amendment addresses that coverage gap through the creation of a new "Traumatic Injury Protection" insurance program for the benefit of severely disabled servicemembers. But before I describe my amendment, let me further discuss the nature of the problem my amendment would attend to.

It is widely known that due to incredible advances in medicine, servicemembers who may not have survived life-threatening injuries in previous wars are now making it back home from Iraq and Afghanistan alive. That is the good news. The bad news, however, is that they must live with injuries that may have left them without their limbs, sight, hearing, speech, or ability to even move.

All of my colleagues have likely met with these brave men and women in their home States, or right here in Washington, DC, at the Walter Reed Army Medical Center. They are fighting for their lives. They are attempting to learn through physical and occupational therapy how to reintegrate back into society. Needless to say, relearning things I and my colleagues take for granted every day—how to walk, how to read, how to simply make breakfast in the morning—can take months or, quite possibly, years.

It is during this rehabilitation period at military hospitals that the need for additional financial resources is most acute. For many Guard and Reserve members at Walter Reed, they already have foregone higher paying civilian jobs prior to their deployment. Lengthy recovery periods simply add to the financial strain they bear. In addition, family members of injured soldiers bear the burdens necessary to travel from great distances to provide the love and emotional support that is absolutely essential for any successful rehabilitation. Spouses quit jobs to spend time with their husbands at the hospital. Parents spare no expense to be with their injured children.

To meet these needs, my amendment would create a "Traumatic Injury Protection" insurance rider as part of the existing Servicemembers' Group Life Insurance Program. The traumatic insurance would provide coverage for severely disabling conditions at a cost of approximately $1 a month for participating servicemembers. The payment for those suffering a severe disability would be immediate and would range from $25,000 to a maximum of $100,000. The purpose of the immediate payment would be to give injured servicemembers and their families the financial cushion they need to sustain them before their medical discharge from service when veterans' benefits would kick in.

The traumatic injuries covered under my amendment include: total and permanent loss of sight; loss of hands or feet; total and permanent loss of speech; total and permanent loss of hearing; quadriplegia; paraplegia; burns greater than second degree, covering 30 percent of the body or face; and certain traumatic brain injuries.

The cost of the amendment is entirely reasonable given the cause. Informal CBO estimates put the FY2006 cost at $10 million. A very small price to pay to meet the needs of these wounded warriors.

I cannot take credit for the idea behind this amendment. The credit must go to disabled veterans of the Wounded Warrior Project, run under the aegis of the United Spinal Association. Three Wounded Warrior veterans of the Iraq war visited my office last week to discuss the need to provide this type of an insurance benefit. One veteran, former Army SSG Heath Calhoun, had both of his legs amputated after being struck during a rocket propelled grenade attack in Iraq. Heath and his wife, Tiffany, who was present with him in my office, described the financial problems they endured after Tiffany quit her job to be with Heath during his convalescence. It took over a year before Heath was medically discharged from service. While the Calhoun family was able to make it through that extremely trying period, Heath told me he was adamant that other servicemembers in Iraq should not have to worry about finances should they, too, be injured. The quickest way to accomplish that, he told me, was to add a disability insurance rider—financed by servicemembers through monthly premium deductions—to the existing life insurance program. I am honored to sponsor this amendment in the Senate on his, and the other veterans of the Wounded Warrior Project's, behalf. I would also like to personally complement Ryan Kelly, who also visited me last week. Mr. Kelly lost his right leg during an ambush near Baghdad almost 21 months ago. I am told he was a principal author of the draft legislation that culminated in the amendment I offer today. I thank him for his fine work.

I also want to thank President Bush and his top administration officials for lending their support to this amendment. Secretary of Veterans Affairs Jim Nicholson, Deputy Secretary of Defense Paul Wolfowitz, and their staffs, who provided invaluable technical support in the drafting of this amendment.

And most importantly, I want to thank my partner in this effort, the Committee's ranking member, Senator DANIEL K. AKAKA. I thank him for cosponsoring the amendment, and I thank him for joining me in a spirit of bipartisanship as we seek to serve veterans together.

The supplemental already would make substantial improvements to benefits provided to survivors of those killed in the line of duty. I applaud those efforts. But I also remind my colleagues that we must be vigilant in our care for those who are still fighting to regain the normalcy of the lives they enjoyed prior to sustaining catastrophic injuries in defense of our freedom. I ask for your support.

Mr. OBAMA. Mr. President, I speak in favor of the amendment offered by the distinguished chairman and ranking member of the Veterans Affairs Committee.

A few weeks ago, I met with Sergeants Ryan Kelly, Jeremy Feldbusch, and Heath Calhoun, all of whom had recently returned from Iraq. They served their country bravely in battle, and in doing so, each of these men sustained a disabling injury that will change their lives forever.

When they came home, it would have been easy for them to go about their own business or feel sorry for themselves.

But they did not. Instead, they decided that their service to our country would not end on the battlefields of Iraq. They would speak out for their fellow soldiers—the ones who also may come home without a leg, or an arm, or their sight, but may not have the resources to carry on and support their families.

This amendment is their tribute to their brothers and sisters-in-arms.

For only about $3 per month, it allows service members to purchase group disability insurance that would award them a maximum of $100,000 if they are deemed seriously injured. For disabled veterans who may not be able to work when they come home, this insurance could help them obtain long-term care, send their kids to school, or simply make sure that they can pay the bills and still put food on the table. It won't cost the Government a dime. It simply needs our approval to allow it to happen.

The blessings of modern technology have saved the lives of many service members who would otherwise have died from their wounds. Yet, it also means there will be more wounded who need care. Every single one of us has a fundamental moral duty to take care of those men and women who've sacrificed to safeguard our freedom. This amendment offers us one way to do that, and I thank Senators CRAIG and AKAKA for their cooperation in moving this issue forward.

Mr. AKAKA. Mr. President, I am pleased to support this important and timely amendment.

This amendment will go far to ease the financial burden that is placed on a service member and his or her loved ones as a result of traumatic injury. Between $25,000 and $100,000 will be paid to service members who suffer such injuries based on severity of injury.

Service members and their families face heavy financial burdens while hospitalized, and prior to being medically discharged from the military. This effort will help lessen the burden that exists on service members and their families before VA benefits kick in.

Importantly, to qualify for this necessary benefit, our soldiers, sailors, airmen, and marines do not have to do any additional paperwork. They are automatically enrolled in this program by virtue of being a participant in the Servicemembers' Group Life Insurance Program.

The insurance premium will cost the service member approximately $1 a month and will be determined by the Secretary of Veterans Affairs.

This insurance policy is meant to supplement, and not take the place of, existing DoD and VA benefits. This amendment is intended to fill a gap: assistance to service members and their families during recovery from a traumatic injury. In no way should anyone view this as a precedence for shifting costs to a service member.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 564), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Massachusetts for his consideration, most importantly the chairman of the full Appropriations Committee for his cooperation, the chairman of the Armed Services Committee for his understanding and work with his staff. As chairman of the Veterans' Affairs Committee, this was truly a team effort. Working with my colleague from Ohio, Senator DEWINE, we have accomplished something for America's veterans, especially those very traumatically injured, that I think is critical and necessary.

I yield the floor.

Mr. REID. Mr. President, I will speak briefly. If this time is taken from the time scheduled for a vote at 3:45, I ask unanimous consent whatever time I use extend the vote that amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COURAGE OF SENATOR INOUYE

Mr. REID. Mr. President, we all have the good fortune of serving in this body with some outstanding men and women, but I don't think it is an exaggeration to say DAN INOUYE is a step above us all. He is a man for whom I have the greatest admiration, for many different reasons.

Sixty years ago today, on April 21, 1945, DAN INOUYE paid an incredible price protecting the freedom of our country and the people of the world. Senator DANIEL K. INOUYE showed during World War II what kind of a man he is.

He was born to Japanese immigrant parents in Honolulu. He witnessed the bombing of Pearl Harbor when he was 17 years old. But he did not stand by. He rushed in, provided aid to American troops. This was the beginning of his service to our country.

I will read now from his Medal of Honor citation which was received for actions this day 60 years ago, when Senator INOUYE and his men were in Italy, trying to capture a key mountain ridge.

The citation reads:

> With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

Senator INOUYE lost his arm and received other grievous wounds that day defending our freedom. It tells us something about this man, his courage and his heroism.

We serve with him every day. He is quiet, unassuming, but he is a real hero. He refused to let anything hold him back, in spite of his serious injuries, spending years in the hospital. Following that war, he went to the University of Hawaii, George Washington School of Law. He was elected to the House of Representatives, and now is the third most senior Member of the Senate. Throughout his life and his service, DAN INOUYE has proven himself a man of courage.

I am, with all Members in this Senate, Democrats and Republicans, proud to call him a friend and a colleague. He gave so much to our country so long ago but to this day he keeps on giving. We could all learn a lesson from this great American.

Mr. WARNER. I wish to commend the distinguished Senator for those remarks. I humbly ask the privilege of being associated with the remarks he made.

Senator INOUYE has been one of the most extraordinary leaders I have had the privilege to serve with in my career in the Senate. I thank him and I thank the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. I don't know how the time is allocated, but I will take 2 or 3 minutes.

The PRESIDING OFFICER. There is 2 minutes 39 seconds.

AMENDMENT NO. 520

Mr. KENNEDY. Mr. President, from April of this year, 2005, the GAO report. There are two primary causes for the shortages of up-armored vehicles and add-on armor kits: First, a decision was made to pace production rather than use the maximum available capacity; two, funding allocations did not keep up with rapidly increasing requirements.

Army officials have not identified any long-term effort to improve the availability of up-armored Humvees or add-on armor kits.

The Department of the Army itself says now we are currently producing the 550, they will continue through June 2005, at which the production rates decline. To sustain production at the maximum capacity, the Army would need funding at 213. That is exactly what ours does.

If we did not include that, we see the dramatic production in the capacity and in the development of that.

Why are we doing that? Nine times the Army appeared before the Armed Services Committee; nine times they underestimated the needs.

A third of the 35 of the young men from my State of Massachusetts have lost their lives because of the lack of up-armor.

All we are asking, take it to the conference, 230. The House of Representatives saw that. Why doesn't the Senate of the United States? I hope we would have support for that amendment and let them work it out in the conference. Let's make sure we are going to do what needs to be done. We have seen the mistakes of the past. Let's not make another one today.

Mr. COCHRAN. How much time remains under the order?

The PRESIDING OFFICER. The Senator from Mississippi has 2½ minutes. That is all the time that is available.

Mr. COCHRAN. I reserve the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE TO BE DIRECTOR OF NATIONAL INTELLIGENCE— Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session and proceed to a vote on the nomination, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Director of National Intelligence.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John D. Negroponte, of New York, to be Director of National Intelligence? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—2

Harkin
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 487

Mr. ENSIGN. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 487) was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENSIGN. Mr. President, in the decade before 9/11, al Qaeda studied how to exploit gaps and weaknesses in the borders of the United States.

A few months ago, intelligence officials confirmed that the terrorist Zarqawi plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools.

A year-long investigation recently concluded with authorities arresting 18 people who planned to smuggle grenade launchers, shoulder-fired missiles, and other Russian military weapons into our country.

Let's face it—the dual threat of illegal border crossing by people who wish to kill us and the weapons they need to do it is very real.

We are not dealing with rational people. We are not dealing with people who respect life or freedom. It would be irresponsible to sit idly by and not treat these threats seriously. We must continue to be diligent in our fight to defeat terror and protect our homeland.

Before 9/11, INS had only 9,800 border patrol agents. With the agency focused on immigration and narcotics, no major counterterrorism effort was underway.

More than 3 years after the devastating terrorist attacks, the men and women who serve on the border's frontline of defense are still overwhelmed. The Commissioner of the U.S. Customs and Border Protection has admitted they need more agents.

Our agents catch only about one-third of the estimated 3 million people who cross the border illegally each year. Three and half years ago it only took 19 to change the course of this country.

The 9/11 Commission addressed this very problem. They recommended banning terrorists from traveling to our country. This is exactly what my amendment attempts to accomplish.

We must commit resources to block terrorists who attempt to enter our country. Last year, I sponsored an amendment to the National Intelligence Reform Act that authorized the hiring of 10,000 new agents to patrol our borders over the next 5 years. And last month, the Senate approved a Budget which funded the hiring and training of 2,000 new border patrol agents next year.

Border security requires a serious commitment by Congress. There is no question that we need to hire new agents. Our security depends on it. But it will take more than simply hiring agents. Congress needs to increase funding for training and equipment. I hope we will remember this during the regular appropriations process.

We cannot wait another year to improve our border security. This is an emergency. The amendment that I am offering will put new agents on the ground in the next few months.

My amendment begins to fulfill the commitment Congress made last year. It provides $147 million to hire and train 400 new border patrol agents by October; 400 new agents is the maximum number of new agents that the Department of Homeland Security can train before the end of this fiscal year.

My amendment does not require any new spending. It is completely offset.

The 9/11 Commission found that many of the 19 hijackers could have been placed on watch lists. They were vulnerable to detection by border authorities. Without adequate staff and coordinated efforts, the terrorists were allowed to enter the United States. Once here they learned how to fly airplanes at American flight schools. They conducted surveillance to assess our weaknesses. And they attacked.

In order to prevent another terrorist attack on American soil, we must improve every aspect of our nation's security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both our southern and our, often neglected, northern border. This will make it harder for terrorists to enter the United States and attack us.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We can not allow a repeat of that tragedy. This amendment will help those who guard our frontiers by providing necessary tools to ensure the safety of our citizens.

AMENDMENT NO. 520

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on Bayh amendment No. 520.

Mr. WARNER. Mr. President, I had the opportunity to speak to the distinguished Senator from Alaska, Mr. STEVENS, and I know he was anxious to address the Senate with regard to his desire to obtain time to speak in opposition to the Bayh amendment. Might I ask, what is the parliamentary situation with regard to that? Hopefully, we can see the appearance of the Senator from Alaska.

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, there are 2 minutes equally divided prior to the vote on the Bayh amendment.

Mr. WARNER. Will the Chair kindly repeat that?

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the Bayh amendment.

Mr. WARNER. Mr. President, on behalf of the senior Senator from Alaska, I ask that an additional 10 minutes be allocated to the senior Senator from Alaska.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I understand currently there are 2 minutes to be equally divided, and now the Senator from Virginia has asked for 10 minutes for one side on this debate? I have no objection, obviously, to whatever time the Senator from Alaska wants. I object unless those of us who have a differing view have an opportunity to express ourselves.

Mr. WARNER. I misunderstood. I thought the senior Senator from Massachusetts and his colleague from Indiana had adequate opportunity to speak. I am perfectly willing to ask for 15 minutes equally divided between the senior Senator from Massachusetts and the senior Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President. I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I oppose the Bayh-Kennedy amendment on the unarmored humvees. The validated global war on terror requirement for this is 10,079. I do hope the Senate will listen. This is very serious.

We received a letter last week from two senior Army general officers, the Army's G–8 Deputy Chief of Staff for Programs and the Army's G–3 Deputy Chief of Staff for Operations and Plans, which states the total requirement for these vehicles is 10,079 and that industry will meet that requirement in less than 2 months with funds previously provided.

Keep in mind the pre-emergency throughput of these vehicles was 40 a month. We are now producing at the rate of 550 a month, and we will reach the maximum in June because we paid more to speed up this production.

We appropriated funds and reprogrammed to meet the total requirement. We have now met it. As a matter of fact, we produced 266 more vehicles than the Army wanted. This amendment is not about taking care of troops. I spent my career, and the Senator from Hawaii with me, to ensure the service men and women have the equipment they need, the support they need. This is about the production unit of a defense contractor, not about the people who are wearing the uniform in Iraq.

This manufacturer is currently producing these at the capacity, as I said, of 550 a month. Every month, 550 new humvees are going into Iraq. We will have more there by June than we need. There is no need for this. The sponsors want you to believe the Army wants and needs these, but that is not true. The Army's requirement will be met in June, and we have provided some money for all of them. In Iraq, we are meeting the requirements of the commanders in the field, and they have certified to that.

The additional funding of this amendment was not requested by the Department, and the commanders are receiving other vehicles now, for instance, the Striker, which is a different system and is providing more protection for the people in the field. They are going in there now.

Some people argue the need for these is going up. That is not true. The need for Strikers is going up, and we are sending Strikers in from Germany, from Hawaii, from Alaska, from Seattle. We are meeting the needs they demanded, and that is for the Strikers. This requirement is not increasing with the continued operations in Iraq.

A major difference now is, after February of this year, all vehicles operating outside the protective compound are armored, and we have met that need.

This is an emergency appropriations bill. I believe we should focus on the needs of validated requirements of the Department for the total global war, but this is not one of them.

I urge my colleagues to vote "no" on this amendment. I yield to my friend, the chairman of the Armed Services Committee, so he might be heard on the matter. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I commend Senators KENNEDY and BAYH. They have really fought the battle through the years, and it has been since fiscal year 2003 we have been dealing with the need for the uparmor.

As my colleague from Alaska said, and I add this, from fiscal year 2003 to 2005, the Congress added—that is additional funds—added $1.2 billion to the President's request to increase uparmored humvee production, and almost $1.9 billion was added to the President's budget request to increase the production of ballistic add-on armor for tactical-wheeled vehicles in the Army and the Marine Corps.

I think we have clearly met the demand, and it is largely owing to these two Senators who have been out on the point on this issue. But right now these additional funds, I say to my colleague from Alaska, if the Senate were to approve the amendment, would have to be taken out of other modernization programs for the Army; am I not correct?

Mr. STEVENS. Mr. President, that is correct. This money comes out of this supplemental for these purposes which is beyond the needs on this vehicle and reduce the amount of money for other items that are needed.

Mr. WARNER. I yield the floor.

Mr. STEVENS. I yield back the remainder of our time. I thank the Chair for his courtesy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, point No. 1, this is additional money. Point No. 2, the House of Representatives added $233 million. Why? For the very reason that was in this letter from the Department of the Army that says "to sustain production at the maximum capacity through the end of fiscal year 2005, the Army would need the additional funding of approximately $213 million." That is what the Department of Defense says it needs. That is what the House has done.

With all respect to the estimates that have been made, under the current request, the Department of Defense has testified nine times at the Armed Services Committee in terms of the needs of uparmored humvees. Every time they have been wrong. That is not just me talking. That is the GAO. This April, a GAO report says there are two primary causes for the shortages—shortages, that is the GAO, shortages—of the uparmored vehicles and add-on kits. One, a decision was made to pace production rather than use the maximum available capacity and, secondly, funding allocations did not keep up rapidly with increasing requirements.

That is the GAO in April of this year. "Army officials have not identified any long-term efforts to improve the availability of uparmored humvees." That is the GAO.

The House took it. The GAO says it is necessary. The Department of Defense says so, too. Let us just include that and not leave the men and women who need the uparmored Humvees at risk in dangerous places around the world.

Mr. DOMENICI. Would the Senator yield for a question?

Mr. KENNEDY. How much time is remaining? I believe I have used my time.

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. DOMENICI. I ask for 10 seconds. I ask the Senator, is this the first time the Senator from Massachusetts has been for something that the Republican House of Representatives is for?

Mr. KENNEDY. That is a good question. I think I can think back and maybe find one. I will think back and find one. Saint Patrick's Day address.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, with reference to the House, I say to our colleague from New Mexico with reference to the House, even a broken clock is right twice a day. So there is a first time for everything.

It is rare that this body votes on a matter that will affect the life and limbs of soldiers fighting as we speak in a theater of war. Now is such a time. As my colleague, Senator KENNEDY, mentioned, the Army has chronically underestimated the need for uparmored vehicles in the Iraqi theater. Nine consecutive times they have gotten it wrong. We now have a letter saying that finally they have gotten it right.

Walter Reed Army Hospital and the other military hospitals of this Nation are filled with the young men and women who have paid the price for these errors. When will we err on the side of doing more rather than less to protect the troops? Now is that time.

I conclude by saying this: Do my colleagues remember the young soldier who stood up when the Secretary of Defense visited Iraq and spoke about hillbilly armor? Do my colleagues remember him speaking about rummaging through the garbage to find metal to weld onto the side of the vehicles? Do my colleagues remember the round of applause he got from his fellow soldiers?

The troops know what is going on. The press knows what is going on. Apparently the House of Representatives knows what is going on. It is time that the Senate took a stand as well to do something about this, to give the troops the protection they need. Rummaging through the garbage—that is an outrage. Here is our chance to bring it to a stop. I ask my colleagues for their support.

Mr. STEVENS. Is all time yielded back?

Mr. KENNEDY. I yield back the balance of our time.

The PRESIDING OFFICER (Mr. CORNYN). All time is yielded back.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been previously ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—61

Akaka
Alexander
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Thune
Wyden

NAYS—39

Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Inouye
Isakson
Kyl
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Vitter
Voinovich
Warner

The amendment (No. 520) was agreed to.

CHANGE OF VOTE

Mr. BURNS. Madam President, on today's vote No. 108, I voted "nay." My intention was to vote "yea." I ask unanimous consent to change my vote. It will not affect the outcome of the vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE GENERAL AND DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

Mr. ROBERTS. Mr. President, a unanimous consent has been agreed to by both sides for the Senate to immediately proceed to executive session to consider the following nominations on today's Executive Calendar: PN 421, LTG Michael V. Hayden, to be General, reported by the Armed Services Committee today; and No. 70, which is the confirmation of General Hayden to be the Deputy Director of National Intelligence.

I further ask unanimous consent the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Michael V. Hayden.

EXECUTIVE OFFICE OF THE PRESIDENT

Lieutenant General Michael V. Hayden, United States Air Force, to be Principal Deputy Director of National Intelligence. (New Position.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 389, 421, AS MODIFIED; NO. 484, AS MODIFIED; NO. 502, AS MODIFIED; NO. 565, AND 566, EN BLOC

Mr. STEVENS. Mr. President, last evening, as we were finishing up this bill, we had a series of amendments that were offered as amendments, and we were in the process of changing them to sense-of-the-Senate resolutions. There are a couple others we failed to offer, approved by both sides. I ask unanimous consent they now be offered en bloc and have them considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 389

(Purpose: To reaffirm the authority of States to regulate certain hunting and fishing activities)

On page 231, after line 6, add the following:

SEC. 6047. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING.

(a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

AMENDMENT NO. 421, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the continuing development of the permanent magnet motor)

On page 169, between lines 8 and 9, insert the following:

PERMANENT MAGNET MOTOR

SEC. 1122. It is the sense of the Senate that of the amounts appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", $15,000,000 should be made available for the continuing development of the permanent magnet motor.

AMENDMENT NO. 484, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the procurement of man-portable air defense (MANPAD) systems)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE AIR DEFENSE SYSTEMS

SEC. 1122. It is the sense of the Senate that, of the amounts appropriated by this Act, $32,000,000 may be available to procure MANPAD systems.

AMENDMENT NO. 502, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the replenishment of medical supply needs within the combat theaters of the Army)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1122. It is the sense of the Senate that, of the amount appropriated by this Act under the heading "OPERATION AND MAINTENANCE, ARMY", $11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

AMENDMENT NO. 565

(Purpose: To express the sense of the Senate that Congress should enact an increase in the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days and make such increased period applicable to children of members who have died since the commencement of military operations in Afghanistan)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1122. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

AMENDMENT NO. 566

(Purpose: To amend the Immigration and Nationality Act to provide for entry of nationals of Australia)

On page 231, between lines 3 and 4, insert the following new section:

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 6047. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national;".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.".

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting ", section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)".

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking "or" in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking "or" in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking "or" in the third place it appears.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 487, AS MODIFIED

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President. I ask unanimous consent that amendment No. 487 be modified so as to appear on page 187 after line 18. This request only changes the placement of the amendment in the bill. It does not change the text of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 187, after line 18, insert the following:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for hiring border patrol agents, $105,451,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for "Construction", $41,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for "Contributions to International Peacekeeping Activities" is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

AVIAN FLU AND THE EMERGENCY SUPPLEMENTAL FOR IRAQ

Mr. OBAMA. I see that the distinguished ranking member of the State and Foreign Operations Subcommittee, Senator LEAHY is here on the Senate floor. I am wondering it he would take just a moment to discuss with me the critical issue of the avian flu.

Mr. President, an outbreak of the avian flu would be an international calamity. In this age when you can get on a plane in Bangkok and arrive in Chicago or Burlington in hours, we must face the reality that this threat is not a problem isolated half a world away, but is one that could affect people in Illinois, Vermont, and all across America. The director of the Centers for Disease Control recognized the grave consequences this virus could pose to international health when she recently stated that "this is a very ominous situation for the globe . . . [this is] the most important threat we are facing right now." It is something that is clearly an emergency and is appropriately addressed in the Iraq Supplemental.

At this point, humans contract the virus overwhelmingly by coming into contact with infected animals, and once contracted, the virus is extremely deadly—a 65 to 75 percent mortality rate for humans—especially because there is no proven vaccine for the H5N1 strain. Further, effective treatments for this strain of the virus are not widely available and must be delivered within 24 hours.

The recent trends with respect to the spread of the avian flu are very alarming. Over the last few months, there is growing evidence which suggests that the virus may be mutating and could eventually result in a form that is transmittable from human to human. If this were to occur, it could cause the deaths of millions of people, seriously damage economic activity in Southeast Asia, and cause panic and instability throughout the region. Moreover, because of the dynamic nature of Southeast Asia, with all sorts of commerce and transport in and out of the region, the virus would likely spread around the world—including to the United States, in a matter of hours or days.

I would ask my good friend, the senior Senator from Vermont, who has a long history of leadership on international health issues, for his assessment of what needs to be done.

Mr. LEAHY. I would say to the Senator from Illinois that, earlier this year, the World Health Organization convened a conference on this issue. The WHO concluded that the international community does not possess sufficient plans and resources to effectively respond to an outbreak of the avian flu and that additional resources and attention to this issue are urgently needed. The WHO called for $100 million in new resources from the international community to prevent, and if necessary, respond to an outbreak of the avian flu.

Mr. OBAMA. Just for the record, the $100 million figure is important for our purposes here today. Before the Appropriations Committee put together the supplemental, we discussed the importance of immediately addressing the avian flu before the situation spirals out of control, and that $25 million is an appropriate amount to deal with this critical emergency. I am correct?

Mr. LEAHY. Yes, the Senator is correct. When the Appropriations Committee was putting together the Supplemental, the Majority and Minority, working together, included $25 million to prevent and respond to an outbreak of the avian flu, because of the urgent nature of the situation in southeast Asia.

I would also add that $25 million is one-fourth of the WHO appeal, and as we know, the traditional U.S. share of such multilateral efforts is one-fourth of the total cost. I would also point out that this is the amount that has been authorized in S. 600, the Foreign Assistance Authorization bill that was debated in the Senate last week.

Mr. OBAMA. I also know that USAID has already formulated a rapid response plan to use this $25 million, if it is ultimately appropriated.

Mr. LEAHY. That is correct. The administration urgently needs this money and it will be well spent if appropriated. In fact, the money will be used to address the avian flu and build lasting mechanisms and networks to address other viruses that will undoubtedly arise in southeast Asia. The $25 million to combat the avian flu is important for Southeast Asia and the United States.

ENSURING THE MILITARY DEATH BENEFIT IS TAX FREE

Ms. MIKULSKI. Mr. President, I rise to speak on my amendment No. 497 to ensure that increased military death benefits are tax free.

We know that more than 1,700 servicemen and women have made the ultimate sacrifice in Iraq and Afghanistan. We don't always focus on the families that have to live their lives without a husband or wife, without a son or daughter, without a father or mother, without a brother or sister.

Already in March, Newsweek estimated that 1,043 American children had lost a parent in Iraq. The stories of these children trying to cope with the reality that a parent isn't coming home will break your heart. But the families of those who die for their country also have to struggle with more mundane challenges, like the loss of the main breadwinner.

Staff Sargeant Kendell Waters-Bey was a 29-year-old Marine from Baltimore. He was one of the first American servicemembers to die in Iraq, among 12 people killed in a helicopter crash.

Michael and Angela Waters-Bey lost their only son; that's hard enough. But 10-year-old Kenneth lost his father. My Maryland colleague in the House, Congressman DUTCH RUPPERSBERGER, helped to set up a trust fund to pay for Kenneth's college education.

Another Marylander, Naval Reserve Lieutenant Kylan Jones-Huffman, was killed by small arms fire in Iraq. Lieutenant Jones-Huffman was a graduate of the U.S. Naval Academy in Annapolis, and he returned there to teach history before being deployed to Iraq.

These are just two of the many families in Maryland and across the Nation that experience the sacrifices of this war every day. They deserve our gratitude—not just words, but deeds.

I'm proud to be a member of the Appropriations Committee. We did what is right to support our troops by reporting out a strong emergency supplemental bill to meet the needs of our men and women in uniform in Iraq and Afghanistan and around the world. We did what is right by increasing the military death benefit immediately paid to the family of a member of our military who is killed.

This bill will raise the military death benefit from just over $12,000 to $100,000.

The supplemental bill also provides a benefit to make the increase retroactive to October 7, 2001, the start of the war in Afghanistan after the September 11 attacks.

The Senate has also rightly adopted the Kerry amendment to ensure that the death benefit increase covers all soldiers, sailors, airmen and marines who die on active duty.

I also appreciate the Senate's adoption of the Salazar amendment, to me the so-called death gratuity as fallen heroes compensation. While we understand that no compensation can make up for the loss of a family member, the new name adopted by the Senate recognizes that we are helping the families of our fallen heroes.

I believe just about every Senator shares my view that the military death benefit should not be taxed.

We need to make sure that the full amount is paid to the family of a service member who dies for our country. We are a grateful Nation, and this is one of the ways we express our gratitude.

Under our tax law, the death benefit is excluded from gross income. That means families don't have to pay income tax on it. We don't want the family of a hero who died for our country to be handed the American flag from the casket in one hand, and get a bill from the IRS in the other.

My amendment will make sure that the payments to make the death benefit increase retroactive are not taxed.

I appreciate the support of the National Military Family Association for my amendment.

I also appreciate the support of the Senator from New Jersey, Senator CORZINE, who is a cosponsor of this amendment.

I hope that the Senate will send a strong message that we intend the military death benefit to be tax-free.

Mr. GRASSLEY. I want to thank my friend, Senator MIKULSKI, for her work on this issue. You have called attention to a solemn and critically important issue, and I commend you and join with you in your commitment to ensure that we provide a real and meaningful death gratuity to the families of our brave young men and women who have paid the ultimate sacrifice. And I also share your commitment to ensure that those who have paid the ultimate sacrifice are not forced to pay again—to the IRS, in the form of taxation of these gratuity payments.

Unfortunately, addressing the tax treatment of these payments on this bill could raise procedural hurdles to getting this bill signed into law as quickly as possible. But as Chairman of the Finance Committee, I pledge to work with you. Senator BAUCUS in his role as ranking member, and the rest of the Finance Committee and Congress to ensure that these gratuity payments will not be subject to Federal tax and to enact any necessary changes at the earliest possible date on the first available vehicle. I look forward to working with the gentlelady to resolve this issue expeditiously.

Mr. BAUCUS. Mr. President, I rise to support the efforts of my friend and colleague Senator MIKULSKI to protect payments to the families of our brave Americans serving and dying for this country. There are currently 1,254 Montanans deployed overseas in Iraq and Afghanistan with one-third of those deployed coming from our guard and reserve forces. We have lost seven service members since the war on terrorism began and with each sacrifice I am made more aware of the strength and commitment of our military families.

Senator MIKULSKI has wisely offered an amendment to ensure that the additional death gratuity benefits would not be subject to taxes, just as other death gratuity benefits for military families are tax-free. It is certainly my hope that such an amendment is not needed. However, I have promised to work with Senator MIKULSKI and my good friend, Chairman GRASSLEY, to clarify that this is the case, should there be any question in the future about the tax-free status of these payments. Certainly, for these families who have already given so much to this country, it is the right thing to do.

Ms. MIKULSKI. Mr. President, I would like to thank the chairman of the Finance Committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for their support of ensuring that death benefits paid to the families of those who give their lives for our country are tax-free. I appreciate their commitment to getting this done through appropriate tax legislation, if necessary, as soon as possible. And I appreciate the help of their staff on the Finance Committee, who worked with my staff on this issue.

Given these commitments from Chairman GRASSLEY and Senator BAUCUS, I will not proceed with my amendment on this critical supplemental appropriations bill to meet the needs of our troops.

I thank the Chair and yield the floor.

Mr. KERRY. Mr. President, the Supplemental Appropriations bill includes a provision, Section 6023, which allows the Department of Energy to count subcontracts towards their small business prime contracting goal and caps the total agency small business goal at 23 percent.

Section 6023 amends the Small Business Act, which falls under the jurisdiction of the Senate Committee on Small Business and Entrepreneurship but neither Senator SNOWE, the chairwoman of the committee, nor I, the ranking member, were consulted about this language prior to its introduction.

The Senate Committee on Small Business and Entrepreneurship has a longstanding position opposing the counting of subcontracts towards small business prime contracting goals at the Department of Energy. And for good reason, doing it this way is faking. It's saying that you are awarding prime Federal contracts to small business when you really aren't.

This language will essentially cut small businesses out of contracts at the Department of Energy across the Nation by removing all incentives for the agency to create prime contracting opportunities for these firms. This provision would reduce the amount of contracts available for small firms, shrinking their revenue stream, reducing jobs and hurting the economy. Also, by reducing competition in the marketplace this language would prevent the Federal Government from benefiting from the billions of dollars in savings that come from that competition.

Even more problematic is the precedent this would set for government contracts. It would open the door for any agency with management and operations contractors, facilities managers, or systems integrators to seek an exemption from Federal acquisition law with regard to prime contract awards to small firms.

Mr. President, I recognize the concern that Senator DOMENICI has for his firms in New Mexico and for the two DOE laboratories located in his State. The loss of contracts by local businesses is a concern that Senator SNOWE and I would be happy to address with Senators DOMENICI and BINGAMAN. However, this language does nothing to guarantee that contracts stay local; instead it simply shifts the authority to award Government prime contracts away from a Federal agency and gives that authority to private, for-profit corporate entities. The availability of prime and subcontracting opportunities for small firms at the DOE is a complicated issue that needs a thorough investigation and analysis before adopting legislation that could irreparably harm small businesses throughout the Nation. An emergency supplemental bill is not the place for this language.

Finally, I have received a draft copy of the GAO report requested by Senators DOMENICI, BINGAMAN, SNOWE and myself on this very subject—DOE small business contracting. The draft report has a number of disturbing findings including: the complete lack of oversight in M&O subcontracting by the Department of Energy, falsified reporting data, and the mismanagement of subcontracts by large prime contractors. Given the serious nature of the problems with these M&O contractors, it is highly inappropriate for the Congress to now exempt the Agency from its oversight duties and hand over all control to these companies.

I have worked diligently with Senators SNOWE, BINGAMAN, and DOMENICI to find compromise language that would address Senator DOMENICI's concerns without causing irreparable damage to the small business community. Unfortunately, we ran out of time before this bill was adopted. However, I hope that we can continue to work on finding a real solution and correct this harmful provision in the conference to ensure that small businesses receive their fair share of DOE contracts. I believe we can do that without adversely affecting the agency's ability to successfully permit its core duties.

Mr. President, the emergency supplemental appropriations bill before the Senate is a vitally important piece of legislation. It provides $81 billion in immediate funds for U.S. operations in Iraq and Afghanistan, and to meet critical needs for other important national priorities, including tsunami relief.

The war in Iraq has been a divisive issue in our country. People have passionate views on the subject—a passion that is matched by our concern for the welfare of the men and women of the American military. It is that concern and a real desire for them to succeed that has driven us all to push the administration toward adopting a better approach to the mission in Iraq.

In recent months, President Bush has made progress in drawing additional international support to the training of Iraqi security forces. We can wonder what took so long and hope that their efforts in recent months were just the beginning, but we all recognize that the Iraqi election was an important milestone and success—a success made possible by the courage of the Iraqi people and the dedication of the men and women of the American military.

But the mission there is not complete. Even this week Iraq has been struck by deadly violence against innocent civilians. And the nascent government, even after the first election, can only be described as fragile. The Iraqi people are in the midst of an experiment with democracy—an experiment that must succeed. This supplemental bill will give them the tools and resources they need to succeed.

The legislation also provides critical funds for the mission in Afghanistan. The war against al-Qaida and international terrorism is not yet won, and our forces need these funds to continue the fight, to support the emergence of a free Afghanistan, and to bring Osama bin Laden to justice.

Last week, the Senate adopted two amendments I offered to improve benefits for surviving military families. One amendment extends the length of time surviving families may stay in military housing free of charge to one year. Military families suffer in unique ways when a loved one is lost in the line of duty. In the midst of grieving they must almost immediately plan to move and change their entire life. For those with children in school, the loss is compounded by the disruption in school and friends that moving in the midst of the school year may bring. The amendment the Senate accepted last week gives surviving military families the opportunity to get their affairs in order, to finish the school year, and to better cope with the loss of a loved one before having to move. I thank my colleagues for their support in this effort.

The second amendment I offered increases to $100,000 the death gratuity paid to survivors of service members who die on active duty. The current law provides a miserly sum of $12,400. I began talking about the need to increase the death gratuity more than a year ago. When the administration announced its proposal earlier this year, it sought to limit the increase to those who died in Iraq and Afghanistan. No one thought that was a good idea, including the uniformed leadership of the United States military. The Senate Appropriations Committee addressed part of the problem in its mark of this bill, but avoided the simple solution of changing U.S. Code to read "$100,000" instead of the current $12,000. My amendment did just that. And I thank my colleagues for their overwhelming support of it.

Our missions in Iraq and Afghanistan are not yet done. Until they are, the administration must continue to build international support for our efforts and ensure that the men and women of the American military have everything they need to succeed and that their families have the support they need and deserve.

The Congress has an important responsibility to pass this legislation swiftly. Any effort to unnecessarily burden this legislation with immigration provisions in conference will unnecessarily delay the passage of this vital legislation to the detriment of the men and women in the field today. I strongly urge the conferees to reject any effort to attach the REAL ID Act to this legislation. Let's pass a clean bill that provides our forces with the tools they need and the resources they need to succeed.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words but with deeds. We must do right by our troops and their families. This strong emergency supplemental appropriations bill helps us do just that.

In this bill we have provided $5.4 billion to fix or replace equipment that has been damaged during combat operations. We have also added $3.3 billion to add armor to all convoy trucks, buy more armored vehicles and provide helicopter survivability systems.

To help protect our troops from deadly improvised explosive devices, IEDs, I supported the addition of $60 million for the Army to purchase field jamming systems $213 million for the Army to purchase Up-Armored Humvees. We have preserved support for C130J aircraft, so vital to transporting troops and materiel around the world.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional $275 million for the Defense Health program. It also eliminates a petty charge to some service members recuperating from combat injuries in military facilities who are being asked to pay for their own meals.

More than 1.700 servicemen and -women have made the ultimate sacrifice in Iraq and Afghanistan. Part of the debt of gratitude we owe the families they leave behind is to ensure that they do not have to face a financial crisis at the same time that they are dealing with the loss of a loved one.

To help alleviate their burden, we have increased from $12,000 to $100,000 the Fallen Heroes compensation for family members of those brave troops who make the ultimate sacrifice on behalf of our country. We have applied this increase retroactively, to include all those who have died since the beginning of operations in Afghanistan, and we have extended this compensation to apply to every service member who dies while on active duty, not just in a designated combat zone.

We also need to make sure that families receive the full amount of this compensation. Working closely with Senator GRASSLEY, I have taken steps to ensure that the full benefit is tax free. Senator GRASSLEY has assured me that this important correction will be added to the next tax bill considered in the Senate.

To further ease the strain for these families, we have allowed the family of a service member who dies to remain in military housing for a year, rather than the 6 months currently allowed.

The veterans' health care system is stretched to the limit at a time when more and more veterans are turning to VA. That's why I supported an amendment by Senator MURRAY to increase veterans funding by $2 billion to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans. Although this amendment was defeated, I will continue to fight for adequate funding for veterans' health care, because the VA will continue to see more enrollment of veterans and a higher demand for care.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and state governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The Reservist Pay Security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

Americans joined the world in mourning the loss of more than 150,000 victims of the Indian Ocean Tsunami last Christmas. Together, we prayed for the 7 million displaced survivors that God may give them the strength to persevere and overcome this, the largest natural disaster of our time.

But expressions of sympathy are not enough. As I said at the time of this terrible disaster, the United States must set the example and lead the world in the humanitarian effort of recovery and rebuilding.

So I am especially proud that this bill includes $907 million to help keep America's promise to tsunami victims. It provides $656 million for the Tsunami Recovery and Reconstruction fund to support on-going and long-term relief efforts. It also provides $25 million for U.S. tsunami warning programs to help prevent future human disasters on the scale we have seen in Asia.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 3 years in Afghanistan and 2 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

I also joined Senator BYRD in his call for the President to provide Congress information on the costs so far of these operations and for an estimate of what we can expect them to cost in coming years.

This bill is a Federal investment in supporting our troops and their families.

We support out troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring that their families do not face a financial crisis at the moment when they are grieving the loss of a soldier who has sacrificed everything for our country.

Mr. FEINGOLD. Mr. President, today I cast my vote in support of the 2005 supplemental bill for Iraq, Afghanistan, and tsunami relief. I do so despite my strong objections to the administration's policy of continuing to fund our military operations in Iraq and Afghanistan through emergency supplemental bills, as if the needs of our men and women on the ground in these troubled countries comes as some sort of surprise. These needs should be addressed in the regular budget request so that they can actually be paid for, not placed on the tab of the American people so that debt can pile up.

The American people deserve honesty in budgeting, and they deserve straight answers about just how long they should expect the United States to continue shouldering this extremely heavy burden in Iraq. Some have suggested that calling for straight answers somehow undermines the mission at hand. Nothing could be further from the truth. A clear vision, clear goals, and clear plans are essential to success. I hope the administration will articulate them soon.

But this tremendously irresponsible budgeting and dangerously vague overall strategy do not change the fact that our troops on the ground need timely support, and I will cast my vote to see that they get it. I was in Afghanistan and Iraq less than two months ago, and I was inspired by the commitment and professionalism of the service men and women I met there.

I was pleased the Senate adopted my amendment that would correct a flaw in current law that unintentionally but severely restricts the number of families of injured service members that qualify for travel assistance. Too many families are being denied help in visiting their injured loved ones because the Army has not officially listed them as "seriously injured," even though these men and women have been evacuated out of the combat zone to the United States for treatment. My amendment will provide at least one trip for families of injured service members evacuated to a U.S. hospital so that these families can quickly reunite and begin recovering from the trauma they've experienced.

I want to make plain that I also believe that our diplomats on the ground in tough situations deserve our support and certainly deserve the resources they need to provide for their own security. Any suggestion that we can pursue our political strategy on the cheap while leaving the military alone responsible for the success or failure of the U.S. intervention in Iraq is foolish. But I did vote to reduce some of the funds for the State Department provided in this bill, including funds for the embassy in Iraq—an embassy that will be the most expensive U.S. embassy in the world. These expenses simply do not belong in an emergency supplemental. They are predictable, they are ongoing, and they can be provided through the regular appropriations process.

I regret the managers of the bill did not seize the opportunity to extend the mandate of the Special Inspector General for Iraq reconstruction in this bill. Transparency and accountability in the reconstruction effort is not about finding new things to criticize. It is about responsible stewardship of U.S. taxpayer resources, and it is about getting reconstruction right. Ultimately, it is about achieving our goals in Iraq. We need ongoing, vigorous, focused oversight of the reconstruction effort. While I was unable to get my amendment passed, I will continue to work to ensure that this need is met.

Finally, I strongly support the tsunami relief provisions in this bill. The scale of this December 2004 tsunami disaster was nearly overwhelming, and the human losses were horrifying. I know that most of us here in the Congress and most Americans are firm in our resolve to be strong, consistent partners to the survivors and the affected communities.

Mrs. LINCOLN. Mr. President, as debate about the supplemental appropriations for military operations and reconstruction in Iraq and Afghanistan comes to a close, I would like to ensure that our focus remains on the welfare of our Nation's troops.

That is why I would like to speak on behalf of the men and women who are serving in our Nation's Armed Forces—those currently on active duty as well as in the National Guard and Reserves—who are serving today in Iraq, Afghanistan, and across the globe.

Since the President declared an end to major combat operations in Iraq on May 1, 2003, 1,419 American troops have died in Iraq and more than 11,000 have been wounded.

Even if combat in Iraq is something that no longer makes the front pages of our newspapers, it is still agonizingly clear that our troops remain in danger.

That is why it is even more important for this body to use sound judgment and good planning. One of my major concerns is that year after year we have found a way to take the process of funding military operations in Iraq and Afghanistan out of our regular budget process.

I am frustrated, quite frankly, that we have been subjected to this biannual ritual. I am frustrated that questioning the timing of these requests may cause our political opponents to call us unpatriotic. But, most of all, I am frustrated that doing my duty as a U.S. Senator could be considered anything less than keeping a sacred trust with our men and women in uniform.

In April of 2003, just a little over 2 years ago, Congress, at the President's request, provided approximately $78 billion to meet the challenge in Iraq. Six months later, in October of 2003, the administration came back to us and requested another $87 billion in the form of a supplemental appropriation to fund continuing operations in Iraq.

In early June of 2004, the Senate voted for another $25 billion to keep operations going through the end of that year. Now we are faced with yet another emergency supplemental request of more than $80 billion.

I agree that there is a need to adequately fund our troops. We must do everything we can to protect our men and women who are in harms' way. What I don't understand, quite frankly, is this President's inability or unwillingness to make this request a part of the normal budget and appropriation process that we go through every year.

As you recall, in April of 2003, the President requested $78 billion in emergency military funding. We were at the beginning of a war. Although it was a war of our choosing, I understood the uncertainty that war brings. Furthermore, I understood the value of not allowing our enemies to get a read on our intent by peering into our budget process over the course of a year. I supported the President's request.

A mere 6 months later, President Bush returned to this body to request another $87 billion for ongoing military operations in Iraq and Afghanistan. At that time, our troops were facing the imminent and ever-present danger of guerilla attacks.

Also, many of our troops were expressing concerns that they were not adequately trained for the specialized demands of peacekeeping and policing that the reconstruction effort required.

Moreover, the dangers and difficulties that our troops faced went far beyond the threat posed by attacks from insurgents and guerillas. I grew increasingly concerned about the conditions under which many of our troops were being forced to serve in the Middle East.

I was consistently hearing about shortages of quality food and water. I was hearing that our troops were not properly equipped with the tools of warfare. I was hearing of parents sending their children bullet-proof vests because the military could not or would not provide them.

Although the administration had completely misjudged the nature of this conflict, I understood that our troops must not suffer because others had let them down. I understood that whatever this administration's shortcomings were in terms of planning, our troops' safety and well being came first. I supported the President's request.

Once again, in June of 2004, this administration asked for another $25 billion supplemental for the ongoing efforts in Iraq. At that time, we were spending money in Iraq at an unexpectedly high rate, the promised money from Iraqi oil receipts was becoming an urban legend, and we were still dealing with a pervasive insurgency.

By June of 2004, we knew or should have known that Iraq was going to be a part of this Nation's financial responsibility for some time to come. But I understood that the situation was still uncertain. We had only been in Iraq little more than a year and I was sure that the President's 2006 Defense budget proposal would more accurately reflect the costs of the war. I understood that we could not drop the ball on the welfare of our troops. I supported the President's request.

Now the President is requesting an additional $80 billion to support ongoing military efforts in Iraq and Afghanistan. It seems as if we have been here before. I have to ask myself, when does an "emergency" supplemental request become sufficiently routine that it should be considered as part of our normal budget process?

Over the last 2 years we have been subjected to this "emergency" four times. We have had two budgets come to Capitol Hill from this administration in that time. Neither of those budgets requested one thin dime in support of our troops in Iraq or Afghanistan.

The present way in which we fund these conflicts is irresponsible and unsustainable. This administration, by not properly submitting this request through the normal budget and appropriations process, has effectively cut off our oversight role.

We now only have a scant few weeks to consider one of the most important pieces of funding legislation we will consider this year. Furthermore, as this supplemental becomes more and more routine, we run the risk of hiding the true costs of the war from the American people.

The American people have every right to know, in as clear and straightforward a manner as possible, what the financial costs of the war are. By excluding those costs from the normal budget process we obscure the true effect of this conflict on our national debt, our budget and our economy. I believe that the American people deserve more transparency from us.

We are now at the point where poor budget planning is no longer acceptable. We can no longer accept the argument that unexpected events have changed our outlook therefore we must have a supplemental. We know that Iraq is unpredictable. We know that unforseen events occur. Our planning must be flexible enough to accommodate this reality.

We see very clearly the effects of poor planning. We have seen it in the way our troops have been inadequately equipped early on in this conflict. We have seen it in the way this administration has failed to properly budget and has been forced to run to Congress for emergency funds every 6 months.

In spite of the haphazard way that this administration has planned for the financial aspects of this conflict, this Congress must keep faith with our troops and the American people. Part of that is making sure that we hold this administration and any future administrations accountable for proper planning.

We must make sure that our troops are properly equipped and provided for and we must make sure that the American people have a true sense of the economic impact of this war.

We know that we will continue to have a commitment in Iraq. The level of that commitment is no longer a surprise. I expect to see that commitment reflected in the next Defense budget that is submitted to this Congress for consideration. I do not believe that another supplemental request beyond this one would be appropriate except in the most extreme circumstances.

We must make sure that our troops are safe and have the equipment they need. But, we must also make sure that the America they return to is stronger than the one they left. We must make sure that their children will not be burdened with the debt of our irresponsibility. We must make sure that we are never accused of shirking our duty to create an America with more opportunity, more hope and more prosperity.

We can only do that when we understand that our insistence on using the normal budget process to fund ongoing operations in Iraq is not an affront to our men and women in uniform, but rather, it is our way of honoring them and the nation that they are fighting to protect.

Mr. DODD. Mr. President, as a cosponsor, I rise to discuss the DeWine/Bingaman amendment. This important measure would designate $20 million for critical election assistance, employment and public works projects, and police assistance in Haiti. I am pleased that agreement has been reached to include this amendment in the managers' package.

It has been just over a year since President Jean Bertrand Aristide was forced into exile. It is well known that the United States played an active role in his departure. I do not wish at this time to consider just how great that role may have been. But as I have stated before, I am troubled that our Government chose to use its influence to remove a democratically elected leader—and for all of President Aristide's faults, he was that—rather than working to restore stability.

To its credit, the United Nations Peacekeeping force in Haiti, MINUSTAH, has done much to reestablish security following President Aristide's departure. I applaud those countries, particularly those Latin American countries, which have contributed forces. I am also encouraged by the work of the international community in support of the Haitian elections scheduled for this fall.

But without United States leadership, I am afraid that any temporary stability will be fleeting. Indeed, the Bush administration and the international community had an opportunity to become engaged in Haiti well before we reached the current state of affairs. It failed to do so. The presence of President Aristide used to be the Bush administration's excuse to not properly engage with Haiti. Right or wrong, that issue is no longer a factor.

Leadership here on the part of the Bush administration has been woefully lacking. Indeed, if we continue on our present course, long-term security in Haiti may be critically undermined. Most immediately, without increased United States support, the success of Haitian elections scheduled for this fall is in jeopardy—elections, which I might point out, could do much for the stability and well-being of the Haitian people.

Mr. President, during the past year, Haitians have endured unimaginable hardships. Flooding in late May claimed almost 3,000 lives. Tropical Storm Jeanne killed nearly 2,000—making it the deadliest storm this hurricane season. These catastrophes were only compounded by a deteriorating security environment. They created a vicious cycle where widespread looting and rioting significantly impeded disaster relief efforts.

Sadly, such violence and insecurity persists. The government lacks control over substantial portions of the country. Armed gangs continue to terrorize the capital of Port-au-Prince. Elements of the former military have occupied towns and police stations throughout the countryside. Since September alone, around 400 Haitians have been killed as violence spiraled out of control after an escalation in pro-Aristide protests.

The ongoing disorder is perhaps best symbolized by a February 19 attack on Haiti's national prison. Approximately a dozen armed men assaulted the facility and released 481 prisoners, including drug dealers and other suspected criminals. The attack—which appears to have been assisted from inside—is indicative of the government's inability to fully control even its own security forces.

If we are going to move toward a more hopeful future for Haiti, then we need to renew our support for the Haitian people. That means, of course, working to establish basic security. Clearly, we need to reign in the armed gangs and former military. But that is not enough. Long-term stability also requires a sustained commitment to democratic institutions and to economic development.

Last July, the United States pledged approximately $250 million in aid for fiscal years 2004 and 2005. The United States provided $130 million of that assistance last year. That's a good start. But we need to do more.

Mr. President, the United Nations peacekeeping force in Haiti, MINUSTAH, is making important contributions to peace and stability in Haiti. While it was criticized for early inactivity, MINUSTAH has recently stepped up its efforts to disarm former members of the Haitian military and others. Indeed, recently two United Nations peacekeepers were killed during operations to control police facilities previously occupied by members of the former military.

Despite this increase in activity, it is hard to imagine how MINUSTAH can establish real security at its current force level. MINUSTAH only reached its full strength of approximately 7,000 military personnel and 1,600 civilian police officers in December. Haiti also has about 4,000 of its own police officers, but most of these individuals are badly trained and poorly armed.

By comparison, New York City, which has roughly the same number of citizens as Haiti, is patrolled by 40,000 well trained and equipped police officers. That is over three times the number of security personnel as in Haiti. And it is worth noting that New York is not plagued by many of the problems that Haiti faces every day.

That is why this amendment includes funding to support police activities in Haiti. A critical aspect of this assistance must be police reform. Because regrettably, human rights groups report that some members of the Haitian police have committed abuses, including arbitrary arrests and, possibly, extrajudicial executions. Unless we create a climate of trust in Haiti with respect to that nation's police force, there can be no lasting security. And it is difficult to build trust without respect for the rule of law and the rights of individuals. Any police assistance, therefore, must be used to teach good policing practices, not just provide new resources for personnel, guns and ammunition.

Mr. President, the elections scheduled for this fall in Haiti could be a critical step toward achieving lasting stability. After all, only democratically elected governments have the legitimacy necessary to fully address the persistent security and socio-economic problems facing the Haitian people.

With assistance from the United Nations and the Organization of American States, the Haitian government is organizing voter registration and preparing the technical measures necessary to conduct accurate and fair polling. Smooth and successful polling operations are necessary to ensure that the election outcome is never in doubt. To enhance the effectiveness of these efforts, this amendment would make available critically needed funds for election assistance.

To ensure full legitimacy, however, I believe that the Haitian government must also take steps to re-engage with the Lavalas family party of President Aristide, which has threatened to boycott the elections. The Lavalas party is the largest and best organized party in Haiti, and without its participation, I am concerned that the election results will not be accepted by the Haitian people.

A critical step toward re-engaging the Lavalas party would be releasing former Prime Minister Neptune and any other Lavalas party members who are currently being held without formal charges being brought against them by Haitian authorities. To that end, I, along with several of my colleagues, wrote to Prime Minister Latortue requesting that he inform us on what charges the former Prime Minister is being held, and if there are no formal charges filed, to release him immediately. I have yet to receive an answer from the Haitian government.

But in the long-term, no single election can eliminate the instability and disorder that has afflicted the Haitian people for centuries. These problems have their root in persistent poverty and economic dislocation, and they can only be resolved through active engagement by the United States.

Haiti is the poorest country in the western hemisphere; 65 percent of the population lives below the poverty line. The average income is $250. Life expectancy is a mere 53 years, and half of the population does not have access to clean drinking water. Only 50 percent of the population works in the formal economy. In such an environment, is it any wonder that Haiti has suffered from years of violence and disorder?

Sadly, children are particularly affected by these impoverished conditions. Over one in ten Haitian children dies before age five. Approximately 20 percent of all children suffer from malnourishment. Haiti also has the highest prevalence of HIV/AIDS in the western hemisphere, and 4,000 to 6,000 children in Haiti are born with the virus each year. Yet according to the World Bank, in the 1990's, there were only two physicians for every 10,000 Haitians. That figure is unlikely to have improved. To combat the effects of such abject poverty, this amendment would provide assistance for employment projects.

For many Haitians, moreover, economic progress is impossible because they lack access to needed infrastructure. There are not enough roads, schools or hospitals. That is why funds designated by this amendment would also be available for important public works.

Lastly, I encourage my colleagues to use the benefits of trade to help the Haitian people. Last Congress, I was proud to cosponsor Senator DEWINE's HERO Act. This important legislation would have helped reinvigorate the Haitian economy by granting preferential trade treatment to certain Haitian textile products. I was pleased that the Senate passed this bill last year. Unfortunately, it met opposition in the other body. I hope we can make that legislation a priority in the 109th Congress.

Mr. President, in 1994, the United States launched an armed intervention to reestablish Haitian democracy. Last year, the United States again sent a contingent of Marines to restore stability. Too often in our history, our neglect of Haiti's most basic problems have left us with no choice but to intervene when instability breaks out into open crisis. Only through proactive leadership and a commitment to long-term development in Haiti can we break this cycle. For all these reasons, I am pleased that this amendment has been accepted as part of the managers' package. I urge the conferees to ensure that this language is included in the conference agreement of this bill.

Mr. BAUCUS. Mr. President, I wish to address several amendments offered to the emergency supplemental appropriations bill this week. We are debating this emergency appropriation primarily to see to the needs of the men and women who are serving on the front line in Iraq and Afghanistan. That's because it's our job to make sure that our troops get the support and the resources they need when they need them.

But there is another front line we should not forget about, and that includes the home front. And serving on the home front are the men and women of the National Guard, Border Patrol, Immigration and Customs agents, as well as the police forces who serve in big and small communities alike.

They, too, need resources and support from Congress. And while we have a process by which Congress determines on a yearly basis what those needs are, I am not content to just wait and see. I am concerned about the fate of important legislation that was passed last fall that authorized putting more border patrol agents on our front line—which more and more often is up on the highline of Montana, and not only across desert stretches on the Southern border.

That legislation, which was negotiated as part of the National Intelligence Reform Act of 2004 and signed by President Bush, recognized for more personnel patrolling our borders. Now, while the administration's fiscal year 2006 budget did not propose the funding called for in that legislation, it is up to all of us in Congress to make sure that the border patrol gets the help it needs. That is why I am a cosponsor of Senator BYRD's amendment to deliver the funds our border security personnel deserve.

But we have to do more. We need to help the border patrol and other Federal and State law enforcement agencies get their workload under control and focus on the most serious threats to our Nation's security.

Surely, we all want to know who the millions of undocumented aliens are who cross our borders each year. And many of these people live and work amongst us. The vast majority of these undocumented workers are here because there are jobs—in the service, agricultural or other sectors—for which employers cannot find willing American workers.

As long as tough standards are in place for (1) proving that no willing American workers could be found, (2) documenting the background of the worker and the nature of the work, and (3) consequences for breaking the law, I think we are a safer Nation when we encourage illegal migrants and their employers to come out from the shadows and show themselves.

Encouraging employers and foreign workers to work within the bounds of law will allow our border agents to better focus their efforts on those who would enter the country to do our citizens harm. And up on the Northern border, what used to be our nation's backdoor and is quickly becoming the front door, we face that more unlikely threat precisely because all eyes are on the southern border.

I'm not talking about amnesty, and I'm not talking about rushing into some sweeping immigration reform. I think that requires broader and more considered deliberation by Congress. But it does make sense to begin to document and track the movement of illegal migrants who would otherwise pay taxes and abide by our laws if they could earn the chance to do so. This in turn helps our small and seasonal businesses maintain a reliable, screened and legal workforce, and it allows us to focus our attention on stopping would-be terrorists from crossing our borders.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—1

Inouye

The bill (H.R. 1268), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.".

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mr. COCHRAN. Madam President, I thank all Senators for their cooperation in the passage of this bill. There were a lot of amendments offered, and we agreed to some of them. Some of them were adopted. We are going to conference with the House now to work out differences between the two bills. I am confident we will be able to come back with a product in the form of a conference report which the Senate can support, which will continue to support the additional funding that is needed for this fiscal year for our troops in the field, for those who are deployed in Iraq and Afghanistan and elsewhere in the world in the war on terror, and will meet the needs of our State Department through replenishment of accounts that have been depleted because of the disaster in the tsunami episode and for other needs the Senate and House have seen fit to include in this appropriations bill.

As my first bill to manager on the floor of the Senate as chairman of the Appropriations Committee, I have to give great credit to the assistance I received personally from staff members here in the Senate, other Senators as well who are more experienced and who chaired important subcommittees in the past and this full committee, as a matter of fact.

Specifically, I am thinking about Senator BYRD, the distinguished Senator from West Virginia, who has served as chairman of this committee and ranking member of the committee; Senator STEVENS, who is chairman of the Defense Appropriations Subcommittee; Senator INOUYE, who is the senior Democrat on that subcommittee, both of whom helped shape the content of this bill in areas under the jurisdiction of their subcommittee; and the staff director, Keith Kennedy, who is back from a leave of absence he had doing other things for the last several years but who, as a former staff director of this committee, provided strong leadership for our staff and gave me tremendous support which I needed to get this bill to this point. I am very grateful to him for his support and those who worked closely with him, like Terry Sauvain on the Democratic side; Sid Ashworth, who is the clerk of the Defense Appropriations Subcommittee, and her counterpart on the Democratic side, Charlie Houy; Paul Grove; Tim Rieser; Clayton Heil, who is counsel to the committee; and Chuck Kieffer, all of whom provided very important and appreciated support to me during the handling of this legislation.

Mr. BYRD. Mr. President, as we bring to a close the debate on the emergency supplemental, H.R. 1268, I thank my good friend from the State of Mississippi, the chairman of the Appropriations Committee, THAD COCHRAN. Senator COCHRAN was recently installed as the new Chairman of the Appropriations Committee, and, although he has managed numerous bills on the floor in the past, this is the first appropriations bill that he has managed as the chairman of the Appropriations Committee. I compliment Senator COCHRAN for a job well done, and I especially thank him for his patience. In fact, all of the Members should thank him for his patience. We have been on this bill for the better part of 2 weeks, and we have given consideration to many, many amendments. Throughout all of these many days of debate on the underlying bill and on the numerous amendments offered by both sides, Senator COCHRAN has kept a level head, and he has shown patience in seeing that this supplemental is processed in an orderly manner and that no Member is denied an opportunity to have input on this bill.

I also join with Senator COCHRAN in expressing gratitude to the staff members on both sides of the aisle who helped us with processing this bill and all those amendments. They worked late into the evening hours on some of these matters, and I appreciate not only their hard work but also their unstinting dedication to this institution.

Mr. President, this is only one in a series of supplemental requests that have come from the administration asking the Congress to appropriate more funds for the wars in Iraq and Afghanistan and for reconstruction efforts in those countries. With approval of this supplemental, we will have approved over $280 billion for the two wars through emergency supplemental bills. We should not continue to fund these wars in this way. This is not the chairman's fault. He can only respond to the administration's proposals. It is evident that many of my colleagues are in agreement that funding for war activities should be processed in regular annual appropriations measures, not through emergency supplementals. This was clearly and emphatically expressed again in of the sense of the Senate amendment earlier this week. I hope that this administration will take serious note of the Senate's strong view in this regard.

I assure my colleagues here today and the people of this country that I fully and wholeheartedly support our men and women in uniform. I give these troops my gratitude and my respect. I wish that we could give them more—I wish that we could give them a clearly defined mission, with a clearly defined strategy for ending the war in Iraq and coming home.

But, this administration is not winding down its military operations in Iraq—that is evident from the size of this most recent request submitted by the President. To the contrary, it appears that the United States may be gearing up either to accommodate a permanent military presence in Iraq or to establish a launching pad for other military operations in the region. This, certainly, would be the wrong message to send to the people of Iraq and others in the region. I pray that this is not the case.

Thank you, Mr. President, and I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAUMATIC INJURY PROTECTION

Mr. CRAIG. Madam President, we have completed a tremendously important piece of legislation for the funding of our troops in Afghanistan and Iraq. During this afternoon, I, along with Senator DANNY AKAKA, my ranking member on the Veterans' Affairs Committee, and Senator MIKE DEWINE, added an amendment I want to speak for a few moments about because I think it addresses a tremendous gap in the coverage that exists in the treatment of the soldiers, sailors, marines, and airmen who are fighting for our country at this very moment.

Our amendment addresses the coverage gap through the creation of a new traumatic injury protection insurance program for the benefit of severely disabled service members. But before I describe the amendment, let me further discuss the nature of the problem our amendment attempts to attend.

It is widely known that due to the incredible advances in medicine, service members who may not have survived life-threatening injuries in previous wars are now making it back home alive from Iraq and Afghanistan. That is the good news. The bad news, however, is that they must live with injuries that may have left them without their limbs, sight, hearing, or speech ability, or even more. All of my colleagues have likely met these brave young men and women in their home visits or right here in Washington, DC, at Walter Reed Army Medical Center. They are fighting for their lives. They are attempting to learn, through physical and occupational therapy, how to reengage back into society, needless to say, relearning things I and my colleagues probably take for granted every day—how to walk, how to read, how to simply make breakfast in the morning and what, for them, can take months and quite possibly years to learn how to redo.

It is during this rehabilitation period at military hospitals the need for additional financial resources becomes most acute. For many Guard and Reserve members at Walter Reed, they already have foregone higher paying civilian jobs prior to their deployment. Lengthy recovery periods simply add to the financial stress they bear. In addition, family members of injured soldiers bear the burdens necessary to travel from great distances to provide the love and emotional support that is absolutely essential for any successful rehabilitation. Spouses quit jobs to spend time with their husbands at the hospital, or husbands quit jobs to spend time with their wives. Parents spare no expense to be with their injured children.

To meet these needs, our amendment would create a traumatic injury protection insurance rider as part of an existing service member's group life insurance program. The traumatic insurance would provide coverage for severely disabling conditions at a cost of approximately $1 a month for participating service members. The payment for those suffering a severe disability would be immediate and would range from $25,000 to a maximum of $100,000. Of course, that is to tide them over during this period before the other benefits we all know about kick in.

The purpose of the immediate payment would be to give injured service members and their families the financial cushion they need to sustain them before their medical discharge from the service, when veterans benefits kick in.

The traumatic injuries covered under our amendment include total and permanent loss of sight, loss of hands or feet, total or permanent loss of speech, total or permanent loss of hearing, quadriplegia or paraplegia, burns greater than second degree, covering 30 percent of the body or face, certain traumatic brain injuries.

Most of the amendment is entirely reasonable given the cause. Informal CBO estimates put the fiscal year 2006 cost at about $10 million, a very small price to pay to meet the needs of those wounded warriors.

I cannot take credit for the idea behind this amendment. The great credit must go to disabled veterans from the Wounded Warrior Project, run under the aegis of the United Spinal Association. Three Wounded Warrior veterans from the Iraq war visited my office last week to discuss the need to provide this type of an insurance benefit.

One veteran, former Army Staff Sergeant Heath Calhoun, had both of his legs amputated after being struck during a rocket-propelled grenade attack in Iraq. Heath and his wife, Tiffany, who was present with him in my office, described the financial problems they had endured after Tiffany quit her job to be with Heath during convalescence. It took over a year before Heath was medically discharged from service. While the Calhoun family was able to make it through, it was an extremely trying period. Heath told me he was adamant that other servicemen in Iraq should not have to worry about finances, should they, too, be injured.

The quickest way to accomplish that, he told me, was to add a disability insurance rider, financed by service members through monthly premium deductions, to the existing life insurance program.

I am honored to sponsor that amendment. It is now in the legislation that passed the Senate. The White House endorses it. The Defense Department endorses it. We had a press conference yesterday with the Secretary of Veterans Affairs, Jim Nicholson, and the head of personnel at the DOD.

I want to also personally compliment Ryan Kelly, who was a visitor also with me this past week. Mr. Kelly lost his right leg during an ambush near Baghdad almost 21 months ago. I am told he was a principal author of the draft legislation that culminated in the amendment we offered here this afternoon. I thank him for the tremendously fine work he did.

I also thank President Bush, of course—I just mentioned him—and his top administration officials for lending their support to this amendment. Secretary Nicholson, Defense Deputy Secretary of Defense Paul Wolfowitz, and their staffs provided invaluable technical support in drafting this amendment.

The supplemental already would make substantial improvements to benefits provided to survivors of those killed in the line of duty. I applaud all of those efforts for our veterans and their survivors. I also remind my colleagues we must be vigilant in our care for those who are still fighting to regain the normalcy of the lives they enjoyed prior to sustaining catastrophic injuries in the defense of our freedoms. We now have moved this from an idea to an amendment, and now into the legislation that passed. I thank my colleagues in the Senate for their unanimous support of what is a very important piece of legislation that fills a hole and sustains a family and sustains a warrior in his or her greatest time of need—that of recovering from a traumatic injury and moving into civilian or military whole life again. I thank my colleagues for their support. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. BAUCUS. Madam President, I feel very strongly that we must increase our border security. The resources of our National Guard, law enforcement, and Customs and Border Patrol agents are stretched way too thin and they need our help, especially along the northern border. Their ability to successfully carry out their daily duties is of critical importance to the safety of all Americans.

We must protect our borders better and work to increase the apprehension of illegal aliens crossing into the United States.

The Intelligence Reform and Terrorism Prevention Act we passed in 2004 authorized the hiring of 2,000 new Border Patrol agents. Yet the President's budget only proposed 210 new agents—about 10 percent of what is authorized.

The Border Patrol has been dangerously underfunded. That is why I cosponsored Senator BYRD's Border Patrol amendment, which passed yesterday, and why I supported Senator ENSIGN's amendment today.

I recognize we are fighting the war on terrorism overseas, but we need more agents, investigators, detention, and deportation officers at home.

Additional funding will ensure that more illegal aliens will be detained and our borders will be tightened against all threats, especially terrorism. The best way to prevent terrorism in the United States is to prevent terrorists from entering the United States.

In my State of Montana, we deal with the vast northern border and the terrain is not easy to patrol. As you can imagine, as the southern border is tightened, our northern border, which used to be America's back door, is quickly becoming the front door. We need more agents; it is that simple. That border is long. Agents can only cover so much territory. The agents need training and facilities.

In addition to personnel and training, we must also employ the latest technologies. The Border Patrol conducted successful tests using unmanned aerial vehicles—around here known as UAVs—along the southwest border in Arizona for surveillance and detection of individuals attempting to enter the U.S. illegally. Unfortunately, those operations were ceased at the end of January of this year. Thankfully, the funds provided in Senator BYRD's amendment will allow for the immediate resumption of these surveillance and detection operations. UAVs are a safe alternative to placing civilians in harm's way.

It is up to all of us in Congress—not just today, but in future days and weeks and months—to make sure the

Border Patrol gets the help it needs. We must deliver the funds our border security personnel deserve to continue their work of apprehending illegal aliens, fighting the war on terrorism, and keeping the homefront safe.

I might add, it also applies to methamphetamines. There is a lot of that coming into our country across our borders. It is a huge problem. I daresay virtually every State in the Nation has a significant methamphetamine problem, and too much is being used by citizens in States. A lot of it is manufactured locally, but a lot is also imported. So more Border Patrol agents will help us fight not only terrorism, but the scourge of methamphetamines.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING SENATE RULES

Mr. BAUCUS. Madam President, engraved in stone on the panel behind the Presiding Officer are the words "E pluribus unum"—"Out of many, one."

The words also appear on the seal of the Senate, which appears on the flag the Senators see to the right of the Presiding Officer. It is one of my favorite mottos. It is the motto of the United States of America. The words mean, "One unity, formed from many parts." They represent the Senate well. For it is here in the Senate our Nation has been brought together. It is here in the Senate our Nation's leaders have worked out many of the great compromises that have bridged the issues of the day. It is here in the Senate that disparate interests in our Nation have become one.

The Senate is a place of unity, a place of compromise, and a place of consensus, because of its rules. The Senate works to force unity, not because its rules make it easy to get things done, but because the rules make it so hard. Because the Senate's rules require Senators to assemble majorities of three-fifths, and sometimes two-thirds, the rules force Senators to find policy positions that appeal more broadly, that transcend party, that bring more Senators together.

Because its rules make it so hard to get things done, the Senate does much of its work through the ultimate expression of unity—through unanimous consent.

Because the Senate's rules make it hard to get things done, Senators must work together to get things done. Because the Senate's rules make it hard to get things done, no Senator may completely disrespect a second Senator because a second Senator might hold up the first Senator's legislation.

Because the rules make it harder to get things done, the Senate has collegiality and comity. It is that simple. The rules make it harder to get things done, and that forces us together. Because the Senate rules make it harder to get things done, Senators of one party must reach out to the moderates of another party.

Let me state for the record, as my colleagues already know, I am one of those moderates. Since 1978, I have worked in this Chamber to put Montana first, to use common sense, to be effective, and to get things done. Because of the way the Senate works and because of the way I work, that has meant working together with other Senators, often across the aisle.

I have worked together with Republicans to cut taxes, to reform environmental laws, to open international markets to American trade, and to update Medicare to provide prescription drugs. Why? Because all those are important, and it is important to work together to get those things done.

One of the reasons moderates, like me, of both parties can move compromises and consensus legislation is because the rules of the Senate require getting more than a simple majority.

Contrast that with the House of Representatives. There the rules make it easy to get things done. But there, it is a rare exception when Members craft legislation to appeal broadly, across party lines. There the majority passes the legislation that represents the strongest achievable expression of the majority party's position. Unity is not their goal.

One might call the result majority rule; but the reality is that the product of the House of Representatives often represents an even smaller fraction. The rules of the House of Representatives often encourage a majority of those in the majority party to decide policy and then to enforce that policy within the majority caucus. Because its rules make it so easy to get things done, Representatives of one party steamroll the moderates of their own party, let alone of the other party.

Thus, the rules of the House of Representatives foster sharper partisan division between the two parties. The rules of the Senate lead to the result: "Out of many, one." The rules of the House lead to the result: "Out of many, two."

The Senate's rules are particularly important to a State with a small population, such as my home State of Montana. This is particularly true in light of the small House delegation that such small States have. Montana, as several other States, has one Representative in the House. States such as Montana rely on their Senators to allow their relatively greater influence to protect their interests. Without the Senate rules, rural America would have a much harder time getting heard. Sometimes it is good that the Senate's rules require more than a thin majority, in order to make sure that every part of the country is truly represented.

Fundamental to the Senate's rules, for two centuries, has been the right to extended debate. In the First Congress, Senators debated at length the permanent site for the Capitol. In 1811, the House of Representatives provided that a motion for the previous question could cut off further debate. But the Senate rules have not included such a motion since the 1806 codification of the rules. We cannot summarily cut off debate, as the House can. And even after the Senate adopted rule XXII of cloture in 1917, the Senate rules have required a supermajority to bring debate to a close. Since its revision in 1979, rule XXII has required the affirmative vote of 60 Senators to limit debate.

Thus, for two centuries, Democrats and Republicans alike have used the Senate's rules to protect the rights of the minority party. After two centuries, it would be a mistake to change those rules.

Extended debate allows Senators to protect minority interests. Extended debate gives life to the traditional story that Washington told Jefferson that, like pouring coffee into a saucer, "we pour legislation into the senatorial saucer to cool it." Extended debate makes the Senate, in Aaron Burr's words, "a sanctuary; a citadel of law, of order, and of liberty."

The Senate's rules thus help to protect personal rights and liberties. The Senate's rules help to ensure that no one party has absolute power. The Senate's rules help to give effect to the Founder's conception of checks and balances.

The Senate's right of extended debate is particularly important in the context of nominations for the lifetime jobs of Federal judges.

At the Constitutional Convention, the Founders debated different ways to appoint judges. On June 13, 1787, James Madison of Virginia proposed that the Senate make the appointments to protect the integrity, the independence of the third article; that is, the judges of the United States of America. On June 15, William Paterson of New Jersey proposed that the President make the appointments. On July 18, Nathaniel Gorham of Massachusetts proposed a compromise, that the President make the appointment with the advice and consent of the Senate. That is, they both decide; not just the President, not just the Senate, they both do, again, to protect the integrity of the independence of our Federal judiciary.

The history of the Constitutional Convention thus demonstrates that the

Founders hoped that both the President and the Senate could be involved in the process.

In its application, the Senate's involvement in the confirmation of judges has helped to ensure that nominees have had the support of a broad political consensus. The Senate's involvement has helped to ensure that the President could not appoint extreme nominees. The Senate's involvement has thus helped to ensure that judges have been freer of partisanship and, in fact, more independent.

The Founders wanted the courts to be an independent branch of Government, helping to exercise the Constitution's intricate systems of checks and balances. The Senate's involvement in the confirmation of judges has helped to ensure that the judiciary can be that more independent branch. And that independence of the judiciary, in turn, has helped to ensure the protection of personal rights and liberties in our country.

It is important that we get good judges. Over the years, this has been one of the issues of greatest importance to me as a Senator. That is why I worked to set up a merit selection system that is truly apolitical to select judges that I recommend to the President from my State of Montana. The Senate's rules help to make a merit selection possible.

I invite my colleagues to read the inscription in the marble relief over the Senate's door to my left. There is inscribed a single word: "Courage." That is what preserving the Senate's rules will require: courage to stand up to the extremists; courage to stand up to the majority of one's party; courage to save the institution itself.

For Senators of either party, the simplest thing is usually to vote with the party. Voting with the party makes it easier to go to the party caucus lunch. Voting with the party makes it easier to hang on to a committee chairmanship.

To preserve this Senate will take the courage of at least six Senators in the majority party who are willing to vote for the institution first before their comfort at party lunches. It will take the courage of six Senators in the majority party who are willing to risk their chairmanships to protect the Senate—indeed, the country itself.

Let me offer this encouragement. I recall a decade ago in 1995, Senator Mark Hatfield from Oregon, who was then the chairman of the Appropriations Committee, told his majority leader, Senator Bob Dole, that he would rather resign from the Senate than vote for the constitutional amendment to require a balanced budget. Luckily, Senator Dole did not accept Senator Hatfield's offer, and Senator Dole later wrote:

> While I strongly disagreed with his position, I also respected any Senator's right to vote their conscience.

In retrospect, Republican Senators should see it was lucky for them that Senator Hatfield voted as he did. For if the Constitution required a balanced budget, it would have required the majority party to make massive cuts in Government services during the 5 years of deficits and, thus, if the Constitution required a balanced budget, the voters would have long ago punished Republican Senators for the cuts they would have made. They should thank Senator Hatfield that it did not pass. In the end, the sacrifices of these times ask that six Senators of the majority party stand up. The sacrifices that these times ask of six Senators from the majority party pales next to those of an earlier generation. Benjamin Franklin, John Adams, and Thomas Jefferson selected the words "e pluribus unum" as the Nation's motto on August 10, 1776. That was barely a month after they had published the document, the Declaration of Independence, in which they had written:

> We mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Just think of the courage of our Founding Fathers when they wrote the Declaration of Independence to break away from England knowing if they were apprehended, they would all be hanged. They knew that. Just think of their courage.

On the occasion of signing the Declaration, Benjamin Franklin is said to have warned: We must all hang together or surely we will all hang separately.

Our Founders sought unity from the very beginning. For unity, they were willing to risk their fortunes. For unity, they were willing to risk their lives. How many here can say that?

Today, to preserve the rules of the Senate that so foster unity, six Senators will be asked to risk much less. To preserve this Senate, they need not offer their fortunes. To preserve this Senate, they need not offer their lives. But to preserve this Senate, they will need to offer their courage.

I call on my colleagues in the majority to follow the exhortations engraved on the west door. I call on my colleagues to recall the courage of our Founders who risked their lives to give us this sacred inheritance of checks and balances. I call on my colleagues to summon the courage to vote against the effort to change the rules that make the Senate the place we love so much, that would change the Senate so much so that it will dramatically undermine the protection of liberties and the protection of our rights that so many Americans look to us to enforce.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL HEALTH CORPS ACT

Mr. FRIST. Mr. President, on Tuesday, I introduced the Global Health Corps Act of 2005.

As a doctor who has traveled the world treating patients in desperate and war-ravaged lands, this cause is near and dear to my heart.

I believe, and I have seen, through the good works of many talented and compassionate men and women, that medicine is not only an instrument of health, but a currency of peace. Healing gives hope. And I have seen that real, tangible, medical intervention can help bridge the gaps and misunderstandings that so often divide cultures.

We see that phenomenon in Afghanistan and Iraq. And we saw it in South East Asia in the aftermath of the terrible tsunami tragedy.

Immediately, American military ships, planes and helicopters arrived to deliver food, water, medicine and tents to the devastated region. The U.S. Agency for International Development set up a 24-hour, 7-day-a-week, Disaster Response Command Center here in Washington and abroad.

Thousands of private citizens, religious groups, small businesses and large corporations sent tens of millions of dollars in donations to help aid the people of South East Asia. Many continue to keep giving. America's response, both official and private, was a portrait in compassion.

I had the opportunity to travel to the region with the distinguished Senator MARY LANDRIEU days after the tsunami struck. Together, we surveyed the damage, assessed the humanitarian needs, and witnessed American compassion in action.

We spoke to doctors, nurses, officials and victims. One doctor I met in Sri Lanka told me a remarkable story of compassion. He had e-mailed a plea for help just as the massive wave swamped his hospital. Within 2 days, a team of Scandinavian physicians who had seen the e-mail arrived to set up a pediatric ward.

Countless health care professionals from all over the world, both volunteers and government workers, rushed to the devastated region to offer assistance and supplies.

The outpouring of support from the world community, led by American efforts, was truly extraordinary—a moving testament to our shared humanity.

America is a giving nation. Indeed, America provides 60 percent of all food humanitarian relief in the world. Moreover, the generosity of private citizens significantly amplifies official efforts.

It is this spirit of generosity that the Global Health Corps seeks to harness.

America possesses a vast reservoir of talent, knowledge, and compassion that can help heal, both literally and figuratively, our global ties.

It was the famed violinist, Yehudi Menhuhin, who said:

> Peace may sound simple—one beautiful word—but it requires everything we have, every quality, every strength, every dream, every high ideal.

Providing health care services and training to those in need is one positive step we can take to demonstrate our goodwill and high ideals, and by doing so, plant the seeds of hope and peace.

The purpose of the Global Health Corps is twofold.

First and foremost, the Health Corps will help to improve the health, welfare, and development of communities in foreign countries and regions abroad.

In too many places, simple things like vaccinations, first aid, clean water, and hygiene are unknown or woefully inadequate. Men, women and children especially children—suffer terrible illnesses that can be easily prevented with basic health services.

The Health Corps bill seeks to provide a range of services from rapid relief, like what we saw following the tsunami, to long-term assistance to address endemic public health issues. It provides services such as veterinary care, which is very important in developing countries, where livestock are frequently a family's means of nutrition, commerce, and wealth.

A new Institute of Medicine survey issued today reports that one of the biggest obstacles to fighting HIV/AIDS in Africa is the severe shortage of medical personnel.

Sub-Saharan Africa has 25 percent of the world's HIV/AIDS cases, but only 1.3 percent of the world's health force. In Rwanda, for example, there are less than two doctors per 100,000 people.

If we are to maximize our help to these countries, we need to strengthen the medical delivery systems on the ground. HIV/AIDS medicine does no good sitting in boxes. Vaccines can't protect children from preventable diseases if there is no one to administer the shots. Strengthening the local infrastructure and teaching local citizens basic health skills will go a long way to addressing their medical needs.

The second goal of the Global Health Corps is to deploy health care assistance as a tool of public diplomacy. John F. Kennedy recognized that our assistance to other nations carries the most weight when it involves personal, intimate contact on the community level and provides tangible benefits to everyday people. This is why he established the Peace Corps, and why this bill taps into the Peace Corps for volunteers.

The new Global Health Corps will draw together health care professionals and volunteers from around the Nation, from both the private and public sectors.

Some Health Corps volunteers will be seasoned doctors, nurses, and medical technicians. Others will enter the program with simply a passion for public health, a willingness to learn, and a desire to help others.

The U.S. Government is already doing a great deal of work in these areas. But the Global Health Corps will pull it all together, coordinate and focus our efforts, and tap into the private sector both private organizations and individuals—to multiply our efforts.

Like members of the Peace Corps and our many volunteers abroad, the Global Health Corps will serve as a shining example of the American people, our charity and goodwill.

In a speech in San Francisco on the eve of the 1960 Presidential election, John F. Kennedy made the stark but compassionate observation that:

> There is not enough money in all America to relieve the misery of the undeveloped world in a giant and endless soup kitchen. But there is enough know-how and enough knowledgeable people to help those nations help themselves.

Indeed, as the famous proverb counsels:

> Give a man a fish and he's fed for a day. Teach him how to fish and he will be fed all of his life.

I am proud that Senator LUGAR, Chairman of the Senate Foreign Relations Committee, is co-sponsoring my bill. I urge my colleagues to join us in this vital mission.

In a world that is ever more connected by planes and computers, markets and movements, our fate is bound ever closer with that of our neighbors—near and far, wealthy and poor. I call upon my colleagues to advance our common humanity. Helping heal others abroad—and showing them America's heart—will help all of us stay safer at home.

SUPPORTING COPS

Mr. LEVIN. Mr. President, combating violent crime, especially gun crime, requires that our law enforcement agencies are adequately staffed and equipped. I have been a strong supporter of the Community Oriented Policing Services, COPS, program. The COPS Program has been critical to our Nation's law enforcement community since its creation in 1994, and I am pleased to join Senator BIDEN as a cosponsor of the COPS Reauthorization Act.

The COPS Program was designed to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. In Michigan alone, 514 local and State law enforcement agencies have received more than $220 million in grants through the COPS Program since its creation. These grants have improved the safety of communities by putting more than 3,300 law enforcement officers on Michigan streets and by supporting other important programs. Nationwide, the COPS Program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers.

In my home State, the Detroit Police Department, DPD, used a COPS grant to hire additional officers that were needed to implement a 5-year community policing plan. Prior to the COPS grant award, the DPD lacked sufficient personnel to effectively cover high crime areas. The community policing plan placed teams of officers in neighborhoods to combat rising crime rates and work with residents to develop crime reduction strategies. The plan resulted in a drop in the number of reported violent crimes as well as improved police-community relations. The success of the Detroit Police Department illustrates the important role that COPS grants play in the safety of communities around the country.

Unfortunately, authorization for the COPS Program was permitted to expire at the end of fiscal year 2000. Although the program has survived through the annual appropriations process, it has received significant funding cuts. In fact, the Fiscal Year 2005 Omnibus Appropriations Act included only $606 million for the COPS Program, $142 million below the amount appropriated in 2004. In addition, President Bush's fiscal year 2006 budget would completely eliminate the COPS hiring grants. Despite the important positive impact of the COPS Program in Detroit and across the country, the President justified his cuts by calling the program "nonperforming" and not having "a record of demonstrating results." Our State and local law enforcement agencies know better and we should listen to them.

The COPS Reauthorization Act would continue the COPS Program for another 6 years at a funding level of $1.15 billion per year. This funding would allow State and local governments to hire an additional 50,000 police officers over the next 6 years. In addition, the bill would modernize the COPS Program by authorizing $350 million in law enforcement technology grants to assist police departments in acquiring new technologies for the analysis of crime data and the examination of DNA evidence, among other uses. The COPS Reauthorization Act would also build upon the accomplishments of the original COPS Program by authorizing $200 million in community prosecutor grants. These grants would be used to hire community prosecutors trained to work at the local and neighborhood level to prevent crime and improve relations with residents.

At a time when we are asking more of our police departments than ever before, I believe we should be devoting more resources to the COPS Program, not less. The increased threat of terrorism as well as the continuing epidemic of gun violence underscores the need for more resources for our law enforcement agencies. Recognizing this, we must build upon the past success of the COPS Program and continue to work to provide police departments with the tools and resources they need to help keep our families and communities safe.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, a fifth person was arrested and charged with beating up a teenager because of his sexual orientation. The victim, an 18-year-old from Virginia, was at a gathering at his cousin's home. Late that night, the five assailants repeatedly kicked and hit the victim with a chair because he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

JUDICIAL NOMINATIONS AND THE NOMINATION OF MICHAEL SEABRIGHT

Mr. LEAHY. Mr. President, so far this year the Senate Republican leadership has called up one judicial nomination. That is right, despite the fact that other nominations are on the Senate Executive Calendar and ready to be confirmed, it is the Republican leadership of the Senate that is delaying action on judicial nominations.

When the Senate finally turned to the nomination of Paul Crotty to be a U.S. district court judge for the Southern District of New York on April 11, that nomination was confirmed 95 to 0. All Democrats present voted in favor of confirmation. Indeed, Senator SCHUMER and Senator CLINTON came to the floor to speak in favor of the nominee. That is the only judicial nomination Senate Republicans have been willing to consider all year. There has been no filibuster of judicial nominees. Instead, it is the Senate Republican leadership that, through its deliberate inaction, is keeping judgeships unnecessarily vacant for months. With the Crotty nomination, I was the one asking for months for the nomination to be considered, debated, voted on and confirmed.

At the time, I noted that another noncontroversial nomination was ready for Senate action. More than a week ago, I called upon the Republican leadership to proceed to the confirmation of Michael Seabright to the District Court of Hawaii. I renew that plea.

All Democrats on the Judiciary Committee have been prepared to vote favorably on this nomination for some time. We were prepared to report the nomination last year but it was not listed by the then-chairman on a committee agenda. I thank Chairman SPECTER for including Mr. Seabright at our meeting on March 17. The nomination was unanimously reported and has been on the Senate Executive Calendar for more than a month. It is Senate Republicans who are resisting a vote on this judicial nominee, not Democrats. I understand that Mr. Seabright has the support of both of his home State Senators, both distinguished and highly respected Democratic Senators.

Once confirmed, Mr. Seabright will be the 206th of 216 nominees brought before the full Senate for a vote to be confirmed. That means that 830 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. As late as it is in the year, we would still be back on pace with that set by the Republican majority in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider the first judicial nominee until April 15. Two judges were confirmed in April and the third was not confirmed until June.

Of the 46 judicial vacancies now existing, President Bush has not even sent nominees for 28 of those vacancies, more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so, again, today. The Democratic leader and I sent the President a letter in this regard on April 5, but have received no response.

It is now the third week in April, we are more than one-quarter through the year and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees like Michael Seabright who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from Hawaii for their efforts to work cooperatively to fill judicial vacancies. I only wish Republicans had treated President Clinton's nominees to vacancies in Hawaii with similar courtesy. Had they, there would not have been the vacancies on the Ninth Circuit and on the district court. The work of the Senators from Hawaii is indicative of the type of bipartisan efforts Senate Democrats have made with this President and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support.

The truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton's two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The Hawaii judgeship at issue here has been vacant for more than 4 years, since December of 2000 when Judge Alan Kay took senior status. President Clinton made a nomination to that seat in advance of the vacancy, but the Republicans in control of the Senate refused to act on it. They preserved the vacancy for a Republican President.

In 2002, President Bush nominated James Rohlfing to the vacancy. That nomination failed, however, because in the view of his home State Senators and the American Bar Association, he was not qualified for the position. It took the White House more than two additional years to agree. Finally, in May 2004 that nomination was withdrawn by President Bush.

The administration finally got it right after consultation with the Hawaii Senators. The President sent Michael Seabright's name to the Senate last September. An outstanding attorney who has experience in private practice as well as a sterling reputation as an assistant U.S. attorney, Mr. Seabright merited consideration and swift confirmation. Despite his reputation as a law-and-order Republican, Republicans would not move on Mr. Seabright's nomination last Congress. The President took his time renominating Mr. Seabright and even then it took repeated requests to get his nomination included on the agenda of the committee. When he was considered on March 17 he was reported with unanimous support. Senate Democrats have long supported and requested action on this nomination.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation and appointment of consensus nominees with reputations for fairness. The Seabright nomination, the bipartisan support of his home State Senators, and the committee's action by a unaimous, bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks we have heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge this President to disavow the divisive campaign and do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly owned subsidiary of any political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked Executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms.

HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. HARKIN. Mr. President, I am pleased to announce my support for an important piece of legislation recently introduced by Senator DORGAN and Senator GRAHAM, the Hydrogen and Fuel Cell Technology Act of 2005.

This legislation lays out a bold vision for the energy future of our Nation. It takes steps to secure the research, development, demonstration and market transition necessary to deliver on the tremendous promise of a "hydrogen economy."

The economy of this country today depends heavily on oil, much of which we must import from countries with hostile and dangerous regimes. This dependence on foreign oil threatens our national security, our economy and the environment. We must take the steps now to find alternative sources of energy and new ways of powering everything from cell phones to cars. This bill does exactly that.

The Hydrogen and Fuel Cell Technology Act funds the research and demonstration needed to develop key aspects of a reliable, renewable hydrogen economy. The bill incorporates language from the Hydrogen Passenger Vehicle Act, which I introduced earlier in this Congress to provide funding for projects to demonstrate the cost-effective production and distribution of hydrogen from renewable sources, such as ethanol. The bill also adopts several proposals from my Hydrogen and Fuel Cell Energy Act, including support for hydrogen transportation corridor demonstrations, such as the Upper Midwest Hydrogen Initiative.

This legislation will fund development of better fuel cell technology, of lighter, more efficient ways to store hydrogen on board vehicles, and of less expensive ways of converting renewable energy to hydrogen fuel.

It updates the language and sets clearer priorities for the existing hydrogen research program under the Matsunaga Act, and adds important demonstration, commercialization, and market driver mechanisms, using Federal Government procurement to help drive demand for new technology.

In order to be most effective, however, we will need to enact the tax incentives necessary to encourage widespread investment, production and utilization of hydrogen. Tax credits for fuel cell vehicles, for hydrogen fueling infrastructure, for hydrogen fuel from renewable sources, and for stationary and portable fuel cells should all be considered as part of a package of support for the hydrogen economy.

The measures proposed in this legislation will require a significant Federal investment in our energy future, but with these measures, we can use hydrogen and fuel cell technologies to realize our vision of cars that do not pollute, of power that will not go out, and of true energy security. I urge the support of my colleagues for this visionary legislation.

Mr. DORGAN. Mr. President, Senator HARKIN has shown great leadership in the effort to create a hydrogen fuel-cell economy and I welcome his support and look forward to working with him and other cosponsors as we move this legislation forward.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I, along with the Armenians in Rhode Island and throughout the United States, as well as those around the world, recognize the 90th anniversary of the Armenian Genocide.

On the night of April 24, 1915, nationalists in the Ottoman Empire rounded up and executed 200 Armenian community leaders, sparking an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded with President Wilson to act. Morganthau later remembered the events of the genocide. "I am confident that the whole history of the human race contains no such horrible episode as this," the Ambassador wrote in his memoir. "The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Unfortunately, the United States, and the world, did not intervene.

Today, on the 90th Anniversary, I am proud to be one of 32 Senators who urged President Bush to refer to the mass murder of Armenians as genocide in his commemorative statement. Failing to do so, does not properly commemorate this tragedy. Accurate acknowledgment of this event in human history is a small, but necessary, step to take.

Today, dozens of Armenian soldiers are deployed to Iraq, carrying out humanitarian operations in Karbala and al-Hilla, working as truck drivers, bomb detonators, and doctors. Armenian soldiers are also serving in Kosovo, performing peace support operations. I believe their response of helping others in need is part of the healing process. These Armenians did not allow others to be left as helpless as they were generations ago.

As a Nation, we must respond to acts of oppression to ensure that victims of hatred and prejudice did not perish in vain. We must stand as witnesses to protect people from persecution for the simple reason they are different. Thus, we must be committed to properly remembering the Armenian Genocide.

Menk panav chenk mornar. (We will never forget.)

MONTANA AIR NATIONAL GUARD

Mr. BAUCUS. The National Guard is proving to be the backbone of our efforts to protect America overseas, as they continue to play a pivotal role in homeland security. I saw this first hand 3 weeks ago when I spent a day working on the flight line with the 120th Fighter Wing of our Air National Guard in Great Falls, MT.

While doing pre-flight checks on F-16s and helping the ground crew with their maintenance tasks, I gained a new appreciation for the Guard's contribution to our communities.

Two-thirds of Montana's Air National Guard is made up of part-time citizen soldiers and their sacrifice is not going unnoticed. I am proud that I have the opportunity to reemphasize their contribution here today, in particular, since the Air Guard has recently made us very proud in Montana.

Under the leadership of Colonel Mark Meyer, our 120th Fighter Wing has been honored with three national awards for 2004—the Air Force Outstanding Unit Award, the Outstanding Security Forces Squadron of the Year Award, and the Maintenance Group Effectiveness Award.

The Air Force Outstanding Unit Award recognizes the exemplary achievements of the entire 120th Fighter Wing. On short notice the Wing deployed more than 200 airmen to the 332nd Air Expeditionary Wing at Balad Air Base, Iraq, in support of Operation Iraqi Freedom, and at home they activated 185 people to fight Montana's second largest wildfire season on record.

The Air Force also bestowed an award on the Wing's Security Forces squadron, under the direction of Squadron Commander Major Donald Mahoney. They were honored with the Air National Guard Security Forces Unit Award.

Among their standout achievements was the logistical support they provided to the South Dakota Air National Guard Security Forces while their members conducted field training exercises at Fort Harrison in Helena. And, once again, our guardsmen operated on short notice.

Their Combat Arms Specialists performed weapons qualifications for over 300 personnel in support of Operation Iraqi Freedom. They completed these tasks while protecting the Northern border between Montana and Canada and collaborating with Montana's local, civil, and military emergency services agencies.

Under the leadership of Maintenance Commander Lieutenant Colonel Kendall Switzer, the members of the 120th Fighter Wing Maintenance Group earned the Air National Guard's Maintenance Effectiveness Award for their extraordinary aircraft maintenance.

Their hard work and expertise supported three important missions: Operation Iraqi Freedom, the Alert Detachment at March Air Reserve base in California, and the Combat Air Patrol Missions of Operation Nobel Eagle.

I offer a tremendous "Well Done" to the Air National Guard. Thank you to your families, friends, employers and communities. The nation appreciates you and in Montana we are proud of our 120th Fighter Wing.

Congratulations!

EARTH DAY 2005

Mr. FEINGOLD. Mr. President, not many people can lay claim to a day, but Gaylord Nelson can. On April 22, 1970, Gaylord Nelson created a day to celebrate the glory of the Earth. Nelson biographer Bill Christofferson asks "Where did Nelson get his lifelong interest and dedication to the environment? By osmosis, [Nelson] would say, while growing up in Clear Lake Wisconsin."

It's true that Wisconsin has a tradition of great conservationists. Aldo Leopold, author of Sand County Almanac; Sigurd Olson, one of the founders of the Wilderness Society; and John Muir, founder of the Sierra Club. But because of Gaylord Nelson, Wisconsin can lay claim to the genesis of Earth Day, a day of national and international remembrance of the importance of our natural resources and a clean environment.

While these great leaders are well known for their conservation vision, Wisconsinites across the State do their part every day to make that vision a reality. From the backyards and parks of our cities and suburbs to our forests and farms, we take our stewardship of the land seriously. For example, our farmers continue to work with the support of Federal, State and local partnerships to prevent pollution, improve wildlife habitat, and protect wetlands and open spaces, investing millions of dollars in hundred of thousands of acres each year, all while ensuring the land is healthy enough to produce food and raw materials for generations to come.

I know that the people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources and share a long tradition of our State government achieving excellence in its conservation policies. Conservation is part of our culture in Wisconsin, and the people in Wisconsin are very environmentally savvy. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is a top issue.

I want to take this opportunity to congratulate Mr. Nelson. He is a former member of this body, and I am privileged to hold his Senate seat. He is a distinguished former Governor of the State of Wisconsin, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. I salute Gaylord Nelson for changing the consciousness of a Nation. He is the living embodiment of the principle that one person can truly change the world.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the "greener" in both our Nation's law and the institution of the Senate itself. He is the coauthor of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection. In the wake of Rachel Carson's book Silent Spring, Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle

Islands National Lakeshore Act, protecting one of northern Wisconsin's most beautiful areas.

And Senator Nelson, of course, was the founder of Earth Day. Thanks to him, here we are 35 years later taking time out of our lives to think about conservation. An astonishing 20 million Americans, 10 percent of the U.S. population, participated in the first observance of Earth Day on April 22, 1970. American Heritage magazine described the event as "one of the most remarkable happenings in the history of democracy." The day was marked by marches, rallies, teach-ins, and concerts. Fifth Avenue was closed for 2 hours and over 100,000 people celebrated Earth Day on Union Square in New York City.

Earth Day is an event that in addition to changing the environmental consciousness of the country literally stopped the Senate. Members of both bodies voted to adjourn their respective Houses in the middle of the legislative week to attend Earth Day events, an adjournment that would be extremely rare today. Twenty-two Senators participated by giving Earth Day speeches across the country. The National Education Association, NEA, estimated that 10 million school children celebrated in the first Earth Day. The States of New Jersey and New York created State environmental agencies that week.

Earth Day has become an important part of who we are. From Milwaukee, WI, to Mumbai, India, millions of people across the world are taking Senator Nelson's legacy to heart. They are volunteering tomorrow and this weekend to conserve the environment whether it is in their backyard, local river, or park.

I hope that on this Earth Day 2005, the Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly 2 decades. The Clean Water Act, for example, passed the Senate in 1971 by a vote of 86–0. When President Nixon vetoed it, the Senate overrode his veto, 52–12. The Endangered Species Act, which is under such attack right now, was passed by the Senate on a 92–0 vote in 1973.

Unfortunately, in recent years we have faced numerous proposals to roll back the environmental and health and safety protections upon which Americans depend. From clean water to clean air, the list of environmental rollbacks is stunning and disturbing. We need to work together to protect the environment, not revert to the times when we saw the Cuyahoga River catch fire, when at least one of the Great Lakes was considered "ecologically dead," and when dumping of toxic wastes into rivers was standard operating procedure.

Gaylord Nelson stated on the 30th Anniversary of Earth Day:

> We have finally come to understand that the real wealth of a nation is its air, water, soil, forests, rivers, lakes, oceans, scenic beauty, wildlife habitats, and biodiversity. Take this resource away, and all that is left is a wasteland. That's the whole economy. That is where the economic activity and all the jobs come from. These biological systems contain the sustaining wealth of the world.
>
> As we continue to degrade them, we are consuming our capital. And in the process, we erode our living standards and compromise the quality of our habitat. We are veering down a dangerous path. We are not just toying with nature: we are compromising the capacity of natural systems to do what they need to do to preserve a livable world.

Last night, Senator Nelson issued a statement to mark the 35th anniversary of Earth Day and calling Earth Day 2005 "a wake up call." Senator Nelson said:

> On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.

I agree with this assessment, and I ask unanimous consent that the full text of Senator Nelson's 35th anniversary of Earth Day statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH DAY ANNIVERSARY 2005—A WAKE UP CALL

The 35th anniversary of Earth Day is a sobering occasion. On previous anniversaries we have hailed this "new awakening" as millions around the world suddenly rose up and pledged their support for a new campaign to save the natural environment.

In 1993 American Heritage magazine called Earth Day "one of the most remarkable happenings in the history of democracy." There has been progress, of course, particularly in public awareness of the critical role environment plays in our lives and in the education and training of new environmental leaders. Environment has become a major political issue. The public is prepared to support those measures necessary to forge a sustainable society, if the President and the Congress have the vision to lead us to that goal.

Unfortunately, the President and the Congress have not stepped up to the challenge of providing national and world leadership on the environmental crisis.

In fact, on some key issues, they are actually resisting or reversing progress made in the past 30 to 40 years. And without strong, sustained leadership from the President and Congress, the urgent challenge to protect the environment and create a sustainable society cannot succeed. Theodore Roosevelt made conservation a top priority for the Republican party, and many members of his party carried that torch over the years. Recently, however, the GOP leadership has abandoned this cause.

There are many serious environmental problems confronting us. But two current environmental issues dramatize this failure of leadership—energy conservation, and population control. Both are critical to the sustainability of our society. In each case, there is not only a lack of wise national leadership but an apparent determination to turn back the clock. The surrender to special interests on these two issues makes a mockery of any claim to environmental awareness.

Egged on by the President, the Senate on March 16 sneaked into the annual budget resolution a scheme to allow drilling for oil in the pristine Arctic National Wildlife Refuge, protected in 1960 at the urging of great environmentalists such as Sigurd Olson, Justice William O. Douglas, and Wilderness Act author Howard Zahniser. The bill was signed by President Eisenhower.

This is not just a sabotage of environmental policy. It also undermines any hope for a wise energy policy. When all the evidence calls for bold steps to conserve energy and develop alternative sources, this cynical action implies that we can burn all the oil we want and just move on to the next untapped source, no matter where it might be.

We are told it may be 10 years before a very modest amount of oil could be produced from this pristine refuge. And what would it cost in real terms?

For the President to call for oil drilling in the Arctic Wildlife Refuge is like burning the furniture in the White House to keep the First Family comfortable.

Equally critical is the failure of the President and Congress to confront the issue of population control, in our own rapidly growing country and the rest of the world.

A "Rockefeller Report" in 1972, issued by the President's commission on population growth, urged the U.S. to move vigorously to stabilize our population at about 200 million as rapidly as possible. Since then our population has ballooned to 282 million, and is expected to reach 500 million between 2060 and 2070. We are heading into a century in which we will double and triple our population in a short time.

Worldwide population projections are equally chilling. A series of international conferences have called for bold action to control population growth.

Yet the United States in recent years has become an aggressive opponent of family planning programs in other countries, and we are now facing efforts by some "new conservatives" to impose similar restrictions at home.

On previous Earth Days we have offered a solution: The President should set the standard by delivering a message to the Congress on the state of the environment, citing priorities that need to be addressed. Congress then should hold hearings on these issues. This would produce a "national dialogue" on the sustainability of our environment, and provide a roadmap to the future.

Without Presidential leadership and Congressional hearings, we cannot claim to be taking seriously the most compelling threats facing our society.

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.—Gaylord Nelson, Washington, DC, April, 2005.

Mr. FEINGOLD. I hope that Wisconsinites and citizens across America take Senator Nelson's words to heart. I hope that they use this Earth Day to collect their thoughts and voice their opinions about the need to protect the environment and need for Congressional leadership on this issue.

Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, start a business, and buy a home. We understand that by protecting our environment we are protecting our economy. And, it is important on this Earth Day 2005 that we continue to fight for strong environmental laws, and we press for strong environmental leadership in Congress. Let's continue to move forward, not roll back.

ADDITIONAL STATEMENTS

TRIBUTE TO FIRST MISSIONARY BAPTIST CHURCH OF LITTLE ROCK

• Mrs. LINCOLN. Mr. President, I rise today to honor one of the oldest houses of worship in Arkansas. This month the First Missionary Baptist Church of Little Rock, AR, will celebrate its 160th anniversary.

The First Missionary Baptist Church was founded in 1845 by Wilson Brown, a slave, who felt led by God to establish a house of worship. In order to fully understand this remarkable achievement we must look at the era in which this church was founded.

First Missionary Baptist Church was established 15 years before the Civil War began and 18 years before the Emancipation Proclamation. Men and women of African descent during those times were viewed as property and had no legal rights. It certainly took courage and vision to establish a church under such circumstances.

Over the years, the First Missionary Baptist Church family has been a witness to history. Many important figures of the civil rights movement have stood in First Missionary's pulpit to deliver stirring messages.

Reverend Roland Smith, the church's fifth pastor, was active in the civil rights movement and invited powerful leaders such as Dr. Benjamin Elijah Mays and Dr. Martin Luther King, Jr. to speak from the pulpit. Dr. King spoke in April 1963, just 4 months before the "March on Washington", and his famous "I have a dream" speech. The podium and bible he used that day are still on display in the vestibule of the church sanctuary.

In 1991, the church hosted another great leader, the Governor of Arkansas Bill Clinton. A few short months later Gov. Clinton launched his bid to become President of the United States. I guess you might say that the pulpit at First Missionary Baptist Church is a launching pad to greatness.

Although First Missionary Baptist Church has great historical significance, its spiritual significance is most important. For 160 years, this church has been a beacon of hope and a spiritual oasis to thousands of Arkansans. This church has worked hard to fulfill the calling of Christ spoken of in the 4th chapter of Luke—to preach the gospel to the poor; to heal the brokenhearted; to preach deliverance to the captives; and recovering of sight to the blind; to set at liberty them that are bruised, to preach the acceptable year of the Lord. In the end, that is First Missionary Baptist Church's greatest legacy.•

ONCOLOGY NURSING SOCIETY

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to oncology nurses. May 1 marks the beginning of the 10th annual Oncology Nursing Day and Month and this year marks the 30th Anniversary of the Oncology Nursing Society.

As co-chair of the Senate Cancer Coalition, I would like to recognize that oncology nurses play an important and essential role in providing quality, comprehensive cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer—or who has a loved one who has been treated—will tell you, oncology nurses provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

The Oncology Nursing Society is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care.

The Oncology Nursing Society has 19 chapters in my home State of California, which support our oncology nurses in their ongoing efforts to provide outstanding quality cancer care to patients and their families throughout our State.

Cancer is a complex, multifaceted and chronic disease. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors.

In 2005, the American Cancer Society estimates that in the State of California there will be 135,030 new cancer diagnoses, and 56,090 cancer deaths. At the same time, in 2005, the Health Resources and Services Administration, HRSA, estimates that in the State of California there will be a shortage of 18,409 nurses or a ten percent unmet need for nurses overall.

We must do more as a Nation to prevent and reduce suffering from cancer and to support the oncology nursing workforce.

Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, and providing counseling to patients and family members.

I thank all of our Nation's oncology nurses for their dedication to our Nation's cancer patients, especially those who care for cancer patients in California. I commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years and congratulate its leaders and members on its 30th Anniversary. The Oncology Nursing Society has contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support the Society and oncology nurses in their important endeavors.•

TRIBUTE TO JOHN ED WILLOUGHBY

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a good friend who recently retired after three decades on the radio. John Ed Willoughby, who has been a familiar voice on WAPI-AM 1070s morning talk-radio show, "The Breakfast Club," signed off on April 15, 2005. John Ed's last day on the air was the 30th anniversary of his first day on the air: April 15, 1975. Over the years, I had many opportunities to join John Ed on the air, and I always appreciated his candid, honest, and humorous demeanor.

John Ed was born February 3, 1935, in Birmingham, AL. He attended West End High School, where he excelled on the athletic field as quarterback of the football team, and captain of the baseball and basketball teams.

He attended the University of Alabama in Tuscaloosa, which is where our friendship began. We met as students at the University of Alabama, and it was there that we both served as members of the Delta Chi fraternity.

His radio career began in 1975 on WSGN radio with cohost Tommy

Charles. The duo was an instant success and became Birmingham's top rated radio morning show for 8½ years. John Ed and Tommy then moved to WVOK-AM/WQUS-FM for a short time before going to WERC radio in 1985. They were a talk radio force to be reckoned with, remaining No. 1 in Birmingham, until Tommy's passing in 1996. Following Tommy's death, Doug Layton joined John Ed and they stayed on the air until February of 1998. In June of 1998, John Ed joined his son, J Willoughby and Scott Michaels for a morning show devoted to talk radio on WAPI-AM called "The Breakfast Club." He would finish out his career at WAPI.

I have had the pleasure of being interviewed by John Ed numerous times over the years. Whether it was in-studio in Birmingham, in Washington during one of his visits, or over the phone, John Ed has been informative and fair. His listeners could count on a funny and enlightening show every morning.

John Ed is blessed with a wonderful family. I suspect that his newfound free time will give him the opportunity to enjoy more time with his wife Jean, son J, daughter-in-law Kim and granddaughter Samantha Jean. Incidentally, J Willoughby has assumed the reins from his father, and is on the air with Richard Dixon.

John Ed has been a great friend to me and a familiar and loyal voice to so many in Alabama. He will be greatly missed by his devoted listeners, but I am certain they join me in wishing him the very best as he embarks on many new endeavors.●

IN RECOGNITION OF DR. PAUL W. DOERRER

● Mr. BOND. Mr. President, it is a privilege today to bring to the attention of my colleagues the accomplishments of Dr. Paul W. Doerrer, the 2005 recipient of the Missouri Association of School Administrators' Robert L. Pearce Award. The Pearce Award is the most prestigious honor that can be bestowed on a school superintendent in the State of Missouri, particularly so because the honoree is selected by a committee of peers.

The Ritenour School District in St. Louis County has been fortunate to have the leadership skills of Dr. Doerrer for the past 35 years. The Missouri Legislature and State board of education were in the forefront and enacted standards-based education long before the passage of No Child Left Behind. In fact, the standards set in Missouri are among the highest in the Nation. Under the able instructional leadership of Dr. Doerrer, the Ritenour School District has not only met but in many cases has exceeded the rigorous goals our State has set for student achievement of adequate yearly progress. In addition, under Dr. Doerrer's able leadership, the Ritenour School District was recently named as one of the "Best Places to Work" by the St. Louis Business Journal.

Dr. Doerrer has truly exemplified instructional leadership in our State. Whether it is staff development, instructional technology, human resources, or data driven decision-making, Dr. Doerrer has provided the vision and energy that has brought distinction to the Ritenour School District. It is with admiration that I honor Dr. Doerrer today and congratulate him as the 19th recipient of the Robert L. Pearce Award.●

ATTACHÉ SHOW CHOIR

● Mr. LOTT. Mr. President, the Attaché Show Choir from Clinton High School in Clinton, MS, is celebrating 25 years of excellence and has gained national recognition as the premier show choir in the country for its outstanding winning tradition. The Clinton High School Attaché Show Choir was formed in September 1980 by Winona Costello. Since 1992, the award winning Attaché Show Choir has been under the direction of David and Mary Fehr who truly have a passion for excellence.

Since 1980, Attaché has established a winning tradition by capturing 52 Grand Champion titles, 5 second place titles, and 4 third place titles in 64 competitions during the last 25 years at prestigious competitions throughout the Nation. Nationally, Attaché has achieved unprecedented recognition and has received numerous awards through the years for Best Vocals, Best Choreography, Best Overall Effect, Most Creative Show, Best Show Design, Best Repertoire, Best Costume Design, Best Visuals, Best Instrumental Combo, Best Rhythm Section, and Best Brass Section competing against choirs from all over the Nation. In its last 35 competitions dating back to the 1995/1996 season, Attaché has captured the Grand Champion title 33 times. During the last 15 consecutive competitions, Attaché has captured Grand Champion titles and therefore, has the longest grand champion winning streak of any show choir in the Nation.

In the last 10, Attaché has had the privilege of hosting a number of competitions, including Showstoppers Invitational in Orlando, FL, and Show Choir Nationals in Nashville, TN, where they also performed the opening number at the Grand Ole Opry in March 2005. During the 2005 competition season, Attaché captured Grand Champion titles at the 10th Anniversary Fame Show Choir Cup in Branson, MO; the Fame Show Choir America in Orlando, FL; the Petal Invitational in Petal, MS and the Buchanan Invitational in Troy, MO.

Attaché has gained extensive praise and accolade for their remarkable talent, phenomenal showmanship, and extraordinary success. It is with great pride to recognize the contributions of this nationally known musical group which has brought honor to its school, its community, and to the State of Mississippi.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 126. Concurrent resolution expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota.

ENROLLED BILL SIGNED

At 4:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 126. Concurrent resolution expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 870. A bill to prohibit energy market manipulation.

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1833. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benoxacor; Partial Grant and Partial Denial of Petition, and Amendment of Tolerance to Include S-Metolachlor" (FRL No. 7709-2) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1834. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Re-Establishment of Tolerance for Emergency Exemption" (FRL No. 7709-3) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1835. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerance" (FRL No. 7705–1) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1836. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tetraconazole; Time-Limited Pesticide Tolerance" (FRL No. 7702–4) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1837. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Docket No. 04–130–2) received on April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1838. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Territory of Guam State Implementation Plan, Update to Materials Incorporated by Reference" (FRL No. 7888–4) received on April 18, 2005; to the Committee on Environment and Public Works.

EC-1839. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Memorandum of Agreement Between Texas Council on Environmental Quality and the North Central Council of Governments Providing Emissions Offsets to Dallas Fort Worth International Airport" (FRL No. 7902-8) received on April 18, 2005; to the Committee on Environment and Public Works.

EC–1840. A communication from the Acting Director, Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Model Milestones for NCR Adjudicatory Proceedings" (RIN3150-AG49) received on April 18, 2005; to the Committee on Environment and Public Works.

EC–1841. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–1842. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's 2003 Annual Report on the activities and operations of the Public Integrity Section, Criminal Division; to the Committee on the Judiciary.

EC-1843. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Limitation of Retroactive Application of Central Laborer's Pension Fund v. Heinz" (Rev. Proc. 2005–23) received on April 18, 2005; to the Committee on Finance.

EC–1844. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2005" (Rev. Rul. 2005-27) received on April 18, 2005; to the Committee on Finance.

EC-1845. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection with an Acquisition" ((RIN1545–AY42) (TD 9198)) received on April 18, 2005; to the Committee on Finance.

EC–1846. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Response to Petitions for reconsideration, TREAD Child Restraints" (RIN2127-AJ40) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1847. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (Including 4 Regulations): [CGD05–04–215], [CGD08-05-003], [CGD08-05-004], [CGD01–04–126]" (RIN1625–AA09) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1848. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones: Monterey Bay and Humboldt Bay, CA. [COPT San Francisco Bay 04–003]" (RIN1625–AA87) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1849. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Ground: Safety Zone; Speed Limit; Tongass [CGD17–99-002]" (RIN1625-AA23) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1850. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events: Pasquotank River, Camden, NC [CGD05-05-022]" (RIN1625-AA08) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1851. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (Including 3 Regulations): [CGD07–05–009], [CGD01–05–032], [CGD11-05-025]" (RIN1625–AA09) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1852. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones: Monterey Bay and Humboldt Bay, CA. [COPT San Francisco Bay 05–004]" (RIN1625–AA87) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF34-8E Series Turbofan Engines" ((RIN2120-AA64) (2005-0192)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc. Models HC-B3TN-2, -3, -5, HC-B4TN-3, -5, HC-B4MN-5, and HC-B5MP-3 Turbopropellers" ((RIN2120-AA64) (2005-0193)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 15F Airplanes Modified in Accordance with Supplemental Type Certificate (STC) SA199eSO; and Model DC 9 10, DC 9 20, DC 9 30, DC 9 40, and DC 9 50 Series Airplanes in All-Cargo Configuration, Equipped with a Main Deck Cargo Door" ((RIN2120-AA64) (2005-0194)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S A Model ERJ 170 Series Airplanes" ((RIN2120-AA64) (2005-0195)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120-AA64) (2005-0196)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The Cessna Aircraft Company Models 208 and 208B; CORRECTION" ((RIN2120-AA64) (2005-0191)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (2005-0202)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-400ER, 777-200, and 777-300 Series Airplanes" ((RIN2120-AA64) (2005-0203)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700, 800, and 900 Series Airplanes" ((RIN2120-AA64) (2005-0197)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120-AA64) (2005-0198)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-300 and 400ER Series Airplanes" ((RIN2120-AA64) (2005-0199)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120-AA64) (2005-0200)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes" ((RIN2120-AA64) (2005-0201)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E5 Airspace at Parsons TN: the Beach River Regional Airport Parsons, TN" ((RIN2120-AA66) (2005-0092)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tracy, MN" ((RIN2120-AA66) (2005-0090)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Grissom ARB, IN" ((RIN2120-AA66) (2005-0091)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (14); Amdt No. 3119 [4-6/4-14]" ((RIN2120-AA65) (2005-0011)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 339. A bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 378. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Michael V. Hayden to be General.

By Mr. SPECTER for the Committee on the Judiciary.

Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 866. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 867. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself, Mr. CORZINE, Mr. SCHUMER, and Mr. DEMINT):

S. 868. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

By Mr. FEINGOLD:

S. 869. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL:

S. 870. A bill to prohibit energy market manipulation; read the first time.

By Mr. LEVIN:

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes; read the first time.

By Mr. DORGAN (for himself, Ms. MIKULSKI, and Ms. STABENOW):

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; read the first time.

By Mr. DURBIN:

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

By Mr. DURBIN (for himself and Mrs. LINCOLN):

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; read the first time.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. LIEBERMAN, and Mr. OBAMA):

S. 875. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN):

S. 876. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. LUGAR, Mr. ISAKSON, Mr. ENZI, Mr. FEINGOLD, Mr. CRAPO, Mr. ALEXANDER, Mr. BUNNING, Mr. SESSIONS, Mr. ALLARD, and Mr. CORZINE):

S. 877. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 878. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 879. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 880. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. DORGAN, Mrs. MURRAY, and Mr. INOUYE):

S. 881. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAYH, Mr. LEAHY, Mr. LIEBERMAN, Mrs. BOXER, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. FEINGOLD, and Mr. SCHUMER):

S. 882. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself, Mr. BYRD, Mr. ALEXANDER, Mr. PRYOR, Mr. CRAIG, Mrs. DOLE, and Ms. MURKOWSKI):

S. 883. A bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes; to the Committee on Foreign Relations.

By Ms. CANTWELL:

S. 884. A bill to conduct a study evaluating whether there are correlations between the commission of methamphetamine crimes and identity theft crimes; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 885. A bill to authorize funding for the American Prosecutors Research Institute's National Center for Prosecution of Child Abuse and the American Prosecutors Research Institute's National Child Protection Training Center at Winona State University; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. SALAZAR, and Mrs. FEINSTEIN):

S. 886. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Finance.

By Mr. HAGEL (for himself, Ms. LANDRIEU, Mr. ALEXANDER, Mr. PRYOR, Mr. CRAIG, Mrs. DOLE, and Ms. MURKOWSKI):

S. 887. A bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 888. A bill to direct the Department of Homeland Security to provide guidance and training to State and local governments relating to sensitive homeland security information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. CORZINE, Mr. LEAHY, Mr. JEFFORDS, Mr. SCHUMER, Ms. COLLINS, Mr. DURBIN, and Ms. CANTWELL):

S. 889. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. Res. 118. A resolution recognizing June 2 through June 5, 2005, as the "Vermont Dairy Festival," in honor of Harold Howrigan for his service to his community and the Vermont dairy industry; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 440

At the request of Mr. BUNNING, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 467

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S.

467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 576

At the request of Mr. BYRD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 665

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 665, a bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes.

S. 674

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 674, a bill to provide assistance to combat HIV/AIDS in India, and for other purposes.

S. 675

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 718

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 760

At the request of Mr. INOUYE, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 806

At the request of Mr. CRAIG, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Illinois (Mr. OBAMA), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. THOMAS), the Senator from Nevada (Mr. ENSIGN), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 806, a bil to amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S.J. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 11

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 11, a concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

S. RES. 85

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy".

S. RES. 107

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 107, a resolution commending Annice M. Wagner, Chief Judge of the District of Columbia court of Appeals, for her public service.

S. RES. 115

At the request of Mr. SALAZAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 115, a resolution designating May 2005 as "National Cystic Fibrosis Awareness Month".

AMENDMENT NO. 368

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 368 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 437

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 437 intended to be proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 439

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from South Dakota (Mr. THUNE), the Senator from Illinois (Mr. OBAMA), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. THOMAS), the Senator from Nevada (Mr. ENSIGN), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 439 intended to be proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 487

At the request of Mr. ENSIGN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 487 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 520

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 520 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 563

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 563 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 866. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Servant Retirement Protection Act of 2005".

SEC. 2. REPEAL OF CURRENT WINDFALL ELIMINATION PROVISION.

Paragraph (7) of section 215(a) of the Social Security Act (42 U.S.C. 415(a)(7)) is repealed.

SEC. 3. REPLACEMENT OF THE WINDFALL ELIMINATION PROVISION WITH A FORMULA EQUALIZING BENEFITS FOR CERTAIN INDIVIDUALS WITH NONCOVERED EMPLOYMENT.

(a) SUBSTITUTION OF PROPORTIONAL FORMULA FOR FORMULA BASED ON COVERED PORTION OF PERIODIC BENEFIT.—

(1) IN GENERAL.—Section 215(a) of the Social Security Act (as amended by section 2 of this Act) is amended further by inserting after paragraph (6) the following new paragraph:

"(7)(A) In the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection, who—

"(i) attains age 62 after 1985 (except where he or she became entitled to a disability insurance benefit before 1986 and remained so entitled in any of the 12 months immediately preceding his or her attainment of age 62), or

"(ii) would attain age 62 after 1985 and becomes eligible for a disability insurance benefit after 1985,

and who first becomes eligible after 1985 for a monthly periodic payment (including a payment determined under subparagraph (E), but excluding (I) a payment under the Railroad Retirement Act of 1974 or 1937, (II) a payment by a social security system of a foreign country based on an agreement concluded between the United States and such foreign country pursuant to section 233, and (III) a payment based wholly on service as a member of a uniformed service (as defined in section 210(m)) which is based in whole or in part upon his or her earnings for service which did not constitute 'employment' as defined in section 210 for purposes of this title (hereafter in this paragraph and in subsection (d)(3) referred to as 'noncovered service'), the primary insurance amount of that individual during his or her concurrent entitlement to such monthly periodic payment and to old-age or disability insurance benefits shall be computed or recomputed under this paragraph.

"(B) The primary insurance amount of an individual described in subparagraph (A), as computed or recomputed under this paragraph, shall be—

"(i) in the case of an individual who first performs noncovered service after the 12th calendar month following the date of the enactment of the Public Servant Retirement Protection Act of 2005, the primary insurance amount determined under subparagraph (C), or

"(ii) in the case of an individual who has performed noncovered service during or before the 12th calendar month following the date of the enactment of the Public Servant Retirement Protection Act of 2005, the larger of—

"(I) the primary insurance amount determined under subparagraph (C), or

"(II) the primary insurance amount determined under subparagraph (E).

"(C) An individual's primary insurance amount determined under this subparagraph shall be the product derived by multiplying—

"(i) the individual's primary insurance amount, as determined under paragraph (1) of this subsection and subparagraph (D)(i) of this paragraph, by

"(ii) a fraction—

"(I) the numerator of which is the individual's average indexed monthly earnings (determined without regard to subparagraph (D)(i)), and

"(II) the denominator of which is an amount equal to the individual's average indexed monthly earnings (as determined under subparagraph (D)(i)),

rounded, if not a multiple of $0.10, to the next lower multiple of $0.10.

"(D)(i) For purposes of determining an individual's primary insurance amount pursuant to subparagraph (C)(i), the individual's average indexed monthly earnings shall be determined by treating all service performed after 1950 on which the individual's monthly periodic payment referred to in subparagraph (A) is based (other than noncovered service as a member of a uniformed service (as defined in section 210(m))) as 'employment' as defined in section 210 for purposes of this title (together with all other service performed by such individual consisting of 'employment' as so defined).

"(ii) For purposes of determining average indexed monthly earnings as described in clause (i), the Commissioner of Social Security shall provide by regulation for a method for determining the amount of wages derived from service performed after 1950 on which the individual's periodic benefit is based and which is to be treated as 'employment' solely for purposes of clause (i). Such method shall provide for reliance on employment records which are provided to the Commissioner and which, as determined by the Commissioner, constitute a reasonable basis for treatment of service as 'employment' for such purposes, together with such other information received by the Commissioner (including such documentary evidence of earnings derived from noncovered service as may be provided to the Commissioner by the individual) as the Commissioner may consider appropriate as a reasonable basis for treatment of service as 'employment' for such purposes. The Commissioner shall enter into such arrangements as are necessary and appropriate with the Department of the Treasury, the Department of Labor, other Federal agencies, and agencies of States and political subdivisions thereof so as to secure satisfactory evidence of earnings for noncovered service described in subparagraph (A) for purposes of this clause and clauses (iii) and (iv). The Secretary of the Treasury, the Secretary of Labor, and the heads of all other Federal agencies are authorized and directed to cooperate with the Commissioner and, to the extent permitted by law, to provide such employment records and other information as the Commissioner may request for their assistance in the performance of the Commissioner's functions under this clause and clauses (iii) and (iv).

"(iii) In any case in which satisfactory evidence of earnings for noncovered service which was performed by an individual during any year or portion of a year after 1977 is not otherwise available, the Commissioner may, for purposes of clause (ii), accept as satisfactory evidence of such individual's earnings for such noncovered service during such year or portion of a year reasonable extrapolations from available information with respect to earnings for noncovered service of such individual for periods immediately preceding and following such year or portion of a year.

"(iv) In any case in which satisfactory evidence of earnings for noncovered service which was performed by an individual during any period before 1978 is not otherwise available, the Commissioner may, for purposes of clause (ii), accept as satisfactory evidence of such individual's earnings for such noncovered service during such period —

"(I) the individual's written attestation of such earnings, if such attestation is corroborated by at least 1 other individual who is knowledgeable of the relevant facts, or

"(II) available information regarding the average earnings for noncovered service for the same period for individuals in similar positions in the same profession in the same State or political subdivision thereof, or, in any case in which such information is not available for such period, reasonable extrapolations of average earnings for noncovered service for such individuals from periods immediately preceding and following such period.

"(v) In any case described in subparagraph (B)(i), if the requirements of clause (ii) of this subparagraph are not met (after applying clauses (iii) and (iv)), the primary insurance amount of the individual shall be, notwithstanding subparagraph (B)(i), the primary insurance amount computed under subparagraph (E).

"(E)(i) For purposes of determining the primary insurance amount under this subparagraph—

"(I) there shall first be computed an amount equal to the individual's primary insurance amount under paragraph (1) of this subsection, except that for purposes of such computation the percentage of the individual's average indexed monthly earnings established by subparagraph (A)(i) of paragraph (1) shall be the percent specified in clause (ii), and

"(II) there shall then be computed (without regard to this paragraph) a second amount, which shall be equal to the individual's primary insurance amount under paragraph (1) of this subsection, except that such second amount shall be reduced by an amount equal to one-half of the portion of the monthly periodic payment which is attributable to noncovered service performed after 1956 (with such attribution being based on the proportionate number of years of such noncovered service) and to which the individual is entitled (or is deemed to be entitled) for the initial month of his or her concurrent entitlement to such monthly periodic payment and old-age or disability insurance benefits.

An individual's primary insurance amount determined under this subparagraph shall be the larger of the two amounts computed under this clause (before the application of subsection (i)).

"(ii) For purposes of clause (i), the percent specified in this clause is—

"(I) 80.0 percent with respect to individuals who become eligible (as defined in paragraph (3)(B)) for old-age insurance benefits (or became eligible as so defined for disability insurance benefits before attaining age 62) in 1986;

"(II) 70.0 percent with respect to individuals who so become eligible in 1987;

"(III) 60.0 percent with respect to individuals who so become eligible in 1988;

"(IV) 50.0 percent with respect to individuals who so become eligible in 1989; and

"(V) 40.0 percent with respect to individuals who so become eligible in 1990 or thereafter.

"(F)(i) Any periodic payment which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly payment (as determined by the Commissioner of Social Security), and such equivalent monthly payment shall constitute a monthly periodic payment for purposes of this paragraph.

"(ii) In the case of an individual who has elected to receive a periodic payment that has been reduced so as to provide a survivor's benefit to any other individual, the payment shall be deemed to be increased (for purposes of any computation under this paragraph or subsection (d)(3)) by the amount of such reduction.

"(iii) For purposes of this paragraph, the term 'periodic payment' includes a payment payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.

"(G)(i) This paragraph shall not apply in the case of an individual who has 30 years or more of coverage. In the case of an individual who has more than 20 years of coverage but less than 30 years of coverage (as so defined), the percent specified in the applicable subdivision of subparagraph (E)(ii) shall (if such percent is smaller than the applicable percent specified in the following table) be deemed to be the applicable percent specified in the following table:

If the number of such individual's years of coverage (as so defined) is:	**The applicable percent is:**
29	85
28	80
27	75
26	70
25	65
24	60
23	55
22	50
21	45

"(ii) For purposes of clause (i), the term 'year of coverage' shall have the meaning provided in paragraph (1)(C)(ii), except that the reference to '15 percent' therein shall be deemed to be a reference to '25 percent'.

"(H) An individual's primary insurance amount determined under this paragraph shall be deemed to be computed under paragraph (1) of this subsection for the purpose of applying other provisions of this title.

"(I) This paragraph shall not apply in the case of an individual whose eligibility for old-age or disability insurance benefits is based on an agreement concluded pursuant to section 233 or an individual who on January 1, 1984—

"(i) is an employee performing service to which social security coverage is extended on that date solely by reason of the amendments made by section 101 of the Social Security Amendments of 1983; or

"(ii) is an employee of a nonprofit organization which (on December 31, 1983) did not have in effect a waiver certificate under section 3121(k) of the Internal Revenue Code of 1954 and to the employees of which social security coverage is extended on that date solely by reason of the amendments made by section 102 of that Act, unless social security coverage had previously extended to service performed by such individual as an employee of that organization under a waiver certificate which was subsequently (prior to December 31, 1983) terminated.".

(2) CONFORMING AMENDMENTS.—

(A) Section 215(d)(3) of such Act (42 U.S.C. 415(d)(3)) is amended—

(i) by striking "subsection (a)(7)(C)" each place it appears and inserting "subsection (a)(7)(F)";

(ii) by striking "subparagraph (E)" and inserting "subparagraph (I)"; and

(iii) by striking "subparagraph (D)" and inserting "subparagraph (G)(i)".

(B) Section 215(f)(9)(A) of such Act (42 U.S.C. 415(f)(9)(A)) is amended by striking "(a)(7)(C)" and inserting "(a)(7)(F)".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits for months commencing with or after the 12th calendar month following the date of the enactment of this Act. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall recompute primary insurance amounts to the extent necessary to carry out the amendments made by this Act.

By Mr. SANTORUM (for himself, Mr. CORZINE, Mr. SCHUMER, and Mr. DEMINT):

S. 868. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I am introducing "The America Saving for Personal Investment, Retirement, and Education (ASPIRE) Act of 2005" along with Senator CORZINE, Senator SCHUMER and Senator DEMINT. A bipartisan group of members is introducing companion legislation in the House of Representatives. The bill creates a Kids Investment and Development Savings (KIDS) Account for every child at birth and creates a new opportunity for the children of low-income Americans to build assets and wealth.

This country has seen a growing number of Americans investing in the stock market and has witnessed an historic boom in homeownership, which has increased to record high levels. However, this growth in assets has not reached every American. While many middle- and upper-income families have increased their assets in the past decade, many low-income families have not had the same financial success. A recent study conducted by the Federal Reserve found that the median net worth of families in the bottom 20 percent of the nation's income level was a mere $7,900—an amount that is far too low to ensure a comfortable economic future for their family. This challenge needs to be addressed to ensure that lower income families have a significant opportunity to accrue wealth and expand opportunities for their families.

Under this legislation, KIDS Accounts would be created after a child is born and a Social Security number issued. A one-time $500 deposit would automatically be placed into a KIDS account. Children from households below the national median income would receive an additional deposit of $500 at birth and would be eligible to receive dollar-for-dollar matching funds up to $500 per year for voluntary contributions to the account, which cannot exceed $1,000 per year. All funds grow tax-free. Access to the account prior to age 18 would not be permitted, but kids—in conjunction with their parents—would participate in investment decisions and watch their money grow. When the young person turns 18, he or she can use the accrued money for asset building purposes such as education, homeownership, and retirement planning. Accrued funds could also be rolled over into a Roth IRA or 529 post-secondary education account to expand investment options.

I would like to highlight what I view as the two major benefits of this legislation. The first, and most apparent, is that this bill will help give younger individuals, especially low-income Americans, a sound financial start to begin their adult life. For example, a typical low-income family making modest but steady contributions can create a KIDS Account worth over $20,000 in 18 years. Second, and perhaps more important, is that KIDS Accounts create opportunities for all Americans to become more financially literate. The account holders and their guardians will choose from a list of possible investment funds and will be able to watch their investment grow over time. All Americans will have the opportunity to see first-hand that a smart investment now can grow over time into considerable wealth.

I believe that this bill could be a significant and strategic step forward in the effort to expand asset opportunities to all Americans, and lower-income Americans in particular. I encourage my colleagues to support this bipartisan effort.

Mr. CORZINE. Mr. President, I am pleased to join with Senators SANTORUM, SCHUMER, and DEMINT in introducing the ASPIRE Act of 2005, which would expand opportunities for young adults, encourage savings, and promote financial literacy, by establishing investment accounts, known as KIDS Accounts, for every child in America.

ASPIRE is based largely on a similar initiative in the United Kingdom developed by Prime Minister Tony Blair. Yet despite its British roots, the proposal is based on the most basic of American values. By giving every young person resources with which to get a start in life, ASPIRE will help realize the American ideal of equal opportunity. And by making every young person an investor, the proposal would encourage self reliance, promote savings, and give every family a personal stake in America's economy.

Under ASPIRE, an investment account would be established for every American child upon receiving a Social Security number. Each account would be funded initially with $500. Those with incomes less than the national median would receive an additional contribution of up to $500, and would receive a one-for-one government match for their first $500 of private contributions each year. Up to $1000 of after-tax private contributions would be allowed annually from any source.

Funds would accumulate tax-free and could not be withdrawn for purposes other than higher education until the child reaches the age of 18. At that point, funds could be withdrawn, according to Roth IRA guidelines, either for higher education or for the purchase of a home. Funds left unspent would be saved for retirement under rules similar to those that apply to Roth IRAs or rolled over to a 529 plan for educational expenses. Once the account holder reaches the age of 30, the initial $500 government contribution would have to be repaid, though exceptions could be made to avoid undue hardship.

Accounts initially would be held by a government entity that would be based on the successful Thrift Savings Plan, or TSP, which now manages retirement accounts for Federal employees with relatively low administrative costs. As with the TSP, investors would have a range of investment options, such as a Government securities fund, a fixed income investment fund, and a common stock fund. However, once an account holder reaches the age of 18, funds could be rolled over to a KIDS Account held at a private institution.

It is difficult to understate the potential impact of giving every American child a funded investment account of their own. For the first time, every child will have a meaningful incentive to learn the basics of investing, because they will have real resources to invest. For the first time, even families with modest incomes will have a significant incentive to save, to earn the government match. And, perhaps most fundamentally, for the first time, every American child will grow up knowing that when they reach adulthood, they will have the ability to invest in themselves and in their own education. In short, every child will have hope for a real future.

Considering its potentially significant social and individual benefits, the ASPIRE Act requires an investment that is relatively modest. It has been estimated that, when it becomes effective, the bill's cost would represent only about one tenth of one percent of the Federal budget. Yet the proposal differs from other proposals for new spending or tax cuts because, for the first 18 years, it would not reduce overall national savings at all. In that period, virtually every dollar of outlays would be saved, and would be available to expand long-term economic growth. In fact, the proposal would lead to an increase in national savings because of its incentives for families to save more. This would help create the economic growth we need to handle the added burdens associated with the impending retirement of the baby boomers.

Senator SANTORUM and I are excited to be joined this year by Senators SCHUMER and DEMINT as sponsors of ASPIRE, along with sponsors of identical legislation in the House, Congressmen HAROLD FORD, PATRICK KENNEDY, THOMAS PETRI and PHIL ENGLISH. In that process, we have been assisted by a broad range of experts and other interested parties, for which I am very grateful. However, I want to especially thank Ray Boshara and Reid Cramer of the New America Foundation, who have been extraordinarily helpful in the development of the legislation, and who have taken the lead in efforts to promote this and other asset building initiatives.

Mr. President, the ASPIRE Act is a big new idea based on simple, old time American values. It already enjoys strong bipartisan support from conservatives and progressives, alike, in both houses of Congress. I look forward to working with colleagues on both sides of the aisle to secure its prompt enactment.

By Mr. FEINGOLD:

S. 869. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class 1 milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am offering a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For sixty years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from areas of high milk production, which historically have been the region around Eau Claire, WI.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price farmers receive for fluid milk is higher the further they are from the Eau Claire region of the Upper Midwest. This provision originally was intended to guarantee the supply of fresh milk from the high production areas to distant markets in an age of difficult transportation and limited refrigeration. But the situation has long since changed and the provision persists at the detriment of the Wisconsin farmers even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets and the changing pattern of U.S. milk production.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is vitally important to Upper Midwest producers, because the current system has penalized them for many years. The current system is a double whammy to Upper Midwest dairy farmers—it both provides disparate profits for producers in other parts of the country and creates artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices often lead to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995, some regions of the U.S., notably the central states and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in federal orders are shown by a previous Congressional Budget Office analysis that estimated that the elimination of orders would save $669 million over five years. Government outlays would fall, CBO concluded, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses showed that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960s, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is no longer the primary source of reserve supplies of milk. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the marketplace, but because the system discriminates against it. Over the past few years Wisconsin has lost dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate of the region. Some other regions with higher fluid milk prices are growing rapidly.

In a free market with a level playing field, these shifts in production might be fair. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this outdated system and work to eliminate the inequities in the current milk marketing order pricing system.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Milk Marketing Reform Act of 2005".

SEC. 2. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after "the locations" the following: "within a marketing area subject to the order"; and

(B) by striking the last 2 sentences and inserting the following: "Notwithstanding subsection (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence."; and

(2) in paragraph (B)(c), by inserting after "the locations" the following: "within a marketing area subject to the order".

By Mr. DURBIN:

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Prescription Drug Savings and Choice Act of 2005”.

SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) In General.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 the following new section:

“MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

“Sec. 1860D–11A. (a) In General.—Notwithstanding any other provision of this part, for each year (beginning with 2006), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals in accordance with subsection (b).

“(b) Negotiations.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, to reduce the purchase cost of covered part D drugs.

“(c) Medicare Operated Prescription Drug Plan Defined.—For purposes of this part, the term ‘medicare operated prescription drug plan’ means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

“(d) Monthly Beneficiary Premium.—

“(1) Qualified prescription drug coverage.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2006 shall be $35 and for months in succeeding years shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

“(2) Supplemental prescription drug coverage.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

“(3) Requirement for at least one plan with a $35 premium in 2006.—The Secretary shall ensure that at least one medicare operated prescription drug plan offered in 2006 has a monthly premium of $35.”.

(b) Conforming Amendments.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

“(4) Availability of the medicare operated prescription drug plan.—

“(A) In general.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.

“(B) Relationship to other plans.—

“(i) In general.—Subject to clause (ii), a medicare operated prescription drug plan shall be offered in addition to any qualifying plan or fallback prescription drug plan offered in a PDP region and shall not be considered to be such a plan for purposes of meeting the requirements of this subsection.

“(ii) Designation as a fallback plan.—Notwithstanding any other provision of this part, the Secretary may designate the medicare operated prescription drug plan as the fallback prescription drug plan for any fallback service area (as defined in section 1860D–11(g)(3)) determined to be appropriate by the Secretary.”.

(2) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting “and medicare operated prescription drug plans” after “Fallback plans”; and

(B) by inserting “or a medicare operated prescription drug plan” after “a fallback prescription drug plan”.

(3) Section 1860D–16(b)(1) of such Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking “and” after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.”.

(4) Section 1860D–41(a) of such Act (42 U.S.C. 141(a)) is amended by adding at the end the following new paragraph:

“(19) Medicare operated prescription drug plan.—The term ‘medicare operated prescription drug plan’ has the meaning given such term in section 1860D–11A(c).”.

(c) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

By Mr. DURBIN (for himself and Mrs. Lincoln):

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Employers Health Benefits Program Act of 2005”.

SEC. 2. DEFINITIONS.

(a) In General.—In this Act, the terms “member of family”, “health benefits plan”, “carrier”, “employee organizations”, and “dependent” have the meanings given such terms in section 8901 of title 5, United States Code.

(b) Other Terms.—In this Act:

(1) Employee.—The term “employee” has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

(2) Employer.—The term “employer” has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers who employed an average of at least 1 but not more than 100 employees on business days during the year preceding the date of application. Such term shall not include the Federal Government.

(3) Health status-related factor.—The term “health status-related factor” has the meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)).

(4) Office.—The term “Office” means the Office of Personnel Management.

(5) Participating employer.—The term “participating employer” means an employer that—

(A) elects to provide health insurance coverage under this Act to its employees; and

(B) is not offering other comprehensive health insurance coverage to such employees.

(c) Application of Certain Rules in Determination of Employer Size.—For purposes of subsection (b)(2):

(1) Application of aggregation rule for employers.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(2) Employers not in existence in preceding year.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of whether such employer meets the requirements of subsection (b)(2) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

(3) Predecessors.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) Waiver and Continuation of Participation.—

(1) Waiver.—The Office may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this Act on a case by case basis if the Office determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Office may consider the effects of the employment of temporary and seasonal workers and other factors.

(2) Continuation of participation.—An employer participating in the program under this Act that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

SEC. 3. HEALTH INSURANCE COVERAGE FOR NON-FEDERAL EMPLOYEES.

(a) Administration.—The Office shall administer a health insurance program for non-Federal employees and employers in accordance with this Act.

(b) Regulations.—Except as provided under this Act, the Office shall prescribe regulations to apply the provisions of chapter 89 of title 5, United States Code, to the greatest extent practicable to participating carriers, employers, and employees covered under this Act.

(c) Limitations.—In no event shall the enactment of this Act result in—

(1) any increase in the level of individual or Federal Government contributions required under chapter 89 of title 5, United States Code, including copayments or deductibles;

(2) any decrease in the types of benefits offered under such chapter 89; or

(3) any other change that would adversely affect the coverage afforded under such chapter 89 to employees and annuitants and members of family under that chapter.

(d) Enrollment.—The Office shall develop methods to facilitate enrollment under this Act, including the use of the Internet.

(e) Contracts for Administration.—The Office may enter into contracts for the performance of appropriate administrative functions under this Act.

(f) Separate Risk Pool.—In the administration of this Act, the Office shall ensure that covered employees under this Act are in a risk pool that is separate from the risk pool maintained for covered individuals under chapter 89 of title 5, United States Code.

(g) Rule of Construction.—Nothing in this Act shall be construed to require a carrier that is participating in the program under chapter 89 of title 5, United States Code, to provide health benefits plan coverage under this Act.

SEC. 4. CONTRACT REQUIREMENT.

(a) In General.—The Office may enter into contracts with qualified carriers offering health benefits plans of the type described in section 8903 or 8903a of title 5, United States Code, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health insurance coverage to employees of participating employers under this Act. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Office shall ensure that health benefits coverage is provided for individuals only, married individuals without children, and families.

(b) Eligibility.—A carrier shall be eligible to enter into a contract under subsection (a) if such carrier—

(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

(2) meets such other requirements as determined appropriate by the Office.

(c) Statement of Benefits.—

(1) In general.—Each contract under this Act shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) Nationwide plan.—The Office shall develop a benefit package that shall be offered in the case of a contract for a health benefit plan that is to be offered on a nationwide basis.

(d) Standards.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

(e) Conversion.—

(1) In general.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) Noncancellable.—The benefits and coverage made available under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(f) Rates.—Rates charged under health benefits plans under this Act shall reasonably and equitably reflect the cost of the benefits provided. Such rates shall be determined on a basis which, in the judgment of the Office, is consistent with the lowest schedule of basic rates generally charged for new group health benefits plans issued to large employers. The rates determined for the first contract term shall be continued for later contract terms, except that they may be readjusted for any later term, based on past experience and benefit adjustments under the later contract. Any readjustment in rates shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Office, is consistent with the general practice of carriers which issue group health benefits plans to large employers. Rates charged for coverage under this Act shall not vary based on health-status related factors.

(g) Requirement of Payment for or Provision of Health Service.—Each contract entered into under this Act shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of title 5, United States Code, is entitled thereto under the terms of the contract.

SEC. 5. ELIGIBILITY.

An individual shall be eligible to enroll in a plan under this Act if such individual—

(1) is an employee of an employer described in section 2(b)(2), or is a self employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986; and

(2) is not otherwise enrolled or eligible for enrollment in a plan under chapter 89 of title 5, United States Code.

SEC. 6. ALTERNATIVE CONDITIONS TO FEDERAL EMPLOYEE PLANS.

(a) Treatment of Employee.—For purposes of enrollment in a health benefits plan under this Act, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89 of title 5, United States Code.

(b) Preexisting Condition Exclusions.—

(1) In general.—Each contract under this Act may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

(2) Exclusion period.—

(A) In general.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by 1 month for each month that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this Act.

(B) Lapse in coverage.—For purposes of this paragraph, a lapse in coverage of not more than 63 days immediately preceding the date of the submission of an application for coverage under this Act shall not be considered a lapse in continuous coverage.

(c) Rates and Premiums.—

(1) In general.—Rates charged and premiums paid for a health benefits plan under this Act—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted and differ from such rates charged and premiums paid for the same health benefits plan offered under chapter 89 of title 5, United States Code;

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(D) shall be adjusted to cover the administrative costs of the Office under this Act.

(2) Determinations.—In determining rates and premiums under this Act, the following provisions shall apply:

(A) In general.—A carrier that enters into a contract under this Act shall determine that amount of premiums to assess for coverage under a health benefits plan based on an community rate that may be annually adjusted—

(i) for the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area;

(ii) based on whether such coverage is for an individual, a married individual with no children, or a family; and

(iii) based on the age of covered individuals (subject to subparagraph (B)).

(B) Age adjustments.—

(i) In general.—With respect to subparagraph (A)(iii), in making adjustments based on age, a carrier may not use age brackets in increments that are smaller than 5 years, which begin not earlier than age 30 and end not later than age 65.

(ii) Age 65 and older.—With respect to subparagraph (A)(iii), a carrier may develop separate rates for covered individuals who are 65 years of age or older for whom medicare is the primary payor for health benefits coverage which is not covered under medicare.

(iii) Limitation.—In making an adjustment to premium rates under subparagraph (A)(iii), a carrier shall ensure that such adjustment does not result in an average premium rate applicable to enrollees under the plan involved that is more than 200 percent of the lowest rate for all age groups.

(d) Termination and Reenrollment.—If an individual who is enrolled in a health benefits plan under this Act terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

(e) Preemption.—

(1) Health insurance or plans.—

(A) In general.—Except as provided in subparagraph (B), the terms of any contract entered into under this Act that relate to the nature, provision, or extent of coverage or benefits shall supersede and preempt any

State or local law, or any regulation issued thereunder, which relates to the nature, provision, or extent of coverage or benefits.

(B) Local plans.—With respect to a contract entered into under this Act under which a carrier will offer health benefits plan coverage in a limited geographic area, subparagraph (A) shall not apply to the extent that a mandated benefit law is in effect in the State in which the plan is offered. Such mandated benefit law shall continue to apply to such health benefits plan.

(C) Rating rules.—The rating requirements under subsection (c)(2) shall supercede State rating rules for qualified plans under this Act.

(2) Limitation.—Nothing in this subsection shall be construed to preempt—

(A) any State or local law or regulation except those laws and regulations described in subparagraphs (A) and (C) of paragraph (1); and

(B) State network adequacy laws.

(f) Rule of Construction.—Nothing in this Act shall be construed to limit the application of the service-charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.

SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.

(a) Application of Risk Corridors.—

(1) In general.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2006 through 2010.

(2) Notification of costs under the plan.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2006 through 2010, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(3) Allowable costs defined.—For purposes of this section, the term "allowable costs" means, with respect to a health benefits plan offered by a carrier under this Act, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

(b) Adjustment of Payment.—

(1) No adjustment if allowable costs within 3 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

(2) Increase in payment if allowable costs above 103 percent of target amount.—

(A) Costs between 103 and 108 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

(B) Costs above 108 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier in an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

(3) Reduction in payment if allowable costs below 97 percent of target amount.—

(A) Costs between 92 and 97 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the contingency reserve fund maintained under section 8909(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(B) Costs below 92 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8909(b)(2) of title 5, United States Code, an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(4) Target amount described.—

(A) In general.—For purposes of this subsection, the term "target amount" means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2006 through 2010, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office to be paid for enrollees in the plan under this Act for the calendar year involved; reduced by

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) Submission of target amount.—Not later than December 31, 2005, and each December 31 thereafter through calendar year 2009, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans provided by the carrier under this Act.

(c) Disclosure of Information.—

(1) In general.—Each contract under this Act shall provide—

(A) that a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

(B) that the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under such subsections.

(2) Restriction on use of information.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by officers, employees, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

SEC. 8. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.

(a) Establishment.—The Office shall establish a reinsurance fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) Eligibility for Payments.—To be eligible for a payment from the reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) Payment.—

(1) In general.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) Applicable catastrophic claim amount.—For purposes of paragraph (1), the applicable catastrophic episode of care amount shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(3) Limitation.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(d) Definition.—In this section, the term "catastrophic claim" means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

SEC. 9. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 14(a) that remain unobligated to establish a contingency reserve fund to provide assistance to carriers offering health benefits plans under this Act that experience unanticipated financial hardships (as determined by the Office).

SEC. 10. EMPLOYER PARTICIPATION.

(a) Regulations.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employees.

(b) Enrollment and Offering of Other Coverage.—

(1) Enrollment.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) Prohibition on offering other comprehensive health benefit coverage.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 4(a); and

(B) is offered only through the enrollment process established by the Office under section 3.

(3) Offer of supplemental coverage options.—

(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

(B) DEFINITION.—In subparagraph (A), the term "supplementary coverage" means benefits described as "excepted benefits" under section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91(c)).

(c) RULE OF CONSTRUCTION.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.

(a) IN GENERAL.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner, as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) PROCESS.—

(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Office finds pertinent.

(3) PUBLICATION OF STANDARDS AND CRITERIA.—The Office shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Office shall provide for a system to measure an entity's performance of responsibilities.

(4) TERM.—Each contract under this section shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this Act.

(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act;

(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Office may require; and

(5) such other terms and conditions not inconsistent with this section as the Office may find necessary or appropriate.

SEC. 12. COORDINATION WITH SOCIAL SECURITY BENEFITS.

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those medicare benefits) to the same extent and in the same manner as if coverage were under chapter 89 of title 5, United States Code.

SEC. 13. PUBLIC EDUCATION CAMPAIGN.

(a) IN GENERAL.—In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) ANNUAL PROGRESS REPORTS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a), including a determination by the office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 14. APPROPRIATIONS.

(a) MANDATORY APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out sections 7 and 8—

(1) $4,000,000,000 for fiscal year 2006;

(2) $4,000,000,000 for fiscal year 2007;

(3) $4,000,000,000 for fiscal year 2008;

(4) $3,000,000,000 for fiscal year 2009; and

(5) $3,000,000,000 for fiscal year 2010.

(b) OTHER APPROPRIATIONS.—There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) DETERMINATION OF AMOUNT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) the expense amount described in subsection (b), and

"(2) the expense amount described in subsection (c), paid by the taxpayer during the taxable year.

"(b) SUBSECTION (b) EXPENSE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The applicable percentage is equal to—

"(i) 25 percent in the case of self-only coverage,

"(ii) 35 percent in the case of family coverage (as defined in section 220(c)(5)), and

"(iii) 30 percent in the case of coverage for married adults with no children.

"(B) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

"(c) SUBSECTION (c) EXPENSE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee.

"(2) FIRST CREDIT YEAR.—For purposes of paragraph (1), the term 'first credit year' means the taxable year which includes the date that the health insurance coverage to which the qualified employee health insurance expenses relate becomes effective.

"(3) ELIGIBLE EMPLOYER.—For purposes of paragraph (1), the term 'eligible employer' shall not include a qualified small employer if, during the 3-taxable year period immediately preceding the first credit year, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained health insurance coverage for substantially the same employees as are the qualified employees to which the qualified employee health insurance expenses relate.

"(d) LIMITATION BASED ON WAGES.—

"(1) IN GENERAL.—The percentage which would (but for this subsection) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced (but not below zero) by the percentage determined under paragraph (2).

"(2) AMOUNT OF REDUCTION.—

"(A) IN GENERAL.—The percentage determined under this paragraph is the percentage which bears the same ratio to the percentage which would be so taken into account as—

"(i) the excess of—

"(I) the qualified employee's wages at an annual rate during such taxable year, over

"(II) $25,000, bears to

"(ii) $5,000.

"(B) ANNUAL ADJUSTMENT.—For each taxable year after 2006, the dollar amounts specified for the preceding taxable year (after the application of this subparagraph) shall be increased by the same percentage as the average percentage increase in premiums under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code for the calendar year in which such taxable year begins over the preceding calendar year.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—The term 'qualified small employer' means any employer (as defined in section 2(b)(2) of the Small Employers Health Benefits Program Act of 2005) which—

"(A) is a participating employer (as defined in section 2(b)(5) of such Act), and

"(B) pays or incurs at least 60 percent of the qualified employee health insurance expenses of each qualified employee.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) QUALIFIED EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee (as defined in section 2(b)(1) of such Act) of an employer if the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year exceeds $5,000.

"(B) WAGES.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

"(f) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36 Small business employee health insurance expenses
"Sec. 37 Overpayments of tax".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

SEC. 16. EFFECTIVE DATE.

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2006 and each calendar year thereafter.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. LIEBERMAN, and Mr. OBAMA):

S. 875. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Save More for Retirement Act of 2005 with my colleagues Senator SNOWE, Senator LIEBERMAN and Senator OBAMA. This legislation is designed to achieve two important savings goals. First, it will encourage workers who are not currently participating in their employer's retirement plan to do so. Second, it will encourage workers who are currently investing in 401(k) plans to save even more. At a time when national savings is at a near all-time low, Congress needs to look at ways to expand retirement savings, particularly savings garnered through an employer-provided retirement plan. This legislation is a commonsense approach that is based on research undertaken and compiled by a host of retirement policy experts from both academia and business. It is imperative that the Congress continues to look for new and innovative ways to help workers save for their retirement through the existing employer-provided plan system. This legislation accomplishes that goal by creating incentives for employers to modify their existing plans to add features that have been proven to increase savings.

The first step is to encourage employers to add a feature to its 401(k) or similar plans to enroll its employees in the plan upon being hired unless the employee notifies the employer that he or she does not want to participate in the plan. The decision to participate still rests entirely with the employees, as they can opt out before participation begins or at any time afterward. Although some employers do offer these types of plans now, most maintain a more traditional structure under which the employee must opt into participating. Studies have indicated that such a seemingly minor change in how employees are enrolled can dramatically increase participation rates. It has been reported that one large company experienced an increase in employee participation in their retirement plan of 50 percent once the features were changed to automatically enroll its employees. Clearly the first step towards increasing our national savings rate is to get more people saving.

Obviously the second step is to get those who are saving to set aside even more for their retirement years. For this reason, the legislation would encourage plans to add a feature that increases employees' contributions annually until it reaches at least 10 percent of the employees' compensation. Again, studies have repeatedly demonstrated that people are more likely to agree to save more in the future than they currently do. It has also been demonstrated that people are more likely to agree to save more in the future if they make the decision today and do not wait until future years to make that decision. In our legislation, the employee can stop a future increase or change the contribution rate. The employer has the discretion to tie these automatic increases to either an annual increase or to increases in salary or compensation. This is closely modeled on the Save More Tomorrow, SMarT, plan advocated by Shlomo Benartzi from UCLA and Richard Thaler from the University of Chicago. These behavioral finance experts claim that although participants in this plan may start saving at a lower rate—3.5 percent—than the average, within 4 years increases averaged 13.6 percent—a greater than 10 percent increase. Compared to the control group saving rate of slightly more than 8 percent of their compensation, the end result is quite extraordinary.

To encourage employers to make these two changes to the plan, the legislation creates a new safe harbor that, if all the criteria are met, treats the plan as being nondiscriminatory. In order to qualify for the safe harbor, the employer must provide either a nonelective match of 3 percent of the employee's compensation or an elective match of 50 percent of the first 7 percent of the employee's compensation. These criteria can be met also if the employer contributes a comparable amount to another qualified plan for the same employees. The employer must also allow its contributions to vest in either 2 years, if the employer enrolls the employees in its pension plan before the employees' first paycheck, or in 1 year if the employer enrolls the employees within the first quarter of being hired. It is important to note that both of these vesting periods are shorter than current law allows and are comparable to what employers can do under the existing safe harbor.

Finally, in an effort to help ensure employees are invested wisely, the legislation directs the Department of Labor to provide guidance for employers in selecting "default" investments so that employers have options besides money market accounts and investment contracts. A default investment is the investment that is made when employees fail to indicate how they would like their retirement savings invested. Due to liability concerns, retirement plans tend to invest these funds in either investment contracts or money market accounts. The benefit of compounding interest that would occur with even modest returns in broad-based funds that have an equity component is lost. This guidance will not allow employers to make default investment decisions that are risky or put the employee's retirement at risk.

It is important to note that the employee always retains the ability to invest the funds differently in other investment options offered by the plan if they do not like the default investment offered by the employer.

I thank all of those who have done considerable research into the impact of human behavior on savings, which was quite instrumental to the drafting of this legislation. I look forward to continuing to work with them and others interested in this new approach to addressing our Nation's savings problems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save More for Retirement Act of 2005".

SEC. 2. INCREASING PARTICIPATION IN CASH OR DEFERRED PLANS THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

"(13) NONDISCRIMINATION REQUIREMENTS FOR AUTOMATIC CONTRIBUTION TRUSTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement constitutes an automatic contribution trust.

"(B) AUTOMATIC CONTRIBUTION TRUST.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'automatic contribution trust' means an arrangement—

"(I) except as provided in clauses (ii) and (iii), under which each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the applicable percentage of the employee's compensation, and

"(II) which meets the requirements of subparagraphs (C), (D), (E), and (F).

"(ii) EXCEPTION FOR EXISTING EMPLOYEES.—In the case of any employee—

"(I) who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the first date on which the arrangement is an automatic contribution trust, and

"(II) whose rate of contribution immediately before such first date was less than the applicable percentage for the employee,

clause (i)(I) shall not apply to such employee until the date which is 1 year after such first date (or such earlier date as the employee may elect).

"(iii) ELECTION OUT.—Each employee eligible to participate in the arrangement may specifically elect not to have contributions made under clause (i), and such clause shall cease to apply to compensation paid on or after the effective date of the election.

"(iv) APPLICABLE PERCENTAGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'applicable percentage' means, with respect to any employee, the percentage (not less than 3 percent) determined under the arrangement.

"(II) INCREASE IN PERCENTAGE.—In the case of the second plan year beginning after the first date on which the election under clause (i)(I) is in effect with respect to the employee and any succeeding plan year, the applicable percentage shall be a percentage (not greater than 10 percent or such higher percentage specified by the plan) equal to the sum of the applicable percentage for the employee as of the close of the preceding plan year plus 1 percentage point (or such higher percentage specified by the plan). A plan may elect to provide that, in lieu of any increase under the preceding sentence, the increase in the applicable percentage required under this subclause shall occur after each increase in compensation an employee receives on or after the first day of such second plan year and that the applicable percentage after each such increase in compensation shall be equal to the applicable percentage for the employee immediately before such increase in compensation plus 1 percentage point (or such higher percentage specified by the plan).

"(C) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

"(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 7 percent of compensation; or

"(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation.

The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of subclause (I). The rules of paragraph (12)(E)(ii) shall apply for purposes of subclauses (I) and (II).

"(ii) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under clause (i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement.

"(D) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (B)(i) applies—

"(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf, and how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

"(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

"(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year (or if the plan elects to change the applicable percentage after any increase in compensation, before the increase), given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of paragraph (12)(D) shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.

"(E) PARTICIPATION, WITHDRAWAL, AND VESTING REQUIREMENTS.—The requirements of this subparagraph are met if—

"(i) the arrangement requires that each employee eligible to participate in the arrangement (determined without regard to any minimum service requirement otherwise applicable under section 410(a) or the plan) commences participation in the arrangement no later than the 1st day of the 1st calendar quarter following the date on which employee first becomes so eligible.

"(ii) the withdrawal requirements of paragraph (2)(B) are met with respect to all employer contributions (including matching and elective contributions) taken into account in determining whether the arrangement meets the requirements of subparagraph (C), and

"(iii) the arrangement requires that an employee's right to the accrued benefit derived from employer contributions described in clause (ii) (other than elective contributions) is nonforfeitable after the employee has completed—

"(I) at least 1 year of service, or

"(II) in the case of an employee who is eligible to participate in the arrangement as of the first day on which the employee begins employment with the employer maintaining the arrangement, at least 2 years of service.

"(F) CERTAIN WITHDRAWALS MUST BE ALLOWED.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the requirements of this subparagraph are met if the arrangement allows employees to elect to withdraw elective contributions described in subparagraph (B)(i) (and earnings attributable thereto) from the cash or deferred arrangement in accordance with the provisions of this subparagraph.

"(ii) TIME FOR MAKING ELECTION.—Clause (i) shall not apply to an election by an employee unless the election is made no later than the close of the latest of the following payroll periods occurring after the first payroll period to which the automatic enrollment system applies to the employee:

"(I) The payroll period in which the aggregate elective contributions made under subparagraph (B)(i) first exceed $500.

"(II) The second payroll period following such first payroll period.

"(III) The first payroll period which begins at least one month after the close of the first payroll period to which the automatic enrollment system applies.

"(iii) AMOUNT OF DISTRIBUTION.—Clause (i) shall not apply to any election by an employee unless the amount of any distribution by reason of the election is equal to the amount of elective contributions made with respect to the first payroll period to which the automatic enrollment system applies to the employee and any succeeding payroll period beginning before the effective date of the election (and earnings attributable thereto).

"(iv) TREATMENT OF DISTRIBUTION.—In the case of any distribution to an employee pursuant to an election under clause (i)—

"(I) the amount of such distribution shall be includible in the gross income of the employee for the taxable year of the employee in which the distribution is made, and

"(II) no tax shall be imposed under section 72(t) with respect to the distribution.

"(v) EMPLOYER MATCHING CONTRIBUTIONS.—In the case of any distribution to an employee by reason of an election under clause (i), employer matching contributions shall be forfeited or subject to such other treatment as the Secretary may prescribe."

(b) Matching Contributions.—Section 401(m) of the Internal Revenue Code of 1986 (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) Alternate method for automatic contribution trusts.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(A) meets the contribution requirements of subparagraphs (B)(i) and (C) of subsection (k)(13);

"(B) meets the notice requirements of subparagraph (D) of subsection (k)(13); and

"(C) meets the requirements of paragraph (11)(B) (ii) and (iii).".

(c) Exclusion From Definition of Top-Heavy Plans.—

(1) Elective contribution rule.—Clause (i) of section 416(g)(4)(H) of the Internal Revenue Code of 1986 is amended by inserting "or 401(k)(13)" after "section 401(k)(12)".

(2) Matching contribution rule.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(m)(12)" after "section 401(m)(11)".

(d) Definition of Compensation.—

(1) Base pay or rate of pay.—The Secretary of the Treasury shall, no later than December 31, 2006, modify Treasury Regulation section 1.414(s)–1(d)(3) to facilitate the use of the safe harbors in sections 401(k)(12), 401(k)(13), 401(m)(11), and 401(m)(12) of the Internal Revenue Code of 1986, and in Treasury Regulation section 1.401(a)(4)–3(b), by plans that use base pay or rate of pay in determining contributions or benefits. Such modifications shall include increased flexibility in satisfying section 414(s) of such Code in any case where the amount of overtime compensation payable in a year can vary significantly.

(2) Application of requirements to separate payroll periods.—Not later than December 31, 2006, the Secretary of the Treasury shall issue rules under subparagraphs (B)(i) and (C)(i) of section 401(k)(13) of such Code and under clause (i) of section 401(m)(12)(A) of such Code that, effective for plan years beginning after December 31, 2006, permit such requirements to be applied separately to separate payroll periods based on rules similar to the rules described in Treasury Regulation sections 1.401(k)–3(c)(5)(ii) and 1.401(m)–3(d)(4).

(e) Section 403(b) Contracts.—Paragraph (11) of section 401(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(C) Section 403(b) contracts.—An annuity contract under section 403(b) shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if such contract meets requirements similar to the requirements under subparagraph (A).".

(f) Preemption of Conflicting State Regulation.—Section 514 of the Employee Retirement Income Security of 1974 (29 U.S.C. 1144) is amended by inserting at the end the following new subsection:

"(e) Automatic Contribution Arrangements.—

"(1) In general.—Notwithstanding any other provision of this section, any law of a State shall be superseded if it would directly or indirectly prohibit or restrict the inclusion in any plan of an eligible automatic contribution arrangement.

"(2) Eligible automatic contribution arrangement.—For purposes of this subsection, the term 'eligible automatic contribution arrangement' means an arrangement—

"(A) under which a participant may elect to have the employer make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

"(B) under which the participant is treated as having elected to have the employer make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage),

"(C) under which contributions described in subparagraph (B) are invested in accordance with regulations prescribed by the Secretary under section 404(c)(4), and

"(D) which meets the requirements of paragraph (3).

"(3) Notice requirements.—

"(A) In general.—The administrator of an individual account plan shall, within a reasonable period before each plan year, give to each employee to whom an arrangement described in paragraph (2) applies for such plan year notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

"(B) Time and form of notice.—A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to an employee unless—

"(i) the notice includes a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

"(ii) the employee has a reasonable period of time after receipt of the notice described in clause (i) and before the first elective contribution is made to make such election, and

"(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee.".

(g) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) Section 403(b) contracts.—The amendments made by subsection (e) shall apply to years ending after the date of the enactment of this Act.

SEC. 3. TREATMENT OF INVESTMENT OF ASSETS BY PLAN WHERE PARTICIPANT FAILS TO EXERCISE INVESTMENT ELECTION.

(a) In General.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(4) Default investment arrangements.—

"(A) In general.—For purposes of paragraph (1), a participant in an individual account plan meeting the notice requirements of subparagraph (B) shall be treated as exercising control over the assets in the account with respect to the amount of contributions and earnings which, in the absence of an investment election by the participant, are invested by the plan in accordance with regulations prescribed by the Secretary. The regulations under this subparagraph shall provide guidance on the appropriateness of designating default investments that include a mix of asset classes consistent with long-term capital appreciation.

"(B) Notice requirements.—

"(i) In general.—The requirements of this subparagraph are met if each participant—

"(I) receives, within a reasonable period of time before each plan year, a notice explaining the employee's right under the plan to designate how contributions and earnings will be invested and explaining how, in the absence of any investment election by the participant, such contributions and earnings will be invested, and

"(II) has a reasonable period of time after receipt of such notice and before the beginning of the plan year to make such designation.

"(ii) Form of notice.—The requirements of clauses (i) and (ii) of section 401(k)(12)(D) of the Internal Revenue Code of 1986 shall be met with respect to the notices described in this subparagraph."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) Regulations.—Final regulations under section 404(c)(4)(A) of the Employee Retirement Income Security Act of 1974 (as added by this section) shall be issued no later than 6 months after the date of the enactment of this Act.

By Mr. HATCH (for himself, Mrs. Feinstein, Mr. Specter, Mr. Kennedy, and Mr. Harkin):

S. 876. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I am very pleased to join with Senators Feinstein, Specter, Kennedy, and Harkin to introduce the Human Cloning Ban and Stem Cell Research Protection Act of 2005. This bill could help usher in the next great era of medical treatment. At the same time, it will criminalize the offensive practice of reproductive cloning.

If you remember when Jonas Salk discovered the polio vaccine, you will recall what a revolutionary step that was, to be able to stop ravaging diseases before they hit their victims. It led to a whole new way of practicing medicine and paved the way for the vaccines and treatments that we take for granted today.

I believe we are on the verge of a similar step, a new generation in medical research and treatment, thanks to the incredible potential of stem cells. Stem cell research—particularly, embryonic stem cell research—holds great promise. To quote Nobel Laureate Dr. Harold Varmus, "The development of cell lines that may produce almost every tissue of the human body is an unprecedented scientific breakthrough. It is not too unrealistic to say that this research has the potential to revolutionize the practice of medicine and improve the quality and length of life."

As Dr. Varmus noted, embryonic stem cells appear to have the amazing potential to transform themselves into any of the more than 200 types of cells that form the human body. These cells could be the key to understanding much about human health and disease and may yield new diagnostic tests, treatments, and cures for diseases such as diabetes, cancer, heart disease, Parkinson's, autoimmune diseases, and many, many others.

Stem cell research could potentially be the scientific advance that takes the practice of medicine not just to the next level, but to five or ten levels above and beyond. Like my colleagues, I believe there is an urgent need for uniformity in the rules governing stem cell research in America. But let me just stress one aspect of that need: ethics. Without the National Institutes of Health setting the ethical guidelines for stem cell research, we invite a host of problems. Most of us feel strongly that human reproductive cloning is wrong, for example. But where should the lines be drawn with regard to embryonic stem cell research—particularly, somatic cell nuclear transfer and the use of cell lines derived from IVF embryos?

The NIH is the obvious and crucial choice to help set the ethical boundaries. Our bill will ban outright any attempt at bringing to life a cloned human being. It will also prohibit research on any embryo created through somatic cell nuclear transfer beyond 14 days, require informed consent of donors, prohibit profiteering from donated eggs, and mandate separation of the egg collection site from the research laboratory.

The NIH will help determine other suitable ethical guidelines in allowing this critical research to go forward with Federal funding and at federally-funded institutions. There is no question in my mind that, when they do, the rest of the world will follow.

Now, the last time we introduced this bill, there was interest in the fact that I, as a strongly pro-life senator, would be the lead sponsor. I think we have put that issue behind us, as more pro-life lawmakers have expressed their support for this research. The fact is, I have never believed that life begins in a Petri dish. And as I travel across my home State of Utah, more and more Utahns, whether they are pro-life or not, come up to me and say, "ORRIN, we're with you on this. You're doing the right thing."

That support is building across the country, and we must act. If we do not seize this opportunity, other countries could take the leading role in medicine's next great advance. We will lose the chance to set ethical guidelines, we will lose doctors to overseas research institutions, and most importantly, we will lose the chance to offer new hope to American and other patients who are waiting in desperation for treatments and cures.

I urge the Senate to take up and pass this bill, and I look forward to the work ahead.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Ban and Stem Cell Research Protection Act of 2005".

SEC. 2. PURPOSES.

It is the purpose of this Act to prohibit human cloning and to protect important areas of medical research, including stem cell research.

TITLE I—PROHIBITION ON HUMAN CLONING

SEC. 101. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—PROHIBITION ON HUMAN CLONING

"301. Prohibition on human cloning

"§ 301. Prohibition on human cloning

"(a) DEFINITIONS.—In this section:

"(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

"(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

"(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

"(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

"(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

"(6) UNFERTILIZED BLASTOCYST.—The term 'unfertilized blastocyst' means an intact cellular structure that is the product of nuclear transplantation. Such term shall not include stem cells, other cells, cellular structures, or biological products derived from an intact cellular structure that is the product of nuclear transplantation.

"(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

"(1) to conduct or attempt to conduct human cloning;

"(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

"(3) to export to a foreign country an unfertilized blastocyst if such country does not prohibit human cloning.

"(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

"(d) PENALTIES.—

"(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

"(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

"(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

"(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.".

SEC. 102. OVERSIGHT REPORTS ON ACTIONS TO ENFORCE CERTAIN PROHIBITIONS.

(a) REPORT ON ACTIONS BY ATTORNEY GENERAL TO ENFORCE CHAPTER 16 OF TITLE 18.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the actions taken by the Attorney General to enforce the provisions of chapter 16 of title 18, United States Code (as added by section 101);

(2) describes the personnel and resources the Attorney General has utilized to enforce the provisions of such chapter; and

(3) contain a list of any violations, if any, of the provisions of such chapter 16.

(b) REPORT ON ACTIONS OF STATE ATTORNEYS GENERAL TO ENFORCE SIMILAR STATE LAWS.—

(1) DEFINITION.—In this subsection and subsection (c), the term "similar State law relating to human cloning" means a State or local law that provides for the imposition of criminal penalties on individuals who are determined to be conducting or attempting to conduct human cloning (as defined in section 301 of title 18, United States Code (as added by section 101)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(A) describes any similar State law relating to human cloning;

(B) describes the actions taken by the State attorneys general to enforce the provisions of any similar State law relating to human cloning;

(C) contains a list of violations, if any, of the provisions of any similar State law relating to human cloning; and

(D) contains a list of any individual who, or organization that, has violated, or has been charged with violating, any similar State law relating to human cloning.

(c) REPORT ON COORDINATION OF ENFORCEMENT ACTIONS AMONG THE FEDERAL AND STATE AND LOCAL GOVERNMENTS WITH RESPECT TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that

(1) describes how the Attorney General coordinates the enforcement of violations of chapter 16 of title 18, United States Code (as added by section 101), with enforcement actions taken by State or local government

law enforcement officials with respect to similar State laws relating to human cloning; and

(2) describes the status and disposition of—

(A) Federal appellate litigation with respect to such chapter 16 and State appellate litigation with respect to similar State laws relating to human cloning; and

(B) civil litigation, including actions to appoint guardians, related to human cloning.

(d) REPORT ON INTERNATIONAL LAWS RELATING TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the laws adopted by foreign countries related to human cloning;

(2) describes the actions taken by the chief law enforcement officer in each foreign country that has enacted a law described in paragraph (1) to enforce such law; and

(3) describes the multilateral efforts of the United Nations and elsewhere to ban human cloning.

TITLE II—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

SEC. 201. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"PART J—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

"SEC. 499A. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH, INCLUDING INFORMED CONSENT, INSTITUTIONAL REVIEW BOARD REVIEW, AND PROTECTION FOR SAFETY AND PRIVACY.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—The definitions contained in section 301(a) of title 18, United States Code, shall apply for purposes of this section.

"(2) OTHER DEFINITIONS.—In this section:

"(A) DONATING.—The term 'donating' means giving without receiving valuable consideration.

"(B) FERTILIZATION.—The term 'fertilization' means the fusion of an oocyte containing a haploid nucleus with a male gamete (sperm cell).

"(C) VALUABLE CONSIDERATION.—The term 'valuable consideration' does not include reasonable payments—

"(i) associated with the transportation, processing, preservation, or storage of a human oocyte or of the product of nuclear transplantation research; or

"(ii) to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

"(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with subpart A of part 46 of title 45, or parts 50 and 56 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Ban and Stem Cell Research Protection Act of 2003), as applicable:

"(c) PROHIBITION ON CONDUCTING NUCLEAR TRANSPLANTATION ON FERTILIZED EGGS.—A somatic cell nucleus shall not be transplanted into a human oocyte that has undergone or will undergo fertilization.

"(d) FOURTEEN-DAY RULE.—An unfertilized blastocyst shall not be maintained after more than 14 days from its first cell division, not counting any time during which it is stored at temperatures less than zero degrees centigrade.

"(e) VOLUNTARY DONATION OF OOCYTES.—

"(1) INFORMED CONSENT.—In accordance with subsection (b), an oocyte may not be used in nuclear transplantation research unless such oocyte shall have been donated voluntarily by and with the informed consent of the woman donating the oocyte.

"(2) PROHIBITION ON PURCHASE OR SALE.—No human oocyte or unfertilized blastocyst may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

"(f) SEPARATION OF IN VITRO FERTILIZATION LABORATORIES FROM LOCATIONS AT WHICH NUCLEAR TRANSPLANTATION IS CONDUCTED.—Nuclear transplantation may not be conducted in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.

"(g) CIVIL PENALTIES.—Whoever intentionally violates any provision of subsections (b) through (f) shall be subject to a civil penalty in an amount that is appropriate for the violation involved, but not more than $250,000.".

Mrs. FEINSTEIN. Mr. President, today Senators HATCH, KENNEDY, SPECTER, HARKIN and I are introducing legislation to ban human reproductive cloning, while ensuring that important medical research goes forward under strict oversight by the federal government.

Simply put, this legislation will enable research to be conducted that provides hope to millions of Americans suffering from paralysis and debilitating diseases including Juvenile Diabetes, Parkinson's, Alzheimer's, cancer and heart disease.

Every member of this body knows someone—whether it's a parent or grandparent, a child or a friend—who suffers from one of these diseases. That is why this legislation is so critical. We must act now to protect promising research that will bring hope to those who suffer.

I now that every member of this body would agree that human reproductive cloning is immoral and unethical. It should be outlawed by Congress and the President. That is exactly what this bill does.

It prohibits any person from conducting or attempting to clone a human being. It also prohibits shipping materials for the purpose of human cloning in interstate or foreign commerce and prohibits the export of an unfertilized blastocyst to a foreign country if such country does not prohibit human cloning.

Any person that violates this prohibition is subject to harsh criminal and civil penalties. They include: imprisonment of up to 10 years in federal prison.

Fines of up to $1 million or three times the gross profits resulting from the violation, whichever is greater.

This legislation draws a bright line between human reproductive cloning and promising medical research using somatic cell nuclear transplantation for the sole purpose of deriving embryonic stem cells.

Somatic cell nuclear transplantation is the process by which scientists derive embryonic stem cells that are an exact genetic match as the patient. Those embryonic stem cells will one day be used to correct defective cells such as non-insulin producing or cancerous cells. Then those patients will not be forced to take immuno-suppressive drugs and risk the chances of rejection since the new cells will contain their own DNA.

It is truly astonishing that somatic cell nuclear transplantation research may one day be used to regrow tissue or organs that could lead to treatments and cures for diseases that afflict up to 100 million Americans. What we are talking about here is research that does not even involve sperm and an egg.

I believe it is essential that this research be conducted with Federal Government oversight and under strict ethical requirements.

That is why the legislation: Mandates that eggs used in this research be unfertilized.

Prohibits the purchase or sale of unfertilized eggs—to prevent "embryo farms" or the possible exploitation of women.

Imposes strong ethics rules on scientists, mandating informed consent by egg donors, and include safety and privacy protections.

Prohibit any research on an unfertilized blastocyst after 14 days—After 14 days, an unfertilized blastocyst begins differentiating into a specific type of cell such as a heart or brain cell and is no longer useful for the purposes of embryonic stem cell research.

Requires that all egg donations be voluntary, and that there is no financial or other incentive for egg donations.

Requires that nuclear transportation occur in labs completely separate from labs that engage in in vitro fertilization.

And for those who violate or attempt to violate the ethical requirements of the legislation, they will be subject to civil penalties of up to $250,000 per violation.

Embryonic stem cell research that is currently being done using private funds, in animal models, and by scientists overseas continues to show great promise and potential. This progress will not be sustained in the U.S. without additional stem cell lines for federally-funded research and without strict federal oversight of this research.

Senator HATCH and I have argued this point for years. What has happened since the President limited federally-funded research to only those embryonic stem cell lines derived prior to August 9, 2001?

Researchers have made a number of advancements confirming the promise of embryonic stem cells using animal models and private research dollars. In the absence of federal policy on embryonic stem cell research and human reproductive cloning. States have taken action creating a patchwork of state laws under varying ethical frameworks. Fewer researchers are choosing to go into this field given the void created by Federal inaction.

Last January, a study published by researchers from the University of California San Diego and the Salk Institute for Biological Studies confirmed that all 22 existing federally-approved stem cell lines are tainted by mouse feeders cells and cannot be used in humans.

Researchers at the Whitehead Institute in Cambridge, MA, used embryonic stem cells created by somatic cell nuclear transplantation to cure a genetic defect in mice.

Researchers at Sloan-Kettering Cancer Center in New York found that embryonic stem cells produce proteins that can help ailing organs repair themselves.

Stanford scientists were able to relieve diabetes symptoms in mice by using special chemicals to transform undifferentiated embryonic stem cells of mice into cell masses that resemble islets found in the mouse pancreas.

In the absence of federal legislation, we have seen a patchwork of State laws under varying ethical frameworks and this is extremely worrisome. In total. 30 States have passed laws pertaining to stem cell research and there is tremendous variety in those laws.

California launched a $3 billion initiative to fund embryonic stem cell research including somatic cell nuclear transplantation research which bans human reproductive cloning.

At least 6 academic centers in California including UC San Francisco. Stanford. UCLA, UC Berkeley, UC Irvine and UC Davis have already begun developing facilities where this embryonic stem cell research will be conducted and are all actively recruiting stem cell biologists from across the country.

New Jersey has proposed a $380 million initiative to fund embryonic stem cell research.

Wisconsin has proposed investing $750 million to support embryonic stem cell research.

By contrast. Arkansas. Iowa. North Dakota, South Dakota and Michigan have specifically prohibited nuclear transfer used to create stem cells. And 22 other States have enacted laws on the matter.

What this means is researchers and research money are now moving to States with pro-research laws and pro-research Governors.

There is clearly a void that needs to be filled—and it can only be filled by the Federal Government.

To be clear, this is research that involves an unfertilized blastocyst. No sperm are involved. It is conducted in a petri dish and cannot occur beyond 14 days. It is also prohibited from ever being implanted into a woman to create a child.

For those who believe that the clump of cells in a petri dish that we are talking about is a human life, that is a moral decision each person must make for himself, but to impose that view on the more than 100 million of our parents. children and friends who suffer from Parkinson's. diabetes, Alzheimer's and cancer is immoral.

As former Senator and Episcopal minister John C. Danforth said recently in an op-ed in the New York Times, "Criminalizing the work of scientists doing such research would give strong support to one religious doctrine. and it would punish people who believe it is their religious duty to use science to heal the sick.

This is exactly why the legislation I am introducing with my colleagues Senators HATCH. KENNEDY, SPECTER and HARKIN is needed. I urge the Senate to take up and pass this bill and help turn the hopes of millions of Americans into reality.

I ask unanimous consent that the attached letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION FOR THE ADVANCEMENT
OF MEDICAL RESEARCH,
Washington, DC. April 21, 2005.

Senator DIANNE FEINSTEIN,
U.S. Senate. 331 Hart Senate Office Building Washington, DC.

DEAR SENATOR FEINSTEIN, On behalf of the Coalition for the Advancement of Medical Research (CAMR). I am writing to add our strong support for the introduction of the Human Cloning Ban and Stem Cell Research Protection Act of 2005. Along with Senator ORRIN HATCH (R-UT). Senator ARLEN SPECTER (R-PA), Senator TED KENNEDY (D-MA), and Senator TOM HARKIN (D-IA), your leadership in protecting research using somatic cell nuclear transfer (SCNT), also known as therapeutic cloning, is greatly appreciated.

This year. Congress will address the future of biomedical research and the Nation's efforts to prevent, treat, and cure such debilitating diseases as cancer, juvenile diabetes, ALS, Parkinson's disease, spinal cord injuries and many more. Let me be clear, CAMR supports a ban on reproductive cloning; it is unsafe and unethical. Given the scientific potential of SCNT and regenerative medicine, however, we strongly support the bill's effort to allow for this research, which may provide essential tools allowing scientists to develop the promise of embryonic stern cell research. I am sure you will agree, therapeutic cloning is about saving and improving lives. It is fWldamemally different from human reproductive cloning; it produces stem cells, not babies.

CAMR applauds your leadership in sponsoring legislation that ensures cures for devastating diseases continue to be developed. We look forward to working with you.

Thank you,

DANIEL PERRY,
President.

Mr. KENNEDY. It is a privilege to join Senator HATCH, Senator FEINSTEIN. Senator SPECTER and Senator HARKIN in sponsoring the Human Cloning Ban and Stem Cell Research Protection Act of 2005. This bipartisan proposal will outlaw human cloning and open the way to proper, ethical cures for our most feared diseases.

Using cloning to reproduce a child is improper and immoral—and our legislation will make it illegal. Medicine must advance hand in hand with ethics, and the legislation we introduce today will make certain that American research sets the gold standard for ethical oversight.

But it is wrong to deny the great potential of medical research using the remarkable new techniques of stem cell research, which can save lives by preventing, treating, and curing a wide range of severe diseases and disabilities.

We see the benefits of investment in biotechnology all around us. Fifty years ago last week, Jonas Salk announced the first polio vaccine. Imagine a world without that extraordinary discovery—where peoples everywhere lived in fear of the polio virus and the devastation it brings.

Thirty years ago. Congress was considering whether to ban research on recombinant DNA—the very foundation of biotechnology.

Time after time, we heard of the medical advances that this new field of research would bring. Then—as now—some dismissed this promise as a pipe dream and urged Congress to forbid it. We chose instead to vote for new hope and new cures. Today, countless Americans and persons throughout the world are already benefiting from the new treatments that biotechnology has brought. Why call a halt?

In the 1980s Congress made the right choice, again, by rejecting attempts to outlaw in vitro fertilization, a technique that has fulfilled the hopes and dreams of thousands of parents who would never have been able to have a child.

Our debate today is no different and Congress should do all it can to support lifesaving research, not prohibit it.

Other nations are more than willing to leave us behind. The potential of this research is so immense that some of our best scientists are already leaving America to pursue their dreams in research laboratories in other countries. We need to stop that exodus before it becomes a nightmare. Do we really want to wake up 10 years from now and hear that a former American scientist in another land has won the Nobel Prize in medicine for a landmark discovery in stem cell research?

The misguided fears of today can't be allowed to deny the cures of tomorrow. I commend my colleagues for their leadership on this important legislation, and I hope the Senate will act quickly to approve this urgently needed bill.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. LUGAR, Mr. ISAKSON, Mr. ENZI, Mr. FEINGOLD, Mr. CRAPO, Mr. ALEXANDER, Mr. BUNNING, Mr. SESSIONS, Mr. ALLARD, and Mr. CORZINE):

S. 877. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

Mr. DOMENICI. Mr. President, on behalf of Senator LIEBERMAN, the distinguished Ranking Member of the Governmental Affairs Committee and eleven other Senators, I rise to introduce the "Biennial Budgeting and Appropriations Act," a bill to convert the annual budget and appropriations process to a two-year cycle and to enhance oversight of federal programs.

Our most recent experience with the Omnibus Consolidated Appropriations Act shows the need for a biennial appropriations and budget process. That one bill clearly demonstrated Congress is incapable of completing the budget, authorizing, and appropriations process on an annual basis. That 1,000 plus paged bill contained nine of the regular appropriations bills.

Congress should now act to streamline the system by moving to a two-year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Senate a more deliberative and effective institution, and to make us more accountable to the American people.

Moving to a biennial budget and appropriations process enjoys very broad support. President Bush has supported a biennial budgeting process. Presidents Clinton, Reagan and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who served as White House Chief of Staff, OMB Director, and House Budget Committee Chairman, has advocated a biennial budget since the late 1970s. Former OMB and CBO Director Alice Rivlin has called for a biennial budget the past two decades. The Majority Leader is a co-sponsor of this legislation.

Vice President Gore's National Performance Review and the 1993 Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. Look at what we struggle to complete each year under the current annual process. The annual budget process consumes three years: one year for the Administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the Congressional budget process, the process of annually passing a budget resolution, authorization legislation, and multiple appropriation bills. The record clearly shows that last year's experience was nothing new. Under the annual process, we consistently fail to complete action on multiple appropriations bills, to authorize programs, and to meet our deadlines.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

A few years ago, I asked the Congressional Research Service (CRS) to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. Beginning with 1980, budget related votes started dominating the work of the Senate. In 1996, 73 percent of the votes the Senate took were related to the budget.

If we cannot adequately focus on our duties because we are constantly debating the budget throughout the authorizing, budgeting, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our government.

Under the legislation I am introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a two year basis. For most of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary, accounts.

The most predictable category of the budget are these appropriated, or discretionary, accounts of the federal government. Much of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no less deficient than the current annual process. My bill does not preclude supplemental appropriations necessary to meet these emergency or unanticipated requirements.

In 1993 I had the honor to serve as co-Chairman on a Joint Committee that studied the operations of the Congress. Senator BYRD testified before that Committee that the increasing demands put on us as Senators has led to our "fractured attention." We simply are too busy to adequately focus on the people's business. This legislation is designed to free up time and focus our attention, particularly with respect to the oversight of Federal programs and activities.

Frankly, the limited oversight we are now doing is not as good as it should be. Our authorizing committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be exclusively devoted to examining federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to provide oversight, review and legislate changes to federal programs. Oversight and the authorization should be an ongoing process, but a biennial appropriations process will provide greater opportunity for legislators to concentrate on programs and policies in the second year.

Mr. President, a biennial budget cannot make the difficult decisions that must be made in budgeting, but it can provide the tools necessary to make much better decisions. Under the current annual budget process we are constantly spending the taxpayers' money instead of focusing on how best and most efficiently we should spend the taxpayers' money. By moving to a biennial budget cycle, we can plan, budget, and appropriate more effectively, strengthen oversight and watchdog functions, and improve the efficiency of government agencies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biennial Budgeting and Appropriations Act".

SEC. 2. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Tenth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
May 15	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 30	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
February 15	President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

"First Session

"On or before:	Action to be completed:
First Monday in April.	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the biennial budget.
June 1	Congress completes action on concurrent resolution on the biennial budget.
July 1	Biennial appropriation bills may be considered in the House.
July 20	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.".

SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking "annual" and inserting "biennial".

(2) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking "April 15 of each year" and inserting "May 15 of each odd-numbered year";

(ii) striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year"; and

(iii) striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(B) in paragraph (6), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium"; and

(C) in paragraph (7), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium".

(3) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(4) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(5) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) inserting after the second sentence the following: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.".

(6) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(7) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking "Annual" and inserting "Biennial".

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking "for the first fiscal year of the resolution," and inserting "for each fiscal year in the biennium,";

(ii) striking "for that period of fiscal years" and inserting "for all fiscal years covered by the resolution"; and

(iii) striking "for the fiscal year of that resolution" and inserting "for each fiscal year in the biennium"; and

(B) in paragraph (5), by striking "April 15" and inserting "May 15 or June 1 (under section 300(b))";

(2) in subsection (b), by striking "budget year" and inserting "biennium";

(3) in subsection (c) by striking "for a fiscal year" each place it appears and inserting "for each fiscal year in the biennium";

(4) in subsection (f)(1), by striking "for a fiscal year" and inserting "for a biennium";

(5) in subsection (f)(1), by striking "the first fiscal year" and inserting "each fiscal year of the biennium";

(6) in subsection (f)(2)(A), by—

(A) striking "the first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "the total of fiscal years" and inserting "the total of all fiscal years covered by the resolution"; and

(7) in subsection (g)(1)(A), by striking "April" and inserting "May".

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking "the first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "that fiscal year" each place it appears and inserting "that biennium".

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking "the budget year" and inserting "the biennium"; and

(B) in subparagraph (B), by striking "the fiscal year" and inserting "the biennium".

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) striking "that year" and inserting "each fiscal year of that biennium".

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium"; and

(2) by striking "for such fiscal year" and inserting "for such biennium".

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 of such Act (2 U.S.C. 636(3)) is amended—

(1) in subsection (a)(3), by striking "fiscal year" and inserting "biennium"; and

(2) in subsection (b)(3), by striking "fiscal year" and inserting "biennium".

(h) COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking "each year" and inserting "each odd-numbered year";

(2) by striking "annual" and inserting "biennial";

(3) by striking "fiscal year" and inserting "biennium"; and

(4) by striking "that year" and inserting "each odd-numbered year".

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "biennial"; and

(3) by striking "fiscal year" and inserting "biennium".

(j) RECONCILIATION PROCESS.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "any fiscal year" and inserting "any biennium"; and

(2) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "any fiscal year covered by such resolution".

(k) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium";

(B) by striking "the first fiscal year" each place it appears and inserting "either fiscal year of the biennium"; and

(C) by striking "that first fiscal year" and inserting "each fiscal year in the biennium".

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking "for the first fiscal year" and inserting "for either fiscal year of the biennium"; and

(B) in subparagraph (B)—

(i) by striking "that first fiscal year" the first place it appears and inserting "each fiscal year in the biennium"; and

(ii) by striking "that first fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking "for the first fiscal year" and inserting "each fiscal year in the biennium"; and

(B) striking "that fiscal year and the ensuing fiscal years" and inserting "all fiscal years".

(l) MDA POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking "for a fiscal year" and inserting "for a biennium";

(2) in paragraph (1), by striking "the first fiscal year" and inserting "either fiscal year in the biennium";

(3) in paragraph (2), by striking "that fiscal year" and inserting "either fiscal year in the biennium"; and

(4) in the matter following paragraph (2), by striking "that fiscal year" and inserting "the applicable fiscal year".

SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Ninth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years".

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years".

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years,";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" and inserting "in those fiscal years".

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" each place it appears and inserting "in those fiscal years".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "the fiscal year for" the first place it appears and inserting "each fiscal year in the biennium for";

(2) by striking "the fiscal year for" the second place it appears and inserting "each fiscal year of the biennium, as the case may be, for"; and

(3) by striking "for that year" and inserting "for each fiscal year of the biennium".

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after "Before July 16 of each year" the following: "and February 15 of each even-numbered year"; and

(ii) striking "fiscal year" and inserting "biennium";

(B) in paragraph (1), by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2), by striking "fiscal year" and inserting "biennium"; and

(D) in paragraph (3), by striking "fiscal year" and inserting "biennium".

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "the fiscal year" and inserting "each fiscal year in the biennium";

(B) inserting after "Before July 16 of each year" the following: "and February 15 of each even-numbered year"; and

(C) striking "submitted before July 16" and inserting "required by this subsection".

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking "May 16" and inserting "March 31"; and

(2) striking "year before the year in which the fiscal year begins" and inserting "calendar year preceding the calendar year in which the biennium begins".

SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriations Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 6. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

"(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

"(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

"(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

"(1) any measure that is privileged for consideration pursuant to a rule or statute;

"(2) any matter considered in Executive Session; or

"(3) an appropriations measure or reconciliation bill.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 315 the following new item:

"Sec. 316. Authorizations of appropriations.".

SEC. 7. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2005";

(2) in subsection (b)—

(A) by striking "five years forward" and inserting "6 years forward";

(B) by striking "at least every three years" and inserting "at least every 4 years"; and

(C) by striking beginning with ", except that" through "four years"; and

(3) in subsection (c), by inserting a comma after "section" the second place it appears and adding "including a strategic plan submitted by September 30, 2005 meeting the requirements of subsection (a)".

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking "beginning with fiscal year 1999, a" and inserting "beginning with fiscal year 2006, a biennial".

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(ii) by striking "an annual" and inserting "a biennial";

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "4".

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking "September 30, 1997" and inserting "September 30, 2005";

(2) by striking "five years forward" and inserting "6 years forward";

(3) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2005 meeting the requirements of subsection (a)".

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.".

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2005.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

SEC. 8. BIENNIAL APPROPRIATIONS BILLS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 316 the following new item:

"Sec. 317. Consideration of biennial appropriations bills.".

SEC. 9. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this Act, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 8 and 10 and subsection (b), this Act and the amendments made by this Act shall take effect on January 1, 2007, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2008.

(b) AUTHORIZATIONS FOR THE BIENNIUM.—For purposes of authorizations for the biennium beginning with fiscal year 2006, the provisions of this Act and the amendments made by this Act relating to 2-year authorizations shall take effect January 1, 2005.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 878. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Clean Ocean and Safe Tourism Anti-Drilling Act, or COAST Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not only to our environment, but to our economy, which depends heavily on tourism along our shore. Coastal tourism is New Jersey's second-largest industry, and the New Jersey Shore is one of the fastest growing regions in the country. According to the New Jersey Department of Commerce, tourism in the Garden State generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20 percent of total State employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State.

Until the Bush administration came into office, there was no reason to suspect that drilling was even a remote possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990, under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the longstanding consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that "there are areas with some reservoir potential, for example off the coast of New Jersey." In addition, the RFP explained that the study would be conducted "in anticipation of managing the exploitation of potential and proven reserves." I believed that the RFP was inappropriate and misguided, and I was pleased when at my urging and the urging of other coastal Senators, the administration rescinded it.

After our strong bipartisan coalition fought off the Department of the Interior RFP, our coastal coalition came together again to fight off the Outer Continental Shelf inventory provisions of last year's energy bill. The bill directed the Department of the Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. The bill would have allowed the use of seismic surveys, dart core sampling, and other exploration technologies, all of which would leave these areas vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

These provisions run directly counter to language that Congress has included annually in appropriations bills to prevent leasing, preleasing, and related activities in most areas of the Outer Continental Shelf, including areas off the New Jersey coast. Fortunately, this provision was dropped last year, but it is likely that it will resurface during debate on the Energy bill this year, and it is clear that we need to once and for all ban drilling off the coast of New Jersey and the rest of the Mid- and North-Atlantic.

So considering the minimal benefit and significant downside of drilling off the coast of New Jersey, it is not worth threatening over 800,000 New Jersey jobs to recover what the MMS estimated in 2000 to be 196 million barrels of oil, only enough to last the country barely 10 days.

I certainly don't think it is worth the risk, and it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. The Clean Ocean and Safe Tourism Anti-Drilling Act would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Ocean and Safe Tourism Anti-Drilling Act" or the "COAST Anti-Drilling Act".

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

"(1) the Mid-Atlantic planning area; or

"(2) the North Atlantic planning area.".

By Ms. MURKOWSKI:

S. 879. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

Ms. MURKOWSKI. Mr. President, it has been 20 years since the passage of the Arctic Research and Policy Act of 1984, a bill sponsored by the former Senator Murkowski. The time has come to make some modifications to reflect the experience we've gained over that time.

I'm pleased to note that the amendments I introducing today are really very modest, an indication that the act—and the presidential commission it created—have functioned quite well. These minimal changes will, I hope, make them function even more smoothly.

First, the chairman of the Arctic Research Commission will be authorized compensation for an additional 30 days of work during the course of a year. That is still far less than the actual number of days demanded by the position, but will help. Second, the bill will allow the Commission to stimulate additional interest in Arctic research by establishing a professional award program for excellence in research. Current and former members of the Commission will not be eligible. Awards will be capped at a symbolic amount of $1,000, but the recognition by each winner's scientific peers will be invaluable. Third and finally, the bill will allow the Commission to reciprocate in the expected manner when foreign delegations host a reception or other event. This provision is limited to no more than two-tenths of a percent of the Commission budget—as with the award program, the value is primarily symbolic, but is nonetheless important.

Although these are small changes, they will help ensure a smoothly functioning Arctic Research Act, and that is important. Although it is not something you hear about on a daily basis, the United States is a leader in the very small circle of Arctic nations, and the Congress plays a major role in ensuring that we remain a leader in this critically important sphere. And make no mistake about it, the Arctic is critical to this country for social, strategic, economic and scientific reasons that are simply too plentiful to enumerate at this time.

The main purposes of the Arctic Research and Policy Act are: 1, to establish national policy for basic and applied research on Arctic resources and materials, physical, biological and health sciences, and social and behavioral sciences; 2, to establish the U.S. Arctic Research Commission to promote Arctic research and to recommend research policies; 3, to designate the National Science Foundation as the lead agency for implementing Arctic research; and, 4, to establish the Interagency Arctic Research Policy Committee, IARPC, which is responsible for coordinating a multiplicity of Arctic research efforts throughout the government.

As we continue to see evidence of Arctic warming—whether or not we consider it to be human-caused or natural, global or regional—it is of tremendous importance to prepare as best we can. The future may hold both positives—such as increased agricultural production and access to natural resources—and negatives—such as widespread damage to existing infrastructure, flooding, and sweeping social changes. The Arctic Research Commission plays a vital role and deserves our full support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arctic Research and Policy Amendments Act of 2005".

SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15

U.S.C. 4102(d)(1)) is amended in the second sentence by striking "90 days" and inserting ", in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,".

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking "Chairman" and inserting "chairperson".

SEC. 3. COMMISSION AWARDS FOR EXCELLENCE IN RESEARCH.

(a) AUTHORITY.—Section 104 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4103) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) COMMISSION AWARDS FOR EXCELLENCE IN RESEARCH.—

"(1) IN GENERAL.—Each year, the Commission may make a cash award to any person in recognition of excellence in Arctic research conducted by such person or outstanding support of Arctic research provided by such person.

"(2) AMOUNT.—The amount of a cash award made to a person under paragraph (1) shall be fixed by the Commission and shall not exceed $1,000.

"(3) INELIGIBILITY OF COMMISSION MEMBERS.—An individual who is or has been a member of the Commission shall be ineligible to receive an award under paragraph (1).".

(b) TECHNICAL AMENDMENTS.—Section 104 of such Act, as amended by subsection (a), is further amended—

(1) by inserting "DUTIES OF COMMISSION.—" before "The Commission" in subsection (a); and

(2) by inserting "REPORT.—" before "Not later than" in subsection (c).

SEC. 4. REPRESENTATION AND RECEPTION ACTIVITIES.

Section 106 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4105) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) expend for representation and reception expenses each fiscal year not more than 0.2 percent of the amounts made available to the Commission under section 111 for such fiscal year.".

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 880. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act. I am joined in this effort by Senator FEINSTEIN and Representative LYNN WOOLSEY who has introduced the companion bill in the other body.

The Gulf of the Farallones and the adjacent Cordell Bank are rich with wildlife and are visually spectacular. They are one of California's—indeed America's—great natural treasures.

Thirty-three marine mammal species use this area. Over half of these are threatened or endangered. The sanctuaries also contain one of the largest populations of blue and humpback whales in the world. Every summer, many grey whales dwell in the boundaries and neighboring waters of the sanctuaries. In addition, birds rely on the rich waters and surrounding land for nesting, feeding, and rearing of their young.

As effective as the current boundaries are in protecting this wildlife, new risks and a better understanding of the ecosystem necessitate extending the existing boundaries.

My legislation would expand the boundaries of the two existing national marine sanctuaries to protect the entire Sonoma Coast. By expanding the boundaries of both the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, the bill will protect the Russian and Gualala River estuaries and the nutrient-rich Bodega Canyon from offshore oil drilling and pollution.

Expanding these marine sanctuaries will help to ensure that they remain the treasures they are. I urge my colleagues to support this bill.

By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. DORGAN, Mrs. MURRAY, and Mr. INOUYE):

S. 881. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation with my colleague from Washington State, Senator MURRAY, and former Senate Indian Affairs Committee chairman, Senator INOUYE of Hawaii. The bill I submit today, which is identical to S. 1438 which passed the Senate unanimously on November 19, 2004, provides an equitable settlement of a longer standing injustice to the Spokane Tribe of Indians.

For more than half a century, the Columbia Basin Project has made an extraordinary contribution to this Nation. It helped pull the economy out of the Great Depression. It provided the electricity that produced aluminum required for airplanes and weapons that ensured our national security. The project continues to produce enormous revenues for the United States. It is a key component of the agricultural economy in eastern Washington and plays a pivotal role in the electric systems serving the entire western United States.

However, these benefits have come at a direct cost to tribal property that became inundated when the U.S. Government built the Grand Coulee Dam. Before dam construction, the free flowing Columbia River supported robust and plentiful salmon runs and provided for virtually all of the subsistence needs of the Spokane Tribe. After construction, the Columbia and its Spokane River tributary flooded tribal communities, schools, and roads, and the remaining stagnant water continues to erode reservation lands today.

The legislation Senators INOUYE, MURRAY and I are introducing today is similar to P.L. 103-436, which was enacted in 1994 to provide just compensation to the neighboring Confederated Colville Tribes. This bill would provide the Spokane Tribe of Indians with compensation for the use of its lands for the production of hydropower by the Grand Coulee Dam under a formula based in part on that by which the Confederated Tribes of the Colville Reservation were compensated in the Colville Tribes' settlement legislation in 1994. The Spokane Tribe lost lands equivalent in area to 39.4 percent of the lands lost to Colville Tribes a settlement based solely on this factor would result in a proportional payment of 39.4 percent to the Spokane Tribe. This was the formula basis for similar Spokane settlement legislation introduced in the Senate and House in the 107th, 108th, and 109th Congress. However, based upon good faith, honorable and extensive negotiations by and between the Spokane Tribe, the Bonneville Power Administration, the Bureau of Reclamation the National Park Service during the past year, this percentage has been reduced to 29 percent in recognition of the fact that certain lands taken for the construction of the Grand Coulee Dam would be restored to the Spokane Tribe under the terms of this legislation. The legislation reserves a perpetual right, power, and easement over the land transferred to carry out the Columbia Basin Project under the Columbia Basin Project Act, 16 U.S.C. 835 et seq.

The United States has a trust responsibility to maintain and protect the integrity of all tribal lands with its borders. When Federal actions physically or economically impact or harm, our Nation has a legal responsibility to address and compensate the damaged parties. Unfortunately, despite countless effort, half a century has passed without justice to the Spokane people.

In hearings before the Senate Committee on Indian Affairs on October 2, 2003, Robert A. Robinson, Managing Director, Natural Resources and Environment, General Accounting Office testified:

> A reasonable case can be made to settle the Spokane Tribe's case along the lines of the Colville settlement—a one-time payment from the U.S. Treasury for past lost payments for water power values and annual payments primarily from Bonneville [BPA]. Bonneville continues to earn revenues from the Spokane reservation lands used to generate hydropower. However, unlike the Colville Tribes, the Spokane Tribe does not benefit from these revenues. The Spokane Tribe does not benefit because it missed its

> filing opportunity before the Indian Claims Commission. At that time it was pursuing other avenues to win payments for the value of its land for hydropower. These efforts would ultimately fail. Without congressional action, it seems unlikely that a settlement for the Spokane Tribe will occur.

The time has come for the Federal Government to finally meet its fiduciary responsibility for converting the Spokane Tribe's resource to its own benefit. Senators INOUYE, MURRAY and I believe that the legislation we are proposing today will finally bring a fair and honorable closure to these matters. We are pleased that similar bipartisan legislation was also introduced today in the U.S House of Representatives.

I look forward to working with the Indian Affairs Committee and Senate colleagues as this legislation proceeds through the Congress.

By Mr. DURBIN (for himself, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAYH, Mr. LEAHY, Mr. LIEBERMAN, Mrs. BOXER, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. FEINGOLD, and Mr. SCHUMER):

S. 882. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2005. This legislation continues our Nation's commitment to preserve our natural heritage. Preservation of our Nation's vital natural resources will be one of our most important legacies.

Unfortunately, remaining wilderness areas are increasingly threatened and degraded by oil and gas development, mining, claims of rights of way, logging and off-road vehicles. America's Red Rock Wilderness Act will designate 9.5 million acres of land managed by the Bureau of Land Management, BLM, in Utah as wilderness under the Wilderness Act. Wilderness designation will preserve the land's wilderness character, along with the values associated with that wilderness; scenic beauty, solitude, wildlife, geological features, archaeological sites, and other features of scientific, educational and historical value.

America's Red Rock Wilderness Act will provide wilderness protection for red rock cliffs offering spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed a reinventory of approximately 6 million acres of Federal land in the same area. The results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than 20 years Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands proposed for protection surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

While my legislation would unambiguously protect Utah's red rock wilderness, the question of preserving these lands for future generations now also looms before the BLM. Not since the BLM conducted its inventories of Utah public lands in the early 1980s has the agency had such a promising opportunity to recognize and care for Utah's wilderness. Whether the BLM realizes this opportunity has yet to be seen.

Today, nearly 6 million acres of wildlands that my legislation would protect are involved in the BLM's land use planning process. As I understand, the BLM will be making lasting decisions about what places should be preserved or developed, roaded or left unroaded, or designated for off-road vehicle travel. These policies will stand for as much as 15 to 20 years, a timespan long enough to leave a lasting mark on this landscape.

We must be clear about the impact of these plans. Fundamentally, the administration is choosing how it will act as stewards for our wild and scenic places. These plans in Utah will profoundly influence many fragile desert lands that would be protected under America's Red Rock Wilderness Act. Places like the San Rafael Swell, the Book Cliffs, the Canyonlands Basin, and Moab/La Sal Region now hang in the balance.

I believe Americans understand the need for wise and balanced stewardship of these wild landscapes. Unfortunately, the administration has proposed little or no serious protections for Utah's most majestic places. Instead, the BLM appears to lack a solid conservation ethic and routinely favors development and consumptive uses of our wild public land.

The administration has a decidedly different approach on the fate of some of our remaining wilderness. Under the Price plan, the BLM leaves 98 percent of the region's lands in America's Red Rock Wilderness Act, outside of already protected areas, open to oil and gas drilling. Sadly, the Green River, which cuts deep into the rugged Book Cliffs forming the sandstone cliffs of Desolation Canyon, and other natural wonders are being jeopardized by the BLM for a negligible amount of oil.

The BLM has made important headway in protecting America's Red Rock Wilderness from off-road vehicle abuse, but more can still be done to safely and effectively plan for off-road vehicle recreation. Just 5 years ago, 94 percent of BLM public land in Utah lacked protection from motorized vehicle abuse. As open BLM areas, many fragile lands in America's Red Rock Wilderness Act and elsewhere were vulnerable to off-road vehicle abuse. Since this free-for-all era, BLM trail designations have helped to educate motorized users and direct use to appropriate areas. Stewardship over the long-term is still needed to ensure that our wilderness legacy remains intact.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I'd like to thank all of my colleagues who are original cosponsors of this measure this year, many of whom have supported the bill since it was first introduced. The original cosponsors of the measure are Senators STABENOW, WYDEN, FEINGOLD, LAUTENBERG, BAYH, LEAHY, LIEBERMAN, BOXER, KENNEDY, REED, CLINTON, CORZINE and KERRY. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

> The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

Enactment of this legislation will help us realize Roosevelt's vision. In order to protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

Mr. FEINGOLD. Mr. President, I am very pleased to again join the senior Senator from Illinois, Mr. DURBIN, as an original co-sponsor of legislation to designate more than one million acres of Bureau of Land Management, BLM, lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-

Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation for a number of reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of Madison, Wisconsin's Capital Times wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected.
>
> We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that:

> "These are not scenes that you could see in Wisconsin. That's part of what makes them special."

He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness:

> "the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas."

Ten years later, Wisconsinites are still watching this test case. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources. What Haslanger's comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness simply ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin, as it is for other Americans.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Mr. McCAIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. SALAZAR, and Mrs. FEINSTEIN):

S. 886. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Finance.

Mr. McCAIN. Mr. President, I am pleased to be joined today by Senators ALEXANDER, LIEBERMAN, SALAZAR, and FEINSTEIN in introducing legislation to restore and maintain our National Parks by the centennial anniversary of the National Park System in 2016.

Heralding the establishment of the first National Parks, President Theodore Roosevelt stated, "We have fallen heirs to the most glorious heritage a people ever received, and each one must do his part if we wish to show that the nation is worthy of its good fortune."

And what a priceless fortune Americans enjoy—Yellowstone, the Grand Canyon, Yosemite, the Tetons, Mt. Rushmore, the Everglades, and hundreds of other extraordinary national parks that grace our country. Hundreds of millions of families and visitors from all over the world have visited these parks for recreational, educational, and cultural opportunities as well as the sheer pleasure of being surrounded by their natural beauty or historical significance.

Unfortunately, all of this public enjoyment and use coupled with the lack of adequate financial investment in our parks has left them in a state of disrepair and neglect. A multi-billion dollar maintenance backlog has cast a long shadow over the glory of our national park heritage. An annual operating deficit estimated at $600 million has further diminished the integrity of national park programs and facilities.

The National Parks Centennial Act would allow all Americans to contribute to the restoration of the parks through the creation of a Centennial Fund with monies generated by a check-off box on federal tax returns. The funds collected will be directed to the priority maintenance and operation needs of the national parks to make them fiscally sound by 2016. What better way or time to demonstrate that "we are worthy of the good fortune of our parks"?

I commend the National Parks Conservation Association for promoting this sound and innovative approach to remedying the significant deterioration of our parks. A companion House bill has been introduced by Representatives SOUDER and BAIRD with solid bipartisan support.

Surely this is legislation that we can all agree on and support. All of our lives have been enriched by our National Parks. This bill provides an opportunity to show our appreciation to restore and maintain our country's cultural and natural heritage for generations to come. The passage of this legislation will ensure that our national parks will have a glorious 100th birthday to celebrate. Let's get on with it!

Mr. ALEXANDER. Today I am joining with Senators McCAIN, LIEBERMAN, SALAZAR and FEINSTEIN in introducing the National Park Centennial Act—a bill to make the National Park System fiscally sound by its 100th birthday in 2016. The park system currently suffers from a multi-billion dollar backlog of maintenance projects and an operating deficit that exceeds $600 million each year.

The Centennial Act aims to remedy this crisis by giving tax-payers the opportunity to check off a box on their tax returns each year that would send a small contribution to a National Park Centennial Fund. Today, taxpayers can contribute $3 to Presidential elections. This Act gives taxpayers an opportunity to contribute directly to our national parks via their tax returns.

Our parks are national treasures, and they deserve to be preserved in all their pristine glory. They are a part of our heritage.

It is a national travesty that they suffer from such a terrible lack of funding. The overall backlog, according to the Congressional Research Service, is about $7 billion, though estimates vary by about $2 billion in either direction.

My own State, along with our neighbor North Carolina, is home to the country's most visited national park, the Great Smoky Mountains National Park. I live just a few miles from the park myself.

In Tennessee, we have tried to deal with the maintenance backlog in a number of different ways. More than 2,100 volunteers have provided over 110,000 man-hours of service to the park, which is the equivalent of 50 staff and $1.9 million in extra funding. That's the third best volunteer rate in the National Park System.

Our local communities in Tennessee and North Carolina have established a non-profit organization to help support the park—"Friends of the Smokies"—which has raised more than $8 million since its founding in 1993 through individual, corporate and foundation contributions, merchandise sales, special events, and sales of specialty license plates in Tennessee and North Carolina. Friends now has over 2,000 members. In addition to its fundraising activities, Friends of the Smokies coordinates more than 80 volunteers who provide direct and indirect assistance with projects that benefit Great Smoky Mountains National Park.

Yet, despite all this extra support, the backlog in the Great Smoky Mountains National Park remains significant. The Park's current maintenance backlog is estimated at approximately $180 million dollars. It is estimated that the Great Smokies will receive up to $36 million over the next 5 years to address the maintenance backlog. There is over a $140 million shortfall at the Great Smokies alone.

Examples of maintenance backlog projects at the Smokies are:

Rehabilitation of North Shore Cemetery access routes; rehabilitation of three comfort stations at Balsam Mountain; rehabilitation of three comfort stations at Chimney Tops picnic area; rehabilitation of Newfound Gap Road, phase one; replace obsolete parkwide key system; repave Clingmans Dome Trail.

We need to do better. It will be hard to do better in this budget environment. So this is an innovative way to help the parks do better.

Sixty percent of this fund will go to maintenance backlogs. Forty percent of this fund will supplement the annual operating deficits at the parks. This program will terminate in 2016.

Parallel legislation has already been introduced in the House of Representatives, including Congressman JIMMY DUNCAN. I hope Congress will move quickly to address this critical need of our national parks.

Our national parks are national treasures. They are a part of our heritage, a part of who we are as Americans. We need to take care of these parks so that they are still there, in all their glory, and still accessible for many generations to come.

By Mr. SALAZAR:

S. 888. A bill to direct the Department of Homeland Security to provide guidance and training to State and local governments relating to sensitive homeland security information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. SALAZAR. Mr. President, I rise today to introduce an important piece of legislation to help our local first responders and emergency officials better prepare and respond to terrorist attacks.

State and local emergency officials represent more than 95 percent of America's counterterrorism capability. They are on the front lines of the war on terror. Despite this, there is still a fundamental disconnect between what we do in Washington to help and what state and local officials actually need. Too often this happens because people in Washington are not listening to our folks back home.

One familiar example is homeland security grant funding. In the years following 9/11, the Federal Government put more money into homeland security than ever before. Office of Domestic Preparedness Grants increased 2,900 percent from 2001 to 2003. The Federal Government acted quickly to get money out the door, but in too many cases, the Feds did not give States the guidance they needed to best use that money. As a result, State officials were left scratching their heads. Money was wasted and local officials did not get all the help they needed.

The same is true with antiterrorism intelligence. Police and fire departments across the country are being bombarded with terrorism intelligence from more than a dozen Federal sources. State officials are getting expensive Federal security clearances so that they can review spy reports. But State and local officials are not getting the guidance they need to help them talk to each other.

Police, firemen, and EMTs are the first people on site during an emergency, whether it is a terrorist attack or car accident. Our first responders must be given the information they need to safely handle any situation, the training they need to protect the public and the access to grants to purchase the proper tools to do their jobs—this legislation, if passed, will help do just that.

Right now, there are surprisingly few uniform standards for non-Federal agencies to handle sensitive homeland security information. While there are detailed procedures for handling classified documents created by the FBI, CIA and other Federal agencies, there is little real world guidance for how to make decisions about how to manage information from non-Federal sources, including locally generated homeland security plans, State-level grants and intelligence gathered by local law enforcement agencies.

This lack of guidance has real implications for public safety. Over the last few months, Colorado's State government has been fighting over the Secretary of State homeland security information. Currently, Colorado State law makes secret a wide swath of homeland security information, including any document sent to, from, or on behalf of the State Office of Preparedness, Security and Fire Safety. Local officials have trouble acquiring State information to help them develop antiterrorism plans, and even State legislators can't find out where homeland security money is going.

State officials across the country have wasted precious resources battling over what to make public and what to keep secret. They have established a wide array of procedures for sharing sensitive information among emergency management personnel. The current system of distributing homeland security intelligence and grants funding is inefficient and has failed to ensure an adequate balance between protecting sensitive information and ensuring that first responders and the public have the information they need to keep Coloradans and Americans safe.

The legislation I am introducing would take three steps to clearing up this confusion and giving States the tools they need to better prepare and respond to terrorist attacks.

First, it establishes detailed best practices for State and local governments to help them determine what homeland security information should be made public, what should remain classified, and how different government entities and emergency personnel can share and use sensitive information.

Second, it establishes a training program to spread these best practices among state and local officials.

Third, it directs the Department of Homeland Security to provide more detailed instructions to State and local officials about how to manage information about homeland security grants that are applied for and awarded by DHS.

This bill will give emergency officials across the country the tools they need so that they do not have to waste precious resources remaking the wheel on homeland security information sharing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Information Guidance and Training Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are few uniform standards for State and local government agencies to handle sensitive homeland security information;

(2) there are detailed procedures for handling classified documents created by the Federal Government, but there is little guidance for how to make decisions relating to the management of information from non-Federal sources, including locally generated homeland security plans, State-level grants, and intelligence gathered by local law enforcement agencies;

(3) State and local government officials have—

(A) a wide variety of approaches for handling such information;

(B) wasted precious resources battling over what information to make public and what information to keep secret; and

(C) established a wide array of procedures for sharing sensitive information among emergency management personnel; and

(4) the current system is inefficient and has not ensured the adequate balance between protecting sensitive information and ensuring that public officials and the public have the information needed to keep the Nation safe.

SEC. 3. GUIDANCE FOR BEST PRACTICES RELATING TO SENSITIVE INFORMATION.

(a) IN GENERAL.—Consistent with section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection shall establish best practices for State and local governments to assist State and local governments in making determinations on—

(1) the types of sensitive non-Federal homeland security information (including locally generated homeland security plans, State-level grants, and intelligence gathered by local law enforcement information agencies) that—

(A) should be made available to the public; or

(B) should be treated as information which should not be made available to the public; and

(2) how to use and share sensitive homeland security information among State and local emergency management personnel.

(b) EFFECT ON STATE AND LOCAL GOVERNMENTS.—Nothing under subsection (a) shall be construed to—

(1) require any State or local government to comply with any best practice established under that subsection; or

(2) preempt any State or local law.

SEC. 4. TRAINING.

The Director of the Office for Domestic Preparedness shall—

(1) establish a training curriculum based on the best practices established under section 3; and

(2) provide training to State and local governments using that curriculum.

SEC. 5. GUIDANCE ON GRANT INFORMATION.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish in the Federal Register detailed instructions for State and local governments on the management of information relating to homeland security grants administered by the Department of Homeland Security.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. CORZINE, Mr. LEAHY, Mr. JEFFORDS, Mr. SCHUMER, Ms. COLLINS, Mr. DURBIN, and Ms. CANTWELL):

S. 889. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with my colleagues Senators SNOWE, CORZINE, LEAHY, CANTWELL, COLLINS, DURBIN, SCHUMER and JEFFORDS to close the SUV loophole.

This bill would increase Corporate Average Fuel Economy (CAFE) standards for SUVs and other light duty trucks. It would close the "SUV Loophole" and require that SUVs meet the same fuel efficiency standards as passenger cars by 2011.

Crude oil prices remain above $50/barrel. On April 1, 2005, crude oil prices hit a record high of $57.70/barrel. Prices at the gas pump continue to soar as well. Today, the average price for regular gasoline was $2.24 per gallon. In California, the average price is almost $2.60.

This is not a problem we can drill our way out of. Global oil demand is rising. China imports more than 40 percent of its record 6.4 million-barrel-per-day oil demand and its consumption is growing by 7.5 percent per year, seven times faster than the U.S.

India imports approximately 70 percent of its oil, which is projected to rise to more than 90 percent by 2020. Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our finite fuel supplies more wisely.

This legislation is an important first step to limit our nation's dependence on oil and better protect our environment.

If implemented, closing the SUV Loophole would: save the U.S. 1 million barrels of oil a day and reduce our dependence on oil imports by 10 percent.

Prevent about 240 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from entering the atmosphere each year.

Save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE Standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States. As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that. SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2011 that passenger cars meet today.

The National Highway Traffic Safety Administration, NHTSA, has proposed phasing in an increase in fuel economy standards for SUVs and light trucks under the following schedule: by 2005, SUVs and light trucks would have to average 21.0 miles per gallon; by 2006, SUVs and light trucks would have to average 21.6 miles per gallon; and by 2007, SUVs and light trucks would have to average 22.2 miles per gallon.

In 2002, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

In 2003, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. "We can do better," said Jeffrey Runge in an interview with Congressional Green Sheets. "The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs," he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so: by model year 2008, SUVs and light duty vehicles would have to average 23.5 miles per gallon; by model year 2009, SUVs and light duty vehicles would have to average 24.8 miles per gallon; by model year 2010, SUVs and light duty vehicles would have to average 26.1 miles per gallon, by model year 2011, SUVs and light duty vehicles would have to average 27.5 miles per gallon.

This legislation would do two other things: it would mandate that by 2008 the average fuel economy of the new vehicles comprising the Federal fleet must be 3 miles per gallon higher than the baseline average fuel economy for that class. And by 2011, the average fuel economy of the new federal vehicles must be 6 miles per gallon higher than the baseline average fuel economy for that class.

The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

We have already seen the potential destruction that global warming can cause in the United States.

Snowpacks in the Sierra Nevada are shrinking and will almost entirely disappear by the end of the century, devastating the source of California's water.

Eskimos are being forced inland in Alaska as their native homes on the coastline are melting into the sea.

Glaciers are disappearing in Glacier National Park in Montana. In 100 years, the park has gone from having 150 glaciers to fewer than 30. And the 30 that remain are two-thirds smaller than they once were.

Beyond our borders, scientists are predicting how the impact of global warming will be felt around the globe.

It has been estimated that two-thirds of the glaciers in western China will melt by 2050, seriously diminishing the water supply for the region's 300 million inhabitants. Additionally, the disappearance of glaciers in the Andes in Peru is projected to leave the population without an adequate water supply during the summer.

The United States is the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy.

And much of this energy is used in cars and light trucks: 43 percent of the oil we use goes into our vehicles and one-third of all carbon dioxide emissions come from our transportation sector.

The U.S. is falling behind the rest of the world in the development of more fuel efficient automobiles. Quarterly auto sales reflect that consumers are buying smaller more fuel efficient cars and sales of the big, luxury vehicles that are the preferred vehicle of the American automakers have dropped significantly.

Even SUV sales have slowed. First quarter 2005 deliveries of these vehicles are down compared to the same period last year—for example, sales of the Ford Excursion is down by 29.5 percent, the Cadillac Escalade by 19.9 percent, and the Toyota Sequoia by 12.6 percent.

On the other hand, the Toyota Prius hybrid had record sales in March with a 160.9 percent increase over the previous year.

The struggling U.S. auto market cannot afford to fall behind in the development of fuel efficient vehicles. Our bill sets out a reasonable time frame for car manufacturers to design vehicles that are more fuel efficient and that will meet the growing demand for more fuel efficient vehicles.

We can do this, and we can do this today. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile Fuel Economy Act of 2005".

SEC. 2. INCREASED AVERAGE FUEL ECONOMY STANDARD FOR LIGHT TRUCKS.

(a) DEFINITION OF LIGHT TRUCK.—Section 32901(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) through (14), by striking the period at the end and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting "; and";

(3) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(4) by inserting after paragraph (11) the following:

"(12) 'light truck' has the meaning given that term in regulations prescribed by the Secretary of Transportation in the administration of this chapter;".

(b) REQUIREMENT FOR INCREASED STANDARD.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" after "**AUTOMOBILES**.—";

(2) by striking "The Secretary" and inserting "Subject to paragraph (2), the Secretary"; and

(3) by adding at the end the following :

"(2) The average fuel economy standard for light trucks manufactured by a manufacturer may not be less than 27.5 miles per gallon, except that the average fuel economy standard for light trucks manufactured by a manufacturer in a model year before model year 2011 and—

"(A) after model year 2008 may not be less than 23.5 miles per gallon;

"(B) after model year 2009 may not be less than 24.8 miles per gallon; and

"(C) after model year 2010 may not be less than 26.1 miles per gallon.".

(c) APPLICABILITY.—Section 32902(a)(2) of title 49, United States Code, as added by subsection (b)(3), shall not apply with respect to light trucks manufactured before model year 2009.

SEC. 3. FUEL ECONOMY STANDARDS FOR AUTOMOBILES UP TO 10,000 POUNDS GROSS VEHICLE WEIGHT.

(a) VEHICLES DEFINED AS AUTOMOBILES.—Section 32901(a)(3) of title 49, United States Code, is amended by striking "rated at—" and all that follows and inserting "rated at not more than 10,000 pounds gross vehicle weight.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 4. FUEL ECONOMY OF THE FEDERAL FLEET OF VEHICLES.

(a) DEFINITIONS.—In this section—

(1) the term "class of vehicles" means a class of vehicles for which an average fuel economy standard is in effect under chapter 329 of title 49, United States Code;

(2) the term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)); and

(3) the term "new vehicle", with respect to the fleet of vehicles of an executive agency, means a vehicle procured by or for the agency after September 30, 2007.

(b) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine the average fuel economy for all of the vehicles in each class of vehicles in the agency's fleet of vehicles in fiscal year 2006.

(c) INCREASE OF AVERAGE FUEL ECONOMY.—The head of each executive agency shall manage the procurement of vehicles in each class of vehicles for that agency to ensure that—

(1) not later than September 30, 2008, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 3 miles per gallon higher than the baseline average fuel economy determined for that class; and

(2) not later than September 30, 2011, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 6 miles per gallon higher than the baseline average fuel economy determined for that class.

(d) CALCULATION OF AVERAGE FUEL ECONOMY.—For purposes of this section—

(1) average fuel economy shall be calculated in accordance with guidance prescribed by the Secretary of Transportation for the implementation of this section; and

(2) average fuel economy calculated under subsection (b) for an agency's vehicles in a class of vehicles shall be the baseline average fuel economy for the agency's fleet of vehicles in that class.

Ms. SNOWE. Mr. President, I rise today to join my esteemed colleague, Senator FEINSTEIN as the lead cosponsor for the Feinstein-Snowe legislation that will rectify an unacceptable inequity when it comes to obtaining greater fuel economy for the vehicles we choose to drive. This bill allows us to take a road currently less traveled towards decreasing our Nation's need to import greater and greater amounts of foreign oil from the most volatile area of the globe, and at the same time, decrease polluting vehicle emissions that affect both the public's and the planet's health.

What is clear, on the eve of Earth Day, is that the Federal Government must lead in ensuring consumers a choice of vehicles with higher fuel economy, an appropriate degree of safety, and a minimal impact on our environment. Closing what is called the SUV loophole that allows popular SUVs and other light trucks to get only 20.7 miles per gallon while other passenger cars need to meet a 27.5 mile per gallon threshold, will help us meet these environmental, economic, and national security goals, and I think it's an idea whose time has long since arrived.

My colleague from California has been a passionate advocate of this proposal, and I'm proud to work with her again in introducing our practical, attainable bill that can garner the kind of broad support necessary to address this national imperative this year. Now I know when we first introduced our plan in 2001, some believed it was too much too soon, while others felt it didn't go far enough. And around here, that's usually a sign you're onto something. But can anyone honestly say we're better off today without nothing? That we're in better shape because we failed to pass what is possible four years ago?

This legislation is a critical first step to provide real relief from skyrocketing gas prices that have reached over $2 a gallon all across the county are estimated to stay high throughout the year. The increase in Corporate Average Fuel Economy, or CAFE, standards for the light trucks category—mostly SUVs and minivans—will ultimately decrease our need for foreign oil. I would like to bring to my colleagues' attention that every hour, $28 million leaves our country to pay for the Nation's unquenched thirst for foreign oil. When it comes to the fuel economy of America's sport utility vehicles, surely we can do better for our pocketbooks, for our planet, and for our promise for the future.

It is unacceptable to me that a developing country like China has put in place new regulations that are more stringent than U.S. CAFE standards to promote better fuel. economy in their vehicles and rein in that country's energy consumption. Like the U.S., China greatly depends upon foreign oil. However, China's GDP per capita was only approximately $860 in 2004 while the U.S. was at $35,000 per person. The standards that go into force in China in July of 2005, require that all new passenger cars get two miles per gallon more than U.S. CAFE standards. And SUVs will have to achieve 1.7 to 2.7 miles per gallon more depending on the make. By 2008, large cars in China will have to get 30.4 miles per gallon. China, very aware of their rising oil imports, skyrocketing oil prices, and their air pollution, are finding a way to achieve greater fuel economy, but the U.S. cannot? This makes absolutely no sense to me.

Right now, all our vehicles combined consume over 40 percent of our oil, while coughing up over 20 percent of U.S. carbon monoxide emissions—the greenhouse gas linked to global climate change. To put this in perspective, the amount of carbon monoxide emission just from U.S. vehicles alone is the equivalent of the fourth highest carbon monoxide emitting country in the world. Given these stunning numbers, how can we continue to allow SUVs to spew three times more pollution into the air than passenger cars?

Just think for a moment how much the world has changed technologically over the past 25 years. We've seen the advent of the home computer and the information age. Computers are now running our automobiles, and Global Positioning System devices are guiding drivers to their destinations. Are we to believe that technology couldn't have also helped those drivers burn less fuel in getting there? Are we going to say that the whole world has transformed, but America doesn't have the wherewith-all to make SUVs that get better fuel economy?

Well, I don't believe it, and neither does the National Academy of Sciences that issued a report in 2001 in response to Congress' request the previous year that the NAS study the issue. They concluded that it was possible to achieve a more than 40 percent improvement particularly in light truck and SUV fuel economy over a 10-15 year period—and that technologies exist now for improving fuel economy. That was 3½ years ago.

I don't want America's SUV manufacturers to be "the industry that time forgot?" and history clearly shows that the Federal Government must play a role in ensuring that consumers have a choice in vehicles with high degrees of fuel economy, an appropriate degree of safety and a minimal impact on our environment. As the 2001 NAS Report also stated, "Because of the concerns about greenhouse gas emissions and the level of oil imports, it is appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone." How can we do anything less?

So many questions that we already have the answers to but not the initiative or will to do so. Closing the SUV loophole will help us achieve so many goals, and it's an idea whose time has long since arrived.

I ask for my colleagues' support for closing the SUV loophole, and I thank the Chair.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 118—RECOGNIZING JUNE 2 THROUGH JUNE 5, 2005, AS THE "VERMONT DAIRY FESTIVAL," IN HONOR OF HAROLD HOWRIGAN FOR HIS SERVICE TO HIS COMMUNITY AND THE VERMONT DAIRY INDUSTRY

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 118

Recognizing June 2 through June 5, 2005, as the "Vermont Dairy Festival", in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

Whereas the town of Enosburg Falls, Vermont, will host the "Vermont Dairy Festival" from June 2 through June 5, 2005;

Whereas the men and women of the Enosburg Lions Club will sponsor the Vermont Dairy Festival, which celebrates its 49th year;

Whereas the Vermont Dairy Festival is a beloved expression of the civic pride and agricultural heritage of the people of Enosburg Falls and Franklin County, Vermont;

Whereas the people of Enosburg Falls and Franklin County have long-held traditions of family owned and operated dairy farms;

Whereas the St. Albans Cooperative Creamery, Inc., which was established in 1919, is a farmer-owned cooperative;

Whereas Harold Howrigan served on the Board of the St. Albans Cooperative for 24 years;

Whereas Mr. Howrigan was the President of the Board of the St. Albans Cooperative for 17 years;

Whereas Mr. Howrigan recently retired from his position as President of the Board of the St. Albans Cooperative; and

Whereas Mr. Howrigan led the St. Albans Cooperative to uphold the region's traditions and to meet future challenges: Now, therefore, be it

Resolved, That the Senate recognizes June 2 through June 5, 2005, as the "Vermont Dairy Festival", in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 564. Mr. CRAIG (for himself and Mr. AKAKA) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

SA 565. Mr. STEVENS (for Mr. DEWINE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, supra.

SA 566. Mr. STEVENS (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, supra.

TEXT OF AMENDMENTS

SA 564. Mr. CRAIG (for himself and Mr. AKAKA) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30. 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAUMATIC INJURY PROTECTION.

(a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

"(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

"(A) Bathing.

"(B) Continence.

"(C) Dressing.

"(D) Eating.

"(E) Toileting.

"(F) Transferring."; and

(2) by adding at the end the following:

"§ 1980A. Traumatic injury protection

"(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

"(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

"(A) total and permanent loss of sight;

"(B) loss of a hand or foot by severance at or above the wrist or ankle;

"(C) total and permanent loss of speech;

"(D) total and permanent loss of hearing in both ears;

"(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

"(F) quadriplegia, paraplegia, or hemiplegia;

"(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

"(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

"(2) For purposes of this subsection—

"(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

"(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

"(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

"(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

"(c) A payment under this section may be made only if—

"(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

"(2) the loss results directly from that traumatic injury and from no other cause; and

"(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

"(d) Payments under this section for losses described in subsection (b)(1) shall be—

"(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

"(2) based on the severity of the covered condition; and

"(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

"(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

"(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

"(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

"(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

"(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

"(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

"(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

"(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

SA 565. Mr. STEVENS (for Mr. DEWINE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal. to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 169. between lines 8 and 9. insert the following:

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1122. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10. United States Code. in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

SA 566. Mr. STEVENS (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268. Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence. and for other purposes: as follows:

On page 231. between lines 3 and 4. insert the following new section:

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 6047. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national;".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.".

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting ", section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)".

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking "or" in the third place it appears:

(3) in paragraph (3)(C)(ii)(II), by striking "or" in the third place it appears: and

(4) in paragraph (3)(C)(iii)(II), by striking "or" in the third place it appears.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks has scheduled a hearing to review the National Park Service's funding needs for administration and management of the national park system.

The hearing will be held on Tuesday May 10, 2005, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday. April 27. 2005. at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on Regulation of Indian Gaming.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 11, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on Federal Recognition of Indian Tribes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2005, at 10 a.m., in open session to consider the following nominations: Mr. Kenneth J. Krieg to be Under Secretary of Defense for Acquisition, Technology and Logistics; and Lieutenant General Michael V. Hayden, USAF, for appointment to the grade of General and to be Deputy National Intelligence Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 21, 2005, at 10 a.m. to conduct a hearing on "Regulatory Reform on the Housing Government-Sponsored Enterprises."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 21, 2005, at 2:30 p.m. to conduct a hearing on "HUD's Fiscal Year 2005 Budget."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 21, 2005, at 10 a.m., in 628 Dirksen Senate Office Building, to consider the nomination of Robert J. Portman to be United States Trade Representative.

The PRESIDING OFFICER. Without objection. it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 21, 2005 at 9:30 a.m. to hold a hearing on multilateral development banks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, April 21, 2005 at 10 a.m. in SD–430

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 21, 2005 at 9:30 a.m. in Dirksen room 226.

I. Nominations

Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Priscilla R. Owen, to be U.S. Circuit Judge for the Fifth Circuit; and Janice Rogers Brown, to be U.S. Circuit Judge for the District of Columbia Circuit.

II. Bills

S. 378, Reducing Crime and Terrorism at America's Seaports Act of 2005, BIDEN, SPECTER, FEINSTEIN, KYL, CORNYN; and S. 629, Railroad Carriers and Mass Transportation Act of 2005, SESSIONS, KYL.

III. Matters

Asbestos, Senate Judiciary Committee Rules.

THE PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON PRINTING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, April 21, 2005 at 2 p.m. to conduct an organizational meeting.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 21, 2005 at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, April 21st, 2005, at 2:30 p.m., for a hearing regarding "An Assessment of the President's Management Agenda".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on "The Patent System Today and Tomorrow" on Thursday, April 21, 2005 at 2:30 p.m., in Dirksen 226.

Panel I: Jon W. Dudas, Undersecretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Department of Commerce, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, April 21, 2005 at 10:30 a.m. for a hearing entitled, "Employing Federal Workforce Flexibilities: A Progress Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ROBERTS. Mr. President, I ask unanimous consent that the subcommittee on Personnel be authorized to meet during the session of the Senate on April 21, 2005, at 1:30 p.m., in open session to receive testimony on the Present and Future Costs of Department of Defense Health Care, and National health Care Trends in the Civilian Sector.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, April 21, 2005, at 9:30 a.m. on Amtrak Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 786

Mr. FRIST. I ask unanimous consent S. 786 be Star Printed with the changes at desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 870, S. 871, S. 872, S. 873, S. 874

Mr. FRIST. I understand there are five bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 870) to prohibit energy market manipulation.

A bill (S. 871) to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

A bill (S. 872) to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

A bill (S. 873) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

A bill (S. 874) to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

Mr. FRIST. I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read the second time on the next legislative day.

AMENDING THE AGRICULTURAL CREDIT ACT OF 1987

Mr. FRIST. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. 643 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 643) to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 643) was read the third time and passed, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF STATE MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2005" and inserting "2010".

ORDERS FOR FRIDAY APRIL 22, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, April 22. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then to begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. There will be no rollcall votes during tomorrow's session. The next vote will occur on Tuesday of next week. It is my hope we will be able to begin consideration of the highway bill early next week, and I will have more to say on next week's schedule tomorrow.

Before we close, I do want to congratulate Chairman COCHRAN as well as the ranking member for their efforts on the emergency supplemental today. With the passage vote of 99 to zero, that bill shortly will go to conference committee for a final product. I thank the two managers for their time and patience on the floor during the consideration of the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Friday, April 22, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 21, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT W. WAGNER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.C.C., SECTION 10506:

To be lieutenant general

MAJ. GEN. CLYDE A. VAUGHN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. BERGMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JOEL P. BERNARD
JOSHUA D. BIGHAM
CHAD A. BOLLMANN
DERRICK D. BOOM
LESTER A. BROWN, JR.
FRANKIE J. CLARK
ERIC D. COLE
KENNETH S. DOUGLAS
JESSE G. ESPE
JEFFREY P. FENDICK
MICHAEL E. FREED
KEVIN P. GALLAGHER
PATRICK M. GESCHKE
LARRY S. HAND
INDALECIO M. HERNANDEZ
CHRISTOPHER T. HORGAN
PATRICK J. HOUGH
SCOTT A. JONES
HARRY L. JUNEAU
DANIEL B. MCFALL
GREGORY L. MORRIS
PAUL M. NIELSON
SCOTT A. NOE
MITCHELL K. OCONNOR
BRIAN S. ONEILL
ANDREW L. PRESBY
JAMES T. ROBINSON
DARREN C. ROE
SCOTT E. SHEA
TIMOTHY C. SPENCE
MATTHEW J. STEENO
ANDREW P. THOMAS
JAMES E. THOMAS
CHRISTOPHER J. WILLIAMS
MARC K. WILLIAMS

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 21, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DIRECTOR OF NATIONAL INTELLIGENCE.

LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MICHAEL V. HAYDEN

EXTENSIONS OF REMARKS

IN HONOR OF ASSEMBLYWOMAN LINDA R. GREENSTEIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Assemblywoman Linda R. Greenstein for her exceptional efforts and unwavering commitment to worker issues. Assemblywoman Greenstein received the Hubert H. Humphrey Friend of Labor Award, sponsored by the AFL–CIO, at the annual Labor Awards Breakfast on Sunday, April 17, 2005.

As a third-term Assemblywoman for the 14th legislative district, Assemblywoman Greenstein has proven herself to be an outstanding political leader. She currently serves as the Chair of the Judiciary Committee, the Assistant Majority Leader of the Assembly, the Vice-Chair of the Assembly Federal Relations Committee, and as a member of the Budget Committee.

In the Assembly, she has strived to achieve positive policy changes, particularly in the areas of labor and the protection of personal freedoms and workers' rights. Assemblywoman Greenstein is the main sponsor of the Call Center Disclosure Bill and the author of New Jersey's anti-telemarketing law. She sponsored the bill-turned-law that added two union members to the State Health Benefits Commission. Throughout the years, she has consistently supported bills that would enact workers compensation reform and ensure the rights and well-being of New Jersey citizens.

Her past leadership endeavors include serving as Vice-President of the Mercer County School Boards Association and being elected to the Plainsboro Township Committee for six years. Currently, she is a board member of multiple community organizations, such as the New Jersey Council for the Humanities and the Boy Scouts of America.

Besides her political career, Assemblywoman Greenstein has had an extensive law career working as an Assistant District Attorney in Philadelphia, a Clinical Associate Professor at Seton Hall Law School, and a Deputy Attorney General in the Division of Criminal Justice in Trenton.

Assemblywoman Greenstein attended Vassar College, John Hopkins University, and the Georgetown University Law Center. She and her husband have one son and live in Plainsboro.

Today, I ask my colleagues to join me in honoring Assemblywoman Linda R. Greenstein for her dedicated commitment to serving her community, her extensive involvement in political affairs, and her tireless efforts to serve the people of New Jersey.

RECOGNIZING STEVEN TODD ORR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steven Todd Orr, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout. Steven received his Eagle Award on March 5, 2005 at an Eagle Court of Honor in Platte Woods, Missouri.

Steven has been very active with his troop, participating in many Scout activities. Over the many years, Steven has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community. He is truly an exemplary Scout.

For his Eagle project, Steven designed and built a Prayer Path at Platte Woods United Methodist Church, where I might add, his Eagle Court of Honor was held. Steven's work on this project included designing, planning, and implementing the path construction on newly acquired church property. Steven cleared the path area, and installed rock and flagstones, as well as plant life. The project provides church members with a place to pray and reflect.

Mr. Speaker, I proudly ask you to join me in commending Steven Todd Orr for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE CONTRIBUTIONS OF AMANDA VERNOR, BALL ELEMENTARY TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Amanda Vernor, Ball Elementary School Teacher of the Year.

Ms. Vernor holds a Bachelor of Science degree in Interdisciplinary Studies with a Specialization in Reading from Southwest Texas State University. She is currently updating her credentials as a participant in the University of North Texas Master's program, where she is pursuing a degree in Information Sciences.

Amanda Vernor instructs her fourth grade class in a variety of subjects: reading, writing, math, and science. She is a relatively new teacher: she has three years of experience, all with the Seguin Independent School District. She is already making a difference for her students, however, helping to turn them into successful lifelong learners.

Ms. Vernor believes in challenging her students: she is known to say that "students will live up to your lowest expectation." She believes that what students need is guidance in planning a course of action to achieve their goals, and she aims to provide that for them.

Amanda Vernor is an exemplary teacher, and a blessing to the people of Seguin. She has an excellent career ahead of her, and I wish her the best of luck.

DEFIBRILLATORS IN ALACHUA COUNTY SCHOOLS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. STEARNS. Mr. Speaker, I rise today to speak on the importance and effectiveness of defibrillators. Heart disease kills more than 250,000 Americans each year and many of these deaths result from sudden cardiac arrest, SCA. The most effective treatment for SCA is immediate defibrillation, in which thousands of lives are saved. Recognizing this years ago, I had the honor of working with the American Heart Association, AHA, in developing legislation addressing SCA. This cooperation led to the Cardiac Arrest Survival Act. Now, I am pleased to see that the AHA is donating, to Alachua County, Florida, defibrillators to be placed in each public school in Alachua County. The move comes in light of two incidents earlier this school year, in which area high school students collapsed. In Florida, nearly 12,800 people suffer a cardiac arrest each year, and 95 percent of them die. AHA's goal is to increase the survival rate from 5 to 20 percent and I support and stand behind them in reaching this end.

TRIBUTE TO POPE BENEDICT XVI

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. BACA. Mr. Speaker, I rise to pay tribute to a man who embodies the values of strength and wisdom. Seventeen days after Pope John Paul II sadly succumbed to illnesses related to Parkinson's disease, the Catholic community and the world witnessed the ascension of a new leader, former Cardinal Joseph Ratzinger, to the papacy.

Today, I join millions of Catholics around the world in celebrating the election of Pope

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Benedict XVI and know that His Holiness will continue to lead our church with the integrity and compassion exhibited by the dearly departed Pope John Paul II.

Since 1981, Pope Benedict XVI has led the Congregation for the Doctrine of the Faith where his deep-seated religious beliefs played an enormous role in stabilizing the Catholic Church and community. He was a close confidant of Pope John Paul II and is known to all as a respected scholar and teacher of the Catholic faith.

For over 54 years, Pope Benedict XVI has dedicated himself to his God and his creed. He studied at St. Michael's seminary in Traunstein, Germany in the 1940s and believes intimately in church doctrine and the orthodoxy of Catholicism. As the first German pope since the 11th century, he will continue the legacy of advocating for peace, social justice, and the dignity of the human spirit.

Pope Benedict is a steadfast believer in religious freedom and respect among all people of this world. He has a vision of how the Catholic Church will shape our world and future and will teach with humility and lead with grace.

Mr. Speaker, I applaud the Church for their decision to elect Pope Benedict XVI to this special and divine position. I am happy to have him as my spiritual leader and guide and hope that others will celebrate the new pope of the Catholic Church.

RECOGNIZING TRAVIS R. VOGEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Travis R. Vogel, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout. Travis received his Eagle Award on March 5, 2005 at an Eagle Court of Honor in Platte Woods, Missouri.

Travis has been very active with his troop, participating in many Scout activities. Over the many years Travis has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community. He is truly an exemplary Scout.

For his Eagle project, Travis remodeled the walls of the VFW basement. Travis installed new window well frames, and installed new siding—which he also painted—on the exterior. His work on the interior included new drywall, patching existing wall surfaces, texturing and painting the walls, and adding a chair rail. The project provided the VFW with a nicer looking space, and the window framing in particular will help the VFW save on energy costs.

Mr. Speaker, I proudly ask you to join me in commending Travis R. Vogel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF MR. STEPHEN ADUBATO, SR. AND DR. STEPHEN ADUBATO, JR., RECIPIENTS OF THE JEWISH NATIONAL FUND'S "TREE OF LIFE" AWARD

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor representatives of two generations of an extraordinarily talented family from the great state of New Jersey, Mr. Stephen Adubato, Sr., and his son, Dr. Stephen Adubato, Jr. Both members of this truly remarkable father-and-son team are to be presented with the Tree of Life Award by the Jewish National Fund on June 1, 2005 in Livingston, New Jersey. The Adubatos, as well as the former Governor, the very Honorable Thomas Kean, Sr. and his distinguished son, New Jersey State Senator Thomas Kean, Jr., have been chosen to receive this prestigious honor for compiling such exemplary records of public service. Past recipients have included such outstanding public servants as United States Senator JON CORZINE, Representative BILL PASCRELL, two former Governors of the State of New Jersey, and corporate leaders Ted Turner and Donald Trump.

Mr. Adubato, Sr., is the founder and Executive Director of the North Ward Center, Newark Business Training Institute, The Robert Treat Academy Charter School and Casa Israel. His life's work has demonstrated to the people of his native city, Newark, and the entire state of New Jersey, just what one dedicated, brilliant, and courageous man can accomplish to improve his community's educational, civic, and cultural life. Mr. Adubato, Sr., has also served as a teacher, supervisor, and counselor for the Newark Board of Education, an instructor and consultant at Rutgers University, a consultant to New Jersey's Chancellor of Higher Education, and Director of External Affairs at the University of Medicine and Dentistry of New Jersey.

Like his father, Dr. Stephen Adubato, Jr., has also compiled a distinguished career as a four-time Emmy Award-winning broadcaster, best-selling author and motivational speaker. In the mid–1980s, at the age of 26, he served as New Jersey's youngest state legislator. Since then, he has been seen on-air as an expert commentator for MSNBC, the FOX News Channel, WABC-TV, and WNET, the leading public television station in the Greater New York City metropolitan area. In 1995, Dr. Adubato started a company called "Stand and Deliver" that is geared to helping people become better communicators. In 1999, he founded "Stand and Deliver: Communication Tools for Tomorrow's Leaders," a non-profit program which provides many young people with the communications tools they need to become better citizens and to more effectively compete for and succeed in the growingly complex job market. He currently hosts two shows on public television, "Caucus New Jersey," an Emmy Award-winning public affairs television series and "Inside Trenton," an insightful and innovative news program that covers public affairs on a weekly basis.

Founded in 1901, the Jewish National Fund is one of the premier organizations in the world devoted to the welfare of the people and land of Israel. The Tree of Life Award is a humanitarian award that the Fund presents to individuals in appreciation of their outstanding community involvement, their dedication to the cause of American-Israeli friendship, and their devotion to peace and security. The award recognizes outstanding leaders for their achievements and innovations in industry, government and education.

Mr. Speaker, I would like to ask my colleagues to join me in recognizing the outstanding contributions to New Jersey's civic life made by Mr. Stephen Adubato, Sr., and Dr. Stephen Adubato, Jr., and to acknowledge their lifetime of good works, as well as those of former Governor Thomas Kean, Sr., and State Senator Thomas Kean, Jr. Individuals such as these make me proud to be a New Jerseyan and proud to call these wonderful people my friends.

HONORING THE CONTRIBUTIONS OF PRISCILLA DIAZ, JEFFERSON ELEMENTARY TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Priscilla Diaz, Jefferson Elementary Teacher of the Year.

Ms. Diaz did not start out in education; originally, she received her Bachelor's degree in Business Management from Texas A&M University at Kingsville. She later returned to school at Southwest Texas State University, where she received her Master's in Education.

Priscilla Diaz is one of Jefferson Elementary's newer teachers, with three years of teaching experience. Already, however, she is making an impact in her profession, and changing the lives of her fourth-grade students.

Ms. Diaz believes in the importance of helping her students develop strong character. She teaches her children to be accountable for their actions, to have pride in themselves, and to fulfill the responsibilities that are assigned to them. She feels that teaching is a unique profession: both a privilege and a challenge.

Ms. Priscilla Diaz has accomplished a great deal thus far, and she has a bright future ahead of her in education. By helping our children grow up as responsible and productive citizens, she is doing a tremendous favor to all of us. I am proud to have had the opportunity to recognize her for her dedication.

CONGRATULATIONS TO MS. PEGGY STEWART

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, today I extend congratulations and thanks to Ms. Peggy Stewart, a teacher at Vernon Township High School in Sussex County, New Jersey. Ms. Stewart, who teaches and resides in the Fifth Congressional District, was selected from nominees across the state to receive the 2004–2005 New Jersey Teacher of the Year award.

This week, Ms. Stewart and other distinguished teachers from around the country are in Washington to be recognized.

Since she began teaching at Vernon Township High School in 1991, Ms. Stewart has received numerous awards and citations for her excellence in the classroom. She's been noted in "Who's Who Among America's Teachers," and was recognized as a premier humanities instructor by the New Jersey Council for the Humanities.

In selecting Ms. Stewart for this honor, the New Jersey Board of Education cited her individualistic approach to her students and her persistence in creating well-rounded experiences to develop her students' sense of citizenship.

I want to congratulate Ms. Stewart of Vernon Township High School for being selected for this prestigious honor. She is a credit to New Jersey and a credit to our many outstanding educators.

Historian Henry Adams said, "A teacher affects eternity; he can never tell where his influence stops." We know that Ms. Stewart's work to engage young adults and encourage their development as informed, involved and thoughtful citizens will benefit our community for generations to come. Today, I am honored to join in the applause for one of the Nation's great teachers—Ms. Peggy Stewart. We are grateful for your dedication to providing New Jersey children with an outstanding education.

RECOGNIZING SPENCER PRESTON HARRIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Spencer Preston Harris of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Spencer has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Patrol Leader, Quartermaster, Assistant Senior Patrol Leader, Librarian, and finally Senior Patrol Leader. During that time period, he earned 45 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Spencer is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Spencer also participated in Junior Leader Basic Training and World Conservation, has 38 total service hours, 98 nights camping, and 50 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Spencer folded, repaired, and boxed 47,000 American Flags that decorate graves at the Leavenworth, Kansas military cemetery.

Mr. Speaker, I proudly ask you to join me in commending Spencer Preston Harris for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING PROVIDENCE PEDIATRIC MEDICAL DAY CARE, INC.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor Providence Pediatric Medical Day Care, Inc., for its valuable service to New Jersey's most medically challenged children. Providence provides world class medical day care with ongoing monitoring and assessment by professional nurses for a broad range of illnesses and medical conditions. Serving an overwhelmingly inner city infant population, the company works with parents to help advise them on health conditions and care standards that can be followed at home.

On April 22nd, 2005, Providence will hold an official grand opening of its new corporate office in West Berlin, New Jersey. They currently employ 65 professional staff, and operate three pediatric medical daycare centers in Camden, Lawnside, and Pleasantville, New Jersey.

Mr. Speaker, Providence Pediatric provides essential services to some of the neediest people in our community. I applaud them for their hard work, and I wish everyone at Providence the best of luck in their new office.

HONORING THE CONTRIBUTIONS OF CAROL HARWOOD, PATLAN ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Carol Harwood, the Patlan Elementary School Teacher of the Year.

Carol Harwood is a highly qualified bilingual first grade teacher at Patlan Elementary. She received her Associate Degree from Sullins College in Virginia, and later earned both a Bachelor's Degree from SMU, and a Masters Degree from Texas Woman's University.

She has spent the last 28 years gaining valuable experience in education, serving both our youth and our community. Carol Harwood worked as an assistant elementary school principal in both Dallas and Port Isabel before returning to teaching at Patlan Elementary.

As a bilingual first grade teacher, Ms. Harwood understands the unique needs of our students. Her passion for teaching is complemented by both her years of experience, and her unique perspective as a former school administrator. Carol Harwood is currently being honored as the Patlan Elementary School Teacher of the Year.

It is an honor to recognize the accomplishments of Carol Harwood of Patlan Elementary School. Her dedication and love of teaching has helped to ensure that our children are the real winners.

REGARDING THE DIABETIC FOOT COMPLICATION AND LOWER EXTREMITY AMPUTATION REDUCTION ACT OF 2005

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. BAKER. Mr. Speaker, as the Federal Government seeks to provide better healthcare to more Americans while reducing healthcare expenses, we must look at the benefits of preventive care programs. Education, screening and preventive treatments can save patients and government significant heartache and expense. One area where preventive care shows tremendous promise is the treatment of diabetic foot complications.

Approximately 18 million Americans have diabetes, an increase of 61 percent since 1990. As diabetes rates continue to rise, the cost of treating diabetes, already estimated at $132 billion, will certainly rise. One of the most serious complications diabetes patients face is poor circulation and infections in their lower extremities. In fact, diabetic foot infections are the most common reason for hospital admissions among persons with diabetes, accounting for 25 percent of all diabetic admissions in the United States. Loss of circulation and feeling present real challenges to people with diabetes and 15 percent of people with diabetes will experience a foot ulcer, and between 14 and 24 percent of those with a foot ulcer will require amputation. Each year approximately 86,000 non-traumatic lower-limb amputations are performed each year among people with diabetes.

Lower extremity amputations cost Americans $2 billion a year, with each procedure totaling approximately $60,000. Although private insurance bears some of this expense, Medicare is saddled with many of these costs since these complications disproportionately affect the elderly. For example, analysis of the 1995 Medicare claims revealed that lower-extremity ulcer care accounted for $1.45 billion in Medicare costs and contributed substantially to the high cost of care for diabetics, compared with Medicare costs for the general population. In fact, the Medicare costs for diabetes patients with foot ulcers is 3 times higher than for diabetes patients in general, and inpatient care accounts for 74 percent of diabetic ulcer-related costs.

Fortunately, cost effective ulcer prevention and treatment interventions have proven effective at reducing foot complications and lower extremity amputations at only a fraction of the cost. Studies show that a multidisciplinary approach, including preventive strategies, patient and staff education, and treatment of foot ulcers, can reduce amputation rates up to 85 percent. Nationwide reductions of this size would save Americans as much as $1.7 billion a year. The American Diabetes Association estimates that comprehensive foot care programs can reduce amputation rates up to 85 percent. Furthermore, the LSU Health Sciences Center Diabetes Foot Program in Baton Rouge, Louisiana enrolled over 2,300 diabetes patients with published research demonstrating their prevention and treatment program resulted in an 89 percent reduction in foot related hospitalizations, an 81 percent reduction in emergency room visits, and a 79 percent reduction in foot amputations at a cost of about 50 percent of standard care. Unfortunately, a 2002 National Institutes of Health (NIH) study shows that less than 2 percent of adult diabetics receive the level of care recommended by the American Diabetes Association.

With sound research showing the benefits of preventive care for people with diabetes, now is the time to commission a large, authoritative study on the issue. The results of this study will serve as solid evidence to public and private organizations of the need for preventive care to aid in the reduction of diabetes foot complications and will help foster technical and policy changes to healthcare programs. In addition, thousands of Americans who participate in this study will benefit from the education and treatment provided by this grant program.

Mr. Speaker, I hope members will consider these facts and cosponsor the "Diabetic Foot Complication and Lower Extremity Amputation Reduction Act of 2005."

RECOGNIZING SAWYER DANIEL BRESLOW FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sawyer Daniel Breslow of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Sawyer has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Assistant Patrol Leader, Patrol Leader, Scribe, Librarian, and Quartermaster. During that time period, he earned 50 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Sawyer is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Sawyer also participated in Den Chief Training, Junior Leader Basic Training, Snorkeling, Mile Swim, and National Camping. Sawyer also has 68 service hours, 93 nights camping, and 53 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Sawyer planned and built a large board game table with playing pieces for the Ronald McDonald House in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Sawyer Daniel Breslow for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHIEF WARRANT OFFICER TWO CLINT. J. PRATHER

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Miss McMORRIS. Mr. Speaker, I rise today to posthumously recognize Chief Warrant Officer Two Clint J. Prather for paying the ultimate sacrifice in service to his country. Prather died when the CH–47 Chinook helicopter he was riding crashed during a sandstorm. The accident took place near Ghazni, Afghanistan on April 6, 2005.

Prather, 32 years old, was stationed in Afghanistan since February as a part of Operation Enduring Freedom. Serving as a helicopter pilot, Prather was assigned to F Company, 5th Battalion, 159th Aviation Regiment, Giebelstadt, Germany.

Prather has served his country in the Army since 1992, joining just after graduating from Cheney High School. He previously had served as a medic before becoming a helicopter pilot. Prather leaves behind a wife and two children.

Mr. Speaker, I rise today to honor Clint J. Prather for his spirit and his sacrifice that led him to the danger of the Afghan battlefield. I invite my colleagues to join me in remembering and honoring Chief Warrant Officer Prather for his service to our country, the Iraqi people, and Afghanistan.

HONORING THE CONTRIBUTIONS OF MELANIE HUCKABY, McQUEENEY ELEMENTARY TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Melanie Huckaby, McQueeney Elementary School Teacher of the Year.

Ms. Huckaby is a graduate of Southwest Texas State University, from which she received her Bachelor of Science in Elementary Education. She has seventeen years of teaching experience, in several diverse environments.

After graduating college, Ms. Huckaby taught first grade for the Seguin ISD for a number of years, before moving to Los Angeles to pursue her teaching career further. She moved back to Seguin to take up the position of Library Media Specialist, which she holds today.

Melanie Huckaby is a believer in the power of reading to help transform the lives of her students. She loves to read aloud to the children, and enjoys answering students' questions and helping them to learn how to find information on their own.

Her passion for reading and learning serves as a wonderful example for her students. The people of Seguin are lucky to have a dedicated teacher and librarian like Melanie Huckaby looking after her students, and I am proud to have the chance to recognize her here today.

RUBELLA ELIMINATION ANNOUNCEMENT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. PRICE of North Carolina. Mr. Speaker, on March 21, 2005, the Centers for Disease Control and Prevention (CDC) announced that rubella, or German measles, "is no longer a health threat in the United States." This great accomplishment is worthy of note, and indeed celebration.

Just 40 years ago, the United States had come out of what we now believe will be the last epidemic of rubella in this country. The 1964–1965 epidemic was estimated to have caused 12.5 million cases of rubella—including 20,000 cases of congenital rubella syndrome (CRS), where children were born with birth defects such as cataracts, heart defects, hearing impairment, and developmental delay. As a result, this epidemic was responsible for more than 2,000 fetal deaths.

Unless a safe and effective vaccine was developed quickly, the United States expected another outbreak within the decade. In 1969, Merck developed the first vaccine for rubella, and millions of doses were distributed through our Nation's strong vaccination programs. Fortunately, another epidemic never occurred, and by the end of 1979 only 12,000 cases of rubella were reported in the United States.

According to the CDC, since 2001, the annual numbers of rubella cases have been the lowest ever recorded in the United States: 23 in 2001, 18 in 2002, seven in 2003, and nine in 2004. Outside the United States, approximately 100,000 cases of CRS are reported each year. In our global society, diseases do not stop at the border. Therefore, we must remain vigilant, continue to invest in our vaccination system, and do our part to address the remaining international challenge.

Our ability to protect our Nation's health from certain infectious diseases depends on a vibrant and innovative vaccine industry. As we emerge from recent vaccine shortages and exits from the vaccine business, we are fortunate that Merck, for example, has chosen to build new vaccine production capacity in Durham, North Carolina. The continued dedication and commitment of our vaccine manufacturers are essential if we are to make once-feared diseases a thing of the past.

RECOGNIZING SEAN DAVID HUNTLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean David Huntley of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Sean has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Assistant Patrol Leader, Patrol Leader, Scribe, and Librarian. During that time period, he earned 43 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Sean is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Sean also participated in Junior Leader Basic Training, Snorkeling, and National Camping. Sean also has 46 service hours, 99 nights camping, and 78 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Sean reconstructed an outside prayer area for United Methodist Church in Platte City, Missouri. Sean redesigned the fire pit, mulched the area, and then rebuilt the outside cross structure. He also constructed a trail and steps as a path to the prayer area.

Mr. Speaker, I proudly ask you to join me in commending Sean David Huntley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DETECTIVE SERGEANT JAMES ALLEN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to honor the life of Detective Sergeant James Allen of Johnston, Rhode Island. After graduating from the police academy in 1978, Detective Sergeant Allen served on the force of the Providence Police Department for 27 years, until he was tragically murdered in his own police station while questioning a suspect on April 17, 2005.

Detective Sergeant Allen was first and foremost a family man, and he leaves behind his wife Marguerite and two teenage daughters, Jennifer and Caitlin. In addition to his work on the police force, he held down a part-time job to help pay for his daughters' tuition at private school. He was a fixture at St. Thomas Catholic Church in his Fruit Hill neighborhood, where he had regularly attended services since fourth grade. The Reverend Francis Kayatta said, "He was absolutely devoted to God and to his Catholic faith. He was absolutely devoted to his wife and his family. And he was absolutely devoted to the community that he gave his life for."

Detective Sergeant Allen followed his father Captain Lloyd Allen to the Providence Police Department. One of the longest-serving members of the force, James was a respected and well-liked member of the Department. Over the years, he had worked on some of the biggest cases in Rhode Island. In 1987, Allen evacuated several sleeping people from a burning tenement house. He received the Chiefs Award in 1989 for outstanding acts in the line of duty. In 2003, Detective Sergeant Allen played a key role in investigating a shooting at the Mount Hope Police Station, not far from his own office at the Providence Police Station. His affable demeanor, photographic memory, and attention to detail helped apprehend criminals and make Rhode Island a safer place to live.

In America, one law enforcement officer is killed every 53 hours, and Rhode Island is not immune to this tragic statistic. Detective Sergeant Allen is the ninth Rhode Island officer killed in the line of duty since 1952, and the fourth since 1994.

I would also like to take this opportunity to thank Michael Crugnale and his dispatcher for Yellow Cab. Their quick thinking helped apprehend the suspected murderer shortly after the shooting.

My thoughts and prayers are with the family, friends, and colleagues of Detective Sergeant Allen. Over the last quarter century, Detective Sergeant James Allen made a difference while protecting the people of Providence, and his absence will leave a large void in Rhode Island.

HONORING THE CONTRIBUTIONS OF DELIA MOLINA, JUAN SEGUIN PRE-KINDERGARTEN TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Delia Molina, Juan Seguin Pre-kindergarten Teacher of the Year.

Delia Molina received a Bachelor of Science and a Masters in Education from Southwest State University. She has taught in Austin, San Marcos, and Seguin Texas; along with her time spent teaching in Fort Knox Kentucky. Highly experienced in her field, Mrs. Molina has also served as Director of the Army Child Development Center in Germany.

She has over 21 years of teaching experience; her last eight years have been spent teaching at Seguin Independent School District. Mrs. Molina currently works with our district's youngest students, teaching bilingual pre-kindergarten to our kids. Over the years she has also served as a bilingual teacher supervisor, counselor, and curriculum specialist.

I am proud to have had the chance to recognize Juan Seguin Pre-kindergarten's Teacher of the Year, Delia Molina. Mrs. Molina has spent her life in the service of our kids, and her hard work has insured that our bilingual students receive the special attention that they deserve.

THE FINAL REPORT OF THE COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GREEN of Wisconsin. Mr. Speaker and colleagues, over the past several years I have had the privilege and challenge of serving on both the House International Relations Subcommittee on International Terrorism, Nonproliferation and Human Rights, and the House Judiciary Committee on Crime, Terrorism and Homeland Security.

As a member of these panels, I have closely watched the work of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. That is why I was very pleased to see the commission, chaired by former Senator Robb and Judge Silberman, recently present its final report. As someone who works daily to try and formulate the best policies to augment American security both at home and abroad, I have found a number of the conclusions and recommendations contained in this sweeping report to be of great interest.

Those who have seen the news coverage of this report are aware that it serves as a broad analysis of the intelligence leading up to the war in Iraq. But those who have fully read the report know that it puts forth a helpful and needed blueprint for the continued reshaping of our intelligence community to meet the requirements of the 21st Century.

In particular, I'd like today to briefly discuss one of the most crucial areas of the commission's report, and one that has a substantial relationship to the work I've done on both of the committees I mentioned earlier—counterintelligence.

The commission report lays out, quite frankly, a rather bleak picture of U.S. counterintelligence over the past decade. To quote the report, ". . . since the Cold War . . . while our enemies are executing what amounts to a global intelligence war against the United States, we have failed to meet the challenge. U.S. counterintelligence efforts have remained fractured, myopic, and only marginally effective." The report states that these circumstances have produced "a cycle of defeat that cannot be indefinitely sustained."

Thankfully, the report suggests a number of what I believe are good, solid recommendations for working our way out of this counterintelligence "wilderness." Like the other changes that are already slated to take place throughout the intelligence community, these reforms will not be easy. But I agree with the commission members in their conclusion that systemic changes are required to prevent the kind of counterintelligence failures we've seen in the past—failures that I fear in the future could have even more devastating consequences.

The commission recommends that:

"The National Counterintelligence Executive (NCIX)—the statutory head of the U.S. counterintelligence community—become the DNI's Mission Manager for counterintelligence, providing strategic direction for the full breadth of counterintelligence activities across the government. In this role, the NCIX should also focus on increasing technical counterintelligence efforts across the Intelligence Community;"

"The CIA create a new capability dedicated to conducting a full range of counterintelligence activities outside the United States;"

"The Department of Defense's Counterintelligence Field Activity assume operational and investigative authority to coordinate and conduct counterintelligence activities throughout the Defense Department;" and

"The FBI create a National Security Service that includes the Bureau's Counterintelligence Division, Counterterrorism Division, and the Directorate of Intelligence. A single Executive Assistant Director would lead the service subject to the coordination and budget authorities of the DNI."

Each of these changes can play an important role in repairing and enhancing our current counterintelligence structure and capabilities. But I feel the first recommendation—related to empowered, centralized, strategic leadership in the counterintelligence community—is particularly important, and worthy of additional comment.

As the rest of the intelligence community as a whole begins to adjust to the new structure we've all read and heard so much about, it's important to note that some considerable progress has already been made in working to centralize leadership and stimulate change within the microcosm of the counterintelligence community.

Last month, President Bush approved the first National Counterintelligence Strategy of the United States—a document that sets forth a clear and unified direction for our nation's counterintelligence activities. This document further advances the importance of undertaking counterintelligence as a strategic venture—a venture that ought to be incorporated into our overall national security policy just as is any other substantial instrument of national power.

In the context of this discussion of strategic counterintelligence, I am especially encouraged to see a new commitment by senior U.S. policymakers to shift our counterintelligence efforts away from the "defensive" activities of the past to a more robust, "offensive" endeavor as we look toward the future. From our many successes in the War on Terrorism, we have learned that an offensive approach—taking the battle to our enemies before they can bring it to us—is essential to success. Each of the commission's recommendations serve the achievement of that goal.

Mr. Speaker, it's my hope that the report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction will not only assist in reshaping our future overall intelligence structure, but will also further enable the realization of many reforms that are already underway in our counterintelligence community. I look forward to working with President Bush and my colleagues in this body to fully consider these changes and help make them a reality.

RECOGNIZING MATTHEW KUEHL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Kuehl of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Matt has been very active with his troop, participating in many Scout activities. During the 4 years Matt has been involved with Scouting, he has worked his way through the ranks and earned 30 merit badges. Matt has held a variety of leadership positions within his troop, serving as Librarian, Quartermaster, and Scribe. Matt is also a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and attended H. Roe Bartle Scout Reservation for four years. Matt participated in Junior Leader Basic training and World Conservation, has 101 service hours, spent 53 nights camping, and 26 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Matt purchased and planted three trees at the Platte County Fairgrounds in Platte City, Missouri, mulched and tied the trees for wind resistance, and watered the trees for 4 months to ensure proper growth.

Mr. Speaker, I proudly ask you to join me in commending Matthew Kuehl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LATE FRED TOYOSABURO KOREMATSU

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Ms. MATSUI. Mr. Speaker, today I rise to honor the late Fred Toyosaburo Korematsu, a man who through quiet determination and an unwavering belief in justice became one of the icons of the American Civil Rights movement of the 20th Century. As we reflect on Mr. Korematsu's remarkable life and his wonderful legacy, I ask all of my colleagues to join me in saluting this true American hero.

The son of Japanese immigrants, Fred Toyosaburo Korematsu was born in Oakland, California on January 30th, 1919. After graduating from high school, Fred went to work as a welder, a job that Fred would keep until war broke out between the United States and Japan. In February of 1942, 120,000 residents of Japanese ancestry, including American citizens, were ordered out of their homes and into camps following Japan's attack on Pearl Harbor. Fred, at the age of 22, watched as his parents vacated their home, but he decided to defy the order and remain behind because he felt it was wrong for innocent and loyal citizens to be rounded up at once.

In May of 1942, Fred was stopped by police and charged with violating the military's exclusion order. Fred was ultimately turned over to the FBI, and convicted and jailed for failure to report for evacuation. During his imprisonment, Fred was visited by Ernest Besig, the Executive Director of the American Civil Liberties Union of Northern California at the time. Mr. Besig, who was seeking for cases to test the constitutionality of the internment, posted $5,000 in bail to free Fred, but the military police would not oblige. Fred was eventually transferred to a camp in Topaz, Utah, where he was generally ostracized by his fellow inmates for having attempted to dodge internment.

Fred's case against the government's internment of Japanese Americans was ultimately heard and struck down by the Supreme Court. Justice Frank Murphy, one of three dissenting Justices, called the internment order "legalization of racism." Fred tried his best to lead a normal life as he worked as a welder in Salt Lake City toward the end of the war.

At the end of the internment in 1944, Fred returned to the San Francisco Bay Area, where he and his wife, Kathryn, raised a daughter, Karen, and a son, Ken. Fred had a long career as a draftsman, but he could not get a job at a larger firm or government agency because of his prior felony conviction.

Legal historian and author Peter H. Irons discovered the government had lied to the high court while researching a book on wartime internment in the early 1980s. This discovery caught the attention of civil rights attorney Dale Minami. Mr. Minami, along with a team of dedicated attorneys, petitioned the U.S. Circuit Court in San Francisco to correct the error that was made before the court, which was that government prosecutors suppressed, altered and destroyed material evidence during its prosecution of the original case. After an arduous 2½-year process, the 9th U.S. Circuit Court of Appeals vacated Fred's original and wrongful conviction on November 10, 1983.

In January of 1998, Fred Korematsu was awarded a Presidential Medal of Freedom, the nation's highest civilian honor, by President Bill Clinton. During the presentation, President Clinton said that the name Korematsu can be rightfully added to the list of Plessy, Brown, and Ferguson as the greatest civil rights pioneers in our Nation's history.

Mr. Speaker, I am honored to pay tribute to Fred Korematsu. Fred Korematsu is the epitome of a true patriot; someone who is not afraid to stand up for what is right and just. Although he is no longer with us, his legacy will continue to live on for generations to come. I ask all of my colleagues to join me in thanking Fred Korematsu for his steadfast commitment to civil rights and justice.

HONORING THE CONTRIBUTIONS OF WANDA KOLLAUS, KOENNECKE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Ms. Wanda Kollaus, Elementary School Teacher of the Year.

Ms. Kollaus has seventeen years of teaching experience. Twelve years of her career were spent with the Seguin Independent School District. She is a proud graduate of Seguin High School, and now gives back to the district that has given her so much.

Ms. Kollaus has a Bachelor's degree in Elementary Education from Southwest Texas State University, with a specialization in Science. She wants her students to "get into science," and works on a daily basis to develop their skills and enthusiasm.

She believes strongly that learning ought to continue outside the classroom, as well. She especially enjoys involving her students in the Seguin Outdoor Learning Center, and providing hands-on learning opportunities through the Environmental Science Academies. In addition, she often stays after school to work with students on special projects, to ensure that they each reach their potential and leave school with a highly developed love for and understanding of science.

Ms. Kollaus is one of our state's most enthusiastic educators, and her efforts are a credit to Seguin and to our state. I am proud to have the opportunity to recognize her here today.

TRIBUTE TO LISA ZAGAROLI

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Lisa Zagaroli, a correspondent with the Detroit News Washington bureau, for winning the Sigma Delta Chi Award from the Society of Professional Journalists for excellence in journalism. Ms. Zagaroli is being recognized for her work on "Military Menace: Deadly Vehicles," a series of stories on the hazards of military vehicles.

Ms. Zagaroli's work exposing insufficient training and safety for Army drivers is another fine example of her investigative journalism talents. Her stories in this series uncovered shortcomings in the Army that might have otherwise gone unnoticed in the public, and her efforts deserve recognition.

Ms. Zagaroli has been recognized for her excellent work before; this is Lisa's second award from the Society of Professional Journalists. Last year, she was recognized for a series of stories, "Unsafe Saviors," co-written with April Taylor, revealing poor ambulance design and regulation.

Ms. Zagaroli, originally from Michigan and known to be a dedicated Spartan fan, has been with the Detroit News for ten years and has covered the Michigan Congressional Delegation extensively. The daughter of first generation Italian immigrants, Lisa frequently travels to Rome and is currently on assignment covering the election of the new pope. She is a talented journalist and deserves this honor.

Mr. Speaker, I ask that all of my colleagues join me in commending Lisa Zagaroli for her superb series "Military Menace: Deadly Vehicles" and recognizing her for the award she is to receive.

INTEREST FREE FUNDS FOR PUBLIC SCHOOL CONSTRUCTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that would provide $25.2 billion in interest-free funds over the next two years for public school construction and modernization projects.

Currently, our public school system has extraordinary unmet needs for funds to construct and modernize schools. Consider the following facts:

(1) The average age of a public school in the United States is 42 years.

(2) One-third of all public schools in the United States are in need of extensive repair or replacement.

(3) Three and a half million students attend schools that need major repair or replacement.

(4) According to a recent report from the National Education Association, it will cost $332 billion to bring the existing public schools into overall good condition. Billions more will be required to construct new schools to meet expanding student enrollments.

President Bush's education program places strong emphasis on raising standards in America's classrooms, but does not provide promised Federal help for the cost of additional testing and services required to reach that goal. His program also ignores the fact that school facilities are an important part of raising student performance. Inferior facilities make teaching more difficult. They also send a clear message to the students that this nation does not value their education. The President's program seems to be designed to fail.

My legislation will provide funds for school modernization projects through a federal tax credit. The tax credit will, in effect, pay the interest on $25.2 billion of school modernization bonds. All decisions relating to how those funds would be used would continue to be made at the local level.

My legislation is based on a successful model, the Qualified Academy Bond (QZAB) program enacted in 1997. A California local school official described that program as a "local school district's dream" after having successfully participated in a bond offering subsidized under that program. U.S. Education Secretary Rodney Page endorsed a similar proposal in 1999 when he was Superintendent of the Houston schools. In a statement submitted to the Committee on Ways and Means, he said that school modernization bonds "represent the approach to Federal aid that will have a truly consequential impact on meeting the infrastructure needs of Houston and other large urban high poverty districts."

Mr. Speaker, America's future can only prosper with the proper education of our children, and our children cannot receive such education with our public schools in a dilapidated state. Modernizing our schools is an investment in our future, and should be a main, bipartisan priority in the 109th Congress.

Attached is a brief description of the bill and a table showing how the funds will be allocated among the States.

SUMMARY

The bill would subsidize $25.2 billion in zero-interest school modernization bonds. The federal government would provide tax credits for the interest normally paid on a bond. Funds that would have gone to pay bond interest would be freed for other education needs. For each $1000 of school bonds, the net benefit of the program to State or local school districts would be approximately $500.

Funding: The bill divides the interest-free funds for public school construction and modernization as follows:

(1) $22 billion over two years for zero-interest school modernization bonds ($11 billion in both 2006 and 2007). The bill would allocate 60 percent of the $22 billion in bonds to states based on school-age population. The State education agency has the authority to allocate the State's share among the school districts in the State with no restrictions as to what schools can qualify. The remaining 40 percent of these bonds would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding (poverty-based distribution).

(2) $400 million in school modernization bonds for Bureau of Indian Affairs (BIA) schools.

(3) $2.8 billion for expansion of the existing Qualified Zone Academy Bond program (QZAB). This amount is allocated among the States based upon the number of poor students. The State education agency has the authority to allocate the State's share among the school districts in the State; except that amount may be allocated only to schools with at least 35% poor students—those schools located in Empowerment Zones, Enterprise Communities or which have at least 35 percent of their students eligible for free or reduced price school lunch.

Federal Role: The federal government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new federal bureaucracy would be created.

Cost: The five-year cost to the Federal government is approximately $1.7 billion and the ten-year cost is approximately $6.8 billion.

The following table shows the estimated allocations under the bill.

ESTIMATED STATE BOND ALLOCATIONS

Alabama	$354,922
Alaska	53,398
Arizona	7,448

Arkansas	183,516
California	3,109,598
Colorado	296,358
Connecticut	292,085
Delaware	49,070
District of Columbia	88,904
Florida	1,188,467
Georgia	654,051
Hawaii	77,438
Idaho	93,409
Illinois	1,221,868
Indiana	459,436
Iowa	196,453
Kansas	196,866
Kentucky	295,249
Louisiana	473,051
Maine	84,355
Maryland	395,270
Massachusetts	467,254
Michigan	1,006,867
Minnesota	378,952
Mississippi	237,537
Missouri	452,673
Montana	65,077
Nebraska	131,275
Nevada	92,951
New Hampshire	80,802.
New Jersey	660,175
New Mexico	157,627
New York	2,476,435
North Carolina	488,119
North Dakota	46,596
Ohio	1,019,626
Oklahoma	277,839
Oregon	235,626
Pennsylvania	1,044,126
Puerto Rico	378,751
Rhode Island	90,648
South Carolina	284,932
South Dakota	56,180
Tennessee	421,577
Texas	1,998,390
Utah	175,947
Vermont	42,022
Virginia	422,902
Washington	402,308
West Virginia	123,951
Wisconsin	491,648
Wyoming	38,712
Outlying Areas	51,263
BIA Schools	400,000
Total	25,200,000

RECOGNIZING GINGER LANGEMEIER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ginger Langemeier, a longtime member of my staff who will be leaving my office to work for my distinguished colleague from Nebraska, the Honorable JEFF FORTENBERRY who represents Ginger's home district. I must confess that my distinguished colleague Mr. FORTENBERRY was not the first Nebraskan that I had to compete with over Ginger, as she's always been a big fan of the distinguished gentleman from Nebraska's Third District, the Honorable TOM OSBORNE.

Ginger began her political career as an intern on my 1998 Missouri State Senate campaign, and leaves my office after rising through the ranks to become my Deputy Chief of Staff. In between she has served in a variety of different positions, and as always, I am grateful for her commitment and service.

My 1998 state Senate campaign was quite an introduction to politics for Ginger. I did not have a large staff, but I did have a large Senate district, and Ginger was instrumental in helping me reach out to all of the voters across a vast geographic area. She also served as my Finance Director, and ever since she has been charged with maintaining our office finances.

I also must thank her for her service to my brother Todd. In 2000, Todd ran for state treasurer, and Ginger volunteered for him in her spare time. During the rest of her time, she was busy working at my office in the Missouri State Senate.

Later on in 2000, Ginger became the very first employee of Graves for Congress after I filed for election to this seat. In addition to her recurring role as Finance Director, she handled all of my scheduling, and brought to this race the same goal oriented attitude that led me to hire her in the first place.

Thanks to her hard work, I was elected to this House in November of 2000, and in January of 2001 when I became a Member of the 107th Congress, Ginger joined my official staff as a legislative assistant. Over the years Ginger has handled just about every issue in my office, and is known particularly for her expertise on agriculture, appropriations, the Missouri River, and crime. At the start of the 108th Congress, I promoted her to the position of Senior Policy Advisor, and in 2004 she returned to Missouri to become my Deputy Chief of Staff.

Mr. Speaker, I proudly ask you to join me in commending Ginger Langemeier for her dedication to myself and my constituents. While I am sorry to see her go, I know she will be a tremendous asset to my distinguished colleague Mr. FORTENBERRY and the citizens of Nebraska's First District.

IN HONOR OF PETER PUCHER, "LATIN MAN OF THE YEAR"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Peter Pucher, who has been recently honored as the "Latin Man of the Year, by the Cathedral Latin High School Alumni Association.

A life-long Clevelander, Mr. Pucher graduated from Cathedral Latin High School in 1955. His diligence reflected in his studies and athletic performance. Mr. Pucher's time as quarterback of the '53 and '54 Cathedral Latin football team is still considered as the finest in the history of the school. After receiving his Bachelor's degree in education from John Carroll University, Mr. Pucher embarked on a lifelong journey that continues to focus on family, community and helping others in need.

Mr. Pucher taught at his alma mater for three years, then taught for two years at St. John Cantius High School. During his six-year tenure as teacher at Holy Name High School, he also served as the school's athletic director and head football coach. Throughout his profession, he guided his students and his players with heart, concern and unwavering dedication. The players and the team flourished under his leadership, and his commitment did not go unnoticed. In 1970, Mr. Pucher was named the West Senate Coach of the Year. Mr. Pucher's dedication to guiding our youth parallels his strong sense of giving back to the community. Though awards and accolades do not impress him, Mr. Pucher's outstanding volunteer work has not gone unnoticed. In 1991, he was honored with the Greater Cleveland Football Coaches Association Golden Deeds Award. In 1994, Mr. Pucher was honored as the Greater Cleveland United Way Volunteer of the Year Award. To this day, Mr. Pucher and his mother-in-law, who is 93 years young, distribute donated food to a local food pantry.

Mr. Speaker, please join me in honor and recognition of my dear friend and mentor, Mr. Peter Pucher. His dedicated service as teacher, coach and activist, focused on our youth and those in great need, has brought hope and possibility to many within our community. His kindness and concern has made a monumental difference in the hearts and lives of countless students, colleagues and family members, and his work continues to strengthen our community and alight our humanity.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the 100th Anniversary of the Florida Institute of Certified Public Accountants.

There is little doubt that, without certified public accountants, the area of financial reporting would be a quagmire. Financial statements would be meaningless as everyone would strive to show favorable results without worrying much about honesty or accuracy. For these reasons, I am grateful that the Florida Institute of Certified Public Accountants has worked diligently over the past 100 years to work with CPAs throughout my state and ensure that the profession of public accounting remains safe and stable for 100 years more.

The FICPA has been instrumental in bringing the first accountancy law to my home state of Florida 100 years ago, and since then has worked diligently to bring the highest sense of professionalism to all areas of accounting. The Institute has also been a key supporter of legislation to require an ethics course for all Certified Public Accountants in addition to working closely with universities to provide aspiring CPAs the skills and education they will need to succeed, even going so far as to establish a foundation. Thanks to the FICPA, CPAs in the state of Florida also are required by law to take continuing education courses, further ensuring that citizens receive high-quality accounting services from well educated professionals.

The FICPA has not only focused on helping qualified accountants, but has also worked hard to prevent unqualified accountants from providing low-quality, unethical services to the citizens of Florida through an unlicensed accounting awareness campaign. Steps such as this have helped guarantee that CPAs in Florida will provide the quality service that the public deserves, and that Floridians can rest assured that their financial reporting will be of the caliber they are entitled to.

With the continued help of their Chief Executive Officer Buddy Turman, I am confident that the FICP A will continue to build upon its legacy from the last 100 years and allow the profession of accounting to maintain its prominent role in our society. Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the 100th Anniversary of the Florida Institute of Certified Public Accountants.

REGARDING: TEJANO SINGER LAURA CANALES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. ORTIZ. Mr. Speaker, I join my fellow Texans—and many around the Southwest and the nation in paying special tribute to Laura Canales, a very special artistic pioneer, and a talented South Texan, who accomplished great things throughout her lifetime of performing.

Before there was the phenomenon of Tejano giant Selena, there was Laura Canales, who paved the way for a number of Tejano artists in the late 20th Century. She contributed much to our culture and to the music industry, and became known as the "Barbara Streisand of Tejano music" and as "Reina de la Onda Tejana," (queen of the Tejano wave).

Tejano is a popular type of music in Texas and the Southwest that has become a huge industry with its own category in the Grammy Awards. Tejano is a combination of rock-n-roll and German Conjunto music. Some of the cultural influences on Tejano music include: Anglo, African, German, and Italian.

Tejano was originally dominated by male performers and it was nearly impossible for women to break through in this genre. Laura Canales, with her unique voice and love of performing, became the first woman to enjoy real success in the world of Tejano, and was honored as the first woman to be inducted into the Tejano ROOTS Hall of Fame in Alice, Texas. This museum is the only one that is entirely dedicated in honoring great Tejano music figures.

Laura's influence on Tejano music became readily apparent during the 1970's and 1980's. With her distinctive voice and popularity, she released various albums that became hits, including her debut album, Si Vivi Contigo. Her numerous accomplishments include a dozen Tejano music awards, including Female Vocalist of the Year, Female Artist of the Year, and Female Entertainer of the Year. This Kingsville, Texas, native also understood the value of education, earning a bachelor's degree in clinical psychology from Texas A&M University and pursuing a master's degree.

Laura Canales proved that a woman could be successful in the Tejano music industry . . . she broke the gender barriers that existed at the dawn of the emergence of popular Tejano . . . and she and paved the way for future, female Tejano performers.

This Tejano legend and daughter of South Texas will truly be missed, although she will live on in her music, to be enjoyed by many future connoisseurs of Tejano. I ask my colleagues to join me in keeping her family—and her many fans—in our thoughts and prayers at this difficult time.

IN HONOR OF THE CITY OF HOBOKEN, NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the city of Hoboken, New Jersey, on its sesquicentennial celebration. The people of Hoboken will be commemorating this event with a series of activities throughout the spring and summer. Last weekend, the community held its 150th Anniversary Parade on April 16, 2005.

Located on the shore of the Hudson River, Hoboken is known for its lively atmosphere and rich history. The area was developed almost single-handedly by Colonel John Stevens, who bought the land for $90,000 in 1784. On March 28, 1855, it was incorporated as a city. The late nineteenth century brought a sharp increase in immigration due to Hoboken's proximity to Ellis Island and, by 1890, over 40 percent of the population was foreign-born. Hoboken developed and grew as a manufacturing hub with shipbuilding as the primary industry. The 20th century also brought the development of public transportation and the railroads, ferries, and Port Authority Trans-Hudson, PATH, Tube that transformed Hoboken into a bustling transportation center. The city piers soon became a focal point for trans-Atlantic commerce. More than three million Americans passed through Hoboken on their way to or from World War I. In the past few decades the shipyards have closed as Hoboken has transformed from an industrial area into an affluent neighborhood full of young professionals and known for its variety of restaurants and vibrant nightlife.

The birthplace of Frank Sinatra, Hoboken also claims such famous citizens as photographer Dorothea Lange and painter Willem de Kooning. Additionally, it boasts many notable firsts, including the first ice cream cone, the first steamboat, the first locomotive, and the first brewery. Many also believe that the first organized baseball game was played on Hoboken's Elysian Fields in 1846.

In order to commemorate its momentous sesquicentennial birthday, Hoboken has planned a wide variety of celebrations that will serve to honor the progress and development of the past 150 years. Some of these activities include the creation of a time capsule, the painting of a historical mural, an anniversary gala and fundraiser, an evening concert series, and a spaghetti dinner block party. Hoboken will also host a vintage baseball festival and an arts and music festival.

Today, I ask my colleagues to join me in honoring the city of Hoboken on its 150th anniversary. This momentous occasion allows us to reflect on the city's colorful past and look towards its promising future with hope and enthusiasm. I am proud to be a resident of this community, and I congratulate the people of Hoboken on making this city a wonderful place to call home.

EQUAL PAY DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in recognition of working women across America and in support of the Paycheck Fairness Act.

Every April, supporters of equal pay mark our progress on this issue by noting the time of year in which women's wages "catch up" to the wages paid to men from the previous year. Although we have made great strides in women's equality, women still earn $.76 for each dollar that men earn. In my home state of Minnesota, that number is $.72. In real terms, this means that women and their families are being shortchanged thousands of dollars a year.

Minnesota women have the highest labor force participation in the nation and educational attainment continues to grow. With this remarkable increase in women's participation in the economy, more and more families are reliant on women's paychecks to make ends meet. If we are serious about ensuring fairness for all, about leaving no child behind, and about helping families achieve financial stability now and in the future, then Congress must act to address this significant wage gap.

For this reason, I am proud to be a cosponsor of the Paycheck Fairness Act. This bill will take concrete steps to eliminate gender-based wage discrimination. It will provide for enhanced outreach and training programs for employers, allow employees to share salary information, and give women the opportunity to sue for punitive damages under the Equal Pay Act. It is my hope that the Administration and the Republican leadership will make a serious effort to address this discrimination this Congress.

Along with wage disparity, we must continue to focus on issues of work place safety, equal treatment, and career advancement. As a woman, a mother, and a Member of Congress, I will continue to fight for equal pay, quality health care, safe work environments, and education opportunities for girls and women to ensure that they can pursue the American dream.

RECOGNIZING EDWARD A. MITCHELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KILDEE. Mr. Speaker, I am pleased to rise before you today to honor Edward A. Mitchell, of Flint, Michigan, my hometown. On Wednesday, April 20, the Food Bank of Eastern Michigan will honor Mr. Mitchell's selfless contributions and dedication to improving the quality of life for thousands of residents of Genesee County.

A native of Flint, Edward Mitchell graduated from Central High School in 1947, and later studied at Flint Junior College. At the age of 18, Ed began what became a 50-year career with the Flint Journal, starting out as an Ad Services employee. A year later, he became an Outside Sales Representative, and in 1958, he was promoted to Assistant Classified Advertising Manager. On April 9, 1984, Ed became Advertising Director for the Journal, and ultimately became Assistant to the Publisher, a position he held until his retirement.

In addition to his tenure at the Flint Journal, Ed became a tireless advocate for civic pride and responsibility. He has been a vital part of more than 26 community organizations, including Big Brothers/Big Sisters and the United Way of Genesee County, among many others. He served on the Boards of such groups as Goodwill Industries and the Lions Club, and as Chair of four organizations including the Center City Club and the Food Bank of Eastern Michigan.

A member of the Food Bank's Board of Directors since 1991 and its Executive Committee since 1995, Ed has also acted as Nominating Chair from 1995–1997, and served on the Food Bank's Presidential Search Committee in 1994. Ed was elected Board Chairman in 1998, the position he holds to this day. During his time on the Board, the Food Bank has grown from distributing 2.6 million pounds of food in 1991 to 15.2 million pounds in 2004, providing emergency food services to more than 110,000 Genesee County residents, half of who are under the age of 17 or over the age of 65. Under Ed's leadership, the Food Bank has received several awards, and has been a national model for similar programs. In 2002, America's Second Harvest recognized the Food Bank of Eastern Michigan as the nation's best.

Mr. Speaker, it is with a tremendous amount of gratitude that I appear before you today to recognize my colleague, my constituent, and my friend, Edward Mitchell. For over 45 years, he has diligently worked to promote, protect, defend, and enhance human dignity, and he exemplifies the very best of what our society has to offer. I would also like to recognize Ed's wife Valia, their three daughters, and their seven grandchildren, and I ask my colleagues in the 109th Congress to join me in wishing them all the best of luck in all their future endeavors.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of April 19, I missed three Rollcall votes. I respectfully request the opportunity to record my position on Rollcall votes. It was my intention to vote "yes" on Rollcall No. 109 H.R. 683, Trademark Dilution Revision Act of 2005. "Yes" on Rollcall No. 110 H.J. Res. 19, providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution. "Yes" on Rollcall No. 111 H.J. Res. 20, providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

STATEMENT IN HONOR OF MARLA RUZICKA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Marla Ruzicka who was tragically killed on Saturday in Iraq at the age of 28. Marla's courageous work on behalf of civilian victims of war demonstrated the compassion of the American people and extended a hand in friendship to the people of Iraq and Afghanistan. Marla gave so much of herself in her short life; it grieves us to think how much more she had to give. She devoted her life to making the lives lost count. Marla's death is a loss to the world.

Ms. Ruzicka was born in Lakeport, Calif. and came to San Francisco at the age of 17 to start her career at Global Exchange. During her time with Global Exchange, she worked with African AIDS victims, Palestinian refugees, and Nicaraguan campesinos. When her work took her to Afghanistan during the war to remove the Taliban, she came face to face with the human costs of the conflict and dedicated the remainder of her life to aiding the civilian victims of war.

Two years ago, Ms. Ruzicka founded the Campaign for Innocent Victims in Conflict. With little staff and scarce funding, she successfully lobbied Congress for $2.5 million to help Afghan war victims. The fund has since grown to $7.5 million, and she has secured $10 million for Iraqi victims.

Ms. Ruzicka worked not just in Washington, but on the literal frontlines of the conflicts. In Iraq, she was the leader of more than 150 volunteers who went door-to-door to compile a list of civilian casualties to determine the civilian cost of the war. She was a fierce advocate for the victims' families, serving as the point of contact between affected Iraqi civilians and the U.S.-led forces. Ms. Ruzicka helped direct aid where it was most needed, and she helped many Iraqi families begin to pick up the pieces of their shattered lives.

On April 16, Ms. Ruzicka was on her way to visit another Iraqi family devastated by the conflict when a suicide bomber attacked a nearby U.S. convoy. She died in the blast.

Mr. Speaker, Marla Ruzicka reminded us of the immense scale of human suffering that war brings. She gave her time, her energy, and ultimately her life to help ease the suffering of its victims. She is an inspiration to people around the world.

I hope that it is a comfort to her parents, Clifford and Nancy, her brothers and sisters, and all her family and friends, that so many people share their loss and are praying for them at this sad time.

IN HONOR OF LINDA SMITH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Linda Smith for her years of dedicated service and outstanding commitment to the labor movement. Mrs. Smith received the Labor Person of the Year Award, sponsored by the AFL–CIO, at the annual Labor Awards Breakfast on Sunday, April 17, 2005.

For 25 years, Mrs. Smith has been a member of the Communication Workers of America (CWA) Local Union 1082. During that time, she has demonstrated strong leadership skills as president of the Local 1082 for the past eight years and as an elected member of the executive board for ten years. Mrs. Smith is known by her fellow Local 1082 members for her willingness to volunteer her time and help in whatever capacity necessary to support the union, and her perseverance and self-sacrifice cannot be measured.

When she is not involved with the Local 1082, she is serving as vice-president of the Middlesex County AFL–CIO Labor Council and as a labor representative to the Middlesex County Workforce Investment Board. Additionally, she is a committee person for the Franklin Township Democratic Organization.

Apart from her involvement with labor and community groups, Mrs. Smith has worked for 25 years at the Middlesex County Board of Social Services. A graduate of Somerset County Vocational & Technical High School, she has also studied at the George Meany Center for Labor Studies and Rutgers University. She is the mother of three sons and lives in Somerset.

Today, I ask my colleagues to join me in honoring Linda Smith for her active participation in the CWA and her exemplary service to her fellow union members throughout the years.

INTORDUCTION OF THE SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2005

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. SHAW. Mr. Speaker, the use of Social Security numbers is rampant. When Social Security numbers were created in 1936, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, we literally have a culture of dependence on Social Security numbers.

Businesses and governments use the number as the primary way of identifying individuals. All of us know how difficult it is to conduct even the most mundane transactions without having to provide our Social Security number first. It's no wonder identity theft has become the fastest growing white collar crime.

Worse yet, terrorists, including those responsible for the September 11th attacks, misuse SSNs in order to assimilate into our society.

Barely a day goes by without hearing more examples of the truly devastating effects of identity theft. During a hearing of the Ways and Means Subcommittee on Social Security hearing, we learned about a widow whose husband died in the September 11th attacks on the World Trade Center—an illegal immigrant used her deceased husband's Social Security number to get a driver's license and to work. We also heard about individuals whose credit was ruined, who were arrested for crimes they did not commit, and who spent years and hundreds or even thousands of dollars out of their own pockets trying to clear their names because of identity theft often facilitated by obtaining the individual's Social Security number.

Concerns about identity theft are increasing dramatically. According to the Federal Trade Commission, identity theft is the number one consumer complaint—amounting to 39 percent of complaints received in 2004. In fact, my state, Florida, is sixth in the nation in the number of identity theft victims per 100,000 people.

Clearly, there is need for a comprehensive law to better protect the privacy of Social Security numbers and protect the American public from being victimized. Today, I re-introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2005," which is similar to bipartisan legislation introduced during the last Congress. In the public and private sector, the bill would restrict the sale and public display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number and establish civil and criminal penalties for violations.

Congress must act to protect the very number it requires each of us to obtain and use throughout our lifetime. Providing for uses of Social Security numbers that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. This bill achieves that balance by ensuring Social Security numbers are exchanged only when necessary and protected from indiscriminant disclosure. I urge Members to co-sponsor this important legislation.

HONORING MATT KIEHL ON ACHIEVING THE RANK OF EAGLE SCOUT

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor Matt Kiehl, a constituent who at the age of 17 has been awarded the rank of Eagle Scout. Matt has been involved in scouting since the age of seven when he started as a Tiger Cub. For the last 10 years, he has worked toward this goal which culminated in his Eagle Scout project to construct a prayer path at the Shalom House in Montpelier, Virginia. He, along with about 25 volunteers, completed the project this past December 18.

Matt is an exceptional student at the Maggie Walker Governor's School. Next year, he will join the "We the People" Team. This nationwide competition is based on students' knowledge and understanding of the Constitution. He also finished second in the National Catholic Forensic League state competition this year and will compete at the national competition.

Mr. Speaker, I join the Kiehl family—his father, Mark; mother, Leslie; and his sisters Jennifer and Stephanie—in honoring and recognizing the remarkable achievements of Matt. I am confident we will hear great things from him in the future.

RECOGNIZING ANDRE SMITH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of a man who has made a strong commitment to protect and defend human dignity. On Saturday, May 7, the members of Oman Temple No. 72, of the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, will gather at their 50th Annual Potentate's Ball, where they will honor their Illustrious Potentate, Andre Smith.

Andre Smith was born in my hometown of Flint, Michigan, on August 8, 1965, the youngest and only son of Elworth and Vivian Smith. He attended Flint Public Schools, and graduated from Northwestern High School in 1983. He later enlisted in the United States Army, where he proudly served for 8½ years, attaining the rank of Sergeant E–5. He received an Honorable Discharge in 1992.

In addition to his tenure as Illustrious Potentate of Oman Temple 72, Mr. Smith is also a member and Senior Warden of John W. Stevenson Lodge No. 56, Saginaw Valley Consistory No. 71, and the Flint Roller Skating Association. As a member of these organizations, he has consistently been at the forefront of campaigns and projects designed to improve and beautify the city. In addition, Mr. Smith successfully balances his time as a community leader with his employment as an Administrative Security Tech at the Great Lakes Tech Center, and as a member of Grace Emmanuel Baptist Church.

Mr. Speaker, ! am appreciative of Andre Smith's contributions to the Flint community. His civic awareness has made our city a better place in which to live. I ask my colleagues in the 109th Congress to please join me in congratulating him for his dedication and perseverance.

REGARDING THE DEATH OF PROVIDENCE POLICE DETECTIVE JAMES L. ALLEN

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, I would like to express my deepest sympathy and condolences to Mayor Cicilline, Chief Esserman, the entire Providence Police Department, the friends and the family of Detective James L. Allen, a 27-year veteran of the police force in Providence, Rhode Island who was tragically killed early Sunday morning inside his own police station. I want to honor this heroic man by sharing his story with fellow Members of Congress and the nation.

Detective Allen embodied the great courage and dedication of those who risk their lives in order to protect others. His was known by his colleagues as being exceptionally talented in remembering names, faces and dates—so much so that they endearingly referred to him as "Rainman" in the department. He was also known as an extremely hard worker who never sought the limelight for himself, despite the fact that he handled high-profile cases and acted heroically on many occasions during his over two decade-long performance of duty. In 1987, Detective Allen ran through a burning tenement house and evacuated several people who were sleeping inside. In 1989, he received a "Chiefs Award" for an outstanding act in the performance of duty. On this past Saturday night, he was once again going above and beyond the call of duty by returning to the police station after enjoying dinner with his family in order to "pull out all the stops" in the investigation of a vicious crime which had occurred earlier in the day.

He was clearly very proud of following in the footsteps of his father, retired Providence Police Captain Lloyd Allen. Out of a force of 500 officers, Detective Allen was one of the 20 longest-serving. Sadly, he is the third Providence police officer killed on the job since 1994. Incidents such as this one remind us of the daily sacrifice and risk endured by members of our law enforcement communities, who deserve the utmost appreciation from all of us. Detective Allen leaves his wife, Marguerite, and two daughters, Jennifer, 15 and Caitlin, 14, behind. Although his life ended abruptly in great tragedy, his legacy of selflessness, kindness, and service to his community will continue on.

RECOGNIZING MR. DONNIE R. WHEELER OF VIRGINIA BEACH, VIRGINIA, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES, FOR HIS SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of Mr. Donnie R. Wheeler, General Manager of the Hampton Roads Sanitation District (HRSD) in Virginia Beach, VA. Mr. Wheeler is an exceptional leader and public steward dedicated to the Nation's and Virginia's environment and public health. It is a great pleasure to congratulate Mr. Wheeler on becoming the first President of the National Association of Clean Water Agencies (NACWA), formerly the Association of Metropolitan Sewerage Agencies (AMSA). No one could be more deserving of this leadership position.

A graduate of Virginia Tech, Mr. Wheeler was employed by the Virginia State Water Control Board for seven years before joining HRSD in 1974. Mr. Wheeler's distinguished career with HRSD—a nationally recognized regional wastewater treatment utility, which serves 17 cities and counties covering 3,100 square miles of southeast Virginia—has spanned three decades. Under his management, HRSD has been honored with a host of awards from the U.S. Environmental Protection Agency and is recognized as a state innovator for initiatives such as Virginia's first municipal water reuse project.

On May 2, 2005, the members of NACWA elected Mr. Wheeler to be the president of the Association stemming from his exemplary commitment and dedication to the clean-water community.

With Mr. Wheeler as President, NACWA will no doubt be the leading advocate for responsible national policies that advance clean water and a healthy environment. Simply stated, when I hear the term "environmentalist", I think of public servants like Donnie first. This is because Donnie's contributions to his profession, his community, and to Virginia are numerous.

Mr. Wheeler is a founder of the Virginia Association of Municipal Wastewater Agencies (VAMWA) and served as its president for six years. His career achievements have earned the respect of his colleagues at the local, state and national levels, resulting in awards from the Virginia Water Environment Association (VWEA) and Environment Virginia. Mr. Wheeler has also served as an Adjunct Associate Professor of Environmental Engineering at Old Dominion University.

Again, it is with great pleasure that I congratulate Donnie on becoming President of NACWA. I am certain the Association will continue to flourish under his able leadership.

AGRICULTURAL TRADE

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. KING of Iowa. Mr. Speaker, I stand today in support of the U.S.-Dominican Republic-Central America Free Trade Agreement and the benefits it will provide to hardworking American farmers. Currently, the U.S. market is already fairly open to agricultural products from Central America and the Dominican Republic, but U.S. farmers face a variety of tariffs and other barriers when exporting to the DR–CAFTA countries. This agreement will eliminate those barriers, reciprocate open market access, and put American farmers on a level playing field.

As the nation's top exporter of corn, with farm cash receipts of over $3.7 billion, corn producers from the great state of Iowa, which I represent, would benefit from the FTA. Recent price strength in U.S. pork markets is directly related to increased U.S. pork exports. Mexico is a good example. DR–CAFTA countries are also important export market for Iowa soybean farmers, who are the top exporters of soybeans. Nationwide these exports already account for 14 percent, a total of 1.0 million metric tons or 58 million bushels. Finally, the Iowa beef industry would benefit from the FTA. In 2003, the U.S. found bovine spongiform encephalopathy (BSE) in a Canadian cow causing us to have export challenges with Japan. The U.S. has lost valuable beef exports, and this FTA would help expand access and market potential.

This Agreement will provide U.S. farmers with unequaled access to a large market with growing incomes and growing demands for agricultural and food products. The elimination of tariffs will provide American farmers with preferences over producers in Canada, Europe, and other countries. This will help to restore lost U.S. market share and increase overall exports to the five DR–CAFTA countries.

Mr. Speaker, I strongly urge my colleagues to support American farmers and to support this very important piece of legislation.

IN MEMORY OF MICHAEL WRONIKOWSKI

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to ask that these moving words delivered on April 2, 2005 by Brian Wronikowski at a memorial service for his father, Michael Wronikowski of Detroit, Michigan, who passed away on March 16, 2005, be included in the CONGRESSIONAL RECORD:

First of all, my family and I would like to thank all of you for coming today. We appreciate everyone taking time out of their busy lives to celebrate the life of someone who was and always will be such an important part of ours. Everyone's thoughts, prayers and kind words have not gone unnoticed. Thanks again.

We would like to invite any and all of you to continue the celebration of Mike's life after mass. Stop in for a bite to eat. Stop in to say hello. All are welcome to stop by at Mike and Kathy's home. Just follow the caravan of people walking down Audubon after the service.

Joseph and Dorothy Wronikowski welcomed Michael John, their 3rd of 5 children into the world on September 3rd, 1946. He was born in the city of Detroit, where he lived all 58 of his years. Raised in the Catholic faith, he attended Guardian Angel Elementary School and graduated from De La Salle High School in 1964.

After graduation, he joined the Army Reserves, where he served as a security code specialist until 1972. It was also upon graduation that he began work as a printer, a career that would last over thirty years. In June of 1967, he met and began dating Kathleen McEvoy, a former classmate of his from Guardian Angels. Although they were in the same grade, they were never in the same classroom in any of their eight years. On May 10, 1968, a mere eleven months later, they were married.

Being the good Catholic young adults that they were, my parents got to work on starting their family. Nine and a half months after they were married, Anne Marie, their first child was born. Eleven months later, came John Michael. And so on and so on to the tune of eight children in nine and a half years. As the kids kept coming, and the bills kept rising, my father worked two jobs to provide for us and send us through Catholic schools. You see, public school was never an option for us kids in our parent's eyes. They were both brought up in Catholic households and a Catholic education was the only way to go.

My Dad became a printer back in the '60's because it meant a pay increase over his job in the mail room. But make no mistake, he took great pride in his craft. I can remember him bringing home picture after picture that he worked on. I think all of us kids had "The Tiger's Roar in '84" poster that he worked on hanging in our rooms at some point.

It was not all work for my Dad. He was a spectacular athlete in his younger years. He dabbled in a just about everything. He was a solid third baseman. As you heard, he was lucky enough to play in the nets in the storied Montreal Forum. He was also a very good golfer, and he was the best bowler I have ever seen.

As the years went on, working the long hours on the printing press took quite a toll on my dad's body. He developed degenerative disc disease, which resulted in four separate back surgeries. He lived every day in constant pain, but you would never know it, because he would never show it. His desire to live and be active outweighed his desire to live in comfort.

As the surgeries mounted, he was forced to give up all of his hobbies that he loved for so long. Instead of feeling sorry for himself and packing it in, he moved on to other hobbies that I am sure were no better for his back than his sports were. He redid almost the whole inside of my parent's house. You cannot step foot inside a room there that doesn't have his fingerprints all over it. My mom even turned him on to the wonderful world of gardening. Pulling weeds, planting bulbs—all sorts of fun stuff. But it wasn't the job that he was doing that was important to him; instead, it was how he did it. He was a perfectionist at heart. And it didn't matter if he was working the presses or vacuuming our pool, the job was not done until it was perfect.

My Dad stopped working in 2000. And though we had some stressful times over the last few years, anybody that knew him knows that his last few years were his happiest. His kids were all grown up. He was blessed with five beautiful grandchildren. And he got to enjoy more time with my Mom than any other time in their marriage. Sure, they had their hard times like any other couple. But my parents were married 36 years. Neither one ever strayed. Through thick and through thin, their love never wavered.

Everyone has different things that will always stick with them. Different memories. Different "Dadisms". Here are a few. My Dad was a very good listener. Sometimes he offered his opinions, but more times than not he just wanted to be there for his kids. His silent confidence is already missed. My dad was a huge hockey fan. Many a Saturday night was spent in our younger years with the TV tuned in to Hockey Night in Canada. And it didn't really feel like the Wings had won the Cup until we were able to get Dad on the phone and share our excitement. My Dad was always very affectionate with both his kids and his grandkids. Every time someone was leaving our parents to go back home, wherever home may be, you knew it was time for a kiss on both cheeks from Dad. And a giant bear hug. Then he would stand at the door and wave goodbye, not moving until the car was out of sight. My Dad was always there for all of us. Whether someone needed a ride, a couple extra bucks or just a visit to say hi, you could always count on him. I will be honest with you now—my sisters gave my Dad some of the ugliest gifts I have ever seen. The hats. The shirts. Not so good. Didn't matter though. If the card attached said Love, one of his kids or grandkids, that gift automatically became his favorite article of clothing. And he wouldn't take it off. One of our neighbors gave us a card that read "I will personally miss Mike because of the man I knew him to be—a helpful, caring, involved and thoughtful neighbor." Any time we were talking to my Dad on the phone, each call would end the same way. "I love you. Okay, bye." That's my Dad.

I will have many long lasting memories of my Dad. But some will stick around more than others. I think like just about every other five or six year old kid, I thought of my Dad as the strongest man on Earth, some type of super hero almost. He had these huge, Popeye like forearms that he got from the long hours working on the press. As years went on, and I looked at my Dad as more of a human being than a super hero, my thoughts of his strength faded away. The last few years, I watched him and marveled. Not because of his arm strength, but more because of his inner strength. He persevered through his life in a way that I cannot do justice in words. In the last month, I saw that inner strength shining through. He was not ready to leave us. He was not ready to leave my Mom. And he fought and he fought til his last day. I realize now that maybe I was right when I was five or six. Maybe he was a super hero. But it wasn't the muscles in his arms that made him that, it was that giant muscle in his chest. And all of us who knew him are better people because of it.

When I started to piece this together, I came across a poem that reminds me of my Dad to a tee. I would like to share it with you. It is anonymously penned, entitled "Don't Quit."

"When things go wrong as they sometimes will;
When the road you're trudging seems all uphill;
When the funds are low, and the debts are high
And you want to smile, but you have to sigh;
When care is pressing you down a bit—
Rest if you must, but do not quit.
Success is failure turned inside out;
The silver tint of clouds of doubt;
And you can never tell how close you are
It may be near when it seems so far;
So stick to the fight when you're hardest hit—
It's when things go wrong that you must not quit."

Well, thank you all for letting me share a little bit about him with you. And in my Dad's own words, "I love you Dad. Okay bye."

So Mr. Speaker, it is my honor to rise to recognize the memory of Michael Wronikowski.

IN HONOR OF ADMIRAL JAMES WATKINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. FARR. Mr. Speaker, I rise today to honor a great American and his significant contributions to building the smart, proud, and effective Navy and Marine Corps that so ably serve our Nation today. On April 20, Admiral James D. Watkins is being inducted in the Naval Postgraduate School Hall of Fame and, the following day, the Mechanical Engineering building on campus will be renamed "Watkins Hall". Admiral Watkins graduated from the Naval Postgraduate School in 1958 with a Master's Degree in Mechanical Engineering. That experience, perhaps more than any other, helped Admiral Watkins develop his second career as one of our Nation's preeminent science and technology policy statesmen.

Admiral Watkins graduated with the Class of 1949 from the U.S. Naval Academy. He retired from the Navy in 1987 after serving five years as the Chief of Naval Operations, the most senior military command within the United States Navy. In between, he built a naval career at sea and on shore that is the model for service to this Nation and for every officer who followed.

After retiring from the Navy Admiral Watkins began this second career when President Reagan asked him to chair the Presidential Commission on AIDS. In 1989, President George H. Bush appointed him Secretary of Energy. As Secretary, Admiral Watkins helped shape the 1992 Energy Policy Act through Congress. In 1994, Admiral Watkins built on the NPS tradition of collaborative education when he spearheaded the formation of CORE, the Consortium for Oceanographic Research and Education. This public—private association is a partnership between the federal government and more than 80 marine research and education institutions. CORE developed a comprehensive national ocean science and technology research agenda. In 1996, I proudly joined my congressional colleagues in passing the National Oceanographic Partnership Act, legislation that grew directly out of Admiral Watkins' leadership at CORE.

In 2001, Admiral Watkins left CORE's helm to chair the U.S. Commission on Ocean Policy. In 2004, the Commission delivered its landmark report to Congress and the President that recommended major reforms to U.S. ocean policy. Admiral Watkins' leadership infused the report and, as so often happened before, served as the catalyst for congressional action. I am pleased to be the sponsor of Oceans–21 that will implement many of the Commission's key recommendations.

While no one act can recognize all that Admiral Watkins has done for our Nation's military and environmental security, the dedication of Watkins Hall at the Naval Postgraduate School is a fitting tribute to one of our Nation's most distinguished Naval officers.

30TH ANNIVERSARY OF THE ESTABLISHMENT OF THE ONCOLOGY NURSING SOCIETY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. ISRAEL. Mr. Speaker, as co-chair of the House Cancer Caucus, I rise today to pay tribute to oncology nurses. This year the Oncology Nursing Society is celebrating its 30th Anniversary. During that time, we have seen great advancements in cancer care. Cancer patients have a better chance of survival than ever before. In the past 20 years, the survival rate has doubled from 32 percent to 64 percent. Oncology nurses have played a big part in that.

Oncology nurses are vital to providing quality care. They are on the frontlines in our nation's battle against cancer, and serve an essential role to, not only their patients, but also to the American public. Dr. Andrew von Eschenbach, the director of the U.S. National Cancer Institute, has stated, "By 2015, we can eliminate cancer suffering and death." Dr. von Eschenbach's goal can only be achieved with oncology nurses. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

The Oncology Nursing Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has 13 chapters in my home state of New York, which help oncology nurses provide high quality cancer care to patients and their families in our state.

I thank all oncology nurses for their dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

HONORING THE ONCOLOGY NURSING SOCIETY ON ITS 30TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to oncology nurses. Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

I congratulate the Oncology Nursing Society (ONS) on its 30th Anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has 19 chapters in my home state of California, which help oncology nurses provide high quality cancer care to patients and their families in our state.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients. I thank all oncology nurses for their dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

HONORING JULIAN BURNSIDE—A TRUE HERO

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Julian Burnside, a friend and fellow veteran whose long and distinguished life recently came to an end.

Julian was an extraordinary man. Born in Tampa, he worked for the city as well as for Tampa Electric Company. Later in life he worked as a safety engineer for Underwriter's Laboratories. Julian was active in the community, volunteering his time and expertise to charitable and civic causes, especially during his busy retirement. He founded a Republican Club in my congressional district back when being a Florida Republican was unusual. He was a loyal Republican who held fast to his conservative principles, though he did so amiably and without disparaging those who held differing opinions.

Julian also was a distinguished and decorated Army veteran of the Second World War. He fought in the Battle of the Bulge, where inexperienced and battle-weary American soldiers stopped German troops from breaching their lines and splitting Allied Forces. British Prime Minister Winston Churchill called it "undoubtedly the greatest American battle of the war," which thwarted Hitler's last attempt to stop surging Allied fortunes. Julian justifiably was proud that some believed it was the greatest battle in American military history, a battle in which he was injured and earned the Purple Heart.

Julian also endured a seven-month stay as a prisoner-of-war in Dresden, Germany, a time during which he lost 60 pounds from near starvation. He credited thoughts of his wife, and of the desire to again eat pork chops, for helping him get through those tough times. "I could see those pork chops frying in a pan," he once said in his typical lighthearted way.

Mr. Speaker, I was blessed to know Julian Burnside for so many years and benefit from his friendship, humor, and kindness. I will miss him as will everyone whose lives he touched.

COMMON SENSE AUTOMOBILE EFFICIENCY ACT OF 2005

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing legislation that provides credit for the purchase of new qualified fuel cell, hybrid, or other alternative fuel motor vehicle.

The Common Sense Automobile Efficiency Act of 2005 encourages consumers to purchase environmentally friendly vehicles that will help reduce greenhouse gas emissions while simultaneously reducing our country's oil dependence. It repeals the phase-out of the Qualified Electric Vehicles Credit and Deduction for Clean fuel-Vehicles so that 100% of the credit can be claimed through 2009. Consumers would receive a tax credit of up to $1,000 for hybrid gas-electric powered vehicles and $4,000—for fuel-cell vehicles.

Making our environment cleaner and reducing our dependence on foreign oil requires the participation of all stakeholders, including both consumers and manufacturers.

Cars, SUVs and other light trucks consume millions of barrels of oil every day and emit harmful amounts of carbon dioxide, a principal greenhouse gas. Passenger vehicles alone account for one-fifth of all U.S. carbon dioxide emissions. With significant fuel economy and low tailpipe emissions, alternative-fuel and advanced-technology vehicles help to reduce the environmental impact of driving an automobile. Getting more miles out of a gallon of gas means lessening our dangerous reliance on oil, lowering levels of key air pollutants, and saving consumers money at the gas pumps.

All Americans need a choice in buying cars that can increase their fuel-efficiency. While the average fuel economy of vehicles on the road is at a twenty-one year low, gasoline prices continue to strain business and family budgets. Americans now spend more than $500 million per day to fuel their cars and light trucks. Families deserve a more affordable way to get to work, school, vacation, home or any destination on the road. Businesses that rely on vehicles to function need the cost-efficiency of driving hybrid vehicles.

Although major automakers currently offer advanced technology and alternative fuel vehicles and plan to produce a full range of fuel-efficient options, including SUVs, minivans, and pickup trucks, the cleanest vehicles available to the public should be more economical.

The tax incentives provided by this bill would not only save consumers money—but spur market demand for more fuel-efficient vehicles. As people around the country embrace cleaner, more efficient cars, American automobile manufacturers must continue to improve fuel efficiency in order not to lose market share and jobs. This bill would help automakers invest in the production of alternative fuel motor vehicles—and accelerate the introduction of newer models into the marketplace.

The Common Sense Automobile Efficiency Act of 2005 provides a win-win situation for consumers, the economy, and the environment. It offers valuable incentives for the purchase and production of alternative vehicles and fuels—and enables consumers to help limit fuel consumption, reduce our dependence on foreign oil, and protect our air quality.

TRIBUTE TO CONGREGATION BETH AM ON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF ITS FOUNDING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor Congregation Beth Am as it celebrates its 50th anniversary. Since its founding in 1955, this Reform Jewish Synagogue has been a leader in social action and community welfare in the Bay Area, and has embodied the Jewish community's longstanding involvement in religious and public life. Since its beginnings with 100 families represented at its first meeting, the congregation has grown to nearly 1,400 families from the mid-Peninsula area who gather at Beth Am to worship, to study, to lead and to strengthen both the Jewish community and the Bay Area community as a whole.

When Congregation Beth Am was founded, the population of the San Francisco Peninsula was booming. Beth Am filled a need for a new Reform Synagogue and it grew accordingly after its establishment. The first formal meeting, which was held in March of 1955, was attended by 300 people representing 100 families. A year later, the congregation grew to 250 families. Registration at the religious school, which also opened in March of 1955, jumped from 100 children at its founding to 340 children only 2 years later. Beth Am first met in the First Methodist Church and Unitarian Church for Shabbat and High Holy Day services. Today, members congregate in a beautiful synagogue in Los Altos Hills.

As Beth Am's congregation has grown, so has its involvement with the communities on the Peninsula. Members have volunteered their time and resources to a variety of causes throughout the area, including the Ecumenical Hunger Program, the Urban Ministry of Palo Alto, and Opportunities Industrialization Center West. The congregation's Social Action Committee notes that "We, as Jews, are commanded to pursue Justice, and to participate in Tikkun Olam, or Repairing the World." The congregation's website has a "Tikkunometer" that counts the number of hours the congregation has pledged to community service. Fueled by this sense of responsibility to the community and dedication to service, Congregation Beth Am has improved our community and the lives of those around them.

None of this would be possible without the outstanding leadership that Congregation Beth Am has been blessed with since its founding 50 years ago. Rabbi Irving A. Mandel was Beth Am's first Rabbi. He was followed by Rabbi Sidney Akselrad in 1962, who for 24 years imbued Beth Am with a social-action consciousness by participating in a variety of interfaith endeavors, spreading understanding of Jewish heritage, and fighting to break down racial barriers in the United States. Rabbi Akselrad served as President of the Northern California Board of Rabbis, the Western Association of Reform Rabbis, and the Palo Alto Ministerial Association. When he became Rabbi Emeritus in 1987, Rabbi Richard A. Block took on his role as Senior Rabbi. For 12 years, Rabbi Block led the congregation, initiating a process of educational innovation he dubbed "life-long learning," which inspired a national partnership, the "Experiment in Congregational Education." His successor, Rabbi Janet Ross Marder, has been leading Beth Am since she became Senior Rabbi in 1999. She served as the first woman President of the Pacific Association of Reform Rabbis, and the first woman President of the Central Conference of American Rabbis. She's married to Rabbi Sheldon Marder of the Jewish Home in San Francisco, and together they are raising 2 daughters, Betsy and Rachel.

Mr. Speaker, I'm exceedingly proud to honor Congregation Beth Am as it celebrates its 50th anniversary. For a half century it's been a center of worship and service and it has truly lived up to its name, Beth Am, which translates from Hebrew to "House of the People." Beth Am is a source of pride to everyone in our Congressional District and will continue to be a pillar of our community for decades to come.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. WICKER. Mr. Speaker, on rollcall No. 90, the vote to suspend the rules and pass S. 686, a bill for the relief of the parents of Theresa Marie Schiavo, I was unavoidably absent. Had I been present, I would have voted "yea."

TENNESSEE CRIMINAL JUSTICE LANGUAGE ACADEMY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to recognize the efforts of individuals in Tennessee who are providing a much needed training program for the law enforcement community. Columbia State Community College under the direction of its President, Dr. Rebecca Hawkins, in partnership with the Governor's Highway Safety Office directed by the distinguished Charles Taylor, along with countless others have worked together to institute a Spanish Language Training program for police officers.

These two organizations have joined in the development of the Tennessee Criminal Justice Language Academy. The Academy is housed at Columbia State Community College and provides Spanish language training for police officers in Tennessee. The program is funded through a grant from the National Highway Traffic Safety Administration (NHTSA).

As you know, Mr. Speaker, the Hispanic population is surging across our nation. A large number of Latino and Hispanic individuals have made their way into Tennessee. Both urban and rural communities in Tennessee have seen a great influx of people with Hispanic origin. This causes new demands on the social institutions of our state and it has created a major need in the law enforcement community. Law enforcement officers must be able to communicate with the citizens in their communities or they will not be effective in carrying out their duties. In large cities, police departments sometimes have officers who can speak the diverse languages of the citizens, but this is not the case in most areas of Tennessee due to the rural composition of our state. Most law enforcement in Tennessee are English speaking only, which causes many disadvantages for both the officers and the Hispanic citizens in the community.

Verbal communication is crucial for police officers in traffic stop situations. The officer and driver must have a common understanding and way to communicate. If not, a barrier develops leaving both the officer and the Hispanic citizen with few options to resolve the issue. Officer safety becomes a problem in these type cases as well.

In traffic stops where the driver is suspect of being impaired, it is extremely important for the officer to be able to communicate with the individual. The commands for the NHTSA approved Standardized Field Sobriety Test (SFST) must be given by the officer and understood by the suspect to be effective. If the officer cannot speak and understand Spanish and the suspect cannot speak and understand English the then the SFST is not effective in assisting the officer in making the decision to arrest or not. This leaves two scenarios: the officer allows the impaired driver to leave without arrest, or an innocent driver is arrested. The breech of communication causes both actions.

Tennessee has not overlooked these problems. The Hispanic population is already in our communities, and we have started providing training to law enforcement agencies so that a bridge of communication can be built. The Spanish for Law Enforcement Program has trained over 1000 officers thus far. This joint program by the Tennessee Governor's Highway Safety Office and Columbia State Community College serves as a model for other states that are experiencing the same need. Simply put, this program provides officers in Tennessee with a necessary new tool to better serve their communities.

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF FRED AND ROSEMARIE GORTLER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to the 50th wedding anniversary of Fred and Rosemarie Gortler of Fredericksburg, Virginia. I first became acquainted with the Gortlers during Fred's two decades of serving here as a Democratic floor assistant in the House of Representatives and it is an honor to celebrate this loving couple's marital milestone.

Fifty-one years ago, Fred Gortler and Rosemarie Battista met on a blind date in their hometown of Staten Island, New York, while Fred was home on leave from the Navy. At the time, Rosemarie was a nursing student at St. Mary's Hospital in Brooklyn, New York. They were engaged only four months later and were married on May 14, 1955.

The couple remained in Staten Island for over 20 years before moving to their current home in Fredericksburg in 1977. Both Fred and Rosemarie have committed their careers to serving the public and their communities. Fred worked for 21 years in the New York City police force, in positions ranging from administrative to mounted police officer in Central Park. Shortly after relocating to Fredericksburg, he began his service in the U.S. House of Representatives where he stayed for over 20 years.

Rosemarie was a practicing nurse at Saint Vincent's Hospital in Staten Island where she was also a member of the faculty, teaching psychiatric nursing. She returned to school to obtain her Masters in Counseling and currently works as a private counselor, specializing in individual, family, and substance abuse counseling. She has also co-authored several children's books including Little Acts of Grace, Just Like Mary, and A Very Scary Time, written numerous newspaper and magazine articles, and contributed regularly to a mental health column in a local newspaper, titled Minding the Mind.

The couple has been blessed with five children and 18 grandchildren, the newest addition to the family coming all the way from China. The Gortler family extends out from Virginia to Connecticut, Illinois, and Florida.

The couple's 50 years of dedication to each other reflects that of their own parents, as both Fred and Rosemarie's parents also enjoyed 50 years of marriage. In late April, the couple will be joined by many friends and family at the Chapel and the Officers' Club in Fort Belvoir, Virginia to toast their half-century of marriage. Their children and grandchildren will be proudly hosting the couple's anniversary celebration, where Fred and Rosemarie will renew their wedding vows. The celebration is being held early due to grandparent obligations—six grandchildren in three different states will be graduating in May.

Mr. Speaker and colleagues, please join me in honoring and celebrating 50 years of marriage between Fred and Rosemarie Gortler, a union built on devotion and love for family. I have had the privilege of knowing this loving couple for many years, and have witnessed the strong sense of family values, self-sacrifice, and commitment to public service that defined their lives together. It is with great joy that I extend my congratulations to Fred and Rosemarie Gortler and their beloved family, and I wish them many more years of wedded happiness.

HONORING SCOTT TOWNSLEY CHASE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. HYDE. Mr. Speaker, they say the sinew of our representative democracy is its citizens. We lost one of our model citizens—Mr. Scott Townsley Chase—on Easter Sunday, March 27, 2005. I have known the Chase family for several years, and I was saddened to hear of Scott's passing as a result of cancer at the young age of 46 years. He loved his family dearly and will be sorely missed by those he touched and impacted within the Elmhurst community.

Upon graduation from York High School, Scott matriculated to Valparaiso University. After completing the requirements for a Bachelor of Science degree, Scott entered the Valparaiso Law School and graduated with a law degree in 1983. He was proud to be an attorney and thought it was the noblest profession a person could pursue. His family indicated that Scott liked solving people's problems and took pride in providing the best representation for all his clients.

Scott was married to Michelle Chase—an attorney as well—and was the proud father of three wonderful children—Austin, Kelsey, and Morgan. Though Scott's family and friends will dearly miss him, they will always take solace in knowing that Scott has provided a foundation from which all can build upon while living life to the fullest.

ADMINISTRATION'S AMTRAK REFORM LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. OBERSTAR. Mr. Speaker, I join Chairman YOUNG in introducing, by request, the Administration's Amtrak "reform" legislation. It is a common practice for the Chairman and Ranking Member of a Committee to jointly introduce an Administration's bill, regardless of which political party controls the White House or Congress or the specifics of proposed legislation, and I do this as a courtesy to the Administration. However, introducing a bill "by request" should not be interpreted to imply endorsement. In fact, in this instance, I am strongly opposed to the Administration's legislative proposal for Amtrak and the direction this Administration has chosen for intercity passenger rail service in our Nation.

The Administration's proposal is nothing new. It is the same flawed bill that the Administration sent to Congress in 2003. The bill establishes two private for-profit corporations to separately manage and maintain infrastructure and operations, eliminates our Nation's intercity passenger rail network and shifts the cost burden of continuing rail service to the States, separates the Northeast Corridor from the rest of the rail network, divides Amtrak into three separate entities, and eliminates Federal operating support for all intercity passenger trains over a four-year period. As a practical matter, within three years, all long-distance train service is likely to be eliminated. Soon thereafter, the United States entire intercity passenger system could consist of skeletal service along the East and West coasts.

The Administration's trust in the magic of privatization and decentralization to solve Amtrak's problems is astonishing. It shows this Administration's ignorance of the disastrous consequences of privatization and under-investment in rail. Great Britain's experience with privatization is a perfect example. In 1994, government-owned British Rail was dissolved and the British government separated intercity passenger rail infrastructure from operations. A private corporation called Railtrack took over ownership of all track, signaling, and stations. Passenger train operators competed with each other to provide service. Unfortunately, the new approach assumed that private sector innovation and discipline would drive down the railway's public funding requirement and drive up quality of service, overcoming recent trends of falling demand. It didn't work, and it led to tragic consequences.

The safety of operations and the quality of service declined steadily. More than 30 people were killed in an accident at Ladbroke Grove in 1999 and four more were killed in an accident at Hatfield in 2000. In 2001, another fatal accident occurred at Potters, just north of London. These accidents were directly traceable to privatization and Britain's long history of under-investment in rail.

Today, the British government is reeling from the legacy left behind by privatization. The government has almost doubled funding for rail, and has taken steps to improve performance and tackle the backlog of maintenance and renewal needs that exploded under privatization. British government officials have described their rail privatization as "an absolute disaster".

Despite the British experience, the Bush Administration's blind faith in the ideology of privatization leads it down the same wrong path. Let us not repeat Britain's mistake. The solution to Amtrak's problems is not privatization. Amtrak's problems have one root cause: money. Lack of adequate investment and the annual threat of elimination have conditioned Amtrak to focus on survival.

Amtrak's opponents are quick to point fingers at Amtrak management, and claim that private corporations could dramatically improve intercity passenger rail service. The truth is that a succession of hardworking and dedicated management teams at Amtrak could not do the impossible—that is, operate our Nation's intercity rail passenger service without a substantial level of investment from the Federal Government. Railroads throughout the world receive some government support to supplement the revenues paid by passengers. But the Administration continues to insist on the impossible.

Yet despite Amtrak's starvation budget, Amtrak has had its successes. Under David Gunn's leadership, Amtrak has improved operations and increased ridership to more than 25 million passengers in 2004: an increase of one million passengers from 2003 and an Amtrak record. In Southern California, Amtrak's Pacific Surfliner has had a 26.3 percent increase in ridership in the past year. In Southern California, Amtrak's Pacific Surfliner has had a 26.3 percent increase in ridership in the past year. Similarly, several Midwest trains, the Pere Marquette (up 22.1 percent), the State House (up 13 percent) and the Illini (up 11.4 percent), experienced the next largest increases in passengers. In the East, regional trains carried more passengers than any other Amtrak service in the country, increasing from 5,760,499 last year to 5,974,806—an increase of 3.7 percent.

Amtrak has also made significant progress in rebuilding infrastructure and rolling stock after years of deferred maintenance. In fiscal years 2003 and 2004, 256,000 concrete ties were laid; 2,755 bridge ties were replaced; 266 miles of continuous welded rail were installed; 34 miles of signal cable were replaced; and 19 stations and 37 substations were improved.

Amtrak's mechanical department plowed full steam ahead. In 2004, it remanufactured 180 passenger cars, rebuilt 51 wrecked cars and locomotives, and made seven Superliner baggage modifications in passenger cars.

Amtrak sold excess equipment, eliminated unprofitable services, lowered fares on long-distance routes to increase ridership, and, in partnership with the State of California, opened a $71 million maintenance facility.

In short, Amtrak is making great progress. All of this progress will halt under the Administration's radical Amtrak reform plan.

Therefore, while I join in introducing this bill as a traditional courtesy to the Administration, I want to be clear that I do not support its initiatives. Together with Chairman YOUNG, Subcommittee Chairman LATOURETTE, Subcommittee Ranking Member BROWN, and the other Members of the Committee on Transportation and Infrastructure, I strongly support both H.R. 1630, the Amtrak Reauthorization Act of 2005, and H.R. 1631, the Rail Infrastructure Development and Expansion Act for the 21st Century (RIDE 21). In the 108th Congress, the Committee on Transportation and Infrastructure reported similar bills with near unanimous bipartisan support. I am very hopeful that the Committee on Transportation and Infrastructure will again soon consider this bipartisan legislation and begin to provide the necessary investment for our Nation's intercity passenger rail system—that is the "reform" that Amtrak so direly needs.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Tuesday, April 19, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 683 (rollcall No. 109), H.J. Res. 19 (rollcall No. 110), and H.J. Res. 20 (rollcall No. 111). Had I been present, I would have voted "aye" on all three measures considered before the House.

HONORING THE DISTINGUISHED SERVICE OF BILLY PAUL CARNEAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. GORDON. Mr. Speaker, today I rise to honor Billy Paul Carneal, a Springfield, Tennessee, native who has dedicated his life to public service and the past 11½ years as the executive director of the Springfield-Robertson County Chamber of Commerce. Billy Paul has decided to retire from the chamber, and I want to thank him for all he has done for his community, which I have the honor of representing in this esteemed body.

Billy Paul has served as a teacher in Robertson County, a school principal and administrator in nearby Cheatham County, the mayor of Springfield and a volunteer firefighter. In addition, he currently serves as a Robertson County commissioner. Billy Paul's contributions to his community can be traced to his grandfather, R.W. Darke, who was a member of both houses of the Tennessee General Assembly and the city clerk for Springfield.

Billy Paul's service as a public school teacher and administrator is especially admirable. He says he became an educator because his teachers in high school and college served as excellent role models for him. He then passed his own passion for case history and government to a new generation. Today, his former students are doctors, lawyers, public officials and teachers.

As mayor of Springfield, Billy Paul was instrumental in changing the city's form of government from three at-large commissioners to a board of mayor and aldermen, with a city manager to oversee operations. He says the decision to seed the change in government was one of the toughest he made as mayor.

Billy Paul's latest contribution to his community involved a very successful tenure as the executive director of the chamber. In this capacity, he improved immensely the quality of life for Robertson County residents. But Billy Paul did not do all this alone. He had help from many in the community, and he had the love and support of an understanding wife and family. He attributes the support of his wife, Pat, and their three children for his accomplishments. Billy Paul, I wish you well in your future endeavors and thank you for your service to a community you obviously cherish.

CONGRATULATIONS TO DR. JOHN PETILLO, PRESIDENT OF UMDNJ

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. PAYNE. Mr. Speaker, I rise today to congratulate Dr. John Petillo on his inauguration as the third president of the University of Medicine and Dentistry of New Jersey. UMDNJ has been a vital resource for the people of New Jersey for more than 30 years. Comprised of eight schools on five campuses, a behavioral health network, and Newark's University Hospital, UMDNJ provides world-class education to practicing and future healthcare professionals and scientists, including physicians, dentists, researchers, nurses, and scores of allied and public health professionals. With more than 13,000 employees, UMDNJ is the eighth largest employer in New Jersey. There are nearly 19,000 UMDNJ alumni, the overwhelming majority remains in New Jersey. It is estimated that the University's health care and educational programs touch the lives of two million persons yearly.

Dr. Petillo brings many strengths and talents to this important appointment. He has enjoyed an extensive career in the corporate, nonprofit, academic and theological fields. He has served as the chief executive officer for several national corporations, chancellor for Seton Hall University, and as a member of the board for many nonprofit foundations.

More recently, Dr. Petillo served as the first president and chief executive officer of the Newark Alliance, a nonprofit organization composed of representatives from private and civic groups whose shared goals is to improve the educational opportunities and economic redevelopment in Newark.

Prior to joining the Newark Alliance, Dr. Petillo was chief executive officer at Tribus Companies, Care Advantage, Inc., and Blue Cross Blue Shield of New Jersey. As president and CEO of Blue Cross Blue Shield of New Jersey, Dr. Petillo was influential in eliminating the reserve deficit and replacing it with a reserve surplus. During his tenure he advocated legislation requiring all health insurance carriers to underwrite individual policies regardless of medical histories.

In addition to serving leadership roles with corporate organizations, Dr. Petillo has also served as chancellor of Seton Hall University and the Archdiocese of Newark. While chancellor and chief executive officer at Seton Hall, Dr. Petillo was credited with completing the first development campaign in the institution's history and significantly increasing the residential student capacity. He also succeeded in achieving competitive salaries for the full time faculty, expanded institutional research, and with faculty consensus and monitoring instituted merit compensation.

In June 2003, Dr. Petillo was appointed Chairman of the Board of Trustees of the University of Medicine and Dentistry of New Jersey by Governor James E. McGreevey. In June 2004, Dr. Petillo assumed the responsibilities of Interim President of UMDNJ. The Board of Trustees named Dr. Petillo University President on November 16th, 2004. Dr. Petillo has a Ph.D. in Counseling and Personnel Services from Fordham University, an M.A. in Counseling from Seton Hall University and an M.P.A. from Rutgers University.

Under Dr. Petillo's stewardship UMDNJ is embarking on a new chapter in its history—proud of its accomplishments and focused on its future as a leader in health sciences research, education, and healthcare. UMDNJ and the State of New Jersey are fortunate to have the benefit of Dr. Petillo's leadership. I look forward to many more accomplishments made possible through the University's considerable intellectual capacity and fulfillment of its community service mission.

CONGRATULATING MS. PAULETTE W. WILLIAMS ON THE OCCASION OF HER RETIREMENT AS DIRECTOR OF THE MOBILE COUNTY, ALABAMA EMERGENCY MANAGEMENT AGENCY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Ms. Paulette Williams on occasion of her recent retirement from the position of director of the Mobile County Emergency Management Agency. Throughout her 40-year career, Paulette has contributed her extensive knowledge and expertise at the local, State, and Federal levels of emergency management and civil defense.

As an area frequently impacted by natural disasters and other such events, particularly during hurricane season each year, Mobile County has a well-established need for an efficient and well-run emergency management system. Paulette Williams has provided the leadership for such an organization, and her presence and expertise has been extremely helpful numerous times during the past several years, most significantly during Hurricane Ivan which made impact on Alabama's Gulf Coast on September 16, 2004. In the hours and days immediately following the storm, Paulette worked tirelessly with her team and with officials from all levels of government to coordinate the emergency relief so vitally needed by the tens of thousands of residents in the county. The work was incredibly difficult and the hours quite long, but through it all she maintained a firm hold on the situation and worked to ensure the county returned to as normal a life as possible in as short a time period as possible.

This work ethic has been a hallmark of her entire career and has resulted in numerous professional accomplishments. In 1992, she was selected by the Federal Emergency Management Agency as one of four emergency management staff members from Alabama to assist in the State of Florida following Hurricane Andrew. In 1994, she was invited by the United States Department of Defense to participate in the first International Emergency Management Conference. The Alabama House of Representatives appointed her to serve as a member of the State's Homeland Security Task Force in 2003, and the next year she was chosen by Alabama Governor Bob Riley to serve on the Alabama Citizens Corps Council.

At the present time, she serves as president of Alabama 3, one of the state's two disaster assistance medical teams, and serves on the executive board of the Greater Mobile Emergency Planning Committee. She also serves as the legislative chairperson of the Alabama Association of Emergency Managers.

In addition to her impressive professional resume, Paulette has been recognized numerous times during her career for her outstanding contributions to her career field and her community. She was selected to be included in Who's Who in America for the 1998–1999 year, and she was listed in Who's Who of American Women between 1995 and 2000. Additionally, Governor Riley honored her when he selected Paulette as the first female and first merit employee ever selected for the post of Director of the Alabama Emergency Management Agency.

Mr. Speaker, there are few individuals who have provided more invaluable service to their community, their county, and their state than Paulette Williams. She is an outstanding example of the quality individuals who have devoted their lives to public service, and I ask my colleagues to join with me in congratulating her on the occasion of her retirement. I know her colleagues, her family, and her many friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile County and the state of Alabama, and I would like to wish her much success in all future endeavors as she enters this new phase of her life.

TRIBUTE TO EARL STERNKE, MILWAUKEE, WI, IN RECOGNITION OF 40 YEARS OF SERVICE TO THE BOY SCOUTS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor my constituent, Mr. Earl Sternke. Mr. Sternke is a model of service to his community, having provided leadership and mentoring to youth for over 40 years.

Mr. Sternke is a distinguished exemplar of the American spirit of generosity. A veteran, husband and father, Mr. Sternke has made a commitment to the Boy Scouts from the earliest days of parenting his own children. As a troop leader, he raised his two sons in Scouting, helping both achieve the prestigious rank of Eagle Scout. But his work did not stop there. He continued to lead troops long after his children were grown, training boys to follow the same Scout Oath that he lived every day of his life.

Mr. Sternke also contributed to the strength and development of the Boy Scout institution in innumerable other ways. As a trainer and training chairman, Mr. Sternke was responsible for helping many young Scouters become leaders. He helped design emblems, certificates and badges, some of which are still used by troops today. His award-winning design for the Boy's Life Display for the 1981 National Jamboree brought national attention to the Milwaukee Boy Scouts Council.

Throughout the period of his involvement, Mr. Sternke received numerous awards from the Boy Scouts. I am especially impressed that Mr. and Mrs. Sternke were awarded the Silver Beaver Award in 1975 as a tribute to their work together in training young Scouters. Clearly, these two provided a model of leadership that could inspire youth to dedicate themselves to family, community and country.

It is a distinct pleasure to offer my thanks to Mr. Sternke for a lifetime of service. He has been unselfish in volunteering his time, his experiences, his resources and his money to improve the community in which he lives. Our community and Nation are better places because of his work.

RECOGNIZING VICTOR MARCUS OF SAN FRANCISCO, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. THOMPSON of California. Mr. Speaker, it is an honor to join with my colleague Democratic Leader NANCY PELOSI to honor our friend, Victor Marcus, on the occasion of his 90th birthday.

Victor Marcus was born in 1915 in Berlin, Germany. He escaped Nazi Germany in 1936 and immigrated to America.

He is one of San Francisco's most prominent residents and has been president of a real estate firm, the Victor L. Marcus Company, for the past 52 years. He serves on numerous committees and boards and actively participates in a variety of civic and political endeavors. His leadership and vision have no doubt strengthened his beloved home, San Francisco, California.

In 2003 Victor Marcus received the Distinguished Leadership Award from the Jewish Committee of San Francisco for his immeasurable contributions to San Francisco's business world, cultural institutions, and the Jewish Community. He has generously and enthusiastically supported the Jewish Community with particular expertise in issues relating to Israel, foreign affairs and diplomacy.

Victor Marcus is a connoisseur and patron of the arts and one of his greatest passions, music, is demonstrated by his support of the San Francisco Opera and Symphony. His loves in life are music, fine wines and wonderful food. He is the proud uncle of three nephews from South Africa who have traveled to the United States to celebrate this milestone with him.

Mr. Speaker and colleagues, we join Victor Marcus's family and friends in congratulating him on his 90th birthday and extend our best wishes to him.

TRIBUTE TO YWCA OF ESSEX AND WEST HUDSON—CELEBRATING NINE DECADES OF EXCELLENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a valued institution in my Congressional district. For the past ninety years, the YWCA of Essex and West Hudson has been dedicated to the empowerment of women and girls as well as the elimination of racism. Founded at a time when women suffered through inhospitable working and living conditions, the YWCA of the USA was founded, in 1858, in order to fight for gender parity. The early pioneers of the organization realized that they could overcome racial and gender discrimination by banding together to form strong alliances of determined women.

Since 1914, the Essex and West Hudson affiliate of the YWCA has provided the highest quality in health and fitness, recreation, education, child development and social services programming. Over nine decades, it has evolved from offering camping activities to providing childhood development classes to pregnant and parenting teens. Currently, the Essex and West Hudson affiliate serves nearly 200 children in its after-school programs, over 500 children in its summer camps and over 200 birth through 5 year-olds in its early childhood education programs.

In commemoration of 90 years of service, on May 19, 2005, the YWCA of Essex and West Hudson will celebrate the grand opening of its new state-of-the-art building. This facility will house amenities such as a computer learning center and an Aquatics & Fitness Complex.

I salute the YWCA of Essex and West Hudson as they "celebrate nine decades of excellence" for their dedication to women, girls and the community at-large. I am proud to have this organization in my district and I wish them continued success in their future endeavors.

WHATEVER IT TAKES TO REBUILD ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the "Whatever It Takes To Build Act" with Representatives OWENS, ISRAEL and SERRANO of New York.

This legislation would remove a $5 million cap placed on the Community Disaster Loan program that provides communities with lost tax revenues following disasters. This cap was added in 2000. Prior to 2000, no cap was in place and several communities received in excess of $5 million from the Federal Government for lost tax revenues, to recover from disasters.

Right after 9/11, the President promised New York City that he would do whatever it takes to rebuild. While he and the Congress has provided billions in relief, much more still needs to be done to make New York City whole. The new GAO report shows that we are still suffering significant tax losses. Lack of this revenue forces New Yorkers to payout of their pockets again and again for the attacks of 9/11 or suffer the loss of essential services. New Yorkers should not be forced to bear this burden alone. That is why I am introducing the Whatever It Takes to Rebuild Act and I implore the Congress and the President to support this legislation. I urge my colleagues to support this important legislation.

A TRIBUTE TO THE FIRST CHURCH OF THE NAZARENE OF PASADENA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the First Church of the Nazarene of Pasadana, California. During the months of February and March, the First Church of the Nazarene of Pasadena will be celebrating its 100th Anniversary.

The church began in 1905 and was led by Founding Pastor Dr. John W. Goodwin with 54 members that met in each others' homes. As the congregation grew, the church moved to Mary Street in 1906, then Raymond Avenue, Mountain Street, and finally Sierra Madre Boulevard, where it resides today. Today the church has over 2,000 members, which includes a congregation with nine different cultural backgrounds.

First Church of the Nazarene of Pasadena had several Pastors, including Pastors J.W. Ellis, Earl G. Lee, H.B. London, Jr., Dr. Stephen Green, Dr. Jeff Crosno and the current Pastor, Jay Ahlemann. One of the church's notable members was James Dobson, Founder and Chairman of Focus on the Family, and his wife Shirley, who were members for over 30 years.

The church has many programs that serve the community. The Compassionate Ministries program consists of: Helping Hands—a food and clothing facility on the church campus, Church in the Park—service to the homeless on Sunday mornings, El Centro Trabajo—an advocacy organization for day laborers, and a South Central Los Angeles food distribution center. Compassionate Ministries fed and clothed more than 22,000 people last year.

Other programs include PrimeTime which provides fellowship for seniors and Loveline, a phone ministry for homebound seniors. In His Image serves families of special needs children on a weekly basis, providing Sunday School classes, parent connections and support groups, respite events for the parents, an all-inclusive sports programs for the entire family and special events like the Special Olympics Unified Basketball event, San Gabriel Valley Region. Parent Education Seminars, Support Groups through the Recovery Ministries, Sunday School, Sunrise Preschool and Academy of the Arts are also among the many services that the First Church of the Nazarene of Pasadena offers to its members and the community.

I am proud to recognize the First Church of the Nazarene of Pasadena for its 100 years of offering a place of loving care and joyous worship to the people of the San Gabriel Valley and I ask all Members to join me in congratulating the congregation for their remarkable achievements.

IN MEMORY OF CAROL SEAVER, MILWAUKEE, WISCONSIN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to celebrate the life and accomplishments of Carol Seaver. Ms. Seaver, a Milwaukee-area activist and advocate for victims of domestic abuse, enjoyed a life of service and compassion. She died February 10, 2005.

Born Carol Zagar, Ms. Seaver was raised on the south side of Milwaukee and went on to the University of Wisconsin-Madison, where she met her husband, Ted Seaver. She was active in the civil rights struggle in other parts of the country, but moved back to Milwaukee in 1968, where she continued her education and focused her work on service to the elderly. She worked as the director for the Interfaith Retired and Senior Volunteer Program, serving senior citizens throughout Milwaukee, before working for the Milwaukee Women's Center.

At the Milwaukee Women's Center, Ms. Seaver was the founder and director of the Older Abused Women's Program, the first of its kind in the nation. The program, which offered counseling and support services to elderly women suffering from abuse by partners or caregivers, celebrated its 10th Anniversary in 2002. That same year, Ms. Seaver was honored with the National Sunshine Peace Award, presented in recognition of extraordinary efforts in the field of domestic violence.

In 2004, the Carol Seaver Suites at the Milwaukee Women's Center were dedicated in her honor, providing emergency housing for older or disabled women fleeing domestic abuse.

Friends and colleagues of Ms. Seaver credit her with enormous compassion and dedication to the cause of elder abuse. It saddens me to note the passing of such a committed and caring individual. I am honored to have known Carol Seaver, and to have this opportunity to celebrate the many contributions she made to the lives of residents of the Fourth Congressional District.

HONORING BRIAN JAMES McINNIS FOR INNOVATIVE VOTING PROJECT AT UC DAVIS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to acknowledge the outstanding efforts of Brian James McInnis, a student at the University of California, Davis, to increase student participation in the electoral process. In 2004 Brian McInnis conceived and coordinated with the Yolo County Clerk/Recorder, the first UC Davis Early Voting Satellite Station which had the effect of increasing student participation in the 2004 Presidential Election by 100 percent, resulting in 3,000 more students voting.

Brian took full responsibility for every aspect of the UC Davis Early Voting Project, was faultless with regard to dependability and fairness, and made the program so successful that early voting will be extended to other satellite locations.

Brian, who was reared in Marin County, California, has been enrolled at UC Davis since 2002, majoring in history and economics. He has been active in the Associated Students of UC Davis where he has served in numerous capacities, including Founder and Chair of the Associated Students of UC Davis Lobby Corps Program. Currently Brian is Director of External Affairs for ASUCD.

Nominated by UC Davis Chancellor Larry Vanderhoef, Brian was the honorable mention recipient of the 2005 USA Today's All-USA College Academic Team program which recognizes students who excel in leadership roles both on and off campus. Brian was also recently recognized as "Advocate of the Year" for his work with the California State Legislature and the University of California Board of Regents.

Mr. Speaker, it is appropriate at this time that we commend Brian James McInnis for his outstanding record of community service and dedication to the democratic process, and who serves as an inspiration for all young people who may want to become more effectively involved in public service.

TRIBUTE TO ANTOINETTE "TONI" DENISE WILLIAMS-McCEARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today in memory of Antoinette Denise Williams-McCeary who was a life long resident of my Congressional district. Mrs. Williams-McCeary, lovingly known by friends and family as "Toni", was the third of 10 children and a mother of one.

In 1982, she began work in the financial services field. Unfortunately, that career came to an abrupt halt after developing pulmonary sarcoidosis, a multi-system disorder that currently has no cure. Yet as the saying goes, "when one door closes another one opens". Instead of resigning in defeat, she became a champion of the less fortunate through volunteer work.

She served as coordinator of the Self Help and Resource Exchange (SHARE), a program that is engaged in self-help food distribution systems, economic development, community service and educational programs. Mrs. Williams-McCeary also gave of herself by feeding neighborhood children and assisting her church in various capacities.

Ms. Williams-McCeary passed away on April 9, 2000. Her family created the Antoinette Denise Williams-McCeary Foundation in order to carry on her legacy of giving. The organization's primary focus is to provide financial assistance to the National Sarcoidosis Resource Center which conducts research in hopes of finding a cure.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring Antoinette Denise Williams-McCeary, who in life and death continues to help others in need. I am proud to have had her in my Congressional district and wish her foundation never-ending success in its future endeavors.

9/11 CAN YOU HEAR ME NOW ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the 9/11 Can You Hear Me Now Act with Representatives CHRIS SHAYS of Connecticut, ANTHONY WEINER, MAJOR OWENS, and CAROLYN MCCARTHY of New York.

The attacks on the World Trade Center in 1993 and on September 11, 2001, exposed serious communication problems for the New York City Fire Department, FDNY. Since these attacks, there have been major efforts to improve the FDNY's communication system, but much more needs to be done.

As we all know New York City is repeatedly mentioned as a top terrorist target and the lack of a fully-functional communications system is a threat not only to FDNY and New York residents lives, but also to all those who visit there.

The terrorist attacks were not just attacks on New York City, but on the Nation. With New York as a continuing top terrorist target, the protection of New York City is becoming a national responsibility. Other cities with tall buildings throughout the country face the same challenges with their communication systems and will need the same upgrades. Improvements in New York will lay the groundwork for improvements to communications systems across the country.

Recognizing this need, the 9/11 Can You Hear Me Now Act instructs the Department of Homeland Security, DHS, to provide the FDNY with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

This bill would require a communication system that includes three components—radios, dispatch system and a supplemental communication device. It would require it to work in all buildings and in all parts of the city, something that the radios, unbelievably, do not now do. The supplemental communication device would allow firefighters to transmit an audible emergency distress signal when a firefighter is in need of immediate assistance, and DHS would work with the city of New York in their planned upgrades of the emergency 911 system and any interoperability initiatives with other public safety communication systems.

I urge all of my colleagues to support this important legislation.

IN HONOR OF THE GLENDALE SALVATION ARMY'S 80TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SCHIFF. Mr. Speaker, I rise may to congratulate the Glendale Salvation Army for 80 years of providing outstanding social services to the City of Glendale and surrounding communities.

Established on June 1, 1925, the Glendale Salvation Army has a firm vision of maintaining a multi-program facility while serving a multi-ethnic neighborhood. The Glendale Salvation Army provides spiritual social services and excellent community outreach.

The Salvation Army participates in several outstanding programs that bring hope to the hearts of those that walk through their doors. Meals on Wheels provides hot, nutritious meals to those unable to leave their homes or prepare their own food. Volunteer drivers deliver the meals and socialize with the recipients. The Lord's Kitchen is a growing partnership with nine Glendale churches that help Glendale's homeless and low-income families with food and rental or utilities assistance. The Nancy Painter Home is a partnership with the City of Glendale and U.S. Housing and Urban Development. The home provides hope for families trapped in a cycle of homelessness. Six families with children may live in the facility for up to 2 years while they put their lives back together. The Salvation Army is also supportive of Silvercrest which is a 78 unit senior low-income housing complex. In addition, the organization supports an outstanding after school tutoring program for middle school students. These are just some of the exemplary services that the Glendale Salvation Army provides to meet the specific needs within the community. Each program remains faithful to the Army's vital mission.

I ask all Members of Congress to join me today in congratulating the Glendale Salvation Army for 80 years of exemplary public service, and for its immense commitment to the City of Glendale and its residents.

TRIBUTE TO STEPHEN H. MARCUS, WISCONSIN 2004 BUSINESS LEADER OF THE YEAR

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize Stephen Marcus, a Milwaukee business leader and philanthropist, who was recognized this month by the Harvard Business Club of Wisconsin and the Milwaukee Journal-Sentinel as the Wisconsin 2004 Business Leader of the Year.

Mr. Marcus joined the family business in 1962, after graduating from the University of

Michigan Law School. By 1980, Steve Marcus was President of the theater, restaurant and hotel business. He became chairman in 1991, succeeding his father Ben.

Marcus Theatres is the ninth largest theatre circuit in the United States. The family's investments, under Stephen Marcus' leadership, extend from southern Wisconsin to southern California.

To be a truly successful business leader, you must be a leader in your community. You accept chairmanships to raise funds that help your community thrive. You sit on boards that fund and approve grants to organizations that reach people in need and lift them up. You give of your time, your energy, your resources and your leadership skills. Steve Marcus is that kind of leader and he is the kind of person that makes a difference. For these and many other reasons, I am pleased to congratulate Steve Marcus for being named the Wisconsin Business Leader of 2004.

RECOGNIZING MIKE RIPPEY OF AMERICAN CANYON, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize former Napa County Supervisor Mike Rippey of American Canyon, California as the Sierra Club honors him with the Earl Thollander Award for his outstanding environmental achievements.

Mike's keen interest in the environment has led him to a lifetime dedicated to environmental preservation. After earning his Bachelor of Science degree from California State University, Humboldt and his Masters Degree from Harvard University's John F. Kennedy School of Government, Mike returned to Napa County where he has made numerous invaluable contributions to our community.

Mr. Speaker, Mike is known to be a softspoken man, but his actions resonate throughout the community. After garbage companies threatened to turn the Napa County into San Francisco's dumping grounds in the 1980's and 90's, Mike quickly took action. A passionate and dedicated man, Mike worked tirelessly to fight the garbage companies, spearheading an opposition group that raised awareness of the potentially hazardous landfills. His activism was met with overwhelming success. He was not only able to stop the creation of these landfills, but also encouraged the garbage companies to implement recycling as a method of reducing unnecessary waste.

He has also served on multiple environmental boards across Northern California including the CalFed Task Force-Bay Area Water Forum and the Bay Conservation and Development Commission. Mike also chaired the Napa County Local Agency Formation Commission working to prevent urban sprawl.

Mr. Speaker, from 1992 until 2004, Mike served on the Napa County Board of Supervisors. During his tenure, Mike played an integral role in the creation and implementation of the Napa River Flood Control Project. Each year heavy winter rain has caused the Napa River to flood, destroying many homes and hundreds of acres of land. Instead of constructing man made channels to re-direct the flooding river, Mike helped design an environmentally sound alternative to allow the river to flow naturally without damaging homes or land.

Mike's most recent accomplishment has been the creation of the new solar powered Sheriff's office which is the only law enforcement building in the country to have been awarded a National Leadership in Energy Efficiency Gold Certificate.

Mr. Speaker, it is necessary that we take this time to thank Mike Rippey for his service and dedication to protecting our environment and ask that you join me in wishing him the best in all his future endeavors.

TRIBUTE TO SACRED HEART PARISH—100TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the Sacred Heart Parish of Jersey City, New Jersey on the celebration of its 100th anniversary. Sacred Heart's role in serving the community began before the parish was approved and continues to this day with the St. Martin de Porres Soup Kitchen.

The Parish consists of a campus of buildings that include the Dominican Priory, the Church, the School and the Parish Hall. While those buildings define the physical presence of the parish in the neighborhood and Jersey City community, the most important and lasting features of the parish are the people of Sacred Heart.

Sacred Heart Parish was approved by Bishop O'Connor on February 14, 1905. The Church building was designed by Ralph Adams Cram who was guided in the Dominican tradition by Father McNicholas, O.P. and Spanish Gothic was the basis for the church design.

The long history of Sacred Heart School is a story of deeply rooted faith, passionate work and a belief that the spirit inspires all undertakings. It encompasses the response of a parish, the Sisters of Charity, dedicated teachers and volunteers. It is a story of children educated in knowledge and values. And, it is a story of a good seed planted and sown and brought to fruition.

Mr. Speaker, I know my colleagues agree that the Parish of Sacred Heart and the surrounding community have every right to be proud of the lasting contributions that Sacred Heart has made to the residents of Jersey City. I am pleased to congratulate Sacred Heart on its first 100 years.

PROTECTING THE PURPOSE OF THE ETHICS COMMITTEE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. WILSON of South Carolina. Mr. Speaker, for the past six weeks, Democrats have attacked Majority Leader TOM DELAY's character, leadership and intentions.

Although Democrats continue to smear Congressman TOM DELAY, they forget that they are responsible for preventing the Ethics committee from investigating the charges directed at Mr. DELAY. Since the beginning of the 109th Congress, House Democrats have refused to allow the Ethics Committee to meet to address this issue.

Four Ethics Committee Republicans have pledged that as soon as Democrats permit the Ethics Committee to function again, they will vote to form an investigative subcommittee to review various allegations concerning travel and other actions by Congressman DELAY.

Majority Leader DELAY has said all along that he wants to appear before the Ethics Committee to address recent accusations. Unfortunately, Democrats prefer to attack his character for political purposes rather then officially investigate these allegations. Democrats should stop playing politics with the House Ethics Committee, and should give Congressman DELAY the opportunity to defend himself through the Congressional ethics process.

In conclusion, God bless our troops and we will never forget September 11th.

THANKS AND GRATITUDE TO HIPOLITO ACOSTA, DISTRICT DIRECTOR, USCIS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, today to extend my thanks and gratitude to Hipolito Acosta for his service to Houston, Texas and the United States as District Director of the U.S. Citizenship and Immigration Services office during the last three years and his 24 years serving our country.

A native Texan, Mr. Acosta was born in Presidio, Texas and started his career with USCIS as a U.S. Border Patrol Officer in Marfa in 1975. Throughout his career he has received numerous awards as well as international recognition for his leadership in customer service and enforcement duties. He is a four-year Navy Veteran and a former member of the Illinois National Guard. He is also one of the most highly honored legacy INS officers, including six Commissioner Awards and the prestigious Newton-Azrak Award for courage and heroism displayed in the line of duty.

His domestic career included front line and leadership roles in the fight against alien smuggling in key positions such as Criminal Investigator in Chicago, Special Agent with the El Paso District and Border Patrol Sector, and as Supervisory Special Agent in Brownsville, Texas. High profile investigations and successful undercover operations involving thousands of smuggled aliens from Central America, Europe and the Middle East were trademarks of his investigative career.

In 1989, Mr. Acosta was selected as Assistant Officer in Charge of INS operations in Manila, Philippines, assuming command of the office in February 1991. During his tenure in the Philippines, Mr. Acosta developed relations with host country government officials, to include the Office of the President and was one of six U.S. diplomats to receive high recognition by President Corazon Aquino. While in Manila, he developed the first ever citizenship program for thousands of Philippine World War II veterans. He was highly recognized as the driving force in the citizenship program abroad with the naturalization of over 7,000 applicants.

Following his tenure in the Philippines, Mr. Acosta was appointed to Officer in Charge in Monterrey and Ciudad Juarez. Later, as District Director for the INS Mexico City Office, he was responsible for overseeing sixteen different offices in Latin America and the Caribbean with operational jurisdiction over 42 countries, including a pre-inspection station in Aruba and refugee office in Havana, Cuba. In 2002, Mr. Acosta returned to Texas and assumed leadership of the INS Houston District and then became the first District Director of the U.S. Customs and Immigration Service in Houston.

I commend Mr. Acosta for his service to the United States and congratulate him on his retirement.

SENATE—*Friday, April 22, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, You are holy, You are our strength and shield. Let Your presence be felt in our world. Comfort those brought low by sorrow and uncertainty. Lighten the load for those who are burdened beyond their resources. Lift those who are bowed by life's circumstances and sustain those who walk through the valley of shadows. Today, use Your Senators for Your glory. Let Your peace prevail in their hearts. May the work of our lawmakers hasten the day when the nations of the world will live together in dignity and harmony. Teach us creative ways to work for the betterment of humanity. Lord, we will wait for Your mercies in the presence of Your people. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, today we will have a period for morning business to permit Senators to make statements. As announced by the majority leader last night, there will be no rollcall votes during today's session. We hope to begin consideration of the highway bill next week. The majority leader will have more to say on that later. Perhaps we will have information on that schedule by the close of business today.

As a further reminder, there will be no rollcall votes on Monday, which is April 25. On behalf of the leadership, I thank Senator COCHRAN for his work on the emergency supplemental appropriations bill, which we passed yesterday by a vote of 99 to 0. We will shortly proceed to a conference in order to produce a final product that will be sent to the President.

I thank everyone for their attention this morning, and I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Chair recognizes the Senator from Colorado.

JUDICIAL NOMINATIONS

Mr. ALLARD. Mr. President, I rise this morning to clear up the apparent confusion and misinformation surrounding the confirmation of judicial nominations.

I hope to shed some light on one of our most important obligations and express to the American people the truth about the partisan obstruction of our constitutional duties.

Article II of the Constitution, known as the advice and consent clause, requires Senate approval of judicial nominations. This obligation is only fulfilled when the Senate allows an up-or-down vote on a nominee.

The vote acts as an expression of the body's "advice and consent," but this expression simply cannot occur if it is blocked by a filibuster.

I strongly believe that the use of a filibuster to block judicial nominations is not only unprecedented minority obstruction but an attack on the Constitution itself.

The decision to vote on a judicial nomination or to obstruct the nominee pits the Constitution against a mere tool of parliamentary procedure; that is the Constitution versus a Senate rule called the filibuster.

I urge my colleagues to put our faith in the founding document, not a filibuster rule. To do otherwise degrades the Constitution and relegates it to the level of an arbitrary rule of procedure. Let me make it clear.

I am not going to stand idly by as parliamentary maneuvers run roughshod over the Constitution and centuries of Senate practices.

The Republican majority is not establishing new precedent. We are simply trying to restore the rights of the Constitution and the practices that this body has observed for over 200 years.

If the Senate allows the filibusters of judicial nominations to continue, it will be acquiescing in a minority's unilateral change to Senate procedure and practices; requiring 60 votes for the confirmation of judges through the rules, undermining the Constitution's requirement for a 50-vote majority.

The practical effect is an amendment to the Constitution without the approval of the American people.

My colleagues on the other side would have everyone believe that the filibuster is being eliminated. But that simply is not the case.

They don't mention that the filibuster never existed on judicial nominations. In fact, it never existed until the Democrats broke with over 200 years of Senate procedure and unleashed the filibuster last Congress to block 10 judges.

It was not a usual way of doing business. It was the first time in the history of the Senate the filibuster was used. The Democrats want to have it both ways. They want to change the history of the Senate by blocking judges with the filibuster, rewrite the Constitution by using the filibuster to thwart the advice and consent clause, and then blame Republicans for simply saying, "let's follow the Constitution and allow votes on judges, lets follow Senate tradition."

They falsely portray our actions to preserve the advice and consent clause as something akin to minority persecution.

But what they don't mention is that the filibuster is not a law. It is not in the Constitution. In fact, the Founding Fathers didn't even envision a filibuster weapon at all.

Even more astonishing is the fact that several of the Democrats who are now ardent supporters of the judicial filibuster are the same ones who tried to eliminate the filibuster entirely just a few years ago, not only on judicial nominations but on everything, including legislative actions.

It is the Democrats who are altering history. It is the Democrats who are unleashing a weapon that threatens to alter the traditions and precedent of the Senate.

It is the Democrats who are revising the history of our Founding Fathers and undermining the three branches of our separate but equal system of government.

For example, from 1789 until 1806 the Senate had a traditional "motion for the previous question" in its rules. There was no intention to create a Senate where a filibuster was prominent. The filibuster was not used in any significant way at all until the 1840s, and it was never used for judicial nominations.

The Senate's original cloture rule, in 1917, did not even apply to nominations because no Senator had ever used a filibuster to block a nomination.

Let me repeat that, up until 1917 the Senate's original cloture rule didn't even apply to nominations because no Senator had ever used a filibuster to block a nomination.

The rule did not apply, not because the Senate approved of such filibusters but because Senators never contemplated them.

A thorough examination of Senate history clearly demonstrates that there is no precedent for the Democrats' use of the filibuster to permanently block the confirmation of judicial nominations.

Some Democrats claim that Republicans want to destroy the filibuster for all matters. This is simply not true.

What is true is that the only sitting Members of the Senate on record supporting the elimination of the filibuster are Democrats.

In 1995, 19 Senators all Democrats, not one Republican, voted to eliminate the filibuster for all matters, not only judicial but also legislature. Nine of the 19 Democrats who voted for the Harkin-Lieberman rule change remain in this body today.

And all of those Senators now support the filibustering of judicial nominations. If it was ok to end the filibuster rule in 1995, why is it not ok today?

Let me just share some of the comments made by those Democratic Senators in 1995:

> For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by the rules of the U.S. Senate.

The Democrats also said:

> [A] filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill.

Now 10 years later, evidently what is good for the goose can forget about the gander.

Turning to the issue of Senate rules, the Democrats claim that changing the rules of the Senate is unprecedented, that using the Constitution to end the filibuster is tyranny.

Again, let me point out another instance where the goose has left the gander.

The constitutional option is grounded in article I, section 5 of the U.S. Constitution that empowers the Senate to "determine the Rules of its Proceedings."

The Senate has repeatedly exercised the constitutional option to define minority rights, as long ago as 1977, and it has done so in a Democratic-led majority.

The use of a simple majority vote to set precedents is as old as the Senate. In fact, the constitutional option has been exercised in 1977, 1979, 1980, and 1987.

It was used in 1977 to end postcloture filibusters; in 1979 to limit amendments to appropriations bills; in 1980 to govern consideration of nominations; and again in 1987 to govern voting procedures.

In every instance, the Senate acted independently of the Senate rules in order to change Senate procedures in the face of obstruction or abuse by a minority of Senators.

History clearly shows that it is the constitutional option that has been used before. It is the use of the filibuster that is an unprecedented expansion of minority obstruction.

An exercise of the constitutional option under the current circumstances would return the Senate to the historic and constitutional confirmation standard of a simple majority for all judicial nominations.

Employing the constitutional option here would have no effect on the legislative filibuster, and this is very important. Senators would still have the ability to filibuster any bill, any time.

The Constitution calls upon the Senate collectively to determine whether a particular nominee is qualified to serve. This determination is made in one vote, the approval or disapproval of the nomination itself. Advice and consent does not mean avoiding a vote on a judicial nominee entirely by employing a filibuster.

If a Member of the Senate disapproves of a judge, then let them vote against the nominee.

But a filibuster should never be used to deprive the people of the choice selected by their elected representatives.

It is the Senate's duty to collectively participate in a show of "advice and consent" to the President by voting. It is this act that exercises what James Madison referred to as the remote choice of the people.

I sincerely hope we can work through the impasse on judicial nominations.

I hope those opposed to the President's nominees will be given the opportunity to vote against them and that they will speak their mind about it.

But I also hope that we will be allowed to provide the guidance we are required to provide under the Constitution.

The basic decision the Senate must make is this: Either constitutional advice and consent prevails or the filibuster is allowed to change the Constitution. I believe in the Constitution. I believe we should vote on the nominations.

As I have said so many times before, "vote them up, or vote them down, but just vote."

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to continue in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. BENNETT. Mr. President, the Senator from Colorado talked about the ongoing conversation with respect to the filibuster in the Senate. If I may, I would like to reminisce for a little while because I have something of a history in the Senate. I have clearly not been here nearly as long as many of my colleagues, but I first came into this Chamber when I was a teenager. My father was a Senator. I was a summer intern in his office. I suppose there was something strange about me as a teenager because I was more interested in the Senate than I was in sports or cars, the two subjects that young boys are supposed to be paying attention to.

I remember sitting in the family gallery one evening listening to the debates. In those days, there were debates. There was not the situation we find now where Senators come to the floor to posture for the television cameras. They came to the floor to have a clash of ideas. I remember a particular debate where a Senator on the Democratic side of the aisle was holding forth. He seemed to be winning the argument and the Senators on the Republican side of the aisle sent up the call for the chairman of the Finance Committee, who entered the back of the Chamber. I remember the Democratic Senator saying, I see the Republicans have brought up their heavy artillery. Then there was an exchange between these two Senators which the chairman of the Finance Committee clearly won.

The Democratic Senator got a little flustered and a little angry at being bested in the debate and so he started to complain about the fact that Colorado, a small State, had as many Senators as Illinois, the big State, which he represented. Whereupon the chairman of the Finance Committee from Colorado then said, the Senator is no longer opposed to the bill. He is now opposed to the Constitution. I must say, I am not surprised. And he turned on his heel and walked out and the debate was over. It was an exciting thing to watch for those of us who were political junkies.

We have come a long way from that. I don't think it is a long way forward. We have come a long way from the give and take of debate into an atmosphere where this Senate has become the platform for people to express harsh views, strong political rhetoric, and occasionally, in my view, go over the line of that which is appropriate. We have become a sounding board for partisanship rather than a deliberative body for debate.

I am not quite sure when we started in that direction or what brought us from that old time to this present time. One of the moments might have been the debate over the nomination of Robert Bork to the Supreme Court. Robert Bork is the only nominee I know of whose name has turned into a verb. We now hear groups, as they talk about a nominee, say "we're going to Bork him." Look back at what was done with respect to the nomination of Robert Bork and it was nothing short of character assassination; or, to use a phrase that was popular in the last administration, the politics of personal destruction.

We have seen that activity poison the comity of the Senate on both sides of the aisle because when it was done to Robert Bork on behalf of those who were opposed to the nomination made by President Reagan, those who were Reagan supporters began to say, we will do the same thing. When Democratic Presidents came along, their nominees began to be attacked on a personal basis rather than on the merits of the situation, much as Robert Bork had been. Now it becomes a standard tactic on both sides of the aisle.

Why do I raise that with respect to the controversy over whether the Senate has the right by majority vote to change its rules? I raise it because too much of the current debate over that question has gone in the direction of "Borking"—Senators on both sides of the aisle, the process on both sides of the aisle and, if you will, the institution itself.

I have great reverence for this institution and I am distressed at what I see as I look over the landscape with respect to this particular debate. I see on one side e-mails and press releases saying we must stop George W. Bush from packing the courts with right-wing whackos. That is what this debate is about. The filibuster is our tool to prevent right-wing whackos from getting on the court.

The first circuit court judge ever prevented from gaining a vote by virtue of the filibuster in the history of the American Republic was a man named Miguel Estrada. Miguel Estrada is an immigrant to this country. He came here not speaking English. He graduated from the Harvard Law School as the editor of the Harvard Law Review. He served in the Justice Department under the first President Bush in the Solicitor's Office and received glowing recommendations and reports from every one of his superiors. Indeed, his performance was sufficiently outstanding that he remained in the Justice Department in the Solicitor's Office for 2 years while Janet Reno was the Attorney General. Janet Reno is not known for harboring right-wing whackos.

The American Bar Association gave him their highest recommendation for this position and they are not known for harboring right-wing whackos.

Yet the level of debate has followed to the point that those who decided they must oppose Miguel Estrada for whatever reason stand mute while he and others like him are attacked as right-wing whackos. Unfortunately, this kind of attack does not stay on one side or the other. Today there are radio ads being run in the home states of Senators who have still not made up their mind how they are going to vote, radio ads that attack these Senators' integrity and suggest if they do not vote as the majority leader would like them to vote, they are not people of faith. They are attacking their integrity and their religion. To me, that is as repugnant as attacking the President's nominees as right-wing whackos.

This kind of vilification must stop, but I don't know how to stop it. The first amendment gives us all a right to say whatever we want to say, however ridiculous it may be, however offensive it may be. But it is ridiculous and it is offensive to have the kind of debate going on over this issue. This is a legitimate issue on which Senators can have legitimately differing views. It should not become a vehicle for practicing the politics of personal destruction. But it is going on.

I simply raise my voice in the hope that on both sides, the temperature of the rhetoric can come down, and we can discuss the issue on its merits. Let me do my best to discuss the issue on its merits in the time I have.

First, what are we talking about? We are talking about changing a Senate tradition. We are also talking about changing a Senate rule. I want people to understand the two are not the same. Indeed, we have formal rules in the Senate governing the way we do business. We have created traditions and, quite frankly, the tradition trumps the rule. If somebody invokes the rule, they can overturn the tradition, but the tradition that has taken hold trumps the rule.

I will give an example of which I am sure the Presiding Officer is aware. The rule says the Presiding Officer is required to recognize whichever Senator addresses the Chair first. The tradition is that the Presiding Officer recognizes the majority leader first, even if he is not the first one in a jump-ball situation to shout out the name of the Presiding Officer. The tradition says the Presiding Officer recognizes the minority leader second, recognizes the majority manager of the bill third, the minority manager of the bill fourth, and then those Senators who ask for recognition are recognized according to the rule.

We honor that tradition for a variety of good reasons. We have not written it into the rules, but it does not matter because the tradition trumps the rule and it helps the Senate move forward.

I make a point of this difference for this reason: those who say the filibuster being used to stop judicial nominees are acting in accordance with the rule, are exactly right. The rule has always been there and those who used the rule to stop the nomination to prevent an up-or-down vote on Miguel Estrada were entirely within their rights and acting absolutely in compliance with the rules. Let's not demonize them for using the rules.

However, those who say it is a violation of the Senate tradition to use the filibuster to block a circuit court judge are also exactly right. By tradition, we have always held in the Senate that a nominee who gets out of committee and comes to the Senate is entitled to an up-or-down vote. By invoking the rule in the last Congress, the then-Democrat leader overturned the tradition. By talking about changing the rule now, the Republican leader, the majority leader, is entirely within his rights. Neither one should be demonized for the position they took.

Let's look at why the tradition held for so many years. It held because the spirit of comity ruled in the Senate and each party recognized the time would come when the other party would control the Presidency. Indeed, if you look at history, it is almost inevitable that the other party will control the Presidency. Since the end of World War II through the election of 2004, we have had 15 Presidential elections. The party in power has won eight and the party out of party has won seven. You cannot get any closer than that. There has been only one time in that entire run where a single party won three consecutive elections. Reagan in 1980, Reagan in 1984, and Bush in 1988. Every other time the longest run either party has been able to have has been 8 years, so the historic norm says there will be a Democratic president after 2008. I hope that is not the case, but that is what history suggests will happen.

Each side has recognized that their side will have a President within a relatively short period of time—since the end of World War II, within less than 8 years. So each side has said, let us not invoke the rule that says you can filibuster judges. Instead, let us abide by the tradition that says every nominee is entitled to an up-or-down vote. That way, when we get the Presidency, our President will have the same courtesy we are now extending to their President.

I remember very clearly when President Clinton sent some nominees to this body which members of my conference decided were left-wing whackos, if I might use that phrase. They, fortunately, did not use that phrase in public as it is being used now. And I do not think they should. But they felt these nominees were too extreme to be on the bench.

When it was clear we did not have the votes to prevent them from going on the bench, there were those in the conference who said: We have to filibuster. Let's use the filibuster to prevent them. We can muster 41 votes.

The chairman of the Senate Judiciary Committee, my colleague from Utah, ORRIN HATCH, and the then-majority leader, the Senator from Mississippi, TRENT LOTT, both pled with us: Don't do it. Don't start down that road. We have never done it before. And we shouldn't do it now.

And why not? Because, they said: After 2000, we are going to have the Presidency, and we want our President to have the same courtesy we are begging with you to extend to President Clinton. They carried the day. There was no Republican filibuster on the floor of any circuit court judge.

Now we find ourselves in a situation where the tradition has been changed, and the question is, will we now change the rule to reestablish the tradition? It is a legitimate debate. I have respect for those who hold positions on both sides.

I do make this comment. If the rule change does not go through, and the rule that now holds that says judicial nominees are fair game, I guarantee the next time the Democratic Party has a President who sends up a nominee that 41 Senators on the Republican side decide they do not like, the Republicans will abide by the rule that has changed the tradition, and they will filibuster the nominee.

Now, I have many of my colleagues who say: No, no, we would never do that. We honor the tradition, and we would go back to that tradition.

I do not believe them. I do not say they are lying to us. I think they believe what they are saying now. But I believe, in the heat of the battle that would come with a Republican minority in the Senate and a Democratic President, the Republicans, in the present atmosphere, would say: Let's use the filibuster. Let's give them a taste of their own medicine. The level of political dialogue would continue to go down. The level of personal destruction would continue to go up.

The other question I raise for speculation: Suppose nothing happens in this Congress. Democrats win the Presidency in 2008, the Republicans do use the filibuster to stop judges a Democratic President sends forward, but the Democrats are in control of the Senate. Will those who are standing here saying this is a disaster for the Senate give a pledge that they will not, when they are in the majority, suggest using 51 votes to get rid of the filibuster on judicial nominees?

I suggest they would be tempted to do the same thing the Republicans are trying to do now in order to take care of their Democratic President. Indeed, the record shows they have done that.

These quotations have already been given on the floor, but I want to repeat them in this context.

Senator BYRD, in 1979, said:

> Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past . . . [I]t is my belief—which has been supported by rulings of Vice Presidents of both parties and by votes of the Senate—in essence upholding the power and right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

Senator BYRD now disavows that position. And I respect that. Each one of us is entitled to change our mind. I have changed my mind. He is entitled to change his. Will he make a pledge he will not change it back when the Democrats are in the majority and say: "We want to prevent filibusters of our President's judicial nominees"?

Senator KENNEDY said in 1975:

> By what logic can the Senate of 1917 or 1949 or 1959 bind the Senate of 1975? As Senator Walsh of Montana said during the Senate debate in 1917 on the enactment of the original rule XXII: "A majority may adopt the rules in the first place. It is preposterous to assert that they may deny future majorities the right to change them."

Senator KENNEDY has obviously changed his mind. And I respect the Senator's right to change his mind. But I ask again. What assurance do we have he will not change his mind back if the Democrats get the majority and are seeking to protect a President of their own?

In 1995, there were nine Senators who voted in favor of eliminating all filibusters, not just judicial filibusters, all filibusters—nine Senators still serving, Senator BINGAMAN, Senator BOXER, Senator FEINGOLD, Senator HARKIN, Senator KENNEDY, Senator KERRY, Senator LAUTENBERG, Senator LIEBERMAN, and Senator SARBANES. They voted in favor of eliminating all filibusters. They have now changed their minds. They have the right to change their minds. And I respect that. What indication do we have they will not change their minds back if we do not get this thing settled in this Congress?

Going back to the newspaper that sometimes acts as the house organ for the Democratic Party, the New York Times, this is what they had to say in 1995, when Senator HARKIN introduced the legislation to eliminate filibusters.

Mr. President, I ask unanimous consent that editorials of the New York Times be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. The New York Times said: "Time to Retire the Filibuster." That is the headline on the editorial. It says:

> The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it.

And they go on to attack filibusters and give a little of the history. And then this is their summary of the filibuster, four paragraphs down:

> One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Well, you would think, then, that when the Republicans are saying, "Well, we don't want to eliminate the legislative filibuster, but we do want to re-enthrone the Senate tradition that the filibuster is not used on circuit court judges," the first cheerleader would be the New York Times. Having labeled the filibuster "the tool of the sore loser," and saying that it is obstructionist, the New York Times ought to be cheering the idea that finally a majority is about to follow their advice offered in their editorial pages.

But, no, this is what the New York Times now says: "The Senate on the Brink." This is an editorial of March 6, 2005:

> The White House's insistence on choosing only far-right judicial nominees—

There is the politics of personal destruction I was referring to earlier—"only far-right judicial nominees" has already damaged the federal courts. Now it threatens to do grave harm to the Senate. If Republicans fulfill their threat to overturn the historic role of the filibuster in order to ram the Bush administration's nominees through, they will be inviting all-out warfare and perhaps an effective shutdown of Congress.

Interesting what 10 years' time and a change of administrations can do. The filibuster that was "the tool of sore losers" suddenly has become "the historic role," even though they cannot point to a single case in history where the filibuster has been used to prevent an up-or-down vote on a circuit court nominee who made it to the floor.

How they can call that a "historic role" is something I will leave to the editorial writers of the New York Times.

I hope we will not see any more press releases attacking the President's nominees as "right-wing whackos," that we will not see any more radio ads attacking Senators who are examining this matter as being people of no faith, that we will stop the politics of personal destruction on both sides of this issue, and we will look at it in its historic pattern.

What we do or do not do on this issue will set the tone of where the Senate and future Presidents go for decades to come. The Republic survived for over 200 years without the minority of either party exercising its right to filibuster judges. I think we should be very careful about enshrining in tradition the rule that says it is time to change.

I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 1, 1995]

TIME TO RETIRE THE FILIBUSTER

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it. In the last session of Congress, the Republican minority invoked an endless string of filibusters to frustrate the will of the majority. This relentless abuse of a time-honored Senate tradition so disgusted Senator Tom Harkin, a Democrat from Iowa, that he is now willing to forgo easy retribution and drastically limit the filibuster. Hooray for him.

For years Senate filibusters—when they weren't conjuring up romantic images of Jimmy Stewart as Mr. Smith, passing out from exhaustion on the Senate floor—consisted mainly of negative feats of endurance. Senator Sam Ervin once spoke for 22 hours straight. Outrage over these tactics and their ability to bring Senate business to a halt led to the current so-called two-track system, whereby a senator can hold up one piece of legislation while other business goes on as usual.

The two-track system has been nearly as obstructive as the old rules. Under those rules, if the Senate could not muster the 60 votes necessary to end debate and bring a bill to a vote, someone had to be willing to continue the debate, in person, on the floor. That is no longer required. Even if the 60 votes are not achieved, debate stops and the Senate proceeds with other business. The measure is simply put on hold until the next cloture vote. In this way a bill can be stymied at any number of points along its legislative journey.

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Mr. Harkin, along with Senator Joseph Lieberman, a Connecticut Democrat, now proposes to make such obstruction harder. Mr. Harkin says reasonably that there must come a point in the process where the majority rules. This may not sit well with some of his Democratic colleagues. They are now perfectly positioned to exact revenge by frustrating the Republican agenda as efficiently as Republicans frustrated Democrats in 1994.

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more frequently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

Another set of reforms, more incremental but also useful, is proposed by George Mitchell, who is retiring as the Democratic majority leader. He wants to eat away at some of the more annoying kinds of brakes that can be applied to a measure along its legislative journey.

One example is the procedure for sending a measure to a conference committee with the House. Under current rules, unless the Senate consents unanimously to send a measure to conference, three separate motions can be required to move it along. This gives one senator the power to hold up a measure almost indefinitely. Mr. Mitchell would like to reduce the number of motions to one.

He would also like to limit the debate on a motion to two hours and count the time consumed by quorum calls against the debate time of a senator, thus encouraging senators to save their time for debating the substance of a measure rather than in obstruction. All of his suggestions seem reasonable, but his reforms would leave the filibuster essentially intact.

The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with likeminded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.

[From the New York Times, March 6, 2005]

THE SENATE ON THE BRINK

The White House's insistence on choosing only far-right judicial nominees has already damaged the federal courts. Now it threatens to do grave harm to the Senate. If Republicans fulfill their threat to overturn the historic role of the filibuster in order to ram the Bush administration's nominees through, they will be inviting all-out warfare and perhaps an effective shutdown of Congress. The Republicans are claiming that 51 votes should be enough to win confirmation of the White House's judicial nominees. This flies in the face of Senate history. Republicans and Democrats should tone down their rhetoric, then sit down and negotiate.

President Bush likes to complain about the divisive atmosphere in Washington. But he has contributed to it mightily by choosing federal judges from the far right of the ideological spectrum. He started his second term with a particularly aggressive move: resubmitting seven nominees whom the Democrats blocked last year by filibuster.

The Senate has confirmed the vast majority of President Bush's choices. But Democrats have rightly balked at a handful. One of the seven renominated judges is William Myers, a former lobbyist for the mining and ranching industries who demonstrated at his hearing last week that he is an antienvironmental extremist who lacks the evenhandedness necessary to be a federal judge. Another is Janice Rogers Brown, who has disparaged the New Deal as "our socialist revolution."

To block the nominees, the Democrats' weapon of choice has been the filibuster, a time-honored Senate procedure that prevents a bare majority of senators from running roughshod. Republican leaders now claim that judicial nominees are entitled to an up-or-down vote. This is rank hypocrisy. When the tables were turned, Republicans filibustered President Bill Clinton's choice for surgeon general, forcing him to choose another. And Bill Frist, the Senate majority leader, who now finds judicial filibusters so offensive, himself joined one against Richard Paez, a Clinton appeals court nominee.

Yet these very same Republicans are threatening to have Vice President Dick Cheney rule from the chair that a simple majority can confirm a judicial nominee rather than the 60 votes necessary to stop a filibuster. This is known as the "nuclear option" because in all likelihood it would blow up the Senate's operations. The Senate does much of its work by unanimous consent, which keeps things moving along and prevents ordinary day-to-day business from drowning in procedural votes. But if Republicans change the filibuster rules, Democrats could respond by ignoring the tradition of unanimous consent and making it difficult if not impossible to get anything done. Arlen Specter, the Pennsylvania Republican who is chairman of the Judiciary Committee, has warned that "the Senate will be in turmoil and the Judiciary Committee will be hell."

Despite his party's Senate majority, however, Mr. Frist may not have the votes to go nuclear. A sizable number of Republicans—including John McCain, Olympia Snowe, Susan Collins, Lincoln Chafee and John Warner—could break away. For them, the value of confirming a few extreme nominees may be outweighed by the lasting damage to the Senate. Besides, majorities are temporary, and they may want to filibuster one day.

There is one way to avert a showdown. The White House should meet with Senate leaders of both parties and come up with a list of nominees who will not be filibustered. This means that Mr. Bush—like Presidents Bill Clinton, Ronald Reagan and George H.W. Bush before him—would agree to submit nominees from the broad mainstream of legal thought, with a commitment to judging cases, not promoting a political agenda.

> The Bush administration likes to call itself "conservative," but there is nothing conservative about endangering one of the great institutions of American democracy, the United States Senate, for the sake of an ideological crusade.

The ACTING PRESIDENT pro tempore. The Senator yields back.

The Senator from Vermont.

Mr. LEAHY. Mr. President, in light of the speech of my distinguished colleague from Utah, I have a few comments I think I will make about this issue.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEAHY. What is the parliamentary situation, Mr. President? Are we in morning business?

The ACTING PRESIDENT pro tempore. Morning business, with a 10-minute time limit.

Mr. LEAHY. Thank you.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Vermont be allowed to speak for more than 10 minutes. I certainly did. I want to be sure he has the same courtesy.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

RELIGIOUS McCARTHYISM

Mr. LEAHY. Mr. President, I thank my friend from Utah for his usual courtesy. After all, he has in his lineage a Senator. His father, as does he, served as a Senator. He knows, as did his father, the normal courtesies that make this place run so much more smoothly. So I appreciate it.

I spoke at the beginning of the week about the alarming rise of religious McCarthyism. I hoped that by drawing attention to this situation the majority leader and other Republican leaders would speak out against any campaign that improperly characterizes Senators as being "against people of faith." That demonizing of Senators and their motives has no place in this country, and absolutely none in debate among Senators. It is a slur. It is a smear. It is untrue. Every Senator, Republican and Democratic, knows it. The Republicans should denounce a campaign based on bigotry and demagoguery.

With rare exceptions, they have refused to do so. And even the majority leader will apparently act in support of such a campaign this weekend.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Mr. President, I will yield for one, but I would prefer—

Mr. BENNETT. It is only one.

I wonder if the Senator heard my denunciation of that kind of thing when I gave my speech?

Mr. LEAHY. I was about to refer to that. So I now do refer to the fact that the Senator from Utah said people should not be demonized as being against people of faith if they oppose somebody.

I appreciate it. It is the first time I have heard that said on his side of the aisle. Unfortunately, many others have been saying just the opposite. That is why I wish the majority leader would not act in support of such a campaign this weekend.

The upcoming telecast to incite congregants with the false charge that those who oppose judicial activists are anti-Christian or anti-faith is wrong. It is divisive and it is destructive. That Republican officials will lend support to that effort through their silence, rather than denounce it, is disturbing and disappointing. I appreciate the Senator from Utah, Mr. BENNETT, finally speaking out, or having a voice finally speak out from that side of the aisle denouncing it.

To divide the American people along religious lines is wrong. It has always been wrong. Smearing political opponents as anti-faith is despicable. Apparently, some will stop at nothing and stoop to any level. No scurrilous charge is too coarse; no baseless accusation is too outlandish. When a few of us had the honor of attending the funeral of Pope John Paul II in Rome as part of the official Senate delegation recently, guess what happened. Democrats, but not Republicans, were castigated for not being present in Washington. There were, of course, seven Republicans and seven Democrats. The same people who make these charges castigated the Democrats for being in Rome.

When we explain in public session the basis on which we have decided to oppose a nomination of somebody we believe does not merit a lifetime appointment to the Federal bench, the judicial activism we detail is ignored and we are smeared as anti this or anti that. So I thank the many religious leaders who have come forward this week to uphold America's great traditions of respecting faith, honoring faith, and ensuring that the constitutional prohibition against any religious test for public office be strictly observed.

Christian leaders from a variety of denominations, Muslim leaders, and Jewish leaders, have joined to reject these disgraceful efforts of a few partisans injecting religion into the discussion of judicial nominations. They have publicly denounced the efforts of the religious demagogues making slanderous charges in a win-at-all-costs bid to rile the passions and to further divide Americans one from another. I am grateful for the voices of these religious leaders. We need less division, not more. We need to work together more, not less. We need to unite, not divide.

I share the disappointment of the more than 400 religious leaders who have written to Majority Leader FRIST urging him to "repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them."

All of us need to repudiate the message of divisiveness and religious manipulation.

The Reverend Dr. Weldon Gaddy, president of the Interfaith Alliance, recently wrote to Senator FRIST to warn against transforming "religion by baptizing it as a disciple of partisan politics."

Abraham Foxman, national director of the Anti-Defamation League, reminded Senator FRIST:

> Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as a means to achieve political success.

My Irish and my Italian grandparents, like so many others, came to this country seeking a better life for their families, not just a better job but the freedoms that have always been so much a part of America's great attraction. But it has taken time and pain for us to realize as a nation that dream of religious freedom and tolerance.

I remember my parents talking about days I thought were long past, when Irish Catholics were greeted with signs that told them they need not apply for jobs. Italian Catholics were told that they and their religious ways were not wanted. That is what my grandparents experienced and my parents saw. The smears we are seeing today mock the pain and injustice that so many American Catholics endured. We have come too far to turn back to the darkness of intolerance.

Partisans these days are seeking to rekindle the flames of bigotry for short-term political gain. That is more than just wrong, it is despicable. To raise the specter of religious intolerance in order to try to turn our strong, independent Federal courts into an arm of a political party is an outrage. It is shocking that some would cavalierly destroy the independence of our Federal courts and with it the best protection Americans have of our freedoms.

This tactical shift follows on the rhetorical attacks on judges over the past few weeks in which Federal judges were likened to the KKK and "the focus of evil." At an event attended by Members of Congress, we have heard calls for Stalinist solutions to problems; the Stalinist solution being, of course, if you have somebody you don't agree with, you kill them. Stalin said: No man, no problem.

We have heard the calls for mass impeachments. Last week the Senate Democratic leadership called upon the President and the Republican leadership of Congress to denounce the inflammatory statements against judges. This week I renew my call to all Senators—and in particular to my friends on the other side of the aisle, the Republicans—to denounce the religious

McCarthyism that is again pervading this debate. I am sad to see so many Senators stay silent when they should disavow these abuses. Why Republicans do not heed the clarion call that our former colleague, Senator John Danforth, an Episcopalian priest, sounded a few weeks ago, I don't know.

The demagoguery and divisive politics being so cynically used by supporters of the President's most extreme judicial nominees needs to stop. These smears are lies and, like all lies, depend on the silence of others to live and to gain root. It is time for the silence to end. The Bush administration has to accept responsibility for the smear campaign. They have to end it. This kind of religious smear campaign doesn't just hurt Democrats, it hurts the whole country. It hurts Christians and it hurts non-Christians. It hurts all of us because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. The beauty of the first amendment is we can practice any religion we wish or none if we wish. It is a fundamental guarantee of our Constitution. The Constitution's prohibition against a religious test in Article VI is consistent with that fundamental freedom.

All Americans should understand the Constitution is there to protect all of us. It is the protection of the Constitution that has allowed this country to evolve into a tolerant Nation. It was not always a tolerant Nation; it has evolved into one. But the Constitution has protected that evolution.

Those who would try to drag us back into religious intolerance for short-term political gains subvert the Constitution and damage the country. There are those who say that we are against people of faith if we have opposed a handful of the President's nominees. By their false logic, the 205 judicial nominees nominated by President Bush whom Democratic Senators have helped to confirm would seem not to be people of faith, if that is our litmus test. Of course, that is as false and ridiculous on its face as are the slurs being insinuated against those who have opposed the few other nominees who have not been confirmed.

Those who hurl these false charges never mention that the same Senators they are slandering have supported hundreds of nominees who are people of faith. They never hesitate to stoke the flames of bigotry and to encourage their supporters to continue the smear in cyberspace or the pages of the newspapers or through direct mail or radio ads. Maybe this slander is the only thing that tests well in their political polls so that even though untrue, it is the one thing they can agree upon. Sort of the equivalent of the weapons of mass destruction, the justification for attacking Iraq: it turned out it wasn't true, but it was certainly convenient.

Not only must this bogus religious test end, but Senators should denounce the launching of the so-called nuclear option, the Republicans' precedent-shattering proposal to destroy the Senate in one stroke while shifting more power over the Senate to the White House, to destroy the kind of checks and balances the Senate has historically had.

I would like to keep the Senate safe and secure and in a "nuclear-free" zone. The partisan power play Senate Republicans are now likely to employ will undermine the checks and balances established by the Founders in the Constitution. One of the beauties of this country is we have always had checks and balances. That is how the most powerful Nation on Earth remains a democracy, and it does not have the temptation to become a dictatorship, something that none of us, Republicans or Democrats, would want.

If you remove the checks and balances so that you can nominate judges who will be basically an arm of one element of the Republican Party, then you have taken a giant leap toward an unfettered executive controlling all three branches of the Federal Government—a Republican-controlled House, Republican-controlled Senate, the Presidency, and now the Federal judiciary, the one part that should be above politics.

It will not only demean the Senate—a Senate I have been proud to serve in for 31 years—but it will destroy the comity on which it depends. It also will undermine the strong independent Federal judiciary that has protected the rights and liberties of all Americans against the overreaching of the political branches, whether the branch is controlled by Democrats or by Republicans.

Our Senate Parliamentarian, who steps away from politics and simply tells us what the rules are, and the Congressional Research Service, the nonpartisan Congressional Research Service, have both said the so-called nuclear option would violate Senate precedent. I would ask my friends on the Republican side, do you really want to blatantly break the rules just for some short-term political gain? Do you really want to turn the Senate, this unique Chamber, into a place where the parliamentary equivalent of brute force is what prevails?

The recently constituted Iraqi National Assembly was elected in January. In April it acted pursuant to its governing law to select a presidency council by the required vote of two-thirds of the Assembly. It required two-thirds, a supermajority. That same governing law says it can only be amended by a three-quarters vote of the National Assembly. The use of the nuclear option in the Senate would be akin to the Iraqis in the majority political party of the Assembly saying they have decided to change the law to allow them to pick only members of their party for the government, and to do so by a simple majority vote.

That is certainly different than what our own President has praised it for in requiring that supermajority. They might feel justified in acting contrary to law because the Kurds and the Sunni were driving a hard bargain and because governing through consensus is not as easy as ruling unilaterally. Governing by consensus is not supposed to be. That is why our system of government is the world's example.

If Iraqi Shiites, Sunnis, and Kurds can cooperate in their new government to make democratic decisions, I would think it would be a lot easier for Republicans and Democrats to do so in the Senate. If the Iraqi law and Assembly can protect minority rights and participation, so can the rules in the Senate. That has been the defining characteristic of the Senate. It is one of the principal ways in which it was designed to be so distinct from the House of Representatives.

This week, the Senate debated an emergency supplemental appropriations bill to fund the war efforts in Iraq and Afghanistan. The justification for these billions of dollars being spent every single week—billions of dollars in American taxpayers' money—is that we are seeking to establish democracies.

How ironic that at the same time we are undertaking these efforts at great cost to so many American families, some are seeking to undermine the protection of minority rights and the checks and balances represented by the Senate through our own history.

This week the Secretary of State said in Moscow that "the centralization of the state power in the presidency at the expense of countervailing institutions like the Duma or an independent judiciary is clearly very wrong." Just as those developments undercut democracy in Russia, so, too, our American democracy is undercut by the concentration of power in the Executive, removing checks and balances and undermining the independence of the Federal judiciary. It is ironic given that the President and Secretary of State speak so eloquently about the fundamental requirements of a democratic society—and I applaud them for doing that. They do it when they meet with President Putin of Russia. At the same time, the Bush administration and Senate Republicans are intent to employ the nuclear option to consolidate power in this Presidency in this country.

The President has, in his own words, acknowledged that democracy relies on the sharing of power. I publicly applauded his inaugural speech when he talked about this issue. He acknowledged that democracy relies on the sharing of power, on checks and balances, on the independent court system, the protection of minority rights, and on safeguarding human rights and dignity. But the so-called nuclear option is in direct contradiction to maintaining those values and those components of our democracy.

Just as Abu Ghraib and other abuses make it more difficult for our country effectively to condemn torture and abuse when we speak to the rest of the world, the nuclear option used as a partisan effort to consolidate power in a single political party and institution would make all the lectures on democracy we give to leaders of other countries ring hollow.

I spoke to a group of Russian Parliamentarians—if I might tell a short story—who came to see me shortly after the Soviet Union collapsed. They wanted to talk about our Federal judiciary. Like other representatives I heard in other emerging democracies, they asked: "Is it true that the U.S. Government might be a party in a lawsuit, but then the Government could lose?"

I said: Absolutely right.

They said: You mean people would dare to sue the Government?

I said: It happens all the time. We have an independent judiciary. Yes, they could.

They said: Well, if the Government actually lost, don't you fire the judge?

I said: No, they are an independent judiciary.

I have argued cases on behalf of the Government where it might have been nice to fire the judge, but that is not the way we do things. It amazes people in other parts of the world. They are amazed that people have disagreed with their Government and could actually go to court, bring a challenge, and seek redress, even if it meant the Government would have to lose to get that redress.

Chief Justice Rehnquist is right to refer to our independent judiciary as the crown jewel of our democracy. It is more than a crown jewel, it is a dazzling jewel, a light to the rest of the world, especially those parts of the world that want to become democratic nations.

Judicial fairness and independence is also essential if we are to maintain our freedoms. I would say to the majority leader of the other body, Mr. DELAY, and others, stop slamming the Federal judiciary. We don't have to agree with every one of their opinions. And we don't on either side. Let us respect their independence.

When the U.S. Supreme Court decided the Presidential election in 2000, I thought that the 5-to-4 majority—a very close majority, a one-vote majority—engaged in an incredible and overreaching act of judicial activism. But I went on the floor of the body and before the television cameras and I called for Americans to respect the opinion of the Court, even though I disagreed with it.

On the Judiciary Committee at the time, I attended the argument of Bush v. Gore, side by side with my Republican counterpart. We wanted to show the country that we had to get along and work together. Democrats didn't ask to impeach Justice Scalia when we wholeheartedly disagreed with his action. Instead we took to the floor of this body and the other body and to the airwaves and said the Supreme Court has spoken. We must uphold the decision of the Court.

Part of upholding the Constitution is upholding the independence of the third branch of Government. One political party or the other will control the Presidency, as they have for over 200 years. One party or the other will control Congress.

In my 30 years here, I have been in the majority several times and in the minority several times. These things go back and forth. No political party should control the judiciary. It has to be independent of all political parties. Think of it, that was the genius of the Founders of this country: one branch of Government, totally independent of the other, independent of political parties. That genius has protected our liberties and rights for well over 200 years. It is a genius of this country that will continue to protect us, unless we allow some to destroy it for short-term political gain. It would be a terrible diminution of our rights if we were to remove the independence of our Federal judiciary. We are liable to do something that no army that marched against us have ever been able to do to this most wonderful of democracies. If you take away the independence of our Federal judiciary, then our whole Constitutional fabric unravels. And that bright promise that brought my ancestors here from Italy and Ireland would be diminished—the bright promise that I hope continues for my children and grandchildren.

Mr. President, I have spoken long and I appreciate the courtesy of my colleague from Utah.

I close by asking unanimous consent that copies of letters sent by hundreds of religious leaders to Senator FRIST, the letter from the Interfaith Alliance to Senator FRIST, the statement by the National Council of Churches, the letter from the Anti-Defamation League to Senator FRIST, and a statement from Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 21, 2005.

AMERICAN RELIGIOUS LEADERS AND SUPPORTERS OPPOSED TO "JUSTICE SUNDAY'S" MANIPULATION OF FAITH

Hon. BILL FRIST,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FRIST: We write as religious leaders who cherish America's distinctive tradition of religious respect, tolerance, and pluralism.

We write as members of religious traditions that revere truth and are guided by prophetic calls to seek justice.

We are gravely disappointed that you have lent support to those who are trying to create confusion and sow division with false charges of religious discrimination and persecution. Good people can and do differ on policy questions like the filibuster. We emphatically reject claims that those who seek to uphold the country's traditions of checks and balances are forcing Christians to choose between their faith and public service.

It is simply not truthful to assert that supporting the filibuster amounts to an attack on people of faith. Most, perhaps all, of the 95% of the Bush nominees who have been approved, have been people of faith. They enjoyed support from both sides of the aisle.

As Senate Majority Leader, you have a responsibility to defend your colleagues on both sides of the aisle, public servants whom you know to be deeply religious people, from shameful and divisive accusations that they are attacking people of faith. You have a responsibility to defend the Nation from efforts utilizing deception and fear-mongering to manipulate Americans of faith. And, perhaps most importantly, as one of our Nation's highest elected officials, you have a responsibility to repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them.

Your participation in the "Justice Sunday" event gives your personal stamp of approval and legitimizes an event built on inflammatory falsehoods. We urge you either to withdraw your participation in this event or, if you participate, to use that opportunity to repudiate the message of divisiveness and religious manipulation that is at the core of the gathering.

Sincerely,
Signed by 406 religious leaders.

APRIL 17, 2005.

Hon. WILLIAM FRIST,
Senate Majority Leader, U.S. Capitol, Washington, DC.

DEAR SENATOR FRIST: As President of The Interfaith Alliance, a national, grassroots organization with 150,000 members coming from over 75 different faith traditions, I write to you again about your interest in introducing to the United States Senate your so-called "nuclear option." However, the focus of this open letter to you is the association being made between a person's political position on the nuclear option and the legitimacy of that person's religion. Though my personal language to you does not reflect the precise manner in which each of our 150,000 members would speak to you, the crucial concern in my message to you represents a primal interest and resonates with the mindset of these diverse individuals in this inter-religious movement.

Senator Frist, I suppose it was bound to happen. Leaders of the religious right and politicians pushing a partisan agenda in the name of religion have so intermingled politics and religion that, now, even you, the leader of the United States Senate, appear unable to discern the difference between authentic faith and partisan politics. I can think of no other reason that you would address a group of people and even offer encouragement to people who have announced that opposition to the elimination of the filibuster signals antipathy toward religious faith, thus fostering a redefinition of religion that is blasphemy and a redefinition of democracy that is scary.

Politically-based judgments about faith are inappropriate at best, but, at worst, they raise suspicions about the motivations of those who make them. Do such politically-motivated judgments about religion come from people—political leaders or spiritual leaders—attempting to manipulate religion to advance their personal brand of politics? Regardless of the reason for the out-of-bounds judgment, the judgment does not work. Oh, to be sure, it may gain a person or a group an edge in political advantage, but it fails as a valid criterion for evaluating religion. A particular political posture never will be the standard by which to measure the authenticity of a religious conviction! Even the suggestion that a person's support or opposition to religious faith can be determined by that person's support or opposition to a political initiative called "the nuclear option" is derogatory of religion and an insult to democracy. I would think that you would want to disassociate yourself from such thought.

Though I personally disagree with your enthusiasm for eradicating the historic practice of the filibuster, viewing your efforts as a broadside to a democracy that values the rights of the minority whether in the Senate or in society as a whole, I never would pass judgment on the integrity of your religious faith because of your commitment to that political strategy.

Senator Frist, I grew up in the state that you represent. In a fundamentalist Baptist church in West Tennessee, I was taught the value of religious liberty—its value for Christianity and its value for government. The people in that congregation knew the sad history of a denial of rights to religious minorities prior to the passage of the First Amendment to the Constitution. With gratitude to God for that invaluable education, my conviction about the dangers of entangling religion and government (not faith and politics) has intensified across the years. Please understand that many of us are scared to death that we see a precious constitutional principle being dismantled in order for a few religious people who claim to speak for all religious people to have their religious views imposed on the entire population of the nation through the power of the United States government.

With a religious conscience as enflamed as the conscience of anybody in the religious right, I oppose the election of judges who will, in the name of religion, make decisions that politicize religion and blunt the vitality as well as compromise the integrity of the rich religious community in this nation. Must my religious conviction be attacked as "anti-faith" simply because I do not agree with you when you attempt to destroy a democratic process that has been tried and true? If I feel that way as a person who is a member of your faith tradition, you only can imagine what people from other religious traditions and people within no religious tradition are feeling about such tactics and the implicit, if not explicit, endorsement of those tactics by you and other political leaders.

For you to use your prestigious Senate position to encourage ferocious attacks on the judiciary launched by the people to whom you plan to speak next Sunday and for you to condone their framing of partisan political posturing as an act of faith so that all who are opposed to their theocratic aggression are dubbed anti-religion are insults to the Senate, a blow to democracy, and a cause for great anxiety in the broader community committed to the historic values of democracy.

All of us should be clear in understanding that the most anti-faith initiatives in our nation right now are those that seek to transform religion by baptizing it as a disciple of partisan politics. A call for respect for balancing the three branches of government and for respecting minority voices in Congress even as in society is not a religious act, but it is a pervasively patriotic act on the part of people who feel like a few are trying to steal the nation from the many in the same way that they have tried to hijack religion and claim that only their voices represent people of faith.

Members of The Interfaith Alliance like me personally love this nation too much and appreciate the role of religion in the nation too much to allow a destructive entanglement of religion and politics to go without challenge. I urge you to reconsider your commitment to speak to a group on Sunday evening that seems to love the nation only when the leaders of the nation favor their particular religion and their preferences in politics. If you proceed with the speech, however, I urge you to make clear that neither your politics nor their politics, whether those two are the same or different, represent a religious position. Even though you will be speaking to people gathered in a church, we all know that you are doing politics and claiming a divine blessing depicted as exclusive to your position. Such an act has no place in a house of worship or, for that matter, in the repertoire or rhetoric of a statesman in this great, diverse nation.

Sincerely,

REV. DR. C. WELTON GADDY,

President, The Interfaith Alliance Pastor of Preaching and Worship, Northminster Baptist Church, Monroe, Louisiana

Member of the Council of 100 Leaders, World Economic Forum.

DISAGREEING WITHOUT DEMONIZING

A partisan political campaign to change the Senate filibuster rules has taken a detour through church-state territory, and NCC General Secretary Bob Edgar has challenged the tactics as "dangerous and divisive" to the nation's religious and public life. In a statement issued Tuesday, Edgar says:

"We are surprised and grieved by a campaign launched this week by Family Research Council and Senate Majority Leader Bill Frist, who said that those who disagree with them on President Bush's judicial nominees are 'against people of faith.'

"This campaign, which they are calling 'Justice Sunday,' should properly be called 'Just-Us' Sunday. Their attempt to impose on the entire country a narrow, exclusivist, private view of truth is a dangerous, divisive tactic. It serves to further polarize our nation, and it disenfranchises and demonizes good people of faith who hold political beliefs that differ from theirs.

"To brand any group of American citizens as 'anti-Christian' simply because they differ on political issues runs counter to the values of both faith and democracy. It is especially disheartening when that accusation is aimed at fellow Christians. The National Council of Churches encompasses more than 45 million believers across a broad spectrum of theology and politics who work together on issues important to our society. If they disagree with Senator Frist's political positions, are these 45 million Christians now considered 'anti-Christian'?

"In the spirit of 1 Timothy 6:3-5, we urge Senator Frist and the Family Research Council to reconsider their plan. We will be praying for the Lord to minister to them and change their hearts so that they will not continue to take our nation down this destructive path."

APRIL 15, 2005.

Hon. BILL FRIST
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: We are deeply troubled by reports that you will be participating in the upcoming telecast "Justice Sunday," scheduled for April 24, and we strongly urge you to reconsider lending support to that program. The heated debate regarding the status of the filibuster in the United States Senate is a quintessentially political contest, not a religious struggle. Nor should it be portrayed as such. Whatever one's views may be on this or any other issue, playing the "religious" card is as unacceptable as playing the "race" card.

The proposal to change the Senate's procedural rules draws both support and opposition from people of all faiths, as well as from citizens who do not ascribe to religious beliefs. "Justice Sunday's" message—that the filibuster is being used as a weapon in the judicial confirmation process to discriminate against "people of faith"—is deeply flawed and a dangerous affront to fundamental principles of American democracy.

Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as means to achieve political success. History shows that doing otherwise promotes destructive religious competition, discrimination, and even persecution. Responsible leaders must avoid taking this country down that road.

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

[From the Religious Action Center of Reform Judaism, April 15, 2005]

REFORM JEWISH MOVEMENT CALLS ON SENATOR FRIST TO REPUDIATE CLAIM THAT JUDICIAL NOMINEES ARE VICTIMS OF A "FILIBUSTER AGAINST FAITH"

WASHINGTON—In response to Senate Majority Leader Bill Frist's plan to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith," Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, issued the following statement:

The news that Senate Majority Leader Bill Frist plans to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith" is more than troubling; it is disingenuous, dangerous, and demagogic. We call on him to reconsider his decision to appear on the telecast and to forcefully disassociate himself from this outrageous claim.

Senator Frist must not give legitimacy to those who claim they hold a monopoly on faith. They do not. They assert, in the words of Tony Perkins, president of the Family Research Council and organizer of the telecast, that there is a vast conspiracy by the courts "to rob us of our Christian heritage and our religious freedoms." There is no such conspiracy. They have been unable to ram through the most extreme of the President's nominees, and now they are spinning new claims out of thin air.

Alas, this is not an isolated incident. This past week, the Christian Coalition convened a conference in Washington entitled, "Confronting the Judicial War on Faith." Their special guest speaker was the House Majority Leader, Rep. Tom DeLay. When leaders of the Republican Party lend their imprimatur to such outrageous claims, including, at the conference, calls for mass impeachment of Federal Judges, it should be of deep concern to all who care about religion. It should also be of concern to President Bush whose silence, in the wake of the claims made both at the conference in Washington and in the upcoming telecast, is alarming.

The telecast is scheduled to take place on the second night of the Passover holiday, when Jews around the world gather together to celebrate our religious freedom. It was in part for exactly such freedom that we fled Egypt. It was in part for exactly such freedom that so many of us came to this great land. And it is in very large part because of exactly such freedom that we and our neighbors here have built a nation uniquely welcoming to people of faith—of all faiths. We believe Senator Frist knows these things as well. His association with the scheduled telecast is, in a word, shameful. We call upon him to disassociate himself from the claim that the Senate is participating in a filibuster against faith, and to withdraw his participation from April 24th event.

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, today, as in previous years, I would like to honor the memory of the victims of the Armenian genocide. This year marks the 90th anniversary of the brutal campaign to eliminate Armenians from the Turkish Ottoman Empire.

April 24 was chosen as the day of remembrance because on that date in 1915, more than 5,000 Armenians including civic leaders, intellectuals, writers, priests, scientists, and doctors were systematically rounded up and murdered. The systematic and intentional killing continued until 1923, leaving nearly 1.5 million Armenians dead.

There are those who attempt to deny that this atrocity ever occurred. But there is no denying the overwhelming historical record and eyewitness accounts that documented the appalling events of 1915–23, which occurred during the time of the Ottoman Empire. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this."

The annual remembrance of the Armenian genocide is not a condemnation of our ally, the present day Republic of Turkey. But, our mutual interest with our NATO partner and our friendship with, and respect for, the Turkish people are not reasons to ignore historical fact. Nobel Laureate writer Elie Wiesel has said that the denial of genocide constitutes a "double killing" for it seeks to rewrite history by absolving the perpetrators of violence while ignoring the suffering of the victims.

During my time in the Senate, I have spoken about the Armenian Genocide many times. It is important that we take time to remember and honor the victims, and pay respect to the survivors who are still with us. In addition, we must reaffirm our commitment to ensuring that history is not repeated. This is the highest tribute we can pay to the victims of any genocide.

Mr. President, I urge my colleagues to honor the memory of the 1.5 million Armenian genocide victims by recognizing that there are still those in the world who will stop at nothing to perpetuate campaigns of hate, intolerance, and unthinkable violence. We must do all we can to stop atrocities, like those in the Darfur region of Sudan, from occurring as well as continue to provide adequate recovery aid to survivors. In doing so, we will truly honor the memory of genocide victims and fulfill our responsibilities as a world leader.

Mr. SARBANES. Mr. President, I rise to commemorate the 90th anniversary of the Armenian genocide, the first genocide of the 20th century. One and a half million men, women, and children lost their lives as a result of the violent massacres and extensive deportation carried out by the Ottoman Turkish rulers against their Armenian citizens. Today, as we remember the bravery and sacrifice of the Armenian people in the face of great suffering, we renew our commitment to protecting the fundamental rights and freedoms of all humanity.

Nine decades have passed since the terrible blows that befell the Armenian people in 1915. On April 24 of that year, more than 250 Armenian intellectuals and civic leaders in Constantinople were rounded up and killed, in what was the first step in a systematic plan to exterminate the Armenian population in the Ottoman Empire. After the round-up, Armenian soldiers serving in the Ottoman army were segregated into labor battalions and brutally murdered. In towns and villages across Anatolia, Armenian leaders were arrested and killed. Finally, the remaining Armenian population, women, children, and the elderly, were driven from their homes and deported to the Syrian Desert.

In reality, "deportation" was merely a euphemism for death marches. Ottoman Turkish soldiers allowed brigands and released convicts to kill and rape the deportees at will: often the soldiers themselves participated in the attacks. Driven into the desert without food and water, weakened by the long march, hundreds of thousands of Armenians succumbed to starvation. In areas of Anatolia where deportation was not deemed practicable, other vicious actions were undertaken. In the towns along the Black Sea coast, for example, thousands of Armenians were packed on boats and drowned.

The efforts to annihilate the Armenian population were well documented in first-hand accounts, press reports, and other testimony. Henry Morgenthau, the U.S. Ambassador to Turkey at the time, personally made vigorous appeals to stop the genocide, calling it "a campaign of race extermination" and "the greatest horror in history". Leslie Davis, a U.S. diplomat stationed in eastern Anatolia, had a similar account, writing once to the State Department, "it has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not more effective, than I had at first supposed." Even Germany, Ottoman Turkey's own ally, condemned the Turkish "acts of horror."

Despite the testimony from U.S. diplomats who were witness to the events and the abundance of credible, international evidence documenting the Armenian genocide, there are still those who refuse to acknowledge its occurrence. To anyone who doubts this brutal history, I would recommend a visit to the National Archives, where much of the evidence collected by our diplomats, along with survivors' accounts, are stored.

I do not deny that coming to terms with history is a difficult and painful process, as those who lived in South Africa and the countries of the former Soviet bloc can tell us. But the challenge of acceptance does not justify the distortion of truth. Falsifying history insults the memory of those who suffered and threatens our very understanding of justice and humanity.

We have a national interest in seeking that our foreign policy is grounded in the same principles on which this Nation was founded, a respect for the truth, the rule of law, and democratic institutions. Clearly, this was in part the administration's motivation for its recognition last fall of the genocide in Darfur. In his testimony before the Foreign Relations Committee on September 9, Secretary Powell declared that "the evidence corroborates the specific intent of the perpetrators to destroy 'a group in whole or in part'." This begs the question: if Darfur, why not Armenia? Did the Ottomans not seek to destroy the Armenians to this same extent?

Although Americans of Armenian origin, many of whom came to this country fleeing persecution and looking to rebuild, make up a relatively small community among the multitudes that comprise our Nation, they have enriched our national life beyond proportion to their numbers, in the arts and sciences, in medicine, in business, and in the daily life of communities across the Nation. I support Americans of Armenian origin in calling for recognition of the genocide committed against their relatives 90 years and just a few generations ago. In recognizing this tragedy, we reinforce our commitment to building a world in which history will not repeat itself.

SENATOR GAYLORD NELSON AND EARTH DAY

Mr. KOHL. Mr. President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day—and a man who was a driving force for the way the American people and the world view the environment and environmental conservation.

Gaylord Nelson was truly a pioneer who had the vision of starting a national day to protect and celebrate our environment when it was not politically popular. What started out as an idea in the early 1960s blossomed into a national day of observance with an estimated 20 million demonstrators participating in the first Earth Day in 1970. Today there will be an estimated 500 million people in 167 countries taking part in Earth Day.

All over the country, Americans heard about the dangers of lead in our water and air, pesticides in our drinking water, and chemicals in our soil. An informed public brought pressure on Congress and the President to act. The movement that started that first Earth Day led to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundation of our environmental law today, and they would not have been possible without the work and vision of Senator Gaylord Nelson.

Senator Nelson entered public service in 1948, after serving 4 years in the military during World War II. He served as a Wisconsin State senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he was known for conservation efforts and preserving wetlands long before those causes became popular nationally. As a Senator, he built on his environmentalist reputation to further issues including the preservation of the Appalachian Trail corridor and the creation of the national trail system.

Earth Day also reminds us that we need to work internationally. We need to engage developing economies like China, India, and Russia to head off major environmental disasters. We are not on this planet alone, and we can no longer pretend that environmental damage around the globe does not come back to haunt us. Senator Nelson understood that lesson almost 40 years ago, and he has been teaching it to the rest of us ever since.

The ideas of Gaylord Nelson are just as important today as they were 35 years ago. The progress that followed in the wake of the first Earth Day must not be forgotten. As a nation and as neighbors in the world we must continue to demand for higher accountability and higher environmental standards. Today is a reminder for all people to recommit themselves to environmental stewardship and to thank Gaylord Nelson for focusing us on how we impact the environment that sustains us—and the legacy we owe to the generations that follow us.

"GENTLEMAN" JIM JEFFORDS

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to our friend and colleague from Vermont, JIM JEFFORDS, who announced on Wednesday that he will not seek re-election to a fourth term in the Senate in 2006.

If anyone has earned the right to retire from politics, it is JIM JEFFORDS. JIM began his public service in 1956, when he was just 22. He joined the Navy and served on active duty until 1959, when he entered Harvard Law School. He was elected to the Vermont State Senate in 1966, nearly 40 years ago. Two years later, he was elected State attorney general, and he served in that capacity until 1973.

He was elected to the United States House of Representatives in 1974. I think that was a testament to the respect and affection that Vermonters have for JIM. As my colleagues may recall, 1974 was a pretty tough year for Republicans to get elected.

JIM served in the House for 14 years, distinguishing himself on the Agriculture Committee and the Education and Labor Committee. He showed his fiercely independent streak in 1981 when he was the lone House Republican to vote against President Reagan's tax cuts that caused budget deficits to explode.

In 1988, JIM was elected to the Senate, replacing another esteemed Vermont Republican, former Senator Robert Stafford. In three terms in the Senate, JIM has chaired the Health, Education, Labor and Pensions Committee and the Environment and Public Works Committee.

It is customary for Members of Congress to focus on a few issues during their career. JIM is unusual because he has significant accomplishments in so many areas.

Over the course of his 30-year career in Congress, JIM has had an enormous impact on every education and job training bill, including the elementary and secondary education and the higher education reauthorization bills and the Individuals with Disabilities Education Act, IDEA; every farm bill; the Northeast Interstate Dairy Compact; and every environmental protection bill, including the landmark 1990 Clean Air Act amendments that established the "cap and trade" program for sulfur dioxide that has done so much to reduce acid rain in our part of the country. JIM has also been one of the staunchest and most effective advocates for the arts, humanities, libraries, and museums. And he has been a tireless champion of the women, infants and children, WIC, nutrition program.

Back home in his beloved Vermont, he is known as "Gentleman Jim." And he is a gentleman, one of the most decent and thoughtful Members ever to have served in the Senate.

Because he is so soft-spoken and moderate, people underestimate him. Or at least they did, until he decided that President Bush and the Republican majorities in Congress were taking our country in the wrong direction.

I know that leaving the Republican Party and becoming an Independent was one of the toughest decisions JIM has ever made. But he believed it was the right thing to do, so he did it, with his characteristic humility and without any rancor.

The Senate will be a poorer place without JIM JEFFORDS' expertise and civility. But as I said a moment ago, if anyone has earned the right to retire, it is JIM JEFFORDS.

I know he wants to get back to Vermont and help his wife Liz battle cancer. Liz lost her sister recently, and their son-in-law will be deployed to Iraq soon. So JIM and Liz and their family are especially in our thoughts and prayers right now.

We will miss JIM JEFFORDS, but history will mark his heroism and his enormous contribution to life in America. For that, we are eternally grateful.

ADDITIONAL STATEMENTS

RECOGNITION OF DARLEEN HORTON

• Mr. BUNNING. Mr. President, I speak today in honor of Darleen Horton, a teacher at Chenoweth Elementary in Louisville, KY. Ms. Horton was recently selected by President Bush to receive the Presidential Award for Excellency in Mathematics and Science Teaching. Ms. Horton was chosen based on her passion for her subjects and her dedication to her students.

The Presidential Award for Excellence in Mathematics and Science Teaching identifies outstanding mathematics and science teachers in all 50 States, the District of Columbia, Puerto Rico, the U.S. Territories and the U.S. Department of Defense Schools. This year the awards focused on K–6th grade teachers. Each teacher receives $10,000 and a trip to our Nation's Capital.

The requirements for this award are difficult to attain and demand a great deal of effort on the part of the teacher. It is only given to those teachers who embody excellence in teaching, demonstrate devotion to the students, and are able to uphold the high standards that exemplify American education at its finest. It recognizes the important contributions teachers make to American young people and to the promise of America's future.

I am very proud of this Kentucky teacher's accomplishments. Since she began teaching in 1958, she has been an inspiration to many students. In the news release concerning the Award, one of Ms. Horton's students was quoted as saying, "Teaching is the art of making learning irresistible." I have no doubt which teacher that student was talking about. I congratulate Ms. Horton on her ability to make learning irresistible and I thank her for the work she has done to educate the next generation of Americans.•

CONGRATULATING THE AMERICAN LEGACY FOUNDATION ON RECEIVING THE EPA CHILDREN'S ENVIRONMENTAL HEALTH AWARD

• Mr. DURBIN. Mr. President, I congratulate the American Legacy Foundation on the occasion of yesterday's announcement by the U.S. Environmental Protection Agency that the Foundation is a recipient of the agency's Children's Environmental Health Award.

The widespread use of tobacco and devastating effects of secondhand smoke create a serious environmental health risk for America's children. Since its inception 5 years ago, the American Legacy Foundation, a nonprofit health organization dedicated to building a world where young people reject tobacco and anyone can quit, has worked to discourage adult and youth tobacco use and reduce the effects of secondhand smoke.

Passive exposure through secondhand smoke, or environmental tobacco smoke, puts children at risk for a range of negative health consequences including asthma, ear infections, bronchitis, pneumonia, reduced lung function, respiratory infection, and other chronic respiratory symptoms. According to current population survey data, 13.8 million kids ages 0 to 17 are exposed to secondhand smoke and 22 percent of middle school students and 24 percent of high school students are exposed to secondhand smoke in the home. American Legacy's campaigns and programs to reduce smoking are helping to reduce the number of young people breathing environmental tobacco smoke.

The Environmental Protection Agency is recognizing the Foundation because of its initiatives to address the negative health effects of tobacco. Outreach efforts include public awareness campaigns and initiatives designed to educate and empower youth to take action against the environmental health threat that smoking and secondhand smoke poses to them.

It is with great pleasure today that I commend the agency for its program of recognition and the American Legacy Foundation for its award. •

RANDY WHITE: AN IDAHO HERO

• Mr. CRAPO. Mr. President, many times over the past few years that our military men and women have served in Iraq and Afghanistan, we have heard the accounts of combat, injury and death. Sometimes, we can lose sight of the fact that there are people here at home who put their lives on the line every day in the execution of their law enforcement duties. In September 2003, Randy White, a courageous police officer and 16-year veteran of the Minidoka County Sheriff's Office put his life on the line to protect innocent bystanders and fellow officers from injury and death. In the course of apprehending a fugitive from an Idaho bank robbery in Jackpot, NV, Randy sustained gunshots to his abdomen and legs, one of which was at point-blank range. He still suffers from these injuries, but returned to work very shortly following his harrowing experience and has not allowed the extent of his injuries to derail his work and activities.

Randy and his wife SunDee have four children, Jared, Jordan, Michelle and Dalen. Randy is active in the LDS church in Rupert, ID, serving as high priest group leader. He has devoted many years to the Boy Scouts, first serving as a Cub Scout Master for 10 years and then a Scout Master for 8. He now holds the position of Scout Committee Chairman. A third generation Idahoan, Randy spent 10 years on active duty with the Navy and 19 years in the Navy Reserves. His active duty time included a tour in Vietnam. Along with his devotion to his family and dedication to his job and community, he has retained his sense of humor, even in the recent trauma he experienced. He said this when asked about the shooting, "I spent two years in Vietnam and was shot at many times but never hit. I came back to sleepy Idaho and rural Nevada and got shot three times!" Randy is a courageous, hard-working father, husband and community leader. I wish him well as he continues his recovery, and congratulate him on his selection to be the new Rupert Chief of Police. Today, he is being awarded the FBI Shield of Bravery and Star Award in Rupert, ID. I am honored to recognize Randy's bravery and courage today in the United States Senate, as well as the bravery and courage of all other Americans in law enforcement across our country. Randy embodies the spirit of the great State of Idaho. We are all extremely fortunate that individuals like this exceptional man we honor today protect our freedom here at home. •

HONORING THE CAREER OF SECRETARY JAMES ELLENBECKER

• Mr. JOHNSON. Mr. President, it is with great honor that I recognize the leadership and many achievements of South Dakota Secretary of Social Services James Ellenbecker. Secretary Ellenbecker embodies the highest qualities of public service and has deservedly earned the respect and admiration of all those who have had the opportunity to work with him. After 35 years of public service, Secretary Ellenbecker is retiring as South Dakota's Secretary of Social Services, leaving behind an extraordinary legacy.

Secretary Ellenbecker began his career with the South Dakota government in 1970, and has since dedicated his life to serving the citizens of South Dakota. Working for the State Planning Agency and then the Department of Labor, he ultimately found himself in the Department of Social Services after providing then-Governor Bill Janklow with information he urgently needed late one Friday afternoon. Following their encounter, Governor Janklow appointed James Secretary of Social Services in 1980, a post he has held ever since.

During his 25 year tenure as secretary, under the leadership of four different governors, Secretary Ellenbecker played a vital role in enhancing South Dakota's Social Services infrastructure. As head of one of the largest and most complex agencies in the state, he promoted innovations which significantly enhanced its treatment of the elderly, children and single parent families. His influence on South Dakota's 1988 Elderly Initiative resulted in a responsive, efficient, and cost-effective long-term care system for the elderly, thus easing the burdens many families face both financially and emotionally. Under this new plan, more aged residents could live at home and maintain their independence.

Secretary Ellenbecker is also responsible for transforming South Dakota's welfare program. As a result of his vision and dedication, South Dakota has one of the most successful child support programs in the country. His strategy improved the lives of countless single parents by holding absent parents financially responsible for their children. Similarly, 67,000 uninsured children in South Dakota gained access to health care as a result of Secretary Ellenbecker's diligent management of South Dakota's medical services program.

I had the privilege of working with Secretary Ellenbecker during my years of service in the South Dakota Legislature. Throughout my years in Congress, when constituents contacted my office with issues involving the South Dakota Department of Social Services, I could always rely upon Secretary Ellenbecker to provide a thorough review of the situation and supply a detailed response to my questions and the issues raised by the constituents. I appreciated his willingness to share insight into issues affecting his department and to coordinate briefings with my staff. Numerous South Dakotans and their families have benefited over the years from our working partnership, and I commend his tireless dedication to his agency and to the people of South Dakota.

I am honored to share Secretary Ellenbecker's accomplishments with my colleagues, and I publicly commend and thank him for his excellent service to South Dakota. I wish Jim the very best, along with his wife Kathy and their two children, Bradley and Ryon.•

MR. PAUL HEMMER

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Paul Hemmer of Northern Kentucky, who was recently honored with one of the "Movers and Shakers" awards for the Greater Cincinnati area. Mr. Hemmer life accomplishments and dedication to the Commonwealth of Kentucky have given me reason to be proud.

Following his graduation from Saint Xavier High School, Mr. Hemmer entered the University of Cincinnati where he later earned his Bachelor of Science in Civil Engineering. He has held a variety of positions within the construction industry including general contracting, development, design/build and plan/spec with experience in the industrial, institutional, commercial, and residential fields. His is currently retired as the chairman of Paul Hemmer Companies.

Throughout his life, Mr. Hemmer has always been active in civic affairs in Northern Kentucky. He has been an integral part of his community serving as director for the Northern Kentucky Chamber of Commerce, a trustee for Thomas More College, a trustee for the Literacy Network of Greater Cincinnati, and the United Way chairman for Northern Kentucky.

The "Movers and Shakers" award of Northern Kentucky is an annual award presented to honor those within the Greater Cincinnati region who stand as an example for all. It is presented by the Kentucky Enquirer, the Sales and Marketing Council of Northern Kentucky, The Home Builders Association of Northern Kentucky and The Kentucky Post.

As a Senator from Kentucky, I appreciate the devotion Mr. Hemmer has shown over the years to the citizens of Kentucky. I commend his efforts and hope his example of dedication and hard work will serve as an inspiration to the entire State. •

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 870. A bill to prohibit energy market manipulation.

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

By Mr. HAGEL:

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 892. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 420

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 577

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today is Earth Day, founded 35 years ago to celebrate our natural world and encourage efforts to protect its future. As part of that effort, I am introducing today legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or TRIP, establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators ALEXANDER, AKAKA, BOXER, CORZINE, DODD, FEINSTEIN, KENNEDY, LAUTENBERG, LEVIN, SALAZAR, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

Over the last several years, both the Administration and the Congress have demonstrated support for transit in the parks by including either the TRIP Act or a similar initiative in their proposals for the reauthorization of the Transportation Equity Act for the 21st Century. In fact, the Transit in Parks program was included in the reauthorization bill that passed the Senate by an overwhelming vote during the last Congress. Unfortunately, that legislation was not completed by the House-Senate conference committee before the end of the Congress, and will have to be taken up anew during the current session.

It is in this context that I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Every year, millions of visitors head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has more than 4 million visitors a year. As many as 6,100 vehicles enter the South Rim area in a single summer day. They compete for 1,392 spaces in the Village area. About 150 commercial tour buses enter the South Rim on a typically busy day. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2003, that number had risen to 266 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 3 million visitors a year; Yellowstone, which has almost 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Acadia; Bryce; Zion and many others. We need to solve these problems now or risk permanent harm to our Nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse upwards of $300 million a year into the local economy, which supports almost 9,000 jobs. At Yellowstone, tourists spend more than $200 million annually, which supports more than 6,000 jobs in the park and in adjacent communities. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the Nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon a 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA-21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over 200 sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: "Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities."

In fact, the study concluded that "the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites." The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by "expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities."

The study identified "lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems" as a key barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes $90 million for this new program for each of the fiscal years 2005 through 2010, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement outlined in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection, and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this bill, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA-21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas.

The Transit in Parks program is strongly supported by the National Parks Conservation Association, American Public Transportation Association, Natural Resources Defense Council, Community Transportation Association, America Bikes, Friends of the Earth, Amalgamated Transit Union, Surface Transportation Policy Project, and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the RECORD.

I believe that we have a clear choice before us: we can turn paradise into a parking lot or we can invest in alternatives. As we celebrate the 35th anniversary of Earth Day, I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transit in Parks Act" or the "TRIP Act".

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

"§ 5316. Federal land transit program

"(a) FINDINGS AND PURPOSES.—

"(1) FINDINGS.—Congress finds that—

"(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105-178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

"(i) identify the transportation strategies that improve the management of national parks and related public lands;

"(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

"(iii) assess the feasibility of alternative transportation modes; and

"(iv) identify and estimate the costs of those alternative transportation modes;

"(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

"(C) the study concluded that implementing transit on federally-managed land can help—

"(i) relieve traffic congestion and parking shortages;

"(ii) enhance visitor mobility and accessibility;

"(iii) preserve sensitive natural, cultural, and historic resources;

"(iv) provide improved interpretation, education, and visitor information services;

"(v) reduce pollution; and

"(vi) improve economic development opportunities for gateway communities;

"(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

"(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

"(i) protect and conserve natural, historical, and cultural resources;

"(ii) prevent or mitigate adverse impacts on those resources;

"(iii) relieve congestion;

"(iv) minimize transportation fuel consumption;

"(v) reduce pollution (including noise pollution and visual pollution); and

"(vi) enhance visitor mobility, accessibility, and the visitor experience; and

"(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

"(2) PURPOSES.—The purposes of this section are—

"(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

"(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

"(i) enhance resource protection;

"(ii) prevent or mitigate adverse impacts on those resources;

"(iii) improve visitor mobility, accessibility, and the visitor experience;

"(iv) reduce pollution and congestion;

"(v) conserve energy; and

"(vi) increase coordination with gateway communities;

"(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

"(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

"(b) DEFINITIONS.—In this section:

"(1) ALTERNATIVE TRANSPORTATION.—

"(A) IN GENERAL.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

"(B) INCLUSIONS.—The term 'alternative transportation' includes sightseeing service.

"(2) ELIGIBLE AREA.—

"(A) IN GENERAL.—The term 'eligible area' means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

"(B) INCLUSIONS.—The term 'eligible area' includes—

"(i) a unit of the National Park System;

"(ii) a unit of the National Wildlife Refuge System; and

"(iii) a recreational area managed by the Bureau of Land Management.

"(3) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

"(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

"(A) a Federal land management agency; or

"(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

"(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

"(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

"(B) involves—

"(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

"(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

"(C) relates to the capital costs of coordinating the Federal land management agency alternative transportation systems with other alternative transportation systems;

"(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

"(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with the purposes described in subsection (a)(2); or

"(F) is any other alternative transportation project that—

"(i) enhances the environment;

"(ii) prevents or mitigates an adverse impact on a natural resource;

"(iii) improves Federal land management agency resource management;

"(iv) improves visitor mobility and accessibility and the visitor experience;

"(v) reduces congestion and pollution (including noise pollution and visual pollution); and

"(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

"(1) technical assistance in alternative transportation;

"(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

"(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

"(d) TYPES OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

"(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

"(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

"(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

"(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

"(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

"(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

"(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

"(1) if the qualified participant is a Federal land management agency—

"(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

"(i) the metropolitan planning provisions under sections 5303 through 5305;

"(ii) the statewide planning provisions under section 135 of title 23; and

"(iii) the public participation requirements under section 5307(c); and

"(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

"(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

"(A) comply with sections 5303 through 5305;

"(B) comply with the statewide planning provisions under section 135 of title 23;

"(C) comply with the public participation requirements under section 5307(c); and

"(D) consult with the appropriate Federal land management agency during the planning process.

"(g) COST SHARING.—

"(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

"(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

"(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

"(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

"(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

"(D) the clear and direct benefit to the qualified participant; and

"(E) any other matters that the Secretary considers appropriate to carry out this section.

"(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

"(h) SELECTION OF QUALIFIED PROJECTS.—

"(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

"(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

"(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

"(B) the location of the qualified project, to ensure that the selected qualified projects—

"(i) are geographically diverse nationwide; and

"(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

"(C) the size of the qualified project, to ensure that there is a balanced distribution;

"(D) the historical and cultural significance of a qualified project;

"(E) safety;

"(F) the extent to which the qualified project would—

"(i) enhance livable communities;

"(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

"(iii) reduce congestion; and

"(iv) improve the mobility of people in the most efficient manner; and

"(G) any other matters that the Secretary considers appropriate to carry out this section, including—

"(i) visitation levels;

"(ii) the use of innovative financing or joint development strategies; and

"(iii) coordination with gateway communities.

"(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

"(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

"(A) the qualified participant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

"(2) INTEREST.—

"(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

"(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

"(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

"(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than $25,000,000—

"(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

"(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

"(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

"(1) the requirements of section 5333;

"(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

"(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

"(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

"(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

"(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

"(A) conserve resources;

"(B) prevent or mitigate adverse environmental impact;

"(C) improve visitor mobility, accessibility, and enjoyment; and

"(D) reduce pollution (including noise pollution and visual pollution).

"(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

"(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

"(o) REPORT.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

"(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).".

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(j) SECTION 5316.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 $90,000,000 for each of fiscal years 2005 through 2010.

"(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

"5316. Federal land transit program.".

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking "or 5311" and inserting "5311, or 5316"; and

(B) by striking "5311, or" and inserting "5311, 5316, or".

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking "5309(o)(1)" and inserting "5309(p)(1)"; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

Transit in Parks Act Section-by-Section

Section 1. Short title

The Transit in Parks (TRIP) Act.

Section 2. In general

Amends Federal transit laws by adding new section 5316, "Federal Land Transit Program."

Section 3. Findings and purposes

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The Act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA-21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

Section 4. Definitions

This section defines eligible projects and eligible participants in the program. A "qualified participant" is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A "qualified project" is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. "Eligible areas" are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

Section 5. Federal agency cooperative arrangements

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

Section 6. Types of assistance

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

Section 7. Limitation on use of available amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8. Planning process

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA–21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA–21 planning process and consult with the appropriate Federal land management agency during the planning process.

Section 9. Department's share of the costs

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

Section 10. Selection of qualified projects

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) Project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

Section 11. Undertaking projects in advance

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

Section 12. Full funding agreement; Project management plan

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

Section 13. Relationship to other laws

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

Section 14. Innovative financing

This section provides that a project assisted under this Act can also use funding from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

Section 15. Asset management

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

Section 16. Coordination of research and deployment of new technologies

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

Section 17. Report

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

Section 18. Authorization

$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2005 through 2010.

Section 19. Conforming amendments

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

Section 20. Technical amendments

Technical corrections to the transit title in TEA–21.

APRIL 21, 2005.

Hon. PAUL SARBANES,
309 Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 277 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with States, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

Thomas C. Kiernan, President, Nat'l Parks Conservation Association.

Steve Winkelman, Manager of Transportation, Center for Clean Air Policy.

David Hirsch, Program Director, Friends of the Earth.

John Thorner, Executive Director, Nat'l Recreation and Park Association.

Andy Clarke, President, America Bikes.

W. Kent Olson, President, Friends of Acadia.

Mele Williams, Director of Government Relations, League of American Bicyclists.

Anne P. Canby, President, Surface Transportation Policy Project.

AMERICAN PUBLIC TRANSPORTATION
ASSOCIATION,
Washington, DC,
APRIL 21, 2005.

Hon. PAUL S. SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for sharing with us a copy of the "Transit in Parks Act" (TRIP) which would amend federal transit law at Chapter 53, title 49 U.S.C. The Act would authorize federal assistance to certain federal projects and state and local entities to finance mass transportation projects generally for the purpose of addressing transportation congestion and mobility issues at national parks and other eligible areas. In addition, the legislation would encourage enhanced cooperation between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

I am pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle the American Public Transportation

Association has been advocating for many years.

I applaud you for writing the legislation, and look forward to continuing to work with you and your staff. Please let us know what we can do to help your initiative!

Sincerely yours,
WILLIAM W. MILLAR,
President

APRIL 19, 2005.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their inividual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems. In short, this bill would help to reduce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is crucial to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation onthese vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,
CHARLES M. CLUSEN,
Senior Policy Analyst.

AMALGAMATED TRANSIT UNION,
OFFICE OF THE INTERNATIONAL
PRESIDENT,
Washington, DC, April 12, 2005.

Hon. PAUL SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the "Transit in Parks Act" (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, Federal transit programs have enabled public transportation providers to assist urban communities, to significantly reduce congestion and improve air quality by investing in mass transit, either bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,
WARREN S. GEORGE,
International President.

APRIL 21, 2005.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: the Community Transportation Association continues to support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our association's 7,500 members provide public and community transportation services in many of the smaller communities that border these national parks, monuments, and recreational areas, and our association has members actively involved in providing transportation services at several national parks.

All of us know the danger that congestion and increases in traffic pose for the future of these sites and locations. Your continued sponsorship of the Transit in Parks Act is an important step in helping ensure that America's natural beauty and historic treasures remain a continuous part of our nation's future. We have members throughout the country whose experiences support the principle that public transit investments in and near national parks and public lands can improve mobility, support the economic vitality of these parks' "gateway communities," and make dramatic improvements in the experiences of park visitors, employees, and community residents alike.

We appreciate your dedicated efforts and initiative in this regard, and look forward to helping you advance this important piece of legislation.

Sincerely,
DALE J. MARSICO, CCTM,
Executive Director.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 22, 2005, at 9:30 a.m., in open and closed session to receive testimony on U.S. Special Operations Command in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

CLOTURE MOTION

Mr. BENNETT. Mr. President, I now move to proceed to calendar No. 69, H.R. 3, the highway bill, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, John Warner, Lindsey Graham, Craig Thomas, Mike DeWine, Richard Burr, Susan Collins, Johnny Isakson, James Inhofe, Gordon Smith, Pete Domenici, Thad Cochran, John Thune, Orrin Hatch, Chuck Grassley, David Vitter, Mitch McConnell.

Mr. BENNETT. Mr. President, I ask unanimous consent that the live quorum be waived and the vote occur at 11:45 a.m. on Tuesday, April 26.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 870, S. 871, S. 872, S. 873, AND S. 874

Mr. BENNETT. Mr. President, I understand there are five bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills for a second time.

The assistant legislative clerk read as follows:

A bill (S. 870) to prohibit energy market manipulation.

A bill (S. 871) to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

A bill (S. 872) to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

A bill (S. 873) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

A bill (S. 874) to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

Mr. BENNETT. Mr. President, in order to place the bills on the calendar under provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR MONDAY, APRIL 25, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, April 25. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the motion to proceed to H.R. 3, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE STATEMENTS UNTIL 12 P.M. NOON

Mr. BENNETT. I further ask unanimous consent that notwithstanding the adjournment of the Senate, Senators be permitted to submit statements for the RECORD until 12 p.m. noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, on Monday, the Senate will resume the motion to proceed to the highway bill. There will be no rollcall votes on Monday but Senators are encouraged to come to the floor to make their statements with respect to the bill.

As a reminder, a few minutes ago, cloture was filed on the motion to proceed to the bill and that cloture vote will occur at 11:45 on Tuesday of next week. That will be the first rollcall vote of next week. Next week is the last week prior to the Senate recess and Senators should expect a busy week with votes as we make progress on the highway legislation.

ADJOURNMENT UNTIL 2 P.M., MONDAY, APRIL 25, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:05 a.m., adjourned until Monday, April 25, 2005, at 2 p.m.

EXTENSIONS OF REMARKS

IN SUPPORT OF TOM DeLAY

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. FEENEY. Mr. Speaker, as a former Speaker of the Florida House where the ethics process was never partisan, I have been saddened and disappointed at some of the wild ethics charges made by billionaire socialists and repeated by Democratic Members.

Let me say, there is no greater ethical sin by a Member, and no greater poison to our Congress, than to make false ethical charges against another Member for partisan gain.

The Democratic leadership has created a fog machine to attack TOM DELAY. They claim that the Democratic fog blown at the Leader is smoke; and insist that where there is smoke there must be a fire.

For three months Democratic leaders, while smearing our Leader, have instructed their 5 members of the Ethics Committee to kill the ethics process.

Yesterday, Chairman HASTINGS offered to hear allegations against the Leader. The Democratic attack machine refused, pandering to billionaire socialists who are organizing this attack not just on TOM DELAY, but the U.S. House itself.

Democrats realize their liberal agenda cannot give them a majority in this House. Realizing they cannot rule the U.S. House of Representatives, Democrats are determined to ruin it.

TRIBUTE TO UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to the University of Illinois at Urbana-Champaign. Many people have recently seen and heard a lot of well deserved praise for the university's men's basketball team as Coach Bruce Weber guided the team to a record tying 37–2 record and place in the National Championship game. The season brought a great sense of pride to me, my staff, the university, the Urbana-Champaign community, and State as a whole. This praise was not only as a result of the great accomplishments of the team, but the manner in which the team went about achieving its goals. The players played with such heart and determination, all the while truly playing unselfishly as one cohesive unit, not as individual players. I would ask my colleagues to take this opportunity to congratulate and honor Coach Weber, his staff, and the young men who put on the uniforms and played the game the way it was meant to be played.

While many Americans may have first been exposed to the university during this special basketball season, I have had the distinct privilege to represent the university for almost 30 years; first as a State Representative and now as a Congressman from the 15th District of Illinois. I would therefore like to rise today to also pay tribute and bring recognition to the other highly successful athletic programs and the highly recognized and honored academics at the university.

Mr. Speaker, this year alone the university has been honored to be represented by the nationally ranked No. 2 men's tennis team, the No. 3 men's gymnastics team, the No. 6 men's wrestling team, the No. 14 women's soccer team, and the No. 20 women's cross country team. Let me take this time to honor and thank Coach Craig Tiley, Coach Yoshi Hayasaki, Coach Mark Johnson, Coach Janet Rayfield, Coach Karen Harvey, and all of the young men and women who have strived for greatness and brought a great deal of pride to me, my staff, the Urbana-Champaign community, and the university.

While these are all great accomplishments, without the same degree of success in the academic realm, these feats would all be for naught. I am proud to say that the university, President B. Joseph White, Director of Athletics Ron Guenther, the faculty, the coaches, and the students at the University of Illinois have all helped make this one of the top academic institutions in the world and its graduates some of the most successful. In 2004 U.S. News & World Report ranked many undergraduate programs at Urbana-Champaign campus in their Top 10 in the country, including: accountancy, 1st, materials science, 1st, civil engineering, 2nd, computer engineering, 5th, real estate, 7th, and marketing, 10th. In 2003, the University of Illinois earned the distinction of being the only U.S. public university to have two of its faculty members, Anthony J. Leggett, physics, and Paul C. Lauterbur, medicine, win Nobel prizes in the same year. The list of distinguished alumni is far too long to include here, but it includes: CEO's, government officials, world class researchers, astronauts, and Pulitzer Prize winners, to name a just a few.

Mr. Speaker, I rise today to pay tribute to everyone who is involved in the University of Illinois and to thank them for their dedication, hard work, and vision to make the 15th Congressional District, the State of Illinois, the Nation, and the world as a whole a better place to live for all of us.

CONGRATULATING MATHILDA SHEPTAK ON 40 YEARS IN THE TOURISM INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in congratulating my good friend Mathilda Sheptak as she marks her 40th year in the tourism industry in Northeastern Pennsylvania.

Mathilda was born into the hospitality field. Her family ran a boarding house with a restaurant and gas station in Lakewood, New Jersey. Mathilda is the daughter of Louis and Catherine Barravecchia. Mathilda is married to Steve Sheptak, a retired IBM sales and marketing executive.

When Mathilda was eleven years old, her family bought the Overlook Inn in Canadensis. The tourism industry was the dominant business in the rural Poconos.

At this time, Pocono resorts were open from Memorial Day to Columbus Day. The family resort had 30 rooms and no liquor license. Guests were served three meals a day. Entertainment revolved around card games, cookouts, a pool table, and eventually, a swimming pool.

Mathilda thrived on meeting the guests and developing interpersonal relationships with the families who would return year after year. Mathilda grew up with the "resort brats"—the children of all the other resort owners. During the off-season, these families worked to improve their resorts and planned for the coming season.

Mathilda attended Pocono Mountain High School and was part of its first graduating class. She attended East Stroudsburg University and then worked at a corporation that manufactured products for IBM.

Mathilda joined the Pocono Mountain Vacation Bureau on February 1, 1965, as a secretary and subsequently moved up to office manager. She eventually took over the No. 2 spot at PMVB, and has been deputy executive director ever since. In this position, she is responsible for the budget, environmental planning, financing and statewide issues.

Forty years in tourism is a testament to Mathilda's love of the Pocono region. I am fortunate to have worked with such a dedicated individual in promoting the tourism industry.

Mr. Speaker, please join me in congratulating Mathilda Sheptak on this milestone and wishing her many more successful years. Tourism remains the area's largest industry and Mathilda is a big part of that legacy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF QUINCY BOCK FOR RECEIVING THE GOLD AWARD FROM THE GIRL SCOUTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to my constituent Quincy Bock of Senior Troop #1107 as she receives the honor of a Gold Award from the Girl Scouts.

The Girl Scout Gold Award is the highest award that a Girl Scout may earn. It is not an honor given lightly. The young women who receive this award must demonstrate leadership skills, organizational skills, and sense of community and commitment. Quincy Bock exhibited all these skills with her Gold Award Project, a Resource for Refugees, for The Nile Sisters, a non-profit organization that helps refugee families become self-reliant through education and support.

Quincy successfully created three databases and produced two pieces of literature for The Nile Sisters to use in helping refugee families. The databases Quincy designed and the training she gave the organization will greatly increase the organization's efficiency. In addition, the pamphlet she created has already generated a number of donations and offers of assistance. Because of Quincy's direct contribution, The Nile Sisters will be able to better serve refugee families seeking a better life here in America.

I am proud to recognize Quincy Bock's achievements. She is a shining example of the promise of the next generation. She has already set what I hope is the foundation for a lifetime of active citizenship. I congratulate Quincy and her family on this momentous occasion.

INTRODUCTION OF RETIREMENT SECURITY ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PETRI. Mr. Speaker, today I am introducing the Retirement Security Act of 2005. This bill addresses the financing problems facing the Social Security Trust Fund through the creation of Personal Social Security Investment Accounts for each newborn child. This plan would establish a mechanism for reducing the long term fiscal pressures facing Social Security without changing the current benefit structure or diverting payroll taxes from the Trust Fund.

My bill seeks to use the benefits of the private market to place Social Security on a sound financial footing, as do a number of other reform plans. But more than that, I seek to maximize the magic of compound interest by opening savings accounts for future retirees as soon as they are born. Under the Retirement Security Act, the Federal government would create a personal investment account for each newborn American child with an initial government contribution of $1,000. The account would be invested in any of the funds available to Federal employees through the Thrift Savings Plan, and earnings would accrue tax free. Account holders, or the parents of minor account holders, would be free to make additional pre-tax contributions to these accounts and enjoy the opportunity to invest in these safe and well-managed investment accounts.

At retirement, each retiree would qualify for the same Social Security benefit as earned under the current Social Security system. Benefits would be paid first from each worker's personal account, and payments from the Trust Fund would begin only after the balance of the personal account had been depleted. Those who take advantage of the opportunity to make additional contributions may well find their balance in excess of the amount needed to fund their Social Security benefits, and these funds would belong to the individual investor. My bill provides a variety of options, including lump sum distributions and the purchase of life annuities with level or inflation-adjusted monthly payments for disposition of the surplus balance.

An initial contribution of $1,000 invested today that grows at the average combined rate of return of the five Thrift Savings Plan investment options would grow to an inflation adjusted balance of $58,000 by retirement at age 67. For purposes of comparison, this amount would be enough to purchase an annuity with a monthly payment equal to 46 percent of the today's average Social Security retirement benefit. A single matching payment of $1,000 by a parent on the occasion of their child's birth would endow an account which would produce almost 100 percent of the average benefit and, perhaps just as important, give that child the gift of a lifelong savings vehicle which offers the potential of greater financial security in retirement than can be provided by Social Security alone.

Clearly, the focus of my legislation is long-term. Social Security's fiscal problems will begin to pinch long before children born today are ready to retire. By now, we're all familiar with the projections provided in the annual report of the Social Security Board of Trustees. The Trustees have forecast that our current Social Security surpluses will turn to deficits by 2017 and that the bonds collecting in the Social Security Trust Fund will be fully redeemed by 2041. At that time, it's anticipated that payroll taxes will be sufficient only to pay 74 percent of expected retirement benefits. Though my legislation would make no other changes to Social Security, when combined with other reasonable reform ideas, it can provide a component of a comprehensive solution to Social Security's long and shorter-term financial problems.

We've reached an important moment in the life of the Social Security program. It's obvious that we need to bring more money into the system to keep the promises we've made and to allow us to continue to offer some measure of retirement security. Personal investment accounts are one way to bolster the system, yet they have become the object of too much criticism and much disinformation. Many of our constituents have become concerned that the diversion of payroll tax revenue into personal accounts of today's workers will threaten the benefits of current retirees. A campaign is being waged which fosters these fears and may prevent the adoption of even those personal accounts which have no impact on the Social Security Trust Fund.

My bill provides the opportunity for Congress to demonstrate that it can implement a system of personal accounts without diverting payroll taxes and that will build retirement savings for future generations without enriching stock brokers or introducing unacceptable investment risk to American workers. As the success of these personal accounts become apparent, growing numbers of Americans will have greater confidence in this avenue of reform, presenting opportunities to expand the use of personal accounts. The time has come for us to take this important step forward, and I encourage my colleagues to support this bill.

IN RECOGNITION OF LOUISIANA'S 256TH ARMY NATIONAL GUARD AND SUPPORT FOR EFFORTS TO ASSIST IRAQI CITIZENS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the work that members of our armed forces are doing in Iraq. Too often, the news from Iraq is of attacks from insurgents, the political difficulties of forming a new democracy and international political gamesmanship. I want to highlight one effort by our troops to befriend the Iraqi citizens and demonstrate our commitment to democracy and freedom.

Sgt. Martin Schulthess is a member of the 256th Battalion of the Army National Guard and he is a paramedic with Acadian Ambulance Service. In patrols through Iraq, he and his troops have been able to earn the trust and friendship of the Iraqi citizens. After suffering under Saddam Hussein, they are struggling to create a civil society without fear of torture, imprisonment or death. These Iraqis know American and coalition forces support their efforts to govern themselves. They support the elimination of terrorist insurgents and former Baath Party members who do not want to establish a new government.

Sgt. Schulthess attributes a measure of his success to the small gifts he distributes to Iraqi children. These small hand-outs help to build the trust of the Iraqi people and gain their assistance. The ability of Sgt. Schulthess and the 256th Battalion to build and maintain these relationships has provided valuable intelligence to enhance the safety of our troops from Southwest Louisiana.

I am proud to represent Southwest Louisiana and the home of the 256th. I know the families and friends of these soldiers are ready for them to return home. Soldiers like Sgt. Schulthess set an example that all of Acadiana and Louisiana can be proud of. The kind of ingenuity, creativity, and initiative demonstrated by our troops will help to bring them home safely after planting the seeds of democracy in Iraq.

CONGRATULATIONS TO THE AMERICAN LEGACY FOUNDATION ON WINNING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S CHILDREN'S ENVIRONMENTAL HEALTH EXCELLENCE AWARD

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MEEHAN. Mr. Speaker, I rise to congratulate the American Legacy Foundation for being selected as a final winner in the Environmental Protection Agency's Children's Environmental Health Awards.

The widespread use of tobacco and devastating effects of secondhand smoke contribute to a serious environmental health risk for America's children. Since its inception 5 years ago, the American Legacy Foundation, a non-profit health organization dedicated to building a world where young people reject tobacco and anyone can quit, has implemented several innovative outreach initiatives and programs to discourage adult and youth tobacco use and reduce the effects of secondhand smoke.

Passive exposure through secondhand smoke puts children at risk for a range of health consequences including asthma, ear infections, bronchitis, pneumonia, reduced lung function, respiratory infection, and other chronic respiratory symptoms. According to current population survey data, 13.8 million kids ages 0 to 17 are exposed to secondhand smoke and 22 percent of middle school students and 24 percent of high school students are exposed to secondhand smoke in the home.

The American Legacy Foundation has launched key initiatives to address the negative health effects of tobacco. The Foundation has designed public awareness campaigns and initiatives to educate and empower youth to take action against the environmental health threat from smoking and secondhand smoke.

Some of the Foundation's most successful programs include truth®, the Youth Speakers Bureau, the Youth Advisory Panel and the Statewide Youth Movement Against Tobacco Use (Youth Empowerment) Grants.

Mr. Speaker, in closing, I encourage my colleagues to join with me to congratulate the American Legacy Foundation for their progress in successfully reducing youth smoking and for receiving the Environmental Protection Agency's Children's Environmental Health Award.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed nine votes on April 20th, 2005. The votes were on amendments to the Energy Policy Act of 2005 (H.R. 6). Had I been present I would have voted "yea" on rollcall 115, 116, 117, 118, 120, 121, 122, and 123. I would have voted "nay" on rollcall 119.

THE READING FAILURE PREVENTION ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce the Reading Failure Prevention Act of 2005. This bill would authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to help prevent reading failure.

Reading failure is pervasive. Declining test scores in reading have been noted in many states. Just as troubling, according to the National Assessment of Educational Progress, 37 percent of our nation's 4th graders and 26 percent of 8th graders score below the basic reading level.

The Reading Failure Prevention Act of 2005 would help address this crisis by authorizing grants to States for screening incoming students for dyslexia or other reading failure traits. It also would provide adequate professional development for personnel who administer the screening programs. Dyslexia, often referred to as a language-based learning disability, is the most common form of learning disability.

Recently, approximately 15 percent to 20 percent of the population was reported to have a learning disability and the National Institutes of Health reported that 60 percent to 80 percent of those with learning disabilities have problems with reading and language skills. Predictions for the coming decades indicate that the number of children with learning disabilities will increase for associated social, economic, and educational reasons.

In spite of the fact that reading success in early grades is an essential basis for success in later grades, current methods of identifying children as learning disabled rely on a "wait and fail" model, where children must demonstrate severe academic problems before receiving help. The Reading Failure Prevention Act of 2005 would end this cycle by providing early screening so that appropriate intervention can begin immediately.

Because reading disorders, such as dyslexia, often affect oral language functioning, individuals with these disorders are at a disadvantage as they enter their adolescent years, when language becomes more central to their peer relationships.

If these students do not receive proper intervention, they can begin to experience academic failure and a host of social and emotional problems. However, when trained professionals catch learning disorders such as dyslexia early, learning strategies and proper treatment can help them to succeed academically and to develop a positive self-image.

I firmly believe that this legislation represents a step in the right direction toward ensuring that our nation's children are adequately prepared for lifelong reading success. I urge my colleagues to join me in this effort by co-sponsoring the Reading Failure Prevention Act of 2005.

FREEDOM FOR LUIS ENRIQUE FERRER GARCÍA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Luis Enrique Ferrer García, a prisoner of conscience in totalitarian Cuba.

Mr. Ferrer García is a peaceful pro-democracy activist who desires to bring freedom, democracy, and human rights to Cuba. He is also a member of the Christian Liberation Movement. Because he believes that freedom is the birthright of every person, he has been repeatedly harassed and detained by the nightmare that is the Castro regime. According to Amnesty International, in December 1999 he was sentenced to 6 months "restricted freedom."

In March 2003, as part of Castro's heinous island wide crackdown on peaceful prodemocracy activists, Mr. Ferrer García was arrested by the dictatorship. In a sham trial he was sentenced to 28 years in the totalitarian gulag.

According to reports, Mr. Ferrer García was transferred to a "punishment cell" for having refused a military salute to a prison official. These punishment cells are the very depths of depravity. According to the Department of State's Country Reports on Human Rights Practices for 2004: "'punishment cells,' were located in the basement of a prison, with continuous semi dark conditions, no available water, and a hole for a toilet. Reading materials, including Bibles, were not allowed . . . Prisoners in punishment cells had no access to lawyers."

Mr. Ferrer García was eventually released from this "punishment cell" because of a hunger strike carried out on his behalf. However, he is in constant danger of being returned to this version of hell within a gulag.

Mr. Luis Ferrer García is not the only member of his family sentenced to the totalitarian gulag. His brother, José Daniel Ferrer García been sentenced to 25 years in the gulag for his belief in freedom, democracy and basic human rights. These two brothers are brilliant examples of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, these two brothers are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Luis Enrique Ferrer García, Jose Daniel Ferrer García and every political prisoner in totalitarian Cuba.

HONORING COACH TERI MARIANI OF THE PORTLAND STATE VIKINGS AS SHE COACHES HER FINAL GAME

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the long and successful career of Portland State University softball coach Teri Mariani, which will come to a close on Sunday, April 24, 2005, as she coaches her final games at PSU.

It's been a long time, but I remember Teri from her days as an outstanding student and a fine athlete when I had the privilege to coach her in high school at St. Mary's Academy in the late '60s and early '70s. Back then, without the opportunities afforded by Title IX that are available today, the chance for young women to compete at any level were limited.

Still, Teri managed to shine. I remember taking a team, including a then-sophomore Teri, to play basketball in the Portland Recreational League. Teri, always serious in the classroom, was just as driven to succeed on the court. But that's the sort of dedication to excellence that Teri maintained as during her years at Portland State.

Since the 1970s, Teri has been a fixture on the Portland State campus—first as a stellar three-sport student-athlete, then as an administrator and, since 1977, as coach of the softball team.

Teri will leave Portland State with the school record for the most victories in any sport, 631, and a winning record in 10 of her last 16 seasons. Ranked 15th overall among all Division II coaches with 646 wins, Coach Mariani also successfully led the Vikings during their transition to the Division I level in the 1998 season.

During her career, the Vikings went to the NCAA playoffs nine times, and placed nationally four times, with a best finish of third in the nation in 1991. For her accomplishments, Teri was inducted into the Portland Metropolitan Softball Association Hall of Fame in 1986 and the Oregon Sports Hall of Fame in 2003.

In addition to coaching softball, Teri has been Associate Athletic Director, Interim Athletic Director, and twice the department's Senior Woman Administrator. She has not only coached young women and helped them succeed on the field, but has been a mentor to them as they pursed their education. Hundreds of young women have had their lives impacted in a positive way by Teri Mariani, and while I am sad to see her long tenure as coach come to an end, her contributions to the sport and the university will be felt far into the future.

HONORING THE LIFE AND CONTRIBUTIONS OF MR. ERNEST R. MALER, SR.

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BISHOP of New York. Mr. Speaker, I rise to honor and congratulate my neighbor and constituent Mr. Ernest Maler, Sr. on the occasion of his 100th birthday. Mr. Maler was born on April 24, 1905 and raised in East Patchogue, New York. The upcoming century milestone is a time to celebrate the numerous achievements of a great American.

Mr. Maler earned his Juris Doctor at New York University School of Law and returned to Long Island so that he could provide exemplary legal service to the people of his hometown. His passion for law is matched only by a love for his family and an affinity for the game of golf.

The 100th birthday is slowly becoming an attainable goal by many Americans as medical science, better living conditions, and more knowledge about fitness and health increase our life expectancy. Today more than 70,000 Americans are 100 years old, and that number is expected to grow dramatically during the next century.

Mr. Maler lived through the great depression, two world wars, and 18 presidential administrations. His first hand experiences are invaluable sources of wisdom and his life accomplishments are inspirational to all Americans. Mr. Speaker I appreciate the opportunity to honor such a noteworthy individual.

REGARDING WASHINGTON STATE TEACHER OF THE YEAR TAMARA STEEN

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I wish to pay tribute to 2005 Washington State Teacher of the Year and one of four national finalists for 2005 Teacher of the Year—Ms. Tamara Steen.

Since 1963, Washington state has honored one outstanding classroom teacher each year who is then eligible for the national honor. I am extremely proud that out of over 2.8 million elementary and secondary teachers nationwide, Ms. Steen was recognized as one of four finalists for the national honor announced by President Bush.

Ms. Steen is an innovative and compassionate teacher who has taught in the small rural town of Mabton, Washington for over two decades. In her years of teaching she has motivated students to achieve a higher standard. Ms. Steen is a teacher who is willing to work hard for her students, and expects her students to work hard for her in return.

Ms. Steen currently teaches English at Mabton Junior/Senior High School where she uses innovative teaching strategies to actively engage her students in learning. Despite the many challenges she is faced with each day, Ms. Steen's enthusiasm for her profession and her devotion to her students continues to grow.

In a society where teachers do not always receive the appreciation they deserve, I am pleased to honor and commend Ms. Steen for her decades of dedication to students in Central Washington. Ms. Steen exemplifies the best of America.

To Ms. Steen and the teachers across America that are educating tomorrow's leaders, thank you.

IN OBSERVANCE OF THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ROTHMAN. Mr. Speaker, this Sunday, April 24, 2005 is the 90th anniversary of the Armenian Genocide, the systematic and planned extermination of an entire ethnic group by the Ottoman Empire, and the first act of genocide in the 20th Century. I join my colleagues and the Armenian-American community in my district, the 9th Congressional District of New Jersey, and with people of goodwill throughout the world, in solemn observance and acknowledgement of the deaths of 1.5 million Armenians during the years 1915–1923.

Countless Armenian families were torn apart forever by these gruesome acts of violence—acts that have been seared into the memories of the courageous individuals who survived. Survivors have vowed to never let their children, grand-children, and great-grandchildren, or others in the world, forget this past. Unfortunately, there is still a denial on the part of many people around the world about the actual occurrence of a genocide in Armenia. I stand steadfast with my Armenian friends in support of an acknowledgement of the horrors that were inflicted upon their families, and I continue to urge the recognition of the Armenian Genocide.

This year, the number "ninety" serves as a reminder that too many years have passed without proper recognition, and it serves as a motivational tool to continue to educate the world about the Armenian Genocide. In past years on the day of the anniversary, my Armenian-American constituents from St. Leon Armenian Apostolic Church in Fair Lawn, St. Vartanantz Armenian Apostolic Church in Ridgefield, and St. Thomas Armenian Apostolic Church in Tenafly would participate in solemn services held in memory of the martyrs of the Armenian Genocide at their individual churches. This year, however, the number "ninety" will unify Armenian-Americans as all members of the Armenian Apostolic churches on the East Coast will convene in Times Square in New York City to stand together and have their voices heard.

This anniversary also provides us with an opportunity to pledge that such a slaughter should never take place again. I am sickened and dismayed by the atrocities that we continue to see today in the Sudan, as well as others that we have seen in the 20th century, such as the Holocaust and the ethnic cleansing campaigns in Cambodia, Kosovo and Rwanda. All of these events should be recognized for what they are: Genocide.

As a Jewish-American, I stand united with Armenians who continue to fight for recognition of the Armenian Genocide so the world will never forget the first crime against humanity in the 20th Century. I am hopeful that this 90th Anniversary of the Armenian Genocide will bring with it the recognition that is deserved, and help us in our obligations as global citizens to protect the basic human rights of all people. We owe it to our ancestors, our families, and humanity to be committed to preventing genocide in the future, no matter when, where, or to whom it occurs.

IN APPRECIATION OF OUR WORLD WAR II VETERANS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, as we approach the sixtieth anniversary of VE Day, we must remember and honor the men and women of America's armed forces who secured victory in World War II at a great cost. They were regular citizens thrust into an extraordinary conflict at a pivotal point in world history, and freedom's future across the globe depended on their courage and character. They sacrificed and endured much in order to defeat tyranny and preserve liberty—overcoming formidable enemies, the elements, and undoubtedly their fears. The freedoms we enjoy today are their legacy, and we must cherish and defend this legacy as they did.

I have been very fortunate to meet quite a few of those in Southeastern Wisconsin who served during World War II, and every time I speak with them it is an inspiration. These heroes in our midst are a constant reminder of the tremendous difference that one person can make in this world. Because they confronted evil and risked their lives to liberate occupied lands, countless individuals around the world were able to grow up enjoying the blessings of freedom, and America's land and liberty were preserved.

Later this week, some of these veterans will be commemorating the sixtieth anniversary of victory in World War II at a special ceremony in Franklin, Wisconsin. They should know that America has not forgotten their bravery and how they and those fighting beside them saved the free world. We will forever be indebted to them for their service to our country in its hour of need, and we will continue to draw strength from this example as we fight terrorism and other threats today and in the future.

RECOGNIZING THE CENTER FOR YOUTH CITIZENSHIP

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to an organization with a great record of service to the young people of the Sacramento Region. Ever since its inception in the 1980s, the Center for Youth Citizenship has worked tirelessly and successfully to enhance the significance of citizenship and the importance of our laws and institutions to the young people of the local region. I ask all my colleagues to join me in saluting the Center for Youth Citizenship (CYC), one of Sacramento's most respected community organizations.

Founded in 1984, the Center for Youth Citizenship's mission is to have young people respect one another, our institutions, and laws; have a working understanding of citizenship, its requirements and responsibilities; appreciate the foundation and privileges of democracy; and have the skills and character to be engaged and informed participants in everyday community matters. To achieve these goals, CYC has reached out to a diverse group of school and community partners on award winning and recognized school and community programs such as the Gordon D. Schaber Mock trial & Moot Court Competition, Laws for Youth and Families, and California Conflict Resolution and Youth Meditation Project.

Through its partnerships with a broad-based group of government, business and education leaders, CYC initiated the program, With Liberty and Justice for All, in 2004. The program is designed to connect the generations and groups in the local communities and recommit them to the collective pursuit of equity, justice, and character. In its inaugural year, CYC, along with a coalition of local businesses, community groups, and school districts, attracted a theater full of students to commemorate the 50th Anniversary of the landmark Supreme Court decision of Brown v. Board of Education. As a result of the hard work of the CYC staff, hundreds of students were treated to a memorable and invaluable learning experience that will likely impact them for the rest of their lives.

This year, CYC has once again brought together an impressive list of community entities to celebrate the second year of the With Liberty and Justice for All community forum. The event theme for the 2005 program is "A Celebration of Citizenship, Education, and Service." Education legend Jaime Escalante, profiled in the Academy Award nominated film "Stand and Deliver, a group of Mr. Escalante's former students, and acclaimed actor Edward James Olmos, who portrayed Mr. Escalante in the movie, are all scheduled to participate in a special screening of "Stand and Deliver" and participate in an important dialogue about the importance of citizenship, education, and service.

Mr. Speaker, I am honored to pay tribute to the Center for Youth Citizenship. I would like to especially thank CYC's Executive Director, Dr. Joe Maloney, and his great staff for their dedication and hard work. I am confident that the Center for Youth Citizenship will continue to yield tremendous benefits for the people of Sacramento. I ask all my colleagues to join with me in wishing the Center for Youth Citizenship a successful 2nd annual With Liberty and Justice for All community forum and continued success in all its future endeavors.

THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. WEINER. Mr. Speaker, April 24th marks the 90th commemoration of the Armenian genocide. On that day, Ottoman Turkish leader Talaat Paskha uttered the frightening directive to "Kill every Armenian man, woman, and child without concern."

Between 1915 and 1921, more than 1.5 million Armenians were slaughtered, approximately 80 percent of the population. Men were tied together with ropes, taken to the outskirts of their town and shot or bayoneted by death squads. Women were brutally raped and hundreds of thousands were starved to death. 75 percent of those who were forced into death marches perished, especially children and the elderly. And those who survived the ordeal were herded into the desert without water, thrown off cliffs, burned alive, or drowned.

Ninety years after that first genocide of the 20th century, it is hard for many Americans to conceive of a tragedy on such a scale. An equivalent massacre on U.S. soil would claim the lives of 236 million Americans. That's every man, woman, and child in 48 of the 50 United States.

Some mistakenly believe that recent events make the Armenian tragedy seem long ago. To the contrary, its relevance has a heightened importance today. One week before Hitler invaded Poland in the fall of 1939, he ordered his generals "to kill without pity or mercy all men, women, and children of Polish race or language. Only in such a way will we win the vital space that we need. Who still talks nowadays about the Armenians?"

That is precisely why we must still talk about the Armenians today. And we must still talk about the Jews, and the Poles, and the Russians, and the Catholics, and the Tutsis, and the moderate Hutus, and the Sudanese whose lives have been lost to genocide.

That is why this week's commemoration here in the United States Congress and those events going on this week are so crucial. If the world fails to remember the Armenian genocide of the early 20th century, we will have abandoned the collective commitment to fight the evils that communities have unleashed upon another.

In these early years of the 21st century, Armenians understand the War on Terror. It is a war they have now been fighting for ninety years. A war the world community still refuses to recognize. As we gather today to pay tribute, it is time for the U.S. Congress to finally designate what we all know to be a case of genocide. While tragically it may not be last, it is time to correct the history in the minds of many and finally declare the Armenian genocide the holocaust that it was.

THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 90th anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, "Ketse azat ankakh Hayastan"—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BERMAN. Mr. Speaker, this Sunday, April 24th, marks the 90th anniversary of the beginning the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the "killing fields" of Cambodia, mass killings in Rwanda, "ethnic cleansing" in Bosnia and Kosovo, and most recently, the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare to people living in every corner of our globe that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide.

I strongly believe that the tragic events that began on April 24, 1915, which are well known to all of us, should be part of the history curriculum in every Turkish and American school. On that dark April day, more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 90th anniversary of the beginning of the genocide, we lend our voices to a chorus that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied and never, ever allowed to happen again.

The parliaments of Canada, France and Switzerland have all passed resolutions affirming that the Armenian people were indeed subjected to genocide. The United States must do the same. I will not stop fighting until long overdue legislation acknowledging the Armenian Genocide finally passes.

Of course, an acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people.

Additionally, it is clearly in our national interest to foster peace and stability in the South Caucasus region. We in Congress need to renew our commitment to Section 907 of the Freedom Support Act, which denies assistance to Azerbaijan until it ends its stranglehold on the embattled region of Nagorno-Karabagh. We will not stand by as the Armenian people are threatened yet again.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

April 24, 1915 is remembered and solemnly commemorated each year by the Armenian community and others throughout the world. On that day, Armenian religious, political, and intellectual leaders were arrested in Constantinople, taken to the interior of Turkey and murdered. From 1915 through 1923, Armenians that lived under Ottoman rule were systematically deprived of their property, freedom, and dignity. In addition, one and a half million Armenians were massacred, with 500,000 more deported.

Despite the efforts of some to minimize the scope and deny the occurrence, the Armenian Genocide is a historical fact. In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and a will to survive. Many of the survivors of the genocide came to the United

States, where they and their descendants have contributed to our society in countless ways. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion and have told the story of the genocide to an often indifferent world. It is through their unforgettable tragedy that we are able to share in their history and strong heritage. The history of the Armenian Genocide must never be forgotten. As Members of Congress and people of conscience, we must work to overcome the indifference and distortions of history, and ensure that future generations know what happened.

Mr. Speaker, it is impossible to imagine an evil more forceful than the efforts to systematically wipe out a people and a culture as well as individual lives. Denying that genocide took place when there are recorded accounts of barbarity and ethnic violence is an injustice. This was a tragic event in human history, but by paying tribute to the Armenian community we ensure the lessons of the Armenian genocide are properly understood and acknowledged. I am pleased my colleagues and I have this opportunity to ensure this tragedy is remembered.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SOUDER. Mr. Speaker, I rise to remember the 90th anniversary of the Armenian Genocide of 1915–1923. We are familiar with these events. Hundreds of thousands of men, women, and children were driven from their homes, starved, beaten, and shot. Government-orchestrated intimidation, government-sponsored deportations, and government-perpetrated slaughter are the hallmarks of the Armenian Genocide. They are also the hallmarks of other genocides with which we are all too familiar.

The Armenian Genocide was the first genocide of its kind, but it was not the last. It has served as a model of the Holocaust in Europe, the Killing Fields of Cambodia, and religiously motivated atrocities in Sudan. We look regretfully and sorrowfully at the slaughter of so many in these cases, as well we should. These events demonstrate man's inherent sinfulness and the evil that comes so easily. No one denies the events in Europe, Asia, and Africa happened. Anyone rejecting these mass slaughters is themselves rejected. And yet, many suffer some kind of incredulity when it comes to the Armenian Genocide. We demand the perpetrators of these other genocides are made to account for their actions, but not the Armenian Genocide.

Photographs and eye witness accounts point overwhelmingly and undoubtedly to the massacre of over one million human beings, but no one has ever been held accountable. Ninety years after these events, the perpetrators are no longer living. In this world, they can no longer be held responsible for their actions. Their heirs, however, should be made to acknowledge the deeds of their fathers. But they are not.

Modern Turkey has made Armenian Genocide denial into an article of faith. Genocide denial is taught in schools, and is supported by the government. Anyone who deviates from the official line is considered a traitor. Indeed, the government of Turkey works feverishly to prevent any government from recognizing the Armenian Genocide. Recognition by the legislative bodies of France, Italy, Switzerland, and Russia has been met with harsh criticism from the Turkish government.

In 2000, only intense lobbying and ruthless pressure from Turkey prevented this House from recognizing the Armenian Genocide. It is shameful that the United States House of Representatives refuses to reaffirm the Armenian Genocide. Official American records on the Armenian Genocide are considered to be the most extensive in the world, and yet we refuse to reaffirm what already has been acknowledged to be the first genocide of the Twentieth Century. In past eras, American officials, including US Ambassador Henry Morgenthau and President Ronald Reagan, boldly declared the savage butchery in eastern Anatolia and the Caucuses to be genocide.

By allowing Turkey to deny its past actions, we take a step backwards. By not reaffirming the events of ninety years ago, we do not live up to the ideals of our country. I reaffirm the Armenian Genocide in the House of Representatives. I know that it happened. I remember.

HONORING THE CONTRIBUTIONS OF KIMBERLY BRANN, BARNES MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Kimberly Brann, Barnes Middle School Teacher of the Year.

Kimberly Brann graduated from Southwest Texas State University, receiving her Bachelor of Business Administration in Accounting and Finance.

She has ten years of experience working in the business world. Ms. Brann worked in both commercial banking in San Antonio and investment banking in New York before becoming a teacher. Her unique and practical perspective helps to prepare our students for acquiring the skills they need for success.

Kimberly Brann has spent the last eight years teaching. She currently works at Seguin Independent School District, teaching math at Barnes Middle School. Having formerly taught fourth grade in the same district, she has watched some of her former students grow up through middle school.

It is an honor to recognize the accomplishments of Kimberly Brann. Her passion for education helps to insure that our students receive excellent and practical training that will help them succeed in the future.

TRIBUTE TO JOHN CADDELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, I rise today to honor one of North Alabama's most influential leaders, Mr. John Caddell. Mr. Caddell, who will turn 95 on Saturday, is a popular lawyer in Decatur, Alabama who has done a great deal to help further the quality of life for all individuals in our community.

Still active in his law firm of Harris, Caddell, and Shanks, Mr. Caddell has always found time to share his thoughts on important community issues. He has been recognized for his leadership and commitment by the Kiwanis Club, the Chamber of Commerce, the Alabama Academy of Honor, and the University of Alabama.

Mr. Caddell is a board member and volunteer for many community organizations. He has served as a trustee for the University of Alabama system, First National Bank of Decatur, the Alabama State Democratic Executive Committee, and the Decatur General Hospital Foundation amongst others. He is also an elder and a Deacon for the First Presbyterian Church of Decatur.

Mr. Speaker, Mr. Caddell's family and friends in Decatur are gathering today to celebrate his 95th birthday with a surprise party. I rise, on behalf of everyone in North Alabama to thank him for everything he has done for the area and wish him a happy, healthy 95th year.

NATIONAL MINORITY CANCER AWARENESS WEEK

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to commemorate National Minority Cancer Awareness Week, which is taking place this week, April 17 to 23, 2005.

Despite remarkable advances in cancer research, prevention, and treatment, minority groups disproportionately fall victim to cancer. In honor of this year's National Minority Cancer Awareness Week, we must make a strong commitment to support public health programs dedicated not only to improving awareness in communities of color but to finding a cure for cancer and guaranteeing access to quality health care.

Minority populations have higher chances of developing life-threatening diseases like cancer, and poorer chances of early diagnosis, optimal treatment, and survival. Minorities face significant barriers to accessing health care, including the lack of adequate health insurance; unequal access to research, clinical trials, and treatment; and cultural and linguistic barriers. This unequal treatment is an unacceptable form of discrimination. We must eliminate health disparities affecting minorities by breaking down the barriers to access to quality health care.

Minority health disparities affect all Americans. While minorities make up only about one-third of the U.S. population, they represent more than half of uninsured Americans. According to the Agency for Healthcare Research and Quality, by the year 2050 nearly 1 in 2 Americans will be a member of a racial or ethnic minority. It is critical that we act now to eliminate health disparities and to reduce the number of uninsured Americans. The cost of inaction will mean more preventable illnesses and deaths, higher health care costs, and lost productivity.

As we recognize National Minority Cancer Awareness Week, I hope that we will also work to expand public outreach and education efforts, accelerate medical research, and strengthen Medicaid and other public health programs.

Finally, we must also make a commitment to provide access to affordable, comprehensive and quality health care for all Americans, regardless of their race, gender, income or geographic location. As the only industrialized nation in the world that does not guarantee access to health care as a right, it is time for a change.

STRENGTHEN SOCIAL SECURITY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GINGREY. Mr. Speaker, I rise today in support of strengthening Social Security through ownership and saving.

Right now, we have an opportunity to let Americans own a piece of their retirement savings by strengthening Social Security through voluntary personal accounts.

Most Americans might be surprised to know that their Social Security isn't very secure at all. As the system stands today, your Social Security check is controlled by Congress. And when you die, your benefits are taken away, regardless of how long or how much you've paid into the system.

That's a bum deal for Americans.

If instead, we let younger workers create voluntary personal retirement accounts with a small portion of their Social Security money, more Americans could build a nest egg that the government could never *ever* take away. These savings could be passed on to future generations.

Mr. Speaker, voluntary personal accounts will help low- and middle-income Americans accumulate wealth and save for their future. I ask for your support.

HONORING THE DOWNINGTOWN, PENNSYLVANIA CHAMBER OF COMMERCE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown, Pennsylvania Area Chamber of Commerce on the occasion of its 60th anniversary.

The Downingtown Area Chamber of Commerce was established in 1945 and then later incorporated in 1947. Throughout the past sixty years, the Chamber of Commerce has worked diligently to represent, assist, and grow the Downingtown business community and, in turn, has become one of the most respected business organizations in Chester County, Pennsylvania.

For the past 60 years, the Downingtown Area Chamber of Commerce has worked to unify and sustain the business community in the area. The Chamber has continually worked hard to maintain a strong economic base in Downingtown and continues to maintain and provide an environment that is appealing not only to businesses and merchants, but also to residents. Because of these strong initiatives demonstrated by the Downingtown Chamber of Commerce and its solid reputation for facilitating economic growth in the area, the Chamber has been instrumental in cultivating Downingtown as "The Good Neighbor Community."

Today, there are approximately 350 members of the Downingtown Area Chamber of Commerce. The members are comprised of small business owners, industrial companies, professionals, residents, and organizations interested in supporting the activities and principles of the Downingtown community. Moreover, the members are interested in economic prosperity for their community. The Chamber works conscientiously to make sure that Downingtown thrives and prospers.

Mr. Speaker, I ask that my colleagues join me today in honoring the Downingtown Area Chamber of Commerce for its drive and dedication over the past 60 years to provide the citizens of Downingtown with a community that is economically prosperous and building on its past successes for a brighter future.

HONORING THE CONTRIBUTIONS OF LYTLE INDEPENDENT SCHOOL DISTRICT SUPERINTENDENT MICHELLE C. SMITH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of Lytle Independent School District Superintendent Michelle Carroll Smith.

Ms. Smith is a product of her hometown school system. She was raised on a farm in Lytle, Texas and graduated from Lytle high school. She graduated from The University of Texas at San Antonio with a Bachelor's degree in Elementary Education. Then, after completing her Master's degree in Education Administration, she became Principal at the elementary school. She later became Assistant Superintendent, and in December 2002, she became the Superintendent of Lytle Independent School District.

Ms. Smith's family has been in the Lytle school district for many years: her father Alfred Carroll graduated in 1961, and her grandmother Theresa Carroll graduated in 1940 from Lytle High School. Her children Trenton and Macy also plan to carry on the family tradition and graduate from Lytle High School in 2013 and 2016.

Mr. Speaker, Lytle Independent School District Superintendent Michelle Carroll Smith is a model of community involvement, and I am pleased to have this opportunity to publicly thank her.

TRIBUTE TO CATHY ANDERSON

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, I rise today to honor one of North Alabama's most compassionate and dedicated leaders, Mrs. Cathy Anderson. Cathy is currently the CEO and President of Woody Anderson Ford in Huntsville, Alabama.

Mrs. Anderson was recently awarded the prestigious Ford "Salute to Dealers" Award. The Salute to Dealers Award was established to demonstrate Ford Motor Company's commitment to its dealers that improve the lives of those in need in their communities. I have known Cathy for many years and cannot think of anyone who deserves this award more than her.

Before she joined her late husband at his Ford dealership, Cathy was a state social worker who worked with abused children and their families. Her work has gone a long way in providing an effective system for intervention and treatment. She continues her work with children today as a strong supporter of the National Children's Advocacy Center in Huntsville.

Cathy is also on the forefront of methamphetamine prevention in North Alabama. In 2004, she hosted a methamphetamine educational forum for hospitality workers in Madison County. Cathy understood that a number of meth labs are found in hotel and motel rooms and organized this forum to help point out the signs of meth abuse and teach others what they can do to help eradicate meth in the community.

Mr. Speaker, Cathy's work with children and methamphetamine abuse is quite remarkable and has helped raise the overall quality of life in North Alabama. I consider it a great privilege to have worked with Cathy on a wide variety of issues and to call her my friend.

On Friday, April 22, the North Alabama community will gather to honor and celebrate all of Cathy's achievements. I rise today, to join in their celebration and to congratulate her on behalf of everyone in North Alabama.

RECOGNIZING THE 9TH ANNUAL YOUTH PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. NORTON. Mr. Speaker, Saturday, April 23rd, marks the culmination of Youth Pride

Month in Washington, DC with our Ninth Annual Youth Pride Day.

Youth Pride Day occurs every April in Washington, DC. It is the annual celebration for gay, lesbian, bisexual, and transgender (LGBT) young people, which has brought over 15,000 youth together since its start in 1997. The celebration has grown from just 900 participants in 1997 to over 2,500 young people last year. Youth Pride Day has evolved from a single day into a series of events which now make April Youth Pride Month. These events include a prom, poetry readings, a film screening, an awards reception, and, on Saturday, the First Annual DC Youth Pride College Fair, the nation's largest LGBT college fair as well as Youth Pride Day itself.

The Youth Pride Alliance sponsors Youth Pride Day. The Alliance was founded in 1996, and its mission is to celebrate the dignity and courage of all young people as they discover their identities as gay, lesbian, bisexual, transgender, or straight.

The Alliance challenges society to stop hate, violence, fear, isolation, and denial as it reminds us that LGBT youth in our nation's Armed Forces, do so under the policy of "Don't Ask, Don't Tell." While they have sworn to defend the United States with their lives, they must suffer the hate, fear, isolation, and denial this demonstrably untenable policy engenders.

We, who live in our nation's capital, feel a special affinity to any group that has been denied the full rights and privileges of United States citizenship most Americans consider their birthrights. I remind the House that Washingtonians, who pay the second highest taxes in America, do so without full voting representation.

I ask this House to join with me in welcoming all those attending Youth Pride Day.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. EMANUEL. Mr. Speaker, I was not present in the chamber last night to cast my vote on rollcalls 115 through 123. Had I been present, I would have voted "yes" on all nine of those rollcalls.

HONORING THE CONTRIBUTIONS OF LAREDO INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES MEMBER JOSE VALDEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Laredo Independent School District Board of Trustees Member Jose Valdez.

Jose A. Valdez has a long and distinguished career in public service. He is a previous member of the City Council of Laredo, and is active in community governance in a variety of ways.

He promotes community involvement by seniors as the South Texas Coordinator of RSVP, the Retired Senior Volunteer Program. Through his work, seniors have been given a way to continue to contribute to the community in their retirement, improving their quality of life and the quality of life of all those around them.

Mr. Valdez has also been an advocate for a population that is too often forgotten by government: migrant workers. He has been Deputy Director of the Texas Migrant Council, and Executive Director of the Minnesota Migrant Council.

The Laredo Independent School District now benefits from Mr. Valdez' experience and energy, as he continues his work as a Board of Trustees Member. Mr. Valdez has had an exemplary career in public service and volunteer work. He is a credit to his community, and I am proud to have had the chance to recognize him here today.

TRIBUTE TO CONGRESSMAN TOM BEVILL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, with profound sadness, I rise today to honor the life of my good friend and mentor, former U.S. Representative Tom Bevill. He passed away on March 30, 2005, one day after his 84th birthday.

Congressman Bevill served in this Chamber for the State of Alabama for 30 years. He was the Chairman of the House Energy and Water Appropriations Subcommittee. He was a powerful Congressman, who always remembered the people of Alabama who elected him. Under his chairmanship, he helped ensure that the State received funding for vital programs and projects and did a tremendous amount to improve the overall quality of life for his constituents.

Mr. Speaker, to honor the life and accomplishments of Tom Bevill, we must talk about the person he was. He was a devoted husband and father, a patriot and a statesman.

Mr. Bevill inherited me when I was elected to Congress in 1990. Actually, I had first met him in 1980 when he was getting off of Air Force One with President Carter in Huntsville. What a distinguished man he was coming down those steps, and I am talking about Tom Bevill. I had just been elected District Attorney of Madison County and I was meeting the man I had heard so much about, Tom Bevill. A powerful member of Congress and the Chairman of the House Appropriations Subcommittee on Energy and Water.

In 1991, I was a dangerous creature, a freshman Member of the U.S. House of Representatives. Mr. Bevill and his entire office became like family to me. He went out of his way to teach me everything he could and he let other members know that I was his partner, though I knew I was a very junior one.

One of the first legislative battles we fought together was over funding for NASA's Space Station. I had thousands of jobs at NASA's Marshall Space Flight Center in Huntsville connected to the space station. A Michigan Member was offering an amendment to an appropriations bill to kill the whole program, ending my jobs. So a number of us, including Mr. Bevill, organized to defeat the amendment. Mr. Bevill, like a good teacher, sent me to talk to this Michigan Member.

Now Chairman Bevill didn't do all this work "for" me, he always did it "with" me. In this case, he sent me to talk to the man, alone. I did not know this man, but off I went, and I talked to him, or tried to, and it did not go well at all.

This man from Michigan put his hand on my shoulder, grinned and said, "You might as well kiss those jobs goodbye." He was crude and rude. So I reported this back to Chairman Bevill and he said, "You don't say? Well, truth be known the man is practically a communist. But, we'll beat him." And we did. Chairman Bevill was brilliant on the floor during the debate. We saved those jobs and probably mine too. And the Space Station is out there in Space. But, I sure learned a lot from Tom Bevill.

I can see him now. Always neatly dressed, hard at work for his Alabama and his Country. Chairman Bevill was from a different, and I have to say better era. A time in the U.S. House when members were civil and even courteous to one another. They might disagree and often did, but they walked away as friends. And they did it with dignity.

Tom Bevill was always at the Thursday morning prayer breakfast. He sat in the same place every week with his friends. He took me with him the first time I went and I was and am a better person for it. He showed me where members of Congress could eat lunch in the Capitol. As often as I could I would eat there, watching and listening to Tom Bevill and his friends. Members were always trying to talk to Tom Bevill, to ask him for something, and he was always kind and courteous.

The Alabama delegation, seven of us, would tend to gather at every vote in the same area of the House Floor. Mr. Bevill would watch our votes and every now and then he would make a comment. A careful comment—"Bud, are 'we' being a politician today or a statesmen?" or "I find that 'our' people in Alabama don't see this issue the way some do . . ." Offering wonderful, helpful, wise advice, that was the kind of man he was.

And so, every now and then some, not many, will say to me in my district in North Alabama, "You are going to be another Tom Bevill," or at least that's the way I hear it in my mind. They probably actually say, "You keep this up and you 'might' be another Tom Bevill." Then I know, that after 15 years, I have heard the best compliment one could pay . . . To be compared to Tom Bevill

He gave us so much and I will miss him dearly.

To his children, Susan, Don, and Patty, thank you for letting us share him with you and your families.

Mr. Speaker, I rise today on behalf of everyone in North Alabama, to show my thanks to Congressman Bevill and honor him as a true

American leader. There won't be another one like Tom Bevill.

PEST MANAGEMENT AND FIRE SUPPRESSION FLEXIBILITY ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. OTTER. Mr. Speaker, I rise today to introduce the Pest Management and Fire Suppression Flexibility Act. This bill codifies the Environmental Protection Agency's rulemaking, while affirming Congressional intent and the long-held positions of Republican and Democrat administrations with regard to the Clean Water Act and pesticide applications, fire suppression and other pest management activities. I am pleased to be joined by 28 members in introducing this legislation.

Congress passed the federal Clean Water Act (CWA) in the early 1970s in an attempt to better account for and more closely regulate discharges of municipal wastes and pollutants into our nation's waterways from large industrial facilities.

More than 30 years later, however, federal courts have expanded the scope of the CWA far beyond the original intent of Congress. Today, family farmers, mosquito-abatement and pest-control districts, irrigators, rural water districts, federal and state agencies, foresters, pest and lawn-care control operators and many others are subject to unnecessary, bureaucratic permitting requirements and nuisance lawsuits based on misguided interpretation of the CWA by the 9th U.S. Circuit Court of Appeals.

Known as the Talent and Forsgren decisions, the court ruled that persons applying a pesticide according to the federally approved label directly to or above a body of water must obtain a CWA permit prior to the application. The Forsgren decision also significantly narrowed a longstanding Environmental Protection Agency (EPA) rule exempting forestry activities such as pest and fire control from CWA permitting requirements. Similar cases are pending in other parts of the country.

The court's viewpoint in Talent blatantly disregards the comprehensive pesticide registration process required by the primary federal pesticide statute, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Under FIFRA, the EPA reviews environmental effects and water quality data, and approves specific use directions for pesticides based on the information it has evaluated—a factor the district court in Talent relied heavily on in rejecting the suit. Failing to use a pesticide in accordance with its EPA-approved labeling is a violation of federal and state laws.

EPA does not issue CWA permits solely for the direct application of a pesticide to target a pest that is present in or over water, nor has it ever stated in any general policy or guidance that a permit is required for such applications. EPA recently issued rulemaking specifically exempting pesticide applications performed according to label instructions from CWA permitting requirements. The action would codify a 30-year-old policy.

By transferring the primacy of pesticide use from FIFRA to CWA, the 9th Circuit has authorized attorneys representing activist groups to file lawsuits to bully and intimidate farmers, mosquito abatements districts, the U.S. Department of Agriculture and others into ceasing long and widely practiced activities that have been authorized by—and already are closely overseen by—Federal and state governments.

While the EPA's rulemaking is a step in the right direction, many groups are concerned that it will not provide the necessary protection from activist lawsuits. The legislation I am introducing today would make permanent the EPA's current rulemaking related to pesticide applications and CWA permits as well as its 30-year-old rule exempting certain forestry activities. Moreover, it would provide much-needed protection from nuisance suits for groups that already are too heavily regulated.

INTRODUCTION OF THE STOP SENIOR HUNGER ACT OF 2005

HON. FRANK. A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LOBIONDO. Mr. Speaker, I rise here today in support of the "Stop Senior Hunger Act of 2005." This important piece of legislation reauthorizes vital senior nutrition programs. These programs help these men and women in cities, suburbs and rural communities across America who are elderly, homebound, disabled, frail or at risk. They help those with long-term illnesses and those who may just need a little short-term assistance after a hospital stay or during a time of need. In the words of the Meals-on-Wheels Association of America, the oldest and largest national organization representing senior meal programs in the United States, these programs are needed "so no senior goes hungry."

The "Stop Senior Hunger Act of 2005" reauthorizes through 2010 both congregate and home delivered nutrition services—those meals provided at local senior centers and those meals delivered to homebound seniors. It also reauthorizes the Nutrition Services Incentive program which provides additional funds to states based on each state's share of the total meals served by Meals on Wheels and other senior nutrition programs in all states the prior year.

The average beneficiary may be very familiar to you—she may be your mother, your grandmother or your next door neighbor. She is an elderly woman in her very late seventies or early eighties and is more than twice as likely as her contemporaries to live alone, apart from family and friends. She is likely to have trouble with walking or climbing stairs and have a number of diagnosed chronic health conditions. In addition, she probably has an income below $18,000. Whatever the reason, she cannot shop, cook, or prepare meals for herself. She relies on Meals on Wheels and other senior nutrition programs to ensure she gets proper nutrition.

The demand for the services Meals on Wheels and other senior nutrition programs provide will continue to increase at an astounding pace. As many of you know, the over 65 population in the United States is growing and is projected to increase dramatically. In fact, those individuals age 85 or older, is the fastest growing segment of the entire United States population.

Meals on Wheels and other senior nutrition programs are also an excellent use of our increasingly scarce federal dollars. They save federal Medicare, Medicaid, and veterans' health care costs since malnourished patients stay in a hospital nearly twice as long as well nourished seniors. In addition, for every federal dollar spent as part of these programs as much as three dollars are leveraged from other funding sources, including state, local and private funds and participant contributions toward the cost of meals.

I was proud to participate in the Meals on Wheels Association of America's "March for Meals" last month. I joined volunteers from Meals on Wheels of Salem County, New Jersey in delivering meals and witnessed first hand both the need for these important programs and the incredible dedication of their staff and volunteers. I encourage each of you to get involved with your local programs—whether you help prepare meals, deliver meals, or just join local seniors in enjoying their meals—your support can make a difference.

For all of these reasons, I urge my colleagues in the House to support the "Stop Senior Hunger Act of 2005."

HONORING THE CONTRIBUTIONS OF FRIO COUNTY COMMISSIONER JOSE "PEPE" FLORES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Frio Precinct Four County Commissioner Jose "Pepe" Flores.

Mr. Flores has a strong and varied background in public service. He graduated from Dilley High School, and from Sul Ross University in 1970 with a Bachelor's Degree in Chemistry. He subsequently received his certification as a Medical Technician.

He has worked as a drug abuse counselor, a college teacher at the University of Texas, and a Halliburton Oilfield Engineer, among other professions. He has also been part of several important community organizations, including the Tax Appraisal District, the Rio Grande Water District, and the Dilley Independent School District School Board.

Mr. Flores now serves the public as County Commissioner for Frio County. He owns and operates a ranch in South Texas, and is married to Jennifer Flores, with whom he has two children.

Mr. Flores has distinguished himself as an energetic, hardworking, and versatile businessman and public servant.

The city of Dilley and the people of Frio County have benefited greatly from the work he has done, and I am proud to have the chance to thank him here today.

HONORING LAIRD & COMPANY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor Laird & Company on its 225th Anniversary as a family, owned and operated New Jersey business located in Scobeyville, New Jersey. Laird & Company is the oldest licensed distiller in the United States and is most well known for its famous Applejack.

The history of Laird & Company is very rich. The company can trace its origin back to 1698 when William Laird moved to Monmouth County, New Jersey from Scotland and began making Scotch by using one of the most abundant resources in the area, apples. He made this brandy for his own family, friends and neighbors.

During the Revolutionary War, Robert Laird served under George Washington and during the Battle of Monmouth, the Laird family would supply the troops with Applejack. Washington enjoyed Applejack and personally requested the recipe to produce his own. To this day, Washington is the only non-Laird family member to know the secret Laird's Applejack recipe.

During Prohibition, the company was able to survive by selling sweet cider and applesauce. Since the Prohibition, Laird & Company has produced roughly 95 percent of all Applejack apple brandy sold in the United States. Laird & Company halted their production of Applejack during World War II to aid in the war effort by converting their plant to dry and dehydrate apple pomace for pectin and other products.

Laird & Company was recognized by the New Jersey State Senate in 1964 as the "oldest native distilled spirit beverage in the United States." The plant in Scobeyville, New Jersey is the oldest operating distillery in the country and it produces close to 1.5 million cases of distilled spirits annually.

I rise today to commend Laird & Company in its 225th year as a family owned and operated business with a deep history. I applaud the service that Laird & Company has made to the individuals and communities of Central New Jersey and the country.

TRIBUTE TO LAWRENCE DUNHAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PAYNE. Mr. Speaker, I rise to honor an outstanding State Department professional, Lawrence Dunham, as he retires after three decades of dedicated government service.

Mr. Dunham served as Assistant Chief of Protocol for Diplomatic Affairs at the State Department and also assumed the position of Acting Chief of Protocol when he was designated to manage the transition from the Clinton to the Bush administration. He is well-respected by Members of Congress from both sides of the aisle for his expertise, organizational ability, and exceptional diplomatic skills.

During his distinguished career, Larry—as he is known by his friends—managed relations with foreign embassies in Washington and consulates throughout the United States, handling issues of accreditation, privileges and immunities under international law. As a senior career officer in the bureau, he resolved sensitive cases involving diplomatic immunity, recognition of foreign officials, and establishing and breaking relations. He also organized participation of foreign government representatives in major national events, leading a team which arranged for more than 80 delegations from abroad and 180 ambassadors representing foreign governments to attend the State Funeral of former President Reagan. Mr. Dunham represented the State Department on television and radio broadcasts, in meetings with Congressional staff, journalists, and as an expert witness. He served as a speaker to groups including the International Association of Chiefs of Police, National Association of Secretaries of State, Smithsonian Associates, spouses of new foreign ambassadors, and consular corps throughout the United States. Among the awards he received were the Superior Honor Award for outstanding service in upholding international legal principles; Meritorious Honor Awards for initiative and leadership in monetary conservation and improvement in efficiency, and for outstanding managerial skills in restructuring work and improving service; the Secretary's Certificate of Recognition; the Commanders' Cross, Austria; and the Order of Queen Isabella, Spain.

A graduate of George Mason University School of Law, Mr. Dunham and his lovely wife Deborah reside in Annandale, Virginia. He is being honored on Friday, April 22, 2005 at an event at the DACOR-Bacon House in Washington, D.C. which will be attended by a number of ambassadors representing nations which he has assisted during his career.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in congratulating Larry Dunham on his retirement and in expressing our appreciation for his many years of exemplary service to our Nation.

HONORING THE DISTINGUISHED SERVICE OF BILLY PAUL CARNEAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GORDON. Mr. Speaker, today I rise to honor Billy Paul Carneal, a Springfield, Tennessee, native who has dedicated his life to public service and the past 11½ years as the executive director of the Springfield-Robertson County Chamber of Commerce. Billy Paul has decided to retire from the chamber, and I want to thank him for all he has done for his community, which I have the honor of representing in this esteemed body.

Billy Paul has served as a teacher in Robertson County, a school principal and administrator in nearby Cheatham County, the mayor of Springfield and a volunteer firefighter. In addition, he currently serves as a Robertson County commissioner. Billy Paul's contributions to his community can be traced to his grandfather, R.W. Darke, who was a member of both houses of the Tennessee General Assembly and the city clerk for Springfield.

Billy Paul's service as a public school teacher and administrator is especially admirable. He says he became an educator because his teachers in high school and college served as excellent role models for him. He then passed his own passion for case history and government to a new generation. Today, his former students are doctors, lawyers, public officials and teachers.

As mayor of Springfield, Billy Paul was instrumental in changing the city's form of government from three at-large commissioners to a board of mayor and aldermen, with a city manager to oversee operations. He says the decision to seed the change in government was one of the toughest he made as mayor.

Billy Paul's latest contribution to his community involved a very successful tenure as the executive director of the chamber. In this capacity, he improved immensely the quality of life for Robertson County residents. But Billy Paul did not do all this alone. He had help from many in the community, and he had the love and support of an understanding wife and family. He attributes the support of his wife, Pat, and their three children for his accomplishments. Billy Paul, I wish you well in your future endeavors and thank you for your service to a community you obviously cherish.

HONORING THE CONTRIBUTIONS OF AMANDA JENNER, BRIESEMEISTER MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Amanda Jenner, Briesemeister Middle School Teacher of the Year.

Amanda Jenner received a Bachelor of Science in Elementary Education with a specialization in math from Southwest State University.

Ms. Jenner, who is also a former graduate of Seguin High School, understands the unique needs of her students. She prefers to look at every new day as an opportunity to learn from new experiences. As a teacher, she encourages her students to look at life's challenges in new and creative ways.

Math is important for success in later life, and Ms. Jenner believes that it is important to make the subject practical and even fun. She believes in the importance of having a good sense of humor and reaching students on a personal level.

I am proud to have had the chance to recognize Briesemeister Middle School's Teacher of the Year, Amanda Jenner. Her unique teaching style and personal approach help to create a healthy learning atmosphere for our children.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, during the day of April 20, I traveled to Rhode Island to attend the Funeral Wake of Providence Police Officer Allen. During this time I missed several rollcall votes.

I respectfully request the opportunity to record my position on rollcall votes.

It was my intention to vote: "no" on rollcall No. 112, H. Res. 219. I would have voted "no" because this rule and this bill represent an unfunded mandate that shifts $30 billion in cleanup costs of MTBE pollution in the drinking water supply to State and local governments. "Yes" on rollcall No. 113, H. Con. Res. 126: expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota. "Yes" on rollcall No. 114, H. Res. 208: recognizing the University of Pittsburgh and Dr. Jonas Salk on the fiftieth anniversary of the milestone discovery of the Salk polio vaccine, which has virtually eliminated the disease and its harmful effects.

At this time I would ask for unanimous consent that my positions be entered into the Record following those votes or in the appropriate portion of the Record.

HONORING NICHOLAS P. GODICI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Nicholas P. Godici, a distinguished public servant who is retiring after more than 32 years of exemplary service with the United States Patent and Trademark Office (USPTO). In 2000, Commissioner Godici was appointed by the Secretary of Commerce as the first Commissioner for Patents under the American Inventors Protection Act of 1999. That Act rechartered the USPTO and made the most significant changes to the U.S. patent system since the Patent Act of 1952.

As Commissioner for Patents, Commissioner Godici effectively oversaw an organization that employs more than 3,700 patent examiners who review and process over 350,000, patent applications each year. He was instrumental in the drafting and implementation of the USPTO's 21st Century Strategic Plan which is a comprehensive, ongoing effort to increase productivity in patent processing time, enhance patent quality, and promote electronic filing and processing.

Commissioner Godici began his career on June 25, 1972, as a patent examiner and his steady leadership and commitment to the patent system have earned him international recognition and the respect of his colleagues and the entire intellectual property rights community.

He was appointed to the Senior Executive Service in 1990 as Group Director of a patent examination organization. In 1997, Nick was selected to serve as the Deputy Assistant Commissioner for Patents responsible for all aspects of the patent granting process. Since his appointment to Commissioner, he has represented the United States in a number of international negotiations involving intellectual property rights, and testified before Congress on a variety of patent issues and USPTO operations. He was also the Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the USPTO from January to December 2001.

I am honored to have this opportunity to publicly commend a dedicated public servant on the occasion of his retirement. Nicholas Godici embodies the excellence of our public servants, and I wish him all the best in his future endeavors.

CELEBRATING EARTH DAY—SENATOR GAYLORD NELSON'S LEGACY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. OBEY. Mr. Speaker, Earth Day is a great day to call attention to the many environmental public health challenges that face everyone on the planet. Established by Wisconsin's own Senator Gaylord Nelson on April 22, 1970, it stands as an annual reminder that as human beings we should recommit ourselves to his vision of a world where we demonstrate a mutual respect for one another by not "fouling the nest" and preserving the fragile planet we share. I submit for inclusion in the Record this statement from Senator Nelson on the occasion of the 35th anniversary of Earth Day:

Earth Day 2005—A Wake Up Call

(By Former Senator Gaylord Nelson—Founder of Earth Day)

The 35th anniversary of Earth Day is a sobering occasion. On previous anniversaries we have hailed this "new awakening" as millions around the world suddenly rose up and pledged their support for a new campaign to save the natural environment.

In 1993 American Heritage magazine called Earth Day "one of the most remarkable happenings in the history of democracy." There has been progress, of course, particularly in public awareness of the critical role environment plays in our lives and in the education and training of new environmental leaders. Environment has become a major political issue. The public is prepared to support those measures necessary to forge a sustainable society, if the President and the Congress have the vision to lead us to that goal.

Unfortunately, the President and the Congress have not stepped up to the challenge of providing national and world leadership on the environmental crisis.

In fact, on some key issues, they are actually resisting or reversing progress made in the past 30 to 40 years. And without strong, sustained leadership from the President and Congress the urgent challenge to protect the environment and create a sustainable society cannot succeed. Theodore Roosevelt made conservation a top priority for the Republican party, and many members of his party carried that torch over the years. Recently, however, the GOP leadership has abandoned this cause. There are many serious environmental problems confronting us. But two current environmental issues dramatize this failure of leadership—energy conservation, and population control. Both are critical to the sustainability of our society. In each case, there is not only a lack of wise national leadership but an apparent determination to turn back the clock. The surrender to special interests on these two issues makes a mockery of any claim to environmental awareness.

Egged on by the President, the Senate on March 16 sneaked into the annual budget resolution a scheme to allow drilling for oil in the pristine Arctic National Wildlife Refuge, protected in 1960 at the urging of great environmentalists such as Sigurd Olson, Justice William O. Douglas, and Wilderness Act author Howard Zahniser. The bill was signed by President Eisenhower.

This is not just a sabotage of environmental policy. It also undermines any hope for a wise energy policy. When all the evidence calls for bold steps to conserve energy and develop alternative sources, this cynical action implies that we can burn all the oil we want and just move on to the next untapped source, no matter where it might be.

We are told it may be 10 years before a very modest amount of oil could be produced from this pristine refuge. And what would it cost in real terms?

For the President to call for oil drilling in the Arctic Wildlife Refuge is like burning the furniture in the White House to keep the First Family comfortable.

Equally critical is the failure of the President and Congress to confront the issue of population control, in our own rapidly growing country and the rest of the world.

A "Rockefeller Report" in 1972, issued by the President's commission on population growth, urged the U.S. to move vigorously to stabilize our population at about 200 million as rapidly as possible. Since then our population has ballooned to 282 million, and is expected to reach 500 million between 2060 and 2070. We are heading into a century in which we will double and triple our population in a short time.

World-wide population projections are equally chilling. A series of international conferences have called for bold action to control population growth.

Yet the United States in recent years has become an aggressive opponent of family planning programs in other countries, and we are now facing efforts by some "new conservatives" to impose similar restrictions at home.

On previous Earth Days we have offered a solution: The President should set the standard by delivering a message to the Congress on the state of the environment, citing priorities that need to be addressed. Congress then should hold hearings on these issues. This would produce a "national dialogue" on the sustainability of our environment, and provide a roadmap to the future.

Without Presidential leadership and Congressional hearings, we cannot claim to be taking seriously the most compelling threats facing our society.

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.—Gaylord Nelson, Washington, DC April, 2005.

HONORING THE CONTRIBUTIONS OF BARBARA HANSON NELLERMOE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Forty-fifth District Court Judge Barbara Hanson Nellermoe for her commitment to the Bexar County Community.

For ten years, Judge Nellermoe has been representing clients in environmental, banking, securities, medical malpractice, and other types of commercial litigation. Helping others in times of need is Judge Hanson's top priority and she has done a great job of it for the people in her community. Rated A-V by the Martindale-Hubbell national legal directory, she has received such awards as the President's Award for Outstanding Service to the San Antonio Bar Association and the Belva Lockwood Outstanding Lawyer Award from the Bexar County Women's Bar Association.

In addition to her total commitment to her current position as Forty-fifth District Court Judge, Barbara also serves on the board of directors for the College of the State Bar of Texas and is the Editor in Chief of San Antonio Lawyer magazine.

Judge Nellermoe is an irreplaceable citizen of Bexar County. I am pleased to have the chance to honor her here today.

ARMENIAN GENOCIDE 90TH ANNIVERSARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CANTOR. Mr. Speaker, April 24th marks the anniversary of one of the most horrible tragedies of the 20th century, the genocide that was committed against the Armenian people by the Ottoman Empire. Over one million people were forced into exile and lost their lives during this horrible tragedy that befell the Armenian people in 1915.

The United States is proud of the strong ties we share with Armenia. Over the years many Armenian-Americans have helped to enrich and enhance our Nation's character; we have remained committed to peace in the region and will continue to help Armenia with its economic prosperity and strengthening of its democracy.

On this day of remembrance I send my solemn wishes to Armenians everywhere. I look forward to our nations working toward a future of peace, prosperity, and continued freedom.

CONGRATULATING THE ONCOLOGY NURSING SOCIETY ON THEIR 30TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SHAYS. Mr. Speaker, I rise today to pay tribute to oncology nurses. Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

I congratulate the Oncology Nursing Society (ONS) on its 30th Anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has two chapters in my home state of Connecticut, which help oncology nurses provide high quality cancer care to patients and their families in our state.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

I appreciate oncology nurses' dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

DR. PATRICIA SENN BREIVIK HONORED FOR HER ESTEEMED SERVICE AS DEAN OF THE UNIVERSITY LIBRARY AT SAN JOSE STATE UNIVERSITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the achievements of Dr. Patricia Senn Breivik as she retires from her position as Dean of the University Library at San Jose State University. Dr. Breivik's was a leader of the collaboration between the San Jose Public Library and the San Jose State University—a merged library that opened in August 2003. As a result, the Dr. Martin Luther King, Jr. Library encompasses the spirit of Silicon Valley as an innovative model serving as the area's 21st century information hub.

It took 6 years to propose, plan, and execute an idea that evolved during a breakfast meeting between former San Jose Mayor Susan Hammer and former San Jose State University president Robert Caret. After Dr. Breivik inherited the idea, she went to work with the director of the San Jose Public Library to establish a center of exploration and learning that would serve the University's 27,000 students, 1,153 faculty and a busy city of 924,950 people.

During the time of the planning of this jewel, both libraries faced a steady erosion of support as a result of the passage of Proposition 13. In addition to shrinking coffers, the libraries also faced the challenge of having to remain open substantially more hours than either libraries had previously offered because of its increased patronage. Now, not only is the King Library co-owned and co-managed, it has one online system and one website. Library materials are accessible to all users and the staffs work together in technical services, reference, circulation and Information Technology support.

Within a year of its opening, the King Library garnered a number of prestigious awards. Among them is the 2004 Gale/Library Journal "Library of the Year" Award that was presented for innovative collaboration and acknowledged the cooperative planning between university and city officials in risk-taking and vision.

The King Library is one of the precious jewels of San Jose's cultural "necklace" of treasured museums, theaters, and historical landmarks. It serves as a place for friends to meet for a cup of coffee and discuss the latest news; a study hall for nerve-wracked students; and a place of learning, sharing and, of course, collaboration between people of differing education and income levels, ethnicity, language, culture and beliefs. Special thanks go to Dr. Breivik for her outstanding work.

HONORING THE CONTRIBUTION OF WEBB COUNTY DISTRICT CLERK MANUEL GUTIERREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the contributions and achievements of District Clerk Manuel Gutierrez, who has served the citizens of Webb County for 24 years.

Manuel Gutierrez is not only a model of professional success, but a model citizen. He has been reelected by the voters since he began his service; in fact, he has the distinction of currently being the longest-serving elected official in Webb County.

He brings to his work the passion and experience he has gained over the years. He strives to improve himself through continuing education and professional enrichment. These efforts are evident through his superlative work and the trust the citizens put in him.

During his tenure, he has overseen improvements to the operations of his office that resulted in increased efficiency in a number of areas, most notably the local judicial process. The community is truly appreciative of innovators who streamline functions that save the taxpayers money, and he proves this time and again.

Manuel's wife, Esther, is employed with the Laredo Independent School District, and they form a couple who are dedicated to the betterment of their community. He has three children, Monica, Manuel Jr., and Miguel who doubtlessly are very proud of their parents.

Mr. Speaker, I am proud to speak in honor of Manuel Gutierrez, a true citizen who deserves the praise and gratitude of his community.

KENSINGTON COMMUNITY STORE SUCCESS STORY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the selfless efforts of the citizens of Kensington, Kansas in their work to re-open their community's grocery store.

A little more than 19 months ago, this community's only grocery store closed. This town of 511 people immediately felt the loss of the store. Residents no longer had local access to basic necessities such as dry goods and fresh cuts of meat. The closest grocery store was in the county seat of Smith Center—nearly 15 miles away. I know that most Members of Congress do not have to concern themselves with whether their communities have a grocery store. However, for many of the communities in my district, keeping the local grocery store open is a constant struggle.

The citizens of Kensington decided to take action. Following a community meeting, board members were elected to form the Kensington Community Store, Incorporated. This organization was created to oversee the construction and development of a non-profit community grocery store with noon deli.

Since that time, support for the project has been impressive and inspiring: the Kensington city council committed to construct a 60′ x 75′ steel building; several lots of ground were donated for building construction; community "work nights" were held to ready the store for opening; Vo-tech classes at the local high school constructed metal and wood shelves; the local Lions Club assisted with interior construction of the store.

All totaled, more than $130,000 has been raised to support the project. Donations of all sizes have come from more than 250 individuals, businesses, clubs and foundations. The final piece of the puzzle fell into place when an agreement was reached to share wholesale supply delivery dates with a grocery store in a community 27 miles down the road. The arrangement allows the store in Kensington to sell merchandise at competitive prices.

Thanks to a team effort, the Kensington Community Store is now a reality. According to John Struckhoff, chairman of the committee that organized the project, having a grocery store back in town provides an anchor business that can be used to attract other businesses to Kensington. It also helps stabilize property values and provides citizens of all ages a place to purchase groceries without having to leave town.

Mr. Struckhoff also noted that the whole experience has resulted in other benefits. "It is amazing how many individuals and groups donated money and time to this project," Struckhoff said. "This shows how a small town in Kansas can come together to support a project that provides a common good to all citizens. It really makes you proud to live in Kensington."

All across the State of Kansas are stories just like this one. Of neighbors helping neighbors, not because they have to, but because they want to. Because it is the right thing to do. Their efforts deserve our support and recognition.

Citizens throughout the First Congressional District of Kansas are working together to enhance the quality of life in their communities. The Kensington Community Store is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

IN RECOGNITION OF 'HERO OF THE STORM' NOMINEES

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to honor the crew of the St. Mary's Hospital Careflight Unit in Grand Junction, Colorado.

Pilot Richard Fowler, Nurse Mary Bagshaw and Bradley Brown have been nominated for the Hero of the Storm award, in recognition of their courageous actions when their medical airlift plane was downed in the Rocky Mountains during a winter storm. The crew defied the odds, survived in the freezing weather and saved the life of a 2-year-old patient already in poor condition.

I am humbled by their strength and perseverance in the face of such hardship. We all salute the bravery of these three extraordinary people, who risked their lives to save others. These everyday citizens embody the values of courage and duty and we should all live by their example.

HONORING THE CONTRIBUTIONS OF FRIO COUNTY CONSTABLE TED NIETO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Frio County Constable Ted Nieto for his exceptional career in law enforcement.

Ted Nieto was elected as the Constable for Precinct Four in January 2004, but has been actively serving his community for the last ten years. He received his law enforcement certification at Southwest College and is currently working to obtain his police license from San Antonio College.

He believes in establishing a solid law enforcement agency that is committed to the needs of the community, and has devoted his department to serve the public with honesty and integrity.

Constable Nieto is an excellent example of an elected official who understands the needs of his community. The mission for his department is to promote safety in the community by enforcing court orders, supporting early intervention activities, and to work together with neighboring law enforcement agencies.

Constable Nieto is a man who believes in the value of community involvement and intervention. Currently he is the District 19 region coordinator for the Special Olympics of Texas. As well as the present coordinator for the annual law enforcement torch run and the youth leader for the Catholic Youth Organization.

Constable Nieto has four children, Jedlin and Christina age 18, Shantelle age 10 and Issiah age 6.

Mr. Speaker, I am proud to honor Frio County Constable Ted Nieto for his dedication and service to the community.

IN HONOR OF MS. ELEANOR WASSON'S 97TH BIRTHDAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. FARR. Mr. Speaker, I rise today to congratulate a truly remarkable woman who is celebrating her 97th birthday this month. Ms. Eleanor Wasson, a woman locally known as the "great connector" originally lived in Beverly Hills with her husband, the head of the legal department for 20th Century Fox movie studio. There, Ms. Wasson mingled with friends such as Celeste Holm, Claudette Colbert, Betty White and Will Rogers. In between volunteering, caring for her children, and working as an activist, she was named the Coordinator of Volunteer Services for UCLA, and was also appointed to California Governor Earl Warren's Mental Health Commission.

After her beloved husband, George, passed on, Eleanor decided to sell her home in Santa Monica Canyon and move to Santa Cruz at the age of 81. A woman deeply committed to the community around her, Ms. Wasson has adopted several causes to make the world a better place. She has served on the boards of both Earth Save and Women Rise for Global Peace. Her activism is rooted in her desire to work for peace, having been deeply affected by WWI as a child.

Mrs. Wasson's kindness and acceptance for others is truly legendary. Weekly, she invites both a local Catholic Priest and Robert White Mountain, an elder of the Lakota Tribe, to discuss local and global concerns. While living in Los Angeles, she asked famous actors such as Reginald Denny, Leon Ames, and Tyrone Power to dance with women at the psychiatric ward where she was volunteering her time.

In addition to being a peace activist, a volunteer, and mother, Mrs. Wasson is also an author. She has written a successful autobiography entitled 28,000 Martinis, published in January 2004. In 28,000 Martinis, Mrs. Wasson's positive and optimistic approach to life is captured, ultimately lending her energy, vibrancy and creativity to all who read the book. Through her own life story, she is able to demonstrate that goodwill, knowledge and action are the keys to enriching one's own life, as well as those around you.

Mr. Speaker, I would like to express my deepest gratitude and admiration for this vibrant and loving woman. Eleanor's social and environmental activism and her kindness towards all have infinitely improved the culture and character of the 17th district. I am honored to wish her a happy 97th birthday on behalf of myself, and the community that values and loves her.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. COSTA. Mr. Speaker, Irise today to commemorate the 90th anniversary of one of history's most terrible tragedies, the Armenian Genocide.

On April 24, 1915, 300 Armenian leaders, intellectuals and professionals were rounded up in Constantinople, deported and killed, under orders from the Young Turk government. This was the beginning of a campaign of terror resulting in the deaths of 1.5 million Armenians and the deportation of more than 500,000.

The government of the Ottoman Empire justified this policy by claiming it was necessary to suppress revolts being launched by Armenians as a consequence of the ongoing military operations of World War I. This assertion was patently denied by survivors and witnesses. United States Ambassador to the Ottoman Empire Henry Morganthau reported at that time, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

Not content with perpetrating this atrocity, the Young Turks denied the genocide had taken place. Generations have since been raised denying this tragedy. Such denials are refuted by the archival documents and first-hand accounts found in such recent scholarly works as Peter Balakian's The Burning Tigris and Samantha Power's A Problem From Hell. Director Atom Egoyan presented the horror of the siege of Van in his film Ararat, which was based, in part, on the memoirs of Clarence Ussher, an American physician and missionary working in Turkey at the time. To those who suggest that this ruthless genocide of a people and culture did not happen, I ask, what further testimony could the world possibly want?

Mr. Speaker, for myself and my constituents, I rise today to urge those who deny this genocide to accept it as fact. Only then can we move forward and stop these atrocities from repeating themselves over and over again.

HONORING THE CONTRIBUTIONS OF JIM CARSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Jim Carson, the Seguin High School Physical Education Teacher and Head Football Coach.

Coach Carson has been teaching for thirty years, two of which were spent with San Antonio Independent School District as head football coach of the Seguin Matadors. Coach Carson received his Bachelor of Science in Physical Education and Health from Texas Tech University and a Master's degree from Sul Ross State University. Coach Carson has a special place in his heart for his students, and has made a significant impact on them.

Coach Carson says that the most rewarding part of being an educator is working with young people as they grow into productive citizens. He stresses that guiding and tutoring them through crucial years of their development is a responsibility that should not be taken lightly. He expects the coaches who work for him to not only guide each student through their journey but to take an active part and know what is happening in each student's life. Coach Carson says that as part of a sports coaching program, "tutoring, counseling and listening to whatever the young man or woman needs is provided."

Through his initiative, energy, and commitment, Coach Carson proves to be an exemplary teacher and coach, and a blessing to the people in his high school and community in Seguin. I am pleased to have the chance to honor him here today.

TRIBUTE TO DOROTHY L. MOORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dorothy L. Moore upon her retirement as Executive Director of the Howard County Community Action Council. A life-long resident of Howard County, Maryland, Dottie has devoted her life to improving our community.

Dottie began her 36-year career with the Community Action Council as a caseworker in 1969. As Executive Director of the agency, she administered an annual budget of $1.3 million. Dottie was instrumental in developing Howard County's first Senior Programs for African Americans and the first shelter for homeless persons. She also was important in the development of Howard County's first Homeless Care program, Mentoring Program for African-American males, the Family Support Center at Hilltop and Healthy Families Howard County.

One of Dottie's greatest achievements was the 2002 opening of the Dasher Green Head Start Center. Her many community involvements also include serving as chair of the Howard County Human Rights Commission, and, in 2001, she was inducted into the Howard County Women's Hall of Fame.

Dottie has also turned her attention to international concerns. She has been involved in efforts to fight poverty and provide educational opportunities for children in Ghana and Zimbabwe. In 2001, her work was recognized by Ghana when she was crowned Queen Mother of the Bretuo Clan in Asiakwa, where she is spearheading efforts to build a pre-school and school.

I urge my colleagues in the U.S. House of Representatives to join me in celebrating the achievements of Dottie Moore. Her commitment and dedication to our community has been an inspiration to all of us.

HONORING THE CONTRIBUTIONS OF MARISELA GALEANA, MERCER BLUMBERG LEARNING CENTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Marisela Galeana, of the Mercer Blumberg Learning Center of Seguin, Texas.

Ms. Galeana teaches Health, Physical Education, Spanish and English as a Second Language to children in grades nine through twelve at the Learning Center. She holds a Bachelor of Science degree in Kinesiology and Health from the University of Texas at San Antonio.

Through her years of teaching Ms. Galeana finds that her most rewarding experience occurred four years ago when one of her students chose to honor her at the high school

HERO's dinner, an annual event where top students and student leaders honor the Seguin ISD employee who has had the most positive effect on his or her life. Ms. Galeana said that she was honored, because she did not realize the influence she had on that student. She has said that to this day she has the medal she received hanging on her rearview mirror.

Ms. Galeana continues to make a difference for her students, helping to turn them into successful lifelong learners. Marisela Galeana is an exemplary teacher, and a blessing to the people of Seguin. She has an excellent career ahead of her, and I wish her the best of luck.

PAYING TRIBUTE TO THE AMERICAN FORUM FOR GLOBAL EDUCATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HINCHEY. Mr. Speaker, at no time in our nation's history have Americans been more connected to the world than we are now—by trade and finance, media and culture, crisis and conflict. Yet there is mounting evidence that today's young students are ill equipped by our education system to serve themselves, or their country, in the international arena. It's no surprise that Bill Gates recently termed America's high schools as "obsolete" and as relevant as a 1950s mainframe computer.

A recent Gallup poll of 13- to 17-year-olds revealed that less than half could link Napoleon, Churchill and Indira Gandhi to their native countries. One in three could not identify Hitler with Germany. A Stanford University study notes that, while high school attendance broadened to near-universal enrollment over the last century, "students" ignorance of history has marched stolidly in place."

Retired IBM Chairman Lou Gerstner noted this perspective when addressing the National Education Summit: "Countries that have better education systems have stronger economies and are tougher competitors in the worldwide marketplace. America, therefore, is not so much becoming a nation of haves and have-nots as we are a nation of educated and uneducated."

I therefore am pleased to honor one organization dedicated to broadening the international focus of our education system, the American Forum for Global Education, which celebrates its 35th anniversary this year. The American Forum has been working to close the ignorance and apathy gap for hundreds of thousands of K–12 students for more than a generation. They have led the nation in shaping American teaching systems and providing opportunities for worldwide interaction and learning.

The American Forum has developed programs in partnership with the United Nations and the U.S. Departments of State and Education; other programs have dispatched scores of teachers and students to China, Turkey, Morocco, Vietnam and other important but relatively neglected outposts.

The American Forum's China Project is an excellent example of the organization's commitment to promoting a 21st century education. It addresses, in part, a Christian Science Monitor editorial citing Chinese as "a critical language . . . Without an emerging generation of Chinese speakers, the U.S. faces growing holes in intelligence gathering, trade relations, and cultural understanding." Chinese is the mother tongue to 874 million people (compared to 341 million who speak English), but far too few American children study it.

China Project participants are notable exceptions. Vanessa Baehr-Jones, a Tufts University graduate who majored in Chinese, is now looking for a government position to utilize her second-language skills. "Without the (American Forum's) China trip," she writes, "I would never have ended up studying the Chinese language." Patrick Franco, an Oxford University graduate, credits the program with his interest in "a career in diplomacy or business that would offer further exposure to China."

Dozens of other young adults who have benefited from American Forum programs here and in far-flung regions overseas now are benefiting the nation, as well as themselves. For 35 years, the American Forum for Global Education has led the way, and I applaud them.

HONORING THE UWCHLAN AMBULANCE CORPS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Uwchlan Ambulance Corps for their 30 years of dedicated service to the citizens of Chester County, Pennsylvania.

The Uwchlan Ambulance Corps was started in 1975, by a group of Chester County residents who recognized the need for a non-profit volunteer service in their community that could provide emergency medical services for those in need. This motivated group of citizens had a vision to provide critical emergency care to their neighbors and this vision has lived on and thrived throughout the past 30 years.

Today, the Uwchlan Ambulance Corps still operates a non-profit organization that provides 24 hour protection from their two community-based stations. They have four Advanced Life Support/Basic Life Support ambulances and two Advanced Life Support paramedic units at their disposal. The Corps prides itself on its keen ability to grow and expand their unit to match the needs of their quickly expanding community.

The Corps covers nearly 45 square miles of territory ranging from rural Chester County to the more heavily developed areas in the community. Of the 70,000 residents and nearly 60,000 visitors and merchants in Chester County, there has been an average of 2,700 calls each year to the Uwchlan Ambulance Corps. With 60 active volunteers and 12 full-time staffers, the Uwchlan Ambulance Corps raises the bar in the region for exceptional emergency medical service.

Furthermore, the Uwchlan Ambulance Corps has contributed to their community on many different levels. The volunteers work diligently to provide numerous educational opportunities for the community, along with several outreach programs. The Corps also participates in capital campaigns, and building renovations, all of which are successful attempts to ensure the survival of this thriving ambulance corps. They work efficiently and swiftly with the changing needs of their community and in turn provide an outstanding service to the citizens.

Today, the Uwchlan Ambulance Corps prides itself on providing high-quality emergency and medical transportation services to the ill and injured citizens of Chester County, Pennsylvania. Mr. Speaker, I ask that my colleagues join me today in honoring the Uwchlan Ambulance Corps for their commitment to providing quality care, and community service to the region. It is an honor to recognize an organization that selflessly provides for its community each day and in turn creates a better quality of life for the citizens of Chester County, Pennsylvania.

DEMS PLAYING POLITICS WITH MAJORITY LEADER DELAY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, Social Security is in major trouble, hundreds of thousands of Americans still I need the opportunity to obtain health insurance, and much more work must I be done to secure our ports and borders.

Yet the Democrats must have all those important issues solved because they are wasting all their time playing politics and making unsubstantiated accusations against United States House Majority Leader, TOM DELAY.

Like their stance on most important issues, facts seem to matter very little to most Democrats. They have done nothing to help create jobs in this country. Nothing to help lower the cost of health care, nothing to help root out waste, fraud and abuse of the people's money, and to date, have not presented one plan to save Social Security.

Yet they make politically motivated, unsubstantiated accusations without any evidence against Majority Leader DELAY and because they know that an investigation would clear his name, they are now putting up road blocks for the Republicans on the Ethics Committee to do their job.

My friends on the other side of the aisle, your constituents need more from you than this. Voters sent you here for a purpose; I don't think these childish games are what they had in mind.

RECOGNIZING THE DISTINGUISHED SERVICE OF COLONEL JOHN R. BATES, USMC

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor the 33 years of dedicated service of Colonel John R. Bates to our Nation and the United States Marine Corps.

Colonel Bates dropped out of college in 1966 to enlist in the United States Marine Corps, then Private Bates was trained as both an infantryman and a machine gunner, and deployed to Vietnam where he was assigned to Golf Company, 2nd Battalion, 5th Marines. In Vietnam, he participated in eight major combat operations and many more unnamed battalion and smaller hostile-fire operations. He was wounded in combat three times, the most serious of which resulted in the loss of much of his right lung by an enemy machine-gun round. Bates was promoted to the rank of Sergeant while serving in Southeast Asia. While in Vietnam, he held the billets of Fire Team Leader, Squad Leader, and acting Infantry Platoon Commander. After thirteen months in Vietnam, then-Sergeant Bates was ordered to Camp Pendleton, California, and assigned as a Troop Handler for the 2d Infantry Training Regiment and was subsequently discharged due to medical disabilities attributed to his earlier wounds.

Re-entering college using the GI Bill, state rehabilitation funding, and a disability pension, Bates completed his Bachelor of Science and Education degree, followed by a Master of Science degree from the University of Central Arkansas. In 1975, seven and a half years after his medical discharge, his repeated requests to compete for a commission were granted and in November of that year he was commissioned a Second Lieutenant of Marines at Quantico, Virginia. Upon completion of the Basic School, he was awarded an infantry MOS and assigned to Charlie Company, 1st Bn, 7th Marines at Camp Pendleton as an infantry platoon commander. Lt. Bates' next assignment was as Service Company Commander at Camp Courtney, Okinawa. Returning to the United States and promoted to Captain, he assumed duty with the 12th Marine Corps District Recruiting Command at Treasure Island, California. His following duty assignment was that of Inspector Instructor for Echo Co, 2nd Bn, 23rd Marines, at San Bruno, California. Promoted to Major, Bates was next assigned to Kaneohe Bay, Hawaii as the "Group Grunt" for Marine Air Group Two-Four. There he flew numerous hours in both fixed wing and rotary wing aircraft. After two years at the MAG, he was assigned Executive Officer for 1st Bn, 3rd Marines, and later as the acting commander of that battalion during Desert Shield and Desert Storm hostilities in Saudi Arabia and Kuwait. Returning from the Persian Gulf in the spring of 1991, Major Bates was assigned as the S–3, Operations Officer, of The Basic School, Quantico, Virginia, and was subsequently promoted to the rank of Lieutenant Colonel. Following that assignment, in 1994 LtCol Bates was ordered back to Hawaii and assumed the duties as the G–3 Ground Operations Officer for Marine Forces Pacific, spending much of the time in Korea, Japan and other areas of the Far East.

In 1996, LtCol Bates assumed command of 2nd Bn, 3rd Marines, and deployed the battalion to Okinawa, mainland Japan, Korea, and Hong Kong. Promoted to Colonel in 1998, Bates was transferred to become the Fleet Marine Officer, Second Fleet, in Norfolk, Virginia. In 2000, Col Bates was next assigned to Seventh Fleet, headquartered in Yokosuka, Japan, where he commanded Task Group 71.34, as the Fleet Anti-Terrorism Officer, requiring duty in much of Asia, Australia, New Caledonia and Micronesia.

His present assignment is as Assistant Chief of Staff for Operations and Training, Marine Corps Base, Camp Pendleton. In February of 2003, Col Bates assumed the duties as the Liaison Officer for I Marine Expeditionary Force to Marine Forces Central Command in Kuwait, Bahrain and Iraq and participated in Operation Iraqi Freedom. He has completed the resident courses of Amphibious Warfare School and the U.S. Marine Corps Command and Staff College. Bates holds life membership in the Disabled American Veterans. He is an avid ultra-distance runner, having completed more than 50 marathons and in 1986 was co-holder of the American Record for the 146-mile run from Badwater, California, (Death Valley) to the summit of Mt. Whitney. He is an experienced and current Military Free-Fall parachutist and civilian USPA "D" licensed skydiver. His personal awards include the Legion of Merit, Purple Heart with two gold stars, the Meritorious Service Medal with two gold stars, the Combat Action ribbon with one gold star, and the Navy/Marine Corps Achievement Medal with one gold star. He is married to the former Stephanie Tucker of St. Louis, Missouri. They have one son, 1st Lt. Joshua Rustin Bates, currently the S–3 Alpha for 1st Bn, 7th Marines.

On behalf of the American people whom Colonel Bates spent a career serving, I thank him for his service, honor and commitment to our country.

HONORING ROBERT KERRICK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my home district. Robert Kerrick, principal of Hancock County High School, is retiring this spring, bringing his distinguished 30 year career as an educator to a close.

Before becoming principal, Mr. Kerrick completed a 14 year tenure as a teacher and one year as an assistant principal in the Hancock County school system. During his 15 years as principal, Hancock County High School has been a consistent recipient of academic and athletic honors including CATS Top 10 and Blue Ribbon School distinctions along with numerous state and regional championships in men's and women's team sports. In 2003, Mr. Kerrick received the prestigious Dawson Orman Award from the Kentucky Association of Secondary School Principals, naming him Kentucky's most outstanding high school principal.

I applaud Robert Kerrick's accomplishments in public education, an occupation of great responsibility and ever greater reward, motivating young people to recognize and develop their talents and abilities. On behalf of so many in Hancock County, I would like to express my profound appreciation for his service and inspiration to the countless men and women who have benefited from his generosity and vision.

It is my great privilege to recognize Robert Kerrick today, before the entire U.S. House of Representatives, for his many achievements as an educator. His unique dedication to the development and well-being of young people and the communities they now serve make him an outstanding citizen worthy of our collective honor and respect.

SOCIAL SECURITY PERSONAL SAVINGS GUARANTEE AND PROSPERITY ACT OF 2005

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to introduce new legislation that will ensure Social Security lives up to its promise for all Americans, now and in the future. My legislation, the Social Security Personal Savings Guarantee and Prosperity Act of 2005, will give all workers access to a more prosperous retirement through the establishment of personal savings accounts within the current Social Security system. This voluntary proposal maintains a strong safety net guaranteeing that workers would receive at least as much as Social Security promises under current law, without changing survivors' or disability benefits. Furthermore, this plan achieves full and permanent solvency for Social Security, and reduces debt and payroll taxes over the long term.

Mr. Speaker, the 2005 Social Security Trustees Report tells us that beginning in 2017, Social Security will begin to pay out more in benefits than it receives in tax revenues. Then; in 2041, the Social Security Trust Fund will be exhausted. All analysts point to changing demographics as the primary factor driving Social Security into a deeper hole every year. In 1950, there were 16 workers supporting each retiree. Now, with the number of workers supporting each recipient projected to fall from 3.3 today to 2.3 in 2025, the mission is very clear: we must act now to strengthen and sustain Social Security.

By establishing personal accounts within the Social Security system, we can give every American worker the choice of building a nest egg for his or her retirement. With personal retirement accounts, every worker will become a laborer and a capitalist earning a much higher rate of return on their payroll tax dollars than the current system can currently offer them. Furthermore, I firmly believe that there is no better way to bridge the wealth gap and decentralize the concentration of wealth in America than to adopt personal accounts like the ones I am proposing.

Mr. Speaker, this legislation not only gives workers a better deal for their retirement, but it is also a blueprint for permanent solvency for Social Security, long-term debt reduction and payroll tax relief for all American workers. This plan works to help control the growth rate of government spending and make sure the short-term Social Security surpluses are devoted to strengthening Social Security instead of other spending. Most importantly, this plan gives every worker the chance to have real wealth and become an owner in our free enterprise system.

THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to acknowledge and remember the 90th Anniversary of the Armenian Genocide, the mass killings and forced exile of countless Armenians in the final days of the Ottoman Empire. The suffering that befell the Armenian people in 1915 is a tragedy for all humanity, which the world should not forget.

In the years since, descendants of Armenian immigrants have clung to their identity and have prospered across this nation and throughout the world. The United States is fortunate to be home to an organized and active Armenian community, whose members contribute and participate in every aspect of civic life.

By properly recognizing the atrocities committed in 1915, we honor America's historic leadership and remind the world of the democratic and humanitarian values on which our country is founded. In this period of heightened international conflicts, this message is most timely.

The United States must never allow crimes against humanity to pass without remembrance and condemnation. As U.S. efforts to aid victims of genocide continue, it is imperative that we pay tribute to the memory of others who have suffered and to never forget the past.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. LEE. Mr. Speaker, my name was placed on H.R. 525, the "Small Business Health Fairness Act of 2005" by mistake, and even though House rules at this point prohibit my removal as a cosponsor, I want to make clear without a shadow of a doubt that I do not support H.R. 525.

I believe access to health care is a basic human right and H.R. 525 in its present form does nothing to make that right a reality. The House voted on Associated Health Plans twice in the 108th Congress and I voted against it both times. If this bill comes to House Floor for a vote again in its present form, I will oppose it.

Although I understand the demands and challenges that small business owners face with regard to providing affordable, comprehensive health care for their employees, H.R. 525 is not the answer.

The answer is putting people before profit in our health care system.

CONGRATULATING THE DEL VALLE HIGH SCHOOL CONQUISTADORS ON WINNING THE TEXAS CLASS 4A SOCCER CHAMPIONSHIP

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. REYES. Mr. Speaker, on Saturday, April 16, a group of outstanding young men from my district in El Paso, Texas, won the boys Class 4A Texas high school soccer championship. The Conquistadores of Del Valle High School played against some of the best high school talent in the country, defeating the Aledo Bearcats 3–2.

I would like to congratulate the Conquistadors—Ivan Grajeda, Julian Barbosa, Erick Solis, Irving Gallardo, Robert Macias, Elias Gutierrez, Abelardo Valles, David Camarena, Javier Ruvalcaba, Oscar Herrera, Daniel Lopez, Alberto Rivera, Adrian Muñoz, Juan Rodriguez, Walter Villalobos, Jose Escarcega, Nazael Reynosa, Diego Armando Ruiz, Charles Gonzalez, Alberto Moreno, Hector Picazo, and Alex Villalobos—on their tremendous achievement. The team is coached by Bruce A. Reichman and Oswaldo Vasquez.

The Del Valle Conquistadors displayed a commitment to working together toward a common goal during their state championship season. They won with a remarkable combination of skill, endurance, and teamwork.

Mr. Speaker, over the course of a season, these young men have helped instill a great sense of pride in their school and the entire community. El Paso is truly proud of its champions. I urge my colleagues to join me in congratulating the Del Valle High School Conquistadors on their victory.

RECOGNIZING SAN JACINTO DAY 2005

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, today marks the Battle of San Jacinto, the victory of independence for Texas from Mexico—the greatest State in the Union in my opinion. This day reminds the world that Texans refuse oppression from any source.

On April 21, 1836, 169 years ago, approximately 900 Texans and Tejanos volunteers overpowered a larger, professional Mexican army. Today, Texans are celebrating all day at the San Jacinto Battleground State Historic Site in our congressional district, including impressive historic re-enactments.

Less than 100 years after American patriots threw off the tyrannical British Empire's military domination, Texans and Tejanos succeeded in a similar struggle against a military dictator, General Santa Anna.

In the words of the Texas Declaration of Independence, the people's government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

Military dictatorships are the world's most notoriously evil governments and the moral justification for the Texas Revolution is equally applicable to certain countries today. Unfortunately, as Texans know, freedom requires great sacrifice.

After the tragedy at the Alamo, Texan and Tejano forces retreated, but in late April 1836, they took a stand on the banks of the bayous outside Houston, Texas.

As a result of their bravery, the nation, and then the State of Texas were born. Like the American Revolution, the Texan Revolution brought many different people together fighting military oppression.

The Texas Revolution proves the bands of freedom are stranger than ethnicity, as many Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, along the banks of the San Jacinto River, and in the government of the Republic of Texas.

Like on July 4th, on San Jacinto Day Texans celebrate the achievements of our patriots, and give thanks for our opportunity to have representative government.

Thank you Mr. Speaker, God bless Texas.

COMMEMORATING THE 35TH ANNIVERSARY OF EARTH DAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. SOLIS. Mr. Speaker, I rise to commemorate the 35th anniversary of Earth Day.

I have seen first hand the damage that environmental injustices bring to poor and underserved communities. Growing up in Los Angeles County, my community was plagued by bad air and industrial wasteland. In Los Angeles, 60 percent of the facilities that produce the most toxic waste are located in minority and low-income communities. My predominantly Latino district is spoiled by dozens of abandoned gas stations with leaking fuel tanks, four Superfund sites, 17 gravel pits, and one of the country's most polluted watersheds.

The environmental issues I focus on all have one thing in common—they directly affect our health. As a public servant, one of my goals is to make sure that our environment is protected, restored, and most importantly, safe for our families, wherever they live.

Since he first took office in 2001, President Bush's policies have hurt our health, worsened our air quality, and destroyed the quality of our drinking water. Worse, President Bush refuses to make polluters pay for the cleanup of these sites at all, and the cleanups that are occurring are being paid for by the taxpayers.

The administration's misguided policies, like Clear Skies, will worsen our air quality, increasing asthma, bronchitis and lost days at work across the country. This policy will do nothing to help and everything to harm the over 70 percent of all Latinos and African Americans who live in counties that violate federal air pollution standards. As a result, the 35,000 cases of asthma in the San Gabriel Valley will increase, and there will be 14,000 more lost days of work and 175 more cases of bronchitis in Los Angeles County.

As we observe Earth Day 2005, it is critical that we continue to fight to make sure future generations are healthy, their air quality is safe and they have a secure supply of drinking water.

MARIE SMITH TURNS 50

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SMITH of New Jersey. Mr. Speaker, Marie Smith, my dear wife of 27 years and mother of our four wonderful children, turns 50 on Monday, April 25.

And although I've known, deeply loved and cherished Marie for more than three decades, I find that mere words are inadequate to convey just how remarkable, unique and special she is.

She's amazing.

Marie Smith is a strong woman of abiding faith in Christ, rock solid character, generosity and goodness. She radiates the love and compassion of Christ to family, friends and strangers alike with a gentle piety and grace. She has class and self-confidence yet is humble and extremely kind. She always looks out for the underdog—especially a child left behind.

Marie has a great sense of humor and always makes people feel at ease and welcome. I just love the way she laughs and smiles. She is my best friend—and I love her so.

Marie and I met in 1974 at a prayer meeting at college. For me, it was love at first sight. For her, well, it took a while. We worked on pro-life issues—she eventually became president of the organization—and early on recognized the life changing core value found in Matthew's Gospel, the 25th chapter, when Jesus said "Whatsoever you do to the least of My brethren, you do unto Me." We grew to understand that God Himself identified with—was one with—anyone, anywhere who was weak, vulnerable, unwanted or disenfranchised. That meant unborn babies killed by abortion, their moms, the hungry, trafficked women, the homeless, disabled and sick persons and others who are being exploited or are at risk. That meant all of the "least" were all of infinite value and worth to God. It revolutionized our private and public lives.

An honor student in both high school and college and a voracious reader, Marie is very smart and has that rare quality that enables her to grasp, understand and solve complex problems. She often "sleeps on a problem" and awakes in the morning with the answer. She is very creative and effectively thinks both inside and outside the box. Her advice and counsel over the years have been priceless.

In the early years, Marie worked as a first grade teacher at St. Hedwig's School in Trenton and thrived on it before devoting herself fulltime to the upbringing of our kids. Today, she works for Feminists for Life and pours herself into efforts to protect women and children from violence and cruelty.

Our two girls and two boys richly benefited from Marie's warmth, kindness and dedication. She was always there for them. Always. Melissa, Chris, Mike and Elyse always knew—and know—beyond a shadow of a doubt that they were number one in her life—our lives—and that there were no favorites in our household.

Marie is the quintessential multi-tasker—teacher, nurse, chef and homework checker as well as soccer, baseball, lacrosse and basketball Mom.

Our kids have always known, beyond a shadow of a doubt, that they are much loved, much wanted, much cared for and much prayed for. It is both a comfort and encouragement to know that Marie intercedes for and gives thanks to the Lord unceasingly for our family and our friends.

Our kids greatly value and appreciate their mother, and I now defer to them to elaborate:

This April 25th, I am so happy to celebrate my mom's 50th birthday. The world is certainly a better place because of her! Mom has been the steady rock in my and my siblings' lives—always there with an answer, suggestion, open ear, love and support. She sincerely mourns our disappointments and enthusiastically celebrates our accomplishments. Mom has helped me find my way through the many choices and challenges that are inevitable in the formative years, and as a married adult now, I still often seek her advice, and will continue to do so.

Mom's "can-do" outlook makes anything possible, whether it's a stubborn word problem, science fair project, search for the perfect prom dress, or wedding centerpieces. She always poses thoughtful suggestions and selflessly offers help until the task is done or the decision is made. Her patience and flexibility are unceasing, or at least always seem to be!

Mom brings special touches into everyday life—notes in lunches, candy found in a suitcase while traveling, favorite treats for no reason, and thoughtful unexpected gestures that remind me just how much she really knows me. Holidays and special occasions are always made extra special, the essential part being that the family is together. I have learned from my mom the value of family, and the importance of unconditional love and total faith in Christ.

In our house my mom had a sign that read, "Home is where the heart is." And while I love the house I grew up in, I know that "home" will always be where Mom is—for she is the heart of our family.—Melissa Smith Clement.

The way Mom tucked me in at night always brought pleasant dreams.

On waking, my groggy head would hear her laughter and wonder, "How is anyone so joyful in the morning?"

Throughout the day I would watch her with affection. Her love went into even the simplest of things. I was always moved by the tenderness with which she read a book, folded a shirt, or made a sandwich.

Now when I hear her laugh, it conveys her innocence; the years must make her younger. Do you see the confidence in her stride? The years must make her wiser. Judging by the length of her smile, her heart must be growing bigger.

I celebrate my mom on this day in April. celebrate my mom every day.—Chris Smith.

The most reliable and compassionate. The most outgoing and joyous. My mother is more than I could ask for. She has always given everything she possibly could without a second thought. She has always gone above and beyond to show her love for my siblings and me. I love her so much and wish her a happy birthday!—Mike Smith.

This week, we will be celebrating the 50th birthday of my mom. For 50 years she has brought love and joy to each person she has met, most especially her family. Her gentle kindness and patient understanding communicates her deep love for her family. She does not just take care of our family physically, but spiritually and emotionally. I cannot count how many times she was the shoulder to cry on when one of us kids had a bad day, or how many words of praise she showered us with when we did well in school or in sports. She is always there with words to guide us in our lives and in our faith.

As I have grown older, I have come to realize what an intelligent, wise and loving woman Mom is. Each day she gives of herself for our family and sets an example for us a Christ-centered life. She inspires us to turn to God and trust in His care. Mom is not afraid to stand up for her beliefs, and she has dedicated her life to living the Gospel of Christ. It is impossible to adequately describe the love and care which Mom selflessly gives each day. I feel sincerely blessed to call such a wonderful woman "mom" and I pray that she will have many more birthdays in the years to come. I love you Mom!—Elyse Smith.

HOUSE OF REPRESENTATIVES—*Monday, April 25, 2005*

The House met at noon and was called to order by the Speaker pro tempore (Mr. RENZI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 25, 2005.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and Earth, we bless You and we thank You for Your Holy Scriptures which quicken the mind and enrich our lives.

You spoke to us through prophets, patriarchs and kings, apostles and martyrs. Beginning with Moses through John of Patmos, their written message has become Your living word to challenge each of us and every society throughout human history, repent and believe, for their voice has gone out to the limits of the Earth, their words to the ends of the world.

Lord, may the perceptions, discussions, and decisions of Congress be enlightened by attentive listening to Your Holy Word. And may all of Your people across this Nation make Your revelations known by the way they take Your word to heart and bring it to life both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1268. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1268) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU, to be the conferees on the part of the Senate.

The message also also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 787: To designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse".

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 26, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1726. A letter from the Secretary, Department of Agriculture, transmitting a draft bill "To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and for other purposes"; to the Committee on Agriculture.

1727. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's "Major" final rule — Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft [CBP Decision 05-15] (RIN: 1651-AA37) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII.

Mr. MENENDEZ (for himself and Ms. PRYCE of Ohio) introduced a bill (H.R. 1812) to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; which was referred to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 278: Mr. FRANKS of Arizona.

H.R. 745: Ms. HART.

H.R. 1226: Mr. FOSSELLA.

H.R. 1262: Mr. DOGGETT, Mr. MOORE of Kansas, and Mr. RANGEL.

H.R. 1547: Mr. MCCAUL of Texas and Mr. KUHL of New York.

H.R. 1578: Mrs. MUSGRAVE, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. RUPPERSBERGER, and Mr. MORAN of Virginia.

H. Con. Res. 96: Mr. SHIMKUS, Mrs. JONES of Ohio, and Mr. CONYERS.

H. Con. Res. 127: Mr. WILSON of South Carolina.

H. Res. 222: Mrs. CUBIN.

H. Res. 228: Mr. CULBERSON, Mr. CARNAHAN, and Mr. DELAY.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Monday, April 25, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who desires truth in our inward parts, strengthen us to live with integrity. Remind us that only the pure in heart will see You. Give us the discipline of introspection that strips the soul to its bare essence. Remove from us every mask of pretense and clothe us with Your righteousness.

Bless the Members of this legislative body. Teach them that truth is not merely academic but commands commitment. Grant that they will not only speak the truth but do it as well. Give them the courage to follow truth wherever it leads them. Empower them to advocate for right, even though unpopular. Make them champions for justice even when they must stand alone.

Lord, show each of us the path that leads to life. We pray this in Your righteous Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, today we will resume debate on the motion to proceed to highway legislation. On Friday, a cloture motion was filed to the motion to proceed. Under the order, that cloture vote will occur at 11:45 tomorrow morning.

On behalf of the leadership, we hope that cloture will be invoked and that we will be able to begin consideration of the underlying bill. If the Senate can proceed to the highway bill tomorrow, Senators should expect another rollcall vote as the Senate considers amendments to the bill. Finally, I would like to announce the Senate will this week also consider any conference report that may become available.

NATIONAL KINDERGARTEN RECOGNITION DAY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 119, submitted today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 119) designating April 21, 2005, as "National Kindergarten Recognition Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I rise today in support of the resolution that nationally recognizes the critical role the kindergarten year plays in the lives of our Nation's children. This resolution designates April 21, 2005 as National Kindergarten Recognition Day.

I have chosen this day because exactly 168 years ago the first kindergarten classroom was opened. In 1837, many believed that young children did not have the ability to focus or to develop cognitive and emotional skills. However, Fredrich Froebel, a German school teacher and private tutor, held a different opinion and opened the first kindergarten classroom with the goal of shaping young children in a nurturing, educational, and protected environment.

Since then, Mr. Froebel's idea has been confirmed time and again by research—early years are learning years and kindergarten has a long history of enhancing children's cognitive, physical, and social development.

In the United States, kindergarten was first introduced to American communities in 1856. Now, close to four million children participate in kindergarten programs throughout the country. With attention now focused on increasing access to high-quality child care and pre-school programs, kindergarten is frequently overlooked.

While I support both of these laudable goals, I believe we cannot ignore the impact of the kindergarten year on the development of our Nation's children. And as policy makers, we must ensure that the kindergarten programs are using developmentally, culturally, and linguistically appropriate curricula and have teachers who have specialized knowledge and skills to address their unique needs.

On a personal note, I fondly remember my kindergarten year with my teacher, Mrs. Espinoza, who encouraged my curiosity and creativity. As a parent, I recall taking my daughters to their first day of kindergarten—they came home excited to tell my wife and me what they learned and to showcase their art and science projects in our home. Kindergarten prepared my girls for their later school success and cultivated their life-long love of learning. I will be just as proud to see my daughter Melinda graduate from high school next month as I was the day of her first school graduation, her kindergarten graduation.

It is a pleasure to introduce this resolution that honors kindergarten. It is my hope that we can use this day now, and in the future, to call attention to kindergarten and to discuss ways in which we can improve kindergarten classrooms throughout the Nation.

Mr. INHOFE. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements be printed in the RECORD, without intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas Friedrich Froebel, known as the "Father of Kindergarten", opened the first kindergarten classroom on April 21, 1837, with the goal of shaping young children in a nurturing, educational, and protected environment;

Whereas kindergarten has a long history of enhancing children's cognitive, physical, and social development in the United States and throughout the world;

Whereas Margarethe Meyer Schurz opened the first German-speaking kindergarten in the United States in 1856, Elizabeth Peabody opened the first English-speaking kindergarten in Boston, Massachusetts, in 1873, and the first public school kindergarten classrooms were established under the leadership of Susan Blow and William Torrey Harris in St. Louis, Missouri, in the early 1870s;

Whereas kindergarten is a critical year in children's formal education, as well as in their continued physical, social, and emotional development, that prepares them for later school success and lifelong learning;

Whereas quality kindergarten programs use developmentally, culturally, and linguistically appropriate curricula, teaching practices, and assessments to support each child's learning and development progress to reach his or her maximum potential;

Whereas teachers who teach kindergarten need to have specialized knowledge and skills in working with young children to respond to the unique interests, learning styles, and developmental characteristics of children in their kindergarten year;

Whereas kindergarten programs need to be ready for all children who are eligible, including children with disabilities and children who are not native English speakers, and their families;

Whereas kindergarten programs should collaborate and coordinate with preschools and with the other early elementary grades in order to provide a continuum of appropriate, effective early learning for all children as they transition to and through the early grades of school;

Whereas in 2001, more than more 3,700,000 children between the ages of 4 and 6 years old attended kindergarten, including full-day, half-day, or alternate day programs;

Whereas the percentage of children attending full-day kindergarten programs has grown from 28 percent in 1977 to 60 percent in 2001; and

Whereas establishment of a "National Kindergarten Recognition Day" will help draw attention to the critical role kindergarten plays as the transitional year from early education programs to the elementary and secondary education system: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 21, 2005, as "National Kindergarten Recognition Day" to raise public awareness about the impact of the kindergarten year on the development of our nation's children; and

(2) urges the people of the United States to recognize the historic tradition of kindergarten in the United States and its contribution to preparing children for their elementary and secondary educational achievement and experiences.

NATIONAL SMALL BUSINESS WEEK

Mr. INHOFE. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 120, which was submitted today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 120) honoring small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in support of a Senate resolution that honors our Nation's 25 million small businesses and the tremendous contributions they make to our economy, as we celebrate the Small Business Administration's—SBA—National Small Business Week which runs April 24 through April 30, 2005.

Small businesses form a solid economic foundation for growth and job creation. The success of our Nation's small businesses have helped create nearly three-quarters of all new jobs and produce 50 percent of our country's gross domestic product.

Since becoming Chair of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to be a megaphone for small businesses and help raise the needs and concerns of our countries' job creators in the Senate. Each year, there are 3 to 4 million new business startups—and one in 25 adult Americans take the steps to start a business. With one quarter of existing small business owners intending to form another business, this is clearly a sector that deserves our accolades and recognition.

And of course, one of our most valuable assets for ensuring the success of small businesses is the Small Business Administration. This agency is pivotal in overseeing the delivery of financial and business development tools for millions of aspiring entrepreneurs and existing small businesses across the United States. And since 1999, the SBA's programs have helped created and retain over 4.5 million jobs.

Particularly, the SBA's financing programs have been a crucial source to accessing capital for small businesses, and have never been more in demand with both the 7(a) program and 504 program delivering measurable results. The numbers from fiscal year 2004 represent these programs indisputable success, with the 7(a) program providing over $13.5 billion in loans to help small businesses create 132,603 new jobs. The 504 program lent $4 billion to support the creation of 86,847 jobs.

Furthermore, the SBA's entrepreneurial development programs assisted almost 1.5 million startup and existing small businesses. In fact, the Small Business Development Center—SBDC—program served over 725,000 clients and helped create or retain over 168,000 jobs in fiscal year 2003, while the SBA's Women's Business Center's training and counseling helped to create or retain over 6,500 jobs in fiscal year 2003.

We have also provided small businesses with tax relief to help grow their business. For example, I championed an increase in the amount a small business can deduct when they invest in equipment and other business assets capital that fuels expansion and job creation.

So as we celebrate our Nation's small businesses, we must be mindful of Congress's responsibility to ensure that each business has the opportunity to flourish. With the BA's budget drastically declining by 36 percent over the last 5 years, I will not hesitate to take action and ensure that this vital sector continues to have the valuable resources they deserve.

The SBA has been a critical partner to millions of small enterprises as well as aspiring entrepreneurs as they embark on the path to prosperity and job creation. The least we can do is strengthen, not erode, the SBA's core loan and technical assistance programs that have proven time and again to be the keystone in aiding the efforts and dreams of America's entrepreneurs.

Today we celebrate our Nation's entrepreneurs and honor America's small businesses. I urge my colleagues to show their support for the small businesses in their States and support this resolution. We must remember that the investment and support that we provide to our small business today is integral to our Nation's economic and job security tomorrow.

Mr. KERRY. Mr. President, I rise today to honor America's single greatest economic resource: our small businesses. Small businesses drive our economy, making up 99 percent of all firms, and today marks the first day of the annual National Small Business Week celebration. This week, we honor the firms that are working year round to provide goods and services to us all. Every day, small businesses and entrepreneurs are making innovations, creating new jobs, and pushing our economy forward. In fact, more than 50 percent of our Nation's GDP and more than two-thirds of all new jobs in our economy are attributable to small businesses. From the high-tech startup and the small manufacturer to the family-owned bookstore and the lemonade stand run by the little girl down the street, small businesses and entrepreneurs are an exciting part of our communities. And the opportunities they create represent the American Dream.

Given the importance of small businesses to our economy, it is only logical that there would be a Federal agency dedicated to promoting and protecting their interests. The Small Business Administration, which I am sure my colleagues are well aware of, serves as an indispensable small business advocate and resource within the Federal Government. With offices and strategic resource partners across the country, the SBA is able to serve entrepreneurs at the local level by providing training, mentorship, and valuable resources and at the national level by encouraging agencies to extend contracts to small businesses and to develop small-business friendly regulations.

The SBA offers a number of programs designed to help small businesses overcome obstacles to success. I am proud to support these programs, which tackle issues ranging from entrepreneurial development and access to capital to Federal contracting and trade assistance.

Without these SBA resources, thousands of small businesses would not have grown, survived tough times, or even been created. Once small businesses such as Staples, Intel, Nike, America Online, Black Enterprise Magazine, Eskimo Joe's, Callaway Golf, FedEx, Hewlett-Packard, Jenny Craig, Gymboree, Ben & Jerry's, Winnebago, Sun Microsystems, and Outback Steakhouse all received assistance through at least one of the SBA's programs. These businesses started out small but are now household names. They prove that their owners had excellent business ideas even though traditional lenders or venture capitalists would not take a chance on them. The SBA gave these once small businesses an opportunity to grow, helping them to get their foot in the door and eventually bring new products to markets across the country and the world. The long-term gains that our economy experiences from helping these companies are too numerous to list entirely, but they include thousands of jobs, a stronger economy, increased opportunities and millions in additional tax revenue, which has paid for the SBA's budget many times over.

While helping them grow is a part of SBA's mission, many small businesses are not looking to become large corporations, and these too need SBA's assistance and support. Every small business is important. Our neighborhoods could not function and would not be the same without the local dry cleaner, the corner market, the day care provider, the hardware store, the car mechanic, the restaurant, and countless other small businesses. Whether family-owned or a franchise, an S Corp or a sole-proprietor, fast-growing or home-based, all small businesses contribute greatly to our economy. And for decades, the SBA has been there to help.

According to SBA Administrator Hector Barreto's recent testimony before the Senate Small Business and Entrepreneurship Committee, the SBA backed a record $21.3 billion in loans and related financing to small businesses last year. Of that money, nearly one-third of it went to businesses owned by women or minorities. The SBA's major technical assistance programs reached a record number of clients last year, and the procurement assistance programs aided more than 37,000 small businesses. These impressive figures demonstrate that the entrepreneurial sector of our economy is alive and flourishing, in part because of the SBA. It is up to us, in the Federal Government, to ensure that this entrepreneurial spirit continues to thrive.

This week, in honor of National Small Business Week, the SBA is hosting SBA Expo '05, which serves to highlight the year's greatest achievers and small business advocates. I am proud to join Senator SNOWE and several other members of Congress as an honorary cochair of this event, where the SBA will also honor the National Small Business Person of the Year and State winners, including Massachusetts' own Fred Curtis, Jr. of Curtis Tractor Cab. Mr. Curtis has worked tirelessly to expand his company, growing from 21 employees in 1988 to 221 employees last year. Demonstrating the value that a small investment can give, Curtis Tractor Cab has grown more than 700 percent since receiving an SBA 504 loan from the Worcester Business Development Corp. I thank Mr. Curtis for his important contributions to the Worcester area. I know I speak for the small business community in Massachusetts when I say we are very proud to have an entrepreneur like Mr. Curtis representing our State with this award.

I also commend all of the SBA award winners this week. Their contributions to their States, communities, and our national economy are immense. In addition, I specifically congratulate Steven Stultz, the National 2005 Financial Services Champion of the Year. Much of what the SBA does involves access to capital, and Mr. Stultz has been a ubiquitous leader for the greater lending community. He is an active member of the National Association of Development Companies—NADCO—sits on the Board of Directors for CDC Small Business Finance, and is in his second year of a 3-year term as chairman of the National Association of Government Guaranteed Lenders—NAGGL. Mr. Stultz's dedication and leadership have propelled the 7(a) and 504 loan programs into powerful economic development tools. He has worked closely with Congress, particularly with the Senate Committee on Small Business and Entrepreneurship, to make necessary and thoughtful changes to the SBA's several loan program. I am thankful and supportive of his tireless advocacy and work to make access to capital easier for small businesses nationwide.

As a tribute to the SBA and the 25 million small businesses in the Nation, Senator OLYMPIA J. SNOWE and I support S. Res 120, to honor their impact on our Nation and our economy. As the resolution indicates, the SBA has assisted more than 20 million entrepreneurs throughout its history. However, despite the agency's noble mission, its assistance to small businesses is being threatened by this administration, which has cut funding to the SBA by 36 percent since 2001—more than any other Federal agency. One can only imagine how much more the SBA could have done for small businesses this year with just the same funding it received in 2001. We may never know the true cost these cuts have had on the future growth of our economy. How many Intels were passed up for funding, how many rural businesses weren't able to get management assistance, and how many jobs weren't created?

Small businesses give entrepreneurs the opportunity to pursue their passion, they give parents the opportunity to stay at home with kids while supplementing the household income, they give people the opportunity to be their own bosses, they empower women and minorities, and they spark innovation. Small businesses are vital to the success of our country and our economy, and we must do everything in our power to ensure our small businesses and entrepreneurs have the greatest resources in the world.

Mr. INHOFE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 120

Whereas America's 25,000,000 small businesses have fueled the Nation's economy, creating more than ¾ of all new jobs and accounting for more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and fueling the economic growth and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and these businesses' continued economic growth;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and small businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small businesses compete;

Whereas the Small Business Administration, which was established in 1953, has also provided valuable service to small businesses through financial assistance, technical assistance, procurement assistance, small business advocacy, and disaster recovery assistance;

Whereas for over 50 years the Small Business Administration has helped approximately 22,000,000 Americans start, grow, and expand their businesses and has placed almost $250,000,000,000 in loans and venture capital financing into the hands of entrepreneurs;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business; and

Whereas the Small Business Administration will mark National Small Business Week, the week beginning April 24, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) honors small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005;

(2) supports the purpose and goals of National Small Business Week; and

(3) commends the Small Business Administration and the Small Business Administration's resource partners—

(A) for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(B) for being key players in the Nation's economic vitality.

CORRECTING THE ANABOLIC STEROID CONTROL ACT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 893, introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 893) to make technical corrections to the Anabolic Steroid Control Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 893) was read the third time and passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

"(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;"; and

(2) striking clause (xliv) and inserting the following:

"(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);".

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed on H.R. 3, which the clerk will report:

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. INHOFE. Mr. President, on Friday, the leader filed a cloture motion on the motion to proceed to H.R. 3, the highway bill. I believe the cloture vote has been scheduled for tomorrow at 11:45 am. I strongly urge all of my colleagues to vote yes.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, nearly 19 months ago. Yet we are still attempting to get a bill done. The Federal-aid program has been operating under a number of short-term extensions—a total of six to date.

We need to get this done. The vote on Tuesday on cloture is critical. If we cannot proceed to this bill, we will miss yet another deadline and our States will continue to pay the price. The current May 31 expiration date for the highway, transit and safety programs is fast approaching. The House bill, H.R. 3, has some very significant differences from S. 732 the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, SAFETEA, the bill reported out by the Environment and Public Works Committee on March 16. We will need as much time as possible to work out a compromise. Although we may not all be in perfect agreement here on the Senate floor on each and every provision of S. 732, one thing I believe we are all in agreement on is that we need to get this done. In addition to conversations with colleagues, I have visited with community leaders and outside interest groups and the message is clear . . . get the bill done.

My committee colleagues and I are asking the Senate to consider essentially the same language that 76 Senators voted for in 108th Congress. The Environment and Public Works Committee used as its mark the Senate-passed S. 1072 with the exception that we adjusted the numbers to reflect the President's proposed spending level of $284 billion over 6 years. During our markup we accepted several non-controversial amendments from committee members. None of these amendments substantially changed the policy goals of the bill as passed last year.

Therefore, I strongly urge my colleagues to support the pending cloture motion and allow us to move to H.R. 3. We really need to keep this moving. The longer we delay enactment of a long-term bill, we are negatively effecting economic growth. According to DOT estimates, every $1 billion of Federal funds invested in highway improvements creates 47,000 jobs. The same $1 billion investment yields $500 million in new orders for the manufacturing sector and $500 million spread throughout other sectors of the economy.

State contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to send a bill to the President by May 31st, States will not know what to expect in Federal funding and the uncertainty will potentially force States to delay putting these projects out for bid. According to the American Association of State Highway Transportation Officials—AASHTO, an estimated 90,000 jobs are at stake. This problem is exacerbated for northern States, such as Alaska, that have shorter construction seasons. Many State transportation departments have advanced State dollars to construct projects eligible for Federal-funding in anticipation of our action to reauthorize the program. Without a new bill, States are essentially left "holding the bag."

Over the past 6 years under TEA–21, we have made great progress in preserving and improving the overall physical condition and operation of our transportation system. However, more needs to be done. A safe, effective transportation system is the foundation of our economy. We are past due to fulfill an obligation to this country and the American people.

I am pleased that the President's budget assumed more funding for reauthorization over his previous level of $256 billion. I and along with many of you believe we need more. Certainly that is an issue that will be thoroughly debated on the floor of the Senate, but we can't even have that debate unless we get to the floor.

Again, if we are able to proceed, the language that the Senate will be considering is essentially the same bill that was passed on the Senate floor last year—a bipartisan product of many months of hard work and compromise. This bill remains a very good piece of legislation which I hope will require few, if any, changes here on the floor. However, I am anxious to discuss with Senators their amendments so that we can debate them and hopefully get this bill in conference with the House prior to the recess, but we need to get to the bill first.

S. 1072 passed the Senate last year guaranteed all donor States a rate of return of 95 percent. I can remember that was 75 percent when I first came here. At a lower funding level we were able only to achieve a 92 percent rate of return but kept the 10 percent floor over TEA–21. The scope, or split of percent funding above and below the line, remain the same at 92.5 percent.

In order to get this bill off the floor, we have to balance the needs of donor and donee States. I will be the first to acknowledge that this balance—as with any compromise—is not perfect. My colleagues representing donee and donor States that receive lower rates of return or growth rates than they feel fair have made this fact very clear to me over the past year.

I am very sympathetic to the concerns of both donors and donees in this situation. Both have significant transportation needs that cannot be ignored. Addressing their concerns has become more difficult in the last year due to the fact that we have less money. Providing either group with more money would add significantly to the cost of the bill or take away from other programs. But holding up even consideration of this bill will not solve the problem. We need to proceed to H.R. 3 so that donor and donee States will have the opportunity to offer their amendments on how to improve their State's treatment.

I am certain my colleagues share my strong desire to get a transportation reauthorization bill passed. We must act to get a bill to and through conference prior to the May 31 expiration of the current extension. This will be a very difficult challenge, but if we act quickly we can do it.

Now let's look at the alternative. What will happen if we do not pass a highway bill? There will not be another extension. If we don't pass the bill there will be no chance of improvement on donor State rate of return and no new safety core program to help Spates respond to thousands of deaths each year on our roadways.

Our bill up has many safety provisions, as the ranking Democrat, Senator JEFFORDS knows. We didn't agree on all these, but we finally agreed on a final product. Without a bill, there will be no real streamlining of environmental reviews, so critical products would be still subject to avoidable delays. There will be no increased ability to use innovative financing, thereby giving States more tools to advance projects.

Out in California, they have done some things that are working very well. We have studied these and put some very innovative provisions in this bill to allow us to get more for the dollar than we can get today. But without a bill, we cannot do that.

Without a bill, we would not have any Safe Routes to School. This is a program many of the Democrats and Republicans in the House and Senate have embraced. But without a bill, we will not have that.

Without a bill, the States will continue to have uncertainty in planning, thereby delaying projects and negatively impacting jobs.

It is easy to sit up here in Washington and be indecisive about these things, but the States have to make plans in advance. For each delay, that is less they are going to get.

Without a bill, we have no new border program, which is critical to border States dealing with NAFTA.

Without a bill, we have delay in the establishment of the national commission to explore how to fund transportation in the future. It is something we have been doing essentially the same way year in and year out, but we are studying new methods now as motor vehicles are more fuel efficient and a tax collection system based solely on fuel consumption becomes less practical.

Without a bill, we won't have any increased opportunity to address choke points at intermodal connectors.

The firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs.

It is very important that we move forward. We studied this for a year and a half before coming to the Senate a year ago right now. Certainly the ranking Democrat on the committee, Senator JEFFORDS, can remember the months and months we worked on it. We came to the Senate with a good bill, passed it, went to conference, and were unable to get a vote on the conference report. Because of that, all these 10 things I mentioned did not happen this year. For all these things to happen, to move forward, we have to have a bill. We cannot have a bill until we vote on the motion to proceed so that we will be able to move to the bill. That is what this is all about.

I recognize the ranking Democrat on the Environment and Public Works Committee, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I thank Senator FRIST for the opportunity to debate this important legislation.

I also thank Senator REID for his leadership in getting us to where we are today on this bill.

In addition, I thank Chairman INHOFE, Senators BOND, and BAUCUS, as well as other chairmen and ranking members for all of their hard work and cooperation on this legislation.

A little over a year ago, I stood before my colleagues, in the same place I am standing now, asking for their support of our Nation's surface transportation system.

I am hopeful now, as I was then, that we will be able to work in a bipartisan fashion to pass this legislation quickly so our states can proceed with their critical work.

Today we are in a similar situation as we were a year ago.

Our bill maintains the important principles that were developed over the years of work in our committees.

We continue to grow and support the core programs that are the building block of a strong transportation system.

We maintain flexibility for States, because they know best how to meet their needs.

We also try to increase the funds going out to the States.

This bill will enhance safety on our Nation's highways through education, better infrastructure, and enforcement.

The increased intermodal flexibility set forth in the bill will allow States, if they wish to improve freight handling and movement.

The growth in congestion mitigation and air quality funding will help States improve air quality, reduce pollution and address congestion.

The bill makes it easier for States to mitigate project effects on habitat and wetlands, and retains and expands popular programs such as enhancements recreational trails and scenic byways.

This bill also reduces congestion on our Nation's roadways by enhancing public transportation and promoting intermodal solutions to regional transportation problems.

These are all critical components to a successful bill and I am glad that, through much hard work, we were able to develop strong national policy.

It may not be exactly what any one Member would have crafted on his or her own, but this is a strong and unified step in the right direction.

There are, however, some key differences.

A year ago, we presented you with a well-funded bill that struck a delicate balance between the core programs and flexibility on program and modal spending at the State and local level.

This time our job was made more difficult by fiscal constraints insisted upon by the administration.

The White House has suggested an overall funding level for surface transportation of $284 billion over 6 years.

This despite the President's own Transportation Department saying we need at least $300 billion to simply maintain the status quo, and something well above that level to make progress on conditions and performance.

Last year the Senate passed a highway bill at $318 billion with 76 votes.

It is unfortunate that the President fails to see the value of a robust transportation program.

It is unfortunate the President fails to see the jobs that will be lost, and the roads and bridges that will go unrepaired and unbuilt.

It is unfortunate the President doesn't see the lives that could be saved with better roads and the time that will be wasted sitting in traffic.

All of this is the result of inadequate funding.

While my colleagues and I have continued to impress upon him the value of increased funding, we continue to work within the box that the administration has put us in.

We tried to meet everyone's needs while not neglecting our responsibilities to the highway trust fund.

This is a very difficult task given the restrictions this administration has imposed on us.

But we did what was asked of us.

All of the committees have acted and passed a bill at $284 billion.

Make no mistake—we have made sacrifices that none of us wanted.

I am hopeful we will increase the funding in this bill as we move it through the Senate in the coming days.

That said, I stand here before you with the structure of a bill that has the potential to move our transportation system forward—not the giant leap we had hoped to make but meager steps that I hope will be the first of many in helping us get where we need to go.

Mr. President, I need not remind you that the authorization for this program expired 19 months ago.

In that time, there have been nearly 70,000 traffic fatalities with an economic cost of over $370 billion.

Americans continue to sit in traffic for close to 50 hours a year, 10 minutes more per hour traveled than when the last reauthorization bill was passed.

Mr. President, 18 percent of our roads are in poor or mediocre condition; 29 percent of bridges are deficient or functionally obsolete; over a quarter of our transit facilities are in below average condition; more than 3 million jobs are waiting to be created.

While we neglect to act, transportation in this country continues to degrade.

Things are getting worse, not better.

We have lost one construction season and are on our way to missing another.

In northern States such as Vermont, this is not a little problem. It is a big one.

We must act on this legislation now.

We must pass a nationwide surface transportation reauthorization bill this year.

I look forward to working with my colleagues to debate H.R. 3 on the Senate floor.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I say to my good friend, Senator JEFFORDS, we are not political equals in philosophy; yet I, as a conservative, agree with everything the Senator has said in terms of the need for roads and the need for infrastructure.

Senator JEFFORDS talked about some of the deficiencies we have, but I have to say in my State of Oklahoma the FAWA goes out and they rate roads and bridges. Oklahoma is dead last in bridges. This is a life-and-death situation. We lose lives every year.

A lot of my friends say: Well, you did not want to have a robust, expensive highway bill. I say to them: That is what we are supposed to be doing here.

I am a conservative. There is no one more conservative, according to the ACLU, than I am in this Senate. Yet I can say we need to spend money on infrastructure in the United States.

I will say a little bit about the formula of which I have been very proud. Both my good friend from Vermont and I used to serve in the other body before we came to the Senate. At that time, I was on the Transportation Committee in the House. I watched the way we did things there and how we do things here. I don't want to be critical of the way the other body operates, but we do it in a more fair and equitable way.

It would be easy—if we needed 60 Senators, we could give them projects until everyone signed on, and then forget about the other 40, have a vote, and go home. That could happen, but we did not do that. We have a complicated formula.

This creates different anxieties in different States where there is opposition because in one particular area they do not do as well as another State. Let me give an example of how complicated the formula is.

In a formula, you take into consideration an abundance of items, such as interstate lane miles. This is something in the formulas we take into consideration. Obviously, there is a reason. Or vehicle miles traveled, which is referred to as VMT. Over the next few days we will hear that quite often. The vehicle miles traveled on interstate has to be something to consider in terms of authorizing a 6-year program.

The contributions to the highway trust fund are very significant. We hear from some of the large States that they give more to the highway trust fund. I suggest it is not just people in that State who are making those contributions; people driving through the State also have to buy fuel in those States.

The lane miles on principal arteries, excluding the intersection, is weighted in the formula to a percentage. The VMT on principal arteries is considered. Diesel fuel used on highways is a consideration. Total lane miles on principal arteries divided by population is considered when we look at a formula that would affect all 50 States. So total lane miles on Federal aid highways, total vehicle miles traveled on Federal aid highways, the contributions to the highway trust fund, or the highway account, attributable to highway users, the cost to repair or replace deficient highways and bridges have to be considered. In the State of Alaska, for example, the Presiding Officer's State, it is more expensive. They have severe winters in Alaska. We do not have severe winters in some of the Southern States. This has to be part of the consideration.

The weighted nonattainment and maintenance area, population, the equal shares to each eligible State on highways, recreational trails program, the border planning, borders and corridors—this is significant to States such as California and Arizona, Texas, Florida, and, of course, the northern tier of States. The border States' share of cargo weight, what their share is of cargo value, the number of commercial vehicles entering the border State, the number of passenger vehicles entering the border State—all these are part of the formula.

We have low-income States. My State of Oklahoma is a low-income State. The State of Arizona is a high-income State. That is a consideration. One of the chief workers on the bill has been Senator BAUCUS from Montana. He is the ranking member on the committee; KIT BOND chairs that subcommittee on transportation within our committee. He has a low-population State. Obviously, if you have a low-population State, that has to be a consideration. There still have to be roads so they can travel and other people can travel through their States. But if they base it all on getting 100 percent back, and they do not have extra consideration—that has to be part of the formula.

Low-population-density States is a factor. The high fatality rates are a factor. The fatality rate in my State of Oklahoma is higher than average. The guaranteed minimum growth of each State—there is a limit applied to that—and the guaranteed minimum rate of return for donor States is a consideration. I remember when that guaranteed minimum rate of return for donor States was 75 percent, and it only crept up to 80, 85 and 90; now we operate on 90.5 percent. If we passed the bill offered last year, the way it passed in Senate, we would be at 95 percent. Every State would be guaranteed 95 percent return of donations of that State.

If we did not do it this way, we could do it the politically easy way—handing out projects until it is done. But that is where pork comes in. That is where most of the criticism comes from. I have heard a lot of the commentators talk about the highway bill the Senate has is full of projects and pork. My response is they have not read it yet. There are only two projects in the entire bill. Only two. On the other side, there are several hundred. It is a totally different approach.

So we have these things that are of major consideration. We have to get this bill done. The best way to get it done, of course, is to vote favorably tomorrow on the motion to invoke cloture on the motion to proceed, and then to move on to the bill.

Now, we have several people who may wish to speak. I mentioned Senator BOND, who is the chairman of the Transportation Subcommittee. Senator BAUCUS, who has been very helpful in working with us, is the ranking member of the subcommittee. There is Senator JEFFORDS and myself. Of course, we have 18 members of our committee. We would like to invite them to come down right now. I will defer to anyone who wants to come down and talk about this legislation. In the event that nobody shows up, I have more to say. I think, probably, the Senator from Vermont might have more to say, too.

So at the present time I will go ahead and suggest the absence of a quorum and encourage members of our committee and others who want to be heard on the highway bill to come down and speak.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak for up to 30 minutes as in morning business. However, I want to say if anyone comes down to speak on the motion to proceed to the highway bill. I will stop at that point so they can be recognized. I will yield to them. However, I want my entire speech to be printed in the RECORD as if given intact.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THIRD PILLAR OF CLIMATE ALARMISM

Mr. INHOFE. Mr. President, today I will continue my series of the four pillars of climate alarmism. This is the third pillar speech. In my first speech, I outlined how the media and some of the environmental extremists distorted, exaggerated, and mischaracterized a major climate change report from the National Academy of Sciences.

I showed how the left and the media exaggerated a document that contained numerous caveats about the uncertainties of current knowledge and the caution that its conclusions were tentative, proclaiming the report showed conclusively that global warming due to man is occurring.

In my second speech, I described some of the more serious and, indeed, fatal flaws in the 2001 Third Assessment Report from the U.N.'s Intergovernmental Panel on Climate Change, known also as the IPCC, which I will refer to from time to time. In that speech, I exposed how Michael Mann's now infamous "hockey stick," the flagship of the IPCC's claims that global warming is real, has been thoroughly discredited in scientific circles, and that the IPCC's projections of future carbon emissions, which drive temperature model conclusions, have been proven to be based on political decisions that, by the end of the century, countries such as Libya will be as wealthy or wealthier than the United States.

Now, I would like to examine the Arctic Climate Impact Assessment Report, which received considerable attention on its release late last year. Last November, the Arctic Council, described as a "high-level information forum" that includes the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden, released its 140-page arctic synthesis report, entitled, "Impacts of a Warming Arctic." It details the major findings from the Arctic Council's 1,200-page scientific report, which will be released in the coming weeks.

The essence of the synthesis report is this: The Arctic is experiencing unprecedented climate change, caused, in large part, if not entirely, by manmade greenhouse gas emissions, while projections show dramatic Arctic warming accompanied by even more pronounced changes that will have serious repercussions for the entire planet.

At first blush, the report appears to be quite impressive. It contains glossy photos, charts, and graphs, and was produced by some 300 scientists from several nations. But it lacks virtually any scientific documentation, which casts doubt on the report's page after page of unqualified, matter-of-fact claims about Arctic warming. That documentation, we are told, is forthcoming in the more lengthy scientific report. So it is unclear if the 140-page document accurately reflects the contents of the scientific report.

If it does, then the scientific report simply ignores or dismisses reams of peer-reviewed scientific work contradicting the Arctic Council's conclusions. If it does not, then the synthesis report would appear to be an exercise in global warming propaganda.

The release of the report created a media sensation with nearly every major news outlet declaring, once again, that the scientific consensus on global warming had been reaffirmed.

Here is the Chicago Tribune's report from November 24, 2004:

> The council's 140-page report, four years in the making, warns of immense ice melts, a dramatic rise in ocean levels, the depletion of the Gulf Stream and other sea currents, wild fluctuations in weather patterns, increased ultraviolet radiation and wrenching dislocations in the food chain and habitat.

In equally dramatic fashion, the Associated Press described the report this way. It said:

> This most comprehensive study of Arctic warming to date adds yet more impetus to the projections by many of the world's climate scientists that there will be a steady rise in global temperature as the result of greenhouse gases released into the atmosphere from the burning of fossil fuels and other sources.

Such descriptions of the report are really not far off the mark, and for good reason. In this case, the media and extremist groups got exactly what they wished for—140 pages detailing a daunting list of projected environmental catastrophes: permafrost melting, infrastructure collapsing, glaciers vanishing, sea levels rising, coastal communities flooding, polar bears facing extinction.

Worse, the authors left the impression that these scenarios were all but assured, despite the fact that the assumptions on which they are based are highly uncertain—a point I will examine later in this speech. Thus, no spin, distortion, or exaggeration on the media's part was necessary.

The synthesis report constructs a deceptive picture of climate changes that have occurred in the Arctic over the last 30 years, particularly with respect to temperature change. A major piece of evidence supporting the Arctic Council's alarmist conclusions is the Arctic's "unprecedented" temperature increase over the last several decades. The report's authors make the following statement on page 23. I am quoting now. It says:

> Examining the record of past climatic conditions indicates that the amount, speed, and pattern of warming experienced in recent decades are indeed unusual and are characteristic of the human-caused increase in greenhouse gases.

Specifically, according to the Council, annual average temperature in the Arctic has increased at almost twice the rate of the rest of the world, while winter temperatures in Alaska and western Canada have increased about 3 to 4 degrees Celsius over the past half century, with larger increases projected in the next 100 years.

Surely, this is proof of unprecedented, human-induced warming, and of worrisome warming trends for the future? Not quite. Let's take a closer look at the peer-reviewed literature on the temperature history of the Arctic, which the Arctic Council's synthesis report totally ignored.

First, in the November 2002 issue of the Journal Holocene, researchers examined proxy temperature data in northern Russia spanning over 2,000 years. They found that "the warmest periods over the last two millennia in this region were clearly in the third, tenth to twelfth, and during the twentieth centuries." The earlier periods, they claim, were warmer than those of the 20th century, while 20th century temperatures appeared to peak at around 1940.

For a much broader perspective on Arctic temperatures, one can read the 2003 paper by researcher Igor Polyakov in the journal EOS, a publication of the American Geophysical Union. In the paper titled "Trends and Variations in Arctic Climate Systems," Polyakov studied land and ocean data from northward of latitude 62.5 degrees north, dating back to 1870.

As is obvious from this chart, one can see that current temperature over the entire region is similar to that measured 70 years ago. According to Polyakov:

> Two distinct warming periods from 1920 to 1945, and from 1975 to the present, are clearly evident.

He goes on to note that "compared with the global and hemispheric temperature rise, the high-latitude temperature increase was stronger in the late 1930s to the early 1940s than in recent decades."

Strangely there is no mention of this in the Arctic report, but alarmists don't seem to care. They would probably respond that: 300 scientists from all over the world believe such warming is occurring. You, sir, have merely identified two whose research presents a contrary view.

To answer that charge I will submit for the RECORD an impressive list of scientists from several countries, including the United States, whose peer-reviewed work shows current Arctic temperatures are no higher than temperatures recorded in the 1930s and the 1940s.

Let me quote from a few salient examples. In a 2003 issue of the Journal of

Climate, seven researchers concluded the following:

> In contrast to the global and hemispheric temperature, the maritime Arctic temperature was higher in the late 1930s through the early 1940s than in the 1990s.

Here is another excerpt from the 2000 International Journal of Climatology, Dr. Rajmund Przybylak of Nicholas Copernicus University in Torun, Poland. It reads:

> The highest temperatures since the beginning of instrumental observation occurred clearly in the 1930s and can be attributed to changes in atmospheric circulation.

Finally, in 2001, researchers examined a 10,000-year span of sea core sediment in the Chukchi Sea and concluded that "in the recent past, the western Arctic Ocean was much warmer than it is today." They also found that "during the middle Holocene [approximately 6,000 years ago] the August sea surface temperature fluctuated by 5 degrees Celsius and was 3–7 degrees Celsius warmer than it is today." Obviously, the middle Holocene period was not known for SUVs and coal-fired powerplants.

To get a fuller sense of the report's bias, consider the Arctic Council's geographical definition of "the Arctic." This is important because the temperature record differs depending on one's definition. The Arctic report's temperature record includes data from northward of latitude 60 degrees North. Why the Arctic Council chose this point is not explained. In fact, the report's authors responsible for defining the Arctic admitted last November that their choice was arbitrary.

The Arctic Council's starting point is problematic for two reasons. First, Dr. George Taylor, Oregon's State climatologist and a past president of the American Association of State Climatologists, recently examined Arctic temperature trends using different starting points. As Dr. Taylor found, "[u]sing 60 degrees North introduced a lot of . . . questionable Siberian stations." In other words, measurements at that point are based in part on bad data.

Second, other researchers see the Arctic differently, and probably more accurately when describing long-term temperature trends. Polyakov, for example, defined Arctic as northward of 62.5 degrees North. This 2.5-degree difference is not trivial. Temperatures can change significantly between 62.5 degrees North and 60 degrees North. In fact, pushing the geographical boundaries southward, as the Arctic Council did, contributes to a substantial upward bias in temperature measurements.

Not only was the Arctic region arbitrarily defined, it appears that marine and coastal-based data were arbitrarily excluded from the report's temperature record. This is strange, considering two-thirds of the Arctic is covered by the Arctic Ocean. So it seems unreasonable to use only land-based stations, as the Arctic Council did, and not to include coastal stations. Russian drifting stations in the Arctic Ocean, and drifting buoys from the International Buoy Programme, as Polyakov and his colleagues did.

Using such data reveals a less dramatic temperature picture than the Arctic Council's. In 1993, University of Wisconsin climatologist Jonathan Kahal examined declassified data collected over the Arctic Ocean during the Cold War. In a paper in the journal Nature, Kahl found an "absence of evidence for greenhouse warming over the Arctic Ocean in the past 40 years" and a net decline in Arctic temperature. Admittedly, Kahl's temperature history stretches only from 1958 to 1986. But more importantly, it relies on marine and coastal-based data.

Dr. Taylor was among many mystified by these omissions. For him, there is only one possible explanation: "The [Arctic Climate Impact Assessment] appears to be guilty of selective use of data." He further explained, "Many of the trends described in the document begin in the 1960s or 1970s—cool decades in much of the world—and end in the warmer 1990s and early 2000s. So, for example, temperatures have warmed in the last 40 years, and the implication, 'if present trends continue,' is that massive warming will occur in the next century. Yet data are readily available for the 1930s and early 1940s, when temperatures were comparable to (and probably higher than) those observed today. Why not start the trend there? Because there is no net warming over the last 65 years?

This is kind of interesting because I can remember also giving a speech where I showed the cover of "Newsweek" magazine and the cover of "U.S. News and World Report." This was back in the 1970s. And the headlines were: Cooling period is coming; a new ice age is coming. We are all going to die. It is the same thing people are saying about a warming climate. If your starting point is at the end of that cold period, it gives a distortion, if there has been no net warming over the last 65 years.

In the pop culture version of global warming, there is no greater attraction than melting glaciers and sea ice. Press accounts appear daily of new studies purporting to show a widespread glacial retreat stemming from man-made greenhouse gas emissions. Warnings abound that this melting will cause a calamitous rise in sea levels. True to form, the Arctic Council follows the same story line, asserting that, "glaciers throughout the Arctic are melting." "This process is already under way," the report states, "with the widespread retreat of glaciers, snow cover, and sea ice. This is one reason why climate change is more rapid in the Arctic than elsewhere." but is this really the case?

Interestingly, the IPCC Third Assessment Report references peer-reviewed studies that contradict the Arctic Council's assessments. The IPCC, an organization convinced of the validity of the global warming consensus, noted that, "Glaciers and ice caps in the Arctic also have shown retreat in low-lying areas since about 1920," but also stated, "However, no increasing melting trend has been observed during the past 40 years."

Sonar data on sea ice collected in the 1990s also tell a different story. As the BBC wrote in 2001, "The latest and most comprehensive analysis yet of the sonar data collected in the 1990s shows little if any thinning—at least towards the end of that decade. Indeed, at the North Pole, there are indications in the data that the ice even got a little thicker."

What they are saying is, there are some areas that you can visibly go to and say yes, glaciers are melting, but in other areas it is getting thicker.

Among other omissions, the Arctic Council gave little weight to the observed variability of Arctic sea ice thickness. The term "observed variability" of sea ice thickness has specific meaning in the Arctic: Scientists estimate that sea ice mass there can vary by as much as 16 percent in a single year. As Dr. Seymour Laxon, a lecturer in the Department of Space and Climate Physics at the University College London, explained, "The observed variability of Arctic sea ice thickness contrasts with the concept of a slowly dwindling ice pack, produced by global warming."

So what causes these variations in sea ice mass? In 2002, Dr. Greg Holloway, of the Institute for Ocean Sciences in Sidney, Canada, and his colleagues Dr. Tessa Sou, showed that decadal wind pattern changes caused a shifting of Arctic sea ice, creating thinner ice in some regions and thicker ice in others. As Dr. Holloway explained, "It's a circumstance where the ice tends to leave the central Arctic and then mostly pile up against the Canadian side, before moving back into the central Arctic again." Based on this research, Dr. Holloway believes that "we have been a little bit overly stampeded into the idea that here is a terribly alarming melting taking place."

Holloway is not alone in his assessment. In 2003, German researchers Cornelia Koeberle and Ruediger Gerdes found evidence of natural "wind stress" strongly affecting variability in Arctic sea ice. "The results make connecting 'global warming' to Arctic ice thinning very difficult for two reasons," the researchers wrote. "First, the large decadal and longer-term variability masks any trend . . . Second, the wind stress strongly affects the long-term development of ice volume. A long-term change in wind stress over the Arctic, possibly by an increase in the number of atmospheric circulation states that favor ice export, would affect the ice volume in a similar manner as a temperature increase."

In addition to questionable claims about Arctic sea ice, the Arctic report includes dubious projections about the Greenland Ice Sheet. Climate models, the Arctic Council reports, "project that local warming in Greenland will exceed 3 degrees Celsius during this century." The result? "Ice sheet models project that a warming of that magnitude would initiate the long-term melting of Greenland Ice Sheet." And furthermore, "Even if climactic conditions then stabilized, an increase of this magnitude is projected to lead eventually (over centuries) to a virtually complete melting of the Greenland Ice Sheet, resulting in a global sea level rise of about seven meters."

This sounds ominous, but again, peer-reviewed literature on the subject, excluded from the Arctic report, tells a countervailing story. For example, a team of experts at Los Alamos National Laboratory recently examined Greenland's instrumental surface temperatures. Here's what they found: "Since 1940, however, the Greenland coastal stations data have undergone predominately a cooling trend. At the summit of the Greenland ice sheet, the summer average temperature has decreased at the rate of 2.2 [degrees Celsius] per decade since the beginning of the measures in 1987." We are talking about a reduction in temperature, of an increase.

Finally, the report's projections for the Greenland ice sheet, glaciers, and sea ice were based on data obtained from global climate models. Those projections assume anthropogenic warming, and proceed to show a gradual but persistent melting of glaciers and ice, leading to a dangerous rise in sea levels. However, as climate scientists have repeatedly pointed out, climate models are highly imperfect. In fact, they are notoriously inaccurate in how they simulate the complexities of the climate system.

This is especially true of Arctic climate. According to a letter signed by 11 climate scientists, sent to the Senate Commerce Committee last fall, "Arctic climate varies dramatically from one region to another, and over time in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic."

Researchers associated with the University of Alaska-Fairbanks wholeheartedly endorsed this view. They recently wrote, "Unfortunately, most global climate models are not capable of sufficiently reproducing the climatological state of the Arctic Ocean, sea ice and atmosphere . . . as [an] example, the simulated sea ice thickness is overestimated, and its overall pattern is in error, with the thickest ice located in the Siberian instead of the Canadian sector of the Arctic Ocean."

Based on these well-documented technological constraints, how can one take seriously the Arctic Council's claim that "While the models differ in their projections of some of the features of climate change, they are all in agreement that the world will warm significantly as a result of human activities and that the Arctic is likely to experience noticeable warming particularly early and intensely"?

The alarmist nature of the Arctic report is to be expected. How else can they justify its enormous costs of regulating carbon dioxide? We know the costs of this would be enormous. Wharton Econometrics Forecasting Associates—this is from the Wharton School of Economics, not from Senator JIM INHOFE—estimates that implementing Kyoto would cost the average American family of four $2,715 a year. Acknowledging the holes in the science underlying claims of catastrophic global warming would undermine their agenda. What is the agenda? Two international leaders have said it best.

Margot Walstrom, the EU's environmental commissioner, said that Kyoto is "about leveling the playing field for big business worldwide." French President Jacques Chirac said during a speech at The Hague in November 2000 that Kyoto represents "the first component of an authentic global governance." That is what they want to do, level the playing field for big business worldwide, bring the United States down to Third World status eventually, and have an authentic global governance.

Based on these and other major deficiencies, the Arctic Climate Impact Assessment hardly serves as compelling proof that greenhouse gas emissions are causing unprecedented changes in Arctic climate, or that trends point to a future marred by widespread damage to Arctic ecosystems. To be sure, the report fails to provide a thorough, balanced, comprehensive overview of the most compelling research on Arctic climate.

Instead, the so-called "synthesis report" is a biased, selective examination of climate trends in the Arctic. It completely ignores well-known, established facts. For instance, it is firmly established that Arctic temperatures in the late 1930s and early 1940s were higher than in the 1990s and that Greenland's temperatures in recent decades have undergone a cooling trend, not a warming trend. It is also well known that sea ice mass can vary by as much as 16 percent in a single year. Moreover, this report fails the test of transparency and openness and lacks virtually any documentation. It reads more like an ideological tome. Extremist groups are using it as a legal brief to sue energy producers on behalf of Arctic peoples. Hardly surprising.

Dr. George Taylor, Oregon's State climatologist, succinctly described the report when he said: "Nice graphics, but bad science."

This is what we have been hearing. The extremists have to make us believe that something catastrophic will happen. The same people who are talking about global warming today were the ones who, in the 1970s, were talking about global cooling, saying another ice age is coming. It is interesting.

I recommend reading a book by Michael Creighton called, "The State of Fear." Michael Creighton is one of the best-known authors in America. He writes fiction; these are novels, but he is a scientist and also a medical doctor. He was going to write a novel on global warming and the terrible things that could happen. Instead of that, after he did research, he wrote another novel. While it is fiction, its footnotes are all scientific. I recommend that book. As any thoughtful person who has a scientific background will tell you, the idea of global warming very well may be the greatest single hoax ever perpetrated on the American people.

With that, I made the comment before speaking that I am anxious for Members to come down and talk about our bill. We are now under debate on the motion to proceed to the consideration of the highway bill, H.R. 3. We will have a vote on that motion to proceed tomorrow morning. The vote is set for sometime around 11 o'clock tomorrow morning. I have been told there are some Members who wish to speak in morning business. I would like to inquire, if there are any real long speeches, if at some point someone comes down to speak on the highway bill, or on the motion to proceed to that bill—I would not want a commitment, but I would request they defer to them when they should arrive on the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHALLENGES IN THE SENATE

Mr. DORGAN. Mr. President, first of all, I am really pleased we finally have the highway bill on the floor. I appreciate the leadership of the chairman and the ranking member. This is an authorization that is, I think, 2½ years old or so. Many of us have been frustrated. I know the chairman and Senator JEFFORDS have been frustrated that we have not been able to finish this work. I hope we can finish this bill and move it through the Senate.

I wanted to comment about another couple of issues. I am worried about the way things develop here in the Senate. We treat serious things too lightly; we treat light things too seriously. We have, it seems to me, the framework for a huge brawl in the Senate over procedure, and there are so many challenges facing our country that this President and this Congress are not looking in the eye with the thought of responding directly to them. I will mention a few of them today.

Politics, regrettably, in recent times has become a sport in which one side trashes the other side, and it is either our way, or no way, or the highway. Now, we have a circumstance where we are facing serious challenges: we face fiscal policies that are off the rail, the largest budget deficits in history; we face the largest trade deficit in history, with massive numbers of American jobs being shipped overseas; we face energy problems that are causing severe pain and dislocation, and everybody knows what the price of gasoline is these days; we struggle with health care costs that are skyrocketing; and all of these issues are hard for families to deal with. And yet, despite these issues, we are confronted by the prospect of a majority that doesn't like the current rules with respect to judgeships, so they will try to break the rules of the Senate, for the first time in history, in order to change the rules because we have approved only 205 out of 215 judges sent to us by the President—again, we have approved 97 percent of all of the judges sent to us by the President for lifetime appointments on the bench. But because there are 10 that have not been approved, the President and the majority party believe they want to break the rules of the Senate in order to change the rules of the Senate.

There are so many other important things we ought to deal with. It is just Byzantine that this issue is what we are fighting about. There is a constitutional role for the Congress—particularly the Senate—with respect to judgeships. The President proposes, and we advise and consent. There is nothing in the Constitution that says we cannot use the rules of the Senate for those few judges we believe are inappropriate, those few we think represent the extreme and should not be on the bench for a lifetime.

Yet, because, again, 3 percent of the judges have not been approved, while 97 percent have, we have the prospect of what is commonly called the "nuclear" option of trying to change the Senate rules by breaking the Senate rules.

I will tell you what I think we should be working on. First, health care costs. The fact is, when most families sit around their supper table and talk about their lives, they are talking about things that relate to their everyday existence: Do I have a good job? Does it pay well? Do I have job security? Do grandpa and grandma have access to good health care? Are we sending our kids to good schools? Do we live in a safe neighborhood?

These issues affect the daily lives of the American people. Health care is not an option. When you are sick, you need health care. We have 45 million people without health insurance. We have the cost of health care skyrocketing. It is rising at a much more rapid pace than inflation. The cost of prescription drugs is going out of sight. Yet, is this Congress tackling health care issues? No, we are not. Will we allow legislation on the floor of the Senate that would provide for the safe reimportation of prescription drugs to put downward pressure on prescription drugs? No. Will we allow the Federal Government to negotiate lower prices with the pharmaceutical companies like the VA? Will we allow that negotiation for the Medicare Program? No. In fact, this Congress explicitly says you may not do that. It is unbelievable. We have these huge health care challenges, but we will not look that issue in the eye.

Our budget deficits are the largest in the history of our country. We just passed an $80 billion emergency bill last week. We knew for 2 years that is what it would cost—$5 billion, $6 billion a month in Iraq and Afghanistan—and there was zero in the President's budget request for it. So they proposed spending it on an emergency basis. Nobody talks about raising money for it; just spend it. In fact, I have raised questions about how it is being spent—and I offered an amendment saying we are being stolen blind with respect to contractors in Iraq—to wit, Halliburton. Halliburton is charging us for 42,000 meals a day served to U.S. soldiers, when it turns out they are serving only 14,000 meals a day. In my hometown, they have a word for that sort of thing.

I asked for an investigation into this kind of waste, fraud, and abuse in contracting. It is massive. But you cannot get a committee to investigate that. The Congress doesn't want to have a select committee to investigate that. So it is just throwing the money out the door in hopes that some of it will stick. In fact, there is massive waste, fraud, and abuse and everybody knows it. But nobody wants to confront it.

Education. We have a serious problem with education in this country. There are 400,000 qualified high-school kids that will not go to college this year because of financial burdens, and another 220,000 kids won't go to college because they simply cannot afford it. You have well over a half-million qualified kids who will not be going to college who should be in college. We know college tuition has risen 28 percent, after inflation, in the last 4 years. We have not considered the reauthorization of the Higher Education Act. We extended it, but that should have been reauthorized several years ago. It is set to expire. The President's budget would eliminate the Perkins student loan program, Upward Bound, and a series of other programs that I think are very important. Pell grants have largely been stagnant in terms of their level, while tuition has gone way out of sight.

We don't look energy right in the eye, although I must say there is hope here. I met with Senators DOMENICI and BINGAMAN. I am a senior member on the Energy Committee, and I hope we can bring a bill to the floor of the Senate. That is a bipartisan bill.

Go to the gas pump these days, and then read in the paper after you paid for that gas, that Exxon reported the highest profit ever reported for one quarter by any corporation. Think of that. We have a revenue-sharing system by which the American taxpayer, the American consumer shares their money with the Saudis, the Kuwaitis, the Iraqis, the Venezuelans, and others who have the oil, and then the oil companies that are the conduit for that oil are making record profits as well.

If anything demands an investigation, it is that, in my judgment. We need an energy policy that does not hold this country hostage to oil, 60 percent of which comes from off our shores.

These are a few of the issues we ought to stare straight in the eye, and those of us who are not part of the political extreme—and there are too many these days who are perverting the political process in this country. I think a shameful perversion of the political process in many ways—but I hope those of us who are part of the strong political center in America will finally convince this administration and this Congress to take a hard look at the real challenges our country faces and then begin the long, challenging work to try to address them.

This is a great place. We are lucky to be here, lucky to be alive now. There is no place like it on Earth. It is our job as caretakers of this wonderful democracy to fix problems as we see them, to address problems, not to go off on these political searches to figure out who is the worst. The question is not who is the worst in the political system of ours, the question is whose ideas are the best that can move this country forward and give our country and our children the prospect for a better and brighter future.

I have much more to say, but because of time constraints today, I will leave it at that and say I hope as these weeks unfold we will begin to address the substance of the real challenges facing our country—Federal budget deficits, trade deficits, health care, education, energy, and other issues—all of which have a significant impact on the way we live in the country and all of which will have a significant impact on America's future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I want to make a couple comments in response to my good friend from North Dakota.

First, I encourage Members to come down to the Chamber. The current order of business is the motion to proceed to the highway bill. It is very important. It is critical. There is nothing we are dealing with right now that is more important. There is so much at stake, as I already outlined. We need to have more Members come down. Certainly, if I am talking, I will defer to them if they do come to the floor.

PARTNERSHIP FOR FISH AND WILDLIFE

Mr. INHOFE. Mr. President, I wish to share with you an experience from last Friday. We had a field hearing in Oklahoma on the Partnership for Fish and Wildlife. This is a program not many people know about. It is one that has not ever been authorized, but it is one that has gone year to year with an appropriation, whereby a landowner who is trying to do something for the environment, trying to do something for conservation, trying to do something for habitat will put up $3 for every $1 the Fish and Wildlife Service puts up to join a partnership with them. They have come up with some incredible results, and it shows that those areas of Government where you work with Government and not have Government dictating mandates to individuals or to communities works so much better. This is a model for other programs. Consequently, I thought Earth Day was a good day for me, as chairman of the Environment and Public Works Committee, to introduce the bill, which I have introduced, to authorize this Partnership for Fish and Wildlife Program.

Also, there is a vacancy that has occurred with the Director of the U.S. Fish and Wildlife Service. We have a Southwest regional director by the name of H. Dale Hall. He came up for our hearing on Friday in Oklahoma. He is one of the incredible, dedicated Federal workers. It seems to me he would be an excellent Director for the U.S. Fish and Wildlife Service. I would like to nominate this man for that purpose.

He is a wildlife biologist. Mr. Hall meets the qualifications for the U.S. Fish and Wildlife Service Director as established by 16 United States Code 742B, being knowledgeable in the principles of fisheries and wildlife management by reason of education and experience. Mr. Hall received a bachelor of science degree in biology and chemistry from Cumberland College in Williamsburg, KY, and a master's degree in fisheries science from Louisiana State University.

He had military experience prior to joining the Service in 1978. Mr. Hall served 4 years in the U.S. Air Force beginning in 1968 with overseas assignments in Italy and the Philippines.

He has private sector experience. After returning to civilian life in 1972, Mr. Hall managed catfish farms in the Mississippi Delta region for Eden Fisheries and Farm, Inc.

He has experienced all kinds of awards. He joined the Service in 1978 and has worked in the Mississippi Valley, Houston field office, the Washington, DC, office, the Pacific regional office, the Southwest regional office, and now serves as regional director for the Southwest region. That is Oklahoma, Texas, Arizona, and New Mexico.

He was honored as one of the Service's 10 most outstanding merit pay employees for 1986. In February of 1996, he was presented with the Department of Interior's Meritorious Service Award by then-Secretary Bruce Babbitt.

I nominate this man for this position. I think he would make an excellent Director of the U.S. Fish and Wildlife Service.

I again reiterate that the order of business now is on a motion to proceed to the highway bill. Cloture has already been filed. We will be voting on cloture tomorrow morning. I cannot think of one thing we are doing now that is more important than getting a highway bill. We have been operating on extensions for a long period of time. When we do extensions, we do not get any of the benefits of streamlining, we do not get any of the safety benefits, we do not get any of the school-to-work programs, or any of the other programs. These are things that need to be done.

All an extension does is extend what is currently out there. Therefore, the States and communities do not know what to expect. They do not know how to anticipate how much money is going to be there or whether any of these programs to protect the environment are going to be there, or any streamlining programs.

I cannot tell you how important it is we not operate on extensions but instead that we do pass this highway bill. We should have done it last year. Last year, we had the bill that came up. The President of the United States felt it should be a smaller number. We felt if the bill is paid for—and at that time the Finance Committee, under the chairmanship of CHUCK GRASSLEY and the ranking member, MAX BAUCUS, came up with money that could be raised for that purpose so it would not add to the deficit. Consequently, we passed a bill out of the Senate that was $318 billion for a 6-year reauthorization. That would have been fine. It went to conference and got hung up in conference. One or two people stopped us from having this bill. Now all of America is suffering for it.

This is our second run at it. We are almost out of time. The current extension expires on May 31. If we do not have a bill by May 31, then we are going to have to operate on an extension. This is something that would certainly be to the detriment of all States.

Obviously, we are all prejudiced for our own States. My State is Oklahoma. Oklahoma has very severe problems with bridges. We need to correct those problems. Border States have problems with NAFTA traffic coming up, south to north, and back down. That adds a lot.

We are trying to do something with the Borders and Corridors Program. If we do not have a bill, we will not have that program. We have a lot of things that are very significant and need to be addressed.

I encourage my fellow Members to come to the floor and talk about the motion to proceed to the highway bill, talk about the highway conditions in their States, and help us to get this bill passed.

I will say this, the bill we had last year, even though it was $318 billion over a 6-year period, we enjoyed a 76-to-21 majority in this body. I know the distinguished Presiding Officer was not here at the time, but I had an opportunity to talk to all the Members who were not here to vote last time about how they would vote, and virtually all of them are supporting this highway bill.

It is essentially the same bill. We have been working on it, my friend from Vermont, the ranking Democrat of the committee I chair, we have been working on this now for 2½, almost 3 years. We can never make up what happened. We understand that. When you get into a complicated formula and consider all the things I outlined a few minutes ago, there are going to be some people who do not want to have a bill. There are procedural steps that can be taken to stop us from having a bill. All we want is to have a vote.

Speaking of a vote, I do not have a better friend than the Senator from North Dakota. We disagree on issues politically. He made some comments to which I would like to respond. First on judges.

I do not think my State of Oklahoma is that different from other States. I do not think it is different from North Carolina. I do not think it is different from North Dakota or most States. When I walk around and visit people in my State of Oklahoma—for 19 years I have gone back on a weekly basis, so I am there talking to normal people, because there are not that many here in Washington—I find out what concerns them. They are concerned about a lot of the issues with which we deal.

Certainly, they are concerned about the war in Iraq. They are concerned about the fact that we are finally winning the war against terrorism. We are doing a good job over there. I was there a few days ago and made a point, since I am on the Senate Armed Services Committee, to spend some time in the Sunni Triangle where they are supposed to dislike us the most. I have never seen anything like it. In Fallujah, there is a guy who was the brigade commander for Saddam Hussein who hated Americans before. Then he got the title of brigade commander for the Iraqi security forces, and he started working with our Marines over there. He started loving them so much, he said when they rotated out—and this includes embedded training where his troops were training with our Marines; our Marines were helping to train these individuals—when our Marines rotated and left, he said they actually cried. He has renamed the Fallujah Iraqi security forces. They are now called the Fallujah Marines, named after our marines. That is what is happening in the Sunni Triangle.

I went to Tikrit, the hometown of Saddam Hussein. During the training process in Tikrit, outside one of the stations they were training in was a car bomb that killed 10 Iraqis and severely injured 30 more. In Tikrit, the 40 families who either lost through death or severe injuries people who are being trained to fight for the Iraqi security forces substituted other members of their families. It is incredible because they have this great love.

We got in a Blackhawk helicopter and flew all over the Sunni Triangle at less than 100 feet. It is the safest way to fly. There are terrorists out there who can hit the helicopter.

As we went across, we saw little kids come up on villages waving American flags. There are many people, I am sure, right now who send care packages to our troops over there. What these troops are doing with the care packages is taking the candy and cookies and repackaging them. Then we go 100 feet over the Sunni Triangle, when the kids are waving, and they throw the candy out to the kids. There is a love that is indescribable. We never hear that from the media back here. The media is very biased. The networks are biased, and we do not hear the success stories. Good things are happening.

I was there a few weeks before that after the January 30 election. Everyone was saying the election was not going to go off. People risked their life to vote, and they told me they could not see the ballot because of the tears in their eyes. Another one told me it occurred to her when she voted that it was not only ending a 35-year bloody regime of Saddam Hussein, but it was the first time in 7,000 years she and the Iraqi people were having a right, an opportunity for self-determination. It is a huge thing happening over there.

We all know about the weapons of mass destruction and trying to discredit the President. We knew there were terrorist training camps. We have gotten rid of them. We are seeing a new democracy emerge and totally change the Middle East. It has been successful.

I only say that because there are a lot of important things going on, and one is, of course, dealing with the current deficit. We are going to have deficits. My good friend from North Dakota was critical of the deficit that is taking place right now. I think it has been pretty well established—in fact, even the Democrats have agreed—that this recession actually started in March of 2000, which was under the Clinton administration. When you go into recession, for every 1-percent decrease in economic activity, that translates to $46 billion in revenues.

We had the revenue going down at the same time we had 9/11. We are in a war and we cannot come out of a deficit while we are in a war. We had a reduction in the military. I do not criticize the Clinton administration for what happened to the military after the first gulf war, but when the military is downsized, some of our modernization programs are stopped and it is expensive.

Right now I do not know how many American people realize that we are actually sending our kids out to battle with equipment that is not as good as our potential adversaries. Our best artillery piece, for example, is the Paladin. The Paladin is World War II technology. After each shot, you have to get out and swab the breach, like you used to have to do during World War II. Yet there are five countries right now, including South Africa, that are making a better non-line-of-sight cannon than our Paladin. Our kids do not have as good equipment, and that is because our modernization program came to somewhat of a screeching halt.

I was very proud of GEN John Jumper back in I think it was 1998 when out of his frustration he was trying to say we have to do something about our modernization programs; that our best strike vehicle is currently the F-15 and the F-16 and the Russians are making the SU-30s and 31s, as they were at the time, and selling them to potential adversaries, and they are better than our F-15s and F-16s. When we have our F-22s online, and our Joint Strike Fighter, we will change that, but we have to progressively do this, and it is expensive. That is why we will continue to have deficits for a while until we get this thing done.

In all fairness, we have to realize that, No. 1, the administration inherited a deficit; No. 2, we are at war; and, No. 3, we are rebuilding a military operation.

Getting back to the judges, as I said, I do not think Oklahoma is a lot different from other States. When I go down the street and I talk to people, they are much more concerned about what is happening with the judicial decisions and liberal judges trying to make law from the benches. They are concerned about school prayer, gay marriage, and the Pledge of Allegiance with "one Nation under God" coming out. These things bother people back in Oklahoma. Maybe they do not bother people in other States but they do in Oklahoma. All we want are circuit judges to be nominated and then given a simple majority vote on the floor, so that we can determine whether that nomination by the President can be confirmed.

I do appreciate what the Senator from North Dakota was saying. However, I have to say to my knowledge never in the history—sometimes people say, well, how about Judge Bork back several years ago? That was a different situation altogether. Never in history has there been a filibuster of circuit judge nominees. It should not be 60 people to confirm a judge; it should be 51 people. All we want is a vote. We do not care how it comes out. That is going to be the will of the Senate, but the Constitution specifically says "Advice and Consent of the Senate." That is a majority, and that is all we really want.

I know there are liberals who have a liberal agenda who do not want to have conservatives or constructionists confirmed on the various circuit courts and Federal benches, and ultimately the U.S. Supreme Court. But I can assure my colleagues that the vast majority of people in Oklahoma do.

Lastly, I do agree with the Senator from North Dakota when he talked about the need for an energy policy. I became aware of this and concerned with this way back in the early 1980s when Ronald Reagan was President of the United States. I believed that he should have had an energy policy for America. Quite frankly, even though he was my favorite guy in contemporary history, he did not do it. There were so many other things facing his two terms that he was not able to come up with an energy policy.

I can remember when Secretary Hodel and I would go around the country, we would make speeches about how our dependence on foreign countries for our ability to fight a war for our energy supply was not an energy issue, it was a national security issue. We tried to convince people of that, and we were not successful.

Then, of course, along came other administrations and they did not do it, either. I thought certainly the first Bush administration, since he had an oil background. would be more concerned about it. But this President does. He says we should have a comprehensive energy policy for America, and one of the cornerstones should be a limit as to how much we should be dependent upon foreign countries for our energy supply—or I will put it a different way, for our ability to fight a war.

So here we have a situation where back when I started making speeches about our dependency on foreign countries for our oil was when we were dependent for about 34 percent. Now it is up to 65 percent. We are dependent upon foreign countries for our ability to fight a war twice as much as we were back in the 1980s. So it is going in the wrong direction.

What we need is an energy bill. I was very glad to see the vote on ANWR. It is kind of interesting, the Arctic National Wildlife, that tiny little part of the wildlife reservation that people are concerned about, all of the Natives in Alaska want it, all the Alaskans want it, the House wants it up in Alaska, the Senate wants it, everybody else wants it, but we refused to give it to them to allow them to explore and produce on ANWR. Now they can do that.

A comprehensive energy bill should have an oil and a gas component to it. It should have fossil fuels, coal, nuclear energy, and renewable energy. If we can have that, we can have an energy bill. I think we are going to have one. I am particularly concerned about it because I chair the Environment and Public Works Committee and about one-third of the Energy bill is in the jurisdiction of my committee. We are going to do what we can to work with the distinguished Senator from New Mexico, Mr. DOMENICI, to try to make that happen.

I encourage Members to come to the floor, and in the event they do I would certainly relinquish the floor to anyone who wants to talk about the highway bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. What is the pending business?

The PRESIDING OFFICER. The motion to proceed to the highway bill.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPENDENCY ON FOREIGN OIL

Mr. KERRY. Mr. President, this morning, Americans braced themselves for another week of devastating news about the gas pump. This morning, Americans learned again of the record increases in the price of oil in America. When they turn on the news tonight, they are not going to learn of anything that has been done by this Congress or the administration in the past months or even past years. They are not going to see Washington taking the necessary steps to end our dependency on foreign oil. Instead, people will see President Bush meeting with Saudi Crown Prince Abdullah, a stark reminder of our dangerous dependence on foreign oil and how much that dependence threatens our economy as well as our national security.

The President offers strong words against nations that sponsor terror, but for those in control of 65 percent of the world's oil supply, those words are compromised from the get-go. That is wrong, but it is fundamentally what happens when the administration is committed to an energy future that is dependent on oil, oil, and more oil, at all costs, even if that cost is our national security.

The fact is, we are more dependent on foreign oil today than ever before. Despite the sharp rhetoric of the 1970s and the initial effort to try to be less dependent on oil, it has consistently increased. This dependence slows our economy, harms our environment, dilutes our national security, and it burdens Americans with the high gas prices they face today. Sadly, the President's energy bill, which we are going to soon debate in the Senate, fundamentally ignores these problems, and it does nothing to lower gas prices.

In the last days, the administration has conceded "changes to production, consumption, imports and prices are negligible under the plan submitted to the Congress." Frankly, Washington has danced around this statement for a year now. But last week, President Bush himself acknowledged the truth. He said:

> [The] energy bill wouldn't change the price at the pump today. I know that and you know that.

So if we all know that, why pass this Energy bill along in its current form when real solutions are staring us in the face? Americans are paying an average of $2.28 a gallon at the pump. That is up 6 cents in the last week, over 50 percent in the last year, and up a staggering 56 percent since 2001. The President's so-called energy plan does nothing to reduce our dependency on foreign oil. The President's own economists found oil imports will actually increase 85 percent by 2025 under a proposal such as the one we see in the Congress. Less than 5 percent of the incentives in this bill are devoted to developing alternative sources of energy. That is 5 percent for the future, 95 percent for the status quo.

In 2002, when the Senate passed an energy bill with a bipartisan vote of 88 to 11, the bill provided for a balanced tax package: 50 percent of the benefits to oil and gas and 50 percent to renewables. By abandoning that balanced, forward-looking approach, this bill sells out our Nation's dream of an energy independent future.

Why are we taking the time in the Senate and the House to discuss an energy bill that does not take the steps available to begin to free us from our dependency? The failure to aggressively address the dependency will condemn a generation of Americans to higher gas prices, and the problem will only get worse. The era when the United States, Japan, and Europe comprised the bulk of the world's demand for oil is long over. Oil consumption from developing Asian nations is going to more than double in the next 25 years, from 15 million to 32 million barrels a day. Chinese consumption will grow from 5 million to nearly 13 million per day. India's consumption will rise from 2 to more than 5 million barrels per day.

The escalating demand for foreign oil is simply unsustainable. Every American who has taken an economics class, who owns a small business, or who balances the family checkbook understands that when demand for the product goes up and supply of that product is limited, prices are going to go through the roof. If you do not own your own product, that is great, but if you do, you are in trouble. Obviously, we do not. The fact is that the United States only has 3 percent of the world's oil reserves. So no matter what happens, we are going to remain dependent if fossil fuel and oil are going to remain the staple of our transportation, heating, and other product sources in the United States.

In reality, international demand for oil is going up, and prices are going up as that demand goes up. There is little we can do to stop it unless we change the fundamentals on which we are currently producing and providing for the various oil needs of our Nation. We cannot drill our way out of this problem under any scenario whatever. Whether we drill in Alaska or even the oil in the deep water of the gulf, we cannot drill our way out of it.

America needs to move forward in the technology race. We need to invent our way out of it. The spectacle of an American President literally reduced to asking—some would describe it as begging—another country to open the spigots and try to provide some momentary relief is really its own statement about where we find ourselves today. The fact is, what we ought to be doing is accelerating research and development in our country.

Today's meeting with the Saudis really underscores what is wrong with the energy policy of our country. The danger of maintaining our dependence on foreign oil is so obvious that Americans cannot help but question the actions of this administration. The actions do not meet their words. The President has said the right things. Last week, he said:

> With oil at more than $50 a barrel . . . energy companies do not need taxpayer funded incentives.

So he said the right thing. But the facts tell a different story. The Energy bill provides 95 percent of the tax benefits to oil and gas companies, with over $8 billion directly going to the oil and gas companies of the country. Only 5 percent—less than even in the bill we passed 2 years ago in the Senate, or 3 years ago—is going to go to those things that would actually provide Americans with relief. At a time when oil and gas prices are at historic highs, our energy policy ought to be aimed at investing in new and renewable sources of energy, not lining the pockets of the special interests.

On energy, the administration has not been leveling with the American people. I think the President and Congress continue to miss an extraordinary opportunity. Most public policy forces us to make difficult tradeoffs: foreign versus domestic, urban versus rural, consumer versus business. But energy policy does not require us to do that. Other than the big oil companies, everyone benefits from reducing our dependence on foreign oil. Energy policy provides us with a unique opportunity to address a huge group of challenges all at the same time.

If we lead the world in investing in new energy technologies, we create thousands of high-paying jobs right here in America. If we learn to tap clean energy sources, we preserve a clean environment for our families and future generations. We reduce mercury and acid rain. If we remove the burden of high gas prices, American consumers will have more cash in their pockets to spend on consumption products or on savings or on college or other things. That will all give our economy the boost it needs. Most importantly, if we end our dependence on foreign oil, we strengthen our national security.

The Energy bill before the Congress accomplishes none of these goals. In fact, it weakens all of them. Let me focus on one of those things that it weakens, our national security. Increased American energy dependence further entangles our Nation in unstable regions of the world and forces us even to compromise our values. In exchange for oil, we transfer wealth to people who have done us harm and would do us harm in the future.

This is, obviously, as bad for our troops and for those serving abroad as it is for people who experience the high gas prices here. We risk being drawn into dangerous conflicts because of our dependency in a particular region. We also see an already overburdened military that has to bear the consequence of that.

In recent years, U.S. forces have had to help protect the Cano Limon pipeline in Colombia. Our military had to train indigenous forces to protect the pipeline in Georgia. We plan to spend $100 million on a special network of police officers and special forces units to guard oil facilities around the Caspian Sea and to continue to search for bases in Africa so we can protect all of the facilities there. Our Navy patrolled tanker routes in the Indian Ocean, South China Sea, and the Western Pacific.

The reality is, we have to protect oil because that is what protects our way of life today. This is a serious issue, with real consequences, because of the unstable nature of conflict-ridden, oil-producing areas which challenge our security.

In the spring of 2004, insurgents attacked an Iraqi oil platform. There was violence against oil workers in Nigeria. The result was to press global oil output and record-high gasoline prices. We were helpless to stop it. I do not think any American wants to be helpless where national security is concerned.

Our dependence on foreign oil creates just the sort of alliances that George Washington warned against in 1796. These alliances with foreign suppliers leave us more vulnerable, and they can crumble the foundations of our economic and national security.

The most dangerous aspect of this is that we are not alone in this dependency. I mentioned it earlier: International demand for oil is rising at an alarming rate. Another word for "demand" is "competition." Another word for "competition" is "race." At this rate, the great powers of the world may resume the race to secure the remaining energy reserves. That is an alarming scenario, but it is exactly the course we find ourselves on. With strong leadership, we can avoid it. But we cannot do it without a balanced energy plan that ends our dependence on foreign oil.

If anyone needs an example of how energy dependence can shortchange national security, look no further than the war on terror itself. If we assume oil miraculously drops back to $30 a barrel—no one assumes that, but if you did—over the next 25 years, the United States will send over 3 trillion American dollars out of the country, much of it to regimes that do not share our values, and even, in many cases, our goals.

It is bad enough to think that those $3 trillion are not going to go directly into the American economy, that they are going to go to other countries. It is worse to consider the impact on our volatile relationship with regimes such as the House of Saud, fragile as it finds itself increasingly today.

Our dependence on Saudi oil is a bad bargain for the war on terror. In the past, Hamas received almost half of its funding from Saudi Arabia. We know al-Qaida has relied on prominent Saudi Arabians for financing, and Saudi Arabia sponsors clerics who still, after all the rhetoric, promote the ideology of terror.

We all know what is going to happen today. The President is going to ask Prince Abdullah to raise production. But we have to be honest with the American people and acknowledge it is a short-term fix at best, and it is one that carries its risks.

In the year 2000, Governor Bush said he would "jawbone OPEC" to "open the spigots." But 5 years later, either he has not jawboned enough or it is not important. It is time the administration learned the only long-term solution to America's energy crisis and to our security itself is to end our dependence on foreign oil.

National security is the most inexcusable casualty of our energy policy. But again, it is not the only one. Federal Reserve Chairman Alan Greenspan has said:

> Markets for oil and natural gas have been subject to a degree of strain over the past year not experienced for a generation.

I might say, respectfully, it may not have been experienced for a generation, but it was entirely predictable that this would come around again, particularly when you look at the development rates of China, India, and other Asian and South Asian countries.

As the chairman of the President's Council of Economic Advisers said:

> High energy prices are now a drag on our economy.

That is the Republican administration speaking for itself.

This administration's energy policy works for Saudi Arabia, it works for the countries that get those trillions of dollars, it works for big oil and gas companies—all of which have record profits. I think one of the top companies had a 213-percent increase in profits, others 146 percent, others in the double digits. Show me the American family whose income went up commensurately. Show me most American businesses that are struggling with health care costs and now have increased costs of transportation. The American trucking industry has billions of dollars, perhaps $20 billion paid out because of the rise in the cost of fuel.

So everyone is losing: consumers, small businesses, the environment, our troops, our security—everyone but the oil and gas companies.

We need an energy policy that works for America and works for the 21st century. We have successfully moved from different sources of fuel in our history. We went from wood to coal. We went from coal to oil.

We went from oil to a mix of oil and gas and coal and nuclear and hydroelectric, and now we are talking about wind power and other sources. We have the capacity to have various kinds of additives and even biodiesel and other forms, but we are not moving rapidly to secure the marketplace for those alternatives.

It is time now for America to make its next transition in fuel, to move to a mix of solar and wind and biomass and fuel cells and clean coal and other wonders of American ingenuity. We have huge reserves of coal. But despite all the rhetoric, the administration hasn't even adequately funded the clean coal technology program. We need to tap America's strength. The new president of MIT wrote a couple of articles the other day pointing out how America is slipping backwards in technology. All you have to do is pick up any of the analyses on competitiveness in technology in America today. America is producing fewer engineers, fewer scientists. Fewer kids in college are going into science and the physical sciences. Less money is being put into the R&D to move us into that competitive edge.

That competitive edge is what built the economy of the 1990s. It is what helped us to be able to create the high value-added jobs so we moved to an unemployment rate that was the lowest in the modern history of our Nation, and we paid down debt. We invested in the long-term future of our country. We have seen a complete reversal of that in the last 4½ years.

I hope this Congress will do what it ought to do, not start pitting people against each other according to definitions of faith, but come here with faith in America and American ingenuity and understand that we need to tap America's strength. We need to tap our markets, our capacity for invention, innovation, and our values. That is the way we will control our own destiny. We need to embrace and foster a revolution toward an energy world that benefits our environment, our economy and, most importantly, our security.

The President's energy plan will bring us more of the same—the status quo, a more dangerous future of energy dependence and high prices. It is time we came together with a real energy policy that works for the American people and puts Americans back in charge of their future and liberates our children from the stranglehold of fossil fuel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the regular order is the cloture motion on the motion to proceed to the highway bill. This is one we are very much concerned about. I have said several times I am hoping Members will come to the floor and speak on the highway bill. I know the distinguished Senator from Illinois wants to be heard right now. Let me only make one comment.

Earlier on I talked a little bit about the Energy bill. The distinguished junior Senator from Massachusetts started off with a quote by the President that was not quite complete. What the President said was the Energy bill would have no immediate impact on gas prices but long-term gas prices will be affected by an energy bill. I made that very clear a few minutes ago when I talked about the fact we have been trying to get an energy bill since the 1980s.

I don't say this in a partisan way because we tried to get an energy bill during the Reagan administration and the Carter administration before that, the first Bush administration, and the Clinton administration. We were unable to do it. It was not until this President came along and offered an energy bill or an energy policy for America. It is long in waiting. Obviously, supply and demand tells us that portion of energy that is generated by oil and gas is going to be cheaper if we are able to do it locally and do it in this country without depending upon foreign sources of oil.

We know what happened in OPEC days back in the 1970s. We know we can be held hostage again. It is a very serious problem. But an energy bill should include all forms of energy. I agree with the Senator from Massachusetts, we should be concentrating also on technology, on renewables. Certainly I disagree with the Senator from Massachusetts when he says he wants clean coal technology and he wants to be able to utilize coal. It was the Democrats in the committee I chair who killed the Clear Skies—didn't kill it, but delayed it—Initiative of the President which would have the most dramatic reduction on pollutants, on NO$_x$, SO$_x$, and mercury pollution than any President has ever advocated in the history of America, a 70-percent reduction. To do this we had to continue to have clean coal technology. That is part of the bill, as are oil and gas and nuclear and renewables.

We made an effort to do that and were unable to do it on a partisan line. If the Senator from Massachusetts is interested in having a bipartisan approach to the use of clean coal technology and to expand the use of coal, we need to look at all of the above, all of the forms of energy. I will join him in that program.

The Senator from Illinois wants to be recognized as in morning business. Since I do want to get back to the highway bill, I ask unanimous consent that the Senator from Illinois be recognized for 30 minutes as in morning business and then immediately following his 30 minutes, I be recognized for 30 minutes as in morning business, and then we would go back to the regular order. I encourage Members who are interested in the motion to proceed to the highway bill to come to the floor, to be heard, and so we can recognize them for that purpose.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. If I overheard the request, the Senator from Oklahoma suggested 30 minutes in morning business.

Mr. INHOFE. Yes, for the Senator from Illinois, unless he desires more.

Mr. DURBIN. That should be adequate. I thank the Senator.

JUDICIAL NOMINEES

Mr. President, I come to the floor with some feelings of disappointment. I had hoped that on reflection, Majority Leader FRIST would change his mind about taking part in a rally yesterday in Kentucky with groups that claim anyone who opposes President Bush's judicial nominees is opposed to "people of faith." The organizers of that rally, the Family Research Council, called their rally "Justice Sunday." I agree with Bob Edgar, general secretary of the National Council of Churches. A better name would have been "Just Us Sunday."

This Republican religious group is trying to redefine faith to fit its own narrow definition. What is their test? Does their definition of faith turn to the Bible? You know the biblical test, how do you treat the least of your brethren. No, the litmus test of faith for this group is as follows: Do you agree that a President—namely President Bush—ought to be able to ignore the Constitution, the rules of the Senate, and 200 years of Senate tradition to appoint people to the Federal bench for lifetime appointments even if those nominees hold extreme political views outside the mainstream of America?

That is their test of faith. If you say yes, then you are a person of faith. If you say no, they would brand you as anti-God and antifamily.

The depth we have reached in this political debate that the majority leader of the Senate would add his name and his words to a rally which is so divisive, which tries to make a constitutional issue a religious issue. I had hoped Senator FRIST would decide not to take part in it. I hoped he would have used his leadership position to discourage those who are using this religious McCarthyism that seems to be gripping our political system now that the Republicans are in control of the House and the Senate. Unfortunately, he did not.

He sent a taped message which contained within it, I will concede, some conciliatory words warning those involved not to go too far, as Senator LINDSEY GRAHAM did yesterday on a television show which I shared. But unfortunately, I am sure those who were involved with the Family Research Council were heartened by the appearance of Senator FRIST.

Now we are learning that placing your own candidates in lifetime Federal judgeships is not enough for this group.

They are also plotting to rid the bench of Federal judges they don't like. The Los Angeles Times ran a story last Friday about a private conference of evangelical leaders in Washington, attended by Senator FRIST and House Majority Leader TOM DELAY, whose name appears constantly in this national debate. They had an audiotape of the conference. The story quotes two of the organizers of yesterday's rally in Kentucky, talking about working with congressional Republicans on plans to get rid of the Federal courts they don't like. This is a quote from Tony Perkins, one of the lead spokesmen yesterday for the Family Research Council. He said this at this Washington, DC, conference with TOM DELAY and BILL FRIST:

> There's more than one way to skin a cat, and there's more than one way to take a black robe off the bench.

According to the Times article:

> Mr. Perkins said he had attended a meeting with congressional leaders a week earlier where the strategy of stripping funding from certain courts was "prominently" discussed. "What they're thinking of is not only the fact of just making these courts go away and recreating them the next day, but also defunding them," Mr. Perkins said.

The story reports Mr. Dobson, a reverend also involved with this effort, as saying:

> Very few people know this, that the Congress can simply disenfranchise a court. They don't have to fire anybody or impeach them or go through that battle. All they have to say is the Ninth Circuit doesn't exist anymore, and it is gone.

Mr. Perkins said these plans to remake America's courts are "on the radar screen, especially of conservatives here in Congress."

We have valued, since the creation of this great Nation, our independent and balanced judiciary. I am certain that members of the judiciary are angered at times with positions taken and things said by those in the executive and legislative branches. It works both ways. Yet we understand the nature of our checks and balances, the nature of three separate branches of government is unique to America and has given us the strength to survive in this democracy for over 200 years.

The strategy of TOM DELAY, Senator FRIST, and groups like the Family Research Council challenge this premise of our constitutional democracy. I would like to address the questions raised about what might happen if the Republicans go forward with the so-called nuclear option. First, let me tell you that the phrase "nuclear option" was not conceived by a group of Democrats in a back room. As I understand it, Senator TRENT LOTT, a leading Republican, called this approach a nuclear option, understanding, as he did, that it is an assault on some of the most fundamental principles of the Constitution and the Senate. It was, in fact, nuclear war and the use of a nuclear weapon from a procedural point of view. It assaulted one of the most basic principles of America, the principle of checks and balances.

Look at the political landscape in America today. Republicans control the White House, the House, the Senate, and the Supreme Court. Not in 60 years has so much power been vested in one party. But from the point of view of many of their special interest groups, it is not enough; they want more. They don't just want to govern in America; they want to rule. That means they need and want powers beyond those given to a political party under our Constitution.

Think about why we have a Senate. It was part of the Great Compromise. Thirteen colonies came together, deciding whether they could work together as one government, and the smaller colonies said we don't have a chance. If you count numbers, the more populous colonies will always win the debate. So the Great Compromise said the House of Representatives will have more people, with more representatives in the more populous States, so they will have more votes. But the Senate is different. Every State gets two Senators. The rules of the Senate were written so, even within the Senate, when one Senator objected to a major change in law, the Senate rules respected that minority Senator. In fact, it wasn't until right after World War I that there was a way to even stop what was known as a filibuster. If you saw "Mr. Smith Goes to Washington," you saw Jimmy Stewart, that new idealistic Senator, take to the floor arguing for something he believed in until he ran out of breath and collapsed. Well, that is the filibuster. The way you can stop it is with a certain number of votes. Beginning in the 20th century, that number of votes is 60. It recognizes that this unique Chamber in America's Government will always recognize the rights of the minority.

We have built on that principle, and that is why the filibuster was created. Sadly, the Republican majority today wants to break the rules of the Senate and change the filibuster rule. They want to end the checks and balances that have been part of this institution since the Constitution was written. For what? So President Bush can have every judicial nominee he proposes to Congress, without debate, without dissention, and it would not be subject to a filibuster.

I think the filibuster is one of the most basic tenets of our checks-and-balances system. It prevents a tyranny of the majority and encourages compromise and moderation. Think about it; if it takes 60 votes, you need to compromise. If it takes 60 votes, neither side has that, so you need bipartisanship. It works every single day on legislation and on nominees.

What about the President's track record when it comes to judges? Consider this: Since President Bush came to office, he sent 215 names of judicial nominees to the floor of the Senate; 205 have been approved. Only 10 have not been approved. More than 95 percent of the President's nominees have been approved by the Senate but, sadly, the point of view of the White House is that it is not enough. They want them all. They are willing to assault the Constitution and change the Senate rules. With an approval rate of 95 percent, this is not a crisis; it is a manufactured political crisis.

Republicans claim it is unconstitutional to filibuster. They are wrong. The Constitution makes it clear that the rules of the Senate are the decision of the Senate. Here is what article I, section 5 of the Constitution specifically states:

> Each House may determine the rules of its proceedings. . . .

That means the House and the Senate may determine the rules of its proceedings. From the beginning, the Senate has allowed filibusters. In 1789, the first Senate filibustered a bill about moving the capitol from New York City to Washington. But these Republicans, under President Bush and Vice President CHENEY, want to change that time-honored rule. They claim the use of the filibuster to block judicial nominees has never happened, that it is unprecedented. That is what you hear from them. They are wrong.

Before George W. Bush became President, 11 judicial nominations needed 60 or more votes—cloture—to end a filibuster.

On two other judicial nominations—one in 1986 and one in 1994—cloture was filed in order to end filibusters, but it was later withdrawn. Of those 11 nominations on which cloture was needed to end a filibuster, 4 occurred during the Clinton administration.

Let me just point to one. March 8, 2000, the nomination of Richard Paez to be a judge of the Ninth Circuit. Fourteen Republican Senators voted on the Senate floor to filibuster Judge Paez's nomination. Look at the list of the 14 Senators, and do you know what name you will find? Senator BILL FRIST. He is now the majority leader, and he claims this never happened in the history of the Senate. He, in fact, voted on the floor of the Senate for a filibuster against Richard Paez, a Clinton nominee to the Ninth Circuit. For the record, it was vote No. 37, 106th Congress, second session, March 8, 2000.

In addition to the 4 Clinton judicial nominees who were filibustered, 60 additional Clinton nominees never received a hearing. It was a pocket filibuster. What is unprecedented is what Republicans are threatening now, to fundamentally change the rules and traditions of the Senate and the constitutional principle of checks and balances. To argue that no judicial nominee will ever need more than 51 votes—7 times since 1949, the Senate has faced this question: Can a simple majority change the cloture rule? Every single time, the answer has been no, whether it was Democrats in the majority or Republicans in the majority.

In 1953, Minority Leader Lyndon Johnson, the "master of the Senate," as he was dubbed, a man who knew something about finding and using power wherever he could legitimately find it, worked with Majority Leader Taft to protect the Senate from the nuclear option of his day, when a single Democratic Senator threatened to use it.

Time and again, there have been threats to change this filibuster, and it has never happened. There has been ample opportunity to do that.

One Senator who was involved in that was Senator Fritz Mondale of Minnesota. He led a 1975 effort to change the cloture rule. Twenty-seven years later, in September 2002, an older and wiser Fritz Mondale came back to the Senate to talk about his years as part of the Leader's Lecture Series.

He admitted he made a mistake to try to push through a nuclear option. I want to read part of what he said. This is what Fritz Mondale said on reflection:

> When I came to the Senate, I thought a simple majority should be enough to end debate. I had seen the cloture rule abused in the past, especially on civil rights. The old rules permitted virtually endless talk. In recent years, many Senators had developed a postcloture strategy where, even after a successful cloture vote, they could still carry on forever, reading and amending the Journal, reading and amending the Chaplain's prayer—as we did for several days—filing hundreds of amendments with no end in sight.

Listen to what Fritz Mondale said:

> It had to be changed, and it was, to what is now called the Byrd rule. But to end a filibuster still requires 60 votes, and I believe that is about right.
>
> It is a balancing act. You need to be able to close off debate, but you also need to give an individual Senator the power to stop everything in the country and to rip open an issue in a way that no other institution in America can. It can't happen in the House. Their rules of debate are very different. It can't happen in news conferences. It can't happen on talk shows. That is entertainment, not debate. Only the Senate can stop the Nation in its tracks, and it is the only body in the world that allows it.

To claim, as nuclear option supporters do, that the 1975 effort proves the constitutionality of their plan is simply wrong. It is a misrepresentation of the facts. They argue we are simply talking about judicial nominees. Yet we know from a Congressional Research Service analysis of this issue that if they went forward with the nuclear option on judicial nominees, nominees who are being appointed to the bench for a lifetime, more could follow from that.

I still hope we can avoid this constitutional confrontation, this crisis. I hope the destruction that will be brought to the Senate can be avoided. I hope we can have a positive view toward the Senate's future. But let me say this: If the Republican majority in the Senate exercises the nuclear option, breaks the rules of the Senate for the first time to change the rules, to eliminate the filibuster on judicial nominees, to attack the principle of checks and balances, the constitutional principle of our Government, then I think the response from the Democratic side can easily be described as this: If the Republicans are going to break the rules, the Democrats are going to play by the rules. Let me tell you what I mean.

We believe we must defend the Senate and the Constitution. We will not allow one party to eliminate an essential part of checks and balances. The Senate operates according to customs. The minority party defers to the majority party regarding what bills come to the floor, and other questions. It is a system that requires trust and cooperation every day.

If Republicans choose to use the nuclear option, they are choosing to assault that trust and cooperation. We can no longer routinely give our unanimous consent to whatever procedural request the majority leader makes. Instead, we will use the existing rules and precedents to have the Senate focus on the real crises facing America's families and businesses. Instead of granting deference to the Republican majority to set the agenda on the Senate floor, Democrats will use the existing rules and the precedents of the Senate to focus on issues such as health care, energy, education, minimum wage, making certain we take care of our veterans and soldiers.

We have already placed a number of important bills on the Senate calendar, any of which can be brought up at once if the Republicans trigger the nuclear option. These bills address real priorities and challenges we face: funding our schools, bringing down the price of gasoline at the pump, finding a way to provide health insurance and health care for Americans, veterans benefits, and imposing fiscal discipline with Government spending.

Let me make it clear. We are not going to set out to close down the Senate or to close down the Government. Senator REID, our Democratic leader, and all the Members of the Senate feel as I do, that shutting down the Government was the hapless tactic of the Gingrich revolution. It was a terrible idea. Rush Limbaugh was the only American applauding it every day, but the American people knew better. They want our Government to continue. They want Government services that are essential not to be in danger. So we are prepared to use the Senate rules to make certain that the defense of our Nation and the defense of our Armed Forces will be paramount, that passing key appropriations bills will occur, the Government will go about its business.

But when it comes to the rest of the debate in the Senate, when it comes to the agenda of legislative issues, we believe we can and will use the rules, if the nuclear option is exercised, to make certain that this debate is broadened—broadened beyond the special interest debates of K Street, the lobbyists who sit around the corridors out here begging for their bills to be called. We will expand this to include a debate over issues American families are begging us to consider, such as the cost of health insurance, help in putting children through college, finding a way for us to deal with the energy crisis in a responsible way that will conserve energy and bring about more fuel efficiency, in addition to environmentally responsible exploration for new energy sources.

Let's talk about gasoline for a minute. Americans are paying nearly 50 cents a gallon more for gas today than they were a year ago. Gas prices have surged an average of 19 cents per gallon in the last 3 weeks. What is the Republican solution? Many times it is more of the same. Keep increasing America's dependence on increasingly expensive oil from increasingly volatile parts of the world.

If Republicans are insisting on changing the rules of the Senate, Democrats will use the opportunity to press for an end to price gouging at the pumps today. We will also push for real long-term solutions, including conservation and new sources of alternative energy that will make America more secure in the future.

Think of it, 45 million Americans in our country, 1 in 7 have no health insurance. Tens of thousands more are underinsured. Rising health costs are eating up every penny of the profits at many companies. Did you read the report in the paper in the business section last week? General Motors lost $1 billion in the last quarter. When they were asked why they were losing money if they were still selling cars, they said: With every car we sell is $1,500 in health insurance costs and $500 in pension costs. So before we can compete with the foreign manufacturers, we have to pay for the health insurance and the pension costs.

What we are saying is this ought to be part of a national debate. There has not been a single suggestion on the floor of the Senate from the Republican leadership that they are ready to even discuss health care, nor from the White House.

If we move beyond the nuclear option, we on the Democratic side feel this debate has to take place, and we will move proactively to put this on the calendar for debate during this session of the Senate.

In recent months, we found the new prescription drug benefit under Medicare will cost hundreds of billions of dollars more than first estimated. Now this week a new report warns the drug benefit will not provide adequate coverage for seniors with cancer and other chronic illnesses, and leave them with huge personal prescription drug bills. If the Republicans in the Senate use the nuclear option to try to change the rules of the Senate, Democrats will use whatever rules we can, whatever leverage we can find to fix the Medicare prescription drug bill.

Millions of young people across America are going to graduate from high school next month. Many are off applying to colleges, fingers crossed they will get into that great school. But there is a fear in every family—at least in most families—that some of the sons and daughters who are accepted at the best schools will not be able to go because the families cannot afford it. If the Republicans insist on using the nuclear option, the Democrats will push to bring to the floor Senate measures to make college more affordable for families across America.

We will look for ways to bring to the floor a bill to fund properly VA health facilities and end the deficits that are forcing Americans all across America to wait months to see a doctor.

We do not have to manufacture crises. There are real, urgent problems with which this Senate ought to be dealing. If the Republicans are interested in governing, they will join the Democrats in addressing these issues. If they are more concerned about political gains, they will object. Democrats will not break the rules and we will not stand by idly if others try to destroy the rules of the Senate for temporary political advantage. We will use the rules, we will live by the rules, we will follow the rules at every opportunity to protect the Constitution and do the people's business.

Senators can expect if the nuclear option is called and passes we will spend more time at our desks, more time in session, more time on the floor, more time in Washington. The old complaint about 1,000-page bills coming to the Senate never having been read, they will be read. The complaint that amendments come to the floor Senators have not had a chance to read, they will be read. The complaint about speaking to an empty Chamber with few Senators around, that may change. There will be Senators on the floor, part of a debate over amendments that are important to this country.

I sincerely hope the Republican majority will think twice. Senator McCAIN said, and I think rightly, you never know what the next election might bring. You might find yourself in a minority status, and it is important for us to understand that as Senators have come and gone, almost 1,900 now in the history of the United States, as issues have come and gone, as Congresses have come and gone, the traditions and rules of the Senate have endured. The Constitution which guides this Chamber, which brings us to the floor today and every day, the Constitution we have all sworn to uphold and defend is worth fighting for.

When a White House with any President of either party tries to extend their power at the expense of the Constitution, historically the Senate has said no.

This time, unfortunately, this President is demanding more power than any President in the history of the United States when it comes to judicial nominees. This President is demanding powers that have never been exercised under this Constitution. Sadly, his party, the proud Republican Party, is not willing to say no. They should. In the past, Franklin Roosevelt's Democratic Party said no to him when he overextended. Thomas Jefferson's party said no to him when he tried to extend his Presidential power. They understood that the Constitution is more important than the power of any President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, right now, the regular order is the motion to proceed to the highway bill. It is one of the most significant bills we will be addressing this year. It is one that we are very hopeful will pass. Last year, the highway bill passed with a vote of 76 to 21. Having received that very strong majority, we believe that this bill is so much like it that we should be able to do the same thing.

I understand that tomorrow morning at 11:45 there will be a vote. Again, as I have said since 2 this afternoon, I encourage Members to come to the floor to be heard on the motion to proceed to the highway bill, and I am hoping that will happen. I will only make a couple of comments.

I do not want to sound redundant, but I will respond to the distinguished Senator from Illinois. A couple of hours ago I commented that the people from Oklahoma maybe are different from the rest of the country. When I go down the street, people are concerned about the decisions of the U.S. Supreme Court. They are concerned about liberal judges legislating from the bench, and this President has been concerned about that. I am talking about things like school prayer, gay marriages, and "one nation under God" in the Pledge of Allegiance. These things are very important. These things are probably important to people all over the country.

It can be talked about hour after hour. Threats can be made about what one would do, but it is not a nuclear option, it is a constitutional option. This has been true for 214 years now, where there has not been a filibustering of circuit court judges. This is something that should not require a supermajority of 60 votes. If there is one thing my people in Oklahoma want changed, it is to be able to select judges who will interpret the Constitution and not use the bench for legislation purposes.

As far as the Energy bill is concerned, I do agree with the Senator from Illinois that we need to do something about our dependence on foreign oils for our energy supply. It is going to be absolutely necessary to have this Energy bill, and I believe we will have it. We need to address drilling. We need to do something about fossil fuels. We need to do something about nuclear and renewables. Just one example: In the House bill that was passed, there is a tax provision that will encourage people to go after marginal production. My State of Oklahoma happens to be a very large marginal producer. For those who are not familiar with this, a marginal well produces 15 barrels or fewer a day. We have the largest number of marginal wells in our State of Oklahoma. If we had every marginal well producing today that has been shut down or plugged up in the last 10 years, it would be more than we are currently importing from Saudi Arabia. These are little things that can be in an energy bill.

The President was misquoted on the Senate floor a few minutes ago, but certainly everyone realizes it is just a supply and demand issue. If we are able to produce more here, it is going to be cheaper. That is what we need to do. Those individuals who are somehow living in this mythical world that we can run the greatest machine in the history of the world on windmills are wrong. By the way, speaking of windmills, I find even some of the environmentalist extremists now do not want windmills because they are killing the birds. We have to realize we have the most powerful, largest machine ever in the history of the world, and we need to have an energy bill to run that machine.

CHINA'S THREAT TO NATIONAL SECURITY

Mr. President, over the past 3 weeks I have given three speeches calling our attention to the rising threat that China is becoming to our national security. Today I will highlight the areas that most directly affect our national security: weapons proliferation and military modernization. These two aspects are interrelated and add an alarming dynamic to our complex relationship with China.

It is a difficult situation, one in which information is our best resource. Five years ago, Congress created the bipartisan U.S.-China Commission to study the significance of recent events and the impact these events have on our national security. The Commission has held hearings and enlisted the services of experts across the world to gain clarity about what is happening with China. The conclusions are compiled in the U.S.-China Economic and Security Review Commission's 2004 report to Congress, a document that reveals an alarming picture of where we are heading.

China has made commitments to stop proliferating illegal technology over and over since 1992. However, its actual practice has been markedly different. Just this past January, the Bush administration sanctioned eight Chinese companies for aiding Iran's missile development. Two of these companies, China Great Wall Industry Corporation and China North Industry Corporation, have been repeatedly sanctioned for over a decade. Another penalized company, China Aero-Technology Import and Export Corporation, is suspected of transferring technology from McDonnell-Douglas to China's military. The fact is that China has been unable to control its own companies. According to State Department testimony, China has a "serial proliferation problem," and while the official line is to crack down on the weapons trade, "reality has been quite different."

Over recent years, these transfers have become even more problematic, as the Commission details in its report:

> . . . Chinese transfers have evolved from sales of complete missile systems, to exports of largely dual-use nuclear, chemical, and missile components and technologies . . . Recent activities "have aggravated trends that result in ambiguous technical aid, more indigenous capabilities, longer range missiles, and secondary proliferation." Continuing intelligence reports indicate that Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy . . . Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy. China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitments or exploiting differences between agreements.

In mid-2003, the CIA reported to Congress that "firms in China provided dual-use missile-related items, raw materials, and/or assistance to . . . countries of proliferation concern such as Iran, Libya, and North Korea." With these recently sanctioned companies, we see that China is fully willing to proliferate regardless of the consequences. Why? Well, perhaps we need to consider that something else is going on here besides profits.

China seems to proliferate with countries that have been terrorist sponsors, countries such as Iran, Iraq and Libya. These countries in turn offer China something they desperately need: oil. In my last speech I discussed China's search for oil sources and the implications this has on economic and national security. But the connection here is beyond energy. The Commission report describes what it looks like:

> This need for energy security may help explain Beijing's history of assistance to terrorist-sponsoring states, with various forms of WMD-related items and technical assistance, even in the face of U.S. sanctions . . . But, this pursuit of oil diplomacy may support objectives beyond just energy supply. Beijing's bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances with countries that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States. Over time, Beijing's relationship-building may counter U.S. power and enhance Beijing's ability to influence political and military outcomes. One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

I cannot say it stronger than that. China is exploiting our timidity. The Commission recommends that we pressure the administration to develop and publish a coordinated, comprehensive strategy. I think that is very sound advice and I will be introducing a resolution shortly to that effect.

Another major area of concern is China's military modernization. The weapons China is investing in include cruise missiles, amphibious assault ships, submarines, long-range target acquisition systems, and advanced SU-30 and SU-31 fighter aircraft it has been purchasing from Russia.

I have always been very proud of GEN John Jumper, who had the courage back in 1998 to stand up publicly to say right now we have other countries that are producing better equipment than we have, such as our strike vehicles. The very best we have is the F-15 and F-16. The SU-30s, according to General Jumper, are in many ways superior to ones we make in this country. We have to correct that situation and we are going to with the advent of the FA-22 and joint strike fighters that will be coming on line, but in the meantime China is buying these vehicles. We have always known they have a nuclear capability, but what is more concerning now is they have developed a conventional capability that is equal to or greater than ours in many respects.

The commission believes that this force is being shaped to fit a Taiwan conflict scenario:

> [China's] military advancements have resulted in a dramatic shift in the cross-Strait balance toward China, with serious implications for Taiwan, for the United States, and for cross-Strait relations.

The commission states that there are two ways we can prevent a military escalation over Taiwan. The first is to pressure the EU to maintain its arms embargo on China. This is a group of bipartisan experts saying this. Second, we should have harsher punishments for contractors who sell sensitive technology to China. We need a comprehensive annual report on who is selling what to China because, quite frankly, right now we simply don't know exactly how deep this problem goes.

Opting to ignore the situation with China is not a choice that we as representatives of the American people can afford to make. I urge this body to listen closely to the commission's conclusion:

> We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . China will likely not initiate the decisive measures toward more meaningful economic and political reform without substantial, sustained, and increased pressure from the United States.

In the resolution I introduce, I will be asking you to stand behind the US-China Commission's recommendations. These recommendations are listed in the Commission's 2004 Report to Congress. I have highlighted a few of these in my recent speeches, but there are many more. We need to send a message of urgency to the administration to adopt what our own commission recommends. This is not a partisan move. This is a real and legitimate need to respond to the facts before us. We have a clear picture of where the trends are heading—economically, militarily and in ideology—and the security of the United States demands our response.

In my last speech that will accompany the resolution I will be introducing, I will summarize all the recommendations from the commission. I hope it will be the first—but not final—step in the development of a more proactive and comprehensive policy toward China. It needs to be a policy that adequately addresses our national security, especially the proliferation of military technology. It also needs to address free trade, human rights and, of course, Taiwan. I fear the track we are on does not adequately address any of these.

This is very distressing. In some of the previous talks we quoted some of the Chinese colonels when they said we can do this to America, we can compete not only militarily but economically. This is something we have to be concerned about. I cannot think of anything that would be more important to address from a national security objective than that.

However, there is something that is most important to address right now and that is the subject we are on, which is the reauthorization of the highway bill.

I will make a couple of comments about that. I know there are some other people who want to come down. I will yield to them at that time. But when you look at the way the Senate has historically approached the reauthorization of the highway bill, it is different than has been done on the other side. It is the more difficult way because there are so many things that are in a formula. Formulas address problems in low-income States, in low-population States, in low-population density States, in States with high fatality rates, with guaranteed minimum growth and guaranteed minimum rate of return from donor States. We have donee States. All of these things are part of a very complex formula.

We will tomorrow be talking about this for an hour, from 10:45 to 11:45. There will be 1 hour equally divided between both sides. I will be controlling the time on this side. I hope at that time we have Members come down who are concerned about this bill, who have problems with this bill, so we can respond to those problems but, most importantly, so we can have cloture on a motion to proceed and have a vote. That vote will take place at 11:45 tomorrow morning. I look forward to coming down and debating the merits of the highway bill.

The bill passed last year—and this is substantially the same as last year's bill—passed this body by a margin of 76 to 21. I anticipate the same thing will happen, but it will not happen until we get to the bill. We will not get on the bill until the cloture on the motion to proceed is voted on, which will be at 11:45 tomorrow morning.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVER STAR IN ILLINOIS ARMY RESERVE UNIT

Mr. DURBIN. Mr. President, I would like to say a few words about two Army Reserve soldiers from Illinois I had the pleasure of meeting recently: SPC Jeremy Church and LT Matthew Brown.

Both of these soldiers fought last year in a battle that remains the largest enemy ambush of American troops in the war in Iraq. The battle occurred on Good Friday last year, April 9, 2004.

The 724th Transportation Company of Bartonville, IL, was taking part in a convoy escort operation delivering fuel to Baghdad International Airport when it was ambushed by insurgents. More than 150 enemy fighters poured heavy weapons fire onto the convoy.

Lieutenant Brown was the convoy commander. Specialist Church was his driver. In the first minutes of the attack, Lieutenant Brown was wounded, losing his eye. Specialist Church remained calm, simultaneously treating his wounded lieutenant, driving his damaged vehicle, and firing his rifle, one-handed, at the enemy.

Specialist Church drove to safety, dropped off the wounded Lieutenant Brown, rallied some assistance, and then drove back into danger, the kill zone, to help rescue, extract, his buddies who were still trapped under fire. He loaded casualties onto a truck until it was full, then sent the wounded soldiers to safety while he remained behind to continue the fight, taking cover behind destroyed vehicles.

For his actions that day, Specialist Church was awarded the Silver Star, the third-highest honor the United States can offer for valor in combat. He is the first and only U.S. Army Reserve soldier to win this medal in this conflict. Lieutenant Brown was awarded the Bronze Star.

In that same battle, PFC Gregory Goodrich was killed. SPC Keith Maupin was captured and remains missing in action.

Members of the National Guard and Reserve train on weekends and during 2-week annual training periods to prepare for that day when their country might call upon them to step away from families and civilian careers in order to fight America's wars.

These citizen-soldiers were ready to do that. The call came. They answered it. Now they have borne the terrible burden of battle. Gregory Goodrich gave his life. Keith Maupin remains missing. Matthew Brown has lost an eye and, because of that, he will probably lose his job as a Peoria, IL, law enforcement officer. Jeremy Church risked life and limb to save others and to vigorously fight back the attackers. All of these men exemplify the finest traditions of America's citizen-soldiers. We honor their service.

APPROVAL OF COMMITTEE RULES

Mr. LOTT. Mr President, on April 21, 2005 the Joint Committee on Printing approved the following rules for the committee. Pursuant of rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE 1.—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2.—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the Chairman, as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the Chairman of the Committee is not present at any meeting of the Committee, the vice-Chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3.—QUORUM

(a) Five members of the Committee shall constitute a quorum, which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4.—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5.—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such congressional staff and other representatives as they may authorize, shall be present in any business session that has been closed to the public.

RULE 6.—ALTERNATING CHAIRMANSHIP AND VICE-CHAIRMANSHIP BY CONGRESSES

(a) The Chairmanship and vice Chairmanship of the Committee shall alternate between the House and the Senate by Congresses: The senior member of the minority party in the House of Congress opposite of that of the Chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the Chairman and vice Chairman shall represent the majority party in their respective Houses. When the Chairman and vice-Chairman represent different parties, the vice-Chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7.—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of Committee shall in the first instance be decided by the Chairman; subject always to an appeal to the Committee.

RULE 8.—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the Chairman.

RULE 9.—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the Chairman.

(b) Each member of the Committee shall be provided with a copy of the hearing transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee Member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10.—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority Members and the rule of germaneness shall be enforced in all hearings notified.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11.—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12.—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 4, of the Rules of the House of Representatives.

RULE 13.—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned: provided that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the Chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

RULE 14.—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15.—COMMITTEE STAFF

(a) The Committee shall have a staff director, selected by the Chairman. The staff director shall be an employee of the House of Representatives or of the Senate.

(b) The Ranking Minority Member may designate an employee of the House of Representatives or of the Senate as the minority staff director.

(c) The staff director, under the general supervision of the Chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(d) The Chairman or staff director shall timely notify the Ranking Minority Member or the minority staff director of decisions made on behalf of the Committee.

RULE 16.—COMMITTEE CHAIRMAN

The Chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the Chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

ARMENIAN GENOCIDE

Mr. CHAFEE. Mr. President, yesterday marked the 90th anniversary of the beginning of the Armenian Genocide. A date of great significance for many Rhode Islanders, and growing in significance for all Americans, this day not only commemorates the atrocities of the past, but also reminds us that it must not happen again. Remembering the victims is our duty to the past and to the future.

The term "genocide" did not even exist when these atrocities occurred from 1915 to 1923, yet the numbers are staggering. Over 1.5 million people perished. Over 500,000 people were forcibly removed from their homes and their homeland. Armenian religious, political, and intellectual leaders were killed. Men were removed from their families and women and children were left vulnerable to deportation, kidnapping, and starvation, and 132,000 Armenian orphans became foster children in American families.

It is vital for the distinct identity of every culture to be honored and celebrated. Over one and a half million Americans are of Armenian heritage, and on this day we are grateful for their many contributions to our country. Rhode Island and this entire Nation continue to benefit from a strong and vibrant Armenian community.

HONORING OUR ARMED FORCES

MEDIC STEVEN SIRKO

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Portage. Steven Sirko, 20 years old, died on April 17 while stationed in Maqdadiyah, Iraq.

with his entire life before him. Steven risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Recently married to another army medic, Steven turned down a chance to stay stateside with the Army's Special Forces in order to be in Iraq near his wife. A football player in high school, Steven was remembered by friends and family as a tough, outgoing student. His father told a local newspaper, that his son was "very strong, very outgoing, very respectful. After 9/11, like so many young men, he wanted to fight terrorism." His stepbrother, who also served in the Army, called Steven, "the light of any crowd."

Steven was killed while serving his country in Operation Iraqi Freedom. He served in the first battalion, 30th infantry regiment, third brigade, and third infantry division. This brave young soldier leaves behind his wife, Virginia; his father, Rick Sirko; his mother, Linda Lipford; his stepmother, Rose Sirko; three sisters; one brother; and two stepbrothers;.

Today, I join Steven's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Steven, a memory that will burn brightly during these continuing days of conflict and grief.

Steven was known for his dedication to his family and his love of country. Today and always, Steven will be remembered by family members, friends, and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Steven's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Steven's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Steven Sirko in the CONGRESSIONAL RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Steven's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Steven.

SPECIALIST GRANT CROFT

Mr. JOHNSON. Mr. President, I rise today to publicly recognize SPC Grant Croft of Sioux Falls, SD, for receiving the Army Commendation Medal.

Specialist Croft is serving in Mosul, Iraq, as a medic for the 2nd Platoon, 194th Military Police Company based at Fort Campbell, KY. He is a talented and dedicated serviceman, who, according to his superiors, "On a daily basis, sets the standard for what a soldier medic should be. Specialists Croft's strength, stamina and moral character are a constant source of strength for our platoon."

On January 21, 2005, while training at the Udari Range in Iraq, prior to the platoon's arrival in Mosul, Specialist Croft earned the Army Commendation Medal for his performance following an Apache helicopter crash. The Army's description of the event states: "Without regard for his own safety, Specialist Croft quickly moved to the crashed aircraft and immediately began the necessary medical treatment for [the pilots'] life threatening injuries. He placed himself in harms way through the entire process. His selfless act and professional actions were those of a highly skilled and dedicated medic."

It is with great honor that I share Specialist Croft's tremendous accomplishments with my colleagues. He is a true patriot, and America is deeply grateful for his service.

TRIBUTE TO JOE BEYRLE

Mr. LEVIN. Mr. President, on Friday, April 22, a true American hero was laid to rest in Arlington National Cemetery. Joe Beyrle of Muskegon, MI, was a paratrooper in the 101st Division on D-Day in World War II. His capture by the Germans and his heroic escape to fight with the Russian Army on the Eastern Front, making him the only American soldier to fight with both the United States and Russian armies against Nazi Germany, have been chronicled in a wonderful book by retired Army Colonel Thomas Taylor called The Simple Sounds of Freedom.

It was my privilege to speak at the burial ceremony for Joe Beyrle. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR JOE BEYRLE

Arlington National Cemetery, April 22, 2005

We cannot be reminded often enough about the extraordinary things that seemingly ordinary Americans have done to protect our country and our freedoms.

A short year after Joe Beyrle graduated from Muskegon's Saint Joseph High School in June of 1942, he found himself on the way to England as an elite paratrooper in the storied Screaming Eagles of the 101st Airborne Division. And that is when Joe Beyrle, like other members of the Greatest Generation, came face to face with unimaginable challenges, and went from being seemingly ordinary to extraordinary.

I knew Joe and JoAnne, and I knew of Joe's wartime exploits, long before Tom Taylor's wonderful book about Joe was published. What makes that book so special for me is that now everyone can be inspired by the amazing story of Joe's service during World War II: the rigorous training that made "Jumpin' Joe" such an expert paratrooper that he was selected for clandestine drops in occupied France before D-Day to supply the French resistance with gold; his dogged determination after his capture on D-Day by the Germans to escape and rejoin his unit; his courageous decision to fight with the Russian Army after he finally escaped the German POW camp—even helping to liberate the very POW camp from which he had escaped—making him the only American soldier to fight for both the United States and the Russians against Nazi Germany; and the remarkable story of his travel after he was wounded to the American Embassy in Moscow, where American officials at first thought he was a spy because his dog tags had been found on a dead soldier thought to be him two years earlier.

And of course who can forget the story of Joe marrying JoAnne in September, 1946—in a ceremony conducted by the same priest who had conducted a funeral mass for the presumed killed-in-action Joe Beyrle a few years before.

And what a memorable moment it was in 1994 when President Clinton and President Yeltsin honored Joe simultaneously in the White House Rose Garden as part of the celebration of the 50th anniversary of D-Day.

Joe's indomitable spirit, love of country and will to survive come through every page of his remarkable story, a story that reads more like fiction than history. One of my favorite examples of the legendary Beyrle tenacity—Joe would probably call it bullheadedness—took place at the end of the story when Joe was being held in custody in Moscow until the American Embassy officials could establish his true identity.

In a feverish and woozy state from his wounds, Joe decided to overpower the Marine guarding his room and escape again—to rejoin the Russian Army and get home by way of Berlin! Even Joe admitted: "Of all my escape plans, this was the wildest and dumbest of all!"

It is said that courage isn't the absence of fear but the presence of faith. Joe was a man of courage because he had such a vast reservoir of faith—faith in himself; faith in the cause that his country asked him to fight for; and faith in his Creator.

Shortly after Tom Taylor's book about Joe was published, I hosted a reception for Joe and his family and Tom Taylor in the hearing room of the Senate Armed Services Committee. The Secretary of the Army, the Army Vice Chief of Staff, and the Russian Ambassador attended out of respect for Joe. Joe was in his element that day, passing out Screaming Eagle lapel pins and replicas of the paratrooper's crickets used by the Screaming Eagles on D-Day to identify one another behind enemy lines. I still have the one he gave me. Listen.

When I referred to Joe Beyrle at the reception as a hero, Joe said that "the real heroes are buried in Europe." There are indeed a lot of American heroes buried in Europe. But surely some of America's greatest heroes are here at Arlington, visited each day by a hushed and awestruck multitude of their grateful fellow citizens whose freedom was defended by their sacrifices.

There is no more hallowed ground than where we stand today. And there is no hero more deserving of resting here than Joe Beyrle. Let us all honor Joe by resolving in this sacred place to live by his example of selfless service. The highest tribute we can pay to this extraordinary American is to make sure that the Simple Sounds of Freedom always resonate in this great country that he loved so much.

ADDITIONAL STATEMENTS

HONORING THE INDIANA SPORTS CORPORATION

● Mr. LUGAR. Mr. President, I rise today to call to the attention of my colleagues a signal anniversary occurring on May 3, 2005, the 25th Anniversary of the Indiana Sports Corporation, ISC.

Over the past quarter of a century, the ISC has been a tremendous contributor to the city of Indianapolis, providing economic stimulus, volunteer and community involvement opportunities, and most importantly, working to identify our capital city as a worthy destination for amateur sporting events. I have been pleased to work with the ISC through the Dick Lugar Community Run, Walk and Corporate Challenge, an event I look forward to every year.

Since 1979, the ISC has hosted more than 400 national and international sporting events. These events include: NCAA Championships, highlighted with four NCAA Division 1 Men's Basketball Final Fours, 1980, 1991, 1997, 2000; the 1987 Pan American Games; the 1982 U.S. Olympic Festival, the 2001 World Police and Fire Games; World Championships in track and field, 1987, gymnastics 1991, rowing 1994, basketball 2002 and swimming, 2004. Additionally, they have hosted U.S. Olympic trials and other National Governing Body, NGB, national championships in canoe/kayak, diving, gymnastics, judo, rowing, swimming, synchronized swimming, table tennis, track and field, and volleyball.

It is likewise noteworthy that since 1988, the ISC has awarded over $2.5 million to more than 200 youth service organizations across the State of Indiana, and 132 Olympic hopefuls through its CHAMPS and Future Olympians grant programs respectively.

I am pleased to join the vast number of individuals who have been touched by the efforts of the Indiana Sports Corporation over the years in congratulating them on this signal anniversary.●

40TH ANNIVERSARY OF MOORE'S LAW

● Mr. WYDEN. Mr. President, 40 years ago, when having a computer in your home was inconceivable and being able to hold a miniature computer in the palm of your hand was the stuff of science fiction, Gordon Moore, then a young engineer with Fairchild Semiconductor, had a revolutionary idea.

In the April 19, 1965, issue of Electronics Magazine, Moore first articulated what would come to be known as Moore's law: that the number of transistors on a computer chip would double in power approximately every 18 months but the price would actually decrease. Moore's law was revolutionary because it said that computer power improves essentially for free. Not only did this mean technology could be accessible and affordable for all Americans, it set the stage for increases in productivity unheard of since the Industrial Revolution.

Today, Moore's 40-year-old prediction is not just the thought of a dreamer, written for the benefit of a few early high-tech pioneers; it is the metronome of the technology industry. The drive to keep up with the drumbeat of Moore's law has meant unparalleled innovation in the high-tech industry. It has resulted in quality, high-paying jobs and contributed to our Nation's economic stability. The growth of computer technology in the U.S. has brought countless benefits to consumers and businesses throughout this country.

We are proud in my home State of Oregon to be part of the high-tech engine that helped build the digital economy. We are happy to be home to companies like Intel Corporation, which Moore helped found in 1974. Intel, which employs 15,500 people and has invested approximately $11 billion in Oregon, is an important contributor to our economy and an example of the impact that leadership in technology can have at the local level.

Oregon's high-tech industry continues to be a vital and growing part of the State's economy, creating jobs, fueling the growth of small and large businesses, and driving the innovation necessary to keep pace with Moore's law today.

The fulfillment of Moore's 40-year-old prediction will continue to lead to advances in virtually every aspect of our lives. It means smaller and more affordable computers, and cameras the size of pills that can be swallowed to explore our insides without surgery. It also means family and friends can overcome great distances, connecting in an instant over the digital airwaves.

Though his prediction has held true, Gordon Moore could not have foreseen the power and influence of his observation. I'm proud today to pay tribute to his contributions and recognize the impact Moore's law has had on our economy and our world.●

HONORING REVEREND FRED SHUTTLESWORTH

● Mr. TALENT. Mr. President, I honor Rev. Fred Shuttlesworth, who is a key leader in the civil rights movement and continues to be a guiding light in his community. I am honored that Reverend Shuttlesworth is visiting Missouri on April 29, and I want to commemorate his visit by briefly sharing some of his accomplishments.

Reverend Shuttlesworth grew up in Birmingham, AL, and graduated from Alabama State University in 1951. After graduating, he continued to do graduate work at Alabama State and then received seminary training at Cedar Grove Academy and Selma University. His involvement in civil rights has been grounded in his belief that "a man should not be judged by the color of his skin any more than he is judged by the color of his eyes."

In 1953, at the age of 30, Reverend Shuttlesworth became pastor of the Bethel Baptist Church in Birmingham, during the period of time when the city earned the nickname "Bombingham" for the black homes that were bombed by white supremacists. In May 1956, Reverend Shuttlesworth helped lead a group of ministers to establish the Alabama Christian Movement for Human Rights, in response to the NAACP being outlawed in Alabama.

Reverend Shuttlesworth, on many occasions, nearly became a martyr of the Civil Rights Movement. On Christmas Day 1956, as Reverend Shuttlesworth prepared to lead protests against the segregation of Birmingham's buses, someone threw a bomb under his bed in the parsonage of his church, where he was talking to a visiting deacon. Miraculously, he was unharmed.

Undeterred, in 1957 Reverend Shuttlesworth joined with Dr. Martin Luther King, Reverend Ralph David Abernathy and Bayard Rustin to form the Southern Christian Leadership Conference, which was firmly committed to using nonviolence to advocate for Civil Rights despite the violence that was being committed against its members. He would later help to organize sit-ins against segregated lunch counters and was a key leader of the mass protests and demonstrations in Birmingham during the spring of 1963. During those tumultuous times, Reverend Shuttlesworth was also assaulted by police dogs, knocked unconscious by a fire hose, and jailed more than 35 times.

Reverend Shuttlesworth moved to Cincinnati, where he founded the Greater New Light Baptist Church in 1966, and today he continues to serve as Pastor. In 1988, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation to help needy families access capital for down payments for the purchase of homes. His efforts have helped hundreds of low-income families in the

Cincinnati area to become homeowners.

These are just a portion of the good works that this outstanding servant of God has done to help make our Nation more just. I commend Reverend Shuttlesworth for his outstanding contributions to the cause of civil rights for all Americans. I am honored to share his story with my colleagues, and I wish him and his family all the best for the future.•

STATE REPRESENTATIVE CHARLES W. CAPPS, JR.

• Mr. COCHRAN. Mr. President, I am pleased to bring to the Senate's attention the distinguished career of Charles W. Capps, Jr., who has served with distinction and honor as a member of the Mississippi State House of Representatives from Bolivar County since 1971.

My friend, Charlie Capps has announced that he will retire from the legislature in June. As a member of the House of Representatives, Charlie Capps has earned the respect of eight governors, the members of the Mississippi Congressional Delegation, and all who have called upon him for advice and assistance over the past three decades.

Charlie Capps is well known throughout our State for his contributions to higher education, highways, wildlife conservation, job development, and job training. He made special efforts to improve the quality of life in the Mississippi Delta.

He has held many positions of responsibility including service as Chairman of the Committee on Appropriations from 1988 to 2003. During those years, the State has experienced unprecedented economic growth. Today, workforce training centers, mental health facilities, university libraries, recreational lakes, and distance learning centers are part of the legacy of this great Mississippian.

I congratulate Charlie Capps for his distinguished career of public service and for his indelible contribution to our State.•

TRIBUTE TO DONNIE R. WHEELER

• Mr. WARNER. Mr. President, I rise today to commend Mr. Donnie R. Wheeler for becoming the first president of the National Association of Clean Water Agencies—NACWA—formerly the Association of Metropolitan Sewerage Agencies, AMSA. Mr. Wheeler currently serves as the General Manager of the Hampton Roads Sanitation District—HRSD—Virginia Beach, VA. He is regarded by his peers as an exceptional leader, dedicated to protecting the environment and health of Virginia and the Nation.

Mr. Wheeler is a graduate of Virginia Tech and for 7 years was employed by the Virginia State Water Control Board before joining HRSD in 1974. HRSD, a nationally recognized regional wastewater treatment utility, serves 17 cities and counties covering 3100 square miles of southeast Virginia. Under his management, HRSD has received numerous awards from the U.S. Environmental Protection Agency and is recognized as a state innovator for such initiatives as Virginia's first municipal water reuse project.

Under his leadership, I trust that NACWA will promote responsible national policies to advance clean water and a healthy environment. Mr. Wheeler, is a founder of the Virginia Association of Municipal Wastewater Agencies—VAMWA—and served as its president for 6 years. In his long career, Mr. Wheeler has earned the respect of his colleagues at all levels of government and his achievements have earned him awards from the Virginia Water Environment Association—VWEA—and Environment Virginia. Mr. Wheeler also has served as an adjunct professor of Environmental Engineering at Old Dominion University.

In the true sense of the word and by his many achievements in a long and distinguished professional career, Mr. Wheeler is an "environmentalist" who will now proudly serve in a new leadership role the industry in which he has worked for so many years. It is with pleasure that I congratulate and commend Mr. Wheeler on being elected the first president of NACWA.•

COWBOY VIGIL

• Mr. SALAZAR. Mr. President, I today honor a great American, a great Coloradan, and a great Puebloan.

Alcario Vigil was born and raised in the San Luis Valley in Colorado and on April 1st turned 100 years old. His life has been rich with accomplishments and extraordinary devotion to his family, his friends, and his community.

Known as "Cowboy," Alcario Vigil grew up in Lobatos, CO, just down the road from the Salazar family ranch in the San Luis Valley. Like most of his neighbors, he was brought up in a poor family and eventually took over responsibility for his parents' ranch with his wife Sophia. Together, the Vigil family survived the hardships of the Great Depression and raised eight children on the Lobatos family ranch, where they prospered and strengthened Colorado and this country.

Throughout his life, Alcario has been respected as an outstanding community servant, a devoted husband, and a loving father. He has a remarkable record serving as a Penitente for more than 70 years. He has passed those values to his descendents, some of whom are now seventh-generation Coloradans.

Although "Cowboy" lost his devoted wife Sofia in 1994, and his son Jose just 2 years ago, Alcario remains strong and healthy in his Pueblo home. Even at 100 years, he works the ranch's irrigation ditches in the summer months and enjoys visits from his family and friends.

The Pueblo County Commission recently declared April 1, 2005, to be "Alcario (Cowboy) Vigil Day." Given all he has done and all he has seen, I think every day ought to be Alcario "Cowboy" Vigil Day.•

RECOGNITION OF AMSA ON ITS 35TH ANNIVERSARY

• Mr. INHOFE. Mr. President, I take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies, AMSA, on the occasion of its 35th anniversary and on its name change to the National Association of Clean Water Agencies or NACWA. NACWA is the only association that exclusively represents the Nation's municipal wastewater treatment agencies. Its 35-year record of advocacy and leadership in fully meeting the goals of the Clean Water Act has helped guarantee the chemical, biological and physical health of our Nation's rivers, lakes, streams, bays, and coasts.

NACWA's members serve the majority of the sewered population in the country and treat and reclaim over 18 billion gallons of wastewater a day. Simply stated, NACWA and its members deserve to be celebrated for their ongoing role in the remarkable revitalization of America's waterways.

Despite the improvements made so far to the Nation's waters, the Senate Environment and Public Works Committee and NACWA understand that significant work remains to be done to achieve the lofty goals of the Clean Water Act. From the committee's close working relationship with the association, we know NACWA is well-positioned to continue to build on this Nation's water quality gains.

The Senate Environment and Public Works Committee has looked to AMSA and will continue to look to NACWA as a valued informational resource. The association has always been willing to share its expertise and to provide leadership in challenging times. For example, in the wake of the attacks on September 11, 2001, the association responded immediately with creative ideas and vital leadership in developing tools and resources to help further secure the Nation's critical water infrastructure. In fact, the association has been a vital resource on a host of clean water issues from wet weather control and the critical need for a Federal-State-local partnership to meet the Nation's clean water challenges.

As chairman of the Environment and Public Works Committee, I have worked closely with the association and know that NACWA will build on its tradition as a trusted resource for Congress and the U.S. Environmental Protection Agency. I am also confident that NACWA will meet its strategic objectives and the goals of AMSA's original founders. Most importantly, NACWA's success is a direct result of its unparalleled membership. NACWA, then AMSA, was established in 1970 by representatives of 22 municipal wastewater treatment agencies. Since then, AMSA has grown into an organization of nearly 300 municipal agency members, including Oklahoma City, Stillwater and Tulsa, and a total membership of nearly 400 organizations poised to ensure that the 21st century will enjoy continued water quality progress.

The association's public agency members not only represent what is best about public service, they exemplify what it means to be environmental practitioners. Their daily work enables us to enjoy our Nation's rivers, lakes, streams and bays—somethng we as a National must never take for granted.

Once again, I congratulate NACWA on this important milestone as an organization and applaud its members for their outstanding service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 22, 2005, she had presented to the President of the United States the following enrolled bill:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1870. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Expanded Authority for Cross-Program Recovery of Benefit Overpayments" (RIN0960–AG06) received on April 21, 2005; to the Committee on Finance.

EC–1871. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 2005"; to the Committee on Energy and Natural Resources.

EC–1872. A communication from the Commissioner, the Vice Chairman, and the Chairman, National Indian Gaming Commission, transmitting, a draft bill relative to the Indian Gaming Regulatory Act of 1988; to the Committee on Indian Affairs.

EC–1873. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, the Board's 2005 annual report relative to the investment strategy for the preservation, protection, and enhancement of the Nation's inland navigation system; to the Committee on Environment and Public Works.

EC–1874. A communication from the Secretary of State, transmitting, pursuant to law, a report entitled "Authorization for Use of Military Force Against Iraq Resolution of 2002 (December 15, 2004—February 15, 2005)"; to the Committee on Foreign Relations.

EC–1875. A communication from the Executive Secretary and Chief of Staff, Bureau for Economic Growth, Agriculture and Trade, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, received on April 21, 2005; to the Committee on Foreign Relations.

EC–1876. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of a draft bill relative to title 38, United States Code, received on April 21, 2005; to the Committee on Veterans' Affairs.

EC–1877. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–02" received on April 21, 2005; to the Committee on Veterans' Affairs.

EC–1878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's fiscal year 2004 report relative to the Prescription Drug User Fee Act of 1992 (PDUFA); to the Committee on Homeland Security and Governmental Affairs.

EC–1879. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Performance Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1880. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, a report of the Commission's implementation of the Government in Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1881. A communication from the Director of the Selective Service System, transmitting, pursuant to law, the System's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1882. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1883. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC–1884. A communication from the Principal Deputy General Counsel, Office of General Counsel, Department of Defense, transmitting, pursuant to law, a report of the Department's model State Code of Military Justice and model State Manual for Courts-Martial for the National Guard When Not In Federal Service; to the Committee on Armed Services.

EC–1885. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Department's Fiscal Year 2004 Defense Environmental Programs report; to the Committee on Armed Services.

EC–1886. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant to law, the Department of Defense Evaluation of the TRICARE Program Fiscal Year 2005 Report to Congress; to the Committee on Armed Services.

EC–1887. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Department of Justice Activities Under the Civil Rights of Institutionalized Persons Act Fiscal Year 2004"; to the Committee on the Judiciary.

EC–1888. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities during Calendar Year 2004 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC–1889. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Liquor Dealers; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002" (RIN1513–AA19) received on April 21, 2005; to the Committee on the Judiciary.

EC–1890. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities" (RIN1513–AA99) received on April 21, 2005; to the Committee on the Judiciary.

EC–1891. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual report relative to material violations or suspected material violations of regulations relating to Treasury Auctions and other offerings of securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–1892. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Treasury Inspector General for Tax Administration, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1893. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Financial Markets), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1894. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Treasurer of the United States, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1895. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1896. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1897. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Management), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1898. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Tax Policy), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1899. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1900. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1901. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1902. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary (Domestic Finance), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1903. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Financial Institutions), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1904. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on April 21 , 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1905. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Comptroller of the Currency, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1906. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Ceiling, Final Rule 12 CFR Section 701.21(c)(7)(ii)(C)" received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1907. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Securities of Nonmember Insured Banks (12 CFR Part 335)" (RIN3064–AC88) received April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1908. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "International Banking, 12 CFR Part 347, and Filing Procedures, Part 303 (Subpart J—International Banking)" (RIN3064–AC85) received April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1909. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Adjustable Rate Mortgages" ((RIN2502–AI26) (FR-4946-I-01)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1910. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revised Guidelines for Previous Participation Certification" ((RIN2502–AI10) (FR-4870-F-02)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1911. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Schedule for Submission of One-Time and Up-Front Mortgage Insurance Premiums" ((RIN2502–AH67) (FR-4690-F-02)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Federal Grain Inspection Service of the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA); to the Committee on Agriculture, Nutrition, and Forestry.

EC–1913. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2003–2005 Livestock Assistance Program" (RIN0560–AH25) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1914. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Transition Payment Program" (RIN0560–AH30) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1915. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2003–2005 Crop Disaster Programs" (RIN0560–AH24) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1916. A communication from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting, pursuant to law, the Annual Report of the Department's Office of Labor-Management Standards (OLMS); to the Committee on Health, Education, Labor, and Pensions.

EC–1917. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Time Frames for Completing Site Profiles"; to the Committee on Health, Education, Labor, and Pensions.

EC–1918. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing—Annual Financial And Actuarial Information" (RIN1212–AB01) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1919. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1920. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of the Automated Fluorescence in situ Hybridization Enumeration Systems" (Docket No. 2005N–0081) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1921. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food and Drug Administration Regulations; Drug and Biological Product Consolidation; Addresses; Technical Amendment" received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1922. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Affirmed as Generally Recognized as Safe: Menhaden Oil" (Docket No. 1999P–5332) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1923. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Imposition of Foreign Policy Controls on Chemical and Biological Weapon End-Uses"; to the Committee on Commerce, Science, and Transportation.

EC-1924. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closing Pollock Fishing in the West Yakutat District in the Gulf of Alaska" (I.D. No. 032505B) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1925. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Deep Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 032205C) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1926. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area and Prohibition of Harvesting; Possessing, or Landing of Yellowtail Flounder from the Entire U.S./Canada Management Area" (I.D. No. 032805B) received on April 21 , 2005; to the Committee on Commerce, Science, and Transportation.

EC-1927. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reopening Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 032305B) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1928. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule for an Emergency Action to Revise a Final Rule Implementing a Charter Vessel/Headboat Permit Moratorium for Reef Fish and Coastal Migratory Pelagics Fisheries of the Gulf of Mexico" (RIN0648-AS99) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1929. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Revise Regulation Governing Western Alaska Community Development Quota Program" (RIN0648-AS00) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1930. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2005 Specifications" (RIN0648-AR57) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1931. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Mackerel, Squid, and Butterfish Fisheries; Final Rule for 2005 Specifications" (RIN0648-AR56) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with amendments:

S. 629. A bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 893. A bill to make technical corrections in the Anabolic Steroid Control Act of 2004; considered and passed.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. BINGAMAN, Mr. CHAFEE, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, and Mr. TALENT):

S. 894. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BENNETT, and Mr. JOHNSON):

S. 895. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 896. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to clarify the calculation of the reserve allowance for medical benefits of plans sponsored by bona fide associations; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. BROWNBACK, Mr. KENNEDY, and Mr. COCHRAN):

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 899. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge and Kootenai National Forests, Montana, to Jefferson County and Sanders County, Montana, for use as cemeteries and other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Ms. LANDRIEU, and Mr. BINGAMAN):

S. Res. 119. A resolution designating April 21, 2005, as "National Kindergarten Recognition Day"; considered and agreed to.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. TALENT, Mr. VITTER, Mr. CORNYN, Mr. COLEMAN, Mr. BURNS, Mr. BOND, Mr. ALLEN, Mr. ISAKSON, and Ms. LANDRIEU):

S. Res. 120. A resolution honoring small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. LIEBERMAN, and Ms. SNOWE):

S. Res. 121. A resolution supporting May 2005 as "National Better Hearing and Speech Month" and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. Res. 122. A resolution recognizing the historic efforts of the Republic of Kazakhstan to reduce the threat of weapons of mass destruction through cooperation in the Nunn-Lugar/Cooperative Threat Reduction Program, and celebrating the 10th anniversary of the removal of all nuclear weapons from the territory of Kazakhstan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

S. 132

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 172

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 338

At the request of Mr. SMITH, the names of the Senator from Maryland

(Ms. MIKULSKI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 339

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 418

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 420

At the request of Mr. KYL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 602

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 609

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions.

S. 619

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 724

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 724, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 827

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 827, a bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 850

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 876

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 876, a bill to prohibit human cloning and protect stem cell research.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 116

At the request of Mrs. DOLE, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 116, a resolution commemorating the life, achievements, and contributions of Frederick C. Branch.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BENNETT, and Mr. JOHNSON):

S. 895. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clear, safe affordable, and reliable water supply to rural residents; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, in the 1746 Poor Richard's Almanac, Benjamin Franklin wrote, "When the well is dry, we learn the worth of water." Nowhere is the bottom of the well approaching more quickly than in western United States. Nearly depleted aquifers and deteriorated infrastructure on which our small and rural communities rely coupled with their inability to raise large amounts of capital to afford water infrastructure has resulted in substantial want. When the water dries up, so will many of our communities. As such, the scarcity of water in rural western communities is a dire situation.

An article appearing on April 15, 2005 in the Wall Street Journal elucidates the breadth of our Nation's water infrastructure need. The article states that most water infrastructure and water treatment plants in the U.S. are more than 50 years old and, in many cases, are more than 100 years old. The huge capital outlays needed to rehabilitate this aging and, in many cases, deteriorated infrastructure far exceeds the ability of many rural communities to pay. Neither can these communities accommodate the costs in their rate structures nor are the necessary capital outlays within their bonding capacity. Exacerbating this problem is that, in many western states such as my home state of New Mexico, ground water supplies for which many communities have relied on for water are nearly depleted. In many cases, the only practicable alternative for providing water to these communities is to build public works projects to transport water from other sources. This, too, requires large sums of money which rural and small communities can ill-afford.

Today, I rise to introduce the Rural Water Supply Act of 2005. This bill would begin the process of providing for the essential water needs of rural communities in the western United States. It establishes a federal loan guarantee program within the Bureau of Reclamation that would allow rural communities to obtain loans at interest rates far lower than had the loans not been guaranteed by the Federal Government. This allows rural communities access to the large sums of money required to construct water infrastructure while recognizing the significant demand on the Bureau's budget. The bill also expedites the appraisal and feasibility studies which allow these communities to assess how best to address their water supply needs and act accordingly. At present, rural communities have to wait for Congress to direct the Bureau of Reclamation to proceed with appraisal and feasibility studies. This bill expedites the appraisal and feasibility level process by requiring that, upon request of the community, the Bureau perform a study, provide funds to a rural water community to perform them, or accept and review studies undertaken independently by a community. This bill will provide much needed assistance to struggling communities.

I would like to thank Senator BINGAMAN, the ranking member of the Committee of Energy and Natural Resources who I have had the great pleasure of serving with for over two decades for being an original co-sponsor of this bill. In addition, I very much appreciate the willingness of the Bureau of Reclamation to work with my staff on this important matter.

Preserving our rural communities in the west requires that we address this instantly and vigorously. The U.S. Congress cannot sit idly by as water shortages cause death to our rural communities. I assure you that this bill will receive prompt consideration in the Energy and Natural Resources Committee and it is my sincere hope that the Senate will give this legislation its every consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Water Supply Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1 Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2005

Sec. 101 Short title.
Sec. 102 Definitions.
Sec. 103 Rural water supply program.
Sec. 104 Rural water programs assessment.
Sec. 105 Appraisal investigations.
Sec. 106 Feasibility studies.
Sec. 107 Miscellaneous.
Sec. 108 Authorization of appropriations.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201 Short title.
Sec. 202 Definitions.
Sec. 203 Project eligibility.
Sec. 204 Loan guarantees.
Sec. 205 Operations, maintenance, and replacement costs.
Sec. 206 Title to newly constructed facilities.
Sec. 207 Water rights.
Sec. 208 Interagency coordination and cooperation.
Sec. 209 Authorization of appropriations.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2005

SEC. 101. SHORT TITLE.

This title may be cited as the "Reclamation Rural Water Supply Act of 2005".

SEC. 102. DEFINITIONS.

In this title:

(1) FEDERAL RECLAMATION LAW.—The term "Federal reclamation law" means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(2) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) NON-FEDERAL PROJECT ENTITY.—The term "non-Federal project entity" means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(5) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term "operations, maintenance, and replacement costs" means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term "operations, maintenance, and replacement costs" includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term "operations, maintenance, and replacement costs" does not include construction costs.

(6) PROGRAM.—The term "program" means the rural water supply program established under section 103.

(7) RECLAMATION STATES.—The term "reclamation States" means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(8) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term "rural water supply project" means a project that is designed to serve a group of communities, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water, each of which has a population of not more than 50,000 inhabitants.

(B) INCLUSION.—The term "rural water supply project" includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term "rural water supply project" does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(10) TRIBAL ORGANIZATION.—The term "tribal organization" means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, shall establish and carry out a rural water supply program in reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for municipal and industrial use in small communities and rural areas of the reclamation States; and

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in reclamation States.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the program; and

(2) prioritizing requests for assistance under the program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including dams and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation in section 102(8), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Director of the Indian Health Service, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the rural water supply projects within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for rural water supply projects;

(4) programs within other agencies that can, and a description of the extent to which the programs, provide support for rural water supply projects and water treatment programs in reclamation States, including an assessment of the requirements, funding levels, and conditions for eligibility for the programs assessed; and

(5) the extent of the unmet needs that the Secretary can meet with the program that complements activities undertaken under the authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity independent of support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is the lowest cost alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—As soon as practicable after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) the ability of the project to supply water consistent with Indian trust responsibilities, as appropriate;

(G) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(H) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(I) preliminary cost estimates for the project; and

(J) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—Not later than 180 days after the date of submission of an appraisal investigation under subsection (a)(1) or the completion of an appraisal investigation under paragraph (2) or (3) of subsection (a), the Secretary shall—

(1) with respect to an appraisal investigation conducted by a non-Federal project entity under subsection (a)(1), provide to the non-Federal entity an evaluation of whether the appraisal investigation satisfies the criteria promulgated under subsection (d);

(2) make available to the public, on request, the results of each appraisal investigation conducted under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(f) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(g) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity independent of support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(A) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(B) using the non-Federal project entity to conduct the feasibility study is the lowest cost alternative for completing the appraisal investigation.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) Revisions.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) Feasibility Factors.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the region to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which the project addresses Indian trust responsibilities, as appropriate;

(13) the extent to which assistance for rural water supply is available under other Federal authorities;

(14) the engineering, environmental, and economic activities to be undertaken to carry out the study;

(15) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(16) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) Feasibility Study Criteria.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) Inclusions.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) Feasibility Report.—

(1) In general.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) Capability-To-Pay.—

(1) In general.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) Factors.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State and county average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) Indian tribes.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) Cost-Sharing Requirement.—

(1) In general.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) Form.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) Financial hardship.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) Larger communities.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the community to pay a greater percentage of the non-Federal share than that required for communities with less than 50,000 inhabitants.

(h) Consultation and Cooperation.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) Authority of Secretary.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) Transfer of Projects.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) Federal Reclamation Law.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) Interagency Coordination.—The Secretary shall coordinate the program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) Multiple Indian Tribes.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) Ownership of Facilities.—Title to any facility planned, designed, and recommended for construction under this title is intended to be held by the non-Federal project entity.

(g) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(h) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $20,000,000 for the period of fiscal years 2006 through 2015, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2006 and 2007.

(c) LIMITATION.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Twenty-First Century Water Works Act".

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term "lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(3) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee, insurance, or other pledge by the Secretary to pay all or part of the principal of, and interest on, a loan or other debt obligation of a non-Federal borrower to a lender.

(4) NON-FEDERAL BORROWER.—The term "non-Federal borrower" means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) PROJECT.—The term "project" means—

(A) a rural water supply project (as defined in section 102(8)); or

(B) an extraordinary operation and maintenance activity for, or the rehabilitation of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) MAXIMUM AMOUNT.—The amount of a loan guarantee shall not exceed 90 percent of the reasonably anticipated eligible project costs.

(3) INTEREST RATE.—The interest rate on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NON-SUBORDINATION.—In case of bankruptcy, insolvency, or liquidation of the non-Federal borrower, a loan guarantee shall not be subordinated to the claims of any holder of project obligations.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 206. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 207. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 208. INTERAGENCY COORDINATION AND COOPERATION.

The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

By Mr. FEINGOLD:

S. 896. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to address an injustice in the Tax Code that is threatening family farmers and other self-employed individuals. Some of my constituents, primarily Wisconsin farmers, have requested Congress's assistance to correct the Tax Code so they can protect their families. The legislation I introduce today, the Farmer Tax Fairness Act of 2005, is similar to legislation I introduced last Congress and will solve the problem for today and into the future.

Farming is vital to Wisconsin. Wisconsin's agricultural industry plays a large and important role in the growth and prosperity of the entire State. Wisconsin's status as "America's Dairyland," is central to our State's agriculture industry. Wisconsin's dairy farmers produce approximately 23 billion pounds of milk and 25 percent of the country's butter a year. But Wisconsin's farmers produce much more than milk; they also are national leaders in the production of cheese, potatoes, ginseng, cranberries, various processing vegetables, and many organic foods. So when the hard-working farmers of Wisconsin need help, I will do all I can to assist.

One concern that I have heard from Wisconsin farmers is that the Tax Code can limit their eligibility for social safety net programs, including old age, survivors, and disability insurance, OASDI, under Social Security and the hospital insurance HI part of Medicare. These programs are paid for through payroll taxes on workers and through the self-employment tax on the income of self-employed individuals. To be eligible for OSADI and HI benefits an individual must be fully insured and must have earned a minimum amount of income in the years immediately preceding the need for coverage. Every year, the Social Security Administration, SSA, sets the amount of earned income that individuals must pay taxes on to earn quarters of coverage, QCs, and maintain their benefits. An individual's eligibility requirements depend upon the age at which death or disability occurs, but for workers over 31 years of age, they must have earned at least 20 QCs within the past 10 years.

Self-employed individuals can have highly variable income, and, particularly for farmers who are at the whim of Mother Nature, not every year is a good year. During lean years, individuals may not earn enough income to maintain adequate coverage under OASDI and HI. Therefore, the Tax Code provides options to allow self-employed individuals to maintain eligibility for benefits. These options allow individuals to choose to pay taxes based on $1,600 of earned income, thus allowing self-employed entrepreneurs to maintain the same Federal protections even when their income varies.

Unfortunately, both the options for farmers and nonfarmers—Social Security Act 211(a) and I.R.C. §1402(a)—have not kept pace with inflation, and they no longer provide security to families across the country. Decades ago, self-employment income of $1,600 earned an individual four QCs under SSA's calculations. In 2001, the amount needed to earn a QC rose to $830 of earned income, so individuals electing the optional methods were only able to earn one QC per year, making it much harder for them to remain eligible for benefits because they must average 2 QCs per year to be eligible.

Congress's failure to address this problem threatens the ability of self-employed individuals to maintain eligibility for OASDI and HI. I have heard from several of my constituent who want these options to be fixed so they can make sure their families will be taken care of in the event that something unforeseen occurs.

Therefore, I am introducing the Farmer Tax Fairness Act of 2005 in order to provide farmers and self-employed individuals with a fair choice. Under this bill, they will continue to be able to elect the optional method if they so choose. When individuals do elect the option, this legislation provides an update to the Tax Code so farmers and self-employed individuals can retain full eligibility for OASDI and HI benefits. It indexes the optional income levels to SSA's QC calculations, allowing these farmers and self-employed individuals to claim enough earned income to qualify for four OCs annually. In addition, by linking the earned income level to SSA's requirements for QCs, the bill will ensure that the amount of income deemed to be earned under the optional methods will not need to be adjusted by Congress again.

Along with providing security to self-employed individuals and farmers across the country, this solution is fiscally responsible. It actually provides a short run increase in U.S. Treasury revenues while having negligible impact upon the Social Security trust fund in the long run.

Let me take a moment to acknowledge the efforts of the Senator from Iowa, Mr. GRASSLEY, to address this problem in the 107th Congress. As chairman of the Senate Finance Committee, he included similar legislative language in the chairman's mark for the Small Business and Farm Economic Recovery Act of 2002. The Senate Finance Committee held a markup on the legislation on September 19, 2002, but the changes to the optional methods did not become law.

When incomes fall, the Tax Code provides optional methods for calculating net earnings to ensure that farmers and self-employed individuals maintain eligibility for social safety net programs. When these provisions were developed, Congress intended self-employed individuals to have the ability to pay enough to earn a full 4 QCs. Unfortunately the Tax Code has not kept up with the times and due to inflation many farmers are losing eligibility for some of Social Security's programs. Congress needs to provide security to farm families and other self-employed individuals. I urge my colleagues to support the Farmer Tax Fairness Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmer Tax Fairness Act of 2005".

SEC. 2. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (15) of section 1402(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 1402 of such Code is amended by adding at the end the following new subsection:

"(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

"(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (15) of section 211(a) of the Social Security Act is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

"Upper and Lower Limits

"(k) For purposes of subsection (a)—

"(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking "For" and inserting "Except as provided in subsection (c), for"; and

(B) by adding at the end the following new subsection:

"(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(15) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to clarify the calculation of the reserve allowance for medical benefits of plans sponsored by bona fide associations; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill to clarify the tax treatment of a narrow range of health plans sponsored by associations.

I am joined in this effort by my good friends and colleagues, the Chairman and the Ranking Democratic Member of the Finance Committee respectively, Senator GRASSLEY and Senator BAUCUS.

For many years, trade associations of small businesses have sponsored plans for their member companies to provide health care coverage to their employees. These plans have helped thousands of small businesses across the country control rising health care costs and keep administrative costs to a minimum.

Unfortunately, final regulations issued by the Internal Revenue Service in 2003 concerning "10-or-more" employer health benefit plans that use the experience-rating method threaten to shut down the health plans of many associations. Essentially, these regulations state that health plans that utilize experience rating are not allowed to accumulate reserves, forcing them into the untenable position of either operating on a break-even basis or losing money.

These regulations were not aimed directly at association health plans, but at certain other employer-provided benefits, such as life and disability insurance, where the IRS has found a pattern of abuse among some companies. However, the proposed implementation of the regulations make it impossible for an association to continue operating a health plan for the group's small business members, even where no abuse of the rules has occurred.

For example, in my home State of Utah, at least one association of small businesses has already been negatively affected by these regulations. This association has dozens of small business members that are dependent upon the health plan the association has had in place for decades. Compliance with the regulations will very likely lead to increased costs for health coverage for the 1,300 employees and their 2,200 dependents of these small businesses. If the trust is not able to properly reserve funds for the future, some of these businesses could be forced to drop out as premiums rise higher and higher and the plan is unable to offset those increases with the reserves.

The legislation we are introducing today would correct this problem by providing that medical benefit plans of bona fide associations may have a reserve of up to 35 percent. This amount is designed to give association health plans the flexibility they need without raising the potential for abuse.

In the face of rising health care costs, employers that offer health coverage to their employees are struggling to maintain these benefits, and those who do not offer coverage find the cost of providing this important advantage increasingly out of reach. With the recent 59 percent spike in health care costs over the past five years, employers have had to resort to various cost-cutting moves in order to keep providing health care benefits. The IRS regulations affecting 10-or-more employer health benefit plans could strike a devastating blow to many small businesses, forcing them to stop providing health care benefits altogether, or at least making the coverage more expensive and/or less available to employees.

This legislation was developed with bipartisan support. It is noncontroversial. It corrects a problem created by a well-meaning regulation that inadvertently overreached its target. I urge all of my colleagues to help us correct this error and not allow medical benefit health plans offered by small business associations to be forced to shut down, leaving thousands of employees facing higher costs for medical coverage, or worse, no coverage at all.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF RESERVE FOR MEDICAL BENEFITS OF PLANS SPONSORED BY BONA FIDE ASSOCIATIONS.

(a) IN GENERAL.—Section 419A(c) of the Internal Revenue Code of 1986 (relating to account limit) is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL RESERVE FOR MEDICAL BENEFITS OF BONA FIDE ASSOCIATION PLANS.—

"(A) IN GENERAL.—An applicable account limit for any taxable year may include a reserve in an amount not to exceed 35 percent of the sum of—

"(i) the qualified direct costs, and

"(ii) the change in claims incurred, but unpaid, for such taxable year with respect to medical benefits (other than post-retirement medical benefits).

"(B) APPLICABLE ACCOUNT LIMIT.—For purposes of this subsection, the term 'applicable account limit' means an account limit for a qualified asset account with respect to medical benefits provided through a plan maintained by a bona fide association (as defined in section 2791(d)(3) of the Public Health Service Act (42 U.S.C. 300gg-91(d)(3))".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2004.

Mr. BAUCUS. Mr. President, I am pleased to join my colleagues, Senators HATCH and GRASSLEY, in introducing legislation that will allow associations to make health insurance available to employers without either wondering if the full premium is deductible, or holding minimal reserves.

Across this country, many associations sponsor health insurance plans for member employers—plans that provide health coverage for thousands of working Americans. These arrangements allow smaller employers to get a better deal on insurance than they could on their own. As we struggle to improve the number of Americans who have health insurance coverage, we surely want to encourage an arrangement that provides cost-effective health benefits.

In order to smooth the cost of these medical benefits, these plans often hold reserves that are more than is necessary to cover unpaid claims that have been incurred at the end of the year. We should encourage that practice. But current law discourages these plans from holding more than the bare minimum in reserve.

The problem is that these plans use welfare trusts as a vehicle to fund the benefits. Under current law, if a state trade association sponsors a health welfare trust, and that trust does not charge every participant the same premium, then that plan may have to go back to employers after the end of the year and say "Sorry. You can't deduct all of that premium we asked you to pay last year." Either that, or the association has to keep premiums low enough to avoid non-deductible contributions, and risk under-funding the benefits. That is not a good outcome.

So we have a simple solution here. This bill allows these association health plans to maintain reserves of thirty-five percent of annual costs without jeopardizing the deductibility of employer contributions to the trust. With current technology, claims are usually processed in a matter of days, not months, so thirty-five percent of annual costs is more than is normally needed to cover unpaid claims at the end of the year. That will leave a cushion to cover adverse experience, and help smooth future premium fluctuations.

This simple change will allow bona fide associations all over this country to not only continue providing health benefits, but to secure those benefits with adequate reserves. Plans like the State Bankers Association Group Benefits Trust that has been operating out of my home town of Helena, Montana, since 1978. This Trust provides health insurance to employees of banks in Montana, Wyoming, and Idaho. Forty-nine Montana banks provide coverage for nearly 3,000 Montanans through this program.

This bill is important to the employers and employees who get health insurance coverage through the State Bankers' trust, and the many other association health trusts in Montana and around the country. We encourage our colleagues to join us in helping associations continue to provide health benefits to tens of thousands of American workers and their families.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. BROWNBACK, Mr. KENNEDY, and Mr. COCHRAN):

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patient Navigator Outreach and Chronic Disease Prevention Act of 2005”.

SEC. 2. PATIENT NAVIGATOR GRANTS.

Subpart V of part D of title III of the Public Health Service Act (42 U.S.C. 256) is amended by adding at the end the following:

“SEC. 340A. PATIENT NAVIGATOR GRANTS.

“(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to eligible entities for the development and operation of demonstration programs to provide patient navigator services to improve health care outcomes. The Secretary shall coordinate with, and ensure the participation of, the Indian Health Service, the National Cancer Institute, the Office of Rural Health Policy, and such other offices and agencies as deemed appropriate by the Secretary, regarding the design and evaluation of the demonstration programs.

“(b) USE OF FUNDS.—The Secretary shall require each recipient of a grant under this section to use the grant to recruit, assign, train, and employ patient navigators who have direct knowledge of the communities they serve to facilitate the care of individuals, including by performing each of the following duties:

“(1) Acting as contacts, including by assisting in the coordination of health care services and provider referrals, for individuals who are seeking prevention or early detection services for, or who following a screening or early detection service are found to have a symptom, abnormal finding, or diagnosis of, cancer or other chronic disease.

“(2) Facilitating the involvement of community organizations in assisting individuals who are at risk for or who have cancer or other chronic diseases to receive better access to high-quality health care services (such as by creating partnerships with patient advocacy groups, charities, health care centers, community hospice centers, other health care providers, or other organizations in the targeted community).

“(3) Notifying individuals of clinical trials and, on request, facilitating enrollment of eligible individuals in these trials.

“(4) Anticipating, identifying, and helping patients to overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

“(5) Coordinating with the relevant health insurance ombudsman programs to provide information to individuals who are at risk for or who have cancer or other chronic diseases about health coverage, including private insurance, health care savings accounts, and other publicly funded programs (such as Medicare, Medicaid, health programs operated by the Department of Veterans Affairs or the Department of Defense, the State children's health insurance program, and any private or governmental prescription assistance programs).

“(6) Conducting ongoing outreach to health disparity populations, including the uninsured, rural populations, and other medically underserved populations, in addition to assisting other individuals who are at risk for or who have cancer or other chronic diseases to seek preventative care.

“(c) PROHIBITIONS.—

“(1) REFERRAL FEES.—The Secretary shall require each recipient of a grant under this section to prohibit any patient navigator providing services under the grant from accepting any referral fee, kickback, or other thing of value in return for referring an individual to a particular health care provider.

“(2) LEGAL FEES AND COSTS.—The Secretary shall prohibit the use of any grant funds received under this section to pay any fees or costs resulting from any litigation, arbitration, mediation, or other proceeding to resolve a legal dispute.

“(d) GRANT PERIOD.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may award grants under this section for periods of not more than 3 years.

“(2) EXTENSIONS.—Subject to paragraph (3), the Secretary may extend the period of a grant under this section. Each such extension shall be for a period of not more than 1 year.

“(3) LIMITATIONS ON GRANT PERIOD.—In carrying out this section, the Secretary—

“(A) shall ensure that the total period of a grant does not exceed 4 years; and

“(B) may not authorize any grant period ending after September 30, 2010.

“(e) APPLICATION.—

“(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require.

“(2) CONTENTS.—At a minimum, the Secretary shall require each such application to outline how the eligible entity will establish baseline measures and benchmarks that meet the Secretary's requirements to evaluate program outcomes.

“(f) UNIFORM BASELINE MEASURES.—The Secretary shall establish uniform baseline measures in order to properly evaluate the impact of the demonstration projects under this section.

“(g) PREFERENCE.—In making grants under this section, the Secretary shall give preference to eligible entities that demonstrate in their applications plans to utilize patient navigator services to overcome significant barriers in order to improve health care outcomes in their respective communities.

“(h) DUPLICATION OF SERVICES.—An eligible entity that is receiving Federal funds for activities described in subsection (b) on the date on which the entity submits an application under subsection (e), may not receive a grant under this section unless the entity can demonstrate that amounts received under the grant will be utilized to expand services or provide new services to individuals who would not otherwise be served.

“(i) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall ensure coordination of the demonstration grant program under this section with existing authorized programs in order to facilitate access to high-quality health care services.

“(j) STUDY; REPORTS.—

“(1) FINAL REPORT BY SECRETARY.—Not later than 6 months after the completion of the demonstration grant program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

“(A) An evaluation of the program outcomes, including—

“(i) quantitative analysis of baseline and benchmark measures; and

“(ii) aggregate information about the patients served and program activities.

“(B) Recommendations on whether patient navigator programs could be used to improve patient outcomes in other public health areas.

“(2) REPORTS BY SECRETARY.—The Secretary may provide interim reports to the Congress on the demonstration grant program under this section at such intervals as the Secretary determines to be appropriate.

“(3) INTERIM REPORTS BY GRANTEES.—The Secretary may require grant recipients under this section to submit interim and final reports on grant program outcomes.

“(k) RULE OF CONSTRUCTION.—This section shall not be construed to authorize funding for the delivery of health care services (other than the patient navigator duties listed in subsection (b)).

“(l) DEFINITIONS.—In this section:

“(1) The term ‘eligible entity’ means a public or nonprofit private health center (including a Federally qualified health center (as that term is defined in section 1861(aa)(4) of the Social Security Act)), a health facility operated by or pursuant to a contract with the Indian Health Service, a hospital, a cancer center, a rural health clinic, an academic health center, or a nonprofit entity that enters into a partnership or coordinates referrals with such a center, clinic, facility, or hospital to provide patient navigator services.

“(2) The term ‘health disparity population’ means a population that, as determined by the Secretary, has a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates as compared to the health status of the general population.

“(3) The term ‘patient navigator’ means an individual who has completed a training program approved by the Secretary to perform the duties listed in subsection (b).

“(m) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2006, $5,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, $6,500,000 for fiscal year 2009, and $3,500,000 for fiscal year 2010.

“(2) AVAILABILITY.—The amounts appropriated pursuant to paragraph (1) shall remain available for obligation through the end of fiscal year 2010.”.

By Mr. BURNS:

S. 899. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge and Kootenai National Forests, Montana, to Jefferson County and Sanders County, Montana, for use as cemeteries and other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, this bill conveys 3.4 acres on the Beaverhead-Deerlodge National Forest to Jefferson County, MT and 10 acres on the Kootenai National Forest to Sanders County, MT for continued use as cemeteries.

The Elkhorn Cemetery in Jefferson County has been used as a cemetery since the 1860's. Due to surveying errors and limited information when the National Forest boundaries were surveyed in the early 1900's, the cemetery was included as National Forest lands. The cemetery is still in use by local families who homesteaded and worked the mines in the area. However, Forest Service manual direction strongly discourages burials on National Forest lands, placing both the families and Forest Service in an awkward position.

The Noxon Cemetery is part of a Kootenai National Forest administrative site that is currently for sale. The cemetery has been used since at least 1910 and contains over 300 graves. Sanders County wants to protect the cemetery from potential damage, and the Forest Service wants to remove the encumbrance of the cemetery from the administrative site sale or future Federal ownership.

In both locations, it is clear the cemeteries should not have been included as part of the National Forest. The County Commissioners and the local public strongly support the conveyance.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Cemetery Act of 2005".

SEC. 2. CONVEYANCE TO JEFFERSON COUNTY AND SANDERS COUNTY, MONTANA.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary of Agriculture (referred to in this Act as the "Secretary"), acting through the Chief of the Forest Service, shall convey to Jefferson County, Montana, the Elkhorn Cemetery and to Sanders County, Montana, the Noxon Cemetery, for no consideration, all right, title, and interest of the United States in and to the parcels of land as described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the parcels of National Forest System land (including any improvements on the land) known as—

(1) the Elkhorn Cemetery, which consists of 10 acres in Jefferson County located in SW1/4 Sec. 14, T. 6 N., R. 3 W.; and

(2) the Noxon Cemetery, which consists of 3.4 acres in Sanders County located in SE1/4, Sec. 24, T. 26 N., R. 33 W.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 119—DESIGNATING APRIL 21, 2005, AS "NATIONAL KINDERGARTEN RECOGNITION DAY"

Mr. SALAZAR (for himself, Ms. LANDRIEU, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas Friedrich Froebel, known as the "Father of Kindergarten", opened the first kindergarten classroom on April 21, 1837, with the goal of shaping young children in a nurturing, educational, and protected environment;

Whereas kindergarten has a long history of enhancing children's cognitive, physical, and social development in the United States and throughout the world;

Whereas Margarethe Meyer Schurz opened the first German-speaking kindergarten in the United States in 1856, Elizabeth Peabody opened the first English-speaking kindergarten in Boston, Massachusetts, in 1873, and the first public school kindergarten classrooms were established under the leadership of Susan Blow and William Torrey Harris in St. Louis, Missouri, in the early 1870s;

Whereas kindergarten is a critical year in children's formal education, as well as in their continued physical, social, and emotional development, that prepares them for later school success and lifelong learning;

Whereas quality kindergarten programs use developmentally, culturally, and linguistically appropriate curricula, teaching practices, and assessments to support each child's learning and development progress to reach his or her maximum potential;

Whereas teachers who teach kindergarten need to have specialized knowledge and skills in working with young children to respond to the unique interests, learning styles, and developmental characteristics of children in their kindergarten year;

Whereas kindergarten programs need to be ready for all children who are eligible, including children with disabilities and children who are not native English speakers, and their families;

Whereas kindergarten programs should collaborate and coordinate with preschools and with the other early elementary grades in order to provide a continuum of appropriate, effective early learning for all children as they transition to and through the early grades of school;

Whereas in 2001, more than more 3,700,000 children between the ages of 4 and 6 years old attended kindergarten, including full-day, half-day, or alternate day programs;

Whereas the percentage of children attending full-day kindergarten programs has grown from 28 percent in 1977 to 60 percent in 2001; and

Whereas establishment of a "National Kindergarten Recognition Day" will help draw attention to the critical role kindergarten plays as the transitional year from early education programs to the elementary and secondary education system: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 21, 2005, as "National Kindergarten Recognition Day" to raise public awareness about the impact of the kindergarten year on the development of our nation's children; and

(2) urges the people of the United States to recognize the historic tradition of kindergarten in the United States and its contribution to preparing children for their elementary and secondary educational achievement and experiences.

SENATE RESOLUTION 120—HONORING SMALL BUSINESSES DURING THE SMALL BUSINESS ADMINISTRATION'S NATIONAL SMALL BUSINESS WEEK, THE WEEK BEGINNING APRIL 24, 2005.

Ms. SNOWE (for herself, Mr. KERRY, Mr. TALENT, Mr. VITTER, Mr. CORNYN, Mr. COLEMAN, Mr. BURNS, Mr. BOND, Mr. ALLEN, Mr. ISAKSON, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas America's 25,000,000 small businesses have fueled the Nation's economy, creating more than ¾ of all new jobs and accounting for more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and fueling the economic growth and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and these businesses' continued economic growth;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and small businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small businesses compete;

Whereas the Small Business Administration, which was established in 1953, has also provided valuable service to small businesses through financial assistance, technical assistance, procurement assistance, small business advocacy, and disaster recovery assistance;

Whereas for over 50 years the Small Business Administration has helped approximately 22,000,000 Americans start, grow, and expand their businesses and has placed almost $250,000,000,000 in loans and venture capital financing into the hands of entrepreneurs;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business; and

Whereas the Small Business Administration will mark National Small Business Week, the week beginning April 24, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) honors small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005;

(2) supports the purpose and goals of National Small Business Week; and

(3) commends the Small Business Administration and the Small Business Administration's resource partners—

(A) for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(B) for being key players in the Nation's economic vitality.

SENATE RESOLUTION 121—SUPPORTING MAY 2005 AS "NATIONAL BETTER HEARING AND SPEECH MONTH" AND COMMENDING THOSE STATES THAT HAVE IMPLEMENTED ROUTINE HEARING SCREENING FOR EVERY NEWBORN BEFORE THE NEWBORN LEAVES THE HOSPITAL

Mr. COLEMAN (for himself, Mr. LIEBERMAN, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 121

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 28,000,000 people in the United States experience hearing loss or have a hearing impairment;

Whereas 1 out of every 3 people in the United States over the age of 65 have hearing loss;

Whereas the overwhelming majority of people in the United States with hearing loss would benefit from the use of a hearing aid and fewer than 7,000,000 people in the United States use a hearing aid;

Whereas 30 percent of people in the United States suffering from hearing loss cite financial constraints as an impediment to hearing aid use;

Whereas hearing loss is among the most common congenital birth defects;

Whereas a delay in diagnosing the hearing loss of a newborn can affect the social, emotional, and academic development of the child;

Whereas the average age at which newborns with hearing loss are diagnosed is between the ages of 12 to 25 months; and

Whereas May 2005 is National Better Hearing and Speech Month, providing Federal, State, and local governments, members of the private and nonprofit sectors, hearing and speech professionals, and all people in the United States an opportunity to focus on preventing, mitigating, and treating hearing impairments: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Better Hearing and Speech Month, May 2005;

(2) commends those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital; and

(3) encourages all people in the United States to have their hearing checked regularly.

Mr. COLEMAN. Mr. President, I am pleased to submit the Better Hearing and Speech Month Resolution with my friend and colleague Senator JOSEPH LIEBERMAN of Connecticut.

By passing this resolution, Congress will recognize May 2005 as National Better Hearing and Speech Month which will help raise public awareness, encourage prevention and treatment of hearing impairments, and commend those States that have implemented routine hearing screening for every newborn baby before the infant leaves the hospital. One in every ten Americans has hearing loss making it one of the most prevalent chronic health conditions in this country. In addition, every day 33 babies are born in the United States with permanent hearing loss, making it one of the most frequently occurring birth defects. The impact of delayed detection and intervention can last a lifetime.

When hearing loss is found early, intervention and treatment can produce dramatic improvements in child speech and language development by school age.

This Resolution will raise public awareness of the 28 million Americans who suffer from hearing loss and the importance of early detection and treatment.

I look forward to working with my colleagues to pass this Resolution as research shows that children identified with hearing loss early and those who receive appropriate early qualified intervention by the age of six months have significantly improved speech skills than children whose hearing loss is identified later.

SENATE RESOLUTION 122—RECOGNIZING THE HISTORIC EFFORTS OF THE REPUBLIC OF KAZAKHSTAN TO REDUCE THE THREAT OF WEAPONS OF MASS DESTRUCTION THROUGH COOPERATION IN THE NUNN-LUGAR/COOPERATIVE THREAT REDUCTION PROGRAM, AND CELEBRATING THE 10TH ANNIVERSARY OF THE REMOVAL OF ALL NUCLEAR WEAPONS FROM THE TERRITORY OF KAZAKHSTAN

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 122

Whereas at the time of the collapse of the Union of Soviet Socialist Republics in December 1991, 1,410 nuclear warheads on heavy intercontinental ballistic missiles, air-launched cruise missiles, and heavy bombers were located within the Republic of Kazakhstan;

Whereas, on July 2, 1992, the parliament of Kazakhstan approved and made Kazakhstan a party to the Treaty on the Reduction and Limitation of Strategic Offensive Arms, with annexes, protocols and memorandum of understanding, signed at Moscow July 31, 1991, and entered into force December 5, 1994 (commonly known as the "START Treaty");

Whereas, on February 14, 1995, Kazakhstan formally acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty");

Whereas, on December 13, 1993, the Government of Kazakhstan signed the Safe and Secure Dismantlement Act (SSD) and its 5 implementing agreements with the United States, and became eligible to receive $85,000,000 in assistance under the Nunn-Lugar/Cooperative Threat Reduction Program;

Whereas the decision of the people and the Government of Kazakhstan to transfer all nuclear weapons from the territory of Kazakhstan to the control of the Russian Federation allowed Kazakhstan to become a non-nuclear-weapon State Party to the Nuclear Non-Proliferation Treaty;

Whereas the continuing efforts of the Government of Kazakhstan to pursue cooperative efforts with the United States and other countries to secure, eliminate, destroy, or interdict weapons and materials of mass destruction and their means of delivery provides a model for such efforts; and

Whereas, in April 1995, the Government of Kazakhstan formally transferred the last nuclear warhead from the territory of Kazakhstan to the territory of the Russian Federation: Now, therefore be it

Resolved, That the Senate commends, on the occasion of the 10th anniversary of the removal of the last nuclear warhead from the territory of Kazakhstan, the people and the Government of the Republic of Kazakhstan for their historic decision to rid Kazakhstan of nuclear weapons.

Mr. LUGAR. Mr. President, today I submit a Senate resolution to celebrate the decision made by Kazakhstan to join the Nuclear Nonproliferation Treaty (NPT) as a non-nuclear weapon state. Ten years ago this month Kazakhstan sent the last Soviet nuclear warhead on its territory to Russia.

With the Review Conference on the NPT in New York starting next week, it is an especially important time to note the progress made toward the NPT's goals, with U.S. assistance, in Kazakhstan.

More than a decade ago, when the Soviet Union collapsed, Kazakhstan became the fourth largest nuclear power in the world. But instead of enlarging the nuclear club, Kazakhstan joined Ukraine and Belarus in turning away from weapons of mass destruction. Courageous leaders chose instead to embrace the NPT in removing all nuclear arms from Kazakhstan.

The world cheered when Kazakhstan formally acceded to the NPT. I am proud of the role the United States played in Kazakhstan's decision and of our role in facilitating the removal of thousands of nuclear warheads and the elimination of hundreds of SS–18 intercontinental ballistic missiles, silos, and command centers. The addition of three more nuclear-armed states would have been a devastating setback for the NPT.

It is particularly important that the Senate draw attention to Kazakhstan's wise and brave choice, as it stands in stark contrast to events in India, Pakistan, North Korea, and Iran. In 1998, the world was shocked by the testing of nuclear weapons in India and Pakistan. In January 2003, the durability of the NPT was shaken by North Korea's purported withdrawal. We have watched for the past two years as the IAEA deliberated over Iran's numerous safeguards violations amid Tehran's threats of withdrawal from the NPT should the body seek to enforce the treaty's provisions.

With these events in mind, we should remember Kazakhstan. Instead of violating international norms and retaining nuclear weapons, Kazakh leaders made the right choice. When searching for success stories, the international community can turn to Kazakhstan.

The Nunn-Lugar Program also assisted Kazakhstan in eliminating the former Soviet nuclear weapons testing complex at the Degelen Mountain Test Tunnel Complex and at Balapan. In close cooperation with Kazakh partners, the Nunn-Lugar program systematically dismantled the complex and sealed nearly 200 nuclear test tunnels and shafts. These facilities will never again contribute to the weapons systems that threatened the world during the Cold War.

The United States, Kazakhstan, and the international community still have much work to do and these efforts will require compromise and sacrifice. The last ten years have shown that nothing is impossible. Both sides have set aside past differences to accomplish this cooperation. Let us continue to approach these challenges with creativity, a willingness to cooperate, and a commitment to the NPT.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 27, 2005, at 9:30 a.m., to mark up S. 271, a bill which reforms the regulatory and reporting structure of organizations registered under Section 527 of the Internal Revenue Code.

For further information regarding this hearing, please contact Susan Wells at the Rules and Administration Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on "Perspectives on Patents" on Monday, April 25, 2005, at 1:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness list

Panel I: Hon. Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Department of Commerce, Alexandria, VA.

Panel II: Dr. Richard C. Levin, President of Yale University, New Haven, CT, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council; Dr. Mark B. Myers, Visiting Executive Professor, Management Department at the Wharton Business School, The University of Pennsylvania, Philadelphia, PA, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council.

Panel III: William Parker, Diffraction, Ltd., Waitsfield, VT; Dean Kamen, President, DEKA Research & Development Corp., Manchester, NH; David Simon, Chief Patent Counsel, Intel Corporation, Santa Clara, CA; Robert A. Armitage, Senior Vice President and General Counsel, Eli Lilly and Company, Indianapolis, IN; Joel Poppen, Deputy General Counsel, Micron Technologies, Inc., Boise, ID; and Michael K. Kirk, Executive Director, American Intellectual Property Law Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the following fellows be granted the privilege of the floor for the duration of the consideration of the transportation bill: Heideh Sahmoradi, Greg Murrill, Mitch Surrett, Rudy Kapichak, John Stoody, Kent Van Landuyt, James Gentry, and Elissa Konove.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF H.R. 1268

Mr. INHOFE. Mr. President, I ask unanimous consent H.R. 1268 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

On Thursday, April 21, 2005, the Senate passed H.R. 1268, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1268) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,358,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,684,943,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,308,392,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,370,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $21,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $290,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $210,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant *to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $280,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $225,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Office of the Inspector General

For an additional amount for "Office of the Inspector General", $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

Intelligence Community Management Account

For an additional amount for "Intelligence Community Management Account", $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

Sec. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking "$3,500,000,000" and inserting in lieu thereof "$5,685,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated under the heading, "Drug Interdiction and Counter-Drug Activities, Defense" in this Act, not to exceed $40,000,000 may be made available for the provision of support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be provided in addition to support provided for the counter-drug activities of said Government under any other provision of law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, "Operation and Maintenance, Defense-Wide", in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), strike "$32,000,000" and insert "$43,000,000".

ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed $1,500,000,000.

WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as amended by section 102, title I, division J, Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking "$500,000,000" and inserting "$854,000,000".

CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking "$185,000,000" and inserting "$210,000,000".

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1109. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), is amended—

(1) by striking "in the fiscal year after the effective date of this Act" and inserting in lieu thereof "in the fiscal years 2005 and 2006"; and

(2) in paragraph (1) by striking "500 new personnel billets" and inserting in lieu thereof "the total of 500 new personnel positions".

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2005".

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

RESERVE AFFILIATION BONUS

SEC. 1111. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1112. SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

"(i) In the case of a member—

"(I) $400,000 or such lesser amount as the member may elect;

"(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

"(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e)."; and

(2) in subsection (d), by striking "$250,000" and inserting "$400,000".

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A member covered by this subsection is any member as follows:

"(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

"(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

"(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

"(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

"(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member's pay.".

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraph:

"(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.".

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: ", except for insurance provided under paragraph (3)(A)(i)(III)".

(d) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking "$250,000" each place it appears and inserting "$400,000"; and

(2) by adding at the end of paragraph (1) the following new sentence: "Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.".

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

"(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member."; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking "and (C)" and inserting ", (C), and (D)"; and

(B) by adding at the end the following new subparagraphs:

"(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.".

(f) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

"(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(h) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

DEATH GRATUITY

SEC. 1113. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking "$12,000" and inserting "$100,000".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

(B) The requirements of this subsection apply in the case of a member of the Armed Forces who died before the date of the enactment of this Act as a direct result of one or more wounds, injuries, or illnesses that—

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

(2) AMOUNT.—The amount of the additional death gratuity is $150,000.

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term "additional death gratuity" means the death gratuity provided under paragraph (1).

(B) The term "regular military death gratuity", means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

SEC. 1114. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

*(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking "**Death gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen hero compensation:**".*

(2) The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1115. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

PROHIBITION OF NEW START PROGRAMS

SEC. 1116. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, "Procurement of Ammunition, Army" to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1117. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is $372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than $100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1118. Section 115 of division H of Public Law 108–199 is amended by striking all after "made available" and substituting ", notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.".

CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1119. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1120. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2005/2009":

LCU (X), $19,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2008":

LPD-17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1121. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1122. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1123. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1124. Section 403(l) of title 37, United States Code, is amended by striking "180 days" each place it appears and inserting "365 days".

SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS UNDER REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS DISABILITY COMPENSATION

SEC. 1125. It is the sense of the Senate that any veteran with a service-connected disability rated as total by virtue of having been deemed unemployable who otherwise qualifies for treatment as a qualified retiree for purposes of section 1414 of title 10, United States Code, should be entitled to treatment as qualified retiree receiving veterans disability compensation for a disability rated as 100 percent for purposes of the final clause of subsection (a)(1) of such section, as amended by section 642 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1957), and thus entitled to payment of both retired pay and veterans' disability compensation under such section 1414 commencing as of January 1, 2005.

SEC. 1126. BENEFITS FOR MEMBERS OF THE ARMED FORCES RECUPERATING FROM INJURIES INCURRED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM. (a) PROHIBITION ON CHARGES FOR MEALS.—

(1) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(2) EFFECTIVE DATE.—The limitation in paragraph (1) shall take effect on January 1, 2005, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(b) TELEPHONE BENEFITS.—

(1) PROVISION OF ACCESS TO TELEPHONE SERVICE.—The Secretary of Defense shall provide each member of the Armed Forces who is undergoing in any month medical recuperation or therapy, or is otherwise in the status of "medical hold", in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom access to telephone service at or through such military treatment facility in an amount for such month equivalent to the amount specified in paragraph (2).

(2) MONTHLY AMOUNT OF ACCESS.—The amount of access to telephone service provided a member of the Armed Forces under paragraph

(1) in a month shall be the number of calling minutes having a value equivalent to $40.

(3) ELIGIBILITY AT ANY TIME DURING MONTH.—A member of the Armed Forces who is eligible for the provision of telephone service under this subsection at any time during a month shall be provided access to such service during such month in accordance with that paragraph, regardless of the date of the month on which the member first becomes eligible for the provision of telephone service under this subsection.

(4) USE OF EXISTING RESOURCES.—In carrying out this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private organizations, or other private entities offering free or reduced-cost telecommunications services.

(5) COMMENCEMENT.—

(A) IN GENERAL.—This subsection shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

(B) EXPEDITED PROVISION OF ACCESS.—The Secretary shall commence the provision of access to telephone service under this subsection as soon as practicable after the date of the enactment of this Act.

(6) TERMINATION.—The Secretary shall cease the provision of access to telephone service under this subsection on the date this is 60 days after the later of—

(A) the date, as determined by the Secretary, on which Operation Enduring Freedom terminates; or

(B) the date, as so determined, on which Operation Iraqi Freedom terminates.

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1127. No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled "Functions and Duties of the General Counsel and the Judge Advocate General".

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

SEC. 1128. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES. (a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

"(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108–422).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1129. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1130. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

REPORTS ON IRAQI SECURITY FORCES

SEC. 1131. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, leadership, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, legal status, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal and unit equipment requirements have been met.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of police candidates screened by the Iraqi Police Screening Service screening project, the number of candidates derived from other entry procedures, and the overall success rates of those groups of candidates;

(D) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(E) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(F) the number of police present for duty;

(G) data related to attrition rates; and

(H) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

(11) An assessment of the effectiveness of the chain of command of the Iraqi military.

(12) The number and nationality of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(13) A list of countries of the North Atlantic Treaty Organisation ("NATO") participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

(14) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(15) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(16) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(17) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(18) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1132. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1133. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SENSE OF THE SENATE ON SILICON CARBIDE POWDERS PRODUCTION

SEC. 1134. SENSE OF THE SENATE. It is the sense of the Senate that the Department of Defense should provide funding sufficient, but not less than $5,000,000, under the Defense Production Act Title III to increase the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

PROCURING RAPID WALL BREACHING KITS

SEC. 1135. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) the Department of Defense should allocate sufficient funding, but not less than $5,000,000, in fiscal year 2005 to procure Rapid Wall Breaching Kits for use in operation Iraqi Freedom, Operation Enduring Freedom, and other uses;

(2) the Department of Defense should submit to Congress an amendment to the proposed fiscal year 2006 budget to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses in fiscal year 2006; and

(3) the Department of Defense should include in its budget requests for fiscal year 2007 and beyond funds to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses.

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1136. (a) It is the sense of the Senate that the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" may be increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", as increased by subsection (a), $17,600,000 may be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH CARE CENTERS

SEC. 1137. It is the sense of the Senate that, of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", not less than $6,000,000 should be available for the Vaccine Health Care Centers.

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. 1138. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) $60,000,000 may be made available for the rapid deployment of Warlock and other field jamming systems; and

(2) in conference, the Senate should recede to the House position.

TRAVEL FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH CERTAIN NON-SERIOUS ILLNESSES OR INJURIES

SEC. 1139. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) either—

"(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

"(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury."; and

(2) by adding at the end the following new paragraph:

"(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).".

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

"§411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.".

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Military Personnel, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1140. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES

SEC. 1141. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by $213,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", as increased by subsection (a), $213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1142. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

PERMANENT MAGNET MOTOR

SEC. 1143. It is the sense of the Senate that of the amounts appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", $15,000,000 should be made available for the continuing development of the permanent magnet motor.

SENSE OF SENATE ON PROCUREMENT OF MAN-PORTABLE AIR DEFENSE SYSTEMS

SEC. 1144. It is the sense of the Senate that, of the amounts appropriated by this Act, $32,000,000 may be available to procure MANPAD systems.

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1145. It is the sense of the Senate that, of the amount appropriated by this Act under the heading "OPERATION AND MAINTENANCE, ARMY", $11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $470,000,000 to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, $12,000,000 shall be available to carry out programs under the Food for Progress Act of 1985: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $767,200,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That of the funds appropriated under this heading, $17,200,000 should be made available for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities",

$680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

International Broadcasting Operations

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Broadcasting Capital Improvements

For an additional amount for "Broadcasting Capital Improvements" for capital improvements related to broadcasting to the broader Middle East, $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

International Disaster and Famine Assistance

For an additional amount for "International Disaster and Famine Assistance", $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Transition Initiatives

For an additional amount for "Transition Initiatives", $63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operating Expenses of the United States Agency for International Development

For an additional amount for "Operating Expenses of the United States Agency for International Development", $21,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operating Expenses of the United States Agency for International Development Office of Inspector General

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

Economic Support Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", $1,636,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for programs and activities to promote democracy, including political party development, in Lebanon and such amount shall be managed by the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Assistance for the Independent States of the Former Soviet Union

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance to Ukraine, $70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $5,000,000 shall be made available for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

International Narcotics Control and Law Enforcement

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $660,000,000, to remain available until September 30, 2007, of which up to $46,000,000 may be transferred to and merged with "Economic Support Fund" if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance", $108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $32,100,000, to remain available until September 30, 2006, of which not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

Global War on Terror Partners Fund

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, $25,500,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation:

Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $210,000,000, to remain available until September 30, 2006, of which $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking "Iraq,".

REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

(RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108–11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading "Economic Support Fund" may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

SEC. 2105. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108–447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2106. Of the funds appropriated by chapter 2 of title II of Public Law 108–106 under the heading "Iraq Relief and Reconstruction Fund", not less than $30,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund".

ASSISTANCE FOR HAITI

SEC. 2107. Of the funds appropriated by title II, chapter 2 of this Act, not less than $20,000,000 shall be made available for assistance for Haiti: Provided, That this assistance should be made available for election assistance, employment and public works projects, and police assistance: Provided further, That the obligation of such funds shall be subject to prior consultation with the Committees on Appropriations.

REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 2108. (a) Notwithstanding any other provision of law, not later than 90 days after the date on which the initial obligation of funds made available in this Act for training Afghan security forces, including police, border security guards and members of the Afghan National Army, is made, the Secretary of State, in conjunction with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of whether the individuals who are providing training to Afghan security forces with assistance provided by the United States have proven records of experience in training law enforcement or security personnel.

(2) A description of the procedures of the Department of State and Department of Defense to ensure that an individual who receives such training—

(A) does not have a criminal background;

(B) is not connected to any criminal or terrorist organization, including the Taliban;

(C) is not connected to drug traffickers; and

(D) meets certain age and experience standards.

(3) A description of the procedures of the Department of State and Department of Defense that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(4) A description of the procedures of the Department of State and Department of Defense to ensure the coordination of such training efforts between these two Departments.

(5) A description of the methods that will be used by the Government of Afghanistan to maintain and equip such personnel when such training is completed.

(6) A description of how such training efforts will be coordinated with other training programs being conducted by the governments of other countries or international organizations in Afghanistan.

(b) In this section the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

DARFUR ACCOUNTABILITY

SEC. 2109. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and

establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and any assets or property that such individuals transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committee, a report—

(A) naming the individual or individuals named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(d) In this section:

(1) The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term "Government of Sudan" means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term "member states" means the member states of the United Nations.

(4) The term "Sudan North-South Peace Agreement" means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term "those named by the UN Commission of Inquiry" means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term "UN Committee" means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

CANDIDATE COUNTRIES

SEC. 2110. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108–199) is amended—

(1) by striking "subparagraphs (A) and (B) of section 606(a)(1)"; and

(2) inserting in lieu thereof "subsection (a) or (b) of section 606".

SUDAN

SEC. 2111. Of the funds appropriated in this Act for "Contributions for International Peacekeeping Activities", $90,500,000 may be made available for assistance for Darfur, Sudan: Provided, That within these amounts, $50,000,000 may be transferred to "Peacekeeping Operations" for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That $40,500,000 may be transferred to "International Disaster and Famine Assistance" for assistance for Darfur, Sudan and other African countries.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $11,935,000, for increased judicial security outside of courthouse facilities, including priority consideration of home intrusion detection systems in the homes of federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", $26,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION AND CUSTOMS ENFORCEMENT

Salaries and Expenses

For an additional amount for "Salaries and Expenses", $276,000,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for "Diplomatic and Consular Programs" under chapter 2 of title II shall be $357,700,000.

Immigration and Customs Enforcement

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $389,613,000, of which $128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) $179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for "Salaries and Expenses", for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) $67,438,000, to Customs and Border Protection, to remain available until expended, for "Construction"; (3) $10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for "Salaries and Expenses"; and (4) $3,959,000, to the Federal Law Enforcement Training Center, to remain available until expended, for "Acquisition, Construction, Improvements, and Related Expenses", for the provision of training at the Border Patrol Academy.

UNITED STATES COAST GUARD

Operating Expenses

For an additional amount for "Operating Expenses", $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Acquisition, Construction, and Improvements

For an additional amount for "Acquisition, Construction, and Improvements", $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CUSTOMS AND BORDER PROTECTION

Salaries and Expenses

For an additional amount for "Salaries and Expenses", for hiring border patrol agents, $105,451,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Construction

For an additional amount for "Construction", $41,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Reduction in Funding

The amount appropriated by title II for "Contributions to International Peacekeeping Activities" is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

CHAPTER 4

CAPITOL POLICE

Salaries

For an additional amount for salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Expenses

For an additional amount for necessary expenses of the Capitol Police, $13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

Capitol Police Buildings and Grounds

For an additional amount for Capitol Police Buildings and Grounds, $23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", $10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Overseas Humanitarian, Disaster, and Civic Aid

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

Operating Expenses

For an additional amount for "Operating Expenses", $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

Tsunami Recovery and Reconstruction Fund

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of

December 2004 and March 2005, and the Avian influenza virus, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading, up to $20,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $100,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to $5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for environmental recovery activities in tsunami affected countries: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, assistance to improve the capacity of governments and appropriate private entities to facilitate domestic and international adoption of orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, not less that $20,000,000 should be made available for microcredit programs in countries affected by the tsunami, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for programs to prevent the spread of the Avian influenza virus, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That funds appropriated under this heading shall be made subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That of the funds appropriated under this heading, up to $45,000,000 may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for "Research and Education Activities" to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, $3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, $103,000,000, to remain available until expended: Provided, That of the amount provided, no less than $66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading "Rural Housing Service", "Rural Housing Insurance Fund Program Account" in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service "Rental Assistance Program" account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated $15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5104. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108–447) for the Lost River Watershed project, West Virginia, $4,000,000 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

FARM SERVICE AGENCY

SEC. 5105. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management", $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" to pay necessary expenses of the Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, $2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, $31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108–447, $10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading "Health Resources and Services Administration, Health Resources and Services", the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading "Office of the Secretary, Office of the Inspector General", the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading "Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)" the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

RELATED AGENCY

INSTITUTE OF MUSEUM LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the "Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration", $10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services" for unforeseen costs associated with increased immigration-related filings, recent Supreme Court decisions, and recently enacted legislation, $65,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108–477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for "Housing for Persons with Disabilities", $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of Federal Housing Enterprise Oversight" for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISION, THIS CHAPTER

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated $10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108–447, the Department of Justice may transfer funds from any Department of Justice account, except "Buildings and Facilities, Federal Prison System" and "Office of Justice Programs" accounts, to the "Detention Trustee" account: Provided, That the notification requirement in section 605 of title VI of division B of Public Law 108–447 shall apply to any such transfers.

SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended after "Bonneau Ferry, SC" by striking "20,000" and inserting "19,200": Provided, That these amounts are available for transfer to "Response and Restoration Base".

SEC. 6005. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Tonner Canyon, CA" and inserting "Tolay Lake, Sonoma County, CA".

SEC. 6006. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Port Aransas Nature Preserve Wetlands Project, TX—3,000" and under the heading "Section 2 (FWCA) Coastal/Estuarine Land Acquisition" by inserting "Port Aransas Nature Preserve Wetlands Project, TX—3,000".

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking "$15,000,000" and inserting "$12,000,000, to remain available until expended," in its place, and

(B) by amending subsection (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.".

(2) By inserting a new section before the short title at the end to read as follows:

"SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

"(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

"(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

"(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

"(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.".

DE SOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking "$20,000,000" and inserting "$55,000,000" in lieu thereof, and by striking "treatment" and inserting "infrastructure" in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project costs incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking "$20,000,000" and inserting in lieu thereof "$25,000,000".

ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from "General Investigations" for the expansion of studies necessitated by severe flooding, up to $1,800,000, to remain available until expended.

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR–1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "October 1, 2003, and September 30, 2004" and inserting "October 1, 2004, and September 30, 2005".

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

MC CLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "Public Law 108–357" and inserting "Public Law 108–137".

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking "2004" and inserting in lieu thereof "2009"; and

(2) in paragraph (b) by striking "2004" and inserting in lieu thereof "2009".

AGRICULTURAL AND NATURAL RESOURCES OF THE WALKER RIVER BASIN

SEC. 6017. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior (referred to in this section as the "Secretary"), acting through the Commissioner of Reclamation, shall provide not more than $850,000 to pay the State of Nevada's share of the costs for the Humboldt Project conveyance required under—

(A) title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2016); and

(B) section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1853).

(2) Amounts provided under paragraph (1) may be used to pay—

(A) administrative costs;

(B) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(C) real estate transfer costs.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring land, water, and related interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(c)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(d) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Department of Energy, Energy Programs, Science" is amended by inserting ": Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service" after "$3,628,902,000".

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities" is amended by inserting after "various locations" the following: ": Provided further, That $3,000,000 shall be used to continue funding of project #DE–FC04–02AL68107, the Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375".

DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion" is amended by inserting before the period the following: ": Provided, That $1,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District".

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the "Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Defense Environmental Services" is amended by inserting before the period the following: ": Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities".

CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the "Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities" is amended by inserting before the period the following: ": Provided, That $5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to support radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health".

DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. §644), is amended by adding the following new paragraph:

"(3) For purposes of this section, the term 'prime contract' shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.".

YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading "Nuclear Waste Disposal"—

(1) by inserting "to be derived from the Nuclear Waste Fund and" after "$346,000,000,"; and

(2) in the second proviso, by striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate in licensing activities and other appropriate activities pursuant to that Act".

POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" is amended by inserting before the period at the end the following: ": Provided further, That of the amount herein appropriated, $500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota".

DEPARTMENT OF HOMELAND SECURITY REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security "Working Capital Fund" is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the "Office of the Chief Financial Officer" and shall be subject to section 503 of Public Law 108–334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103–356).

(c)(1) There is established the "Continuity of Government Operations and Emergency Management Revolving Fund" (in this subsection referred to as the "Revolving Fund") which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the "Working Capital Fund" abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the "Working Capital Fund" before the date of enactment of Public Law 107–296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the "Office of the Chief Financial Officer" pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

"(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the 'Office of the Chief Information Officer'; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

"(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.".

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by deleting "September 24, 2004" and inserting "November 12, 2004".

FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the "Forest Service, Capital Improvement and Maintenance" account, are hereby transferred to the "Forest Service, State and Private Forestry" account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2005," and inserting "September 30, 2005,".

REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 102 and section 208 of division F of Public Law 108–447 are hereby repealed.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement"—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read "Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative";

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read "Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program";

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowery Mission, New York, NY";

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar"; and

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read "Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs"; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement" the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska".

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" under title I of the Legislative Appropriations Act, 2005 to the account under the subheading "SALARIES AND EXPENSES" under the heading "COPYRIGHT OFFICE" under the heading "LIBRARY OF CONGRESS" under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419), subject to subsection (b).

(b) No more than $485,000 may be transferred under this section.

TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading "Federal Transit Administration, Capital Investment Grants" in title I of division H of Public Law 108–447 is amended by striking "$3,591,548" and inserting "$1,362,683" and by striking "$22,554,144" and inserting "$12,998,815": Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108–447 is amended by striking "shall be deposited" and all that follows through "expenses" and inserting in lieu thereof "shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Office of the United States Courts".

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

"(1) by striking paragraph (1) and inserting the following:

" '(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

" '(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);';

"(2) in paragraph (2), by striking 'one-half' and inserting '75 percent'; and

"(3) in paragraph (4), by striking 'one-half' and inserting '100 percent'.";

(2) by striking subsection (c) and inserting the following:

"(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under

section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'."; and

(3) by striking subsections (d) and (e) in their entirety.

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading "Federal Buildings Fund" in title IV of division H of Public Law 108–447, strike "$60,000,000" and insert in lieu thereof "$60,600,000" in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108–477 is amended by striking "Section 572(a)(2)(ii)" and inserting in lieu thereof "Section 572(a)(2)(A)(ii)".

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 230 by striking "City" and inserting "Port".

(b) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 233 by inserting "Port of" before the words "Brookings Harbor".

(c) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 30 by inserting "to be used for planning, design, and construction" after "California,".

(d) The referenced statement of managers under the heading "Community Development Fund" in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 122 by inserting "to be used for planning, design, and construction" after "California,".

SENSE OF SENATE REGARDING TIMELY ENACTMENT OF APPROPRIATIONS FOR UNITED STATES ARMED FORCES

SEC. 6047. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) our immigration system is badly broken, fails to serve the interests of our national security and our national economy, and undermines respect for the rule of law;

(2) in a post-9/11 world, national security demands a comprehensive solution to our immigration system;

(3) Congress must engage in a careful and deliberative discussion about the need to bolster enforcement of, and comprehensively reform, our immigration laws;

(4) Congress should not short-circuit that discussion by attaching amendments to this supplemental outside of the regular order; and

(5) Congress should not delay the enactment of critical appropriations necessary to ensure the well-being of the men and women of the United States Armed Forces fighting in Iraq and elsewhere around the world, by attempting to conduct a debate about immigration reform while the supplemental appropriations bill is pending on the floor of the United States Senate.

SEC. 6048. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification within the text or audio of the prepackaged news that the prepackaged news story was prepared or funded by that Federal agency.

SEC. 6049. TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "or an entity described in paragraph (3)" after "means a hospital"; and

(B) in subparagraph (B)—

(i) by inserting "legislature" after "State" the first place it appears; and

(ii) by inserting "and such designation by the State legislature occurred prior to December 8, 2003" before the period at the end; and

(2) by adding at the end the following new paragraph:

"(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

"(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.".

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

"(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

SEC. 6050. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6051. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(l) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking "subsections" and inserting "subsection", and

(2) striking "or (k)" each place that it appears.

NEPAL

SEC. 6052. (a) FINDINGS.—The Senate makes the following findings:

(1) That on February 1, 2005, Nepal's King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

(2) That despite condemnation of the King's actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy.

(3) That there are concerns that the King's actions will strengthen Nepal's Maoist insurgency.

(4) That while some political leaders have been released from custody, there have been new arrests of human rights activists and representatives of other civil society organizations.

(5) That the King has thwarted efforts of members of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

(6) That the Maoists have committed atrocities against civilians and poses a threat to democracy in Nepal.

(7) That the Nepalese Army has also committed gross violations of human rights.

(8) That King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

(9) That Nepal needs an effective military strategy to counter the Maoists and pressure them to negotiate an end to the conflict, but such a strategy must include the Nepalese Army's respect for the human rights and dignity of the Nepalese people.

(10) That an effective strategy to counter the Maoists also requires a political process that is inclusive and democratic in which constitutional rights are protected, and government policies that improve the lives of the Nepalese people.

(11) That it is the Sense of the Senate that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with the leaders of Nepal's political parties to restore democracy.

FISCHER-TROPSCH COAL-TO-OIL PROJECT

SEC. 6053. Notwithstanding any other provision of law, funds that have been appropriated to and awarded by the Secretary of Energy under the Clean Coal Power Initiative in accordance with financial assistance solicitation #DE–PS26–02NT41428 (as described in 67 Federal Register 575) to construct a Fischer-Tropsch coal-to-oil project may be used by the Secretary to provide a loan guarantee for the project.

PROTECTION OF THE GALAPAGOS

SEC. 6054. (a) FINDINGS.—The Senate makes the following findings:

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador.

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law.

(3) There are concerns with the current leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which encourages illegal fishing.

(b) The Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service though a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(c) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

CAMP JOSEPH T. ROBINSON

SEC. 6055. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

INDEPENDENT COUNSEL INVESTIGATION OF HENRY CISNEROS

SEC. 6056. (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

AFFIRMING THE PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 6057. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term "torture" has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

DETROIT LABOR BUILDING

SEC. 6058. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the "Detroit Labor Building" and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

TRAUMATIC INJURY PROTECTION

SEC. 6059. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

"(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

"(A) Bathing.

"(B) Continence.

"(C) Dressing.

"(D) Eating.

"(E) Toileting.

"(F) Transferring."; and

(2) by adding at the end the following:

"§ 1980A. Traumatic injury protection

"(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

"(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

"(A) total and permanent loss of sight;

"(B) loss of a hand or foot by severance at or above the wrist or ankle;

"(C) total and permanent loss of speech;

"(D) total and permanent loss of hearing in both ears;

"(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

"(F) quadriplegia, paraplegia, or hemiplegia;

"(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

"(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

"(2) For purposes of this subsection—

"(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

"(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

"(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

"(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

"(c) A payment under this section may be made only if—

"(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

"(2) the loss results directly from that traumatic injury and from no other cause; and

"(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

"(d) Payments under this section for losses described in subsection (b)(1) shall be—

"(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

"(2) based on the severity of the covered condition; and

"(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

"(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

"(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

"(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

"(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

"(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

"(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

"(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

"(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment *will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.*

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection.".

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6060. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

TITLE VII—TEMPORARY WORKERS

SEC. 7001. SHORT TITLE.

This title may be cited as the "Save Our Small and Seasonal Businesses Act of 2005".

SEC. 7002. NUMERICAL LIMITATIONS ON H-2B WORKERS. (a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

"(9)(A) Subject to subparagraphs (B) and (C), an alien counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the submission of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) may not be counted toward such limitation for the fiscal year in which the petition is approved.

"(B) A petition referred to in subparagraph (A) shall include, with respect to an alien—

"(i) the full name of the alien; and

"(ii) a certification to the Department of Homeland Security that the alien is a returning worker.

"(C) An H-2B visa for a returning worker shall be approved only if the name of the individual on the petition is confirmed by—

"(i) the Department of State; or

"(ii) if the alien is visa exempt, the Department of Homeland Security.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than the date of enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing petitions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b), in a manner consistent with this section and the amendments made by this section.

Sec. 7003. FRAUD PREVENTION AND DETECTION FEE. (a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by adding at the end the following:

"(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

"(i) The amount of the fee imposed under subparagraph (A) shall be $150.".

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking "H1–B and L" each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking "section 214(c)(12)" and inserting "paragraph (12) or (13) of section 214(c)";

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking "(H)(i)" each place it appears and inserting "(H)(i), (H)(ii), "; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end "or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)".

(2) CONFORMING AMENDMENT.—The heading of such subsection 286 is amended by striking "H1–B AND L".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2005.

SEC. 7004. SANCTIONS. (a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 3, is further amended by adding at the end the following:

"(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

"(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

"(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

"(iii) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

"(iv) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

"(v) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 7005. ALLOCATION OF H–2B VISAS DURING A FISCAL YEAR. Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 7002, is further amended by adding at the end the following new paragraph:

"(j) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens who enter the United States pursuant to a visa or other provision of nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.".

SEC. 7006. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105–277; 8 U.S.C. 1184 note) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following new subsection:

"(d) PROVISION OF INFORMATION.—

"(1) QUARTERLY NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of Homeland Security shall notify, on a quarterly basis, the Committee on the Judiciary of the

Senate and the Committee on the Judiciary of House of Representatives of the number of aliens who during the preceding 1-year period—

"(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

"(B) had such a visa or such status expire or be revoked or otherwise terminated.

"(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

"(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

"(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

"(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.".

RECAPTURE OF VISAS

SEC. 7007. Section 106(d)(2)(A) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence "and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants, and the dependents of such immigrants, and 50 percent of such visas shall be made available to those whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor"; and

(2) in paragraph (2)(A), by striking "and 2000" and inserting "through 2004".

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 7008. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national;".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.".

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting ", section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)".

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking "or" in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking "or" in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking "or" in the third place it appears.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

Amend the title so as to read: "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.".

ORDERS FOR TUESDAY, APRIL 26, 2005

Mr. INHOFE. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of the motion to proceed to H.R. 3, the highway bill, and there be 60 minutes of debate equally divided between the two leaders or their designees; provided further that upon the use or yielding back of that time the Senate proceed to the cloture vote on the motion to proceed to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. INHOFE. Tomorrow, following morning business, the Senate will resume consideration of the motion to proceed to the highway bill. Under the previous order, we will have up to 1 hour of debate prior to a cloture vote on the motion to proceed. The cloture vote will be at approximately 11:45 a.m., and that will be the first vote of tomorrow's session. It is my hope that cloture will be invoked and further that we would be able to move to the bill without using the full 30 hours of postcloture debate. Once on the bill, we will move forward with the amending process. Senators should expect additional rollcall votes during tomorrow's session.

On behalf of the leader, I inform my colleagues we will have a busy week leading into next week's recess. In addition to the highway bill, we will act on the budget resolution conference report once it becomes available. There are a couple of important nominations expected to be reported out of the committee this week that we hope to act upon, as well. Rollcall votes are expected each day this week, and Senators are asked to plan their schedules accordingly.

ORDER FOR ADJOURNMENT

Mr. INHOFE. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator BOXER for not to exceed 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I had asked for an hour to speak for the RECORD on a number of issues. First, I will pay tribute to 53 young Americans who have been killed in Iraq since December 7, 2004. This brings to 402 the number of soldiers who were either from California or based in California that have been killed while serving our country. I want to make the point to my colleagues this represents 26 percent of all the military deaths in Iraq. Twenty-six percent of those deaths have come from California, either the person was born and raised in California or was stationed in California. We continue to mourn those losses. As I have promised since the day the war started, I will pay tribute to them by name so they are not forgotten.

CPL In C. Kim died December 7 as a result of a nonhostile vehicle incident in Al Anbar Province. He was assigned to Camp Pendleton.

PFC Christopher S. Adlesperger died December 9 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton.

I want to mention the ages of these soldiers too. Corporal Kim was 23 years old. PFC Christopher Adlesperger was 20 years old.

SPC Edwin W. Roodhouse, 36 years old, died December 5 in Habbaniyah, Iraq, when an improvised explosive device detonated near his humvee. He was assigned to the 1st Battalion, 56th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea, and he was from San Jose, CA.

SSgt Melvin L. Blazer, age 38, died December 12 as a result of enemy action in Al Anbar Province. He also was assigned to Camp Pendleton.

LCpl Hilario F. Lopez, age 22, died December 12 as a result of enemy action in Al Anbar Province. He was assigned also to Camp Pendleton.

LCpl Gregory Rund, age 21, died December 11 as a result of enemy action in Al Anbar Province. He also was assigned to Camp Pendleton.

CPL Ian W. Stewart, age 21, died December 12 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton, and he was from Lake Hughes, CA.

SGT Jeffrey Kirk, age 24, died December 12 as a result of enemy action in Al Anbar Province, also assigned to Camp Pendleton.

LCpl Joshua Dickinson, age 25, died December 12 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton.

CPL Michael Anderson, age 21, died December 14 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton, CA and was from Modesto, CA.

LCpl Neil Petsche, age 21, died December 21 due injuries received from a nonhostile vehicle incident in Al Anbar Province. He was assigned to Twentynine Palms, CA.

SSG Robert S. Johnson, age 23, died December 21 in Mosul when his dining facility was attacked. He was assigned to Fort Lewis, WA, but he was from Castro Valley, CA.

SPC Jonathan Castro, age 21, died December 21 in Mosul when his dining facility was attacked. He was assigned to Fort Lewis, WA, but he was from Corona, CA.

LCpl Eric Hillenburg, age 21, died December 23 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

LCpl James Phillips, age 21, died December 23 as a result of enemy action in Al Anbar Province. He, too, was assigned to Camp Pendleton, CA.

CPL Raleigh Smith, age 21, died December 23 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

Navy Seaman Pablito Pena Briones, Jr., age 22, died December 28 of a nonhostile gunshot wound in Fallujah. The incident is under investigation. He was assigned to the 1st Marine Division Detachment, Naval Medical Center, San Diego. He was from Anaheim, CA.

PFC Oscar Sanchez, age 19, died December 28 in Mosul when a vehicle-borne improvised explosive device struck his observation post. He was assigned to Fort Lewis, WA, and was from Modesto, CA.

LCpl Jason Smith, age 21, died December 31 as a result of hostile action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

LCpl Julio Cisneros Alvarez died January 6 as a result of hostile action in Al Anbar Province. He was assigned to Twentynine Palms, CA.

SGT Zachariah S. Davis died January 6 as a result of hostile action in Al Anbar Province. He was assigned to Twentynine Palms, CA, and he was from San Bernardino, CA.

CPL Paul Holter, III, age 21, died January 14 due to noncombat-related incident at Camp Ramadi, Iraq. He was assigned to Camp Pendleton, CA.

CAPT Joe F. Lusk, II, age 24, died January 21 in Camp Buehring, Kuwait, of noncombat-related injuries. He was assigned to Fort Bragg, NC, but he was from Reedley, CA.

SSG Jose C. Rangel, age 43, died January 23 in Camp Arifjan, Kuwait, of noncombat-related injuries. He was assigned to the Aviation Classification Repair Activity Depot in Fresno, CA. He was from Saratoga.

Petty Officer Third Class John House, age 28, died in a helicopter crash near Ar Rutbah, Iraq. He was assigned to Pearl Harbor but he was from Ventura, CA.

CPT Paul Alaniz, age 32, died January 26 when the CH-53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to Marine Corps Air Station, Miramar, CA.

CPT Lyle Gordon, age 30, died January 26 when the CH-53E helicopter he was in crashed near Ar Rutbah, Iraq. He was also assigned to Marine Corps Air Station, Miramar, CA.

SSG Dexter S. Kimball, age 30, died January 26 when the CH-53E helicopter he was in crashed. He was also assigned to Marine Corps Air Station, Miramar, CA.

LCpl Mourad Ragimov, age 20, also died in that same helicopter which crashed near Ar Rutbah, Iraq. He was from San Diego and assigned to a Marine base in Hawaii.

1LT Dustin N. Shumney, age 30, died January 26 when the CH-53E helicopter he was in crashed.

LCpl Joseph B. Spence, age 24, died January 26 when the CH-53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from Scotts Valley, CA.

LCpl Tony L. Hernandez, age 22, died January 26 when the CH-53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, Marine Corps Air Station Miramar, CA.

CPL Stephen P. Johnson, age 24, died January 26 when the CH-53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from Covina, CA.

PFC Kevin M. Luna, age 26, died January 27 in Muqdadiyah, Iraq, from noncombat related injuries. He was assigned to the 1st Battalion, 63rd Armor Regiment, 1st Infantry Division, Vilseck, Germany. He was from Oxnard, CA.

SSG Joseph W. Stevens, age 26, died January 24 in Mohammed Sacran, Iraq when his Bradley Fighting Vehicle overturned. He was assigned to the 2nd Battalion, 2nd Infantry, 1st Infantry Division, Vilseck, Germany. He was from Sacramento, CA.

LCDR Keith E. Taylor, age 47, died January 29 in a rocket attack on the U.S. Embassy in Baghdad. He was assigned to Commander, U.S. Naval Forces, Central Command, Iraq Detachment. He was from Irvine, CA.

LCDR Edward E. Jack, age 51, died January 29 of a noncombat related incident aboard the USS Bonhomme Richard. He was assigned to Commander, Destroyer Squadron Seven, home ported in San Diego, CA.

LCpl Nazario Serrano, age 20, died January 30 as a result of hostile action in Al Anbar Province. He was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

PFC Stephen A. Castellano, age 21, died January 28 in Mosul, Iraq from a noncombat related injury. He was assigned to 1st Battalion, 14th Infantry Regiment, 25th Infantry Division (Light) from Schofield Barracks, Hawaii. He was from Long Beach, CA.

LCpl Richard C. Clifton, age 19, died February 3 as a result of hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPT Sean Lee Brock, age 29, died February 2 after sustaining a fatal shrapnel wound to his abdomen from an explosion while conducting combat operations in Al Anbar Province. He was assigned 1st Marine Division, Okinawa, Japan. He was from Redondo Beach, CA.

CPL Kevin M. Clarke, age 21, died February 19 as a result of hostile action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

SPC Wade Michael Twyman, age 27, died March 4 in Ar Ramadi, Iraq when an improvised explosive device detonated near his patrol. He was assigned to the 1st Infantry Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, Camp Hovey, Korea. He was from Vista, CA.

PFC Samuel S. Lee, age 19, died March 28 in Ar Ramadi, Iraq from noncombat related injuries. He was assigned to 1st Battalion, 506th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea. He was from Anaheim, CA.

CPL Garrywesley T. Rimes, age 30, died April 1 as a result of hostile action in Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, California. During Operation Iraqi Freedom, Rimes was attached to 2nd Marine Division. He was from Santa Maria, CA.

CPL William D. Richardson, age 23, died April 3 in Baghdad when he came under enemy fire and fell into a canal. He was assigned to the 1st Battalion, 41st Infantry Regiment, 1st Armored Division, Fort Riley, KS. He was from Moreno Valley, CA.

LCpl Juan C. Venegas, age 21, died April 7 as a result of a vehicle accident while conducting combat operations in Al Anbar Province. He was assigned 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, Venegas was attached to 2nd Marine Division. He was from Simi Valley, CA.

SPC Glenn J. Watkins, age 42, died April 5 in Baghdad when a vehicle-born improvised explosive device detonated near his military vehicle. He was assigned to the Army National Guard's 1st Battalion, 161st Infantry, Kent, WA. He was from Carlsbad, CA.

PFC Casey M. LaWare, age 19, died April 9 at Landstuhl Regional Medical Center in Germany from noncombat related injuries sustained April 6 in Al Mahmudiyah, Iraq. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA. He was from Redding, CA.

CPT James C. Edge, age 31, was killed April 14 by enemy small-arms fire while conducting combat operations in Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, Edge was attached to 2nd Marine Division, II Marine Expeditionary Force.

CPL Tyler J. Dickens, age 20, died April 12 at Brooke Army Medical Center in San Antonio, TX, of injuries sustained April 6 in Al Mahmudiyah, Iraq, when his guard tower caught fire. He was assigned to the Army's 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

CPL Kelly M. Cannan, age 21, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

LCpl Marty G. Mortenson, age 22, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

I pray for these young Americans and their families.

Mr. President, it is with a very heavy heart that I continue to report to the Senate on these young people, and not so young people, who are being killed in Iraq, it seems, almost every day. In this eulogy where I simply read the names and tell you how this happened, we have talked about people from the age of 19 to 51 years old. In this war, we have people of all ages because it is the regular military and also Reserves and National Guard. We have a lot of people who are married with children. The loss is huge, regardless of age. Often, there are even more people who are effected when we have someone who is married with a family—not only the moms and dads but the spouses and the children and the broader community.

So I pray for these young Americans, may they rest in peace; and I pray for their families, may they heal. It is the ultimate act of bravery to answer the call of the Commander in Chief. It is the ultimate act of bravery. I was in Iraq last month, and the security challenges we face there are enormous. I don't have the time tonight to go into detail. It was a bipartisan trip of Senators, and each Senator had two guards at all times with machine guns, plus additional security all around us. We could not go on the main road from Baghdad Airport because of the lack of safety. We flew in Blackhawk helicopters with the greatest pilots in the world, with two machine guns looking out at all times. Every time we were anywhere on the ground, you could smell the danger. We were so well protected. Even in the General Assembly building, where you would think it would be very safe, they said it was the site of kidnappings.

Even in the Embassy compound, we heard that one of the military people killed there, LCDR Keith Taylor, died January 29 in a rocket attack on the U.S. Embassy in Baghdad. That is a highly protected and defended place. We sat there, and I noted the looks on the faces of the civilians sitting around—the fear, the anguish, the anxiety. I made a point of thanking them for their service. I know they want to build a democracy there. I noted how fearful and anxious they looked. I truly expected at least one of them to say: No, you are misreading it; that is not so. But they did not contradict it.

It is a very dangerous place. I think we all learned that through loss of that beautiful young woman, Marla Ruzicka, who is a true hero of her generation, if not the country. She was working in Iraq with a nonprofit organization she set up that actually was funded by this Senate, I am proud to say, to find the innocent victims of war, what we call collateral damage of war. Marla put a face on these little children and these grieving mothers and fathers.

She would go out into the homes of the Iraqi people—it is so dangerous to do that—with her blond hair flying. She would take the testimony, and then she would bring it back to the military who grew to trust Marla. Then, if it all checked out, these people would get some recompense to try and rebuild their lives.

It was a very moving funeral I went to with my family in Lakeport, CA. People came from all over the country and all over the world to honor Marla. I know Senator LEAHY, on our side, has taken the lead on this incredible program. I hope to work with him and Members of both sides of the aisle to make sure that program continues.

Of course, we need to have a plan for success in Iraq, and my view is we do not have that right now. When we ask the people who brought us the war, namely the President, how long we are going to be there, he says: As long as it takes. I think we can do better. I think there are five or six things we can do. But, again, I do not have time to go into it tonight, and I have spoken about this at length before.

Clearly, training the Iraqis is key, and General Petraeus told us when we met with him that he is very high on the Iraqi troops. He thinks they are terrific. He thinks they can step in. There are 120,000 of them. This is good news. We ought to be able to begin to bring our troops home and replace them with the Iraqis.

I also met with the new leaders of the country, and I believe if we do not set some dates, they will forever rely on us. I do not think that is the way it should be. I really do not. They need to get on their own two feet, and we ought to help them—train these soldiers, train these police forces and bring our troops back.

It is not working out well for us over there. It is counterproductive right now. The CIA told us that when we visited. Indeed, the head of the CIA told us in hearings that it is fueling the insurgency. General Newbolt, who planned the original military victory in Iraq, told us the same. We need to have a goal of when we are going to leave because otherwise it is fueling discontent. The insurgency is so deep now. Different groups are coming every day taking "credit" for these horrible civilian deaths.

The status quo is not good there. I hope we can move forward with a plan for success. A lot of our people have given their lives and their limbs, thousands of them coming home without limbs, over 11,000 at this point. We need to stand with them and with their families and make sure we are there for them because they are suffering mightily.

They are brave, they are courageous, they will do whatever they are asked to do. They are extraordinary. We need to stand with them, regardless of whether we think this war was the best thing we ever did or the worst thing we ever did. That is secondary. We have to stand with them.

WELDON AMENDMENT

Mrs. BOXER. Mr. President, Senator FRIST was true to his word. He told me I could have a vote to repeal what I consider to be a very dangerous amendment that came into an appropriations bill without any hearings, without any discussions, without any votes, and I think could very well lead to a very dangerous situation for the women of our country.

I decided not to push the vote. It was too close to call. Some people said there were 56 votes against us. That was not my count, but I knew that in order to win this vote I needed to talk with people individually at great length.

Why is that? Because this is one of the most confusing amendments that we have ever faced in the Senate. Just ask the people at HHS, who are trying to implement it. Just ask the people who filed suit. They say it is so vague and so broad that it could literally mean people coming into an emergency room, not getting served, and dying in an emergency room. This is what could happen.

I thank Senator FRIST for being true to his word, for giving me the opportunity, and I want to briefly explain what I plan to do about this Weldon amendment, with the help of my friends and colleagues.

Senator HARKIN and I plan to work across the aisle to modify this amendment so that it really is what it claims to be, a conscience clause. No one objects to conscience clauses. I support them. Conscious clauses are in the law. I am happy to clarify them, make sure anyone who has a moral objection to performing an abortion absolutely has every right not to have to do that.

I have talked at length with Senator HARKIN, and we are going to work with our colleagues. That means with Senator SPECTER and the other members of the Appropriations Committee so they understand the ramifications of this Weldon amendment, which I will go into in a minute.

Second, as I mentioned, there have been lawsuits filed challenging the constitutionality of the Weldon amendment. I believe the arguments are compelling. As I have said before—and we were proven right when other anti-choice amendments that were thrown out of court—I believe this one also will be thrown out. Because it cannot possibly be that any judge anywhere, regardless of whether he or she is liberal, conservative, moderate, Republican, Democrat, or anything else, would put women's lives in danger like this could do. So I feel very confident it will come out all right.

I am going to give a brief discussion on what I think the Weldon amendment means as it is now written.

Although the proponents of the Weldon amendment call it a conscience clause, nowhere in the amendment do we see the words "religion," "morals," "beliefs," or "values." It is masquerading as a conscience clause, but it really is not. I call it a denial clause because it will deny women emergency care when their lives are in danger, deny low-income rape victims reproductive health care, deny doctors the right to give their patients vital information, and deny States the ability to enforce critical laws ensuring the health of women.

The fact is, our hospitals and doctors already have a Federal conscience clause, it's called the 1973 Church Amendment. What Weldon does is different. It's a big loophole that allows anyone, including HMOs, to decide, for any reason, that they do not want any of their doctors not only not performing abortions but also telling a woman that it is a legal right for her, referring her, talking to her honestly about what her options are.

This amendment is giving a denial clause to an HMO which, by the way, I do not think they have a conscience, given the way many of them treat people. So we are giving the HMO, a corporation, a big denial clause—not the doctor, not the nurse but the corporation. So that means they can now gag doctors who work for them by telling them: You better not inform a woman about her rights because if you do, it is against the guidelines of this HMO.

Now, in this Weldon amendment, there is no exception for rape or incest. Imagine, there is no exception for rape and incest. So even if a woman comes in who has been brutally raped or the victim of incest, under this Weldon amendment, the hospital or the HMO could violate current law and say: So sorry about that, you are on your own. Now, this is America in 2005. Where is our conscience? Where are our moral values? Where are our family values if we pass an amendment like this, that would throw a woman out in the most dire of circumstances? It is just horrific.

And this goes against our Medicaid law. The Hyde amendment makes an exception for rape and incest if a woman is on Medicaid and if she is poor. HENRY HYDE and I talked about that quite a bit, and he supported that very much. First the exception was if one's life is at stake, they can get Medicaid help to end the pregnancy. Then it was rape and incest. There is no such exception in Weldon, and guess what happens. If the Medicaid law is enforced, states can now lose all of their Federal funds for education, labor, and health. This is just crazy. It makes no sense at all.

We believe that Weldon would allow a woman to die in an emergency room. There are very unbelievably tragic stories. Let us say a woman is in a car accident while she is in the early stages of her pregnancy. She is rushed into the emergency room, and she is losing blood. The only way to save her life is to terminate the pregnancy. Under Weldon, if the hospital says, I am sorry, we do not do that, she could just simply die waiting for help. This is what Weldon does. This is why I cannot believe a judge is going to allow it to continue.

So the Weldon amendment is drawn in such a way that all the laws we have—including the emergency room law ensuring a hospital takes measures to stabilize patients if their lives are endanger and the Medicaid law that allows a woman to get an abortion if she is raped or the victim of incest—are overridden by Weldon. Any State law that steps in to help guarantee reproductive services and referrals to woman is overridden by Weldon. And if States enforces their own law to help a woman in a crisis, they can lose all of their Federal funds, not just their family planning funds but every dollar of their education money, their labor money, and their health money. We are talking about billions of dollars across the board.

We all know it is totally unconstitutional to gag a doctor. Every year the anti-choice people pass a Mexico City gag rule, which I am proud to say the Senate does not support, but the President does, and it always manages to survive. The gag rule is in effect abroad, but they cannot do it here. Why? Because in this country we have freedom of speech, and a gag cannot be put around a doctor's mouth and tell them they cannot let their patients know all of their options; that is unconstitutional. But here, under Weldon, an HMO can gag any doctor that works for it. So it is really completely outrageous.

In essence, we are going to have a whole series of laws overturned by the Weldon amendment. The odd thing is, if the backers of the Weldon amendment would come to the table and tell us all the things they want to do, we could have an honest debate. The trouble we have is that the people who support Weldon will say: All we have is a conscience clause. But that isn't the case.

We have letters from doctors, patients, States, and we have lawsuits that really unmask the true ramifications of Weldon. What we have is a provision that masquerades as a conscience clause when it is really a denial clause that would punish States. These are the people who I thought liked States rights.

Let us take the issue of hospital mergers. In the past, under current law, every State in the Union that I know of has the ability, when a hospital merges, to set conditions for those mergers. The attorneys general of those States have the right to put conditions on those mergers. Under Weldon, that's no longer possible if such conditions include making sure that in this merger a woman has still reproductive health care. So it is taking away the rights of States, and that is again why I believe we can fix this, because it is so dangerous in its current form.

We have this amendment masquerading as a conscience clause. But it is not a conscience clause, it is a denial clause because it will deny women the health care they need to live, to be helped and saved in an emergency. It will gag doctors. It will stop attorneys general in all of our States from carrying out their duties. A couple of States have sued on behalf of this. Many who must implement it have thrown their hands up. They do not know how to enforce it. It never had a hearing in the Senate. We never looked at it, and it passed as part of the appropriations bill.

Again, I thank Senator FRIST for living up to his commitment he made to me. I appreciate it. What we are going to do is continue to work to let everyone know how outrageous this law is, how far reaching this law is, how dangerous this law is to women, how it walks away from family values, from States rights, from anything decent when one says to a woman who has been raped or is the victim of incest that she is on her own. That is not what this country is about.

At some point, we are going to make sure that this Weldon amendment is either modified so it becomes what it says it is, which is a conscience clause that no one has an objection to, or is repealed.

How much more time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 23 minutes remaining.

JOHN BOLTON NOMINATION

Mrs. BOXER. Mr. President, I want to close on a couple of topics. The first one, because I sit on the Foreign Relations Committee, is the nomination of John Bolton to be our Ambassador to the United Nations. I do call on the President to rethink this nomination. Out of the thousands of strong, conservative Republicans who care about the world, there has to be somebody better than someone who has a pattern of not only abusing his staff, called a serial abuser by one witness, but also, and this is really threatening, trying to get them fired if they do not give him the information he wants.

I am talking about false information and reaching down from the very high level at which he has been to the bottom of another agency that he did not even have direct line control over and trying to force not one but two and maybe three intelligence analysts to paint a picture that he wanted to use so that he could present a country as an imminent threat to this Nation, which could have led to some serious ramifications. Of all the people to pick now, it should not be someone who would try to politicize intelligence gathering.

I received another letter on Friday, which I sent to both sides of the committee. I hope this will be looked at. It concerns a case where years ago John Bolton was trying to overturn a U.N. resolution—or have it modified—that dealt with infant formula in the developing nations. Some of my colleagues may remember that issue, where babies were dying throughout the developing world because they were mixing the baby formula with contaminated water, and the U.N. voted very strongly to stop distributing and selling that baby formula. According to this woman, who has a lot of credentials—an attorney who worked with John Bolton—she said that Bolton ordered her to contact these developing nations and tell them to back off and modify this resolution so that Nestle Company and others could sell their product in the developing world. And this is interesting—conscience clause—she said: My conscience does not allow me to do this because if one baby died as a result of what I did, I could not live with myself. There is a conscience clause in the agency that says if somebody has a conscience problem when given an assignment, they do not have to do it. Well, Bolton said, if you do not do this, you are fired, and he fired her on the spot, according to her. She is going to go under oath and testify to this. Then he found out he could not fire her because she was protected by Civil Service. She comes back to work, and what do they find? Her entire office had been moved. Where is it moved? To the basement of the building. No telephone. A desk and a chair. She loved her job, and she eventually got a telephone down there and worked around John Bolton and stayed there doing her work.

This is yet another story. So we have a pattern of abusive behavior. Some of my friends on the other side of the aisle say, this is just the person we need for the U.N.—somebody tough. If you want someone in the U.N. who has a history of trying to change intelligence information—and now the world knows it.

As my ranking member JOE BIDEN has stated, this is the guy who may have to make the intelligence case against Iran. This is the guy who may have to make the intelligence case against North Korea with this background of using political pressure to get the kind of intelligence he wanted to build a case. This is not the right person. We do not want someone there who will politicize intelligence gathering. I don't think we want someone there who is such a hothead that it will turn a lot of people off.

We have testimony from multiple sources. At first, my friends on the other side of the committee said it is an isolated incident; you are talking about one incident. We have incident after incident.

Oh, he is just the person we need. We want someone tough. Tough is one thing. Tough and principled and committed is one thing. Abusing people is something else. A man is called a serial abuser by someone who has the credentials to know—e-mails back this up—trying to get people fired because they want to do their job.

It was so bad that Colin Powell, the Secretary of State, had to actually go and talk to all these "independent" analysts; his message was, don't you worry about it. You continue to do your work. I thank him for that. The testimony is clear. He went there and told those analysts, don't you be bullied. I am using those words. But the message he had was, don't you worry about it. Do your work. Do your job. It is very clear.

How refreshing it was to see Senator VOINOVICH, at the committee, listen to what Senator BIDEN, in particular, was saying. They had the information, chapter and verse, proof of why this is not a good appointment.

I know the pressures that have come to bear on Senator VOINOVICH. It is not pleasant to be alone. I have been there. I know how it feels. But he is answering to his conscience. I think he did the Senate proud by doing that.

Now we hear other colleagues on the committee saying maybe they need more time and more information.

Again, this can all be avoided. There are so many other people who can do this job. I said before that John Bolton is very loyal to this conservative doctrine. There could be many positions for him in the administration. We need someone in the spirit of John Danforth—Republican, conservative, wonderful former Senator who went to the United Nations, who immediately had the support and the credibility and the respect.

In closing, I will talk about an issue I know the Presiding Officer has been very involved with, and that is the filibuster issue. As someone who once wanted to end a filibuster myself at an early stage, I now understand how foolish I was at that point. Why did I want it to end when I first came here as freshman? We had the majority and the Republicans were thwarting us. It was very frustrating. We wanted to fix everything. I voted to say this filibuster has to go.

Little did I realize that is the way the Senate is supposed to operate in a deliberative fashion. As one of the Founders said, the House is the cup. It gets hot. It is steaming. And when the issues get to the Senate, it is the saucer. They cool down. One of the ways to ensure that is to have extended debate.

FILIBUSTER

Mrs. BOXER. Mr. President, there has been so much misinformation on the filibuster I want to make sure I put my thoughts into the record. We hear Republican Senators actually get up and say they never filibustered any judges. I was stunned, so we went back into history and we have a chart for that.

The first filibuster in modern times was started by the Republicans in 1968 against Abe Fortas for the Supreme Court. We know there have been 11 in recent times, 11 filibusters. Here is one in 1971, probably started by the Democrats. William Rehnquist to be a Supreme Court justice. Here is one in 1980, probably started by the Republicans, Stephen Breyer, to be a judge on the First Circuit Court of Appeals. Then in 1984 Harvie Wilkinson, Fourth Circuit Court of Appeals. In 1986, Sydney Fitzwater, to be a judge for the Northern District of Texas. 1992. Edward Earle Carnes to be judge on the Eleventh Circuit. 1994, Lee Sarokin to be a judge on the Third Circuit Court of Appeals. In 1999, Brian Theodore Stewart, to be a judge for the District of Utah. In the year 2000—and this is my State—there was a major filibuster; we fought hard and we beat the filibuster. We got the votes needed. Richard Paez to be a judge on the Ninth Circuit Court of Appeals and Marsha Berzon to be a judge on the Ninth Circuit.

When we hear Republicans say they never launched a filibuster, you can ask, what? Here is Bob Smith who led the filibuster, Republican, from New Hampshire. Here is what he said:

> . . . It is no secret that I have been the person who has filibustered these two nominations, Judge Berzon and Judge Paez.

Here he is again:

> So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role.

Here is a Republican Senator who started a filibuster against two judge nominees for the Ninth Circuit. He called this a "constitutional role." Now we have other Republicans saying the constitutional option is no filibuster. Wrong. You are contradicting your own people here.

Now, ORRIN HATCH himself admitted there were filibusters on the floor:

> Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on nomination.

That is ORRIN HATCH. This is the major point I want to make, Who is the real leader out there pushing to end the filibuster on judges? Pushing, pushing, pushing?

And, by the way, it is unbelievable we have confirmed 205 of George W. Bush's nominees to the courts. We have stopped 10. Let me say it again: 205 have gotten through and we have stopped 10.

Now, do the math, and I will say to you: In your life, if you get 95 percent of what you want, wouldn't you go around with a smile on your face? I would. If I got 95 percent of what I wanted from the Senate, I would be so happy. If I got 95 percent of what I wanted from my family—if they sought my way 95 percent of the time—I would be happy; especially when they were teenagers, I would be really happy.

But do you know what. If I were arrogant, and I wanted everything, and I thought I knew best all the time, and I wanted to grab all the power, I would be sunk. So these folks over here, who got 95 percent of what they wanted—205 judges, and then 10 whom we thought were out of the mainstream—and, by the way, wow, are they out of the mainstream—they are unhappy. And now they are going to change the rules in the middle of the game.

For 200 years of our Constitution we have been able to speak and express ourselves. I have to tell you, this is dangerous to our democracy. When one party wants its all, when one party wants to stop minority rights, that is dangerous. And that is where we are.

But here is the best of all—and I hope people will know this—when we had this filibuster on Marsha Berzon, and when we had this filibuster of Richard Paez, guess who voted to keep the filibuster going on Richard Paez. I will give you a clue. He appeared on a big screen over the weekend. I will give you another clue. He was elected by the Republicans to be the majority leader of the Senate, BILL FRIST. He says filibusters are terrible, filibusters are wrong. Yet he voted to continue the filibuster on Richard Paez.

Mr. President, I ask unanimous consent that Executive vote No. 37 of March 8, 2000, on Richard Paez to cut off the filibuster be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

YEAS—85

Abraham (R-MI)
Akaka (D-HI)
Ashcroft (R-MO)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Boxer (D-CA)
Breaux (D-LA)
Bryan (D-NV)
Burns (R-MT)
Byrd (D-WV)
Campbell (R-CO)
Chafee, L. (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
Coverdell (R-GA)
Crapo (R-ID)
Daschle (D-SD)
Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Gorton (R-WA)
Graham (D-FL)
Grams (R-MN)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Hollings (D-SC)
Hutchison (R-TX)
Inouye (D-HI)
Jeffords (R-VT)
Johnson (D-SD)
Kennedy (D-MA)
Kerrey (D-NE)
Kerry (D-MA)
Kohl (D-WI)
Kyl (R-AZ)
Landrieu (D-LA)
Lautenberg (D-NJ)
Leahy (D-VT)
Levin (D-MI)
Lieberman (D-CT)
Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
Mack (R-FL)
McConnell (R-KY)
Mikulski (D-MD)
Moynihan (D-NY)
Murray (D-WA)
Nickles (R-OK)
Reed (D-RI)
Reid (D-NV)
Robb (D-VA)
Roberts (R-KS)
Rockefeller (D-WV)
Roth (R-DE)
Santorum (R-PA)
Sarbanes (D-MD)
Schumer (D-NY)
Sessions (R-AL)
Smith (R-OR)
Snowe (R-ME)
Specter (R-PA)
Stevens (R-AK)
Thomas (R-WY)
Thompson (R-TN)
Thurmond (R-SC)
Torricelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

NAYS—14

Allard (R-CO)
Brownback (R-KS)
Bunning (R-KY)
Craig (R-ID)
DeWine (R-OH)
Enzi (R-WY)
Frist (R-TN)
Gramm (R-TX)
Helms (R-NC)
Hutchinson (R-AR)
Inhofe (R-OK)
Murkowski (R-AK)
Shelby (R-AL)
Smith (R-NH)

NOT VOTING—1

McCain (R-AZ)

Mrs. BOXER. So let's hold people accountable for what they do and say. I admit I was foolish on the filibuster when I was a freshman and I came in here. I also wanted everything to go my way. I was wrong. And it is hard for a Senator to say they are wrong. We do not like to admit it. But I was wrong. But how can BILL FRIST lead the charge, say that filibusters are wrong, it is terrible, it is awful, it is against the Constitution, and everything else he says—which I do not agree with any of what he said—and then not address the fact that he voted to sustain a filibuster. It does not make sense.

We have soldiers dying in Iraq, in Afghanistan. Lord knows where they are going to go in this very dangerous world. And the mission: to make sure democracy thrives. Do you know that when I was in Iraq, we were told one of the reasons the minority groups there, the Kurds, felt comfortable was they knew they were going to copy the model of this democracy, including the filibuster?

They said: Oh, we know we are going to have our rights heard because we are going to have the right to filibuster. They even told that to a Republican Senator who went over there.

By the way, when I was in the Palestinian territories—this is another interesting part of my trip—the first thing the Palestinians said they want to do is make sure their people get a monthly social security benefit that is guaranteed. I truly wanted to ask the Minister there—I think he was the Minister of the Interior—to please contact President Bush and tell him that a guaranteed social security benefit was their first priority, as the President tries to undo the guaranteed benefit for Social Security. That trip I went on was fascinating in so many different ways. But mostly, what I realized was, we need to be the model of freedom and democracy. If we start taking away minority rights, if we start saying we cannot stand to hear each other—by the way, I understand it. I know it is painful to hear me speak for some of my colleagues who do not agree with me. They say: Oh, I can't listen to one more word. And I feel the same way when they start talking about things with which I fundamentally disagree.

But that is what it is about here because all of America has to be represented here, from the most liberal, to the most conservative, to everything in between. All of us have to feel represented. But if we stop the ability of the other to debate and discuss, especially on judges, where it is a lifetime appointment, at a very high salary—they never have to face the electorate. This is the only moment.

So what if we say they have to meet a higher bar? That is a good thing on behalf of the people. Because—guess what—do you know what they rule on? They rule on everything to do with your life. They rule on whether there should be child labor. They rule on whether you should be harassed and exploited in the workplace. They rule on whether you have the right to clean air and safe drinking water. They rule on everybody's rights: voting rights, civil rights, human rights. They rule on whether your child can get a good education. They rule on whether corporate America must provide a safe workplace for you. They rule on whether the Federal Government can say that people who pollute have to clean up that pollution.

Why do you think there are so many people who want to get every single judge? Because they want judges of a certain philosophy. That is wrong. We should work for mainstream, fair judges—that is what we need on the bench—who can see all sides. But when one side wants everything, when 95 percent is not enough, when 205 to 10 is not good enough, beware of what is coming down. Do not change the rules in the middle of the game. That is not fair. That is not right. It is throwing a fit over something, when you have gotten 95 percent of what you want.

You do not change the rules in the middle of the game, like they did in the House on the Ethics Committee. Do not do that. That is not right, it is not fair, and it is wrong. It is wrong for the American people.

Everyone in the world looks to America—everyone in the world. When we start weakening our rules around here, and weakening the rights of the people to exercise the rights they have been given as Senators, we are in a lot of trouble.

So, Mr. President, I have gone through a number of issues, starting off with the most solemn, which was reading the names of those in the military who have died, who were either from California or were based in California. I promised my constituents I would always come to the floor periodically to remember them. The saddest thing: 26 percent of the dead soldiers happened to be either from California or based in California. That is a huge number. So it is with a very heavy heart that I did that.

But we have a lot to do, a lot on our agenda. I hope we will stay focused on the things that matter to the people—on the things that matter to the people. Let's not spend time changing the rules of the Senate that we have had for so many years. Let's not do that. Let's do the work. Let's get a success strategy for Iraq. Let's get health care for our people. Let's get education for our children. Let's make sure the air is clean and the water is safe, that we protect our beautiful places. Let's make sure we attack this issue of gas prices, which in my State we are seeing $3 a gallon. I wrote to the FTC, and I said: Please investigate what is going on with the refiners. Please look at these mergers that are coming at us now that will make it even worse.

We have work to do. But, no, we have to have our leader go on a Sunday, or whatever, and—big publicity—address a group about changing the rules of the filibuster. This does not meet the test, it seems to me, of doing the job.

We know there will be fallout. That is the nuclear option, and nuclear explosions have fallout. It doesn't mean shutting down the Senate, but I can assure you, it is going to mean working harder in the Senate, working really hard, working on some things that maybe we haven't worked on in a while, forcing that. But I have to tell you, 205 to 10, you should be smiling, not frowning, not addressing people and saying how terrible you are doing. You should be happy. It is a heck of a lot better than a lot of Democratic Presidents have done. You should be happy.

You should bring us judges that are mainstream, and there wouldn't be any filibusters. I have supported so many. You succeeded 205 times. You failed 10 times because you tried to put people on there who really were so far out of the mainstream it would be dangerous.

Can't we compromise this thing and come together? Let's get back to work.

I ask unanimous consent that my prepared text on the Weldon amendment be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

WELDON AMENDMENT

Mr. President, I rise this evening to talk about the Weldon amendment, a sweeping provision endangering women's health that was slipped into the 2005 appropriations bill at the last minute without any hearings, discussions, or votes.

In November, Senator Frist promised me an up or down vote on repealing the Weldon amendment by the end of April. Last week, I decided to hold off on that vote for the time being.

First, the Weldon amendment will expire in less than 6 months. I believe that the best way to defeat this provision right now is to work with Senator Harkin and Members on both sides of the aisle to remove or modify it in the next spending bill.

I have talked at length with Senator Harkin about this. He has promised that he will work closely with Senator Specter and me to underscore our commitment to a real conscience clause for doctors and hospitals without undermining our commitment to the health of women across our country.

Second, two lawsuits have already been filed challenging the constitutionality of Weldon. Their arguments are compelling and I believe that the plaintiffs one of which is the California attorney general—will prevail.

There has been a lot of misinformation about Weldon. So I thought it would help to show this provision in black and white:

Here is what Weldon says:

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan.

I have read this language over and over again. And nowhere do I find the words "religion, morals, beliefs, or values."

That is because Weldon is not a conscience clause. It is a denial clause because it could deny women emergency care when their lives are in danger, deny low-income rape victims reproductive health care, deny doctors the right to give their patients vital information, and deny states the ability to enforce critical laws ensuring the health of women.

Some are saying that Weldon is needed to protect the religious beliefs of doctors and hospitals that don't want to perform abortions. But that is not true.

No Federal law forces any doctor to perform an abortion. And no Federal law forces any hospital to perform an abortion, unless the woman will die without an emergency procedure.

In fact, we already have many Federal and State laws protecting the conscience of our health care providers, including the 1973 Church amendment.

That conscience clause says that public authorities may not require any individual or health care entity that receives financial assistance under our federal health programs to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedures or abortion by such personnel would be

> contrary to the religious beliefs or moral convictions of such personnel. Or discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

It is not just the Federal law that offers protections. As you can see on this chart, some 46 States—almost every one of them—have enacted their own conscience clauses for doctors and providers who don't want to provide abortions.

Some are claiming that Weldon is simply a clarification of current law. I find that amazing, given that it takes hours for even the most seasoned attorneys and lawmakers to make any sense of this provision. There is nothing clarifying about it.

Weldon is a giant loophole that effectively bars federal, state, and local governments from enforcing laws protecting the reproductive health of women.

Most Americans, including most people of faith, believe that we need to strike the right balance between honoring personal beliefs and protecting the public at large.

In one survey, 89 percent of people said they oppose allowing insurance companies to refuse to pay for medical services on religious grounds.

Weldon takes it a step further, allowing any insurance company, HMO, or other entity to refuse to provide services or referrals on any grounds, and in any circumstances, even if a woman's life is in danger.

Late last week, Rev. Carlton Veazey, the president of the Religious Coalition for Reproductive Choice, brought me 2,000 petitions from people of faith in all 50 States.

These petitions said that, "Weldon is not just bad law, it is immoral law, dangerous law, and women will be hurt by it, some perhaps even killed by it."

What do our consciences say about that?

What do our consciences say about helping the thousands of women who become pregnant as a result of rape each year? The Weldon amendment makes no exceptions for them, or for women whose lives are in serious danger.

Weldon tells our State and local governments that they can not ensure that any woman, including victims of rape and incest, receive abortion referrals and services without losing all their Federal health, education, and labor funding.

Weldon tells our State and local governments that their title X clinics no longer have to refer a poor woman who asks about an abortion, even if she has been raped or her life is in danger.

Weldon tells our State and local governments that they should no longer honor the Hyde amendment, which provides Medicaid coverage for low-income women who are victims of rape or incest, or whose lives are in danger.

Here is what the Hyde amendment says:

> None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion. . . .
>
> The limitations established in the preceding section shall not apply to an abortion (1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. . . .

What if a poor woman is raped by her uncle? Say she does not have a job. She relies on Medicaid for her health care. She is not told about the option of emergency contraception and becomes pregnant.

What if she cannot emotionally bear to give birth to her relative's child—her rapist's child?

Under the Hyde amendment we say Medicaid must pay for her abortion if she is the victim of rape or incest. But, under Weldon, that is no longer the case.

What if she goes to her regular Medicaid managed care organization, but is never told that these services are covered, and never referred anywhere else? The States can no longer enforce the Hyde amendment, or even their own laws helping rape and incest victims.

What do our consciences say about helping women who will die without emergency abortions?

Weldon has no exceptions for women whose lives are in danger.

It tells States that they cannot enforce laws ensuring that poor women who face life-threatening situations will receive abortion referrals or services.

It undermines the 1986 Federal Emergency Medical Treatment and Active Labor Act, EMTALA, which says that if a pregnant woman comes to a hospital with a life-threatening situation, she will receive the treatment needed to be stabilized, even if that includes an abortion.

This law states:

> If any individual comes to a hospital and the hospital determines that the individual has an emergency medical condition, the hospital must provide . . .
>
> . . . within the staff and facilities available at the hospital, for such further medical examination and such treatment as may be required to stabilize the medical condition. . . .

A San Francisco doctor called my office to tell some of these tragic stories. One of her patient's blood was not clotting. She was bleeding for over an hour.

If she had been sent home or encouraged to continue her pregnancy, she would have likely died. Thankfully, she got care.

Another woman, a married mother, came to the hospital with an ectopic pregnancy, which means the pregnancy was developing in her cervix. If a woman grows a pregnancy in her cervix, she can die.

Again, this doctor was able to save her life.

But, what if these woman had walked into a hospital that refused to provide emergency abortions?

The Congress passed the Emergency Treatment and Active Labor Act to ensure that no one is ever turned away if their lives are in danger.

Now, Weldon tells a hospital or HMO to ignore this law. It says they can let a woman die if they don't want to perform an abortion.

And there is nothing States can do about it without losing all their Federal labor, health, and education funding.

Weldon allows all health care companies to gag doctors, and deny women vital information about their reproductive health options.

Weldon tells State and local governments they can no longer protect the doctor-patient relationship through Federal or State laws without losing all their Federal health, education, and labor funding.

Weldon conflicts with current title X Federal regulations, which require family planning clinics to:

> Offer pregnant women the opportunity to be provided information and counseling regarding each of the following options:
>
> (A) Prenatal care and delivery;
>
> (B) Infant care, foster care, or adoption; and
>
> (C) Pregnancy termination.
>
> (ii) If requested to provide such information and counseling, provide neutral, factual information and nondirective counseling on each of the options, *and referral upon request*, except with respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

Under Weldon, a title X clinic can take our funding, but refuse to give women information. Think about what this could mean for the poor women who rely on these clinics.

Last year, a married Latina woman in her early 30s came to one of our title X family planning clinics in Los Angeles. She had two children under six.

She had been to the clinic before because her husband is unfaithful. He had infected her with severe STDs.

When she became pregnant again, she was very scared about having the baby. Her home life was extremely unstable, and she was worried about the impact of STDs on the fetus.

She made the extremely difficult decision to have an abortion. She asked the clinic to refer her. It did. That was the law.

But now Weldon is in direct conflict with this Federal regulation saying that title X family planning clinics that serve poor women must give them a referral if asked.

Now clinics can ignore this law. Women can be left without information. And States have no power to act.

The American College of Obstetricians and Gynecologists says:

> The Federal refusal clause would jeopardize a physician's ability to inform a patient of all her legal medical options at federally funded Title X family planning clinics, and would categorize the Title X referral requirement as discriminatory—effectively gagging physicians across the country.

According to ACOG ethical guidelines, "Under all conditions of practice . . . consultation and referral should be carried out in the patients' best interest."

Weldon is not in the patient's best interest. It allows title X clinics, HMOs, and anyone else to deny our health care professionals their right to free speech and their patients the right to full information about their options.

If States try to enforce their own laws, they could lose billions of dollars in Federal labor, health, and education funding. For example:

All 50 States have the power to ensure that hospital mergers don't undermine the public interest. In some cases, an attorney general might determine that, for a merger to go forward, the two parties must find some way to protect the reproductive health care of women.

The Indiana supreme court has held that limits on State medical assistance for abortion in cases of life endangerment, rape or incest are unconstitutional under the State constitution because they do not include exceptions for women's health.

The New Mexico supreme court held that a regulation limiting medical assistance for abortion in cases of life endangerment, rape or incest is unconstitutional under the New Mexico constitution.

A court in Illinois has held that under a law limiting State medical assistance for abortion to cases of life endangerment is unconstitutional, under the constitution of Illinois.

Under Weldon, States face a Hobson's choice between denying reproductive health services and information to women or losing billions of dollars in Federal labor, health, and education funding.

They are told they have to ignore their constitutions, to ignore Federal law and State law. They are told they no longer can find creative ways to ensure women's health.

In New Jersey, a court approved an arrangement that set aside some of the assets of a secular hospital prior to its acquisition by a Catholic hospital.

The assets were meant to support the continuation of the secular hospital's mission of providing reproductive health services, which it would not be able to fulfill after the merger.

Now, New Jersey can no longer enforce this arrangement without risking more than $7 billion in Federal funding.

Now, some say that States are free to enforce laws protecting reproductive health. They say States can do whatever they want if they just give up Federal funds. Sure.

Let's look at what States would lose. And, keep in mind: these numbers are very conservative.

This chart has California losing at least $37 billion in Federal funding, but our Attorney General has put the number at $49 billion.

No State can afford to give up substantial resources that help educate and care for its children, provide for and train its workers, and bring health care to all its citizens.

This is not about choice, it is about coercion.

That is one of the many reasons why the California attorney general has sued in Federal court, a lawsuit that I believe will prevail.

The suit says the Weldon amendment is unconstitutional because it restricts a woman's right to abortion when necessary to preserve her life or health.

It says that Weldon exceeds Congress's spending power because it is so vague.

In South Dakota v. Dole, 1987, the court said that when "Congress desires to condition the States' receipt of federal funds, 'it must do so unambiguously, enable[ing] the States to exercise their choice knowingly, cognizant of the consequences of their participation.'"

Another lawsuit filed in the District of Columbia on behalf of health care clinics makes the same claim. It says: "The amendment 'leaves Title X grantees to guess how to meet Weldon's mandate while meeting the mandates of [Title X regulations], and, indeed, whether this is even possible.'"

If States aren't sure how to comply with Weldon, they cannot make a knowing choice. And, with the amount of funding at stake, they are bound to err on the side of extreme caution, thereby creating a chilling effect.

The California lawsuit says that Federal funding conditions must be rationally related to the Federal interest in the program receiving them.

What does unemployment insurance or No Child Left Behind funds have to do with reproductive health?

Nothing. But the penalties under Weldon are so unconstitutionally extreme and coercive that States have no choice but to comply.

This amendment is unconstitutional and dangerous.

It is not a conscience clause. We already have that.

It is a denial clause that will cause unnecessary hardship for victims of rape, women whose lives are in danger, poor women who rely on their doctors for information, and States that will be forced to choose between protecting women and losing billions of dollars in funds.

If the Senate wants a new conscience clause, we can draft a real conscience clause.

I will work with my colleagues on both sides of the aisle to do just that.

But I will not back down until we alter or repeal the Weldon language as written and do right by the women, doctors, and States across America.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Senate stands adjourned until 9:45 a.m. on Tuesday, April 26, 2005.

Thereupon, the Senate, at 6:20 p.m., adjourned until Tuesday, April 26, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 2005:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL LLOYD W. NEWTON, UNITED STATES AIR FORCE, RETIRED, OF CONNECTICUT, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRIAN D. MONTGOMERY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN CHARLES WEICHER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES E. JOHNSON, OF UTAH, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JANET HALE, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE CAROLE BROOKINS, RESIGNED.

DEPARTMENT OF STATE

ROGER DWAYNE PIERCE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO REPUBLIC OF CAPE VERDE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RITA M. BROADWAY
BRIGADIER GENERAL BRUCE A. CASELLA
BRIGADIER GENERAL DAVID L. EVANS
BRIGADIER GENERAL WILLIAM H. JOHNSON
BRIGADIER GENERAL LARRY KNIGHTNER
BRIGADIER GENERAL DENNIS E. LUTZ
BRIGADIER GENERAL ROBERT A. POLLMANN
BRIGADIER GENERAL WILLIAM TERPELUK
BRIGADIER GENERAL BRUCE E. ZUKAUSKAS

To be brigadier general

COLONEL LIE-PING CHANG
COLONEL PAUL E. CRANDALL
COLONEL STUART M. DYER
COLONEL GEOFFREY A. FREEMAN
COLONEL WILLIAM D. FRINK, JR.
COLONEL WILLIAM H. GERETY
COLONEL GEORGE R. HARRIS
COLONEL JEFFREY A. JACOBS
COLONEL DEMPSEY D. KEE
COLONEL DOUGLAS E. LEE
COLONEL CHARLES D. LUCKEY
COLONEL BERT K. MIZUSAWA
COLONEL ELDON P. REGUA
COLONEL STEVEN W. SMITH
COLONEL RICHARD A. STONE
COLONEL ROBIN B. UMBERG
COLONEL MARGARET C. WILMOTH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. PETER PACE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be admiral

ADM. EDMUND P. GIAMBASTIANI, JR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant

DANIEL J PRICE
STEPHEN Z KROENING
JESSICA S KONDEL
SHANNON M RISTAU
NICOLE S LAMBERT
CHADWICK A BROWN
NICOLE D COLASACCO
CHAD M CARY
JENNIFER E PRALGO
SEAN D CIMILLUCA
CHARLES J YOOS III
KEITH A GOLDEN
SHAWN MADDOCK
WILLIAM D WHITMORE
DOUGLAS E MACINTYRE
SARAH L DUNSFORD
SARAH K MROZEK
JOSHUA D BAUMAN

To be lieutenant (junior grade)

MICHAEL C DAVIDSON
DAVID E FISCHMAN
SILAS M AYERS
PAUL A HOUSEHOLDER
NICOLA SAMUELSON
PATRICK L MURPHY
COLIN D LITTLE

LEAH A HARMAN
JASON R MANSOUR
MICHAEL J STEVENSON
BRIANA J WELTON
ABIGAIL S HIGGINS
BRENT J POUNDS
AMANDA L GOELLER
SARAH E JACKSON
TIMOTHY D SALISBURY
BENJAMIN S SNIFFEN
MARK A BLANKENSHIP
FIONNA J MATHESON
JONATHAN E TAYLOR
ANDREW P HALBACH
NATHAN S PRIESTER
WILLIAM I WELLS
SARAH K JONES
STEPHEN P BARRY

EXTENSIONS OF REMARKS

TRIBUTE TO JEFFERSON ECONOMIC COUNCIL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to the Jefferson Economic Council, Colorado's oldest economic development agency. Early next month, the council will be celebrating its 50th anniversary.

The Jefferson Economic Council has worked tirelessly over the last half-century to brighten the future of Jefferson County businesses. And even after fifty years, the Council remains the premier business organization in Jefferson County, adapting to a rapidly changing economy. The council works with county government, cities, other economic development organizations, chambers of commerce, and the business community to create cooperation and common voice for business in the county.

Mr. Speaker, as the council is fond of saying, the greatest strength of any organization is its people. I believe that is true. The hard work and dedication of the members of this organization to improving the business climate and more generally building a better community over the last five decades have been invaluable contributions to the county that I—and many other Colorado residents and businesses—call home.

* * *

HONORING POPE BENEDICT XVI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. EMANUEL. Mr. Speaker, as people of many faiths around the world celebrate the historic election of Pope Benedict XVI, we look toward His Holiness for faith and inspiration in addressing today's challenges and opportunities for peace and progress.

News of the Pontiff's election was greeted with great enthusiasm by many in the Fifth Congressional District of Illinois, home to St. Benedict Parish on Chicago's Northwest side. The dedicated parishioners of St. Benedict are delighted that the Pope has selected the name of their patron saint and thus feel a special connection to him.

Since the sixth century, the Benedictine tradition reflected austerity and continuous pursuit of knowledge. These principles formed the cornerstone of Saint Benedict Parish, which was founded on the Northwest side of Chicago in 1902. The new parish was created to serve as an educational center for the area's burgeoning German Catholic population. Pope Benedict XVI, a longtime and learned university professor, has demonstrated a life-long commitment to excellence, wholly fitting the tradition of his namesake.

The Fifth District is also home to many people who share German ancestry with Pope Benedict XVI, who was born in Marktl am Inn, Germany. The parishioners of St. Benedict, St. Alphonsus and others have reason to be proud of the first Pope of German ancestry in nearly a millennium.

Pope Benedict XVI is endowed with great vision, intellect, and knowledge of the Church's rich history and tradition. He is further blessed by long service and loyalty to His Holiness, the late Pope John Paul II, whose divine wisdom and charisma set a shining example of leadership and guidance for all who follow him.

Mr. Speaker, on behalf of the parishioners of St. Benedict, St. Alphonsus and indeed all of Chicago, I wish Pope Benedict XVI good health, longevity and success as the Bishop of Rome and leader of the Roman Catholic Church.

* * *

ASTAR AIR CARGO EARNS MILITARY HONORS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the employees and management of ASTAR Air Cargo, which is headquartered in my congressional district in Miami.

In April, the U.S. Air Force Air Mobility Command presented awards to 102 ASTAR Air Cargo employees who operated missions for Operation Enduring Freedom and Operation Iraqi Freedom in 2003. The all-American ASTAR team was put together by John Dasburg, the Chairman, CEO, and President who is a Vietnam veteran. ASTAR is dedicated to providing superior service, and the U.S. military has chosen to recognize that publicly.

U.S. Air Force Major General Mark Volcheff, Director of Operations of the Air Mobility Command, presented the awards to the ASTAR employees.

These awards highlight the dedication of ASTAR employees who are devoted to serving our country in a time of war. Eight loadmasters and three pilots will receive the Aerial Achievement Medals for meritorious achievement during cargo flight missions. These individuals—Harrow Clyde, Thomas Coleman, Anthony Estrella, Steven Garrett, Frank Haidet, Frank Richmond, Philippe Verbrugghen, John Winters, Captain Stan Kahan, First Officer James Huddleston, and Second Officer Bernard Richardson—are being honored for flying at least seven missions during the conflicts. In addition to those medals, the Air Force will present 91 Certificates of Appreciation to ASTAR operations and maintenance employees who performed critical functions in support of those missions.

The Air Mobility Command provides strategic airlift and aerial refueling for all of America's armed forces. The individuals honored displayed commendable efforts in the missions. Without their dedication, such missions would not be possible.

ASTAR flies Department of Defense missions and charters for the Air Mobility Command. The awards presented demonstrate that, in addition to ASTAR's regularly scheduled and special air charter services, ASTAR is committed to supporting U.S. Armed Forces missions and troops in harm's way. ASTAR is also a participant in the United States Civil Reserve Air Fleet program supporting our national defense.

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TRIBUTE TO ROBERT RUSSELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has become a source of inspiration for the citizens of Tuscola County, in my district. On May 13, the County's Human Development Commission will gather in Caro for their Annual Meeting, where they will also honor the accomplishments of one of their early pioneers, Mr. Robert Russell, for 35 years of dedicated service to the organization.

The Human Development Commission, which celebrates its 40th anniversary this year, represents the legacy of the Economic Opportunity Act of 1964. Soon after its passage, Economic Opportunity Action Committees were established in Huron, Lapeer, Sanilac, and Tuscola Counties to explore the several possibilities made available by the Act. These committees formed the Human Development Commission on February 8, 1965, with a mission to "empower individuals and communities to identify their needs and secure resources necessary to achieve their goals of self-sufficiency and an improved quality of life.

Shortly after its inception, Bob Russell began his long and distinguished career with the HDC, highlighted by his leadership in various positions as a member of their Board of Directors, Advisory Council, and as a volunteer within various HDC programs. In addition, he represented his community as a member of the Vassar City Council for 10 years and the Tuscola County Commission for 18 years. Prior to this, he served his country proudly in the U.S. Air Force during World War II. All of the accomplishments aside, Bob is also, perhaps first and foremost, a loving husband, father and grandfather.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am appreciative of Bob Russell's many years of leadership and for the untold number of individuals he has assisted, both personally and indirectly. He helped the agency and its customers overcome many obstacles and celebrate numerous successes. We will always be grateful for his willingness to be an original incorporator of the HDC and for his years of loyalty and dedication to its mission and vision.

Mr. Speaker, I ask the House of Representatives to join me in honoring a true public servant, Robert Russell. His service to his community and fellow citizens is a testament to everyone aspiring to make this a better world. His selfless commitment to service has been a benefit to the people of Michigan and beyond.

TRIBUTE TO KATHLEEN SWANSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to Ms. Kathleen Swanson. Kathleen has been selected as one of the recipients of the Milken National Educator award. The award is presented for excellence in teaching elementary education, and is designed to help bring recognition to the teaching profession by highlighting the exceptional performance of individual teachers in supporting and promoting student achievement.

Ms. Swanson is a literacy instructional coach at Stein Elementary in Lakewood, Colorado, and she has been teaching for seventeen years. In the past six years, Stein Elementary has gone from being one of the lowest performing schools to one of the highest Title I schools in Jefferson County. This is in no small part to the dedication of educational professionals like Ms. Swanson.

The Milken folks presenting her with the award aren't the only ones who have seen fit to recognize Ms. Swanson's contributions. In fact, the Resource Center at Stein Elementary was recently renamed the "Kathleen Swanson Resource Room," and each class at Stein donated a book in her name to the library.

Mr. Speaker, I hope all of my colleagues will join me in thanking Ms. Swanson for her hard work, and congratulating her on being the recipient of this prestigious award.

GREENVILLE SAFE KIDS COALITION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, be advised that this resolution is to express appreciation to the Greenville SAFE KIDS Coalition for ten years of distinguished service to the state of South Carolina and our Nation in its work to protect children from unintentional childhood injuries.

Whereas, only a decade ago, Greenville was much less safe for children. Eighty percent of kids rode their bicycles without helmets. About 40 percent of older children traveled in motor vehicles without using a safety belt and countless younger kids did not ride in approved car seats. One in five families went to sleep each night without the benefit of a smoke alarm. In fact, unintentional childhood injury was the leading killer of children 14 and under in Greenville in 1994. To address what was a little-recognized problem Greenville SAFE KIDS Coalition was created.

Whereas, I am pleased to report that since the inception of the Greenville SAFE KIDS Coalition, there has been a dramatic 24 percent decline in the unintentional injury death rate among children 14 and under. The combined efforts of Greenville SAFE KIDS Coalition, under the leadership of Greenville Hospital System's Children's Hospital, have led to remarkable achievements in preventing childhood death and injury. The Coalition's multifaceted effort includes public awareness, education, distribution of safety devices, enactment and enforcement of laws, and a grassroots partnership program that embodies the countywide strategy that accounts for the progress.

Whereas, in 10 years, there has been a 50 percent decline in the child pedestrian injury death rate, a 10 percent decline in the child motor vehicle related death rate, a 34 percent decline in the death rate from childhood drowning, a 53 percent decline in the death rate from bicycle injuries and a 56 percent decline in the residential fire-related injury death rate. Unfortunately, even with these impressive advances, unintentional injury is still the number one killer of Greenville's children. Each year, more than 10 children die and more than 8,000 are injured seriously enough to require medical attention. That is a staggering one of four children. The program works with Emergency Rooms, physicians, schools, and Greenville County's Child Fatality Review Task Force to track trends on how and why injuries occur. Programs are then developed in specific injury areas to increase awareness and ultimately prevent injuries. Examples of their activities include assisting high risk families in obtaining smoke detectors, hosting monthly car seat inspections, distributing thousands of bike helmets, and teaching children about home safety through the nationally recognized Buddy's Home Improvement House.

Whereas, Greenville SAFE KIDS first-ever "Progress Report on Preventing Unintentional Injuries" tracks a decade of work in prevention. It presents a detailed picture of the particular risks that kill and disable more children than disease, homicide or suicide. This report also maps out a strategy for the next 10 years and issues specific calls to action across injury areas.

Whereas, in their 10th anniversary year, Greenville SAFE KIDS Coalition looks forward to continued growth through strategic partnerships with sponsors, health professionals, schools, legislators, industry and sister communities. Through these partnerships, Greenville SAFE KIDS will lead important advocacy initiatives that will result in safer environments for children at home, at school, at play and on the way. Greenville SAFE KIDS Coalition remains committed to reducing unintentional childhood injuries and keeping children out of GHS Children's Hospital.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That all members encourage parents, caregivers, schools, business leaders, legislators and health professionals to make preventing unintentional childhood injuries a priority and to continue supporting the efforts of Greenville SAFE KIDS Coalition to save and protect the lives of our children.

Be it further resolved that a copy of this resolution be forwarded to Greenville SAFE KIDS, South Carolina SAFE KIDS and National SAFE KIDS.

IN SUPPORT OF THE MEDICAL LABORATORY WEEK IN FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to commend and recognize the work of the health professionals who practice in medical laboratories. In Florida, we will be commemorating the "Medical Laboratory Week" from April 25 to April 29 of 2005.

These professionals include laboratory technicians, medical technologists, cytotechnologists, histotechnologists, pathologists, and phlebotomists. They are well educated and highly trained professionals who are an integral part of our healthcare system and vital for the provision of medical testing.

These professionals serve our communities with great dedication and perform an invaluable work that is essential for the diagnosis of medical conditions and monitoring of treatment. Their work is a great contribution to our society and serves to improve the quality of care that our patients receive and deserve.

Please join me in recognizing the professionals who work in laboratory medicine, who have an honorable profession and help to provide exceptional patient care in Florida and in our Nation.

TRIBUTE TO CH2M HILL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to a local Colorado company, CH2M Hill. Since the December 26 Asian tsunami disaster, many Americans have looked into their hearts and reached their wallets in an effort to help alleviate suffering in Thailand, Indonesia, Sri Lanka, and other affected nations. The employees of CH2M Hill were no exception, quickly responding to the disaster not just with funds, but with critical know how and badly needed technical assistance.

CH2M Hill was one of the first companies on the scene, and one of the most active in providing critical services to victims. They partnered with other companies to provide clean drinking water to people in Indonesia, setting up a mobile water treatment unit that is providing safe drinking water to the bulk of the population in Banda Aceh. The quality of the water is equivalent to bottled water, and is currently being provided throughout the area, including to the U.N. compound and more than 10 refugee camps. It was the first privately donated system up and running in the region, purifying water at the rate of 600 gallons per minute, producing 864,000 gallons of purified water daily. This will help nearly a quarter-of-a-million people every day.

Mr. Speaker, I am proud of CEO Ralph Peterson and the employees of CH2M Hill. Their efforts are to be commended, and help demonstrate that the strength of America's compassion are always best measured by the efforts of individual citizens and private companies, not the number of government programs we create or the amount of federal money we appropriate.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 26, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine regulation of Indian gaming.

SR–485

Judiciary

To hold hearings to examine the nomination of Paul D. Clement, of Virginia, to be Solicitor General of the United States, Department of Justice.

SD–226

Rules and Administration

Business meeting to markup S. 271, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees.

SR–301

Intelligence

To resume hearings to examine the USA Patriot Act.

SH–216

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Defense.

SD–192

Health, Education, Labor, and Pensions

Business meeting to consider S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, proposed Patient Navigator Outreach and Chronic Disease Prevention Act of 2005, and S. 518, to provide for the establishment of a controlled substance monitoring program in each State.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine how vulnerable the U.S. is to chemical attack.

SD–562

Aging

To hold hearings to examine redefining retirement in the 21st century workplace.

SD–G50

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR–328A

11 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Sergeant at Arms, the U.S. Capitol Police Board, and the Capitol Guide Service.

SD–124

APRIL 28

9:30 a.m.

Armed Services

To hold hearings to examine defense intelligence in review of the Defense Authorization Request for fiscal year 2006; to be followed by a closed hearing in SR–222.

SD–106

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine a bill relating to the use of Video News Releases (VNRs) by government agencies.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine access and accountability relating to providing quality post-secondary education.

SD–430

Joint Economic Committee

To hold hearings to examine medical liability reform.

2226 RHOB

10:30 a.m.

Appropriations

Homeland Security Subcommittee

To hold hearings for an overview of Bioterrorism and BioShield.

SD–192

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine building assets for low-income families.

SD–628

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine Department of Defense business practices, focusing on business transformation.

SD–562

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 242, to establish 4 memorials to the Space Shuttle *Columbia* in the State of Texas, S. 262, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California, S. 336, to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail, S. 670, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 777, to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

Terrorism, Technology and Homeland Security Subcommittee

To hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry.

SD–138

MAY 10

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.

SD–366

MAY 11

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine Federal recognition of Indian tribes.

SR–485

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.

SD–226

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

APRIL 28

10 a.m.
Foreign Relations
To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.
SH-216

POSTPONEMENTS

3 p.m.
Finance
Taxation and IRS Oversight Subcommittee
To hold hearings to examine encouraging savings and investment.
SD-628

SENATE—*Tuesday, April 26, 2005*

The Senate met at 9:45 a.m. and was called to order by the Hon. JIM TALENT, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, we look to You for hope. Teach us the power of being quiet in Your presence. Shelter us from the noise, tension, sound, and fury that bewilder us. Remind us to be still in order to know Your wisdom. Help us to see that those who love You are never alone, for we are sustained by Your powerful companionship.

May we find our peace in the knowledge that You are always with us. Bless our Senators. Give them the wisdom to trust You without wavering. Make them constantly aware of Your unfailing love. Rescue them from danger and keep their feet from slipping.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM TALENT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 26, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM TALENT, a Senator from the State of Missouri, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. TALENT thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin our session with a 1-hour period of morning business. Following morning business, the Senate will have an hour for debate on the motion to proceed to the highway bill. Under the order, after the 60 minutes of debate, the Senate will begin a vote on the motion to invoke cloture on the motion to proceed to the highway legislation.

I do expect that cloture will be invoked and that we would be able to consider the substance of the bill during today's session. Once we are on the bill, Senators can expect amendments. Therefore, additional rollcall votes will occur today.

Today we will also recess from the hour of 12:30 to 2:15 to accommodate the weekly policy luncheons.

In addition to the highway bill, this week we will consider any conference reports that become available. We hope both the budget and the emergency supplemental conference reports will be ready for floor consideration before we conclude our business this week.

Finally, I would announce we have several district judges who should be cleared for Senate action. If votes are necessary on those nominations, we will be scheduling those votes periodically throughout the week.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be time for the transaction of morning business for up to 60 minutes, with the first half hour under the control of the Democratic leader or his designee and the second half hour under the control of the majority leader or his designee.

The Senator from New York.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I rise under morning business to discuss some events that occurred overnight. Most important, there is a story in today's USA Today, based on a direct interview, that Karl Rove rejected a compromise with Senate Democrats Monday on long-stalled nominations for the Federal judiciary and strongly defended President Bush's choice of John Bolton.

I am going to talk about the first matter.

It is disconcerting and surprising to see an aide to the President, an important aide, tell the Senate how to conduct itself. The Senate has conducted itself by its own rules for decades—for centuries. Those rules, by the design of the Founding Fathers, written into the Constitution, talk about the Senate as being a preserve of minority rights. The Founding Fathers called it the cooling saucer.

It is clear, if you read the Federalist Papers and look at the history of this Republic, that when a Senate minority of 45 rejects 10 out of 215 judges and supports 205 out of 215, that is the very way the Founding Fathers wanted the Senate to behave. After all, one of the very earliest nominations of President Washington, John Rutledge, was rejected by the Senate for the Supreme Court—rejected by the Senate. In that Senate were I believe eight Founding Fathers, the people who wrote the Constitution, rejecting the President's choice.

We have, in a certain sense, people way out of the mainstream, way over—a small group—telling the Republican Party in the Senate and telling the President that they must have all the judges, including the most extreme. Because, after all, it was only the most extreme we rejected, judges who believe, for instance, that the New Deal was a socialist revolution and should be undone; judges who believe zoning laws are unconstitutional; judges who believe the purpose of a woman should be to be subjugate herself to a man; judges who believe slavery was God's gift to white people.

These are some of the judges we have rejected. It was not based on any one particular issue. People say this is all code for abortion. It is not. I have voted for I believe it is about 190 of the judges. The overwhelming majority do not agree with me on abortion, but I believe they met the ultimate test, that they would interpret the law, not make law. Thus, even though they had strongly held beliefs on their own, they would be good judges. The 10 we rejected failed that test. They feel so passionately that they have to impose their views.

One of them, Priscilla Owen of Texas, was criticized repeatedly by conservative members of her own court, the Texas Supreme Court, for placing her interpretation of law ahead of the standard interpretation, the interpretation everybody accepted.

So we were proud to do our constitutional duty and reject these judges, judges we were not consulted about, judges who were way out of the mainstream.

Now, because of the demands of a few—way over, way out there—it seems

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the majority leader is pushing the so-called nuclear option. The problem is a large number, a good number of people on the other side, do not want to do the nuclear option. They know it would change the rules in the middle of the game. You don't change the rules in the middle of the game because you cannot get your way on every single judge. Our Constitution, our system of laws, is too hallowed, is too important to do that.

These wavering Republican Senators know the Senate has been the repository of checks and balances. That is why we have not done the nuclear option yet. I have to say I wish the majority leader would not be moving it. He should as a Senator stand up for the rights of the Senate. He should as an American stand up for the rights of the American people. But that has not happened.

Yesterday they had to call the heavy guns in. Karl Rove, a member of the executive branch, told the Senate Republicans there should be no compromise.

It is quite natural, by the way, that the White House would not want a Senate with checks and balances. This is not simply true of Republican Presidents, it is true of all Presidents, whether they be Democrat or Republican. They want to have their way. They regard the legislature, and particularly the Senate, as sort of a pesky obstacle to getting their way.

But the wisdom of our Republic has shown that when the Senate does slow things down, when the Senate does invoke checks and balances, the Republic is better off.

Now we have Karl Rove telling the Senate how they ought to act—how we ought to act—to change a tradition of 200 years.

Senator REID has said publicly that the President told him the White House would stay out of this. That is clearly not the case. The White House is not staying out of this and they are trying to aggrandize executive power. The American people, though, are not buying it. There is a story today in the Washington Post that shows " . . . by a 2 to 1 ratio"—that is pretty strong, that is more than the filibuster amount—

> the public rejected easing the Senate rules in a way that would make it harder for Democratic Senators to prevent final action on Bush's nominees. Even many Republicans were reluctant to abandon current Senate confirmation procedures. Nearly half opposed any rule changes, joining eight in 10 Democrats and seven in 10 political independents. . . .

The American public may not follow minute to minute, day by day, what we do on this floor, but they have a pretty good nose to smell what is going on. What they smell is a whiff of extremism, a whiff of "I can't get my way so I change the rules in the middle of the game," a whiff of "not simply a fight of the moment over a particular judge but rather a desire not to live with the traditions of this body and this Republic, which involves compromise and mediation."

Honestly, when I recommended to our caucus early on that we filibuster a few of the judges and then later that we prevent and stand up to the nuclear option no matter what it took, I thought we would lose politically. I thought the argument: "Well, have 51 votes on everything" would prevail. But the American people's wisdom is large, deep, and hard to fool. The American people have said they understand what is going on. When the Republicans were in charge, they didn't allow judges to come out. We are not in charge now and the filibuster is a way of mitigating the President's desire to put whomever he wants on the bench and that the filibuster is appropriate.

I do not believe what some on the other side say, that the public is with the Democrats because they have gotten their message out ahead of us. Please. The public is with the Democrats in this case, not because they are Democratic and not because they may agree with the stand or disagree with the stand of each of the judges we have rejected—although I suspect that would be the case if they knew—the public is with us because they understand fundamentally the checks and balances that are so important in this Republic and that because a President gets 51½ percent of the vote he doesn't always have to get his way, particularly when it comes to choosing the third, unelected—only unelected branch of Government.

So Mr. Rove can order Senators not to compromise. I hope and pray the Senators will not take direction from the White House on something where the interests of the White House, whatever party the President might be, are different from those of the Senate and frankly different from the Republic's—and I believe they will not.

The wisdom of the American people is strong. I let my colleagues know, if they should try to invoke the nuclear option and it succeeds, we will have no choice but to enforce the Senate rules and try to bring up issues the American people want us to bring up: the high cost of energy and gasoline, health care, education. We do not usually do that because of comity in the Senate. After all, the other party is the majority party.

But if they are not respecting the rights of the minority, as a majority, they do not deserve that same deference. What we will do is not shut down the Senate, not not show up. We will, rather, use the remaining rules at our disposal to bring up issues the American people care about.

Again, my plea to my colleagues on the other side—I know many of them have doubts about this nuclear option but are under tremendous pressure—resist the entreaties of the executive branch, in this case in the personification of Mr. Rove, stand tall, stand firm. Do not change the rules in the middle of the game; protect the sacred checks and balances at the core of the Republic by rejecting this trampling on the rules, the so-called nuclear option.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from North Dakota is recognized.

Mr. DORGAN. How much time remains on our side?

The PRESIDING OFFICER. There are 18 minutes.

DANGEROUS POLITICAL INTERSECTION

Mr. DORGAN. Mr. President, everyone in this country knows what a dangerous intersection is. We all drive and understand the consequences of a dangerous intersection. We are coming to a dangerous intersection in American politics, especially in the Congress: first, by actions that are, on their face, wrong and are harmful to our country; and second, by inaction on matters that cry out for attention—but, again, get none in this Congress and by this administration.

We face a different kind of politics than most have experienced before when we see prominent members of the Congress participate in exercises with outside groups who suggest those who are not with them on the issues are people who lack faith, are people who are not people of faith. Those are dangerous grounds to tread on politically. Yet they do it and do it willingly.

As I was listening to my colleague, I remembered going to a puppet show my daughter participated in during grade school some years ago. Of course, in a puppet show you see only the puppet; you do not see who is behind the black cloth. There are puppet shows going on here in the Congress, of course, and in the administration. Perhaps today's USA Today tells us a little bit about who is behind the screen. The chief political adviser to the White House, Mr. Karl Rove, says there will be no compromise on this issue of judges. It seems to me, a White House that has said it is not involved in this issue is clearly neck deep in this issue, and perhaps is the one behind the screen in this case. Whether it is on this so-called nuclear option with respect to the vote on the judges in the Senate or the Social Security debate going on regarding whether we should privatize Social Security as recommended by the White House, Mr. Rove has played a very prominent role.

To take Social Security for a moment, the memorandum leaked in January from the White House by the chief strategist on this issue, who works for Mr. Rove, said that, for the first time in six decades, we have a chance to win on Social Security.

What does that mean? It means they have never liked Social Security. They want to take Social Security apart. That memorandum also said we have to claim there is a crisis and convince people there is a crisis in Social Security. Of course, it is not working because there is not a crisis in Social Security which has been and is an enormously important program, lifting tens of millions of senior citizens out of poverty in this country. The fact is that Social Security will be fully solvent until President George W. Bush is 106 years old. That is hardly a crisis.

People are living longer, and we may need to make adjustments in Social Security as we move along, but it does not require major surgery. And, the President's proposal to borrow $5 trillion and then stick it in the stock market and cut Social Security benefits and sit back and hope, is not much of a plan.

It is interesting to me that the American people, in poll after poll after poll, are rejecting this. I was at a Social Security forum over the weekend. We did them in several States. A fellow came up to us at the forum and said, I am 88 years old, I am blind, and Social Security is all I have. I think people are very concerned about this notion of sticking this money in private accounts and just hoping, after you have borrowed trillions, hoping somehow things will be better.

Whether it is Social Security and private accounts and the attempt to take the Social Security system apart or this issue of the nuclear option because the majority party and the President have gotten only 95 percent of the Federal judges they want, these intersections are dangerous.

Let me describe the danger of the intersection with respect to the so-called nuclear option. The Constitution of the United States is clear about judges. In fact, originally when they put this Constitution together, they felt perhaps they would have the Senate or the Congress appoint judges. Instead, there is a two-step process. The President decides who shall be nominated to the Senate for a lifetime appointment on the Federal bench to the Federal courts and then the Senate decides whether they will support that nomination. It is called advice and consent. This President, President Bush, has sent the Senate 215 nominees to serve for a lifetime on the Federal court. We have supported 205 of them. That is 95 percent. But that is not enough. The President and the majority party say we want it all.

I remember people like that on the playground when I was in school. They want it all. If they do not get it all, they are going to take their bat and ball and go home. In this case, if they do not get it all, they will violate the Senate rules in order to change the Senate rules. How will they violate the rules? They will overturn precedent in the Senate in terms of how the rules are changed. It takes 67 votes to change the rules of the Senate. The so-called nuclear option devised by the majority party is a strategy by which they will overturn the ruling of the Parliamentarian that the rules are being violated, and by a majority vote, overturn the rule and effectively change the rules of the Senate by violating the rules of the Senate. Some people do not care about that. That is fine. If you care a lot about the future of this country, if you care a lot about democracy, if you care about making a democratic government work by compromise, you ought to care a lot about this.

It is arrogant. It reflects the feeling of a party that controls the White House, the House, and the Senate, that they must get their way on everything.

The reason a 60-vote requirement—that is, a filibuster—is useful to the workings of democracy is because it requires compromise. It requires Members to reach a threshold of 60 votes in the Senate, which requires you to reach across the aisle and talk to people of the other party. That is a good thing, not a bad thing. Compromise is a good thing. Bipartisanship is a good thing, not a bad thing. We have people now who look at it as something that is awful. We want to take a partisan group that has 51 votes and is musclebound—it is politics on steroids—and ram it through the Congress and violate the rules in order to change the rules. It is not what this country should expect from the Congress.

Here is today's paper: "Filibuster Rule Change Opposed." It is interesting that there is a broad center of common sense. There always has been. Over two centuries, this country's political system moves one direction and then the other direction. But there is a strong magnetic pull back to the center. That magnetic pull comes from a reservoir of common sense all across this country of people who basically know what is the right thing. They know from their school days, from their civic organizations, they know from their everyday lives you do not violate the rules to change rules. We have certain rules. You do not violate rules to change rules. People know that inherently, and they also know the consequences of one-party rule that says it is our way and that is the only way and we refuse to compromise on anything.

For that reason, it is quite clear that two-thirds of the American people have that reservoir of common sense and are expressing it. I hope the majority party will listen. I especially hope Mr. Rove and the White House, who says there will be no compromise, will understand that compromise is what makes this Senate work.

In the McCullough book about John Adams, as I told my colleagues previously, he would write to Abigail—because John Adams was in Europe, representing our country in England and France as they tried to put this new country together—he would write to his wife, Abigail, and ask the question, plaintively: Who will be the leaders? Who will emerge as the leaders to help form this new country of ours? From where will the leadership come? And then in the next letter to Abigail, he would ask the question in different ways again: Who will be the leaders? Then he would say: It appears there is only us. There is me, there is George Washington, there is Thomas Jefferson, Ben Franklin, Mason, Madison.

In the rearview mirror of history, the only "us" is some of the greatest human talent that has ever been assembled that created quite a remarkable country. For 2 centuries, Americans have asked the same question: From where will the leadership come? How will the leadership emerge to steer this country and provide direction for this great democracy of ours? In almost every case, the American people have been surprised by those who step forward.

We have been enormously blessed by wonderful leaders—Republicans, Democrats, conservatives, liberals—leaders who step forward at the right time, at the right moment, to say: Here is where America needs to move. Here is how we need to improve and strengthen this great democracy of ours.

I ask again, and I think America asks again, with the backdrop of these questions, violating the Senate rules to change Senate rules, taking apart the most successful program we have had in this country's history, the Social Security Program, the American people are asking, as they answer these polls: Where is the leadership? Where will the leadership come from to put this country on track?

We do have crisis. It is not Social Security. We have a bona fide crisis in health care. Prescription drug costs, health care costs are going straight up, and no one is doing anything about it. We have a crisis in jobs. We have the biggest trade deficit in human history, and we are choking on it. We have massive numbers of American jobs moving every single day overseas. It is an epidemic because American workers are being told by their multinational employers: You either compete with 30-cent labor from China or we are sorry, it is over for you. That job goes to China for 30 cents an hour, working 7 days a week, 12 to 14 hours a day, often kids. We have an epidemic in jobs and trade. We have a serious problem with the largest budget deficits in the history of this country. Yes, that is a crisis.

Last week, we passed an $80 billion emergency supplemental bill to pay for the costs in Iraq and Afghanistan and not one penny was paid for. The administration that requested it did not suggest it be paid for. Congress did not suggest it be paid for. Just add it to the debt. Send the soldiers to Iraq and bring them back later and have them pay for the debt.

So, yes, we have some crises. Health care, jobs, trade deficit, fiscal policy, energy. Drive to the gas pumps and ask yourself whether there is a problem there. And then we have the Crown Prince of Saudi Arabia going to Texas yesterday to explain how much additional oil they will pump in order to help us with our energy problem. Sixty percent of our oil comes from off our shores, much of it from troubled parts of the world—Saudi Arabia, Iraq, Venezuela, Kuwait.

If, God forbid, tomorrow the pipeline for sending oil to this country from those troubled parts of the world were ruptured, this country's economy would be flat on its back. We are held hostage by oil from off our shores to the extent we have to have the Saudis come to Texas, to the ranch, to explain to us how they are going to help us solve our problems.

The fact is, we do have crises. The operative question is, Where is the leadership? Where is the leadership? Where will it come from to deal with these issues? No, I am not talking about the nuclear option. That is a specious approach, one that will injure this Senate and injure this country. I am not talking about taking Social Security apart—exactly the wrong thing. I am talking about the leadership for things that really matter to American families.

When people are in their homes, sitting at their tables, having supper, they talk about issues such as: Do I have a good job? Does it pay well? Do I have job security? Do grandpa and grandma have access to good health care? How about the kids, do they have access to doctors when they need it? Are our kids going to a school we are proud of? Do we live in safe neighborhoods? Those are things that are operative in the midst of families' interests about this country and where they live.

I hope very much the majority party will understand what the American people are telling them: Lay off the nuclear option. Accept that 95-percent support for judges nominated by this President, which is a pretty good record. Ninety-five percent, that is a good record. Accept and understand there is an opposition party. They, too, have rights. And accept and understand that compromise is not a bad word. Compromise recognizes that this democracy works when you have bipartisanship, when you reach across the aisle. That is what the 60-vote margin requires us to do, in my judgment. And answer the question, Where is the leadership? Just answer that question, Where is the leadership on issues that matter to American families? My hope is, in the coming days we will see some of that leadership both here in the Congress and also from this administration.

Last, and most importantly, let's not ever hear again that those with whom you disagree are not people of faith. What a shameless thing to be doing, to suggest that your political opponents are people who are not people of faith. This country is better than that. Political debate and dialog can be better than that. And the American people expect and deserve better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

JUDICIAL NOMINATIONS

Mr. BUNNING. Mr. President, I rise to talk about the broken confirmation process for Federal judges. The Senate faces an unprecedented crisis and is failing the Constitution and the American people.

For the first time in the Senate's history, a minority of Senators is twisting the rules of the Senate to block the will of the majority. They are taking for themselves a power granted only to the President of the United States, the power of nominating judges. Just as disturbing is the fact that the minority is also threatening to shut down the Senate and the people's business if the majority acts to restore Senate tradition and fulfill our constitutional responsibility.

Make no mistake about it, we will restore the Senate tradition of taking up-or-down votes on the President's nominees. Hopefully, the minority will support the nomination process the Senate has practiced for more than 200 years and end the filibuster of judicial nominations. But if the majority of the Senate must act to restore that tradition, we will do so.

Like many Senators, I spend a lot of time in my home State. I meet with constituents, give speeches to civic groups, and tour manufacturing plants. I have heard a lot about the war in Iraq and Social Security. People talk about gas prices and the economy, education, and health care. But the topic I hear about the most is the importance of confirming judges.

Last November, election day came and the American people spoke. President Bush won reelection by receiving the most votes ever cast for a Presidential candidate. A majority of the American people clearly endorsed his policies and his leadership. So when this Congress convened, I had high hopes that the crisis of judicial nominations was behind us.

I hoped the Senators who obstructed the Senate's business over the past 2 years realized the errors of their ways. After all, they lost seats in the Senate, and their minority leader also was defeated in the last election. I hoped we could turn to voting on President Bush's nominations to the Federal bench. I hoped we would return to the Senate tradition of giving nominees an up-or-down vote.

But it did not take long to realize that was not going to be the case. The minority proudly boasts about their filibustering the President's nominees. And if the majority acts to restore Senate tradition, they say they are going to expand their obstructionism to the entire business of the Senate and shut down the Government.

In article II, section 2 of the Constitution, the President is given the power to nominate judges. And upon advice and consent of the Senate, those nominees shall be placed on the bench.

So the President alone has the power to pick judges. And the Senate has the responsibility to render its advice and consent. That leads to the question of what does "advice and consent" mean? Fortunately, I am not a lawyer or a constitutional scholar. But I can read. And the Framers were pretty clear when they spoke.

First, they said the Senate as a whole is to give its advice and consent. When the Constitution speaks of the Senate as a whole body, it means a majority of the body. The Supreme Court has even stated as much.

Second, the Framers were pretty clear when they required more than a majority to act. For example, they required a two-thirds vote to amend the Constitution. They required a two-thirds vote to convict and remove from office an impeached President or Federal official. But even more telling, in the very same sentence of the Constitution that gives the Senate the duty to render advice and consent on nominations, the Framers also required a two-thirds vote to approve a treaty.

Now, if Framers meant that a supermajority vote was required to approve a nominee, they would have clearly stated so. The supermajority is something the Constitution rejects for nominees, but that is exactly what the minority is saying when they filibuster a nominee. The minority is attempting to shift the balance of power away from the executive to the legislative branch. That is nothing more than rewriting the Constitution and the separation of powers the Framers designed more than 200 years ago.

What the Constitution does give every Senator a right to do is to express his or her opinion on a nominee and on the nominee's qualifications. That right is to speak in support of or in opposition to, and vote for or against a nominee. But no Senator has the right to prevent the whole Senate from voting on judicial nominees if they are unable to convince enough Senators to join in their opposition.

It is the duty of Senators to speak their objections and then vote yes or no. They may make the ultimate statement against a nominee by voting against him or her, but they may not prevent the rest of the Senate from giving the same ultimate statement. They must not block an up-or-down vote on the nominee. In fact, for more than 200 years, this is how the Senate has considered nominations: with an up-or-down vote. Debate has taken place, and then the nominee has been given a vote.

Never before the 108th Congress was a nominee with majority support denied a vote on the Senate floor. Never before the last Congress had the rules of the Senate been twisted to prevent such a vote. Previous Senates had not even considered filibustering nominees as an option. The rules do not explicitly prohibit it because Senate tradition has always been to allow the nominee, no matter how controversial, an up-or-down vote.

I remember a situation in the 106th Congress. A group of Republicans opposed several of President Clinton's nominees to the Ninth Circuit Court of Appeals. Some Senators wanted to do everything within their power to stop those nominees from reaching the bench. But the majority leader at the time, Senator TRENT LOTT, said this was wrong and filed cloture himself to move the nominations forward. Cloture was invoked, and both nominees were confirmed, with many more Senators opposing the nominations than cloture.

Today, President Bush's nominees, who all have majority support, are being denied a vote by a partisan filibuster led by the Democratic Party leadership. That is unprecedented and must come to an end.

Just years ago, many Senators who now champion the filibuster of President Bush's nominees stated that judicial nominees should receive an up-or-down vote. Some even advocated abolishing the filibuster altogether. In fact, 19 members of the minority who are still serving today voted to abolish all filibusters. And now some of those Senators are the loudest voices in the Senate for filibustering President Bush's nominees.

Some of my colleagues across the aisle have spoken out against filibustering nominations. For example, the senior Senator from New York said, in 2000:

> We are charged with voting on the nominees.

The junior Senator from California said, in 1997:

> It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

The current minority whip said, in 1998:

> If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down.

And the senior Senator from Massachusetts said, in 1998:

> We should resolve these disagreements by voting on these nominees—yes or no.

It is amazing how some easily forget their own words. Or maybe I should say, conveniently and selectively forget their own words.

Well, Republicans did give President Clinton's nominees an up-or-down vote. And now the minority should allow the same courtesy to President Bush's nominees.

Something we have heard over and over from the minority is how many of President Bush's nominees they have allowed to be confirmed. Let's talk about that. The minority likes to talk about all nominations, but all nominations are not equal in their impact within the judiciary. District court judges, while they are very important, are not as powerful as circuit court judges. President Bush's nominees to the circuit court have the lowest confirmation rate since the Roosevelt administration at 69 percent. President Clinton's circuit court nominees were confirmed at a rate of 77 percent, far above President Bush.

And not all circuit courts are equal. The DC Circuit is the most important. For that court, only 33 percent of President Bush's nominees have been confirmed. President Clinton's nominees were confirmed 78 percent of the time. Those differences are staggering and support the fact that our judicial confirmation system is broken because of the obstruction tactics of the minority.

Something must be done to fix this crisis. The solution can be up to our colleagues on the other side of the aisle. The simplest, fastest, and most desirable option is for the minority to agree to drop its obstructionist ways and allow an up-or-down vote on all judicial nominees. Unfortunately, that does not appear likely to happen.

Last Congress, the current minority leader was asked how much time his side needed to present their case against a nominee. He replied that there was "not a number in the universe" that they would accept.

So where does that leave us? The only answer I could see is to restore Senate tradition through a change in the rules of the Senate. Article I, section 5 of the Constitution reads:

> Each House may determine the Rules of its Proceedings . . .

That means a majority of the Senate can act to change the rules. It is the responsibility of the majority of Senators who want to fulfill the Senate's constitutional duty to take action necessary to do so. Majority action to set the rules of the Senate is not unprecedented, nor is it an assault on the body.

It cannot be an attack on the Senate to act to restore 200-plus years of Senate tradition and allow the Senate to fulfill its constitutional obligations. The senior member of the Senate Democratic caucus himself has taken such action. Not once, not twice, but four times in a 10-year period, the senior Senator from West Virginia changed the application of the Senate rules through a majority vote, and all four times his actions were aimed at limiting Senators' rights to debate or filibuster. Senate history is filled with other examples of majority action resulting in a change to the Senate rules to restrict the filibuster.

Let me make something very clear: We are not talking about changing the legislative filibuster. In fact, the only Senators I have heard advocating elimination of legislative filibusters are on the other side of the aisle. Not only does the legislative filibuster have a place in the Senate's tradition and history, it is fundamentally different from the filibuster of judicial nominees. Writing legislation is solely within the power of the legislative branch, and the Senate is empowered by the Constitution to set its own rules.

In the case of nominations, the nominating power is the power of the President, and the Senate can only accept or reject those nominees. The purpose of a legislative filibuster is to force changes in the legislation. However, no number of Senators can amend nominations; we can only accept or reject them. There is a place for the legislative filibuster within the Constitution, but there is not for the filibuster of judicial nominations.

So I urge my colleagues on the other side of the aisle to take a deep breath and step back from the line in the sand that they have drawn. Offer us a compromise that guarantees each nominee a vote. Give us a set of time for debate. Let's take a vote. This issue is too important for the majority of the Senate to ignore anymore. We cannot and will not let a minority of this body rewrite the Constitution and destroy the Senate's traditions. We must vote, and we will vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 3) to authorize funds for Federal aid highways, highway safety programs, and transit programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate equally divided between the two leaders or their designees.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am glad this day is here and that we are proceeding. I certainly encourage my colleagues to vote for this motion to proceed. I have every expectation that it will pass overwhelmingly. It seems as though we are always in a lot of controversy when we talk about a highway reauthorization bill. It doesn't come along very often—about every 6 years. In my tenure here, I have been involved in four of them. This is the fourth, and it is very significant.

It is interesting that even though there is a lot of criticism, when it gets down to the vote, the vote is always overwhelming. I remind my colleagues that last year's bill was at $318 billion—that was contract authority—and there was about $303 billion in guaranteed spending. It passed by a margin of 76 to 21. It is something I know people are interested in, but there are always problems. First of all, let me just say how this is bipartisan. My good friend, the ranking member of the committee, Senator JEFFORDS—back when the Democrats were in the majority, he was chairman—and I always agreed on these highway issues. It is kind of interesting that those of us who are conservatives really believe this is something we are supposed to be doing here—building infrastructure, building roads. I am particularly concerned that our State Of Oklahoma has not had its fair share. We have been ranked as having the worst bridges in the Nation.

Anyway, we have the bill up. It is going to be essentially the same bill as we had last year. We passed it out of committee. There is always a problem. Let me mention this because it needs to come out in the beginning. There are two different ways to have a highway program. One is to do it—and essentially the other body does it more this way—by taking projects and adding them, and you pass this, so you know what projects will be there for the next 6 years. If you do that, then the people who are on the inside track would have the best opportunity to have theirs, and there is always an accusation of there being pork and having special projects.

In the Senate, we do it the hard way. We have a formula. When you have a formula, it takes into consideration so many different aspects. There is not one State that could not stand and say, my State is not being treated fairly because of this factor or the other factor. If you look at the formula factors, you have so many factors, such as interstate lane miles, vehicle miles traveled on interstates, contributions to the highway trust fund, the lane miles, principal arteries, VMT on principal arteries, diesel fuel, donee status, donor status, and low-income States. Oklahoma is a low-income State. That should be a consideration. You have a low-population State, such as the one of Senator BAUCUS, who has been in the leadership working on this issue. They still have to be able to drive even though they don't have a large population from which to get the funds. You have the high-fatality-rate States. You have a factor for the guaranteed minimum growth and the guaranteed minimum rate of return for donor States.

Oklahoma has been a donor State for as long as I can remember. I remember when we had written into the law we would get back 75 percent of what we have paid in. Now it is up to 90.5 percent. If we passed the bill last year at that funding level, it would be 95 percent. It looks like with the figure that we passed out of the committee on the floor that we will be considering today is one that will allow us to get to 92 percent.

I know the formula is not perfect. There are a lot of donor States that think they are not getting enough. A lot of donee States think they are not getting enough. The unhappy donee States complain about the growth rate, but they are ignoring the high rate of return. The unhappy donor States are complaining about the rate of return, but they are ignoring the high growth rates. I have seen unhappy donors trying to rewrite formulas. You cannot do that in a vacuum. I am sympathetic with unhappy States; however, they cannot change the formula in a vacuum and not affect every other State. One of the States is trying to do that right now, and that would adversely affect the rest of the States. It is something that is difficult to deal with. When we get to conference, there are things we can do that we cannot do on the Senate floor. Perhaps some of these things will be done.

With that, I will yield to Senator JEFFORDS, the ranking member on our Environment and Public Works Committee, for his comments.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise today to add my voice to those calling for the approval of the motion to proceed that we will soon vote on.

For more than 3 years Congress has been trying to pass a highway bill. Today we are taking one more step in the long road toward passage of this important legislation.

Mr. President, our Nation needs this bill. We need this bill because it will make our roads and transit systems more efficient and safer.

This year it is estimated that 33 percent of America's major roads are in poor or mediocre condition; 27 percent of America's bridges are structurally deficient or functionally obsolete; 37 percent of America's major urban roads are congested; and 42,000 Americans will die in traffic accidents.

We need this bill because a fully funded bill is good for the economy.

The Department of Transportation says that for every $1 billion of Federal spending on highway construction nationwide, 47,500 jobs are generated annually; and that every dollar invested in the Nation's highway system yields $5.40 in economic benefits because of reduced delays, improved safety and reduced vehicle operating costs.

We need this bill to maintain our current highways and bridges than ever before, while demand for our roadways only increases.

The Federal Highway Administration says that 52 percent of highway funds spent by States went to preserving highway systems while just 19 percent went to building new roads and bridges.

At the same time, traffic congestion costs American motorists $69.5 billion a year in wasted time and fuel costs and we spend an additional 3.5 billion hours a year stuck in traffic.

This bill isn't perfect. In fact, I think it needs additional funding. The White House has suggested an overall funding level for surface transportation of $284 billion over 6 years.

This despite the President's own Transportation Department saying we need at least $300 billion to simply maintain the status quo, and something well above that level to make progress on conditions and performance.

Thankfully, calls for increased funding have come from Republicans, Democrats and Independents; Members of the House and Senate, Governors and Mayors. But we will address the funding issue in due time.

Today we must get cloture on this bill and move forward.

Once again, I would like to thank the Senate leadership on both sides for their support of this bill.

I would also like to pay tribute to Chairman INHOFE and Senators BOND and BAUCUS for their support and cooperation in helping get us to where we are today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I thank the Senator from Vermont for his comments. At this time, I would like to recognize that we have four of the real star freshmen, the new Members of this body, on our committee. One, of course, is the presiding officer from Louisiana who made very clear to us the problem of beach erosion in the

State of Louisiana. I appreciate his calling that to our attention. Then, of course, we have the new Senator from South Dakota, Mr. THUNE. Senator THUNE is also on the committee, and we yield to him at this time.

Mr. THUNE. Mr. President, I also rise today to speak in support of moving forward with debate on reauthorization of the Transportation Equity Act for the 21st Century. As many of my colleagues know, enactment of a long-term, robust Transportation bill is long overdue. I credit the distinguished chairman of the Environment and Public Works Committee, Senator INHOFE from Oklahoma, and the ranking member, Senator JEFFORDS, for their good work in bringing this to the floor.

It is important work that we are about to undertake. We are in the sixth extension of the current bill. We have another construction season that is going to be lost in the Northern States if we do not get a long-term bill put into place.

I appreciate very much the chairman's work in taking a very fair and evenhanded approach in how he has tried to distribute a certain amount of finite funding for this bill. As he mentioned in his remarks, this is a balance that must be struck between the large States and the small States. Frankly, passage of this legislation is critical not only to my home State, but to the Nation as a whole.

Since my service in the House of Representatives, I have long been a supporter of a strong federal role when it comes to transportation infrastructure funding. In fact, I believe the transportation infrastructure is one of the primary responsibilities of the federal government. After all, an adequate transportation infrastructure that is safe and affordable helps facilitate the movement of the goods and services on which our economy relies. Additionally, investing in our transportation infrastructure is a proven way to ease congestion and improve the safety of our highway system.

If we look at the economic impact of what we are talking about today, it is profound. For every $1 billion invested in federal highway and transit spending, 47,500 jobs and job opportunities are created or sustained. For every $1 billion in highway and transit expenditures, gross domestic product, GDP, will increase by $1.75 billion, a multiplier effect of 1.75.

So this is important to our economy in terms of the jobs it will create, the growth it will bring about in our Nation's economy, and it is critical that this legislation, which has been held up since the last Congress, move forward. It is one of the most important measures the House and Senate must resolve this year. And it is incredibly time sensitive as we look at the sixth extension we are operating with today and the need to get a permanent bill in place so this construction season will not be lost on many of those transportation departments in the Northern States.

I have heard regularly from officials from the South Dakota Department of Transportation who are concerned about the tremendous uncertainty they face as a result of not having a long-term bill. The business community, local officials, tribal leaders, and constituents across South Dakota continue to ask me why critical transportation projects are delayed from getting off the ground. I recognize that a handful of my colleagues from donor States are concerned that the bill, as reported by the Environment and Public Works Committee, does not go far enough to boost their overall rate of return. But the bill the Environment and Public Works Committee reported out last month, S. 732, does more to address the donor issue than the administration's reauthorization proposal or the bill as passed by the House of Representatives last month.

The clearest way to address the underlying concern that donor States have raised is to add more funding to this bill. In fact, I plan to support the amendment I understand Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS intend to offer because boosting this bill's overall funding level is the straightforward way to increase the minimum guarantee donor States seek without unfairly reducing the funding for donee States, such as South Dakota.

I look forward to working with my colleagues and with the chairmen and the ranking members from the various Senate committees responsible for this legislation.

As I said earlier, time is of the essence. It is important we work together to pass this bill so that conference negotiations between the House and the Senate can get underway, especially in light of the extension that is slated to expire on May 31.

I again commend the leadership of our committee, and the leadership on both sides in the Senate for their desire to bring this bill to the floor to ensure we are taking the steps necessary, when this current extension expires at the end of May, to have a new permanent bill in place that will address the critical infrastructure needs of our Nation as we move into the future. Many of the highways, interstates, and roads across this country are in poor or mediocre condition. Mr. President, 27 percent of our bridges are structurally deficient or functionally obsolete. It is important we get to work on this legislation in the Senate so we can get to conference with the House, resolve any differences that exist, and get a permanent funding solution put in place for the States, the cities, the business community, and all the jobs and economic development that go with it.

Mr. President, I again urge my colleagues to support this motion to proceed to the legislation. I thank the chairman and the ranking member for their good work. I see Senator BOND, from Missouri, who has also been instrumental in crafting this legislation. I appreciate the leadership and work this committee has put in to get the bill to the floor. It is time we get it voted on and signed into law.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, if there is time during the course of this debate, even though we are operating under 1 hour equally divided, I want to go over, so everybody understands, why it is necessary to pass this bill instead of going with another extension because we do not get all the reforms we need without passing this bill.

I have to agree with the Senator from South Dakota that in order to get up to a higher figure in terms of the donor States—and there are a lot of donee States that are supporting us in this effort—it is necessary to have a more robust bill. I am sure we will have an opportunity to debate that and get to conference and see what we can work out.

The chairman of the Subcommittee on Transportation has been such a strong, hard worker. The Senator from Missouri has been there every step of the way and has been a part of this great bipartisan effort. So we yield to him at this time for whatever time he wishes to use.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, my sincere thanks to the chairman of the committee, Senator INHOFE; to the ranking member, Senator JEFFORDS; and my colleague, the ranking member on the subcommittee, Senator BAUCUS. This is a job well done under the constraints we face. We have worked long and hard to get to this point, and I urge my colleagues to vote in favor of proceeding.

The bill, S. 732, the Safe Accountable, Flexible, and Efficient Transportation Equity Act, is long overdue, 2 years past due. Our roads are deteriorating and safety is deteriorating unless and until we can get this bill up. My thanks to the leader for allowing us to call up the bill. It has a lot of moving parts. Every time you move one part, you make somebody slightly happy and several more very unhappy. But I believe it is a good step forward in attempting to meet our goal of completion prior to expiration of the current extension of the authorization on May 31. If we do not proceed to move to this debate, Senators should be aware we may not be able to pass a seventh extension, and our States may cease to let additional contracts, and thousands of jobs may be at stake.

We called up S. 1072 a little over a year ago, and final passage of that bill last year was 76 to 21. Today's bill, S. 732, is nearly identical to last year's bill, with one major problem: To comply with the President's budget request of $284 billion, we have taken a proportional cut across the board of approximately 10.7 percent.

During conference last year, we were presented with $299 billion in contract authority and $284 billion in guaranteed spending. Today, our obligation limit and contract authority numbers are both the same, at $284 billion. I do not think that will work.

Last year, $284 billion was not sufficient to meet the transportation and safety needs in my State and, I think, many other States. I thought then, and continue to believe, more money is necessary. I understand the Finance Committee will be offering an amendment which we on the Environment and Public Works Committee will be supporting. During the budget resolution debate, my colleague from Missouri, Senator TALENT, along with the Senator from Michigan, Senator STABENOW, offered an amendment that any revenue that does not add to the deficit should be spent. It passed with more than 80 Senators supporting it. I think the Senate will have a similar position when we provide for additional revenues with defendable efforts.

The bill we are bringing to the floor has several major goals.

First, equity. While previous authorizations have talked about equity, our bill carefully balances the needs of the donor States, while also recognizing the needs of the donee States. There are many sections of the bill I am proud of supporting, such as the fact that all donor States will receive, at the minimum, a 92-percent rate of return by the end of the authorization.

My State of Missouri is a donor State which essentially means that for every dollar we spend on transportation, we receive less than a dollar in return. In 2004, it was 92 cents.

There are many States that fall under the $1 rate of return—unfortunately, only about 20 of them, which means there were 30 votes for the donee States that got back more than a dollar, and that is where our problem was.

Last year, with the more robust funding, we were able to get all States up to 95 cents, but we were unable to achieve this rate of return as a result of going from $318 billion down to $284 billion.

Donor States that support additional revenue above $284 billion can expect an increase in their rate of return to bring the bill more in line with last year's bill, but I do not think anybody is talking about $318 billion anymore.

I worked diligently with Chairman INHOFE, Senator JEFFORDS, and Senator BAUCUS to ensure the bill remains as fair and equitable as possible among all States. I am aware some of the donor States, which we commonly refer to as superdonors—it is nice when you get to select the epithet by which you are called. I wish I had thought of being called a superdonor or a deserving donor. Senator INHOFE and I come from deserving donor States. We will add Senator THUNE into the deserving donor States. But superdonors are concerned they hit the growth caps and do not achieve a 92-cent return right away. But the average rate of growth from the highway trust fund for all States is about 24.38 percent. The average rate of growth of Texas and Arizona is 31.79 percent. Senators from States that are growing below average are the ones who, it seems to me, should be complaining. We were unable to bring up donor States as early as we might have wished due to budget constraints, as well as balancing the needs of the donor States with the needs of the donee States.

For this reason, as most donor States grow, the donee States see a gradual decline to bring greater equity between the States. Nevertheless, all States will grow at not less than 10 percent over the previous bill, TEA–21. We are hopeful that with additional revenue, we will be able to raise that floor.

Safety is another key feature. We will go a long way toward saving lives by providing funds to States to address safety needs at hazardous locations, sections, and elements.

Safety in this authorization is, for the first time, being elevated to a core program. Our bill mirrors the administration's proposal, continuing our commitment to our motoring public's safety. This is accomplished by providing much needed funding to reduce highway injuries and fatalities, all without the use of mandates.

In my State of Missouri, we know inadequate roads not only lead to congestion, pollution, lack of economic growth, and they delay, deny, and derail economic opportunity, but they also kill people. We have averaged more than three deaths a day on Missouri highways and probably close to 40 percent, if not more, can be attributable to inadequate roads.

I have driven all the Federal highways and all the State highways and a lot of the county roads in Missouri, and I can tell you we have Federal highways which are two-lane highways which have traffic that everybody agrees should be on four lanes. What happens? We have rear-end collisions, passing on blind curves and hills, and we have fatalities.

My home State of Missouri, as many other donor States, has some of the worst roads in the Nation. We are among, unfortunately, that distinguished group that has the highest fatalities per million miles driven on the roads.

That is a distinction we do not like. Recent reports say we have the fifth worst roads in the Nation, with 65 percent of our major roads in fair to poor condition requiring immediate attention. We also rank fourth from the bottom in deficient bridges in the Nation.

Our committee has heard voluminous testimony from the administration that nearly 43,000 people were killed on our roads and highways last year alone. I am glad this bill reflects a continued commitment making not only investments in infrastructure but for the general safety and welfare of our constituents.

The bill addresses several environmental issues, such as easing the transition under new air quality standards. The conformity process is better aligned with air quality planning, as well as streamlining the project delivery process by providing the necessary tools to reduce or eliminate unnecessary delays during environmental reviews.

Another accomplishment of our package will ensure transportation projects are built more quickly because environmental stakeholders will be brought to the table sooner. Environmental issues will be raised earlier and the public will have better opportunities to shape projects.

Projects more sensitive to environmental concerns will move through a more structured environmental review process, more efficiently, with fewer delays. The bill also ensures that transportation projects will not make air worse in areas with poor air quality while giving local transportation planners more tools and elbow room to meet their Federal air quality responsibilities.

The bill will put transportation planning on a regular 4-year cycle, require air quality checks with projects large enough to be regionally significant, and reduce current barriers that local officials face in adopting projects that improve air quality.

The final goal is jobs. The Department of Transportation estimates that every $1 billion in new Federal investment creates 47,500 jobs. To the Associated General Contractors, the same $1 billion investment yields half of that in new orders from manufacturing and half of that spread through other sectors of the economy. Construction pay averages $19 per hour, 23 percent higher than the private sector average.

This comprehensive package is a good step forward to creating jobs, but as a Governor of the State where we placed a high emphasis on economic development, it is not only the jobs that are created in construction, it is the jobs that are created by the existence of adequate, safe transportation that assures continued growth.

We have spent a lot of time in this body talking about how we get our economy to grow, how we create jobs. Passing this bill to create jobs now and facilitate the creation of jobs in the future is the best thing we can do. I am hopeful our colleagues in the Senate will agree to move this bill quickly in order to pass this legislation prior to the current May 31 expiration date.

I thank the Chair and I reserve the remainder of the time for the leader on this side.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first I thank the senior Senator from Missouri, Mr. BOND, for his hard work and for being so articulate. It is interesting that we have heard from Senator THUNE from South Dakota, a donee State, and Senator BOND from a donor State, and they are both equally enthusiastic about the fact that we have something that should work, and yet we know that any change in any part of a formula is going to have an effect on all the rest of the States. It does not happen in a vacuum.

I will yield the floor to Senator BOND to respond to a question. I ask the Senator, would he enlighten this body as to, according to HAWA, which two States in America have the worst bridges in terms of their state of disrepair?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri will be permitted to answer the question.

Mr. BOND. Mr. President, there have been some new factors that have come out. In the interest of full disclosure, Missouri has moved up to fifth worst in roads and fourth worst in bridges. As I understand, Oklahoma still occupies a place of dishonor with even worse roads and bridges.

I was hoping those new studies would not come out that we are still right at the bottom. As two States that are in the heart of the Nation with major interstates crossing our States and traffic going east, west, southwest, and northeast through our States we are essential arteries for transportation for the Nation.

Mr. INHOFE. If the Senator will yield for another question, he is a former Governor of the State of Missouri. He knows a little bit about how the construction season goes. What kind of problems would he see—as Senator THUNE mentioned, we are in our sixth extension right now—if we were merely to extend this rather than to pass this bill, from a State perspective?

Mr. BOND. Well, the States are absolutely frustrated beyond all means that we have not been able to reauthorize the bill. Merely extending the bill does not enable us to go forward with major planning. The extensions keep existing projects in line and allow the Department of Transportation to continue to operate, but if we have another extension it means the money that this bill would make available will now not be made available until the construction season. For most of the United States, the construction season is spring, summer, and fall. Not a lot of work can be done in the winter.

So with the necessary contract times, 90 days to let contracts, if we do not make the May 31 deadline with new authorization, we are going to lose a tremendous amount of road construction necessary for economic development and safety.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, one of the comments was made by I believe it was Senator THUNE about the extensions. Let me make sure we all understand because this is very significant. We have been operating on extensions, and when we operate on extensions we cannot plan in advance. This bill has more provisions in it affecting safety, streamlining, and other factors than any bill of the four that I have been exposed to in reauthorization.

In the event we were to have to go ahead on another extension, there would be no chance of improvement on the donor State of return. In other words, donor State of return is going to stay at 90.5. It is not going to improve. If we were going on an extension as opposed to passing this new authorization bill, there would be no new safety core program to help the States respond to the thousands of deaths each year on our roadways.

I would say to the Senator from Vermont, this is a life-or-death type of a bill before us because more people are going to die if we do not pass the bill, if we just operate on extensions.

If we just do the extensions, there will be no real streamlining of environmental reviews, so critical projects will still be subject to avoidable delay. We see events that do not make any common sense in terms of how many miles can be paved per dollar. We have obstacles that are in the way. We have addressed those obstacles, and it has not been easy.

The Democrats and Republicans on this committee had to give and take. Frankly, there are some provisions in this bill I do not like too well, and I suggest to the Senator from Vermont there are a few he does not like, but one of the major things I think has to be done before we start any meaningful construction in America is to have these streamlining provisions. If we do not have a bill, if we go on with extensions, there will be no increased ability to use the innovative financing, thereby giving States more tools to advance. We are talking about public and private partnerships. We have been building roads the same way now for many years.

I have been notified that the time on our side has expired, and I ask unanimous consent that we be given an opportunity to share the minority time to whatever extent the Senator would like to give us.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. I yield to the chairman such time as he desires from the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I say to the Senator from Vermont, with that very generous offer, as soon as he has someone coming and they want time, I will cease on this side so they can be heard.

Mr. JEFFORDS. That is fair.

Mr. INHOFE. The bill offers an increased ability to use innovative financing methods. Out in California and in Texas, they have been able to do some things where they have convinced us they get many more miles and much more local participation by the public-private partnership, by the TIFIA rule, and it is something that we would not be able to do nationwide if we do not get this bill and we just operate on an extension.

There are a lot of people who are very concerned about a provision in our bill that is called the Safe Routes to School. I know the Senator from Vermont has been interested in that. This is something where we would be talking about saving young lives. Right now, the provision is not there. So if we have an extension, it is merely an extension of TEA–21, the one that we have been operating under for the last 7 years.

If we are not able to pass this bill, then the States will continue to have uncertainty in planning, thereby delaying projects and negatively impacting jobs.

The Senator from Missouri commented that for each $1 billion spent, it provides 47,000 new jobs. So this would easily be the biggest jobs bill probably in the history of America. But if we operate on an extension, there can be no planning. There is not going to be the construction.

The Senator from Missouri is from a northern State and so is the Senator from Vermont. In Oklahoma, though, our construction time is longer than it is in Vermont, and it is actually longer than it is in the State of Missouri. It is something that has to be considered because if we have those delays and they cannot plan in advance, we are not going to have the construction. We are not going to be able to correct these problems.

That is why I asked the question of the Senator from Missouri, who is a former Governor of the State. We need to have certainty in planning. I hear every day from Gary Ridley in our Department of Transportation in Oklahoma that we have things we need to do and we need to be planning right now. We can get so much more for each dollar if we do that, and I suggest that other States have the same situation.

If we do not have a new bill and we just operate on an extension, there is no new border program for border States to deal with NAFTA and other traffic. We hear a lot from the border States—California, Arizona, Texas, and Florida—that they like the borders and corridors program. We have a borders and corridors provision in this bill that will give consideration to the fact that through no fault of their own many border States have a lot of traffic that comes up through Mexico and other places that is all in conjunction with NAFTA.

I can recall 10 years ago when NAFTA was voted on I happened to have been the only member of the Oklahoma delegation that voted against NAFTA. I think I was right and they were wrong, but nonetheless when we look at what we are able to do with the borders and corridors program, it is something that is very critical for those States.

My State of Oklahoma is also affected by that because those corridors come through the State of Oklahoma. If we do not have the bill, we just have an extension, there is going to be a delay in the establishment of the national commission to explore how to fund transportation in the future. As motor vehicles become more fuel efficient, a tax collection system based solely on gas consumption becomes less practical. Right now the greatest problem we have is the cost of fuel. We have been very much concerned about that. If our taxes were based on a percentage as opposed to a number of cents or dollars, then we would not have that problem. But in Oklahoma if we are paying $2.20 a gallon for gas instead of what it was a short while ago, about $1.40, then people are not going to drive as far. When they do not drive as far, that means the tax revenues are going to come down.

There is no reason we have to continue to do business as we have done business for the last 50, 60, 70 years and not come up with new and innovative ways to pay for our system.

In this bill we have a provision for a national commission to look at different transportation funding in the future. One of my complaints when we talk about the highway trust fund is about how we should or should not pay for it. Every time this body has a new idea to encourage people to use fuel-efficient automobiles, either hybrid or electric cars, that ends up with less gallons of gas produced. Yet those cars still damage the highways with the wear and tear that another car does. I have complained if we are going to have a policy, it should not be paid for on the backs of the highway trust fund.

Anyway, those are issues they can look at. They can look at new ways of financing roads and new partnerships. This commission will come together and will perform for us.

If we do not have a new bill and we have an extension, there will be no increased opportunity to address chokepoints and intermodal connectors. This is not simply a highway bill but an intermodal bill, talking about how the highways, railroads, and airlines come together. It is a complicated transportation system.

There was a time in the beginning during the Eisenhower administration when we wanted to have a national highway system. I will share with my friend from Vermont, when President Eisenhower, during the war, was a major, Major Eisenhower, he was the one who realized our traffic system, our road system, our network, was not a transportation issue as much as a national security issue. He was trying to move his troops around from one place to another. So when he became President, one of the first things he wanted to do was set up the national transportation system. We have had it since that time. At that time we were looking at miles of paved roads in America. Now we are looking at the intermodal system that covers all transportation and brings all transportation together. But we won't be able to do that if we extend what we have today because those portions of the bill will not become law.

There are many other provisions we would lose if we do not pass a bill, if we only have an extension. The firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs.

One of the things we run into in Government I can relate to in the State of Oklahoma. In the State of Oklahoma we have had people, when you are looking the other way, come in and raid a trust fund. The impact aid is a good example. Impact aid was started way back in the 1950s. The idea was if Government comes along and takes the land off the tax rolls, you still have to educate those kids living there, so they are supposed to replenish that particular subdivision to the amount of money they lost in revenue. That was a good program. We all supported it.

In the 1960s, people realized there was a fund and no one was looking, so they took the money out of it. This has happened to other trust funds. This has happened to the highway trust fund. I see that as a moral issue.

In fact, when we had our bill out last year, we looked at it as if this is something we can afford to do because it was paid for almost entirely out of user taxes. Now, if you go to the pump and you pay a Federal tax on the gasoline you buy, you assume that will go to building roads and maintaining roads and people do not complain about it. I have never complained about it. I complain about every other tax, but I don't complain about the highway taxes because I know that is how we will pay for it. They have been diverting money out of the trust fund and putting it into other projects.

What we did in last year's bill, and it is in this year's bill also, is restore that so money will have to go to repairing roads that go into the highway system. If we do not pass this bill, it is not going to happen.

To reiterate, regarding the pending bill, 76 Senators voted for it last year. Very few changes have been made. We produced a solid project last year to go to conference with the House. I suggest that given a few changes we would have made, we would have been able to move it out and we would not be here today. This should have happened a year ago. This should not be happening now.

The bill managers are ready and willing to discuss Members' amendments. We want to work with you on your concerns. We hope you will come down and offer amendments. We will have this vote in 9 minutes. How quickly time flies when you are having fun. When we have this vote, I anticipate it will be a successful vote and we will be able to get on the bill and start with amendments. When that happens, I certainly hope all those individuals who have said negative things about this bill—they didn't like part of the formula, they didn't think they were treated fairly, they thought they were bumping up to the caps for States—come down and offer amendments.

I don't think any of us in terms of Senator JEFFORDS, myself, Senator BAUCUS, and Senator BOND, are going to complain. We may not like the amendments, but we want to have the amendments offered, if for no other reason than it is important so people realize you cannot make one change in a bill without affecting everyone else. I know formulas are different.

It would be easier if we had done the easy thing. That is, Senator JEFFORDS and I could go to 60 Members of this 100-Member body and make them sweetheart deals, give them what they wanted to get their vote, buy their votes, get 60 votes, and tell the rest of them, it is your problem. And we would have a bill today. That is not how we want to do business. We feel we can do it being fair to our colleagues and do it on the basis of a formula.

We had Members who were going to be heard on the motion to proceed and they have not arrived. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member for their work on this issue. I urge my colleagues to support invoking cloture on this important legislation.

I had a meeting yesterday morning with highway contractors in my State. They once again impressed upon me the urgency of passing new highway legislation.

In my part of the country—I represent North Dakota—our construction season is a short one. We urgently need action. There are contracts that are being held up, actions that need to be taken to improve the road network in my State that are being held because there is no new highway legislation passed.

We keep passing extenders. But that does not make adjustments for the increased needs across the country. We know much of our bridge system is deficient and in serious need of repair. We know many of the roads in our country need repair. New highways need to be constructed. Much of that activity will not occur unless new highway legislation passes the Congress.

I thank the chairman and the ranking member for the extraordinary efforts they have made to advance this legislation. We are being held up here because some are unhappy, some are not getting all they would like to get. That is pretty much the norm around here. None of us get quite what we would like. I would like much more for my State. But I know the reality we confront. I know the urgency of the need to act.

I ask my colleagues, please, let's invoke cloture. Let's proceed. We will still have opportunities to amend this bill. Members can come before the Senate and offer amendments to change this legislation. They can either prevail or lose, but they will have had their chance. I hope my colleagues will support the move to invoke cloture on this legislation so we can proceed, so the American people can know the important business of highway construction, highway repair, bridge construction, and bridge repair can move forward.

Mr. JEFFORDS. Mr. President, I thank the Senator for his good words. I hope the Senators viewing this will join so we can expedite passage of this bill.

Mr. CONRAD. Mr. President, again I thank the ranking member, Senator JEFFORDS, who has put so much time and effort into this legislation so that all at the table are fairly represented. I thank the chairman, as well. The chairman has strived valiantly over an extended period of time. I remember last year as we moved, we hoped, toward conclusion, our House colleagues had a different point of view than the Senate. I thank the chairman and ranking member for their exceptional efforts.

Now we have a chance to do it, to move forward. We need this cloture vote to proceed.

I yield the floor.

Mr. INHOFE. I thank the Senator from North Dakota. It is not as great a problem in Oklahoma as the problem in North Dakota because your construction season is shorter than ours. Right now one of our major concerns is that we can get in there and get the contracts in a timely fashion so we can get under construction and do the work we are supposed to be doing.

Also, before the Senator from North Dakota came in, we commented this is somewhat of a life-and-death situation. Last year, nearly 43,000 people died on our Nation's highways. This represents the single greatest cause of accidental death in Americans ages 2 to 33.

The core safety programs will be corrected. According to the Department of Transportation, time in congestion increased from 31.7 percent in 1992 to 33 percent in 2000. We had several discussions yesterday about the cost of fuel and the fact that if you have all this congestion—certainly we know what this is in Washington, DC—the cars are out there idling, burning fuel, not getting anywhere. We need to get this country moving.

I appreciate the comments of the Senator from North Dakota.

We are at the time designated to have the vote. This could be one of the maybe two or three most significant votes we have this year. It will allow us to do all that we have been talking about for the last hour. It is rather refreshing during this time we did not have anyone coming down and opposing this motion to proceed.

The Senator from North Dakota is exactly right. We want to encourage people who have a problem to come down. Maybe we can make them better. We want to consider amendments. We want to get this done.

The PRESIDING OFFICER. Without objection, all time is yielded back.

CLOTURE MOTION

Under the previous order, the Senate will proceed to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, John Warner, Lindsey Graham, Craig Thomas, Mike DeWine, Richard Burr, Susan Collins, Johnny Isakson, James Inhofe, Gordon Smith, Pete Domenici, Thad Cochran, John Thune, Orrin Hatch, Chuck Grassley, David Vitter, Mitch McConnell.

The PRESIDING OFFICER. Under unanimous consent, the mandatory quorum has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3, the Transportation Equity Act: A Legacy For Users, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 94, nays 6, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—6

Cornyn
Gregg
Hutchison
Kyl
McCain
Sununu

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 7 minutes on the topic of the 15th anniversary of the Hubble telescope.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIFTEENTH ANNIVERSARY OF THE HUBBLE SPACE TELESCOPE

Ms. MIKULSKI. Mr. President, this week marks the 15th anniversary of the launch of the Hubble space telescope. As we watched Hubble lift off 15 years ago, we had great hopes for the Hubble and great hopes for science. Guess what. We were not disappointed.

Hubble ushered in a new era of astronomy and science. Hubble has exceeded all expectations. It is the greatest tool for studying the universe since Galileo himself invented the telescope. Because of the Hubble, we are now living in what astronomers call the "golden age" of astronomy and physics. How incredible, how spectacular. It has been America's gift to the world. It has been one of the greatest acts of public diplomacy in history. Hubble has become a symbol of America's generosity of spirit. Whatever the Hubble sees in the world, it downloads for the rest of the world to have access. Hubble even has its own Web site. It gets e-mails from people all over the world. Some of them from the children are the most touching. There are e-mails that say: Dear Mr. Hubble, did you see God today? Have you met an angel? Is there another universe? What does it look like? They actually talk to Hubble, and it has inspired their curiosity and their desire to engage in science.

It is not surprising; just look at what it has accomplished.

The Hubble telescope has accounted for 35 percent of all of NASA's discoveries for the past 30 years. It has seen farther and sharper than any telescope in history. It has observed more than 14,000 objects in space. It has been the No. 1 producer of science for NASA over the past 10 years. Over 2,600 scientific papers have been written on the Hubble results. It has dramatically improved our understanding of the atmosphere of planets; the size of galaxies; the birth, life, and death of stars; the existence of black holes; the age of the universe and how the universe expands.

I have a photograph in my office of a swirling galaxy. They call it the "eye of God" because you literally see those spectacular pictures, and you feel in this one picture that God himself is staring down at us from the universe.

Hubble has rewritten the science textbooks almost every year. It has exceeded our wildest expectations. But it didn't start that way. Fifteen years ago, I was chairing the subcommittee that finances NASA, and we were so excited when Hubble took off. But no sooner was it in space when we saw that the Hubble did not work. Something was wrong with its mirror. Hubble could not see. I immediately had a hearing and said, oh my gosh, Hubble has a cataract. It needs space surgery. It needs a space contact lens. Well, I never saw myself as a space ophthalmologist, but, quite frankly, working with my dear friend from the other side of the aisle, Senator Jake Garn, we took a risk to finance the fix for Hubble.

Well, this country and this world, this big planet, was not disappointed. We took the risk because we believed in Hubble's potential. We believed in the engineers and the scientists at NASA to know how to fix it. We believed in our astronauts, that they could go to the Hubble and fix it and return safely to Earth. Thanks to those astronauts and engineers, Hubble was saved. We did fix it with a contact lens that has lasted now for many years. We have had to go back to space and give it new batteries. We have also had to give it new gyroscopes so it doesn't vibrate in space. We even improved its lens. Each year it gets better and better. From the brink of failure to extraordinary success, this has been the story of Hubble.

Now we are once again going to have to come to the rescue of Hubble. Last year, the NASA Administrator announced that he was terminating the final servicing mission to give Hubble new batteries and extend its life. The Administrator rejected it, saying that the Hubble would shut down in 4 years when its battery runs out. The reason he gave was astronaut safety. I was troubled by that because astronaut safety has been my No. 1 priority as an appropriator for the space program.

However, I was uncertain about that decision and, like any good scientist, I asked for a second opinion. First, I asked Admiral Gehman, who had done the study of what went wrong with Columbia, for his opinion. He said go to the National Academy of Sciences. I did that, and we found a study that concluded that a servicing mission was no more risky than going back to the space station.

Once again, Mr. President, our shuttle is going to start flying again, and our hearts and prayers will go with Colonel Collins as she takes astronauts back into space and, God willing and with the help of our engineers, returns to Earth safely.

The next mission needs to go up and fix the Hubble. I believe the American people want it. We have the will. Now we have to find the wallet. President George Bush, with poor advice from the NASA Administrator, canceled it out of the budget. I want the President to look at those NASA pictures. I want him to know what NASA has meant to the world and to America in space. I am going to work with him, on a bipartisan basis, to find the money to keep Hubble flying and seeing the universe. Who knows, maybe we will meet an angel and make some interesting new friends.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed and, at 2:16 p.m., reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President. I rise today to talk about simple fairness and equity in this highway bill. I commend the chairman and managers of the bill for working hard to get it to the floor. Now that it is here, I have some serious concerns with the bill, as reported, that I would like to share with my colleagues.

This bill is not fair to the States called donor States that send more of their Federal gas tax dollar and get less of it in return. Those are called donor States. We donor States—and Florida is one of them—are, once again, being cheated out of our fair share of highway dollars. Florida and roughly 20 other donor States deserve true equity, not simply what the donee States think we should be happy with. They send in a dollar of gas tax but they get more than a dollar in return. Our States, called the donor States, send in a dollar of gas tax money, and we receive less than a dollar of gas tax money in return.

In the case of Florida over the years, it has been down in the seventies. Presently—although it is scored at 90 cents—return on the dollar, in reality, when all the formulas are plugged in, is more like 87 cents. So in Florida we send a dollar of gas tax money to Washington, and we get only 87 cents of that dollar back. That is not fair.

The argument I am making is not a new argument. These are arguments that the ones who send in a dollar and get back less of their gas tax money are pitted against the donee States. Approximately 30 of the donee States get back more than a dollar of the gas tax money. So there are 20 States that get less and approximately 30 States that get more. I am tired of hearing we should be happy with what we get. I am not happy with the formula on the redistribution of the gas tax money in the highway bill.

Last year's bill that we passed in the Senate got us a lot further toward equity than this year's bill. I was disappointed, even in that bill, because although we had a target to get us from 90 percent, which is really 87 percent, return on our gas tax dollar, all the way up to 95 percent, we did not get that 95 cents back on the dollar until the very last year of the 6-year authorization of the highway bill.

Florida is in the category with other States such as Arizona, California, and Texas. We were not going to get 90 cents on the dollar, boosted to 95 cents on the dollar, until the very last of 6 years in the bill. Those States that I just mentioned, mine included, are named superdonor States. In reality, it means we are the last in line to get our fair share.

As I look back at last year's bill, I yearn for it because that is not what this bill does. This bill gets the States only to 92 cents on the dollar, and large States such as Florida, California.

Texas, and Arizona only get there, again, at the end of the 6-year authorization on the highway bill.

So what am I forced to look at? I am looking at we were getting it up to 95 cents on the dollar last year, and under this bill we are only getting it up to 92 cents on the dollar. Well, this is unacceptable. There is clearly a push from both sides of the aisle to add more money to the bill. I support more money in the bill. What we passed in the Senate last year was $318 billion for highway construction authorized over a 6-year period. What is in this bill is $284 billion over a 6-year period. If we want to add more money to the bill for highways, I am certainly for that, but I support more money if there is an increase in the rate of the return for States that are giving more money than what they are getting in return.

It simply does my State and these other States no good to grow a pot of money if we are not getting our fair share of the pot.

I have been told by the 30 donee States—remember, those are the States that get more on their dollar of gas tax than they put in—I have been told by those States to look at how much money, in actual dollars, Florida will receive and how much Florida will grow in an overall percentage from the last authorization bill.

I am happy to know Florida, under the chairman's proposal, gets more dollars in this bill than it did in the last authorization, but Florida should be getting more money this time around because it is putting more money in. The number that is important, and the number that only donor States want to focus on, is the rate of return on our gas tax dollars. What percentage of Florida taxpayer dollars are actually being returned to Florida to build up our infrastructure, our highways, our bridges, and our transit? I asked that question not only for my State but for 20 other States that are not getting their fair share.

Why is this particularly sensitive to me? Look at all the folks that come to Florida and use our roads. The Orlando area is the No. 1 tourist destination in the world. We have a $50 billion-a-year tourism industry that, in large part, is as a result of our pristine and clear waters on the beaches. People go by car.

What other reasons? Florida is now one of the major growth States also because we are a destination during the twilight years of retirement. That means not only is our population growing at a rapid rate—1,000 people a day net growth in Florida—but on top of that, we get 80 million tourists a year, and they are all using those Florida roads. We desperately need those roads expanded and improved. I can take anyone to parts of Florida and show that if you think traffic jams are big in Washington, DC, they cannot hold a candle to some of the traffic jams in Florida. States such as mine are the States with the greatest need and we are the States that continue to get the least back on our highway tax dollars. Our populations are increasing by leaps and bounds, yet our highway rate of return is staying relatively the same in order to pay for the other States to invest in their roads, and those are States that are not growing like Florida, Texas, California, Arizona, and 15 other states. Florida is the third fastest growing State behind Nevada and Arizona. We will grow by 80 percent in the next 25 years, becoming the third largest State in the country behind California and Texas. Florida will bump New York into fourth place by 2011.

We have to have help on our highways. We need, but we also deserve, our fair share. States such as mine have, for the last half a century, given more than our share of highway funds. The interstate system is complete now. It has been for some time. This formula has been operating for over 50 years. It is past time that donor States get justice and equity and fair shares. We deserve to get 95 cents return on each one of our highway dollars.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, in a moment we are going to make a motion to substitute H.R. 3 so we will be considering the Senate-passed bill as it was passed out of our committee on to the floor. I think it is appropriate to make a couple of comments—and, of course, invite Senator JEFFORDS to also comment if he wants to—on the time we have taken on this bill.

We have worked on this bill for some 2½ years. It has been bipartisan all the way, all of last year and this year. I think it is something that is a product we can be very proud of. It has provisions in it that if we do not pass will not be considered. If we are on another extension, we will not have the safety provisions. We will not have the streamlining provisions that will help us build more roads per dollar.

We are prepared now to proceed. I understand there is no further debate on the pending motion.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the motion to proceed is agreed to.

The motion was agreed to.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal aid for highways, highway safety programs, and transit programs, and for other purposes.

AMENDMENT NO. 567

(Purpose: To provide a complete substitute)

Mr. INHOFE. I send a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 567.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. Mr. President, we are now on the substitute. I understand there are some amendments that are either on their way down or are going to be presented at this time. If not, we will talk a little bit about the bill and where we are today. We are prepared now to go ahead and accept amendments. We are going to ask Members to bring their amendments to the desk. The majority and minority leaders have agreed to give us the floor time to consider these amendments. The sooner we get the amendments, the sooner we can get this passed and sent to conference. I would think the minority leader would agree with me that this is one of the three most significant bills of the year.

I yield the floor.

Mr. REID. I would like to give a short speech, if the distinguished manager of the bill would not mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I say to my friend, I am not on the committee now, but I have been on the committee during a number of these highway bills. This highway bill is one of the most important pieces of legislation that the Senate considers. One reason it is such a good exercise is that it forces bipartisanship. It is extremely important legislation. This is one issue on which Democrats and Republicans work together. I certainly wish my friend well. It is an important bill, as he and I know. We worked so hard last year to get it done, and for a lot of reasons it did not happen, but the Senator from Oklahoma has my good wishes on this most important bill for not only Nevada but the country.

JUDICIAL NOMINATIONS

For the last several months, the Senate has operated under a cloud, a nuclear cloud. I would like to give just a brief history for those who are here today. Filibusters have been part of our history from the very beginning of our Republic. In the early years of our country, there were a number of filibusters, but there was no way to stop them. As a result of that, because of the filibuster, a lot of things were not accomplished that Senators wanted to accomplish. In fact, a number of very important Cabinet nominations did not happen because of the filibuster, and a number of judicial appointments in the early years of this Republic simply did not go anyplace because of the filibuster.

It was in 1917 that this body decided to change the rule so that there could be a way of ending filibusters. They decided that two-thirds of the Senators voting could stop a filibuster. Then, during the height of the civil rights movement in this country, the Senate decided to lower that threshold to 60, the way it has been since then.

We, of course, had filibusters of judges prior to 1917. We have had filibusters of judges since then. In recent years, we have had the person who was nominated to be Chief Justice of the Supreme Court, Abe Fortas, who was a member of the Court, filibustered. He was not able to go forward. There are a number of other people who were nominated to be judges, specifically circuit court judges, and there were filibusters conducted by my friends, the Republicans. There were efforts made to stop those with cloture motions. The two that come to my mind are two judges from California.

I worked very hard on one of them—a man by the name of Richard Paez. The other was a woman by the name of Marsha Berzon. A cloture motion was filed, and cloture was granted as a result of 60 Senators voting for cloture.

My friend, the distinguished Republican leader, knows filibusters have been conducted because he voted against cloture. While he was a Member of the Senate, he voted against cloture on a circuit court judge. So for people to say there has never been a filibuster of a judge is simply wrong. Twenty-five percent of all Supreme Court Justices have been rejected—not always by filibuster, but for various reasons. More than half the filibusters have been conducted by Republican Senators. I do not think that was unconstitutional.

During the tenure of this President, we have had 215 requests to have his nominations approved. We have approved 205 of them. We have turned down 10. That is a 95- to 97-percent confirmation rate, 10 rejected judges, 7 of whom are currently before the Senate. This does not seem reason enough for me, and I think for most people, to think that longstanding rules in the Senate should be changed.

Remember, everyone has to understand that to change the rules as anticipated with the so-called nuclear option, the majority would have to break the rules. The only way a rule change can be stopped when people want to talk—and that is, in effect, what is being done—is to change the rule. If somebody wants to talk, there must be the votes to stop that. That is not what the majority is talking about doing. They are talking about doing something illegal. They are talking about breaking the rules to change the rules, and that is not appropriate.

That is not fair, and it is not right.

The claim that there have been no filibusters, as I indicated, ignores history, including recent history. Throughout the years, many judicial nominees have been denied up-or-down votes. As we know, during the Clinton administration, 69 judges never even got a hearing before the Judiciary Committee. They were dumped into this big dark hole and never saw the light of day. Some of them waited for a very long time, including Richard Paez, who waited for over 4 years. Some of the loudest proponents of the so-called nuclear option opposed cloture on the nominations of President Clinton's nominees.

America is paying attention to this hypocrisy. Citizens are alarmed about what the Republican majority is planning to do. According to a poll that was released yesterday, Americans oppose this—Democrats, Republicans, Independents—by a 2-to-1 margin. They oppose changing the rules to make it easier for the President to stack the courts with radical judges. The American people, in effect, reject the nuclear option because they see it for what it is—an abuse of power, arrogance of power. Lord Acton said power corrupts, and absolute power corrupts absolutely.

The American people need to understand what is going on here in our Congress. Across the way in the House of Representatives, the majority leader was censored three times within 1 year. He will not be censored again because they changed the rules in the middle of the game. That is what is going on. The rules are being changed in the middle of the game. They are breaking the rules to change the rules.

Regardless of one's political affiliation, Americans understand this is a partisan political grab. Nearly half the Republicans polled opposed any rules changes, joining 8 in 10 Democrats and 7 Independents.

Over the last several months, I have talked about a solution. We need to step forward and try to work something out. Before I came here, I tried cases before juries. I had more than 100 jury trials. Every time I had a jury trial was a failure. It was a failure because it indicated the participants could not work things out on their own. That is how I feel about this. We should be able to work this out. We should be able to work it out. My door has always been open to responsible Republicans who do not want the Senate to head down this unproductive path.

I wrote to the majority leader on March 15 and expressed a willingness to find a way out of this predicament we find ourselves in, to find a solution. My friend, the distinguished majority leader, replied 2 days later he would propose a compromise for resolving this issue. We are still waiting on that proposal.

Now, it appears maybe—and I hope this is untrue—that Republican leaders in the Senate do not want a compromise. Senator FRIST and I do not do our negotiations in public, but he and I had a nice conversation about a number of issues about 12:15 today. One of the issues we talked about was my proposal to try to resolve this. I thought it was a very constructive meeting. I walked into a conference at quarter to 1, and I was told he issued a statement that there would be no compromise. I don't believe that. The wires are crossed here somewhere. I hope that, in fact, is the case.

This is something that needs to be resolved. One of my concerns involves Karl Rove. I know Karl Rove was up here today. Karl Rove is world famous. He is from Nevada. I like Karl Rove. He has not been elected either to the executive branch of Government or to the legislative branch of Government. I believe in the separation of powers. I believe this legislative branch of Government is as strong as and as important as the executive branch and the judicial branch of Government. We should conduct our business, especially when it deals with procedures and rules of the Senate, without interference from the White House. In fact, I thought this is where we were headed.

I spoke to the President at the White House. My distinguished friend, the assistant majority leader, was there. I asked the President if he would step into this issue dealing with the nuclear option and help us resolve this, because we have lots of important legislative issues to accomplish.

The President, without any hesitation, said to me, in effect, that this is a legislative matter. He said he was not going to get involved in it at all.

I was dumbfounded to find that the Vice President, a few days later, was giving a speech—and I know under his constitutional role he has certain obligations, one of which is if we are in a tie, he breaks the tie; I have no qualms about his having the ability to do that—he gave a long speech on the history of the filibuster and how we were stopping this constitutional option. Frank Luntz gave nuclear option a new name. And bang, today we get Karl Rove telling everybody that there will be no compromise, saying that we want all of our judges, plus Bolton.

These are not positions that allow for compromise. I want to work this out. These are not positions that allow the Senate to proceed with the work of the American people. These are positions that force a confrontation. I don't think we need that. These are positions that divert attention from the real problems facing America today—gas prices, nearly $2.75 a gallon in Nevada. That is higher than in California. We have poor schools, problems with schools all over America. Minnesota is no different from Nevada. They have problems in their schools. They have inadequate health care coverage.

Again, 95 percent of the President's nominees have been confirmed. The majority leader has said he is willing to break the rules, to change the rules. He will be gone in 15 months and we will still be around. It would not be the right thing to do.

Ultimately, this is about removing the last check in Washington against complete abuse of power, the right to extended debate.

Ronald Reagan sent people to the Supreme Court. Richard Nixon sent people to the Supreme Court. There are still two men there who were nominated by Nixon. We have people whom George Bush No. 1 sent here. Seven of the nine members of the U.S. Supreme Court are Republican appointees. Yet there have been attacks on these people, vile things said about David Souter, vile things said about Justice Kennedy, and others.

The radical right, not representing the mainstream Republicans in this country, wants a different kind of Supreme Court, a different kind of judge—maybe that is the case—one who would roll back equality, liberty, and the rights of all Americans. I don't think that is why President Reagan put his appointees on the Supreme Court. I don't think that is why President Bush No. 1 put his appointees on the Supreme Court.

I think those who were elected to this body, the people who sent us here—not Karl Rove, not James Dobson, and not radical elements of our society—should work out a solution.

There is a way to avoid this nuclear shutdown. I have outlined a proposal for my collective colleagues in some detail in an effort to protect an independent judiciary and to preserve the Founding Fathers' vision of the Senate. I am not going to go into the details of my conversations with my friend Senator FRIST and other Members of the majority. I spoke in private. But I want to talk about why compromise is necessary.

We stand united against the constitutional or nuclear option, all 45 of us. We have a responsibility to protect checks and balances, not violate them; to protect the separation of power. My offer protects those checks and balances. My offer renews procedures to allow home State Senators to have a say in who sits on the Federal courts in their States. The procedures encourage consultation and will lead to the nomination of consensus judges, judges who will be confirmed unanimously in most cases.

As I indicated on more than one occasion this afternoon, we have approved 205 judges and turned down 10. The 10 were denied confirmation for a lot of reasons. I will not detail that here. We need to ensure the Senate remains as a check on the President's power, especially with respect to the Supreme Court. We were willing to compromise on this, which is hard to do. I believe my proposal strikes the right balance. I hope so because I tried. It protects our democracy and the independence of our Federal courts. The separation of powers doctrine means so much to our country. It protects the American people, lets us do our business, and can break partisan stalemates that are unnecessarily divisive. I emphasize that any potential compromise is of course contingent on a commitment that the nuclear option will not be exercised in this Congress or any Congress. It is very important to understand this is not all done in a vacuum.

What I have spoken to my Republican counterparts about is an effort to work our way through this. I always felt that a good settlement in all those cases I had, the best settlement was when both parties walked out saying, I am happy. We cannot make both parties happy. We will have to compromise. We will have to be statesmen and come up with something the American people will accept.

I recognize the same poll I talked about here, how people feel about the nuclear option—I know, reading these polls, that the present numbers are tumbling downward. I know that because of what has gone on, for a lot of different reasons, numbers for the Senate Republicans are falling. But the general view of the Congress is not that good.

I think it would be a good moment for the American people if Senator FRIST and I could walk out before the American people and say that we have been able to work out our differences. I think the American people would like that. If we do not do that, it is going to be a difficult situation, as I have indicated in great detail. This is not a Newt Gingrich threat. We are not going to shut down the Government. But we are going to work on a number of issues that we feel are important to the American people. In fact, our hours will probably be longer, rather than shorter.

Mr. President, I appreciate everyone's courtesy, and I especially thank my friend from Oklahoma.

If I could say this: During the Clinton years, and during the first 4 years of President Bush, we had a workhorse in the Judiciary Committee. He was chairman; he was ranking member; he was chairman. It went back and forth. He has taken a lot of spears for a lot of different people, standing up for what he believes is right for this country. So I want the record to reflect how much I appreciate the support and the advice and counsel that I have received from Senator PAT LEAHY during the years I have been in the Senate, but particularly during the last 5 months.

The PRESIDING OFFICER. The majority whip.

Mr. LEAHY. Mr. President, will the Senator from Kentucky, inasmuch as I have been mentioned, allow me 2 minutes to refer to what the distinguished leader has been saying?

Mr. McCONNELL. Mr. President, is the Senator from Vermont asking for 2 minutes?

Mr. LEAHY. Yes.

Mr. President, one, I compliment the Senator from Nevada. I appreciate the kind words he has said about me. I know how hard he has worked to work out this issue. I have been in numerous meetings with him. He has met with both me and the chairman of the committee. We have discussed ways we could work this out. Frankly, I have been in some of those same discussions with my friends on the other side of the aisle. All of us agree this is a reasonable way to work it out.

We should not be talking about judges under the question of nuclear options or religious tests or all the other red herrings that have been out here. It loses sight of what the Constitution is. It speaks of advice and consent. Both the President of the United States and the Senate have a role.

This begins at the other end of Pennsylvania Avenue. The President cannot just simply say: I will send and you will consent. It says advice and consent. I think what the distinguished Senator from Nevada has said is something I have heard Republican Senators say over and over again in my 30 years here.

Let us work this out. And then let's work with the White House so we have both advice and consent. That is how we got 205 judges. That is why 95 percent of President Bush's judges have been confirmed. That is the way we can work on the remaining ones.

So I compliment the Senator from Nevada. I hope his discussions with the Senator from Tennessee work out. I know there is nothing the chairman of the committee and I would like better than to be able to go on with the work of the Judiciary Committee and not with parliamentary maneuvering.

Mr. SCHUMER addressed the chair.

The PRESIDING OFFICER. The Senator from Kentucky, the majority whip, has the floor.

Mr. McCONNELL. Mr. President, the Senator from New York approached me a few moments ago off the floor asking for 2 minutes prior to my response to the Democratic leader. I will be happy to grant him 2 minutes, provided that I be recognized as soon as the Senator from New York completes his 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President. I thank my colleague from Kentucky for his usual graciousness.

I compliment our leader, HARRY REID, not only for his words but for his actions. The compromise he seeks is a vital one to the history of this body. Because if we do not reach compromise, the constitutional confrontation that will occur is something the likes of which the Senate has never seen. It could end up destroying whatever is left of comity in the Senate and undo our efforts to move forward on issues the American public cares about.

We are acting here out of strength, not out of weakness. The public is on our side. They realize the nuclear option is overreaching. As our minority leader said, it is not the first time we have seen overreaching here in the Congress in the last few months.

But the compromise is offered in the best of faith. We seriously love this body and wish to avoid ripping it apart. We plead with our colleagues on the other side—the Republican leadership but also those 10 or 12 Republican Members who know this is wrong but are under tremendous pressure to make it come about.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. McCONNELL. Mr. President, let me first join in the compliments that have been expressed toward the Democratic leader. He is new to his position. This new precedent, set in the Senate over the last Congress, in which we routinely saw filibustering for the purpose of defeating circuit judges, was not something introduced under Senator REID's majority leadership.

We have had numerous conversations. I have had conversations with Senator REID. He has had a number of conversations with the majority leader about how we might be able to get the Senate back to the way it operated for 214 years quite comfortably.

So far, a compromise has not been achieved. But I compliment the Democratic leader for his willingness to discuss the issue and his understanding that where the Senate is today is simply unacceptable.

So let's talk just for a moment about what is not in dispute. What is not in dispute is that for 214 years the filibuster was not used to kill a nomination for the judiciary when a majority of the Members of the Senate were for that nominee. When a majority of the Members of this body have been for a nominee, the filibuster has never been used to defeat a nominee in the history of the country.

It is true, we have had a few cloture votes. My good friend from Nevada, the Democratic leader, mentioned two that I think are illustrative of how the Senate should operate. Toward the end of the Clinton years, we had two nominations before this body, Paez and Berzon, both of whom were quite controversial and quite far to the left, for the Ninth Circuit, which some would argue did not need to be pushed any further to the left.

Senator LOTT was the majority leader then. Senator Daschle was the Democratic leader. There were people on this side of the aisle who did not want to see either of those nominees go forward and were prepared to filibuster those nominees for the purpose of defeating them. So our leader had to say to people on our side of the aisle: That is a bad idea. He joined with Senator Daschle and filed cloture not for the purpose of defeating the two nominations but for the purpose of advancing them because, you see, there was a core of Republicans on this side of the aisle prepared to filibuster for the purpose of defeating those nominations.

Responsible leadership on both sides conspired, filed cloture, and cloture was invoked. I was an example of somebody who was not keen on either of those nominees. I voted for cloture because I believed then, and believe now, that judges are entitled to an up-or-down vote here in the Senate, that any President is entitled to that courtesy. So cloture was invoked as a result of the leadership of Senator Daschle and Senator LOTT. We had the votes on the nominees. They both were confirmed—not with my vote but confirmed.

That is the way the Senate ought to operate when there are some Members on each side of the aisle who would go so far as to deny a judge an up-or-down vote. That was the status quo until the last Congress, when, for the first time in the history of the Senate, the filibuster was used for the purpose of defeating a nominee, even when the nominee had a majority of support in the Senate. So there have been no filibusters for the purpose of killing nominees until the last Congress.

Second, there is a lot of discussion about polls, particularly the unbelievable poll on the front page of the Washington Post today which might give some comfort to those who think filibustering judges for the purpose of defeating them is a good idea until you read the way the question was asked. The way the question was asked was almost guaranteed to get the answer.

A more appropriate way to ask the question was the way it was asked in a recent survey by Voter Consumer Research. In that survey, 81 percent of those tested agreed with the idea that "even if they disagree with a judge, Senate Democrats should at least allow the President's nomination to be voted on," and only 18 percent disagreed with that, an unbiased way of stating the question. Even if you disagree with the nominee, should the nominee get an up-or-down vote: 81 percent yes; 18 percent no. That is where the American people are on this issue.

With regard to the President's involvement, the President has not been involved in this, but the Vice President happens to be the President of the Senate. He is, because of his duties as President of the Senate, going to be called upon at some point, should we have to go so far as to exercise the Byrd option or constitutional option—and let me make the point that the constitutional option is simply a precedent interpreting a rule of the Senate. Senator BYRD did this not on one occasion, not on two occasions or three occasions, but on four occasions during the time that he was leader, interpreted the rules by a simple majority of the Senate. It has been done before and the Byrd option, of course, could be done again.

Let me say I think our good friends on the other side of the aisle may have a legitimate complaint with regard to the possibility that judicial nominees could be held in committee. I have heard it said on numerous occasions that what they have done out here on the floor of the Senate in the last Congress and are proposing to do in this Congress is no different from what the Republicans did in committee during the Clinton years. I would suggest that any solution to the problem include some kind of expedited procedure under which nominees could get out of committee in an orderly way and get voted on up or down on the Senate floor, thereby eliminating the possibility that the majority party could, in committee, in effect do the same thing the minority party did in the last Congress on the floor. We could level the playing field and make certain that any President's nominee is given fair consideration in committee and fair consideration on the floor.

These are the kinds of things we have been kicking around, discussing in good faith on both sides of the aisle. Again, I compliment the Democratic leader. He has certainly been willing to discuss the issue. I believe we both think where the Senate is today is unacceptable. There is a lot of finger-pointing going on on both sides. Democrats are pointing fingers at Republicans for what was done during the Clinton years; Republicans are pointing fingers at Democrats for what was done in the last Congress. There is a way to cure that, a way to fix it.

It would be a huge mistake for the Senate to get to the point where 41 Members of the Senate can dictate to any President of the United States who gets to be on a circuit court or the Supreme Court. Let me say that again.

Where this is headed, I would say to my good friend, the Democratic leader, and to our colleagues on the other side of the aisle, is in the direction of 41 Members of the Senate being able to dictate to any President who may be on the Supreme Court or a circuit court. That is a bad idea. Against the best efforts of myself and others on this side of the aisle, there could be a Democratic President again as soon as 3 or 4 years from now. I don't think our friends on the other side of the aisle are going to want to have a well-established notion that a mere 41 Members of the Senate are going to be able to dictate to the President who may be on the courts.

I conclude by saying we should continue our discussions—I do think they have been in good faith—to see if we can resolve this situation and get the Senate back to the way it operated prior to the last Congress when nominees were entitled to an up-or-down vote on the floor and, I would add, should be entitled to an up-or-down vote in committee, thereby leveling the playing field and guaranteeing that any President's nominations to the circuit courts and to the Supreme Court get a fair up-or-down vote.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Democratic leader is recognized.

Mr. REID. Mr. President, I appreciate the statement of my distinguished friend. We have worked together for I don't remember how many years because I had his job. A lot of my previous life has been blurred as a result of the past 5 months, but I enjoyed working with him then. He is a master of procedure, certainly understands the Senate. I appreciate not only what he said but the tone of it.

I would just like to say this to the Presiding Officer, being a new Senator, and some others here: One of the problems I have is the deference to the President. George Bush is my President. I didn't vote for him. When he was elected the first time, I didn't vote for him. But we are a country that is so unique. When his election was decided by the Supreme Court after that election, there wasn't a window broken. There wasn't a demonstration held. There were no fires set. He became President of the United States. He became my President and everybody else's. But the fact that he is President of the United States does not take away the fact that he is President, not king. With all the power that he has in that vast bureaucracy, he has no more power than we have in the legislative branch.

My distinguished friend, the Senator from Kentucky, said: We need to give deference to the President's nominations. Yes, I think we need to give deference to the President's nominations, but we are not a rubber stamp for the President. We have an advice and consent role. My friend said he doesn't think it is right to have 41 Members hold up a vote on his judicial nominations. I think it speaks volumes to a statement that was issued by the majority leader last week. Obviously, one of his Republican colleagues said: Is this rule that you are breaking to change the rules going to apply to legislative filibusters? He issued a one-paragraph statement and said: No, it won't apply to legislative filibusters.

But what it didn't say was anything about Cabinet officers, sub-Cabinet officers, people we have to confirm by law. Do we have a right to say the Senate rule should be in effect and we have a right to hold one of these up by filibuster? Using the logic of my friend from Kentucky and the statement issued by my friend, the distinguished majority leader, obviously they think he should get his choices there, too.

There have been would-be Cabinet officers from the very beginning of this country who never made it, Cabinet officers who were nominated but were never confirmed because people in the Senate, 100 years ago, 200 years ago, 50 years ago said: No thanks. They didn't have a majority but they had enough to filibuster. That is the Senate. If we continue on this path on which we are going, we will just be an extension of the House of Representatives. I have served there. With every matter that comes to the House floor, without exception, there is what they call a rule on it that comes from the Rules Committee. The Rules Committee is chosen by the Speaker. There are Democrats there, but they are only token because whatever the Committee on Rules says, that is what happens on the House floor.

You can bring a bill to the floor, and the Rules Committee can say: No amendments, debate time 20 minutes evenly divided. Or they can bring a piece of legislation to the floor and they can say: Five amendments, an hour each. They can do anything they want to do. They set a rule on every piece of legislation.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. REID. Not right now. When Senator INHOFE brings this bill to the floor, the highway bill, this bill is a free-for-all. That is what the Senate is. It is kind of a cluttered, clumsy procedure, but that is what the Senate is. I hope we are not an extension of the House of Representatives where everything we do here is like in the House—a rule is set on it. If people feel strongly enough to break the rules, to change the rules, as they will have to do here, they can change it as to the nominations I have also mentioned. And next, they can change it on legislation. The Senator from Florida has not been here long, but he is certainly an experienced man, a former Cabinet officer of this country. I know he came here a few weeks ago with an important piece of legislation. To him, it was very important because it was important, he believed, to the people of Florida. But you knew, because of Senate procedures, if we wanted to stop that with 41 votes, we could do that. It should apply to everything we do here.

I agree with my friend from Kentucky. I don't think we should be looking to pick fights and say that everybody the President sends up here has to be what we want. We know it is the President's prerogative. But for 214 years, the President consulted with the Senate on judicial nominations, and for many years the committee honored the blue slip, which ensured consultation. We know that during the last few years of the Clinton administration, Senator HATCH said: We are not going to approve anybody unless you run the names past me. That is how we came up with Ginsburg and Breyer. ORRIN HATCH and the Republicans, at that time in the majority, and in the minority other times, said that they liked Breyer and Ginsburg. These nominees flew right through here. Perhaps President Clinton would have liked to have had somebody else. Maybe they were not his first choice. They got out of this body quickly.

So we had this consultation for a long period of time. We honored the blue-slip policy, which ensured consultation. I haven't yet mentioned that one of the many positive things all the political writers talk about is that the filibuster brings about compromise and consultation. You are forced to come and talk about issues, whether it is a piece of legislation the Senator from Florida is trying to get through or whether it is a nomination. I got a call from a Senator today saying: I have a hold on a Senate Cabinet officer, and I want to talk to you about it and see if you can help me work something out. It brings people together. I am confident that on an important issue for the President, we can do that.

Mr. President, I very much thank my friend from Kentucky—not only what he said, but how he said it. I hope something can be resolved here. The right to unlimited debate is something this country has had and something that is needed. I don't think we should be filibustering a lot of judges unnecessarily, but a filibuster is sometimes warranted. There may be unusual situations in the future where we will need to rely on this procedure.

I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. Mr. President, I can make it in the form of a question.

Mr. REID. I am happy to answer a question.

Mr. McCONNELL. Basically, what I want to do is not ask him a question, but allay his concerns about this being a slippery slope that would lead to the end of the legislative filibuster. We had that vote in 1995. I remind my good friend from Nevada, to get rid of the filibuster, period. It got only 19 votes: all 19 of them were Democrats. Not a single Republican voted to get rid of the legislative filibuster. Interestingly enough, this was the first vote after my party came back to power in the Senate. So, arguably, we would have been the big beneficiaries of getting rid of the filibuster. We had just had a marvelously successful election in 1994. We were in the majority of the House for the first time in 40 years and in the Senate. Somebody on your side of the aisle offered an amendment to get rid of all filibusters. That was the first vote Senator FRIST cast after he was sworn into the Senate—to keep the filibuster. So I can reassure my good friend there is no sentiment that I am aware of anywhere in the Senate for getting rid of the filibuster.

Secondly, I am not aware of any sentiment about the filibuster being a problem with regard to Cabinet or sub-Cabinet appointments.

Third, I am not aware of the filibuster being a problem with regard to district court judges. Senators seem to be—your side has done a good job of confirming district court judges. That is not in dispute. We appreciate that. We think you have done it in a fair manner. What we are talking about here is this problem: for the first time in history the filibustering of circuit court nominees that have a majority of support in the Senate and, if allowed to have an up-or-down vote, all of these judges would be confirmed. They are for the first time in history denying them a vote when they have a majority of support in the Senate, and many of us have a suspicion this is precisely what our good friends on the other side of the aisle have in mind for any subsequent Supreme Court nominations. So why don't we just talk about the problem, which is circuit courts, and potentially the Supreme Court, and reach some kind of understanding that gets us back to the way we comfortably operated here for 214 years. That is what I would hope my good friend from Nevada, the Democratic leader, and ourselves could agree to at some point.

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. Mr. President, I say to my friend that if a filibuster is OK for a person who is going to serve 4 years as a member of the President's Cabinet, or some lesser period of time, which is usually the case, why would it be wrong, for someone who is going to get a lifetime appointment, to take a look at that person? Why in the world would that be any different? Don't we have an even higher obligation to look at somebody who is going to be appointed for life? Certainly, we have an obligation to do that. There is no reason in the world that the President should get all of his people. I would say that my friends in the majority should understand that we consider our position as Senators. It gives up power to the executive branch of Government.

I am happy to yield to my friend from New York.

Mr. SCHUMER. I thank the Senator. I will address a question to my friend from Nevada. I have two questions. I will ask them both. The first is this: Our good friend from Kentucky did speak of compromise, and we do want compromise. But you cannot call something a compromise and then say I want to win everything. To say that there would be no filibusters of any judges, to say that every judge could be discharged from a committee—you can call that a compromise; you can say the sky is green—it is not a compromise. That is totally the position of the other side. A compromise involves a little pain on each side to be a genuine compromise.

So my first question to my good friend and leader, whom I am proud to serve under, is: Would this side saying we will not filibuster any judge be any kind of compromise at all? The second question to my colleague—I will ask both at once—is this: My friend from Kentucky said: Well, we want an up-or-down vote. Majority rules. Are there not many instances where the Senate does not operate by majority rule, where 60 votes are called for, where 67 votes are called for? In fact, I argue it can be said that 51 Senators, representing only 21 percent of the population of this United States, can pass a law. Isn't it a fact that the Founding Fathers wanted the Senate to be something of a different animal, not a place where if you had 51 percent, you got your way 100 percent of the time but, rather, a place where the rules, the traditions, the way of thinking said come together for compromise; and, in fact, isn't it a fact that the time when this is most important, when the Senate plays its most important role, is when the President, the House, and the Senate are in the control of one party?

My two questions: Is it a compromise—so-called compromise—that says no filibuster on any judges and discharge petitions on all judges, any compromise at all, which my friend from Kentucky seems to think it was, even though it would be everything your side wants and nothing our side wants?

And second, is it not true that the Senate has been founded not on 51-to-49 rule governance all the time, but on a tradition of comity, checks and balances, and bipartisanship where a bare majority does not always rule?

Mr. REID. Mr. President, I say to my friend, this was the Great Compromise during the Constitutional Convention, where these visionary men, our Founding Fathers, worked out the difference between the House and the Senate. They did this purposely and specifically.

I say to my friend, there are many issues here that are decided not by 51, not by 60, not by 67, but many issues take unanimous consent. In fact, most things we do in this body are by unanimous consent. All of us have to agree.

We cannot commit to not having any filibusters, but we will exercise to the very best of our ability discretion, judicious discretion, because we think we are in a new day. We believe this is a new Congress, and we want to show the American people we can work together. And I say to everyone listening that I think we have proven that this year. We have worked on issues that have taken 15 years to get to the Senate floor. We know that many people on this side of the aisle did not particularly like the class action bill. We know that many people on this side of the aisle did not particularly like the bankruptcy bill, but we took 15 years of history and came here and did things the old-fashioned way. We had a bill on the floor, we offered amendments—some failed, some passed—and moved on. Those bills are now law. People may not like that—some do not—but it shows we can work together here.

My plaintive plea to every one of my 99 friends in the Senate is, let's work something out. Let's try to get along. Let's set a picture that BILL FRIST and HARRY REID can walk out here not representing these special interest groups but representing the American people and trying to keep this body as it is and has been for over 200 years, and walk out here together and say: We have resolved our differences. We are going to move forward with the business of this country. That is my desire.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, briefly, before the Democratic leader leaves, what I fear is that the only thing that has really changed in recent years is the occupant of the White House. With all due respect to my good friend and colleague—and I thank him for his cooperation on class action and bankruptcy; I know that was not easy—here we have my good friend HARRY REID in June of 2001 saying:

> We should have up-or-down votes in the committees and on the floor.

We should have up-or-down votes in the committees and on the floor. June 2001.

My good friend Senator SCHUMER is, I believe, still here on the Senate floor. In March of 2000, he said:

> I also plead with my colleagues to move judges with alacrity—vote them up or down. . . . This delay makes a mockery of the Constitution.

That is the Democratic leader and our good Senator from New York in 2000, just a few years ago. What has changed between then and now? I suggest the only thing that has changed is the occupant of the White House. All we are pleading for—and again, I thank the Democratic leader. I think he has been gracious, he has been anxious to work with us to come up with some accommodation. But what was routine Senate procedure as late as 2000 and 2001 now has been turned on its head and night is day and day is night. I am having a hard time seeing that anything has changed except the occupant of the White House.

What we need to do is divorce ourselves from who the current occupant of the White House is, who the current majority is in the Senate, and think about the institution in the long term. It seems to me that where we are headed is that 41 Members of the Senate will, in effect, be able to dictate to whomever is in the White House who the nominees for appeals court judges and for Supreme Court Justices may be. I believe that is not where we need to end up. I do not think it is in their best interest. They may have the White House as soon as January of 2009.

Why can't we just pull back from the abyss, get back to the way we were operating in a way apparently the Democratic leader and the Senator from New York felt was quite appropriate as recently as 2000 and 2001? Why can't we just get back to that and settle this dispute once and for all for future Congresses?

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, first of all, I have no problem with what I said. I believe we should have had some votes in the committee. Remember, 69 never even came before the committee. Following that, there should have been votes here on the floor. Remember, every one of these judges turned down had votes on the floor. They were cloture motions.

My distinguished friend says he does not know of any time in the history of this country where there has been a majority that favored somebody, that there was not cloture filed, or words to that effect. The point is, we do not need to relive history, but 69 of President Clinton's people never even got there, and that is what I was talking about in 2000 and 2001. I would never, ever consider breaking the rules to change the rules. I never suggested that at all.

I say to my friend, I want to work something out. I repeat that for probably the fifth time here today, but in the process we cannot give up the basic rights this country and this Senate have had for more than 200 years. We are willing to compromise, and, as my friend from New York said, compromise means just that. If we are seen as not acting appropriately, then people can respond to us at election time. It is interesting to note, I say to my friend, in talking to some of my Republican friends, of all the circuit nominees I have heard of, there are only a few that I have a problem with. My Republican friends have told me that they have a problem with a couple themselves.

We can work through this. Let's not have a hard-and-fast rule that the only way we are going to do this is through an up-or-down vote on judges because if that is the case, we are wasting our time here. They are going to have to break the rules.

Mr. BOND. Will the minority leader yield for a question?

Mr. SCHUMER. Will my colleague yield?

Mr. REID. I yield to my friend from Missouri—he has been patient—for a question without my losing my right to the floor.

Mr. BOND. Mr. President, I would like to ask the minority leader—I came down here to talk about the highway bill. Is it his understanding that we are on the highway bill?

Mr. REID. And my answer is yes, and I am going to get off the floor just as quickly as I can.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. REID. Yes.

Mr. SCHUMER. I will be brief, as I know my friend from Missouri has been patient. I want to augment, since my name was mentioned, what my colleague said. What we were talking about was bringing votes to the floor. We did not say majority vote, nor did we try to stop the filibusters that were going on for Mr. Paez and Ms. Berzon.

The bottom line is those two were not allowed to get votes for 4 years, 5½ years. The nominees here have come to the floor and, by the rules of the Senate, they did not garner sufficient support. It is a lot different not bringing them up at all, and that is what we were talking about, rather than bringing them up and then letting them be disposed of by the Senate rules. In fact, the quote, the first part of it I believe I was talking to my colleague from New Hampshire: You can debate this as long as you want, just bring it up.

I thank my colleague.

Mr. REID. I appreciate everyone's patience.

The PRESIDING OFFICER. The majority whip.

Mr. McCONNELL. Mr. President, I assure the Senator from Missouri, I am also about through. Listening to Senator SCHUMER, maybe we have parameters of an understanding here. I think it was probably before the Senator from New York came on the floor, but I suggested that we couple an assurance that we have an up-or-down vote on the floor of the Senate for appellate court judges and Supreme Court Justices with a guaranteed expedited procedure in committee, guarantee that some of the legitimate grievances his party may have had toward the end of the Clinton years could not be committed again. All of this seems to me presents the possibility for an understanding that might settle this issue once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what is the regular order?

The PRESIDING OFFICER. The highway bill is the pending question.

Mr. INHOFE. Mr. President, as we have said, we are on the substitute, our committee substitute. That will be the one that will receive amendments. We have invited Members to come to the floor with their amendments.

While we are waiting for those to come to the floor, I will go over what is before us section by section. Then when someone comes in for the purpose of offering an amendment, I will be glad to stop and then yield to that a person.

I first ask if the ranking minority member, Senator JEFFORDS, had any comments to make before we go on to amendments.

Mr. JEFFORDS. I thank the Senator for the opportunity but the answer is no.

Mr. INHOFE. First, I will start section by section. Section 1101 of the bill authorizes $283.9 billion in guaranteed spending and contract authority over a 6-year period. This level is consistent with levels adopted by the House and the White House. Subtracting authorizations for mass transit and safety and funding for fiscal year 2004, the bill provides $191 billion for maintenance and improvement to the Nation's roads and bridges over the 5-year period from fiscal year 2005 through 2009.

Let us keep in mind that this was essentially the same bill at a different funding level than we had a year ago this week, I believe. So we already have a year behind us. What we have done for this statement is to say what is there other than what has already been used for the first year, fiscal year 2005, and also mass transit and safety.

The link between a robust economy and a strong transportation infrastructure is undeniable. The movement of people and goods is one of the foremost indicators of a growing economy and job creation. At this point, we need to recognize that people have been concerned—were concerned a few years ago—about the economy, and we are recognizing that this administration actually inherited a recession and we are coming out of it now. But there is no single thing we could do that would provide more jobs and more economic activity. I suggest to the President that for each 1-percent increase in economic activity, it provides an additional 47,000 jobs. So do the math and we can see what a great boon this would be.

The bill before us today recognizes the realities of available revenues without the need for increasing gas taxes. It is designed to make the most of every available dollar for better and safer roads, while creating thousands of new jobs.

It probably is anticipated that there will be amendments to increase this amount. I anticipate there may be an amendment by the chairman and the ranking member of the Finance Committee, Senator **GRASSLEY** and Senator **BAUCUS**, and if not them then somebody else would probably do it. When this happens, they would, of course, be in a position to come up with the amount of money that would be necessary.

One of the things I commented about last year is that we were always within the amount of money that we could identify—in other words, the amount of money that was anticipated coming in from Federal revenues from gas purchases, along with other areas we could identify.

The total obligation authorized in this bill is $188 billion for a period from fiscal year 2005 to 2009.

In addition to the increases in funding for the overall program, the bill makes important changes to the apportionments of a few specific programs. Under TEA–21, which we adopted 7 years ago, the administrative expenses for the Federal Highway Administration were funded as a takedown from the various core programs. This bill recognizes the separate importance of costs associated with the administration of the overall highway program. Therefore, the bill funds Federal Highway Administration expenses at its own separate apportionment protecting the autonomy of the individual core programs and the administrative fund itself.

Of the amount designated for program administration, the Secretary of Transportation is also given the authority to transfer an appropriate amount to the administrative expenses of the Appalachian Highway Development System.

As a result of the 2000 census, 46 new metropolitan planning organizations, known as MPOs, have been established throughout the country and are now eligible for Federal transportation planning funding. To respond to this expanded need, we have increased the program set-asides for MPOs from 1 percent under TEA–21 to up to 1½ percent. This, along with the overall increase in program funds, will help to address the growing transportation planning needs.

Section 1104 is the equity bonus section. TEA–21 used the minimum guarantee calculation to guarantee that States receive back at least 90.5 percent of their percentage contributed to the highway trust fund. This is very significant. It has become quite controversial. Last week and this week we have talked for several hours on this bill about the various donor States. My State of Oklahoma has always been a donor State, since the programs began. I can remember that donor amount was 75 percent; that is to say, each State was guaranteed to get back 75 percent of the money that was sent in. Slowly that has crept up and it is currently at 90.5 percent.

Had we passed the bill that we had in conference last year—the bill that we sent to conference had $318 billion of authorization—then we would have everybody at the end of this 6-year period up to 95 percent. So it would have gone from 90.5 percent to 95 percent.

The minimum guarantee program is driven by a political distribution known as the 1104 table. The bill replaces the old minimum guarantee program and the 1104 table with a new equity bonus program that ensures a percentage return to States of 92 percent in each of the fiscal years 2005 through 2009.

At this point we can say it is very complicated, but the equity bonus program is just what it states: it is an equity program. The program does away with the table in TEA–21 which determined each State's percentage share of the total highway program. Rather than have a State's return be set by a politically driven table, the equity bonus program determines each State's return by first relying on the program distribution of formulas.

This is not the easy way of doing it; this is the hard way of doing it. I am sure Senator **JEFFORDS** joins me in saying it would be a lot easier to have a minimum guarantee for any State, work out their deal, make 60 Members of the Senate happy, and walk away. That would have been done a long time ago if we decided to do it that way. But that is not equitable, and I think that is the wrong way to do business.

In fact, I say to people who criticize this bill saying it has pork in it, there are only two projects in the entire bill. The bill before us right now in the form of a substitute only has two projects in it. That is not the case over in the other body. They have several hundred projects. It has been my philosophy, and I think it is shared by the ranking minority, that the closer one gets to home, the better these decisions are.

If we can determine an equitable formula, which I believe we have done, we can send it back to the States and let the local people make the determinations as to how that is going to be spent. Now, a lot of people in Washington do not agree with that. A lot of them think if the decision is not made in Washington, it is not a good decision. I believe we are doing it the right way.

The equity bonus calculation identifies a justifiable nexus in equity between the underlying formulas and responsible balanced growth for donor and donee States alike. If a State fails to reach the minimum return in any year based on the formulas, that State would receive an equity bonus apportionment in addition to their formula funds to bring them up to the required level.

While we allow the formulas to work under the new equity bonus program, we also recognize there would be some inequities if we allowed the formulas to be the sole factor in distributing dollars to the States. In order to increase the minimum rate of return for donor States while ensuring an equitable transition of donee States, rates of return are subject to an annual growth ceiling to smooth out the phase-in of increased minimum returns. This accomplishes two goals. First, it keeps the cost of the equity bonus program affordable; secondly, it ensures that donee States are still able to grow so no States grow less than 10 percent over their TEA–21 levels. Everyone is guaranteed an increase from their own levels, at least 10 percent.

There is a cap on equity bonus. No State may receive a portion more than a specific percentage of their average portion received under TEA–21. So you have two caps—a floor and a ceiling. That helps the formulas work.

There is a special rule to protect States with population densities less than 20 persons per square mile, a population of less than 1 million, a median household income of less than $35,000, or a State with a fatality rate during 2002 on the interstate highways greater than 1 fatality per 100 million vehicle miles traveled.

We said a lot in one paragraph. It shows the complications of a formula. First, we have to take care of the States that do not have a population. Look at Montana, Wyoming, some of the sparsely populated States. They still have to have roads. Second, we have said for the States that might have a lower per capita income, they can be considered poverty States, so there is a consideration. My State of Oklahoma is in a different situation than many other States and we would benefit from that. Or a State with a fatality rise during 2002. It is absolutely necessary to have part of the formula attributed to a consideration for money being made to States where the fatality rate is higher than average. That takes us through several of the sections.

At this point, if there are any Senators who would like to offer amendments, I encourage them to come to the Chamber and offer amendments, at the end of which time we will continue to go through the bill section by section.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 572 TO AMENDMENT NO. 567

Mr. THUNE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 572.

Mr. THUNE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the section relating to National Scenic Byways to provide for the designation of Indian scenic byways)

Strike section 1602(a) and insert the following:

(a) IN GENERAL.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the roads as" and all that follows and inserting "the roads as—

"(A) National Scenic Byways;

"(B) All-American Roads; or

"(C) America's Byways.";

(B) in paragraph (3)—

(i) by striking "To be considered" and inserting the following:

"(A) IN GENERAL.—To be considered";

(ii) in subparagraph (A) (as designated by clause (i))—

(I) by inserting ", an Indian tribe, " after "nominated by a State"; and

(II) by inserting ", an Indian scenic byway," after "designated as a State scenic byway"; and

(iii) by adding at the end the following:

"(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

"(i) jurisdiction over the road; or

"(ii) responsibility for managing the road.

"(C) SAFETY.—Indian tribes shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A)."; and

(C) by adding at the end the following:

"(4) RECIPROCAL NOTIFICATION.—States, Federal land management agencies, and Indian tribes shall notify each other regarding nominations under this subsection for roads that—

"(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

"(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "and Indian tribes" after "provide technical assistance to States";

(ii) in subparagraph (A), by striking "designated as" and all that follows and inserting "designated as—

"(i) National Scenic Byways;

"(ii) All-American Roads;

"(iii) America's Byways;

"(iv) State scenic byways; or

"(v) Indian scenic byways; and"; and

(iii) in subparagraph (B), by inserting "or Indian" after "State";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Byway or All-American Road" and inserting "Byway, All-American Road, or 1 of America's Byways";

(ii) in subparagraph (B)—

(I) by striking "State-designated" and inserting "State or Indian"; and

(II) by striking "designation as a" and all that follows and inserting "designation as—

"(i) a National Scenic Byway;

"(ii) an All-American Road; or

"(iii) 1 of America's Byways; and"; and

(iii) in subparagraph (C), by inserting "or Indian" after "State";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or Indian" after "State";

(B) in paragraph (3)—

(i) by inserting "Indian scenic byway," after "improvements to a State scenic byway,"; and

(ii) by inserting "Indian scenic byway," after "designation as a State scenic byway,"; and

(C) in paragraph (4), by striking "passing lane,"; and

(4) in subsection (e), by inserting "or Indian tribe" after "State".

Mr. THUNE. Mr. President, I hope my amendment will be included as part of the final bill. I know the managers intend to offer a managers' amendment. I want my colleagues to know I have been working with the chairman, the Senator from Oklahoma, the ranking member, Senator JEFFORDS from Vermont, of the Committee on Environment and Public Works concerning this issue since we marked up the underlying bill in committee last month.

While Chairman INHOFE and Ranking Member JEFFORDS, Subcommittee Chair BOND, and Ranking Subcommittee Member BAUCUS initially had questions regarding my amendment in committee, I understand now the staff has been able to work through all of those concerns.

Simply put, my amendment seeks to allow Native American tribes the ability to nominate roads to the Secretary of Transportation for designation as scenic byways, All-American Roads, or America's Byways.

Currently, Indian tribes are only allowed to nominate roads for designation under the Scenic Byways Program if they first go through their respective State Department of Transportation or Federal land management agencies such as the National Park Service or the Bureau of Indian Affairs. My amendment allows tribes to designate those roads over which they have jurisdiction or management responsibility as tribal scenic byways which then allows them to directly nominate the road for national designation with the Secretary of Transportation.

Additionally, my amendment calls on tribes to ensure the safety and quality of the roads that are designated as scenic byways similar to the requirements States currently have. In no way does this amendment impact the funding available for scenic byways. It simply grants Indian tribes the same ability States and Federal land management agencies currently have to nominate roads.

In closing, this is an issue of fairness and something I hope the managers of the bill will be able to accept. It does not impact current levels of funding. It simply allows for more flexibility for the Native American tribes in this country to designate roads that are under their jurisdiction and management.

I hope the managers will be able to accept the amendment. As I said earlier today, I hope we can proceed to get this bill through the process, through the Senate, into conference with the House, and on the President's desk because it is so important to this Nation's future, to my State of South Dakota, and to all those tribes, local governments, State highway departments, business groups, and those who are awaiting final action on the highway bill.

I yield back the remainder of my time and ask for favorable consideration of this amendment.

Mr. INHOFE. Mr. President, I thank the Senator for his amendment and for working with us on this committee. I am sure he is aware the amendment concerns a large number of tribal communities in Oklahoma, as well as those in South Dakota. I believe right now we have the largest percentage of Native Americans per capita of any of the States.

This amendment has been cleared on both sides. I ask the Senator from Vermont if it is the Senator's wish to go ahead and accept this now, if this has been cleared on the minority side.

Mr. JEFFORDS. I am very pleased to concur in the amendment. The Senator has made an excellent presentation. I appreciate the work of the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 572) was agreed to.

Mr. THUNE. Mr. President, I thank the distinguished chairman, Senator INHOFE, and Senator JEFFORDS for their help.

Mr. INHOFE. I move to reconsider the vote.

Mr. THUNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THUNE. I thank the Senator from Oklahoma and the Senator from Vermont for their assistance and for their staffs' work. This will improve the way the roads are treated on the reservations and give our tribes more flexibility and discretion when it comes to how they treat the roads.

Mr. INHOFE. I appreciate the Senator from South Dakota coming down. He has submitted the first amendment to this bill, an amendment as meaningful to Oklahoma and other States as to South Dakota. We thank the Senator for his effort.

We invite other Members to offer their amendments. I am not implying they will all be that easy, but we invite our Senators to offer amendments.

I was going over section 1104, the most complicated section in the bill, the equity bonus section. We talked about the fact it does protect States that are of a lower income, densely populated States, States that have our donor status, States that are donee status. This is an important part of the bill.

The scope or percentage of funding included in the equity bonus and in the program remains the same, at 92.5 percent as TEA–21. This is significant. That means 92.5 percent of everything in this bill, whatever it ends up being, whether $284 billion or another amount, is done through this equitable manner. It minimizes what a lot of people would criticize as being pork for special projects.

In order to craft a successful formula, we have to balance the needs of donor and donee States. I will be the first to acknowledge this balance, as with any compromise, is not perfect. A few minutes ago we talked about compromises and they aren't perfect.

However, I can say with, I am sure, the agreement of the ranking minority member, there were many compromises made during the construction of this bill over the past 2½ years the Senator from Vermont disagreed with and with which I disagreed. But in the spirit of compromise we were able to get these things done.

My colleagues in representing donee and donor States that received lower rates of return or growth rates than they feel fair have made this fact very clear. I am sympathetic to the concerns of both donor and donees in this situation. They both have significant transportation needs that cannot be ignored. Addressing their concerns is more difficult in the last year due to the fact we have less money.

When we were dealing with the bill we passed out of the Senate and sent to conference last year, just at about this time, it was at a higher level, and that did guarantee every State would reach, at the end of the 6-year period, at least a 95-percent return. I know my people in the State of Oklahoma wanted a 95-percent return, and they were very disappointed when we were unable to get it out of conference, when I had every expectation we would get it out of conference.

So now, in order to get up to a higher amount, we have to be dealing with a different funding level. We have to wait and let the process take place and see what happens on that.

Section 1105 is the revenue aligned budget authority, the RABA. The huge 2003 negative adjustment in revenue aligned budget authority, or RABA, made it clear that some changes were needed to the RABA calculation in order to provide greater stability, more accurate predictions, and less fluctuation in coming years. As I have indicated before, I believe the underlying principle of RABA is an important fiscal policy and that highway expenditures should be tied to highway trust fund revenues.

This bill modifies the RABA calculation so that annual funding level adjustments are less dependent on future anticipated receipts and more dependent on actual receipts to the highway trust fund. If the RABA adjustment in a fiscal year is negative, the amount of contract authority apportioned to the States for that year will be reduced by an amount equal to the negative RABA.

Under TEA–21, negative adjustments were delayed until the succeeding fiscal year. Under the new method—the change we are making—no reduction to apportionments is made for RABA when the cash balance on the highway trust fund, other than the mass transit account, exceeds $6 billion.

Section 1201 is the Infrastructure Performance and Maintenance Program, the IPAM. The Infrastructure Performance and Maintenance Program is intended for ready-to-go projects that States can undertake and complete within a relatively short timeframe. This is very important because we are now—I anticipate we will pass this bill—into the construction season. Some of my friends from Northern States have much shorter construction seasons than some, such as the Presiding Officer. They have 12 months a year for construction. We are not quite that fortunate.

So this allows those projects that are ready to go, to go ahead—as soon as this bill is signed into law—and in a very short timeframe to be completed.

As a result, States are given 6 months to obligate IPAM funds. We designed this discretionary program to promote projects that result in immediate benefits for the highway system's condition and performance, while avoiding long-term commitments of funds. The program also provides further economic stimulus to the economy and provides a way to aid in spending down balances in the highway trust fund.

States may obligate funds for projects eligible under Interstate Maintenance; the National Highway System; the Surface Transportation Program; the Highway Safety Improvement Program; Congestion Mitigation and Air Quality Improvement, the CMAQ Program; and the Highway Bridge Program.

Eligible projects under the IPAM Program include the preservation, maintenance, and improvement of existing highway elements, including hurricane evacuation routes, operational improvements at points of recurring highway congestion, and systematic changes to manage or improve areas of congestion.

Section 1202 is the future of the surface transportation system. In order to be prepared for future reauthorizations of this legislation, we require the Secretary of Transportation to perform a long-term investigation into the surface transportation infrastructure needs of the Nation. Specifically, the bill directs the Secretary to look at, first, the current condition and performance of the interstate system; next, the future of the interstate system in 15, 30, and 50 years; third, the expected demographics and business uses that impact the surface transportation system; fourth, the effect of changing vehicle types, modes of transportation, traffic volumes, and fleet size and weights; fifth, possible design changes; sixth, urban, rural, interregional and national needs; seventh, improvements in emergency preparedness; eighth, real-time performance data collection; and, ninth, future funding needs and potential approaches to collect those funds.

Now, that concludes section 1202.

Mr. President, it is my understanding that a Senator is here who wants the floor for a purpose other than the highway bill.

Mr. KENNEDY. Mr. President, I say to the Senator, I would like to make very brief comments on the Transportation bill, but I would also like to address the Senate on another subject matter. If there were Senators here who would like to talk on the highway bill, I would withhold. If there were not other Senators here on that legislation, I would hope to be able to address the Senate.

Mr. INHOFE. Mr. President, I would make the request of the Senator from Massachusetts to go ahead and proceed in terms of his comments on the highway bill. Then, since we do have others coming down, we have to get through this section by section. Can the Senator give us an idea about how much time he would like to have?

Mr. KENNEDY. Twenty minutes.

Mr. INHOFE. I would ask the Senator, if we were to go ahead and allow you 20 minutes on another subject, if someone came down, prior to that time being used, to offer an amendment, would you at that time yield the floor? It is highly unlikely that will happen, but we do want to stay on this bill.

Mr. KENNEDY. I would be glad to yield the floor for the purpose of a Senator offering an amendment, if I could retain the floor just to finish my remarks, but I would be glad to let the person offer their amendment.

Mr. INHOFE. Mr. President, I have no objection to the 20 minutes for that purpose.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. President, first of all, I think all of us understand this Transportation bill is the No. 1 jobs bill the Senate will debate this year. Mr. President, 47,000 jobs are created for every $1 billion in this legislation. This bill would create 140,000 jobs in my own State of Massachusetts. But this bill has $34 billion less than last year's Senate bill, and, incredibly, a $1.7 billion cut in public transit. So the Senate must find a way to restore these cuts.

In my own State, we have a crucial need for this kind of help and assistance in terms of our roads and our bridges and also in terms of mass transit. It is one of the most important pieces of legislation. It is fundamental in terms of our economy. We are very conscious that there are many growth areas across this country. Those growth areas require additional kinds of investment in terms of the highway system.

But there are also other older areas where the roads are heavily used, and used much more than just by the people who inhabit that particular State. Generally, consideration is not given as to the amount of usage of many of these roads. So in many of the older States, in New England, for example, and the eastern seaboard, many of these roads are heavily used not only by those who live in those particular States but others as well. There is a very important need to make sure those roads are going to be safe for those who travel on the roads and also be safe and secure in order to add an additional dimension to our national economy.

So I am going to support this legislation. I do hope we will be able to find additional resources. I know those resources can make a major difference and be put to work effectively, in terms of strengthening and improving not only our interstate system but also the transportation systems in our States. It is a very solid investment that is paid back many times over by the returns in our economy.

ANNIVERSARY OF THE ABU GHRAIB SCANDAL

Mr. President, the sad anniversary of the Abu Ghraib torture scandal is now upon us. It is an appropriate time to reflect on how well we have responded as a nation.

The images of cruelty and perversion are still difficult to look at a year later: an Iraqi prisoner in a dark hood and cape, standing on a cardboard box with electrodes attached to his body; naked men forced to simulate sex acts on each other; a corpse of a man who had been beaten to death lying in ice next to soldiers smiling and giving a thumbs-up sign; a pool of blood from the wounds of a naked, defenseless prisoner attacked by a military dog. These images are seared in our collective memory.

The reports of widespread abuse by U.S. personnel were initially met with disbelief and then incomprehension. They stand in sharp contrast to the values America has always stood for, our belief in the dignity and worth of all people, our unequivocal stance against torture and abuse, our commitment to the rule of law. The images horrified us and severely damaged our reputation in the Middle East and around the world.

On December 4, 2003, President Bush had proclaimed to the world the capture of Saddam Hussein brought further assurance that the torture chambers and the secret police are gone forever. The photos of Abu Ghraib made all too clear that torture continued in occupied Iraq. Where are we a year later? Has this problem been resolved? Has the moral authority of the United States been restored? Have we recovered from what is perhaps the steepest and deepest fall from grace in our history?

Sadly the answer is no. Because at every opportunity, the administration has tried to minimize the problem and avoid responsibility for it. The tone was set at the very start. Senior level military commanders knew about the problems much earlier. They knew about Abu Ghraib photos as early as January 2004. General Taguba submitted his scathing report on February 26. Yet rather than deal with the problem honestly, Pentagon officials persuaded CBS News to delay its report while they developed a damage control plan.

The plan included an effort to minimize the abuse as the work of a few bad apples, all conveniently lower rank soldiers, in a desperate effort to emphasize the role of senior military officials in exposing the scandal and insulate the civilian leadership from responsibility. It was clear from the start that further investigation of the abuse was needed. The American people deserved a thorough review of all detention and interrogation policies used by military and intelligence personnel abroad and a full accounting of all officials responsible for the policies that allowed the abuses to take place.

What we got instead were nine incomplete and self-serving internal investigations by the Pentagon. None of the assigned investigators were given the authority to challenge the conduct of the civilian command. For example, the Schlesinger panel's report found that abuses were widespread and there was both institutional and personal responsibility at a higher level. But Secretary Rumsfeld did not authorize the panel to address matters of personal accountability.

The assigned investigators were also denied the cooperation of the CIA which had a central role in the torture scandal. General Fay found that CIA practices led to "a loss of accountability, abuse" and "poisoned the atmosphere at Abu Ghraib." His efforts to fully uncover the agency's role, however, were stymied by their refusal to respond to his requests for information. Indeed, no investigation, congressional or otherwise, has gotten full cooperation from the CIA.

With respect to matters under the Defense Department's control, the answers we received have been inconsistent and incomplete. In May 2004, General Sanchez categorically denied to the Senate Armed Services Committee that he had approved the use of sleep deprivation, excessive noise, and intimidation by guard dogs as interrogation techniques in Iraq. A memorandum uncovered last month by the ACLU, however, showed he had, in fact, approved the use of these techniques.

Secretary Rumsfeld told the committee the military received its first indication of trouble at Abu Ghraib when a low-ranking soldier came forward in January 2004. Only later did we learn from press reports that throughout 2003, the Red Cross had provided the military with detailed reports about torture and other abuses at the prison and elsewhere in Iraq. The State Department and the Coalition Provisional Authority also appealed to top military officials to stop the abuse during 2003.

The Church report, released last month, rejected any connection between the official interrogation policies in Iraq and the abuses that occurred. The Fay report, by contrast, blamed the abuses at Abu Ghraib on a number of "systemic problems" that included "inadequate interrogation doctrine and training" and "the lack of clear interrogation policy for the Iraq Campaign."

Other parts of the Church report, including those on the role of general counsel William Haynes in adopting the radical legal reasoning of the Justice Department's Bybee memoranda over the vigorous objections of experienced JAG officers, have been wrongly classified. In fact, the Defense Department has repeatedly abused its classification procedures to hide critical information from Congress and the public.

Similarly, the Justice Department has gone to extremes to withhold from public scrutiny legal memos it considers too embarrassing to reveal. Even Congress has been remiss in its responsibilities to oversee the scandal. As Senator ROCKEFELLER, the vice chairman of the Senate Select Committee on Intelligence, said:

> More disturbingly, the Senate Intelligence Committee—the Committee charged with overseeing intelligence programs and the only one with the jurisdiction to investigate all aspects of this issue—is sitting on the sidelines and effectively abdicating its oversight responsibility to media investigative reporters.

A year after Abu Ghraib, new revelations about the abuse committed by United States personnel are still being reported frequently. The military has confirmed 28 acts of homicide committed against detainees in United

States custody in Iraq and Afghanistan since 2002. Only one of these deaths took place at Abu Ghraib. The Red Cross has documented scores of abuses at United States facilities across Iraq, Afghanistan, and at the naval base at Guantanamo. FBI agents have reported "torture techniques" at Guantanamo, including techniques that senior Pentagon officials had specifically denied were being used.

Top officials in the administration have endorsed interrogation methods we have condemned in other countries, including binding prisoners in painful stress positions, threatening them with dogs, extended sleep deprivation, and simulated drownings. The administration has also increased the practice of rendering detainees to countries such as Syria, Egypt, and Jordan, countries the State Department condemned in its most recent human rights reports because of their use of torture. The practice of rendition—described by a former CIA official as "finding someone else to do your dirty work"—is a clear violation of our treaty obligations under the Convention Against Torture.

We know many of these harsh techniques are no more effective at obtaining reliable information than traditional law enforcement techniques. After considerable debate with the FBI, the military acknowledged its methods were no more successful during interrogations at Guantanamo Bay than the FBI's methods. General Miller, former commander at Guantanamo, testified the Army Field Manual provided sufficient tools for intelligence gathering.

As Ambassador Negroponte, our Nation's new intelligence czar, said:

> Not only is torture illegal and reprehensible, but even if it were not so, I don't think it's an effective way of producing useful information.

Stripped to its essence, torturing prisoners is morally wrong and unproductive. Yet political leaders made a deliberate decision to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to take the gloves off without knowing what the limits were.

In a series of secret memos and correspondence, some of which have still not been provided to Congress, top level lawyers engaged in a wholesale rewriting of human rights laws. In rewriting our human rights laws, the administration consistently overruled the objection of experienced military personnel and diplomats.

As Secretary of State Colin Powell warned the White House:

> It will reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops.

Senior Defense officials were warned that changing the rules could lead to so-called "force drift," in which, without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

When leaders didn't like what they heard, they cut off the criticism. When Secretary Powell raised concerns about the decision not to apply the Geneva Conventions to the conflict in Afghanistan, White House Counsel Gonzales cut him out of the process. When lawyers objected to the radical views in the Bybee Torture Memorandum, Defense Department General Counsel Haynes cut them out of the process and made the memo official policy for the entire military.

What happened here was not a reasoned response to 9/11—an objective reassessment of our rules and policies to account for the rise in terrorism. Instead, the leaders used 9/11 to undermine any constraints on the power of the President, and the country has been paying a high price for their arrogance ever since.

Dozens of administration memoranda involving post-9/11 detention and interrogation have come to light in the past year. Yet, in not one of these memos is there an appreciation of how well the existing rules served the Nation in past conflicts. Not one of them explains why the Army's interrogation manual, which discusses dozens of effective techniques that comply with domestic and international law, no longer serves America's interests. Not one of them comments on how compliance with the Geneva Conventions protects U.S. soldiers.

Clearly, the civilian lawyers in the Defense Department, the Justice Department, and the White House Counsel's office have been on an ideological mission. Their goal was not to reassess the current rules on detention and interrogation in light of the 9/11 attacks; their goal was to destroy them and, to a large extent, they succeeded.

The military was set adrift from its longstanding rules and traditions. The Bybee torture memorandum was eventually repudiated by the Justice Department, but the Pentagon's Working Group Report of April 2003, which incorporated the Bybee memorandum nearly verbatim, has still not been explicitly superseded, and no new guidance has gone to the field.

Our men and women in the military are still not clear whether and to what extent they should consider themselves bound by the Convention Against Torture, the Federal law prohibiting torture, or even the provisions of the Uniform Code of Military Justice that prohibit torture and cruel treatment. The basic validity of the military's "golden rule"—treat captured enemy forces as we would want our own prisoners of war to be treated—is in doubt.

The President has directed the military to treat detainees "humanely," but this directive has not provided adequate guidance to our troops. General Counsel Haynes himself advised Secretary Rumsfeld that simulated drowning, forced nudity, the use of dogs to create stress, threats to kill a detainee's family, and other extreme tactics all qualified as "humane." When the Pentagon's top civilian lawyer shows so little respect for human dignity, how can we expect more from our soldiers serving in the field?

As for the CIA, it was conspicuously excluded from the President's directive on humane treatment. More recently, we have learned that the administration does not believe that the prohibition against cruel, inhuman and degrading treatment applies to foreigners held by our government agencies abroad. The CIA concealed detainees from the Army and the Red Cross. It continues to send dozens of detainees to countries known to practice torture. It says it's conducting its own investigation into the abuses, but it refuses to provide a timetable or any preliminary findings. No agency should be above the law. The CIA must answer for its activities.

Accountability for the torture scandal continues to be lacking.

We know about the prosecutions of the low-level, "bad apple" soldiers involved in the abuse at Abu Ghraib. But prosecutions have been declined for other soldiers, including 17 implicated in the deaths of three prisoners in Iraq and Afghanistan. Not a single CIA official has been charged, although one private contractor is awaiting trial for the killing of a detainee in Afghanistan.

Even more disturbing, no action—criminal, administrative, or otherwise—has been taken against the high civilian officials responsible for the authorization of torture and mistreatment by U.S. officials in Iraq, Afghanistan, Guantanamo, and elsewhere. We know about the actions that have been taken against Charles Graner and Lynndie England. But what about William Haynes, Alberto Gonzales, Jay Bybee, John Yoo, David Addington, Douglas Feith?

These officials were warned of the consequences of undoing the rules before they changed them. They were informed of the objections to use of these harsh techniques. The FBI, the Naval Criminal Investigative Service, and the British all refused to participate in interrogations because they had such grave concerns about the brutal methods. Finally, one brave soldier, Joseph Darby, acknowledged that what was happening was wrong.

Far from being held accountable, some of these officials have been promoted. Bybee, who signed the notorious Justice Department memorandum redefining torture, was confirmed to a lifetime judgeship on a Federal appellate court. Haynes, the general counsel who made the Bybee memorandum official policy for the military, has been re-nominated for another appellate judgeship. Gonzales now serves as the Nation's Attorney General.

Last weekend, the Army's Inspector General revealed he had exonerated almost all of its top officers of any responsibility for abuse of detainees at Abu Ghraib, even though one of them, Lieutenant General Sanchez, explicitly approved the use of severe interrogation practices, and even though a review by former Secretary of Defense James Schlesinger found that General Sanchez and his deputy "failed to ensure proper staff oversight of" the operations at Abu Ghraib.

What signal does this pattern of prosecutions for low-ranking soldiers, exonerations for generals, and promotion for civilians send to our men and women in the Armed Services, and to our veterans?

The torture scandal is not going away on its own. Our Nation will continue to be harmed by the reports of abuse of detainees in U.S. custody, the failure by top officials to take action, and the abandonment of our basic rules and traditions on human rights.

The scandal directly endangers U.S. soldiers and U.S. civilians abroad. We no longer demand that those we capture in the war on terrorism be treated as we treat prisoners of other wars. What will we say to a country that justifies its torture of a U.S. soldier by citing our support for such treatment? How can we hold other nations accountable for their own human rights violations, when we continue to hold prisoners for years, without charging them or convicting them of anything?

The Nation's standing as a leader on human rights and respect for the rule of law has been severely undermined.

We cannot simply answer, as some have done, that the behavior is acceptable because terrorists do worse. By lowering our standards, we have reduced our moral authority in the world. The torture scandal has clearly set back our effort in the war on terrorism. It is fueling the current insurgency in Iraq. Even our closest allies, such as Great Britain, have raised objections to our treatment and rendition of detainees.

Al-Qaida is still the gravest threat we face. The widespread perception that the U.S. condones torture only strengthens the ability of al-Qaida and others to create a backlash of hatred against America around the world. If we do not act to locate official responsibility for Abu Ghraib, we will condone a new status quo in which our policy toward torture is technically one of zero tolerance, while de facto our officials tolerate and commit torture daily.

Many of us were struck by the rhetoric in President Bush's Inaugural Address. "From the day of our founding," he said, "we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth." Many of us would like to work with the President to develop a foreign policy that advances these important values. But rarely has the gulf between a President's rhetoric and his administration's actions been so wide. It is simply not possible to reconcile his claim that "America's belief in human dignity will guide our policies" with the barbaric acts that have been committed in America's name.

We must not allow inaction to undermine two bedrock principles of human rights law that we worked hard to establish at Nuremberg: that higher officials cannot escape command responsibility and lower officials cannot excuse their actions by claiming that they were "just following orders."

It is time to come to terms with the continuing costs of the torture scandal, and respond effectively. We need to fully restore the Nation's credibility and moral standing, so that we can more effectively pursue the Nation's interests in the future.

First, we must acknowledge that the rule of law is not a luxury to be abandoned in time of war, or bent or circumvented at the whim and convenience of the White House. It is a fundamental safeguard in our democracy and a continuing source of our country's strength throughout the world.

Sadly, a recent National Defense Strategy policy contained this remarkable statement: "Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism." Who could have imagined that our Government would ever describe "judicial processes" as a challenge to our national security—much less mention it in the same breath as terrorism? Such statements do not reflect traditional conservative values, and they are clearly inconsistent with the ideals that America has always stood for here and around the world.

Second, we must acknowledge and apply the broad consensus that exists against torture and inhumane treatment.

Never before has torture been a Republican versus Democrat issue. Instead, it's always been an issue of broad consensus and ideals, reflecting the fundamental values of the Nation, and the ideals of the world.

President Reagan signed the Convention Against Torture in 1988. The first President Bush and President Clinton supported its ratification. The Senate Foreign Relations Committee, led by Senator Jesse Helms, voted 10–0 in 1994 to recommend that the full Senate approve it. The Clinton administration adopted a "zero tolerance" policy on torture. Torture became something that Americans of all political affiliations agreed never to do.

And 9/11 didn't nullify this consensus. We did not resolve as a Nation to set aside our values and the Constitution after those vicious attacks. We did not decide as a Nation to stoop to the level of the terrorists, and those who did deserve to be held fully accountable.

Americans continue to be united in the belief that an essential part of winning the war on terrorism and protecting the country for the future is safeguarding the ideals and values that America stands for at home and around the world.

That includes the belief that torture is still beyond the pale. The vast majority of Americans strongly reject the cruel interrogation tactics used in Iraq, Afghanistan, and Guantanamo—including the use of painful stress positions, sexual humiliation, threatening prisoners with dogs, and shipping detainees to countries that practice torture. The American people hold fast to our most fundamental values. It is time for all branches of the Government to uphold those values as well. It is clear beyond a doubt that we cannot trust this Republican Congress or this Republican administration to conduct the full investigation that should have been conducted long before now. We have had enough whitewashes by the administration and Congressional committees.

Finally, to implement these values, we need a full and independent investigation of our current detention, rendition, and interrogation policies, including an honest assessment of what went wrong in Iraq, Afghanistan, and Guantanamo.

The investigation will require genuine candor and cooperation by all officials and agencies in the Bush administration, full accountability, a clear statement of respect for human rights, and a plan for protecting those rights throughout the Government. Only a truly independent and thorough investigation can restore America's reputation and put us back on the right path to the future.

The challenges we face in the post-9/11 world are obvious, and the stakes are very high. Working together, we have met such challenges before, and I am confident we can do so again. I urge all of my colleagues, on both sides of the aisle, to join to protect the rule of law, protect our soldiers serving abroad, and restore America's standing in the world.

Mr. President, this has never been a partisan issue. We have a number of conventions on torture and other commitments that this Nation has made under Republican Presidents and Republican leaders in the important committees of the Congress. We have had very clear leadership by Republicans and Democrats at other times in our history in terms of adhering to what they call the "golden rule." The golden rule is based on a very fundamental and important concept, which is we do not want others to treat our soldiers harshly and, therefore, we will not treat other soldiers harshly. The principal point underneath that is, even if we treated people harshly and went through the process of torture, the information that you gain as a result of torture is rarely as good as what interrogators who are using and conforming to the Geneva Conventions get.

It is time for the United States to return to its better hours on this issue, and it is time that we not hold the privates and corporals accountable. But after 9 investigations by the Defense Department without a single prosecution, after we have more than 20 individuals who have actually been beaten or tortured to death and a determination by the administration that not a single person is going to face discipline, it is time that we take action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, the regular order of business is the Transportation bill. We will proceed now. It is our desire to discourage people from coming down to the Senate floor until we have started receiving these amendments. There is no more important piece of legislation that we will consider this year than the Transportation bill. I am prepared to go through it section by section. I will certainly yield to the ranking minority member, Senator JEFFORDS.

Mr. JEFFORDS. I thank the Chairman. I have a brief statement I would like to put in.

Mr. President, when you live in Vermont, you must endure a long, hard winter.

To keep spirits up, a Vermonter will look for signs of spring, sometimes in the most unlikely places.

One leading indicator of brighter days ahead is a phenomenon known as the frost heave.

As temperatures rise, highways begin to buckle, producing humps in the road that rattle your teeth and mangle your shocks. Highway workers post bright orange signs to warn drivers of upcoming frost heaves. To a Vermonter, these signs are like the first flowers in bloom.

As the seasonal changes unfold, the frost heaves recede and the paved roads return to their more normal state. Unfortunately, that is often a state of disrepair. Bridges share this sorry condition, due to effects of weather, wear and tear.

The cure is major maintenance, reconstruction or replacement. But that costs money, a lot of money.

For more than the 3 years now, we have been working to reauthorize the highway program—because our transportation challenges are many.

The bill before us is a good one. it may not include all the funding it deserves. but it does move us forward. This bill addresses many very important issues facing our roads and highways. Safety is my highest priority.

Last year, Vermont experienced the highest number of fatalities on its highways since 1998. Ninety-seven people died in automobile crashes, up from 69 in 2003.

Nationally, we have made real progress on highway safety over the last 10 years.

According to the U.S. Department of Transportation, the rate of fatalities has declined from 1.9 to 1.5 deaths per million vehicle miles traveled. But the number of fatalities has held steady at roughly 42,000 per year. That number is unacceptable.

This bill is not only an investment in our highways, it is an investment in public safety.

And we know congestion in this country is bad and getting worse. Congestion costs Americans more than $69.5 billion annually in lost time and productivity; 5.7 billion gallons of fuel are wasted each year while motorists sit in traffic.

One way to reduce congestion, is to move goods by freight and we are moving more freight in this country than ever before.

The forecast for future demand is daunting, with U.S. DOT projecting that the volume of freight will increase 70 percent by 2020.

This bill will expand freight capacity through new partnerships, investments and market financing techniques.

The highway program expired nearly 2 years ago, and the States have been operating under series of short-term extensions.

This has disrupted construction programs, delayed safety improvements and interrupted funding to transit operators.

It is time to act on this bill. The next sign of spring in Vermont after the frost heave is something known as mud season. You can tell from the name that it's not a lot of fun.

Moving a highway bill over the coming weeks will feel at times like mud season but at the other end a brighter day.

Mr. President, I yield the floor.

Mr. INHOFE. Mr. President. I thank the Senator and certainly agree with his remarks.

Once again, the ranking member and I request anyone who has amendments to come down to the floor. We are open for amendments at this time on this very significant piece of legislation.

Let me go through section by section and explain what we have in the bill.

Section 1203 is freight transportation gateways, freight intermodal connections. I think it is important we realize—and we said this earlier this morning—back when the first legislation came to our attention—that was back during the Eisenhower administration—they were talking about roads and highways. Now this has become intermodal, to take care of all the needs in transporting people and goods around the country.

Freight movement in America is expected to grow dramatically in both volume and value over the coming decades. Throughout reauthorization, the Environment and Public Works Committee heard concerns about inadequate freight facilities, insufficient capacity, and inefficient connections.

In December 2003, the GAO released a report on freight transportation that recommended strategies needed to address planning and financing limitations. The report noted that the major challenges to freight mobility all shared a common theme—congestion—including overcrowded highways and freight specific chokepoints. Additionally, the GAO reported two main limitations that stakeholders encounter in addressing these challenges. They first related to the limited visibility that freight projects receive in the planning and prioritization process. SAFETEA directly addresses this problem by creating a freight transportation coordinator at the State level to facilitate public and private collaboration in developing solutions to freight transportation and freight gateway problems. The bill also ensures that intermodal freight transportation needs are integrated into project development and planning processes.

The second limitation reported by the GAO was that Federal funding programs tend to dedicate funds to a single mode of transportation or nonfreight purpose, thus limiting freight project eligibility among some programs. SAFETEA, or the bill we have before us today, addresses this problem by making intermodal freight projects eligible for STP and NHS funding.

The Freight Gateways Program under this bill promotes intermodal improvements for freight movement through significant trade gateways, ports, hubs, and intermodal connectors to the National Highway System. States and localities are encouraged to adopt new financing strategies to leverage State, local, and private investments in freight transportation gateways, thus maximizing the impact of each Federal dollar. The Freight Gateway Program is funded from a set-aside of 2 percent of each State's NHS proportions. However, in the spirit of State flexibility and ensuring that funds go to the areas of the greatest need, a State is not required to spend 2 percent of the NHS apportionment if they can certify to the Secretary that their intermodal connectors are adequate.

I think my colleagues see all throughout this bill that we are granting more latitude for the States to determine their fate. It is a recognition that the States know their needs better than we know them in most cases. Consequently, if they can do something better, why dictate something from the Federal Government when they are able to do a better job themselves.

Section 1204 is construction of ferry boats and ferry terminal facilities. TEA-21 established a discretionary program for the construction of ferry boats and ferry terminal facilities. This bill creates a new permanent section in title 23 for this TEA-21 program. The program is designed to provide for the important construction of ferry boats, ferry terminals, and approaches to facilities that are part of the Nation's highway system and constitute "last mile" connections for ferries.

Section 1205 is designation of interstate highways. As part of this bill, Interstate Highway 86 in the State of New York is specifically designated as the Daniel Patrick Moynihan Interstate Highway in memory of our late colleague and friend who was not only a transportation safety expert but served his country in the House and Senate for many years.

It is important at this time to recognize that Daniel Patrick Moynihan was also the chairman of this committee that accomplished so much in the earlier years. And unbeknownst to most people on the committee, Daniel Patrick Moynihan was from my city of Tulsa, OK. So I am very supportive of this portion of the bill to make this designation for him.

This section also designates a segment of Interstate Highway 86 near towns of Painted Post and Corning in New York State as the Amo Houghton Bypass in recognition of the former Congressman's work in making I-86 possible. It is interesting, we have a Democrat and Republican getting these designations. It happens that I was elected in 1986 with Amo Houghton. He has made great contributions, and I am sure this is a very appropriate tribute to make to former Congressman Amo Houghton.

Section 1301, the Federal share. SAFETEA continues the statutory provisions that lay out what the Federal share for a highway project will be for different States based on the amount of Federal land within the States. The Federal share provisions of the current law use a sliding scale which permits States with large portions of Federal land to match Federal funds with fewer State dollars. This is understandable because the Federal lands would consume a good portion of some States, States such as New Mexico. Due to the decreasing taxing ability of States with high percentages of Federal lands, these States are given access to a higher Federal contribution for highway projects within their States.

The bill before us today modifies this provision slightly to simplify the calculation used to determine the Federal share rates that apply to each individual State. I might add, in this respect, this is something we found agreement with from both the States with large amounts of Federal land and States, such as my State of Oklahoma, that has a very small amount.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, as we go through section by section, we talked about congestion, but we neglected to elaborate because this is one of the more serious problems we have now. According to the Department of Transportation, time spent in congestion increased from 31.7 percent in 1992 to 33.1 percent in 2000. Based on this rate, a typical rush hour in an urbanized area is 5.3 hours a day. The problem is not simply in urban areas. Cities with populations less than 500,000 have experienced the greatest growth in travel delays, according to the DOT.

Very often we do not talk enough about the cost. Right now we are sensitive to the cost of fuel. Yet we can see traffic stopped, with engines idling. This is another factor that has to be entered into the equation.

Increase in capital investment is one way to address congestion. We must also consider ways to better manage existing systems. This bill proposes a national goal of real-time traffic information available for the entire Nation. This goal, while ambitious, is important because we need to reorient our thinking to recognize the importance of allowing users of the system to utilize the system more efficiently, specifically by providing travelers with usable information that will enable them to select the right travel alternative plans.

The biggest and fasting growing cause of congestion in our urban centers is bottlenecks around port and intermodal facilities. Frankly, traffic is expected to grow dramatically in volume in the coming decades with increased international trade. Movement toward the just-in-time economy, freight shipping, will take on heightened importance.

Recently I visited with representatives of the Alameda Corridor Transportation Authority and they shared with me that more than 40 percent of all waterborne freight container traffic in the U.S. ports is handled by the Ports of Los Angeles and Long Beach. My first thought was, how does this trade through the Ports of Los Angeles and Long Beach affect my constituents in Oklahoma? The answer surprised me. It is estimated that over 100,000 jobs in Oklahoma are attributable to the trade from these ports. That is one example of two ports. I suspect if I had statistics from other ports, I would find that economic development in Oklahoma is tied as closely to them, as well.

We are part of a global economy. This illustrates more than anything, goods and services produced in Oklahoma are being shipped all over the world. Likewise, Oklahomans are purchasing goods and services from countries all over the world. The simple fact is that trade is the engine driving our economy. We cannot ignore the infrastructure needs.

It is worthwhile stating that one of the best kept secrets is we have actually a port that goes all the way to Oklahoma, the port of Catoosa in my hometown. I remember many years ago when I was serving in the State Senate when we were trying to get the message out that we actually are navigable, we have a port that comes all the way up. No one knows it. They do not think about that in Oklahoma. It goes up the Mississippi River from the gulf and comes across the Arkansas River and into Oklahoma. At that time we decided we wanted to let people know of our great port and the navigation that cost billions of dollars to reach all the way to Oklahoma, the most inland port, only to find the way to do this is to demonstrate it. I actually arranged to take over from the Navy a very large World War II surplus submarine called the USS Batfish.

All my political adversaries were saying, we will sink INHOFE with this Batfish. It will never make it all the way to Oklahoma. We were able to bring it all the way. Now proudly displayed in Muskogee, OK, is a World War II submarine that came all the way up the navigation route. So I think it is important. I thought I would throw that out in case somebody did not know it.

Section 1302 is the transfer of highway funds and transit funds. In an effort to provide flexible transportation funding, SAFETEA clarifies—by the way, SAFETEA is what we will refer to during the consideration of this bill. This name could be subject to change when we get to conference. But this bill clarifies that title 23 funds may be transferred by the Secretary to the Federal Transit Authority for all projects except transit capital projects. It also allows States to transfer their funds to another State or a Federal agency at their request, if the funds are used in the same manner and for the same purpose as they were originally authorized.

Section 1303 is the Transportation Infrastructure Finance and Innovation

Act, or TIFIA. This is very significant. We talked about it a little bit earlier, that people come up with new ways of approaching the funding for transportation, and ways that are innovative, ways that are partnering with the private sector, that can be much better than the way we have been doing business for the last 40 years.

The Transportation Infrastructure Finance and Innovation Act, TIFIA, was established for the first time in TEA-21 to provide Federal credit assistance for major transportation investments. The TIFIA program has proven to be an innovative and successful addition to the conventional grant-reimbursable highway program. Following the success of the TIFIA program under TEA-21, and considering input from stakeholders and recommendations from the administration, the committee bill has made a few changes to the TIFIA program to expand its scope and increase its usability.

The amount of the Federal credit assistance cannot exceed 33 percent of the total project costs. TIFIA offers three types of financial assistance for these large projects: first, direct loans; second, loan guarantees; and, third, standby lines of credit. The bill also lowers the threshold cost for eligible projects from the TEA-21 level of $100 million to $50 million to make the TIFIA assistance accessible to a greater number of large highway projects.

Projects are also eligible for TIFIA assistance when costs are anticipated to equal or exceed 20 percent of the Federal highway funds apportioned to that particular State. With the increased emphasis this bill places on freight mobility, the definition of "eligible freight-related projects" is expanded to allow a group of freight-related projects to be eligible, each of which individually might not meet the threshold requirements for TIFIA credit assistance.

Section 1304 is facilitation of international registration plans and international fuel tax agreements. In response to issues surrounding commerce from Mexico, SAFETEA gives the Secretary of Transportation discretion to provide financial assistance to States participating in the International Registration Plan, the IRP, and the International Fuel Tax Agreement. These States incur certain administrative costs resulting from their service as a home jurisdiction for motor carriers from Mexico.

The International Fuel Tax Agreement and the International Regional Plan are agreements among various U.S. States and Canadian provinces that facilitate the efficient collection and distribution of fuel use taxes and apportioned registration fees among each member jurisdiction. Under both programs, each motor carrier designates its home State or province as the jurisdiction responsible for collecting fuel use taxes and fees.

Since the implementation of NAFTA, the Mexican Government imposes and collects fuel taxes and registration fees differently from the United States and Canada. The National Governors Association is currently evaluating Mexico and its participation in these two programs. In the interim, Mexican motor carriers may use individual U.S. States or Canadian provinces as their home jurisdiction.

Mr. President, I pause here to say to the majority leader and the minority leader, we appreciate very much our ability to go ahead and bring this bill to the floor. Again, we are asking Members, if they have amendments, bring them down. We are eventually going to run out of time, and we want to consider these amendments in a timely fashion. I think we are pressing it right now. We are going to try very hard to have this new bill passed before the expiration of the extension.

I might add, this is the sixth extension we have had, and it does expire on May 31. We want an opportunity to be able to handle this legislation so we will not have to ask for another extension.

It seems to me—and I have been asked a lot of questions as to what our timing looks like right now—we ought to be able to handle amendments through the remainder of the week. Then we will go into a 1-week recess. At the conclusion of that recess, on Monday, the 9th of May, we will continue to look at amendments. It would be my intention to file a cloture motion so we can get to a final vote. Certainly, we have had adequate time, and there does not seem to be that much interest right now in coming down to the floor and offering amendments. That would enable us to send this bill to conference sometime toward the end of that week of May 9. Then we would get to the conference.

It has been our experience in the past that if it is done properly, we ought to be able to get the conferees to agree to some compromises, if necessary, between the House bill and the Senate bill. They are quite different. We have explained the basic differences, and the philosophy of the House, the philosophy of the Senate. Ours, I believe, is a more responsible way of looking at it. Having served 8 years in the Transportation Committee over in the House, at that time that seemed to be something that was workable.

But we ultimately have to come to an agreement. We ultimately have to go to conference and iron out the differences. We have a lot to consider in conference. It is my expectation we will go to conference with an amount that will exceed the current limitation of the bill that is before us today, that amount being $284 billion over the remainder of the 6-year period. However, I do not know that to be the case. If it is the case, then we will have to handle that in conference and make that determination.

In conference, we are also going to have to be looking at the approach to a number of projects. You hear people talking quite often, saying this is a big highway bill, there is a lot of pork in it. I tell you, there is no pork in this bill. There are no projects in this bill. There are only two projects in the entire bill, which consists of hundreds and hundreds of pages. Consequently, it is done on formula. We have talked about the formula, all the considerations that are made by the formula: the donee status, the donor status, the growth factors that go into the various States, the densely populated States, the sparsely populated States. All make for a very equitable approach.

I believe we have a bill that will be able to be passed and sent to conference, and we will be able to come back from the conference and then have it signed into law by the of May 31. If we do not do that, and if we ask for another extension, we will be at the time of year for the peak construction season, which would merely mean we would lose very valuable time. I am sure in the States of Oklahoma, South Carolina, and other States, that is a very important consideration.

With that, I anticipate there may be more Senators who wish to come down and offer amendments. I am hoping they will at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MR. PEYTON HEADY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian who has done the important work of keeping a piece of the Commonwealth's history alive by chronicling the events of the county he is proud to call home, Union County.

Mr. Peyton Heady has written and published 25 books that cover some aspect of the county's history. He has a particular interest in how people from

Union County were involved in the Civil War. One such story involves Tom Henry, a Union County native who managed to stop the notorious outlaws, Frank and Jesse James from robbing a bank in Morganfield. Mr. Henry convinced the James brothers that he had friends who had money in the bank and they wouldn't want to lose it. This story could have been lost in the annals of history, but it won't be because of Peyton Heady's thorough research and documentation.

Another piece of Union County history that Mr. Heady has taken an interest in is that of Camp Breckinridge. As a former clerk in the civil engineering division at the camp during World War II, Mr. Heady has first-hand experiences to share and draw from. Later this week he will be honored by the Earle C. Clements Job Corps Center, located on Camp Breckinridge property, for keeping a record of the history of Camp Breckinridge. The Center will name one of the camp administration buildings the Peyton Heady Building.

I urge my colleagues to join me in giving Mr. Heady the thanks of a grateful Commonwealth and a grateful Nation. Thanks to his dedication, the history of Kentucky shall be preserved. I ask unanimous consent to have printed in the RECORD an article from The Henderson Gleaner "Making History: Chronicler of Union County Events Honored for Keeping Memories Alive," about Mr. Heady's contributions to his community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Henderson Gleaner, Mar. 13, 2005]

MAKING HISTORY: CHRONICLER OF UNION COUNTY EVENTS HONORED FOR KEEPING MEMORIES ALIVE

(By Judy Jenkins)

Tom Henry was one of those bigger than life characters who would, if he were alive today, be gracing the cover of "People" magazine and artfully answering questions lobbed at him by Larry King.

Tom was a handsome Union County native who served as a captain in the Confederate army and, legend has it, managed to earn the respect of those infamous outlaws Frank and Jesse James. The James brothers spent a considerable amount of time in Morganfield during the Civil War, and at one point Frank—the story goes—was planning to rob a bank there.

Our hero Tom learned of those plans and convinced Frank to forego the robbery by telling him that he had some good friends who had money in that bank and he'd sure hate for them to lose it.

On another, darker occasion, a Yankee colonel was captured and tied to a tree. Apparently a couple of the captors were planning a short future for the Northerner, but Tom informed them they'd have to walk over his own dead body to harm the colonel.

In a twist that Hollywood would love, Tom was captured and after the war was taken to Louisville to stand trial for his life. The Yankee colonel, by amazing coincidence, walked into the courtroom, recognized Tom as the captain who saved his life, and got the Union Countian released.

That's just one of the many accounts in Peyton Heady's 1985 "Union County History in the Civil War." The 252-page book makes what could be dry, dusty descriptions of past events come alive for the reader.

Peyton, who wrote the history because he was concerned that little had been written about Union County's involvement in the Civil War, noted that about 60 percent of the county's population supported the Confederate cause and families were often divided.

There were, for instance, the Lambert brothers who fought in opposing armies, survived the war and never again spoke to each other—but are buried side by side in a Union County cemetery.

The book is one of 25 written and published by Peyton over the decades, and they all cover some aspect of Union County history. Some are genealogical volumes and some record the county's cemeteries, including obscure resting places. While surveying those cemeteries, the retired U.S. Postal Service employee found the graves of seven Revolutionary War soldiers with monuments intact.

Peyton, who was a clerk in the civil engineering division at Camp Breckinridge during World War II, also wrote the history of the sprawling camp that contained 36,000 acres, had housing for 30,000 troops and 10,000 additional personnel, boasted its own utility systems and airstrip, had 12 dispensaries and hospitals, nearly seven miles of railroad, a simulated "Japanese training village," four movie theaters and much, much more.

Four divisions from that Army post fought in the Battle of the Bulge; and the camp contributed a number of major units that played a significant role in breaking down the Nazi fortress.

It was at the camp that Peyton watched a young African American soldier named Jackie Robinson play baseball, and it was there he supervised 150 German prisoners of war.

For the price of a box of Cuban cigars, one of those prisoners painted Peyton's portrait. The painting hangs in the Morganfield home of Peyton and Cecilia, his wife of 53 years and mother of their two children, James Heady and Rebecca Heady Gough.

On April 28, Peyton no doubt will feel he's come full circle in his life. On that day, one of the camp administration facilities will be named the Peyton Heady Building. The 11 a.m. dedication ceremony is part of the 40th anniversary celebration of the Earle C. Clements Job Corps Center, which is on the Camp Breckinridge property.

Peyton, 79, is being saluted largely for his determination to keep the history of Camp Breckinridge from passing into obscurity. He opted to undertake that history when he learned that government archives contained a one- page description of the giant complex that was last used as a military installation in 1963.

He is touched by the upcoming honor, but he'll have you know that the thousands of hours of patient research and writing his books weren't for praise or glory. "I just think if you're going to live in a town and raise your children in a town you should do something to make it better," he says.

Things he's done include working with Morganfield's Little League program for more than two decades.

Peyton is on a walker now and doesn't often leave his home, but he isn't complaining. "I'm a happy man," he says. "I'm happy with my marriage (which naysayers said would never work because Cecilia's Catholic and he's Methodist), happy with my family and happy with my life."

His histories have sold well and seven or eight have been reprinted, but Peyton hasn't gotten rich from the sales.

"I didn't write them for profit," he says. "I wrote them for history."

TRIBUTE TO LUTHER DEATON, JR.

Mr. McCONNELL. Mr. President, I rise today to commend an accomplished Kentuckian and good friend, Mr. Luther Deaton, Jr. A native of Breathitt County, KY, Mr. Deaton is an esteemed banker, revered community leader, inspiring mentor, and caring father.

Luther began his career in the banking industry as an assistant manager and teller with Central Bank & Trust Co. in Lexington in 1978. Little did he know that initial exposure would lead to a lifetime of professional achievements. Possessed with a resolute and unshakeable determination to advance his employer's cause, Luther rapidly rose through the company's ranks. In January 1996, the Board of Directors promoted Luther to president and CEO of Central Bank, and in March 2002, he was named chairman of the bank. He also serves as the chairman of Commerce Lexington, Inc., which seeks to expand and attract economic development in central Kentucky.

While Central Bank has flourished under Luther, it is his leadership presence in central Kentucky I admire most. His formidable array of accomplishments directly results from his passion to improve the quality of life for his fellow Kentuckians. In September 1997, the Lexington Theological Seminary named Luther as the second recipient of the John R. Wooden Award, an honor given to layman whose life shows commitment to, and active involvement in, a faith community and evidence of putting one's faith to work for the welfare of humankind. In 2001, he was the recipient of the Governor's Economic Development Leadership Award for the State of Kentucky. Additionally, the Junior Achievement of the Bluegrass inducted Luther into the 2004 Bluegrass Business Hall of Fame, due to his labor and vision to improve the quality of life in the Bluegrass area.

Later this month, Luther will be the honoree at the Volunteers of America Tribute Dinner in Lexington, KY. Here the community will have an opportunity to thank him for all of his contributions and honor his achievements.

Mr. President, today I ask my colleagues to join me in honoring and recognizing one of Kentucky's pre-eminent professionals, Mr. Luther Deaton, Jr.

ROSEMARY VITAVEC

Mr. REID. Mr. President, I rise today to congratulate Rosemary Vitavec, a third grade teacher at Walter Bracken

Magnet School in Las Vegas, who was selected as one of 95 winners from across the Nation for the Presidential Award for Mathematics and Science Teaching for 2004.

The awards were created in 1983 and are administered by the White House and the National Science Foundation. Each year the program recognizes outstanding mathematics and science teachers from across the United States and four U.S. jurisdictions for their contributions in the classroom and to their profession.

This distinction highlights the fundamental importance of math and science education in preparing our Nation's students for the global economy. It also highlights the outstanding work done at Bracken Magnet School in emphasizing math and science learning with technology.

Mrs. Vitavec, a 23-year veteran, has taught in the Clark County School District for 12 years.

I salute Rosemary Vitavec for her service and dedication to the students of Clark County, and extend my best wishes for a successful future.

SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today to recognize several young people who were recently selected by the American Automobile Association to receive special awards for their work as school safety patrollers.

More than 500,000 students in 50,000 schools across the country participate in AAA's School Safety Patrol program. These young people have taken on the important responsibility of making the streets around their schools safer for their classmates. Though their responsibilities are often routine, the patrollers on occasion must place themselves in harm's way in order to save lives. It is my honor today to recognize six students who were selected to receive the AAA Lifesaver Award for their selfless and heroic actions in fulfilling their duties as patrollers as well as the National Patroller of the Year.

The first AAA Lifesaver Award recipient is Jessica Zeiter, a 10-year-old student at Huron Park Elementary School in Roseville, MI. On February 9, 2004, Jessica was on a patrol when a pickup truck driver sped on icy snow in heavy traffic. The driver probably could not have stopped even if he had seen the small first grade student step into the street, but fortunately Jessica quickly grabbed the student by the coat and pulled her back to safety. Others who were at the crosswalk that day thought the child was going to be hit and were shocked that she was saved.

The second AAA Lifesaver Award recipient is Michelle Grimm, a 12-year-old student at Weems Elementary School in Manassas, VA. On March 5, 2004, a kindergarten student fell off of the sidewalk and was lying directly in the path of a school bus. The student was struggling to get up but could not regain his balance because of his heavy book bag. The bus driver did not see the child lying in the street, but Michelle ran to the student's aid, helping him out of the way of the approaching bus.

The third AAA Lifesaver Award recipient is Estefan Santos, a 10-year-old student at Jackson Road Elementary School in Silver Spring, MD. On September 10, 2004, a 6-year-old child broke free from his sister's care and ran to cross the street towards her father who was waiting in his car. Estefan realized that the 6-year-old was not going to stop at the corner and held him back from the approaching traffic. Though bitten and kicked while holding the 6-year-old back, Estefan undoubtedly saved the child's life that day.

The fourth AAA Lifesaver Award recipient is also from Maryland. Her name is Pytrce Avonnia Farmer, and she is a student at Eva Turner Elementary School in Waldorf. On October 4, 2004, a 6-year-old child was waiting on the street curb under Pytrce's direction. The child's mother, however, moved her car forward into the second lane of traffic, and the child stepped into the street without noticing another car approaching. Pytrce acted quickly and bravely to pull the child from the path of the car. The child's mother has said that her son would not be alive today if not for Pytrce.

The fifth AAA Lifesaver Award recipient is Jared Smith, an 11-year-old student at Combee Elementary School in Lakeland, FL. On January 7, 2005, a 7-year-old student dashed past the group of children who were waiting for a van to pick them up, darting out into the path of the van. Fortunately, Jared stopped her before she was hit, though the van was only a few feet away.

The sixth AAA Lifesaver Award recipient is Naomi Wall, an 11-year-old student at Dan Emmett Elementary School in Mount Vernon, OH. On March 19, 2004, a 5-year-old student named Braden walked into the road, obeying a walk sign though against his sister Naomi's patrol flag telling him to stop. At the same time, a car had run a red light and was headed right for a car going through the intersection. Had Naomi not held her brother back by the arm, he would have been in the middle of the crash.

In addition to honoring these six brave patrollers, AAA also recognizes one student as National Patroller of the Year for demonstrating leadership qualities, strong academic performance, and civic involvement. This year, the National Patroller of the Year is Deanna Constantino, a fifth grader at Cross Street School in Williston Park, NY. Deanna is a member of the student council, serves on the school newspaper, has been a Girl Scout for 4 years, and participates in charitable fundraising activities through her school. Deanna, like all the other safety patrollers recognized by AAA, is clearly an impressive young person with tremendous potential.

I also thank AAA for making the school safety program possible. The program has helped save many lives over the years and has made our schools safer for our students, though, as the stories of the Lifesaver Award recipients demonstrate, the streets around our schools are not safe enough. That is why I have worked for the last 2 years to create a national Safe Routes to School program. This program would fund safety improvements on roads near schools so that children can safely walk or ride their bicycles to school. I hope Congress passes my program this year, but whether or not it does, I am comforted to know that 500,000 AAA patrollers across the Nation will be working hard to keep the streets around our schools safe.

TRIBUTE TO SENATOR JEFFORDS

Mr. LEAHY. Mr. President, I spoke on the floor last week to briefly recount some of the many reasons that Vermont and the Nation will miss the leadership, the independence and the decency of Senator JIM JEFFORDS when he chooses to retire from the Senate at the end of his current term.

Since then there have been many news articles and editorials that have also catalogued and described various aspects of JIM JEFFORDS' distinguished legacy. As is often the case when he writes about the events and issues of the day, Emerson Lynn, the publisher of the St. Albans Messenger in my home State of Vermont, did this particularly well. I would like to share his editorial with the members of the Senate.

I ask unanimous consent that Emerson Lynn's recent editorial about Senator JEFFORDS be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Albans Messenger, Apr. 21, 2005]

JEFFORDS LEAVES BEFORE HIS TIME, ACCOMPLISHES MUCH

Senator Jim Jeffords, who turned Washington's political world upside down 4 years ago with his defection from the Republican Party, Wednesday turned Vermont's political world upside down with his announcement not to seek reelection.

He said it was time to begin a new chapter in a life that for 38 years has been dominated by an election cycle that began as a state senator from Rutland in 1967, to Attorney General in 1969, to the U.S. House of Representatives in 1974 to the United States Senate in 1988. He has represented Vermont in one office or another for almost four decades. If that is a chapter, most our lives can be explained in a paragraph.

Wednesday's announcement was the sad affirmation of what many of those close to the Senator had feared: his health is less than optimum and his wife, Liz, is battling cancer and about to undergo a third round of chemotherapy. At some point the question is more akin to the clap of thunder to our better senses: is being senator worth one's health; is it worth not being able to pay the proper attention to one's wife who is battling cancer, and, is the twilight of one's life best spent with one's children, and an expected grandchild, or with the churlish likes of Tom DeLay and the hard right that have stolen a sense of civility and class from the Senate? For anyone not suffering from the hubris that often comes attached to the position, the choice is clear and Jim Jeffords made that choice with grace and perspective.

He also did the honorable thing politically. He announced his retirement with sufficient time for both parties to give thoughtful consideration as to how to approach the November 2006 race. He could have waited. He didn't, and in so doing reinforced the integrity that has characterized his career.

And his has been a remarkable career. The history books will undoubtedly begin their biographies noting the impact of his May, 2001 decision to bolt from a Republican party he said had left its moorings. But the senator's accomplishments extend far beyond one's party allegiance. As Vermont's attorney general he played a pivotal role in the implementation of Act 250, and the law to outlaw billboards. No Vermont politician has had a greater impact on dairy farming, nor does any politician have a better understanding of the industry and its needs. There isn't a single bit of legislation dealing with special education [or education in general] that doesn't have his fingerprints on it in one fashion or another. The same can be said of his years in the Senate when dealing with the environment. He was also a passionate defender of the arts. What he has accomplished will endure beyond fame's notoriously short life.

It's axiomatic that this was not the choreographed conclusion of his choosing. His desire was to win reelection as an independent, thereby vindicating a personally wrenching decision to leave the Republican Party. Life's bows cannot be so neatly tied and those who try find them but ropes of sand that disintegrate in the twisting.

Sadly, we are in an age that exploits one's natural fissures as though they were fatal flaws of one's character. One's vulnerabilities are extrapolated into insurmountable deficiencies, as if there were only sun and no shadows, all light, no darkness. The senator knows only too well how that game is played. The Yale/Harvard educated man will be known more for a twisted tongue than a clear mind, as if being articulate were a higher calling than being thoughtful.

In the end, it's not what others think of you but the joy you carry in your toil. And, in the end, it is Mr. Jeffords that wears the smile, not his accusers. He is like Sisyphus in Albert Camus' "Myth of Sisyphus", the character in Greek mythology who was condemned for eternity to roll a boulder up a hill, only to have it roll back down again. Camus made the convincing argument that Sisyphus' lot was not tragic, but uplifting. He could smile at the absurd because he understood it as such.

Camus concluded by writing: "I leave Sisyphus at the foot of the mountain! One I always finds one's burden again. But Sisyphus teaches the higher fidelity that negates the gods and raises rocks. He too concludes that all is well. This universe henceforth without a master seems to him neither sterile nor futile. Each atom of that stone, each mineral flake of that night filled mountain, in itself forms a world. The struggle itself toward the heights is enough to fill a man's heart. One must imagine Sisyphus happy."

We imagine Mr. Jeffords' heart is full and that he is happy. He should be remembered as such.

The clamor to claim his political perch has begun and din, at times, will overwhelm. What Vermonters can hope for is that all followers choose Mr. Jeffords' path of integrity and independence.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President. I rise today to acknowledge and commemorate April 24, 2005, the 90th anniversary of the beginning of the Armenian Genocide and to urge all Americans to join together to ensure that these crimes never happen again.

On April 24, 1915, the Ottoman Empire began arresting hundreds of Armenian intellectuals, most of whom were subsequently executed. What soon followed can only be described as a tragedy that shocked the human conscience: by some estimates, over a million Armenians were killed, and another 500,000 were driven from their homes. These events marked the 20th century's first experience with such atrocities, and, sadly, they would not be the last.

Maya Angelou, the famous poet and civil rights activist once said:

> History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again.

Indeed it is our duty to remember this horrific tragedy, and face the crimes of humanity with unflinching determination, courage, and moral fortitude so that they never happen again.

As a country founded on the principles of justice, equality, and liberty, the United States must take a leadership role in preventing genocide.

I am proud that the Armenian American community in my home State of California—over 500,000 strong—has taken such a leadership role in ensuring that the U.S. lives up to its values by acknowledging the crimes of the past and taking action against the crimes of the present and future. Their determination and perseverance is a testament to the human spirit and the ability to overcome injustice and build a better tomorrow.

Today, we stand with the Armenian American community in commemorating the start of the Armenian Genocide, and together we stand with those around the world who face persecution and even death simply because of who they are. They must know they are not alone and those who commit these crimes must know we are watching.

We will never forget the Armenian Genocide as we look to the future with courage and determination.

FEDERAL REFUSAL CLAUSE

Mr. KENNEDY. Mr. President, I oppose the Federal refusal clause. The Republican leadership was wrong to include such a broad refusal clause in the fiscal year 2005 Omnibus Appropriations bill. The clause was never voted on by the Senate Appropriations Committee; it was inserted into the bill behind closed doors.

The clause would allow health care firms to refuse to comply with existing Federal, State, and local laws and regulations that pertain to abortion services, counseling, and referrals.

Supporters of the clause claim it simply clarifies existing law. But far from clarifying it, sweeping new changes would be enacted that would be devastating to women's health.

The reality is that no Federal law forces individuals to provide abortion care. The Church amendment, adopted in 1973, enacted a new refusal clause. It explicitly protects individuals who object to providing abortion because of their religious beliefs or moral convictions. Broader refusal clauses, such as the Federal refusal clause, exempt a wide range of organizations, including health plans and hospitals, most of which not only have a secular purpose but also employ and serve individuals who do not share those organizations' religious beliefs.

The Federal refusal clause also discourages States from enforcing its own policies, laws and regulations to protect access to abortion services and information. Republicans continually attack Democrats as proponents of big government who undermine State rights. Yet that is exactly what the Federal refusal clause does.

Forty-six States, including Massachusetts, already have laws that permit certain medical personnel, health facilities, and institutions to refuse to participate in abortion because of their moral or religious beliefs.

We don't need the Federal refusal clause to protect individuals and health care organizations that oppose abortion, we already have that. It exists in both Federal and State laws. Proponents want the Federal refusal clause for one reason—to deny access and information to as many women as possible.

Health care corporations now have the right to gag their doctors and other health care providers. The clause defines "discrimination" as any requirement that a medical service provider inform a woman about her option to seek an abortion—or even refer her to another plan for that information. It's ridiculous to say that giving a woman full information about her medical options is discrimination.

The Federal refusal clause also restricts low-income women's access to abortion services, including information about abortion. It could prohibit the Federal Government from enforcing the requirement that Title X funded family planning clinics provide a woman facing an unintended pregnancy with an abortion referral when she requests one. We will be taking a giant step backward if we don't repeal this refusal clause.

In addition, under the "Hyde Amendment," States are required to provide Medicaid coverage for abortions in cases of rape, incest, or where pregnancy endangers a women's life. The Federal refusal clause, however, could prevent states from requiring that Medicaid HMOs provide or pay for these abortions.

Current law states that low-income women should not be denied critical medical care. Why do we want to change that? What kind of signal are we sending? Women who have suffered through the trauma of rape or incest deserve our help, not an extra burden.

The Emergency Medical Treatment and Active Labor Act guarantees that a woman who needs an emergency abortion procedure to save her life won't be turned away. Yet the Federal refusal clause could allow hospitals to turn away women in these dire circumstances. For a woman in a rural area, with only one hospital, her life itself may be in danger if the hospital refuses to admit her.

It is wrong to deny women access to necessary and urgently needed medical procedures. The Federal refusal clause should never have been included in the fiscal year 2005 Omnibus Appropriations bill, and I commend Senator BOXER for speaking against this provision.

ADDITIONAL STATEMENTS

JUST BORN, INC.

• Mr. SANTORUM. Mr. President, today I would like to congratulate Just Born, Inc. in Bethlehem, PA, on an outstanding accomplishment, shipping Peanut Chews nationwide for the first time. Pennsylvanians should be honored to have a wonderful company such as Just Born in our State, and I join in congratulating Just Born on their recent accomplishment.

Until the Spring of 2003, Peanut Chews were produced by the Goldenberg Candy Company. The Goldenberg Candy Company was founded in Philadelphia in 1890 by David Goldenberg and called D. Goldenberg, Inc. Beginning as a retail confection business, which produced and sold fudge, marshmallow, lollipops, and chocolates, Goldenberg's also created a walnut molasses confection that later became the foundation for the Peanut Chews recipe.

As we all know, Peanut Chews offer a unique combination of a chewy peanut and molasses based center with a dark chocolate coating, making for a tasty candy. Just stop by my desk on the Senate floor to see for yourself.

Peanut Chews were developed during World War I and used by the U.S. military as a ration bar. The high energy, high protein recipe and unique taste made it popular with the troops. Following the war, Peanut Chews were first sold in the Philadelphia area of Pennsylvania. However, their popularity soon spread to New York, Baltimore, and Washington, DC.

In the 1930s, Peanut Chews were sold under the brand name Chew-ets and were often sold in movie theaters. The name stuck until 1999 when the Goldenberg's changed the packaging and the name of Chew-ets to Milk Chocolatey Peanut Chews.

Just Born purchased the Goldenberg Candy Company in 2003, adding the Goldenberg's 61 associates to the already growing Just Born family. Just Born produces two million Peanut Chews candy pieces every day.

This month, April 2005, Peanut Chews will be launched nationally, for the first time reaching beyond to the East Coast. This is quite an achievement, and I send Just Born my best wishes in the future as their company continues to expand.•

ONCOLOGY NURSING DAY AND MONTH

• Mr. BROWNBACK. Mr. President, I rise today to pay tribute to oncology nurses. May 1 marks the beginning of the 10th annual Oncology Nursing Day and Month and this year marks the 30th Anniversary of the Oncology Nursing Society.

As co-chair of the Senate Cancer Coalition, I know oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

I congratulate the Oncology Nursing Society, ONS, on its 30th anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. The society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and health care professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has three chapters in my home State of Kansas, which help oncology nurses provide high-quality cancer care to patients and their families in our State.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year, in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last 10 years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front line providers of care by administering chemotherapy, managing patient therapies and side effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

I thank all oncology nurses for their dedication to our Nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.•

HONORING DANVILLE HIGH SCHOOL

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor Danville High School which was recently selected to receive the 2005 GRAMMY Signature School Enterprise Award. The GRAMMY Signature School Program recognizes the top public high schools in the Nation that have made an outstanding commitment to music education during the school year. The GRAMMY Foundation will award Danville High School $20,000 to benefit its music program.

I commend the Danville Music Department personnel—Alana Smith, head band director and department head; Julianna Sommers, choir/elementary director; and Julie Rutherford, assistant band director, for their vision, but most of all for their commitment to provide such a quality music education to the young people of Danville.

I would also like to recognize the following students for their contributions to the Danville High School Music Program: Jessica Harris, Dana Mendoza, Jasimen Fedison, Jessica Bryant, Patrice Davis, Marlene Mendoza, Yvette Huerta, Daniel Melton, Aaron Sanders, Devon Essman, Nicholas Patterson, Joe Claudio, Baillie Villareal, Anna Garza, Jose Ojeda, Mayra Iracheta, Tiffaney Small, Ashley Hancock, Samantha Turner, Heather Gooch, Akoshua Davis, Janet Claudio, Jorge Mendoza, Vikki Xayadeth, and Margarita Dominguez.

I ask my colleagues to join me in congratulating Danville High School and these outstanding teachers and students on receiving this well-deserved honor.●

IN RECOGNITION OF RACHEL SIMON

● Mr. CARPER. Mr. President, I rise today in recognition of Rachel Simon and her extraordinary book, Riding the Bus with my Sister. The book chronicles the time her developmentally disabled sister Beth spends riding the bus. It brings to light the world of adults with developmental disabilities, finds unlikely heroes in everyday life, and discovers unrealized inner strength.

Rachel Simon was born in 1959 in Newark, NJ, the second of four children. Her family moved around New Jersey and Pennsylvania several times when she was a child, and Rachel, who was always a very social, creative person, wrote mountains of letters to keep up with all her distant friends. She also wrote short stories, novels, and plays, which she enjoyed sharing with others.

Rachel graduated from Solebury School, a boarding school in New Hope, PA, in 1977. She then went on to Bryn Mawr College in Pennsylvania. During her years in college, she discovered the secrets of discipline and time management. She was also captivated by her courses in anthropology and graduated in 1981.

After college, Rachel moved to Philadelphia, where she spent the next 5 years at a variety of jobs, including paralegal, administrative assistant, and research supervisor for a television study. At 26, she entered a graduate program in creative writing.

In the next several years, Rachel wrote the story collection Little Nightmares, Little Dreams and the novel The Magic Touch. From her house in Abington, PA, she began teaching private classes in creative writing. In 1995, Rachel took a job running events at the Barnes & Noble in Princeton, NJ, and eventually moving to that area.

Around that time, Rachel also began writing commentary for the Philadelphia Inquirer and teaching at Bryn Mawr College, in addition to continuing with her private classes. In 1997, she published The Writer's Survival Guide and then worked on some long pieces of fiction.

As readers of Riding the Bus with my Sister know, Rachel's life changed when she wrote an article about her sister Beth's unusual lifestyle of riding the buses in the city where she lives. Over the course of riding with Beth for the next year, Rachel came to leave most of her jobs behind, found her way back to her sister, and rediscovered her friendships.

In May 2005, Riding the Bus with my Sister will be televised as a Hallmark Hall of Fame movie on CBS. Rosie O'Donnell is starring as Beth, Andie MacDowell is starring as Rachel, and Anjelica Huston is directing.

Both Rachel and her sister Beth are amazing women, and I rise today to honor them.●

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to ensure jobs for our future with secure, afordable, and reliable energy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1932. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Bureau of Justice Assistance (BJA) Fiscal Year 2003 Annual Report in accordance with the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

EC–1933. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Domestic Abusive Trust Schemes" (UIL: 671.00–00) received on April 22, 2005; to the Committee on Finance.

EC–1934. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Online Privacy Protection Rule" (RIN3084–AB00) received on April 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1935. A communication from the Director, Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conforming Amendments to Implement the No Child Left Behind Act of 2001" (RIN1076–AE54) received on April 22, 2005; to the Committee on Indian Affairs.

EC–1936. A communication from the Director, Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Implementation of the No Child Left Behind Act" (RIN1076–AE49) received on April 22, 2005; to the Committee on Indian Affairs.

EC–1937. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—34 CFR Parts 606, 607, 611, 637, 648, 656, 657, 658, 660, 661, 662, 663, 664, and 669" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1938. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Professional Development for Arts Educators Program—Notice of Final Priority, Requirements, and Definitions" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1939. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Arts in Education Model Development and Dissemination Program—Notice of Final Priority, Requirements, and Definitions" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1940. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Requirements and Selection Criteria—Tech-Prep Demonstration Program" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1941. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Teaching American History—Notice of Final Selection Criteria and Other Application Requirements" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1942. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Credit Enhancement for Charter School Facilities Program—Final Regulations" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1943. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priorities—Comprehensive School Reform Quality Initiative" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1944. A communication from the Assistant General Counsel, Division of Regulatory Service, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priorities, Requirements, Definitions, and Selection Criteria—Smaller Learning Communities Programs—Special Competition" received on April 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1945. A communication from the Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Rights-of-Way Under the Federal Land Policy Management Act and Rights-of-Way Under the Mineral Leasing Act" (RIN1004–AC74) received on April 22, 2005; to the Committee on Energy and Natural Resources.

EC–1946. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida" (RIN1018–AT65) received on April 22, 2005; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–56. A joint resolution adopted by the Legislature of the State of Maine relative to the Togus Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

Joint Resolution

Whereas the Veterans Affairs Medical Center in Togus, Maine, is the oldest facility operated by the United States Department of Veterans Affairs in the country, having been operated in 1866; and

Whereas the Togus Veterans Affairs Medical Center provides general medical, surgical and mental health services to our nation's veterans; and

Whereas the Togus Veterans Affairs Medical Center is the only United States Department of Veterans Affairs medical center in Maine, a large and rural state; and

Whereas the State of Maine has a large population of military veterans, with more returning from Iraq, Afghanistan and elsewhere around the globe every day; and

Whereas a cut in funding for the Togus Veterans Affairs Medical Center would be devastating to the medical center's ability to provide basic health care services to our nation's veterans: Now, therefore, be it

Resolved, That we, your memorialists, respectfully urge and request that the United States Congress support the Togus Veterans Affairs Medical Center as a vital resource in serving our nation's military veterans and providing veterans in Maine with much-needed and deserved health care services accessible from all points in the State; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 728. A bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 109–61).

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 907. An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Robert J. Portman, of Ohio, to be United States Trade Representative, with rank of Ambassador.

By Mr. CRAIG for the Committee on Veterans' Affairs.

*Johnathan Brian Perlin, of Maryland, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself, Mr. Harkin, Mr. Stevens, and Mr. Smith):

S. 900. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN:

S. 901. A bill to provide States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ:

S. 902. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON:

S. 903. A bill to provide for the correction of a certain John H. Chafee Coastal Barrier Resources System map; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. Corzine):

S. 904. A bill to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 905. A bill for the relief of Heilit Martinez; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. Murray):

S. 906. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 907. An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. McCONNELL:

S. 908. A bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. DODD:

S. 909. A bill to expand eligibility for governmental markers for marked graves of veterans at private cemeteries; to the Committee on Veterans' Affairs.

By Ms. SNOWE (for herself, Ms. Landrieu, Mrs. Feinstein, Mrs. Boxer, Mrs. Murray, Mr. Corzine, Mr. Durbin, and Mr. Cochran):

S. 910. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. Hagel, and Ms. Collins):

S.J. Res. 17. A joint resolution honoring the life and legacy of Frederick William Augustus von Steuben and recognizing his contributions on the 275th anniversary of his birth; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. Cornyn, Mr. Grassley, Mrs. Hutchison, Mr. Martinez, and Ms. Murkowski):

S. Res. 123. A resolution designating April 30, 2005, as "Día de los Niños: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. Feingold, and Ms. Stabenow):

S. Res. 124. A resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself and Mr. Dayton):

S. Res. 125. A resolution commending the University of Minnesota Golden Gophers women's ice hockey team for winning the 2004–2005 National Collegiate Athletic Association Division I Women's Hockey Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BAUCUS, Mr. ALLEN, Mr. HATCH, Mr. DEWINE, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LEAHY, and Mr. CHAFEE):

S. Con. Res. 28. A concurrent resolution expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 394

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 433

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 433, a bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 495

At the request of Mr. CORZINE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 544

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 576

At the request of Mr. BYRD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 582

At the request of Mr. PRYOR, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. HARKIN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 589

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 594

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 594, a bill to amend section 1114 of title 11, United States Code, to preserve the health benefits of certain retired miners.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 659

At the request of Mr. BROWNBACK, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 659, a bill to amend title 18, United States Code, to prohibit human chimeras.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 728

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 728, a bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 765

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 765, a bill to preserve mathematics- and science-based industries in the United States.

S. 852

At the request of Mr. SPECTER, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 881

At the request of Ms. CANTWELL, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from North Dakota (Mr. DORGAN) were withdrawn as cosponsors of S. 881, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. RES. 117

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from

Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 117, a resolution designating the week of May 9, 2005, as "National Hepatits B Awareness Week".

AMENDMENT NO. 517

At the request of Mr. CORZINE, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. NELSON), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from Colorado (Mr. SALAZAR) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 517 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. HARKIN, Mr. STEVENS, and Mr. SMITH):

S. 900. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am introducing the Television Information-Enhancement for the Visually Impaired (TIVI) Act of 2005. This bill would require television broadcasters, during at least 50 hours of their prime time or children's programming every quarter, to insert verbal descriptions of actions or settings not contained in the normal audio track of a program. This can be accomplished through technology commonly referred to as "video description services," which allows television programming to be more accessible and enjoyable for the visually impaired.

This bill is necessary due to a 2002 decision by District of Columbia Circuit Court of Appeals. In 2000, the Federal Communications Commission ("FCC" or "Commission"), recognizing the need to make television programming accessible to the visually impaired, promulgated rules that mandated television broadcast stations and their affiliates, which met certain market requirements, provide 50 hours of video descriptions during prime time or children's programming every calendar quarter. Television programmers challenged the Commission's authority to promulgate such rules. The Circuit Court held that the Commission did not have authority to issue the regulations.

This bill would provide the Commission the authority to promulgate such regulations and reinstate the FCC's video description rules issued in 2000. Additionally, the bill would require the FCC to consider whether it is economically and technically feasible and consistent with the public interest to include "accessible information" in its video description rules, which may include written information displayed on a screen, hazardous warnings and other emergency information, and local and national news bulletins.

Since the spectrum that television broadcasters utilize is a public asset, one would expect that programming over the public airwaves is accessible to all Americans. Unfortunately, that is not the case today and that is why we must pass the TIVI Act. I sincerely hope that television broadcasters will work with us to provide video descriptions for individuals with visual disabilities.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 904. A bill to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to and remember Lance Cpl Brian P. Parrello, a resident of West Milford, NJ, who died January 1, 2005, while serving with the U.S. Marines in Iraq. I was privileged to attend this brave young man's funeral in West Milford on January 8, 2005, and I was moved by the outpouring of grief for LCpl Parrello.

In honor of this young Marine's life, I have introduced a bill to rename the facility at 1560 Union Valley Road in West Milford, NJ as the "Brian P. Parrello Post Office Building." Senator CORZINE is a cosponsor of this legislation.

I would like to note that the renaming of this postal facility as the "Brian P. Parrello Post Office Building" was initiated by the West Milford Township Council, who wished to honor LCpl Parrello in this way. This is especially fitting since LCpl Parrello's father, Nino Parrello, is a letter carrier in West Milford. I am proud to be able to assist in the commemoration of his life by helping with the renaming process.

LCpl Parrello served in the Small Craft Company of the 2nd Marine Division's II Marine Expeditionary Force, which was based at Camp Lejeune, NC. During his service in Iraq, he was attached to a Marine Swift Boat unit that patrolled the Tigris and Euphrates rivers. He was killed New Year's Day as a result of hostile action in Hadithah, northwest of Baghdad.

During his too-short life, LCpl Parrello made a lasting impression on those around him. A graduate of West Milford High School in 2003, he was an athlete who played hockey and football, and he was voted to have "Most School Spirit" by his classmates. As those who knew him have attested, LCpl Parrello was a history buff who dreamed of becoming a history teacher.

LCpl Parrello's route to military service is the result of an admirable choice. He felt such a sense of duty after the September 11 attacks that he delayed going to college, and instead he enlisted in the Marines before his graduation from West Milford High School.

Tragically, LCpl Parrello died just a few days before his 19th birthday. We can commemorate the life of this extraordinary young man by quickly passing this bill to rename the postal facility in his hometown after him.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the "Brian P. Parrello Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian P. Parrello Post Office Building".

By Mr. HATCH:

S. 905. A bill for the relief of Heilit Martinez; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a private relief bill for Miss Heilit Martinez. As my colleagues know, private relief is available in rare instances. I believe that the circumstances surrounding Miss Martinez's case are extraordinary and merit the introduction of private legislation. Therefore, I am pleased to introduce this legislation today.

Miss Martinez was brought into the U.S. with her parents when she was about two years of age and has lived in Utah since that time. It is important to note that Miss Martinez did not make the decision to enter this country as a young child nor did she decide to overstay a visa, and she was led to believe that she had legal status. Miss Martinez was raised and educated in the United States and is currently a straight A student at Utah State University.

Last year, Miss Martinez and a group of her college friends traveled into Mexico for a short day of sightseeing. When questioned at the port of entry, Miss Martinez declared that she had not been born in the United States but had legal immigration status. However, when she could not produce legal documentation, it was discovered that Miss Martinez was undocumented. She was detained for some days prior to her release.

For all intents and purposes, Miss Martinez does not have a country to which to return. The United States is her home. Therefore, I urge my colleagues to support the passage of this legislation to help Miss Martinez on the path of becoming a lawful, permanent resident.

Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 906. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, Governor Gregoire has already declared a drought in Washington State and I know my colleagues and I remain very concerned about what appears to be yet another year of devastating drought throughout the West, and the hazards this could pose in terms of increased fire risk and threats to public safety.

But today, I want to focus the majority of my comments on a topic that I have focused on and hope my colleagues will pay close attention to as the 2005 fire season approaches. That's the issue of wildland firefighter safety.

Many of my colleagues are probably aware of the fact that every summer, we send thousands of our constituents—many of them brave young men and women, college students on summer break—into harm's way to protect our Nation's rural communities and public lands. These men and women serve our Nation bravely.

Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. These firefighters represented a mix of Federal and State employees, volunteers and independent contractors. And they lost their lives for an array of reasons. We all realize that fighting fires on our Nation's public lands is an inherently dangerous business. But what we cannot and must not abide are the preventable deaths—losing firefighters because rules were broken, policies ignored and no one was held accountable.

A number of my colleagues will recall that, in 2001, this issue was pushed to the fore in the State of Washington, because of a horrible tragedy. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile fire burned out of control.

Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile fire, the tragedy "could have been prevented." At that time, I said that I believe we in Congress and management within the firefighting agencies have a responsibility to ensure that no preventable tragedy like Thirtymile fire ever happened again.

I would like to thank my colleague Senator BINGAMAN, the distinguished Ranking Member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families.

In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way.

I can think of no worse tragedy than a parent confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and what I've heard when I have visited with firefighters over the past 2 years, I do believe the courage of the Thirtymile families to stand up and demand change has had a positive impact on the safety of the young men and women who are preparing to battle blazes as wildland firefighters.

Yet, I'm deeply saddened by the fact that it's clear we haven't done nearly enough. In July 2003—2 years after Thirtymile—two more firefighters perished, this time at the Cramer fire within Idaho's Salmon-Challis National Forest. Jeff Allen and Shane Heath were killed when the fire burned over an area where they were attempting to construct a landing spot for firefighting helicopters.

After the Thirtymile fire, however, I told the Weavers and the Cravens, the families of Karen FitzPatrick and Jessica Johnson that I believed we owed it to their children to identify the causes and learn from the mistakes that were made in the Okanogan, to make wildland firefighting safer for those who would follow. That is why the findings associated with the Cramer fire simply boggle my mind.

We learned at Thirtymile that all ten of the agencies' Standing Fire Orders and many of the 18 Watch Out Situations—the most basic safety rules—were violated or disregarded. The same thing happened at Cramer, where Heath and Allen lost their lives 2 years later.

After the Thirtymile Fire, the Occupational Safety and Health Administration (OSHA) conducted an investigation and levied against the Forest Service five citations for Serious and Willful violations of safety rules. It was eerie, then, when just in March 2004 OSHA concluded its investigation of Cramer. The result: another five OSHA citations, for Serious, Willful and Repeat violations.

Reading through the list of causal and contributing factors for Cramer and putting them next to those associated with the Thirtymile fire, my colleagues would be struck by the many disturbing similarities. Even more haunting are the parallels between these lists and the factors cited in the investigation of 1994's South Canyon Fire on Storm King Mountain in Colorado.

It's been more than a decade since those 14 firefighters lost their lives on Storm King Mountain—and yet, the same mistakes are being made over and over again.

These facts have also been documented by an audit and memorandum issued last September by the Department of Agriculture's Inspector General. The IG found that "accidents on the South Canyon, Thirtymile, and Cramer Fires, all of which involved fatalities, could have been avoided if certain individuals had followed standard safety practices and procedures in place at the time."

The IG also noted that the Forest Service "has not timely implemented actions to improve its safety programs." Some 27 of 81 action items identified as a result of the Storm King and Thirtymile Fires—or roughly a third—had not been fully implemented years later. While I know that the IG is monitoring implementation of some of these items, the stark similarities between Storm King, Thirtymile, and

Cramer make it seem positively astounding that the Forest Service still finds my bill "not necessary."

I don't believe that's acceptable. The firefighters we send into harm's way this year—and the ones we've already lost—deserve better.

Training, leadership and management problems have been cited in all of the incidents I've discussed. Frankly, I have believed since the Thirtymile tragedy that the Forest Service has on its hands a cultural problem. What can we do, from the legislative branch, to provide this agency with enough motivation to change? I believe the first step we can take is to equip ourselves with improved oversight tools, so these agencies know that Congress is paying attention. Today I'm re-introducing legislation—the Wildland Firefighter Safety Act of 2005—that would do just that.

I believe this is a modest yet important proposal. It was already passed once by the Senate, as an amendment to the 2003 Healthy Forests legislation. However, I was disappointed that it was not included in the conference version of the bill. But it is absolutely clear to me—particularly in light of OSHA's review of the Cramer Fire—that these provisions are needed now more than ever.

First, the Wildland Firefighter Safety Act of 2005 will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' "wildfire preparedness" account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these funds.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs.

Congress has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, my bill would stipulate that federal contracts with private firefighting crews require training consistent with the training of federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement.

This is important not just for the private contractor employees' themselves—but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

The Wildland Firefighter Safety Act of 2005 is a modest beginning in addressing the challenges posed by integrating private and federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line.

I hope my colleagues will support this simple legislation. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners—and to future wildland firefighters.

My bill will provide this body with the additional tools it needs to do the job.

By Mr. McCONNELL:

S. 908. A bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commonsense Consumption Act of 2005".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the food and beverage industries are a significant part of our national economy;

(2) the activities of manufacturers and sellers of foods and beverages substantially affect interstate and foreign commerce;

(3) a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity is based on a multitude of factors, including genetic factors and the lifestyle and physical fitness decisions of individuals, such that a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity cannot be attributed solely to the consumption of any specific food or beverage; and

(4) because fostering a culture of acceptance of personal responsibility is one of the most important ways to promote a healthier society, lawsuits seeking to blame individual food and beverage providers for a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity are not only legally frivolous and economically damaging, but also harmful to a healthy America.

(b) PURPOSE.—The purpose of this Act is to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

SEC. 3. PRESERVATION OF SEPARATION OF POWERS.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

(c) DISCOVERY.—

(1) STAY.—In any action that is allegedly of the type described in section 4(5)(B) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the obligation of any party or non-party to make disclosures of any kind under any applicable rule or order, or to respond to discovery requests of any kind, as well as all proceedings unrelated to a motion to dismiss, shall be stayed prior to the time for filing a motion to dismiss and during the pendency of any such motion, unless the court finds upon motion of any party that a response to a particularized discovery request is necessary to preserve evidence or to prevent undue prejudice to that party.

(2) RESPONSIBILITY OF PARTIES.—During the pendency of any stay of discovery under paragraph (1), the responsibilities of the parties with regard to the treatment of all documents, data compilations (including electronically recorded or stored data), and tangible objects shall be governed by applicable Federal or State rules of civil procedure. A party aggrieved by the failure of an opposing party to comply with this paragraph shall have the applicable remedies made available by such applicable rules, provided that no remedy shall be afforded that conflicts with the terms of paragraph (1).

(d) PLEADINGS.—In any action that is allegedly of the type described in section 4(5)(B) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the complaint initiating such action shall state with particularity—

(1) each element of the cause of action;

(2) the Federal and State statutes or other laws that were allegedly violated;

(3) the specific facts alleged to constitute the claimed violation of law; and

(4) the specific facts alleged to have caused the claimed injury.

(e) RULE OF CONSTRUCTION.—No provision of this Act shall be construed to create a public or private cause of action or remedy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term "engaged in the business" means a person who manufactures, markets, distributes, advertises, or sells a qualified product in the person's regular course of trade or business.

(2) MANUFACTURER.—The term "manufacturer" means, with respect to a qualified product, a person who is lawfully engaged in the business of manufacturing the product.

(3) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term "qualified product" means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "qualified civil liability action" means a civil action brought by any person against a manufacturer, marketer, distributor, advertiser, or seller of a qualified product, or a trade association, for damages, penalties, declaratory judgment, injunctive or declaratory relief, restitution, or other relief arising out of, or related to a person's accumulated acts of consumption of a qualified product and weight gain, obesity, or a health condition that is associated with a person's weight gain or obesity, including an action brought by a person other than the person on whose weight gain, obesity, or health condition the action is based, and any derivative action brought by or on behalf of any person or any representative, spouse, parent, child, or other relative of that person.

(B) EXCEPTION.—A qualified civil liability action shall not include—

(i) an action based on allegations of breach of express contract or express warranty, provided that the grounds for recovery being alleged in such action are unrelated to a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity;

(ii) an action based on allegations that—

(I) a manufacturer or seller of a qualified product knowingly violated a Federal or State statute applicable to the marketing, advertisement, or labeling of the qualified product with intent for a person to rely on that violation;

(II) such person individually and justifiably relied on that violation; and

(III) such reliance was the proximate cause of injury related to that person's weight gain, obesity, or a health condition associated with that person's weight gain or obesity; or

(iii) an action brought by the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or by the Federal Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(6) SELLER.—The term "seller" means, with respect to a qualified product, a person lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product.

(7) STATE.—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term "trade association" means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers, marketers, distributors, advertisers, or sellers of a qualified product.

By Mr. DODD:

S. 909. A bill to expand eligibility for governmental markers for marked graves of veterans at private cemeteries; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will restore the rights of all veterans and their families to receive an official grave marker of the Department of Veterans Affairs. This legislation addresses an unfortunate inequity that exists for veterans who passed away during the period between November 1, 1990 and September 11, 2001.

It may come as a shock to my colleagues to learn that while all other veterans are entitled to the VA's official grave markers, current law forbids veterans who passed away during this eleven year period from being so honored.

This situation is unacceptable and must be remedied.

Nearly one year ago today, the National World War II Memorial was unveiled to the public. Countless Americans who have passed its 50 stone pillars since that time have been reminded of the courage and sacrifice of the men and women who served our country, at its time of greatest need.

But as Senator Bob Dole stated at its dedication ceremony, the World War II Memorial is not a tribute to war and conflict. Rather, he said, "it's a tribute to the physical and moral courage that makes heroes out of farm and city boys and that inspires Americans in every generation to lay down their lives for people they will never meet, for ideals that make life itself worth living."

Indeed, monuments like the World War II Memorial serve as a reminder of the service, sacrifice and dedication of our veterans. The 4,000 stars resting on the Wall of Freedom remind us that too many paid the ultimate price.

Many Americans have a similar experience when they visit the grave of a former veteran—often a friend or relative. Most of these grave sites have markers paying tribute to the veteran's service. We place flags by their side on Memorial Day. Until 1990, moreover, the family of a deceased Veteran could receive reimbursement for a VA headstone, a VA marker, or a private headstone. However, in the name of cost-cutting, measures were taken to prevent the VA from providing markers to those families that had purchased gravestones out of their own pockets.

In my view, this measure was a serious injustice. Nearly all families today provide for some gravestone or other privately purchased marker following the death of a relative. Yet most were unaware of the new VA regulation. Many veterans were buried without any official recognition of their service to our country. As of 2001, the VA estimated that it was forced to deny nearly 20,000 requests for such markers every year.

This body first endorsed a provision restoring the right of every veteran to receive a grave marker as early as June 7, 2000 as part of the fiscal year 2001 Defense Authorization Bill. This body approved this language again on December 8, 2001. But it was not until December 6, 2002 that legislation was signed into law as part of the Veterans Improvement Act allowing VA markers to be provided to deceased veterans retroactively. Unfortunately, however, when the bill went to a conference with the House of Representatives, this benefit was only applied retroactively to September 11, 2001 rather than to November 1, 1990, the date at which the new VA regulation came into effect. Veterans who passed away between those two dates were cut out.

That decision has never satisfied me or many veterans and their families. Why should one veteran receive recognition, while the family of another is told that there is nothing our government can do simply because of the date of their passing?

My legislation will correct this inequity. This bill is simple. It ensures that all veterans who have passed away since 1990 are able to receive a VA grave marker.

It is inexpensive. In 2001, the Congressional Budget Office estimated that providing such a benefit to all veterans would cost no more than $3 million per year for the first 5 years. Since most of the families of veterans who passed away between 1990 and 2001 have already completed their burial plans, it is safe to assume that a substantially smaller number of individuals would require this benefit.

Today is the seventh anniversary of the passing of Agostino Guzzo, a Connecticut resident who bravely served in the United States Armed Forces in the Philippines during World War II. His family interred his body in a mausoleum at the Cedar Hill Cemetery in Hartford, Connecticut. The family was not aware of the VA's restrictions on grave markers, and was told by the VA that there was no way to receive an official recognition.

Agostino's son, Thomas Guzzo, brought the matter to my attention, and, along with Representative NANCY JOHNSON, we were able pass to legislation granting Agostino the memorial he deserves. But too many families are still denied such markers. This legislation honors the memory of Agostino Guzzo and all of the veterans who have served their country in war and in peace. Thomas Guzzo's commitment to this issue has not ended. The commitment of this Congress to the issue should continue as well.

I hope our colleagues will give this important legislation their favorable consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) IN GENERAL.—Section 502(d) of the Veterans Education and Benefits Expansion Act of 2001 (38 U.S.C. 2306 note) is amended by striking "September 11, 2001" and inserting "November 1, 1990".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 502 of the Veterans Education and Benefits Expansion Act of 2001.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, and Mr. COCHRAN):

S. 910. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Breast Cancer Patient Protection Act of 2005. I am pleased to be joined today by Senator LANDRIEU in introducing this legislation to assure women of a higher standard of breast cancer treatment. We are joined today by colleagues who have supported our efforts in the past—Senator FEINSTEIN, Senator BOXER, Senator MURRAY, Senator CORZINE, and Senator DURBIN. Today in the House, Representatives KELLY and DELAURO are introducing identical legislation. Working together in this bipartisan, bicameral effort—supported by so many breast cancer advocates—we should at last achieve for American women the protections they so deserve.

A woman in the United States has a 1 in 7 chance of developing breast cancer in her lifetime. This year over 216,000 women will receive a life-altering diagnosis of invasive breast cancer. At some point in their lives, nearly every American will have a family member or friend who must battle breast cancer. Yet current standards of health care coverage have created a situation in which thousands of women each year undergo mastectomies needlessly, and women have even undergone breast cancer surgery as an outpatient—the "drive through mastectomy" as it has been called—being sent home without critical support for their recovery.

Our legislation empowers women and their doctors to make treatment decisions based on what is medically prudent, not simply what will achieve short-term savings. The stress of a cancer diagnosis is debilitating. To compound that stress, to leave a woman with the knowledge that she must undergo a disfiguring procedure due only to her financial position, or to undergo surgery without proper hospitalization, is absolutely unconscionable.

This bill achieves three important objectives. First, it assures a patient of a second opinion for any cancer diagnosis. A cancer diagnosis simply must be reliable.

Second, this legislation assures a patient of a reasonable minimum length of hospital stay for invasive treatment of breast cancer. Many of us have heard of women receiving outpatient mastectomies, being sent home without the necessary support. Such treatment is unconscionable. This legislation establishes a 48 hour minimum stay assurance for mastectomy and lumpectomy. I must point out that this assurance does not require a woman remain hospitalized that long if she and her doctor concur that she goes home earlier—nor does it prevent a longer hospitalization if her medical condition warrants it.

However, this provision will protect women from that small fraction of insurance plans which will not allow such reasonable treatment. This assurance is offered regardless of whether the patient's plan is regulated by ERISA or State regulations.

Finally, this legislation does more than simply ensure a patient of reasonable hospitalization. It assures her of support in making the best choices about her treatment.

It is not hard to understand why the words "you have breast cancer" are some of the most frightening in the English language. For the woman who hears them, everything changes from that moment forward. No wonder, then, that it is a diagnosis not only accompanied by fear, but also by uncertainty. What will become of me? What will they have to do to me? What will I have to endure? What's the next step?

For many women, the answer to that last question is a mastectomy or lumpectomy. But despite the fact that studies are demonstrating that lumpectomy often is just as effective as mastectomy for treating breast cancer, an insurance coverage bias causes too many to unnecessarily undergo mastectomy. By ensuring a reasonable hospital stay, as well as coverage for radiation therapy, this legislation removes much of the financial incentive that has caused women to receive a mastectomy when a lumpectomy would have been just as effective.

In fact, when the pain, trauma, and cost of breast reconstruction is considered, together with the frequent need for follow-up surgeries, and when we consider the additional health risks which implants may pose, it is clear that mastectomy can entail greater health and economic costs. Decisions about treatment simply must be based on sound science and a long term view, not what is most financially expedient at that very moment. A woman must have the ability to make a choice with their physician which considers what is in her best long term interest. This legislation ensures that choice is not influenced by a short term outlook.

I urge my colleagues to join me in supporting this bill and work towards passing it this year.

Ms. LANDRIEU. Mr. President, approximately 211,300 women will be diagnosed with breast cancer this year. No doubt, you know one of these women. In fact, they may be your sister, mother, aunt, cousin or dear friend. In most cases, the doctor will prescribe immediate and often times aggressive treatment in the hopes of stalling further progression of the disease. The quality of care that breast cancer patients receive is critically important to their survival. Despite the urgent need for Federal protections to ensure that breast cancer sufferers receive appropriate treatment, very few exist.

It may shock you to learn that women who have undergone surgical treatments such as breast removal mastectomy—or lymph node dissections are being sent home within hours of having surgery because insurance companies are unwilling to reimburse recovery time in hospitals, a practice referred to as "Drive-Through Mastectomies." These women have reported being sent home still drowsy from anesthesia, weakened from hours of surgery, and with drainage tubes attached to their bodies, while simultaneously experiencing the immense emotional trauma associated with the removal of a breast or lymph nodes.

To this end, I am pleased to have worked with Senator SNOWE to introduce the Breast Cancer Patient Protection Act of 2005. This legislation will prevent insurance companies from restricting hospital stays resulting from mastectomies to less than 48 hours and hospital stays resulting from lymph node dissections to less than 24 hours. This bill does not prevent a doctor from discharging a woman prior to these minimum requirements, if he/she determines, in consultation with the patient, that this is the best treatment option. The Breast Cancer Patient Protection Act simply ensures that these types of medical decisions are made by doctors, not insurance companies. The legislation also prohibits insurance companies from circumventing the legislation through practices such as providing incentives to doctors or patients to reduce length of stays associated with mastectomies or lymph node dissections.

To be fair, we must acknowledge that this legislation will not change the nature of mastectomies and lymph node dissections for the majority of women. Over 19 States have already put State laws in place that work to the same end as the Breast Cancer Patient Protection Act, and the vast majority of insurance companies have already responded on their own to this problem. However, this is a case in which the injustice, while small in number of women it affects, is clear. And just as the injustice is apparent, the solution is simple. It is high time that the Federal Government took action. Yes, many states have already done so, and yes, many insurance companies have, too, but if even one woman is forced to go home too soon after such an invasive surgery, that is one woman too many. It is not the fact that this is happening to many women, it is the fact that it is happening to any women. For all of our sisters, mothers, daughters, aunts, friends, and loved ones, it is time for us to provide the needed protections. I ask for your support of the Breast Cancer Patient Protection Act of 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 123—DESIGNATING APRIL 30, 2005, AS "DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS," AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 123

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

Mr. HATCH. Mr. President, I rise today to submit an important resolution designating the 30th day of April 2005 as "Día de los Niños: Celebrating Young Americans."

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on their future, articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the day with appropriate ceremonies and activities.

Joining me as original co-sponsors to this Resolution are JOHN CORNYN, CHARLES E. GRASSLEY, KAY BAILEY HUTCHISON, MEL MARTINEZ, and LISA MURKOWSKI.

I strongly urge my colleagues to join us in promptly passing this Resolution designating April 30, 2005 Día de los Niños: Celebrating Young Americans.

SENATE RESOLUTION 124—RECOGNIZING THE IMPORTANCE OF INCREASING AWARENESS OF AUTISM SPECTRUM DISORDERS, SUPPORTING PROGRAMS FOR INCREASED RESEARCH AND IMPROVED TREATMENT OF AUTISM, AND IMPROVING TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 124

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, The Dan Marino Foundation, and numerous other organizations commemorate April as National Autism Awareness Month;

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 166 children in America;

Whereas autism is 4 times more likely in boys than in girls, and can affect anyone, regardless of race, ethnicity, or other factors;

Whereas the cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year; and

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder: Now, therefore, be it

Resolved, That the Senate—

(1) supports the establishment of April as National Autism Awareness Month;

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespan, and promote

understanding of the special needs of people with autism;

(4) commends the Department of Health and Human Services for the swift implementation of the Children's Health Act of 2000, particularly for establishing 4 "Centers of Excellence" at the Centers for Disease Control and Prevention to study the epidemiology of autism and related disorders and the proposed "Centers of Excellence" at the National Institutes of Health for autism research;

(5) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and early intervention significantly improves outcomes for people with autism and can reduce the level of funding and services needed later in life;

(6) supports the Federal Government's nearly 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (IDEA);

(7) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(8) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 125—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS WOMEN'S ICE HOCKEY TEAM FOR WINNING THE 2004-2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S HOCKEY CHAMPIONSHIP

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas, on Sunday, March 27, 2005, the University of Minnesota Golden Gophers won the National Collegiate Athletic Association (NCAA) Division I Women's Hockey Championship for the second straight year;

Whereas the University of Minnesota Golden Gophers defeated Harvard University in the championship game by a score of 4 to 3, and defeated Dartmouth College by a score of 7 to 2 in the semifinals;

Whereas, during the 2004-2005 season, the Golden Gophers won an outstanding 36 out of 40 games;

Whereas Ms. Krissy Wendell was honored with the prestigious Patty Kazmaier Award, which is presented annually to the Nation's most outstanding women's collegiate hockey player;

Whereas Ms. Natalie Darwitz, Ms. Lyndsay Wall, and Ms. Krissy Wendell were selected for the 2004-2005 NCAA All-Tournament Team, and Ms. Darwitz was named the tournament's Most Valuable Player;

Whereas Ms. Lyndsay Wall, Ms. Krissy Wendell, and Ms. Natalie Darwitz were named to the CCM Women's University Division I Ice Hockey All-American First Team, and Ms. Jody Horak was named to the CCM Women's University Division I Ice Hockey All-American Second Team;

Whereas the team's seniors—Ms. Jody Horak, Ms. Brenda Reinen, Ms. Kelly Stephens, Ms. Noelle Sutton, and Ms. Stacy Troumbly—made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program throughout their collegiate careers;

Whereas Ms. Ashley Albrecht, Ms. Chelsey Brodt, Ms. Natalie Darwitz, Ms. Whitney Graft, Ms. Jody Horak, Ms. Krista Johnson, Ms. Natalie Lammé, Ms. Erica McKenzie, Ms. Anya Miller, Ms. Andrea Nichols, Ms. Liz Palkie, Ms. Jenelle Philipczyk, Ms. Brenda Reinen, Ms. Bobbi Ross, Ms. Allie Sanchez, Ms. Maggie Souba, Ms. Kelly Stephens, Ms. Noelle Sutton, Ms. Stacy Troumbly, Ms. Becky Wacker, Ms. Lyndsay Wall, and Ms. Krissy Wendell demonstrated exceptional teamwork, selfless team spirit, and admirable sportswomanship throughout the season;

Whereas the University of Minnesota Golden Gophers women's ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Golden Gophers women's ice hockey team for winning the 2004-2005 National Collegiate Athletic Association's Division I Women's Ice Hockey Championship;

(2) recognizes the outstanding achievements of the team's players, coaches, and support staff; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

SENATE CONCURRENT RESOLUTION 28—EXPRESSING THE SENSE OF THE CONGRESS ON WORLD INTELLECTUAL PROPERTY DAY REGARDING THE IMPORTANCE OF PROTECTING INTELLECTUAL PROPERTY RIGHTS GLOBALLY

Mr. LUGAR (for himself, Mr. BAUCUS, Mr. ALLEN, Mr. HATCH, Mr. DEWINE, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LEAHY, and Mr. CHAFEE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Whereas protection of intellectual property is critical to our nation's economic competitiveness, cultural diversity, health and scientific development;

Whereas the United States economy depends increasingly on the work of authors, artists, inventors, programmers, and many others who create intellectual products of high value;

Whereas theft of intellectual property results in competitive disadvantages to United States industries and job losses for American workers, and for the United States economy as a whole;

Whereas the copyright industries employ approximately 11,500,000 workers or 8.41 percent of total employment in the United States, a number that approaches the levels of employment in the health care and social assistance sector (15,300,000 employees) and the entire manufacturing sector (14,500,000 workers in 21 manufacturing industries);

Whereas there is great concern about the failure of many of our trading partners to live up to their international obligations in the area of intellectual property protection;

Whereas counterfeiting of copyrighted products in digital and other formats, as well as counterfeiting of all types of trademarked products, has grown to an enormous scale;

Whereas many of our trading partners, in particular Russia and China, have laws in place to prevent piracy and counterfeiting, but are failing to enforce the laws;

Whereas Russia and China alone are responsible for over $4,000,000,000 in losses a year to United States industries due to piracy;

Whereas piracy in Russia and China is open, notorious, and permitted to operate without meaningful hindrance from the governments of those countries;

Whereas China should be encouraged to meet its intellectual property protection obligations as a member of the World Trade Organization (WTO);

Whereas Russia should be encouraged to explore means to provide effective piracy protection enabling compliance with the rules set forth by the WTO;

Whereas the United States Government must convey to these countries that failure to act will have political and economic consequences for relationships with the United States; and

Whereas Congress has enacted legislation regarding the protection of intellectual property, including measures which direct the Administration to censure countries that fail to provide adequate and effective protection for intellectual property: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Administration should utilize effective remedies and solutions in addressing the lack of intellectual property protection in China and Russia, using all available tools provided by Congress;

(2) the Administration should ensure that any country that enjoys benefits under the Generalized System of Preferences (GSP) program, such as Russia, lives up to its obligations to provide adequate and effective protection for intellectual property rights, or lose its eligibility to participate in trade preference programs;

(3) the Administration should ensure that action is taken against any country with which the United States shares mutual commitments under the WTO, such as China, when the country fails to live up to its WTO commitments;

(4) the Administration should urge Russia to promote measures to enforce intellectual property protection which will enable compliance with the intellectual property commitments required by the WTO; and

(5) the President should take any additional action the President considers appropriate to protect the intellectual property rights of United States businesses.

AMENDMENTS SUBMITTED AND PROPOSED

SA 567. Mr. INHOFE proposed an amendment to the bill H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 568. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 569. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 570. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 571. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 572. Mr. THUNE proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 573. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 574. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 575. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 576. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 577. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 578. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 580. Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. COLEMAN, Mr. DURBIN, Mr. OBAMA, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 581. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 567. Mr. INHOFE proposed an amendment to the bill H.R. 3, Reserved; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. General definitions.
Sec. 3. Definitions for title 23.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Equity bonus programs.
Sec. 1105. Revenue aligned budget authority.

Subtitle B—New Programs

Sec. 1201. Infrastructure performance and maintenance program.
Sec. 1202. Future of surface transportation system.
Sec. 1203. Freight transportation gateways; freight intermodal connections.
Sec. 1204. Construction of ferry boats and ferry terminal and maintenance facilities; coordination of ferry construction and maintenance.
Sec. 1205. Designation of Interstate Highways.
Sec. 1206. State-by-State comparison of highway construction costs.

Subtitle C—Finance

Sec. 1301. Federal share.
Sec. 1302. Transfer of highway and transit funds.
Sec. 1303. Transportation Infrastructure Finance and Innovation Act Amendments.
Sec. 1304. Facilitation of international registration plans and international fuel tax agreements.
Sec. 1305. National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System.
Sec. 1306. State infrastructure banks.
Sec. 1307. Public-private partnerships pilot program.
Sec. 1308. Wagering.

Subtitle D—Safety

Sec. 1401. Highway safety improvement program.
Sec. 1402. Operation lifesaver.
Sec. 1403. License suspension.
Sec. 1404. Bus axle weight exemption.
Sec. 1405. Safe routes to schools program.
Sec. 1406. Purchases of equipment.
Sec. 1407. Workzone safety.
Sec. 1408. Worker injury prevention and free flow of vehicular traffic.
Sec. 1409. Identity authentication standards.
Sec. 1410. Open container requirements.

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

Sec. 1501. Integration of natural resource concerns into State and metropolitan transportation planning.
Sec. 1502. Consultation between transportation agencies and resource agencies in transportation planning.
Sec. 1503. Integration of natural resource concerns into transportation project planning.
Sec. 1504. Public involvement in transportation planning and projects.
Sec. 1505. Project mitigation.

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

Sec. 1511. Transportation project development process.
Sec. 1512. Assumption of responsibility for categorical exclusions.
Sec. 1513. Surface transportation project delivery pilot program.
Sec. 1514. Parks, recreation areas, wildlife and waterfowl refuges, and historic sites.
Sec. 1515. Regulations.

CHAPTER 3—MISCELLANEOUS

Sec. 1521. Critical real property acquisition.
Sec. 1522. Planning capacity building initiative.
Sec. 1523. Intermodal passenger facilities.

Subtitle F—Environment

Sec. 1601. Environmental restoration and pollution abatement; control of invasive plant species and establishment of native species.
Sec. 1602. National scenic byways program.
Sec. 1603. Recreational trails program.
Sec. 1604. Exemption of Interstate System.
Sec. 1605. Standards.
Sec. 1606. Use of high occupancy vehicle lanes.
Sec. 1607. Bicycle transportation and pedestrian walkways.
Sec. 1608. Idling reduction facilities in Interstate rights-of-way.
Sec. 1609. Toll programs.
Sec. 1610. Federal reference method.
Sec. 1611. Addition of particulate matter areas to CMAQ.
Sec. 1612. Addition to CMAQ-eligible projects.
Sec. 1613. Improved interagency consultation.
Sec. 1614. Evaluation and assessment of CMAQ projects.
Sec. 1615. Synchronized planning and conformity timelines, requirements, and horizon.
Sec. 1616. Transition to new air quality standards.
Sec. 1617. Reduced barriers to air quality improvements.
Sec. 1618. Air quality monitoring data influenced by exceptional events.
Sec. 1619. Conforming amendments.
Sec. 1620. Highway stormwater discharge mitigation program.
Sec. 1621. Exemption from certain hazardous materials transportation requirements.
Sec. 1622. Funds for rebuilding fish stocks.

Subtitle G—Operations

Sec. 1701. Transportation systems management and operations.
Sec. 1702. Real-time system management information program.
Sec. 1703. Contracting for engineering and design services.
Sec. 1704. Off-duty time for drivers of commercial vehicles.
Sec. 1705. Designation of transportation management areas.

Subtitle H—Federal-Aid Stewardship

Sec. 1801. Future Interstate System routes.
Sec. 1802. Stewardship and oversight.
Sec. 1803. Design-build contracting.
Sec. 1804. Program efficiencies—finance.
Sec. 1805. Set-asides for interstate discretionary projects.
Sec. 1806. Federal lands highways program.
Sec. 1807. Highway bridge program.
Sec. 1808. Appalachian development highway system.
Sec. 1809. Multistate corridor program.
Sec. 1810. Border planning, operations, technology, and capacity program.
Sec. 1811. Puerto Rico highway program.
Sec. 1812. National historic covered bridge preservation.
Sec. 1813. Transportation and community and system preservation program.
Sec. 1814. Parking pilot programs.
Sec. 1815. Interstate oasis program.
Sec. 1816. Tribal-State road maintenance agreements.
Sec. 1817. National forest system roads.
Sec. 1818. Territorial highway program.
Sec. 1819. Magnetic levitation transportation technology deployment program.
Sec. 1820. Donations and credits.
Sec. 1821. Disadvantaged business enterprises.
Sec. 1822. [Reserved].
Sec. 1823. Priority for pedestrian and bicycle facility enhancement projects.
Sec. 1824. The Delta Regional Authority.

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Sec. 3005. Maintenance of projects.
Sec. 3006. Boating infrastructure.
Sec. 3007. Requirements and restrictions concerning use of amounts for expenses for administration.
Sec. 3008. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.
Sec. 3009. Multistate conservation grant program.
TITLE IV—SOLID WASTE DISPOSAL
Sec. 4001. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.
Sec. 4002. Use of granular mine tailings.

SEC. 2. GENERAL DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Transportation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. DEFINITIONS FOR TITLE 23.

Section 101 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this title:

"(1) APPORTIONMENT.—The term 'apportionment' includes an unexpended apportionment made under a law enacted before the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.

"(2) CARPOOL PROJECT.—

"(A) IN GENERAL.—The term 'carpool project' means any project to encourage the use of carpools and vanpools.

"(B) INCLUSIONS.—The term 'carpool project' includes a project—

"(i) to provide carpooling opportunities to the elderly and individuals with disabilities;

"(ii) to develop and implement a system for locating potential riders and informing the riders of carpool opportunities;

"(iii) to acquire vehicles for carpool use;

"(iv) to designate highway lanes as preferential carpool highway lanes;

"(v) to provide carpool-related traffic control devices; and

"(vi) to designate facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—

"(A) IN GENERAL.—The term 'construction' means the supervision, inspection, and actual building of, and incurring of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program.

"(B) INCLUSIONS.—The term 'construction' includes—

"(i) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration);

"(ii) resurfacing, restoration, and rehabilitation;

"(iii) acquisition of rights-of-way;

"(iv) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(v) elimination of hazards of railway grade crossings;

"(vi) elimination of roadside obstacles;

"(vii) improvements that directly facilitate and control traffic flow, such as—

"(I) grade separation of intersections;

"(II) widening of lanes;

"(III) channelization of traffic;

"(IV) traffic control systems; and

"(V) passenger loading and unloading areas;

"(viii) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as—

"(I) scales (fixed and portable);

"(II) scale pits;

"(III) scale installation; and

"(IV) scale houses;

"(ix) improvements directly relating to securing transportation infrastructures for detection, preparedness, response, and recovery;

"(x) operating costs relating to traffic monitoring, management, and control;

"(xi) operational improvements; and

"(xii) transportation system management and operations.

"(4) COUNTY.—The term 'county' includes—

"(A) a corresponding unit of government under any other name in a State that does not have county organizations; and

"(B) in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAY.—

"(A) IN GENERAL.—The term 'Federal-aid highway' means a highway eligible for assistance under this chapter.

"(B) EXCLUSIONS.—The term 'Federal-aid highway' does not include a highway classified as a local road or rural minor collector.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAY.—The term 'Federal lands highway' means—

"(A) a forest highway;

"(B) a recreation road;

"(C) a public Forest Service road;

"(D) a park road;

"(E) a parkway;

"(F) a refuge road;

"(G) an Indian reservation road; and

"(H) a public lands highway.

"(8) FOREST HIGHWAY.—The term 'forest highway' means a forest road that is—

"(A) under the jurisdiction of, and maintained by, a public authority; and

"(B) is open to public travel.

"(9) FOREST ROAD OR TRAIL.—

"(A) IN GENERAL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving National Forest System land that is necessary for the protection, administration, use, and development of the resources of that land.

"(B) INCLUSIONS.—The term 'forest road or trail' includes—

"(i) a classified forest road;

"(ii) an unclassified forest road;

"(iii) a temporary forest road; and

"(iv) a public forest service road.

"(10) FREIGHT TRANSPORTATION GATEWAY.—

"(A) IN GENERAL.—The term 'freight transportation gateway' means a nationally or regionally significant transportation port of entry or hub for domestic and global trade or military mobilization.

"(B) INCLUSIONS.—The term 'freight transportation gateway' includes freight intermodal and Strategic Highway Network connections that provide access to and from a port or hub described in subparagraph (A).

"(11) HIGHWAY.—The term 'highway' includes—

"(A) a road, street, and parkway;

"(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

"(C) a portion of any interstate or international bridge or tunnel (including the approaches to the interstate or international bridge or tunnel, and such transportation facilities as may be required by the United States Customs Service and the Bureau of Citizenship and Immigration Services in connection with the operation of an international bridge or tunnel), the cost of which is assumed by a State transportation department.

"(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term 'highway safety improvement project' means a project that meets the requirements of section 148.

"(13) INDIAN RESERVATION ROAD.—

"(A) IN GENERAL.—The term 'Indian reservation road' means a public road that is located within or provides access to an area described in subparagraph (B) on which or in which reside Indians or Alaskan Natives that, as determined by the Secretary of the Interior, are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(B) AREAS.—The areas referred to in subparagraph (A) are—

"(i) an Indian reservation;

"(ii) Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government; and

"(iii) an Indian or Alaska Native village, group, or community.

"(14) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

"(15) MAINTENANCE.—

"(A) IN GENERAL.—The term 'maintenance' means the preservation of a highway.

"(B) INCLUSIONS.—The term 'maintenance' includes the preservation of—

"(i) the surface, shoulders, roadsides, and structures of a highway; and

"(ii) such traffic-control devices as are necessary for safe, secure, and efficient use of a highway.

"(16) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(17) NATIONAL FOREST SYSTEM ROAD OR TRAIL.—The term 'National Forest System road or trail' means a forest road or trail that is under the jurisdiction of the Forest Service.

"(18) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(19) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes—

"(A) labor costs;

"(B) administrative costs;

"(C) costs of utilities and rent;

"(D) costs incurred by transportation agencies for technology to monitor critical transportation infrastructure for security purposes; and

"(E) other costs associated with transportation systems management and operations and the continuous operation of traffic control, such as—

"(i) an integrated traffic control system;

"(ii) an incident management program; and

"(iii) a traffic control center.

"(20) OPERATIONAL IMPROVEMENT.—

"(A) IN GENERAL.—The term 'operational improvement' means—

"(i) a capital improvement for installation or implementation of—

"(I) a transportation system management and operations program;

"(II) traffic and transportation security surveillance and control equipment;

"(III) a computerized signal system;

"(IV) a motorist information system;

"(V) an integrated traffic control system;

"(VI) an incident management program;

"(VII) equipment and programs for transportation response to manmade and natural disasters; or

"(VIII) a transportation demand management facility, strategy, or program; and

"(ii) such other capital improvements to a public road as the Secretary may designate by regulation.

"(B) EXCLUSIONS.—The term 'operational improvement' does not include—

"(i) a resurfacing, restorative, or rehabilitative improvement;

"(ii) construction of an additional lane, interchange, or grade separation; or

"(iii) construction of a new facility on a new location.

"(21) PARK ROAD.—The term 'park road' means a public road (including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles) that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

"(22) PARKWAY.—The term 'parkway' means a parkway authorized by an Act of Congress on land to which title is vested in the United States.

"(23) PROJECT.—The term 'project' means—

"(A)(i) an undertaking to construct a particular portion of a highway; or

"(ii) if the context so implies, a particular portion of a highway so constructed; and

"(B) any other undertaking eligible for assistance under this title.

"(24) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the Secretary and recipient of funds under this title.

"(25) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(26) PUBLIC FOREST SERVICE ROAD.—The term 'public Forest Service road' means a classified forest road—

"(A) that is open to public travel;

"(B) for which title and maintenance responsibility is vested in the Federal Government; and

"(C) that has been designated a public road by the Forest Service.

"(27) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and use of public lands and resources under the control of the Secretary of the Interior.

"(28) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means—

"(A) a forest road that is—

"(i) under the jurisdiction of, and maintained by, a public authority; and

"(ii) open to public travel; and

"(B) any highway through unappropriated or unreserved public land, nontaxable Indian land, or any other Federal reservation (including a main highway through such land or reservation that is on the Federal-aid system) that is—

"(i) under the jurisdiction of, and maintained by, a public authority; and

"(ii) open to public travel.

"(29) PUBLIC ROAD.—The term 'public road' means any road or street that is—

"(A) under the jurisdiction of, and maintained by, a public authority; and

"(B) open to public travel.

"(30) RECREATIONAL ROAD.—The term 'recreational road' means a public road—

"(A) that provides access to a museum, lake, reservoir, visitors center, gateway to a major wilderness area, public use area, or recreational or historic site; and

"(B) for which title is vested in the Federal Government.

"(31) REFUGE ROAD.—The term 'refuge road' means a public road—

"(A) that provides access to or within a unit of the National Wildlife Refuge System or a national fish hatchery; and

"(B) for which title and maintenance responsibility is vested in the United States Government.

"(32) RURAL AREA.—The term 'rural area' means an area of a State that is not included in an urban area.

"(33) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(34) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.

"(35) STATE FUNDS.—The term 'State funds' includes funds that are—

"(A) raised under the authority of the State (or any political or other subdivision of a State); and

"(B) made available for expenditure under the direct control of the State transportation department.

"(36) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means the department, agency, commission, board, or official of any State charged by the laws of the State with the responsibility for highway construction.

"(37) TERRITORIAL HIGHWAY SYSTEM.—The term 'territorial highway system' means the system of arterial highways, collector roads, and necessary interisland connectors in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands that have been designated by the appropriate Governor or chief executive officer of a territory, and approved by the Secretary, in accordance with section 215.

"(38) TRANSPORTATION ENHANCEMENT ACTIVITY.—The term 'transportation enhancement activity' means, with respect to any project or the area to be served by the project, any of the following activities as the activities relate to surface transportation:

"(A) Provision of facilities for pedestrians and bicycles.

"(B) Provision of safety and educational activities for pedestrians and bicyclists.

"(C) Acquisition of scenic easements and scenic or historic sites (including historic battlefields).

"(D) Scenic or historic highway programs (including the provision of tourist and welcome center facilities).

"(E) Landscaping and other scenic beautification.

"(F) Historic preservation.

"(G) Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).

"(H) Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).

"(I) Control and removal of outdoor advertising.

"(J) Archaeological planning and research.

"(K) Environmental mitigation—

"(i) to address water pollution due to highway runoff; or

"(ii) reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

"(L) Establishment of transportation museums.

"(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

"(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.

"(40) URBAN AREA.—The term 'urban area' means—

"(A) an urbanized area (or, in the case of an urbanized area encompassing more than 1 State, the portion of the urbanized area in each State); and

"(B) an urban place designated by the Bureau of the Census that—

"(i) has a population of 5,000 or more;

"(ii) is not located within any urbanized area; and

"(iii) is located within boundaries that—

"(I) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and

"(II) encompass, at a minimum, the entire urban place designated by the Bureau of the Census (except in the case of cities in the State of Maine and in the State of New Hampshire).

"(41) URBANIZED AREA.—The term 'urbanized area' means an area that—

"(A) has a population of 50,000 or more;

"(B) is designated by the Bureau of the Census; and

"(C) is located within boundaries that—

"(i) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and

"(ii) encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.".

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code—

(A) $5,799,188,140 for fiscal year 2005;
(B) $6,032,059,334 for fiscal year 2006;
(C) $6,049,378,729 for fiscal year 2007;
(D) $6,351,069,528 for fiscal year 2008; and
(E) $6,443,591,248 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title—

(A) $7,054,146,316 for fiscal year 2005;
(B) $7,333,629,462 for fiscal year 2006;
(C) $7,354,650,712 for fiscal year 2007;
(D) $7,720,825,041 for fiscal year 2008; and
(E) $7,833,068,496 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title—

(A) $4,970,732,691 for fiscal year 2005;
(B) $5,157,180,500 for fiscal year 2006;
(C) $5,141,987,920 for fiscal year 2007;
(D) $5,429,922,039 for fiscal year 2008; and
(E) $5,509,052,458 for fiscal year 2009.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title—

(A) $7,318,023,129 for fiscal year 2005;
(B) $7,597,631,986 for fiscal year 2006;
(C) $7,619,446,491 for fiscal year 2007;
(D) $7,999,438,719 for fiscal year 2008; and
(E) $8,116,064,782 for fiscal year 2009.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title—

(A) $1,979,088,016 for fiscal year 2005;
(B) $2,049,058,323 for fiscal year 2006;
(C) $2,054,941,629 for fiscal year 2007;
(D) $2,157,424,382 for fiscal year 2008; and
(E) $2,188,954,810 for fiscal year 2009.

(6) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under section 148 of that title—

(A) $1,196,657,870 for fiscal year 2005;
(C) $1,234,248,870 for fiscal year 2006;
(D) $1,246,818,516 for fiscal year 2007;
(E) $1,308,999,063 for fiscal year 2008; and
(F) $1,328,233,842 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 170 of that title, $532,518,499 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of that title, $54,154,424 for each of fiscal years 2005 through 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title—

(i) $290,251,572 for fiscal year 2005;
(ii) $312,578,616 for fiscal year 2006;
(iii) $334,905,660 for fiscal year 2007;
(iv) $357,232,704 for fiscal year 2008; and
(v) $379,559,748 for fiscal year 2009.

(B) RECREATION ROADS.—For recreation roads under section 204 of that title, $44,654,088 for each of fiscal years 2005 through 2009.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of that title—

(i) $276,855,346 for fiscal year 2005; and

(ii) $285,786,164 for each of fiscal years 2006 through 2009.

(D) REFUGE ROADS.—For refuge roads under section 204 of that title, $26,792,453 for each of fiscal years 2005 through 2009.

(E) PUBLIC LANDS HIGHWAYS.—For Federal lands highways under section 204 of that title, $267,924,258 for each of fiscal years 2005 through 2009.

(F) SAFETY.—For safety under section 204 of that title, $35,723,270 for each of fiscal years 2005 through 2009.

(10) MULTISTATE CORRIDOR PROGRAM.—For the multistate corridor program under section 171 of that title—

(A) $120,566,038 for fiscal year 2005;
(B) $140,660,377 for fiscal year 2006;
(C) $160,754,717 for fiscal year 2007;
(D) $180,849,057 for fiscal year 2008; and
(E) $200,943,396 for fiscal year 2009.

(11) BORDER PLANNING, OPERATIONS, AND TECHNOLOGY PROGRAM.—For the border planning, operations, and technology program under section 172 of that title—

(A) $120,566,038 for fiscal year 2005;
(B) $140,660,377 for fiscal year 2006;
(C) $160,754,717 for fiscal year 2007;
(D) $180,849,057 for fiscal year 2008; and
(E) $200,943,396 for fiscal year 2009.

(12) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of that title—

(A) $31,257,862 for fiscal year 2005;
(B) $32,150,943 for fiscal year 2006;
(C) $33,044,025 for fiscal year 2007; and
(D) $34,830,189 for each of fiscal years 2008 and 2009.

(13) INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM.—For carrying out the infrastructure performance and maintenance program under section 139 of that title $0 for fiscal year 2004.

(14) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of that title, $54,154,424 for each of fiscal years 2005 through 2009.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 173 of that title—

(A) $129,496,855 for fiscal year 2005;
(B) $133,069,182 for fiscal year 2006;
(C) $137,534,591 for fiscal year 2007;
(D) $142,893,082 for fiscal year 2008; and
(E) $145,572,327 for fiscal year 2009.

(16) PUBLIC-PRIVATE PARTNERSHIPS PILOT PROGRAM.—For the public-private partnerships pilot program under section 109(c)(3) of that title, $8,930,818 for each of fiscal years 2005 through 2009.

(17) DENALI ACCESS SYSTEM.—For the Denali Access System under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277), $26,792,453 for each of fiscal years 2005 through 2009.

(18) DELTA REGION TRANPORTATION DEVELOPMENT PROGRAM.—For planning and construction activities authorized under the Delta Regional Authority, $71,446,541 for each of fiscal years 2005 through 2009.

(19) INTERMODAL PASSENGER FACILITIES.—For intermodal passenger facilities under subchapter III of chapter 55 of title 49, United States Code, $8,930,818 for each of fiscal years 2005 through 2009.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Subject to subsections (g) and (h), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $34,425,380,000 for fiscal year 2005;
(2) $37,154,999,523 for fiscal year 2006;
(3) $37,450,167,691 for fiscal year 2007;
(4) $38,816,364,417 for fiscal year 2008; and
(5) $40,321,257,845 for fiscal year 2009.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (Public Law 97–134; 95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (Public Law 97–424; 96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2003, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 107) or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; and

(10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through 2009, only in an amount equal to $639,000,000 per fiscal year).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2005 through 2009, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code;

(B) programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code; and

(C) amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) shall determine the ratio that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2); bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2);

(4) shall distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2), for section 14501 of title 40, United States Code, so that the amount of obligation authority available for that section is equal to the amount determined by multiplying—

(A) the ratio determined under paragraph (3); by

(B) the sums authorized to be appropriated for that section for the fiscal year;

(5) shall distribute among the States the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than to programs to which paragraph (1) applies), by multiplying—

(A) the ratio determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(6) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraphs (4) and (5), for Federal-aid highway and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for the programs that are apportioned to each State for the fiscal year; bear to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned to all States for the fiscal year.

(d) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2005 through 2009—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(e) Applicability of Obligation Limitations to Transportation Research Programs.—

(1) In general.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title II of this Act.

(2) Exception.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 3 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) Redistribution of Certain Authorized Funds.—

(1) In general.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2005 through 2009, the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in the fiscal year due to the imposition of any obligation limitation for the fiscal year.

(2) Ratio.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (c)(6).

(3) Availability.—Funds distributed under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

(g) Special Rule.—Obligation authority distributed for a fiscal year under subsection (c)(4) for the provision specified in subsection (c)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(h) Adjustment in Obligation Limit.—

(1) In general.—A limitation on obligations imposed by subsection (a) for a fiscal year shall be adjusted by an amount equal to the amount determined in accordance with section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(1)(B)) for the fiscal year.

(2) Distribution.—An adjustment under paragraph (1) shall be distributed in accordance with this section.

(i) Limitations on Obligations for Administrative Expenses.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $415,283,019 for fiscal year 2005;

(2) $428,679,245 for fiscal year 2006;

(3) $442,075,472 for fiscal year 2007;

(4) $455,471,698 for fiscal year 2008; and

(5) $468,867,925 for fiscal year 2009.

(j) National Highway System Component.—Section 104(b)(1) of title 23, United States Code, is amended by striking "$36,400,000" and insert "$44,654,088".

SEC. 1103. APPORTIONMENTS.

(a) Administrative Expenses.—

(1) In general.—Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) Administrative Expenses.—

"(1) In general.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary of Transportation for administrative expenses of the Federal Highway Administration—

"(1) $415,283,019 for fiscal year 2005;

"(2) $428,679,245 for fiscal year 2006;

"(3) $442,075,472 for fiscal year 2007;

"(4) $455,471,698 for fiscal year 2008; and

"(5) $468,867,925 for fiscal year 2009.

"(2) Purposes.—The funds authorized by this subsection shall be used—

"(A) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

"(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

"(3) Availability.—The funds made available under paragraph (1) shall remain available until expended.".

(2) Conforming amendments.—Section 104 of title 23, United States Code, is amended—

(A) in the matter preceding paragraph (1) of subsection (b), by striking "the deduction authorized by subsection (a) and";

(B) in the first sentence of subsection (e)(1), by striking ", and also" and all that follows through "this section"; and

(C) in subsection (i), by striking "deducted" and inserting "made available".

(b) Metropolitan Planning.—Section 104(f) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Set-aside.—On October 1 of each fiscal year, the Secretary shall set aside 1.5 percent of the funds authorized to be appropriated for the Interstate maintenance, national highway system, surface transportation, congestion mitigation and air quality improvement, highway safety improvement, and highway bridge programs authorized under this title to carry out the requirements of section 134.";

(2) in paragraph (2), by striking "per centum" and inserting "percent";

(3) in paragraph (3)—

(A) by striking "The funds" and inserting the following:

"(A) In general.—The funds"; and

(B) by striking "These funds" and all that follows and inserting the following:

"(B) Unused funds.—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135."; and

(4) by adding at the end the following:

"(6) Federal share.—Funds apportioned to a State under this subsection shall be matched in accordance with section 120(b) unless the Secretary determines that the interests of the Federal-aid highway program would be best served without the match.".

(c) Alaska Highway.—Section 104(b)(1)(A) of title 23, United States Code, is amended by striking "1998 through 2002" and inserting "2005 through 2009".

SEC. 1104. EQUITY BONUS PROGRAM.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Equity bonus program

"(a) PROGRAM.—

"(1) IN GENERAL.—Subject to subsections (c) and (d), for each of fiscal years 2005 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a percentage of the total apportionments for the fiscal year for the programs specified in paragraph (2) that is less than the percentage calculated under subsection (b).

"(2) SPECIFIC PROGRAMS.—The programs referred to in subsection (a) are—

"(A) the Interstate maintenance program under section 119;

"(B) the national highway system program under section 103;

"(C) the bridge program under section 144;

"(D) the surface transportation program under section 133;

"(E) the highway safety improvement program under section 148;

"(F) the congestion mitigation and air quality improvement program under section 149;

"(G) metropolitan planning programs under section 104(f) (other than planning programs funded by amounts provided under the equity bonus program under this section);

"(H) the infrastructure performance and maintenance program under section 139;

"(I) the equity bonus program under this section;

"(J) the Appalachian development highway system program under subtitle IV of title 40;

"(K) the recreational trails program under section 206;

"(L) the safe routes to schools program under section 150; and

"(M) the rail-highway grade crossing program under section 130.

"(b) STATE PERCENTAGE.—

"(1) IN GENERAL.—The percentage referred to in subsection (a) for each State shall be—

"(A) 92 percent of the quotient obtained by dividing—

"(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; by

"(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year; or

"(B) for a State with a total population density of less than 20 persons per square mile, as reported in the decennial census conducted by the Federal Government in 2000, a total population of less than 1,000,000, as reported in that decennial census, a median household income of less than $35,000, as reported in that decennial census, or a State with a fatality rate during 2002 on Interstate highways that is greater than 1 fatality for each 100,000,000 vehicle miles traveled on Interstate highways, the greater of—

"(i) the percentage under paragraph (1); or

"(ii) the average percentage of the State's share of total apportionments for the period of fiscal years 1998 through 2003 for the programs specified in paragraph (2).

"(2) SPECIFIC PROGRAMS.—The programs referred to in paragraph (1)(B)(ii) are (as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005)—

"(A) the Interstate maintenance program under section 119;

"(B) the national highway system program under section 103;

"(C) the bridge program under section 144;

"(D) the surface transportation program under section 133;

"(E) the recreational trails program under section 206;

"(F) the high priority projects program under section 117;

"(G) the minimum guarantee provided under this section;

"(H) revenue aligned budget authority amounts provided under section 110;

"(I) the congestion mitigation and air quality improvement program under section 149;

"(J) the Appalachian development highway system program under subtitle IV of title 40; and

"(K) metropolitan planning programs under section 104(f).

"(c) SPECIAL RULES.—

"(1) MINIMUM COMBINED ALLOCATION.—For each fiscal year, before making the allocations under subsection (a)(1), the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a combined total of amounts allocated under subsection (a)(1), apportionments for the programs specified in subsection (a)(2), and amounts allocated under this subsection, that is less than 110 percent of the average for fiscal years 1998 through 2003 of the annual apportionments for the State for all programs specified in subsection (b)(2).

"(2) NO NEGATIVE ADJUSTMENT.—Notwithstanding subsection (d), no negative adjustment shall be made under subsection (a)(1) to the apportionment of any State.

"(3) MINIMUM SHARE OF TAX PAYMENTS.—Notwithstanding subsection (d), for each fiscal year, the Secretary shall allocate among the States amounts sufficient to ensure that no State receives a percentage of apportionments for the fiscal year for the programs specified in subsection (a)(2) that is less than 90.5 percent of the percentage share of the State of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

"(d) LIMITATION ON ADJUSTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of subsection (c), no State shall receive, for any fiscal year, additional amounts under subsection (a)(1) if—

"(A) the total apportionments of the State for the fiscal year for the programs specified in subsection (a)(2); exceed

"(B) the percentage of the average, for the period of fiscal years 1998 through 2003, of the annual apportionments of the State for all programs specified in subsection (b)(2), as specified in paragraph (2).

"(2) PERCENTAGES.—The percentages referred to in paragraph (1)(B) are—

"(A) for fiscal year 2005, 119 percent;

"(B) for fiscal year 2006, 122 percent;

"(C) for fiscal year 2007, 123 percent;

"(D) for fiscal year 2008, 128 percent; and

"(E) for fiscal year 2009, 250 percent.

"(e) PROGRAMMATIC DISTRIBUTION OF FUNDS.—The Secretary shall apportion the amounts made available under this section so that the amount apportioned to each State under this section for each program referred to in subparagraphs (A) through (G) of subsection (a)(2) is equal to the amount determined by multiplying the amount to be apportioned under this section by the proportion that—

"(1) the amount of funds apportioned to each State for each program referred to in subparagraphs (A) through (G) of subsection (a)(2) for a fiscal year; bears to

"(2) the total amount of funds apportioned to each State for all such programs for the fiscal year.

"(f) METRO PLANNING SET ASIDE.—Notwithstanding section 104(f), no set aside provided for under that section shall apply to funds allocated under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2005 through 2009.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Equity bonus program."

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

Section 110 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (2), by striking "2000" and inserting "2006";

(B) in paragraph (1), by inserting "(as in effect on September 30, 2002)" after "(2 U.S.C. 901(b)(2)(B)(ii)(I)(cc))"; and

(C) in paragraph (2)—

(i) by striking "If the amount" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), if the amount";

(ii) by inserting "(as in effect on September 30, 2002)" after "(2 U.S.C. 901(b)(1)(B)(ii)(I)(cc)";

(iii) by striking "the succeeding" and inserting "that";

(iv) by striking "and the motor carrier safety grant program"; and

(v) by adding at the end the following:

"(B) LIMITATION.—No reduction under subparagraph (A) shall be made for a fiscal year if, as of October 1 of the fiscal year, the cash balance in the Highway Trust Fund (other than the Mass Transit Account) exceeds $6,000,000,000.";

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

"(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the Federal-aid highway and highway safety construction programs (other than the equity bonus program) and for which funds are allocated from the Highway Trust Fund by the Secretary under this title and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005; bears to";

(3) in subsection (c), by inserting "the highway safety improvement program," after "the surface transportation program,"; and

(4) by striking subsections (e), (f), and (g).

Subtitle B—New Programs

SEC. 1201. INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

"§ 139. Infrastructure performance and maintenance program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement an infrastructure performance and maintenance program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—A State may obligate funds allocated to the State under this section only for projects eligible under the

Interstate maintenance program under section 119, the National Highway System program under section 103, the surface transportation program under section 133, the highway safety improvement program under section 148, the highway bridge program under section 144, and the congestion mitigation and air quality improvement program under section 149 that will—

"(1) preserve, maintain, or otherwise extend, in a cost-effective manner, the useful life of existing highway infrastructure elements and hurricane evacuation routes on the Federal-aid system; or

"(2) provide operational improvements (including traffic management and intelligent transportation system strategies and limited capacity enhancements) at points of recurring highway congestion or through transportation systemic changes to manage or ameliorate congestion.

"(c) Period of Availability.—

"(1) Obligation within 180 days.—

"(A) In general.—Funds allocated to a State under this section shall be obligated by the State not later than 180 days after the date of apportionment.

"(B) Unobligated funds.—Any amounts that remain unobligated at the end of that period shall be allocated in accordance with subsection (d).

"(2) Obligation by end of fiscal year.—

"(A) In general.—All funds allocated or reallocated under this section shall remain available for obligation until the last day of the fiscal year for which the funds are apportioned.

"(B) Unobligated funds.—Any amounts allocated that remain unobligated at the end of the fiscal year shall lapse.

"(d) Redistribution of Allocated Funds and Obligation Authority.—

"(1) In general.—On the date that is 180 days after the date of allocation, or as soon thereafter as practicable, for each fiscal year, the Secretary shall—

"(A) withdraw—

"(i) any funds allocated to a State under this section that remain unobligated; and

"(ii) an equal amount of obligation authority provided for the use of the funds in accordance with section 1101(13) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005; and

"(B) reallocate the funds and redistribute the obligation authority to those States that—

"(i) have fully obligated all amounts allocated under this section for the fiscal year; and

"(ii) demonstrate that the State is able to obligate additional amounts for projects eligible under this section before the end of the fiscal year.

"(2) Equity bonus.—The calculation and distribution of funds under section 105 shall be adjusted as a result of the allocation of funds under this subsection.

"(e) Federal Share Payable.—The Federal share payable for a project funded under this section shall be determined in accordance with section 120.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by adding after the item relating to section 138 the following:

"139. Infrastructure performance and maintenance program.".

SEC. 1202. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

(a) Declaration of Policy.—Section 101 of title 23, United States Code, is amended—

(1) by striking "(b) It is hereby declared to be" and inserting the following:

"(b) Declaration of Policy.—

"(1) Acceleration of construction of Federal-aid highway systems.—Congress declares that it is";

(2) in the second paragraph, by striking "It is hereby declared" and inserting the following:

"(2) Completion of Interstate System.—Congress declares"; and

(3) by striking the last paragraph and inserting the following:

"(3) Transportation needs of 21st Century.—Congress declares that—

"(A) it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century;

"(B) the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to change;

"(C) continued planning for and investment in surface transportation is critical to ensure the surface transportation system adequately meets the changing travel demands of the future;

"(D) among the foremost needs that the surface transportation system must meet to provide for a strong and vigorous national economy are safe, efficient, and reliable—

"(i) national and interregional personal mobility (including personal mobility in rural and urban areas) and reduced congestion;

"(ii) flow of interstate and international commerce and freight transportation; and

"(iii) travel movements essential for national security;

"(E) special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals;

"(F) it is in the national interest to seek ways to eliminate barriers to transportation investment created by the current modal structure of transportation financing;

"(G) the connection between land use and infrastructure is significant;

"(H) transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life; and

"(I) the Secretary should take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st Century.".

(b) National Surface Transportation System Study.—

(1) In general.—The Secretary shall—

(A) conduct a complete investigation and study of the current condition and future needs of the surface transportation system of the United States, including—

(i) the National Highway System;

(ii) the Interstate System;

(iii) the strategic highway network;

(iv) congressional high priority corridors;

(v) intermodal connectors;

(vi) freight facilities;

(vii) navigable waterways;

(viii) mass transportation;

(ix) freight and intercity passenger rail infrastructure and facilities; and

(x) surface access to airports; and

(B) develop a conceptual plan, with alternative approaches, for the future to ensure that the surface transportation system will continue to serve the needs of the United States, including specific recommendations regarding design and operational standards, Federal policies, and legislative changes.

(2) Specific issues.—In conducting the investigation and study, the Secretary shall specifically address—

(A) the current condition and performance of the Interstate System (including the physical condition of bridges and pavements and operational characteristics and performance), relying primarily on existing data sources;

(B) the future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year time periods;

(C) the expected demographics and business uses that impact the surface transportation system;

(D) the expected use of the surface transportation system, including the effects of changing vehicle types, modes of transportation, fleet size and weights, and traffic volumes;

(E) desirable design policies and standards for future improvements of the surface transportation system, including additional access points;

(F) the identification of urban, rural, national, and interregional needs for the surface transportation system;

(G) the potential for expansion, upgrades, or other changes to the surface transportation system, including—

(i) deployment of advanced materials and intelligent technologies;

(ii) critical multistate, urban, and rural corridors needing capacity, safety, and operational enhancements;

(iii) improvements to intermodal linkages;

(iv) security and military deployment enhancements;

(v) strategies to enhance asset preservation; and

(vi) implementation strategies;

(H) the improvement of emergency preparedness and evacuation using the surface transportation system, including—

(i) examination of the potential use of all modes of the surface transportation system in the safe and efficient evacuation of citizens during times of emergency;

(ii) identification of the location of critical bottlenecks; and

(iii) development of strategies to improve system redundancy, especially in areas with a high potential for terrorist attacks;

(I) alternatives for addressing environmental concerns associated with the future development of the surface transportation system;

(J) the evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection and analysis, traffic monitoring, and transportation systems operations and management; and

(K) a range of policy and legislative alternatives for addressing future needs for the surface transportation system, including funding needs and potential approaches to provide funds.

(3) Technical advisory committee.—The Secretary shall establish a technical advisory committee, in a manner consistent with the Federal Advisory Committee Act (5 U.S.C. App.), to collect and evaluate technical input from—

(A) the Department of Defense;

(B) appropriate Federal, State, and local officials with responsibility for transportation;

(C) appropriate State and local elected officials;

(D) transportation and trade associations;

(E) emergency management officials;

(F) freight providers;

(G) the general public; and

(H) other entities and persons determined appropriate by the Secretary to ensure a diverse range of views.

(4) Report.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make readily available to the public, a report on the results of the investigation and study conducted under this subsection.

SEC. 1203. FREIGHT TRANSPORTATION GATEWAYS; FREIGHT INTERMODAL CONNECTIONS.

(a) Freight Transportation Gateways.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"§ 325. Freight transportation gateways

"(a) In General.—

"(1) Establishment.—The Secretary shall establish a freight transportation gateways program to improve productivity, security, and safety of freight transportation gateways, while mitigating congestion and community impacts in the area of the gateways.

"(2) Purposes.—The purposes of the freight transportation gateways program shall be—

"(A) to facilitate and support multimodal freight transportation initiatives at the State and local levels in order to improve freight transportation gateways and mitigate the impact of congestion on the environment in the area of the gateways;

"(B) to provide capital funding to address infrastructure and freight operational needs at freight transportation gateways;

"(C) to encourage adoption of new financing strategies to leverage State, local, and private investment in freight transportation gateways;

"(D) to facilitate access to intermodal freight transfer facilities; and

"(E) to increase economic efficiency by facilitating the movement of goods.

"(b) State Responsibilities.—

"(1) Project development process.—Each State, in coordination with metropolitan planning organizations, shall ensure that intermodal freight transportation, trade facilitation, and economic development needs are adequately considered and fully integrated into the project development process, including transportation planning through final design and construction of freight-related transportation projects.

"(2) Freight transportation coordinator.—

"(A) In general.—Each State shall designate a freight transportation coordinator.

"(B) Duties.—The coordinator shall—

"(i) foster public and private sector collaboration needed to implement complex solutions to freight transportation and freight transportation gateway problems, including—

"(I) coordination of metropolitan and statewide transportation activities with trade and economic interests;

"(II) coordination with other States, agencies, and organizations to find regional solutions to freight transportation problems; and

"(III) coordination with local officials of the Department of Defense and the Department of Homeland Security, and with other organizations, to develop regional solutions to military and homeland security transportation needs; and

"(ii) promote programs that build professional capacity to better plan, coordinate, integrate, and understand freight transportation needs for the State.

"(c) Innovative Finance Strategies.—

"(1) In general.—States and localities are encouraged to adopt innovative financing strategies for freight transportation gateway improvements, including—

"(A) new user fees;

"(B) modifications to existing user fees, including trade facilitation charges;

"(C) revenue options that incorporate private sector investment; and

"(D) a blending of Federal-aid and innovative finance programs.

"(2) Technical assistance.—The Secretary shall provide technical assistance to States and localities with respect to the strategies.

"(d) Intermodal Freight Transportation Projects.—

"(1) Use of surface transportation program funds.—A State may obligate funds apportioned to the State under section 104(b)(3) for publicly-owned intermodal freight transportation projects that provide community and highway benefits by addressing economic, congestion, system reliability, security, safety, or environmental issues associated with freight transportation gateways.

"(2) Eligible projects.—A project eligible for funding under this section—

"(A) may include publicly-owned intermodal freight transfer facilities, access to the facilities, and operational improvements for the facilities (including capital investment for intelligent transportation systems), except that projects located within the boundaries of port terminals shall only include the surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port; and

"(B) may involve the combining of private and public funds.".

(b) Eligibility for Surface Transportation Program Funds.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

"(12) Intermodal freight transportation projects in accordance with section 325(d)(2).".

(c) Freight Intermodal Connections to NHS.—Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

"(7) Freight intermodal connections to the NHS.—

"(A) Funding set-aside.—Of the funds apportioned to a State for each fiscal year under section 104(b)(1), an amount determined in accordance with subparagraph (B) shall only be available to the State to be obligated for projects on—

"(i) National Highway System routes connecting to intermodal freight terminals identified according to criteria specified in the report to Congress entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals' dated May 24, 1996, referred to in paragraph (1), and any modifications to the connections that are consistent with paragraph (4);

"(ii) strategic highway network connectors to strategic military deployment ports; and

"(iii) projects to eliminate railroad crossings or make railroad crossing improvements.

"(B) Determination of amount.—The amount of funds for each State for a fiscal year that shall be set aside under subparagraph (A) shall be equal to the greater of—

"(i) the product obtained by multiplying—

"(I) the total amount of funds apportioned to the State under section 104(b)(1); by

"(II) the percentage of miles that routes specified in subparagraph (A) constitute of the total miles on the National Highway System in the State; or

"(ii) 2 percent of the annual apportionment to the State of funds under 104(b)(1).

"(C) Exemption from set-aside.—For any fiscal year, a State may obligate the funds otherwise set aside by this paragraph for any project that is eligible under paragraph (6) and is located in the State on a segment of the National Highway System specified in paragraph (2), if the State certifies and the Secretary concurs that—

"(i) the designated National Highway System intermodal connectors described in subparagraph (A) are in good condition and provide an adequate level of service for military vehicle and civilian commercial vehicle use; and

"(ii) significant needs on the designated National Highway System intermodal connectors are being met or do not exist.".

(d) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(m) Increased Federal Share for Connectors.—In the case of a project to support a National Highway System intermodal freight connection or strategic highway network connector to a strategic military deployment port described in section 103(b)(7), except as otherwise provided in section 120, the Federal share of the total cost of the project shall be 90 percent.".

(e) Length Limitations.—Section 31111(e) of title 49, United States Code, is amended—

(1) by striking "The" and inserting the following:

"(1) In general.—The"; and

(2) by adding at the end the following:

"(2) Length limitations.—In the interests of economic competitiveness, security, and intermodal connectivity, not later than 3 years after the date of enactment of this paragraph, States shall update the list of those qualifying highways to include—

"(A) strategic highway network connectors to strategic military deployment ports; and

"(B) National Highway System intermodal freight connections serving military and commercial truck traffic going to major intermodal terminals as described in section 103(b)(7)(A)(i).".

(f) Conforming Amendment.—The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"325. Freight transportation gateways.".

SEC. 1204. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL AND MAINTENANCE FACILITIES; COORDINATION OF FERRY CONSTRUCTION AND MAINTENANCE.

(a) In General.—Section 147 of title 23, United States Code, is amended to read as follows:

"§ 147. Construction of ferry boats and ferry terminal and maintenance facilities; coordination of ferry construction and maintenance

"(a) Construction of Ferry Boats and Ferry Terminal Facilities.—

"(1) In general.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

"(2) Federal share.—The Federal share of the cost of construction of ferry boats and ferry terminals and maintenance facilities under this subsection shall be 80 percent.

"(3) Allocation of funds.—The Secretary shall give priority in the allocation of funds under this subsection to those ferry systems, and public entities responsible for developing ferries, that—

"(A) carry the greatest number of passengers and vehicles;

"(B) carry the greatest number of passengers in passenger-only service; or

"(C) provide critical access to areas that are not well-served by other modes of surface transportation.

"(b) NON-CONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $54,154,424 for each fiscal year to carry out this section.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147 and inserting the following:

"147. Construction of ferry boats and ferry terminal and maintenance facilities.".

(2) Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2005) is repealed.

SEC. 1205. DESIGNATION OF INTERSTATE HIGHWAYS.

(a) DESIGNATION OF DANIEL PATRICK MOYNIHAN INTERSTATE HIGHWAY.—

(1) DESIGNATION.—Interstate Route 86 in the State of New York, extending from the Pennsylvania border near Lake Erie through Orange County, New York, shall be known and designated as the "Daniel Patrick Moynihan Interstate Highway".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway referred to in paragraph (1) shall be deemed to be a reference to the Daniel Patrick Moynihan Interstate Highway.

(b) DESIGNATION OF AMO HOUGHTON BYPASS.—

(1) DESIGNATION.—The 3-mile segment of Interstate Route 86 between the interchange of Interstate Route 86 with New York State Route 15 in the vicinity of Painted Post, New York, and the interchange of Interstate Route 86 with New York State Route 352 in the vicinity of Corning, New York, shall be known and designated as the "Amo Houghton Bypass".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway referred to in paragraph (1) shall be deemed to be a reference to the Amo Houghton Bypass.

SEC. 1206. STATE-BY-STATE COMPARISON OF HIGHWAY CONSTRUCTION COSTS.

(a) COLLECTION OF DATA.—

(1) IN GENERAL.—The Administrator of the Federal Highway Administration (referred to in this section as the "Administrator") shall collect from States any bid price data that is necessary to make State-by-State comparisons of highway construction costs.

(2) DATA REQUIRED.—In determining which data to collect and the procedures for collecting data, the Administrator shall take into account the data collection deficiencies identified in the report prepared by the General Accounting Office numbered GAO–04–113R.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit to Congress an annual report on the bid price data collected under subsection (a).

(2) INCLUSIONS.—The report shall include—

(A) State-by-State comparisons of highway construction costs for the previous fiscal year (including the cost to construct a 1-mile road segment of a standard design, as determined by the Administrator); and

(B) a description of the competitive bidding procedures used in each State; and

(C) a determination by Administrator as to whether the competitive bidding procedures described under subparagraph (B) are effective.

(c) INNOVATIVE AND COST-EFFECTIVE MATERIALS.—The Secretary shall encourage and provide incentives to States to make maximum use of innovative and cost-effective materials and products in highway construction.

Subtitle C—Finance

SEC. 1301. FEDERAL SHARE.

Section 120 of title 23, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost of the project.";

(2) in subsection (b)—

(A) by striking "Except as otherwise" and inserting the following:

"(1) IN GENERAL.—Except as otherwise";

(B) by striking "shall be—" and all that follows and inserting "shall be 80 percent of the cost of the project."; and

(C) by adding at the end the following:

"(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under paragraph (1).";

(3) by striking subsection (d) and inserting the following:

"(d) INCREASED FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share payable under subsection (a) or (b) may be increased for projects and activities in each State in which is located—

"(A) nontaxable Indian land;

"(B) public land (reserved or unreserved);

"(C) a national forest; or

"(D) a national park or monument.

"(2) AMOUNT.—

"(A) IN GENERAL.—The Federal share for States described in paragraph (1) shall be increased by a percentage of the remaining cost that—

"(i) is equal to the percentage that—

"(I) the area of all land described in paragraph (1) in a State; bears to

"(II) the total area of the State: but

"(ii) does not exceed 95 percent of the total cost of the project or activity for which the Federal share is provided.

"(B) ADJUSTMENT.—The Secretary shall adjust the Federal share for States under subparagraph (A) as the Secretary determines necessary, on the basis of data provided by the Federal agencies that are responsible for maintaining the data.".

SEC. 1302. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code, is amended by striking subsection (k) and inserting the following:

"(k) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), funds made available for transit projects or transportation planning under this title may be transferred to and administered by the Secretary in accordance with chapter 53 of title 49.

"(B) NON-FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS FOR HIGHWAY PROJECTS.—Funds made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.

"(3) TRANSFER OF HIGHWAY FUNDS TO OTHER FEDERAL AGENCIES.—

"(A) IN GENERAL.—Except as provided in clauses (i) and (ii) and subparagraph (B), funds made available under this title or any other Act that are derived from Highway Trust Fund (other than the Mass Transit account) may be transferred to another Federal agency if—

"(i)(I) an expenditure is specifically authorized in Federal-aid highway legislation or as a line item in an appropriation act; or

"(II) a State transportation department consents to the transfer of funds;

"(ii) the Secretary determines, after consultation with the State transportation department (as appropriate), that the Federal agency should carry out a project with the funds; and

"(iii) the other Federal agency agrees to accept the transfer of funds and to administer the project.

"(B) ADMINISTRATION.—

"(i) PROCEDURES.—A project carried out with funds transferred to a Federal agency under subparagraph (A) shall be administered by the Federal agency under the procedures of the Federal agency.

"(ii) APPROPRIATIONS.—Funds transferred to a Federal agency under subparagraph (A) shall not be considered an augmentation of the appropriations of the Federal agency.

"(iii) NON-FEDERAL SHARE.—The provisions of this title, or an Act described in subparagraph (A), relating to the non-Federal share shall apply to a project carried out with the transferred funds, unless the Secretary determines that it is in the best interest of the United States that the non-Federal share be waived.

"(4) TRANSFER OF FUNDS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the Secretary may, at the request of a State, transfer funds apportioned or allocated to the State to another State, or to the Federal Highway Administration, for the purpose of funding 1 or more specific projects.

"(B) ADMINISTRATION.—The transferred funds shall be used for the same purpose and in the same manner for which the transferred funds were authorized.

"(C) APPORTIONMENT.—The transfer shall have no effect on any apportionment formula used to distribute funds to States under this section or section 105 or 144.

"(D) SURFACE TRANSPORTATION PROGRAM.—Funds that are apportioned or allocated to a State under subsection (b)(3) and attributed to an urbanized area of a State with a population of over 200,000 individuals under section 133(d)(2) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

"(5) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for funds transferred under this subsection shall be transferred in the same manner and amount as the funds for the projects are transferred under this subsection.".

SEC. 1303. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AMENDMENTS.

(a) DEFINITIONS.—Section 181 of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "category" and "offered into the capital markets";

(2) by striking paragraph (7) and redesignating paragraphs (8) through (15) as paragraphs (7) through (14) respectively;

(3) in paragraph (8) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(B) by striking subparagraph (D) and inserting the following:

"(D) a project that—

"(i)(I) is a project for—

"(aa) a public freight rail facility or a private facility providing public benefit;

"(bb) an intermodal freight transfer facility;

"(cc) a means of access to a facility described in item (aa) or (bb);

"(dd) a service improvement for a facility described in item (aa) or (bb) (including a capital investment for an intelligent transportation system); or

"(II) comprises a series of projects described in subclause (I) with the common objective of improving the flow of goods;

"(ii) may involve the combining of private and public sector funds, including investment of public funds in private sector facility improvements; and

"(iii) if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port."; and

(4) in paragraph (10) (as redesignated by paragraph (2)) by striking "bond" and inserting "credit".

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 182 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter.

"(2) APPLICATION.—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary shall submit a project application to the Secretary.";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "$100,000,000" and inserting "$50,000,000"; and

(ii) in clause (ii), by striking "50" and inserting "20"; and

(C) in paragraph (4)—

(i) by striking "Project financing" and inserting "The Federal credit instrument"; and

(ii) by inserting before the period at the end the following: "that also secure the project obligations"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "criteria" the second place it appears and inserting "requirements"; and

(B) in paragraph (2)(B), by inserting "(which may be the Federal credit instrument)" after "obligations".

(c) SECURED LOANS.—Section 183 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "of any project selected under section 182." at the end;

(ii) in subparagraphs (A) and (B), by inserting "of any project selected under section 182" after "costs" ; and

(iii) in subparagraph (B), by striking the semicolon at the end and inserting a period; and

(B) in paragraph (4)—

(i) by striking "funding" and inserting "execution"; and

(ii) by striking "rating," and all that follows and inserting a period;

(2) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

"(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed the lesser of—

"(A) 33 percent of the reasonably anticipated eligible project costs; or

"(B) the amount of the senior project obligations.";

(B) in paragraph (3)(A)(i), by inserting "that also secure the senior project obligations" after "sources"; and

(C) in paragraph (4), by striking "marketable"; and

(3) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (A), by striking "during the 10 years"; and

(ii) in subparagraph (B)(ii), by striking "loan" and all that follows and inserting "loan.".

(d) LINES OF CREDIT.—Section 184 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking "interest, any debt service reserve fund, and any other available reserve" and inserting "interest (but not including reasonably required financing reserves)";

(B) in paragraph (4), by striking "marketable United States Treasury securities as of the date on which the line of credit is obligated" and inserting " United States Treasury securities as of the date of execution of the line of credit agreement"; and

(C) in paragraph (5)(A)(i), by inserting "that also secure the senior project obligations" after "sources"; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "scheduled";

(ii) by inserting "be scheduled to" after "shall"; and

(iii) by striking "be fully repaid, with interest," and inserting "to conclude, with full repayment of principal and interest,"; and

(B) by striking paragraph (3).

(e) PROGRAM ADMINISTRATION.—Section 185 of title 23, United States Code, is amended to read as follows:

"§ 185. Program administration

"(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instruments made available under this subchapter.

"(b) FEES.—The Secretary may establish fees at a level to cover all or a portion of the costs to the Federal government of servicing the Federal credit instruments.

"(c) SERVICER.—

"(1) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

"(2) DUTIES.—The servicer shall act as the agent for the Secretary.

"(3) FEE.—The servicer shall receive a servicing fee, subject to approval by the Secretary.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.".

(f) FUNDING.—Section 188 of title 23, United States Code, is amended to read as follows:

"§ 188. Funding

"(a) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $116,100,629 for each of fiscal years 2005 through 2009.

"(2) ADMINISTRATIVE COSTS.—Of amounts made available under paragraph (1), the Secretary may use for the administration of this subchapter not more than $1,786,164 for each of fiscal years 2005 through 2009.

"(3) COLLECTED FEES AND SERVICES.—In addition to funds provided under paragraph (2)—

"(A) all fees collected under this subchapter shall be made available without further appropriation to the Secretary until expended, for use in administering this subchapter; and

"(B) the Secretary may accept and use payment or services provided by transaction participants, or third parties that are paid by participants from transaction proceeds, for due diligence, legal, financial, or technical services.

"(4) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit investment.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.".

(g) REPEAL.—Section 189 of title 23, United States code, is repealed.

(h) CONFORMING AMENDMENTS.—The analysis for chapter 1 of title 23, United States Code, is amended—

(1) by striking the item relating to section 185 and inserting the following:

"185. Program administration.";

and

(2) by striking the item relating to section 189.

SEC. 1304. FACILITATION OF INTERNATIONAL REGISTRATION PLANS AND INTERNATIONAL FUEL TAX AGREEMENTS.

(a) IN GENERAL.—Chapter 317 of title 49, United States Code, is amended by adding at the end the following:

"§ 31708. Facilitation of international registration plans and international fuel tax agreements

"The Secretary may provide assistance to any State that is participating in the International Registration Plan and International Fuel Tax Agreement, as provided in sections 31704 and 31705, respectively, and that serves as a base jurisdiction for motor carriers that are domiciled in Mexico, to assist the State with administrative costs resulting from serving as a base jurisdiction for motor carriers from Mexico.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 317 of title 49, United States

Code, is amended by adding at the end the following:

"31708. Facilitation of international registration plans and international fuel tax agreements.".

SEC. 1305. NATIONAL COMMISSION ON FUTURE REVENUE SOURCES TO SUPPORT THE HIGHWAY TRUST FUND AND FINANCE THE NEEDS OF THE SURFACE TRANSPORTATION SYSTEM.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System" (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members, of whom—

(A) 3 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 2 members shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 2 members shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed under paragraph (1) shall have experience in or represent the interests of—

(A) public finance, including experience in developing State and local revenue resources;

(B) surface transportation program administration;

(C) organizations that use surface transportation facilities;

(D) academic research into related issues; or

(E) other activities that provide unique perspectives on current and future requirements for revenue sources to support the Highway Trust Fund.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of establishment of the Commission.

(4) TERMS.—A member shall be appointed for the life of the Commission.

(5) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(6) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(7) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(8) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(9) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) conduct a comprehensive study of alternatives to replace or to supplement the fuel tax as the principal revenue source to support the Highway Trust Fund and suggest new or alternative sources of revenue to fund the needs of the surface transportation system over at least the next 30 years;

(B) conduct the study in a manner that builds on—

(i) findings, conclusions, and recommendations of the recent study conducted by the Transportation Research Board on alternatives to the fuel tax to support highway program financing; and

(ii) other relevant prior research;

(C) consult with the Secretary and the Secretary of the Treasury in conducting the study to ensure that the views of the Secretaries concerning essential attributes of Highway Trust Fund revenue alternatives are considered;

(D) consult with representatives of State Departments of Transportation and metropolitan planning organizations and other key interested stakeholders in conducting the study to ensure that—

(i) the views of the stakeholders on alternative revenue sources to support State transportation improvement programs are considered; and

(ii) any recommended Federal financing strategy takes into account State financial requirements; and

(E) based on the study, make specific recommendations regarding—

(i) actions that should be taken to develop alternative revenue sources to support the Highway Trust Fund; and

(ii) the time frame for taking those actions.

(2) SPECIFIC MATTERS.—The study shall address specifically—

(A) the advantages and disadvantages of alternative revenue sources to meet anticipated Federal surface transportation financial requirements;

(B) recommendations concerning the most promising revenue sources to support long-term Federal surface transportation financing requirements;

(C) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various components of the transition strategy;

(D) recommendations for additional research that may be needed to implement recommended alternatives; and

(E) the extent to which revenues should reflect the relative use of the highway system.

(3) RELATED WORK.—To the maximum extent practicable, the study shall build on related work that has been done by—

(A) the Secretary of Transportation;

(B) the Secretary of Energy;

(C) the Transportation Research Board; and

(D) other entities and persons.

(4) FACTORS.—In developing recommendations under this subsection, the Commission shall consider—

(A) the ability to generate sufficient revenues from all modes to meet anticipated long-term surface transportation financing needs;

(B) the roles of the various levels of government and the private sector in meeting future surface transportation financing needs;

(C) administrative costs (including enforcement costs) to implement each option;

(D) the expected increase in non-taxed fuels and the impact of taxing those fuels;

(E) the likely technological advances that could ease implementation of each option;

(F) the equity and economic efficiency of each option;

(G) the flexibility of different options to allow various pricing alternatives to be implemented; and

(H) potential compatibility issues with State and local tax mechanisms under each alternative.

(5) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2007, the Commission shall submit to Congress a final report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(d) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) DONATIONS.—The Commission may accept, use, and dispose of donations of services or property.

(e) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—A member of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) CONTRACTOR.—The Commission may contract with an appropriate organization, agency, or entity to conduct the study required under this section, under the strategic guidance of the Commission.

(3) ADMINISTRATIVE SUPPORT.—On the request of the Commission, the Administrator of the Federal Highway Administration shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out the duties of the Commission under this section.

(4) DETAIL OF DEPARTMENT PERSONNEL.—

(A) IN GENERAL.—On the request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) COOPERATION.—The staff of the Secretary shall cooperate with the Commission in the study required under this section, including providing such nonconfidential data and information as are necessary to conduct the study.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(2) FEDERAL SHARE.—The Federal share of the cost of the study and the Commission under this section shall be 100 percent.

(3) AVAILABILITY.—Funds made available to carry out this section shall remain available until expended.

(g) Authorization of Appropriations.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,679,245 for fiscal year 2005.

(h) Termination.—

(1) In general.—The Commission shall terminate on the date that is 180 days after the date on which the Commission submits the report of the Commission under subsection (c)(5).

(2) Records.—Not later than the termination date for the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 1306. STATE INFRASTRUCTURE BANKS.

Section 1511(b)(1)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 181 note; 112 Stat. 251) is amended by striking "Missouri," and all that follows through "for the establishment" and inserting "Missouri, Rhode Island, Texas, and any other State that seeks such an agreement for the establishment".

SEC. 1307. PUBLIC-PRIVATE PARTNERSHIPS PILOT PROGRAM.

Section 109(c) of title 23, United States Code, is amended by adding at the end the following:

"(3) Public-private partnerships pilot program.—

"(A) In general.—The Secretary may undertake a pilot program to demonstrate the advantages of public-private partnerships for critical capital development projects, including highway, bridge, and freight intermodal connector projects authorized under this title.

"(B) Projects.—In carrying out the program, the Secretary shall—

"(i) select not less than 10 qualified public-private partnership projects that are authorized under applicable State and local laws; and

"(ii) use funds made available to carry out the program to provide to sponsors of the projects assistance for development phase activities described in section 181(1)(A), to enhance project delivery and reduce overall costs.".

SEC. 1308. WAGERING.

(a) In General.—Chapter 35 of the Internal Revenue Code of 1986 is repealed.

(b) Conforming Amendments.—

(1) Section 4901 of the Internal Revenue Code is amended to read as follows:

"SEC. 4901. PAYMENT OF TAX.

"All special taxes shall be imposed as of on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for 1 year, and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.".

(2) Section 4903 of such Code is amended by striking ", other than the tax imposed by section 4411,".

(3) Section 4905 of such Code is amended to read as follows:

"SEC. 4905. LIABILITY IN CASE OF DEATH OR CHANGE OF LOCATION.

"When any person who has paid the special tax for any trade or business dies, his spouse or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. When any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the register kept in the office of the official in charge of the internal revenue district at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the Secretary, under regulations to be prescribed by the Secretary.".

(4) Section 4907 of such Code is amended by striking ", except the tax imposed by section 4411,".

(5) Section 6103(i)(8)(A) of such Code is amended—

(A) by striking ", except to the extent authorized by subsection (f) or (p)(6), disclose to any person, other than another officer or employee of such office whose official duties require such disclosure, any return or return information described in section 4424(a) in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer, nor shall such officer or employee disclose any other" and inserting "disclose any", and

(B) by striking "such other officer" and inserting "such officer".

(6) Section 6103(o) of such Code is amended to read as follows:

"(o) Disclosure of Returns and Return Information With Respect to Taxes Imposed by Subtitle E.—Returns and return information with respect to taxes imposed by subtitle E (relating to taxes on alcohol, tobacco, and firearms) shall be open to inspection by or disclosure to officers and employees of a Federal agency whose official duties require such inspection or disclosure.".

(7)(A) Subchapter B of chapter 65 of such Code is amended by striking section 6419 (relating to excise tax on wagering).

(B) The table of section of subchapter B of chapter 65 of such Code is amended by striking the item relating to section 6419.

(8) Section 6806 of such Code is amended by striking "under subchapter B of chapter 35, under subchapter B of chapter 36," and inserting "under subchapter B of chapter 36".

(9) Section 7012 of such Code is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(10)(A) Subchapter B of chapter 75 of such Code is amended by striking section 7262 (relating to violation of occupational tax laws relating to wagering-failure to pay special tax).

(B) The table of sections of subchapter B of chapter 75 of such Code is amended by striking the item relating to section 7262.

(11) Section 7272 of such Code, as amended by section 5244 of this Act, is amended to read as follows:

"SEC. 7272. PENALTY FOR FAILURE TO REGISTER.

"Any person (other than persons required to register under subtitle E, or persons engaging in a trade or business on which a special tax is imposed by such subtitle) who fails to register with the Secretary as required by this title or by regulations issued thereunder shall be liable to a penalty of $50 ($10,000 in the case of a failure to register under section 4101).".

(12) Section 7613(a) is amended by striking "or other data in the case of" and all that follows and inserting "or other data in the case of alcohol, tobacco, and firearms taxes, see subtitle E.".

(13) The table of chapters of subtitle D of such Code is amended by striking the item relating to chapter 35.

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to wagers placed after the date of the enactment of this Act.

(2) Special taxes.—In the case of amendments made by this section relating to special taxes imposed by subchapter B of chapter 35, the amendments made by this section shall take effect on July 1, 2005.

Subtitle D—Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) Safety Improvement.—

(1) In general.—Section 148 of title 23, United States Code, is amended to read as follows:

"§ 148. Highway safety improvement program

"(a) Definitions.—In this section:

"(1) Highway safety improvement program.—The term 'highway safety improvement program' means the program carried out under this section.

"(2) Highway safety improvement project.—

"(A) In general.—The term 'highway safety improvement project' means a project described in the State strategic highway safety plan that—

"(i) corrects or improves a hazardous road location or feature; or

"(ii) addresses a highway safety problem.

"(B) Inclusions.—The term 'highway safety improvement project' includes a project for—

"(i) an intersection safety improvement;

"(ii) pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition);

"(iii) installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians;

"(iv) installation of a skid-resistant surface at an intersection or other location with a high frequency of accidents;

"(v) an improvement for pedestrian or bicyclist safety;

"(vi)(I) construction of any project for the elimination of hazards at a railway-highway crossing that is eligible for funding under section 130, including the separation or protection of grades at railway-highway crossings;

"(II) construction of a railway-highway crossing safety feature; or

"(III) the conduct of a model traffic enforcement activity at a railway-highway crossing;

"(vii) construction of a traffic calming feature;

"(viii) elimination of a roadside obstacle;

"(ix) improvement of highway signage and pavement markings;

"(x) installation of a priority control system for emergency vehicles at signalized intersections;

"(xi) installation of a traffic control or other warning device at a location with high accident potential;

"(xii) safety-conscious planning;

"(xiii) improvement in the collection and analysis of crash data;

"(xiv) planning, integrated, interoperable emergency communications, equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety;

"(xv) installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators;

"(xvi) the addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife; or

"(xvii) installation and maintenance of signs (including fluorescent, yellow-green signs) at pedestrian-bicycle crossings and in school zones.

"(3) SAFETY PROJECT UNDER ANY OTHER SECTION.—

"(A) IN GENERAL.—The term 'safety project under any other section' means a project carried out for the purpose of safety under any other section of this title.

"(B) INCLUSION.—The term 'safety project under any other section' includes a project to—

"(i) promote the awareness of the public and educate the public concerning highway safety matters; or

"(ii) enforce highway safety laws.

"(4) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term 'State highway safety improvement program' means projects or strategies included in the State strategic highway safety plan carried out as part of the State transportation improvement program under section 135(f).

"(5) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term 'State strategic highway safety plan' means a plan developed by the State transportation department that—

"(A) is developed after consultation with—

"(i) a highway safety representative of the Governor of the State;

"(ii) regional transportation planning organizations and metropolitan planning organizations, if any;

"(iii) representatives of major modes of transportation;

"(iv) State and local traffic enforcement officials;

"(v) persons responsible for administering section 130 at the State level;

"(vi) representatives conducting Operation Lifesaver;

"(vii) representatives conducting a motor carrier safety program under section 31104 or 31107 of title 49;

"(viii) motor vehicle administration agencies; and

"(ix) other major State and local safety stakeholders;

"(B) analyzes and makes effective use of State, regional, or local crash data;

"(C) addresses engineering, management, operation, education, enforcement, and emergency services elements (including integrated, interoperable emergency communications) of highway safety as key factors in evaluating highway projects;

"(D) considers safety needs of, and high-fatality segments of, public roads;

"(E) considers the results of State, regional, or local transportation and highway safety planning processes;

"(F) describes a program of projects or strategies to reduce or eliminate safety hazards;

"(G) is approved by the Governor of the State or a responsible State agency; and

"(H) is consistent with the requirements of section 135(f).

"(b) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.

"(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—To obligate funds apportioned under section 104(b)(5) to carry out this section, a State shall have in effect a State highway safety improvement program under which the State—

"(A) develops and implements a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in paragraph (2);

"(B) produces a program of projects or strategies to reduce identified safety problems;

"(C) evaluates the plan on a regular basis to ensure the accuracy of the data and priority of proposed improvements; and

"(D) submits to the Secretary an annual report that—

"(i) describes, in a clearly understandable fashion, not less than 5 percent of locations determined by the State, using criteria established in accordance with paragraph (2)(B)(ii), as exhibiting the most severe safety needs; and

"(ii) contains an assessment of—

"(I) potential remedies to hazardous locations identified;

"(II) estimated costs associated with those remedies; and

"(III) impediments to implementation other than cost associated with those remedies.

"(2) IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND OPPORTUNITIES.—As part of the State strategic highway safety plan, a State shall—

"(A) have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis;

"(B) based on the analysis required by subparagraph (A)—

"(i) identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists, bicyclists, pedestrians, and other highway users; and

"(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of accidents, injuries, deaths, traffic volume levels, and other relevant data;

"(C) adopt strategic and performance-based goals that—

"(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads;

"(ii) focus resources on areas of greatest need; and

"(iii) are coordinated with other State highway safety programs;

"(D) advance the capabilities of the State for traffic records data collection, analysis, and integration with other sources of safety data (such as road inventories) in a manner that—

"(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;

"(ii) includes all public roads;

"(iii) identifies hazardous locations, sections, and elements on public roads that constitute a danger to motorists, bicyclists, pedestrians, and other highway users; and

"(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of accidents, injuries, deaths, and traffic volume levels;

"(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through crash data analysis;

"(ii) identify opportunities for preventing the development of such hazardous conditions; and

"(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and

"(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and

"(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.

"(d) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—A State may obligate funds apportioned to the State under section 104(b)(5) to carry out—

"(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or

"(B) as provided in subsection (e), for other safety projects.

"(2) USE OF OTHER FUNDING FOR SAFETY.—

"(A) EFFECT OF SECTION.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

"(B) USE OF OTHER FUNDS.—States are encouraged to address the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

"(e) FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN.—

"(1) IN GENERAL.—To further the implementation of a State strategic highway safety plan, a State may use up to 25 percent of the amount of funds made available under this section for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan.

"(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of this section.

"(f) REPORTS.—

"(1) IN GENERAL.—A State shall submit to the Secretary a report that—

"(A) describes progress being made to implement highway safety improvement projects under this section;

"(B) assesses the effectiveness of those improvements; and

"(C) describes the extent to which the improvements funded under this section contribute to the goals of—

"(i) reducing the number of fatalities on roadways;

"(ii) reducing the number of roadway-related injuries;

"(iii) reducing the occurrences of roadway-related crashes;

"(iv) mitigating the consequences of roadway-related crashes; and

"(v) reducing the occurrences of roadway-railroad grade crossing crashes.

"(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for a report under paragraph (1).

"(3) TRANSPARENCY.—The Secretary shall make reports under subsection (c)(1)(D) available to the public through—

"(A) the Internet site of the Department; and

"(B) such other means as the Secretary determines to be appropriate.

"(4) DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose directly relating to paragraph (1) or subsection (c)(1)(D), or published by the Secretary in accordance with paragraph (3), shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in such reports, surveys, schedules, lists, or other data.

"(g) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds made available under this section shall be 90 percent.

"(h) FUNDS FOR BICYCLE AND PEDESTRIAN SAFETY.—A State shall allocate for bicycle and pedestrian improvements in the State a percentage of the funds remaining after implementation of sections 130(e) and 150, in an amount that is equal to or greater than the percentage of all fatal crashes in the States involving bicyclists and pedestrians.

"(i) ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS.—For each of fiscal years 2005 through 2009, $22,327,044 is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for projects in all States to improve traffic signs and pavement markings in a manner consistent with the recommendations included in the publication of the Federal Highway Administration entitled 'Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians (FHWA-RD-01-103)' and dated October 2001.".

(2) ALLOCATIONS OF APPORTIONED FUNDS.—Section 133(d) of title 23, United States Code, is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in the first sentence of subparagraph (A)—

(I) by striking "subparagraphs (C) and (D)" and inserting "subparagraph (C)"; and

(II) by striking "80 percent" and inserting "90 percent";

(ii) in subparagraph (B), by striking "tobe" and inserting "to be";

(iii) by striking subparagraph (C);

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(v) in subparagraph (C) (as redesignated by clause (iv)), by adding a period at the end; and

(D) in paragraph (4)(A) (as redesignated by subparagraph (B)), by striking "paragraph (2)" and inserting "paragraph (1)".

(3) ADMINISTRATION.—Section 133(e) of title 23, United States Code, is amended in each of paragraphs (3)(B)(i), (5)(A), and (5)(B) of subsection (e), by striking "(d)(2)" each place it appears and inserting "(d)(1)".

(4) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148 and inserting the following:

"148. Highway safety improvement program.".

(B) Section 104(g) of title 23, United States Code, is amended in the first sentence by striking "sections 130, 144, and 152 of this title" and inserting "sections 130 and 144".

(C) Section 126 of title 23, United States Code, is amended—

(i) in subsection (a), by inserting "under" after "State's apportionment"; and

(ii) in subsection (b)—

(I) in the first sentence, by striking "the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3)" and inserting "section 104(f) or 133(d)(2)"; and

(II) in the second sentence, by striking "or 133(d)(2)".

(D) Sections 154, 164, and 409 of title 23, United States Code, are amended by striking "152" each place it appears and inserting "148".

(b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Section 104(b) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting after "Improvement program," the following: "the highway safety improvement program,"; and

(2) by adding at the end the following:

"(5) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the highway safety improvement program, in accordance with the following formula:

"(i) 25 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 40 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 35 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(c) ELIMINATION OF HAZARDS RELATING TO RAILWAY-HIGHWAY CROSSINGS.—

(1) FUNDS FOR RAILWAY-HIGHWAY CROSSINGS.—Section 130(e) of title 23, United States Code, is amended by inserting before "At least" the following: "For each fiscal year, at least $178,616,352 of the funds authorized and expended under section 148 shall be available for the elimination of hazards and the installation of protective devices at railway-highway crossings.".

(2) BIENNIAL REPORTS TO CONGRESS.—Section 130(g) of title 23, United States Code, is amended in the third sentence—

(A) by inserting "and the Committee on Commerce, Science, and Transportation," after "Public Works"; and

(B) by striking "not later than April 1 of each year" and inserting "every other year".

(3) EXPENDITURE OF FUNDS.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

"(k) EXPENDITURE OF FUNDS.—Funds made available to carry out this section shall be—

"(1) available for expenditure on compilation and analysis of data in support of activities carried out under subsection (g); and

"(2) apportioned in accordance with section 104(b)(5).".

(d) TRANSITION.—

(1) IMPLEMENTATION.—Except as provided in paragraph (2), the Secretary shall approve obligations of funds apportioned under section 104(b)(5) of title 23, United States Code (as added by subsection (b)) to carry out section 148 of that title, only if, not later than October 1 of the second fiscal year after the date of enactment of this Act, a State has developed and implemented a State strategic highway safety plan as required under section 148(c) of that title.

(2) INTERIM PERIOD.—

(A) IN GENERAL.—Before October 1 of the second fiscal year after the date of enactment of this Act and until the date on which a State develops and implements a State strategic highway safety plan, the Secretary shall apportion funds to a State for the highway safety improvement program and the State may obligate funds apportioned to the State for the highway safety improvement program under section 148 for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

(B) NO STRATEGIC HIGHWAY SAFETY PLAN.—If a State has not developed a strategic highway safety plan by October 1 of the second fiscal year after the date of enactment of this Act, but certifies to the Secretary that progress is being made toward developing and implementing such a plan, the Secretary shall continue to apportion funds for 1 additional fiscal year for the highway safety improvement program under section 148 of title 23, United States Code, to the State, and the State may continue to obligate funds apportioned to the State under this section for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

(C) PENALTY.—If a State has not adopted a strategic highway safety plan by the date that is 2 years after the date of enactment of this Act, funds made available to the State under section 1101(6) shall be redistributed to other States in accordance with section 104(b)(3) of title 23, United States Code.

SEC. 1402. OPERATION LIFESAVER.

Section 104(d)(1) of title 23, United States Code, is amended—

(1) by striking "subsection (b)(3)" and inserting "subsection (b)(5)"; and

(2) by striking "$500,000" and inserting "$535,849".

SEC. 1403. LICENSE SUSPENSION.

Section 164(a) of title 23, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) LICENSE SUSPENSION.—The term 'license suspension' means—

"(A) the suspension of all driving privileges of an individual for the duration of the suspension period; or

"(B) a combination of suspension of all driving privileges of an individual for the first 90 days of the suspension period, followed by reinstatement of limited driving privileges requiring the individual to operate only motor vehicles equipped with an ignition interlock system or other device approved by the Secretary during the remainder of the suspension period.".

SEC. 1404. BUS AXLE WEIGHT EXEMPTION.

Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking subsection (h) and inserting the following:

"(h) OVER-THE-ROAD BUS AND PUBLIC TRANSIT VEHICLE EXEMPTION.—

"(1) IN GENERAL.—The second sentence of section 127 of title 23, United States Code (relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of

Interstate and Defense Highways), shall not apply to—

“(A) any over-the-road bus (as defined in section 301 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12181)); or

“(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

“(2) STATE ACTION.—No State or political subdivision of a State, or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which such a vehicle is using the Dwight D. Eisenhower System of Interstate and Defense Highways.”.

SEC. 1405. SAFE ROUTES TO SCHOOLS PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter I of title 23, United States Code, is amended by inserting after section 149 the following:

“§ 150. Safe routes to schools program

“(a) DEFINITIONS.—In this section:

“(1) PRIMARY AND SECONDARY SCHOOL.—The term ‘primary and secondary school’ means a school that provides education to children in any of grades kindergarten through 12.

“(2) PROGRAM.—The term ‘program’ means the safe routes to schools program established under subsection (b).

“(3) VICINITY OF A SCHOOL.—The term ‘vicinity of a school’ means the area within 2 miles of a primary or secondary school.

“(b) ESTABLISHMENT.—The Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and secondary schools in accordance with this section.

“(c) PURPOSES.—The purposes of the program shall be—

“(1) to enable and to encourage children to walk and bicycle to school;

“(2) to encourage a healthy and active lifestyle by making walking and bicycling to school safer and more appealing transportation alternatives; and

“(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety in the vicinity of schools.

“(d) ELIGIBLE RECIPIENTS.—A State shall use amounts apportioned under this section to provide financial assistance to State, regional, and local agencies that demonstrate an ability to meet the requirements of this section.

“(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

“(1) INFRASTRUCTURE-RELATED PROJECTS.—

“(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects to encourage walking and bicycling to school, including—

“(i) sidewalk improvements;

“(ii) traffic calming and speed reduction improvements;

“(iii) pedestrian and bicycle crossing improvements;

“(iv) on-street bicycle facilities;

“(v) off-street bicycle and pedestrian facilities;

“(vi) secure bicycle parking facilities;

“(vii) traffic signal improvements; and

“(viii) pedestrian-railroad grade crossing improvements.

“(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on—

“(i) any public road in the vicinity of a school; or

“(ii) any bicycle or pedestrian pathway or trail in the vicinity of a school.

“(2) BEHAVIORAL ACTIVITIES.—

“(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for behavioral activities to encourage walking and bicycling to school, including—

“(i) public awareness campaigns and outreach to press and community leaders;

“(ii) traffic education and enforcement in the vicinity of schools; and

“(iii) student sessions on bicycle and pedestrian safety, health, and environment.

“(B) ALLOCATION.—Of the amounts apportioned to a State under this section for a fiscal year, not less than 10 percent shall be used for behavioral activities under this paragraph.

“(f) FUNDING.—

“(1) SET ASIDE.—Before apportioning amounts to carry out section 148 for a fiscal year, the Secretary shall set aside and use $62,515,723 to carry out this section.

“(2) APPORTIONMENT.—Amounts made available to carry out this section shall be apportioned to States in accordance with section 104(b)(5).

“(3) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State transportation department.

“(4) FEDERAL SHARE.—Except as provided in sections 120 and 130, the Federal share of the cost of a project or activity funded under this section shall be 90 percent.

“(5) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b)(2), amounts apportioned under this section shall remain available until expended.”.

(b) CONFORMING AMENDMENTS.—The analysis for subchapter I of chapter 1 of title 23, United States Code is amended by inserting after the item relating to section 149 the following:

“150. Safe routes to school program.”.

SEC. 1406. PURCHASES OF EQUIPMENT.

(a) IN GENERAL.—Section 152 of title 23, United States Code is amended to read as follows:

“§ 152. Purchases of equipment

“(a) IN GENERAL.—Subject to subsection (b), a State carrying out a project under this chapter shall purchase device, tool or other equipment needed for the project only after completing and providing a written analysis demonstrating the cost savings associated with purchasing the equipment compared with renting the equipment from a qualified equipment rental provider before the project commences

“(b) APPLICABILITY.—This section shall apply to—

“(1) earth moving, road machinery, and material handling equipment, or any other item, with a purchase price in excess of $75,000; and

“(2) aerial work platforms with a purchase price in excess of $25,000.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

“152. Purchases of equipment.”.

SEC. 1407. WORKZONE SAFETY.

Section 358(b) of the National Highway System Designation Act of 1995 (109 Stat. 625) is amended by adding at the end the following:

“(7) Recommending all federally-assisted projects in excess of $15,000,000 to enter into contracts only with work zone safety services contractors, traffic control contractors, and trench safety and shoring contractors that carry general liability insurance in an amount not less than $15,000,000.

“(8) Recommending federally-assisted projects the costs of which exceed $15,000,000 to include work zone intelligent transportation systems that are—

“(A) provided by a qualified vendor; and

“(B) monitored continuously.

“(9) Recommending federally-assisted projects to fully fund not less than 5 percent of project costs for work zone safety and temporary traffic control measures, in addition to the cost of the project, which measures shall be provided by a qualified work zone safety or traffic control provider.

“(10) Ensuring that any recommendation made under any of paragraphs (7) through (9) provides for an exemption for applicability to a State, with respect to a project or class of projects, to the extent that a State notifies the Secretary in writing that safety is not expected to be adversely affected by non-application of the requirement to the project or class of projects.”.

SEC. 1408. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations—

(1) to decrease the probability of worker injury;

(2) to maintain the free flow of vehicular traffic by requiring workers whose duties place the workers on, or in close proximity to, a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high-visibility clothing; and

(3) to require such other worker-safety measures for workers described in paragraph (2) as the Secretary determines appropriate.

SEC. 1409. IDENTITY AUTHENTICATION STANDARDS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1824(a)), is amended by adding at the end the following:

“§ 179. Identity authentication standards

“(a) DEFINITION OF INFORMATION-BASED IDENTITY AUTHENTICATION.—In this section, the term ‘information-based identity authentication’ means the determination of the identity of an individual, through the comparison of information provided by a person, with other information pertaining to that individual with a system using scoring models and algorithms.

“(b) STANDARDS.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Homeland Security and the Federal Motor Carrier Safety Administration, shall promulgate regulations establishing minimum standards for State departments of motor vehicles regarding the use of information-based identity authentication to determine the identity of an applicant for a commercial driver's license, or the renewal, transfer or upgrading, of a commercial driver's license.

“(c) MINIMUM STANDARDS.—The regulations shall, at a minimum, require State departments of motor vehicles to implement, and applicants for commercial driver's licenses, (or the renewal, transfer, or upgrading of commercial driver's licenses), to comply with, reasonable procedures for operating an information-based identity authentication program before issuing, renewing, transferring, or upgrading a commercial driver's license.

“(d) KEY FACTORS.—In promulgating regulations under this section, the Secretary shall require that an information-based identity authentication program carried out under this section establish processes that—

“(1) use multiple sources of matching information;

"(2) enable the measurement of the accuracy of the determination of an applicant's identity;

"(3) support continuous auditing of compliance with applicable laws, policies, and practices governing the collection, use, and distribution of information in the operation of the program; and

"(4) incorporate industry best practices to protect significant privacy interests in the information used in the program and the appropriate safeguarding of the storage of the information.".

(b) Conforming Amendment.—The analysis for subchapter I of chapter I of title 23, United States Code (as amended by section 1824(b)), is amended by adding at the end the following:

"179. Identity authentication standards.".

SEC. 1410. OPEN CONTAINER REQUIREMENTS.

Section 154 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) Transfer of Funds.—

"(1) In general.—The Secretary shall withhold the applicable percentage for the fiscal year of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b), if a State has not enacted or is not enforcing a provision described in subsection (b), as follows:

"For:	**The applicable percentage is:**
Fiscal year 2008	2 percent.
Fiscal year 2009	2 percent.
Fiscal year 2010	2 percent.
Fiscal year 2011 and each subsequent fiscal year	2 percent.

"(2) Restoration.—If (during the 4-year period beginning on the date the apportionment for any State is reduced in accordance with this subsection) the Secretary determines that the State has enacted and is enforcing a provision described in subsection (b), the apportionment of the State shall be increased by an amount equal to the amount of the reduction made during the 4-year period.".

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

SEC. 1501. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO STATE AND METROPOLITAN TRANSPORTATION PLANNING.

(a) Metropolitan Planning.—Section 134(f) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)—

(i) by inserting after "environment" the following: "(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species)"; and

(ii) by inserting before the semicolon the following: "(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the metropolitan area)"; and

(B) in subparagraph (G), by inserting "and efficient use" after "preservation";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Selection of factors.—After soliciting and considering any relevant public comments, the metropolitan planning organization shall determine which of the factors described in paragraph (1) are most appropriate for the metropolitan area to consider.".

(b) Statewide Planning.—Section 135(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)—

(i) by inserting after "environment" the following: "(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species)"; and

(ii) by inserting before the semicolon the following: "(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State)"; and

(B) in subparagraph (G), by inserting "and efficient use" after "preservation";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Selection of projects and strategies.—After soliciting and considering any relevant public comments, the State shall determine which of the projects and strategies described in paragraph (1) are most appropriate for the State to consider.".

SEC. 1502. CONSULTATION BETWEEN TRANSPORTATION AGENCIES AND RESOURCE AGENCIES IN TRANSPORTATION PLANNING.

(a) In General.—Section 134(g) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) Mitigation activities.—

"(i) In general.—A long-range transportation plan shall include a discussion of—

"(I) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

"(II) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

"(ii) Consultation.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) Consultation.—

"(A) In general.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

"(B) Issues.—The consultation shall involve—

"(i) comparison of transportation plans with State conservation plans or with maps, if available;

"(ii) comparison of transportation plans to inventories of natural or historic resources, if available; or

"(iii) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.".

(b) Improved Consultation During State Transportation Planning.—

(1) In general.—Section 135(e)(2) of title 23, United States Code, is amended by adding at the end the following:

"(D) Consultation, comparison, and consideration.—

"(i) In general.—The long-range transportation plan shall be developed, as appropriate, in consultation with State and local agencies responsible for—

"(I) land use management;

"(II) natural resources;

"(III) environmental protection;

"(IV) conservation; and

"(V) historic preservation.

"(ii) Comparison and consideration.—Consultation under clause (i) shall involve—

"(I) comparison of transportation plans to State conservation plans or maps, if available;

"(II) comparison of transportation plans to inventories of natural or historic resources, if available; or

"(III) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.".

(2) Additional requirements.—Section 135(e) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) Mitigation activities.—

"(A) In general.—A long-range transportation plan shall include a discussion of—

"(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetlands, and other environmental functions; and

"(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

"(B) Consultation.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

"(5) Transportation strategies.—A long-range transportation plan shall identify transportation strategies necessary to efficiently serve the mobility needs of people.".

SEC. 1503. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO TRANSPORTATION PROJECT PLANNING.

Section 109(c)(2) of title 23, United States Code, is amended—

(1) by striking "consider the results" and inserting "consider—

"(A) the results";

(2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(B) the publication entitled 'Flexibility in Highway Design' of the Federal Highway Administration;

"(C) 'Eight Characteristics of Process to Yield Excellence and the Seven Qualities of Excellence in Transportation Design' developed by the conference held during 1998 entitled 'Thinking Beyond the Pavement National Workshop on Integrating Highway Development with Communities and the Environment while Maintaining Safety and Performance'; and

"(D) any other material that the Secretary determines to be appropriate.".

SEC. 1504. PUBLIC INVOLVEMENT IN TRANSPORTATION PLANNING AND PROJECTS.

(a) METROPOLITAN PLANNING.—

(1) PARTICIPATION BY INTERESTED PARTIES.—Section 134(g)(5) of title 23, United States Code (as redesignated by section 1502(a)(1)), is amended—

(A) by striking "Before approving" and inserting the following:

"(A) IN GENERAL.—Before approving"; and

(B) by adding at the end the following:

"(B) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(i) hold any public meetings at convenient and accessible locations and times;

"(ii) employ visualization techniques to describe plans; and

"(iii) make public information available in electronically accessible format and means, such as the World Wide Web.".

(2) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 134(g)(6)(i) of title 23, United States Code (as redesignated by section 1502(a)(1)), is amended by inserting before the semicolon the following: ", including (to the maximum extent practicable) in electronically accessible formats and means such as the World Wide Web".

(b) STATEWIDE PLANNING.—

(1) PARTICIPATION BY INTERESTED PARTIES.—Section 135(e)(3) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

"(i) hold any public meetings at convenient and accessible locations and times;

"(ii) employ visualization techniques to describe plans; and

"(iii) make public information available in electronically accessible format and means, such as the World Wide Web.".

(2) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 135(e) of title 23, United States Code (as amended by section 1502(b)(2)), is amended by adding at the end the following:

"(8) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.".

SEC. 1505. PROJECT MITIGATION.

(a) MITIGATION FOR NATIONAL HIGHWAY SYSTEM PROJECTS.—Section 103(b)(6)(M) of title 23, United States Code, is amended—

(1) by inserting "(i)" after "(M); and

(2) by adding at the end the following:

"(ii) State habitat, streams, and wetlands mitigation efforts under section 155.".

(b) MITIGATION FOR SURFACE TRANSPORTATION PROGRAM PROJECTS.—Section 133(b)(11) of title 23, United States Code, is amended—

(1) by inserting "(A)" after "(11)"; and

(2) by adding at the end the following:

"(B) State habitat, streams, and wetlands mitigation efforts under section 155.".

(c) STATE HABITAT, STREAMS, AND WETLANDS MITIGATION FUNDS.—Section 155 of title 23, United States Code, is amended to read as follows:

"§ 155. State habitat, streams, and wetlands mitigation funds

"(a) ESTABLISHMENT.—A State should establish a habitat, streams, and wetlands mitigation fund (referred to in this section as a 'State fund').

"(b) PURPOSE.—The purpose of a State fund is to encourage efforts for habitat, streams, and wetlands mitigation in advance of or in conjunction with highway or transit projects to—

"(1) ensure that the best habitat, streams, and wetland mitigation sites now available are used; and

"(2) accelerate transportation project delivery by making high-quality habitat, streams, and wetland mitigation credits available when needed.

"(c) FUNDS.—A State may deposit into a State fund part of the funds apportioned to the State under—

"(1) section 104(b)(1) for the National Highway System; and

"(2) section 104(b)(3) for the surface transportation program.

"(d) USE.—

"(1) IN GENERAL.—Amounts deposited in a State fund shall be used (in a manner consistent with this section) for habitat, streams, or wetlands mitigation related to 1 or more projects funded under this title, including a project under the transportation improvement program of the State developed under section 135(f).

"(2) ENDANGERED SPECIES.—In carrying out this section, a State and cooperating agency shall give consideration to mitigation projects, on-site or off-site, that restore and preserve the best available sites to conserve biodiversity and habitat for—

"(A) Federal or State listed threatened or endangered species of plants and animals; and

"(B) plant or animal species warranting listing as threatened or endangered, as determined by the Secretary of the Interior in accordance with section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)).

"(3) MITIGATION IN CLOSED BASINS.—

"(A) IN GENERAL.—A State may use amounts deposited in the State fund for projects to protect existing roadways from anticipated flooding of a closed basin lake, including—

"(i) construction—

"(I) necessary for the continuation of roadway services and the impoundment of water, as the State determines to be appropriate; or

"(II) for a grade raise to permanently restore a roadway the use of which is lost or reduced, or could be lost or reduced, as a result of an actual or predicted water level that is within 3 feet of causing inundation of the roadway in a closed lake basin;

"(ii) monitoring, studies, evaluations, design, or preliminary engineering relating to construction; and

"(iii) monitoring and evaluations relating to proposed construction.

"(B) REIMBURSEMENT.—The Secretary may permit a State that expends funds under subparagraph (A) to be reimbursed for the expenditures through the use of amounts made available under section 125(c)(1).

"(e) CONSISTENCY WITH APPLICABLE REQUIREMENTS.—Contributions from the State fund to mitigation efforts may occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations).".

(d) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155 and inserting the following:

"155. State habitat, streams, and wetlands mitigation funds.".

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

SEC. 1511. TRANSPORTATION PROJECT DEVELOPMENT PROCESS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1203(a)), is amended by inserting after section 325 the following:

"§ 326. Transportation project development process

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means any agency, department, or other unit of Federal, State, local, or federally recognized tribal government.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement of the environmental impacts of a project required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) ENVIRONMENTAL REVIEW PROCESS.—

"(A) IN GENERAL.—The term 'environmental review process' means the process for preparing, for a project—

"(i) an environmental impact statement; or

"(ii) any other document or analysis required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

"(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(4) PROJECT.—The term 'project' means any highway or transit project that requires the approval of the Secretary.

"(5) PROJECT SPONSOR.—The term 'project sponsor' means an agency or other entity (including any private or public-private entity), that seeks approval of the Secretary for a project.

"(6) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means any statewide agency of a State with responsibility for transportation.

"(b) PROCESS.—

"(1) LEAD AGENCY.—

"(A) IN GENERAL.—The Department of Transportation shall be the lead Federal agency in the environmental review process for a project.

"(B) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) CONCURRENCE OF PROJECT SPONSOR.—The lead agency may carry out the environmental review process in accordance with this section only with the concurrence of the project sponsor.

"(2) REQUEST FOR PROCESS.—

"(A) IN GENERAL.—A project sponsor may request that the lead agency carry out the environmental review process for a project or group of projects in accordance with this section.

"(B) GRANT OF REQUEST; PUBLIC NOTICE.—The lead agency shall—

"(i) grant a request under subparagraph (A); and

"(ii) provide public notice of the request.

"(3) EFFECTIVE DATE.—The environmental review process described in this section may be applied to a project only after the date on which public notice is provided under subparagraph (B)(ii).

"(c) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility to—

“(A) identify and invite cooperating agencies in accordance with subsection (d);

“(B) develop an agency coordination plan with review, schedule, and timelines in accordance with subsection (e);

“(C) determine the purpose and need for the project in accordance with subsection (f);

“(D) determine the range of alternatives to be considered in accordance with subsection (g);

“(E) convene dispute-avoidance and decision resolution meetings and related efforts in accordance with subsection (h);

“(F) take such other actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

“(G) prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

“(d) ROLES AND RESPONSIBILITIES OF CO-OPERATING AGENCIES.—

“(1) IN GENERAL.—With respect to a project, each Federal agency shall carry out any obligations of the Federal agency in the environmental review process in accordance with this section and applicable Federal law.

“(2) INVITATION.—

“(A) IN GENERAL.—The lead agency shall—

“(i) identify, as early as practicable in the environmental review process for a project, any other agencies that may have an interest in the project, including—

“(I) agencies with jurisdiction over environmentally-related matters that may affect the project or may be required by law to conduct an environmental-related independent review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project; and

“(II) agencies with special expertise relevant to the project;

“(ii) invite the agencies identified in clause (i) to become participating agencies in the environmental review process for that project; and

“(iii) grant requests to become cooperating agencies from agencies not originally invited.

“(B) RESPONSES.—The deadline for receipt of a response from an agency that receives an invitation under subparagraph (A)(ii)—

“(i) shall be 30 days after the date of receipt by the agency of the invitation; but

“(ii) may be extended by the lead agency for good cause.

“(3) DECLINING OF INVITATIONS.—A Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a cooperating agency by the lead agency, unless the invited agency informs the lead agency in writing, by the deadline specified in the invitation, that the invited agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(4) EFFECT OF DESIGNATION.—Designation as a cooperating agency under this subsection shall not imply that the cooperating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(5) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—

“(A) IN GENERAL.—The Secretary may invite other agencies to become cooperating agencies for a category of projects.

“(B) DESIGNATION.—An agency may be designated as a cooperating agency for a category of projects only with the consent of the agency.

“(6) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

“(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

“(e) DEVELOPMENT OF FLEXIBLE PROCESS AND TIMELINE.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish a coordination plan, which may be incorporated into a memorandum of understanding, to coordinate agency and public participation in and comment on the environmental review process for a project or category of projects.

“(B) WORKPLAN.—

“(i) IN GENERAL.—The lead agency shall develop, as part of the coordination plan, a workplan for completing the collection, analysis, and evaluation of baseline data and future impacts modeling necessary to complete the environmental review process, including any data, analyses, and modeling necessary for related permits, approvals, reviews, or studies required for the project under other laws.

“(ii) CONSULTATION.—In developing the workplan under clause (i), the lead agency shall consult with—

“(I) each cooperating agency for the project;

“(II) the State in which the project is located; and

“(III) if the State is not the project sponsor, the project sponsor.

“(C) SCHEDULE.—

“(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan, after consultation with each cooperating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of cooperating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of a project;

“(IV) the overall schedule for and cost of a project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(D) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (C) shall be consistent with any other relevant time periods established under Federal law.

“(E) MODIFICATION.—The lead agency may—

“(i) lengthen a schedule established under subparagraph (C) for good cause; and

“(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

“(F) DISSEMINATION.—A copy of a schedule under subparagraph (C), and of any modifications to the schedule, shall be—

“(i) provided to all cooperating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

“(ii) made available to the public.

“(2) COMMENTS AND TIMELINES.—

“(A) IN GENERAL.—A schedule established under paragraph (1)(C) shall include—

“(i) opportunities for comment, deadline for receipt of any comments submitted, deadline for lead agency response to comments; and

“(ii) except as otherwise provided under paragraph (1)—

“(I) an opportunity to comment by agencies and the public on a draft or final environmental impact statement for a period of not more than 60 days longer than the minimum period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) for all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of not more than the longer of—

“(aa) 30 days after the final day of the minimum period required under Federal law (including regulations), if available; or

“(bb) if a minimum period is not required under Federal law (including regulations), 30 days.

“(B) EXTENSION OF COMMENT PERIODS.—The lead agency may extend a period of comment established under this paragraph for good cause.

“(C) LATE COMMENTS.—A comment concerning a project submitted under this paragraph after the date of termination of the applicable comment period or extension of a comment period shall not be eligible for consideration by the lead agency unless the lead agency or project sponsor determines there was good cause for the delay or the lead agency is required to consider significant new circumstances or information in accordance with sections 1501.7 and 1502.9 of title 40, Code of Federal Regulations.

“(D) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(i) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

“(ii) every 60 day thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the

Federal agency that remain outstanding as of the date of the additional notice.

"(3) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including a regulation).

"(f) DEVELOPMENT OF PROJECT PURPOSE AND NEED STATEMENT.—

"(1) IN GENERAL.—With respect to the environmental review process for a project, the purpose and need for the project shall be defined in accordance with this subsection.

"(2) AUTHORITY.—The lead agency shall define the purpose and need for a project, including the transportation objectives and any other objectives intended to be achieved by the project.

"(3) INVOLVEMENT OF COOPERATING AGENCIES AND THE PUBLIC.—Before determining the purpose and need for a project, the lead agency shall solicit for 30 days, and consider, any relevant comments on the draft statement of purpose and need for a proposed project received from the public and cooperating agencies.

"(4) EFFECT ON OTHER REVIEWS.—For the purpose of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law requiring an agency that is not the lead agency to determine or consider a project purpose or project need, such an agency acting, permitting, or approving under, or otherwise applying, Federal law with respect to a project shall adopt the determination of purpose and need for the project made by the lead agency.

"(5) SAVINGS.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency under applicable law (including regulations) with respect to a project.

"(6) CONTENTS.—

"(A) IN GENERAL.—The statement of purpose and need shall include a clear statement of the objectives that the proposed project is intended to achieve.

"(B) EFFECT ON EXISTING STANDARDS.—Nothing in this subsection shall alter existing standards for defining the purpose and need of a project.

"(7) FACTORS TO CONSIDER.—The lead agency may determine that any of the following factors and documents are appropriate for consideration in determining the purpose of and need for a project:

"(A) Transportation plans and related planning documents developed through the statewide and metropolitan transportation planning process under sections 134 and 135.

"(B) Land use plans adopted by units of State, local, or tribal government (or, in the case of Federal land, by the applicable Federal land management agencies).

"(C) Economic development plans adopted by—

"(i) units of State, local, or tribal government; or

"(ii) established economic development planning organizations or authorities.

"(D) Environmental protection plans, including plans for the protection or treatment of—

"(i) air quality;

"(ii) water quality and runoff;

"(iii) habitat needs of plants and animals;

"(iv) threatened and endangered species;

"(v) invasive species;

"(vi) historic properties; and

"(vii) other environmental resources.

"(E) Any publicly available plans or policies relating to the national defense, national security, or foreign policy of the United States.

"(g) DEVELOPMENT OF PROJECT ALTERNATIVES.—

"(1) IN GENERAL.—With respect to the environmental review process for a project, the alternatives shall be determined in accordance with this subsection.

"(2) AUTHORITY.—The lead agency shall determine the alternatives to be considered for a project.

"(3) INVOLVEMENT OF COOPERATING AGENCIES AND THE PUBLIC.—

"(A) IN GENERAL.—Before determining the alternatives for a project, the lead agency shall solicit for 30 days and consider any relevant comments on the proposed alternatives received from the public and cooperating agencies.

"(B) ALTERNATIVES.—The lead agency shall consider—

"(i) alternatives that meet the purpose and need of the project; and

"(ii) the alternative of no action.

"(C) EFFECT ON EXISTING STANDARDS.—Nothing in this subsection shall alter the existing standards for determining the range of alternatives.

"(4) EFFECT ON OTHER REVIEWS.—Any other agency acting under or applying Federal law with respect to a project shall consider only the alternatives determined by the lead agency.

"(5) SAVINGS.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency under applicable law (including regulations) with respect to a project.

"(6) FACTORS TO CONSIDER.—The lead agency may determine that any of the following factors and documents are appropriate for consideration in determining the alternatives for a project:

"(A) The overall size and complexity of the proposed action.

"(B) The sensitivity of the potentially affected resources.

"(C) The overall schedule and cost of the project.

"(D) Transportation plans and related planning documents developed through the statewide and metropolitan transportation planning process under sections 134 and 135 of title 23 of the United States Code.

"(E) Land use plans adopted by units of State, local, or tribal government (or, in the case of Federal land, by the applicable Federal land management agencies).

"(F) Economic development plans adopted by—

"(i) units of State, local, or tribal government; or

"(ii) established economic development planning organizations or authorities.

"(G) environmental protection plans, including plans for the protection or treatment of—

"(i) air quality;

"(ii) water quality and runoff;

"(iii) habitat needs of plants and animals;

"(iv) threatened and endangered species;

"(v) invasive species;

"(vi) historic properties; and

"(vii) other environmental resources.

"(H) Any publicly available plans or policies relating to the national defense, national security, or foreign policy of the United States.

"(h) PROMPT ISSUE IDENTIFICATION AND RESOLUTION PROCESS.—

"(1) IN GENERAL.—The lead agency, the project sponsor, and the cooperating agencies shall work cooperatively, in accordance with this section, to identify and resolve issues that could—

"(A) delay completion of the environmental review process; or

"(B) result in denial of any approvals required for the project under applicable laws.

"(2) LEAD AGENCY RESPONSIBILITIES.—

"(A) IN GENERAL.—The lead agency, with the assistance of the project sponsor, shall make information available to the cooperating agencies, as early as practicable in the environmental review process, regarding—

"(i) the environmental and socioeconomic resources located within the project area; and

"(ii) the general locations of the alternatives under consideration.

"(B) BASIS FOR INFORMATION.—Information about resources in the project area may be based on existing data sources, including geographic information systems mapping.

"(3) COOPERATING AGENCY RESPONSIBILITIES.—

"(A) IN GENERAL.—Based on information received from the lead agency, cooperating agencies shall promptly identify to the lead agency any major issues of concern regarding the potential environmental or socioeconomic impacts of a project.

"(B) MAJOR ISSUES OF CONCERN.—A major issue of concern referred to in subparagraph (A) may include any issue that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a project, as determined by a cooperating agency.

"(4) ISSUE RESOLUTION.—On identification of a major issue of concern under paragraph (3), or at any time upon the request of a project sponsor or the Governor of a State, the lead agency shall promptly convene a meeting with representatives of each of the relevant cooperating agencies, the project sponsor, and the Governor to address and resolve the issue.

"(5) NOTIFICATION.—If a resolution of a major issue of concern under paragraph (4) cannot be achieved by the date that is 30 days after the date on which a meeting under that paragraph is convened, the lead agency shall provide notification of the failure to resolve the major issue of concern to—

"(A) the heads of all cooperating agencies;

"(B) the project sponsor;

"(C) the Governor involved;

"(D) the Committee on Environment and Public Works of the Senate; and

"(E) the Committee on Transportation and Infrastructure of the House of Representatives.

"(i) PERFORMANCE MEASUREMENT.—

"(1) PROGRESS REPORTS.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

"(2) MINIMUM REQUIREMENTS.—The program shall include, at a minimum—

"(A) the establishment of criteria for measuring consideration of—

"(i) State and metropolitan planning, project planning, and design criteria; and

"(ii) environmental processing times and costs;

"(B) the collection of data to assess performance based on the established criteria; and

"(C) the annual reporting of the results of the performance measurement studies.

"(3) INVOLVEMENT OF THE PUBLIC AND COOPERATING AGENCIES.—

"(A) IN GENERAL.—The Secretary shall biennially conduct a survey of agencies participating in the environmental review process under this section to assess the expectations and experiences of each surveyed agency with regard to the planning and environmental review process for projects reviewed under this section.

"(B) PUBLIC PARTICIPATION.—In conducting the survey, the Secretary shall solicit comments from the public.

"(j) ASSISTANCE TO AFFECTED FEDERAL AND STATE AGENCIES.—

"(1) IN GENERAL.—The Secretary may approve a request by a State or recipient to provide funds made available under this title for a highway project, or made available under chapter 53 of title 49 for a mass transit project, to agencies participating in the coordinated environmental review process established under this section in order to provide the resources necessary to meet any time limits established under this section.

"(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

"(A) for such additional amounts as the Secretary determines are necessary for the affected Federal and State agencies to meet the time limits for environmental review; and

"(B) if those time limits are less than the customary time necessary for that review.

"(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

"(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in any United States district court or State court.

"(2) SAVINGS CLAUSE.—Nothing in this section shall affect—

"(A) the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute; or

"(B) the responsibility of any Federal officer to comply with or enforce such a statute.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 325 (as added by section 1203(f)) the following:

"326. Transportation project development process.".

(2) Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed.

SEC. 1512. ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1511(a)), is amended by inserting after section 326 the following:

"§327. Assumption of responsibility for categorical exclusions

"(a) CATEGORICAL EXCLUSION DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary may assign, and a State may assume, responsibility for determining whether certain designated activities are included within classes of action identified in regulation by the Secretary that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of title 40, Code of Federal Regulations (as in effect on October 1, 2003).

"(2) SCOPE OF AUTHORITY.—A determination described in paragraph (1) shall be made by a State in accordance with criteria established by the Secretary and only for types of activities specifically designated by the Secretary.

"(3) CRITERIA.—The criteria under paragraph (2) shall include provisions for public availability of information consistent with section 552 of title 5 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(b) OTHER APPLICABLE FEDERAL LAWS.—

"(1) IN GENERAL.—If a State assumes responsibility under subsection (a), the Secretary may also assign and the State may assume all or part of the responsibilities of the Secretary for environmental review, consultation, or other related actions required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

"(2) SOLE RESPONSIBILITY.—A State that assumes responsibility under paragraph (1) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

"(c) MEMORANDA OF UNDERSTANDING.—

"(1) IN GENERAL.—The Secretary and the State, after providing public notice and opportunity for comment, shall enter into a memorandum of understanding setting forth the responsibilities to be assigned under this section and the terms and conditions under which the assignments are made, including establishment of the circumstances under which the Secretary would reassume responsibility for categorical exclusion determinations.

"(2) TERM.—A memorandum of understanding—

"(A) shall have term of not more than 3 years; and

"(B) shall be renewable.

"(3) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

"(4) MONITORING.—The Secretary shall—

"(A) monitor compliance by the State with the memorandum of understanding and the provision by the State of financial resources to carry out the memorandum of understanding; and

"(B) take into account the performance by the State when considering renewal of the memorandum of understanding.

"(d) TERMINATION.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

"(e) STATE AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under a memorandum of understanding shall be deemed to be a Federal agency for the purposes of the Federal law under which the responsibility is exercised.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1511(b)), is amended by inserting after the item relating to section 326 the following:

"327. Assumption of responsibility for categorical exclusions.".

SEC. 1513. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1512(a)), is amended by inserting after section 327 the following:

"§328. Surface transportation project delivery pilot program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the 'program').

"(2) ASSUMPTION OF RESPONSIBILITY.—

"(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to 1 or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

"(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project; but

"(ii) the Secretary may not assign—

"(I) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506); or

"(II) any responsibility imposed on the Secretary by section 134 or 135.

"(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

"(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

"(b) STATE PARTICIPATION.—

"(1) NUMBER OF PARTICIPATING STATES.—The Secretary may permit not more than 5 States (including the State of Oklahoma) to participate in the program.

"(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall promulgate regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum—

"(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

"(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

"(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

"(3) PUBLIC NOTICE.—

"(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application.

"(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

"(4) Selection criteria.—The Secretary may approve the application of a State under this section only if—

"(A) the regulatory requirements under paragraph (2) have been met;

"(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

"(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

"(5) Other federal agency views.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.

"(c) Written Agreement.—A written agreement under this section shall—

"(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

"(2) be in such form as the Secretary may prescribe;

"(3) provide that the State—

"(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

"(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

"(C) certifies that State laws (including regulations) are in effect that—

"(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

"(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

"(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed.

"(d) Jurisdiction.—

"(1) In general.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

"(2) Legal standards and requirements.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

"(3) Intervention.—The Secretary shall have the right to intervene in any action described in paragraph (1).

"(e) Effect of Assumption of Responsibility.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (i).

"(f) Limitations on Agreements.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

"(g) Audits.—

"(1) In general.—To ensure compliance by a State with any agreement of the State under subsection (c)(1) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall conduct—

"(A) semiannual audits during each of the first 2 years of State participation; and

"(B) annual audits during each subsequent year of State participation.

"(2) Public availability and comment.—

"(A) In general.—An audit conducted under paragraph (1) shall be provided to the public for comment.

"(B) Response.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

"(h) Report to Congress.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

"(i) Termination.—

"(1) In general.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

"(2) Termination by secretary.—The Secretary may terminate the participation of any State in the program if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) notification of the determination of noncompliance; and

"(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

"(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by Secretary.".

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1512(b)), is amended by inserting after the item relating to section 327 the following:

"328. Surface transportation project delivery pilot program.".

SEC. 1514. PARKS, RECREATION AREAS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.

(a) Programs and Projects With de Minimis Impacts.—

(1) Title 23.—Section 138 of title 23, United States Code, is amended—

(A) in the first sentence, by striking "It is hereby" and inserting the following:

"(a) Declaration of Policy.—It is"; and

(B) by adding at the end the following:

"(b) De Minimis Impacts.—

"(1) Requirements.—

"(A) In general.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) or (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

"(B) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(2) Historic sites.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

"(i) the transportation program or project will have no adverse effect on the historic site; or

"(ii) there will be no historic properties affected by the transportation program or project;

"(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation, if participating in the consultation); and

"(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

"(3) Parks, recreation areas, and wildlife and waterfowl refuges.—With respect to parks, recreation areas, and wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public notice and opportunity for public review and comment), that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

"(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.".

(2) Title 49.—Section 303 of title 49, United States Code, is amended—

(A) by striking "(c) The Secretary" and inserting the following:

"(c) Approval of Programs and Projects.—Subject to subsection (d), the Secretary"; and

(B) by adding at the end the following:

"(d) De Minimis Impacts.—

"(1) Requirements.—

"(A) In general.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) or (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

"(B) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

"(2) Historic sites.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

"(i) the transportation program or project will have no adverse effect on the historic site; or

"(ii) there will be no historic properties affected by the transportation program or project;

"(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation, if participating in the consultation); and

"(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

"(3) Parks, Recreation Areas, and Wildlife and Waterfowl Refuges.—With respect to parks, recreation areas, and wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

"(A) the Secretary has determined, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public notice and opportunity for public review and comment), that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

"(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.".

(b) Clarification of Existing Standards.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall (in consultation with affected agencies and interested parties) promulgate regulations that clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 303 of title 49, United States Code.

(2) Requirements.—The regulations—

(A) shall clarify the application of the legal standards to a variety of different types of transportation programs and projects depending on the circumstances of each case; and

(B) may include, as appropriate, examples to facilitate clear and consistent interpretation by agency decisionmakers.

(c) Implementation Study.—

(1) In general.—The Secretary and the Transportation Research Board of the National Academy of Sciences shall jointly conduct a study on the implementation of this section and the amendments made by this section.

(2) Components.—In conducting the study, the Secretary and the Transportation Research Board shall evaluate—

(A) the processes developed under this section and the amendments made by this section and the efficiencies that may result;

(B) the post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects conducted under this section and the amendments made by this section; and

(C) the quantity of projects with impacts that are considered de minimis under this section and the amendments made by this section, including information on the location, size, and cost of the projects.

(3) Report requirement.—The Secretary and the Transportation Research Board shall prepare—

(A) not earlier than the date that is 4 years after the date of enactment of this Act, a report on the results of the study conducted under this subsection; and

(B) not later than September 30, 2009, an update on the report required under subparagraph (A).

(4) Report recipients.—The Secretary and the Transportation Research Board shall—

(A) submit the report and update required under paragraph (3) to—

(i) the appropriate committees of Congress;

(ii) the Secretary of the Interior; and

(iii) the Advisory Council on Historic Preservation; and

(B) make the report and update available to the public.

SEC. 1515. REGULATIONS.

Except as provided in section 1513, not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to implement the amendments made by chapter 1 and this chapter.

CHAPTER 3—MISCELLANEOUS

SEC. 1521. CRITICAL REAL PROPERTY ACQUISITION.

Section 108 of title 23, United States Code, is amended by adding at the end the following:

"(d) Critical Real Property Acquisition.—

"(1) In general.—Subject to paragraph (2), funds apportioned to a State under this title may be used to pay the costs of acquiring any real property that is determined to be critical under paragraph (2) for a project proposed for funding under this title.

"(2) Reimbursement.—The Federal share of the costs referred to in paragraph (1) shall be eligible for reimbursement out of funds apportioned to a State under this title if, before the date of acquisition—

"(A) the Secretary determines that the property is offered for sale on the open market;

"(B) the Secretary determines that in acquiring the property, the State will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

"(C) the State determines that immediate acquisition of the property is critical because—

"(i) based on an appraisal of the property, the value of the property is increasing significantly;

"(ii) there is an imminent threat of development or redevelopment of the property; and

"(iii) the property is necessary for the implementation of the goals stated in the proposal for the project.

"(3) Applicable law.—An acquisition of real property under this section shall be considered to be an exempt project under section 176 of the Clean Air Act (42 U.S.C. 7506).

"(4) Environmental review.—

"(A) In general.—A project proposed to be conducted under this title shall not be conducted on property acquired under paragraph (1) until all required environmental reviews for the project have been completed.

"(B) Effect on consideration of project alternatives.—The number of critical acquisitions of real property associated with a project shall not affect the consideration of project alternatives during the environmental review process.

"(5) Proceeds from the sale or lease of real property.—Section 156(c) shall not apply to the sale, use, or lease of any real property acquired under paragraph (1).".

SEC. 1522. PLANNING CAPACITY BUILDING INITIATIVE.

Section 104 of title 23, United States Code, is amended by adding at the end the following:

"(m) Planning Capacity Building Initiative.—

"(1) In general.—The Secretary shall carry out a planning capacity building initiative to support enhancements in transportation planning to—

"(A) strengthen the processes and products of metropolitan and statewide transportation planning under this title;

"(B) enhance tribal capacity to conduct joint transportation planning under chapter 2;

"(C) participate in the metropolitan and statewide transportation planning programs under this title; and

"(D) increase the knowledge and skill level of participants in metropolitan and statewide transportation.

"(2) Priority.—The Secretary shall give priority to planning practices and processes that support—

"(A) the transportation elements of homeland security planning, including—

"(i) training and best practices relating to emergency evacuation;

"(ii) developing materials to assist areas in coordinating emergency management and transportation officials; and

"(iii) developing training on how planning organizations may examine security issues;

"(B) performance-based planning, including—

"(i) data and data analysis technologies to be shared with States, metropolitan planning organizations, local governments, and nongovernmental organizations that—

"(I) participate in transportation planning;

"(II) use the data and data analysis to engage in metropolitan, tribal, or statewide transportation planning;

"(III) involve the public in the development of transportation plans, projects, and alternative scenarios; and

"(IV) develop strategies to avoid, minimize, and mitigate the impacts of transportation facilities and projects; and

"(ii) improvement of the quality of congestion management systems, including the development of—

"(I) a measure of congestion;

"(II) a measure of transportation system reliability; and

"(III) a measure of induced demand;

"(C) safety planning, including—

"(i) development of State strategic safety plans consistent with section 148;

"(ii) incorporation of work zone safety into planning; and

"(iii) training in the development of data systems relating to highway safety;

"(D) operations planning, including—

"(i) developing training of the integration of transportation system operations and management into the transportation planning process; and

"(ii) training and best practices relating to regional concepts of operations;

"(E) freight planning, including—

"(i) modeling of freight at a regional and statewide level; and

"(ii) techniques for engaging the freight community with the planning process;

"(F) air quality planning, including—

"(i) assisting new and existing nonattainment and maintenance areas in developing the technical capacity to perform air quality conformity analysis;

"(ii) providing training on areas such as modeling and data collection to support air quality planning and analysis;

"(iii) developing concepts and techniques to assist areas in meeting air quality performance timeframes; and

"(iv) developing materials to explain air quality issues to decisionmakers and the public; and

"(G) integration of environment and planning.

"(3) Use of funds.—The Secretary shall use amounts made available under paragraph (4) to make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education for research, program development, information collection and dissemination, and technical assistance.

"(4) SET-ASIDE.—

"(A) IN GENERAL.—On October 1 of each fiscal year, of the funds made available under subsection (a), the Secretary shall set aside $3,572,327 to carry out this subsection.

"(B) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using funds made available under subparagraph (A) shall be 100 percent.

"(C) AVAILABILITY.—Funds made available under subparagraph (A) shall remain available until expended.".

SEC. 1523. INTERMODAL PASSENGER FACILITIES.

(a) IN GENERAL.—Chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—INTERMODAL PASSENGER FACILITIES

§ 5571. Policy and purposes

"(a) DEVELOPMENT AND ENHANCEMENT OF INTERMODAL PASSENGER FACILITIES.—It is in the economic interest of the United States to improve the efficiency of public surface transportation modes by ensuring their connection with and access to intermodal passenger terminals, thereby streamlining the transfer of passengers among modes, enhancing travel options, and increasing passenger transportation operating efficiencies.

"(b) GENERAL PURPOSES.—The purposes of this subchapter are to accelerate intermodal integration among North America's passenger transportation modes through—

"(1) ensuring intercity public transportation access to intermodal passenger facilities;

"(2) encouraging the development of an integrated system of public transportation information; and

"(3) providing intercity bus intermodal passenger facility grants.

§ 5572. Definitions

"In this subchapter—

"(1) 'capital project' means a project for—

"(A) acquiring, constructing, improving, or renovating an intermodal facility that is related physically and functionally to intercity bus service and establishes or enhances coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, seaports, and the National Highway System, such as physical infrastructure associated with private bus operations at existing and new intermodal facilities, including special lanes, curb cuts, ticket kiosks and counters, baggage and package express storage, employee parking, office space, security, and signage; and

"(B) establishing or enhancing coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, and the National Highway System through an integrated system of public transportation information.

"(2) 'commuter service' means service designed primarily to provide daily work trips within the local commuting area.

"(3) 'intercity bus service' means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available and may include package express service, if incidental to passenger transportation, but does not include air, commuter, water or rail service.

"(4) 'intermodal passenger facility' means passenger terminal that does, or can be modified to, accommodate several modes of transportation and related facilities, including some or all of the following: intercity rail, intercity bus, commuter rail, intracity rail transit and bus transportation, airport limousine service and airline ticket offices, rent-a-car facilities, taxis, private parking, and other transportation services.

"(5) 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least one State or political subdivision of a State;

"(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of the State.

"(6) 'owner or operator of a public transportation facility' means an owner or operator of intercity-rail, intercity-bus, commuter-rail, commuter-bus, rail-transit, bus-transit, or ferry services.

"(7) 'recipient' means a State or local governmental authority or a nonprofit organization that receives a grant to carry out this section directly from the Federal government.

"(8) 'Secretary' means the Secretary of Transportation.

"(9) 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(10) 'urban area' means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

"§ 5573. Assurance of access to intermodal passenger facilities

"Intercity buses and other modes of transportation shall, to the maximum extent practicable, have access to publicly funded intermodal passenger facilities, including those passenger facilities seeking funding under section 5574.

"§ 5574. Intercity bus intermodal passenger facility grants

"(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants under this section to recipients in financing a capital project only if the Secretary finds that the proposed project is justified and has adequate financial commitment.

"(b) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

"(c) SHARE OF NET PROJECT COSTS.—A grant shall not exceed 50 percent of the net project cost, as determined by the Secretary.

"(d) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to carry out this section.

"§ 5575. Funding

"(a) HIGHWAY ACCOUNT.—

"(1) There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $8,930,818 for each of fiscal years 2005 through 2009.

"(2) The funding made available under paragraph (1) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any obligation limitation imposed on funds for Federal-aid highways and highway safety construction programs.

"(b) PERIOD OF AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—INTERMODAL PASSENGER FACILITIES

Sec.
"5571. Policy and Purposes.
"5572. Definitions.
"5573. Assurance of access to intermodal facilities.
"5574. Intercity bus intermodal facility grants.
"5575. Funding.".

Subtitle F—Environment

SEC. 1601. ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT; CONTROL OF INVASIVE PLANT SPECIES AND ESTABLISHMENT OF NATIVE SPECIES.

(a) MODIFICATION TO NHS/STP FOR ENVIRONMENTAL RESTORATION, POLLUTION ABATEMENT, AND INVASIVE SPECIES.—

(1) MODIFICATIONS TO NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

"(Q) Environmental restoration and pollution abatement in accordance with section 165.

"(R) Control of invasive plant species and establishment of native species in accordance with section 166.".

(2) MODIFICATIONS TO SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, is amended by striking paragraph (14) and inserting the following:

"(14) Environmental restoration and pollution abatement in accordance with section 165.

"(15) Control of invasive plant species and establishment of native species in accordance with section 166.".

(b) ELIGIBLE ACTIVITIES.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 165. Eligibility for environmental restoration and pollution abatement

"(a) IN GENERAL.—Subject to subsection (b), environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of storm water treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342)) may be carried out to address water pollution or environmental degradation caused wholly or partially by a transportation facility.

"(b) MAXIMUM EXPENDITURE.—In a case in which a transportation facility is undergoing reconstruction, rehabilitation, resurfacing, or restoration, the expenditure of funds under this section for environmental restoration or pollution abatement described in subsection (a) shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration of the facility.

"§ 166. Control of invasive plant species and establishment of native species

"(a) DEFINITIONS.—In this section:

"(1) INVASIVE PLANT SPECIES—The term 'invasive plant species' means a nonindigenous species the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

"(2) NATIVE PLANT SPECIES.—The term 'native plant species' means, with respect to a particular ecosystem, a species that, other than as result of an introduction, historically occurred or currently occurs in that ecosystem.

"(b) Control of Species.—

"(1) In general.—In accordance with all applicable Federal law (including regulations), funds made available to carry out this section may be used for—

"(A) participation in the control of invasive plant species; and

"(B) the establishment of native species;

if such efforts are related to transportation projects funded under this title.

"(2) Included activities.—The participation and establishment under paragraph (1) may include—

"(A) participation in statewide inventories of invasive plant species and desirable plant species;

"(B) regional native plant habitat conservation and mitigation;

"(C) native revegetation;

"(D) elimination of invasive species to create fuel breaks for the prevention and control of wildfires; and

"(E) training.

"(3) Contributions.—

"(A) In general.—Subject to subparagraph (B), an activity described in paragraph (1) may be carried out concurrently with, in advance of, or following the construction of a project funded under this title.

"(B) Condition for activities conducted in advance of project construction.—An activity described in paragraph (1) may be carried out in advance of construction of a project only if the activity is carried out in accordance with all applicable requirements of Federal law (including regulations) and State transportation planning processes.".

(c) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1406(b)), is amended by adding at the end the following:

"165. Eligibility for environmental restoration and pollution abatement.

"166. Control of invasive plant species and establishment of native species.".

SEC. 1602. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by striking "the roads as" and all that follows and inserting "the roads as—

"(A) National Scenic Byways;

"(B) All-American Roads; or

"(C) America's Byways.";

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking "designated as" and all that follows and inserting "designated as—

"(i) National Scenic Byways;

"(ii) All-American Roads; or

"(iii) America's Byways; and";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Byway or All-American Road" and inserting "Byway, All-American Road, or 1 of America's Byways"; and

(ii) in subparagraph (B), by striking "designation as a" and all that follows and inserting "designation as—

"(i) a National Scenic Byway;

"(ii) an All-American Road; or

"(iii) 1 of America's Byways; and"; and

(3) in subsection (c)(4), by striking "passing lane,".

(b) Research, Technical Assistance, Marketing, and Promotion.—Section 162 of title 23, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following:

"(d) Research, Technical Assistance, Marketing, and Promotion.—

"(1) In general.—The Secretary may carry out technical assistance, marketing, market research, and promotion with respect to State Scenic Byways, National Scenic Byways, All-American Roads, and America's Byways.

"(2) Cooperation, grants, and contracts.—The Secretary may make grants to, or enter into contracts, cooperative agreements, and other transactions with, any Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, or person, to carry out projects and activities under this subsection.

"(3) Funds.—The Secretary may use not more than $1,786,164 for each fiscal year of funds made available for the National Scenic Byways Program to carry out projects and activities under this subsection.

"(4) Priority.—The Secretary shall give priority under this subsection to partnerships that leverage Federal funds for research, technical assistance, marketing and promotion."; and

(3) in subsection (g) (as redesignated by paragraph (1)), by striking "80 percent" and inserting "the share applicable under section 120, as adjusted under subsection (d) of that section".

SEC. 1603. RECREATIONAL TRAILS PROGRAM.

(a) Recreational Trails Program Formula.—Section 104(h)(1) of title 23, United States Code, is amended—

(1) by striking "Whenever" and inserting the following:

"(A) In general.—In any case in which";

(2) by striking "research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee" and inserting "research, technical assistance, and training under the recreational trails program"; and

(3) by striking "The Secretary" and inserting the following:

"(B) Contracts and agreements.—The Secretary".

(b) Recreational Trails Program Administration.—Section 206 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

"(2) Permissible uses.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

"(A) maintenance and restoration of recreational trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

"(C) purchase and lease of recreational trail construction and maintenance equipment;

"(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal land, construction of the trails shall be—

"(i) permissible under other law;

"(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is—

"(I) required under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.); and

"(II) in effect;

"(iii) approved by the administering agency of the State designated under subsection (c)(1)(A); and

"(iv) approved by each Federal agency having jurisdiction over the affected land, under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including—

"(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(II) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

"(III) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

"(F) assessment of trail conditions for accessibility and maintenance;

"(G) use of trail crews, youth conservation or service corps, or other appropriate means to carry out activities under this section;

"(H) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, as those objectives relate to the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

"(I) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section."; and

(B) in paragraph (3)—

(i) in subparagraph (D), by striking "(2)(F)" and inserting "(2)(I)"; and

(ii) by adding at the end the following:

"(E) Use of youth conservation or service corps.—A State shall make available not less than 10 percent of the apportionments of the State to provide grants to, or to enter into cooperative agreements or contracts with, qualified youth conservation or service corps to perform recreational trails program activities.";

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting "and the Federal share of the administrative costs of a State" after "project"; and

(ii) by striking "not exceed 80 percent" and inserting "be determined in accordance with section 120";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "80 percent of" and inserting "the amount determined in accordance with section 120 for"; and

(ii) in subparagraph (B), by inserting "sponsoring the project" after "Federal agency";

(C) by striking paragraph (5);

(D) by redesignating paragraph (4) as paragraph (5);

(E) by inserting after paragraph (3) the following:

"(4) Use of recreational trails program funds to match other Federal program funds.—Notwithstanding any other provision of law, funds made available under this section may be used to pay the non-Federal matching share for other Federal program funds that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section."; and

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "80 percent" and inserting "the Federal share as determined in accordance with section 120"; and

(3) in subsection (h)—

(A) in paragraph (1), by inserting after subparagraph (B) the following:

"(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—A project funded under any of subparagraphs (A) through (H) of subsection (d)(2) may permit preapproval planning and environmental compliance costs incurred not more than 18 months before project approval to be credited toward the non-Federal share in accordance with subsection (f)."; and

(B) by striking paragraph (2) and inserting the following:

"(2) WAIVER OF HIGHWAY PROGRAM REQUIREMENTS.—A project funded under this section—

"(A) is intended to enhance recreational opportunity;

"(B) is not considered to be a highway project; and

"(C) is not subject to—

"(i) section 112, 114, 116, 134, 135, 138, 217, or 301 of this title; or

"(ii) section 303 of title 49.".

SEC. 1604. EXEMPTION OF INTERSTATE SYSTEM.

Subsection 103(c) of title 23, United States Code, is amended by adding at the end the following:

"(5) EXEMPTION OF INTERSTATE SYSTEM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

"(B) INDIVIDUAL ELEMENTS.—A portion of the Interstate System that possesses an independent feature of historic significance, such as a historic bridge or a highly significant engineering feature, that would qualify independently for listing on the National Register of Historic Places, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.".

SEC. 1605. STANDARDS.

(a) IN GENERAL.—Section 109(a) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) consider the preservation, historic, scenic, natural environmental, and community values.".

(b) CONTEXT SENSITIVE DESIGN.—Section 109 of title 23, United States Code, is amended by striking subsection (p) and inserting the following:

"(p) CONTEXT SENSITIVE DESIGN.—

"(1) IN GENERAL.—The Secretary shall encourage States to design projects funded under this title that—

"(A) allow for the preservation of environmental, scenic, or historic values;

"(B) ensure the safe use of the facility;

"(C) provide for consideration of the context of the locality;

"(D) encourage access for other modes of transportation; and

"(E) comply with subsection (a).

"(2) APPROVAL BY SECRETARY.—Notwithstanding subsections (b) and (c), the Secretary may approve a project described in paragraph (1) for the National Highway System if the project is designed to achieve the criteria specified in that paragraph.".

SEC. 1606. USE OF HIGH OCCUPANCY VEHICLE LANES.

Section 102 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) HIGH OCCUPANCY VEHICLE LANE PASSENGER REQUIREMENTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) RESPONSIBLE AGENCY.—The term 'responsible agency' means—

"(i) a State transportation department;

"(ii) a local agency in a State that is responsible for transportation matters; and

"(iii) a public authority, or a public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility.

"(B) SERIOUSLY DEGRADED.—The term 'seriously degraded', with respect to a high occupancy vehicle lane, means, in the case of a high occupancy vehicle lane, the minimum average operating speed, performance threshold, and associated time period of the high occupancy vehicle lane, calculated and determined jointly by all applicable responsible agencies and based on conditions unique to the roadway, are unsatisfactory.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each State, 1 or more responsible agencies shall establish the occupancy requirements of vehicles operating on high occupancy vehicle lanes.

"(B) MINIMUM NUMBER OF OCCUPANTS.—Except as provided in paragraph (3), an occupancy requirement established under subparagraph (A) shall—

"(i) require at least 2 occupants per vehicle for a vehicle operating on a high occupancy vehicle lane; and

"(ii) in the case of a high occupancy vehicle lane that traverses an adjacent State, be established in consultation with the adjacent State.

"(3) EXCEPTIONS TO HOV OCCUPANCY REQUIREMENTS.—

"(A) MOTORCYCLES.—For the purpose of this subsection, a motorcycle—

"(i) shall not be considered to be a single occupant vehicle; and

"(ii) shall be allowed to use a high occupancy vehicle lane unless a responsible agency—

"(I) certifies to the Secretary the use of a high occupancy vehicle lane by a motorcycle would create a safety hazard; and

"(II) restricts that the use of the high occupancy vehicle lane by motorcycles.

"(B) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

"(i) DEFINITION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLE.—In this subparagraph, the term 'low emission and energy-efficient vehicle' means a vehicle that has been certified by the Administrator of the Environmental Protection Agency—

"(I)(aa) to have a 45-mile per gallon or greater fuel economy highway rating; or

"(bb) to qualify as an alternative fueled vehicle under section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211); and

"(II) as meeting Tier II emission level established in regulations promulgated by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle.

"(ii) EXEMPTION FOR LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—A responsible agency may permit qualifying low emission and energy-efficient vehicles that do not meet applicable occupancy requirements (as determined by the responsible agency) to use high occupancy vehicle lanes if the responsible agency—

"(I) establishes a program that addresses how those qualifying low emission and energy-efficient vehicles are selected and certified;

"(II) establishes requirements for labeling qualifying low emission and energy-efficient vehicles (including procedures for enforcing those requirements);

"(III) continuously monitors, evaluates, and reports to the Secretary on performance; and

"(IV) imposes such restrictions on the use on high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

"(C) TOLLING OF VEHICLES.—

"(i) IN GENERAL.—A responsible agency may permit vehicles, in addition to the vehicles described in paragraphs (A), (B), and (D) that do not satisfy established occupancy requirements, to use a high occupancy vehicle lane only if the responsible agency charges those vehicles a toll.

"(ii) APPLICABLE AUTHORITY.—In imposing a toll under clause (i), a responsible agency shall—

"(I) be subject to section 129;

"(II) establish a toll program that addresses ways in which motorists may enroll and participate in the program;

"(III) develop, manage, and maintain a system that will automatically collect the tolls from covered vehicles;

"(IV) continuously monitor, evaluate, and report on performance of the system;

"(V) establish such policies and procedures as are necessary—

"(aa) to vary the toll charged in order to manage the demand for use of high occupancy vehicle lanes; and

"(bb) to enforce violations; and

"(VI) establish procedures to impose such restrictions on the use of high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

"(D) DESIGNATED PUBLIC TRANSPORTATION VEHICLES.—

"(i) DEFINITION OF DESIGNATED PUBLIC TRANSPORTATION VEHICLE.—In this subparagraph, the term 'designated public transportation vehicle' means a vehicle that—

"(I) provides designated public transportation (as defined in section 221 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12141)); and

"(II)(aa) is owned or operated by a public entity; or

"(bb) is operated under a contract with a public entity.

"(ii) USE OF HIGH OCCUPANCY VEHICLE LANES.—A responsible agency may permit designated public transportation vehicles that do not satisfy established occupancy requirements to use high occupancy vehicle lanes if the responsible agency—

"(I) requires the clear and identifiable labeling of each designated public transportation vehicle operating under a contract with a public entity with the name of the public entity on all sides of the vehicle;

"(II) continuously monitors, evaluates, and reports on performance of those designated public transportation vehicles; and

"(III) imposes such restrictions on the use of high occupancy vehicle lanes by designated public transportation vehicles as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

"(E) HOV lane management, operation, and monitoring.—

"(i) In general.—A responsible agency that permits any of the exceptions specified in this paragraph shall comply with clauses (ii) and (iii).

"(ii) Performance monitoring, evaluation, and reporting.—A responsible agency described in clause (i) shall establish, manage, and support a performance monitoring, evaluation, and reporting program under which the responsible agency continuously monitors, assesses, and reports on the effects that any vehicle permitted to use a high occupancy vehicle lane under an exception under this paragraph may have on the operation of—

"(I) individual high occupancy vehicle lanes; and

"(II) the entire high occupancy vehicle lane system.

"(iii) Operation of HOV lane or system.—A responsible agency described in clause (i) shall limit use of, or cease to use, any of the exceptions specified in this paragraph if the presence of any vehicle permitted to use a high occupancy vehicle lane under an exception under this paragraph seriously degrades the operation of—

"(I) individual high occupancy vehicle lanes; and

"(II) the entire high occupancy vehicle lane system.".

SEC. 1607. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) In General.—Section 217 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting "pedestrian and" after "safe";

(2) in subsection (e), by striking "bicycles" each place it appears and inserting "pedestrians or bicyclists";

(3) by striking subsection (f) and inserting the following:

"(f) Federal Share.—The Federal share of the construction of bicycle transportation facilities and pedestrian walkways, and for carrying out nonconstruction projects relating to safe pedestrian and bicycle use, shall be determined in accordance with section 120(b).";

(4) by redesignating subsection (j) as subsection (k);

(5) by inserting after subsection (i) the following:

"(j) Bicycle and Pedestrian Safety Grants.—

"(1) In general.—The Secretary shall select and make grants to a national, nonprofit organization engaged in promoting bicycle and pedestrian safety—

"(A) to operate a national bicycle and pedestrian clearinghouse;

"(B) to develop information and educational programs regarding walking and bicycling; and

"(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

"(2) Funding.—The Secretary may use funds set aside under section 104(n) to carry out this subsection.

"(3) Applicability of title 23.—Funds authorized to be appropriated to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under section 104, except that the funds shall remain available until expended."; and

(6) in subsection (k) (as redesignated by paragraph (4))—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

"(4) Shared use path.—The term 'shared use path' means a multiuse trail or other path that is—

"(A) physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or within an independent right-of-way; and

"(B) usable for transportation purposes (including by pedestrians, bicyclists, skaters, equestrians, and other nonmotorized users).".

(b) Reservation of Funds.—Section 104 of title 23, United States Code (as amended by section 1522), is amended by adding at the end the following:

"(n) Bicycle and Pedestrian Safety Grants.—On October 1 of each of fiscal years 2005 through 2009, the Secretary, after making the deductions authorized by subsections (a) and (f), shall set aside $446,541 of the remaining funds apportioned under subsection (b)(3) for use in carrying out the bicycle and pedestrian safety grant program under section 217.".

SEC. 1608. IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY.

Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(d) Idling Reduction Facilities in Interstate Rights-of-Way.—

"(1) In general.—Notwithstanding subsection (a), a State may—

"(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State, so long as those idling reduction measures do not—

"(i) reduce the existing number of designated truck parking spaces at any given rest or recreation area; or

"(ii) preclude the use of those spaces by trucks employing alternative idle reduction technologies; and

"(B) charge a fee, or permit the charging of a fee, for the use of those parking spaces actively providing power to a truck to reduce idling.

"(2) Purpose.—The exclusive purpose of the facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

"(A) to reduce idling of a truck while parked in the rest or recreation area; and

"(B) to use installed or other equipment specifically designed to reduce idling of a truck, or provide alternative power for supporting driver comfort, while parked.".

SEC. 1609. TOLL PROGRAMS.

(a) Interstate System Reconstruction and Rehabilitation Pilot Program.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212)—

(1) is amended—

(A) in paragraph (1)—

(i) by striking "The Secretary" and inserting "Notwithstanding section 301, the Secretary"; and

(ii) by striking "that could not otherwise be adequately maintained or functionally improved without the collection of tolls";

(B) in paragraph (2), by inserting after the first sentence the following: "One such facility shall be located in Virginia.";

(C) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C) An analysis demonstrating that financing the reconstruction or rehabilitation of the facility with the collection of tolls under this pilot program is the most efficient, economical, or expeditious way to advance the project."; and

(D) in paragraph (4)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the State's analysis showing that financing the reconstruction or rehabilitation of a facility with the collection of tolls under the pilot program is the most efficient, economical, or expeditious way to advance the project;";

(ii) by striking subparagraph (B) and inserting the following:

"(B) the facility needs reconstruction or rehabilitation, including major work that may require replacing sections of the existing facility on new alignment;";

(iii) by striking subparagraph (C); and

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(2) is redesignated as subsection (d) of section 129 of title 23, United States Code, and moved to appear at the end of that section; and

(3) by striking "of title 23, United States Code" each place it appears.

(b) Fast and Sensible Toll (FAST) Lanes Program.—Section 129 of title 23, United States Code (as amended by subsection (a)(2)), is amended by adding at the end the following:

"(e) Fast and Sensible Toll (FAST) Lanes Program.—

"(1) Definitions.—In this subsection:

"(A) Eligible toll facility.—The term 'eligible toll facility' includes—

"(i) a facility in existence on the date of enactment of this subsection that collects tolls;

"(ii) a facility in existence on the date of enactment of this subsection that serves high occupancy vehicles;

"(iii) a facility modified or constructed after the date of enactment of this subsection to create additional tolled capacity (including a facility constructed by a private entity or using private funds); and

"(iv) in the case of a new lane added to a previously non-tolled facility, only the new lane.

"(B) Nonattainment area.—The term 'nonattainment area' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

"(2) Establishment.—Notwithstanding sections 129 and 301, the Secretary shall permit a State, public authority, or a public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including facilities on the Interstate System—

"(A) to manage high levels of congestion;

"(B) to reduce emissions in a nonattainment area or maintenance area; or

"(C) to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, tunnel, support, and other structures necessary for that construction) on the Interstate System.

“(3) LIMITATION ON USE OF REVENUES.—

“(A) USE.—

“(i) IN GENERAL.—Toll revenues received under paragraph (2) shall be used by a State, public authority, or private entity designated by a State, for—

“(I) debt service for debt incurred on 1 or more highway or transit projects carried out under this title or title 49;

“(II) a reasonable return on investment of any private financing;

“(III) the costs necessary for proper operation and maintenance of any facilities under paragraph (2) (including reconstruction, resurfacing, restoration, and rehabilitation); or

“(IV) if the State, public authority, or private entity annually certifies that the tolled facility is being adequately operated and maintained, any other purpose relating to a highway or transit project carried out under this title or title 49.

“(B) REQUIREMENTS.—

“(i) VARIABLE PRICE REQUIREMENT.—A facility that charges tolls under this subsection may establish a toll that varies in price according to time of day or level of traffic, as appropriate to manage congestion or improve air quality.

“(ii) HOV VARIABLE PRICING REQUIREMENT.—The Secretary shall require, for each high occupancy vehicle facility that charges tolls under this subsection, that the tolls vary in price according to time of day or level of traffic, as appropriate to manage congestion or improve air quality.

“(iii) HOV PASSENGER REQUIREMENTS.—In addition to the exceptions to the high occupancy vehicle passenger requirements established under section 102(a)(2), a State may permit motor vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes as part of a variable toll pricing program established under this subsection.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Before the Secretary may permit a facility to charge tolls under this subsection, the Secretary and the applicable State, public authority, or private entity designated by a State shall enter into an agreement for each facility incorporating the conditions described in subparagraphs (A) and (B).

“(ii) TERMINATION.—An agreement under clause (i) shall terminate with respect to a facility upon the decision of the State, public authority, or private entity designated by a State to discontinue the variable tolling program under this subsection for the facility.

“(iii) DEBT.—

“(I) IN GENERAL.—If there is any debt outstanding on a facility at the time at which the decision is made to discontinue the program under this subsection with respect to the facility, the facility may continue to charge tolls in accordance with the terms of the agreement until such time as the debt is retired.

“(II) NOTICE.—On retirement of the debt of a tolled facility, the applicable State, public authority, or private entity designated by a State shall provide notice to the public of that retirement.

“(D) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a project on a facility tolled under this subsection, including a project to install the toll collection facility shall be a percentage, not to exceed 80 percent, determined by the applicable State.

“(4) ELIGIBILITY.—To be eligible to participate in the program under this subsection, a State, public authority, or private entity designated by a State shall provide to the Secretary—

“(A) a description of the congestion or air quality problems sought to be addressed under the program;

“(B) a description of—

“(i) the goals sought to be achieved under the program; and

“(ii) the performance measures that would be used to gauge the success made toward reaching those goals; and

“(C) such other information as the Secretary may require.

“(5) AUTOMATION.—Fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology that optimizes the free flow of traffic on the tolled facility.

“(6) INTEROPERABILITY.—

“(A) RULE.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall promulgate a final rule specifying requirements, standards, or performance specifications for automated toll collection systems implemented under this section.

“(ii) DEVELOPMENT.—In developing that rule, which shall be designed to maximize the interoperability of electronic collection systems, the Secretary shall, to the maximum extent practicable—

“(I) seek to accelerate progress toward the national goal of achieving a nationwide interoperable electronic toll collection system;

“(II) take into account the use of noncash electronic technology currently deployed within an appropriate geographical area of travel and the noncash electronic technology likely to be in use within the next 5 years; and

“(III) seek to minimize additional costs and maximize convenience to users of toll facility and to the toll facility owner or operator.

“(B) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under subparagraph (A), as appropriate.

“(7) REPORTING.—

“(A) IN GENERAL.—The Secretary, in cooperation with State and local agencies and other program participants and with opportunity for public comment, shall—

“(i) develop and publish performance goals for each FAST lane project;

“(ii) establish a program for regular monitoring and reporting on the achievement of performance goals, including—

“(I) effects on travel, traffic, and air quality;

“(II) distribution of benefits and burdens;

“(III) use of alternative transportation modes; and

“(IV) use of revenues to meet transportation or impact mitigation needs.

“(B) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(i) not later than 1 year after the date of enactment of this subsection, and annually thereafter, a report that describes in detail the uses of funds under this subsection in accordance with paragraph (8)(D); and

“(ii) not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, a report that describes any success of the program under this subsection in meeting congestion reduction and other performance goals established for FAST lane programs.

“(8) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out pre-implementation studies and post-implementation evaluations of projects planned or implemented under this subsection $9,823,899 for each of fiscal years 2005 through 2009.

“(B) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds were authorized.

“(C) CONTRACT AUTHORITY.—Funds authorized to be appropriated under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under this chapter, except that the Federal share of the cost of any project carried out under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.

“(D) PROGRAM PROMOTION.—Notwithstanding any other provision of this section, the Secretary shall use an amount not to exceed 2 percent of the funds made available under subparagraph (A)—

“(i) to make grants to promote the purposes of the program under this subsection;

“(ii) to provide technical support to State and local governments or other public or private entities involved in implementing or considering FAST lane programs; and

“(iii) to conduct research on variable pricing that will support State or local efforts to initiate those pricing requirements.

“(E) EFFECT ON OTHER APPORTIONMENTS AND ALLOCATIONS.—Revenues collected from tolls established under this subsection shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

“(9) COMPLIANCE.—The Secretary shall ensure that any project or activity carried out under this section complies with requirements under section 106 of this title and section 307 of title 49.

“(10) VOLUNTARY USE.—Nothing in this subsection requires any highway user to use a FAST lane.

“(11) ENVIRONMENTAL REQUIREMENTS.—Nothing in this subsection affects any environmental requirement applicable to the construction or operation of an eligible toll facility under this title or any other provision of law.”.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1012 of the Intermodal Surface Transportation Efficiency Act (23 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is amended by striking subsection (b).

(2) CONTINUATION OF PROGRAM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall monitor and allow any value pricing program established under a cooperative agreement in effect on the day before the date of enactment of this Act to continue.

SEC. 1610. FEDERAL REFERENCE METHOD.

(a) IN GENERAL.—Section 6102 of the Transportation Equity Act for the 21st Century (42 U.S.C. 7407 note; 112 Stat. 464) is amended by striking subsection (e) and inserting the following:

“(e) FIELD STUDY.—Not later than 2 years after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Administrator shall—

“(1) conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrometers in diameter;

"(2) develop a Federal reference method to measure directly particles that are larger than 2.5 micrometers in diameter without reliance on subtracting from coarse particle measurements those particles that are equal to or smaller than 2.5 micrometers in diameter;

"(3) develop a method of measuring the composition of coarse particles; and

"(4) submit a report on the study and responsibilities of the Administrator under paragraphs (1) through (3) to—

"(A) the Committee on Commerce of the House of Representatives; and

"(B) the Committee on Environment and Public Works of the Senate.".

SEC. 1611. ADDITION OF PARTICULATE MATTER AREAS TO CMAQ.

Section 104(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "ozone or carbon monoxide" and inserting "ozone, carbon monoxide, or fine particulate matter ($PM_{2.5}$)";

(B) by striking clause (i) and inserting the following:

"(i) 1.0, if at the time of apportionment, the area is a maintenance area;";

(C) in clause (vi), by striking "or" after the semicolon; and

(D) in clause (vii)—

(i) by striking "area as described in section 149(b) for ozone," and inserting "area for ozone (as described in section 149(b) or for PM-2.5"; and

(ii) by striking the period at the end and inserting a semicolon;

(2) by adding at the end the following:

"(viii) 1.0 if, at the time of apportionment, any county that is not designated as a nonattainment or maintenance area under the 1-hour ozone standard is designated as nonattainment under the 8-hour ozone standard; or

"(ix) 1.2 if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone or carbon monoxide, but is an area designated nonattainment under the PM-2.5 standard.";

(3) by striking subparagraph (C) and inserting the following:

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi) or clause (viii) of subparagraph (B), shall be further multiplied by a factor of 1.2.";

(4) by redesignating subparagraph (D) and (E) as subparagraphs (E) and (F) respectively; and

(5) by inserting after subparagraph (C) the following:

"(D) ADDITIONAL ADJUSTMENT FOR PM 2.5 AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone or carbon monoxide, or both as described in section 149(b), any county within the area was also designated under the PM-2.5 standard as a nonattainment or maintenance area, the weighted nonattainment or maintenance area population of those counties shall be further multiplied by a factor of 1.2.".

SEC. 1612. ADDITION TO CMAQ-ELIGIBLE PROJECTS.

(a) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) if the project or program is for the purchase of alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)) or biodiesel; or

"(7) if the project or program involves the purchase of integrated, interoperable emergency communications equipment.".

(b) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149(c) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking "for any project eligible under the surface transportation program under section 133." and inserting the following: "for any project in the State that—

"(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or

"(B) is eligible under the surface transportation program under section 133."; and

(2) in paragraph (2), by striking "for any project in the State eligible under section 133." and inserting the following: "for any project in the State that—

"(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or

"(B) is eligible under the surface transportation program under section 133.".

(c) RESPONSIBILITY OF STATES.—

(1) IN GENERAL.—Each State shall be responsible for ensuring that subrecipients of Federal funds within the State under section 149 of title 23, United States Code, have emission reduction strategies for fleets that are—

(A) used in construction projects located in nonattainment and maintenance areas; and

(B) funded under title 23, United States Code.

(2) EMISSION REDUCTION STRATEGIES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall develop a nonbinding list of emission-reduction strategies and supporting technical information for each strategy, including—

(A) contract preferences;

(B) requirements for the use of anti-idling equipment;

(C) diesel retrofits; and

(D) such other matters as the Administrator of the Environmental Protection Agency, in consultation with the Secretary, determine to be appropriate.

(3) USE OF CMAQ FUNDS.—A State may use funds made available under this title and title 23, United States Code, for the congestion mitigation and air quality program under section 149 of title 23, United States Code, to ensure the deployment of the emission reduction strategies described in paragraph (1).

SEC. 1613. IMPROVED INTERAGENCY CONSULTATION.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

"(g) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.".

SEC. 1614. EVALUATION AND ASSESSMENT OF CMAQ PROJECTS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

"(h) EVALUATION AND ASSESSMENT OF PROJECTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate and assess a representative sample of projects funded under the congestion mitigation and air quality program to—

"(A) determine the direct and indirect impact of the projects on air quality and congestion levels; and

"(B) ensure the effective implementation of the program.

"(2) DATABASE.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects.

"(3) CONSIDERATION.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall consider the recommendations and findings of the report submitted to Congress under section 1110(e) of the Transportation Equity Act for the 21st Century (112 Stat. 144), including recommendations and findings that would improve the operation and evaluation of the congestion mitigation and air quality improvement program under section 149.".

SEC. 1615. SYNCHRONIZED PLANNING AND CONFORMITY TIMELINES, REQUIREMENTS, AND HORIZON.

(a) METROPOLITAN PLANNING.—

(1) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—Section 134(g)(1) of title 23, United States Code, is amended by striking "periodically, according to a schedule that the Secretary determines to be appropriate." and inserting "every 4 years (or more frequently, in a case in which the metropolitan planning organization elects to update a transportation plan more frequently) in areas designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), and in areas that were nonattainment that have been redesignated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)), with a maintenance plan under section 175A of that Act (42 U.S.C. 7505a), or every 5 years (or more frequently, in a case in which the metropolitan planning organization elects to update a transportation plan more frequently) in areas designated as attainment (as defined in section 107(d) of that Act (42 U.S.C. 7407(d))).".

(2) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) of title 23, United States Code, is amended—

(A) in paragraph (1)(D), by striking "2 years" and inserting "4 years"; and

(B) in paragraph (2)(A), by striking "3-year" and inserting "4-year".

(3) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f)(1)(A) of title 23, United States Code, is amended by inserting after "program" the following: "(which program shall cover a period of 4 years and be updated every 4 years)".

(4) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall promulgate regulations that are consistent with the amendments made by this subsection.

(b) SYNCHRONIZED CONFORMITY DETERMINATION.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(1) in paragraph (2)—

(A) by striking "(2) Any transportation plan" and inserting the following:

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Any transportation plan";

(B) in subparagraph (C)(iii), by striking the period at the end and inserting a semicolon;

(C) in subparagraph (D)—

(i) by striking "Any project" and inserting "any transportation project"; and

(ii) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(E) the appropriate metropolitan planning organization shall redetermine conformity of existing transportation plans and programs not later than 2 years after the date on which the Administrator—

"(i) finds a motor vehicle emissions budget to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003);

"(ii) approves an implementation plan that establishes a motor vehicle emissions budget, if that budget has not yet been used in a conformity determination prior to approval; or

"(iii) promulgates an implementation plan that establishes or revises a motor vehicle emissions budget.";

(2) in paragraph (4)(B)(ii), by striking "but in no case shall such determinations for transportation plans and programs be less frequent than every 3 years; and" and inserting "but the frequency for making conformity determinations on updated transportation plans and programs shall be every 4 years, except in a case in which—

"(I) the metropolitan planning organization elects to update a transportation plan or program more frequently; or

"(II) the metropolitan planning organization is required to determine conformity in accordance with paragraph (2)(E); and";

(3) in paragraph (4)(B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) address the effects of the most recent population, economic, employment, travel, transit ridership, congestion, and induced travel demand information in the development and application of the latest travel and emissions models."; and

(4) by adding at the end the following:

"(7) CONFORMITY HORIZON FOR TRANSPORTATION PLANS.—

"(A) IN GENERAL.—For the purposes of this section, a transportation plan in a nonattainment or maintenance area shall be considered to be a transportation plan or a portion of a transportation plan that extends for the longest of the following periods:

"(i) The first 10-year period of any such transportation plan.

"(ii) The latest year in the implementation plan applicable to the area that contains a motor vehicle emission budget.

"(iii) The year after the completion date of a regionally significant project, if the project requires approval before the subsequent conformity determination.

"(B) EXCEPTION.—In a case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or has approved the revision, the transportation plan shall be considered to be a transportation plan or portion of a transportation plan that extends through the last year of the implementation plan required under section 175A(b).

"(8) DEFINITIONS.—In this subsection:

"(A) REGIONALLY SIGNIFICANT PROJECT.—

"(i) IN GENERAL.—The term 'regionally significant project' means a transportation project that is on a facility that serves a regional transportation need, including—

"(I) access to and from the area outside of the region;

"(II) access to and from major planned developments, including new retail malls, sports complexes, or transportation terminals; and

"(III) most transportation terminals.

"(ii) PRINCIPAL ARTERIALS AND FIXED GUIDEWAYS.—The term 'regionally significant project' includes, at a minimum—

"(I) all principal arterial highways; and

"(II) all fixed guideway transit facilities that offer an alternative to regional highway travel.

"(iii) ADDITIONAL PROJECTS.—The interagency consultation process and procedures described in section 93.105(c) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), shall be used to make determinations as to whether minor arterial highways and other transportation projects should be considered 'regionally significant projects'.

"(iv) EXCLUSIONS.—The term 'regionally significant project' does not include any project of a type listed in sections 93.126 or 127 of title 40, Code of Federal Regulations (as in effect on October 1, 2003).

"(B) SIGNIFICANT REVISION.—The term 'significant revision' means—

"(i) with respect to a regionally significant project, a significant change in design concept or scope to the project; and

"(ii) with respect to any other kind of project, a change that converts a project that is not a regionally significant project into a regionally significant project.

"(C) TRANSPORTATION PROJECT.—The term 'transportation project' includes only a project that is—

"(i) a regionally significant project; or

"(ii) a project that makes a significant revision to an existing project.".

SEC. 1616. TRANSITION TO NEW AIR QUALITY STANDARDS.

Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by striking paragraph (3) and inserting the following:

"(3) METHODS OF CONFORMITY DETERMINATION BEFORE BUDGET IS AVAILABLE.—

"(A) IN GENERAL.—Until such time as a motor vehicle emission budget from an implementation plan submitted for a national ambient air quality standard is determined to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or the submitted implementation plan is approved, conformity of such a plan, program, or project shall be demonstrated, in accordance with clauses (i) and (ii) and as selected through the consultation process required under paragraph (4)(D)(i), with—

"(i) a motor vehicle emission budget that has been found adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or that has been approved, from an implementation plan for the most recent prior applicable national ambient air quality standard addressing the same pollutant; or

"(ii) other such tests as the Administrator shall determine to ensure that—

"(I) the transportation plan or program—

"(aa) is consistent with the most recent estimates of mobile source emissions;

"(bb) provides for the expeditious implementation of transportation control measures in the applicable implementation plan; and

"(cc) with respect to an ozone or carbon monoxide nonattainment area, contributes to annual emissions reductions consistent with sections 182(b)(1) and 187(a)(7); and

"(II) the transportation project—

"(aa) comes from a conforming transportation plan and program described in this subparagraph; and

"(bb) in a carbon monoxide nonattainment area, eliminates or reduces the severity and number of violations of the carbon monoxide standards in the area substantially affected by the project.

"(B) DETERMINATION FOR A TRANSPORTATION PROJECT IN A CARBON MONOXIDE NONATTAINMENT AREA.—A determination under subparagraph (A)(ii)(II)(bb) may be made as part of either the conformity determination for the transportation program or for the individual transportation project taken as a whole during the environmental review phase of transportation project development.".

SEC. 1617. REDUCED BARRIERS TO AIR QUALITY IMPROVEMENTS.

Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) (as amended by section 1615(b)(4)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) SUBSTITUTION FOR TRANSPORTATION CONTROL MEASURES.—

"(A) IN GENERAL.—Transportation control measures that are specified in an implementation plan may be replaced or added to the implementation plan with alternate or additional transportation control measures if—

"(i) the substitute measures achieve equivalent or greater emissions reductions than the control measure to be replaced, as demonstrated with an analysis that is consistent with the current methodology used for evaluating the replaced control measure in the implementation plan;

"(ii) the substitute control measures are implemented—

"(I) in accordance with a schedule that is consistent with the schedule provided for control measures in the implementation plan; or

"(II) if the implementation plan date for implementation of the control measure to be replaced has passed, as soon as practicable after the implementation plan date but not later than the date on which emission reductions are necessary to achieve the purpose of the implementation plan;

"(iii) the substitute and additional control measures are accompanied with evidence of adequate personnel, funding, and authority under State or local law to implement, monitor, and enforce the control measures;

"(iv) the substitute and additional control measures were developed through a collaborative process that included—

"(I) participation by representatives of all affected jurisdictions (including local air pollution control agencies, the State air pollution control agency, and State and local transportation agencies);

"(II) consultation with the Administrator; and

"(III) reasonable public notice and opportunity for comment; and

"(v) the metropolitan planning organization, State air pollution control agency, and the Administrator concur with the equivalency of the substitute or additional control measures.

"(B) Adoption.—After carrying out subparagraph (A), a State shall adopt the substitute or additional transportation control measure in the applicable implementation plan.

"(C) No requirement for express permission.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not be contingent on there being any provision in the implementation plan that expressly permits such a substitution or addition.

"(D) No requirement for new conformity determination.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not require—

"(i) a new conformity determination for the transportation plan; or

"(ii) a revision of the implementation plan.

"(E) Continuation of control measure being replaced.—A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted by the State pursuant to subparagraph (B).

"(F) Effect of adoption.—Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.".

SEC. 1618. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.

(a) In General.—Section 319 of the Clean Air Act (42 U.S.C. 7619) is amended—

(1) by striking the section heading and all that follows through "after notice and opportunity for public hearing" and inserting the following:

"SEC. 319. AIR QUALITY MONITORING.

"(a) In General.—After notice and opportunity for public hearing"; and

(2) by adding at the end the following:

"(b) Air Quality Monitoring Data Influenced by Exceptional Events.—

"(1) Definition of exceptional event.—In this section:

"(A) In general.—The term 'exceptional event' means an event that—

"(i) affects air quality;

"(ii) is not reasonably controllable or preventable;

"(iii) is—

"(I) a natural event; or

"(II) an event caused by human activity that is unlikely to recur at a particular location; and

"(iv) is determined by the Administrator through the process established in the regulations promulgated under paragraph (2) to be an exceptional event.

"(B) Exclusions.—The term 'exceptional event' does not include—

"(i) stagnation of air masses or meteorological inversions;

"(ii) a meteorological event involving high temperatures or lack of precipitation; or

"(iii) air pollution relating to source noncompliance.

"(2) Regulations.—

"(A) Proposed regulations.—Not later than March 1, 2005, after consultation with Federal land managers and State air pollution control agencies, the Administrator shall publish in the Federal Register proposed regulations governing the review and handling of air quality monitoring data influenced by exceptional events.

"(B) Final regulations.—Not later than 1 year after the date on which the Administrator publishes proposed regulations under subparagraph (A), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate final regulations governing the review and handling or air quality monitoring data influenced by an exceptional event that are consistent with paragraph (3).

"(3) Principles and requirements.—

"(A) Principles.—In promulgating regulations under this section, the Administrator shall follow—

"(i) the principle that protection of public health is the highest priority;

"(ii) the principle that timely information should be provided to the public in any case in which the air quality is unhealthy;

"(iii) the principle that all ambient air quality data should be included in a timely manner, an appropriate Federal air quality database that is accessible to the public;

"(iv) the principle that each State must take necessary measures to safeguard public health regardless of the source of the air pollution; and

"(v) the principle that air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.

"(B) Requirements.—Regulations promulgated under this section shall, at a minimum, provide that—

"(i) the occurrence of an exceptional event must be demonstrated by reliable, accurate data that is promptly produced and provided by Federal, State, or local government agencies;

"(ii) a clear causal relationship must exist between the measured exceedances of a national ambient air quality standard and the exceptional event to demonstrate that the exceptional event caused a specific air pollution concentration at a particular air quality monitoring location;

"(iii) there is a public process for determining whether an event is exceptional; and

"(iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events from use in determinations by the Environmental Protection Agency with respect to exceedances or violations of the national ambient air quality standards.

"(4) Interim provision.—Until the effective date of a regulation promulgated under paragraph (2), the following guidance issued by the Administrator shall continue to apply:

"(A) Guidance on the identification and use of air quality data affected by exceptional events (July 1986).

"(B) Areas affected by PM-10 natural events, May 30, 1996.

"(C) Appendices I, K, and N to part 50 of title 40, Code of Federal Regulations.".

SEC. 1619. CONFORMING AMENDMENTS.

Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (D) through (F), respectively;

(2) by striking "(4)(A) No later than one year after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate" and inserting the following:

"(4) Criteria and procedures for determining conformity.—

"(A) In general.—The Administrator shall promulgate, and periodically update,";

(3) in subparagraph (A)—

(A) in the second sentence, by striking "No later than one year after such date of enactment, the Administrator, with the concurrence of the Secretary of Transportation, shall promulgate" and inserting the following:

"(B) Transportation plans, programs, and projects.—The Administrator, with the concurrence of the Secretary of Transportation, shall promulgate, and periodically update,"; and

(B) in the third sentence, by striking "A suit" and inserting the following:

"(C) Civil action to compel promulgation.—A civil action"; and

(4) by striking subparagraph (E) (as redesignated by paragraph (1)) and inserting the following:

"(E) Inclusion of criteria and procedures in sip.—Not later than 2 years after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the procedures under subparagraph (A) shall include a requirement that each State include in the State implementation plan criteria and procedures for consultation in accordance with the Administrator's criteria and procedures for consultation required by subparagraph (D)(i).".

SEC. 1620. HIGHWAY STORMWATER DISCHARGE MITIGATION PROGRAM.

(a) Highway Stormwater Mitigation Projects.—Section 133(d) of title 23, United States Code (as amended by section 1401(a)(2)(B)), is amended by adding at the end the following:

"(5) Highway stormwater discharge mitigation projects.—Of the amount apportioned to a State under section 104(b)(3) for a fiscal year, 2 percent shall be available only for projects and activities carried out under section 167.".

(b) Highway Stormwater Discharge Mitigation Program.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1601(a)), is amended by adding at the end the following:

"§ 167. Highway stormwater discharge mitigation program

"(a) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) Eligible mitigation project.—The term 'eligible mitigation project' means a practice or technique that—

"(A) improves stormwater discharge water quality;

"(B) attains preconstruction hydrology;

"(C) promotes infiltration of stormwater into groundwater;

"(D) recharges groundwater;

"(E) minimizes stream bank erosion;

"(F) promotes natural filters;

"(G) otherwise mitigates water quality impacts of highway stormwater discharges, improves surface water quality, or enhances groundwater recharge; or

"(H) reduces flooding caused by highway stormwater discharge.

"(3) Federal-aid highway and associated facility.—The term 'Federal-aid highway and associated facility' means—

"(A) a Federal-aid highway; or

"(B) a facility or land owned by a State (or political subdivision of a State) that is directly associated with the Federal-aid highway.

"(4) Highway stormwater discharge.—The term 'highway stormwater discharge' means stormwater discharge from a Federal-aid highway, or a Federal-aid highway and associated facility, that was constructed before the date of enactment of this section.

"(5) HIGHWAY STORMWATER DISCHARGE MITIGATION.—The term 'highway stormwater discharge mitigation' means—

"(A) the reduction of water quality impacts of stormwater discharges from Federal-aid highways or Federal-aid highways and associated facilities; or

"(B) the enhancement of groundwater recharge from stormwater discharges from Federal-aid highways or Federal-aid highways and associated facilities.

"(6) PROGRAM.—The term 'program' means the highway stormwater discharge mitigation program established under subsection (b).

"(b) ESTABLISHMENT.—The Secretary shall establish a highway stormwater discharge mitigation program—

"(1) to improve the quality of stormwater discharge from Federal-aid highways or Federal-aid highways and associated facilities; and

"(2) to enhance groundwater recharge.

"(c) PRIORITY OF PROJECTS.—For projects funded from the allocation under section 133(d)(6), a State shall give priority to projects sponsored by a State or local government that assist the State or local government in complying with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(d) GUIDANCE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall issue guidance to assist States in carrying out this section.

"(2) REQUIREMENTS FOR GUIDANCE.—The guidance issued under paragraph (1) shall include information concerning innovative technologies and nonstructural best management practices to mitigate highway stormwater discharges.".

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1601(b), is amended by inserting after the item relating to section 166 the following:

"167. Highway stormwater discharge mitigation program.".

SEC. 1621. EXEMPTION FROM CERTAIN HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.

(a) DEFINITION OF ELIGIBLE PERSON.—In this section, the term "eligible person" means an agricultural producer that has gross agricultural commodity sales that do not exceed $446,541.

(b) EXEMPTION.—Subject to subsection (c), part 172 of title 49, Code of Federal Regulations, shall not apply to an eligible person that transports a fertilizer, pesticide, propane, gasoline, or diesel fuel for agricultural purposes, to the extent determined by the Secretary.

(c) APPLICABILITY.—Subsection (b) applies to security plan requirements under subpart I of part 172 of title 49, Code of Federal Regulations (or a successor regulation).

SEC. 1622. FUNDS FOR REBUILDING FISH STOCKS.

Section 105 of the Miscellaneous Appropriations and Offsets Act, 2004 (Division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199)) is repealed.

Subtitle G—Operations

SEC. 1701. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) SURFACE TRANSPORTATION PROGRAM ELIGIBILITY.—Section 133(b) of title 23, United States Code (as amended by section 1601(a)(2)), is amended by adding at the end the following:

"(16) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, such as traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.

"(17) RUSH HOUR CONGESTION RELIEF.—

"(A) IN GENERAL.—Subject to subparagraph (B), a State may spend the funds apportioned under this section to reduce traffic delays caused by motor vehicle accidents and breakdowns on highways during peak driving times.

"(B) USE OF FUNDS.—A State, metropolitan planning organization, or local government may use the funds under subparagraph (A)—

"(i) to develop a region-wide coordinated plan to mitigate traffic delays caused by motor vehicle accidents and breakdowns;

"(ii) to purchase or lease telecommunications equipment for first responders;

"(iii) to purchase or lease towing and recovery services;

"(iv) to pay contractors for towing and recovery;

"(v) to rent vehicle storage areas adjacent to roadways;

"(vi) to fund service patrols, equipment, and operations;

"(vii) to purchase incident detection equipment;

"(viii) to carry out training.".

(b) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.—Section 149(b)(5) of title 23, United States Code, is amended by inserting "improve transportation systems management and operations," after "intersections,".

(c) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

(1) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1620(b)), is amended by adding at the end the following:

"§ 168. Transportation systems management and operations

"(a) IN GENERAL.—The Secretary shall carry out a transportation systems management and operations program to—

"(1) ensure efficient and effective management and operation of transportation systems through collaboration, coordination, and real-time information sharing at a regional and Statewide level among—

"(A) managers and operators of major modes of transportation;

"(B) public safety officials; and

"(C) the general public; and

"(2) manage and operate transportation systems in a coordinated manner to preserve the capacity and maximize the performance of transportation facilities for travelers and carriers.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary may carry out activities to—

"(A) encourage managers and operators of major modes of transportation, public safety officials, and transportation planners in urbanized areas that are responsible for conducting the day-to-day management, operations, public safety, and planning of transportation facilities and services to collaborate on and coordinate, on a regional level and in a continuous and sustained manner, improved transportation systems management and operations; and

"(B) encourage States to—

"(i) establish a system of basic real-time monitoring for the surface transportation system; and

"(ii) provide the means to share the data gathered under clause (i) among—

"(I) highway, transit, and public safety agencies;

"(II) jurisdictions (including States, cities, counties, and metropolitan planning organizations);

"(III) private-sector entities; and

"(IV) the general public.

"(2) ACTIVITIES.—Activities to be carried out under paragraph (1) include—

"(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants with respect to the manner in which the transportation systems of the region should be managed, operated, and measured;

"(B) the sharing of information among operators, service providers, public safety officials, and the general public; and

"(C) guiding, in a regionally-coordinated manner and in a manner consistent with and integrated into the metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, the implementation of regional transportation system management and operations initiatives, including—

"(i) emergency evacuation and response;

"(ii) traffic incident management;

"(iii) technology deployment; and

"(iv) traveler information systems delivery.

"(c) COOPERATION.—In carrying out the program under subsection (a), the Secretary may assist and cooperate with other Federal agencies, State and local governments, metropolitan planning organizations, private industry, and other interested parties to improve regional collaboration and real-time information sharing between managers and operators of major modes of transportation, public safety officials, emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

"(d) GUIDANCE; REGULATIONS.—

"(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary may issue guidance or promulgate regulations for the procurement of transportation system management and operations facilities, equipment, and services, including—

"(A) equipment procured in preparation for natural disasters, disasters caused by human activity, and emergencies;

"(B) system hardware;

"(C) software; and

"(D) software integration services.

"(2) CONSIDERATIONS.—In developing the guidance or regulations under paragraph (1), the Secretary may consider innovative procurement methods that support the timely and streamlined execution of transportation system management and operations programs and projects.

"(3) FINANCIAL ASSISTANCE.—The Secretary may authorize the use of funds made available under section 104(b)(3) to provide assistance for regional operations collaboration and coordination activities that are associated with regional improvements, such as—

"(A) traffic incident management;

"(B) technology deployment;

"(C) emergency management and response;

"(D) traveler information; and

"(E) congestion relief.".

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1620(c)), is amended by adding at the end:

"168. Transportation systems management and operations.".

SEC. 1702. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1701(c)(1)), is amended by adding at the end the following:

"§169. Real-time system management information program

"(a) In General.—The Secretary shall carry out a real-time system management information program to—

"(1) provide a nationwide system of basic real-time information for managing and operating the surface transportation system;

"(2)(A) identify long-range real-time highway and transit monitoring needs; and

"(B) develop plans and strategies for meeting those needs;

"(3) provide the capability and means to share the basic real-time information with State and local governments and the traveling public; and

"(4) provide the nationwide capability to monitor, in real-time, the traffic and travel conditions of major highways in the United States, and to share that information with State and local governments and the traveling public, to—

"(A) improve the security of the surface transportation system;

"(B) address congestion problems;

"(C) support improved response to weather events; and

"(D) facilitate the distribution of national and regional traveler information.

"(b) Data Exchange Formats.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems (including statewide incident reporting systems) can readily be exchanged between jurisdictions to facilitate the nationwide availability of information on traffic and travel conditions.

"(c) Statewide Incident Reporting System.—Not later than 2 years after the date of enactment of this section, or not later than 5 years after the date of enactment of this section if the Secretary determines that adequate real-time communications capability will not be available within 2 years after the date of enactment of this section, each State shall establish a statewide incident reporting system to facilitate the real-time electronic reporting of highway and transit incidents to a central location for use in—

"(1) monitoring an incident;

"(2) providing accurate traveler information on the incident; and

"(3) responding to the incident as appropriate.

"(d) Regional ITS Architecture.—

"(1) In general.—In developing or updating regional intelligent transportation system architectures under section 940.9 of title 23, Code of Federal Regulations (or any successor regulation), States and local governments shall address—

"(A) the real-time highway and transit information needs of the State or local government, including coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing information; and

"(B) the systems needed to meet those needs.

"(2) Data exchange formats.—In developing or updating regional intelligent transportation system architectures, States and local governments are encouraged to incorporate the data exchange formats developed by the Secretary under subsection (b) to ensure that the data provided by highway and transit monitoring systems can readily be—

"(A) exchanged between jurisdictions; and

"(B) shared with the traveling public.

"(e) Eligible Funding.—Subject to project approval by the Secretary, a State may—

"(1) use funds available to the State under section 505(a) to carry out activities relating to the planning of real-time monitoring elements; and

"(2) use funds apportioned to the State under paragraphs (1) and (3) of section 104(b) to carry out activities relating to the planning and deployment of real-time monitoring elements.".

(b) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1701(c)(2)), is amended adding at the end the following:

"169. Real-time system management information program.".

SEC. 1703. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40.";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(4) by striking subparagraph (G).

SEC. 1704. OFF-DUTY TIME FOR DRIVERS OF COMMERCIAL VEHICLES.

Section 345(a)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended by adding at the end the following: "No additional off-duty time for a driver of such a vehicle shall be required in order for the driver to operate the vehicle.".

SEC. 1705. DESIGNATION OF TRANSPORTATION MANAGEMENT AREAS.

(a) Funding.—Section 134(d)(3)(C)(ii) of title 23, United States Code, is amended by striking subclause (II) and inserting the following:

"(II) Funding.—In addition to funds made available to the metropolitan planning organization for the Lake Tahoe Region under this title and chapter 53 of title 49, 1 percent of all funds distributed under section 202 shall be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.".

(b) Special Designation.—Section 134(i)(1) of title 23, United States Code, is amended by adding at the end the following:

"(C) Special designation.—

"(i) In general.—The urbanized areas of Oklahoma City, Oklahoma, and Norman, Oklahoma, shall be designated as a single transportation management area.

"(ii) Allocation.—The allocation of funds to the Oklahoma City-Norman Transportation Management Area designated under clause (i) shall be based on the aggregate population of the 2 urbanized areas referred to in that clause, as determined by the Bureau of the Census.".

Subtitle H—Federal-Aid Stewardship

SEC. 1801. FUTURE INTERSTATE SYSTEM ROUTES.

Section 103(c)(4)(B) of title 23, United States Code, is amended—

(1) in clause (ii), by striking "12" and inserting "20"; and

(2) in clause (iii)—

(A) in subclause (I), by striking "in the agreement between the Secretary and the State or States"; and

(B) by adding at the end the following:

"(III) Existing agreements.—An agreement described in clause (ii) that is entered into before the date of enactment of this subparagraph shall be deemed to include the 20-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.".

SEC. 1802. STEWARDSHIP AND OVERSIGHT.

(a) In General.—Section 106 of title 23, United States Code, is amended—

(1) by striking subsection (e) and inserting the following:

"(e) Value Engineering Analysis.—

"(1) Definition of value engineering analysis.—

"(A) In general.—In this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project, during the concept and design phases, by a multidisciplined team of persons not involved in the project, that is conducted to provide recommendations such as those described in subparagraph (B) for—

"(i) providing the needed functions safely, reliably, and at the lowest overall cost;

"(ii) improving the value and quality of the project; and

"(iii) reducing the time to complete the project.

"(B) Inclusions.—The recommendations referred to in subparagraph (A) include, with respect to a project—

"(i) combining or eliminating otherwise inefficient use of costly parts of the original proposed design for the project; and

"(ii) completely redesigning the project using different technologies, materials, or methods so as to accomplish the original purpose of the project.

"(2) Analysis.—The State shall provide a value engineering analysis or other cost-reduction analysis for—

"(A) each project on the Federal-Aid System with an estimated total cost of $25,000,000 or more;

"(B) a bridge project with an estimated total cost of $20,000,000 or more; and

"(C) any other project the Secretary determines to be appropriate.

"(3) Major projects.—The Secretary may require more than 1 analysis described in paragraph (2) for a major project described in subsection (h).

"(4) Requirements.—Analyses described in paragraph (1) for a bridge project shall—

"(A) include bridge substructure requirements based on construction material; and

"(B) be evaluated—

"(i) on engineering and economic bases, taking into consideration acceptable designs for bridges; and

"(ii) using an analysis of life-cycle costs and duration of project construction."; and

(2) by striking subsections (g) and (h) and inserting the following:

"(g) Oversight Program.—

"(1) Program.—

"(A) In general.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds made available under this title.

"(B) Minimum requirements.—At a minimum, the program shall monitor and respond to all areas relating to financial integrity and project delivery.

"(2) Financial integrity.—

"(A) Financial management systems.—

"(i) In general.—The Secretary shall perform annual reviews of the financial management systems of State transportation departments that affect projects approved under subsection (a).

"(ii) Review areas.—In carrying out clause (i), the Secretary shall use risk assessment procedures to identify areas to be reviewed.

"(B) Project costs.—The Secretary shall—

"(i) develop minimum standards for estimating project costs; and "(ii) periodically evaluate practices of the States for—

"(I) estimating project costs;

"(II) awarding contracts; and

"(III) reducing project costs.

"(C) Responsibility of the States.—

"(i) In general.—Each State shall be responsible for ensuring that subrecipients of Federal funds within the State under this section have—

"(I) sufficient accounting controls to properly manage the Federal funds; and

"(II) adequate project delivery systems for projects approved under this section.

"(ii) Review by Secretary.—The Secretary shall periodically review monitoring by the States of those subrecipients.

"(3) Project delivery.—The Secretary shall—

"(A) perform annual reviews of the project delivery system of each State, including analysis of 1 or more activities that are involved in the life cycle of a project; and

"(B) employ risk assessment procedures to identify areas to be reviewed.

"(4) Specific oversight responsibilities.—Nothing in this section discharges or otherwise affects any oversight responsibility of the Secretary—

"(A) specifically provided for under this title or other Federal law; or

"(B) for the design and construction of all Appalachian development highways under section 14501 of title 40 or section 170 of this title.

"(h) Major Projects.—

"(1) In general.—Notwithstanding any other provision of this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more, and recipients for such other projects as may be identified by the Secretary, shall submit to the Secretary for each project—

"(A) a project management plan; and

"(B) an annual financial plan.

"(2) Project management plan.—A project management plan shall document—

"(A) the procedures and processes that are in effect to provide timely information to the project decisionmakers to effectively manage the scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and

"(B) the role of the agency leadership and management team in the delivery of the project.

"(3) Financial plan.—A financial plan shall—

"(A) be based on detailed estimates of the cost to complete the project; and

"(B) provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

"(i) Other Projects.—A recipient of Federal financial assistance for a project under this title that receives $100,000,000 or more in Federal assistance for the project, and that is not covered by subsection (h), shall prepare, and make available to the Secretary at the request of the Secretary, an annual financial plan for the project.".

(b) Conforming Amendments.—

(1) Section 114(a) of title 23, United States Code, is amended—

(A) in the first sentence by striking "highways or portions of highways located on a Federal-aid system" and inserting "Federal-aid highway or a portion of a Federal-aid highway"; and

(B) by striking the second sentence and inserting "The Secretary shall have the right to conduct such inspections and take such corrective action as the Secretary determines to be appropriate.".

(2) Section 117 of title 23, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

(c) Contractor Suspension and Debarment Policy; Sharing Fraud Monetary Recoveries.—

(1) In general.—Section 307 of title 49, United States Code, is amended to read as follows:

"§ 307. Contractor suspension and debarment policy; sharing fraud monetary recoveries

"(a) Mandatory Enforcement Policy.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary—

"(A) shall debar any contractor or subcontractor convicted of a criminal or civil offense involving fraud relating to a project receiving Federal highway or transit funds for such period as the Secretary determines to be appropriate; and

"(B) subject to approval by the Attorney General—

"(i) except as provided in paragraph (2), shall suspend any contractor or subcontractor upon indictment for criminal or civil offenses involving fraud; and

"(ii) may exclude nonaffiliated subsidiaries of a debarred business entity.

"(2) National security exception.—If the Secretary finds that mandatory debarment or suspension of a contractor or subcontractor under paragraph (1) would be contrary to the national security of the United States, the Secretary—

"(A) may waive the debarment or suspension; and

"(B) in the instance of each waiver, shall provide notification to Congress of the waiver with appropriate details.

"(b) Sharing of Monetary Recoveries.—

"(1) In general.—Notwithstanding any other provision of law—

"(A) monetary judgments accruing to the Federal Government from judgments in Federal criminal prosecutions and civil judgments pertaining to fraud in highway and transit programs shall be shared with the State or local transit agency involved; and

"(B) the State or local transit agency shall use the funds for transportation infrastructure and oversight activities relating to programs authorized under title 23 and this title.

"(2) Amount.—The amount of recovered funds to be shared with an affected State or local transit agency shall be—

"(A) determined by the Attorney General, in consultation with the Secretary; and

"(B) considered to be Federal funds to be used in compliance with other relevant Federal transportation laws (including regulations).

"(3) Fraudulent activity.—Paragraph (1) shall not apply in any case in which a State or local transit agency is found by the Attorney General, in consultation with the Secretary, to have been involved or negligent with respect to the fraudulent activities.".

(2) Conforming amendment.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

"307. Contractor suspension and debarment policy; sharing fraud monetary recoveries.".

SEC. 1803. DESIGN-BUILD CONTRACTING.

Section 112(b)(3) of title 23, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) Qualified projects.—A qualified project referred to in subparagraph (A) is a project under this chapter (including intermodal projects) for which the Secretary has approved the use of design-build contracting under criteria specified in regulations promulgated by the Secretary.".

SEC. 1804. PROGRAM EFFICIENCIES—FINANCE.

(a) Advance Construction.—Section 115 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by redesignating subsections (a)(2), (a)(2)(A), and (a)(2)(B) as subsections (c), (c)(1), and (c)(2), respectively, and indenting appropriately;

(3) by striking "(a) Congestion" and all that follows through subsection (a)(1)(B);

(4) by striking subsection (b); and

(5) by inserting after the section heading the following:

"(a) In General.—The Secretary may authorize a State to proceed with a project authorized under this title—

"(1) without the use of Federal funds; and

"(2) in accordance with all procedures and requirements applicable to the project other than those procedures and requirements that limit the State to implementation of a project—

"(A) with the aid of Federal funds previously apportioned or allocated to the State; or

"(B) with obligation authority previously allocated to the State.

"(b) Obligation of Federal Share.—The Secretary, on the request of a State and execution of a project agreement, may obligate all or a portion of the Federal share of the project authorized under this section from any category of funds for which the project is eligible.".

(b) Obligation and Release of Funds.—Section 118 of title 23, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) Obligation and Release of Funds.—

"(1) In general.—Funds apportioned or allocated to a State for a particular purpose for any fiscal year shall be considered to be obligated if a sum equal to the total of the funds apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated.

"(2) Released funds.—Any funds released by the final payment for a project, or by modifying the project agreement for a project, shall be—

"(A) credited to the same class of funds previously apportioned or allocated to the State; and

"(B) immediately available for obligation.

"(3) Net obligations.—Notwithstanding any other provision of law (including a regulation), obligations recorded against funds made available under this section shall be recorded and reported as net obligations.".

SEC. 1805. SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.

Section 118(c)(1) of title 23, United States Code, is amended—

(1) by striking "$50,000,000" and all that follows through "2003" and inserting "$89,308,176 for each of fiscal years 2005 through 2009"; and

(2) by striking "Transportation Equity Act for the 21st Century" and inserting "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005".

SEC. 1806. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Section 120(k) of title 23, United States Code, is amended—

(A) by striking "Federal-aid highway"; and

(B) by striking "section 104" and inserting "this title or chapter 53 of title 49".

(2) TECHNICAL REFERENCES.—Section 120(l) of title 23, United States Code, is amended by striking "section 104" and inserting "this title or chapter 53 of title 49".

(b) PAYMENTS TO FEDERAL AGENCIES FOR FEDERAL-AID PROJECTS.—Section 132 of title 23, United States Code, is amended—

(1) by striking the first 2 sentences and inserting the following:

"(a) IN GENERAL.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency in accordance with an agreement between a State and the Federal agency, the State may—

"(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

"(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

"(b) REIMBURSEMENT.—On execution of a project agreement with a State described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2)."; and

(2) in the last sentence, by striking "Any sums" and inserting the following:

"(c) RECOVERY AND CREDITING OF FUNDS.—Any sums".

(c) ALLOCATIONS.—Section 202 of title 23, United States Code, is amended—

(1) in subsection (a), by striking "(a) On October 1" and all that follows through "Such allocation" and inserting the following:

"(a) ALLOCATION BASED ON NEED.—

"(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for forest development roads and trails according to the relative needs of the various national forests and grasslands.

"(2) PLANNING.—The allocation under paragraph (1)";

(2) by striking subsection (b) and inserting the following:

"(b) ALLOCATION FOR PUBLIC LANDS HIGHWAYS.—

"(1) PUBLIC LANDS HIGHWAYS.—

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 33⅓ percent of the sums authorized to be appropriated for that fiscal year for public lands highways among those States having unappropriated or unreserved public lands, or nontaxable Indian lands or other Federal reservations, on the basis of need in the States, respectively, as determined by the Secretary, on application of the State transportation departments of the respective States.

"(B) PREFERENCE.—In making the allocation under subparagraph (A), the Secretary shall give preference to those projects that are significantly impacted by Federal land and resource management activities that are proposed by a State that contains at least 3 percent of the total public land in the United States.

"(2) FOREST HIGHWAYS.—

"(A) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall allocate 66⅔ percent of the funds authorized to be appropriated for public lands highways for forest highways in accordance with section 134 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 202 note; 101 Stat. 173).

"(B) PUBLIC ACCESS TO AND WITHIN NATIONAL FOREST SYSTEM.—In making the allocation under subparagraph (A), the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through—

"(i) renewable resource and land use planning; and

"(ii) assessments of the impact of that planning on transportation facilities.";

(3) in subsection (c)—

(A) by striking "(c) On" and inserting the following:

"(c) PARK ROADS AND PARKWAYS.—

"(1) IN GENERAL.—On"; and

(B) by adding at the end the following:

"(2) PRIORITY.—

"(A) DEFINITION OF QUALIFYING NATIONAL PARK.—In this paragraph, the term "qualifying national park" means a National Park that is used more than 1,000,000 recreational visitor days per year, based on an average of the 3 most recent years of available data from the National Park Service.

"(B) PRIORITY.—Notwithstanding any other provision of law, with respect to funds authorized for park roads and parkways, the Secretary shall give priority in the allocation of funds to projects for highways that—

"(i) are located in, or provide access to, a qualifying National Park; and

"(ii) were initially constructed before 1940.

"(C) PRIORITY CONFLICTS.—If there is a conflict between projects described in subparagraph (B), the Secretary shall give highest priority to projects that—

"(i) are in, or that provide access to, parks that are adjacent to a National Park of a foreign country; or

"(ii) are located in more than 1 State;";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "1999" and inserting "2005"; and

(ii) by striking "1999" and inserting "2005";

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "2000" and inserting "2005";

(ii) in subparagraphs (A), (B), and (D), by striking "2000" each place it appears and inserting "2005";

(iii) in subparagraph (B), by striking "1999" each place it appears and inserting "2005"; and

(iv) by adding at the end the following:

"(E) TRANSFERRED FUNDS.—

"(i) IN GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and available for immediate use by, the eligible Indian tribes, in accordance with the formula applicable for each fiscal year.

"(ii) FORMULA.—If the Secretary of the Interior has not promulgated final regulations for the distribution of funds under clause (i) for a fiscal year by the date on which the funds for the fiscal year are required to be distributed under that clause, the Secretary of the Interior shall distribute the funds under clause (i) in accordance with the applicable funding formula for the preceding year.

"(iii) USE OF FUNDS.—Notwithstanding any other provision of this section, funds available to Indian tribes for Indian reservation roads shall be expended on projects identified in a transportation improvement program approved by the Secretary.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "under this title" and inserting "under this chapter and section 125(e)"; and

(ii) by adding at the end the following:

"(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

"(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this chapter for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

"(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

"(iii) SELECTION OF PARTICIPATING TRIBES.—

"(I) PARTICIPANTS.—

"(aa) IN GENERAL.—In addition to Indian tribes or tribal organizations that, as of the date of enactment of this subparagraph, are contracting or compacting for any Indian reservation road function or program, for each fiscal year, the Secretary may select up to 15 Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

"(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single Indian tribe for the purpose of becoming part of the applicant pool under subclause (II).

"(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

"(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

"(aa) has successfully completed the planning phase described in subclause (IV);

"(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

"(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal-year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

"(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(IV) PLANNING PHASE.—

"(aa) IN GENERAL.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation.

"(bb) ELIGIBILITY.—An Indian tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.

"(V) REPORT TO CONGRESS.—Not later than September 30, 2006, the Secretary shall submit to Congress a report describing the implementation of the demonstration project and any recommendations for improving the project."; and

(D) in paragraph (4)—

(i) in subparagraph (B)—

(I) by striking "(B) RESERVATION.—Of the amounts" and all that follows through "to replace," and inserting the following:

"(B) FUNDING.—

"(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available for Indian reservation roads for each fiscal year, there is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $13,396,226 for each of fiscal years 2005 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,"; and

(II) by adding at the end the following:

"(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1."; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) APPROVAL REQUIREMENT.—

"(i) IN GENERAL.—Subject to clause (ii), on request by an Indian tribe or the Secretary of the Interior, the Secretary may make funds available under this subsection for preliminary engineering for Indian reservation road bridge projects.

"(ii) CONSTRUCTION AND CONSTRUCTION ENGINEERING.—The Secretary may make funds available under clause (i) for construction and construction engineering only after approval by the Secretary of applicable plans, specifications, and estimates."; and

(5) by adding at the end the following:

"(f) ADMINISTRATION OF INDIAN RESERVATION ROADS.—

"(1) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, for any fiscal year, not more than 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs under this title shall be used to pay the expenses incurred by the Bureau in administering the Indian reservation roads program (including the administrative expenses relating to individual projects associated with the Indian reservation roads program).

"(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (Public Law 105-178) or the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.) if the Indian tribe or tribal organization—

"(A) provides assurances in the contract or agreement that the construction will meet or exceed applicable health and safety standards;

"(B) obtains the advance review of the plans and specifications from a licensed professional that has certified that the plans and specifications meet or exceed the applicable health and safety standards; and

"(C) provides a copy of the certification under subparagraph (B) to the Assistant Secretary for Indian Affairs.".

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting "refuge roads, recreation roads," after "parkways,";

(2) by striking subsection (b) and inserting the following:

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Funds available for public lands highways, recreation roads, park roads and parkways, forest highways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of transportation planning, research, engineering, operation and maintenance of transit facilities, and construction of the highways, roads, parkways, forest highways, and transit facilities located on public land, national parks, and Indian reservations.

"(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a construction contract or other appropriate agreement with—

"(A) a State (including a political subdivision of a State); or

"(B) an Indian tribe.

"(3) INDIAN RESERVATION ROADS.—In the case of an Indian reservation road—

"(A) Indian labor may be used, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1); and

"(B) funds made available to carry out this section may be used to pay bridge preconstruction costs (including planning, design, and engineering).

"(4) FEDERAL EMPLOYMENT.—No maximum on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

"(5) AVAILABILITY OF FUNDS.—Funds available under this section for each class of Federal lands highway shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, the areas served by the particular class of Federal lands highway.

"(6) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve funds from administrative funds of the Bureau of Indian Affairs that are associated with the Indian reservation road program to finance the Indian technical centers authorized under section 504(b)."; and

(3) in subsection (k)(1)—

(A) in subparagraph (B)—

(i) by striking "(2), (5)," and inserting "(2), (3), (5),"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) maintenance of public roads in national fish hatcheries under the jurisdiction of the United States Fish and Wildlife Service;

"(E) the non-Federal share of the cost of any project funded under this title or chapter 53 of title 49 that provides access to or within a wildlife refuge; and

"(F) maintenance and improvement of recreational trails (except that expenditures on trails under this subparagraph shall not exceed 5 percent of available funds for each fiscal year).".

(e) MAINTENANCE OF INDIAN RESERVATION ROADS.—Section 204(c) of title 23, United States Code, is amended by striking the second and third sentences and inserting the following: "Notwithstanding any other provision of this title, of the amount of funds apportioned for Indian reservation roads from the Highway Trust Fund, an Indian tribe may expend for the purpose of maintenance not more than the greater of $250,000 or 25 percent of the apportioned amount. The Bureau of Indian Affairs shall continue to retain primary responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations. The Secretary shall ensure that funding made available under this subsection for maintenance of Indian reservation roads for each fiscal year is supplementary to and not in lieu of any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.".

(f) SAFETY.—

(1) ALLOCATIONS.—Section 202 of title 23, United States Code (as amended by subsection (c)(5)), is amended by adding at the end the following:

"(g) SAFETY.—Subject to paragraph (2), on October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for the fiscal year for safety as follows:

"(1) 12 percent to the Bureau of Reclamation.

"(2) 18 percent to the Bureau of Indian Affairs.

"(3) 17 percent to the Bureau of Land Management.

"(4) 17 percent to the Forest Service.

"(5) 7 percent to the United States Fish and Wildlife Service.

"(6) 17 percent to the National Park Service.

"(7) 12 percent to the Corps of Engineers.".

(2) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by inserting "safety projects or activities," after "refuge roads," each place it appears.

(3) USE OF FUNDING.—Section 204 of title 23, United States Code, is amended by adding at the end the following:

"(l) SAFETY ACTIVITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for safety under this title shall be used by the Secretary and the head of the appropriate Federal land management agency only to pay the costs of carrying out—

"(A) transportation safety improvement activities;

"(B) activities to eliminate high-accident locations;

"(C) projects to implement protective measures at, or eliminate, at-grade railway-highway crossings;

"(D) collection of safety information;

"(E) transportation planning projects or activities;

"(F) bridge inspection;

"(G) development and operation of safety management systems;

"(H) highway safety education programs; and

"(I) other eligible safety projects and activities authorized under chapter 4.

"(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into contracts or agreements with—

"(A) a State;

"(B) a political subdivision of a State; or

"(C) an Indian tribe.

"(3) EXCEPTION.—The cost sharing requirements under the Federal Water Project Recreation Act (16 U.S.C. 4601-12 et seq.) shall not apply to funds made available to the Bureau of Reclamation under this subsection.".

(g) RECREATION ROADS.—

(1) AUTHORIZATIONS.—Section 201 of title 23, United States Code, is amended in the first sentence by inserting "recreation roads," after "public lands highways,".

(2) ALLOCATIONS.—Section 202 of title 23, United States Code (as amended by subsection (f)(1)), is amended by adding at the end the following:

"(h) RECREATION ROADS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), on October 1 of each fiscal year, the Secretary, after completing the transfer under subsection 204(i), shall allocate the sums authorized to be appropriated for the fiscal year for recreation roads as follows:

"(A) 8 percent to the Bureau of Reclamation.

"(B) 9 percent to the Corps of Engineers.

"(C) 13 percent to the Bureau of Land Management.

"(D) 70 percent to the Forest Service.

"(2) ALLOCATION WITHIN AGENCIES.—Recreation road funds allocated to a Federal agency under paragraph (1) shall be allocated for projects and activities of the Federal agency according to the relative needs of each area served by recreation roads under the jurisdiction of the Federal agency, as indicated in the approved transportation improvement program for each Federal agency.".

(3) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended—

(A) in the first sentence, by inserting "recreation roads," after "Indian reservation roads,"; and

(B) in the fourth sentence, by inserting ", recreation roads," after "Indian roads".

(4) USE OF FUNDING.—Section 204 of title 23, United States Code (as amended by subsection (e)(3)), is amended by adding at the end the following:

"(m) RECREATION ROADS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for recreation roads under this title shall be used by the Secretary and the Secretary of the appropriate Federal land management agency only to pay the cost of—

"(A) maintenance or improvements of existing recreation roads;

"(B) maintenance and improvements of eligible projects described in paragraph (1), (2), (3), (5), or (6) of subsection (h) that are located in or adjacent to Federal land under the jurisdiction of—

"(i) the Department of Agriculture; or

"(ii) the Department of the Interior;

"(C) transportation planning and administrative activities associated with those maintenance and improvements; and

"(D) the non-Federal share of the cost of any project funded under this title or chapter 53 of title 49 that provides access to or within Federal land described in subparagraph (B).

"(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into contracts or agreements with—

"(A) a State;

"(B) a political subdivision of a State; or

"(C) an Indian tribe.

"(3) NEW ROADS.—No funds made available under this section shall be used to pay the cost of the design or construction of new recreation roads.

"(4) COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS.—A maintenance or improvement project that is funded under this subsection, and that is consistent with or has been identified in a land use plan for an area under the jurisdiction of a Federal agency, shall not require any additional environmental reviews or assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

"(A) the Federal agency that promulgated the land use plan analyzed the specific proposal for the maintenance or improvement project under that Act; and

"(B) as of the date on which the funds are to be expended, there are—

"(i) no significant changes to the proposal bearing on environmental concerns; and

"(ii) no significant new information.

"(5) EXCEPTION.—The cost sharing requirements under the Federal Water Project Recreation Act (16 U.S.C. 4601–12 et seq.) shall not apply to funds made available to the Bureau of Reclamation under this subsection.".

(h) CONFORMING AMENDMENTS.—

(1) Sections 120(e) and 125(e) of title 23, United States Code, are amended by striking "public lands highways," each place it appears and inserting "public lands highways, recreation roads,".

(2) Sections 120(e), 125(e), 201, 202(a), and 203 of title 23, United States Code, are amended by striking "forest development roads" each place it appears and inserting "National Forest System roads".

(3) Section 202(e) of title 23, United States Code, is amended by striking "Refuge System," and inserting "Refuge System and the various national fish hatcheries,".

(4) Section 204 of title 23, United States Code, is amended—

(A) in subsection (a)(1), by striking "public lands highways," and inserting "public lands highways, recreation roads, forest highways,"; and

(B) in subsection (i), by striking "public lands highways" each place it appears and inserting "public lands highways, recreation roads, and forest highways".

(5) Section 205 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 205. National Forest System roads and trails";

and

(B) in subsections (a) and (d), by striking "forest development roads" each place it appears and inserting "National Forest System roads".

(6) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 205 and inserting the following:

"205. National Forest System roads and trails.".

(7) Section 217(c) of title 23, United States Code, is amended by inserting "refuge roads," after "Indian reservation roads,".

SEC. 1807. HIGHWAY BRIDGE PROGRAM.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) by striking the section heading and all that follows through subsection (a) and inserting the following:

"§ 144. Highway bridge program

"(a) CONGRESSIONAL STATEMENT.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be established to enable States to improve the condition of their bridges through replacement, rehabilitation, and systematic preventative maintenance on highway bridges over waterways, other topographical barriers, other highways, or railroads at any time at which the States and the Secretary determine that a bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.";

(2) by striking subsection (d) and inserting the following:

"(d) PARTICIPATION IN PROGRAM.—

"(1) IN GENERAL.—On application by a State to the Secretary for assistance in replacing or rehabilitating a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

"(A) replacing the bridge with a comparable bridge; or

"(B) rehabilitating the bridge.

"(2) SPECIFIC KINDS OF REHABILITATION.—On application by a State to the Secretary for assistance in painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, the structure.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on the number of unsafe highway bridges in the State.

"(B) PREVENTATIVE MAINTENANCE.—A State may carry out a project for preventative maintenance on a bridge, seismic retrofit of a bridge, or installation of scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.";

(3) in subsection (e)—

(A) in the third sentence, by striking "square footage" and inserting "area";

(B) in the fourth sentence—

(i) by striking "by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services, and,"; and

(ii) by striking "1997" and inserting "2003"; and

(C) in the seventh sentence, by striking "the Federal-aid primary system" and inserting "Federal-aid highways";

(4) by striking subsections (f) and (g) and inserting the following:

"(f) SET ASIDES.—

"(1) DISCRETIONARY BRIDGE PROGRAM.—

"(A) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 2005 through 2009, all but $133,962,264 shall be apportioned as provided in subsection (e).

"(B) AVAILABILITY.—The $133,962,264 referred to in subparagraph (A) shall be available at the discretion of the Secretary, except that not to exceed $22,327,044 of that amount shall be available only for projects for the seismic retrofit of bridges.

"(C) SET ASIDES.—For fiscal year 2005, the Secretary shall provide—

"(i) $44,654,088 to the State of Nevada for construction of a replacement of the federally-owned bridge over the Hoover Dam in the Lake Mead National Recreation Area; and

"(ii) $44,654,088 to the State of Missouri for construction of a structure over the Mississippi River to connect the city of St. Louis, Missouri, to the State of Illinois.

"(2) OFF-SYSTEM BRIDGES.—

"(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2005 through 2009 shall be expended for projects to replace, rehabilitate, perform systematic preventative maintenance or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway, or to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport).

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may, with respect to the State, reduce the requirement for expenditure for bridges not on a Federal-aid highway if the Secretary determines that the State has inadequate needs to justify the expenditure.";

(5) in subsection (i)—

(A) in paragraph (3), by striking "and";

(B) in paragraph (4), by striking the period at the end and inserting "; and";

(C) by striking "Such reports" and all that follows through "to Congress."; and

(D) by adding at the end the following:

"(5) biennially submit such reports as are required under this subsection to the appropriate committees of Congress simultaneously with the report required by section 502(g).";

(6) in the first sentence of subsection (n), by striking "all standards" and inserting "all general engineering standards";

(7) in subsection (o)—

(A) in paragraph (3)—

(i) by striking "title (including this section)" and inserting "section"; and

(ii) by inserting "200 percent of" after "shall not exceed"; and

(B) in paragraph (4)(B)—

(i) in the second sentence, by inserting "200 percent of" after "not to exceed"; and

(ii) in the last sentence, by striking "title" and inserting "section";

(8) by redesignating subsections (h) through (q) as subsections (g) through (p), respectively; and

(9) by adding at the end the following:

"(q) CONTINUATION OF ANNUAL MATERIALS REPORT ON NEW BRIDGE CONSTRUCTION AND BRIDGE REHABILITATION.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish in the Federal Register a report describing construction materials used in new Federal-aid bridge construction and bridge rehabilitation projects.

"(r) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge program.".

SEC. 1808. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1702(a)), is amended by adding at the end the following:

"§ 170. Appalachian development highway system

"(a) APPORTIONMENT.—

"(1) IN GENERAL.—The Secretary shall apportion funds made available under section 1101(7) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for fiscal years 2005 through 2009 among States based on the latest available estimate of the cost to construct highways and access roads for the Appalachian development highway system program prepared by the Appalachian Regional Commission under section 14501 of title 40.

"(2) AVAILABILITY.—Funds described in paragraph (1) shall be available to construct highways and access roads under chapter 145 of title 40.

"(b) APPLICABILITY OF TITLE.—Funds made available under section 1101(7) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the Appalachian development highway system shall be available for obligation in the same manner as if the funds were apportioned under this chapter, except that—

"(1) the Federal share of the cost of any project under this section shall be determined in accordance with subtitle IV of title 40; and

"(2) the funds shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code is amended by inserting "and the Appalachian development highway system program under subtitle IV of title 40" after "(other than the emergency relief program authorized by section 125".

(2) ANALYSIS.—The analysis of chapter 1 of title 23, United States Code (as amended by section 1702(b)), is amended by adding at the end the following:

"170. Appalachian development highway system.".

SEC. 1809. MULTISTATE CORRIDOR PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by 1808(a)), is amended by adding at the end the following:

"§ 171. Multistate corridor program

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall carry out a program to—

"(1) support and encourage multistate transportation planning and development; and

"(2) facilitate transportation decisionmaking and coordinate project delivery involving multistate corridors.

"(b) ELIGIBLE RECIPIENTS.—A State transportation department and a metropolitan planning organization may receive and administer funds provided under this section.

"(c) ELIGIBLE ACTIVITIES.—The Secretary shall make allocations under this program for multistate highway and multimodal planning studies and construction.

"(d) OTHER PROVISIONS REGARDING ELIGIBILITY.—

"(1) STUDIES.—All studies funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135.

"(2) CONSTRUCTION.—All construction funded under this program shall be consistent with section 133(b)(1).

"(e) SELECTION CRITERIA.—The Secretary shall select studies and projects to be carried out under the program based on—

"(1) the existence and significance of signed and binding multijurisdictional agreements;

"(2) endorsement of the study or project by applicable elected State and local representatives;

"(3) prospects for early completion of the study or project; or

"(4) whether the projects to be studied or constructed are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

"(f) PROGRAM PRIORITIES.—In administering the program, the Secretary shall—

"(1) encourage and enable States and other jurisdictions to work together to develop plans for multimodal and multijurisdictional transportation decisionmaking; and

"(2) give priority to studies or projects that emphasize multimodal planning, including planning for operational improvements that—

"(A) increase—

"(i) mobility;

"(ii) freight productivity;

"(iii) access to marine or inland ports;

"(iv) safety and security; and

"(v) reliability; and

"(B) enhance the environment.

"(g) FEDERAL SHARE.—Except as provided in section 120, the Federal share of the cost of a study or project carried out under the program, using funds from all Federal sources, shall be 80 percent.

"(h) APPLICABILITY.—Funds authorized to be appropriated under section 1101(10) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1809(b)) is amended by adding at the end the following:

"171. Multistate corridor program.".

SEC. 1810. BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1809(a)), is amended by adding at the end the following:

"§ 172. Border planning, operations, technology, and capacity program

"(a) DEFINITIONS.—In this section:

"(1) BORDER STATE.—The term 'border State' means any of the States of Alaska, Arizona, California, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, North Dakota, Texas, Vermont, and Washington.

"(2) PROGRAM.—The term 'program' means the border planning, operations, technology, and capacity program established under subsection (b).

"(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out a border planning, operations, technology, and capacity improvement program to support coordination and improvement in bi-national transportation planning, operations, efficiency, information exchange, safety, and security at the international borders of the United States with Canada and Mexico.

"(c) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—The Secretary shall make allocations under the program for projects to carry out eligible activities described in paragraph (2) at or near international land borders in border States.

"(2) ELIGIBLE ACTIVITIES.—A border State may obligate funds apportioned to the border State under this section for—

"(A) highway and multimodal planning or environmental studies;

"(B) cross-border port of entry and safety inspection improvements, including operational enhancements and technology applications;

"(C) technology and information exchange activities; and

"(D) right-of-way acquisition, design, and construction, as needed—

"(i) to implement the enhancements or applications described in subparagraphs (B) and (C);

"(ii) to decrease air pollution emissions from vehicles or inspection facilities at border crossings; or

"(iii) to increase highway capacity at or near international borders.

"(d) OTHER PROVISIONS REGARDING ELIGIBILITY.—

"(1) IN GENERAL.—Each project funded under the program shall be carried out in accordance with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135.

"(2) REGIONALLY SIGNIFICANT PROJECTS.—To be funded under the program, a regionally significant project shall be included on the applicable transportation plan and program required by sections 134 and 135.

"(e) PROGRAM PRIORITIES.—Border States shall give priority to projects that emphasize—

"(1) multimodal planning;

"(2) improvements in infrastructure; and

"(3) operational improvements that—

"(A) increase safety, security, freight capacity, or highway access to rail, marine, and air services; and

"(B) enhance the environment.

"(f) MANDATORY PROGRAM.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate among border States, in accordance with the formula described in paragraph (2), funds to be used in accordance with subsection (d).

"(2) FORMULA.—Subject to paragraph (3), the amount allocated to a border State under this paragraph shall be determined by the Secretary, as follows:

"(A) 25 percent in the ratio that—

"(i) the average annual weight of all cargo entering the border State by commercial vehicle across the international border with Canada or Mexico, as the case may be; bears to

"(ii) the average annual weight of all cargo entering all border States by commercial vehicle across the international borders with Canada and Mexico.

"(B) 25 percent in the ratio that—

"(i) the average trade value of all cargo imported into the border State and all cargo exported from the border State by commercial vehicle across the international border with Canada or Mexico, as the case may be; bears to

"(ii) the average trade value of all cargo imported into all border States and all cargo exported from all border States by commercial vehicle across the international borders with Canada and Mexico.

"(C) 25 percent in the ratio that—

"(i) the number of commercial vehicles annually entering the border State across the international border with Canada or Mexico, as the case may be; bears to

"(ii) the number of all commercial vehicles annually entering all border States across the international borders with Canada and Mexico.

"(D) 25 percent in the ratio that—

"(i) the number of passenger vehicles annually entering the border State across the international border with Canada or Mexico, as the case may be; bears to

"(ii) the number of all passenger vehicles annually entering all border States across the international borders with Canada and Mexico.

"(3) DATA SOURCE.—

"(A) IN GENERAL.—The data used by the Secretary in making allocations under this subsection shall be based on the Bureau of Transportation Statistics Transborder Surface Freight Dataset (or other similar database).

"(B) BASIS OF CALCULATION.—All formula calculations shall be made using the average values for the most recent 5-year period for which data are available.

"(4) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), for each fiscal year, each border State shall receive at least ½ of 1 percent of the funds made available for allocation under this paragraph for the fiscal year.

"(g) FEDERAL SHARE.—Except as provided in section 120, the Federal share of the cost of a project carried out under the program shall be 80 percent.

"(h) OBLIGATION.—Funds made available under section 1101(11) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 to carry out the program shall be available for obligation in the same manner as if the funds were apportioned under this chapter.

"(i) INFORMATION EXCHANGE.—No individual project the scope of work of which is limited to information exchange shall receive an allocation under the program in an amount that exceeds $500,000 for any fiscal year.

"(j) PROJECTS IN CANADA OR MEXICO.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border vehicle and commercial cargo movements at an international gateway or port of entry into the border region of the State, may be constructed using funds made available under the program if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico that is responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary that any facility constructed under this subsection will be—

"(1) constructed in accordance with standards equivalent to applicable standards in the United States; and

"(2) properly maintained and used over the useful life of the facility for the purpose for which the Secretary allocated funds to the project.

"(k) TRANSFER OF FUNDS TO THE GENERAL SERVICES ADMINISTRATION.—

"(1) STATE FUNDS.—At the request of a border State, funds made available under the program may be transferred to the General Services Administration for the purpose of funding 1 or more specific projects if—

"(A) the Secretary determines, after consultation with the State transportation department of the border State, that the General Services Administration should carry out the project; and

"(B) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

"(2) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—A border State that makes a request under paragraph (1) shall provide directly to the General Services Administration, for each project covered by the request, the non-Federal share of the cost of each project described in subsection (f).

"(B) NO AUGMENTATION OF APPROPRIATIONS.—Funds provided by a border State under subparagraph (A)—

"(i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and

"(ii) shall be—

"(I) administered in accordance with the procedures of the General Services Administration; but

"(II) available for obligation in the same manner as if the funds were apportioned under this chapter.

"(C) OBLIGATION AUTHORITY.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds provided for projects under subparagraph (A).

"(3) DIRECT TRANSFER OF AUTHORIZED FUNDS.—

"(A) IN GENERAL.—In addition to allocations to States and metropolitan planning organizations under subsection (c), the Secretary may transfer funds made available to carry out this section to the General Services Administration for construction of transportation infrastructure projects at or near the border in border States, if—

"(i) the Secretary determines that the transfer is necessary to effectively carry out the purposes of this program; and

"(ii) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

"(B) NO AUGMENTATION OF APPROPRIATIONS.—Funds transferred by the Secretary under subparagraph (A)—

"(i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and

"(ii) shall be—

"(I) administered in accordance with the procedures of the General Services Administration; but

"(II) available for obligation in the same manner as if the funds were apportioned under this chapter.

"(C) OBLIGATION AUTHORITY.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A).".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1809(b)), is amended by adding at the end the following:

"172. Border planning, operations, and technology program.".

SEC. 1811. PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1810(a)), is amended by adding at the end the following:

"§ 173. Puerto Rico highway program

"(a) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(15) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for each of fiscal years 2005 through 2009 to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

"(b) APPLICABILITY OF TITLE.—

"(1) IN GENERAL.—Amounts made available by section 1101(15) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 shall be available for obligation in the same manner as if such funds were apportioned under this chapter.

"(2) LIMITATION ON OBLIGATIONS.—The amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

"(c) TREATMENT OF FUNDS.—Amounts made available to carry out this section for a fiscal year shall be administered as follows:

"(1) APPORTIONMENT.—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144, for each program funded under those sections in an amount determined by multiplying—

"(A) the aggregate of the amounts for the fiscal year; by

"(B) the ratio that—

"(i) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

"(ii) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

"(2) PENALTY.—The amounts treated as being apportioned to Puerto Rico under each section referred to in paragraph (1) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title and title 49.

"(3) EFFECT ON ALLOCATIONS AND APPORTIONMENTS.—Subject to paragraph (2), nothing in this section affects any allocation under section 105 and any apportionment under sections 104 and 144.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1810(b)), is amended by adding at the end the following:

"173. Puerto Rico highway program.".

SEC. 1812. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(a)), is amended by adding at the end the following:

"§ 174. National historic covered bridge preservation

"(a) DEFINITION OF HISTORIC COVERED BRIDGE.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

"(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations, the Secretary shall—

"(1) collect and disseminate information on historic covered bridges;

"(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;

"(3) conduct research on the history of historic covered bridges; and

"(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

"(c) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

"(2) ELIGIBLE PROJECTS.—A grant under paragraph (1) may be made for a project—

"(A) to rehabilitate or repair a historic covered bridge; or

"(B) to preserve a historic covered bridge, including through—

"(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

"(ii) installation of a system to prevent vandalism and arson; or

"(iii) relocation of a bridge to a preservation site.

"(3) AUTHENTICITY REQUIREMENTS.—A grant under paragraph (1) may be made for a project only if—

"(A) to the maximum extent practicable, the project—

"(i) is carried out in the most historically appropriate manner; and

"(ii) preserves the existing structure of the historic covered bridge; and

"(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

"(4) FEDERAL SHARE.—Except as provided in section 120, the Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

"(d) FUNDING.—There is authorized to be appropriated to carry out this section $12,503,145 for each of fiscal years 2005 through 2009, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(b)), is amended by adding at the end the following:

"174. National historic covered bridge preservation.".

SEC. 1813. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1812(a)), is amended by adding at the end the following:

"§ 175. Transportation and community and system preservation program

"(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive program to facilitate the planning, development, and implementation of strategies by States, metropolitan planning organizations, federally-recognized Indian tribes, and local governments to integrate transportation, community, and system preservation plans and practices that address the goals described in subsection (b).

"(b) GOALS.—The goals of the program are to—

"(1) improve the efficiency of the transportation system in the United States;

"(2) reduce the impacts of transportation on the environment;

"(3) reduce the need for costly future investments in public infrastructure;

"(4) provide efficient access to jobs, services, and centers of trade; and

"(5) examine development patterns, and to identify strategies, to encourage private sector development patterns that achieve the goals identified in paragraphs (1) through (4).

"(c) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

"(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

"(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

"(A) have instituted preservation or development plans and programs that—

"(i) meet the requirements of this title and chapter 53 of title 49, United States Code; and

"(ii)(I) are coordinated with State and local adopted preservation or development plans;

"(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

"(III) are intended to promote innovative private sector strategies.

"(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

"(i) spending policies that direct funds to high-growth areas;

"(ii) urban growth boundaries to guide metropolitan expansion;

"(iii) 'green corridors' programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

"(iv) other similar programs or policies as determined by the Secretary;

"(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

"(D) examine ways to encourage private sector investments that address the purposes of this section; and

"(E) propose projects for funding that address the purposes described in subsection (b)(2).

"(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

"(4) USE OF ALLOCATED FUNDS.—

"(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

"(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

"(i) any project eligible for funding under this title or chapter 53 of title 49, United States Code; or

"(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

"(I) transit-oriented development plans;

"(II) traffic calming measures; or

"(III) other coordinated transportation and community and system preservation practices.

"(d) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $44,654,088 for each of fiscal years 2005 through 2009.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under this chapter.".

(b) ELIGIBLE PROJECTS.—Section 133(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

"(18) Transportation and community system preservation to facilitate the planning, development, and implementation of strategies of metropolitan planning organizations and local governments to integrate transportation, community, and system preservation plans and practices that address the following:

"(A) Improvement of the efficiency of the transportation system in the United States.

"(B) Reduction of the impacts of transportation on the environment.

"(C) Reduction of the need for costly future investments in public infrastructure.

"(D) Provision of efficient access to jobs, services, and centers of trade.

"(E) Examination of development patterns, and identification of strategies to encourage private sector development patterns, that achieve the goals identified in subparagraphs (A) through (D).

"(19) Projects relating to intersections, including intersections—

"(A) that—

"(i) have disproportionately high accident rates;

"(ii) have high levels of congestion, as evidenced by—

"(I) interrupted traffic flow at the intersection; and

"(II) a level of service rating, issued by the Transportation Research Board of the National Academy of Sciences in accordance with the Highway Capacity Manual, that is not better than 'F' during peak travel hours; and

"(iii) are directly connected to or located on a Federal-aid highway; and

"(B) improvements that are approved in the regional plan of the appropriate local metropolitan planning organization.".

(c) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1812(b)), is amended by adding at the end the following:

"175. Transportation and community and system preservation pilot program.".

SEC. 1814. PARKING PILOT PROGRAMS.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1813(a)), is amended by adding at the end the following:

"§ 176. Parking pilot programs

"(a) Commercial Truck Parking Pilot Program.—

"(1) Establishment.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a pilot program to address the shortage of long-term parking for drivers of commercial motor vehicles on the National Highway System.

"(2) Allocation of funds.—

"(A) In general.—The Secretary shall allocate funds made available under this subsection to States, metropolitan planning organizations, and local governments.

"(B) Criteria.—In allocating funds under this subsection, the Secretary shall give priority to an applicant that—

"(i) demonstrates a severe shortage of commercial vehicle parking capacity on the corridor to be addressed;

"(ii) consults with affected State and local governments, community groups, private providers of commercial vehicle parking, and motorist and trucking organizations; and

"(iii) demonstrates that the project proposed by the applicant is likely to have a positive effect on highway safety, traffic congestion, or air quality.

"(3) Use of allocated funds.—

"(A) In general.—A recipient of funds allocated under this subsection shall use the funds to carry out the project proposed in the application submitted by the recipient to the Secretary.

"(B) Types of projects.—Funds under this subsection shall be available for obligation for projects that serve the National Highway System, including—

"(i) construction of safety rest areas that include parking for commercial motor vehicles;

"(ii) construction of commercial motor vehicle parking facilities that are adjacent to commercial truck stops and travel plazas;

"(iii) costs associated with the opening of facilities (including inspection and weigh stations and park-and-ride facilities) to provide commercial motor vehicle parking;

"(iv) projects that promote awareness of the availability of public or private commercial motor vehicle parking on the National Highway System, including parking in connection with intelligent transportation systems and other systems;

"(v) construction of turnouts along the National Highway System for commercial motor vehicles;

"(vi) capital improvements to public commercial motor vehicle truck parking facilities closed on a seasonal basis in order to allow the facilities to remain open year-around; and

"(vii) improvements to the geometric design at interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

"(4) Report.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this subsection.

"(5) Federal share.—The Federal share of the cost of a project carried out under this subsection shall be consistent with section 120.

"(6) Funding.—

"(A) In general.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,930,818 for each of fiscal years 2005 through 2009.

"(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under this chapter.

"(b) Corridor and Fringe Parking Pilot Program.—

"(1) Establishment.—

"(A) In general.—In cooperation with appropriate State, regional, and local governments, the Secretary shall carry out a pilot program to provide corridor and fringe parking facilities.

"(B) Primary function.—The primary function of a corridor and fringe parking facility funded under this subsection shall be to provide parking capacity to support car pooling, van pooling, ride sharing, commuting, and high occupancy vehicle travel.

"(C) Overnight parking.—A State may permit a facility described in subparagraph (B) to be used for the overnight parking of commercial vehicles if the use does not foreclose or unduly limit the primary function of the facility described in subparagraph (B).

"(2) Allocation of funds.—

"(A) In general.—The Secretary shall allocate funds made available to carry out this subsection to States.

"(B) Criteria.—In allocating funds under this subsection, the Secretary shall give priority to a State that—

"(i) demonstrates demand for corridor and fringe parking on the corridor to be addressed;

"(ii) consults with affected metropolitan planning organizations, local governments, community groups, and providers of corridor and fringe parking; and

"(iii) demonstrates that the project proposed by the State is likely to have a positive effect on ride sharing, traffic congestion, or air quality.

"(3) Use of allocated funds.—

"(A) In general.—A recipient of funds allocated under this subsection shall use the funds to carry out the project proposed in the application submitted by the recipient to the Secretary.

"(B) Types of projects.—Funds under this subsection shall be available for obligation for projects that serve the Federal-aid system, including—

"(i) construction of corridor and fringe parking facilities;

"(ii) costs associated with the opening of facilities;

"(iii) projects that promote awareness of the availability of corridor and fringe parking through the use of signage and other means;

"(iv) capital improvements to corridor and fringe parking facilities closed on a seasonal basis in order to allow the facilities to remain open year-around; and

"(v) improvements to the geometric design on adjoining roadways to facilitate access to, and egress from, corridor and fringe parking facilities.

"(4) Report.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this subsection.

"(5) Federal share.—The Federal share of the cost of a project carried out under this subsection shall be consistent with section 120.

"(6) Funding.—

"(A) In general.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,930,818 for each of fiscal years 2005 through 2009.

"(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under this chapter.".

(b) Conforming Amendment.—The analysis for subchapter I of chapter I of title 23, United States Code (as amended by section 1813(c)), is amended by adding at the end the following:

"176. Parking pilot programs.".

SEC. 1815. INTERSTATE OASIS PROGRAM.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1814(a)), is amended by adding at the end the following:

"§ 177. Interstate oasis program

"(a) In General.—Not later than 180 days after the date of enactment of this section, in consultation with the States and other interested parties, the Secretary shall—

"(1) establish an Interstate oasis program; and

"(2) develop standards for designating, as an Interstate oasis, a facility that—

"(A) offers—

"(i) products and services to the public;

"(ii) 24-hour access to restrooms; and

"(iii) parking for automobiles and heavy trucks; and

"(B) meets other standards established by the Secretary.

"(b) Standards for Designation.—The standards for designation under subsection (a) shall include standards relating to—

"(1) the appearance of a facility; and

"(2) the proximity of the facility to the Interstate System.

"(c) Eligibility for Designation.—If a State elects to participate in the interstate oasis program, any facility meeting the standards established by the Secretary shall be eligible for designation under this section.

"(d) Logo.—The Secretary shall design a logo to be displayed by a facility designated under this section.".

(b) Conforming Amendment.—The analysis for subchapter I of chapter I of title 23, United States Code (as amended by section 1814(b)), is amended by adding at the end the following:

"177. Interstate oasis program.".

SEC. 1816. TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.

Section 204 of title 23, United States Code (as amended by section 1806(f)(4)), is amended by adding at the end the following:

"(n) Tribal-State Road Maintenance Agreements.—

"(1) In general.—Notwithstanding any other provision of law, regulation, policy, or guideline, an Indian tribe and a State may enter into a road maintenance agreement under which an Indian tribe assumes the responsibilities of the State for—

"(A) Indian reservation roads; and

"(B) roads providing access to Indian reservation roads.

"(2) Tribal-state agreements.—Agreements entered into under paragraph (1)—

"(A) shall be negotiated between the State and the Indian tribe; and

"(B) shall not require the approval of the Secretary.

"(3) Annual report.—Effective beginning with fiscal year 2005, the Secretary shall prepare and submit to Congress an annual report that identifies—

"(A) the Indian tribes and States that have entered into agreements under paragraph (1);

"(B) the number of miles of roads for which Indian tribes have assumed maintenance responsibilities; and

"(C) the amount of funding transferred to Indian tribes for the fiscal year under agreements entered into under paragraph (1).".

SEC. 1817. NATIONAL FOREST SYSTEM ROADS.

Section 205 of title 23, United States Code, is amended by adding at the end the following:

"(e) Passages for Aquatic Species.—Of the amounts made available for National Forest System roads, $13,396,226 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath roads in the National Forest System, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate.".

SEC. 1818. TERRITORIAL HIGHWAY PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by striking section 215 and inserting the following:

"§ 215. Territorial highway program

"(a) Definitions.—In this section:

"(1) Program.—The term 'program' means the territorial highway program established under subsection (b).

"(2) Territory.—The term 'territory' means the any of the following territories of the United States:

"(A) American Samoa.

"(B) The Commonwealth of the Northern Mariana Islands.

"(C) Guam.

"(D) The United States Virgin Islands.

"(b) Program.—

"(1) In general.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each territorial government in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—

"(A) designated by the Governor or chief executive officer of each territory; and

"(B) approved by the Secretary.

"(2) Federal share.—The Secretary shall provide Federal financial assistance to territories under this section in accordance with section 120(h).

"(c) Technical Assistance.—

"(1) In general.—To continue a long-range highway development program, the Secretary may provide technical assistance to the governments of the territories to enable the territories to, on a continuing basis—

"(A) engage in highway planning;

"(B) conduct environmental evaluations;

"(C) administer right-of-way acquisition and relocation assistance programs; and

"(D) design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

"(2) Form and terms of assistance.—Technical assistance provided under paragraph (1), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by subsection (e).

"(d) Nonapplicability of Certain Provisions.—

"(1) In general.—Except to the extent that provisions of chapter 1 are determined by the Secretary to be inconsistent with the needs of the territories and the intent of the program, chapter 1 (other than provisions of chapter 1 relating to the apportionment and allocation of funds) shall apply to funds authorized to be appropriated for the program.

"(2) Applicable provisions.—The specific sections of chapter 1 that are applicable to each territory, and the extent of the applicability of those section, shall be identified in the agreement required by subsection (e).

"(e) Agreement.—

"(1) In general.—Except as provided in paragraph (3), none of the funds made available for the program shall be available for obligation or expenditure with respect to any territory until the Governor or chief executive officer of the territory enters into a new agreement with the Secretary (which new agreement shall be entered into not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005), providing that the government of the territory shall—

"(A) implement the program in accordance with applicable provisions of chapter 1 and subsection (d);

"(B) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—

"(i) appropriate for each territory; and

"(ii) approved by the Secretary;

"(C) provide for the maintenance of facilities constructed or operated under this section in a condition to adequately serve the needs of present and future traffic; and

"(D) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.

"(2) Technical assistance.—The new agreement required by paragraph (1) shall—

"(A) specify the kind of technical assistance to be provided under the program;

"(B) include appropriate provisions regarding information sharing among the territories; and

"(C) delineate the oversight role and responsibilities of the territories and the Secretary.

"(3) Review and revision of agreement.—The new agreement entered into under paragraph (1) shall be reevaluated and, as necessary, revised, at least every 2 years.

"(4) Existing agreements.—With respect to an agreement between the Secretary and the Governor or chief executive officer of a territory that is in effect as of the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005—

"(A) the agreement shall continue in force until replaced by a new agreement in accordance with paragraph (1); and

"(B) amounts made available for the program under the agreement shall be available for obligation or expenditure so long as the agreement, or a new agreement under paragraph (1), is in effect.

"(f) Permissible Uses of Funds.—

"(1) In general.—Funds made available for the program may be used only for the following projects and activities carried out in a territory:

"(A) Eligible surface transportation program projects described in section 133(b).

"(B) Cost-effective, preventive maintenance consistent with section 116.

"(C) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

"(D) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

"(E) Studies of the economy, safety, and convenience of highway use.

"(F) The regulation and equitable taxation of highway use.

"(G) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

"(2) Prohibition on use of funds for routine maintenance.—None of the funds made available for the program shall be obligated or expended for routine maintenance.

"(g) Location of Projects.—Territorial highway projects (other than those described in paragraphs (1), (3), and (4) of section 133(b)) may not be undertaken on roads functionally classified as local.".

(b) Conforming Amendments.—

(1) Eligible projects.—Section 103(b)(6) of title 23, United States Code, is amended by striking subparagraph (P) and inserting the following:

"(P) Projects eligible for assistance under the territorial highway program under section 215.".

(2) Funding.—Section 104(b)(1)(A) of title 23, United States Code, is amended by striking "to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands" and inserting "for the territorial highway program authorized under section 215".

(3) Analysis.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 215 and inserting the following:

"215. Territorial highway program.".

SEC. 1819. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

Section 322 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "Not later than" and inserting the following:

"(1) Initial solicitation.—Not later than"; and

(B) by adding at the end the following:

"(2) Additional solicitation.—Not later than 1 year after the date of enactment of this paragraph, the Secretary may solicit additional applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.";

(2) in subsection (e), by striking "Prior to soliciting applications, the Secretary" and inserting "The Secretary";

(3) in subsection (h)(1)—

(A) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) In general.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $13,396,226 for each of fiscal years 2005 through 2009."; and

(B) in subparagraph (B), by striking clause (i) and inserting the following:

"(i) In general.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

"(I) $357,232,704 for fiscal year 2005;

"(II) $370,628,931 for fiscal year 2006;

"(III) $379,559,748 for fiscal year 2007;

"(IV) $388,490,566 for fiscal year 2008; and

"(V) $401,886,792 for fiscal year 2009."; and

(4) by striking subsection (i).

SEC. 1820. DONATIONS AND CREDITS.

Section 323 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (c), by inserting ", or a local government from offering to donate funds, materials, or services performed by local government employees," after "services"; and

(2) striking subsection (e).

SEC. 1821. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—In this section:

(1) Small business concern.—

(A) In general.—The term "small business concern" has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

(B) Exclusion.—The term "small business concern" does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that has average annual gross receipts over the preceding 3 fiscal years in excess of $17,420,000, as adjusted by the Secretary for inflation.

(2) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning given the term under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated under that section, except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this section.

(c) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) Compliance With Court Orders.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

SEC. 1822. [RESERVED.]

SEC. 1823. PRIORITY FOR PEDESTRIAN AND BICYCLE FACILITY ENHANCEMENT PROJECTS.

Section 133(e)(5) of title 23, United States Code, is amended by adding at the end the following:

"(D) Priority for pedestrian and bicycle facility enhancement projects.—The Secretary shall encourage States to give priority to pedestrian and bicycle facility enhancement projects that include a coordinated physical activity or healthy lifestyles program.".

SEC. 1824. THE DELTA REGIONAL AUTHORITY.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1814(a)), is amended by adding at the end the following:

"§ 178. Delta Region transportation development program

"(a) In General.—The Secretary shall carry out a program to—

"(1) support and encourage multistate transportation planning and corridor development;

"(2) provide for transportation project development;

"(3) facilitate transportation decisionmaking; and

"(4) support transportation construction.

"(b) Eligible Recipients.—A State transportation department or metropolitan planning organization may receive and administer funds provided under the program.

"(c) Eligible Activities.—The Secretary shall make allocations under the program for multistate highway and transit planning, development, and construction projects.

"(d) Other Provisions Regarding Eligibility.—All activities funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by section 134 and 135.

"(e) Selection Criteria.—The Secretary shall select projects to be carried out under the program based on—

"(1) whether the project is located—

"(A) in an area that is part of the Delta Regional Authority; and

"(B) on the Federal-aid system;

"(2) endorsement of the project by the State department of transportation; and

"(3) evidence of the ability to complete the project.

"(f) Program Priorities.—In administering the program, the Secretary shall—

"(1) encourage State and local officials to work together to develop plans for multimodal and multijurisdictional transportation decisionmaking; and

"(2) give priority to projects that emphasize multimodal planning, including planning for operational improvements that—

"(A) increase the mobility of people and goods;

"(B) improve the safety of the transportation system with respect to catastrophic—

"(i) natural disasters; or

"(ii) disasters caused by human activity; and

"(C) contribute to the economic vitality of the area in which the project is being carried out.

"(g) Federal Share.—Amounts provided by the Delta Regional Authority to carry out a project under this section shall be applied to the non-Federal share required by section 120.

"(h) Availability of Funds.—Amounts made available to carry out this section shall remain available until expended.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1814(b)), is amended by adding at the end the following:

"178. Delta Region transportation development program.".

SEC. 1825. MULTISTATE INTERNATIONAL CORRIDOR DEVELOPMENT PROGRAM.

(a) Establishment.—The Secretary shall establish a program to develop international trade corridors to facilitate the movement of freight from international ports of entry and inland ports through and to the interior of the United States.

(b) Eligible Recipients.—State transportation departments and metropolitan planning organizations shall be eligible to receive and administer funds provided under the program.

(c) Eligible Activities.—The Secretary shall make allocations under this program for any activity eligible for funding under title 23, United States Code, including multistate highway and multistate multimodal planning and project construction.

(d) Other Provisions Regarding Eligibility.—All activities funded under this program shall be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135 of title 23, United States Code.

(e) Selection Criteria.—The Secretary shall only select projects for corridors—

(1) that have significant levels or increases in truck and traffic volume relating to international freight movement;

(2) connect to at least 1 international terminus or inland port;

(3) traverse at least 3 States; and

(4) are identified by section 1105(c) of the Intermodal Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

(f) Program Priorities.—In administering the program, the Secretary shall—

(1) encourage and enable States and other jurisdictions to work together to develop plans for multimodal and multijurisdictional transportation decisionmaking; and

(2) give priority to studies that emphasize multimodal planning, including planning for operational improvements that increase mobility, freight productivity, access to marine

ports, safety, and security while enhancing the environment.

(g) Federal Share.—The Federal share required for any study carried out under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1826. AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking "$1,500,000 for each of fiscal years 1998 through 2003" and inserting "$1,607,547 for each of fiscal years 2005 through 2009".

Subtitle I—Technical Corrections

SEC. 1901. REPEAL OR UPDATE OF OBSOLETE TEXT.

(a) Letting of Contracts.—Section 112 of title 23, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) Fringe and Corridor Parking Facilities.—Section 137(a) of title 23, United States Code, is amended in the first sentence by striking "on the Federal-aid urban system" and inserting "on a Federal-aid highway".

SEC. 1902. CLARIFICATION OF DATE.

Section 109(g) of title 23, United States Code, is amended in the first sentence by striking "The Secretary" and all that follows through "of 1970" and inserting "Not later than January 30, 1971, the Secretary shall issue".

SEC. 1903. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.

(a) In General.—Section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209) is—

(1) transferred to title 23, United States Code;

(2) redesignated as section 321;

(3) moved to appear after section 320 of that title; and

(4) amended by striking the section heading and inserting the following:

"§ 321. Signs identifying funding sources".

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 320 the following:

"321. Signs identifying funding sources.".

SEC. 1904. INCLUSION OF BUY AMERICA REQUIREMENTS IN TITLE 23.

(a) In General.—Section 165 of the Highway Improvement Act of 1982 (23 U.S.C. 101 note; 96 Stat. 2136) is—

(1) transferred to title 23, United States Code;

(2) redesignated as section 313;

(3) moved to appear after section 312 of that title; and

(4) amended by striking the section heading and inserting the following:

"§ 313. Buy America".

(b) Conforming Amendments.—

(1) The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 312 the following:

"313. Buy America.".

(2) Section 313 of title 23, United States Code (as added by subsection (a)), is amended—

(A) in subsection (a), by striking "by this Act" the first place it appears and all that follows through "of 1978" and inserting "to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or this title";

(B) in subsection (b), by redesignating paragraph (4) as paragraph (3);

(C) in subsection (d), by striking "this Act," and all that follows through "Code, which" and inserting "the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or this title that";

(D) by striking subsection (e); and

(E) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1905. TECHNICAL AMENDMENTS TO NONDISCRIMINATION SECTION.

Section 140 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "subsection (a) of section 105 of this title" and inserting "section 135";

(B) in the second sentence, by striking "He" and inserting "The Secretary";

(C) in the third sentence, by striking "where he considers it necessary to assure" and inserting "if necessary to ensure"; and

(D) in the last sentence—

(i) by striking "him" and inserting "the Secretary" and

(ii) by striking "he" and inserting "the Secretary";

(2) in subsection (b)—

(A) in the first sentence, by striking "highway construction" and inserting "surface transportation"; and

(B) in the second sentence—

(i) by striking "as he may deem necessary" and inserting "as necessary"; and

(ii) by striking "not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and";

(3) in the second sentence of subsection (c)—

(A) by striking "subsection 104(b)(3) of this title" and inserting "section 104(b)(3)"; and

(B) by striking "he may deem"; and

(4) in the heading of subsection (d), by striking "AND CONTRACTING".

TITLE II—TRANSPORTATION RESEARCH

Subtitle A—Funding

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Surface transportation research.—

(A) In general.—For carrying out sections 502, 503, 506, 507, 508, and 511 of title 23, United States Code—

(i) $188,440,252 for fiscal year 2005;

(ii) $192,012,579 for fiscal year 2006;

(iii) $194,691,824 for fiscal year 2007;

(iv) $196,477,987 for fiscal year 2008; and

(v) $199,157,233 for fiscal year 2009.

(B) Surface transportation-environmental cooperative research program.—For each of fiscal years 2005 through 2009, the Secretary shall set aside $17,861,635 of the funds authorized under subparagraph (A) to carry out the surface transportation-environmental cooperative research program under section 507 of title 23, United States Code.

(2) Training and education.—For carrying out section 504 of title 23, United States Code—

(A) $25,006,289 for fiscal year 2005;

(B) $25,899,371 for fiscal year 2006;

(C) $26,792,453 for fiscal year 2007;

(D) $27,685,535 for fiscal year 2008; and

(E) $28,578,616 for fiscal year 2009.

(3) Bureau of transportation statistics.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $25,006,289 for each of fiscal years 2005 through 2009.

(4) ITS standards, research, operational tests, and development.—For carrying out sections 524, 525, 526, 527, 528, and 529 of title 23, United States Code—

(A) $109,849,057 for fiscal year 2005;

(B) $112,528,302 for fiscal year 2006;

(C) $115,207,547 for fiscal year 2007;

(D) $117,886,792 for fiscal year 2008; and

(E) $120,566,038 for fiscal year 2009.

(5) University transportation centers.—For carrying out section 510 of title 23, United States Code $40,188,679 for each of fiscal years 2005 through 2009.

(b) Applicability of Title 23, United States Code.—Funds authorized to be appropriated by subsection (a)—

(1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using the funds shall be the share applicable under section 120(b) of title 23, United States Code, as adjusted under subsection (d) of that section (unless otherwise specified or otherwise determined by the Secretary); and

(2) shall remain available until expended.

(c) Allocations.—

(1) Surface transportation research.—Of the amounts made available under subsection (a)(1)—

(A) $24,113,208 for each of fiscal years 2005 through 2009 shall be available to carry out advanced, high-risk, long-term research under section 502(d) of title 23, United States Code;

(B) $16,075,472 for fiscal year 2005, $15,182,390 for fiscal year 2006, $13,396,226 for fiscal year 2007, $10,716,981 for fiscal year 2008, and $8,930,818 for fiscal year 2009 shall be available to carry out the long-term pavement performance program under section 502(e) of that title;

(C) $5,358,491 for each of fiscal years 2005 through 2009 shall be available to carry out the high-performance concrete bridge research and technology transfer program under section 502(i) of that title, of which $893,082 for each fiscal year shall be used by the Secretary to carry out demonstration projects involving the use of ultra-high-performance concrete with ductility;

(D) $5,358,491 for each of fiscal years 2005 through 2009 shall be made available to carry out research on asphalt used in highway pavements;

(E) $5,358,491 for each of fiscal years 2005 through 2009 shall be made available to carry out research on concrete pavements;

(F) $2,679,245 for each of fiscal years 2005 through 2009 shall be made available to carry out research on aggregates used in highway pavements;

(G) $4,242,138 for each of fiscal years 2005 through 2009 shall be made available for further development and deployment of techniques to prevent and mitigate alkali silica reactivity;

(H) $1,786,164 for fiscal year 2005 shall be remain available until expended for asphalt and asphalt-related reclamation research at the South Dakota School of Mines; and

(I) $2,679,245 for each of fiscal years 2005 through 2009 shall be made available to carry out section 502(f)(3) of title 23, United States Code.

(2) Technology application program.—Of the amounts made available under subsection (a)(1), $53,584,906 for each of fiscal years 2005 through 2009 shall be available to carry out section 503 of title 23, United States Code.

(3) TRAINING AND EDUCATION.—Of the amounts made available under subsection (a)(2)—

(A) $11,163,522 for fiscal year 2005, $11,610,063 for fiscal year 2006, $12,056,604 for fiscal year 2007, $12,503,145 for fiscal year 2008, and $12,949,686 for fiscal year 2009 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);

(B) $13,396,226 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(b) of that title (relating to local technical assistance); and

(C) $2,679,245 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(c)(2) of that title (relating to the Eisenhower Transportation Fellowship Program).

(4) INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.—Of the amounts made available under subsection (a)(1), $446,541 for each of fiscal years 2005 through 2009 shall be available to carry out section 506 of title 23, United States Code.

(5) NEW STRATEGIC HIGHWAY RESEARCH PROGRAM.—For each of fiscal years 2005 through 2009, to carry out section 509 of title 23, United States Code, the Secretary shall set aside—

(A) $13,396,226 of the amounts made available to carry out the interstate maintenance program under section 119 of title 23, United States Code, for the fiscal year;

(B) $16,968,553 of the amounts made available for the National Highway System under section 101 of title 23, United States Code, for the fiscal year;

(C) $11,610,063 of the amounts made available to carry out the bridge program under section 144 of title 23, United States Code, for the fiscal year;

(D) $17,861,635 of the amounts made available to carry out the surface transportation program under section 133 of title 23, United States Code, for the fiscal year;

(E) $4,465,409 of the amounts made available to carry out the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, for the fiscal year; and

(F) $2,679,245 of the amounts made available to carry out the highway safety improvement program under section 148 of title 23, United States Code, for the fiscal year.

(6) COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE PROGRAM.—Of the amounts made available under subsection (a)(4), not less than $26,792,453 for each of fiscal years 2005 through 2009 shall be available to carry out section 527 of title 23, United States Code.

(d) TRANSFERS OF FUNDS.—The Secretary may transfer—

(1) to an amount made available under paragraphs (1), (2), or (4) of subsection (c), not to exceed 10 percent of the amount allocated for a fiscal year under any other of those paragraphs; and

(2) to an amount made available under subparagraphs (A), (B), or (C) of subsection (c)(3), not to exceed 10 percent of the amount allocated for a fiscal year under any other of those subparagraphs.

SEC. 2002. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 2001(a) shall not exceed—

(1) $388,669,286 for fiscal year 2005;

(2) $395,813,942 for fiscal year 2006;

(3) $402,065,516 for fiscal year 2007;

(4) $407,424,008 for fiscal year 2008; and

(5) $413,675,582 for fiscal year 2009.

SEC. 2003. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, notice of that action shall be concurrently provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of the reorganization to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Subtitle B—Research and Technology

SEC. 2101. RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended to read as follows:

“CHAPTER 5—RESEARCH AND TECHNOLOGY

“SUBCHAPTER I—SURFACE TRANSPORTATION

“Sec.
“501. Definitions.
“502. Surface transportation research.
“503. Technology application program.
“504. Training and education.
“505. State planning and research.
“506. International highway transportation outreach program.
“507. Surface transportation-environmental cooperative research program.
“508. Surface transportation research technology deployment and strategic planning.
“509. New strategic highway research program.
“510. University transportation centers.
“511. Multistate corridor operations and management.
“512. Transportation analysis simulation system.

“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM

“521. Finding.
“522. Goals and purposes.
“523. Definitions.
“524. General authorities and requirements.
“525. National ITS Program Plan.
“526. National ITS architecture and standards.
“527. Commercial vehicle intelligent transportation system infrastructure program.
“528. Research and development.
“529. Use of funds.

“SUBCHAPTER I—SURFACE TRANSPORTATION

“§ 501. Definitions

“In this subchapter:

“(1) FEDERAL LABORATORY.—The term ‘Federal laboratory’ includes—

“(A) a Government-owned, Government-operated laboratory; and

“(B) a Government-owned, contractor-operated laboratory.

“(2) SAFETY.—The term ‘safety’ includes highway and traffic safety systems, research, and development relating to—

“(A) vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics;

“(B) accident investigations;

“(C) integrated, interoperable emergency communications;

“(D) emergency medical care; and

“(E) transportation of the injured.

“§ 502. Surface transportation research

“(a) IN GENERAL.—

“(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

“(A) all phases of transportation planning and development (including new technologies, construction, transportation systems management and operations development, design, maintenance, safety, security, financing, data collection and analysis, demand forecasting, multimodal assessment, and traffic conditions); and

“(B) the effect of State laws on the activities described in subparagraph (A).

“(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing, any material, invention, patented article, or process.

“(3) COOPERATION, GRANTS, AND CONTRACTS.—

“(A) IN GENERAL.—The Secretary may carry out this section—

“(i) independently;

“(ii) in cooperation with—

“(I) any other Federal agency or instrumentality; and

“(II) any Federal laboratory; or

“(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with—

“(I) the National Academy of Sciences;

“(II) the American Association of State Highway and Transportation Officials;

“(III) planning organizations;

“(IV) a Federal laboratory;

“(V) a State agency;

“(VI) an authority, association, institution, or organization;

“(VII) a for-profit or nonprofit corporation;

“(VIII) a foreign country; or

“(IX) any other person.

“(B) COMPETITION; REVIEW.—All parties entering into contracts, cooperative agreements or other transactions with the Secretary, or receiving grants, to perform research or provide technical assistance under this section shall be selected, to the maximum extent practicable and appropriate—

“(i) on a competitive basis; and

“(ii) on the basis of the results of peer review of proposals submitted to the Secretary.

“(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508(c).

“(5) FUNDS.—

“(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this section, the Secretary shall use such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose.

“(B) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

“(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities (including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State); and

“(B) Federal laboratories.

“(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

“(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

“(c) CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include as priority areas of effort within the surface transportation research program—

“(1) the development of new technologies and methods in materials, pavements, structures, design, and construction, with the objectives of—

“(A)(i) increasing to 50 years the expected life of pavements;

“(ii) increasing to 100 years the expected life of bridges; and

“(iii) significantly increasing the durability of other infrastructure;

“(B) lowering the life-cycle costs, including—

“(i) construction costs;

“(ii) maintenance costs;

“(iii) operations costs; and

“(vi) user costs.

“(2) the development, and testing for effectiveness, of nondestructive evaluation technologies for civil infrastructure using existing and new technologies;

“(3) the investigation of—

“(A) the application of current natural hazard mitigation techniques to manmade hazards; and

“(B) the continuation of hazard mitigation research combining manmade and natural hazards;

“(4) the improvement of safety—

“(A) at intersections;

“(B) with respect to accidents involving vehicles run off the road; and

“(C) on rural roads;

“(5) the reduction of work zone incursions and improvement of work zone safety;

“(6) the improvement of geometric design of roads for the purpose of safety;

“(7) the examination of data collected through the national bridge inventory conducted under section 144 using the national bridge inspection standards established under section 151, with the objectives of determining whether—

“(A) the most useful types of data are being collected; and

“(B) any improvement could be made in the types of data collected and the manner in which the data is collected, with respect to bridges in the United States;

“(8) the improvement of the infrastructure investment needs report described in subsection (g) through—

“(A) the study and implementation of new methods of collecting better quality data, particularly with respect to performance, congestion, and infrastructure conditions;

“(B) monitoring of the surface transportation system in a system-wide manner, through the use of—

“(i) intelligent transportation system technologies of traffic operations centers; and

“(ii) other new data collection technologies as sources of better quality performance data;

“(C) the determination of the critical metrics that should be used to determine the condition and performance of the surface transportation system; and

“(D) the study and implementation of new methods of statistical analysis and computer models to improve the prediction of future infrastructure investment requirements;

“(9) the development of methods to improve the determination of benefits from infrastructure improvements, including—

“(A) more accurate calculations of benefit-to-cost ratios, considering benefits and impacts throughout local and regional transportation systems;

“(B) improvements in calculating life-cycle costs; and

“(C) valuation of assets;

“(10) the improvement of planning processes to better predict outcomes of transportation projects, including the application of computer simulations in the planning process to predict outcomes of planning decisions;

“(11) the multimodal applications of Geographic Information Systems and remote sensing, including such areas of application as—

“(A) planning;

“(B) environmental decisionmaking and project delivery; and

“(C) freight movement;

“(12) the development and application of methods of providing revenues to the Highway Trust Fund with the objective of offsetting potential reductions in fuel tax receipts;

“(13) the development of tests and methods to determine the benefits and costs to communities of major transportation investments and projects;

“(14) the conduct of extreme weather research, including research to—

“(A) reduce contraction and expansion damage;

“(B) reduce or repair road damage caused by freezing and thawing;

“(C) improve deicing or snow removal techniques;

“(D) develop better methods to reduce the risk of thermal collapse, including collapse from changes in underlying permafrost;

“(E) improve concrete and asphalt installation in extreme weather conditions; and

“(F) make other improvements to protect highway infrastructure or enhance highway safety or performance;

“(15) the improvement of surface transportation planning;

“(16) environmental research;

“(17) transportation system management and operations; and

“(18) any other surface transportation research topics that the Secretary determines, in accordance with the strategic planning process under section 508, to be critical.

“(d) ADVANCED, HIGH-RISK RESEARCH.—

“(1) IN GENERAL.—The Secretary shall establish and carry out, in accordance with the surface transportation research and technology development strategic plan developed under section 508(c) and research priority areas described in subsection (c), an advanced research program that addresses longer-term, higher-risk research with potentially dramatic breakthroughs for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) aspects of highway and intermodal transportation systems.

“(2) PARTNERSHIPS.—In carrying out the program, the Secretary shall seek to develop partnerships with the public and private sectors.

“(3) REPORT.—The Secretary shall include in the strategic plan required under section 508(c) a description of each of the projects, and the amount of funds expended for each project, carried out under this subsection during the fiscal year.

“(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

“(1) AUTHORITY.—The Secretary shall continue, through September 30, 2009, the long-term pavement performance program tests, monitoring, and data analysis.

“(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

“(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

“(B) analyze the data obtained in carrying out subparagraph (A); and

“(C) prepare products to fulfill program objectives and meet future pavement technology needs.

“(3) CONCLUSION OF PROGRAM.—

“(A) SUMMARY REPORT.—The Secretary shall include in the strategic plan required under section 508(c) a report on the initial conclusions of the long-term pavement performance program that includes—

“(i) an analysis of any research objectives that remain to be achieved under the program;

“(ii) an analysis of other associated longer-term expenditures under the program that are in the public interest;

“(iii) a detailed plan regarding the storage, maintenance, and user support of the database, information management system, and materials reference library of the program;

“(iv) a schedule for continued implementation of the necessary data collection and analysis and project plan under the program; and

“(v) an estimate of the costs of carrying out each of the activities described in clauses (i) through (iv) for each fiscal year during which the program is carried out.

“(B) DEADLINE; USEFULNESS OF ADVANCES.—The Secretary shall, to the maximum extent practicable—

“(i) ensure that the long-term pavement performance program is concluded not later than September 30, 2009; and

“(ii) make such allowances as are necessary to ensure the usefulness of the technological advances resulting from the program.

“(f) SEISMIC RESEARCH.—The Secretary shall—

“(1) in consultation and cooperation with Federal agencies participating in the National Earthquake Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704), coordinate the conduct of seismic research;

“(2) take such actions as are necessary to ensure that the coordination of the research is consistent with—

“(A) planning and coordination activities of the Director of the Federal Emergency Management Agency under section 5(b)(1) of that Act (42 U.S.C. 7704(b)(1)); and

“(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of that Act (42 U.S.C. 7705b(b)); and

“(3) in cooperation with the Center for Civil Engineering Research at the University of Nevada, Reno, carry out a seismic research program—

“(A) to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity;

“(B) to develop and implement cost-effective methods to reduce the vulnerability; and

“(C) to conduct seismic research and upgrade earthquake simulation facilities as necessary to carry out the program.

“(g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

“(1) IN GENERAL.—Not later than July 31, 2005, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(A) estimates of the future highway and bridge needs of the United States; and

“(B) the backlog of current highway and bridge needs.

“(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in the previous biennial reports.

“(h) SECURITY RELATED RESEARCH AND TECHNOLOGY TRANSFER ACTIVITIES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary, in consultation with the Secretary of Homeland Security, with key stakeholder input (including State transportation departments) shall develop a 5-year strategic plan for research and technology transfer and deployment activities pertaining to the security aspects of highway infrastructure and operations.

“(2) COMPONENTS OF PLAN.—The plan shall include—

“(A) an identification of which agencies are responsible for the conduct of various research and technology transfer activities;

“(B) a description of the manner in which those activities will be coordinated; and

“(C) a description of the process to be used to ensure that the advances derived from relevant activities supported by the Federal Highway Administration are consistent with the operational guidelines, policies, recommendations, and regulations of the Department of Homeland Security; and

“(D) a systematic evaluation of the research that should be conducted to address, at a minimum—

“(i) vulnerabilities of, and measures that may be taken to improve, emergency response capabilities and evacuations;

“(ii) recommended upgrades of traffic management during crises;

“(iii) integrated, interoperable emergency communications among the public, the military, law enforcement, fire and emergency medical services, and transportation agencies;

“(iv) protection of critical, security-related infrastructure; and

“(v) structural reinforcement of key facilities.

“(3) SUBMISSION.—On completion of the plan under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) a copy of the plan developed under paragraph (1); and

“(B) a copy of a memorandum of understanding specifying coordination strategies and assignment of responsibilities covered by the plan that is signed by the Secretary and the Secretary of Homeland Security.

“(i) HIGH-PERFORMANCE CONCRETE BRIDGE RESEARCH AND TECHNOLOGY TRANSFER PROGRAM.—In accordance with the objectives described in subsection (c)(1) and the requirements under sections 503(b)(4) and 504(b), the Secretary shall carry out a program to demonstrate the application of high-performance concrete in the construction and rehabilitation of bridges.

“(j) BIOBASED TRANSPORTATION RESEARCH.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $16,075,472 for each of fiscal years 2005 through 2009 equally divided and available to carry out biobased research of national importance at the National Biodiesel Board and at research centers identified in section 9011 of Public Law 107–171.

“§ 503. Technology application program

“(a) TECHNOLOGY APPLICATION INITIATIVES AND PARTNERSHIPS PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary, in consultation with interested stakeholders, shall develop and administer a national technology and innovation application initiatives and partnerships program.

“(2) PURPOSE.—The purpose of the program shall be to significantly accelerate the adoption of technology and innovation by the surface transportation community.

“(3) APPLICATION GOALS.—

“(A) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary, in consultation with the Surface Transportation Research Technology Advisory Committee, State transportation departments, and other interested stakeholders, shall establish, as part of the surface transportation research and technology development strategic plan under section 508(c), goals to carry out paragraph (1).

“(B) DESIGN.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.

“(C) STRATEGIES FOR ACHIEVEMENT.—For each goal, the Secretary, in cooperation with representatives of the transportation community, such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

“(4) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities carried out under this subsection with the efforts of the Secretary to—

“(A) disseminate the results of research sponsored by the Secretary; and

“(B) facilitate technology transfer.

“(5) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

“(6) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology.

“(7) REPORTS.—The results and progress of activities carried out under this section shall be published as part of the annual transportation research report prepared by the Secretary under section 508(c)(5).

“(8) ALLOCATION.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for use by those States.

“(b) INNOVATIVE SURFACE TRANSPORTATION INFRASTRUCTURE RESEARCH AND CONSTRUCTION PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a program for the application of innovative material, design, and construction technologies in the construction, preservation, and rehabilitation of elements of surface transportation infrastructure.

“(2) GOALS.—The goals of the program shall include—

“(A) the development of new, cost-effective, and innovative materials;

“(B) the reduction of maintenance costs and life-cycle costs of elements of infrastructure, including the costs of new construction, replacement, and rehabilitation;

“(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

“(D) the development of engineering design criteria for innovative products and materials for use in surface transportation infrastructure;

“(E) the development of highway bridges and structures that will withstand natural disasters and disasters caused by human activity; and

“(F) the development of new, nondestructive technologies and techniques for the evaluation of elements of transportation infrastructure.

“(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

“(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

“(i) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations, to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials and methods; and “(ii) States, to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of elements of surface transportation infrastructure that demonstrate the application of innovative materials and methods.

“(B) APPLICATIONS.—

“(i) IN GENERAL.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

“(ii) APPROVAL.—The Secretary shall select and approve an application based on whether the proposed project that is the subject of the application would meet the goals described in paragraph (2).

“(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to—

“(A) ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties, as specified by the Secretary; and

“(B) encourage the use of the information and technology.

“(5) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

“§ 504. Training and education

“(a) NATIONAL HIGHWAY INSTITUTE.—

“(1) IN GENERAL.—The Secretary shall—

“(A) operate, in the Federal Highway Administration, a National Highway Institute (referred to in this subsection as the ‘Institute’); and

“(B) administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

“(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, industries in the United States, and national or international entities, the Institute shall develop and administer education and training programs of instruction for—

“(A) Federal Highway Administration, State, and local transportation agency employees;

“(B) regional, State, and metropolitan planning organizations;

“(C) State and local police, public safety, and motor vehicle employees; and

“(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

“(3) COURSES.—

“(A) IN GENERAL.—The Institute shall—

“(i) develop or update existing courses in asset management, including courses that include such components as—

“(I) the determination of life-cycle costs;

“(II) the valuation of assets;

“(III) benefit-to-cost ratio calculations; and

“(IV) objective decisionmaking processes for project selection; and

“(ii) continually develop courses relating to the application of emerging technologies for—

“(I) transportation infrastructure applications and asset management;

“(II) intelligent transportation systems;

“(III) operations (including security operations);

“(IV) the collection and archiving of data;

“(V) expediting the planning and development of transportation projects; and

“(VI) the intermodal movement of individuals and freight.

“(B) ADDITIONAL COURSES.—In addition to the courses developed under subparagraph (A), the Institute, in consultation with State transportation departments, metropolitan planning organizations, and the American Association of State Highway and Transportation Officials, may develop courses relating to technology, methods, techniques, engineering, construction, safety, maintenance, environmental mitigation and compliance, regulations, management, inspection, and finance.

“(C) REVISION OF COURSES OFFERED.—The Institute shall periodically—

“(i) review the course inventory of the Institute; and

“(ii) revise or cease to offer courses based on course content, applicability, and need.

“(4) ELIGIBILITY; FEDERAL SHARE.—The funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

“(5) FEDERAL RESPONSIBILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

“(i) by the Secretary, at no cost to the States and local governments, if the Secretary determines that provision at no cost is in the public interest; or

“(ii) by the State, through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

“(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training (including the cost of course development) received by the agencies, entities, and individuals, unless the Secretary determines that payment of a lesser amount of the cost is of critical importance to the public interest.

“(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

“(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

“(B) exercise the authority of the Institute independently or in cooperation with any—

“(i) other Federal or State agency;

“(ii) association, authority, institution, or organization;

“(iii) for-profit or nonprofit corporation;

“(iv) national or international entity;

“(v) foreign country; or

“(vi) person.

“(7) COLLECTION OF FEES.—

“(A) IN GENERAL.—In accordance with this subsection, the Institute may assess and collect fees to defray the costs of the Institute in developing or administering education and training programs under this subsection.

“(B) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

“(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

“(ii) persons and entities to whom education or training is provided under this subsection.

“(C) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

“(D) USE.—All fees collected under this subsection shall be used, without further appropriation, to defray costs associated with the development or administration of education and training programs authorized under this subsection.

“(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under—

“(A) paragraph (7);

“(B) memoranda of understanding;

“(C) regional compacts; and

“(D) other similar agreements.

“(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

“(A) highway and transportation agencies in urbanized areas;

“(B) highway and transportation agencies in rural areas;

“(C) contractors that perform work for the agencies; and

“(D) infrastructure security.

“(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

“(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

“(i) develop and expand expertise in road and transportation areas (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures);

“(ii) improve roads and bridges;

“(iii) enhance—

“(I) programs for the movement of passengers and freight; and

“(II) intergovernmental transportation planning and project selection; and

“(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

“(B) develop technical assistance for tourism and recreational travel;

“(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);

“(D) operate, in cooperation with State transportation departments and universities—

“(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas; and

“(ii) local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and

“(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

“(c) Research Fellowships.—

“(1) General authority.—The Secretary, acting independently or in cooperation with other Federal agencies and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

“(2) Dwight David Eisenhower Transportation Fellowship Program.—The Secretary shall establish and implement a transportation research fellowship program, to be known as the ‘Dwight David Eisenhower Transportation Fellowship Program’, for the purpose of attracting qualified students to the field of transportation.

“§ 505. State planning and research

“(a) In General.—Two percent of the sums apportioned to a State for fiscal year 2005 and each fiscal year thereafter under sections 104 (other than subsections (f) and (h)) and 144 shall be available for expenditure by the State, in consultation with the Secretary, only for—

“(1) the conduct of engineering and economic surveys and investigations;

“(2) the planning of—

“(A) future highway programs and local public transportation systems; and

“(B) the financing of those programs and systems, including metropolitan and statewide planning under sections 134 and 135;

“(3) the development and implementation of management systems under section 303;

“(4) the conduct of studies on—

“(A) the economy, safety, and convenience of surface transportation systems; and

“(B) the desirable regulation and equitable taxation of those systems;

“(5) research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems;

“(6) the conduct of studies, research, and training relating to the engineering standards and construction materials for surface transportation systems described in paragraph (5) (including the evaluation and accreditation of inspection and testing and the regulation of and charging for the use of the standards and materials); and

“(7) the conduct of activities relating to the planning of real-time monitoring elements.

“(b) Minimum Expenditures on Research, Development, and Technology Transfer Activities.—

“(1) In general.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be expended by the State for research, development, and technology transfer activities that—

“(A) are described in subsection (a); and

“(B) relate to highway, public transportation, and intermodal transportation systems.

“(2) Waivers.—The Secretary may waive the application of paragraph (1) with respect to a State for a fiscal year if—

“(A) the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the funds described in paragraph (1); and

“(B) the Secretary accepts the certification of the State.

“(3) Nonapplicability of assessment.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

“(c) Federal Share.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.

“(d) Administration of Sums.—Funds subject to subsection (a) shall be—

“(1) combined and administered by the Secretary as a single fund; and

“(2) available for obligation for the period described in section 118(b)(2).

“(e) Eligible Use of State Planning and Research Funds.—A State, in coordination with the Secretary, may obligate funds made available to carry out this section for any purpose authorized under section 506(a).

“§ 506. International highway transportation outreach program

“(a) Establishment.—The Secretary may establish an international highway transportation outreach program—

“(1) to inform the United States highway community of technological innovations in foreign countries that could significantly improve highway transportation in the United States;

“(2) to promote United States highway transportation expertise, goods, and services in foreign countries; and

“(3) to increase transfers of United States highway transportation technology to foreign countries.

“(b) Activities.—Activities carried out under the program may include—

“(1) the development, monitoring, assessment, and dissemination in the United States of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the United States;

“(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

“(3) the provision to foreign countries, through participation in trade shows, seminars, expositions, and other similar activities, of information relating to the technical quality of United States highway transportation goods and services;

“(4) the offering of technical services of the Federal Highway Administration that cannot be readily obtained from private sector firms in the United States for incorporation into the proposals of those firms undertaking highway transportation projects outside the United States, if the costs of the technical services will be recovered under the terms of the project;

“(5) the conduct of studies to assess the need for, or feasibility of, highway transportation improvements in foreign countries; and

“(6) the gathering and dissemination of information on foreign transportation markets and industries.

“(c) Cooperation.—The Secretary may carry out this section in cooperation with any appropriate—

“(1) Federal, State, or local agency;

“(2) authority, association, institution, or organization;

“(3) for-profit or nonprofit corporation;

“(4) national or international entity;

“(5) foreign country; or

“(6) person.

“(d) Funds.—

“(1) Contributions.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person into a special account of the Treasury established for this purpose.

“(2) Eligible uses of funds.—The funds deposited into the account, and other funds available to carry out this section, shall be available to cover the cost of any activity eligible under this section, including the cost of—

“(A) promotional materials;

“(B) travel;

“(C) reception and representation expenses; and

“(D) salaries and benefits.

“(3) Reimbursements for salaries and benefits.—Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the account.

“(e) Report—For each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the destinations and individual trip costs of international travel conducted in carrying out activities described in this section.

“§ 507. Surface transportation-environmental cooperative research program

“(a) In General.—The Secretary shall establish and carry out a surface transportation-environmental cooperative research program.

“(b) Contents.—The program carried out under this section may include research—

“(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments (including metropolitan planning organizations) in designing implementation plans to meet Federal, State, and local environmental requirements;

“(2) to improve understanding of the factors that contribute to the demand for transportation;

“(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

“(4) to meet additional priorities as determined by the Secretary in the strategic planning process under section 508; and

“(5) to refine, through the conduct of workshops, symposia, and panels, and in consultation with stakeholders (including the Department of Energy, the Environmental Protection Agency, and other appropriate Federal and State agencies and associations) the scope and research emphases of the program.

“(c) Program Administration.—The Secretary shall—

“(1) administer the program established under this section; and

“(2) ensure, to the maximum extent practicable, that—

“(A) the best projects and researchers are selected to conduct research in the priority areas described in subsection (b)—

“(i) on the basis of merit of each submitted proposal; and

“(ii) through the use of open solicitations and selection by a panel of appropriate experts;

“(B) a qualified, permanent core staff with the ability and expertise to manage a large multiyear budget is used;

“(C) the stakeholders are involved in the governance of the program, at the executive, overall program, and technical levels, through the use of expert panels and committees; and

“(D) there is no duplication of research effort between the program established under this section and the new strategic highway research program established under section 509.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsections (b) and (c) as the Secretary determines to be appropriate.

"§ 508. Surface transportation research technology deployment and strategic planning

"(a) PLANNING.—

"(1) ESTABLISHMENT.—The Secretary shall—

"(A) establish, in accordance with section 306 of title 5, a strategic planning process that—

"(i) enhances effective implementation of this section through the establishment in accordance with paragraph (2) of the Surface Transportation Research Technology Advisory Committee; and

"(ii) focuses on surface transportation research funded through paragraphs (1), (2), (4), and (5) of section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, taking into consideration national surface transportation system needs and intermodality requirements;

"(B) coordinate Federal surface transportation research, technology development, and deployment activities;

"(C) at such intervals as are appropriate and practicable, measure the results of those activities and the ways in which the activities affect the performance of the surface transportation systems of the United States; and

"(D) ensure, to the maximum extent practicable, that planning and reporting activities carried out under this section are coordinated with all other surface transportation planning and reporting requirements.

"(2) SURFACE TRANSPORTATION RESEARCH TECHNOLOGY ADVISORY COMMITTEE.—

"(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall establish a committee to be known as the 'Surface Transportation Research Technology Advisory Committee' (referred to in this section as the 'Committee').

"(B) MEMBERSHIP.—The Committee shall be composed of 12 members appointed by the Secretary—

"(i) each of which shall have expertise in a particular area relating to Federal surface transportation programs, including—

"(I) safety;

"(II) operations;

"(III) infrastructure (including pavements and structures);

"(IV) planning and environment;

"(V) policy; and

"(VI) asset management; and

"(ii) of which—

"(I) 3 members shall be individuals representing the Federal Government;

"(II) 3 members—

"(aa) shall be exceptionally qualified to serve on the Committee, as determined by the Secretary, based on education, training, and experience; and

"(bb) shall not be officers or employees of the United States;

"(III) 3 members—

"(aa) shall represent the transportation industry (including the pavement industry); and

"(bb) shall not be officers or employees of the United States; and

"(IV) 3 members shall represent State transportation departments from 3 different geographical regions of the United States.

"(C) MEETINGS.—The advisory subcommittees shall meet on a regular basis, but not less than twice each year.

"(D) DUTIES.—The Committee shall provide to the Secretary, on a continuous basis, advice and guidance relating to—

"(i) the determination of surface transportation research priorities;

"(ii) the improvement of the research planning and implementation process;

"(iii) the design and selection of research projects;

"(iv) the review of research results;

"(v) the planning and implementation of technology transfer activities and

"(vi) the formulation of the surface transportation research and technology deployment and deployment strategic plan required under subsection (c).

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $178,616 for each fiscal year.

"(b) IMPLEMENTATION.—The Secretary shall—

"(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities; and

"(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs.

"(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEPLOYMENT STRATEGIC PLAN.—

"(1) IN GENERAL.—After receiving, and based on, extensive consultation and input from stakeholders representing the transportation community and the Surface Transportation Research Advisory Committee, the Secretary shall, not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, complete, and shall periodically update thereafter, a strategic plan for each of the core surface transportation research areas, including—

"(A) safety;

"(B) operations;

"(C) infrastructure (including pavements and structures);

"(D) planning and environment;

"(E) policy; and

"(F) asset management.

"(2) COMPONENTS.—The strategic plan shall specify—

"(A) surface transportation research objectives and priorities;

"(B) specific surface transportation research projects to be conducted;

"(C) recommended technology transfer activities to promote the deployment of advances resulting from the surface transportation research conducted; and

"(D) short- and long-term technology development and deployment activities.

"(3) REVIEW AND SUBMISSION OF FINDINGS.—The Secretary shall enter into a contract with the Transportation Research Board of the National Academy of Sciences, on behalf of the Research and Technology Coordinating Committee of the National Research Council, under which—

"(A) the Transportation Research Board shall—

"(i) review the research and technology planning and implementation process used by Federal Highway Administration; and

"(ii) evaluate each of the strategic plans prepared under this subsection—

"(I) to ensure that sufficient stakeholder input is being solicited and considered throughout the preparation process; and

"(II) to offer recommendations relevant to research priorities, project selection, and deployment strategies; and

"(B) the Secretary shall ensure that the Research and Technology Coordinating Committee, in a timely manner, informs the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the findings of the review and evaluation under subparagraph (A).

"(4) RESPONSES OF SECRETARY.—Not later than 60 days after the date of completion of the strategic plan under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written responses to each of the recommendations of the Research and Technology Coordinating Committee under paragraph (3)(A)(ii)(II).

"(d) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 31.

"§ 509. New strategic highway research program

"(a) IN GENERAL.—The National Research Council shall establish and carry out, through fiscal year 2009, a new strategic highway research program.

"(b) BASIS; PRIORITIES.—With respect to the program established under subsection (a)—

"(1) the program shall be based on—

"(A) National Research Council Special Report No. 260, entitled 'Strategic Highway Research'; and

"(B) the results of the detailed planning work subsequently carried out to scope the research areas through National Cooperative Research Program Project 20–58.

"(2) the scope and research priorities of the program shall—

"(A) be refined through stakeholder input in the form of workshops, symposia, and panels; and

"(B) include an examination of—

"(i) the roles of highway infrastructure, drivers, and vehicles in fatalities on public roads;

"(ii) high-risk areas and activities associated with the greatest numbers of highway fatalities;

"(iii) the roles of various levels of government agencies and non-governmental organizations in reducing highway fatalities (including recommendations for methods of strengthening highway safety partnerships);

"(iv) measures that may save the greatest number of lives in the short- and long-term;

"(v) renewal of aging infrastructure with minimum impact on users of facilities;

"(vi) driving behavior and likely crash causal factors to support improved countermeasures;

"(vii) reduction in congestion due to nonrecurring congestion;

"(viii) planning and designing of new road capacity to meet mobility, economic, environmental, and community needs;

“(3) the program shall consider, at a minimum, the results of studies relating to the implementation of the Strategic Highway Safety Plan prepared by the American Association of State Highway and Transportation Officials; and

“(4) the research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers as soon as practicable for their use.

“(c) Program Administration.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

“(1) the best projects and researchers are selected to conduct research for the program and priorities described in subsection (b)—

“(A) on the basis of the merit of each submitted proposal; and

“(B) through the use of open solicitations and selection by a panel of appropriate experts;

“(2) the National Research Council acquires a qualified, permanent core staff with the ability and expertise to manage a large research program and multiyear budget;

“(3) the stakeholders are involved in the governance of the program, at the executive, overall program, and technical levels, through the use of expert panels and committees; and

“(4) there is no duplication of research effort between the program established under this section and the surface transportation-environment cooperative research program established under section 507 or any other research effort of the Department.

“(d) National Academy of Sciences.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to research, technology, and technology transfer described in subsections (b) and (c) as the Secretary determines to be appropriate.

“(e) Report on Implementation of Results.—

“(1) In general.—Not later than October 1, 2007, the Secretary shall enter into a contract with the Transportation Research Board of the National Academy of Sciences under which the Transportation Research Board shall complete a report on the strategies and administrative structure to be used for implementation of the results of new strategic highway research program.

“(2) Components.—The report under paragraph (1) shall include, with respect to the new strategic highway research program—

“(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

“(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

“(C) an estimate of costs that would be incurred in expediting implementation of those results; and

“(D) recommendations for the way in which implementation of the results of the program under this section should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those responsibilities.

“(3) Consultation.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

“(A) the American Association of State highway Officials;

“(B) the Federal Highway Administration; and

“(C) the Surface Transportation Research Technology Advisory Committee.

“(4) Submission.—Not later than February 1, 2009, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under this subsection.

“§ 510. University transportation centers

“(a) Centers.—

“(1) In general.—During fiscal year 2005, the Secretary shall provide grants to 40 nonprofit institutions of higher learning (or consortia of institutions of higher learning) to establish centers to address transportation design, management, research, development, and technology matters, especially the education and training of greater numbers of individuals to enter into the professional field of transportation.

“(2) Distribution of centers.—Not more than 1 university transportation center (or lead university in a consortia of institutions of higher learning), other than a center or university selected through a competitive process, may be located in any State.

“(3) Identification of centers.—The university transportation centers established under this section shall—

“(A) comply with applicable requirements under subsection (c); and

“(B) be located at the institutions of higher learning specified in paragraph (4).

“(4) Identification of groups.—For the purpose of making grants under this subsection, the following grants are identified:

“(A) Group A.—Group A shall consist of the 10 regional centers selected under subsection (b).

“(B) Group B.—Group B shall consist of the following:

“(i) [ ].
“(ii) [ ].
“(iii) [ ].
“(iv) [ ].
“(v) [ ].
“(vi) [ ].
“(vii) [ ].
“(viii) [ ].
“(ix) [ ].
“(x) [ ].
“(xi) [ ].

“(C) Group C.—Group C shall consist of the following:

“(i) [ ].
“(ii) [ ].
“(iii) [ ].
“(iv) [ ].
“(v) [ ].
“(vi) [ ].
“(vii) [ ].
“(viii) [ ].
“(ix) [ ].
“(x) [ ].
“(xi) [ ].

“(D) Group D.—Group D shall consist of the following:

“(i) [ ].
“(ii) [ ].
“(iii) [ ].
“(iv) [ ].
“(v) [ ].
“(vi) [ ].
“(vii) [ ].
“(viii) [ ].

“(b) Regional Centers.—

“(1) In general.—Not later than September 30, 2005, the Secretary shall provide to nonprofit institutions of higher learning (or consortia of institutions of higher learning) grants to be used during the period of fiscal years 2005 through 2009 to establish and operate 1 university transportation center in each of the 10 Federal regions that comprise the Standard Federal Regional Boundary System.

“(2) Selection of regional centers.—

“(A) Proposals.—In order to be eligible to receive a grant under this subsection, an institution described in paragraph (1) shall submit to the Secretary a proposal, in response to any request for proposals that shall be made by the Secretary, that is in such form and contains such information as the Secretary shall prescribe.

“(B) Request schedule.—The Secretary shall request proposals once for the period of fiscal years 2005 and 2006 and once for the period of fiscal years 2007 through 2009.

“(C) Eligibility.—Any institution of higher learning (or consortium of institutions of higher learning) that meets the criteria described in subsection (c) (including any institution identified in subsection (a)(4)) may apply for a grant under this subsection.

“(D) Selection criteria.—The Secretary shall select each recipient of a grant under this subsection through a competitive process on the basis of—

“(i) the location of the center within the Federal region to be served;

“(ii) the demonstrated research capabilities and extension resources available to the recipient to carry out this section;

“(iii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems;

“(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program; and

“(v) the strategic plan that the recipient proposes to carry out using funds from the grant.

“(E) Selection process.—In selecting the recipients of grants under this subsection, the Secretary shall consult with, and consider the advice of—

“(i) the Research and Special Programs Administration;

“(ii) the Federal Highway Administration; and

“(iii) the Federal Transit Administration.

“(c) Center Requirements.—

“(1) In general.—With respect to a university transportation center established under subsection (a) or (b), the institution or consortium that receives a grant to establish the center—

“(A) shall annually contribute at least $250,000 to the operation and maintenance of the center, except that payment by the institution or consortium of the salary required for transportation-related faculty and staff for a period greater than 90 days may not be counted against that contribution;

“(B) shall have established, as of the date of receipt of the grant, undergraduate or graduate programs in—

“(i) civil engineering;

“(ii) transportation engineering;

“(iii) transportation systems management and operations; or

“(iv) any other field significantly related to surface transportation systems, as determined by the Secretary; and

“(C) not later than 120 days after the date on which the institution or consortium receives notice of selection as a site for the establishment of a university transportation center under this section, shall submit to the Secretary a 6-year program plan for the university transportation center that includes, with respect to the center—

‘‘(i) a description of the purposes of programs to be conducted by the center;

‘‘(ii) a description of the undergraduate and graduate transportation education efforts to be carried out by the center;

‘‘(iii) a description of the nature and scope of research to be conducted by the center;

‘‘(iv) a list of personnel, including the roles and responsibilities of those personnel within the center; and

‘‘(v) a detailed budget, including the amount of contributions by the institution or consortium to the center; and

‘‘(D) shall establish an advisory committee that—

‘‘(i) is composed of a representative from each of the State transportation department of the State in which the institution or consortium is located, the Department of Transportation, and the institution or consortia, as appointed by those respective entities;

‘‘(ii) in accordance with paragraph (2), shall review and approve or disapprove the plan of the institution or consortium under subparagraph (C); and

‘‘(iii) shall, to the maximum extent practicable, ensure that the proposed research to be carried out by the university transportation center will contribute to the national highway research and technology agenda, as periodically updated by the Secretary, in consultation with stakeholders representing the highway community.

‘‘(2) PEER REVIEW.—

‘‘(A) IN GENERAL.—The Secretary shall require peer review for each report on research carried out using funds made available for this section.

‘‘(B) PURPOSES OF PEER REVIEW.—Peer review of a report under this section shall be carried out to evaluate—

‘‘(i) the relevance of the research described in the report with respect to the strategic plan under, and the goals of, this section;

‘‘(ii) the research covered by the report, and to recommend modifications to individual project plans;

‘‘(iii) the results of the research before publication of those results; and

‘‘(iv) the overall outcomes of the research.

‘‘(C) INTERNET AVAILABILITY.—Each report under this section that is received by the Secretary shall be published—

‘‘(i) by the Secretary, on the Internet website of the Department of Transportation; and

‘‘(ii) by the University Transportation Center.

‘‘(3) APPROVAL OF PLANS.—A plan of an institution or consortium described in paragraph (1)(C) shall not be submitted to the Secretary until such time as the advisory committee established under paragraph (1)(D) reviews and approves the plan.

‘‘(4) FAILURE TO COMPLY.—If a recipient of a grant under this subsection fails to submit a program plan acceptable to the Secretary and in accordance with paragraph (1)(C)—

‘‘(A) the recipient shall forfeit the grant and the selection of the recipient as a site for the establishment of a university transportation center; and

‘‘(B) the Secretary shall select a replacement recipient for the forfeited grant.

‘‘(5) APPLICABILITY.—This subsection does not apply to any research funds received in accordance with a competitive contract offered and entered into by the Federal Highway Administration.

‘‘(d) OBJECTIVES.—Each university transportation center established under subsection (a) or (b) shall carry out—

‘‘(1) undergraduate or graduate education programs that include—

‘‘(A) multidisciplinary coursework; and

‘‘(B) opportunities for students to participate in research;

‘‘(2) basic and applied research, the results and products of which shall be judged by peers or other experts in the field so as to advance the body of knowledge in transportation; and

‘‘(3) an ongoing program of technology transfer that makes research results available to potential users in such form as will enable the results to be implemented, used, or otherwise applied.

‘‘(e) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this section, an applicant shall—

‘‘(1) enter into an agreement with the Secretary to ensure that the applicant will maintain total expenditures from all other sources to establish and operate a university transportation center and related educational and research activities at a level that is at least equal to the average level of those expenditures during the 2 fiscal years before the date on which the grant is provided;

‘‘(2) provide the annual institutional contribution required under subsection (c)(1); and

‘‘(3) submit to the Secretary, in a timely manner, for use by the Secretary in the preparation of the annual research report under section 508(c)(5) of title 23, an annual report on the projects and activities of the university transportation center for which funds are made available under section 2001 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 that contains, at a minimum, for the fiscal year covered by the report, a description of—

‘‘(A) the goals of the center;

‘‘(B) the educational activities carried out by the center (including a detailed summary of the budget for those educational activities);

‘‘(C) teaching activities of faculty at the center;

‘‘(D) each research project carried out by the center, including—

‘‘(i) the identity and location of each investigator working on a research project;

‘‘(ii) the overall funding amount for each research project (including the amounts expended for the project as of the date of the report);

‘‘(iii) the current schedule for each research project; and

‘‘(iv) the results of each research project through the date of submission of the report, with particular emphasis on results for the fiscal year covered by the report; and

‘‘(E) overall technology transfer and implementation efforts of the center.

‘‘(f) PROGRAM COORDINATION.—The Secretary shall—

‘‘(1) coordinate the research, education, training, and technology transfer activities carried out by recipients of grants under this section; and

‘‘(2) establish and operate a clearinghouse for, and disseminate, the results of those activities.

‘‘(g) FUNDING.—

‘‘(1) NUMBER AND AMOUNT OF GRANTS.—The Secretary shall make the following grants under this subsection:

‘‘(A) GROUP A.—For each of fiscal years 2005 through 2009, the Secretary shall make a grant in the amount of $893,082 to each of the institutions in group A (as described in subsection (a)(4)(A)).

‘‘(B) GROUP B.—The Secretary shall make a grant to each of the institutions in group B (as described in subsection (a)(4)(B)) in the amount of—

‘‘(i) $357,240 for fiscal year 2005; and

‘‘(ii) $535,860 for each of fiscal years 2006 and 2007.

‘‘(C) GROUP C.—For each of fiscal years 2005 through 2007, the Secretary shall make a grant in the amount of $893,082 to each of the institutions in group C (as described in subsection (a)(4)(C)).

‘‘(D) GROUP D.—For each of fiscal years 2005 through 2009, the Secretary shall make a grant in the amount of $1,786,164 to each of the institutions in group D (as described in subsection (a)(4)(D)).

‘‘(E) LIMITED GRANTS FOR GROUPS B AND C.—For each of fiscal years 2008 and 2009, of the institutions classified in groups B and C (as described in subsection (a)(4)(B)), the Secretary shall select and make grants in an amount totaling $35,724,000 to not more than 15 institutions.

‘‘(2) USE OF FUNDS—

‘‘(A) IN GENERAL.—Of the funds made available for a fiscal year to a university transportation center established under subsection (a) or (b)—

‘‘(i) not less than $250,000 shall be used to establish and maintain new faculty positions for the teaching of undergraduate, transportation-related courses;

‘‘(ii) not more than $500,000 for the fiscal year, or $1,000,000 in the aggregate, may be used to construct or improve transportation-related laboratory facilities; and

‘‘(iii) not more than $300,000 for the fiscal year may be used for student internships of not more than 180 days in duration to enable students to gain experience by working on transportation projects as interns with design or construction firms.

‘‘(B) FACILITIES AND ADMINISTRATION FEE.—Not more than 10 percent of any grant made available to a university transportation center (or any institution or consortium that establishes such a center) for a fiscal year may be used to pay to the appropriate nonprofit institution of higher learning any administration and facilities fee (or any similar overhead fee) for the fiscal year.

‘‘(3) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available under this subsection shall remain available for obligation for a period of 2 years after September 30 of the fiscal year for which the funds are authorized.

‘‘§ 511. Multistate corridor operations and management

‘‘(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations.

‘‘(b) INTERSTATE ROUTE I–95 CORRIDOR COALITION TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

‘‘(1) IN GENERAL.—The Secretary shall make grants under this subsection to States to continue intelligent transportation system management and operations in the Interstate Route I–95 corridor coalition region initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

‘‘(2) FUNDING.—Of the amounts made available under section 2001(a)(4) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall use to carry out this subsection—

‘‘(A) $8,930,818 for fiscal year 2005;

‘‘(B) $10,716,981 for fiscal year 2006;

‘‘(C) $10,716,981 for fiscal year 2007;

‘‘(D) $10,716,981 for fiscal year 2008; and

‘‘(E) $10,716,981 for fiscal year 2009.

"§512. Transportation analysis simulation system

"(a) Continuation of TRANSIMS Development.—

"(1) In General.—The Secretary shall continue the deployment of the advanced transportation model known as the 'Transportation Analysis Simulation System' (referred to in this section as 'TRANSIMS') developed by the Los Alamos National Laboratory.

"(2) Requirements and considerations.—In carrying out paragraph (1), the Secretary shall—

"(A) further improve TRANSIMS to reduce the cost and complexity of using the TRANSIMS;

"(B) continue development of TRANSIMS for applications to facilitate transportation planning, regulatory compliance, and response to natural disasters and other transportation disruptions; and

"(C) assist State transportation departments and metropolitan planning organizations, especially smaller metropolitan planning organizations, in the implementation of TRANSIMS by providing training and technical assistance.

"(b) Eligible Activities.—The Secretary shall use funds made available to carry out this section—

"(1) to further develop TRANSIMS for additional applications, including—

"(A) congestion analyses;

"(B) major investment studies;

"(C) economic impact analyses;

"(D) alternative analyses;

"(E) freight movement studies;

"(F) emergency evacuation studies;

"(G) port studies; and

"(H) airport access studies;

"(2) provide training and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with responsibility for travel modeling;

"(3) develop methods to simulate the national transportation infrastructure as a single, integrated system for the movement of individuals and goods;

"(4) provide funding to State transportation departments and metropolitan planning organizations for implementation of TRANSIMS.

"(c) Allocation of Funds.—Of the funds made available to carry out this section for each fiscal year, not less than 15 percent shall be allocated for activities described in subsection (b)(3).

"(d) Funding.—Of the amounts made available under section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for each of fiscal years 2005 through 2009, the Secretary shall use $893,082 to carry out this section.

"(e) Availability of Funds.—Funds made available under this section shall be available to the Secretary through the Transportation Planning, Research, and Development Account of the Office of the Secretary.".

(b) Other University Funding.—No university (other than university transportation centers specified in section 510 of title 23, United States Code (as added by subsection (a)) shall receive funds made available under section 2001 to carry out research unless the university is selected to receive the funds—

(1) through a competitive process that incorporates merit-based peer review; and

(2) based on a proposal submitted to the Secretary by the university in response to a request for proposals issued by the Secretary.

(c) Conforming Amendment.—Section 5505 of title 49, United States Code, is repealed.

SEC. 2102. STUDY OF DATA COLLECTION AND STATISTICAL ANALYSIS EFFORTS.

(a) Definitions.—In this section:

(1) Administration.—The term "Administration" means the Federal Highway Administration.

(2) Board.—The term "Board" means the Transportation Research Board of the National Academy of Sciences.

(3) Bureau.—The term "Bureau" means the Bureau of Transportation Statistics.

(4) Department.—The term "Department" means the Department of Transportation.

(5) Secretary.—The term "Secretary" means the Secretary of Transportation.

(b) Priority Areas of Effort.—

(1) Statistical standards.—The Secretary shall direct the Bureau to assume the role of the lead agency in working with other agencies of the Department to establish, by not later the date that is 1 year after the date of enactment of this Act, statistical standards for the Department.

(2) Statistical analysis effort.—

(A) In general.—The Bureau shall provide to the Secretary, on an annual basis, an overview of the level of effort expended on statistical analyses by each agency within the Department.

(B) Duty of agencies.—Each agency of the Department shall provide to the Bureau such information as the Bureau may require in carrying out subparagraph (A).

(3) National security.—The Bureau shall—

(A) conduct a study of the ways in which transportation statistics are and may be used for the purpose of national security; and

(B) submit to the Transportation Security Administration recommendations for means by which the use of transportation statistics for the purpose of national security may be improved.

(4) Modernization.—The Bureau shall develop new protocols for adapting data collection and delivery efforts in existence as of the date of enactment of this Act to deliver information in a more timely and frequent fashion.

(c) Study.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide a grant to, or enter into a cooperative agreement or contract with, the Board for the conduct of a study of the data collection and statistical analysis efforts of the Department with respect to the modes of surface transportation for which funds are made available under this Act.

(2) Purpose.—The purpose of the study shall be to provide to the Department information for use by agencies of the Department in providing to surface transportation agencies and individuals engaged in the surface transportation field higher quality, and more relevant and timely, data, statistical analyses, and products.

(3) Content.—The study shall include—

(A) an examination and analysis of the efforts, analyses, and products (with respect to usefulness and policy relevance) of the Bureau as of the date of the study, as compared with the duties of the Bureau specified in subsections (c) through (f) of section 111 of title 49, United States Code;

(B) an examination and analysis of data collected by, methods of data collection of, and analyses performed by, agencies within the Department; and

(C) recommendations relating to—

(i) the future efforts of the Department in the area of surface transportation with respect to—

(I) types of data collected;

(II) methods of data collection;

(III) types of analyses performed; and

(IV) products made available by the Secretary to the transportation community and Congress;

(ii) the means by which the Department may cooperate with State transportation departments to provide technical assistance in the use of data collected by traffic operations centers; and

(iii) duplication of efforts within the Department, including ways in which—

(I) the duplication may be reduced or eliminated; and

(II) each agency of the Department may cooperate with, and complement the efforts of, the others.

(4) Consultation.—In conducting the study, the Board shall consult with such stakeholders, agencies, and other entities as the Board considers to be appropriate.

(5) Report.—Not later than 1 year after the date on which a grant is provided, or a cooperative agreement or contract is entered into, for a study under paragraph (1)—

(A) the Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the results of the study; and

(B) the results of the study shall be published—

(i) by the Secretary, on the Internet website of the Department; and

(ii) by the Board, on the Internet website of the Board.

(6) Implementation of results.—The Bureau shall, to the maximum extent practicable, implement any recommendations made with respect to the results of the study under this subsection.

(7) Compliance.—

(A) In general.—The Comptroller General of the United States shall conduct a review of the study under this subsection.

(B) Noncompliance.—If the Comptroller General of the United States determines that the Bureau failed to conduct the study under this subsection, the Bureau shall be ineligible to receive funds from the Highway Trust Fund until such time as the Bureau conducts the study under this subsection.

(d) Conforming Amendments.—Section 111 of title 49, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (m);

(2) by inserting after subsection (j) the following:

"(k) Annual Report.—

"(1) In general.—For fiscal year 2005 and each fiscal year thereafter, the Bureau shall prepare and submit to the Secretary an annual report that—

"(A) describes progress made in responding to study recommendations for the fiscal year; and

"(B) summarizes the activities and expenditure of funds by the Bureau for the fiscal year.

"(2) Availability.—The Bureau shall—

"(A) make the report described in paragraph (1) available to the public; and

"(B) publish the report on the Internet website of the Bureau.

"(3) Combination of reports.—The report required under paragraph (1) may be included in or combined with the Transportation Statistics Annual Report required by subsection (j).

"(l) Expenditure of Funds.—Funds from the Highway Trust Fund (other than the Mass Transit Account) that are authorized to be appropriated, and made available, in accordance with section 2001(a)(3) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 shall be used only for the collection and statistical analysis of information relating to surface transportation systems."; and

(3) in subsection (m) (as redesignated by subparagraph (A)), by inserting "surface transportation" after "sale of".

SEC. 2103. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) Establishment.—The Secretary shall establish the centers for surface transportation excellence described in subsection (b) to promote high-quality outcomes in support of strategic national programs and activities, including—

(1) the environment;

(2) operations;

(3) surface transportation safety;

(4) project finance; and

(5) asset management.

(b) Centers.—The centers for surface transportation excellence referred to in subsection (a) are—

(1) a Center for Environmental Excellence to provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes to assist States in planning and delivering environmentally-sound surface transportation projects;

(2) a Center for Operations Excellence to provide support for an integrated and coordinated national program for implementing operations in planning and management (including standards development) for the transportation system in the United States;

(3) a Center for Excellence in Surface Transportation Safety to implement a program of support for State transportation departments, including—

(A) the maintenance of an Internet site to provide critical information on safety programs;

(B) the provision of technical assistance to support a lead State transportation department for each of the safety emphasis areas (as identified by the Secretary); and

(C) the provision of training and education to enhance knowledge of personnel of State transportation departments in support of safety highway goals;

(4) a Center for Excellence in Project Finance—

(A) to provide support to State transportation departments in the development of finance plans and project oversight tools; and

(B) to develop and offer training in state-of-the-art financing methods to advance projects and leverage funds; and

(5) a Center for Excellence in Asset Management to develop and conduct research, provide training and education, and disseminate information on the benefits and tools for asset management.

(c) Program Administration.—

(1) In general.—Before funds authorized under this section for fiscal years 2005 through 2009 are obligated, the Secretary shall review and approve a multiyear strategic plan to be submitted by each of the centers.

(2) Timing.—The plan shall be submitted before the beginning of fiscal year 2005 and, subsequently, shall be annually updated.

(3) Content.—The plan shall include—

(A) a list of research and technical assistance projects and objectives; and

(B) a description of any other technology transfer activities, including a summary of training efforts.

(4) Cooperation and competition.—

(A) In general.—The Secretary shall carry out this section by making grants to, or entering into contracts, cooperative agreements, and other transactions with—

(i) the National Academy of Sciences;

(ii) the American Association of State Highway and Transportation Officials;

(iii) planning organizations;

(iv) a Federal laboratory;

(v) a State agency;

(vi) an authority, association, institution, or organization; or

(vii) a for-profit or nonprofit corporation.

(B) Competition; review.—All parties entering into contracts, cooperative agreements, or other transactions with the Secretary, or receiving grants, to perform research or provide technical assistance under this section shall be selected, to the maximum extent practicable—

(i) on a competitive basis; and

(ii) on the basis of the results of peer review of proposals submitted to the Secretary.

(5) Nonduplication.—The Secretary shall ensure that activities conducted by each of the centers do not duplicate, and to the maximum extent practicable, are integrated and coordinated with similar activities conducted by the Federal Highway Administration, the local technical assistance program, university transportation centers, and other research efforts supported with funds authorized by this title.

(d) Allocations.—

(1) In general.—For each of fiscal years 2005 through 2009, of the funds made available under section 2001(a)(1)(A), the Secretary shall set aside $8,930,818 to carry out this section.

(2) Allocation of funds.—Of the funds made available under paragraph (1)—

(A) 20 percent shall be allocated to the Center for Environmental Excellence established under subsection (b)(1);

(B) 30 percent shall be allocated to the Center for Operations Excellence established under subsection (b)(2);

(C) 20 percent shall be allocated to the Center for Excellence in Surface Transportation Safety established under subsection (b)(3);

(D) 10 percent shall be allocated to the Center for Excellence in Project Finance established under subsection (b)(4); and

(E) 20 percent shall be allocated to the Center for Excellence in Asset Management established under subsection (b)(5).

(3) Applicability of title 23.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

SEC. 2104. MOTORCYCLE CRASH CAUSATION STUDY GRANTS.

(a) Grants.—The Secretary shall provide grants for the purpose of conducting a comprehensive, in-depth motorcycle crash causation study that employs the common international methodology for in-depth motorcycle accident investigation of the Organization for Economic Cooperation and Development.

(b) Funding.—Of the amounts made available under section 2001(a)(3), $1,339,623 for fiscal year 2005 shall be available to carry out this section.

SEC. 2105. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 449; 112 Stat. 864; 115 Stat. 2330) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence—

(I) by striking "Build an" and inserting "Build or integrate an"; and

(II) by striking "$2,000,000" and inserting "$2,500,000"; and

(ii) in the second sentence—

(I) by striking "300,000 and that" and inserting "300,000,"; and

(II) by inserting before the period at the end the following: ", and includes major transportation corridors serving that metropolitan area";

(B) in clause (ii), by striking all that follows "will be" and inserting "reinvested in the intelligent transportation infrastructure system.";

(C) by striking clause (iii); and

(D) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively;

(2) in subparagraph (C)(ii), by striking "July 1, 2002" and inserting "the date that is 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005";

(3) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) The term "follow-on deployment areas" means the metropolitan areas of Albany, Atlanta, Austin, Baltimore, Birmingham, Boston, Burlington Vermont, Charlotte, Chicago, Cleveland, Columbus, Dallas/Ft. Worth, Denver, Detroit, Greensboro, Hartford, Houston, Indianapolis, Jacksonville, Kansas City, Las Vegas, Los Angeles, Louisville, Miami, Milwaukee, Minneapolis-St. Paul, Nashville, New Orleans, New York/Northern New Jersey, Norfolk, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Sacramento, Salt Lake, San Diego, San Francisco, San Jose, St. Louis, Seattle, Tampa, Tucson, Tulsa, and Washington, District of Columbia.";

(4) in subparagraph (F)—

(A) by striking "Of the amounts" and inserting the following:

"(i) This Act.—Of the amounts"; and

(B) by adding at the end the following:

"(ii) SAFETEA.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $4,465,409 for each fiscal year to carry out this paragraph.

"(iii) Availability; no reduction or set-aside.—Amounts made available by this subparagraph—

"(I) shall remain available until expended; and

"(II) shall not be subject to any reduction or setaside."; and

(5) by adding at the end the following:

"(H) Use of rights-of-way.—

"(i) In general.—An intelligent transportation system project described in paragraph (3) or (6) that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund shall not be subject to any law (including a regulation) of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been used for planning, design, construction, or maintenance, if the Secretary determines that such use is in the public interest.

"(ii) Effect of Subparagraph.—Nothing in this subparagraph affects the authority of a State or political subdivision of a State to regulate highway safety.".

Subtitle C—Intelligent Transportation System Research

SEC. 2201. INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM.

(a) In General.—Chapter 5 of title 23, United States Code (as amended by section 2101), is amended by adding at the end the following:

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM

"§ 521. Finding

"Congress finds that continued investment in architecture and standards development, research, technical assistance for State and local governments, and systems integration is needed to accelerate the rate at which intelligent transportation systems—

"(1) are incorporated into the national surface transportation network; and

"(2) as a result of that incorporation, improve transportation safety and efficiency and reduce costs and negative impacts on communities and the environment.

"§ 522. Goals and purposes

"(a) Goals.—The goals of the intelligent transportation system research and technical assistance program include—

"(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade—

"(A) to meet a significant portion of future transportation needs, including public access to employment, goods, and services; and

"(B) to reduce regulatory, financial, and other transaction costs to public agencies and system users;

"(2) the acceleration of the use of intelligent transportation systems to assist in the achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles,.with particular emphasis on decreasing the number and severity of collisions;

"(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments in achieving national environmental goals;

"(4) accommodation of the needs of all users of surface transportation systems, including—

"(A) operators of commercial vehicles, passenger vehicles, and motorcycles;

"(B) users of public transportation users (with respect to intelligent transportation system user services); and

"(C) individuals with disabilities; and

"(5)(A) improvement of the ability of the United States to respond to emergencies and natural disasters; and

"(B) enhancement of national security and defense mobility.

"(b) Purposes.—The Secretary shall carry out activities under the intelligent transportation system research and technical assistance program to, at a minimum—

"(1) assist in the development of intelligent transportation system technologies;

"(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

"(3) improve regional cooperation, interoperability, and operations for effective intelligent transportation system performance;

"(4) promote the innovative use of private resources;

"(5) assist State transportation departments in developing a workforce capable of developing, operating, and maintaining intelligent transportation systems;

"(6) maintain an updated national ITS architecture and consensus-based standards while ensuring an effective Federal presence in the formulation of domestic and international ITS standards;

"(7) advance commercial vehicle operations components of intelligent transportation systems—

"(A) to improve the safety and productivity of commercial vehicles and drivers; and

"(B) to reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements;

"(8) evaluate costs and benefits of intelligent transportation systems projects;

"(9) improve, as part of the Archived Data User Service and in cooperation with the Bureau of Transportation Statistics, the collection of surface transportation system condition and performance data through the use of intelligent transportation system technologies; and

"(10) ensure access to transportation information and services by travelers of all ages.

"§ 523. Definitions

"In this subchapter:

"(1) Commercial Vehicle Information Systems and Networks.—The term 'commercial vehicle information systems and networks' means the information systems and communications networks that support commercial vehicle operations.

"(2) Commercial Vehicle Operations.—

"(A) In General.—The term 'commercial vehicle operations' means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods (including hazardous materials) and passengers.

"(B) Inclusions.—The term 'commercial vehicle operations', with respect to the public sector, includes—

"(i) the issuance of operating credentials;

"(ii) the administration of motor vehicle and fuel taxes; and

"(iii) roadside safety and border crossing inspection and regulatory compliance operations.

"(3) Intelligent Transportation Infrastructure.—The term 'intelligent transportation infrastructure' means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

"(4) Intelligent Transportation System.—The term 'intelligent transportation system' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

"(5) National ITS Architecture.—The term 'national ITS architecture' means the common framework for interoperability adopted by the Secretary that defines—

"(A) the functions associated with intelligent transportation system user services;

"(B) the physical entities or subsystems within which the functions reside;

"(C) the data interfaces and information flows between physical subsystems; and

"(D) the communications requirements associated with the information flows.

"(6) Standard.—The term 'standard' means a document that—

"(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

"(B) may—

"(i) support the national ITS architecture; and

"(ii) promote—

"(I) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

"(II) interoperability among intelligent transportation system technologies implemented throughout the States.

"§ 524. General authorities and requirements

"(a) Scope.—Subject to this subchapter, the Secretary shall carry out an ongoing intelligent transportation system research program—

"(1) to research, develop, and operationally test intelligent transportation systems; and

"(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

"(b) Policy.—Intelligent transportation system operational tests and projects funded under this subchapter shall encourage, but not displace, public-private partnerships or private sector investment in those tests and projects.

"(c) Cooperation With Governmental, Private, and Educational Entities.—The Secretary shall carry out the intelligent transportation system research and technical assistance program in cooperation with—

"(1) State and local governments and other public entities;

"(2) the private sector;

"(3) Federal laboratories (as defined in section 501); and

"(4) colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

"(d) Consultation With Federal Officials.—In carrying out the intelligent transportation system research program, the Secretary, as appropriate, shall consult with—

"(1) the Secretary of Commerce;

"(2) the Secretary of the Treasury;

"(3) the Administrator of the Environmental Protection Agency;

"(4) the Director of the National Science Foundation; and

"(5) the Secretary of Homeland Security.

"(e) Technical Assistance, Training, and Information.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

"(f) Transportation Planning.—The Secretary may provide funding to support adequate consideration of transportation system management and operations (including intelligent transportation systems) within metropolitan and statewide transportation planning processes.

"(g) Information Clearinghouse.—The Secretary shall—

"(1) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

"(2) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

"(h) ADVISORY COMMITTEES.—

"(1) IN GENERAL.—In carrying out this subchapter, the Secretary—

"(A) may use 1 or more advisory committees; and

"(B) shall designate a public-private organization, the members of which participate in on-going research, planning, standards development, deployment, and marketing of ITS programs, products, and services, and coordinate the development and deployment of intelligent transportation systems in the United States, as the Federal advisory committee authorized by section 5204(h) of the Transportation Equity Act for the 21st Century (112 Stat. 454).

"(2) FUNDING.—Of the amount made available to carry out this subchapter, the Secretary may use $1,339,623 for each fiscal year for advisory committees described in paragraph (1).

"(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee described in paragraph (1) shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(i) PROCUREMENT METHODS.—The Secretary shall develop and provide appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of deployment and procurement for intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as Information Technology Omnibus Procurement (as developed by the Secretary).

"(j) EVALUATIONS.—

"(1) GUIDELINES AND REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall issue revised guidelines and requirements for the evaluation of operational tests and other intelligent transportation system projects carried out under this subchapter.

"(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by—

"(i) parties to any such test; or

"(ii) any other formal evaluation carried out under this subchapter.

"(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test that ensure adequate evaluation of the results of the test or project.

"(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test or program assessment activity under this subchapter shall not be subject to chapter 35 of title 44.

"§525. National ITS Program Plan

"(a) IN GENERAL.—

"(1) UPDATES.—Not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary, in consultation with interested stakeholders (including State transportation departments) shall develop a 5-year National ITS Program Plan.

"(2) SCOPE.—The National ITS Program Plan shall—

"(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the contexts of—

"(i) major metropolitan areas;

"(ii) smaller metropolitan and rural areas; and

"(iii) commercial vehicle operations;

"(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives;

"(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and

"(D) establish a cooperative process with State and local governments for—

"(i) determining desired surface transportation system performance levels; and

"(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

"(b) REPORTING.—The National ITS Program Plan shall be transmitted and biennially updated as part of the surface transportation research and technology development strategic plan developed under section 508(c).

"§526. National ITS architecture and standards

"(a) IN GENERAL.—

"(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national ITS architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

"(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

"(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

"(b) PROVISIONAL STANDARDS.—

"(1) IN GENERAL.—If the Secretary finds that the development or selection of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard—

"(A) after consultation with affected parties; and

"(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

"(2) CRITICAL STANDARDS.—If a standard identified by the Secretary as critical has not been adopted and published by the appropriate standards development organization by the date of enactment of this subchapter, the Secretary shall establish a provisional standard—

"(A) after consultation with affected parties; and

"(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

"(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall—

"(A) be published in the Federal Register; and

"(B) remain in effect until such time as the appropriate standards development organization adopts and publishes a standard.

"(c) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL CRITICAL STANDARD.—

"(1) IN GENERAL.—The Secretary may waive the requirement under subsection (b)(2) to establish a provisional standard if the Secretary determines that additional time would be productive in, or that establishment of a provisional standard would be counterproductive to, the timely achievement of the objectives identified in subsection (a).

"(2) NOTICE.—The Secretary shall publish in the Federal Register a notice that describes—

"(A) each standard for which a waiver of the provisional standard requirement is granted under paragraph (1);

"(B) the reasons for and effects of granting the waiver; and

"(C) an estimate as to the date on which the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

"(3) WITHDRAWAL OF WAIVER.—

"(A) IN GENERAL.—The Secretary may withdraw a waiver granted under paragraph (1) at any time.

"(B) NOTICE.—On withdrawal of a waiver, the Secretary shall publish in the Federal Register a notice that describes—

"(i) each standard for which the waiver has been withdrawn; and

"(ii) the reasons for withdrawing the waiver.

"(d) CONFORMITY WITH NATIONAL ITS ARCHITECTURE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund conform to the national ITS architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

"(2) DISCRETION OF SECRETARY.—The Secretary may authorize exceptions to paragraph (1) for projects designed to achieve specific research objectives outlined in—

"(A) the National ITS Program Plan under section 525; or

"(B) the surface transportation research and technology development strategic plan developed under section 508(c).

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subchapter.

"§527. Commercial vehicle information systems and networks deployment

"(a) DEFINITIONS.—In this section:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'commercial vehicle information systems and networks' means the information systems and communications networks that provide the capability to—

"(A) improve the safety of commercial vehicle operations;

"(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

"(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

“(D) enhance the safe passage of commercial vehicles across the United States and across international borders; and

“(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

“(2) COMMERCIAL VEHICLE OPERATIONS.—

“(A) IN GENERAL.—The term ‘commercial vehicle operations’ means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods (including hazardous materials) and passengers.

“(B) INCLUSIONS.—The term ‘commercial vehicle operations’, with respect to the public sector, includes—

“(i) the issuance of operating credentials;

“(ii) the administration of motor vehicle and fuel taxes; and

“(iii) the administration of roadside safety and border crossing inspection and regulatory compliance operations.

“(3) CORE DEPLOYMENT.—The term ‘core deployment’ means the deployment of systems in a State necessary to provide the State with—

“(A) safety information exchange to—

“(i) electronically collect and transmit commercial vehicle and driver inspection data at a majority of inspection sites;

“(ii) connect to the Safety and Fitness Electronic Records system for access to—

“(I) interstate carrier and commercial vehicle data;

“(II) summaries of past safety performance; and

“(III) commercial vehicle credentials information; and

“(iii) exchange carrier data and commercial vehicle safety and credentials information within the State and connect to Safety and Fitness Electronic Records system for access to interstate carrier and commercial vehicle data;

“(B) interstate credentials administration to—

“(i)(I) perform end-to-end (including carrier application) jurisdiction application processing, and credential issuance, of at least the International Registration Plan and International Fuel Tax Agreement credentials; and

“(II) extend the processing to other credentials, including intrastate, titling, oversize or overweight requirements, carrier registration, and hazardous materials;

“(ii) connect to the International Registration Plan and International Fuel Tax Agreement clearinghouses; and

“(iii)(I) have at least 10 percent of the transaction volume handled electronically; and

“(II) have the capability to add more carriers and to extend to branch offices where applicable; and

“(C) roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of 1 fixed or mobile inspection site and to replicate the screening at other sites.

“(4) EXPANDED DEPLOYMENT.—The term ‘expanded deployment’ means the deployment of systems in a State that—

“(A) exceed the requirements of a core deployment of commercial vehicle information systems and networks;

“(B) improve safety and the productivity of commercial vehicle operations; and

“(C) enhance transportation security.

“(b) PROGRAM.—The Secretary shall carry out a commercial vehicle information systems and networks program to—

“(1) improve the safety and productivity of commercial vehicles and drivers; and

“(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

“(c) PURPOSE.—It is the purpose of the program to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

“(d) CORE DEPLOYMENT GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.

“(2) ELIGIBILITY.—To be eligible for a core deployment grant under this subsection, a State shall—

“(A) have a commercial vehicle information systems and networks program plan and a top level system design approved by the Secretary;

“(B) certify to the Secretary that the commercial vehicle information systems and networks deployment activities of the State (including hardware procurement, software and system development, and infrastructure modifications)—

“(i) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

“(ii) promote interoperability and efficiency, to the maximum extent practicable; and

“(C) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that the systems of the State conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks.

“(3) AMOUNT OF GRANTS.—The maximum aggregate amount a State may receive under this subsection for the core deployment of commercial vehicle information systems and networks may not exceed $2,500,000, including funds received under section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the core deployment of commercial vehicle information systems and networks.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks.

“(B) REMAINING FUNDS.—An eligible State that has completed the core deployment of commercial vehicle information systems and networks, or completed the deployment before core deployment grant funds are expended, may use the remaining core deployment grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

“(e) EXPANDED DEPLOYMENT GRANTS.—

“(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made core deployment grants under subsection (d), the Secretary may make grants to each eligible State, on request, for the expanded deployment of commercial vehicle information systems and networks.

“(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks shall be eligible for an expanded deployment grant.

“(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States in an amount that does not exceed $1,000,000 for each State.

“(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

“(f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.

“(g) FUNDING.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner and to the same extent as if the funds were apportioned under chapter 1, except that the funds shall remain available until expended.

“§ 528. Research and development

“(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subchapter.

“(b) PRIORITY AREAS.—Under the program, the Secretary shall give priority to funding projects that—

“(1) assist in the development of an interconnected national intelligent transportation system network that—

“(A) improves the reliability of the surface transportation system;

“(B) supports national security;

“(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation systems network components;

“(D) could assist in deployment of the Armed Forces in response to a crisis; and

“(E) improves response to, and evacuation of the public during, an emergency situation;

“(2) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems with goals of—

“(A) reducing metropolitan congestion by 5 percent by 2010;

“(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

“(C)(i) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

“(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;

“(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

“(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

“(5) incorporate human factors research, including the science of the driving process;

“(6) facilitate the integration of intelligent infrastructure, vehicle, and control technologies;

“(7) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

“(8) as determined by the Secretary, will improve the overall safety performance of vehicles and roadways, including the use of real-time setting of speed limits through the use of speed management technology;

"(9) examine—

"(A) the application to intelligent transportation systems of appropriately modified existing technologies from other industries; and

"(B) the development of new, more robust intelligent transportation systems technologies and instrumentation;

"(10) develop and test communication technologies that—

"(A) are based on an assessment of the needs of officers participating in a motor carrier safety program funded under section 31104 of title 49;

"(B) take into account the effectiveness and adequacy of available technology;

"(C) address systems integration, connectivity, and interoperability challenges; and

"(D) provide the means for officers participating in a motor carrier safety program funded under section 31104 of title 49 to directly assess, without an intermediary, current and accurate safety and regulatory information on motor carriers, commercial motor vehicles and drivers at roadside or mobile inspection facilities;

"(11) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

"(12) improve sensing and wireless communications that provide real-time information regarding congestion and incidents;

"(13) develop and test high-accuracy, lane-level, real-time accessible digital map architectures that can be used by intelligent vehicles and intelligent infrastructure elements to facilitate safety and crash avoidance (including establishment of national standards for an open-architecture digital map of all public roads that is compatible with electronic 9-1-1 services);

"(14) encourage the dual-use of intelligent transportation system technologies (such as wireless communications) for—

"(A) emergency services;

"(B) road pricing; and

"(C) local economic development; and

"(15) advance the use of intelligent transportation systems to facilitate high-performance transportation systems, such as through—

"(A) congestion-pricing;

"(B) real-time facility management;

"(C) rapid-emergency response; and

"(D) just-in-time transit.

"(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for—

"(1) the collection of data to permit objective evaluation of the results of the tests;

"(2) the derivation of cost-benefit information that is useful to others contemplating deployment of similar systems; and

"(3) the development and implementation of standards.

"(d) FEDERAL SHARE.—The Federal share of the costs of operational tests under subsection (a) shall not exceed 80 percent.

"§ 529. Use of funds

"(a) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subchapter shall be used for intelligent transportation system outreach, public relations, displays, tours, and brochures.

"(b) APPLICABILITY.—Subsection (a) shall not apply to intelligent transportation system training, scholarships, or the publication or distribution of research findings, technical guidance, or similar documents.".

(b) CONFORMING AMENDMENT.—Title V of the Transportation Equity Act for the 21st Century is amended by striking subtitle C (23 U.S.C. 502 note; 112 Stat. 452).

TITLE III—RECREATIONAL BOATING SAFETY PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Sport Fishing and Recreational Boating Safety Act".

SEC. 3002. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 (16 U.S.C. 777b) is amended—

(1) by striking "the succeeding fiscal year." in the third sentence and inserting "succeeding fiscal years."; and

(2) by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation." and inserting "to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States, as provided for in section 4(c).".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) is amended in the first sentence—

(A) by striking "Sport Fish Restoration Account" and inserting "Sport Fish Restoration Trust Fund"; and

(B) by striking "that Account" and inserting "that Trust Fund, except as provided in section 9504(c) of the Internal Revenue Code of 1986".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2004.

SEC. 3004. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (c) and redesignating subsections (d) through (g) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) (as redesignated by paragraph (1)), the following:

"(a) IN GENERAL.—For fiscal years 2004 through 2009, the balance of each annual appropriation made in accordance with the provisions of section 3 of this title remaining after the distributions are made for administrative expenses and other purposes under section 4(b) and for multistate conservation grants under section 14 shall be distributed as follows:

"(1) COASTAL WETLANDS.—18.5 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

"(2) BOATING SAFETY.—18.5 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) CLEAN VESSEL ACT.—2 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(4) BOATING INFRASTRUCTURE.—2 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(5) NATIONAL OUTREACH AND COMMUNICATIONS.—2 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this title. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (c).";

(3) in subsection (b)(1) (as redesignated by paragraph (1)), by striking subparagraph (A) and inserting the following:

"(A) SET-ASIDE.—For fiscal year 2006 and each subsequent fiscal year, before making a distribution under subsection (a), the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses of administration incurred in the implementation of this chapter, in accordance with this section and section 9.";

(4) in subsection (c) (as redesignated by paragraph (1)), by striking the subsection heading and all that follows through the colon in the first sentence and inserting the following:

"(c) APPORTIONMENT AMONG STATES.—For fiscal year 2006 and each subsequent fiscal year, after the distribution, transfer, use, and deduction under subsection (b), and after deducting amounts for grants under section 14, the Secretary of the Interior shall apportion 57 percent of the balance of each annual appropriation among the several States in the following manner:";

(5) by striking "per centum" each place it appears in subsection (c) (as redesignated by paragraph (1)) and inserting "percent";

(6) in paragraph (1) of subsection (e) (as redesignated by paragraph (1)), by striking "subsections (a), (b)(3)(A), (b)(3)(B), and (c)" and inserting "paragraphs (1), (3), (4), and (5) of subsection (a)"; and

(7) by adding at the end the following:

"(f) TRANSFER OF CERTAIN FUNDS.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall be transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 3005. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking "in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation." in subsection (b)(2) and inserting "to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 4(c)."; and

(2) in subsection (d)(3), by striking "subsection (c) or (d) of section 4" and inserting "section 4(a)(5) or section 4(b)".

SEC. 3006. BOATING INFRASTRUCTURE.

Section 7404(d)(1) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)(1)) is amended by striking "section 4(b)(3)(B)" and inserting "section 4(a)(4)".

SEC. 3007. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—

(1) by striking "section 4(d)(1)" in subsection (a) and inserting "section 4(b)"; and

(2) by striking "section 4(d)(1)" in subsection (b)(1) and inserting "section 4(b)".

SEC. 3008. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND THE VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation." and inserting "to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 4(b) of this title.".

SEC. 3009. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) IN GENERAL.—

"(1) AMOUNT FOR GRANTS.—For fiscal year 2004 and each subsequent fiscal year, not more than $3,000,000 of each annual appropriation made in accordance with the provisions of section 3 of this title shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.";

(2) by striking "section 4(e)" each place it appears in subsection (a)(2)(B) and inserting "section 4(c)"; and

(3) by striking "Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—" in subsection (e) and inserting "Of amounts made available under section 4(b) for each fiscal year—".

TITLE IV—SOLID WASTE DISPOSAL

SEC. 4001. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) IN GENERAL.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"SEC. 6005. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY HEAD.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of each other Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) CEMENT OR CONCRETE PROJECT.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out in whole or in part using Federal funds.

"(3) RECOVERED MINERAL COMPONENT.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) IMPLEMENTATION OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) PRIORITY.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) CONFORMANCE.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) FULL IMPLEMENTATION STUDY.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—The study shall—

"(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements, and the energy savings and environmental benefits associated with that substitution;

"(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law; and

"(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

"(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the release of the report in accordance with subsection (c)(3), take additional actions authorized under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

"(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) eliminate barriers identified under subsection (c).

"(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 6004 the following:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

SEC. 4002. USE OF GRANULAR MINE TAILINGS.

(a) IN GENERAL.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) (as amended by section 4001(a)) is amended by adding at the end the following:

"SEC. 6006. USE OF GRANULAR MINE TAILINGS.

"(a) MINE TAILINGS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Transportation and heads of other Federal agencies, shall establish criteria (including an evaluation of whether to establish a numerical standard for concentration of lead and other hazardous substances) for the safe and environmentally protective use of granular mine tailings from the Tar Creek, Oklahoma Mining District, known as 'chat', for—

"(A) cement or concrete projects; and

"(B) transportation construction projects (including transportation construction projects involving the use of asphalt) that are carried out, in whole or in part, using Federal funds.

"(2) REQUIREMENTS.—In establishing criteria under paragraph (1), the Administrator shall consider—

"(A) the current and previous uses of granular mine tailings as an aggregate for asphalt; and

"(B) any environmental and public health risks and benefits derived from the removal, transportation, and use in transportation projects of granular mine tailings.

"(3) PUBLIC PARTICIPATION.—In establishing the criteria under paragraph (1), the Administrator shall solicit and consider comments from the public.

"(4) APPLICABILITY OF CRITERIA.—On the establishment of the criteria under paragraph (1), any use of the granular mine tailings described in paragraph (1) in a transportation project that is carried out, in whole or in part, using Federal funds, shall meet the criteria established under paragraph (1).

"(b) EFFECT OF SECTIONS.—Nothing in this section or section 6005 affects any requirement of any law (including a regulation) in effect on the date of enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4001(b)) is amended by adding after the item relating to section 6005 the following:

"Sec. 6006. Use of granular mine tailings.".

SA 568. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE —OVERSEAS SUBSIDIES

SECTION 01. SHORT TITLE.

This title may be cited as the "Stopping Overseas Subsidies Act of 2005".

SEC. ___02. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting "(including a nonmarket economy country)" after "country" each place it appears.

SEC. 03. EFFECTIVE DATE.

The amendments made by section 02 apply to petitions filed under section 702 of the Tariff Act of 1930 on or after the date of the enactment of this title.

SA 569. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. ___. INTERSTATE ROUTE I-14 AND 3RD INFANTRY DIVISION HIGHWAY.

Not later than December 31, 2005, any funds made available to commission a study and report regarding the construction and designation of a new Interstate route linking Savannah, Georgia, Augusta, Georgia, and Knoxville, Tennessee, shall be provided to the Secretary to—

(1) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to construct a new interstate route to be designated as "Interstate Route I-14" and known as the 14th Amendment Highway, from Augusta, Georgia to Natchez, Mississippi (formerly designated the Fall Line Freeway in the State of Georgia); and

(2) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to designate and construct a new interstate route for the 3rd Infantry Division Highway, extending from Savannah, Georgia, to Knoxville, Tennessee (formerly the Savannah River Parkway in the State of Georgia), following a route generally defined through Sylvania, Waynesboro, Augusta, Lincolnton, Elberton, Hartwell, Toccoa, and Young Harris, Georgia, and Maryville, Tennessee.

SA 570. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. ___. INTERSTATE ROUTE I-14 AND 3RD INFANTRY DIVISION HIGHWAY.

Not later than December 31, 2005, any funds made available to commission a study and report regarding construction and designation of a new Interstate route linking Augusta, Georgia, Macon, Georgia, Columbus, Georgia, Montgomery, Alabama, and Natchez, Mississippi, shall be provided to the Secretary to—

(1) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to construct a new interstate route to be designated as "Interstate Route I-14" and known as the 14th Amendment Highway, from Augusta, Georgia to Natchez, Mississippi (formerly designated the Fall Line Freeway in the State of Georgia); and

(2) carry out a study and submit to the appropriate committees of Congress a report that describes the steps and estimated funding necessary to designate and construct a new interstate route for the 3rd Infantry Division Highway, extending from Savannah, Georgia, to Knoxville, Tennessee (formerly the Savannah River Parkway in the State of Georgia), following a route generally defined through Sylvania, Waynesboro, Augusta, Lincolnton, Elberton, Hartwell, Toccoa, and Young Harris, Georgia, and Maryville, Tennessee.

SA 571. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the of subtitle H of title I, add the following:

SEC. 18 . APPROVAL AND FUNDING FOR CERTAIN CONSTRUCTION PROJECT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall approve project STP-189-1(15)CT 3 in Gwinnett County, Georgia, and reserve such Federal funds available to the Secretary as are necessary for the project, not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transportation for the project.

(b) EXEMPT PROJECT.—The project shall be considered to be an exempt project under section 93.126 of title 40, Code of Federal Regulations (or successor regulations).

SA 572. Mr. THUNE proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as follows:

Strike section 1602(a) and insert the following:

(a) IN GENERAL.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the roads as" and all that follows and inserting "the roads as—

"(A) National Scenic Byways;

"(B) All-American Roads; or

"(C) America's Byways.";

(B) in paragraph (3)—

(i) by striking "To be considered" and inserting the following:

"(A) IN GENERAL.—To be considered";

(ii) in subparagraph (A) (as designated by clause (i))—

(I) by inserting ", an Indian tribe, " after "nominated by a State"; and

(II) by inserting ", an Indian scenic byway," after "designated as a State scenic byway"; and

(iii) by adding at the end the following:

"(B) NOMINATION BY INDIAN TRIBES.—An Indian tribe may nominate a road as a National Scenic Byway under subparagraph (A) only if a Federal land management agency (other than the Bureau of Indian Affairs), a State, or a political subdivision of a State does not have—

"(i) jurisdiction over the road; or

"(ii) responsibility for managing the road.

"(C) SAFETY.—Indian tribes shall maintain the safety and quality of roads nominated by the Indian tribe under subparagraph (A)."; and

(C) by adding at the end the following:

"(4) RECIPROCAL NOTIFICATION.—States, Federal land management agencies, and Indian tribes shall notify each other regarding nominations under this subsection for roads that—

"(A) are within the jurisdictional boundary of the State, Federal land management agency, or Indian tribe; or

"(B) directly connect to roads for which the State, Federal land management agency, or Indian tribe is responsible.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "and Indian tribes" after "provide technical assistance to States";

(ii) in subparagraph (A), by striking "designated as" and all that follows and inserting "designated as—

"(i) National Scenic Byways;

"(ii) All-American Roads;

"(iii) America's Byways;

"(iv) State scenic byways; or

"(v) Indian scenic byways; and"; and

(iii) in subparagraph (B), by inserting "or Indian" after "State";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Byway or All-American Road" and inserting "Byway, All-American Road, or 1 of America's Byways";

(ii) in subparagraph (B)—

(I) by striking "State-designated" and inserting "State or Indian"; and

(II) by striking "designation as a" and all that follows and inserting "designation as—

"(i) a National Scenic Byway;

"(ii) an All-American Road; or

"(iii) 1 of America's Byways; and"; and

(iii) in subparagraph (C), by inserting "or Indian" after "State";

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or Indian" after "State";

(B) in paragraph (3)—

(i) by inserting "Indian scenic byway," after "improvements to a State scenic byway,"; and

(ii) by inserting "Indian scenic byway," after "designation as a State scenic byway,"; and

(C) in paragraph (4), by striking "passing lane,"; and

(4) in subsection (e), by inserting "or Indian tribe" after "State".

SA 573. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—PUBLIC TRANSPORTATION

SEC. 6001. SHORT TITLE.

This title may be cited as the "Federal Public Transportation Act of 2005".

SEC. 6002. AMENDMENTS TO TITLE 49, UNITED STATES CODE; UPDATED TERMINOLOGY.

(a) AMENDMENTS TO TITLE 49.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(b) UPDATED TERMINOLOGY.—Except for sections 5301(f), 5302(a)(7), and 5315, chapter 53, including the chapter analysis, is amended by striking "mass transportation" each place it appears and inserting "public transportation".

SEC. 6003. POLICIES, FINDINGS, AND PURPOSES.

(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—Section 5301(a) is amended to read as follows:

"(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the economic interest of the United States to foster the development and revitalization of public transportation systems, which are coordinated with other modes of transportation, that maximize the efficient, secure, and safe mobility of individuals and minimize environmental impacts.".

(b) GENERAL FINDINGS.—Section 5301(b)(1) is amended—

(1) by striking "70 percent" and inserting "two-thirds"; and

(2) by striking "urban areas" and inserting "urbanized areas".

(c) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(1) by striking "an urban" and inserting "a"; and

(2) by striking "under sections 5309 and 5310 of this title".

(d) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) in paragraph (1)—

(A) by striking "improved mass" and inserting "improved public"; and

(B) by striking "public and private mass transportation companies" and inserting "public transportation companies and private companies engaged in public transportation";

(2) in paragraph (2)—

(A) by striking "urban mass" and inserting "public"; and

(B) by striking "public and private mass transportation companies" and inserting "public transportation companies and private companies engaged in public transportation";

(3) in paragraph (3)—

(A) by striking "urban mass" and inserting "public"; and

(B) by striking "public or private mass transportation companies" and inserting "public transportation companies or private companies engaged in public transportation"; and

(4) in paragraph (5), by striking "urban mass" and inserting "public".

SEC. 6004. DEFINITIONS.

Section 5302(a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G)(i), by inserting "including the intercity bus and intercity rail portions of such facility or mall," after "transportation mall,";

(B) in subparagraph (G)(ii), by inserting ", except for the intercity bus portion of intermodal facilities or malls," after "commercial revenue-producing facility";

(C) in subparagraph (H)—

(i) by striking "and" after "innovative" and inserting "or"; and

(ii) by striking "or" after the semicolon at the end;

(D) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(J) crime prevention and security, including—

"(i) projects to refine and develop security and emergency response plans; or

"(ii) projects to detect chemical or biological agents in public transportation;

"(K) conducting emergency response drills with public transportation agencies and local first response agencies or security training for public transportation employees, except for expenses relating to operations; or

"(L) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter.";

(2) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively;

(3) by striking paragraph (7) and inserting the following:

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means public transportation.

"(8) MOBILITY MANAGEMENT.—The term 'mobility management' means a short-range planning or management activity or project that does not include operating public transportation services and—

"(A) improves coordination among public transportation providers, including private companies engaged in public transportation;

"(B) addresses customer needs by tailoring public transportation services to specific market niches; or

"(C) manages public transportation demand.";

(4) by amending paragraph (11), as redesignated, to read as follows:

"(11) PUBLIC TRANSPORTATION.—The term 'public transportation' means transportation by a conveyance that provides local regular and continuing general or special transportation to the public, but does not include school bus, charter bus, intercity bus or passenger rail, or sightseeing transportation.";

(5) in subparagraphs (A) and (E) of paragraph (16), as redesignated, by striking "and" each place it appears and inserting "or"; and

(6) by amending paragraph (18), as redesignated, to read as follows:

"(18) URBANIZED AREA.—The term 'urbanized area' means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an 'urbanized area' by the Secretary of Commerce.".

SEC. 6005. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 is amended to read as follows:

"§ 5303. Metropolitan transportation planning

"(a) DEFINITIONS.—As used in this section and in section 5304, the following definitions shall apply:

"(1) CONSULTATION.—A 'consultation' occurs when 1 party—

"(A) confers with another identified party in accordance with an established process;

"(B) prior to taking action, considers the views of the other identified party; and

"(C) periodically informs that party about action taken.

"(2) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means the geographic area determined by agreement between the metropolitan planning organization and the Governor under subsection (d).

"(3) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the Policy Board of the organization designated under subsection (c).

"(4) NONMETROPOLITAN AREA.—The term 'nonmetropolitan area' means any geographic area outside all designated metropolitan planning areas.

"(5) NONMETROPOLITAN LOCAL OFFICIAL.—The term 'nonmetropolitan local official' means any elected or appointed official of general purpose local government located in a nonmetropolitan area who is responsible for transportation services for such local government.

"(b) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives described in section 5301(a), each metropolitan planning organization, in cooperation with the State and public transportation operators, shall develop transportation plans and programs for metropolitan planning areas of the State in which it is located.

"(2) CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan planning area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(4) PLANNING AND PROJECT DEVELOPMENT.—The metropolitan planning organization, the State Department of Transportation, and the appropriate public transportation provider shall agree upon the approaches that will be used to evaluate alternatives and identify transportation improvements that address the most complex problems and pressing transportation needs in the metropolitan area.

"(c) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area—

"(A) by agreement between the Governor and units of general purpose local government that combined represent not less than 75 percent of the affected population (including the incorporated city or cities named by the Bureau of the Census in designating the urbanized area); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) STRUCTURE.—Each metropolitan planning organization designated under paragraph (1) that serves an area identified as a transportation management area shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

"(C) appropriate State officials.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

"(A) to develop plans and programs for adoption by a metropolitan planning organization; and

"(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—The designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

"(5) REDESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that combined represent not less than 75 percent of the existing planning area population (including the incorporated city or cities named by the Bureau of the Census in designating the urbanized area) as appropriate to carry out this section.

“(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

“(d) METROPOLITAN PLANNING AREA BOUNDARIES.—

“(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Office of Management and Budget.

“(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

“(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of the Federal Public Transportation Act of 2005 shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in accordance with paragraph (5).

“(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—If an urbanized area is designated after the date of enactment of this paragraph in a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in accordance with subsection (c)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

“(e) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—States are authorized—

“(A) to enter into agreements or compacts with other States, which agreements or compacts are not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) LAKE TAHOE REGION.—

“(A) DEFINITION.—In this paragraph, the term ‘Lake Tahoe region’ has the meaning given the term ‘region’ in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

“(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

“(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

“(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section and section 5304.

“(C) INTERSTATE COMPACT.—

“(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (c), to carry out the transportation planning process required by this section, California and Nevada may designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governor of the State of California, the Governor of the State of Nevada, and units of general purpose local government that combined represent not less than 75 percent of the affected population (including the incorporated city or cities named by the Bureau of the Census in designating the urbanized area), or in accordance with procedures established by applicable State or local law.

“(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

“(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and this chapter, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

“(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

“(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

“(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.

“(f) COORDINATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

“(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans required by this section.

“(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE METROPOLITAN PLANNING AREAS.—If a transportation improvement funded from the highway trust fund is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans regarding the transportation improvement.

“(3) INTERREGIONAL AND INTERSTATE PROJECT IMPACTS.—Planning for National Highway System, commuter rail projects, or other projects with substantial impacts outside a single metropolitan planning area or State shall be coordinated directly with the affected, contiguous, metropolitan planning organizations and States.

“(4) COORDINATION WITH OTHER PLANNING PROCESSES.—

“(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to coordinate its planning process, to the maximum extent practicable, with those officials responsible for other types of planning activities that are affected by transportation, including State and local land use planning, economic development, environmental protection, airport operations, housing, and freight.

“(B) OTHER CONSIDERATIONS.—The metropolitan planning process shall develop transportation plans with due consideration of, and in coordination with, other related planning activities within the metropolitan area. This should include the design and delivery of transportation services within the metropolitan area that are provided by—

“(i) recipients of assistance under this chapter;

“(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

“(iii) recipients of assistance under section 204 of title 23.

“(g) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—The goals and objectives developed through the metropolitan planning process for a metropolitan planning area under this section shall address, in relation to the performance of the metropolitan area transportation systems—

“(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency, including through services provided by public and private operators;

“(B) increasing the safety of the transportation system for motorized and nonmotorized users;

“(C) increasing the security of the transportation system for motorized and nonmotorized users;

“(D) increasing the accessibility and mobility of people and for freight, including through services provided by public and private operators;

“(E) protecting and enhancing the environment (including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species), promoting energy conservation, and promoting consistency between transportation improvements and State and local land use planning and economic development patterns (including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the metropolitan area);

“(F) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight, including through services provided by public and private operators;

“(G) promoting efficient system management and operation; and

“(H) emphasizing the preservation and efficient use of the existing transportation system, including services provided by public and private operators.

“(2) SELECTION OF FACTORS.—After soliciting and considering any relevant public comments, the metropolitan planning organization shall determine which of the factors described in paragraph (1) are most appropriate to consider.

“(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23, this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.

“(h) DEVELOPMENT OF TRANSPORTATION PLAN.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Each metropolitan planning organization shall develop a transportation plan for its metropolitan planning area in accordance with this subsection, and update such plan—

“(i) not less frequently than once every 4 years in areas designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), and in areas that were nonattainment that have been redesignated as attainment, in accordance with paragraph (3) of such section, with a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a); or

“(ii) not less frequently than once every 5 years in areas designated as attainment, as defined in section 107(d) of the Clean Air Act.

“(B) COORDINATION FACTORS.—In developing the transportation plan under this section, each metropolitan planning organization shall consider the factors described in subsection (f) over a 20-year forecast period.

“(C) FINANCIAL ESTIMATES.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

“(2) MITIGATION ACTIVITIES.—

“(A) IN GENERAL.—A transportation plan under this subsection shall include a discussion of—

“(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

“(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(B) CONSULTATION.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

“(3) CONTENTS.— A transportation plan under this subsection shall be in a form that the Secretary determines to be appropriate and shall contain—

“(A) an identification of transportation facilities, including major roadways, transit, multimodal and intermodal facilities, intermodal connectors, and other relevant facilities identified by the metropolitan planning organization, which should function as an integrated metropolitan transportation system, emphasizing those facilities that serve important national and regional transportation functions;

“(B) a financial plan that—

“(i) demonstrates how the adopted transportation plan can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan;

“(iii) recommends any additional financing strategies for needed projects and programs; and

“(iv) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if approved by the Secretary and reasonable additional resources beyond those identified in the financial plan were available;

“(C) operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;

“(D) capital investment and other strategies to preserve the existing metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs; and

“(E) proposed transportation and transit enhancement activities.

“(4) CONSULTATION.—

“(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

“(B) ISSUES.—The consultation shall involve—

“(i) comparison of transportation plans with State conservation plans or with maps, if available;

“(ii) comparison of transportation plans to inventories of natural or historic resources, if available; or

“(iii) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.

“(5) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

“(6) APPROVAL OF THE TRANSPORTATION PLAN.—Each transportation plan prepared by a metropolitan planning organization shall be—

“(A) approved by the metropolitan planning organization; and

“(B) submitted to the Governor for information purposes at such time and in such manner as the Secretary may reasonably require.

“(i) PARTICIPATION BY INTERESTED PARTIES.—

“(1) DEVELOPMENT OF PARTICIPATION PLAN.—Not less frequently than every 4 years, each metropolitan planning organization shall develop and adopt a plan for participation in the process for developing the metropolitan transportation plan and programs by—

“(A) citizens;

“(B) affected public agencies;

“(C) representatives of public transportation employees;

“(D) freight shippers;

“(E) providers of freight transportation services;

“(F) private providers of transportation;

“(G) representatives of users of public transit;

“(H) representatives of users of pedestrian walkways and bicycle transportation facilities; and

“(I) other interested parties.

“(2) CONTENTS OF PARTICIPATION PLAN.—The participation plan—

“(A) shall be developed in a manner the Secretary determines to be appropriate;

“(B) shall be developed in consultation with all interested parties; and

“(C) shall provide that all interested parties have reasonable opportunities to comment on—

“(i) the process for developing the transportation plan; and

“(ii) the contents of the transportation plan.

“(3) METHODS.—The participation plan shall provide that the metropolitan planning organization shall, to the maximum extent practicable—

“(A) hold any public meetings at convenient and accessible locations and times;

“(B) employ visualization techniques to describe plans; and

“(C) make public information available in electronically accessible format and means, such as the World Wide Web.

“(4) CERTIFICATION.—Before the metropolitan planning organizations approve a transportation plan or program, each metropolitan planning organization shall certify that it has complied with the requirements of the participation plan it has adopted.

“(j) TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT AND UPDATE.—

“(A) IN GENERAL.—In cooperation with the State and affected operators of public transportation, a metropolitan planning organization designated for a metropolitan planning area shall develop a transportation improvement program for the area.

“(B) PARTICIPATION.—In developing the transportation improvement program, the metropolitan planning organization, in cooperation with the Governor and any affected operator of public transportation, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i).

“(C) UPDATES.—The transportation improvement program shall be updated not less than once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

“(D) FUNDING ESTIMATE.—In developing the transportation improvement program, the metropolitan planning organization, operators of public transportation, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

“(E) PROJECT ADVANCEMENT.—Projects listed in the transportation improvement program may be selected for advancement consistent with the project selection requirements.

“(F) MAJOR AMENDMENTS.—Major amendments to the list described in subparagraph (E), including the addition, deletion, or concept and scope change of a regionally significant project, may not be advanced without—

“(i) appropriate public involvement;

“(ii) financial planning;

“(iii) transportation conformity analyses; and "(iv) a finding by the Federal Highway Administration and Federal Transit Administration that the amended plan was produced in a manner consistent with this section.

"(2) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER CHAPTER 1 OF TITLE 23 AND THIS CHAPTER.—A transportation improvement program developed under this section for a metropolitan area shall include the projects and strategies within the metropolitan area that are proposed for funding under chapter 1 of title 23 and this chapter.

"(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the metropolitan transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not regionally significant shall be grouped in 1 line item or identified individually in the metropolitan transportation improvement program.

"(3) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided under subsection (k)(4), the selection of federally funded projects in metropolitan planning areas shall be carried out, from the approved transportation plan—

"(i) by the State, in the case of projects under chapter 1 of title 23 or section 5308, 5310, 5311, or 5317 of this title;

"(ii) by the designated recipient, in the case of projects under section 5307; and

"(iii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, a project may be advanced from the transportation improvement program in place of another project in the same transportation improvement program without the approval of the Secretary.

"(4) PUBLICATION REQUIREMENTS.—

"(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAM.—A transportation improvement program involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including, to the maximum extent practicable, in electronically accessible formats and means, such as the World Wide Web.

"(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding 4 years shall be published or otherwise made available for public review by the cooperative effort of the State, transit operator, and the metropolitan planning organization. This listing shall be consistent with the funding categories identified in the transportation improvement program.

"(C) RULEMAKING.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations specifying—

"(i) the types of data to be included in the list described in subparagraph (B), including—

"(I) the name, type, purpose, and geocoded location of each project;

"(II) the Federal, State, and local identification numbers assigned to each project;

"(III) amounts obligated and expended on each project, sorted by funding source and transportation mode, and the date on which each obligation was made; and

"(IV) the status of each project; and

"(ii) the media through which the list described in subparagraph (B) will be made available to the public, including written and visual components for each of the projects listed.

"(k) TRANSPORTATION MANAGEMENT AREAS.—

"(1) REQUIRED IDENTIFICATION.—The Secretary shall identify each urbanized area with a population of more than 200,000 individuals as a transportation management area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Transportation plans and programs for a metropolitan planning area serving a transportation management area shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

"(3) CONGESTION MANAGEMENT SYSTEM.—

"(A) IN GENERAL.—The transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and this chapter through the use of travel demand reduction and operational management strategies.

"(B) PHASE-IN SCHEDULE.—The Secretary shall establish a phase-in schedule that provides for full compliance with the requirements of this section not later than 1 year after the identification of transportation management areas under paragraph (1).

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (except for projects carried out on the National Highway System and projects carried out under the bridge program or the interstate maintenance program) or under this chapter shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects on the National Highway System carried out within the boundaries of a metropolitan planning area serving a transportation management area and projects carried out within such boundaries under the bridge program or the interstate maintenance program under title 23 shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with Federal law; and

"(ii) subject to subparagraph (B), certify, not less frequently than once every 4 years in nonattainment and maintenance areas (as defined under the Clean Air Act) and not less frequently than once every 5 years in attainment areas (as defined under such Act), that the requirements of this paragraph are met with respect to the metropolitan planning process.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and all other applicable Federal law; and

"(ii) a transportation plan and a transportation improvement program for the metropolitan planning area have been approved by the metropolitan planning organization and the Governor.

"(C) PENALTY FOR FAILING TO CERTIFY.—

"(i) WITHHOLDING PROJECT FUNDS.—If the metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold any funds otherwise available to the metropolitan planning area for projects funded under title 23 and this chapter.

"(ii) RESTORATION OF WITHHELD FUNDS.—Any funds withheld under clause (i) shall be restored to the metropolitan planning area when the metropolitan planning process is certified by the Secretary.

"(D) REVIEW OF CERTIFICATION.—In making a certification under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

"(*l*) ABBREVIATED PLANS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and transportation improvement program for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, after considering the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(m) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provisions of title 23 or this chapter, Federal funds may not be advanced for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) for any highway project that will result in a significant increase in carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

"(2) APPLICABILITY.—This subsection applies to any nonattainment area within the metropolitan planning area boundaries determined under subsection (d).

"(n) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project that is not eligible under title 23 or this chapter.

"(o) AVAILABILITY OF FUNDS.—Funds set aside under section 104(f) of title 23 or section 5308 of this title shall be available to carry out this section.

"(p) CONTINUATION OF CURRENT REVIEW PRACTICE.—Any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 6006. STATEWIDE TRANSPORTATION PLANNING.

Section 5304 is amended to read as follows:

“§5304. Statewide transportation planning

“(a) General Requirements.—

“(1) Development of plans and programs.—To support the policies described in section 5301(a), each State shall develop a statewide transportation plan (referred to in this section as a “Plan”) and a statewide transportation improvement program (referred to in this section as a “Program”) for all areas of the State subject to section 5303.

“(2) Contents.—The Plan and the Program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

“(3) Process of development.—The process for developing the Plan and the Program shall—

“(A) provide for the consideration of all modes of transportation and the policies described in section 5301(a); and

“(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(b) Coordination With Metropolitan Planning; State Implementation Plan.—Each State shall—

“(1) coordinate planning under this section with—

“(A) the transportation planning activities under section 5303 for metropolitan areas of the State; and

“(B) other related statewide planning activities, including trade and economic development and related multistate planning efforts; and

“(2) develop the transportation portion of the State implementation plan, as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

“(c) Interstate Agreements.—States may enter into agreements or compacts with other States for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

“(d) Scope of Planning Process.—

“(1) In general.—Each State shall carry out a statewide transportation planning process that provides for the consideration of projects, strategies, and implementing projects and services that will—

“(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and freight;

“(E) protect and enhance the environment (including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species), promote energy conservation, promote consistency between transportation improvements and State and local land use planning and economic development patterns, and improve the quality of life (including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State);

“(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation and efficient use of the existing transportation system.

“(2) Selection of projects and strategies.—After soliciting and considering any relevant public comments, the State shall determine which of the projects and strategies described in paragraph (1) are most appropriate.

“(3) Mitigation activities.—

“(A) In general.—A transportation plan under this subsection shall include a discussion of—

“(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

“(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(B) Consultation.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

“(4) Failure to consider factors.—The failure to consider any factor described in paragraph (1) shall not be reviewable by any court under title 23, this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a Plan, a Program, a project or strategy, or the certification of a planning process.

“(e) Additional Requirements.—In carrying out planning under this section, each State shall consider—

“(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

“(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

“(3) coordination of Plans, Programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

“(f) Statewide Transportation Plan.—

“(1) Development.—Each State shall develop a Plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

“(2) Consultation with governments.—

“(A) Metropolitan planning areas.—The Plan shall be developed for each metropolitan planning area in the State in cooperation with the metropolitan planning organization designated for the metropolitan planning area under section 5303.

“(B) Nonmetropolitan areas.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The consultation process shall not require the review or approval of the Secretary.

“(C) Indian tribal areas.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the Plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(D) Consultation, comparison, and consideration.—

“(i) In general.—The Plan shall be developed, as appropriate, in consultation with State and local agencies responsible for—

“(I) land use management;

“(II) natural resources;

“(III) environmental protection;

“(IV) conservation; and

“(V) historic preservation.

“(ii) Comparison and consideration.—Consultation under clause (i) shall involve—

“(I) comparison of transportation plans to State conservation plans or maps, if available;

“(II) comparison of transportation plans to inventories of natural or historic resources, if available; or

“(III) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.

“(3) Participation by interested parties.—In developing the Plan, the State shall—

“(A) provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed Plan; and

“(B) to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web.

“(4) Mitigation activities.—

“(A) In general.—A Plan shall include a discussion of—

“(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetlands, and other environmental functions; and

“(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(B) Consultation.—The discussion described in subparagraph (A) shall be developed in consultation with Federal and State tribal wildlife, land management, and regulatory agencies.

“(5) Transportation strategies.—A Plan shall identify transportation strategies necessary to efficiently serve the mobility needs of people.

“(6) Financial plan.—The Plan may include a financial plan that—

“(A) demonstrates how the adopted Plan can be implemented;

“(B) indicates resources from public and private sources that are reasonably expected to be made available to carry out the Plan;

“(C) recommends any additional financing strategies for needed projects and programs; and

“(D) may include, for illustrative purposes, additional projects that would be included in the adopted Plan if reasonable additional resources beyond those identified in the financial plan were available.

"(7) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects described in paragraph (6)(D).

"(8) EXISTING SYSTEM.—The Plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

"(9) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each Plan prepared by a State shall be published or otherwise made available, including, to the maximum extent practicable, in electronically accessible formats and means, such as the World Wide Web.

"(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—Each State shall develop a Program for all areas of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN PLANNING AREAS.—With respect to each metropolitan planning area in the State, the Program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan planning area under section 5303.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the Program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The consultation process shall not require the review or approval of the Secretary.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the Program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the Program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, representatives of users of pedestrian walkways and bicycle transportation facilities, and other interested parties with a reasonable opportunity to comment on the proposed Program.

"(4) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A Program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) LISTING OF PROJECTS.—

"(i) IN GENERAL.—The Program shall cover a minimum of 4 years, identify projects by year, be fiscally constrained by year, and be updated not less than once every 4 years.

"(ii) PUBLICATION.—An annual listing of projects for which funds have been obligated in the preceding 4 years in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review. The listing shall be consistent with the funding categories identified in each metropolitan transportation improvement program.

"(C) INDIVIDUAL IDENTIFICATION.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

"(D) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project included in the list described in subparagraph (B) shall be—

"(i) consistent with the Plan developed under this section for the State;

"(ii) identical to the project or phase of the project as described in each year of the approved metropolitan transportation improvement program; and

"(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(E) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The Program shall not include a project, or an identified phase of a project, unless full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(F) FINANCIAL PLAN.—The Program may include a financial plan that—

"(i) demonstrates how the approved Program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the Program;

"(iii) recommends any additional financing strategies for needed projects and programs; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

"(G) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects described in subparagraph (F)(iv).

"(ii) REQUIRED APPROVAL BY THE SECRETARY.—A State shall not include any project from the illustrative list of additional projects described in subparagraph (F)(iv) in an approved Program without the approval of the Secretary.

"(H) PRIORITIES.—The Program shall reflect the priorities for programming and expenditures of funds, including transportation and transit enhancement activities, required by title 23 and this chapter, and transportation control measures included in the State's air quality implementation plan.

"(5) PROJECT SELECTION FOR AREAS WITH FEWER THAN 50,000 INDIVIDUALS.—

"(A) IN GENERAL.—Each State, in cooperation with the affected nonmetropolitan local officials with responsibility for transportation, shall select projects to be carried out in areas with fewer than 50,000 individuals from the approved Program (excluding projects carried out under the National Highway System, the bridge program, or the interstate maintenance program under title 23 or sections 5310 and 5311 of this title).

"(B) CERTAIN PROGRAMS.—Each State, in consultation with the affected nonmetropolitan local officials with responsibility for transportation, shall select, from the approved Program, projects to be carried out in areas with fewer than 50,000 individuals under the National Highway System, the bridge program, or the Interstate maintenance program under title 23 or under sections 5310 and 5311 of this title.

"(6) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.—A Program developed under this subsection shall be reviewed and based on a current planning finding approved by the Secretary not less frequently than once every 4 years.

"(7) PLANNING FINDING.—Not less frequently than once every 4 years, the Secretary shall determine whether the transportation planning process through which Plans and Programs are developed are consistent with this section and section 5303.

"(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, a project included in the approved Program may be advanced in place of another project in the program without the approval of the Secretary.

"(h) FUNDING.—Funds set aside pursuant to section 104(i) of title 23 and section 5308 of this title shall be available to carry out this section.

"(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT SYSTEMS.—For purposes of this section and section 5303, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management system under section 5303(i)(3) if the Secretary determines that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5303.

"(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Any decision by the Secretary under this section, regarding a metropolitan or statewide transportation plan or the Program, shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 6007. TRANSPORTATION MANAGEMENT AREAS.

Section 5305 is repealed.

SEC. 6008. PRIVATE ENTERPRISE PARTICIPATION.

Section 5306 is amended—

(1) in subsection (a)—

(A) by striking "5305 of this title" and inserting "5308"; and

(B) by inserting ", as determined by local policies, criteria, and decision making," after "feasible";

(2) in subsection (b) by striking "5303-5305 of this title" and inserting "5303, 5304, and 5308"; and

(3) by adding at the end the following:

"(c) REGULATIONS.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations describing how the requirements under this chapter relating to subsection (a) shall be enforced.".

SEC. 6009. URBANIZED AREA FORMULA GRANTS.

(a) TECHNICAL AMENDMENTS.—Section 5307 is amended—

(1) by striking subsections (h), (j) and (k); and

(2) by redesignating subsections (i), (l), (m), and (n) as subsections (h), (i), (j), and (k), respectively.

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) an entity designated, in accordance with the planning process under sections 5303, 5304, and 5306, by the chief executive officer of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 that are attributable to transportation management areas designated under section 5303; or"; and

(2) by adding at the end the following:

"(3) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, a nonprofit organization, or a private operator of public transportation service that may receive a Federal transit program grant indirectly through a recipient, rather than directly from the Federal Government.".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Secretary of Transportation may award grants under this section for—

"(A) capital projects, including associated capital maintenance items;

"(B) planning, including mobility management;

"(C) transit enhancements;

"(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of less than 200,000; and

"(E) operating costs of equipment and facilities for use in public transportation in a portion or portions of an urbanized area with a population of at least 200,000, but not more than 225,000, if—

"(i) the urbanized area includes parts of more than 1 State;

"(ii) the portion of the urbanized area includes only 1 State;

"(iii) the population of the portion of the urbanized area is less than 30,000; and

"(iv) the grants will not be used to provide public transportation outside of the portion of the urbanized area.";

(2) by amending paragraph (2) to read as follows:

"(2) SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2007.—

"(A) INCREASED FLEXIBILITY.—The Secretary may award grants under this section, from funds made available to carry out this section for each of the fiscal years 2005 through 2007, to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000, as determined by the 2000 decennial census of population if—

"(i) the urbanized area had a population of less than 200,000, as determined by the 1990 decennial census of population;

"(ii) a portion of the urbanized area was a separate urbanized area with a population of less than 200,000, as determined by the 1990 decennial census of population;

"(iii) the area was not designated as an urbanized area, as determined by the 1990 decennial census of population; or

"(iv) a portion of the area was not designated as an urbanized area, as determined by the 1990 decennial census, and received assistance under section 5311 in fiscal year 2002.

"(B) MAXIMUM AMOUNTS IN FISCAL YEAR 2005.—In fiscal year 2005—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than the amount the portion of the area received under section 5311 for fiscal year 2002.

"(C) MAXIMUM AMOUNTS IN FISCAL YEAR 2006.—In fiscal year 2006—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less 50 percent of the amount the portion of the area received under section 5311 for fiscal year 2002.

"(D) MAXIMUM AMOUNTS IN FISCAL YEAR 2007.—In fiscal year 2007—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 25 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 25 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 25 percent of the amount the portion of the area received under section 5311 in fiscal year 2002."; and

(3) by striking paragraph (4).

(d) GRANT RECIPIENT REQUIREMENTS.—Section 5307(d)(1) is amended—

(1) in subparagraph (A), by inserting ", including safety and security aspects of the program" after "program";

(2) in subparagraph (E), by striking "section" and all that follows and inserting "section, the recipient will comply with sections 5323 and 5325;";

(3) in subparagraph (H), by striking "sections 5301(a) and (d), 5303-5306, and 5310(a)-(d) of this title" and inserting "subsections (a) and (d) of section 5301 and sections 5303 through 5306";

(4) in subparagraph (I) by striking "and" at the end;

(5) in subparagraph (J), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(K) if located in an urbanized area with a population of at least 200,000, will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for transit enhancement activities described in section 5302(a)(15).".

(e) GOVERNMENT'S SHARE OF COSTS.—Section 5307(e) is amended—

(1) by striking the first sentence and inserting the following:

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall cover 80 percent of the net project cost.";

(2) by striking "A grant for operating expenses" and inserting the following:

"(2) OPERATING EXPENSES.—A grant for operating expenses";

(3) by striking the fourth sentence and inserting the following:

"(3) REMAINING COSTS.—The remainder of the net project cost shall be provided in cash from non-Federal sources or revenues derived from the sale of advertising and concessions and amounts received under a service agreement with a State or local social service agency or a private social service organization."; and

(4) by adding at the end the following: "The prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to the remainder.".

(f) UNDERTAKING PROJECTS IN ADVANCE.—Section 5307(g) is amended by striking paragraph (4).

(g) RELATIONSHIP TO OTHER LAWS.—Section 5307(k), as redesignated, is amended to read as follows:

"(k) RELATIONSHIP TO OTHER LAWS.—

"(1) APPLICABLE PROVISIONS.—Sections 5301, 5302, 5303, 5304, 5306, 5315(c), 5318, 5319, 5323, 5325, 5327, 5329, 5330, 5331, 5332, 5333 and 5335 apply to this section and to any grant made under this section.

"(2) INAPPLICABLE PROVISIONS.—

"(A) IN GENERAL.—Except as provided under this section, no other provision of this chapter applies to this section or to a grant made under this section.

"(B) TITLE 5.—The provision of assistance under this chapter shall not be construed as bringing within the application of chapter 15 of title 5, any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to which such chapter is otherwise inapplicable.".

SEC. 6010. PLANNING PROGRAMS.

(a) IN GENERAL.—Section 5308 is amended to read as follows:

"§ 5308. Planning programs

"(a) GRANTS AUTHORIZED.—Under criteria established by the Secretary, the Secretary may award grants to States, authorities of the States, metropolitan planning organizations, and local governmental authorities, make agreements with other departments, agencies, or instrumentalities of the Government, or enter into contracts with private nonprofit or for-profit entities to—

"(1) develop transportation plans and programs;

"(2) plan, engineer, design, and evaluate a public transportation project; or

"(3) conduct technical studies relating to public transportation, including—

"(A) studies related to management, planning, operations, capital requirements, and economic feasibility;

"(B) evaluations of previously financed projects;

"(C) peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analyses among metropolitan planning organizations and other transportation planners; and

"(D) other similar and related activities preliminary to, and in preparation for, constructing, acquiring, or improving the operation of facilities and equipment.

"(b) PURPOSE.—To the extent practicable, the Secretary shall ensure that amounts appropriated pursuant to section 5338 to carry out this section and sections 5303, 5304, and 5306 are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

"(c) Metropolitan Planning Program.—

"(1) Allocations to States.—

"(A) In general.—The Secretary shall allocate 80 percent of the amount made available under subsection (g)(3)(A) to States to carry out sections 5303 and 5306 in a ratio equal to the population in urbanized areas in each State, divided by the total population in urbanized areas in all States, as shown by the latest available decennial census of population.

"(B) Minimum allocation.—Each State shall receive not less than 0.5 percent of the total amount allocated under this paragraph.

"(2) Availability of funds.—A State receiving an allocation under paragraph (1) shall promptly distribute such funds to metropolitan planning organizations in the State under a formula—

"(A) developed by the State in cooperation with the metropolitan planning organizations;

"(B) approved by the Secretary of Transportation;

"(C) that considers population in urbanized areas; and

"(D) that provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section.

"(3) Supplemental allocations.—

"(A) In general.—The Secretary shall allocate 20 percent of the amount made available under subsection (g)(3)(A) to States to supplement allocations made under paragraph (1) for metropolitan planning organizations.

"(B) Allocation formula.—Amounts under this paragraph shall be allocated under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities in complex metropolitan planning areas under sections 5303, 5304, and 5306.

"(d) State Planning and Research Program.—

"(1) In general.—The Secretary shall allocate amounts made available pursuant to subsection (g)(3)(B) to States for grants and contracts to carry out sections 5304, 5306, 5315, and 5322 so that each State receives an amount equal to the ratio of the population in urbanized areas in that State, divided by the total population in urbanized areas in all States, as shown by the latest available decennial census.

"(2) Minimum allocation.—Each State shall receive not less than 0.5 percent of the amount allocated under this subsection.

"(3) Reallocation.—A State may authorize part of the amount made available under this subsection to be used to supplement amounts available under subsection (c).

"(e) Planning Capacity Building Program.—

"(1) Establishment.—The Secretary shall establish a Planning Capacity Building Program (referred to in this subsection as the "Program") to support and fund innovative practices and enhancements in transportation planning.

"(2) Purpose.—The purpose of the Program shall be to promote activities that support and strengthen the planning processes required under this section and sections 5303 and 5304.

"(3) Administration.—The Program shall be administered by the Federal Transit Administration in cooperation with the Federal Highway Administration.

"(4) Use of funds.—

"(A) In general.—Appropriations authorized under subsection (g)(1) to carry out this subsection may be used—

"(i) to provide incentive grants to States, metropolitan planning organizations, and public transportation operators; and

"(ii) to conduct research, disseminate information, and provide technical assistance.

"(B) Grants, contracts, cooperative agreements.—In carrying out the activities described in subparagraph (A), the Secretary may—

"(i) expend appropriated funds directly; or

"(ii) award grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local governmental authority, association, nonprofit or for-profit entity, or institution of higher education.

"(f) Government's Share of Costs.—Amounts made available to carry out subsections (c), (d), and (e) may not exceed 80 percent of the costs of the activity unless the Secretary of Transportation determines that it is in the interest of the Government not to require State or local matching funds.

"(g) Allocation of Funds.—Of the amounts made available under section 5338(b)(2)(B) for fiscal year 2006 and each fiscal year thereafter to carry out this section—

"(1) $5,000,000 shall be allocated for the Planning Capacity Building Program established under subsection (e);

"(2) $20,000,000 shall be allocated for grants under subsection (a)(2) for alternatives analyses required by section 5309(e)(2)(A); and

"(3) of the remaining amount—

"(A) 82.72 percent shall be allocated for the metropolitan planning program described in subsection (d); and

"(B) 17.28 percent shall be allocated to carry out subsection (b).

"(h) Reallocations.—Any amount allocated under this section that has not been used 3 years after the end of the fiscal year in which the amount was allocated shall be reallocated among the States.".

(b) Conforming Amendment.—The item relating to section 5308 in the table of sections for chapter 53 is amended to read as follows:

"5308. Planning programs.".

SEC. 6011. CAPITAL INVESTMENT PROGRAM.

(a) Section Heading.—The section heading of section 5309 is amended to read as follows:

"§ 5309. Capital investment grants".

(b) General Authority.—Section 5309(a) is amended—

(1) in paragraph (1)—

(A) by striking "(1) The Secretary of Transportation may make grants and loans" and inserting the following:

"(1) Grants authorized.—The Secretary may award grants";

(B) in subparagraph (A), by striking "alternatives analysis related to the development of systems,";

(C) by striking subparagraphs (B), (C), (D), and (G);

(D) by redesignating subparagraphs (E), (F), and (H) as subparagraphs (B), (C), and (D), respectively;

(E) in subparagraph (C), as redesignated, by striking the semicolon at the end and inserting ", including programs of bus and bus-related projects for assistance to subrecipients which are public agencies, private companies engaged in public transportation, or private nonprofit organizations; and"; and

(F) in subparagraph (D), as redesignated—

(i) by striking "to support fixed guideway systems"; and

(ii) by striking "dedicated bus and high occupancy vehicle";

(2) by amending paragraph (2) to read as follows:

"(2) Grantee requirements.—

"(A) Grantee in urbanized area.—The Secretary shall require that any grants awarded under this section to a recipient or subrecipient located in an urbanized area shall be subject to all terms, conditions, requirements, and provisions that the Secretary determines to be necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in the value of real property resulting from the project assisted under this section.

"(B) Grantee not in urbanized area.—The Secretary shall require that any grants awarded under this section to a recipient or subrecipient not located in an urbanized area shall be subject to the same terms, conditions, requirements, and provisions as a recipient or subrecipient of assistance under section 5311.

"(C) Subrecipient.—The Secretary shall require that any private, nonprofit organization that is a subrecipient of a grant awarded under this section shall be subject to the same terms, conditions, requirements, and provisions as a subrecipient of assistance under section 5310.

"(D) Statewide transit provider grantees.—A statewide transit provider that receives a grant under this section shall be subject to the terms, conditions, requirements, and provisions of this section or section 5311, consistent with the scope and purpose of the grant and the location of the project."; and

(3) by adding at the end the following:

"(3) Certification.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(d)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the findings required under this subsection.".

(c) Defined Term.—Section 5309(b) is amended to read as follows:

"(b) Defined Term.—As used in this section, the term 'alternatives analysis' means a study conducted as part of the transportation planning process required under sections 5303 and 5304, which includes—

"(1) an assessment of a wide range of public transportation alternatives designed to address a transportation problem in a corridor or subarea;

"(2) sufficient information to enable the Secretary to make the findings of project justification and local financial commitment required under this section;

"(3) the selection of a locally preferred alternative; and

"(4) the adoption of the locally preferred alternative as part of the long-range transportation plan required under section 5303.".

(d) Grant Requirements.—Section 5309(d) is amended to read as follows:

"(d) Grant Requirements.—The Secretary may not approve a grant for a project under this section unless the Secretary determines that—

"(1) the project is part of an approved transportation plan and program of projects required under sections 5303, 5304, and 5306; and

"(2) the applicant has, or will have—

"(A) the legal, financial, and technical capacity to carry out the project, including safety and security aspects of the project;

"(B) satisfactory continuing control over the use of the equipment or facilities; and

"(C) the capability and willingness to maintain the equipment or facilities.".

(e) MAJOR CAPITAL INVESTMENT PROJECTS OF $75,000,000 OR MORE.—Section 5309(e) is amended to read as follows:

"(e) MAJOR CAPITAL INVESTMENT PROJECTS OF $75,000,000 OR MORE.—

"(1) FULL FUNDING GRANT AGREEMENT.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under this subsection, with each grantee receiving not less than $75,000,000 under this subsection for a new fixed guideway capital project that—

"(A) is authorized for final design and construction; and

"(B) has been rated as medium, medium-high, or high, in accordance with paragraph (5)(B).

"(2) DETERMINATIONS.—The Secretary may not award a grant under this subsection for a new fixed guideway capital project unless the Secretary determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost-effectiveness, operating efficiencies, economic development effects, and public transportation supportive land use patterns and policies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct the project, and maintain and operate the entire public transportation system, while ensuring that the extent and quality of existing public transportation services are not degraded.

"(3) EVALUATION OF PROJECT JUSTIFICATION.—In making the determinations under paragraph (2)(B) for a major capital investment grant, the Secretary shall analyze, evaluate, and consider—

"(A) the results of the alternatives analysis and preliminary engineering for the proposed project;

"(B) the reliability of the forecasts of costs and utilization made by the recipient and the contractors to the recipient;

"(C) the direct and indirect costs of relevant alternatives;

"(D) factors such as—

"(i) congestion relief;

"(ii) improved mobility;

"(iii) air pollution;

"(iv) noise pollution;

"(v) energy consumption; and

"(vi) all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(E) reductions in local infrastructure costs achieved through compact land use development and positive impacts on the capacity, utilization, or longevity of other surface transportation assets and facilities;

"(F) the cost of suburban sprawl;

"(G) the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development;

"(H) population density and current transit ridership in the transportation corridor;

"(I) the technical capability of the grant recipient to construct the project;

"(J) any adjustment to the project justification necessary to reflect differences in local land, construction, and operating costs; and

"(K) other factors that the Secretary determines to be appropriate to carry out this chapter.

"(4) EVALUATION OF LOCAL FINANCIAL COMMITMENT.—

"(A) IN GENERAL.—In evaluating a project under paragraph (2)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to recapitalize and operate the overall proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels, while ensuring that the extent and quality of existing public transportation services are not degraded.

"(B) EVALUATION CRITERIA.—In assessing the stability, reliability, and availability of proposed sources of local financing under paragraph (2)(C), the Secretary shall consider—

"(i) the reliability of the forecasts of costs and utilization made by the recipient and the contractors to the recipient;

"(ii) existing grant commitments;

"(iii) the degree to which financing sources are dedicated to the proposed purposes;

"(iv) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and

"(v) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project, provided that if the Secretary gives priority to financing projects that include more than the non-Federal share required under subsection (h), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

"(5) PROJECT ADVANCEMENT AND RATINGS.—

"(A) PROJECT ADVANCEMENT.—A proposed project under this subsection shall not advance from alternatives analysis to preliminary engineering or from preliminary engineering to final design and construction unless the Secretary determines that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements.

"(B) RATINGS.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate the project on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the results of the alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by regulation.

"(6) APPLICABILITY.—This subsection shall not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2005.

"(7) RULEMAKING.—Not later than 240 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations on the manner by which the Secretary shall evaluate and rate projects based on the results of alternatives analysis, project justification, and local financial commitment, in accordance with this subsection.

"(8) POLICY GUIDANCE.—

"(A) PUBLICATION.—The Secretary shall publish policy guidance regarding the new starts project review and evaluation process—

"(i) not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005; and

"(ii) each time significant changes are made by the Secretary to the new starts project review and evaluation process and criteria, but not less frequently than once every 2 years.

"(B) PUBLIC COMMENT AND RESPONSE.—The Secretary shall—

"(i) invite public comment to the policy guidance published under subparagraph (A); and

"(ii) publish a response to the comments received under clause (i).".

(f) MAJOR CAPITAL INVESTMENT PROJECTS OF LESS THAN $75,000,000.—Section 5309(f) is amended to read as follows:

"(f) MAJOR CAPITAL INVESTMENT PROJECTS OF LESS THAN $75,000,000.—

"(1) PROJECT CONSTRUCTION GRANT AGREEMENT.—

"(A) IN GENERAL.—The Secretary shall enter into a project construction grant agreement, based on evaluations and ratings required under this subsection, with each grantee receiving less than $75,000,000 under this subsection for a new fixed guideway or corridor improvement capital project that—

"(i) is authorized by law; and

"(ii) has been rated as medium, medium-high, or high, in accordance with paragraph (3)(B).

"(B) CONTENTS.—

"(i) IN GENERAL.—An agreement under this paragraph shall specify—

"(I) the scope of the project to be constructed;

"(II) the estimated net cost of the project;

"(III) the schedule under which the project shall be constructed;

"(IV) the maximum amount of funding to be obtained under this subsection;

"(V) the proposed schedule for obligation of future Federal grants; and

"(VI) the sources of non-Federal funding.

"(ii) ADDITIONAL FUNDING.—The agreement may include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

"(C) FULL FUNDING GRANT AGREEMENT.—An agreement under this paragraph shall be considered a full funding grant agreement for the purposes of subsection (g).

"(2) SELECTION PROCESS.—

"(A) SELECTION CRITERIA.—The Secretary may not award a grant under this subsection for a proposed project unless the Secretary determines that the project is—

"(i) based on the results of planning and alternatives analysis;

"(ii) justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect on local economic development; and

"(iii) supported by an acceptable degree of local financial commitment.

"(B) PLANNING AND ALTERNATIVES.—In evaluating a project under subparagraph (A)(i), the Secretary shall analyze and consider the results of planning and alternatives analysis for the project.

"(C) PROJECT JUSTIFICATION.—In making the determinations under subparagraph (A)(ii), the Secretary shall—

"(i) determine the degree to which local land use policies are supportive of the public transportation project and the degree to which the project is likely to achieve local developmental goals;

"(ii) determine the cost effectiveness of the project at the time of the initiation of revenue service;

"(iii) determine the degree to which the project will have a positive effect on local economic development;

"(iv) consider the reliability of the forecasts of costs and ridership associated with the project; and

"(v) consider other factors that the Secretary determines to be appropriate to carry out this subsection.

"(D) LOCAL FINANCIAL COMMITMENT.—For purposes of subparagraph (A)(iii), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

"(3) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—

"(A) IN GENERAL.—A proposed project under this subsection may not advance from the planning and alternatives analysis stage to project development and construction unless—

"(i) the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements; and

"(ii) the metropolitan planning organization has adopted the locally preferred alternative for the project into the long-range transportation plan.

"(B) EVALUATION.—In making the findings under subparagraph (A), the Secretary shall evaluate and rate the project as high, medium-high, medium, medium-low, or low, based on the results of the analysis of the project justification criteria and the degree of local financial commitment, as required under this subsection.

"(4) IMPACT REPORT.—

"(A) IN GENERAL.—Not later than 240 days after the date of enactment of the Federal Public Transportation Act of 2005, the Federal Transit Administration shall submit a report on the methodology to be used in evaluating the land use and economic development impacts of non-fixed guideway or partial fixed guideway projects to—

"(i) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

"(B) CONTENTS.—The report submitted under subparagraph (A) shall address any qualitative and quantitative differences between fixed guideway and non-fixed guideway projects with respect to land use and economic development impacts.

"(5) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall issue regulations establishing an evaluation and rating process for proposed projects under this subsection that is based on the results of project justification and local financial commitment, as required under this subsection.".

(g) FULL FUNDING GRANT AGREEMENTS.—Section 5309(g)(2) is amended by adding at the end the following:

"(C) BEFORE AND AFTER STUDY.—

"(i) IN GENERAL.—Each full funding grant agreement shall require the applicant to conduct a study that—

"(I) describes and analyzes the impacts of the new start project on transit services and transit ridership;

"(II) evaluates the consistency of predicted and actual project characteristics and performance; and

"(III) identifies sources of differences between predicted and actual outcomes.

"(ii) INFORMATION COLLECTION AND ANALYSIS PLAN.—

"(I) SUBMISSION OF PLAN.—Applicants seeking a full funding grant agreement shall submit a complete plan for the collection and analysis of information to identify the impacts of the new start project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan shall be included in the full funding grant agreement as an eligible activity.

"(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

"(aa) the collection of data on the current transit system regarding transit service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics;

"(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

"(cc) collection of data on the transit system 2 years after the opening of the new start project, including analogous information on transit service levels and ridership patterns and information on the as-built scope and capital costs of the new start project; and

"(dd) analysis of the consistency of predicted project characteristics with the after data.

"(D) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement, recipients shall have collected data on the current system, according to the plan required, before the beginning of construction of the proposed new start project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

"(E) PUBLIC PRIVATE PARTNERSHIP PILOT PROGRAM.—

"(i) AUTHORIZATION.—The Secretary may establish a pilot program to demonstrate the advantages of public-private partnerships for certain fixed guideway systems development projects.

"(ii) IDENTIFICATION OF QUALIFIED PROJECTS.—The Secretary shall identify qualified public-private partnership projects as permitted by applicable State and local enabling laws and work with project sponsors to enhance project delivery and reduce overall costs.".

(h) GOVERNMENT SHARE OF NET PROJECT COST.—Section 5309(h) is amended to read as follows:

"(h) GOVERNMENT SHARE OF ADJUSTED NET PROJECT COST.—

"(1) IN GENERAL.—The Secretary shall estimate the net project cost based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities.

"(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net project cost of a major capital investment project evaluated under subsections (e) and (f) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed at a cost that is significantly below the original estimate.

"(3) MAXIMUM GOVERNMENT SHARE.—

"(A) IN GENERAL.—A grant for the project shall be for 80 percent of the net project cost, or the net project cost as adjusted under paragraph (2), unless the grant recipient requests a lower grant percentage.

"(B) EXCEPTIONS.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

"(i) the Secretary determines that the net project cost of the project is not more than 10 percent higher than the net project cost estimated at the time the project was approved for advancement into preliminary engineering; and

"(ii) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into preliminary engineering.

"(4) OTHER SOURCES.—The costs not funded by a grant under this section may be funded from—

"(A) an undistributed cash surplus;

"(B) a replacement or depreciation cash fund or reserve; or

"(C) new capital, including any Federal funds that are eligible to be expended for transportation.

"(5) PLANNED EXTENSION TO FIXED GUIDEWAY SYSTEM.—In addition to amounts allowed under paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the Secretary determines that only non-Federal funds were used and that the purchase was made for use on the extension. A refund or reduction of the costs not funded by a grant under this section may be made only if a refund of a proportional amount of the grant is made at the same time.

"(6) EXCEPTION.—The prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to amounts allowed under paragraph (4).".

(i) LOAN PROVISIONS AND FISCAL CAPACITY CONSIDERATIONS.—Section 5309 is amended—

(1) by striking subsections (i), (j), (k), and (l);

(2) by redesignating subsections (m) and (n) as subsections (i) and (j), respectively;

(3) by striking subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998); and

(4) by redesignating subsections (o) and (p) as subsections (k) and (l), respectively.

(j) ALLOCATING AMOUNTS.—Section 5309(i), as redesignated, is amended to read as follows:

"(i) ALLOCATING AMOUNTS.—

"(1) FISCAL YEAR 2005.—Of the amounts made available or appropriated for fiscal year 2005 under section 5338(a)(3)—

"(A) $1,437,829,600 shall be allocated for projects of not less than $75,000,000 for major capital projects for new fixed guideway systems and extensions of such systems under subsection (e) and projects for new fixed guideway or corridor improvement capital projects under subsection (f);

"(B) $1,204,684,800 shall be allocated for capital projects for fixed guideway modernization; and

"(C) $669,600,000 shall be allocated for capital projects for buses and bus-related equipment and facilities.

"(2) IN GENERAL.—Of the amounts made available or appropriated for fiscal year 2006 and each fiscal year thereafter for grants under this section pursuant to subsections (b)(4) and (c) of section 5338—

"(A) the amounts appropriated under section 5338(c) shall be allocated for major capital projects for—

"(i) new fixed guideway systems and extensions of not less than $75,000,000, in accordance with subsection (e); and

"(ii) projects for new fixed guideway or corridor improvement capital projects, in accordance with subsection (f); and

"(B) the amounts made available under section 5338(b)(4) shall be allocated for capital projects for buses and bus-related equipment and facilities.

"(3) FIXED GUIDEWAY MODERNIZATION.—The amounts made available for fixed guideway modernization under section 5338(b)(2)(K) for fiscal year 2006 and each fiscal year thereafter shall be allocated in accordance with section 5337.

"(4) PRELIMINARY ENGINEERING.—Not more that 8 percent of the allocation described in paragraphs (1)(A) and (2)(A) may be expended on preliminary engineering.

"(5) FUNDING FOR FERRY BOATS.—Of the amounts described in paragraphs (1)(A) and (2)(A), $10,400,000 shall be available in each of the fiscal years 2005 through 2009 for capital projects in Alaska and Hawaii for new fixed guideway systems and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals.

"(6) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATIONS.—In making grants under paragraphs (1)(C) and (2)(B), the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

"(B) PROJECTS NOT IN URBANIZED AREAS.—Of the amounts made available under paragraphs (1)(C) and (2)(B), not less than 5.5 percent shall be available in each fiscal year for projects that are not in urbanized areas.

"(C) INTERMODAL TERMINALS.—Of the amounts made available under paragraphs (1)(C) and (2)(B), not less than $75,000,000 shall be available in each fiscal year for intermodal terminal projects, including the intercity bus portion of such projects.".

(k) REPORTS.—Section 5309 is amended by inserting at the end the following:

"(m) REPORTS.—

"(1) ANNUAL REPORT ON FUNDING RECOMMENDATIONS.—

"(A) IN GENERAL.—Not later than the first Monday of February of each year, the Secretary shall submit a report on funding recommendations to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(iii) the Subcommittee on the Departments of Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies of the Committee on Appropriations of the House of Representatives; and

"(iv) the Subcommittee on Transportation, Treasury, and General Government of the Committee on Appropriations of the Senate.

"(B) CONTENTS.—The report submitted under subparagraph (A) shall contain—

"(i) a proposal on the allocation of amounts to finance grants for capital investment projects among grant applicants;

"(ii) a recommendation of projects to be funded based on—

"(I) the evaluations and ratings determined under subsection (e) and (f); and

"(II) existing commitments and anticipated funding levels for the subsequent 3 fiscal years; and

"(iii) detailed ratings and evaluations on each project recommended for funding.

"(2) TRIANNUAL REPORTS ON PROJECT RATINGS.—

"(A) IN GENERAL.—Not later than the first Monday of February, the first Monday of June, and the first Monday of October of each year, the Secretary shall submit a report on project ratings to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(iii) the Subcommittee on the Departments of Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies of the Committee on Appropriations of the House of Representatives; and

"(iv) the Subcommittee on Transportation, Treasury, and General Government of the Committee on Appropriations of the Senate.

"(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

"(i) a summary of the ratings of all capital investment projects for which funding was requested under this section;

"(ii) detailed ratings and evaluations on the project of each applicant that had significant changes to the finance or project proposal or has completed alternatives analysis or preliminary engineering since the date of the latest report; and

"(iii) all relevant information supporting the evaluation and rating of each updated project, including a summary of the financial plan of each updated project.

"(3) BEFORE AND AFTER STUDY REPORTS.—Not later than the first Monday of August of each year, the Secretary shall submit a report containing a summary of the results of the studies conducted under subsection (g)(2) to—

"(A) the Committee on Transportation and Infrastructure of the House of Representatives;

"(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(C) the Subcommittee on the Departments of Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies of the Committee on Appropriations of the House of Representatives; and

"(D) the Subcommittee on Transportation, Treasury, and General Government of the Committee on Appropriations of the Senate.

"(4) CONTRACTOR PERFORMANCE ASSESSMENT REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the enactment of the Federal Public Transportation Act of 2005, and each year thereafter, the Secretary shall submit a report analyzing the consistency and accuracy of cost and ridership estimates made by each contractor to public transportation agencies developing major investment projects to the committees and subcommittees listed under paragraph (3).

"(B) CONTENTS.—The report submitted under subparagraph (A) shall compare the cost and ridership estimates made at the time projects are approved for entrance into preliminary engineering with—

"(i) estimates made at the time projects are approved for entrance into final design;

"(ii) costs and ridership when the project commences revenue operation; and

"(iii) costs and ridership when the project has been in operation for 2 years.

"(5) ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—

"(A) REVIEW.—The Comptroller General of the United States shall conduct an annual review of the processes and procedures for evaluating and rating projects and recommending projects and the Secretary's implementation of such processes and procedures.

"(B) REPORT.—Not later than 90 days after the submission of each report required under paragraph (1), the Comptroller General shall submit a report to Congress that summarizes the results of the review conducted under subparagraph (A).

"(6) CONTRACTOR PERFORMANCE INCENTIVE REPORT.—Not later than 180 days after the enactment of the Federal Public Transportation Act of 2005, the Secretary shall submit a report to the committees and subcommittees listed under paragraph (3) on the suitability of allowing contractors to public transportation agencies that undertake major capital investments under this section to receive performance incentive awards if a project is completed for less than the original estimated cost.".

(*l*) RESTRICTIONS ON USE OF BUS CATEGORY FUNDS FOR FIXED GUIDEWAY PROJECTS.—Funds provided to grantees under the bus and bus facility category for fixed guideway ferry and gondola projects in the Department of Transportation and Related Agencies Appropriations Acts for any of fiscal years 1998 through 2005, or accompanying committee reports, that remain available and unobligated may be used for fixed guideway projects under this section.

SEC. 6012. NEW FREEDOM FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 is amended to read as follows:

"§ 5310. New freedom for elderly persons and persons with disabilities

"(a) GENERAL AUTHORITY.—

"(1) AUTHORIZATION.—The Secretary may award grants to a State for capital public transportation projects that are planned, designed, and carried out to meet the needs of elderly individuals and individuals with disabilities, with priority given to the needs of these individuals to access necessary health care.

"(2) ACQUISITION OF PUBLIC TRANSPORTATION SERVICES.—A capital public transportation project under this section may include acquiring public transportation services as an eligible capital expense.

"(3) ADMINISTRATIVE COSTS.—A State may use not more than 15 percent of the amounts received under this section to administer, plan, and provide technical assistance for a project funded under this section.

"(b) ALLOTMENTS AMONG STATES.—

"(1) IN GENERAL.—From amounts made available or appropriated in each fiscal year under subsections (a)(1)(C)(iv) and (b)(2)(D) of section 5338 for grants under this section, the Secretary shall allot amounts to each State under a formula based on the number of elderly individuals and individuals with disabilities in each State.

"(2) TRANSFER OF FUNDS.—Any funds allotted to a State under paragraph (1) may be transferred by the State to the apportionments made under sections 5311(c) and 5336 if such funds are only used for eligible projects selected under this section.

"(3) REALLOCATION OF FUNDS.—A State receiving a grant under this section may reallocate such grant funds to—

"(A) a private nonprofit organization;

"(B) a public transportation agency or authority; or

"(C) a governmental authority that—

"(i) has been approved by the State to coordinate services for elderly individuals and individuals with disabilities;

"(ii) certifies that nonprofit organizations are not readily available in the area that can provide the services described under this subsection; or

"(iii) will provide services to persons with disabilities that exceed those services required by the Americans with Disabilities Act.

"(c) GOVERNMENT SHARE.—

"(1) MAXIMUM.—

"(A) IN GENERAL.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

"(B) EXCEPTION.—A State described in section 120(d) of title 23 shall receive an increased Government share in accordance with the formula under that section.

"(2) REMAINING COSTS.—The costs of a capital project under this section that are not funded through a grant under this section—

"(A) may be funded from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

"(B) may be derived from amounts appropriated to or made available to any Federal agency (other than the Department of Transportation, except for Federal Lands Highway funds) that are eligible to be expended for transportation.

"(3) EXCEPTION.—For purposes of paragraph (2), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

"(d) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant recipient under this section shall be subject to the requirements of a grant recipient under section 5307 to the extent the Secretary determines to be appropriate.

"(2) CERTIFICATION REQUIREMENTS.—

"(A) FUND TRANSFERS.—A grant recipient under this section that transfers funds to a project funded under section 5336 in accordance with subsection (b)(2) shall certify that the project for which the funds are requested has been coordinated with private nonprofit providers of services under this section.

"(B) PROJECT SELECTION AND PLAN DEVELOPMENT.—Each grant recipient under this section shall certify that—

"(i) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

"(ii) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

"(C) ALLOCATIONS TO SUBRECIPIENTS.—Each grant recipient under this section shall certify that allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

"(e) STATE PROGRAM OF PROJECTS.—

"(1) SUBMISSION TO SECRETARY.—Each State shall annually submit a program of transportation projects to the Secretary for approval with an assurance that the program provides for maximum feasible coordination between transportation services funded under this section and transportation services assisted by other Federal sources.

"(2) USE OF FUNDS.—Each State may use amounts made available to carry out this section to provide transportation services for elderly individuals and individuals with disabilities if such services are included in an approved State program of projects.

"(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the needs of elderly individuals and individuals with disabilities.

"(g) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS.—Public transportation service providers receiving assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

"(h) TRANSFERS OF FACILITIES AND EQUIPMENT.—With the consent of the recipient in possession of a facility or equipment acquired with a grant under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

"(i) FARES NOT REQUIRED.—This section does not require that elderly individuals and individuals with disabilities be charged a fare.".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended to read as follows:

"5310. New freedom for elderly persons and persons with disabilities.".

SEC. 6013. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

"(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

"(1) RECIPIENT.—The term 'recipient' means a State or Indian tribe that receives a Federal transit program grant directly from the Federal Government.

"(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, a nonprofit organization, or a private operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.".

(b) GENERAL AUTHORITY.—Section 5311(b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) GRANTS AUTHORIZED.—Except as provided under paragraph (2), the Secretary may award grants under this section to recipients located in areas other than urbanized areas for—

"(A) public transportation capital projects;

"(B) operating costs of equipment and facilities for use in public transportation; and

"(C) the acquisition of public transportation services.";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) STATE PROGRAM.—

"(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

"(B) SUBMISSION TO SECRETARY.—Each State shall annually submit the program described in subparagraph (A) to the Secretary.

"(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—

"(i) the program provides a fair distribution of amounts in the State; and

"(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.";

(4) in paragraph (3), as redesignated—

(A) by striking "(3) The Secretary of Transportation" and inserting the following:

"(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary";

(B) by striking "make" and inserting "use not more than 2 percent of the amount made available to carry out this section to award"; and

(C) by adding at the end the following:

"(B) DATA COLLECTION.—

"(i) REPORT.—Each grantee under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—

"(I) total annual revenue;

"(II) sources of revenue;

"(III) total annual operating costs;

"(IV) total annual capital costs;

"(V) fleet size and type, and related facilities;

"(VI) revenue vehicle miles; and

"(VII) ridership."; and

(5) by adding after paragraph (3) the following:

"(4) Of the amount made available to carry out paragraph (3)—

"(A) not more than 15 percent may be used to carry out projects of a national scope; and

"(B) any amounts not used under subparagraph (A) shall be allocated to the States.".

(c) APPORTIONMENTS.—Section 5311(c) is amended to read as follows:

"(c) APPORTIONMENTS.—

"(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to subsections (a)(1)(C)(v) and (b)(2)(F) of section 5338, the following amounts shall be apportioned for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary:

"(A) $8,000,000 for fiscal year 2006.

"(B) $10,000,000 for fiscal year 2007.

"(C) $12,000,000 for fiscal year 2008.

"(D) $15,000,000 for fiscal year 2009.

"(2) REMAINING AMOUNTS.—Of the amounts made available or appropriated for each fiscal year pursuant to subsections (a)(1)(C)(v) and (b)(2)(F) of section 5338 that are not apportioned under paragraph (1)—

"(A) 20 percent shall be apportioned to the States in accordance with paragraph (3); and

"(B) 80 percent shall be apportioned to the States in accordance with paragraph (4).

"(3) APPORTIONMENTS BASED ON LAND AREA IN NONURBANIZED AREAS.—

"(A) IN GENERAL.—Subject to subparagraph (B), each State shall receive an amount that is equal to the amount apportioned under paragraph (2)(A) multiplied by the ratio of the land area in areas other than urbanized areas in that State and divided by the land area in all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.

"(B) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under this paragraph.

"(4) APPORTIONMENTS BASED ON POPULATION IN NONURBANIZED AREAS.—Each State shall receive an amount equal to the amount apportioned under paragraph (2)(B) multiplied by the ratio of the population of areas other than urbanized areas in that State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.".

(d) USE FOR ADMINISTRATIVE, PLANNING, AND TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

(1) by striking "AND TECHNICAL ASSISTANCE.—(1) The Secretary of Transportation"

and inserting ", Planning, and Technical Assistance.—The Secretary";

(2) by striking "to a recipient"; and

(3) by striking paragraph (2).

(e) Intercity Bus Transportation.—Section 5311(f) is amended—

(1) in paragraph (1)—

(A) by striking "(1)" and inserting the following:

"(1) In general.—"; and

(B) by striking "after September 30, 1993,"; and

(2) in paragraph (2)—

(A) by striking "A State" and inserting "After consultation with affected intercity bus service providers, a State"; and

(B) by striking "of Transportation".

(f) Government Share of Costs.—Section 5311(g) is amended to read as follows:

"(g) Government Share of Costs.—

"(1) Maximum government share.—

"(A) Capital projects.—

"(i) In general.—Except as provided under clause (ii), a grant awarded under this section for any purpose other than operating assistance may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

"(ii) Exception.—A State described in section 120(d) of title 23 shall receive a Government share of the net capital costs in accordance with the formula under that section.

"(B) Operating assistance.—

"(i) In general.—Except as provided under clause (ii), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

"(ii) Exception.—A State described in section 120(d) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under subparagraph (A)(ii).

"(2) Other funding sources.—Funds for a project under this section that are not provided for by a grant under this section—

"(A) may be provided from—

"(i) an undistributed cash surplus;

"(ii) a replacement or depreciation cash fund or reserve;

"(iii) a service agreement with a State or local social service agency or a private social service organization; or

"(iv) new capital; and

"(B) may be derived from amounts appropriated to or made available to a Government agency (other than the Department of Transportation, except for Federal Land Highway funds) that are eligible to be expended for transportation.

"(3) Use of government grant.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

"(4) Exception.—For purposes of paragraph (2)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(c)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(c)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.".

(g) Waiver Condition.—Section 5311(j)(1) is amended by striking "but the Secretary of Labor may waive the application of section 5333(b)" and inserting "if the Secretary of Labor utilizes a Special Warranty that provides a fair and equitable arrangement to protect the interests of employees".

SEC. 6014. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

(a) In General.—Section 5312 is amended—

(1) by amending subsection (a) to read as follows:

"(a) Research, Development, and Demonstration Projects.—

"(1) In general.—The Secretary may make grants, contracts, cooperative agreements, or other transactions (including agreements with departments, agencies, and instrumentalities of the United States Government) for research, development, demonstration or deployment projects, or evaluation of technology of national significance to public transportation that the Secretary determines will improve public transportation service or help public transportation service meet the total transportation needs at a minimum cost.

"(2) Information.—The Secretary may request and receive appropriate information from any source.

"(3) Savings provision.—This subsection does not limit the authority of the Secretary under any other law.";

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) and (e) as (b) and (c), respectively;

(4) in subsection (b)(2), as redesignated, by striking "other agreements" and inserting "other transactions"; and

(5) in subsection (c)(2), as redesignated, by striking "public and private" and inserting "public or private".

(b) Conforming Amendments.—

(1) Section heading.—The heading of section 5312 is amended to read as follows:

"§ 5312. Research, development, demonstration, and deployment projects".

(2) Table of sections.—The item relating to section 5312 in the table of sections for chapter 53 is amended to read as follows:

"5312. Research, development, demonstration, and deployment projects.".

SEC. 6015. TRANSIT COOPERATIVE RESEARCH PROGRAM.

(a) In General.—Section 5313 is amended—

(1) by striking subsection (b);

(2) in subsection (a)—

(A) in paragraph (1), by striking "(1) The amounts made available under paragraphs (1) and (2)C)(ii) of section 5338(c) of this title" and inserting "The amounts made available under subsections (a)(5)(C)(iii) and (b)(2)(G)(i) of section 5338"; and

(B) in paragraph (2), by striking "(2)" and inserting the following:

"(b) Government Assistance.—"; and

(3) by amending subsection (c) to read as follows:

"(c) Government Share.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with such benefit.".

(b) Conforming Amendments.—

(1) Section heading.—The heading of section 5313 is amended to read as follows:

"§ 5313. Transit cooperative research program".

(2) Table of sections.—The item relating to section 5313 in the table of sections for chapter 53 is amended to read as follows:

"5313. Transit cooperative research program.".

SEC. 6016. NATIONAL RESEARCH PROGRAMS.

(a) In General.—Section 5314 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) Availability of funds.—The Secretary may use amounts made available under subsections (a)(5)(C)(iv) and (b)(2)(G)(iv) of section 5338 for grants, contracts, cooperative agreements, or other transactions for the purposes described in sections 5312, 5315, and 5322.";

(B) in paragraph (2), by striking "(2) Of" and inserting the following:

"(2) ADA compliance.—From";

(C) by amending paragraph (3) to read as follows:

"(3) Special demonstration initiatives.—The Secretary may use not more than 25 percent of the amounts made available under paragraph (1) for special demonstration initiatives, subject to terms that the Secretary determines to be consistent with this chapter. For a nonrenewable grant of not more than $100,000, the Secretary shall provide expedited procedures for complying with the requirements of this chapter.";

(D) in paragraph (4)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(E) by adding at the end the following:

"(6) Medical transportation demonstration grants.—

"(A) Grants authorized.—The Secretary may award demonstration grants, from funds made available under paragraph (1), to eligible entities to provide transportation services to individuals to access dialysis treatments and other medical treatments for renal disease.

"(B) Eligible entities.—An entity shall be eligible to receive a grant under this paragraph if the entity—

"(i) meets the conditions described in section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) is an agency of a State or unit of local government.

"(C) Use of funds.—Grant funds received under this paragraph may be used to provide transportation services to individuals to access dialysis treatments and other medical treatments for renal disease.

"(D) Application.—

"(i) In general.—Each eligible entity desiring a grant under this paragraph shall submit an application to the Secretary at such time, at such place, and containing such information as the Secretary may reasonably require.

"(ii) Selection of grantees.—In awarding grants under this paragraph, the Secretary shall give preference to eligible entities from communities with—

"(I) high incidence of renal disease; and

"(II) limited access to dialysis facilities.

"(E) Rulemaking.—The Secretary shall issue regulations to implement and administer the grant program established under this paragraph.

"(F) Report.—The Secretary shall submit a report on the results of the demonstration projects funded under this paragraph to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives."; and

(2) by amending subsection (b) to read as follows:

"(b) Government Share.—If there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other transaction financed under subsection (a) or section 5312, 5313, 5315, or 5322, the Secretary shall establish a Government share consistent with such benefit.".

(c) National Technical Assistance Center for Senior Transportation; Alternative Fuels Study.—Section 5314 is amended by adding at the end the following:

"(c) National Technical Assistance Center for Senior Transportation.—

“(1) ESTABLISHMENT.—The Secretary shall award grants to a national not-for-profit organization for the establishment and maintenance of a national technical assistance center.

“(2) ELIGIBILITY.—An organization shall be eligible to receive the grant under paragraph (1) if the organization—

“(A) focuses significantly on serving the needs of the elderly;

“(B) has demonstrated knowledge and expertise in senior transportation policy and planning issues;

“(C) has affiliates in a majority of the States;

“(D) has the capacity to convene local groups to consult on operation and development of senior transportation programs; and

“(E) has established close working relationships with the Federal Transit Administration and the Administration on Aging.

“(3) USE OF FUNDS.—The national technical assistance center established under this section shall—

“(A) gather best practices from throughout the country and provide such practices to local communities that are implementing senior transportation programs;

“(B) work with teams from local communities to identify how they are successfully meeting the transportation needs of senior and any gaps in services in order to create a plan for an integrated senior transportation program;

“(C) provide resources on ways to pay for senior transportation services;

“(D) create a web site to publicize and circulate information on senior transportation programs;

“(E) establish a clearinghouse for print, video, and audio resources on senior mobility; and

“(F) administer the demonstration grant program established under paragraph (4).

“(4) GRANTS AUTHORIZED.—

“(A) IN GENERAL.—The national technical assistance center established under this section, in consultation with the Federal Transit Administration, shall award senior transportation demonstration grants to—

“(i) local transportation organizations;

“(ii) State agencies;

“(iii) units of local government; and

“(iv) nonprofit organizations.

“(B) USE OF FUNDS.—Grant funds received under this paragraph may be used to—

“(i) evaluate the state of transportation services for senior citizens;

“(ii) recognize barriers to mobility that senior citizens encounter in their communities;

“(iii) establish partnerships and promote coordination among community stakeholders, including public, not-for-profit, and for-profit providers of transportation services for senior citizens;

“(iv) identify future transportation needs of senior citizens within local communities; and

“(v) establish strategies to meet the unique needs of healthy and frail senior citizens.

“(C) SELECTION OF GRANTEES.—The Secretary shall select grantees under this subsection based on a fair representation of various geographical locations throughout the United States.

“(5) ALLOCATIONS.—From the funds made available for each fiscal year under subsections (a)(5)(C)(iv) and (b)(2)(G)(iv) of section 5338, $3,000,000 shall be allocated to carry out this subsection.

“(d) ALTERNATIVE FUELS STUDY.—

“(1) STUDY.—The Secretary shall conduct a study of the actions necessary to facilitate the purchase of increased volumes of alternative fuels (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)) for use in public transit vehicles

“(2) SCOPE OF STUDY.—The study conducted under this subsection shall focus on the incentives necessary to increase the use of alternative fuels in public transit vehicles, including buses, fixed guideway vehicles, and ferries.

“(3) CONTENTS.—The study shall consider—

“(A) the environmental benefits of increased use of alternative fuels in transit vehicles;

“(B) existing opportunities available to transit system operators that encourage the purchase of alternative fuels for transit vehicle operation;

“(C) existing barriers to transit system operators that discourage the purchase of alternative fuels for transit vehicle operation, including situations where alternative fuels that do not require capital improvements to transit vehicles are disadvantaged over fuels that do require such improvements; and

“(D) the necessary levels and type of support necessary to encourage additional use of alternative fuels for transit vehicle operation.

“(4) RECOMMENDATIONS.—The study shall recommend regulatory and legislative alternatives that will result in the increased use of alternative fuels in transit vehicles.

“(5) REPORT.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall submit the study completed under this subsection to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives”.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5314 is amended to read as follows:

“§ 5314. National research programs”.

(2) TABLE OF SECTIONS.—The item relating to section 5314 in the table of sections for chapter 53 is amended to read as follows:

“5314. National research programs.”.

SEC. 6017. NATIONAL TRANSIT INSTITUTE.

(a) Section 5315 is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) ESTABLISHMENT.—The Secretary shall award grants to Rutgers University to conduct a national transit institute.

“(b) DUTIES.—

“(1) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established pursuant to subsection (a) shall develop and conduct training programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

“(2) TRAINING PROGRAMS.—The training programs developed under paragraph (1) may include courses in recent developments, techniques, and procedures related to—

“(A) intermodal and public transportation planning;

“(B) management;

“(C) environmental factors;

“(D) acquisition and joint use rights of way;

“(E) engineering and architectural design;

“(F) procurement strategies for public transportation systems;

“(G) turnkey approaches to delivering public transportation systems;

“(H) new technologies;

“(I) emission reduction technologies;

“(J) ways to make public transportation accessible to individuals with disabilities;

“(K) construction, construction management, insurance, and risk management;

“(L) maintenance;

“(M) contract administration;

“(N) inspection;

“(O) innovative finance;

“(P) workplace safety; and

“(Q) public transportation security.”; and

(2) in subsection (d), by striking “mass” each place it appears.

SEC. 6018. BUS TESTING FACILITY.

Section 5318 is amended—

(1) in subsection (a)—

(A) by striking “ESTABLISHMENT.—The Secretary of Transportation shall establish one facility” and inserting “IN GENERAL.—The Secretary shall maintain 1 facility”; and

(B) by striking “established by renovating” and inserting “maintained at”; and

(2) in subsection (d), by striking “section 5309(m)(1)(C) of this title” and inserting “paragraphs (1)(C) and (2)(B) of section 5309(i)”.

SEC. 6019. BICYCLE FACILITIES.

Section 5319 is amended by striking “5307(k)” and inserting “5307(d)(1)(K)”.

SEC. 6020. SUSPENDED LIGHT RAIL TECHNOLOGY PILOT PROJECT.

Section 5320 is repealed.

SEC. 6021. CRIME PREVENTION AND SECURITY.

Section 5321 is repealed.

SEC. 6022. GENERAL PROVISIONS ON ASSISTANCE.

Section 5323 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—

“(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303, 5304, and 5306;

“(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

“(C) just compensation under State or local law will be paid to the company for its franchise or property.”; and

(B) in paragraph (2), by striking “(2)” and inserting the following:

“(2) LIMITATION.—”;

(2) by amending subsection (b) to read as follows:

“(b) NOTICE AND PUBLIC HEARING.—

“(1) IN GENERAL.—An application for a grant under this chapter for a capital project that will substantially affect a community, or the public transportation service of a community, shall include, in the environmental record for the project, evidence that the applicant has—

“(A) provided an adequate opportunity for public review and comment on the project;

“(B) held a public hearing on the project if the project affects significant economic, social, or environmental interests;

"(C) considered the economic, social, and environmental effects of the project; and

"(D) found that the project is consistent with official plans for developing the urban area.

"(2) Contents of notice.—Notice of a hearing under this subsection—

"(A) shall include a concise description of the proposed project; and

"(B) shall be published in a newspaper of general circulation in the geographic area the project will serve.";

(3) by amending subsection (e) to read as follows:

"(e) New Technology.—A grant for financial assistance under this chapter for new technology, including innovative or improved products, techniques, or methods, shall be subject to the requirements of section 5309 to the extent the Secretary determines to be appropriate.";

(4) in subsection (f)—

(A) by striking "(1)" and inserting the following:

"(1) In general.—";

(B) by striking paragraph (2);

(C) by striking "This subsection" and inserting the following:

"(2) Exceptions.—This subsection; and

(D) by adding at the end the following:

"(3) Penalty.—If the Secretary determines that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar the applicant, authority, or operator from receiving Federal transit assistance in an amount the Secretary determines to be appropriate.";

(5) in subsection (g), by striking "103(e)(4) and 142 (a) or (c)" each place it appears and inserting "133 and 142";

(6) by amending subsection (h) to read as follows:

"(h) Transfer of Lands or Interests in Lands Owned by the United States.—

"(1) Request by secretary.—If the Secretary determines that any part of the lands or interests in lands owned by the United States and made available as a result of a military base closure is necessary for transit purposes eligible under this chapter, including corridor preservation, the Secretary shall submit a request to the head of the Federal agency supervising the administration of such lands or interests in lands. Such request shall include a map showing the portion of such lands or interests in lands, which is desired to be transferred for public transportation purposes.

"(2) Transfer of land.—If 4 months after submitting a request under paragraph (1), the Secretary does not receive a response from the Federal agency described in paragraph (1) that certifies that the proposed appropriation of land is contrary to the public interest or inconsistent with the purposes for which such land has been reserved, or if the head of such agency agrees to the utilization or transfer under conditions necessary for the adequate protection and utilization of the reserve, such land or interests in land may be utilized or transferred to a State, local governmental authority, or public transportation operator for such purposes and subject to the conditions specified by such agency.

"(3) Reversion.—If at any time the lands or interests in land utilized or transferred under paragraph (2) are no longer needed for public transportation purposes, the State, local governmental authority, or public transportation operator that received the land shall notify to the Secretary, and such lands shall immediately revert to the control of the head of the Federal agency from which the land was originally transferred.";

(7) in subsection (j)(5), by striking "Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914)" and inserting "Federal Public Transportation Act of 2005";

(8) by amending subsection (*l*) to read as follows:

"(*l*) Relationship to Other Laws.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter, if the Secretary determines that a recipient of such financial assistance has made a false or fraudulent statement or related act in connection with a Federal transit program.";

(9) in subsection (m), by adding at the end the following: "Requirements to perform preaward and postdelivery reviews of rolling stock purchases to ensure compliance with subsection (j) shall not apply to private nonprofit organizations or to grantees serving urbanized areas with a population of fewer than 1,000,000.";

(10) in subsection (*o*), by striking "the Transportation Infrastructure Finance and Innovation Act of 1998" and inserting "subchapter II of chapter 1 of title 23"; and

(11) by adding at the end the following:

"(p) Bond Proceeds Eligible for Local Share.—

"(1) In general.—Notwithstanding any other provision of law, a recipient of assistance under section 5307 or 5309, may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

"(2) Reimbursement by secretary.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient established pursuant to section 5302(a)(1)(K) from amounts made available to the recipient under section 5307 or 5309.";

"(q) Prohibited Use of Funds.—Grant funds received under this chapter may not be used to pay ordinary governmental or nonproject operating expenses.".

SEC. 6023. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.

(a) In General.—Section 5324 is amended to read as follows:

"§ 5324. Special provisions for capital projects

"(a) Real Property and Relocation Services.—Whenever real property is acquired or furnished as a required contribution incident to a project, the Secretary shall not approve the application for financial assistance unless the applicant has made all payments and provided all assistance and assurances that are required of a State agency under sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630 and 4655). The Secretary must be advised of specific references to any State law that are believed to be an exception to section 301 or 302 of such Act (42 U.S.C. 4651 and 4652).

"(b) Advance Real Property Acquisitions.—

(1) In general.—The Secretary may participate in the acquisition of real property for any project that may use the property if the Secretary determines that external market forces are jeopardizing the potential use of the property for the project and if—

"(A) there are offers on the open real estate market to convey that property for a use that is incompatible with the project under study;

"(B) there is an imminent threat of development or redevelopment of the property for a use that is incompatible with the project under study;

"(C) recent appraisals reflect a rapid increase in the fair market value of the property;

"(D) the property, because it is located near an existing transportation facility, is likely to be developed and to be needed for a future transportation improvement; or

"(E) the property owner can demonstrate that, for health, safety, or financial reasons, retaining ownership of the property poses an undue hardship on the owner in comparison to other affected property owners and requests the acquisition to alleviate that hardship.

"(2) Environmental reviews.—Property acquired in accordance with this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.

"(3) Limitation.—The Secretary shall limit the size and number of properties acquired under this subsection as necessary to avoid any prejudice to the Secretary's objective evaluation of project alternatives.

"(4) Exemption.—An acquisition under this section shall be considered an exempt project under section 176 of the Clean Air Act (42 U.S.C. 7506).

"(c) Railroad Corridor Preservation.—

"(1) In general.—The Secretary may assist an applicant to acquire railroad right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

"(2) Environmental reviews.—Railroad right-of-way acquired under this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.

"(d) Consideration of Economic, Social, and Environmental Interests.—

"(1) In general.—The Secretary may not approve an application for financial assistance for a capital project under this chapter unless the Secretary determines that the project has been developed in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary's findings under this paragraph shall be made a matter of public record.

"(2) Cooperation and consultation.—In carrying out section 5301(e), the Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.".

(b) Conforming Amendment.—The item relating to section 5324 in the table of sections for chapter 53 is amended to read as follows:

"5324. Special provisions for capital projects.".

SEC. 6024. CONTRACT REQUIREMENTS.

(a) In General.—Section 5325 is amended to read as follows:

"§ 5325. Contract requirements

"(a) Competition.—Recipients of assistance under this chapter shall conduct all procurement transactions in a manner that provides full and open competition as determined by the Secretary.

"(b) Architectural, Engineering, and Design Contracts.—

"(1) IN GENERAL.—A contract or requirement for program management, architectural engineering, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which Federal assistance is provided under this chapter shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, or an equivalent qualifications-based requirement of a State. This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.

"(2) ADDITIONAL REQUIREMENTS.—When awarding a contract described in paragraph (1), recipients of assistance under this chapter shall comply with the following requirements:

"(A) Any contract or subcontract awarded under this chapter shall be performed and audited in compliance with cost principles contained in part 31 of title 48, Code of Federal Regulations (commonly known as the Federal Acquisition Regulation).

"(B) A recipient of funds under a contract or subcontract awarded under this chapter shall accept indirect cost rates established in accordance with the Federal Acquisition Regulation for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

"(C) After a firm's indirect cost rates are accepted under subparagraph (B), the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment, and shall not be limited by administrative or de facto ceilings.

"(D) A recipient requesting or using the cost and rate data described in subparagraph (C) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided by the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder if the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.

"(d) DESIGN-BUILD PROJECTS.—

"(1) DEFINED TERM.—As used in this subsection, the term 'design-build project'—

"(A) means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build an operable segment of a public transportation system that meets specific performance criteria; and

"(B) may include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

"(2) FINANCIAL ASSISTANCE FOR CAPITAL COSTS.—Federal financial assistance under this chapter may be provided for the capital costs of a design-build project after the recipient complies with Government requirements.

"(e) ROLLING STOCK.—

"(1) ACQUISITION.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(A) with a party selected through a competitive procurement process; or

"(B) based on—

"(i) initial capital costs; or

"(ii) performance, standardization, life cycle costs, and other factors.

"(2) MULTIYEAR CONTRACTS.—A recipient procuring rolling stock with Federal financial assistance under this chapter may make a multiyear contract, including options, to buy not more than 5 years of requirements for rolling stock and replacement parts. The Secretary shall allow a recipient to act on a cooperative basis to procure rolling stock under this paragraph and in accordance with other Federal procurement requirements.

"(f) EXAMINATION OF RECORDS.—Upon request, the Secretary and the Comptroller General, or any of their representatives, shall have access to and the right to examine and inspect all records, documents, and papers, including contracts, related to a project for which a grant is made under this chapter.

"(g) GRANT PROHIBITION.—A grant awarded under this chapter may not be used to support a procurement that uses an exclusionary or discriminatory specification.

"(h) BUS DEALER REQUIREMENTS.—No State law requiring buses to be purchased through in-State dealers shall apply to vehicles purchased with a grant under this chapter.

"(i) AWARDS TO RESPONSIBLE CONTRACTORS.—

"(1) IN GENERAL.—Federal financial assistance under this chapter may be provided for contracts only if a recipient awards such contracts to responsible contractors possessing the ability to successfully perform under the terms and conditions of a proposed procurement.

"(2) CRITERIA.—Before making an award to a contractor under paragraph (1), a recipient shall consider—

"(A) the integrity of the contractor;

"(B) the contractor's compliance with public policy;

"(C) the contractor's past performance, including the performance reported in the Contractor Performance Assessment Reports required under section 5309(m)(4); and

"(D) the contractor's financial and technical resources.".

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended by striking section 5326.

SEC. 6025. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—Section 5327(a) is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) safety and security management.".

(b) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—Section 5327(c) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The Secretary may not use more than 1 percent of amounts made available for a fiscal year to carry out any of sections 5307 through 5311, 5316, or 5317, or a project under the National Capital Transportation Act of 1969 (Public Law 91-143) to make a contract to oversee the construction of major projects under any of sections 5307 through 5311, 5316, or 5317 or under that Act."; and

(2) in paragraph (2)—

(A) by striking "(2)" and inserting the following:

"(2) OTHER ALLOWABLE USES.—"; and

(B) by inserting "and security" after "safety".

SEC. 6026. PROJECT REVIEW.

Section 5328 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1) When the Secretary of Transportation allows a new fixed guideway project to advance into the alternatives analysis stage of project review, the Secretary shall cooperate with the applicant" and inserting the following:

"(1) ALTERNATIVES ANALYSIS.—The Secretary shall cooperate with an applicant undertaking an alternatives analysis under subsections (e) and (f) of section 5309";

(B) in paragraph (2)—

(i) by striking "(2)" and inserting the following:

"(2) ADVANCEMENT TO PRELIMINARY ENGINEERING STAGE.—"; and

(ii) by striking "is consistent with" and inserting "meets the requirements of";

(C) in paragraph (3)—

(i) by striking "(3)" and inserting the following:

"(3) RECORD OF DECISION.—";

(ii) by striking "of construction"; and

(iii) by adding before the period at the end the following: "if the Secretary determines that the project meets the requirements of subsection (e) or (f) of section 5309"; and

(D) by striking paragraph (4); and

(2) by striking subsection (c).

SEC. 6027. INVESTIGATIONS OF SAFETY AND SECURITY RISK.

(a) IN GENERAL.—Section 5329 is amended to read as follows:

"§5329. Investigation of safety hazards and security risks

"(a) IN GENERAL.—The Secretary may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed under this chapter to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

"(b) SUBMISSION OF CORRECTIVE PLAN.—If the Secretary establishes that a safety hazard or security risk warrants further protective measures, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for eliminating, mitigating, or correcting it.

"(c) WITHHOLDING OF FUNDS.—Financial assistance under this chapter, in an amount to be determined by the Secretary, may be withheld until a plan is approved and carried out.

"(d) PUBLIC TRANSPORTATION SECURITY.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall enter into a memorandum of understanding with the Secretary of Homeland Security to define and clarify the respective roles and responsibilities of the Department of Transportation and the Department of Homeland Security relating to public transportation security.

"(2) CONTENTS.—The memorandum of understanding described in paragraph (1) shall—

"(A) establish national security standards for public transportation agencies;

"(B) establish funding priorities for grants from the Department of Homeland Security to public transportation agencies;

"(C) create a method of coordination with public transportation agencies on security matters; and

"(D) address any other issues determined to be appropriate by the Secretary and the Secretary of Homeland Security.".

(b) CONFORMING AMENDMENT.—The item relating to section 5329 in the table of sections for chapter 53 is amended to read as follows:

"5329. Investigation of safety hazards and security risks.".

SEC. 6028. STATE SAFETY OVERSIGHT.

(a) IN GENERAL.—Section 5330 is amended—

(1) by amending the heading to read as follows:

"§ 5330. Withholding amounts for noncompliance with State safety oversight requirements";

(2) by amending subsection (a) to read as follows:

"(a) APPLICATION.—This section shall only apply to—

"(1) States that have rail fixed guideway public transportation systems that are not subject to regulation by the Federal Railroad Administration; and

"(2) States that are designing rail fixed guideway public transportation systems that will not be subjected to regulation by the Federal Railroad Administration.";

(3) in subsection (d), by striking "affected States" and inserting the following: "affected States—

"(1) shall ensure uniform safety standards and enforcement; or

"(2)"; and

(4) in subsection (f), by striking "Not later than December 18, 1992, the" and inserting "The".

(b) CONFORMING AMENDMENT.—The item relating to section 5330 in the table of sections for chapter 53 is amended to read as follows:

"5330. Withholding amounts for noncompliance with State safety oversight requirements.".

SEC. 6029. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST PUBLIC TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Section 1993 of title 18, United States Code, is amended—

(1) by striking "mass" each place it appears and inserting "public";

(2) in subsection (a)(5), by inserting "controlling," after "operating"; and

(3) in subsection (c)(5), by striking "5302(a)(7) of title 49, United States Code," and inserting "5302(a) of title 49,".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 97 of title 18, United States Code is amended by amending the item related to section 1993 to read as follows:

"1993. Terrorist attacks and other acts of violence against public transportation systems.".

SEC. 6030. CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING.

Section 5331 is amended—

(1) in subsection (a)(3), by inserting before the period at the end the following: "or sections 2303a, 7101(i), or 7302(e) of title 46. The Secretary may also decide that a form of public transportation is covered adequately, for employee alcohol and controlled substances testing purposes, under the alcohol and controlled substance statutes or regulations of an agency within the Department of Transportation or other Federal agency"; and

(2) in subsection (f), by striking paragraph (3).

SEC. 6031. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 5333(b) is amended—

(1) in paragraph (3), by striking the period at the end and inserting ": *Provided*, That—

"(A) the protective period shall not exceed 4 years; and

"(B) the separation allowance shall not exceed 12 months."; and

(2) by adding at the end the following:

"(4) An arrangement under this subsection shall not guarantee continuation of employment as a result of a change in private contractors through competitive bidding unless such continuation is otherwise required under subparagraph (A), (B), or (D) of paragraph (2).

"(5) Fair and equitable arrangements to protect the interests of employees utilized by the Secretary of Labor for assistance to purchase like-kind equipment or facilities, and amendments to existing assistance agreements, shall be certified without referral.

"(6) Nothing in this subsection shall affect the level of protection provided to freight railroad employees.".

SEC. 6032. ADMINISTRATIVE PROCEDURES.

Section 5334 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "5309-5311 of this title" and all that follows and inserting "5309 through 5311;";

(B) in paragraph (9), by striking "and" at the end;

(C) in paragraph (10), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(11) issue regulations as necessary to carry out the purposes of this chapter.";

(2) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), (i), and (j) as subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively;

(3) by adding after subsection (a) the following:

"(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

"(1) IN GENERAL.—Except as directed by the President for purposes of national defense or in the event of a national or regional emergency, the Secretary may not regulate—

"(A) the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter; or

"(B) the rates, fares, tolls, rentals, or other charges prescribed by any public or private transportation provider.

"(2) COMPLIANCE WITH AGREEMENT.—Nothing in this subsection shall prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement."; and

(4) in subsection (j)(1), as redesignated, by striking "carry out section 5312(a) and (b)(1) of this title" and inserting "advise and assist the Secretary in carrying out section 5312(a)".

SEC. 6033. REPORTS AND AUDITS.

Section 5335 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (1), by striking "(1)"; and

(B) in paragraph (2), by striking "(2) The Secretary may make a grant under section 5307 of this title" and inserting the following:

"(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary may award a grant under section 5307 or 5311".

SEC. 6034. APPORTIONMENTS OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 is amended—

(1) by striking subsections (d), (h), and (k);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by redesignating subsection (i) and (j) as subsection (h) and (i) respectively;

(4) by adding before subsection (b), as redesignated, the following:

"(a) APPORTIONMENTS.—Of the amounts made available for each fiscal year under subsections (a)(1)(C)(vi) and (b)(2)(L) of section 5338—

"(1) there shall be apportioned, in fiscal year 2006 and each fiscal year thereafter, $35,000,000 to certain urbanized areas with populations of less than 200,000 in accordance with subsection (k); and

"(2) any amount not apportioned under paragraph (1) shall be apportioned to urbanized areas in accordance with subsections (b) through (d).";

(5) in subsection (b), as redesignated—

(A) by striking "Of the amount made available or appropriated under section 5338(a) of this title" and inserting "Of the amount apportioned under subsection (a)(3)"; and

(B) in paragraph (2), by striking "subsections (b) and (c) of this section" and inserting "subsections (c) and (d)";

(6) in subsection (c)(2), as redesignated, by striking "subsection (a)(2) of this section" and inserting "subsection (b)(2)";

(7) in subsection (d), as redesignated, by striking "subsection (a)(2) of this section" and inserting "subsection (b)(2)";

(8) in subsection (e)(1), by striking "subsections (a) and (h)(2) of section 5338 of this title" and inserting "subsections (a) and (b) of section 5338";

(9) in subsection (g), by striking "subsection (a)(1) of this section" each place it appears and inserting "subsection (b)(1)"; and

(10) by adding at the end the following:

"(j) SMALL TRANSIT INTENSIVE CITIES FACTORS.—The amount apportioned under subsection (a)(1) shall be apportioned to urbanized areas as follows:

"(1) The Secretary shall calculate a factor equal to the sum of revenue vehicle hours operated within urbanized areas with a population of between 200,000 and 1,000,000 divided by the sum of the population of all such urbanized areas.

"(2) The Secretary shall designate as eligible for an apportionment under this subsection all urbanized areas with a population of under 200,000 for which the number of revenue vehicle hours operated within the urbanized area divided by the population of the urbanized area exceeds the factor calculated under paragraph (1).

"(3) For each urbanized area qualifying for an apportionment under paragraph (2), the Secretary shall calculate an amount equal to the product of the population of that urbanized area and the factor calculated under paragraph (1).

"(4) For each urbanized area qualifying for an apportionment under paragraph (2), the Secretary shall calculate an amount equal to the difference between the number of revenue vehicle hours within that urbanized area less the amount calculated in paragraph (3).

"(5) Each urbanized area qualifying for an apportionment under paragraph (2) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for that urbanized area under paragraph (4) divided by the sum of the amounts calculated under paragraph (4) for all urbanized areas qualifying for an apportionment under paragraph (2).

"(k) STUDY ON INCENTIVES IN FORMULA PROGRAMS.—

"(1) STUDY.—The Secretary shall conduct a study to assess the feasibility and appropriateness of developing and implementing an incentive funding system under sections 5307 and 5311 for operators of public transportation.

"(2) REPORT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall submit a report on the results of the study conducted under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(B) Contents.—The report submitted under subparagraph (A) shall include—

"(i) an analysis of the availability of appropriate measures to be used as a basis for the distribution of incentive payments;

"(ii) the optimal number and size of any incentive programs;

"(iii) what types of systems should compete for various incentives;

"(iv) how incentives should be distributed; and

"(v) the likely effects of the incentive funding system.".

SEC. 6035. APPORTIONMENTS FOR FIXED GUIDEWAY MODERNIZATION.

Section 5337 is amended—

(1) in subsection (a), by striking "for each of fiscal years 1998 through 2003"; and

(2) by striking "section 5336(b)(2)(A)" each place it appears and inserting "section 5336(c)(2)(A)".

SEC. 6036. AUTHORIZATIONS.

Section 5338 is amended to read as follows:

"§ 5338. Authorizations

"(a) Fiscal Year 2005.—

"(1) Formula grants.—

"(A) Trust fund.—For fiscal year 2005, $3,499,927,776 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5309, 5310, and 5311 of this chapter and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

"(B) General fund.—In addition to the amounts made available under subparagraph (A), there are authorized to be appropriated $499,989,824 for fiscal year 2005 to carry out sections 5307, 5309, 5310, and 5311 of this chapter and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

"(C) Allocation of funds.—Of the amounts made available or appropriated under this paragraph—

"(i) $4,811,150 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

"(ii) $6,894,400 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

"(iii) $94,526,689 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(iv) $173,040,330 shall be available to provide financial assistance for other than urbanized areas under section 5311;

"(v) $3,325,048,327 shall be available to provide financial assistance for urbanized areas under section 5307;

"(vi) $49,600,000 shall be available to provide financial assistance for buses and bus facilities under section 5309; and

"(vii) $345,996,704 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311.".

"(2) Job access and reverse commute.—

"(A) Trust fund.—For fiscal year 2005, $108,500,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3037 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note).

"(B) General fund.—In addition to the amounts made available under paragraph (A), there are authorized to be appropriated $15,500,000 for fiscal year 2005 to carry out section 3037 of the Transportation Equity Act of the 21st Century (49 U.S.C. 5309 note).

"(3) Capital program grants.—

"(A) Trust fund.—For fiscal year 2005, $2,898,100,224 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309.

"(B) General fund.—In addition to the amounts made available under subparagraph (A), there are authorized to be appropriated $414,014,176 for fiscal year 2005 to carry out section 5309.

"(4) Planning.—

"(A) Trust fund.—For fiscal year 2005, $63,364,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5308.

"(B) General fund.—In addition to the amounts made available under subparagraph (A), there are authorized to be appropriated $9,052,000 for fiscal year 2005 to carry out section 5308.

"(C) Allocation of funds.—Of the amounts made available or appropriated under this paragraph—

"(i) 82.72 percent shall be allocated for metropolitan planning under section 5308(c); and

"(ii) 17.28 percent shall be allocated for State planning under section 5308(d).

"(5) Research.—

"(A) Trust fund.—For fiscal year 2005, $47,740,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b), 5312, 5313, 5314, 5315, and 5322.

"(B) General fund.—In addition to the amounts made available under subparagraph (A), there are authorized to be appropriated $6,820,000 for fiscal year 2005 to carry out sections 5311(b), 5312, 5313, 5314, 5315, and 5322.

"(C) Allocation of funds.—Of the funds made available or appropriated under this paragraph—

"(i) not less than $3,968,000 shall be available to carry out programs of the National Transit Institute under section 5315;

"(ii) not less than $5,208,000 shall be available to carry out section 5311(b)(2);

"(iii) not less than $8,184,000 shall be available to carry out section 5313; and

"(iv) the remainder shall be available to carry out national research and technology programs under sections 5312, 5314, and 5322.

"(6) University transportation research.—

"(A) Trust fund.—For fiscal year 2005, $5,208,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5505 and 5506.

"(B) General fund.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated $744,000 for fiscal year 2005 to carry out sections 5505 and 5506.

"(C) Allocation of funds.—Of the amounts made available or appropriated under this paragraph—

"(i) $1,984,000 shall be available for grants under 5506(f)(5) to the institution identified in section 5505(j)(3)(E), as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2005;

"(ii) $1,984,000 shall be available for grants under section 5505(d) to the institution identified in section 5505(j)(4)(A), as in effect on the date specified in clause (i); and

"(iii) $1,984,000 shall be available for grants under section 5505(d) to the institution identified in section 5505(j)(4)(F), as in effect on the date specified in subclause (I).

"(C) Special rule.—Nothing in this paragraph shall be construed to limit the transportation research conducted by the centers receiving financial assistance under this section.

"(7) Administration.—

"(A) Trust fund.—For fiscal year 2005, $67,704,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334.

"(B) General fund.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated $9,672,000 for fiscal year 2005 to carry out section 5334.

"(8) Grants as contractual obligations.—

"(A) Grants financed from highway trust fund.—A grant or contract that is approved by the Secretary and financed with amounts made available under paragraph (1)(A), (2)(A), (3)(A), (4)(A), (5)(A), (6)(A), or (7)(A) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project.

"(B) Grants financed from general fund.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance under paragraph (1)(B), (2)(B), (3)(B), (4)(B), (5)(B), (6)(B), or (7)(B) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

"(9) Availability of Amounts.—Amounts made available or appropriated under paragraphs (1) through (6) shall remain available until expended.".

"(b) Formula Grants and Research.—

"(1) In general.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5309, 5310 through 5316, 5322, 5335, 5340, and 5505 of this title, and sections 3037 and 3038 of the Federal Transit Act of 1998 (112 Stat. 387 et seq.)—

"(A) $5,943,059,000 for fiscal year 2006;

"(B) $6,279,868,000 for fiscal year 2007;

"(C) $6,862,064,000 for fiscal year 2008; and

"(D) $7,476,967,000 for fiscal year 2009.

"(2) Allocation of funds.—Of the amounts made available under paragraph (1) for each fiscal year—

"(A) 0.092 percent shall be available for grants to the Alaska Railroad under section 5307 for improvements to its passenger operations;

"(B) 1.75 percent shall be available to carry out section 5308;

"(C) 2.05 percent shall be available to provide financial assistance for job access and reverse commute projects under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note);

"(D) 3.00 percent shall be available to provide financial assistance for services for elderly persons and persons with disabilities under section 5310;

"(E) 0.125 percent shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

"(F) 6.25 percent shall be available to provide financial assistance for other than urbanized areas under section 5311;

"(G) 0.89 percent shall be available to carry out transit cooperative research programs under section 5313, the National Transit Institute under section 5315, university research centers under section 5505, and national research programs under sections 5312, 5313, 5314, and 5322, of which—

"(i) 17.0 percent shall be allocated to carry out transit cooperative research programs under section 5313;

"(ii) 7.5 percent shall be allocated to carry out programs under the National Transit Institute under section 5315, including not more than $1,000,000 to carry out section 5315(a)(16);

"(iii) 11.0 percent shall be allocated to carry out the university centers program under section 5505; and

"(iv) any funds made available under this subparagraph that are not allocated under clauses (i) through (iii) shall be allocated to carry out national research programs under sections 5312, 5313, 5314, and 5322;

"(H) $25,000,000 shall be available for each of the fiscal years 2006 through 2009 to carry out section 5316;

"(I) there shall be available to carry out section 5335—

"(i) $3,900,000 in fiscal year 2006;

"(ii) $4,200,000 in fiscal year 2007;

"(iii) $4,600,000 in fiscal year 2008; and

"(iv) $5,000,000 in fiscal year 2009;

"(J) 6.25 percent shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311; and

"(K) 22.0 percent shall be allocated in accordance with section 5337 to provide financial assistance under section 5309(i)(3); and

"(L) any amounts not made available under subparagraphs (A) through (K) shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307.

"(3) UNIVERSITY CENTERS PROGRAM.—

"(A) ALLOCATION.—Of the amounts allocated under paragraph (2)(G)(iii), $1,000,000 shall be available in each of the fiscal years 2006 through 2009 for Morgan State University to provide transportation research, training, and curriculum development.

"(B) REQUIREMENTS.—The university specified under subparagraph (A) shall be considered a University Transportation Center under section 510 of title 23, and shall be subject to the requirements under subsections (c), (d), (e), and (f) of such section.

"(C) REPORT.—In addition to the report required under section 510(e)(3) of title 23, the university specified under subparagraph (A) shall annually submit a report to the Secretary that describes the university's contribution to public transportation.

"(4) BUS GRANTS.—In addition to the amounts made available under paragraph (1), there shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309(i)(2)(B)—

"(A) $796,977,000 for fiscal year 2006;

"(B) $842,144,000 for fiscal year 2007;

"(C) $920,218,000 for fiscal year 2008; and

"(D) $1,002,678,000 for fiscal year 2009.

"(c) MAJOR CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309(i)(2)(A)—

"(1) $1,386,523,000 for fiscal year 2006;

"(2) $1,465,100,000 for fiscal year 2007;

"(3) $1,600,927,000 for fiscal year 2008; and

"(4) $1,744,385,000 for fiscal year 2009.

"(d) ADMINISTRATION.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334—

"(1) $82,086,000 for fiscal year 2006;

"(2) $86,738,000 for fiscal year 2007;

"(3) $94,779,000 for fiscal year 2008; and

"(4) $103,273,000 for fiscal year 2009.

"(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) MASS TRANSIT ACCOUNT FUNDS.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (b)(1), (b)(4), or (d) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project.

"(2) APPROPRIATED FUNDS.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (c) is a contractual obligation of the United States Government to pay the Federal share of the cost of the project only to the extent that amounts are appropriated in advance for such purpose by an Act of Congress.

"(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (b) and (c) shall remain available until expended.".

SEC. 6037. APPORTIONMENTS BASED ON GROWING STATES FORMULA FACTORS.

(a) IN GENERAL.—Chapter 53 is amended by adding at the end the following:

"§ 5340. Apportionments based on growing States and high density State formula factors

"(a) DEFINITION.—In this section, the term 'State' shall mean each of the 50 States of the United States.

"(b) ALLOCATION.—Of the amounts made available for each fiscal year under section 5338(b)(2)(J), the Secretary shall apportion—

"(1) 50 percent to States and urbanized areas in accordance with subsection (c); and

"(2) 50 percent to States and urbanized areas in accordance with subsection (d).

"(c) GROWING STATE APPORTIONMENTS.—

"(1) APPORTIONMENT AMONG STATES.—The amounts apportioned under subsection (b)(1) shall provide each State with an amount equal to the total amount apportioned multiplied by a ratio equal to the population of that State forecast for the year that is 15 years after the most recent decennial census, divided by the total population of all States forecast for the year that is 15 years after the most recent decennial census. Such forecast shall be based on the population trend for each State between the most recent decennial census and the most recent estimate of population made by the Secretary of Commerce.

"(2) APPORTIONMENTS BETWEEN URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—

"(A) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of all urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the State. If no forecasts are available, the Secretary shall utilize data on urbanized areas and total population from the most recent decennial census.

"(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (A) shall be apportioned to that State and added to the amount made available for grants under section 5311.

"(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to urbanized areas in each State under paragraph (2)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (2)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

"(d) HIGH DENSITY STATE APPORTIONMENTS.—Amounts to be apportioned under subsection (b)(2) shall be apportioned as follows:

"(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection all States with a population density in excess of 370 persons per square mile.

"(2) STATE URBANIZED LAND FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to—

"(A) the total land area of the State (in square miles); multiplied by

"(B) 370; multiplied by

"(C)(i) the population of the State in urbanized areas; divided by

"(ii) the total population of the State.

"(3) STATE APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated in paragraph (2).

"(4) STATE APPORTIONMENT.—Each State qualifying for an apportionment under paragraph (1) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for the State under paragraph (3) divided by the sum of the amounts calculated under paragraph (3) for all States qualifying for an apportionment under paragraph (1).

"(5) APPORTIONMENTS BETWEEN URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—

"(A) IN GENERAL.—The Secretary shall apportion amounts apportioned to each State under paragraph (4) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the population of all urbanized areas in that State divided by the total population of that State.

"(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (a) shall be apportioned to that State and added to the amount made available for grants under section 5311.

"(6) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to urbanized areas in each State under paragraph (5)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (5)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 53 is amended by adding at the end the following:

"5340. Apportionments based on growing States and high density States formula factors.".

SEC. 6038. JOB ACCESS AND REVERSE COMMUTE GRANTS.

Section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "means an individual" and inserting the following: "means—

"(A) an individual"; and

(ii) by striking the period at the end and inserting "; or

"(B) an individual who is eligible for assistance under the State program of Temporary Assistance to Needy Families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.) in the State in which the recipient of a grant under this section is located."; and

(B) in paragraph (2), by striking "development of" each place it appears and inserting "development and provision of";

(2) in subsection (i), by amending paragraph (2) to read as follows:

"(2) COORDINATION.—

"(A) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(B) CERTIFICATION.—A recipient of funds under this section shall certify that—

"(i) the project has been derived from a locally developed, coordinated public transit human services transportation plan; and

"(ii) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.";

(3) by amending subsection (j) to read as follows:

"(j) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) URBANIZED AREAS.—A grant awarded under this section to a public agency or private company engaged in public transportation in an urbanized area shall be subject to the all of the terms and conditions to which a grant awarded under section 5307 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

"(B) OTHER THAN URBANIZED AREAS.—A grant awarded under this section to a public agency or a private company engaged in public transportation in an area other than urbanized areas shall be subject to all of the terms and conditions to which a grant awarded under section 5311 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

"(C) NONPROFIT ORGANIZATIONS.—A grant awarded under this section to a private nonprofit organization shall be subject to all of the terms and conditions to which a grant made under section 5310 of title 49, United States Code, is subject, to the extent the Secretary considers appropriate.

"(2) SPECIAL WARRANTY.—

"(A) IN GENERAL.—Section 5333(b) of title 49, United States Code, shall apply to grants under this section if the Secretary of Labor utilizes a Special Warranty that provides a fair and equitable arrangement to protect the interests of employees.

"(B) WAIVER.—The Secretary may waive the applicability of the Special Warranty under subparagraph (A) for private non-profit recipients on a case-by-case basis as the Secretary considers appropriate."; and

(4) by striking subsections (k) and (l).

SEC. 6039. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) SECTION HEADING.—The section heading for section 3038 of the Federal Transit Act of 1998 (49 U.S.C. 5310 note), is amended to read as follows:

"SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.".

(b) FUNDING.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended to read as follows:

"(g) FUNDING.—Of the amounts made available for each fiscal year under subsections (a)(1)(C)(iii) and (b)(2)(E) of section 5338 of title 49, United States Code—

"(1) 75 percent shall be available, and shall remain available until expended, for operators of over-the-road buses, used substantially or exclusively in intercity, fixed-route over-the-road bus service, to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses; and

"(2) 25 percent shall be available, and shall remain available until expended, for operators of over-the-road bus service not described in paragraph (1), to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses.".

(b) CONFORMING AMENDMENT.—The item relating to section 3038 in the table of contents for the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended to read as follows:

"Sec. 3038. Over-the-road bus accessibility program.".

SEC. 6040. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5315 the following:

"§ 5316. Alternative transportation in parks and public lands

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, intraagency agreement, or other transaction to carry out a qualified project under this section to enhance the protection of America's National Parks and public lands and increase the enjoyment of those visiting the parks and public lands by ensuring access to all, including persons with disabilities, improving conservation and park and public land opportunities in urban areas through partnering with state and local governments, and improving park and public land transportation infrastructure.

"(B) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

"(2) USE OF FUNDS.—A grant, cooperative agreement, interagency agreement, intraagency agreement, or other transaction for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

"(b) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) ELIGIBLE AREA.—The term 'eligible area' means any federally owned or managed park, refuge, or recreational area that is open to the general public, including—

"(A) a unit of the National Park System;

"(B) a unit of the National Wildlife Refuge System;

"(C) a recreational area managed by the Bureau of Land Management; and

"(D) a recreation area managed by the Bureau of Reclamation.

"(2) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

"(3) ALTERNATIVE TRANSPORTATION.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service.

"(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

"(A) a Federal land management agency; or

"(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

"(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

"(A) is an activity described in section 5302, 5303, 5304, 5308, or 5309(a)(1)(A);

"(B) involves—

"(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

"(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

"(C) relates to the capital costs of coordinating the Federal land management agency public transportation systems with other public transportation systems;

"(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

"(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or

"(F) is any other alternative transportation project that—

"(i) enhances the environment;

"(ii) prevents or mitigates an adverse impact on a natural resource;

"(iii) improves Federal land management agency resource management;

"(iv) improves visitor mobility and accessibility and the visitor experience;

"(v) reduces congestion and pollution (including noise pollution and visual pollution); or

"(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

"(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

"(1) technical assistance in alternative transportation;

"(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

"(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

"(d) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year under section 5338(b)(2)(H) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

“(2) ADDITIONAL AMOUNTS.—Amounts made available under this subsection are in addition to amounts otherwise available to the Secretary to carry out planning, research, and technical assistance under this title or any other provision of law.

“(3) MAXIMUM AMOUNT.—No qualified project shall receive more than 12 percent of the total amount made available to carry out this section under section 5338(b)(2)(H) for any fiscal year.

“(e) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under section 5303 of this title;

“(ii) the statewide planning provisions under section 5304 of this title; and

“(iii) the public participation requirements under section 5307(e); and

“(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

“(2) if the qualified participant is a State or local governmental authority, or more than one State or local governmental authority in more than one State, the qualified participant shall—

“(A) comply with the metropolitan planning provisions under section 5303 of this title;

“(B) comply with the statewide planning provisions under section 5304 of this title;

“(C) comply with the public participation requirements under section 5307(e) of this title; and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(f) COST SHARING.—

“(1) The Secretary, in cooperation with the Secretary of the Interior, shall establish the agency share of net project cost to be provided under this section to a qualified participant.

“(2) In establishing the agency share of net project cost to be provided under this section, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public transportation authority or private entity engaged in public transportation;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-agency share of the net project cost of a qualified project.

“(g) SELECTION OF QUALIFIED PROJECTS.—

“(1) The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(h) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

“(2)(A) The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

“(i) RELATIONSHIP TO OTHER LAWS.—

“(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5333(a) to the extent the Secretary determines to be appropriate.

“(2) OTHER REQUIREMENTS.—A qualified participant under this section is subject to any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than $25,000,000—

“(A) the qualified project shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement, in accordance with section 5309(g); and

“(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(i) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

“(j) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other transactions for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) The Secretary may request and receive appropriate information from any source.

“(3) Grants, cooperative agreements, contracts or other transactions under paragraph (1) shall be awarded from amounts allocated under subsection (c)(1).

“(k) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a state infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

“(l) REPORTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects under this section to—

“(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) ANNUAL AND SUPPLEMENTAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(m).”.

(b) CONFORMING AMENDMENTS.—The table of sections for chapter 53 is amended by inserting after the item relating to section 5315 the following:

“5316. Alternative transportation in parks and public lands.”.

SEC. 6041. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (c) of section 5338 of title 49, United States Code, shall not exceed—

(1) $7,646,336,000 for fiscal year 2005;

(2) $8,208,645,000 for fiscal year 2006;

(3) $8,673,850,000 for fiscal year 2007;

(4) $9,477,988,000 for fiscal year 2008; and

(5) $10,327,303,000 for fiscal year 2009.

SEC. 6042. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall reduce the total apportionments and allocations made for fiscal year 2005 to each grant recipient under section 5338 of title 49, United States Code, by the amount apportioned to that recipient pursuant to section 8 of the Surface Transportation Extension Act of 2004 part V (118 Stat. 1154).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned for fiscal year 2005 to each urbanized area for fixed guideway modernization to reflect the apportionment method set forth in 5337(a) of title 49, United States Code.

SEC. 6043. DISADVANTAGED BUSINESS ENTERPRISE.

Section 1821(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 shall apply to all funds authorized or otherwise made available under this title.

SA 574. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TAX TREATMENT OF STATE OWNERSHIP OF RAILROAD REAL ESTATE INVESTMENT TRUST.

(a) IN GENERAL.—If a State owns all of the outstanding stock of a corporation—

(1) which is a real estate investment trust on the date of the enactment of this Act,

(2) which is a non-operating class III railroad, and

(3) substantially all of the activities of which consist of the ownership, leasing, and operation by such corporation of facilities, equipment, and other property used by the corporation or other persons for railroad transportation and for economic development purposes for the benefit of the State and its citizens,

then, to the extent such activities are of a type which are an essential governmental function within the meaning of section 115 of the Internal Revenue Code of 1986, income derived from such activities by the corporation shall be treated as accruing to the State for purposes of section 115 of such Code.

(b) GAIN OR LOSS NOT RECOGNIZED ON CONVERSION.—Notwithstanding section 337(d) of the Internal Revenue Code of 1986—

(1) no gain or loss shall be recognized under section 336 or 337 of such Code, and

(2) no change in basis of the property of such corporation shall occur,

because of any change of status of a corporation to a tax-exempt entity by reason of the application of subsection (a).

(c) TAX-EXEMPT FINANCING.—

(1) IN GENERAL.—Any obligation issued by a corporation described in subsection (a) at least 95 percent of the net proceeds (as defined in section 150(a) of the Internal Revenue Code of 1986) of which are to be used to provide for the acquisition, construction, or improvement of railroad transportation infrastructure (including railroad terminal facilities)—

(A) shall be treated as a State or local bond (within the meaning of section 103(c) of such Code), and

(B) shall not be treated as a private activity bond (within the meaning of section 103(b)(1) of such Code) solely by reason of the ownership or use of such railroad transportation infrastructure by the corporation.

(2) NO INFERENCE.—Except as provided in paragraph (1), nothing in this subsection shall be construed to affect the treatment of the private use of proceeds or property financed with obligations issued by the corporation for purposes of section 103 of the Internal Revenue Code of 1986 and part IV of subchapter B of such Code.

(d) DEFINITIONS.—For purposes of this section:

(1) REAL ESTATE INVESTMENT TRUST.—The term "real estate investment trust" has the meaning given such term by section 856(a) of the Internal Revenue Code of 1986.

(2) NON-OPERATING CLASS III RAILROAD.—The term "non-operating class III railroad" has the meaning given such term by part A of subtitle IV of title 49, United States Code (49 U.S.C. 10101 et seq.), and the regulations thereunder.

(3) STATE.—The term "State" includes—

(A) the District of Columbia and any possession of the United States, and

(B) any authority, agency, or public corporation of a State.

(e) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply on and after the date on which a State becomes the owner of all of the outstanding stock of a corporation described in subsection (a) through action of such corporation's board of directors.

(2) EXCEPTION.—This section shall not apply to any State which—

(A) becomes the owner of all of the voting stock of a corporation described in subsection (a) after December 31, 2003, or

(B) becomes the owner of all of the outstanding stock of a corporation described in subsection (a) after December 31, 2006.

SA 575. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 21 . TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence—

(I) by striking "Build an" and inserting "Build or integrate an"; and

(II) by striking "2,000,000" and inserting "2,500,000"; and

(ii) in the second sentence—

(I) by striking "300,000 and that" and inserting "300,000,"; and

(II) by inserting before the period at the end the following: ", and includes major transportation corridors serving that metropolitan area";

(B) in clause (ii), by striking "shared" and all that follows and inserting "reinvested in the intelligent transportation infrastructure system.";

(C) by striking clause (iii); and

(D) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively;

(2) in subparagraph (C)(ii), by striking "July 1, 2002" and inserting "the date that is 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005";

(3) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) The term 'follow-on deployment areas' means the metropolitan areas of Albany, Atlanta, Austin, Baltimore, Birmingham, Boston, Charlotte, Chicago, Cleveland, Columbus, Dallas/Ft. Worth, Denver, Detroit, Greensboro, Hartford, Houston, Indianapolis, Jacksonville, Kansas City, Las Vegas, Los Angeles, Louisville, Miami, Milwaukee, Minneapolis-St. Paul, Nashville, New Orleans, New York/Northern New Jersey, Norfolk, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Sacramento, Salt Lake, San Diego, San Francisco, San Jose, St. Louis, Seattle, Tampa, Tucson, Tulsa, and Washington, District of Columbia.";

(4) in subparagraph (F)—

(A) by striking "Of the amounts" and inserting the following:

"(i) THIS ACT.—Of the amounts"; and

(B) by adding at the end the following:

"(ii) SAFETEA.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $5,000,000 for each fiscal year.

"(iii) AVAILABILITY; NO REDUCTION OR SET-ASIDE.—Amounts made available by this subparagraph—

"(I) shall remain available until expended; and

"(II) shall not be subject to any reduction or setaside."; and

(5) by adding at the end the following:

"(H) USE OF RIGHTS-OF-WAY.—

"(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3) or (6) that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund shall not be subject to any law (including a regulation) of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been used for planning, design, construction, or maintenance, if the Secretary of Transportation determines that such use is in the public interest.

"(ii) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph affects the authority of a State or political subdivision of a State—

"(I) to regulate highway safety; or

"(II) under sections 253 and 332(c)(7) of the Act of June 19, 1934 (47 U.S.C. 253, 332(c)(7)) (commonly known as the 'Communications Act of 1934').".

(b) CONFORMING AMENDMENT.—Section 5204 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 453) is amended by striking subsection (k).

SA 576. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subchapter I of chapter 5 of title 23, United States Code (as amended by section 2101(a)), add the following:

"§513. California University of Pennsylvania Urban Maglev Demonstration Project.

The Secretary shall make available $45,000,000 for the continuation of the California University of Pennsylvania Urban Maglev Demonstration Project.".

In the analysis for chapter 5 of title 23, United States Code (as amended by section 2101(a)), at the end of the items relating to subchapter I, add the following:

"513. California University of Pennsylvania Urban Maglev Demonstration Project.".

SA 577. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

In section 2001(a)(5), strike "$40,188,679" and insert "$50,188,679".

In the analysis for chapter 5 of title 23, United States Code (as added by section 2101(a)), strike the item relating to section 512 and insert the following:

"512. University bridge research centers.
"513. Transporation analysis simulation system.

In chapter 5 of title 23, United States Code (as amended by section 2101(a)), redesignate section 512 as section 513.

In chapter 5 of title 23, United States Code (as amended by section 2101(a)), insert after section 511 the following:

"§512. University bridge research centers

"(a) In General.—The Secretary shall establish and implement a university bridge research center program in accordance with this section.

"(b) Purposes.—The Secretary, in coordination with nonprofit institutions of higher learning, shall encourage and promote specific research on—

"(1) advanced highway bridge materials and systems for economical, rapid, and durable repair, replacement, and protection of highway bridges; and

"(2) technology to monitor and evaluate bridge damage and deterioration to significantly extend the useful life of highway bridges.

"(c) Bridge Centers.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate university bridge research centers.

"(d) Selection of Grant Recipients.—

"(1) Applications.—To be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(2) Selection criteria.—

"(A) In general.—Except as otherwise provided by subparagraph (B), the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of—

"(i) the demonstrated research and development resources available to the recipient to carry out this section;

"(ii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range bridge deterioration and structure problems;

"(iii) the demonstrated commitment by the recipient of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing bridge research and education programs;

"(iv) the demonstrated ability of the recipient to disseminate results of bridge transportation research and education programs through a statewide or regionwide program;

"(v) the demonstrated ability of the recipient to partner with other institutions that have highway bridge research expertise;

"(vi) the demonstrated ability of the recipient to conduct analysis, laboratory testing, and field verification of bridge design through a record of demonstration projects with State transportation departments and private, public and quasi-public bridge authorities;

"(vii) the demonstrated record of the recipient in transferring technology to practitioners;

"(viii) the demonstrated record of the recipient in testing full-scale bridge components in laboratory facilities and implementing results in design changes and field verification; and

"(ix) the strategic plan that the recipient proposes to carry out under the grant.

"(B) Preference.—Preference shall be given to nonprofit institutions of higher learning located in the 10 States with the worst deficiencies in highway bridges, as ranked by the 2002 Federal Highway Administration National Bridge Inventory.

"(e) Activities.—A Federal Highway Administration university bridge transportation center that receives a grant under this section shall conduct—

"(1) basic and applied bridge research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in bridge longevity;

"(2) an education program that includes multidisciplinary course work and student participation in research; and

"(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, used, or otherwise applied.

"(f) Federal Share.—

"(1) In general.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent.

"(2) Non-federal share.—The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

"(g) Program Coordination.—

"(1) Coordination.—The Secretary shall—

"(A) coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section; and

"(B) establish a clearinghouse for dissemination of the results of the research.

"(2) Annual review and evaluation.—At least annually the Secretary shall review and evaluate programs carried out by grant recipients.

"(3) Funding limitation.—The Secretary shall use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) Limitation on Availability of Funds.—Funds made available to carry out this section shall remain available for obligation for 2 years after the last day of the fiscal year for which the funds are made available.

"(i) Number and Amount of Grants.—For each of fiscal years 2005, 2006, 2007, 2008, and 2009, the Secretary shall make a grant of $2,000,000 to each of 5 nonprofit institutions of higher education to conduct bridge transportation research.

SA 578. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of section 1807, add the following new subsection:

(c) Steel Bridge Testing.—The Secretary shall make available $10,000,000 to test steel bridges using a non-destructive technology capable of detecting growing cracks, including subsurface flaws as small as 0.01 inches in length or depth.

SA 579. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 216, after the matter preceding line 1, insert the following:

SEC. 15_. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

(a) In General.—Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) in subsection (c), by adding at the end the following:

"(46) Interstate Route 376 from the Pittsburgh Interchange (I/C No. 56) of the Pennsylvania Turnpike, westward on Interstate Route 279, United States Route 22, United States Route 30, and Pennsylvania Route 60, continuing past the Pittsburgh International Airport on Turnpike Route 60, to the Pennsylvania Turnpike (Interstate Route 76), Interchange 10, and continuing north on Pennsylvania Turnpike Route 60 and on United States Route 422 to Interstate Route 80."; and

(2) in subsection (e)(5)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E); and

(B) by inserting after subparagraph (A) the following:

"(B) Interstate route 376.—

"(i) Designation of interstate route 376.—

"(I) In general.—The routes referred to in subsection (c)(46), except the portion of Pennsylvania Turnpike Route 60 and United States Route 422 between Pennsylvania Turnpike Interchange 10 and Interstate Route 80, shall be designated as Interstate Route 376.

"(II) Signs.—The State of Pennsylvania shall—

"(aa) have jurisdiction over the highways described in subclause (I) (except Pennsylvania Turnpike Route 60); and

"(bb) erect signs in accordance with Interstate signing criteria that identify the routes described in subclause (I) as Interstate Route 376.

"(III) Assistance from secretary.—The Secretary shall assist the State of Pennsylvania in carrying out, not later than December 31, 2008, an activity under subclause (II) relating to Interstate Route 376 and in complying with sections 109 and 139 of title 23, United States Code.

"(ii) Other segments.—The segment of the route referred to in subsection (c)(46) located between the Pennsylvania Turnpike, Interchange 10, and Interstate Route 80 may be signed as Interstate Route 376 under clause (i)(II) if that segment meets the criteria under sections 109 and 139 of title 23, United States Code.".

SA 580. Mr. VOINOVICH (for himself, Mr. DeWine, Mr. Coleman, Mr. Durbin, Mr. Obama, and Mr. Dayton) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. COMPUTATION OF CERTAIN ESTIMATED TAX PAYMENTS.

If the Secretary of Transportation takes into account fiscal year 2005 or any preceding fiscal year in computing the apportionment of funds pursuant to sections 104 and 105 of title 23, United States Code, for fiscal year 2005 or any subsequent fiscal year, the Secretary shall determine such apportionment by using the amount of estimated tax receipts that the Secretary estimates would have resulted had the amendments made by section 301 of the American Jobs Creation Act of 2004 taken effect at the beginning of the fiscal year which is so taken into account.

SA 581. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

In section 144(f)(2)(A) of title 23, United States Code (as amended by section 1807(a)(4)), strike "15 percent" and insert "20 nor more than 35 percent".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE FOR BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 26, 2005, at 10 a.m., to conduct a hearing on "An Update on Money Services Businesses Under Bank Secrecy and USA Patriot Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, April 26, 2005, at 10 a.m. on the nominations of Maria Cino to be the Deputy Secretary of Transportation, and Phyllis Scheinberg to be Assistant Secretary of Transportation for Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, April 26, 2005, at 2:30 p.m. on the Transportation Security Administration's FY2006 Budget and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 26, at 10 a.m. in Room SD–366.

The purpose of the hearing is to receive testimony regarding the status of the Department of Energy's Nuclear Power 2010 Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of Tuesday, April 26, 2005, at 10 a.m., to hear testimony on "Proposals To Achieve Sustainable Solvency, With and Without Personal Accounts."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 26, 2005 at 9:30 a.m. to hold a hearing on the Millennium Challenge Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Reitrement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, April 26, 2005 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "A Bill to create a Fair and Efficient System to Resolve Claims of Victims for Bodily Injury Caused by Asbestos Exposure, and for other Purposes" on Tuesday, April 26, 2005 at 9:30 a.m., in Russell Senate Office Building, Room 325.

Panel I: The Honorable Judge Becker.

Panel II: The Honorable John Engler, National Association of Manufacturing, Washington, DC.; Mr. Craig Berrington, General Counsel, American Insurance Association, Washington, DC.; Ms. Peg Seminario, Director, AFL–CIO, Washington, DC.; Ms. Carol Morgan, President and General Counsel, National Service Industries, Inc.: Doraville, GA; Mr. Hershel W. Gober, National Legislative Director, Military Order of the Purple Heart, McLean, VA; Dr. Francine Rabinovitz, Hamilton, Rabinovitz & Alschuler, Carmel, CA; Mr. Mark A. Peterson, President, Legal Analysis Systems, Inc., Thousand Oaks, CA; Prof. Eric D. Green, Boston University Law School, Boston, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, April 26, 2005, to markup the nomination of Mr. Jonathan B. Perlin to be Under Secretary for Health, Department of Veterans' Affairs.

The meeting will take place in room S 216 (the President's Room) of the Capitol at 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 26, 2005 at 2:30 p.m., to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Tuesday, April 26, 2005 at 2:30 p.m., in room SD–366.

The purpose of the hearing is to review the preparedness of the Departments of Agriculture and the Interior for the 2005 Wildfire Season, including agencies' assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies' ability to deal with the upcoming fire season.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the privilege of the floor be afforded Mr. Richard Steinmann, a detailee from the Federal Transit Administration, for the duration of the consideration of the surface transportation reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that the following staff members of the Joint Committee on Taxation on a list that I send to the desk be given the privilege of the floor for the duration of the deliberation of the Highway Reauthorization and Excise Simplification Act of 2005, provided that no more than four from the list occupy the floor at any given time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Yin, George K., Barthold, Thomas A., Bloyer, John, Clay, Gordon M., Corcoran, Sean M., Flax, Nikole C., Hirsch, Harold E., Lenter, David L., Matthews, Laurie A., McMullen, Debra L., Means, Kristine M., Nega, Joseph W., Rock, Cecily W., Thomas, Melvin C., Wielobob, Allison E., Schmitt, Bernard A., Beeman, E. Ray, Bornholdt, Gary W., Colinvauz, Roger, Fisher, Tara Z., Fontenot, Gray C., James, Deirdre, Littman, Allen J., McDermott, Patricia, McMullen, Neval E., Navratil, John F., Noren, David G., Smith, Carolyn E., Way, Kashi.

EXPRESSING SENSE OF CONGRESS ON WORLD INTELLECTUAL PROPERTY DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 28, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 28) expressing the sense of Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LUGAR. Mr. President, today, on World Intellectual Property Day, I rise in support of a resolution I have submitted recognizing the importance of protecting intellectual property. One of the key benefits of protecting intellectual property is preserving innovation. Only with enforcement of protections will there be incentives for inventors to create and protect their innovations. As the sharing of goods and ideas transcends national boundaries, it is vital that these protections be able to accompany the ideas that they protect globally.

Although most of our trading partners have national domestic laws protecting intellectual property piracy and are even parties to agreements which contain intellectual property protections, piracy continues largely due to lack of enforcement. Theft of intellectual property results in competitive disadvantages to U.S. industries and job loss for American workers.

Counterfeiting and digital piracy have increased dramatically in recent years. In addition to the direct impact on the sales and profits of the subject industries, there is also significant harm and deception to consumers who believe they are purchasing legal and legitimate goods. Piracy and counterfeiting of copyrighted products in digital and other formats have grown to an enormous scale because these illegal activities offer a high rate of return with minimal risk to the criminal producing element. This element can conduct piracy with little capital investment, and in many countries, little chance of apprehension. Even if apprehended, the penalties may be so minor that they offer no deterrent.

There are various agreements between nations implemented at different levels for the protection of intellectual property. One of these is part of the World Trade Organization, WTO, charter, the Trade Related Aspects of Intellectual Property Rights, TRIPS. Key TRIPS provisions require all WTO members to provide certain minimum standards of protection for patents, copyrights, trademarks, trade secrets, geographical indicators, and other forms of intellectual property. There is also a requirement to provide effective enforcement of each nation's domestic intellectual property regulations.

Also currently in force are two copyright treaties of the World Intellectual Property Organization: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which entered into force in 2002. These treaties help raise the minimum standards of intellectual property protection around the world, particularly with respect to internet-based delivery of copyrighted works. As with the TRIPS agreement, enforcement of obligations by member countries remains the issue.

This resolution focuses on two nations, China and Russia, with which we have significant trading relationships, yet, are still not offering the necessary enforcement of protections. China has become a leading exporter of counterfeit and pirated goods to the world. It is, therefore, critical that we address the issue of protection and enforcement in China. At the April 2004 meeting of the Joint Commission on Commerce and Trade, JCCT, the Chinese Government indicated that it would undertake a series of actions to significantly reduce infringement throughout the country. Piracy rates in China have remained at extremely high levels for the past decade, despite numerous actions by the Chinese Government such as the seizure and destruction of millions of pirated products, often via highly publicized steamrollings of counterfeited discs. As a fellow member of the WTO, we must ensure that China fulfills its commitments to enforce intellectual property protections under the rules of the WTO.

Piracy in Russia continues to be a growing problem. Only a few pirate optical disc factories existed in Russia in the late 1990s. Reports indicate that there are now over 30 such plants producing pirated products in Russia, ruining the Russian market for American right-holders and substantially undermining other markets in Europe as well. The Russian Government has made many promises to solve this problem, but meaningful results have yet to occur. Russia recognizes that its domestic laws and enforcement measures still do not meet TRIPS requirements; however, the required legislation has not been implemented. We should encourage the Government of Russia to act promptly and implement these measures so that it can fully comply with the rules of the WTO.

The problem of protecting intellectual property is evident. Going forward, our focus should be on the solutions. What enforcement methods should be utilized that have not been thus far? Should our international agreements and treaties with our trading partners be better utilized to ensure enforcement of intellectual property rights laws? Some progress has been made in these areas, yet there is much more ground to cover. I encourage the administration to insure that our trading partners fulfill their commitments and agreements to abide by global intellectual property rules.

I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the International Intellectual Property Alliance, Apr. 26, 2005]

STATEMENT OF THE INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE CELEBRATING WORLD INTELLECTUAL PROPERTY DAY

WASHINGTON, DC.—The International Intellectual Property Alliance (IIPA), a coalition of six trade associations representing 1,300 U.S.-based copyright companies, today celebrates 2005 World Intellectual Property Day. Eric H. Smith, President of IIPA, issued the following statement:

"The theme for 2005's World Intellectual Property Day is 'Think, Imagine, Create.' This message from the Director General of the World Intellectual Property Organization (WIPO), Kamil Idris, is directed at the world's young people to build awareness about the importance of creativity—and the protection of the intellectual property that supports that creativity—to the daily lives of every global citizen. Without providing this protection, many of the great cultural and technological assets that we now take for granted would never have been available to us to improve our lives. Strong protection and enforcement of the world's laws that nurture the creativity embodied in intellectual property are all too often taken for granted or viewed by a few as no longer necessary. We too often forget the important cultural and economic benefits, jobs, contributions to GDP and tax revenues that are dependent on a strong intellectual property system.

"U.S. creators have benefited significantly from a strong global system of protection enshrined in treaties and conventions to which virtually all the world's nations belong. Yet weak laws and inadequate enforcement of those laws continue to plague all those individuals and companies that contribute to this great global creative and technological explosion.

"Today, Senators Lugar and Baucus introduced a Sense of the Congress Resolution, celebrating World Intellectual Property Day, and highlighting the massive damage done—over $4 billion just to U.S. creators of copyright products alone—to global creativity by just two countries, China and Russia, through their failure to abide by internationally-agreed standards of protection and enforcement. The message to these countries is clear: they are cheating themselves by failing to take effective action to prevent the creative works of their own citizens, U.S. citizens and those of other countries, from blatant theft. IIPA members join with the sponsors of this Resolution to call upon these governments to take earnest measures to halt this theft and upon the U.S. government to use all the tools provided by Congress to see that these countries take effective action to prevent pirates from stealing intellectual property with impunity. Economic and cultural development is increasingly dependent on the creation and protection of intellectual property of all kinds. The resolution hits the mark in targeting two of the world's worst offenders of intellectual property rights."

[From the Association of American Publishers News]

PUBLISHERS APPLAUD SENATE RESOLUTION ON SAFEGUARDING INTELLECTUAL PROPERTY WORLDWIDE

WASHINGTON, DC, April 26, 2005.—The U.S. publishing industry enthusiastically welcomed today's introduction in the Senate of a bipartisan Concurrent Resolution stressing the importance of protecting intellectual property rights around the world. The Association of American Publishers (AAP) expressed special thanks to Senator Richard Lugar (R–IN), Chairman of the Foreign Relations Committee, and Senator Max Baucus (D–MT), Ranking Member of the Finance Committee, who joined in sponsoring the resolution to mark the observance of World Intellectual Property Day.

Noting that the theft of intellectual property hurts the U.S. economy and costs American jobs, and citing deep concern over the failure of many U.S. trading partners to fulfill obligations to protect intellectual property, the resolution is particularly critical of China and Russia, where piracy threatens the very existence of legitimate markets for copyright products. The resolution calls on the Administration to use "all available tools provided by Congress," and the leverage provided by bi-lateral and multi-lateral trade agreements (including, where appropriate, WTO commitments) as well as terms regulating benefits such as the Generalized System of Preferences (GSP) program, to protect the intellectual property rights of American businesses.

AAP President and CEO Pat Schroeder congratulated Senators Lugar and Baucus for focusing attention on the serious matter of international piracy. "Chinese pirates are decimating markets for legitimate commercial best sellers, academic arid professional works and English language learning materials. Russia leads its region in consumption of pirated books in both English and translation, and the impact on American publishers will only deepen as demand for English language materials grows in the region. Piracy cost American publishers an estimated $50 million last year in China, and $42 million in Russia, and the situation is worsening with the growth of the Internet as a distribution channel for pirated works," Mrs. Schroeder said. "In marking World Intellectual Property Day, this strong statement of Congress" commitment to protect American creativity is very welcome."

The Association of American Publishers is the national trade association of the U.S. book publishing industry. AAP's approximately 300 members include most of the major commercial book publishers in the United States, as well as smaller and nonprofit publishers, university presses and scholarly societies. The protection of intellectual property rights in all media, the defense of intellectual freedom, and the promotion of reading and literacy are among the Association's primary concerns.

[From the Motion Picture Association of America]

MPAA CHIEF PRAISES WORLD INTELLECTUAL PROPERTY DAY RESOLUTION

WASHINGTON, DC.—Motion Picture Association President and CEO Dan Glickman today praised a concurrent resolution introduced by Senator Richard Lugar (R–IN) and Senator Max Baucus (D–MT) that expressed the sense of the Congress stressing the importance of protecting intellectual property rights, particularly in China and Russia where piracy and counterfeiting are rampant.

"I thank Senator Lugar and Senator Baucus for this resolution celebrating World Intellectual Property Day, and more importantly, for taking a leadership role in fighting for intellectual property rights across the globe."

"Of course, my special concern is protecting the magic of the movies. Our industry loses $3.5 million each year through hard goods piracy, and billions more in internet piracy. If the black market is allowed to flourish, and if thieves are allowed to continue to steal our products, it makes it more and more difficult to make the movies that entertain people the world over."

"But this isn't just about the movies. As the resolution itself says, the American economy depends increasingly on the work of authors, inventors, programmers and many others who create intellectual products of high value. In fact, close to twelve million Americans are employed by the copyright industries. For America, intellectual property means jobs."

"But intellectual property is important for the rest of the world as well. Enforcing intellectual property laws in China and in Russia will only help these economies prosper in the long run." "I applaud this bold resolution and I thank both Senator Lugar and Senator Baucus for introducing it today."

UNIVERSAL MUSIC GROUP,
Santa Monica, CA, April 25, 2005.

Hon. RICHARD G. LUGAR,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: I am the President and Chief Operating Officer of Universal Music Group, the worlds' largest music company. I write to tell you how much my company and I appreciate Congress' commitment to the fight against piracy. We recognize that you and Senator Baucus have been particular champions of this cause for some time now. The Resolution that you and Senator Baucus are introducing is another indication of your commitment to the many Americans who earn their livelihoods by bringing new artists and sounds to consumers around the globe.

It is clear that innovation and the strong protection of intellectual property laws will be vital to America's economic future. The United States Government must do all that it can to ensure that our trading partners vigorously enforce the treaties and other commitments they make to the United States, and it is our hope that your Senate colleagues will join you in sending that message by supporting the Lugar-Baucus Resolution.

Very truly yours,

ZACH HOROWITZ,
President and COO.

[From the Recording Industry Association of America, April 26, 2005]

STATEMENT ON WORLD INTELLECTUAL PROPERTY DAY

On behalf of America's music community, we wish to thank Chairman Lugar and Senator Baucus for the resolution that they have jointly introduced today highlighting the need for greater vigilance in the fight against piracy in global markets. In particular, there is an urgent need to direct attention to markets like Russia and China, which remain essentially closed to U.S. businesses due to stifling piracy rates. As the Senators aptly mention, piracy in these markets and elsewhere around the world "is open, notorious and permitted to operate without meaningful hindrance from the government."

There may be no single economic issue that has a greater bearing on American competitiveness in the 21st century than the protection of intellectual property. As such, it is imperative that we not shy away from demands that our trading partners meet their obligations under international agreements as well as the criteria for participating in US. trade programs affording unilaterally extended trade benefits. We simply cannot enter into political arrangements that fail to protect our greatest economic assets.

On the occasion of World Intellectual Property Day, we wish to call upon the Russian and Chinese governments to reform their approach to this critical issue and to begin to seriously address the rampant piracy that is so endemic in their societies today. It is of utmost importance that the Sino-U.S. and U.S.-Russia relationships are built upon a mutual understanding of shared obligations and a strong commitment to embracing and enforcing the rule of law. While we very much want to see Russia join the community of nations bound to one another in the World Trade Organization, negotiations cannot conclude without marked improvement and a commitment on the part of the Russian government to the protection of intellectual property.

We also wish to express our great concern about the current state of affairs in China and the apparent determination of the Chinese government to limit the ability of U.S. companies to meaningfully engage in the Chinese market. At present, the Chinese government continues to maintain significant barriers to entry for some of our nation's most competitive industries, particularly in the area of music and film production and distribution. In addition, the government continues to permit Chinese pirate businesses to be built on the back of American creativity. Without question, these practices must change if China wishes to maintain a secure and stable relationship with the United States.

We appreciate the continued attention of our nation's political leaders to this pressing issue—on both the occasion of World Intellectual Property Day and beyond. We look forward to working with Congress and the Administration to help produce—and if necessary, demand—effective changes to create a more level playing field and a global environment that values and respects American intellectual property.

MITCH BAINWOL,
Chairman and CEO.

Mr. BAUCUS. Mr. President, the theme of this year's World Intellectual Property Day, which we commemorate today, is "Think, Imagine, Create."

Think, imagine, create, these simple words are at the center of what makes

America great and what continues to drive our progress. American thought produced our Constitution and our system of government. American imagination put a person on the moon. And American creativity has made U.S. culture the envy of the world.

It is astounding how important intellectual property has become in our everyday life. It is even more astounding how much we take human creativity and intellectual property for granted. Just think about it for a moment and imagine what a world would be like without intellectual property rights.

Without copyrights, who would want to write the books we read, produce the movies we watch, or compose the music that fills our ears?

Without trademarks, who would want to invest the enormous time, energy, and resources required to develop a brand name synonymous with quality and reliability?

And without patents, who would have the incentive to innovate and produce inventions that change our world and save our lives?

Intellectual property rights are not just some abstract legal concept the sole province of lawyers and judges. They are an essential motor of our economy.

Look at the copyright industry. These are the folks who produce newspapers, books, movies, computer software, and radio/TV broadcasting. This industry alone accounts for 12 percent of our gross domestic product. That's $1.25 trillion.

If these numbers don't impress, then let's look at the impact the copyright industries have on U.S. jobs. They alone employ roughly 11.5 million workers. That is nearly 8.5 percent of total U.S. employment. Believe it or not, that number approaches the level of employment in the heath care sector or the entire manufacturing sector. And between 1997 and 2002, the rate of job growth in the copyright industry exceeded that of the U.S. economy as a whole.

That is why protecting intellectual property rights worldwide is critical. It is not just a concern for the overall health of the U.S. economy. And it is not just a concern of this or that company. It is a concern of each and every worker that the intellectual property industries employ. And it is a concern of each and every one of us that enjoys going to see the latest movie, likes wearing a hip new pair of Nike shoes, or needs the most innovative life saving drug.

Unfortunately, while we have a robust IPR regime here in America, some of our trading partners do not. In certain countries, IPR theft is rampant.

China is probably the most notorious example. USTR reports that counterfeiting and piracy in China are at "epidemic levels and cause serious harm to U.S. businesses in virtually every sector of the economy." In fact, as USTR pointed out, one U.S. trade association claims that counterfeiting and piracy in China exceeds 90 percent. Estimates of the value of counterfeit and pirated goods in China are between $19 billion and $24 billion in 2001. That translates into losses of $2.5 to $3.8 billion to U.S. industry.

Russia is also a serial IPR violator. The scale of intellectual property rights infringement there is vast and growing. Russia's legal framework has huge gaps, and the enforcement of existing laws is lax. This has real costs. Estimated losses to U.S. copyright industries due to piracy of films, videos, sound recordings, books, and computer software continue to exceed $1 billion annually. Over 80 percent of all DVDs on the Russian market are estimated to be pirated. Pirated music is estimated at 66 percent of sales, and software piracy is estimated at about 88 percent.

IPR violations in Brazil are also very troubling, particularly given that Brazil is both a WTO member and receives benefits from the United States under the Generalized System of Preferences. USTR reports that estimated losses in Brazil due to piracy of copyrighted materials totaled over $930 million in 2004 alone. An estimated 75 percent of audiocassettes sold in Brazil are pirated.

These violations run counter to the entire spirit and purpose of World Intellectual Property Day. Rather than foster an environment that encourages thought, imagination, and creativity, IPR violations in China, Russia, Brazil, and other countries stifle creativity and innovation. They send the chilling message that the short-term profit of pirates, counterfeiters, and other IPR thieves matter more than the long term gains of society.

We need to crack down on countries that fail to protect and enforce intellectual property rights. We should use all tools at our disposal to address barriers to thought, imagination, and creativity.

In my view, we are long overdue in initiating a WTO case with China for its failure to comply with its obligations under the WTO's TRIPS agreement, particularly in the area of copyrights.

In my view, we should not give a green light to Russia's bid to join the WTO until Russia makes visible and sustained improvements to its legal regime as well as a demonstrable commitment to long-term enforcement.

And in my view, we should not continue to give countries with serious intellectual property deficiencies, like Russia and Brazil, GSP benefits until they clean up their act.

That is why I am today cosponsoring with Senator LUGAR a sense-of-the-Senate resolution on the importance of protecting intellectual property. Among other things, this resolution urges the administration to use all effective remedies to address the lack of intellectual property protection. It also urges the administration to take action to ensure that China, Russia, and our other trading partners comply with their international trade obligations.

Think, imagine, create, that is the theme of this year's World Intellectual Property Day. I hope that next year we can celebrate an improved global environment that truly fosters these important aspirations.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 28) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 28

Whereas protection of intellectual property is critical to our nation's economic competitiveness, cultural diversity, health and scientific development;

Whereas the United States economy depends increasingly on the work of authors, artists, inventors, programmers, and many others who create intellectual products of high value;

Whereas theft of intellectual property results in competitive disadvantages to United States industries and job losses for American workers, and for the United States economy as a whole;

Whereas the copyright industries employ approximately 11,500,000 workers or 8.41 percent of total employment in the United States, a number that approaches the levels of employment in the health care and social assistance sector (15,300,000 employees) and the entire manufacturing sector (14,500,000 workers in 21 manufacturing industries);

Whereas there is great concern about the failure of many of our trading partners to live up to their international obligations in the area of intellectual property protection;

Whereas counterfeiting of copyrighted products in digital and other formats, as well as counterfeiting of all types of trademarked products, has grown to an enormous scale;

Whereas many of our trading partners, in particular Russia and China, have laws in place to prevent piracy and counterfeiting, but are failing to enforce the laws;

Whereas Russia and China alone are responsible for over $4,000,000,000 in losses a year to United States industries due to piracy;

Whereas piracy in Russia and China is open, notorious, and permitted to operate without meaningful hindrance from the governments of those countries;

Whereas China should be encouraged to meet its intellectual property protection obligations as a member of the World Trade Organization (WTO);

Whereas Russia should be encouraged to explore means to provide effective piracy protection enabling compliance with the rules set forth by the WTO;

Whereas the United States Government must convey to these countries that failure to act will have political and economic consequences for relationships with the United States; and

Whereas Congress has enacted legislation regarding the protection of intellectual property, including measures which direct the Administration to censure countries that fail to provide adequate and effective protection for intellectual property: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Administration should utilize effective remedies and solutions in addressing the lack of intellectual property protection in China and Russia, using all available tools provided by Congress;

(2) the Administration should ensure that any country that enjoys benefits under the Generalized System of Preferences (GSP) program, such as Russia, lives up to its obligations to provide adequate and effective protection for intellectual property rights, or lose its eligibility to participate in trade preference programs;

(3) the Administration should ensure that action is taken against any country with which the United States shares mutual commitments under the WTO, such as China, when the country fails to live up to its WTO commitments;

(4) the Administration should urge Russia to promote measures to enforce intellectual property protection which will enable compliance with the intellectual property commitments required by the WTO; and

(5) the President should take any additional action the President considers appropriate to protect the intellectual property rights of United States businesses.

COMMENDING UNIVERSITY OF MINNESOTA WOMEN'S ICE HOCKEY TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 125, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 125) commending the University of Minnesota Golden Gophers women's ice hockey team for winning the 2004–2005 National Collegiate Athletic Association Division I Women's Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas, on Sunday, March 27, 2005, the University of Minnesota Golden Gophers won the National Collegiate Athletic Association (NCAA) Division I Women's Hockey Championship for the second straight year;

Whereas the University of Minnesota Golden Gophers defeated Harvard University in the championship game by a score of 4 to 3, and defeated Dartmouth College by a score of 7 to 2 in the semifinals;

Whereas, during the 2004–2005 season, the Golden Gophers won an outstanding 36 out of 40 games;

Whereas Ms. Krissy Wendell was honored with the prestigious Patty Kazmaier Award, which is presented annually to the Nation's most outstanding women's collegiate hockey player;

Whereas Ms. Natalie Darwitz, Ms. Lyndsay Wall, and Ms. Krissy Wendell were selected for the 2004-2005 NCAA All-Tournament Team, and Ms. Darwitz was named the tournament's Most Valuable Player;

Whereas Ms. Lyndsay Wall, Ms. Krissy Wendell, and Ms. Natalie Darwitz were named to the CCM Women's University Division I Ice Hockey All-American First Team, and Ms. Jody Horak was named to the CCM Women's University Division I Ice Hockey All-American Second Team;

Whereas the team's seniors—Ms. Jody Horak, Ms. Brenda Reinen, Ms. Kelly Stephens, Ms. Noelle Sutton, and Ms. Stacy Troumbly—made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program throughout their collegiate careers;

Whereas Ms. Ashley Albrecht, Ms. Chelsey Brodt, Ms. Natalie Darwitz, Ms. Whitney Graft, Ms. Jody Horak, Ms. Krista Johnson, Ms. Natalie Lammé, Ms. Erica McKenzie, Ms. Anya Miller, Ms. Andrea Nichols, Ms. Liz Palkie, Ms. Jenelle Philipczyk, Ms. Brenda Reinen, Ms. Bobbi Ross, Ms. Allie Sanchez, Ms. Maggie Souba, Ms. Kelly Stephens, Ms. Noelle Sutton, Ms. Stacy Troumbly, Ms. Becky Wacker, Ms. Lyndsay Wall, and Ms. Krissy Wendell demonstrated exceptional teamwork, selfless team spirit, and admirable sportswomanship throughout the season;

Whereas the University of Minnesota Golden Gophers women's ice hockey team Head Coach Laura Halldorson and Assistant Coaches Brad Frost, Charlie Burggraf, and Jeff Moen provided outstanding leadership and coaching to mold all of the talented young women into a championship team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Golden Gophers women's ice hockey team for winning the 2004-2005 National Collegiate Athletic Association's Division I Women's Ice Hockey Championship;

(2) recognizes the outstanding achievements of the team's players, coaches, and support staff; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

ORDERS FOR WEDNESDAY, APRIL 27, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to 120 minutes, with the first 30 minutes under the control of the majority leader or his designee, the next 60 minutes under the control of Senator BIDEN or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of H.R. 3, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow following morning business, the Senate will resume consideration of the highway bill. We will continue the amending process tomorrow. The chairman and ranking member will be here to work through amendments that are offered. Rollcall votes are expected throughout the day in relation to the amendments.

I also remind my colleagues that we have several other important matters to address before adjourning for next week's recess. We hope to receive conference reports to both the budget resolution and supplemental appropriations bill. In addition, several nominations are available for floor consideration, and we expect to move forward with those this week as well.

Again, we have a lot of work to do this week. Senators should expect busy days with rollcall votes throughout the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, April 27, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 26, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LEMELSON FOUNDATION AND INTRODUCTION OF WATER FOR THE POOR ACT OF 2005

Mr. BLUMENAUER. Mr. Speaker, last Friday evening I had the opportunity and the honor of attending a ceremony where the Lemelson Foundation awarded the annual Lemelson MIT Prize for Innovation, held for the first time in Portland, Oregon.

The foundation was established by one of the most prolific American inventors, the late Jerome Lemelson, and his family.

Although located in Portland, the foundation is truly international in scope. Jerome Lemelson endowed the foundation to promote innovation and to ensure that its application benefited humankind.

In the United States, their unique foundation supports several grantees whose programs celebrate extraordinary inventors as role models, illustrate the value of invention in the evolution of a great society, and nurture young adults to solve pressing social problems by pursuing careers in invention.

This year the foundation awarded a $500,000 Lemelson-MIT Prize, the largest cash award for innovation, to Elwood "Woody" Norris for revolutionizing acoustics.

Internationally, the Lemelson Foundation nurtures individual creativity to transform fundamental challenges into opportunities for sustainable progress. Its Invention for Sustainable Development program recognizes inventors and innovators in developing countries, fostering the institutions that support them, and applies their inventions to meet basic human needs and advance sustainable development.

Last week, foundation board member Eric Lemelson discussed foundation initiatives dealing with low-tech, high-impact innovation dealing with drip irrigation, an example of a cost-effective application of new technology to save scarce water resources, save money in a developing country while improving agricultural yields.

This is the type of commonsense approach of applied technology to sustainability that can truly transform people's lives.

I would hope that we in government can undertake the same spirit of innovation in our approach to USAID.

I was pleased to see Senator FRIST return from his trip to Africa convinced that the United States needs to do more with water innovation and has introduced legislation in the Senate. I applaud his bill, the Safe Water Currency for Peace Act, S. 492. By the same token, I am offering complementary legislation in the House, the Water for the Poor Act of 2005.

This bill will make access to clean water and sanitation a major U.S. foreign policy objective and requires the USAID to develop a strategy to carry out this objective. It supports innovative financing mechanisms that can create additional resources for water and sanitation, while ensuring access and affordability to the very poor.

This legislation is critically needed. The lack of clean water and sanitation is perhaps the world's greatest single health need. More than 1 billion people worldwide lack access to safe drinking water. More than twice as many, 2.3 billion people, one in every three people on the planet, lack access to adequate sanitation, and the consequences are devastating.

Water-related diseases are a human tragedy, killing up to 5 million people every year. At any given time, half the population in the developing world is sick from water-related disease. Tragically, one child dies every 15 seconds for lack of water and sanitation.

At a time when people in every corner of the globe understand the importance of water and the problems of its misuse, I was pleased that the United States and the Bush administration joined 185 other nations committed to cutting in half the percentage of people in the world without access to water and sanitation. I was there in Johannesburg in 2002, watching that consensus come together. I am hopeful that we will be able to follow through.

As Eric Lemelson pointed out in his remarks, the Lemelson Foundation does not have to be responsive to shareholders or the voters so they can afford to be cutting-edge, innovative, and creative. I would like to think that they are pointing the way to more liveable communities around the globe where all our families can be safe, healthy, and more economically secure; and they are pointing the way for the Federal Government to follow their lead.

My congratulations to the foundation; and I look forward to working on their innovations, integrating them with U.S. Government policy around the globe.

WHY THE F/A–22 RAPTOR

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently I had the opportunity to visit Langley Air Force Base in Virginia and spend time with the commander of the Air Combat Command, Lieutenant General William Fraser, and many dedicated, indeed dedicated, members of the United States Air Force. As part of the Air Force Caucus trip, we had almost 50 people participating in the trip.

Much of this trip focused on the F/A–22 Raptor and its importance to the future of the United States Air Force. After visiting with General Fraser and seeing the Raptor up close, I am more convinced and I think the participants who went on this trip are also convinced that the F/A–22 will become an integral part of future military successes.

Mr. Speaker, during my visit I was briefed not only about the warfighting capabilities of this plane but about the maintenance program as well. The Air Force uses cutting-edge technology to maintain this plane; and this, of course, leads to more efficient maintenance. It is the first jet to use an entirely paperless maintenance program.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

allowing new parts to be ordered or changes to be made significantly faster.

The engine also utilizes new technologies. Its design allows it to be worked on while still on the plane, that is, the engine. In the past, engines often needed to be removed in order to be maintained. This is not the case for the F/A-22. These new technologies mean less time in the shop and, of course, more time in the air.

Also, the maintenance training program has been improved. No longer are there these big, bulky maintenance manuals. The training is digital in real-time, with real-world conditions. It leads to more effective and efficient training. Maintainers spend less time in training and more time actually working on the plane. This, of course, leads to faster maintenance and thus the F/A–22s are not grounded for longer than is necessary.

In the past, and particularly in the post-September 11 environment, homeland security has been our top priority here in Congress and our Nation. The F/A–22 plays a large role in protecting the homeland. According to the Air Force, 238 legacy fighters would be required and needed to protect this homeland while only 150 F/A-22s would be needed.

The Bush administration unfortunately has proposed cutting $10 billion from the F/A-22 program over the next 5 years, leaving enough to buy 183 of the 381 planes the Air Force says it needs. Simply put, in my judgment, this number is just not sufficient.

The Air Force will not be able to guarantee air superiority without a sufficient quantity of F/A-22s. The U.S. has not lost a soldier due to an air attack since 1952. The Air Force has made air superiority look so easy that we have begun to take it for granted, but maintaining this air dominance is not easy.

For now, the United States Air Force is the best trained, the best equipped in the world; but Russia, China, India have made huge strides in achieving parity, and, in some cases, have even surpassed U.S. capabilities.

Our current, but badly aging, fighters no longer enjoy technological or aerodynamic superiority when compared to the modern aircraft of potential adversaries. There have been some recent exercises pitting the F–15s, which the F/A-22 Raptor will replace, against one of Russia's primary export fighters, resulting in kill ratios favoring the SU-30.

In contrast, on a recent training mission where a single F/A–22 went against five F-15s, the Raptor killed all the F-15s within 3 minutes. Additionally, due to a lack of stealth assets, the ability of our aircraft to operate in environments where hostile threats exist is inadequate. The only way to address these shortcomings, which will only worsen, I tell my colleagues, is with sufficient numbers of the F/A–22 Raptor. We cannot fight tomorrow's war with yesterday's equipment.

That is why America needs the Raptor. With a variety of internal weapons, the Raptor can destroy or negate the most capable future threats: advance fighters; surface-to-air missile systems; and high-value, mobile ground targets.

The F/A-22's combination of speed, stealth, and integrated avionics bring unmatched capabilities to cope with the 21st-century threat environment. Air dominance gives the joint force freedom from attack, freedom to maneuver and, of course, freedom to succeed. No substitute exists for the F/A-22's unique capabilities.

With the international proliferation of sophisticated aircraft and air defense systems, U.S. fighters are losing their ability to leverage access for U.S. forces in hostile regions. The F/A-22 changes this equation with its revolutionary design and potent array of systems.

Mr. Speaker, that is why we need to fully fund the F/A-22 Raptor over the next 5 years.

ETHICS CHANGES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, since the beginning of the year, the House has been conducting its business without an organized Committee on Standards of Official Conduct in place to investigate possible unethical behavior by Members of Congress. Republicans have tried to blame Democrats on the Committee on Standards of Official Conduct for this standoff, but the fact is they have nobody to blame but themselves.

At the beginning of this year, the Republican leadership went ahead and changed the way the Committee on Standards of Official Conduct does its business. In the past, whenever ethics changes were being considered, they were addressed in a bipartisan fashion, with both Democrats and Republicans at the table. That is the only way ethics reform can honestly be addressed, but the Republican leadership ignored that protocol and strong-armed enough of its Members into passing new and weakened ethics rules.

The American people need to understand that these new rules will allow either party, Democrat or Republican, to protect its own Members. Under the new Republican rules, if the majority of the committee cannot determine whether or not an investigation should proceed, after 45 days of receiving a complaint, the complaint would simply be dropped. No action would take place.

Since the Committee on Standards of Official Conduct is made up of five Members from each party, either side could prevent an ethics investigation from moving forward against one of its Members. Now, this is not the way the Committee on Standards of Official Conduct is supposed to work. Under the old bipartisan rules, if the committee could not come to an agreement on how to proceed after 45 days, an investigative subcommittee was created.

The weakening of the ethics rules by House Republicans did not fool editorial writers, both liberal and conservative, who follow House proceedings closely; and I just wanted to give some examples.

The conservative Chicago Tribune recently said, How do House Republicans respond to ethical lapses? By trying to bury them.

□ 1245

The Hartford Courant concluded, "The committee has been careening toward ethical oblivion in recent years, as the majority Republicans have relaxed the standards, eased up on investigations and created trapdoors through which alleged transgressors could escape."

The Republican leadership did not stop at just weakening the ethics rules, the Republican leadership also purged three Republican Members of the Committee on Standards of Official Conduct, three Members who were not in the pockets of the leadership.

After losing his chairmanship of the Committee on Standards of Official Conduct, the gentleman from Colorado (Mr. HEFLEY) told The Washington Post that there is "a bad perception out there that there was a purge in the committee and that people were put in that would protect our side of the aisle better than I did. Nobody should be there to protect anybody. They should be there to protect the integrity of the institution."

Mr. Speaker, congressional Republicans should listen to their former ethics chairman, the gentleman from Colorado (Mr. HEFLEY). The integrity of the House of Representatives is much more important than any one Member.

These actions by the Republican majority really make one wonder why the changes are necessary now. It seems clear to me that the Republican leadership went to all of this trouble to protect one of its leaders. Last month the Wall Street Journal, which has a conservative editorial page, charged there is an "odor," an "unsavory whiff" at the very highest reaches of this House. Every single day, it seems, more revelations come out about questionable actions by a member of the Republican leadership. These daily revelations should concern every Member of the institution.

My Democrat colleagues and I realize the integrity of the House is at stake. We cannot allow weakened ethics rules to move forward to protect anyone, and it is critical that the Committee on Standards of Official Conduct be allowed to do its job and that is impossible under the new Republican rules.

Mr. Speaker, as the majority leader, the gentleman from Texas (Mr. DELAY) said back in November 1995, "The time has come that the American people know exactly what their representatives are doing here in Washington, are they feeding at the public trough, taking lobbyist-paid vacations, getting wined and dined by special interest groups, or are they working hard to represent their constituents? The American people have a right to know." That was the majority leader, the gentleman from Texas (Mr. DELAY), in his own words 10 years ago.

Let me say, the majority leader was right, the American people deserve answers and they will not get those answers under the weakened Republican ethics rules. That is why Democrats are fighting so hard to have the old rules restored. If the majority leader believes his comments from 10 years ago, I would think he would join us in our fight.

DISCRIMINATION AT THE UNITED NATIONS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, we are currently engaged in a detailed and comprehensive review of the United Nations, the system it has, with the goal of providing reforms that are going to ensure transparency, accountability, and efficiency in all U.N. operations. A critical component of this effort must include measures to ensure that Israel is afforded equal treatment and representation while addressing the anti-Israeli and anti-Semitic component that is pervasive in many U.N. bodies and its affiliated agencies.

The 1975 United Nations resolution equating Zionism, the national liberation movement of the Jewish people, to racism stands out as an example of this bias and outright bigotry. While this was the most notorious illustration of its anti-Jewish sentiment at the U.N. there are many, many others.

During the 1991 session of the United Nations Commission on Human Rights, for example, the Syrian representative to the U.N. repeated the Damascus blood libel that Jews killed Christian children to use their blood to make Matzoth. In 1997, the Palestinian representative charged that the Israeli Government had injected 300 Palestinian children with the HIV virus.

The goals of the 2001 U.N. World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israeli political agendas, prompting both Israel and the United States to withdraw their delegations from the conference.

In the United Nations General Assembly, we must look no further than the over 20 resolutions introduced by the Palestinian delegation each and every year against Israel, challenging Israel's policies and her very right to exist. During the 59th session of the U.N. General Assembly for 2004, close to 30 percent of all resolutions considered by this body were measures condemning Israel in some fashion.

At the U.N. Commission on Human Rights, there is an entire agenda item, item 8, that is dedicated to attacking and criticizing Israel. Countries that are gross human rights violators, such as Libya, Indonesia, and Egypt, have introduced resolutions under this category that criticize Israel for alleged human rights abuses in the West Bank and the Gaza Strip.

An additional resolution was introduced at this year's Human Rights Commission regarding what was termed as the Palestinian right of self-determination for the Palestinians, as well as another one on Israel and Lebanon. Yet there was not a single measure on the Syrian regime's gross violations of the rights of the Syrian and the Lebanese people or on the deplorable acts committed by the Iranian regime against its people.

Israel is a democracy and yet its sovereignty and its right to defend itself are frequently called into question in the United Nations system. The ruling last summer by the International Court of Justice on Israel's security fence is a case in point. Not only was Israel's inherent right to self-defense branded illegitimate by the United Nations, but terrorists and suicide bombers remain uncensored.

In addition, the failure of the U.N. system in fulfilling its mandate is illustrated by the limitations placed on Israel's membership. Israel is denied the ability to serve or run for leadership positions in multiple U.N. bodies and its affiliated agencies. While Israel was accepted as a temporary member of the Western European and Others Group, it is not allowed to present candidacies for open seats in any U.N. body and is not able to compete for major U.N. bodies.

Israel is excluded from consultations at the U.N. offices in Geneva, Nairobi, Rome and Vienna. By contrast, there is a separate "U.N. Division For Palestinian Rights," a "Committee on the Exercise of the Inalienable Rights of the Palestinian People, a U.N. Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestinian Liberation Organization and the Palestinian Authority," and "NGO Network on the Question of Palestine."

There is also an entire agency, the United Nations Relief and Works Agency, specifically designated for Palestinian refugees at a cost of over $400 million in the year 2004, yet all other refugees and internally displaced persons throughout the world are covered by the Office of the U.N. High Commissioner For Refugees.

Mr. Speaker, I include the remainder of my statement for the RECORD, and close by saying any effort at reforming the United Nations must include an end to the anti-Israel and anti-Semitic sentiment that has infected the U.N. organization for far too long.

I held a hearing last week to evaluate United Nations programs related to the Middle East, with special emphasis on the anti-Israel discrimination and anti-Semitic attacks.

It became abundantly clear that any U.N. reform efforts must address this imbalance and bias in favor of rogue states and individual groups.

In turn, the discrimination against Israel in the United Nations must be brought to an immediate end.

I have undertaken various initiatives to correct this injustice and ensure full membership and participation for Israel in all U.N. forums.

Most recently, I introduced H. Res. 54: calling on the United Nations to hold countries accountable for anti-Semitic statements and anti-Israeli incitement and calling for U.N. entities, such as UNESCO, to develop and implement Holocaust education programs throughout the world as part of an effort to combat such religious intolerance and anti-Israeli bias.

I ask my colleagues to render their support to these efforts and to co-sponsor this resolution.

The goals enshrined in the U.N. Charter—the promotion of international peace and security, and the respect for fundamental human rights—have never been more significant for the Jewish people and the State of Israel, which was founded on the ashes of the Holocaust.

BIPARTISAN LEGISLATION IN 109TH CONGRESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, Republicans and Democrats alike in this House can take a great deal of pride in the work product that has come forward in the 109th Congress. We know that for 8 years there has been an attempt to pass bankruptcy reform legislation, to finally bring some common sense to our bankruptcy law. With a strong bipartisan vote, Democrats joining with Republicans, we finally have been able to bring about bankruptcy reform.

We know that frivolous lawsuits have been a tremendous problem, and class action reform is again another very important bipartisan victory that we have been able to bring about.

Securing our borders. Our national security is our number one priority in this country. It has to be constitutional, but securing our borders is very important. With a strong, bipartisan vote, we have been able to pass the Real ID legislation which has now been attached to the very supplemental appropriations bill which also enjoyed very strong bipartisan support.

The highway bill enjoyed strong bipartisan support with Democrats and Republicans coming together to work on this important issue.

We also know that trying to save small businesses and family farms has been very important, and that is why Democrats and Republicans came together to permanently repeal the death tax, one of the most onerous taxes of all, and we also know that dealing with the prospect of a horrible terrorist attack is something that we had not contemplated up until September 11, 2001. Now we have seriously considered the prospect of that by passing very important Continuity in Government legislation which enjoyed the support of 122 Democrats along with Republicans.

Mr. Speaker, just last week we saw 41 Democrats joined with Republicans to pass the very important energy legislation geared toward reducing the cost of gasoline which is one of the great challenges our constituents face.

We have enjoyed those strong bipartisan victories: bankruptcy, highway, continuity in government, border security, energy, and repeal of the death tax. These are very important bipartisan victories, but it is also important to note that we have had a very important bipartisan win just today, and it is because of the policies of President Bush and the United States Congress that we have been able to see the Syrians, after 3 long decades, finally extricate themselves from Lebanon.

I had the privilege of joining with a bipartisan delegation of my colleagues, the gentleman from Florida (Mr. HASTINGS), the gentleman from Washington (Mr. HASTINGS), the gentleman from Georgia (Mr. GINGREY), the gentleman from Florida (Mr. CRENSHAW) join with us in going into Beirut, Lebanon. We had a chance to meet with young students who were great activists at Martyr's Square at the grave site of Rafik Hariri, the former Prime Minister who was tragically assassinated. These students said because of what the United States of America and the Coalition forces did in Iraq, laying the groundwork for 8.5 million people to vote on January 30, 2005, they were willing to stand up and free their country, and they were willing to die to ensure that the people of Lebanon would be free.

Mr. Speaker, I have to say while we have enjoyed a wide range of bipartisan victories in the 109th Congress under the very able leadership of the gentleman from Illinois (Mr. HASTERT), it is also very important to note that under his leadership and the leadership of President Bush, we have been able to see democracy spread throughout the Middle East. It is exactly what President Bush said, and thank God we vigorously pursued that policy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Well-spring of all creation and Provident Guide of our Nation's history, You bring us together for this session of the 109th Congress of the United States.

From diversity, You fashion one Nation. Out of the human search for truth and faulty efforts to lovingly accept one another in fellowship, You inspire consensus and settle a just yet temporary compromise. Grant to all patience and civility in every endeavor.

For You leave this work in such human hands, though You are the designer of lasting results.

Lord, without a transcendent framework, the movable pieces of this mosaic of government will not fall into place.

Alone and filled with fears and absolutes, all human effort to seek the common good will only lead to some artificial conformity or relative common denominator.

So again, our Nation turns to You in prayer, as we will do, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 893. An Act to make technical corrections in the Anabolic Steroid Control Act of 2004.

HEALTH INSURANCE PATIENT-OWNERSHIP PLAN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I am a third-generation physician. Both my father and grandfather were doctors, and I practiced medicine for over 20 years before coming to Congress. I can tell my colleagues that without a doubt, the doctor-patient relationship is far from what it used to be, or ought to be.

Today, our health care system is big business. The doctor-patient relationship is often obstructed by insurance companies, the government, and employers. The result is a system that prevents people from having control and ownership of critical health care decisions in their own lives.

Today, employers or the government most often determine what health insurance coverage a person receives, they dictate what the copays and the deductibles are, and they hold the contract with the insurance company.

I believe that the person most affected by health care decisions should be the one who has the most control over those decisions, and that is the patient.

Mr. Speaker, it is time we started thinking about health care in a new way. We should put health care choices in the patient's hands, not the employer's, not the insurance company's, and certainly not the government's. H. Res. 215, the Health Insurance Patient-Ownership Plan, is a good way to begin, and I ask my colleagues for their support on this new, exciting, and positive initiative.

OPPOSING THE PRIVATIZATION OF SOCIAL SECURITY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to reiterate my emphatic opposition to the privatization of Social Security. This program would not only hurt millions of elderly Americans but, ultimately, the whole country. For women and working families especially, Social Security is a lifeline, and they need to know that they can rely on a guaranteed benefit.

Social Security was never intended to be a roll-the-dice stock market gambit. Social Security was never meant to be an elaborate investment scheme geared to maximizing returns. Social Security was designed as a simple, straightforward social insurance program that ensures all of us to spend our golden years in a basic level of dignity, independence, and security.

Mr. Speaker, privatization is also not good for young workers. A 30-year-old worker making $40,000 a year will lose 27 percent of their benefits under this plan. That is almost $6,000 a year.

I urge all of my colleagues, let us work together and solve a manageable problem.

PARENTS DESERVE THE RIGHT TO KNOW

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a woman from my district came to Washington last month to tell Congress about how her daughter was taken to New Jersey for an abortion without her knowledge. This mom knew about her 14-year-old daughter's pregnancy. Her daughter had chosen to keep the baby and was attending prenatal classes.

But the boyfriend's family, according to her testimony, "planned, paid for, coerced, harassed, and threatened her into having an abortion. They left her alone during the abortion and went to eat lunch."

About 80 percent of the public favors parental notification laws. Over 30 States have enacted such laws. As in the case of my constituent, these laws are often evaded by interstate transportation of minors, and it is often openly encouraged in advertising by abortion providers.

This week, the House will consider legislation that merely says that in States that protect a parent's right to know, taking a young girl across State lines will not keep the parent in the dark. The bill would make it a Federal offense to transport a minor across State lines to circumvent that State's abortion parental notification laws. In addition, the bill requires that in a State without parental notification, abortion providers are required to notify a parent.

I urge support of the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAUTHORIZING THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY ACT OF 1988

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1158) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, as amended.

The Clerk read as follows:

H.R. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2006 through 2010.".

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting ", beginning with fiscal year 2006," after "close of each fiscal year".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1158, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I would like to commend my colleague, the gentlewoman from Pennsylvania (Ms. HART), for reintroducing this important legislation which she originally introduced and which passed the House in the 108th Congress.

There are many reasons why we should pass this legislation today.

First of all, the metals industry is highly energy-intensive. Taken together, the steel, aluminum, and copper industries account for more than 10 percent of industrial usage in the United States. President Bush's national energy plan recognized that improving energy efficiency in our most energy-intensive industries could yield large improvements in productivity, product quality, safety, and pollution prevention.

Second, we have a strategic national interest in helping our metals industry remain competitive. For any industry, energy efficiency means increased production without increased energy consumption or costs. Improving energy efficiency helps the bottom line, making American metal products more competitive on the global market. That means more jobs here at home.

But energy efficiency is more than that. Reducing energy use means reducing our emissions of pollutants and greenhouse gases, and increasing our energy security. In this way, energy efficiency just makes sense, dollars and cents, for the Nation.

H.R. 1158 recognizes this fact and puts in place a new requirement that program managers consider the potential for technologies to reduce greenhouse gas emissions when developing their research plans. In this way the bill updates the plan to address current concerns about the impact of energy-intensive industries.

For these reasons, both the Committee on Science and the full House passed a similar bill by voice vote in the 108th Congress, and the Committee on Science approved H.R. 1158 by voice vote in March.

I encourage my colleagues to demonstrate support for this bill again today.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the gentlewoman from Illinois (Mrs. BIGGERT) in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I commend her for her support today, and I also commend the gentlewoman from Pennsylvania (Ms. HART) for taking a leadership role in pursuing this legislation dating back to the last Congress.

This bill will benefit our constituents, Democrat and Republican alike. It has been a pleasure to have this opportunity to work in a bipartisan effort to bring this measure to the floor today.

Today, almost one-quarter of the steel production in the United States is in the Chicago, northern Indiana region. But, unfortunately, our country no longer hails as the world's leading producer. My constituents in the Third District of Illinois have been especially impacted by the changes that have come from increased foreign competition. In my area, families and communities have been badly hurt by job losses. But the impact has also been felt in other places around the country.

My father-in-law in Johnstown, Pennsylvania lost his job as a steelworker when his plant was forced to close. This bill will help prevent further losses of good American jobs by increasing the competitiveness of our domestic manufacturing.

I also strongly believe that the overall prospects for the American steel industry have an important bearing on our future economic security as well as our national security. For these reasons, I strongly support this bill, which has become known as the metals initiative.

This bill, improving upon a program which was originally passed by the 108th Congress, authorizes Federal cost-sharing of research. The goals of this research are threefold: increased competitiveness for the U.S. metals industry, energy efficiency, and a cleaner environment.

The development of technologies that will increase energy efficiency as well as improve our international competitiveness is key to maintaining our national security, both from an economic and a military perspective. Likewise, the implementation of more environmentally friendly technologies that reduce emissions or reduce demand for petroleum will result in both a public benefit, a cleaner environment; and a private benefit, a cut in the cost of production.

The metals initiative has three very important provisions that make it a commonsense vehicle for pursuing cooperation between government and industry. First, there is a payback provision which requires that the Federal investment be repaid out of net proceeds of commercialization once the technology is developed. This provision prevents the program from taking on the negative connotations of a mere Federal subsidy. Instead, it provides a framework for these domestic companies, their employees, and the communities that rely upon the revenue bases to benefit from the new technologies that are made possible through this public-private partnership.

The second provision that makes this partnership work is the 70 percent/30 percent government-industry cost-share. When industry puts their own money at risk, the projects get senior management attention. Historically, these types of steel research and development projects have yielded results that meet national needs and are highly marketable, producing a win-win situation.

□ 1415

The third provision calls for industry ownership of intellectual property produced from the research. Twenty-five years of experience under the Bayh-Dole Act has shown that when ownership of patents is left with inventors, the likelihood that patents will be put to commercial use dramatically increases. This factor creates opportunities for economic growth and better job security for hard-working Americans.

The Metals Initiative is simply a great example of how public private partnerships can benefit both taxpayers and share holders. It will help enrich the overall economy, offer much needed stimulation for the growth of technology in key industries, and protect the environment. With recent changes in trade laws and other international forces at work, we owe it especially to the people who work in these industries. All Americans benefit from such commonsense programs. I urge my colleagues to support H.R. 1158 today and vote "yes" on this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), who is the sponsor of this legislation.

Ms. HART. Mr. Speaker, I thank the gentlewoman from Illinois (Chairwoman Biggert) and ranking member (Mr. HONDA) of the Energy Subcommittee for working together to make sure that this bill moved forward. I am pleased for their support and also for the support of the Science Committee chairman, the gentleman from New York (Mr. BOEHLERT), and ranking member, the gentleman from Tennessee (Mr. GORDON), for moving the bill through committee and also for their support. I especially thank the gentleman from Illinois (Mr. LIPINSKI), who just spoke, for working with me on this legislation, H.R. 1158, the bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act.

The steel industry is one of the most energy-intensive industries with energy accounting for a major portion of the cost of production. Improvement in energy efficiency is therefore an important component to reducing the cost of steel and thereby making us more competitive.

Recent experiences have shown that energy costs per unit of output of steel can be reduced significantly through more intelligent capital-intensive investments in modifications to existing plants and equipment and conversion to more energy-efficient processes.

Investment made at the government level in partnerships with industry to stimulate achievement of this increased energy efficiency has shown great results over the years.

This legislation would reauthorize the steel and aluminum competitiveness act, which established a public private partnership, a research initiative. It is cost sharing with government and industry, focused on improving industrial energy efficiency in the steel and aluminum and fabrication industries.

The bill will result in improved energy efficiency in the domestic metals industries, thereby improving our competitiveness and also improving the cost and quality of the actual product. This efficiency offers environmental benefits through reduced emissions per unit of steel and aluminum produced. It can also help reduce the future demand for energy in this industrial sector.

The steel industry and the Department of Energy continue this partnership under the Metals Initiative and its predecessor, the Steel Initiative, even after the authorization expired; so, therefore, it is something that is successful enough to have provided with its funding.

For fiscal year 2006, the administration has only recommended $6.5 million. That is $3.8 million for steel and $2.7 million for aluminum, which is slightly more than half of the $11.1 million provided in 2004.

This legislation would reauthorize the 1988 act through 2010. Over the years, 58 steel companies and 23 research organizations participated in and benefited from this program. Two of those companies, INTEG Process Group and U.S. Steel from my area, participated in a subcommittee hearing on this bill last year and testified regarding the benefits this initiative has produced; the jobs it has obviously preserved and provided; the opportunity that it has provided in those industries as well.

The bill authorizes $12 million for this program for fiscal years 2006 through 2010, for a total of $60 million over 5 years. It is an investment that is well worth it to preserve and grow an industry that is so important to our country.

This bill is right for this industry, it is right for energy security, and it is right for our competitiveness, and it is good for the environment.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness Act. I want to thank my friend and colleague from Illinois, Representative BIGGERT for her leadership, as well as Representative MELISSA HART, for her persistence in introducing this legislation in the 108th Congress and again in the 109th Congress.

I am pleased Chairman BOEHLERT and Ranking Member GORDON acted quickly in the

House Science Committee to mark-up this bill and bring it to the floor today because it helps our steel, aluminum, copper, and other metal industries stay competitive in today's global marketplace.

H.R. 1158, the Steel and Aluminum Energy Conservation and Technology Competitiveness bill before us today authorizes the Department of Energy to develop a public and private partnership to build upon important research goals, such as energy efficiency, increasing competitiveness of the U.S. metals industries, and improving the environment. By working together, both the taxpayers and share holders can benefit from this federal cost share between the government and the metals industries.

The domestic steel industry alone has come a long way since the steel crisis began in 1988. In my home state of Illinois, the crisis has resulted in four steel companies filing for bankruptcy, including Laclede Steel and the parent company for Granite City Steel, which are in my Congressional District. Approximately 5,000 steel workers lost their jobs in Illinois alone.

Now, prices are stabilizing and the industry is restructuring and consolidating. All of this has happened without hampering the availability of competitively priced steel products. However, aggressive trade laws and other international pressures can damage the progress that was made. Therefore, it is important we continue down the path of successful recovery because the overall prospects for our steel industry can affect our future economic and national security.

As a member of the Congressional Steel Caucus, I am deeply committed to making sure the metals industries stay competitive and for these reasons, I support to this bill and urge my colleagues to do the same.

Mr. LIPINSKI. Mr. Speaker, we have no more speakers. I yield back the balance of my time..

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 1158, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2005

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 28) to amend the High-Performance Computing Act of 1991, as amended.

The Clerk read as follows:

H.R. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Revitalization Act of 2005".

SEC. 2. FINDINGS.

Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by adding at the end the following new paragraph:

"(10) Commercial application of the results of Federal investment in basic and computing science is consistent with longstanding United States technology transfer policy and is a critical national priority, particularly with regard to cybersecurity and other homeland security applications, because of the urgent needs of commercial, academic, and individual users as well as the Federal and State Governments.".

SEC. 3. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations,";

(B) by striking "(including vector supercomputers and large scale parallel systems)";

(C) by striking "and applications" and inserting "applications"; and

(D) by inserting ", and the management of large data sets" after "systems software";

(3) in paragraph (4), by striking "packet switched"; and

(4) by amending paragraphs (5) and (6) to read as follows:

"(5) 'Program' means the High-Performance Computing Research and Development Program described in section 101; and

"(6) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.".

SEC. 4. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

*(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";*

(2) in section 101—

*(A) the section heading, by striking "**NATIONAL HIGH-PERFORMANCE COMPUTING**" and inserting "**HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT**";*

(B) in subsection (a)—

(i) in the subsection heading, by striking "NATIONAL HIGH-PERFORMANCE COMPUTING" and inserting "HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT";

(ii) by striking paragraphs (1) and (2) and inserting the following: "(1) The President shall implement a High-Performance Computing Research and Development Program, which shall—

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as so redesignated by clause (iii) of this subparagraph—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraphs:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as so redesignated by subclause (II) of this clause, the following new subparagraph:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(v) in paragraph (3), as so redesignated by clause (iii) of this subparagraph—

(I) by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D), by inserting "and for each Program Component Area" after "participating in the Program";

(V) in subparagraph (D), by striking "applies;" and inserting "applies; and";

(VI) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as so redesignated by subclause (VI) of this clause, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" after "for the Program";

(C) in subsection (b)—

(i) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(ii) by inserting "(1)" after "ADVISORY COMMITTEE.—";

(iii) in paragraph (1)(C), as so redesignated by clauses (i) and (ii) of this subparagraph, by inserting ", including funding levels for the Program Component Areas" after "of the Program";

(iv) in paragraph (1)(D), as so redesignated by clauses (i) and (ii) of this subparagraph, by striking "computing" and inserting "high-performance computing and networking"; and

(v) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph."; and

(D) in subsection (c)(1)(A), by striking "Program or" and inserting "Program Component Areas or"; and

(3) by striking sections 102 and 103.

SEC. 5. AGENCY ACTIVITIES.

Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(1) by amending subsection (a) of section 201 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Science Foundation shall—

"(1) support research and development to generate fundamental scientific and technical knowledge with the potential of advancing high-performance computing and networking systems and their applications;

"(2) provide computing and networking infrastructure support to the research community in the United States, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for all science and engineering disciplines; and

"(3) support basic research and education in all aspects of high-performance computing and networking.";

(2) by amending subsection (a) of section 202 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing and networking, with emphasis on—

"(1) computational fluid dynamics, computational thermal dynamics, and computational aerodynamics;

"(2) scientific data dissemination and tools to enable data to be fully analyzed and combined from multiple sources and sensors;

"(3) remote exploration and experimentation; and

"(4) tools for collaboration in system design, analysis, and testing.";

(3) in section 203—

(A) by striking subsections (a) through (d) and inserting the following:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

"(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

"(2) provide computing and networking infrastructure support, including the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, and including support for advanced software and applications development, for science and engineering disciplines related to energy applications."; and

(B) by redesignating subsection (e) as subsection (b);

(4) by amending subsection (a) of section 204 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

"(1) the National Institute of Standards and Technology shall—

"(A) conduct basic and applied metrology research needed to support high-performance computing and networking systems;

"(B) develop benchmark tests and standards for high-performance computing and networking systems and software;

"(C) develop and propose voluntary standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to high-performance computing and networking systems; and

"(D) work with industry and others to develop, and facilitate the implementation of, high-performance computing applications to solve science and engineering problems that are relevant to industry; and

"(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research on high-performance computing applications, with emphasis on—

"(A) improving weather forecasting and climate prediction;

"(B) collection, analysis, and dissemination of environmental information; and

"(C) development of more accurate models of the ocean-atmosphere system."; and

(5) by amending subsection (a) of section 205 to read as follows:

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward advancement and dissemination of computational techniques and software tools for high-performance computing systems with an emphasis on modeling to—

"(1) develop robust decision support tools;

"(2) predict pollutant transport and the effects of pollutants on humans and on ecosystems; and

"(3) better understand atmospheric dynamics and chemistry.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 28, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, when we think of how computers affect our lives, we probably think of the work we do on our office desktop machines or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us.

A recent report by the Council on Competitiveness outlined how high-performance computers currently are used in various industries. The report concluded that "there is great potential for increased productivity, innovation and competitive advancement across the private sector" as more industries learn how to take advantage of supercomputing technologies.

This is not at all surprising. At a Science Committee hearing last year, we learned that supercomputers allow companies to anticipate how new products will behave in different environments using simulations that are called "virtual prototyping."

For instance, the automotive industry uses high-performance computers to reduce costs and improve quality and safety during the vehicle design process. Pharmaceutical companies simulate chemical interactions to design new drugs. These approaches help companies increase the speed to market for new products.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics and genomics.

However, in June 2002, a new Japanese supercomputer, the Earth Simulator, was named the fastest in the world, a title it held through November 2004. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious or conventional approach to computing R&D. In hindsight, we see that caution meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

But the U.S. is coming back. Last fall, American machines took the two top spots on the list of fastest supercomputers, pushing the Earth Simulator to third. I commend IBM and Silicon Graphics, Inc. for producing these amazing new machines.

The bill we are considering on the House floor today, H.R. 28, the High-performance Computing Revitalization Act of 2005, will ensure that America remains a leader in the development and use of supercomputers.

To achieve this aim, the bill does four things. First, it requires that Federal agencies provide the U.S. research community access to the most advanced high-performance computing systems and technical support for their users.

Second, there is more to computing than building big machines. That is why the bill requires Federal agencies to support all aspects of the high-performance computing for scientific and engineering applications.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a road map for the provision of high-performance computing resources for the U.S. research community.

The original legislation that the bill amends, the High-performance Computing Act of 1991, gave rise to an interagency planning process that has lost the vitality it once had. This provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Finally, the bill clarifies the mission of each of the Federal agencies that have a role in developing or using high-performance computing.

Mr. Speaker, this bill was the subject of a full committee hearing in May of 2004. At that hearing, Dr. John Marburger, director of the White House Office of Science and Technology Policy, communicated the administration's support for this bill. The bill is also consistent with a report written by the High End Computing Revitalization Task Force and released by OSTP on the day of the hearing.

More recently, the President's Information Technology Advisory Committee, known as PITAC, on April 14 approved the recommendations for a report on computational science they will issue shortly. Designed to ensure U.S. preeminence and competitiveness in the computational science, these recommendations include sustained access for the research community to the highest end supercomputers, devotion of resources to software development and data management, and creation of a multidecade road map for computational science and the fields that require it. In other words, the actions this report recommends are exactly what today's bill requires the Federal Government to do.

The Nation's experts on PITAC, Dr. Marburger, and the Bush administration all recognize that we cannot imagine the kinds of problems that the supercomputers of tomorrow will be able to solve, but we can imagine the kinds of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world-class.

This bill will guide Federal agencies in providing needed support to high-performance computing and its user communities. Our Nation's scientific enterprise and our economy will be stronger for it. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to commend my colleague, the gentlewoman from Illinois (Mrs. BIGGERT), for her constant work on the Science Committee and these particular areas for the work that she has done over the last several years and her consistent leadership in support of the high-end computing.

I also thank my colleagues in the House for passing the previous version of this bill in the 108th Congress, and hopefully the Senate will pass this bill also in a timely manner.

H.R. 28 aims to restore U.S. world leadership in the area of high-performance computing. Supercomputing is a large national effort spread out over seven Federal agencies. This resolution seeks to better coordinate those agencies' efforts and to improve both short-term and long-term planning.

The Oak Ridge National Laboratory near my district is a center of national leadership and high-performance computing. Oak Ridge is the Department of Energy's largest science and energy laboratory. This lab is involved in many innovative research projects, including renewable energy, materials science, national security, and bioscience.

I am proud that the Oak Ridge National Lab near my district stands to become the home of the world's most powerful supercomputer.

I envision thousands of scientists traveling to Oak Ridge to use the computing facilities. The discoveries they make will change how we diagnose and cure diseases, heat and cool our homes, travel from place to place, and defend our liberties in time of warfare.

H.R. 28 will strengthen and streamline our national efforts in the areas of high-performance computing. I commend this bill and recommend this bill to my colleagues and ask for their support.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Science Committee, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, this is very important legislation. It deals with the competitiveness of the United States of America in the global marketplace. This is something that too many take for granted that we are going to continue to be preeminent in the competitive world. We are not going to be preeminent in the competitive world if we do not invest wisely, if we do not direct our resources in the proper way, because the competition is all over the place. It is not just one State against another. It is the United States against the world. We are ahead. That is a position I like. I like to be ahead of the parade.

But I will tell you, when we look back, we see a lot of people following closely behind. So it is critically important that we do things like investing in high-performance computing. And among other things, this bill directs the director of the Office of Science and Technology Policy, that is the science advisor to the President of the United States, to develop and maintain a research development and deployment road map for the provision of high-performance computing systems for use by the research community in the United States of America.

□ 1430

Now, that is a very important assignment. And we want Dr. Marburger down at the White House to know that those of us in the legislative branch are determined to give the resources necessary, the direction necessary to enable him to go forward, confident that he has the support, the bipartisan support of the Congress of the United States. So I commend this bill to my colleagues. I commend this bill to the other side of the Capitol, our colleagues in the United States Senate.

This is important business and let us get on with it. I thank my chairwoman, the gentlewoman from Illinois (Mrs. BIGGERT) for the outstanding leadership she has provided and I thank my colleagues for their indulgence.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I believe I am the only one to come to this floor to oppose this bill. I will try to yield back at least a few minutes to the gentleman and hopefully they will be available should my comments result in comments of others that need rebuttal.

I support science. It is important to America. It is important to my district. But as we look at what we can accomplish, we also have to examine what we should try to accomplish. While we expand the tools of the human race, we must also look at the pitfalls.

This is an issue that I have been talking about for a long time. I first brought it to the floor 5 years ago and that is best illustrated by the fact that roughly 50,000 years ago was the last time that a new level of intelligence came to this planet. It was our ancestors, who said hello to Neanderthal, the only other intelligence on the planet that we were aware of at the time. It did not work out so well for the Neanderthal.

Today we are as a species looking at two exciting new technologies, each which is likely to create an entity, a life form, with a higher level of intelligence than human beings; and, in fact, a higher level by a differential that exceeds whatever differential there was between human beings and Neanderthals. One of these technologies is genetic engineering. And if this was a genetic engineering bill, I would not get to speak on it as long because there would be more members to speak against it, worried about the societal implications. But genetic engineering raises questions that should also be raised by computer engineering, because the kind of high-technology, high-performance computer which is the subject of the bill is an important step towards the development of an artificial life form that will exceed human intelligence.

We had hearings 2 years ago in the Committee on Science where the consensus of experts and I did not invite any of these experts, senior committee members did, (chiefly the chairman) they testified that we are roughly 25 years away from a computer that exceeds human intelligence.

Now, I do not know whether it is 25 years or whether it is a bit longer or a bit less, but should we go headlong into developing the next intelligent species on this planet without even including, in the slightest, in our legislation something to say "let us examine whether this is something we want to do, and whether we want to have any controls."

The truth is, Mr. Speaker, we do not know whether we are creating Data from "Star Trek, The Next Generation," or whether we are creating Hal from "2001: A Space Odyssey." We know that the future will look like science fiction. We just do not know which science fiction book or movie.

Last year when the Committee on Science considered this same bill as H.R. 4218, the gentleman from New York (Mr. BOEHLERT) and I reached an agreement on an amendment that would provide for looking at the societal implications of future advances in information technology. That amendment was included in the bill that passed this House. Specifically, it directed the National Science Foundation to support research into the implications of computers, both hardware and software, that were capable of mimicking human ability to learn to reason and to make decisions. Likewise, the nanotechnology bill which passed both houses, and is now law, provided for even more extensive review into the societal implications, including explicitly the implications of developing levels of intelligence that exceeds those of human beings. But H.R. 28 strips out the provisions that were included in prior legislation. This draft says we will do nothing to look at the societal, the ethical, the environmental implications of what we are doing, and we will rush headlong into trying to do it without the slightest thought of whether we should do it.

My amendment in committee was defeated 17–19 on what was unfortunately, and inexplicably a party-line vote. My amendment put forward just a few weeks ago was identical to the compromise language the chairman and I reached in the 108th Congress.

Now, the importance of understanding how artificial intelligence will be achieved through information technology, how it will impact society—that importance has not decreased since last year. The amendment should be included before this bill leaves this House.

Now, I know there are those who say it is okay to create a computer that exceeds human intelligence and that is self-aware because it will not have hands and will not be able to act except through human beings. Trust me, there are those amongst us who would sell hands to the devil for a good stock tip. If you create Pandora's box, it will be opened.

Now, H.R. 28 deals with the creation of high-performance computers; and as I said and want to say again, the testimony before our committee was that we are 25 years, and this is not one crackpot, this was a consensus; the range was 20 to 30 years between now and when we develop a computer that exceeds human intelligence. And it is not just me. The DARPA, the Defense Advanced Research Project Agency, has on its Web page the statement that its mission, supported by this bill, is to develop a computer which will "learn from its experience, be aware of itself, and be able to reflect on its own behavior."

So part of our government is engaged in trying to create maybe Hal, maybe Data, while here in the Congress we pretend that it is impossible, that it is not an issue worthy of reflection. DARPA is going to create a reflective computer, but we do not have a reflective Congress.

Now, I understand that H.R. 28 is an important bill to set goals and priorities in high-performance computer research development with a number of different agencies, including DARPA and its subsidiary agencies. What I do not understand is why there is such resistance to studying the implications of this research. We cannot and should not plunge ahead without a provision to study these implications.

Join me in rejecting this bill on suspension. A bill with this level of implications should not be considered under a suspension of the rules. Send this bill back to the Committee on Science. Have the Committee on Science create a balanced program. Overwhelmingly, this bill should deal with supporting the technology, marching forward, achieving all of the goals that the preceding speakers have indicated. But then let us also put in the bill just a little language to say that we ought to look at the implications: Whether it is likely that this technology will create an entity more intelligent than human beings? Whether that entity is likely to be self-aware? How we could either cause or prevent such self-awareness? What are the societal and ethical implications of having a slave entity reflective, intelligent, and commanded to do what we instruct, without so much as the minimum wage?

So let us pass this bill next month, after the Committee on Science can provide some balance to it.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned earlier the Committee on Science held a hearing on the high-performance computer in May of last year. And at that time my colleague, the gentleman from California (Mr. SHERMAN) asked the experts who testified at that hearing whether there was any danger of computers approaching the cognitive abilities of humans. And the witnesses gave a resounding no in answer to that question.

More specifically, my colleague wanted to know how close we were to a machine that has reached a level of intelligence where it would be entitled to the minimum wage. Dr. Jack Marburger, the President's Science Advisor responded, "Not very. We are quite far from that in terms of number of components measured in neurons; for example, the interconnectivity of the human brain far exceeds anything that we can currently build or foresee in the foreseeable future with computer hardware."

Dr. Rick Stevens, a renowned computer scientist from Argonne National Laboratory, responded to the same question saying, "My personal view is that I would be much more concerned with near-term issues associated with large-scale computing or the use of large-scale data systems to collect information. Right now, if you had to estimate what is the most intelligent device we can build, it is roughly between a worm and an insect in terms of what it can do."

I think it is exceedingly inappropriate for this bill to impose a requirement on our Federal agencies to focus on the societal implications of hypothetical human-mimicking computers. Doing so would suggest that we as a body fundamentally misunderstand the nature and focus of high-performance computing research.

In addition, as Dr. Stevens pointed out at our hearing last year, information technology has societal implications for privacy, for workplace collaboration and for many other areas. Our Federal agencies should focus any resources for societal studies on these real and immediate needs.

Finally, NSF already has the ability to conduct research generally into social, economic, and work-force implications of information technology. We should allow the research community, via the peer review process, and the agency to determine if this sort of research becomes necessary. This should not be a mandate in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Tennessee (Mr. DAVIS) has 9 minutes remaining.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for his additional generosity. I wish to respond to the comments of the gentlewoman.

Mr. Speaker, I will submit for the RECORD the section of DARPA's mission statement that I referred to previously where DARPA itself indicates that its mission, using the funds provided by this Congress, is to create a computer that is self-aware and able to reflect on its own behavior.

Mr. Speaker, we have thrown around terms as to what is close and what is not. It just comes down to whether 25 years, 30 years, is something close enough for us to be concerned about, or should we be concerned about only the immediate future? I would point out that we are not going to have self-aware computers for at least 10, maybe 15 or 20 congressional elections. And so if that is how we measure time, self-aware computers are a long way away. But when we approve construction projects and roads, we do not build bridges that are going to collapse in 25 or 30 years, and we assume that human beings will be the only intelligent species using those bridges.

If we are concerned when we build infrastructure for things 20, 30, 50, 100 years down the road, then we should be even more concerned with this bill. And we should not pass this bill in this form and say, well, we will worry about these issues when they come up in some subsequent decade.

□ 1445

In addition, it is put forward that we will just have the scientists and the research community figure out how to deal with these issues. That is perhaps the problem, because if we provide the support exclusively to the hardware and software scientists and nothing to those who will consider the societal implications, the ethical implications, the philosophical implications—then no one will be looking at those issues, then we will not have done our job to provide a balanced, scientific research bill. That is why I am voting "no."

The material I referred to previously is as follows:

DARPA STRATEGIC PLAN: SECTION 3.7: COGNITIVE COMPUTING (RELEASED FEBRUARY 2005)

Many elements of the information technology revolution that have vastly improved the effectiveness of the U.S. forces and transformed American society (e.g., time-sharing, personal computers, and the Internet) were given their impetus by J.C.R. Licklider, a visionary scientist at DARPA some 40 years ago. Licklider's vision was of people and computers working symbiotically. He envisioned computers seamlessly adapting to people as partners that would handle routine information processing tasks, thus freeing the people to focus on what they do best—think analytically and creatively—and greatly extend their cognitive powers. As we move to an increasingly network-centric military, the vision of intelligent, cooperative computing systems responsible for their own maintenance is more relevant than ever.

Despite the enormous progress in information technology over the years, information technology still falls well short of Licklider's vision. While computing systems are critical to U.S. national defense, they remain exceedingly complex, expensive to create, insecure, frequently incompatible, and prone to failure. And, they still require the user to adapt to them, rather than the other way around. Computers have grown ever faster, but they remain fundamentally unintelligent and difficult to use. Something dramatically different is needed.

In response, DARPA is revisiting Licklider's vision as its inspiration for the strategic thrust, "Cognitive Computing." Cognitive computers can be thought of as systems that know what they're doing. Cognidtive computing systems "reason" about their environments (including other systems), their goals, and their own capabilities. They will "learn" both from experience and by being taught. They will be capable of natural interactions with users, and will be able to "explain" their reasoning in natural terms. They will be robust in the face of surprises and avoid the brittleness and fragility of expert systems.

The benefits from this cognitive computing thrust will be profound. The increasing complexity of military systems means that the level of expertise needed to maintain them is also increasing—as are the staffing requirements for virtually every military function that uses computing and communications technology. By creating systems that know what they are doing, and that can configure, maintain, and adapt themselves, we will be able to drastically reduce the staff needed for operations centers, forward command posts, and even in support of small dismounted units and special operations teams. Cognitive computing technology will also help us to deal with the increasing tempo of operations and the complexity of plans, such as Air Tasking Orders and joint hostage rescue operations plans, by allowing computers to tap into the accumulated knowledge of past experience on behalf of their human partners.

Along these lines, DARPA's Personalized Assistant that Learns (PAL) program will create intelligent personalized assistants for many tasks, such as a commander's assistant, an intelligence analyst's assistant, or a decision-maker's executive assistant. These assistants will interact with their human partners by accepting direct, naturally expressed guidance to learn their partner's preferences and procedures. Then, they will be able to anticipate the human's needs and prepare materials to be ready just in time for them. These new and unprecedented artificial helpers should reduce military staffing needs in many key places and will help ensure decisions are made in a timely fashion and with the best possible preparation.

To meet these challenges and seize these opportunities, DARPA has structured its work in cognitive computing to catalyze innovative work in single cognitive systems, collaborative teams of cognitive systems, and collective cognition from large numbers of small non-cognitive elements. Each area will demonstrate the power of merging reasoning, learning, perception, and communication technologies. These areas will be supported and complemented by broad-based technology efforts in the hardware, software, and integration techniques needed.

The strategic thrust of cognitive computing is a template shaping DARPA's core technology foundation work in information technology.

Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I certainly understand the gentleman from California's (Mr. SHERMAN) efforts in an attempt to amend the bill in the committee process. As the gentlewoman from Illinois (Mrs. BIGGERT) has explained, however, there are other areas today in the policy of NSF that literally would look into the particular issues that he has raised with his amendment.

As a result of that, both the ranking member and the chairman agreed that this legislation is what we need to be considering today. So I strongly support this bill. I think that it is good for America. I think it is good perhaps even for the world; but, certainly, it is good in the areas where research and science is a major part of offering opportunities and options for those of us who live in this country.

So on that effort, I again make my comments of being sorry that the gentleman from California's (Mr. SHERMAN) efforts were not successful in the committee. Actually, last year, we did consider that amendment, and it actually passed the House floor; but I recommend strongly to the Members of the House passage of this bill, strongly support this bill.

Mr. Speaker, I yield back the remainder of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I would agree with the gentleman from Tennessee that we really do have the means to conduct research generally and to the social, economic and workforce implication of information technology, and NSF has that ability; and I think that that is all that is necessary. We do not want a mandate in this bill.

In closing, Mr. Speaker, I want to recognize the bill's chief cosponsor, the gentleman from Tennessee (Mr. DAVIS), and thank him for all the great work that he has done on this bill. It is a very important bill to his district, to my district, and to all of the Nation.

I would also like to thank the other cosponsor of this important legislation, including the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science; along with the gentleman from Tennessee (Mr. GORDON), the ranking member; the gentleman from South Carolina (Mr. INGLIS); the gentlewoman from Oregon (Ms. HOOLEY);

and the gentleman from Illinois (Mr. JOHNSON), and I thank them all for their support.

With that, I would also like to thank my colleagues in this body for supporting an identical bill to this one in the 108th Congress; and, finally, I would like to extend my thanks to the Committee on Science staff, majority and minority, for their hard work to bring this bill to the floor today.

As I said earlier, we must commit to providing sustained support for high-performance computers at our Federal civil science agencies. H.R. 28 represents just such a commitment. Our Nation's scientific enterprise and our economy will be the stronger for it. I would urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 28, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE SIGNIFICANCE OF AFRICAN AMERICAN WOMEN IN THE UNITED STATES SCIENTIFIC COMMUNITY

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) recognizing the significance of African American women in the United States scientific community, as amended.

The Clerk read as follows:

H. CON. RES. 96

Whereas African American women, once considered nontraditional participants in the United States scientific community, have become an indispensable part of the new technology society;

Whereas although women comprise approximately 25 percent of the 427,740 individuals employed in the United States workforce who hold a science and engineering doctoral degree, African American women comprise less than one percent of such individuals;

Whereas a skilled workforce is the essential fuel to propel the United States economy and ensure a high quality of life, and it is absolutely critical to the success of the economy to produce a scientifically literate workforce;

Whereas for these reasons, it is crucial for the United States to continue to aggressively recruit more minority and women students into careers in science and technology;

Whereas to improve the numbers of African American youth pursuing science, especially young women, it is crucial to provide strong scientific minds for them to look up to and emulate;

Whereas very little literature documents African American women and their place in science;

Whereas commemorating the achievements of African American women at the very top of the performance curve demonstrates to the world the importance of diversity in the workforce; and

Whereas Dr. Ruth Ella Moore (who in 1933 became the first African American woman to earn a Ph.D. in natural science from the Ohio State University), Dr. Roger Arliner Young (who in 1940 became the first African American woman to receive a Ph.D. in zoology from the University of Pennsylvania), Dr. Euphemia Lofton Haynes (who in 1943 became the first African American woman to receive a Ph.D. in mathematics from the Catholic University of America), Dr. Shirley Ann Jackson (who in 1973 became the first African American woman to receive a Ph.D. in physics from the Massachusetts Institute of Technology), and Dr. Mae Jemison (a physician and the first African American woman in space) represent only a few of the African American women who have broken through many barriers to achieve greatness in science: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress acknowledges and recognizes the significant achievements and contributions of African American women scientists, mathematicians, and inventors and supports the establishment of a special day on which these great minds may be honored and esteemed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 96, as amended, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 96, a resolution to recognize the significant contributions of African American women to the U.S. scientific community.

In recent history, it has become almost ordinary for talented individuals from diverse backgrounds to pursue educational opportunities in fields that were previously considered all white male domains. Yet today's women and minorities could never have succeeded in the once nontraditional fields of science, engineering, and mathematics had it not been for the courage of their predecessors.

For today's young women, it is difficult to appreciate how exceptional it was for African American women in particular to pursue a career in science. For those born in the early 20th century, they were told that they did not belong; and they felt lucky if they found work as research assistants to, or unpaid volunteers for, male scientists.

Yet the grit and perseverance of women like Ruth Ella Moore, the first African American woman to receive a Ph.D. in natural science from Ohio State University, as well as civil rights legislation and the women's movement, help to overcome these obstacles. They also helped pave the way for the successes of women like Shirley Ann Jackson, the first African American woman to receive a Ph.D. from MIT, and Mae Jemison, the first African American woman in space as a crew member of the shuttle Endeavor.

Today, African American women scientists hold positions at all levels of universities, government laboratories, and industry. They chair departments and scientific societies; and they serve on peer review committees, something that was unthinkable just 25 years ago.

The women we are honoring in House Concurrent Resolution 96 are more than pioneers. They are role models for a new generation of women who are just beginning to think about their life's work and future ambitions and explore their many opportunities. Yet, despite these successes, women and minorities are still under-represented in undergraduate and graduate science and engineering education.

As national demographics shift, we simply cannot rely only on our traditional science, mathematics, engineering and technology workforce, which is overwhelmingly white and male, and retiring. If the U.S. is to remain innovative and competitive, we must nurture, prepare, and engage young women and minorities in science, technology, engineering, and mathematics today.

That is what this resolution is all about. By underscoring the importance of diversity and recognizing the significant scientific achievements of African American women, I hope we can inspire more young women, and men, to follow in the footsteps of those who pursued science with such passion and enthusiasm.

In conclusion, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her leadership on this very important issue. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) for their bipartisan support of this resolution and in our Committee on Science markup last month during Women's Month. I also want to commend the gentlewoman from Illinois (Mrs. BIGGERT) for her willingness to help us move this bill forward here today.

As this Nation faces a shortage of qualified scientists, it is appropriate that we discuss the significant contributions that African American women have made to the scientific community. Most people that know me know that this has been a passion of mine for many years.

In the past, most of the U.S. scientists and engineers were white males. According to Census Bureau projections, this segment of the workforce population will decline from 37 percent in 1995 to 26 percent in 2050. Looking at these numbers, it is obvious that this group will not provide the needed scientists and engineers, particularly since participation rates in these fields are also declining.

Clearly, it will be necessary to attract greater numbers of women and minorities to careers in science and engineering in order to avoid devastating consequences for the future. Efforts to increase the presence of Americans in science are incomplete unless they have a women's component. Some progress has been made, but much remains to be accomplished. Women make up half the population, but only 24 percent of the science and engineering workforce. African Americans, Hispanics, and Native Americans as a group constitute 24 percent of the U.S. population, but only 7 percent of the total science and technology workforce.

African American women have an especially difficult time bridging the technology divide when it comes to their representation in the science fields. While women make up about 25 percent of the 427,740 employed science and engineering doctorate holders in the United States workforce, African American women comprise less than 1 percent employed as science and engineering doctorate holders. Many African American women who pursue science education experience isolation both in their graduate departments and in their communities.

So who are their mentors? One of the first pioneers was Dr. Ruth Ella Moore, the first African American woman to receive a doctoral degree in natural science in 1933. Dr. Moore graduated in 1933 from Ohio State University with a doctorate degree in bacteriology and was head of the department of bacteriology at Howard University's Medical School from 1947 to 1958.

In the field of space exploration, while most are familiar with Dr. Mae Jemison, few are aware that Katherine Coleman Goble Johnson was a key member of the control room during the Apollo 13 crisis. Katherine Johnson, a physicist, space scientist and mathematician, was instrumental in formulating calculations that helped the Apollo 13 return home safely in 1970 after a fuel tank explosion and computer system failure. That was detailed in Tom Hanks's film, "Apollo 13."

Unfortunately, many young African Americans are unfamiliar with these facts. Very little literature documents African American women and their place in science. To increase the number of African American youth pursuing science, especially young women, it is critical that we provide them strong science role models for them to admire and emulate.

In addition, commemorating the achievements of African American women at the very top of the performance curve demonstrates to the world the importance of diversity in the workforce, especially in the scientific community.

That is why I ask my colleagues to join me today by honoring our great African American women pioneers who helped pave the way for current science stars, like Dr. Mae Jemison and Dr. Shirley Ann Jackson.

As a medical doctor and the first African American woman in space, Dr. Jemison continues to inspire young people in the science field with her program, The Earth We Share International Camp, called TEWS, T-E-W-S, which is an acronym. It is designed to promote science literacy for all students.

Dr. Shirley Ann Jackson was not only the first African American to receive a Ph.D. in physics from MIT but was also the first African American woman to receive a doctorate in any field from that school.

This resolution recognizes their achievements in science and technology and encourages a new generation of young women to continue in their legacies.

Again, I wish to thank the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Ranking Member GORDON) for working with me in a collegial manner, as we always do on the Committee on Science, and for allowing quick passage of the resolution and speedy action to the floor.

I urge my colleagues to vote "yes" on H. Con. Res. 96. This resolution represents our most needed commitment to supporting the continued progress of women and minorities and, in particular, African American women in the sciences. Full participation by all of our diverse population in an endeavor this important will be our key to future success as a world leader in science and technology.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume to again congratulate the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I urge all my colleagues to vote for this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 96, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING SECOND CENTURY OF BIG BROTHERS BIG SISTERS AND SUPPORTING THE MISSION AND GOALS OF THAT ORGANIZATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 41) recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

The Clerk read as follows:

H. CON. RES. 41

Whereas the year 2004 marked the 100th anniversary of the founding of Big Brothers Big Sisters;

Whereas Congress chartered Big Brothers in 1958;

Whereas Ernest Coulter recognized the need for adult role models for the youth he saw in court in New York City in 1904 and recruited "Big Brothers" to serve as mentors, beginning the Big Brothers movement;

Whereas Big Brothers Big Sisters is the oldest, largest youth mentoring organization in the nation, serving over 220,000 children in 2004 and approximately 2,000,000 since its founding 100 years ago;

Whereas Big Brothers Big Sisters has historically been supported through the generosity of individuals who have believed in the organization's commitment to matching at-risk children with caring, volunteer mentors;

Whereas Big Brothers and Big Sisters have given countless hours and forever changed the lives of America's children, contributing over 10,500,000 volunteer hours at an estimated value of $190,000,000 in 2004;

Whereas evidence-based research has shown that the Big Brothers Big Sisters mentoring model improves a child's academic performance and relationships with teachers, parents, and peers, decreases the likelihood of youth violence and drug and alcohol use, and raises self-confidence levels;

Whereas 454 local Big Brothers Big Sisters agencies are currently contributing to the quality of life of at-risk youth in over 5,000 communities across the United States; and

Whereas the future of Big Brothers Big Sisters depends not only on its past impact, but also on the future accomplishments of its Little Brothers and Little Sisters and the continued commitment of its Big Brothers and Big Sisters: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the second century of Big Brothers Big Sisters, supports the mission and goals of the organization, and commends Big Brothers Big Sisters for its commitment to helping children in need reach their potential through professionally supported one

to one mentoring relationships with measurable results;

(2) asks all Americans to join in marking the beginning of Big Brothers Big Sisters' second century and support the organization's next 100 years of service on behalf of America's children; and

(3) encourages Big Brothers Big Sisters to continue to strive towards serving 1,000,000 children annually.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 41, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 41, a resolution that honors one of America's greatest charities. This year marks the 101st year since the founding of Big Brothers Big Sisters.

Over the past century, this organization has been devoted to the well-being and development of our Nation's young people. Big Brothers Big Sisters aims to provide a mentor to every child who wants or needs one. Today, Big Brothers Big Sisters serves over 200,000 children ages 6 to 18, nationwide.

Performance statistics prove that children who are mentored by Big Brothers Big Sisters are much less likely than their peers to use illegal drugs or alcohol, to skip school, and are more likely to have strong relationships with their families.

Today, the House specifically recognizes the thousands of mentors who have made a difference through Big Brothers Big Sisters during its first century. Mentoring a child requires no special training or experience, just a willingness to spend time with a child during his or her formative years. We salute their compassion.

Mr. Speaker, along with my distinguished colleagues, the gentleman from California (Mr. SCHIFF) and the gentleman from Nebraska (Mr. OSBORNE), I commend Big Brothers Big Sisters for its commitment to helping children in need reach their potential, and I urge the adoption of House Concurrent Resolution 41.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleague, the gentleman from Ohio (Mr. LATOURETTE) by stating my strong support for H. Con. Res. 41, recognizing the second century of Big Brothers Big Sisters and supporting the mission and goals of that organization.

Mr. Speaker, 2004 marked the 100th anniversary of Big Brothers Big Sisters, one of the Nation's greatest civic programs. Big Brothers Big Sisters is the oldest and largest youth-mentoring organization in the United States. As of last year, the organization served an astounding 225,000 youth between the ages of 5 and 18 in 5,000 communities across the country.

Research has demonstrated that mentoring helps at-risk youth overcome the many obstacles they face in their lives. Youths in the program, or "Littles" as they are called, are less likely to use illegal drugs, consume alcohol, skip school, or engage in acts of violence.

I want to thank the gentleman from California (Mr. SCHIFF) for introducing this important legislation. Big Brothers Big Sisters has made a positive impact on the lives of impoverished young people, especially, and others throughout the Nation. We all owe them a great debt of gratitude, and I trust they will have success as they continue in their work.

On a very personal note, Mr. Speaker, I had the good fortune to serve as a Big Brother to a little brother of mine, who then went on to become a staff person and work for the Mayor, Sharon Pratt, of Washington, D.C., and then went on to work for Vice President Al Gore, eventually becoming, and he is now, the minister and pastor of a church out in Maryland. So I know that the Big Brothers program is a good program; that it does work, because Reverend Courtney Miller is a prime example of that. And I certainly wish Courtney well as we wish the continuation of the Big Brothers Big Sisters program.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), one of the lead cosponsors of this legislation.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time, and I rise in support of this concurrent resolution. I want to congratulate Big Brothers Big Sisters on 100 years of service. I think any organization that lasts for 100 years is certainly doing some things correctly.

At this time, I would like to point out, Mr. Speaker, that it is a very difficult time to be a young person in our Nation. We have a great deal of family instability. Roughly 50 percent of our children today are growing up without both biological parents, so they have suffered some serious dysfunction in their lives. Roughly 22 million young people today are fatherless, and of course they are moving into a world in which a drug and alcohol culture and violence is quite prevalent. So it is very, very difficult.

We find that mentoring is one way that we can help these young people negotiate their way through a very difficult world. Mentoring works. As my colleague from Ohio mentioned earlier, it improves graduation rates and it improves school attendance. One of the programs I work with very closely improves attendance by 80 percent. It improves grades significantly. The program I am involved with, about a 40 percent improvement. It improves peer and family relationships and even improves personal hygiene, which is something that many people do not realize. It decreases drug and alcohol abuse in many programs by as much as 50 percent. It decreases crime, gang membership, teen pregnancy, and dropout rates.

So this is about the best thing we have going, and it is very important to remember that it is very cost effective. It costs about $30,000 a year to lock somebody up, and yet most mentoring programs, some of the very best ones, cost maybe $400 to $500 per mentee per year. So we cannot have a better return on investment than that.

I serve as a mentor. I have been mentoring a young person now for about 3 years, and I had another young person for 4 or 5 years before that. My wife also mentors. A mentor is somebody who cares, somebody who shows up. An awful lot of young people in our culture today do not have an adult in their life that they can count on; that they know cares about them unconditionally and will be there for them through thick and thin.

A mentor is somebody who affirms. Again, so many young people today in our culture do not have anyone in their lives who say "I believe in you. I see some talent, I think you could be a mechanic, I think you could be someone who can go to a community college, I think you could do well in school." So affirmation is something that all of us have to have in order to live effectively, and a mentor provides that.

A mentor is someone who provides a vision of what is possible, because so many times a young person grows up in a family where no one has graduated from high school, no one has gone to college, no one has set any type of vision out there for them as to what they might be. So a mentor oftentimes fulfills that role.

According to the National Mentoring Partnership, 18 million children in our country today need a mentor, yet only about 2.5 million actually are being mentored. Big Brothers Big Sisters accounts for roughly one-tenth of that number. So we have a huge gap from what is needed to what we are actually getting done.

We had a mentoring amendment attached to the No Child Left Behind bill that last year was funded at $50 million. This year, that money is in jeopardy. A lot of that money went to Big Brothers Big Sisters. So I would certainly like to encourage my colleagues to support this program and further this cause, because we have reached hundreds of thousands of young people as a result of it.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Illinois (Mr. DAVIS) and the gentleman from Nebraska (Mr. OSBORNE) for sharing their personal experiences with us relative to mentoring, and I urge passage of the concurrent resolution.

Mr. REYES. Mr. Speaker, I rise today in support of H. Con. Res. 41, a resolution highlighting the mission and goals of Big Brothers and Big Sisters and to recognize a hundred years of success in the organization.

I applaud the work that Big Brothers Big Sisters perform on a daily basis to assist America's youth. As you are well aware, Big Brothers Big Sisters of America has helped more than one million children nationwide in its 100 years of operation. Youth with mentors are significantly less likely to try drugs or alcohol, skip school, or exhibit violent behavior. Children who participate in Big Brothers Big Sisters programs have better relationships with peers, get better grades, and get along better with their families as a result of the one-on-one attention of a caring adult role model.

My district in El Paso, TX, is faced with significant challenges in deterring youth from becoming involved in drugs, alcohol, and violent activities. Founded in 1999, Big Brothers Big Sisters of El Paso has an excellent reputation in my district and has shown tremendous results. In fact, Big Brothers Big Sisters of El Paso has already drawn over $1 million in State and Federal funds to our city. Because Big Brothers Big Sisters works with schools and businesses, it acts as a catalyst in the community helping bring business men and women into the lives of students and strengthening the bond between program participants and the community. Last year, I was honored to be selected to serve as an honorary board member of the Big Brothers and Big Sisters of El Paso.

Mr. Speaker, I am pleased to join my colleagues in recognizing Big Brothers for their century of service to America's young people.

Mr. SCHIFF. Mr. Speaker, I rise today in support of House Concurrent Resolution 41 recognizing the second century of Big Brothers Big Sisters, the oldest and largest youth mentoring organization in the United States which celebrated its 100th anniversary last year.

I want to thank Representative TOM OSBORNE for joining me in introducing this resolution and for his strong advocacy of mentoring. I also want to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN of the House Government Reform Committee for their diligence and helpfulness in getting this resolution to the Floor today. And I also appreciate and want to thank Senator JOHN ENSIGN and Senator CHRISTOPHER DODD for their leadership in introducing this resolution in the Senate.

But the big heroes are the untold thousands of volunteers—Big Brothers and Big Sisters throughout the country—who for the last one hundred years have played critical roles in the mentoring of our nation's youth. Lastly and most of all, I would like to thank all of the Little Brothers and Little Sisters because they have been the ones to enrich our lives.

As you know, when Representative OSBORNE and I introduced this resolution in February, I came to the Floor to speak about my almost two decades of experience being a Big Brother, and my accomplished, now not-so-Little Brother, David. I was a young prosecutor in Southern California when I first became a Big Brother, and David was just seven years old. Through fun outings, good talks and merely spending time together, we learned a lot about each other and a lot about ourselves. He is now a Yale and USC film school graduate, and is emarking upon a wonderful career and many new adventures. Because of Big Brothers Big Sisters, I again experienced through David a child's wide-eyed optimism about the future, a teenager's eager determination to understand oneself and a young adult's pursuit of success.

Kids need to learn and mature in safe and nurturing environments, yet so many face difficult circumstances through broken families, poverty or simply a lack of opportunities. These situations create an emotional burden very heavy to bear at any age, but especially upon children. In some cases, these burdens are too much to bear, and a child who could have contributed greatly to society takes a much more destructive path. We can prevent this from happening. Through Big Brothers Big Sisters and like-minded organizations, we can reach those at risk of delinquency, and help them lead productive lives. Our children truly are an investment in the future, and all of those who have participated in mentoring know that it is an investment that pays off greatly.

Since 1904, Big Brothers Big Sisters has been enabling Americans to make this investment—hundreds of thousands of times over, one child at a time. We thank Big Brothers Big Sisters for the magnificent contribution they have made to our country and we look forward to many more years of continuing success.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 41.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAYOR TONY ARMSTRONG MEMORIAL POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1236) to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

The Clerk read as follows:

H.R. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAYOR TONY ARMSTRONG MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, shall be known and designated as the "Mayor Tony Armstrong Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor Tony Armstrong Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1236, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this post office naming legislation honors a wonderful civic leader. Tony Armstrong had served as mayor of Sparks, Nevada, since being first elected in 1999. Sadly, Mayor Armstrong passed away on January 29 from complications due to a December surgery to remove his spleen. He was 59 years of age. H.R. 1256 will name a post office in his honor in his hometown of Sparks, and I support its passage.

Mr. Speaker, with the exception of a 6-year stint in the Nevada Air National Guard during the 1960s, Tony Armstrong had lived in Sparks since the age of 4. In 1989, he was elected to the Sparks City Council, where he served until becoming mayor in 1999. He was a man whose passionate principles shaped his leadership. As his former colleague on the city council, Councilman Mike Carrigan said, "Mayor Armstrong's priorities were God first, his family second, and the City of Sparks third.

Mayor Armstrong is survived by his beloved wife, Debby, and his adult children Richard, Keith and Misti. Our hearts and prayers go out to the entire Armstrong family.

Mr. Speaker, I know that my distinguished colleague, the gentleman from Nevada (Mr. GIBBONS) was very close with Mayor Armstrong. They grew up together and they have served the people of Nevada together. I thank the gentleman for honoring his friend, Tony Armstrong, by dedicating this post office in his honor, and I urge all my colleagues to join me in supporting H.R. 1236.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 1236, legislation designating the postal facility in Sparks, Nevada, after the late Tony Armstrong, mayor of Sparks. This measure, which was introduced by our colleague, the gentleman from Nevada (Mr. GIBBONS) on March 2005, enjoys the support and co-sponsorship of the entire Nevada State delegation.

Tony Armstrong grew up in Sparks, Nevada, and after serving in the Nevada Air National Guard and opening a general contracting business, he was elected in 1989 to the Sparks City Council, representing Ward Three. Ten years later, in 1999, he was elected mayor of Sparks. During his tenure as mayor, he worked hard to promote the image of his city. Sadly, he passed away on January 29, 2005. Mayor Armstrong left behind his wife, two sons, and a daughter.

Mr. Speaker, I urge swift passage of this bill and note that it is definitely a way to honor the work of the mayor of Sparks, Nevada.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding me this time to speak on H.R. 1236.

It is both with pride and sadness that I rise today in support of H.R. 1236, the Mayor Tony Armstrong Memorial Post Office Designation Act.

Tony Armstrong and his family moved to Sparks, Nevada, from California when he was just 4 years old. Tony made Sparks his home until his untimely death in January of this year. Tony and I met as young kids, and typical of all kids, created trouble for our parents in Sparks, Nevada.

We both graduated from Sparks High School, and while I served in the United States Air Force, Tony Armstrong served in the Nevada Air National Guard during the Vietnam War. Tony Armstrong served his country honorably and then turned his efforts to serving his beloved hometown of Sparks, Nevada.

In 1970, Tony Armstrong served as the chief deputy building inspector for Washoe County, Nevada, and later opened a general contracting business, which would become the largest and oldest home inspection service in Nevada.

In 1983, Tony was fortunate: he married Debbie Rimbey and was later blessed with two sons and a daughter. After a successful business career, Tony Armstrong turned his attention to becoming a public servant. He was elected to serve on the Sparks City Council in 1989 and was elected mayor a decade later. Over the years, no one has worked harder or loved that community more than Tony Armstrong.

The day before Mayor Armstrong died, he was awarded Civic Leader of the Year by the Reno-Sparks Chamber of Commerce.

Mr. Speaker, as a fitting tribute, H.R. 1236 would name the main post office in Sparks, Nevada, the Mayor Tony Armstrong Memorial Post Office. The post office that will receive this designation sits directly across the street from City Hall, the place where Tony Armstrong worked tirelessly. City Hall is a different place today without Tony's Hawaiian shirts passing through the hallways and his smiles greeting anyone and everyone who walked into his office. Mayor Armstrong may best be remembered for ensuring that visitors to Sparks City Hall would always be reminded that God blesses America. When told that the word God would have to be cut from all signs posted in City Hall, Tony made his own signs and posted them around the building. He declared, I guess I am just an old redneck Nevadan because I want my sign to say God bless America.

The people of Sparks have lost a gentleman, a patriot, and a servant of the people; and I have lost a dear friend. I urge my colleagues to support H.R. 1236, which will honor this extraordinary man, a man who put God, his family, and the citizens of Sparks above himself, a man who went above and beyond for his country, for his State, and for his community. I ask all Members to support H.R. 1236.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Nevada (Mr. GIBBONS) for his reflections of his friend, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1236.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ED EILERT POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1524) to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

The Clerk read as follows:

H.R. 1524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ED EILERT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, shall be known and designated as the "Ed Eilert Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ed Eilert Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1524 designates this postal facility in Overland Park, Kansas, as the Ed Eilert Post Office Building. The four members of the Kansas State congressional delegation have all endorsed this legislation, and I join them in support of the bill.

After more than a quarter of a century, Ed Eilert stepped down from being a leader in Overland Park government on Monday, April 11. Ed Eilert's public service career began when he was elected to the Overland Park City Council in 1977. In 1981, he was elected to the first of six terms as mayor of Overland Park that spanned 24 years. Overland Park has doubled in population and become Kansas' second largest city under Mayor Eilert's direction. Without question, Ed Eilert is a one-man institution in east central Kansas. This post office on Antioch Road is a natural and deserved commemoration of Mayor Eilert's legacy and distinguished leadership.

Mr. Speaker, on behalf of the Members of the House, I congratulate Mayor Ed Eilert on his tremendous tenure in local government and wish him the very best in retirement. I applaud the gentleman from Kansas (Mr. MOORE) for working toward passage of H.R. 1524.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join in the consideration of H.R. 1524, legislation designating a postal facility in Overland Park, Kansas, after Mayor Ed Eilert. This measure, which was introduced by the gentleman from Kansas (Mr. MOORE) on April 6, 2005, enjoys the support and cosponsorship of the entire Kansas State delegation.

Ed Eilert was first elected in 1981. As mayor of Overland Park for 24 years, he worked hard to improve the condition of his city. The population has doubled, the number of projects tripled, and the number of hotels has increased dramatically. Business and opportunities have also grown. A convention center is now home to Overland Park, and more hospitals have been added. Overland Park is now Kansas' second largest city.

The growth occurred under the leadership and vision of Mayor Eilert. This week Mayor Eilert steps down from his position, and what a wonderful way to honor the achievements of Ed Eilert. I join my colleagues in honoring Mayor Ed Eilert and urge the swift passage of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of legislation designating the United States Postal Service facility located at 12433 Antioch Road in Overland Park, Kansas, as the Ed Eilert Post Office Building. I was joined in sponsoring this legislation by the gentleman from Kansas (Mr. TIAHRT), the gentleman from Kansas (Mr. RYUN), and the gentleman from Kansas (Mr. MORAN); and I am grateful for their support.

Recently, an era came to an end in Overland Park. Mayor Ed Eilert stepped down as mayor, an office to which he was elected six times and held for a total of 24 years. Since he was sworn into office in 1981, Overland Park has grown to become Kansas' second largest city. Its population has nearly double to over 165,000. The number of people working within the city limits has more than tripled with roughly 120,000 jobs in Overland Park today, and hotel capacity has increased from 800 rooms to 5,100 rooms.

During his tenure, 21,000 single-family and 19,000 multi-family residences have been added in Overland Park, along with 23.7 million square feet of office, retail, and industrial space. Over the years, the city has seen the arrival of the Sprint campus, three new hospitals, the University of Kansas Edwards campus, the Carlsen Center at Johnson County Community College, and a city convention center.

Additionally, under Ed Eilert's leadership, the city added the landmark Clock Tower Plaza and the Farmers Market in the downtown area, a neighborhood conservation program, and Arboretum and Botanical Gardens, the International Trade Center, the W. Jack Sanders Justice Center, and interchanges at I-435 at both Nall Avenue and Quivira Road.

Mayor Eilert also supported construction of the Fire Training Center which has been used by many other cities and county fire departments in the Kansas City metropolitan area, and he worked with Johnson County Community College to create a training facility for Burlington Northern Santa Fe Railway employees on the college campus.

And during Mayor Eilert's tenure, the city's land area expanded by 36 percent to nearly 62 square miles. Finally, Overland Park enjoys a top rating for a solid financial condition. It has received numerous awards as an outstanding city. For years, Overland Park has had the lowest property tax rate of any first-class city in Kansas.

Ed Eilert was first elected to Overland Park City Council in 1977 and became council president in 1980. He formerly taught at Shawnee Mission North High School and knows firsthand how Overland Park has benefited from its nationally recognized school systems.

He made his first visit to the city in 1960 because it was the home of Jan Bush, whom he met while studying at Emporia State University and would marry 2 years later. The Eilerts moved to Overland Park in 1965 when he completed graduate school. In 1977, he began his first campaign for political office and has been a public servant since then. He has also been a financial consultant with A.G. Edwards & Sons and serves on the board of directors of Metcalf Bank.

When we consider the array of challenges that Ed Eilert faced in his 24 years as mayor of Overland Park, Members cannot help but agree with Bob Sigmund, the opinion page editor of the Johnson County Sun who recently wrote that "Ed Eilert provided the vision and leadership in shaping Overland Park's success as an ideal place to live, work and raise a family. Eilert's political skills have been especially useful in easing tensions and maintaining an acceptable balance between the older, established neighborhoods in northern Overland Park and the rapidly expanding new subdivisions in the south."

I am proud to call Ed Eilert my friend. While we are members of different political parties, I have always been impressed by his sound judgment, diligence, and dedication to his community and to the public welfare. When he sought the Republican nomination for the House in 1996, he lost narrowly to then-State Representative Vince Snowbarger for the nomination to succeed Representative Jan Meyers. I often tell third district residents that I would have not sought election to Congress myself had Ed Eilert been elected 2 years before I became a candidate for the office.

Dedication of this postal service facility in Overland Park is a small, but fitting, tribute to a man who has dedicated most of his adult life to public service at the community level. He has worked tirelessly to bring people together while ensuring quality economic development and competence in the delivery of local services. I commend Mayor Ed Eilert and again thank my colleagues in the Kansas House delegation for their support. I urge my colleagues to approve this legislation today, and I hope the other body will follow suit quickly so we can see it signed into law.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H.R. 1524. I thank my colleague, Mr. MOORE, for sponsoring this legislation to name the post office at 12433 Antioch Road in Overland Park after long-time Mayor Ed Eilert.

The job of mayor is a challenging position. Each day they are tasked with the responsibility of making their community, their home, a better place to live. They do this with the eye of the public always on them as they live and work in that community. The fact that May Eilert was re-elected six times speaks volumes of his dedication and character. During his over 24 years in office, Mayor Eilert worked hard to improve Overland Park, and his leadership is well respected.

Mr. MOORE spoke of the infrastructure improvements that Mr. Eilert helped bring to Overland Park—the Clock Tower Plaza, KU's Edwards Campus and the Fire Training Center, to name a few. I want to emphasize that these centers and buildings are much more than physical structures. They are symbols of economic development, job creation and improvements in quality of life. During the time Ed served as Mayor, Overland Park grew to be the second-largest city in Kansas. Ed's vision helped to ensure that the city is both bigger and better for the businesses, individuals and families who are proud to call Overland Park their home.

Mayor Eilert's commitment to Overland Park extended beyond his role as mayor. He was an active member of many civic organizations including the League of Kansas Municipalities and the National League of Cities. He has also served as secretary and treasurer of the Johnson/Wyandotte Counties Council of Mayors. He currently serves as a commissioner of the Kansas and Missouri Metropolitan Cultural District, a board member of Services for Seniors and Advocates for Citizens with Retardation, a member of the advisory council for Emporia State University's school of business and a member of the advisory council for United Community Services and Temporary Lodging for Children.

Mayor Eilert is a charter member of the South Overland Park Rotary Club, the Overland Park Historical Society, the Overland Park Arboretum and Friends of Johnson County Developmental Supports. He also is a member and elder, and a former chairman of the board, of Overland Park Christian Church. I commend Ed for his service to the community and his contributions to improving the quality of life in Overland Park.

I recognize that Kansas is home to many leaders who work to make our state a great place to live and work. I also acknowledge that our growth and prosperity is possible because of the efforts of local leaders like Mayor Eilert who are willing to serve our communities. Mayor Eilert touched lives every day. He directly affected the residents of Overland Park in a positive way. I am grateful for his hard work and dedication, and I join with my fellow Kansas representatives in honoring Mayor Eilert.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Kansas (Mr. MOORE) for his reflections of his friend, urge passage of the bill; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1524.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING CONTRIBUTIONS OF INDIAN AMERICANS TO ECONOMIC INNOVATION AND SOCIETY GENERALLY

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 227) recognizing and honoring the contributions of Indian Americans to economic innovation and society generally.

The Clerk read as follows:

H. RES. 227

Whereas the United States is deeply enriched by its Indian American residents;

Whereas the Indian American community and the graduates of the Indian Institutes of Technology (IIT) in the United States have made valuable and significant contributions to society in every profession and discipline; and

Whereas IIT graduates are highly committed and dedicated to research, innovation, and promotion of trade and international cooperation between India and the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the valuable and significant contributions of Indian Americans to American society;

(2) honors the economic innovation attributable to graduates of the Indian Institutes of Technology; and

(3) urges all Americans to recognize the contributions of Indian Americans and have a greater appreciation of the role Indian Americans have played in helping to advance and enrich American society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 227, which I introduced to recognize the contributions to our Nation of Indian Americans, and specifically the graduates of the Indian Institutes of Technology.

After winning independence in 1947, India began building a democratic nation to provide its citizens with equal opportunities.

□ 1530

One of the successes of the new nation was the Indian Institute of Technology, or IIT, which was established in Kharagpur in May, 1950. Today there are seven IIT campuses across India. IITs have become synonymous with excellence in technology and engineering education.

Since the inception of IIT, thousands of graduates have sought and achieved the highest levels of professional successes in the United States and indeed throughout the world. IIT graduates are estimated to have stimulated the creation of over 150,000 jobs in the U.S. Most Silicon Valley firms have at least one IIT graduate among their top executives. In my district in Northern Virginia, we literally have dozens of IIT executives running their own companies, producing thousands of jobs. Almost all IIT alumni attribute their success to the rigorous educational foundation they received at IIT.

Mr. Speaker, the U.S. has attracted more IIT graduates than any other country because we remain on the cutting edge of the science and technology fields. In recognition of IIT graduates' contributions to our Nation, the second Global IIT Alumni Conference will be held in nearby Bethesda, Maryland from May 20 through 22. The conference will attract over 1,500 attendees from all over the United States and around the world.

Mr. Speaker I am pleased that the House is recognizing the achievements of Indian Americans and IIT graduates in helping to make the United States the global leader it is. Indian Americans are wonderful ambassadors of their homeland, and they strengthen the strong friendship between India and the United States, the two largest democratic nations in the world.

Mr. Speaker, I urge all my colleagues to join me in recognition of the important contributions made by Indian Americans and IIT graduates to our national economy. I thank the House India Caucus and all the cosponsors for their support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important that we acknowledge from time to time our individual histories and what makes us unique. I believe that it is our differences that make our Nation strong. Therefore, I am very happy to join the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the House Committee on Government Reform, in support of H. Res. 227, recognizing and honoring the contributions of Indian Americans to economic innovation and to society generally.

According to a 2000 census, the Indian American population stands at over 1.6 million. This represents a 106 percent increase over the 1990 census figures. In fact, Indian Americans are the largest-growing Asian American community in the United States.

In addition to being a growing community within our society, the Indian American population also is a wonderful contributor to our Nation's well-being. The Indian American median family income is $60,093, which is significantly higher than the national median family income of $38,885. This high-income level is not only an example of their determination and hard work, but it is also a testament to the strong regard they hold for education. More than 87 percent of Indian Americans have completed high school, while at least 62 percent have completed some college. The value that members of the Indian American community place on education allows them and helps them to succeed in this country and to become positive role models and economic forces for all of us.

As our Nation struggles to teach the value of education to our young, I strongly believe that we should hold in high regard the Indian American community's commitment to higher education. It is indeed inspirational. So once again, Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) for his leadership on this issue and reiterate my strong support for H. Res. 227.

Mr. Speaker. I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I rise in strong support of what I think is a very appropriate resolution.

I am very proud to be the son of Indian immigrants to this country. Though born and raised in Louisiana, I am very proud of their background. Certainly I think not only my parents but the interior Indian American community is a great example of living the American dream. And so many stories have been told, and there are so many wonderful examples.

Certainly we can talk in terms of numbers. We can talk in terms of the IIT graduates who are now doing so well in Fortune 500 companies in this country. Certainly we can talk about the academic achievements. We can talk about the contributions to our high-tech industry in this country. We can talk about the contributions in medicine, in small business ownership. And the numbers are phenomenal. One of the most successful, if not the most successful, immigrant group. But I do not think the numbers tell the entire story. I think sometimes we have to look beyond the numbers and hear the personal stories.

My father, for example, is one of nine children, the first one in his family and the only one to go to high school, much less beyond high school. I am certainly very proud of everything my father has accomplished in this country. But it is not just my father. I am very proud of all the different Indian Americans I have the privilege of meeting who have achieved so much in their respective fields, and again I think a wonderful example of the American dream, a wonderful example that in this country we do provide opportunity if one works hard and pursues that education.

I often tease my parents. Mark Twain said that the older we become, the smarter our fathers become, the smarter our parents become. And I tease my parents because, now being the father of two children, I appreciate more and more what my parents have sacrificed, what they have endured and what they have accomplished. I appreciate more the significance of the accomplishments of the Indian American community. Some of those things we took for granted. I did, anyway, growing up. We did not really realize the significance of those struggles, those sacrifices, and how remarkable have been their collective and individual achievements.

Again, it is hard to exaggerate. The Indian American population numbers, according to census numbers, 1½ million people in this country. We are talking about the Indians in America, 87 percent have completed high school, almost two-thirds have at least some college education. Remarkable numbers, remarkable contributions. But, again, the numbers do not tell the entire story.

In my State, Indian American physicians serve some of the neediest areas, allow emergency rooms to stay open, provide primary care to those who would not otherwise have access to care. The numbers are amazing: 300,000 Indian Americans working in Silicon Valley, 750 of those companies headed by people of Indian American descent, responsible for 15 percent of the high-tech startups in the area.

Again when we look at the numbers, they tell an amazing story, but it is not just the numbers. Again, in my home State, in my home district, Indian Americans own businesses in the biggest cities to the smallest communities, the most rural parts of my State, employing thousands of my citizens, of my constituents. So, again, I think it is a wonderful success story.

I want to thank the gentleman from Virginia (Chairman TOM DAVIS) for highlighting, through this resolution, the accomplishments of the Indian American people.

But I will just remind my colleagues two things in closing: One, it is my belief that the Indian American success story is a great testimony to the strength of the American dream, that the American dream is alive and well. One of the reasons I was so passionate to become a Member of this body was to nurture that dream for our children, to make sure that all of our children continue to have the same opportunities that brought my parents and others like them here in the first place. And, secondly, to say it is not just the numbers. It is not just the IIT graduates. It is not just the high-tech startups. It is not just the educational achievement. It is also the personal stories. Stories like my dad's, and others like him, who have not only done so well but have given so their kids and others around them might have a better quality of life.

Again, I want to thank the chairman and my colleagues for sponsoring and supporting this resolution. I am very proud to not only cosponsor the resolution but to be a part of a community that is so grateful and has done so much to contribute to this country.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentleman from Illinois on the other side of the aisle for helping us bring this bill to the floor and the gentleman from Louisiana, a Rhodes scholar and one who has brought credit to his heritage, to his State, and this body by serving here.

I urge my colleagues to support this resolution.

Mr. MENENDEZ. Mr. Speaker, I rise today in support of H. Res. 227, which would honor the contributions of Indian Americans in the field of information technology.

Like so many other groups, Indian Americans lend creativity, technical expertise, and innovation to their chosen fields. Every day, they show their dedication not only to improving the economy and competitiveness of this country, but to advancing a positive relationship between the United States and India.

This resolution presents us with an opportunity to thank those who have such an important impact on our society. Indian Americans have created thousands of jobs in the U.S. and hold senior positions at Fortune 500 companies, national labs, universities, and venture capital firms. And through their work as economists, researchers, educators, and social and political leaders, they have ensured that their extraordinary commitment will benefit not only this generation, but the next, as well.

That is why I support this resolution. The cornerstone of our society was built on the contributions of many groups who brought intelligence and originality to their work in this country. And that is why I urge my colleagues to join me today in thanking Indian Americans by recognizing their contributions to information technology.

Mr. CROWLEY. Mr. Speaker, as the former Co-Chair of the Caucus on India and Indian Americans and the representative of one of the largest concentrations of Indian Americans in the United States, I have seen firsthand the contributions my friends from India have made.

I commend my colleague and good friend Rep. TOM DAVIS (R–VA) for introducing this legislation and talking about the contributions of Indian Americans. Representing the second highest concentration of Indian Americans in the country, I have seen for myself on 74th Street in Jackson Heights, Queens how successful and industrious Indian Americans are. That recipe for success starts with institutions like the Indian Institute of Technology, which we recognize today, and the far-reaching success of their graduates.

The Indian Institute of Technology (IIT) has had a long history of grooming fine minds that have gone on to achieve incredible success in India and around the world.

The first IIT was established in 1950 in Kharagpur and now 50 plus years later they have a total of seven institutes, with the newest one established by recognizing University of Roorkee, one of Asia's oldest engineering institutions, as IIT Roorkee. Many of the top Indians in industry have graduated from India's prestigious Indian Institute of Technology, like Vinod Khosla, founder of Sun Microsystems, to Rajat Gupta, the first non North America born head of the venerable consulting company McKinsey & Co.

I have had an opportunity to meet many graduates of IIT and all have spoken about the benefits of attending the institute.

I believe in today's current educational environment in the United States we can learn from the history of how the Indian government went about establishing this institute. After the Indians gained their independence from the British, they formed committees to explore ways of creating an educated class of people to move the country forward.

What they found was that to be competitive in the world they needed to excel in technology and engineering, which is where we in the United States find ourselves to be lacking today. We need to follow the example of our Indian friends and the example we set in the 1960's and create a national strategy to make the way we teach our children in the United States more focused on the math and sciences so we are not left behind.

Instead of fearing India as an economic competitor, we should be embracing India as an economic and political ally. The over 1 billion consumers in India and the market for U.S. goods and services in India allows for unprecedented opportunities for American companies, and job growth for Americans.

I want to thank Mr. DAVIS for introducing this resolution and urge all my colleagues to support it.

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to be a co-sponsor of H. Res. 227 to honor all that Indian Americans have contributed to our country. Specifically, I would like to commend the graduates of the Indian Institutes of Technology (IIT) for their economic innovations and technological expertise.

After India gained its independence and began its new life as a democratic nation, a committee was formed to create institutes of higher education that would focus on technology to fuel the post-war industrial development of India. After looking at the committee recommendations, the first Indian Institute of Technology was created in May 1950. The campus was placed at the site of the Hijli Detention camp, which used to house young Indian freedom fighters during the independence movement.

Since that time 6 more campuses have been formed throughout India. IIT offers undergraduate and postgraduate degrees in more than 25 engineering, science, technology and management disciplines. Students are admitted after taking a national entrance exam and the student body is a diverse mixture of socio-economic backgrounds, cultures, languages, and religions.

After graduating from IIT, alumni are able to take the knowledge they gained and excel in technology and engineering sectors. Graduates are currently serving in senior positions at Citigroup and Sun Microsystems, among other established and Fortune 500 companies. They are also serving as Deans and Professors at the best universities in the United States, including Harvard, MIT and Carnegie Mellon.

The United States economy has felt the impact of IIT graduates. Over 25 percent of graduates since 1990 have been entrepreneurs and have started numerous companies that have fueled job creation in their communities. IIT alumni are also performing cutting edge research that is needed by U.S. companies, and a great number have received patents for their innovations.

The effect of Indian Institute of Technology graduates is felt here in the United States and throughout the world. It is important that all Americans recognize the great impact Indian Americans and IIT graduates have had on our society and economy. Without their knowledge, skill, and drive to achieve, our economy would not have as many technological innovations which enrich our daily lives.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 227.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PRESIDENTIAL $1 COIN ACT OF 2005

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 902) to improve circulation of the $1 coin, create a new bullion coin, and for other purposes, as amended.

The Clerk read as follows:

H.R. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential $1 Coin Act of 2005".

TITLE I—PRESIDENTIAL $1 COINS

SEC. 101. FINDINGS.

The Congress finds as follows:

(1) There are sectors of the United States economy, including public transportation, parking meters, vending machines and low-dollar value transactions, in which the use of a $1 coin is both useful and desirable for keeping costs and prices down.

(2) For a variety of reasons, the new $1 coin introduced in 2000 has not been widely sought-after by the public, leading to higher costs for merchants and thus higher prices for consumers.

(3) The success of the 50 States Commemorative Coin Program for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner similar to the systematic change in designs in such Program radically increases demand for the coin, rapidly pulling it through the economy.

(4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.

(5) A national survey and study by the Government Accountability Office has indicated that many Americans who do not seek, or who reject, the new $1 coin for use in commerce would actively seek the coin if an attractive, educational rotating design were to be struck on the coin.

(6) The President is the leader of our tripartite government and the President's spouse has often set the social tone for the White House while spearheading and highlighting important issues for the country.

(7) Sacagawea, as currently represented on the new $1 coin, is an important symbol of American history.

(8) Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in the proper time period of American history.

(9) First Spouses have not generally been recognized on American coinage.

(10) In order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce but also as an object of aesthetic beauty in its own right, it is appropriate to move many of the mottos and emblems, the inscription of the year, and the so-called "mint marks" that currently appear on the 2 faces of each circulating coin to the edge of the coin, which would allow larger and more dramatic artwork on the coins reminiscent of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, initiated by President Theodore Roosevelt, with the assistance of noted sculptors and medallic artists James Earle Fraser and Augustus Saint-Gaudens.

(11) Placing inscriptions on the edge of coins, known as edge-incusing, is a hallmark of modern coinage and is common in large-volume production of coinage elsewhere in the world, such as the 2,700,000,000 2-Euro coins in circulation, but it has not been done on a large scale in United States coinage in recent years.

(12) Although the Congress has authorized the Secretary of the Treasury to issue gold coins with a purity of 99.99 percent, the Secretary has not done so.

(13) Bullion coins are a valuable tool for the investor and, in some cases, an important aspect of coin collecting.

SEC. 102. PRESIDENTIAL $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) Redesign and Issuance of Circulating $1 Coins Honoring Each of the Presidents of the United States.—

"(1) Redesign beginning in 2007.—

"(A) In general.—Notwithstanding subsection (d) and in accordance with the provisions of this subsection, $1 coins issued during the period beginning January 1, 2007, and ending upon the termination of the program under paragraph (6) shall have designs on the obverse selected in accordance with paragraph (2)(B) which are emblematic of the Presidents of the United States and a design on the reverse selected in accordance with paragraph (2)(A).

"(B) Continuity provision.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear the design on $1 coins being minted and issued before the issuance of coins as required under this subsection.

"(2) Design requirements.—The $1 coins issued in accordance with paragraph (1)(A) shall meet the following design requirements:

"(A) Coin reverse.—The design on the reverse shall bear—

"(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty while not being large enough to create the impression of a '2-headed' coin;

"(ii) the inscription '$1' ; and

"(iii) the inscription 'United States of America'.

"(B) Coin obverse.—The design on the obverse shall contain the name and likeness of a President of the United States and basic information about the President, including the dates or years of the term of office of such President and a number indicating the order of the period of service in which the President served.

"(C) Edge-incused inscriptions.—

"(i) In general.—The inscription of the year of minting or issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

"(ii) Preservation of distinctive edge.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including

by individuals who are blind or visually impaired.

"(D) INSCRIPTIONS OF 'LIBERTY'.—Notwithstanding the 2d sentence of subsection (d)(1), because the use of a design bearing the likeness of the Statue of Liberty on the reverse of the coins issued under this subsection adequately conveys the concept of Liberty, the inscription of 'Liberty' shall not appear on the coins.

"(E) PROHIBITION ON SITTING PRESIDENT IN SERIES.—No coin issued under this subsection may bear the image of a President who, at the time of issuance, is currently serving as President.

"(3) ISSUANCE OF COINS COMMEMORATING PRESIDENTS.—

"(A) ORDER OF ISSUANCE.—The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the period of service of each President, beginning with President George Washington.

"(B) TREATMENT OF PERIOD OF SERVICE.—

"(i) IN GENERAL.—Subject to clause (ii), only 1 coin design shall be issued for a period of service for any President, no matter how many consecutive terms of office the President served.

"(ii) NONCONSECUTIVE TERMS.—If a President has served during 2 or more nonconsecutive periods of service, a coin shall be issued under this subsection for each such nonconsecutive period of service.

"(4) ISSUANCE OF COINS COMMEMORATING 4 PRESIDENTS DURING EACH YEAR OF THE PERIOD.—

"(A) IN GENERAL.—The designs for the $1 coins issued during each year of the period referred to in paragraph (1) shall be emblematic of 4 Presidents until each President has been so honored, subject to paragraph (2)(E).

"(B) NUMBER OF 4 CIRCULATING COIN DESIGNS IN EACH YEAR.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of $1 coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1).

"(5) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(6) TERMINATION OF PROGRAM.—The issuance of coins under this subsection shall terminate when each President has been so honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

"(7) REVERSION TO PRECEDING DESIGN.—Upon the termination of the issuance of coins under this subsection, the design of all $1 coins shall revert to the the so-called 'Sacagawea-design' $1 coins.".

SEC. 103. FIRST SPOUSE BULLION COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (n) (as added by the preceding section of this title) the following new subsection:

"(o) FIRST SPOUSE BULLION COIN PROGRAM.—

"(1) IN GENERAL.—During the same period in which the $1 coins are issued under subsection (n) which are emblematic of the Presidents of the United States, the Secretary of the Treasury shall issue bullion coins under this subsection that are emblematic of the spouse of each such President.

"(2) SPECIFICATIONS.—The coins issued under this subsection shall—

"(A) have the same diameter as the $1 coins described in subsection (n);

"(B) weigh 0.5 ounce; and

"(C) contain 99.99 percent pure gold.

"(3) DESIGN REQUIREMENTS.—

"(A) COIN OBVERSE.—The design on the obverse of each coin issued under this subsection shall contain—

"(i) the name and likeness of a person who was a spouse of a President during the President's period of service;

"(ii) an inscription of the years during which such person was the spouse of a President during the President's period of service; and

"(iii) the number indicating the order of the period of service in which such President served.

"(B) COIN REVERSE.—The design on the reverse of each coin issued under this subsection shall bear—

"(i) images emblematic of the life and work of the First Spouse whose image is borne on the obverse; and

"(ii) the inscription 'United States of America'.

"(C) DESIGNATED DENOMINATION.—Each coin issued under this subsection shall bear, on the reverse, an inscription of the nominal denomination of the coin which shall be '$10'.

"(D) DESIGN IN CASE OF NO FIRST SPOUSE.—In the case of any President who served without a spouse—

"(i) the image on the obverse of the bullion coin corresponding to the $1 coin relating to such President shall be an image emblematic of the concept of 'Liberty'—

"(I) as represented on a United States coin issued during the period of service of such President; or

"(II) as represented, in the case of President Chester Alan Arthur, by a design incorporating the name and likeness of Alice Paul, a leading strategist in the suffrage movement, who was instrumental in gaining women the right to vote upon the adoption of the 19th amendment and thus participate in the election of future Presidents, and who was born on January 11, 1885, during the term of President Arthur; and

"(ii) the reverse of such bullion coin shall be of a design representative of themes of such President, except that in the case of the bullion coin referred to in clause (i)(II) the reverse of such coin shall be representative of the suffrage movement.

"(E) DESIGN AND COIN FOR EACH SPOUSE.—A separate coin shall be designed and issued under this section for each person who was the spouse of a President during any portion of a term of office of such President.

"(F) INSCRIPTIONS.—Each bullion coin issued under this subsection shall bear the inscription of the year of minting or issuance of the coin and such other inscriptions as the Secretary may determine to be appropriate.

"(4) SALE OF BULLION COINS.—Each bullion coin issued under this subsection shall be sold for an amount the Secretary of the Treasury determines to be appropriate that is equal to or greater than the sum of—

"(A) the face value of the coins; and

"(B) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

"(5) ISSUANCE OF COINS COMMEMORATING FIRST SPOUSES.—

"(A) IN GENERAL.—The bullion coins issued under this subsection with respect to any spouse of a President shall be issued on the same schedule as the $1 coin issued under subsection (n) with respect to such President.

"(B) MAXIMUM NUMBER OF BULLION COINS FOR EACH DESIGN.—The Secretary shall—

"(i) prescribe, on the basis of such factors as the Secretary determines to be appropriate, the maximum number of bullion coins that shall be issued with each of the designs selected under this subsection; and

"(ii) announce, before the issuance of the bullion coins of each such design, the maximum number of bullion coins of that design that will be issued.

"(C) TERMINATION OF PROGRAM.—No bullion coin may be issued under this subsection after the termination, in accordance with subsection (n)(6), of the $1 coin program established under subsection (n).

"(6) QUALITY OF COINS.—The bullion coins shall be issued in both proof and uncirculated qualities.

"(7) SOURCE OF GOLD BULLION.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for the gold.

"(8) BRONZE MEDALS.—The Secretary may strike and sell bronze medals that bear the likeness of the bullion coins authorized under this subsection, at a price, size, and weight, and with such inscriptions, as the Secretary determines to be appropriate.".

SEC. 104. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the enactment of this Act will serve to increase the use of $1 coins generally, which will increase the circulation of the so-called "Sacagawea-design" $1 coins that have been and will continue to be minted and issued;

(2) the continued minting and issuance of the so-called "Sacagawea-design" $1 coins will serve as a lasting tribute to the role of women and Native Americans in the history of the United States;

(3) while the American tradition of not issuing a coin with the image of a living person has served the country well and deserves to be continued as a general practice, in a series of coins commemorating former Presidents, all former Presidents should be so honored notwithstanding such tradition;

(4) the full circulation potential and cost-savings benefit projections for the $1 coins are not likely to be achieved unless the coins are delivered in ways useful to ordinary commerce;

(5) in order for the circulation of $1 coins to achieve maximum potential—

(A) the coins should be as attractive as possible; and

(B) the Director of the United States Mint should take all reasonable steps to ensure that all $1 coins minted and issued remain tarnish-free for as long as possible without incurring undue expense;

(6) if the Secretary of the Treasury determines to include on any $1 coin minted under section 5112(n) of title 31, United States Code (as added by section 102 of this Act) a mark denoting the United States Mint facility at which the coin was struck, such mark should be edge-incused;

(7) at such time as the Secretary of Treasury determines to be appropriate, and after consultation with the Board of Governors of the Federal Reserve System and the submission of notice to the Congress, the Secretary should declare to be obsolete any circulating $1 coin that bears the design of the $1 coins being issued immediately before the issuance of coins with the design referred to in section 5112(n)(7) of title 31, United States Code;

(8) in connection with the introduction of the $1 coins under the Presidential $1 Coin Program—

(A) the coins should not be introduced with an overly expensive taxpayer-funded public relations campaign; and

(B) the Director of the United States Mint, a bureau in the Department of the Treasury, should work with consumer groups, media outlets, and schools to ensure an adequate amount of news coverage about the start of the coin program so consumers will know of the availability of the coins;

(9) the Board of Governors of the Federal Reserve System and the Secretary of the Treasury should take steps to ensure that an adequate supply of $1 coins are available for commerce and collectors at such places and in such quantities as are appropriate by—

(A) meeting, from time to time but no less frequently than quarterly, with a coin users group that includes representatives of merchants who would benefit from the increased usage of $1 coins, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and coin collectors and dealers to accurately gauge demand for coins and to anticipate and eliminate obstacles to the easy and efficient distribution and circulation of $1 coins as well as all other circulating coins;

(B) submitting a semiannual report to the Congress containing an assessment of the remaining obstacles to the efficient and timely circulation of coins, and particularly $1 coins, together with such recommendations for legislative action the Board and the Secretary may determine to be appropriate;

(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-accepting devices in the United States to accept coins issued under the Presidential $1 Coin Program and the so-called "Sacagawea-design" $1 coins, and to include notices on the machines and devices of such acceptability;

(D) ensuring that during an introductory period, all institutions that want unmixed supplies of each newly-issued design of $1 coins are able to obtain such unmixed supplies; and

(E) consulting with representatives of depository institutions and armored-car operators to support the availability of $1 coins in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins; and

(10) the Director of the United States Mint should take all steps necessary to expand the marketplace for bullion coins, and reduce barriers to the sale of bullion coins, by ensuring that—

(A) the greatest number possible of reputable, reliable, and responsible dealers are qualified to offer for sale all bullion coins struck and issued by the United States Mint; and

(B) all such dealers and their customers have equal and timely access to all new issues of such bullion coins.

TITLE II—ABRAHAM LINCOLN BICENTENNIAL 1-CENT COIN REDESIGN

SEC. 201. FINDINGS.

The Congress finds as follows:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County (present-day LaRue County), Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men are created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(8) Abraham Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the nation in Washington, D.C.

(9) The so-called "Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the obverse design the most enduring on the nation's coinage.

(10) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

(11) In the nearly 100 years of production of the "Lincoln cent", there have been only 2 designs on the reverse: the original, featuring 2 wheat-heads in memorial style enclosing mottoes, and the current representation of the Lincoln Memorial in Washington, D.C.

(12) On the occasion of the bicentennial of President Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, it is entirely fitting to issue a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of President Lincoln's life.

SEC. 202. REDESIGN OF LINCOLN CENT FOR 2009.

(a) IN GENERAL.—During the year 2009, the Secretary of the Treasury shall issue 1-cent coins in accordance with the following design specifications:

(1) OBVERSE.—The obverse of the 1-cent coin shall continue to bear the Victor David Brenner likeness of President Abraham Lincoln.

(2) REVERSE.—The reverse of the coins shall bear 4 different designs each representing a different aspect of the life of Abraham Lincoln, such as—

(A) his birth and early childhood in Kentucky;

(B) his formative years in Indiana;

(C) his professional life in Illinois; and

(D) his presidency, in Washington, D.C.

(b) ISSUANCE OF REDESIGNED LINCOLN CENTS IN 2009.—

(1) ORDER.—The 1-cent coins to which this section applies shall be issued with 1 of the 4 designs referred to in subsection (a)(2) beginning at the start of each calendar quarter of 2009.

(2) NUMBER.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of 1-cent coins that shall be issued with each of the designs selected for each calendar quarter of 2009.

(c) DESIGN SELECTION.—The designs for the coins specified in this section shall be chosen by the Secretary—

(1) after consultation with the Abraham Lincoln Bicentennial Commission and the Commission of Fine Arts; and

(2) after review by the Citizens Coinage Advisory Committee.

SEC. 203. REDESIGN OF REVERSE OF 1-CENT COINS AFTER 2009.

The design on the reverse of the 1-cent coins issued after December 31, 2009, shall bear an image emblematic of President Lincoln's preservation of the United States of America as a single and united country.

SEC. 204. NUMISMATIC PENNIES WITH THE SAME METALLIC CONTENT AS THE 1909 PENNY.

The Secretary of the Treasury shall issue 1-cent coins in 2009 with the exact metallic content as the 1-cent coin contained in 1909 in such number as the Secretary determines to be appropriate for numismatic purposes

SEC. 205. SENSE OF THE CONGRESS.

It is the sense of the Congress that the original Victor David Brenner design for the 1-cent coin was a dramatic departure from previous American coinage that should be reproduced, using the original form and relief of the likeness of Abraham Lincoln, on the 1-cent coins issued in 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that the House will consider today the Presidential $1 Coin Act of 2005 I authored with the gentlewoman from New York (Mrs. MALONEY). This legislation honors each U.S. President by placing him on the obverse side of the $1 coin on a rotating basis. By doing so it aims to improve circulation of the $1 coin, which will lower costs to businesses and thus restrain price increases. I believe this program is a great opportunity for educating both children and adults about the history of our country. In addition, although it is not the goal of the program, these new coins will likely generate as much as $5 billion for the government.

Concurrently with this program, the current Sacagawea coin will also be minted. I am pleased that we were able to work with the gentleman from North Dakota (Mr. POMEROY) to address his concerns and continue the Sacagawea program, which will now hopefully be stronger than ever.

In many ways this legislation is modeled after the successful "50 State Quarter Program." The 50 State Quarter Program, which I was also proud to have authored, issues five quarters a year bearing images connected with one of the States, so that over a decade each State will have been honored. Before the State quarter program started, the U.S. Mint was making about 400 million quarters a year, but in the first year of the 50 State Quarter Program it minted approximately 1.2 billion quarters. The Mint estimates that one person in each household is collecting the quarters and they are collecting a full set, not just their own State. According to the most recent numbers from the Mint, nearly $5 billion worth of savings have been created for the Federal Government.

It is important to note that this program is likely to be more accepted by the public than previous dollar coin programs. In a 2002 General Accounting Office report to Congress, 25 percent of respondents stated that they would use the dollar coin for more purchases if there was a rotating design similar to the 50 State Quarter Program. Additionally, nearly 50 percent of respondents stated they would collect the new coin if it featured a changing design. And 69 percent of respondents favored U.S. Presidents as the choice for the new rotating design on the dollar coin.

Under the program, the images on the front and back of the coin temporarily would be replaced beginning in 2007 with images of the United States Presidents. Four Presidents a year would be honored, in the order of their service, with a likeness of the President, his name and dates of service, and a number signifying the order in which he served, on the front of the coin. The image on the reverse would be that of the Statue of Liberty, large enough to be dramatic but not so large as to create a so-called "two-headed" coin. The date, Mint mark, and other important mottos on the coin would be on the edge of the coin, leaving room on the faces for more dramatic artwork.

Working through concerns, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Ohio (Mr. NEY) raised last year, there is language that was drafted in consultation with the National Federation of the Blind to ensure seeing-impaired individuals would be able to distinguish the dollar coin from a quarter.

The educational aspects of this program are obvious. We all know George Washington was the first President, but how many can tell the exact dates of his service to the country? How about the dates of service of the famous Civil War General Ulysses S. Grant, who later became President? And how many in this Chamber can name the only President who would end up with two coins in the series because he served twice, in terms separated by another President's term?

This legislation also seeks to honor the First Spouses by creating a nearly pure-gold investment-grade bullion coin, the same diameter as the dollar coin, and half an ounce in weight, honoring the First Spouses who have done so much for our country. The U.S. Mint will also be able to make bronze medal replicas of the First Spouse gold bullion coin. This will enable school children and ordinary citizens an affordable option for collecting the First Spouse series. These bronze medal replicas will cost just a few dollars.

For the First Spouse coin, the obverse, as for the Presidential coins, would be the likeness of the spouse, terms of service, and the order in which they served. On the reverse would be images emblematic of the spouse's works. In the five instances to date in which Presidents had no spouses while in office, the educational part again, the bill calls for the image on the front of the coin to be that of an image, that of "Liberty," as used on a U.S. coin circulating that President's term, and the reverse of the coin to carry images related to the President's term.

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During President Chester Arthur's term, the image of Liberty would be represented by Alice Paul, a leading figure in the women's suffrage movement, who was born during Arthur's term. Other Presidents, such as President Wilson, have had more than one spouse while in office due to the death of a spouse and subsequent remarriage while still in office.

Finally, this legislation includes H.R. 767 as a second title. This legislation, introduced by the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Illinois (Mr. JACKSON) and cosponsored by the entire Illinois delegation, will redesign the Lincoln penny in 2009 in celebration of the 200th anniversary of President Lincoln's birth. The redesign will feature four designs, each representing a different aspect of his life: first, his birth and early childhood in Kentucky; second, his formative years in Indiana; third, his professional life in Illinois; and, finally, his Presidency in Washington, DC.

Mr. Speaker, I would like to thank the gentlewoman from New York (Mrs. MALONEY) for her work on this legislation, indeed there was a great deal of work, as well as the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), for their support.

I urge my colleagues to support this fun and educational program.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill that the gentleman from Delaware (Mr. CASTLE) and I have offered that is a win-win for taxpayers and the economy.

The Presidential Dollar Coin Act builds on the remarkable success of the 50 State Quarter Act of the gentleman from Delaware (Mr. CASTLE), which is well into its 10-year run and has earned praise from educators and coin collectors and benefited the Treasury. My daughters, like many young people across America, enjoy collecting this popular coin.

Like the State quarter bill, the Presidential dollar coin will educate Americans about our Presidents and our first ladies while making money for the taxpayers. In addition, this bill will encourage use of the Sacagawea dollar coin, which will continue to be issued throughout the program and will be the sole U.S. dollar coin after the program ends. Thanks to discussions with the gentleman from North Dakota (Mr. POMEROY), Indian tribal chiefs and women's groups, the provisions of the bill relating to the Sacagawea dollar coin have been clarified and strengthened to assure that Sacagawea, the only woman on our currency at this present moment, will continue to be honored on the dollar coin.

In a similar vein, the bill also provides for commemorative coins honoring each first lady to be issued during the period that their husbands were President. These will be issued both as gold bullion collectors' items and also in a bronze version, making them more accessible to school children and the public.

I am particularly pleased that the bill provides for a coin to be issued in honor of the noted suffragette Alice Paul at the same time as the coin commemorating President Chester Arthur, who served without a spouse. As a New Yorker, I am particularly pleased that Lady Liberty, the international symbol of the United States, will be on the back of the coin.

The General Accounting Office has estimated that general use of dollar coins could save the government as much as $500 million per year because they last longer than the dollar bill. Boosting usage of the dollar coin in everyday commerce also helps small businesses and provides consumers with faster and better service.

At the halfway point of issuance, the 50-State Quarter program had made the government over $4 billion primarily from collectors taking the coins out of circulation so that the Federal Reserve then buys more from the Mint. We have similar expectations for the effect of individuals collecting the dollar coins.

This bill earns money for the government, benefits small businesses and consumers, educates all users of American currency about their Presidents and first ladies, and encourages wider use of the Sacagawea dollar coin. I would call that a bill that deserves our full support.

I particularly want to thank the gentleman from Delaware (Mr. CASTLE) for his work, not only on the quarter coin, which has been a huge success for our school children and our Nation and helped our economy, but his leadership and constant work on this bill, along with the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK).

I particularly thank Joe Pinder of the committee staff, who is really an expert on coins and has put a great deal of time and effort on this, along with Emily Pfeiffer from the staff of the gentleman from Delaware (Mr. CASTLE) and Eleni Constantin, my financial services counsel.

Mr. Speaker, I hope that this will pass overwhelmingly and be circulating soon.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time, and I am rising today in support of H.R. 902. I congratulate the gentleman from Delaware and the gentlewoman from New York (Mrs. MALONEY) for having worked long and hard on this legislation.

In a Chamber where we find so much to fight about, you might think that a dollar coin commemorating former Presidents would be the ultimate no-brainer; but believe me, I had very deep troubles with this legislation. You see, I represent the State of North Dakota, home of Sacagawea, as we say in Hidatsa. Sacagawea as she is known in the Shoshone language. This coin, the Presidential coin, will come in addition to the existing dollar coin which bears the likeness of Sacagawea.

This occurs at a time when we are recognizing the 200th anniversary of the Lewis and Clark Expedition and commemorating, in accordance with that remembrance, the role Sacagawea had in this very important expedition.

The State of North Dakota feels very deeply about Sacagawea and about her role in U.S. history. We commemorated not long ago our second statue in Statuary Hall in Sacagawea's likeness. We were concerned that the move to the Presidential coin would somehow phase out the Sacagawea coin or relegate this one coin to history and obscurity. We thought that was not the time to do it, not in the bicentennial of the Lewis and Clark Expedition, not this coin that recognizes the contributions Native American people have made in our history, not the coin that recognizes the role women have played in the history of our country.

So with all of these concerns, I sat down and began my discussions with the gentleman from Delaware (Mr. CASTLE) and also many discussions with my friend, the gentlewoman from New York (Mrs. MALONEY).

I am very pleased to say that this was one experience where rather than just being rebuffed with "forget about your concerns, we have got the votes so we are going to run this," there was actual, very sincere listening to our concerns that Sacagawea continue in the coinage of our country. There were sincere efforts to address the issues that we were raising, and let me just cite a couple of them:

First, that the Presidential coins start at the conclusion of the bicentennial observation of the Lewis and Clark Expedition. In addition, that any improvements to the coin to advance the Presidential coins would also be applied to the Sacagawea coin. Specifically, here we are talking about making a coin that will work in vending machines, that has the gold color, yet is not so subject to tarnishing as the existing rendition of the Sacagawea coin.

I think that the bill, as a result of the changes made by the constructive dialogue we were able to maintain, is a better bill; and I am just deeply grateful that on this issue, maybe not of great national importance to many, but of very real importance to me and the people I represent, you paid attention to our concerns, addressed them and came up with what I believe is an acceptable compromise. Maybe we can take this example and export it to other issues before us.

I am deeply grateful to the gentleman from Delaware (Mr. CASTLE). By golly, when the gentleman gets an idea, he just does not let it drop. I was hoping the gentleman would wear out on this one; but, no, he kept pushing, and here we are today and we are going to pass it and are going to pass it with my vote.

So I commend the gentleman from Delaware (Mr. CASTLE), I commend the gentlewoman from New York (Mrs. MALONEY), and I thank them once again for the opportunity to work with them on this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from North Dakota (Mr. POMEROY) for his constant work on this bill and his support. We are very grateful. I believe the gentleman's input has made it a stronger bill.

Mr. Speaker, I yield back my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

First, as a comment to the gentleman from North Dakota (Mr. POMEROY), he is tenacious, to say the least. We have been going through this with the gentlewoman from New York (Mrs. MALONEY) for a year, or something of that nature, addressing a variety of issues.

Obviously, none of us wanted to see the Sacagawea coin not come back or fail or whatever. It will be continued, and I think it is our mutual hope that this program will accelerate the usage of these coins, and therefore it is going to be a coin when it does come back in full-blown issuance after all the Presidential coins are gone that will be used a heck of a lot more than it is now. So hopefully it is a win-win situation that we ended up with.

I thank the gentleman. It was all amiable, maybe a little frustrating at times, but all amiable.

Mr. Speaker, I cannot thank my cosponsor enough. She has also been tenacious in this, dealing with her side of the aisle when there were complications, smoothing those things over, plotting with me to get this done, which we had to do from time to time. It has been a great pleasure to work with the gentlewoman from New York (Mrs. MALONEY) on this as well.

I would like to thank all the staff who worked on this legislation. It does seem like a relatively simple bill, but it is a little more complicated than one might think; and there was a lot of staff involvement. Obviously, Emily Pfeiffer on my staff I thank particularly, and Joe Pinder is truly an expert on coinage. I think he dreams about these coins and constantly he would come up with things I had not thought of, usually which we had to overcome in some way or another. But his institutional knowledge of coinage in the United States, which may not be exceeded in this country, is of extraordinary value to all of us as we deal with legislation such as that.

So we are pleased to be here. We think this is obviously very good legislation for a whole variety of reasons, every bit, hopefully, as good as the quarter legislation turned out to be.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H.R. 902, the "Presidential $1 Coin Act of 2005," that the gentleman from Delaware, Mr. CASTLE, has written.

The dollar coin has the potential to save consumers and business billions of dollars if it is available for the niche population that has need of it. However, for number of reasons the so-called "golden" dollar coin never has achieved the success it should have when it was introduced in 2000. I think the Castle bill addresses all of those, creating a demand for the coin rather than trying to force it into circulation. I like the educational opportunities the coin presents, and I particularly like that the bill would put the Statue of Liberty on the reverse of the coin. Mr. CASTLE isn't going to say this, but I will: In 1997, when Congress approved the original Golden Dollar program, the legislation left the House with more than 400 votes to put the Statue of Liberty on the coin. Somehow, before it got to the President, that important symbol disappeared. Especially after 9/11, I think all of us believe that having Lady Liberty on our currency will be terrific.

Mr. Speaker, H.R. 902, introduced by Mr. CASTLE for himself and Mrs. MALONEY, seeks to improve demand for and thus circulation of the current one-dollar coin, with the intent of saving money for business and thus restraining price increases for consumers.

The legislation directs the Secretary of the Treasury to redesign the new "golden" one-dollar coin, beginning in 2007, issuing four different designs a year. Each design would depict the image and pertinent information about a President of the United States, in order of service, on the front. The reverse of the coin would depict an image of the Statue of Liberty.

Additionally, the legislation directs the Treasury Secretary to begin issuing, concurrently with the Presidential dollars, pure-gold "bullion" coins honoring and depicting the First Spouses. The bill also allows striking of an inexpensive bronze copy of the Spouse coin so that schoolchildren could collect affordable President-and-First Spouse sets, and proposes a number of methods to increase the circulation of the dollar coin.

Essentially similar legislation passed both subcommittee and full committee last year. Changes to this version include moving the starting date back one year, to 2007, and explicit guarantees that the so-called "Sacagawea" design currently being minted and issued, will continue to be minted and issued during the life of the Presidential Dollar program, as well as becoming the sole design after the end of that program.

Finally the legislation incorporates as a separate title the text of H.R. 767, introduced by Mr. LAHOOD for himself and Mr. JACKSON, which calls for a temporary redesign of the reverse of the one-cent coin in 2009 honoring the bicentennial of the birth of President Abraham Lincoln.

With that, I urge unanimous support for H.R. 902.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 902, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPANDED ACCESS TO FINANCIAL SERVICES ACT OF 2005

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 749) to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services, as amended.

The Clerk read as follows:

H.R. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expanded Access to Financial Services Act of 2005".

SEC. 2. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

"(12) in accordance with regulations prescribed by the Board—

"(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

"(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 749, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 749, the Expanded Access to Financial Services Act of 2005, introduced by the gentleman from Pennsylvania (Mr. GERLACH) and the gentleman from California (Mr. SHERMAN) and favorably reported to the House by the Committee on Financial Services.

This bill makes a simple change to the Federal Credit Union Act to allow Federal credit unions to offer check cashing and money transfer services to anyone within their field of membership. H.R. 749 will serve the dual purpose of lowering the cost to consumers of both check cashing and wire transfer products, while providing credit unions the opportunity to establish relationships with individuals who are currently unbanked.

Money transfers by individuals living and working in the U.S. to Latin America are currently estimated at $10 billion annually, and should more than double by 2010.

□ 1600

As the remittance market continues to grow, there becomes a significant danger in depriving customers of low-cost remittance products, thereby driving them to underground service providers that evade regulatory oversight. H.R. 749 will allow credit unions to offer remittance products to individuals who qualify for membership while promoting greater transparency within the remittance market. This improved transparency will enhance the ability for regulators and law enforcement agencies to track wire transfers used for illegal activity. Increasing the ease with which regulators and law enforcement agencies can follow the money trail is consistent with the recommendations of the 9/11 Commission on Terrorist Financing.

Allowing Federal credit unions to offer products and services to all consumers within their field of membership would provide further benefits to our economy by allowing credit unions to establish relationships with individuals who are currently "unbanked." Many users of remittance services are recent immigrants and should be empowered with the knowledge and resources necessary to open personal accounts at mainstream financial institutions. Studies indicate that as many as 10 million American households do not have a bank account. Establishing and successfully managing a personal account with an insured depository institution can lead to greater economic self-sufficiency and long-term financial security. Particularly for low- and moderate-income Americans, opening a checking or savings account can be an important first step in establishing a credit history, which can unlock doors to other financial opportunities.

I believe that this bill is a positive step toward ensuring that millions of unbanked Americans have access to secure, low-cost remittance products, while drawing these same customers into the regulated financial mainstream. I therefore encourage all of my colleagues to vote in favor of H.R. 749.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from Delaware (Mr. CASTLE) summarized well the reasons for voting for this bill. If I had more forbearance, I would simply sit down, but I have a really nicely written speech here and will use a few minutes, hopefully abbreviating it, since so many of its points have already been covered.

Mr. Speaker, I will put into the RECORD at this point a letter in support of this bill from the National Association of Federal Credit Unions.

NATIONAL ASSOCIATION
OF FEDERAL CREDIT UNIONS,
Arlington, VA, April 26, 2005.

Hon. MIKE OXLEY,
Chairman, House Committee on Financial Services, House of Representatives, Washington, DC.

Hon. BARNEY FRANK,
Ranking Member, House Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: On behalf of the National Association of Federal Credit Unions (NAFCU), the only national trade association that exclusively represents the interests of our nation's federal credit unions, I want to reiterate our support for the Expanded Access to Financial Services Act of 2005 (H.R. 749) and urge the House to bring up and pass this key legislation.

NAFCU fully supports the merits of this bill, since abuses are rampant in communities where immigrants rely on money transfer companies to send remittances to family members and others in their country of origin. Unfortunately, money transfer companies oftentimes charge exorbitant fees on those sending remittances, while imposing poor exchange rates. For example, a $1000 money transfer to Mexico via IRnet would cost $10, while the same transaction via Western Union would cost between $30 and $50 depending on the Western Union location. Also, the credit union providing the transfer may be successful in converting an unbanked potential member into a member. In reality, and in far too many cases, the costs associated with sending such remittances is essentially nothing more than another form of predatory lending. Many people do not know that credit unions can provide a lower cost and better alternative to these predatory practices. As such, NAFCU is pleased that a number of our member credit unions currently offer remittance services to their members.

Last year, in testimony before the House Financial Services Subcommittee on Financial Services and Consumer Credit during a hearing on the issue of regulatory relief for credit unions on July 20, 2004, NAFCU Board Secretary and Xerox FCU President & CEO Bill Cheney testified:

". . . NAFCU supports efforts to allow federal credit unions to offer check-cashing and money-transfer services to anyone within the credit union's field of membership. We believe this new authority, which would be discretionary and not mandatory, will allow credit unions to help combat abuses by non-traditional financial institutions that prey on our nation's immigrants and others who live and work in underserved communities."

That statement remains true today. The credit union industry continues to work on the front line to combat financial illiteracy and to teach consumers about sound financial practices. NAFCU believes that H.R. 749 is a good step forward in creating an alternative to those who have no choices in traditional financial services.

Thank you for allowing us this opportunity to share our support for H.R. 749. We hope that the House is able to bring up and take action on this legislation in a timely manner. If you or your staff have any questions regarding remittances abuses and how credit unions can be used to help address these problems, please do not hesitate to call on me or NAFCU's Director of Legislative Affairs, Brad Thaler.

Sincerely,

FRED R. BECKER, Jr.,
President and CEO.

Mr. Speaker, H.R. 749 would allow credit unions to provide lifeline services; that is to say international remittances, wire transfers, and check-cashing services to nonmembers who are within the credit union's field of membership. Now, a credit union is restricted and serves a restricted number of people. Some credit unions are based on employment, and so you may have a credit union that serves the textile workers of Los Angeles. You might have another credit union geographically based that serves the northeast San Fernando Valley. This bill only allows a credit union to serve those who are within its field of membership, who are eligible to become members of a credit union. And it makes good sense to allow those who fit within the field of membership, but are not yet members of the credit union, to get these lifeline services. These lifeline services are often priced very high, whether it be check-cashing on the one hand, or international remittances on the other. And to instead provide additional competition so that credit unions can bring the price of these services down would be very helpful to those at the very bottom of our economic ladder.

As the gentleman from Delaware points out, it also brings people who do not have a relationship with a financial institution into a financial institution. It gives them a chance to move from nonmembers who are making use of the check cashing and remittance services, to members who have a checking account, and then gradually a savings account, a credit history, and a real piece of the American financial pie, if you will; a chance to participate with all of the services that the financial institutions of this country provide.

Now, consumers who are sending remittances now, sometimes they are paying as much as 15 percent of the amount that they plan to send. So if you are sending $300 back to your parents in Mexico, you may spend $45, and this bill will provide additional competition in the international remittance area, where many credit unions providing services to those who are already members often provide these services for only $14 or less per transaction. By bringing people into credit unions, credit unions can do what they do best, and that is serve those who are within their field of membership and begin the process of providing financial education, combating predatory lending, and bringing people into the financial system.

Today, more than 200 credit unions already provide to their members wire transfer services to almost 650 points of service in 40 countries. So the credit unions are well positioned to provide these wire transfer and international remittance services.

In 2003, the Credit Union National Association adopted a group of principles designed to guide their members when providing these international remittance services. They basically say that credit unions should disclose the cost of the transaction in their advertising and brochures and in dealings with the customer, that the credit unions will provide current exchange rate information before conducting the transaction; that they will tell the customer the exact amount of foreign currency to be received by the recipient; and they will tell the sender when the funds will be available to the recipient. These kinds of high principles are important for those in the international remittance business, and to have credit unions more involved in that business and subject to those principles is an important step forward.

As the gentleman from Delaware pointed out, the size of the international remittance business is quite large. In fact, it is estimated at least at $10 billion annually. It is expected to double by the end of this decade, and there are some estimates that place it well above $10 billion annually now.

I should also mention that nearly half of the Latinos in this country do not have an account with a mainstream financial institution, and that is why it is so important in dealing with that immigrant community, as well as other immigrant communities from elsewhere in the world, that we provide this opportunity for credit unions to provide international remittance services.

I should also take a moment to recognize the work of the gentleman from Illinois (Mr. GUTIERREZ) who has been the leader in dealing with all of the various aspects of the remittance, international remittance issues, and to recognize my friend, the gentleman from the Inland Empire (Mr. BACA) who provided a clarifying and perfecting amendment to this legislation. I believe that this legislation will help credit unions provide services to those who need them, will drive down the price of those services, and will introduce people to our financial institutions. I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from the Commonwealth of Pennsylvania (Mr. GERLACH).

Mr. GERLACH. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Ohio (Mr. OXLEY) for taking up this bill so quickly, and the gentleman from California (Mr. SHERMAN) for his work on behalf of this important legislation. I would also like to thank the gentleman from California (Mr. BACA), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Texas (Mr. PAUL) for their efforts as well.

Mr. Speaker, I rise today to encourage my colleagues to support H.R. 749, the Expanded Access to Financial Services Act. This bipartisan legislation will amend the Federal Credit Union Act to allow credit unions to offer money order, check cashing, and wire transfer services to anyone who is eligible to be a credit union member, whether or not they have credit union membership. The bill is identical to section 307 of H.R. 1375, the Financial Services Regulatory Relief Act, which passed the House by a vote of 392 to 25 on March 18, 2004.

H.R. 748 reaches out to individuals who, for whatever reason, do not have established bank accounts. These unbanked Americans, estimated to be up to 10 million households, are frequently charged high fees for a variety of financial services. By bringing competition to the marketplace, we can provide our constituents access to lower-fee alternatives.

Many of those who would utilize these services are hardworking immigrants trying to wire money home to help provide for their families. According to the Pew Hispanic Center and Multilateral Investment Fund, $10 million is sent back to Latin America each year, a figure that can more than double in the next 5 years.

It is my hope that the underserved persons who are reached by this bill will be able to use these services to establish a credit history that can then allow them to take advantage of other financial services. An initial positive experience with a depository institution may encourage the "unbanked" to explore other financial products.

Further, bringing immigrant workers into financial institutions is important for national security. Credit unions are required to follow the recordkeeping and reporting requirements of the Bank Secrecy Act. They must also determine that customers are in the field of membership, a process that would involve personal documentation review. Having international money transfers go through regulated financial institutions makes it easier for law enforcement officials to learn of and follow suspicious activity.

This legislation has the support of the National Credit Union Administration, the Credit Union National Association, and National Association of Federal Credit Unions.

H.R. 749 is a good, bipartisan bill. It reaches out to communities that have historically been left out of the financial services arena and encourages hardworking Americans to develop relationships with financial institutions. I hope the Members will choose today to give their constituents access to affordable financial services.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 749, the Expanded Financial Services Act of 2005.

This legislation will allow credit unions to offer services to individuals who are in their field of membership, not just those who are members.

This bill will open up the marketplace, and will provide lower-cost services to underserved individuals. The result will be that thousands of unbanked households will be able to enter the economic mainstream.

H.R. 749 includes a provision that I introduced in the Financial Services Committee that will allow these individuals to use credit unions to send international and domestic electronic fund transfers.

This provision will help underserved individuals to send and receive funds to and from their families.

Currently there are about 10 million households in the United States that do not have access to banking. This bill will help those individuals by giving them lower-cost financial alternatives to send funds to their families.

H.R. 749 will promote competition in the money transfer industry, resulting in lower fees to consumers.

By allowing credit unions to compete, we will bring huge savings to individuals transferring money and provide more money for those who need it most. The money people save by using credit unions can be reinvested in our economy, which helps all Americans.

I urge my colleagues to vote yes on H.R. 749, so that thousands of underserved Americans can join the financial mainstream and access the American dream.

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 749, the Expanded Access to Financial Services Act of 2005. I do so as the proud representative of Hawai'i's Second District, in which our nation's credit unions have a long and rich history, and as one of my Hawai'i's 742,000 credit union members.

H.R. 749 will allow credit unions to provide expanded services to both members and nonmembers otherwise eligible for membership. These expanded services include the issuance of travelers' checks and money orders, and electronic funds transfers.

Most specifically, this bill, if signed into law, will in part enable many more of our citizens to transfer money overseas to family members and others with greater ease, thereby assisting our personal and financial interests. For it is a fact that our country is facing its highest level of immigration since the Depression era, with over 28.4 million foreign-born individuals residing in the United States.

My Hawai'i is no exception. According to the most recent Census Bureau's American Community Survey, Hawai'i, with 17.9 percent, has the fourth-largest percentage of foreign-born residents in the United States.

An overwhelming majority of Hawai'i's foreign-born population is from Asia. According to the Susannah Wesley Community Center, a private, nonprofit agency contracted by the State of Hawai'i to provide immigrant services, Hawai'i's largest immigrant population—fifty percent of all incoming immigrants—hails from the Philippines. It is crucial to these populations and others that our financial institutions provide quick, efficient, and economical means by which monies may be transferred to their countries of origin and elsewhere.

Unfortunately, our nation's financial infrastructure has been slow to offer such services, especially in the less urbanized and rural parts of our country such as my district where our credit unions have long filled an important community-based financial services function. As a result, there is a growing population of "unbanked" individuals, particularly immigrants, and a costly and inefficient money transfer process.

The World Council of Credit Unions, along with the Credit Union National Association, offer credit unions a remittance product called the International Remittance Network (IRnet). IRnet is an electronic funds transfer service providing credit union members a safe and inexpensive way to send money overseas and domestically, and provides service to over 40 countries in Latin America, Asia, Africa and Europe, including the Philippines, Mexico, and Australia.

IRnet significantly decreases the costs for individuals to transfer funds overseas. Over the past four years, the advent of IRnet and enhanced competition among our financial institutions offering money transfer services has driven down remittance costs for consumers. The average cost today of sending $300 to Mexico is between $13 and $14, or 4–5 percent of the amount sent, compared to the average cost four years ago, which was between $30 and $32, or 10–11 percent.

This legislation will expand the range and number of people eligible for the use of IRnet and thereby lower the costs paid by the consumer for these services through increased competition within the marketplace. In the process, it will also encourage a larger number of our newly-arrived citizens and residents to utilize our credit unions and other financial services.

H.R. 749 will not harm or otherwise risk our country's financial or monetary security, as IRnet utilizes real time monitoring of transactions against the Specially Designated Names, SDN, list from the Office of Foreign Asset Control. What this bill will do again is to help more people in our communities with more and better ways to provide for their personal and economic needs and obligations overseas while preserving basic homeland security protections.

Mr. Speaker, I commend my colleague from Pennsylvania, Mr. GERLACH, for introducing this bill. I look forward to working with him and our nation's invaluable credit unions to see this measure through into law.

Mr. SHERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 81) expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

The Clerk read as follows:

H. CON. RES. 81

Whereas in March 2003, Cuban dictator Fidel Castro arrested more than 75 journalists, labor union organizers, civic leaders, librarians, and human rights activists as political prisoners;

Whereas the Cuban regime, after summary trials which were denounced by the international community, sentenced these innocent men and women to a total of more than 1,000 years in prison for trying to exercise their civil and political rights, many of whom are anticipated to die in prison before their sentence is completed;

Whereas the Charter of the United Nations reaffirms a commitment to fundamental human rights and to the dignity and worth of all people;

Whereas the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas these arrests and convictions were an atrocious attempt by the Cuban regime to crush the citizens' movements for a free and democratic Cuba;

Whereas Fidel Castro has tentatively released a limited number of prisoners from jail but these political activists are subject to arrest and imprisonment at any time pursuant to "extra penal licenses";

Whereas in 2004, the Cuban regime continued its suppression of democracy and repression of human rights activists, imprisoning a significant number of political dissidents during the year on such charges as disrespect for authority, public disorder, disobedience, and resisting arrest;

Whereas in April 2004, the United Nations Commission on Human Rights adopted a resolution deploring the sentencing of "political dissidents and journalists" in 2003 and calling for a visit to Cuba by a Personal Representative of the High Commissioner for Human Rights which was later denied by the Cuban regime;

Whereas Fidel Castro continues to hold hundreds of political prisoners in his jail cells;

Whereas Amnesty International has recognized all journalists and activists who were arrested in the crackdown in March 2003 as prisoners of conscience;

Whereas the Cuban regime engages in torture and other cruel, inhumane, and degrading treatment and punishment against political prisoners to force them into submission, including intense beatings, extended periods of solitary confinement, and denial of nutritional and medical attention, according to the Department of State's Country Report on Human Rights 2004;

Whereas religious freedom in Cuba is severely circumscribed, and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Cuban regime denies the people of Cuba equal protection under the law, disallows them recourse for remedying violations of human rights and civil liberties, and instead enforces a judicial system which infringes upon fundamental rights; and

Whereas the United States Congress has stood, consistently, on the side of the Cuban people and supported their right to be free: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns in the strongest possible terms the arrest of more than 75 journalists, labor union organizers, civic leaders, librarians, and human rights activists as political prisoners in March 2003 and the Cuban regime's continuing repressive crackdown against the brave internal opposition and the independent press;

(2) expresses its profound admiration and firm solidarity with the internal opposition and independent press of Cuba;

(3) demands that the Cuban regime immediately release all political prisoners, legalize all political parties, labor unions, and the press, and hold free and fair elections;

(4) declares the acts of the Cuban regime, including its widespread and systematic violation of human rights, to be in violation of the Charter of the United Nations and the Universal Declaration of Human Rights;

(5) declares that the rule of law should replace the rule of force so that the fundamental and inalienable rights of every individual in Cuba are protected;

(6) calls for the European Union, as well as other countries and international organizations, to continue to pressure the Cuban regime to improve its human rights record; and

(7) calls for United Nations member countries to vote against the Cuban regime's membership in the United Nations Commission on Human Rights and the passage of a resolution at the 61st session of the United Nations Commission on Human Rights that holds the Cuban regime accountable for its gross violations of human rights and civil liberties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago, with the world's attention riveted on Iraq, Fidel Castro ordered his feared state security apparatus to round up at least 75 of Cuba's best and bravest and brightest, prominent and even lesser-known dissidents. Among these are 28 independent journalists and 40 Varela project workers. With sickening speed, these men and women were paraded before kangaroo courts and given prison sentences ranging from 6 to 28 years; 61 remain in prison.

When the Committee on International Relations met on April 16, 2003 to decry this vile abrogation of justice, I stated at that time that "Even some of the most outspoken leftists who once saw in Fidel Castro something to admire now admit that Castro's unbridled cruelty, his thirst for blood, and extreme paranoia are indefensible." I regret to report that Castro has not given me and, frankly, he has given no one else as well, any reason to reassess that statement or those sentiments.

What were the so-called crimes that these brave men and women committed? They were advocating democracy, writing as independent journalists, and being men and women of faith.

Their real offense was to dare to question the authority of a single man: Fidel Castro. The Cuban Revolution is really about Castro's vanity and pursuit of personal power. From the beginning, Castro has shot and jailed anyone, even close friends, who have dared to get in the way of his personal ambitions.

Dictatorships, reflecting the whims of a despot, always subject their people to deprivations and absurdities. The Castro regime recently let a handful of its political prisoners out on parole, citing health reasons. The regime's callousness toward ailing political prisoners is well documented.

Now, independent Cuban journalists are reporting that Cuba's prisons have been virtually emptied of medical personnel. Why? Mr. Castro decided to send them to Venezuela and other places to advance his personal expansionist agenda.

Mr. Speaker, writing in the Spanish newspaper, El Pais, Nobel Prize winner Jose Saramago, a Portuguese Communist and close friend of Castro, commented after 3 alleged Havana ferry hijackers were killed by a firing squad in Cuba in May of 2003, "Cuba has won no heroic victory by executing these three men, but it has lost my confidence, damaged my hopes, and robbed me of illusions."

□ 1615

Illusions, as Castro-lover Jose Saramago has only now begun to acknowledge, often persist despite overwhelming evidence to the contrary. Nowhere has this been more evident than in the case of Castro's Cuba.

Despite decades of credible reports of widespread egregious violations of human rights, including the pervasive use of torture and vicious beatings of political prisoners by the Cuban Government, some have clung to indefensibly foolish illusions of Castro's revolution.

Despite the fact that the Cuban Government systematically denies its people freedom of speech, press freedom, assembly and association, and severely restricts workers' rights, including the right to form independent trade unions, some have nevertheless clung to illusion.

Despite the fact that Cuba and Castro maintain an unimaginably vast network of surveillance by the thugs in his secret police and the committees for the defense of the revolution, or CDRs, neighbors spying on neighbors, some continue to embrace bogus perceptions, illusions about Castro and about Cuba.

In his book "Against All Hope," the book that I have actually read twice now, a memoir of life in Castro's gulags, Armando Valladares, a courageous and amazing man who spent 22 years in Cuban prisons wrote: "The government of Cuba and its defenders of the Cuban revolution denied that the incidents that I recount in the book ever happened." He says, "Castro sympathizers who were more subtle said the incidents that he described were exaggerations. And there were others, well meaning who simply could not bring themselves to believe that such horrors, crimes and torture existed in the political prisons of Cuba.

"My response," Armando Valladares goes on to say, "to those who still try to justify Castro's tyranny with the excuse that he built schools and hospitals, is this: Stalin and Hitler and Pinochet all built schools and hospitals, and like Castro, they all tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity."

Armando Valladares goes on to say: "Unbelievably while many NGOs like Amnesty International and America's Watch have denounced the human rights situation in Cuba, there has been a continuing love affair on the part of the media and many intellectuals with Fidel Castro."

Mr. Speaker, that love affair, that illusion seemed to crash and burn with the onset of the current crackdown on dissidents. The EU for its part took action in June of 2003 by limiting high-level EU governmental visits and inviting Cuban dissidents to National Day celebrations. But, sadly, their memories are short. In January of this year, at the initiative of the Spanish Government, the EU temporarily suspended these measures for a 6-month period.

Mr. Speaker, at the 61st session of the U.N. Commission on Human Rights in Geneva, which was held this past month, the United States, I am very proud to say the United States offered a resolution on the human rights situation in Cuba. The resolution recalled the resolutions of the previous 15 years; and I would just say, parenthetically, I was there 15 years ago when Armando Valladares led the U.S. delegation, having been sent out of the government or out of Cuba by Castro, and got that body, which is dysfunctional in many ways, to finally focus on these ongoing and persistent violations of human rights in Cuba, and that was the first time.

I am glad to say that we just, at U.S. insistence, were able to get another statement by the U.N. Commission on Human Rights focused on the ongoing abuses by Cuba. The resolution passed by a vote of 21 to 17 with 15 abstentions, but only after a full court press by the U.S. delegation led by Rudy Boschwitz, which included personal pleas from President Bush to the presidents of Ukraine and Mexico.

I am sad to point out that China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malaysia, Nigeria, Qatar, Russia, South Africa, Sudan and Zimbabwe all voted against the resolution, in effect putting their stamp of approval on Castro's actions.

Let me just say finally, Mr. Speaker, that this resolution we have today is a reiteration. It is a bipartisan resolution offered by my friend and colleague from New Jersey (Mr. MENENDEZ). And I hope that every member will vote in favor of it.

Two years ago, with the world's attention riveted on Iraq, Fidel Castro ordered his feared State Security apparatus to round up at least 75 of Cuba's bravest and brightest, prominent and lesser-known dissidents. Among these are 28 independent journalists and 40 Varela project workers. With sickening speed, these men and women were paraded before kangaroo courts and given prison sentences ranging from 6 to 28 years. Sixty-one remain in jail.

When the Committee on International Relations met April 16, 2003 to decry this vile abrogation of justice, I stated at that time: "Even some of the most outspoken leftists, who once saw in Fidel Castro something to admire, now admit that Castro's unbridled cruelty, thirst for blood and extreme paranoia are indefensible."

I regret to report that Castro has given me no cause to reassess that statement.

What were the so-called crimes of these brave men and women? Advocating democracy . . . writing as independent journalists . . . being men and women of faith.

Their real offense was to dare to question the authority of a single man, Mr. Castro. The Cuban Revolution is really about Castro's vanity and pursuit of personal power. From the beginning, Castro has shot and jailed anyone—even his close friends—who has dared get in the way of his personal ambition.

Dictatorships, reflecting the whims of a despot, always subject their people to deprivations and absurdities. The Castro regime recently let a handful of its political prisoners out on "parole," citing health reasons. The regime's callousness towards ailing political prisoners is well documented.

Now, independent Cuban journalists are reporting that Cuba's prisons have been virtually emptied of medical personnel. Why? Mr. Castro decided to send them to Venezuela and other places to advance his personal expansionist agenda.

Writing in the Spanish newspaper, El Pais, Noble prize winner Jose Saramago, a Portuguese communist and close friend of Castro commented after three alleged Havana ferry hijackers were killed by firing squad in Cuba in May 2003, "Cuba has won no heroic victory by executing these three men, but it has lost my confidence, damaged my hopes and robbed me of illusions."

Illusions, as Castro lover Jose Saramago has only now begun to acknowledge, often persist despite overwhelming evidence to the contrary.

Nowhere has this been more evident than in the case of Castro's Cuba.

Despite decades of credible reports of widespread egregious violations of human rights, including the pervasive use of torture and vicious beatings of political prisoners by the Cuban government, some have clung to indefensibly foolish illusions of Castro's revolution.

Despite the fact that the Cuban government systematically denies its people the freedoms of speech, press, assembly, and association, and severely restricts workers' rights, including the right to form independent trade unions, some have, nevertheless, clung to illusion.

Despite the fact that Castro maintains an unimaginably vast network of surveillance by the thugs in his secret police and Committees for the Defense of the Revolution (CDRs)—neighbors spying on neighbors—some continue to embrace bogus perceptions—illusions about Cuba.

In his book, "Against All Hope, a Memoir of Life in Castro's Gulags" Armando Valladares, a courageous and amazing man who spent 22 years in Cuban prisons wrote:

> The government of Cuba and defenders of the Cuban Revolution denied that incidents that I recount (in the book) ever happened. Castro sympathizers, who were more subtle, said the incidents I described were exaggerations. And there were others, well meaning, who simply could not bring themselves to believe that such horrors, crimes and torture existed in the political prisons of Cuba.
>
> My response to those who still try to justify Castro's tyranny with the excuse that he has built schools and hospitals is this: Stalin, Hitler and Pinochet also built schools and hospitals, and like Castro, they also tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity.
>
> Unbelievably, while many non-governmental organizations like Amnesty International and America's Watch have denounced the human rights situation in Cuba, there has been a continuing love affair on the part of the media and many intellectuals with Fidel Castro.

That love affair—that illusion—seemed to crash and burn with the onset of the current crackdown on dissidents. The EU took action in June 2003 by limiting high-level EU governmental visits and inviting Cuban dissidents to national day celebrations. But their memories are short. In January of this year, at the initiative of the Spanish government, the EU temporarily suspended these measures for a six-month period.

At the 61st session of the United Nations Commission on Human Rights in Geneva this past month, the United States offered a resolution on the human rights situation in Cuba. The resolution recalled the resolutions of the previous 15 years which the Commission had passed on Cuba, and asked that the mandate of the Personal Representative of the High Commissioner be continued. The resolution passed by a vote of 21–17, with 15 abstentions, but only after a fullcourt lobbying press by the U.S. delegation which included personal pleas from President Bush to the Presidents of Ukraine and Mexico. China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Guinea, India, Indonesia, Kenya, Malaysia, Nigeria, Qatar, Russia, South Africa, Sudan and Zimbabwe all voted against the resolution, in effect putting their stamp of approval on Castro's actions.

Let me mention a few of the ones who were summarily sentenced and remain in prison. Omar Rodriguez Saludes, an independent journalist known to ride his bicycle to news conferences: 27 years. Hector Palacios, one of the key figures promoting the Varela Project: 25 years. Oscar Espinosa Chepe, who wrote critical articles about the Cuban economy for the Internet: 25 years. The President of the Independent United Confederation of Cuban Workers (CUTC), Pedro Pablo Alvarez, 25 years. Journalist Raul Rivero and Ricardo Gonzalez Afonso, an editor at "De Cuba" magazine, each got 20 years. The list goes on and on.

For its part, the Bush Administration has made its deep and abiding concern for the political prisoners and the protection of elemental human rights in Cuba abundantly clear. At the time of the crackdown, former Secretary of State Colin Powell declared:

> In recent days the Cuban government has undertaken the most significant act of political repression in decades. We call on Castro to end this despicable repression and free these prisoners of conscience. The United States and the international community will be unrelenting in our insistence that Cubans who seek peaceful change be permitted to do so.

In like manner, the Congress has consistently demanded the immediate release of all the prisoners and support of the right of the Cuban people to exercise fundamental political and civil liberties. H. Res. 179, a resolution offered by Congresswoman ROS-LEHTINEN in April 2003, passed by a vote of 414–0, 11 present. In April of 2001, I sponsored a resolution, H. Res. 91, calling on the U.N. Human Rights Commission in Geneva to condemn Cuba's human rights abuse and appoint a Special Rapporteur for Cuba. While it passed, there were a disturbing number of negative votes. That vote was 347–44 with 22 voting present.

We have another opportunity today to move forward a resolution offered by my Colleague, Mr. MENENDEZ, to show that these prisoners are not forgotten. Fidel Castro, his brother Raul, and numerous leaders of Cuba's dictatorship, are directly responsible for crimes against humanity past—and present. Some day these oppressors will be held to account and the people of Cuba will live in freedom.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of this resolution. Let me first thank my colleague, the distinguished chairman of the International Relations Committee, the gentleman from Illinois (Mr. HYDE), for facilitating our body's consideration of the resolution so expeditiously. And let me thank my two friends on the other side, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), for their indefatigable fight for all human rights issues globally. I also want to thank my friend, the ranking Democratic member of the Western Hemisphere Subcommittee, the gentleman from New Jersey (Mr. MENENDEZ), for his ongoing battle for human rights in Cuba.

Mr. Speaker, it is inexcusable that 2 years after 75 Cuban lovers of freedom were tried in kangaroo courts in Havana, sentenced to prison terms ranging from 6 to 28 years for a total prison term of a thousand years and imprisoned in rat-infested dank cells, Castro's totalitarian machine is still trying to crack the backs of that Caribbean island's internal opposition by continuing to lock up some of its most distinguished civic and human rights leaders.

These political prisoners, Mr. Speaker, are suffering unspeakable horrors at the hands of Cuban police agents simply because they dare to articulate their disagreement with Castro's Communist government; because they dared to share their personal book collections with their friends and neighbors; because they dared to advocate for labor unions; and because they refused to compromise their journalistic integrity.

These soldiers of freedom, Mr. Speaker, who stand shoulder to shoulder in spirit with the likes of Poland's Lech Walesa and the Czech Republic's Vaclav Havel, were thrown behind bars because they practiced their professions or attempted to exert their political rights and civil liberties without the blessings of Castro's oppressive regime.

Many of those arrested were supporters of the so-called Varela Project, a grassroots, nonviolent citizens' movement in Cuba that seeks fundamental political change on the island by petitioning the Cuban Government for a referendum on reform.

Mr. Speaker, it is painfully clear that Castro still does not grasp what has become obvious to many leaders of isolated countries, that the ideological contest between democratic liberty and totalitarian suppression was won over a decade ago. There is no question today, as there was during World War II or throughout the long years of the Cold War, that systems and individuals who seek to repress and terrorize their people ultimately will not prevail.

It is only a matter of time before the Communist government of Cuba will realize that the choice before it is not whether the cronies of Castro will be able to maintain power, for the answer to that question is a clear and resounding no; but rather whether they want to participate constructively in a process that will surely transition Cuba to a future of freedom, democracy, and economic opportunity for all.

Mr. Speaker, recently, the Subcommittee on the Western Hemisphere convened a remarkable hearing at which members of the internal opposition spoke via telephone from Havana, despite placing themselves at risk of state persecution. These courageous political dissidents forcefully argued that we in Congress should call upon the international community to denounce Cuba's human rights record at every opportunity.

Mr. Speaker, here in this House we may disagree on how best to bring about change in Cuba. But we stand together in steadfast solidarity with those who endure the depths of human depravity solely because they strive each day to loosen the shackles of communist repression for themselves and their fellow countrymen and women.

I strongly urge my colleagues to support H. Con. Res. 81, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am greatly humbled to follow such internationally recognized human rights leaders as the distinguished gentleman from California (Mr. LANTOS), my good friend, and my equally wonderful friend, the gentleman from New Jersey (Mr. SMITH). I am honored to be in their presence.

And we stand here today, Mr. Speaker, 2 years after a cruel, despotic, and vicious act by one of the most cowardly and evil men in the world, Fidel Castro, the unlawful arrest of over 70 peaceful dissidents on the island of Cuba.

The arrest of these innocent men and women are promulgated by a culture of fear, Mr. Speaker, one that has banned libraries, one that has banned books, one that maintains a system of remote and unmonitored gulags for prisoners of conscience, one that forbids independent labor unions, one that causes the systematic mistreatment of religious believers, one that mandates the summary execution of independent journalists and conscientious objectors.

This important resolution before us demands that the Cuban regime release all political prisoners, legalize all political parties, labor unions and the press, and hold free elections. In other words, to be afforded their basic freedoms.

Further, it calls for the European Union, as well as other countries and international organizations, to pressure the Cuban regime to improve its deplorable human rights record.

As we convene in this great Hall of democracy, many in Cuba continue to be dragged down stairs, strapped to chairs and beaten for wanting one thing and one thing only, freedom, and with that, the freedom to express their thoughts and their ability to exercise their basic universally held human rights.

In passing this legislation, Mr. Speaker, we are once again in the Congress reaffirming our commitment to the brave people of the island of Cuba, especially those 75 men and women who were cruelly arrested for advocating peacefully in favor of freedom, democracy, and respect for human rights.

I commend my good friend, the gentleman from New Jersey (Mr. MENENDEZ), as well as the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH), for this bill, and wholeheartedly support this legislation. And I ask my colleagues to vote in favor of it today.

Mr. ANDREWS. Mr. Speaker, I rise today in strong support of H. Con. Res. 81, a resolution which condemns the crackdown on political dissidents that was orchestrated by the regime of Fidel Castro two years ago. Through this remarkable violation of human rights, the Cuban government arrested more than 75 journalists, labor union organizers, civic leaders, librarians, and human rights activists, and took them as political prisoners. On this occasion, it is important that we keep in mind the struggle in which our brothers and sisters in Cuba continued to be engaged—that is, the struggle for freedom and true democracy.

One of the many dissenters arrested in March 2003 was Mr. Jose Daniel Ferrer Garcia, a pro-democracy activist in Cuba who has been jailed for his outspoken leadership in the Cuban democracy movement. Mr. Garcia is the regional coordinator for the Christian Liberation Movement in Santiago Province. Through this leadership position, he has mobilized many Cuban youth for democratic change, and has focused on accomplishing the movement's chief objective: to unite citizens that are willing to defend and promote human rights and achieve changes in the Cuban society through peaceful means. Because of the efforts of determined individuals such as Mr. Garcia, the struggle for democracy in Cuba continues, and we should keep this in mind when considering any potential changes in United States policy towards Castro's regime.

Mr. Speaker, I ask that all of my colleagues in the House of Representatives join me in supporting H. Con. Res. 81, and continue to voice their solidarity with Mr. Garcia and all other pro-democracy activists in Cuba as they continue their push for true freedom.

Mr. MENENDEZ. Mr. Speaker. A todos mis hermanos y hermanas quienes sufren en las cárceles de Castro bajo su régimen, a sus familias y amistades aqui en los Estados Unidos y en Cuba, les digo que el pueblo americano está con ustedes. Y, aquí en el Congreso de los Estados Unidos, vamos a defender su libertad y ganar la lucha contra la brutalidad y la opresión.

Por eso, junto con mis otras colegas en el Congreso, escribi esta resolución que condena la ola represiva contra los disidentes que hizo la régimen Castro hace dos años y que declara que la gente cubana debe tener los derechos humanos y la libertad—la libertad de expresión y de asociación—y el derecho de tener elecciónes libres.

To all my friends here today who don't speak Spanish, don't worry, I won't spend the rest of my time speaking in Spanish. But I did want to take a moment to speak directly to the Cuban people to let them know that we stand with them in their fight for freedom and human rights.

We are debating this resolution today under the shadow of the 2nd anniversary of the crackdown on dissidents in Cuba. We often think of an anniversary as a moment to celebrate—but clearly we have nothing to celebrate today. Instead, we use this anniversary to mark a tragedy in the lives of the Cuban people and to the lives of all those who support democracy and human rights in the hemisphere.

The whole world was horrified as more than 75 journalists, human rights activists, and opposition political figures were arrested, given summary trials, and then sentenced to prison terms of up to 28 years. Many of the prisoners, along with other prisoners of conscience, spent over a year in solitary confinement. Some have been deprived of adequate medical treatment and reports from Cuba detail beatings and harassment.

I am not fooled by the recent release of a number of dissidents, by this attempt to trick the international community. I am not fooled because I know that when they released those dissidents, who should never have been in jail in the first place, they also arrested new dissidents. I am not fooled because I know that they only released these dissidents on "parole," meaning that they could be arrested again at any time.

Hundreds of political prisoners remain in Castro's jails today. Clearly, the Castro regime has no respect for the Universal Declaration of Human Rights, which states in Article 4 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." And the world has recognized these injustices. The State Department calls this wave, "the most despicable act of political repression in the Americas in a decade."

Castro's human rights record has been condemned by Amnesty International, Freedom House, and other human rights groups.

In a statement, Amnesty International said that these "prisoners of conscience" should be immediately released and called on the Cuban regime to, "comply with the principles laid out in international rights standards for the treatment of prisoners."

Freedom House included Cuba in its report entitled, "The Worst of the Worst, The World's Most Repressive Societies, 2004." And the House of Representatives has condemned Castro's human rights record as well, in multiple resolutions. This year, on the two-year anniversary, we are here to pass a resolution that condemns Castro's brutal crackdown and demands that the Cuban regime immediately release all political prisoners, legalize all political parties, labor unions, and the press, and hold free and fair elections.

Today is a time for all of us to come together, from both sides of the aisle, to stand together for a universal cause: human rights.

Today, in voting for this resolution, we will celebrate the strength and perseverance of the Cuban people.

Today, we will vote for the universal values which we all share.

So I call on all of the Members of the House of Representatives to join me in the fight for human rights and democracy for the Cuban people.

Now is the time for us to stand together against brutality, torture and dictatorship.

Now is the time for us to stand together for freedom, for the right to free speech and free association, and for human rights in general.

Now is the time for us to stand together as we call on the Cuban regime to immediately release these prisoners of conscience, who were jailed for standing up for democracy and human rights against a brutal dictatorship.

To my brothers and sisters who suffer in Castro's jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban people and their courage that will ultimately be Castro's downfall.

So, I ask each of you to join me in voting yes for this resolution.

Mr. TIAHRT. Mr. Speaker, I rise today in support of H. Con. Res. 81, expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

The people of Cuba have suffered under the authoritarian dictatorship of Fidel Castro for more than 45 years. Rather than allowing Cubans to thrive and live prosperous lives, the Castro regime has instead created a legacy of suppression, harm and failure. Cubans are ready for freedom, but their government does not want them to have even a taste.

Freedom-loving countries widely recognize that human rights violations against innocent Cubans are a sign Castro is afraid. Whether it is fear that Cubans will love freedom more than socialism, fear that a faltering economy will lead to more unrest, or fear of political opposition, it is clear Castro's government is a regime of fear. Rather than securing rights for the good of the people, Fidel Castro has imprisoned those who have spoken against human rights violations and other injustices within Cuba.

I hope with the passage of this resolution we will again unite our voices with those who dream of a free Cuba and join with those whose voices have been silenced by a repressive government.

In March 2003 Castro arrested 75 people who were bold enough to speak out against harmful policies of the government. Men and women whose occupations included librarians, union organizers and civic leaders were charged with innocuous crimes and sentenced to long prison terms. While a few of those arrested have been conditionally released, most of these voices of freedom remain behind bars.

Ignoring international condemnation for its actions, the Cuban government continues down its path of suppression.

However, as history has shown, when one group of voices are silenced, other voices will fill the void and cry out. The yearning for freedom within the human spirit can be suppressed, but it cannot be extinguished.

One Cuban group speaking on behalf of Castro's political prisoners are the mothers, daughters, wives and sisters of those arrested more than two years ago. Every Sunday for the past two years, a band of 30 women, called the Women in White, attend mass at Santa Rita Catholic Church before proceeding down a sidewalk on a silent protest. Even after intimidation from Castro's thugs, this little band of women are determined to peacefully expose the injustice of what is happening to their relatives. I hope the Women in White, along with thousands of other Cubans, will have the strength to continue fighting for the right to live in freedom.

I urge my colleagues to join me today in voting for H. Con. Res. 81 and send a strong message that the American people stand in solidarity with all freedom-loving Cubans.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 81.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 81.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1630

APPOINTMENT OF CONFEREES ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments, to the bill, H.R. 1268, be instructed to insist on the highest levels of funding within the scope of conference for Customs and Border Protection, Federal Law Enforcement Training Center, and Immigration and Customs Enforcement and to agree to the Senate provision regarding including requests for future funding for military operations in Afghanistan and Iraq in the annual budget of the President.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion is very simple. It does two things. First of all, it instructs the conferees representing the House to accept the Senate increases in the Byrd and other amendments that would strengthen our customs and border protection; it would strengthen our immigration and customs enforcement and fund the Federal Law Enforcement Training Center.

Secondly, it instructs the conferees to agree with the Senate amendment, again, the Byrd amendment, which would require that all future administration requests for funding the wars in Iraq and Afghanistan be presented within the context of the regular budget rather than being funded as they have been so far through the supplemental process.

Let me address briefly both issues. With respect to the border protection issue, let me point out that many years ago the Rudman-Hart Commission had effectively warned this Congress that our borders were a sieve.

In the immediate days after this House was hit with the anthrax scare, shortly after 9/11, I went down to the White House with the then-chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and we proposed to the President a bipartisan list of supplemental additions to antiterrorist activities that we believe should be funded in order to strengthen homeland security. Included in those recommendations were added dollars for our ports, added dollars for our border protection. When we laid out what we were interested in doing, the President simply ended the conversation by saying to us, "I am sorry but my good friend here, Mitch Daniels," who was then the Director of OMB, he said, "my good friend Mitch Daniels here tells me that the administration has requested more than enough money for Homeland Security. And so I want you to know if you include one dollar more than we have asked for in our budget submission, I will veto the bill."

That is essentially what he said. Ever since that day, we have been strained in the Congress to overcome the White House's reluctance to provide adequate resources to secure our borders.

I would point out that the PATRIOT Act itself called for a tripling of inspectors and agents on the northern border alone, and yet no Bush administration budget has ever proposed to meet that goal. Only because of congressional insistence have we finally been able to meet that goal, and I would say it has been a long time in coming and it was long overdue.

On March 30 the administration announced that they were putting 500 agents in Arizona, but those agents were not new agents; 135 of them were simply transferred from other sources and the rest of them were simply new trainees to take the place of agents who were retiring or leaving the service. That is why we believe that the added funding provided in the Byrd and other amendments in the Senate to add funds for securing our borders, that is why we believe that money is necessary.

□ 1645

With respect to the second provision, the reason this second provision is necessary is to end the administration practice of hiding the true cost of the war in Iraq. We have spent, to this point, about $280 billion on that war. CBO estimates that the 10-year cost of our efforts in Iraq and Afghanistan will wind up being about $460 billion, and yet all of that money has been spent through a supplemental process, rather than the process of having the President submit in his regular budget their estimated cost for those activities for the year.

When you cut through all of the bull gravy, there is only one reason why the White House has done that, because they are trying to obscure the full cost of those military operations.

Now, I would simply remind this House that President Roosevelt included the cost of funding World War II in his 1943 budget request. President Johnson included the cost of paying for the war in Vietnam in his 1966 budget request. President Clinton, at the insistence of this Congress, provided in the regular budget for the costs for financing our Bosnia operations and the enforcement of the no-fly zone edict in the 1997 budget.

People think that the President this year has submitted a budget which contains a deficit of $390 billion. In fact, that budget deficit does not include $1 of the more than $80 billion that this House voted to add to pay for the war in Iraq just a couple of months ago.

So I would say this provision simply is in pursuit of truth in budgeting, and I see no public policy reason why either of these provisions should be resisted. I ask for a "yes" vote when the vote occurs.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I do not intend to use a lot of my time, but I think our public knows that both sides of the aisle, Democratic and Republican sides of the aisle, are struggling with the question of how we provide adequate funding to make certain, absolutely certain, that we are protecting our borders.

Just following 2001, the past administration had difficulty trying to figure out exactly what those costs should be. We should be willing to do whatever is necessary within the limits of what is sensible, to secure those borders.

It is my intention to support that position, and I do not intend to resist this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mr. Speaker, could I inquire, after her 5 minutes, how much time do I have remaining.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman from Wisconsin (Mr. OBEY) will have 18 minutes remaining, and the gentleman from California (Mr. LEWIS) will have 29 minutes remaining.

Mrs. TAUSCHER. Mr. Speaker, I thank the distinguished ranking member for the time.

Mr. Speaker, I rise today in strong support of the gentleman from Wisconsin's (Mr. OBEY) motion to instruct conferees on the emergency supplemental.

This motion declares that all future funding requests for the war in Iraq and Afghanistan should be included in the President's budget, not in emergency supplemental spending bills.

This provision enjoyed wide bipartisan support and was included in the Senate bill. The House needs now to follow this track to fiscal responsibility.

While I support using emergency funds to pay for real emergencies, continued reliance on emergency spending for the war in Iraq and Afghanistan is fiscally irresponsible. Congress should stop bailing out the Pentagon for its inability to pay for the costs in Iraq.

On top of over $400 billion in defense appropriations every year, Congress has provided $268.7 billion in emergency supplemental funding for the war in Iraq and the war on terror. The new emergency supplemental will bring total war-related supplemental spending to $350 billion.

The gentleman from Wisconsin's (Mr. OBEY) motion would not prevent this emergency supplemental from going through, but it would make sure that the administration and the Pentagon, like millions of Americans, budget according to their means. We can afford to fight and win the war on terror, but the public should not be misled into believing that these costs are an emergency or unexpected or that there is not an imperative for the Pentagon to look at its existing budget and deal with the war inside that budget.

For example, we know that the war in Afghanistan and Iraq operations cost roughly $6 billion a month. Those costs have been somewhat fixed for well over a year. It is perfectly capable and necessary for the Pentagon to look inside its own operations, find savings and find a way to put this in the budget.

These costs can be planned for and considered by Congress in regular order, instead of saddling our children with billions of dollars of debt and cutting vital domestic programs.

Last February, the gentleman from California (Mr. HUNTER), my friend and colleague and chairman of the House Committee on Armed Services, sent a strong letter to the Committee on the Budget for what he called funding certain items in the supplemental "inappropriate." The gentleman from California (Mr. HUNTER) also agreed with many of us that some supplemental costs should be included in the annual budget process for consideration and action by the Congress.

Not budgeting for the war in the regular Pentagon budget is an abrogation of our responsibilities as stewards of the taxpayers' trust.

I urge support of the Obey motion.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the Obey motion to instruct. ICE simply needs more money, and I think we all understand that. For some reason, their budget has been in shambles ever since the Department was created. Their bookkeeping has been in shambles more so than their budget, and I am not sure if it is their fault or the fault of the central Department, but it is somebody's fault. It is all screwed up.

It is not because Congress has not provided the money they asked for. Last year, we provided slightly more than they asked for, and so they were in hiring freezes and training freezes and one problem after the other. Now they want to take money away from lots of other good programs to make up for their budget shortfall. We simply need to get ICE's funding straightened out, and this supplemental does it.

The other thing this supplemental does is add border agents. Whatever one's views are on all the controversies relating to immigration and other issues, one thing is evident, and that is, we need to strengthen our law enforcement on our borders, whether it is the northern border or the southern border.

I was out this winter and visited the southern border in California where clearly we have made significant process; but what seems to happen, we plug a hole someplace and the pressure comes other places. So we need to add border patrol people.

We were told in our committee that they should have the capacity to train about 1,200 people a year; and clearly, this bill provides less than 1,200, but even I think the President's request is an additional 200 for next year. So, clearly, they have the capacity to begin the process of training and hiring additional border patrol agents.

It is not something that happens. You do not say we want more agents and it happens tomorrow. You have to recruit them, you have to hire them, and you have to train them. The need is obvious, I think, to everyone; and this bill clearly moves us in the right direction.

So I hope we adopt the motion to instruct and adopt the policies implemented in the Senate bill on funding for ICE and for border patrol agents.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Let me say that I feel this discussion is a very healthy discussion in terms of the preliminary work we have to do here. The most important reason for this supplemental is because in line and waiting are the troops who are representing us so well in the Middle East.

It is critical that we get this bill on to conference and move it quickly to the President's desk. So, today, I would hope with all of our discussion, above and beyond everything else we make every effort to make certain we get this bill to the President as quickly as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, could I inquire of the gentleman if he has any other remaining speakers.

Mr. LEWIS of California. Mr. Speaker, I do not.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply say I think I have already chewed the cud quite enough, and I think anyone who cares to listen understands what this motion does. These motions were accepted by wide margins in the Senate. I see no reason why they cannot be accepted here; and if the gentleman is prepared to yield back, so am I.

Mr. REYES. Mr. Speaker, I rise in strong support of this important motion to instruct conferees on the fiscal year 2005 Supplemental Appropriations bill.

As a Member representing a district on the United States-Mexico border, and as the only Member of Congress with a background in immigration and experience defending our Nation's borders, I have firsthand knowledge of the kinds of resources we need to help keep America safe.

Since coming to Congress I have heard a lot about how we need to crack down on illegal immigration in this country, but seen very little action when it comes to providing adequate funding for the programs that we know work in dealing with the problem.

Most recently, with the passage of the Intelligence Reform bill, Congress promised to provide funding to hire thousands of new Border Patrol agents and create thousands of beds for immigration detention and removal activities. Unfortunately, however, the President's proposed FY2006 budget falls woefully short of meeting these needs.

During House consideration of the Supplemental Appropriations bill, I offered an amendment to add $772 million to hire an additional 1,000 Border Patrol agents, provide 8,000 beds for immigration and detention removal operations, and install radiation portal monitors at Ports of Entry. That amendment, which would have provided essential border security funding, was ruled out of order on procedural grounds. Unless we insist on the highest possible levels of funding for border security in this conference, Congress will once again fail to keep its commitment on this vital issue.

Meanwhile, every day foreign nationals from over 150 countries who are here in the United States illegally are being apprehended and turned back out onto our streets because we lack the space to detain them. At the same time, we hear of known terrorists who are training recruits to infiltrate our country in order to do us harm.

Mr. Speaker, the time has long since come to make good on our border security promises—or continue to risk safety of the American people. I urge my colleagues to support Mr. OBEY's motion to instruct.

Mr. ORTIZ. Mr. Speaker, I rise in support of the Obey motion to instruct conferees on H.R. 1268, Wartime supplemental, to insist on the highest possible funding for more border patrol agents and to insist on the Senate provision calling for requests for future funding for military operations in Afghanistan and Iraq to be included in the annual budget of the President.

As a member representing a border community—and a senior member of the House Armed Services Committee—I am grateful for Mr. OBEY's leadership and his work to include these important provisions in our Wartime supplemental. As so many of our colleagues know, I have been lifting my voice to get the word around to members that our border security is profoundly lacking. Members can go to my web page for more information about the dangerous practices ongoing along the U.S. Mexico border.

Currently, the United States does not have room to hold the large number of illegal immigrants—called OTMs, Other than Mexicans—caught by border law enforcement. So we are releasing—on their own recognizance—into the population of the United States—very large numbers of OTMs. Very few released OTMs return for a mandatory deportation, meaning there is a large number of OTMs at large in the U.S., immigrants who have passed through the hands of law enforcement. Border law enforcement officers routinely call the detention centers, discover there is no more room to hold OTMs, so they are processed and released into the general population on their own recognizance.

The OTMs are given a "Notice of appear," paperwork that allows them to travel freely in the United States through the time they are to return for deportation. Law enforcement officers then take the released OTMs to the local bus station by the vanload, where they head elsewhere in the U.S. The number of "absconders"—those who never appear for deportation—is over 90 percent of those released, a number now estimated to be approaching 75,000. Already the number of OTMs captured and released is more so far this year, then for all of last year.

The Southern Border is being left utterly unprotected, and there is the real possibility that terrorists can—or already are—exploting this series of holes in our law enforcement system along the southern border. These are the things we know. There is no way of even guessing how many others are entering the country, but who are not passing through the hands of government law enforcement officers, so Mr. OBEY's instructions to our appropriators is extremely timely.

This is a clear and present danger inside the United States, and the number of released illegal immigrants not returning for deportation grows by the hundreds each week. This is willfully ignoring a complex problem that undermines our national objective: to take the war to the enemy so we do not have to fight the war on terror inside our country. It is little wonder that private citizens are taking the law into their own hands to try to stem the tide of OTMs coming into our country. But private militias—operating without the color of law—is not the answer. We must secure our borders so private citizens do not feel the need to do so.

Our budget reflects the values and priorities of the American people. Consider what the 2005 budget did not include:

The Intelligence Reform bill that became law in December, 2004, mandated 10,000 Border Patrol agents over 5 years, 20,000 annually. The President's budget funded 210 BP agents, the senate added 1,050 agents. The House must stand up and add the full 2,000.

Intelligence Reform mandated an increase of 8,000 beds in detention facilities annually for the next 5 years, still not nearly enough to hold all those coming in the U.S. . . . yet the President's budget proposal provides for only about 1,900 new detention space beds—over 6,000 beds short of the congressional mandate passed in December, 2004. We can add all the Border Patrol agents we want, but without a place to hold these OTMs, the problem remains.

Grants to reimburse local law enforcement officers that also hold illegal immigrants for the federal government were slashed, adding to the problem. I was a law enforcement officer in my previous life. If we don't have the border officers to stop the OTMs crossing the border . . . if we don't have the room to hold the ones we catch . . . if we don't put our money where our mouth is, we are sending a dangerous signal to those who may wish to do us harm. Until we send a signal that those who cross our borders illegally . . . until we send a signal that when we catch you we will hold you until you are deported . . . until we honestly face the amount of money it will take to deal with these things, OTMs will continue to flock to the U.S.

We must send that signal today. Homeland security must be about the security of our people and our property, it cannot be budget driven as it is today.

Lastly, as a fiscal conservative and member of the Armed Services committee, I know it is ultimately the responsibility of Congress—not the Administation—to properly spend money on military operations. To that end, I thank our Ranking Democrat on appropriations for including in this motion a provision requiring future funding for our military operations to be included in the President's budget.

All the money we appropriate here is the people's money and we must be good stewards of it. To rush through special bills to fund the military when committees of jurisdiction have not had the opportunity to review the bills is an abdication of our responsibility.

I encourage the members to support this motion to instruct our conferees on the Supplemental appropriations bill to include funding for border security and to require further military funding requests move through our regular authorization process for the fullest scrutiny by the authorizing committees.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:30 p.m. today.

Accordingly (at 4 o'clock and 57 minutes p.m.), the House stood in recess until approximately 5:30 p.m. today.

□ 1737

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 5 o'clock and 37 minutes p.m.

APPOINTMENT OF CONFEREES ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. HERSETH

Ms. HERSETH. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. Herseth of South Dakota moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the concurrent resolution H. Con. Res. 95 be instructed, to the maximum extent possible within the scope of the conference—

(1) to recede to the following findings of the Senate: (A) Medicaid provides essential health care and long-term care services to more than 50 million low-income children, pregnant women, parents, individuals with disabilities, and senior citizens; and (B) Medicaid is a Federal guarantee that ensures the most vulnerable will have access to needed medical services;

(2) to strike reconciliation instructions to the Committee on Energy and Commerce and recede to the Senate by including language declaring that a reconciliation bill shall not be reported that achieves spending reductions that would (A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States; (B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers; or (C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system;

(3) to recede to the Senate on section 310 (entitled "Reserve Fund for the Bipartisan Medicaid Commission") of the Senate amendment; and

(4) to make adjustments necessary to offset the cost of these instructions without resulting in any increase in the deficit for any fiscal year covered by the resolution.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from South Dakota (Ms. HERSETH) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Madam Speaker, to explain the motion, I yield myself such time as I may consume.

The House-passed budget directs the Committee on Energy and Commerce to cut spending on programs within its jurisdiction by $20 billion over 5 years. The vast majority of this $20 billion in spending cuts, if not all of it, will likely fall on Medicaid. I and many of my colleagues in this body strongly oppose this language.

The majority of our counterparts in the Senate apparently share some of our concerns. The Senate approved an amendment by Senators SMITH and BINGAMAN to strike reconciliation instructions in the Senate budget that would have directed the Committee on Finance to cut spending by $15 billion over 5 years, which all would have been from Medicaid. The Senate amendment also created a reserve fund allowing for the creation of a bipartisan commission on Medicaid reform.

This motion protects Medicaid by instructing conferees to follow the Senate's lead and strike reconciliation instructions that target Medicaid for funding cuts and instead include a $1.5 million reserve fund for the creation of a bipartisan Medicaid reform commission.

Forty-four of my Republican colleagues in the House recently wrote a letter to the chairman of the Committee on the Budget, urging him to remove Medicaid reductions in the budget resolution. In this letter they stated, "We are concerned that the inclusion of up to $20 billion in reductions from projected growth in the Medicaid program will negatively impact people who depend on the program and the providers who deliver health care to them . . ."

"We strongly urge you to remove these reductions and the reconciliation instructions targeted at Medicaid and, in their place, include a $1.5 million reserve fund for the creation of a bipartisan Medicaid Commission . . ."

Fifty-two Senators, including several Republicans, voted to strike Medicaid cuts in the Senate budget resolution and instead allow for the creation of a bipartisan Medicaid commission. The amendment's sponsor in the Senate, Mr. SMITH of Oregon, stated that "I would rather do this right than do this fast . . . I don't know where the original Senate cut of $14 billion came from. But I know what it is going to mean: another 60,000 Oregonians may be losing health care, pressuring private plans, overwhelming emergency rooms."

During that same debate, Senator MCCAIN of Arizona stated that "cuts to Medicaid that result in reduction of covered individuals would flood hospital emergency rooms with additional uninsured patients, forcing hospitals to absorb additional costs for uncompensated care."

And Governors are virtually unanimous in their opposition to allowing arbitrary budget cuts to drive Medicaid policy. For example, the Republican Governor of Ohio said, "We do not support recommendations that would save the Federal Government money at the expense of the States." Perhaps Arkansas's Republican Governor stated it best when he said, "People need to remember that to balance the Federal budget off the backs of the poorest people in the country is simply unacceptable."

And the American people agree. Four out of five Americans oppose cutting Medicaid to reduce the Federal debt, according to a poll released today by AARP. Across the country many hospitals, assisted living centers, and nursing homes have high Medicaid utilization rates and are reliant on Medicaid as a major source of funding.

But Medicaid is not keeping pace with the cost of providing health care. This is particularly true in rural States like South Dakota, which is one of the States hit hardest by Medicaid's shortfalls. According to a new report to be released tomorrow, Medicaid long-term care for economically disadvantaged elderly persons is underfunded by $4.5 billion annually. The results are both real and devastating.

In 2004, South Dakota's Evangelical Lutheran Good Samaritan Society facilities saw a net operating loss for Medicaid patients of over $3.5 million for the year. In January the Good Samaritan Society announced it would be closing three facilities in eastern South Dakota.

This means that for some South Dakotans, they will not have access to the medical and long-term care services they need, or they will find themselves moving further from their families in order to find an available facility. This also means the loss of jobs in our smaller communities. And it means as a Nation we are failing our poor, our elderly, and our rural communities.

Talk of cutting $20 billion out of the Medicaid system over the next 5 years is completely at odds with the needs of people in South Dakota and across America.

In fact, a coalition of 135 organizations that represent groups ranging from medical specialties to faith-based groups have asked the conferees to eliminate all proposed reductions in Federal funding for Medicaid from the final fiscal year 2006 budget. The letter, signed by the American Diabetes Association, Catholic Charities USA, and other organizations, said that the "elimination of such cuts is essential for the health and long-term care of Medicaid enrollees, the providers who serve them, and State and local units of governments."

☐ 1745

That is why this motion is so important. It protects this critical program by instructing conferees to follow the Senate's lead and strike reconciliation instructions that target Medicaid for funding cuts. I urge my colleagues to support this motion and to protect Medicaid.

Madam Speaker, I reserve the balance of my time.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a very interesting motion to instruct conferees. First of all, I am happy that we are at the point in time where we are able to go to the conference with the other body and complete our work on the Concurrent Budget Resolution for Fiscal Year 2006. This is never an easy road to travel when you are trying to accomplish so much, when you are trying to accomplish reforms in some very challenged programs that by anyone's estimation are unsustainable and are growing beyond the means not only of the Federal Government to fund but also State governments to fund.

It is always difficult when you have different ideas from different chairmen, different bodies, different leaders.

different parties who want to come forward and make their mark on exactly what that spending blueprint should be. But I would like to acknowledge that I think we are all happy we are finally getting to a conference and the ability to work out our differences.

As such, I look at this motion to instruct conferees, and I am wondering what the controversy is. All of what the gentlewoman just said are comments that my colleagues on both sides, whether you are Republican or Democrat, have made throughout the entire debate over the budget.

We have an unsustainable program called Medicaid which is not serving the most vulnerable people in our society to the fullest extent that it should or that it must in order to meet not only the obligations that we have entrusted in the program but also to make sure that it is sustainable, not only in the short run of our budget, but also long term in our overall fiscal situation that our country faces and that many of our States face. So as I read the motion to instruct conferees, I am puzzled by what the controversy is.

It says we should recede to the following findings. Those findings are that Medicaid provides essential health care and long-term care services to more than 50 million low-income children, pregnant women, parents, probably grandparents as well and great grandparents of many of ours, individuals with disabilities and senior citizens; and that, B, Medicaid is a Federal guarantee that ensures the most vulnerable will have access to most needed medical services.

We all agree. There is nobody here that disagrees with that. That is what the program was set up for; and that is the reason why we are so intent on reforming it, so that it continues to meet that mission and continues to deliver quality health care services for our parents and our grandparents, children who may be of low-income families and people with disabilities and senior citizens. It is a guarantee. It is something that we all believe in. We are here to help people who cannot help themselves.

Unfortunately, this program in many instances in its current state, 40 years old now, you might not be surprised to hear that it needs a little bit of work, it needs a little bit of reforming. The Governors have figured that out, and they have come to Washington with proposals that find savings, not cuts. They are themselves proposing savings in the neighborhood of $8 billion to $9 billion, and that is just their first inception, that is just their first proposal, before we even go down that road.

Then I looked further at the motion to instruct conferees and it says: "To strike reconciliation instructions to the Committee on Energy and Commerce and recede to the Senate by including language declaring that a reconciliation bill shall not be reported that achieves spending reductions that would undermine the role the Medicaid program plays as a critical component of the health care system of the United States."

I say again, there is no controversy in that. That is not the intent of the budget, that is not the intent of the conference, that certainly is not the intent of either reconciliation instruction. In fact, we think it is a pretty good idea to set up a conference and to set up an opportunity to take a look at this in some type forum, whether it is a task force, whether it is a working group, however you want to put it together, in order to come up with ideas and resolve this problem.

We want to invite the Governors to the table. Certainly they have the best perspective when it comes to how this program works in their individual States. Many of them have sought waivers in order to be able to reform the program on the ground in which they see it so that that program which delivers these essential services can be met and delivered in a more quality way to our seniors and to our citizens with disabilities, to our parents and grandparents, and to our most vulnerable who may be low income.

So I do not see the controversy. I understand that because, as the gentlewoman said, there are polls, there certainly is politics involved. Anytime that anyone wants to bring forward any kind of reform measure, the immediate thing is to rush breathlessly to the floor and claim that it is cutting funds for people, and it is cutting the most vulnerable and it is hurting people, and that is exactly what was said about the welfare reform bill when it came to the floor not 10 years ago, and it did not happen. It helped people. It unlocked from poverty thousands upon thousands of families and children in our society who all they needed was a hand up. For a while they may even have needed a handout. But because of the requirements that we passed in a bipartisan way, we were able to rise above the politics and the rhetoric and help people. That is what we want to do here.

There is not one Member who can come to the floor and say this Medicaid program is working in your State to its fullest extent, not one of you. Not one of you can say that. There is not one Member in the other body who can say that. There is, I dare say, not one Governor who can claim the Medicaid program in their State is working. So you are asking us here today in a political way, in a nonbinding motion to instruct, to do nothing.

Thankfully, that is not how you crafted technically your motion to instruct. You gave just a little bit of a backdoor, because you know as well as we do that this program needs attention, that it needs reformation, that it needs Governors and Congress and the administration to sit down and talk about the future of a program that is needed in order to deal with the most vulnerable in our society. So thank you for not crafting this in such a failsafe way so that we had to vote against it and suggest that Medicaid should not be reformed, because, of course, it should.

I hope that is not what you are saying. If you are, say it. If you are saying do not reform Medicaid, do not touch it, do not change it, it is perfect, it is helping people, come to the floor and dare to say that. But if that is not what you are saying, then save that political rhetoric for some other time and let us work together to fix it.

That is what this ought to be about. Republican and Democrat Governors are certainly willing to do that. They are sitting down. I have got proposals here that add up to $8.6 billion of ideas that the Governors have already agreed to as a starting point. Now, are we claiming that those Governors are cutting? Are they gouging? Are they throwing people out on the street? Are they hurting seniors and people with disabilities?

Certainly that is not what we are saying. That is not what we would claim they are doing. They see a problem, they have come together to try to fix it, and that is what we should do as well. Reconciliation gives us that opportunity.

So I appreciate the gentlewoman's motion to instruct. It is crafted perfectly so that political points can be made. But there is just that little backdoor that says, you know what, even though we kind of like the Senate language, we like the fact that they are putting together ideas, we like the fact that the Governors are coming to the table, we heard all of that rhetoric, even though we want to make some political points today, there is a little bit of a backdoor so we can all vote for this and say that the Medicaid program, as most of our Governors would suggest, is unsustainable. It is unsustainable whether you are in the capital of your State or whether you are in Washington, D.C. And that is why we need to come together as Republicans and Democrats, in order to fix this.

So I appreciate the way the gentlewoman has crafted it. I am going to urge my colleagues to vote for the motion to instruct. I think it is well-crafted, to give everybody the opportunity to make the political points, to issue your press releases. I know you are going to do that. Knock yourselves out. I am sure they are already on the fax machine. But in the meantime, after all of the fax paper has cleared the air, let us sit down and talk about ways to fix this program so it actually does help people who are in need and were truly meant to be the focal point of this program when it was invented 40 years ago and which has rarely been changed from a Washington perspective ever since.

Madam Speaker, I reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield 5½ minutes to my good friend, the gentleman from Maryland (Mr. HOYER), the distinguished Democrat whip.

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding me time, and I thank her for her leadership on this very important issue.

Cleverness says that when you are going to lose, declare victory. That is what the gentleman from Iowa (Chairman NUSSLE) is going to do; he is going to declare victory, because what he says is there is consensus on his rhetoric. He is correct.

What there is not consensus on are the policies pursued by the chairman, the Committee on the Budget, and the majority. The chairman's budgets have put America $2.4 trillion in additional debt from when he took over just 4 years ago. As a result of putting us $2.4 trillion in additional debt, we are having trouble paying our bills.

This year alone we are going to have a budget deficit of half a trillion dollars. They do not count some of it. They pretend some of it is emergency spending, and they do not even count AMT fixes. There are a lot of things they do not count. But the fact of the matter is that their policies undercut their rhetoric, and the reason the chairman is going to support the gentlewoman's resolution is because of this chart: 44 of his Republican colleagues who said this is bad policy, do not do it. Not Democrats, Republicans. Forty-four of them.

Madam Speaker, I thank you for signing on to that letter, because you knew that the policies proposed by the Republican budget were, in this instance, not policies you wanted to pursue.

Madam Speaker, less than 4 weeks ago, on March 31, the President of the United States said, "The essence of civilization is that the strong have a duty to protect the weak." On that very same day, the majority leader in this body, the gentleman from Texas (Mr. DELAY), stated, "The one major responsibility of a government is to protect innocent, vulnerable people from being preyed upon."

I absolutely agree that we not only have a duty but we have a moral responsibility to protect the weakest and most vulnerable citizens in our Nation. That, I tell the chairman of the Committee on the Budget, is what Medicaid is all about. And the gentleman's rationalization that Medicaid must be fixed, in which he is also correct, we all agree. But like your Social Security solution, of privatizing Social Security because it has financial problems, realizing full well that your privatization does not affect solvency at all, is an empty solution, because you do not know how to solve it yet because you have not come across with a suggestion.

All you have said is to cut the legs out from the most vulnerable, which Medicaid serves. That is what you have said. That is why these 44 colleagues of yours, not Democrats, Mr. Chairman, Republicans, 44 signed this letter.

You know you are going to lose this motion, and so you are going to agree with this motion on some rationalization that we suggest a commission to come up with a solution, because you are right, absolutely right: we know that we have to come up with a solution because we cannot let down the most vulnerable in our society.

□ 1800

But I do not understand, notwithstanding the Speaker's rhetoric, notwithstanding the rhetoric of the gentleman from Texas (Mr. DELAY), notwithstanding the chairman's rhetoric, notwithstanding the President's rhetoric; if the President, the majority leader, and the House Republicans are truly concerned about protecting the weak and vulnerable, why are they so intent on slashing Medicaid funding so deeply?

The fact is, Medicaid finances health care for more than 58 million Americans, including 28 million low-income children, nearly 16 million parents, and nearly 15 million elderly and disabled citizens. Yet the House Republicans' budget would cut Medicaid funding by $20 billion over 5 years, a cut so draconian that 44 House Republicans, as I said, have said no to that cut.

I urge my colleagues to support this motion to instruct. My understanding is the chairman is going to support it. I am pleased about that, but nobody ought to misunderstand that "this is a political judgment that we are going to lose, so we will pretend that we win." He did the same thing when the gentleman from South Carolina (Mr. SPRATT) offered his motion and we were going to win last year.

We need to protect our vulnerable citizens. The President of the United States is correct, the gentleman from Texas (Mr. DELAY) is correct. Vote for this motion to instruct. Not only that, I hope the Chairman will take this motion to instruct not just as a request, but as a moral duty.

Mr. NUSSLE. Madam Speaker, I yield myself 1½ minutes.

I want Members who are listening, maybe in their offices or here on the floor, and anyone else that is interested in listening to this debate today, listen for four things. Listen to whether you hear anyone come to the floor today and defend the Medicaid program as it stands today as perfect. My colleagues did not hear the gentleman from Maryland say that because, of course, he does not agree with that. Listen to hear if you hear any Member come to the floor and say, absolutely not, you cannot find a nickel's worth of savings in the program. You will not hear any Member come to the floor today and say that. I dare say the gentleman from Maryland would not say that.

Listen to this: Did the gentleman say he was against reform? Of course not. The gentleman from Maryland knows that in Maryland, as in Iowa, the program needs help if it is going to meet the needs of a changing world and meet the needs of its original mission. And listen to hear whether you hear any of them come forward and disagree with the bipartisan result of the Governors coming forth with savings. Not one Member will come today. I would dare say, and suggest that they are going to disagree with the Governors who come forth with ideas. My colleagues will not hear that.

So make your political points; even bring in Social Security. Did my colleagues hear that one? Social Security was even raised today. Boy, we are going to hear all sorts of great arguments, but we will not hear one that says we cannot find savings, this program is perfect, we are against reform, and we disagree with the Governors. We will not hear that. That is why we need to move forward with a reform of the Medicaid program ushered in by this budget.

Madam Speaker, I reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I say to the chairman of the Committee on the Budget, my suggestion is to come forward with a reform program. Let us consider it. But do not cut vulnerable people prior to coming up with solutions. Do not make them pay the price of losing Medicaid while we are trying to solve the problem. Let us solve the problem.

The gentleman is right, and we are not going to come to the floor saying there is no problem. But we are going to come to the floor and say, do not have vulnerable people let down while we are trying to solve that problem.

Mr. NUSSLE. Madam Speaker, I yield myself 15 seconds to just say I have a reform idea right here from the Governors that I would agree to right now.

Mr. HOYER. Madam Speaker, if the gentleman will yield, the gentleman is on the Committee on Ways and Means. Pass it and make it policy.

Mr. NUSSLE. Madam Speaker, reclaiming my time, the Committee on Energy and Commerce has jurisdiction. But be that as it may, I yield myself 15 more seconds to say that all I am suggesting is there are some good ideas that are out there, and the budget is a vehicle to accomplish a reform schedule. That is what we are trying to agree to, and I appreciate the fact the gentleman wrote the motion to instruct to give us the opportunity to meet that reform schedule in a bipartisan way, I hope.

Madam Speaker, I reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), my esteemed colleague and ranking member of the Committee on Energy and Commerce.

Mr. DINGELL. Madam Speaker, I rise in strong support of the motion to instruct, and I observe that this motion instructs the conferees to recede to the Senate position. Instead of Medicaid cuts, a nonpartisan, independently appointed commission would be instructed to come up with improvements in the program. That is exactly what the gentleman from Iowa suggests.

Now, let us look. There is money here to make a better use of public funds. The MEDPAC, the Medicare Payment Advisory Commission, observed that we overpay the HMOs by $20 billion. That happens to be just about exactly the amount of the cut that we are talking about here.

Every Governor in the United States is in favor of this motion. Medicaid is critically important to more than 50 million Americans. It provides health care for 1 in 4 children. It is a lifeline for the elderly and for individuals with disabilities. It pays for long-term care, and it helps those who have had the misfortune of becoming ill and needing help in their basic activities of daily living.

The proposed cuts in the program would cause undue harm to millions of our most vulnerable Americans. If a $10 billion cut were enacted, my home State alone stands to lose more than a quarter of a billion dollars over the next 5 years. I would tell the gentleman from Iowa, he better look to see what happens to his State. A bipartisan majority of both the House and Senate oppose cuts in this program. Nearly 1,000 State organizations and more than 800 national organizations have voiced strong opposition to this.

The problem is not Medicaid. It has done a better job in holding down costs than has private insurance. Medicaid is absorbing the costs of care not covered under Medicare. An independent look at Medicaid may show that there is a better solution, but the better solution does not involve blindly cutting monies now so desperately important to people of this kind and so urgent for the States.

Mr. NUSSLE. Madam Speaker, I yield myself such time as I may consume just to respond and say, okay, I stand corrected. I thought no one was going to come to the floor and say do nothing. But I guess there are going to be a few Members who come to the floor and say do nothing. I am surprised by that. I think there will be a bipartisan vote today to do something, but doing nothing I really believe is not an option, and I guess I am surprised that there will be Members who will come to the floor today and do absolutely nothing to help improve the Medicaid program.

But I know someone who wants to do something.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. DEAL), the very distinguished chairman from the Committee on Energy and Commerce.

Mr. DEAL of Georgia. Madam Speaker, I thank the gentleman for yielding me this time.

As I look across the aisle, I see some of my colleagues who work with me on the Committee on Energy and Commerce, and I truly believe that all of us want to do what is right. We want to find a solution.

The fact is that the issue is one that on a bipartisan basis Governors say has to be dealt with. In fact, as recently as only over a week ago, Governor Mark Warner, a Democrat Governor of Virginia, who is the chairperson of the Governors' Association, National Governors' Association, made this comment: "We are on our way to a meltdown." That is the message that we hear repeatedly when we talk with Governors. And the reason is that the cost of Medicaid to States has now exceeded the cost of both elementary and secondary education in their State budgets, and they need relief. The relief that they seek in the current system is to come to Washington and ask for a waiver. And repeatedly, Governors come and say to us at the Federal level, the program that you have in place is too rigid. It does not allow us the flexibility to deal with the problems that we face in our State to give the best health care to our citizens. So they are asking for waivers.

I, for one, and I commend the gentleman from Iowa (Chairman NUSSLE) for his efforts in this regard; I believe that now is the appropriate time for us to give the Governors that relief. I think that relief should come in the form of changing the program.

I had a Governor recently who said his approach to it is to ask the question, if you were drafting Medicaid today, would it look like what it looks like now? And everybody agrees it would not.

So I think this is an opportunity, one that we should not allow to be bypassed, one that we should work cooperatively across the aisle here in this body, as the Governors are working in a bipartisan fashion of their own. The gentleman from Iowa (Chairman NUSSLE) alluded to some points that the Governors have agreed to on a bipartisan basis, and certainly those are very significant. The score that I see now is about $8.6 billion on the score that I have seen on the parts that they have agreed to. I think there will be more. I think we will hear some very innovative suggestions from the Governors, and I think that if we work together and put aside our partisanship and try to do what is not only best for the citizens we represent in our congressional districts, but what our Governors do in our respective States and, working together, we will arrive at a solution.

Ms. HERSETH. Madam Speaker, I yield 1 minute to the Democratic leader, the esteemed gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding me this time, and I commend her for her leadership in bringing this very important motion to instruct to the floor.

It is crystal clear, Madam Speaker, that a majority of Members in both bodies oppose cuts to Medicaid. The other body voted to remove such cuts on the floor of the Senate. With 44 House Republicans signing a letter calling for no Medicaid cuts and a solid Democratic opposition, a majority of this body also prefers a solution with no Medicaid cuts.

The regular order, as my colleagues know, Madam Speaker, is to appoint conferees, instruct those conferees, resolve differences with the other body, and report back a conference agreement. But the Republican leadership knew they could not defeat a motion to protect Medicaid, so rather than follow the regular order, they negotiated behind closed doors to include Medicaid cuts in the final budget report, regardless of how the majority in both Houses vote and how we vote in this House on the motion to instruct.

I usually do not like to talk about process in the House, but this is a time when process has a very direct impact on policy, and a policy that has a direct impact on the health of the American people.

Press reports indicate that the final agreement between the House and Senate will contain between $8 billion to $10 billion in Medicaid cuts. This conference report would not only ignore the will of the majority of both houses but, according to the Congressional Budget Office, it would include deeper cuts than originally proposed by the President, and vehemently opposed in both houses.

Madam Speaker, States have undergone a wrenching budget process. When the President first proposed Medicaid cuts in early February, many Republican Governors spoke out against them. One of them, Republican Governor Mike Huckabee of Arkansas, said, "People need to remember that to balance the Federal budget off the backs of the poorest people in the country is simply unacceptable."

It is unacceptable but, unfortunately, it is standard operating procedure for the Republican leadership in Congress.

I am hopeful that a significant number of Republicans will join our motion to instruct, being true to the letter that they sent opposing cuts, and protect Medicaid.

If Congress cuts Medicaid funding, States will be forced to reduce Medicaid coverage or benefits, jeopardizing needed services for low-income Americans. Over the last 4 years, more than 5 million people have joined the ranks of the uninsured. That number would more than double if it were not for the Medicaid program.

Make no mistake: Cutting Medicaid funds will increase the number of low-income Americans who are uninsured to partially pay for $70 billion in tax cuts. Many of these uninsured poor Americans are children. I do not think that it really is a statement of our values in a budget to cut the health care for our children, for the poorest children in America, in order to give the tax cuts to the wealthiest people in America.

□ 1815

And yet at the end of the day, this budget will do all of that and increase our deficits. This is wrong. This is unjust. And I urge my colleagues to vote for this very important motion to instruct to return a conference report to this body with zero Medicaid cuts.

Mr. NUSSLE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. PUTNAM), a member of the Budget Committee.

Mr. PUTNAM. Madam Speaker, I thank the chairman for yielding me some time. It is interesting to hear the comments of the distinguished minority whip and minority leader. But I am curious about something. I am curious how such a great party and the party that gave birth to some of the pillars of domestic policy in this country, has become the party of denial, the party of doing nothing.

When it comes to discussing Social Security reform, their answer is, do nothing. We have until 2040 or 2041.

When it came time to reform Medicare and even enrich and modernize the benefits available for seniors, their answer was vote against it. Do nothing.

And here today we are discussing a third pillar of domestic policy in this country that helps enrich the lives and provides a safety net for so many of those who are less fortunate in our society, and to put forward a reform proposal, and their answer is to do nothing.

Governor Mark Sanford, the Governor of the State of the ranking member of the Budget Committee, said the subject of Medicaid reform is important and timely. Our system, as currently configured, works fundamentally against the taxpayer and against the consumers in the form of Medicaid recipients and patients.

Governor Blunt of Missouri and Governor Granholm of Michigan agreed that the program is unsustainable.

Governor Vilsack of Iowa: "If you do the numbers, they just do not add up."

The South Dakota Governor, opening the legislative session, bemoaned the dramatic increases in how they are cutting into available funds for other folk, for other programs, and pointed out that the State health care program is growing at a 2 percent rate and Medicaid is going up at 18 percent, something that is unsustainable.

The Governors, on a bipartisan basis, have already, after this subject just coming forward weeks ago under the leadership of the gentleman from Iowa (Chairman NUSSLE) and the Budget Committee, have already developed a plan that generates nearly $9 billion in savings, and that is the first draft.

How is it that the great party that stood for great opportunities to help those in need has gone into denial and said, we will not change a thing. Everyone agrees the rate is unsustainable. Everyone agrees the costs are eating up State budgets. Everyone agrees that there is tremendous opportunity for savings that can then benefit other important programs; but our answer is to do nothing, or to outsource the job to a commission. And if the pattern holds, when the commission, if it is appointed, comes back with their findings, they will besmirch the reputation of the members of that commission, particularly those from their own party who were selected in one form or another by the President or by the Congress. That is what happened with the Social Security Commission and the distinguished Senator Moynihan. Why would this be any different?

Why would the party that is so responsible for originating these grand ideas be so irresponsible about making them relevant to people of my generation or the distinguished gentlelady from South Dakota's generation? Why is that? Why would you outsource the responsibility to provide a solution?

It is an important step that the House Budget Committee took in directing the Energy and Commerce Committee to take a hard look at these programs and find savings. It did not specify where they would come from. It did not tell them how to do their job. It directed them to take a hard look at where 55 percent of our budget today is going in the form of mandatory spending. And a huge part of that is in the Medicaid program.

I would encourage all of us to agree that there is a problem and move forward with some commonsense reforms that include saving the taxpayers money when possible.

Ms. HERSETH. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), ranking member of the Budget Committee.

Mr. SPRATT. Madam Speaker, let me say in response to the last speaker that this party proudly presented a budget resolution that brought the budget to balance in the year 2012 and did not do it on the backs of the most deserving in our country, the sick and the elderly who depend upon Medicaid.

And lest there be some misunderstanding, this budget makes the deficit worse, not better, because it calls for $106 billion in additional tax cuts. And the primary purpose and function and reason for these Medicaid cuts is to diminish the $106 billion so it does not swell the deficit any more grossly out of proportion than it already is. This does not go to the bottom line and reduce the bottom line at all. It leaves us with a bigger deficit because it only partially offsets the $106 billion in tax reduction that the resolution also calls for. So it is not necessary. And that is recognized by the 44 Republican House Members who signed the letter urging that this resolution not contain any cuts in Medicaid.

Mr. NUSSLE. Madam Speaker, I yield myself as much time as I may consume.

I want to make sure people are, and Members are, listening to this debate and are reading the language, because again, if you want to come down here and vote politics again, you want to put out your press releases and fax machines are going whizzing around, hey, knock yourselves out.

But we have got a job to do down here, and we should read the language in front of us. And, again, it says that we should not report a reconciliation bill that achieves spending reductions. I just want to make sure people understand that, because I want to give you the actual numbers for Medicaid. If you are bored about numbers, turn down the sound because I am about to quote some numbers. But this is serious business.

I want to tell you what the Medicaid program is going to spend over the next 10 years. And I want you to listen to the numbers and the increases. This year we are going to spend $183 billion, which is almost a 4 percent increase from last year; $190 billion the next year, $202 billion. It goes up: $220. It goes up by 9 percent that year: $239 billion, goes up by almost 9 percent that year. $260 billion by 2010. By 2010, $260 billion. That is almost as much as we are spending on national defense right now. $282 billion, $304 billion. It goes up every single one of those years. Out of that $1.1 trillion or more, it is actually a little bit more than that I just quoted, we are saying in the House budget, even before we talk about a compromise with the other body, we are saying, instead of growing at an average rate of growth per year of 7½ percent, we want to grow at 7.3 percent.

We are going to grow every year. There are not spending reductions.

Every single year of the House budget spending for Medicaid goes up. Every single year. Every year it goes up. There were no spending reductions.

Now, are we slowing down the growth?

Yes. And that is what the Governors have asked us to do. That is what they are coming here with proposals to accomplish. And their proposals that they have put forth, some have not even yet been scored, but the ones that have been scored by the Congressional Budget Office, which tries to add all that up and to find out what savings we have got, of the six main proposals that the bipartisan Governors have come forth with, they have already found $8.6 billion, and three of the proposals have not even yet been scored.

So to say there is no savings, to say that we are hurting the most vulnerable, to suggest that nobody wants reform, again, I would ask colleagues to listen to the debate.

Will there be political rhetoric today?

Yes. Unfortunately, that will be true. The same happened in the welfare reform debate. Members came to the floor saying we should not do anything. We should not make changes, we should not reform the program. Let us keep what we have got. We changed the program, and people were helped.

No Member is going to come to the floor today and say the Medicaid program is perfect. I dare say no Member would come to the floor and tell you that. No Member is going to come to the floor today and say we cannot find savings.

Actual cuts? I can understand why they might come to the floor. But that is not what is being proposed.

But can we find savings? Every Member will come to the floor today and say of course. If you look at a program long enough that is 40 years old and has never been changed, of course you can find savings, particularly one that in a bipartisan way every Governor is either asking to get out of through a waiver or is coming to Washington to suggest that we need to reform.

No Member is going to come to the floor today and say we should do absolutely nothing, with just a few exceptions. There may be a few Members who try and do that. And there will be no Members who come to the floor today and suggest that the Governors in a bipartisan way have put forth ideas that are not worthy of consideration. We need to consider it.

Again, I am very happy that the Members on the other side have given us a motion to instruct conferees with a fail-safe, with a trapdoor that allows us to keep the momentum of reform building and allows them to make their political points. That is what they are allowed to do, is to come to the floor and make their political points. But thank goodness we still have a process that says we have got to move forward. This is an unsustainable growth rate, that every year the program grows and grows and grows. There are no cuts.

Are there savings that we suggest? Yes. That was true in welfare reform. It is true as we look at Medicaid. And we need to look for the savings, because without reform the program not only will bankrupt itself, but more important than all of the talk about numbers and budgets and all of those things, it will begin to hurt people who truly are the most vulnerable that this program endeavors to assist.

So the commission approach that the gentlewoman from New Mexico (Mrs. WILSON) has put forward is a good idea. She has many cosponsors. That is not something that the budget itself can accomplish. But, certainly, we endorse that kind of an approach to look for ways to bring all interested parties together to find reform.

And I hope that instead of just putting out your faxes, which you will do, and make out your political statements, that is fine. We understand that. But you will also, after all of the dust settles, come forward with your ideas the way Democratic Governors and Republican Governors have done, so that we can begin to resolve this issue and not just have rhetoric. We need results, not just the rhetoric of today. And that is what this budget accomplishes.

Madam Speaker, I reserve the balance of my time.

Ms. HERSETH. I would inquire as to the balance of our time remaining, Madam Speaker.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from South Dakota has 15 minutes and the gentleman from Iowa has 4½ minutes.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK), ranking member of the Health Subcommittee of the Committee on Ways and Means.

Mr. STARK. Madam Speaker, I guess I would be willing to suggest that the Medicaid programs are perfect, but for one major problem, and that would be the Republican Party in the Congress of the United States. What changes would I make? I would enforce the ethics rules to keep their hands out of the pockets of the lobbyists for the pharmaceutical industry who fly them about in jets and give them hundreds of millions of dollars in campaign contributions, which keeps them from allowing reimportation of drugs which would save many of the Governors a good bit of money on their Medicaid programs.

Changing the ethics rules that let people who might make unethical moves would be another great move, so it would prevent the managed care industry from getting extra money in the Medicare bill which would prevent the Republicans having the money to help Medicaid.

□ 1830

The Medicaid growth is due largely to the lousy job the President has done in job growth, the worst job since Herbert Hoover and the last Republican who had low job growth which increases the demand on Medicaid and the number of poor children and low-income workers who are forced to get their medical care through Medicaid because they are out of work through no fault of their own.

So if we would have decent ethics rules, if we would allow reimportation of drugs, if we would stop allowing the lobbyists to buy votes, we would be able to get the kinds of reform that are needed. The money is currently available in the excesses we are paying to the pharmaceutical industry and the excesses we are paying to the managed care industry which the chair of the Committee on the Budget understands very well, and that is the reform that is needed.

Change Congress. Make the Republicans behave in an ethical manner, and you will have the money for Medicaid.

As Hubert Humphrey once said, "The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

With all due respect for many of my colleagues, none of us could more eloquently make the case for Medicaid, which takes care of those in the dawn, twilight and shadows of life.

Yet the budget we are going to consider this week fails the moral test of government by requiring savings that will result in deep cuts in Medicaid and other programs that serve low-income, vulnerable populations.

A budget is a statement of priorities. Once again, we are faced with a Republican budget that put tax breaks for the rich and payola to corporate interests, ahead of basic government obligations.

Just as when we debated the Medicare bill in 2003, it appears we will be asked to vote on entitlement policy without adequate information as to its effect. We do not know, for example, how the cuts will be distributed across states and populations. How many people will lose coverage? How many states will be forced to raise taxes—and by how much.

To make up for the shortfall in funding and increased need?

The saddest part of this debate is that Republicans don't need to target Medicaid. We can raise more than the amount Republicans expect to extract from Medicaid and income security programs simply by eliminating the overpayments currently paid to Medicare HMOs.

We pay these plans more than we would for care provided through traditional Medicare. That's wrong!

In fact, MedPAC—the non-partisan Congressional advisory commission—has recommended that Congress enact changes that would result in "payment neutrality." Doing so would result in savings of more than $21 billion over 5 years—more than enough to offset this budget's proposed Medicaid cuts.

Sadly, I doubt Republicans will go after this low-hanging fruit. It would evoke howls of protest from their contributors. Consider this budget a word of warning to individuals in the dawn, twilight and shadows of life.

Those who run on a moral values platform should consider that when they cast their votes on the budget this week.

Vote for the Spratt Motion to Instruct, and against the Resolution itself later this week.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise in support of the Herseth motion to instruct conferees.

The House-passed budget cuts, $20 billion for Medicaid. It denies States, health care providers, and low-income working families $20 billion for health care services they vitally need. While closing loopholes and fighting waste, fraud, and abuse is important, there is no way it is going to save near that amount. As our colleague from South Dakota has forcefully stated, a clear majority of the Congress opposes these cuts, and for good reason.

Medicaid provides health care to 52 million low-income children, pregnant women, parents and the elderly. It is a critical source of acute and long-term care for 13 million elderly and disabled. These are the people who would be affected by cutting billions out of Medicaid. Since the President took office, the number of uninsured has increased by 5.2 million. Medicaid enrollment grew by 6 million over the same period, covering many people who would otherwise have been uninsured. Even so, Medicaid costs have grown about half as fast as private health care insurance premiums.

Between 2000 and 2003, Medicaid per capita spending went up by 6.9 percent, while private insurance premiums went up almost twice that amount, 12.6 percent. And the growth in costs we have seen as a result of the skyrocketing health costs this President has allowed, not Medicaid itself.

If these cuts in Medicaid are made, the ranks of the uninsured are surely going to increase even more, weakening our economy, and health care would be more expensive because of fewer regular check-ups and preventative measures and a rise of emergency room procedures. That is why the National Governors Association opposes these cuts. It is why faith-based organizations across the board oppose these cuts. Organizations like the March of Dimes, the National Association of Children's Hospitals, the American Academy of Pediatrics and the AARP all oppose these cuts. That is why a majority of the Congress opposes these cuts.

I urge my colleagues to vote for this motion. Tell the conferees to remove Medicaid cuts from this budget.

Mr. NUSSLE. Madam Speaker, who has the right to close?

The SPEAKER pro tempore (Mrs. BIGGERT). The proponent has the right to close.

Mr. NUSSLE. Madam Speaker, I am the final speaker so I will reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I urge my colleagues to support the Herseth motion to instruct; and I thank the gentlewoman for her leadership as we stand with seniors, with disabled Americans, with working families, and with children as we unite against these Medicaid cuts.

This Medicaid program is working but it is woefully underfunded by the Republican-controlled majority in this Congress. Medicaid accounts for 25 percent of Michigan's budget. With an aging population and a weak economy where manufacturing jobs are being shipped abroad, we can ill afford to cut this safety net out from under our most needy citizens.

This House resolution would require between 15 and $20 billion in cuts in Medicaid over 5 years. How can we ask between 1.8 to 2.5 million seniors, children, and low-income, hardworking families to sacrifice so there can be another $106 billion in tax cuts?

We have a responsibility to look at ways to modernize Medicaid, to help our States and provide better health care, but it is heartless to subject our most vulnerable citizens to the meat-axe approach of this budget.

This motion to instruct conferees asks to reject the Medicaid cuts and calls for a bipartisan, independent Medicaid commission to address the concerns.

Michigan's Medicaid program has grown 30 percent in 4 years, serving roughly 1.4 million citizens or 1 out of every 7 Michiganders. Who are these citizens? In 2004 Michigan Medicaid paid for about 70 percent of all the nursing home care in our State, 40 percent of all the births in our State; 27 percent of the adults on Medicaid have a job and are working. The State is meeting the growth in beneficiaries while holding down spending to approximately 1.5 percent.

It is time to stand up for their most vulnerable citizens and against these Medicaid cuts. It is the right thing to do. It is the moral thing to do. Vote for the motion to instruct.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, 44 Members on the Republican side defied their party, not because some deep-pocketed lobbyist asked them to, but because fighting for people in desperate need was and is the right thing to do.

Medicaid health and long-term coverage is already limited to the impoverished elderly in nursing homes, the lowest-income children, and other vulnerable populations. My friend, the gentleman from Iowa (Mr. NUSSLE) expressed shock that Medicaid costs have actually grown. I think he must know that private insurance growth in this country is greater than 12 percent. Medicare costs are going up around 7 or 8 percent. Medicaid costs are going up only about 6 percent, half the pace of private insurance. There is no cost-effective alternative to Medicaid. Medicaid is the cost-effective alternative.

Medicaid cuts would not only jeopardize 5 million elderly Americans who would lack access to nursing home care without it, these cuts would place every nursing home resident, on Medicaid or not, in this country at risk. Each year nursing homes serve 2.5 million Americans. Medicaid covers 70 percent of these Americans.

The very health and safety of nursing home residents hinges on adequate Medicaid reimbursement. As it stands, Medicaid funding is insufficient to cover both those Americans who need nursing home services and those who need home and community-based care. If the Federal Government makes further cuts in Medicaid, we must take responsibility in abandoning people who have no where else to turn.

Two-thirds of people in nursing homes have no living spouse or relative. The fact is we, the Medicaid program, the Federal Government, are all the family who cares for them that they have.

I hope that before any Member of this body votes against this motion, you might just imagine trading places with an elderly American in a nursing home. Put yourself in their shoes; then decide whether starving Medicaid is responsible for reprehensible.

Ms. HERSETH. Madam Speaker, I yield 3½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, the House and the Senate passed their own versions of budget resolutions on March 17. That was more than a month ago. I am glad that we finally are going to conference because that will bring the deliberations on the budget at least a bit out into the open. And if there is any aspect of the budget resolution that needs to be brought into the open and resolved with a public debate, all the stakeholders included, it is this provision that we have been discussing, and that is a provision that would cut Medicaid, over 5 years, by $20 billion.

This motion to instruct conferees protects Medicaid from those spending cuts. Let me explain how those spending cuts would come about. The House-passed Republican budget resolution directs the Committee on Energy and Commerce to cut spending on programming within its jurisdiction by $20 billion. But the Republican leadership has made it clear. The resolution calls for $20 billion in cuts within the jurisdiction of the Committee on Energy and Commerce, but the Republican leadership has made it clear that those cuts should not include Medicare. That only leaves Medicaid.

It leaves Medicaid subject to $20 billion in cuts over 5 years, per the language of the resolution passed by the House.

On our side of the aisle, all Democrats oppose unanimously the House budget resolution which included the Medicaid cut. Now, 44 Republicans have signed a letter urging that the Medicaid cut be dropped in the conference report. As a result, it appears that a majority of the House Members are on record against the Medicaid cuts. Medicaid cuts, therefore, should not be included if the conference report is to reflect the will of the majority in the conference report.

In the other body, the Senate, a majority also opposed the Medicaid cuts, with 52 Senators, including every Democrat and 7 Republicans, voting to strike the Medicaid cuts from the Senate budget resolution and, instead, to set up a bipartisan commission.

So the purpose of this motion is to formalize the fact that both houses, a majority in both houses, are formally on record as opposed to the cut in Medicaid of $20 billion. And this motion simply instructs the conferees, it does not suggest, it does not tell them to consider, it instructs the conferees to follow the Senate's lead and strike the reconciliation instructions that target Medicaid for funding cuts and, instead, put up $1.5 million so we can have a fair bipartisan Medicaid commission to make these decisions.

I am glad that the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), has said that he will recommend to his members to vote for this resolution. I am disturbed to hear him emphasize that it is nonbinding.

Given the fact that the majority in both houses support the dropping of this $20 billion cut in Medicaid, I think this should be, as the gentleman from Maryland (Mr. HOYER) put it, a moral mandate for the conferees. If it will bring back a conference report that reflects the will of the House, it should not include $20 million in cuts in the Medicaid program.

Ms. HERSETH. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I would like to read a part of a letter from the National Governors Association to both the Speaker and the Democratic leader and Senator FRIST and Senator REID.

It says, "Reform, however, should not be part of a 2006 fiscal year budget reduction and reconciliation process, especially if it does nothing more than shift additional costs to the States."

We have a problem with health care costs in our country. Medicaid is one part of it. Medicare costs and private insurance and private health care is actually rising higher faster than Medicaid. Yet what we are doing with this budget resolution is actually penalizing senior citizens, and particularly children, because so much of our children's hospitals, so much of their funding comes from Medicaid because they deal with children totally.

I know in Houston, the Texas Medical Center, we have the Texas Children's Hospital, over 50 percent of their funding comes from Medicaid because they take care of children. We have to deal with health care costs, but let us not balance it on the backs of our children and our senior citizens.

NATIONAL GOVERNORS ASSOCIATION,
December 22, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. HARRY REID,
Minority Leader-elect, U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR FRIST, SENATOR REID, SPEAKER HASTERT, AND REPRESENTATIVE PELOSI: The Nation's Governors look forward to working closely with the Administration and Congress to reform Medicaid. Reforming the Medicaid system is the highest priority for the Governors, and will result in cost savings and efficiencies for both the federal and state governments. Reform, however, should not be part of a 2006 fiscal year budget reduction and reconciliation process, especially if it does nothing more than shift additional costs to states.

Governors are committed to administering the Medicaid program in a very cost-effective way, and as equal partners in the program have a tremendous incentive to continue doing so. This is reflected in the fact that the annual growth in Medicaid per capita spending has not exceeded approximately 4.5 percent per year, substantially below the growth rate of private health insurance premiums, which have averaged 12.5 percent per year for the last three years. Total Medicaid costs, however, are growing at a rate of 12 percent per year and now total Medicaid expenditures exceed that of Medicare primarily due to two major factors that are largely beyond the control of states. First, states, over the last four years, have experienced large case load increases of approximately 33 percent. Second, and far more costly to states, are the impacts of long-term care and of the dual eligible population. Medicaid currently accounts for 50 percent of all long-term care dollars and finances the care for 70 percent of all people in nursing homes. Furthermore, 42 percent of all Medicaid expenditures are spent on Medicare beneficiaries, despite the fact that they comprise a small percentage of the Medicaid caseload and are already fully insured by the Medicare program. Benefits for the dual eligible population should be 100 percent financed by Medicare.

We agree that maintaining the status quo in Medicaid is not acceptable. However, it is equally unacceptable in any deficit reduction strategy to simply shift federal costs to states, as Medicaid continues to impose sever strains on state budgets. Our most recent survey of states shows Medicaid now averages 22 percent of state budgets. This commitment has caused a strain on funding for other crucial state responsibilities. These funding challenges will become more acute as states absorb new costs to help implement the Medicare Modernization Act for the millions of dual eligible beneficiaries.

We look forward to working with you on Medicaid reform.

Sincerely,

GOVERNOR MARK R. WARNER,
Chairman.
GOVERNOR MIKE HUCKABEE,
Vice Chairman.

Ms. HERSETH. Madam Speaker, I reserve the balance of my time.

Mr. NUSSLE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, those who actually administer the Medicaid program, our State Governors, have clearly told us in a bipartisan way that Medicaid must be reformed.

Wake up.

For those of you who are about to vote on this motion, this is a good motion. What it does is it says it is time to reform the program. It is time to consider the proposals that the Governors have put forth in a bipartisan way. They have clearly told us that their hands have been tied.

☐ 1845

Their hands have been tied, Madam Speaker, by a program that is inefficient. It is ridiculously out of date, a health care delivery system that has not and will not under its current structure deal with the demands of the 21st century.

There is not one Governor that is suggesting do nothing. There is not one Member on the Republican side of the aisle that is suggesting do nothing. The 44 Members who signed the letter saying we are concerned about the future of Medicaid, they are not saying do nothing.

Everyone who is interested in the reform of this program understands that the budget this year gives us a schedule and an opportunity to finally get our arms around the Medicaid program.

I understand that there are going to be all sorts of political press releases put out about gouging and cutting and all sorts of things like that; but if anyone is interested in the actual technical language of the budget, they will discover that every single year the program under the House budget grows, every year.

What we are suggesting is that, with reform, it does not have to grow as much. Instead of growing at 7.5 percent, it can grow at a level a little lower, maybe 7.3 percent or 7.4 percent. Every year it should still grow because there are vulnerable people, there are senior citizens, there are people with disabilities who rely on this program. Our States rely on this program. We rely on this program in order to meet the needs of many people in this country who cannot help themselves.

Do not let anybody fool my colleagues. No one came to the floor today in support of this motion and said the program's perfect; the Governors are wrong: we do not like what they came up with; we do not think we should reform the program.

In fact, let us look at the reforms they have come up with. They have said let us restructure the pharmacy reimbursements to more closely align with the Medicaid pharmacy payments and pharmacy costs. That alone will save $5 billion. Bipartisan support from the Governors. I dare say we could support that here today.

Second proposal, revising what is called "asset transfer." That will save the government $1.4 billion. Bipartisan support by the Governors.

Please do not come to the floor or issue press releases today that says do nothing. I understand my colleagues want to make a political point. That is fine. That is what motions to instruct conferees often do, but we are going to vote on a budget later on this week that says it is time to do something, it is time to reform the program, it is time to save a little bit of money and improve a program that is for our most deserved people, people who cannot help themselves. This is something we can do in a bipartisan way.

The same way Governors in a bipartisan way have come forward with their ideas, I would invite all Members to let their members of the Committee on Energy and Commerce know what their ideas are because we are going to go forward with reform. It is not going to actually cut any money. It is going to find savings. It is going to improve a program. It is going to reform it.

If the gentlewoman, who is the proponent of this motion, thinks the program is perfect, let her say so. If she thinks that we cannot find any savings, let her say so. If she thinks the Governors are wrong, let her say so. But no Member has come to the floor to say that yet today.

So that is why we should support this motion and move the budget forward to reform the Medicaid program and save some money as well.

Ms. HERSETH. Madam Speaker, I yield myself such time as I may consume.

I want to thank all of my colleagues who spoke in support of this motion to instruct conferees, including the gentleman from Iowa (Chairman NUSSLE) and his willingness to encourage his Republican colleagues to support this important motion.

In response to the closing of the gentleman from Iowa, I do not stand here today, nor do my colleagues, suggesting that we do nothing. I do not stand here today suggesting we cannot find savings. I do not stand here today suggesting that we cannot find a way, in a bipartisan manner, to reform Medicaid.

To the extent that there are press releases that go out to constituents who will be breathing a sigh of relief, from Governors to health care providers, to advocates of disabled citizens and the elderly and children, it will be that we found agreement in this body to supplement the important work of the Governors across this country to undertake real reform, to find those savings but not to let arbitrary cuts drive the reform; and that is exactly what the House budget resolution did. It is exactly what this motion to instruct conferees attempts to set right.

Those in my generation understand that we cannot do nothing, whether it comes to Social Security reform or Medicaid reform; but we also understand that the facts speak for themselves, that we have time to do this right, rather than to work so fast and to let arbitrary cuts of $20 billion over 5 years drive the reform; that it should truly have a commission and the $1.5 million today this motion to instruct would encourage to have set aside in the reserve fund to have a bipartisan commission undertake this important task of reform.

Mr. HOLT. Mr. Speaker, I voted against the FY2006 Concurrent Budget Resolution that was reported by the House Budget Committee and narrowly passed the House on a 218–214 vote last month. I did so for a variety of reasons.

First, President Bush and the majority party in this Congress want us to keep borrowing against our future and that of our children, and perhaps their children. The budget deficit for this year is a record $427 billion. We added $114 billion to the deficit in February, the first time it has ever gone over $100 billion in one month. This is how we have added more to the national debt in the past four years than in the prior two centuries of our nation's history. Therefore, a vote in favor of this budget resolution is a vote for more "borrow and spend" policies that are responsible for our country's current fiscal plight.

Second, the House-passed budget plan shortchanges many Americans who are most deserving or in need of help, including our veterans, children, and elderly. At the same time, it slashes funding for many of our nation's important priorities—education, healthcare, AMTRAK and alternative transportation and energy initiatives, homeland security, environmental protection, job training, research and development, and small business innovation.

Let me cite a few glaring examples.

The House-passed budget cuts veterans' health care by $14 billion below what is currently needed over the next five years. These cuts can only be achieved by imposing new fees for veterans's healthcare, or by reducing veterans' benefits such as disability pay, pension benefits, or education benefits.

It actually cuts funding for education programs by $2.5 billion for next fiscal year relative to Fiscal Year 2005, and $38 billion over the next five years below what is needed to maintain the status quo. It actually matches the budget President Bush sent to Congress last month, which called for the elimination of 48 education programs worth $4.3 billion. These cuts will include $1.3 billion less for vocational education, as well as less funding for elementary, secondary, and college aid programs.

It also fails to protect and strengthen Social Security. It calls for spending every penny of the Social Security Trust Fund surplus to continue to help finance record deficits and continued tax breaks for the wealthiest Americans. Unlike the alternative budget plan I voted for, the House-passed budget plan contains no budget enforcement mechanisms to protect the current surplus Social Security Trust Fund. Instead, President Bush and the supporters of this budget resolution advocate a Social Security privatization scheme that would weaken Social Security upon which so many elderly and disabled Americans depend just to make ends meet. In fact, there is not one cent in the House-passed budget plan to meet any of the $754 billion price tag needed between now and 2015 to create private accounts.

Third, the House-passed budget resolution is incomplete and misleading. It does not address the ongoing costs of the U.S. military occupation of Iraq and the war on terrorism. Then, the budget also invokes an assumption that economic growth will reduce deficits. In fact, it fails to show any deficit figures at all after 2010. Budgets should not be based on wishful thinking.

How is that we confront both increased deficits and serious program cuts in the same budget? Because the majority party in this Congress continues to push tax cuts for those who need them the least. The results are growing inequity in American society and mounting anxiety in financial markets.

I believe this Congress can and should make better choices and adopt a much more balanced and fiscally responsible alternative budget plan—one that more closely reflects the values of most Americans, the sacrifices of our men and women in uniform, and the aspirations of our children. That is why I voted for the alternative budget plan offered by my colleague, U.S. Representative JOHN SPRATT of South Carolina. Had it been adopted, it would have insisted upon more fiscal discipline with budgets that pay as you go this year and beyond. It would have offered more help and hope for all Americans to achieve greater financial security. That means investing more in the American people and in deserving programs to help create good-paying jobs, improve education, lower healthcare costs, make college more affordable, grow small businesses, keep faith with our veterans and military families, protects our homeland, and promotes environmental sustainability.

In so doing, we could build upon what has worked in the past when our economy was growing by leaps and bounds and creating millions of new jobs, as recently as the 1990s.

We could abandon the fraud of supply-side economics, once and for all, step up, and reassert control over shaping our preferred economic future—one that offers more good jobs, a higher standard of living, and real economic opportunity for all of the American people. Sadly, this budget resolution takes us farther down the wrong track.

If we want to strengthen our economy again, in the future, if we want to create new, good-paying jobs for all of our people, and promote broad-based, sustainable economic development, then I believe we must become more creative and provide more support from the public and private sector for cutting-edge research and development. We have to stop borrowing and spending. We have to stop eating our seed corn. We have to provide increased and more sustained support from the public and private sectors for basic research and development.

Up to now, America has always been a nation of explorers, creators, and inventors. We need to regain that edge and ride a new wave of research and follow-on commercial development into a new age of economic growth and prosperity. But the budget resolution approval in the House last week does none of this. The supporters of the Republican budget plan don't want to keep faith and invest in the American people, increase federal support for research, development, and entrepreneurial drive, and rebuild American competitiveness in the global economy. If they did, they could not in good conscience have voted for the skewed priorities of the recently-approved budget resolution and the Draconian, counterproductive cuts it will dictate.

Ms. HERSETH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from South Dakota (Ms. HERSETH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. HERSETH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to instruct on H.R. 1268, de novo; motion to instruct on H. Con. Res. 95, by the yeas and nays.

Any electronic votes will be conducted as 15-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1268.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SABO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 13, as follows:

[Roll No. 133]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Coble
Feeney
Tiahrt
Tiberi

NOT VOTING—13

Brady (TX)
Brown, Corrine
Diaz-Balart, L.
Diaz-Balart, M.
Gutierrez
Harris
Hooley
Jenkins
Lee
Murtha
Rothman
Westmoreland
Wicker

□ 1916

Messrs. COX, CULBERSON, LINDER and McHENRY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. THORNBERRY). The pending business is the question on the motion to instruct conferees on H. Con. Res. 95, on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from South Dakota (Ms. HERSETH).

The vote was taken by electronic device, and there were—yeas 348, nays 72, not voting 14, as follows:

[Roll No. 134]

YEAS—348

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (LA)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (LA)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—72

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Bonilla
Boustany
Burgess
Buyer
Cannon
Carter
Chabot
Conaway
Cox
Culberson
Deal (GA)
Duncan
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Hayworth
Hensarling
Herger
Hostettler
Hunter
Inglis (SC)
Istook
Johnson, Sam
King (IA)
Kingston
Kolbe
Linder
Mack
Marchant
McHenry
Miller (FL)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Paul
Pearce
Pence
Pitts
Poe
Radanovich
Rogers (MI)
Rohrabacher
Royce
Sessions
Shadegg
Souder
Stearns
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)

NOT VOTING—14

Brady (TX)
Brown, Corrine
Diaz-Balart, L.
Diaz-Balart, M.
Gutierrez
Harris
Hooley
Jenkins
Kilpatrick (MI)
Lee
Murtha
Rothman
Westmoreland
Wicker

□ 1934

Messrs. HAYWORTH, MURPHY, and HERGER changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 133 and 134.

APPOINTMENT OF CONFEREES ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, REGULA, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, BONILLA, KNOLLENBERG, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS.

There was no objection.

APPOINTMENT OF CONFEREES ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. NUSSLE, RYUN of Kansas, and SPRATT.

There was no objection.

APPOINTMENT AS MEMBER TO TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL

The SPEAKER pro tempore. Pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999, (42 U.S.C. 1320b–19), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Ticket to Work and Work Incentives Advisory Panel:

Mr. J. Russell Doumas, Columbia, Missouri, to a 4-year term.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE OF REPRESENTATIVES TO BE TAKEN WHILE HOUSE IS IN SESSION

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 232) permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

Ms. MILLENDER-McDONALD. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Michigan to explain the purpose of this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of House Resolution 232. This is a resolution permitting the taking of the official photographs of the House of Representatives. It is a biennial official photo of the House of Representatives. It has really become a tradition for this institution. It not only is a keepsake for the Members, but it also serves as a very valuable and important historical memento as well and a record for future generations. The picture actually will be taken tomorrow morning, I think right after 1-minute speeches. And with that, Mr. Speaker, I ask for support of this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I support this routine resolution required to authorize the official photographs of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN ONE HUNDRED NINTH CONGRESS

Mrs. MILLER of Michigan, from the Committee on House Administration, submitted a privileged report (Rept. No. 109–54) on the resolution (H. Res. 224) providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 1762

Mr. CANTOR. Mr. Speaker, I ask unanimous consent to have the following names removed as a cosponsors of H.R. 1762: Mr. FEENEY of Florida, Mrs. JOHNSON of Connecticut, and Mr. JINDAL of Louisiana.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ETHICS PROBLEMS IN CONGRESS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, in recent weeks half a dozen Ohio newspapers have used the following terms to describe recent ethics problems proliferating through the United States Congress: acts of hypocrisy; national moral lapse; disgrace; dirty moves; ethically corrupt; unethical behavior; multi-indictment-producing investigation; illegal political fundraising; campaign money spigot; the very appearance of evil; and, finally, Mr. Speaker, sugar daddy.

Mr. Speaker, the people of this Nation deserve better from the People's house.

DeLAY MUST STEP DOWN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute.)

Ms. WOOLSEY. Mr. Speaker, my constituents continue to contact me about the charges mounting over the actions of some Republicans in the House. In fact, one constituent referred to an "embarrassing and growing mess." Over the past year, I have received letters revealing disgust, anger at the Republicans and their disregard for House rules.

Just this past week, a constituent wrote me from Mill Valley, California, saying, "I am tired of all the useless finger pointing. I am particularly tired of hearing one Republican in particular go on about the 'politics of personal destruction,' which he seems to practice daily even as he blames it on his enemies."

My constituents share the views of many citizens across the Nation. They want an unbiased investigation into these ethics matters. They want to know that politicians are listening to their hearts, not the lobbyists that are paying for their meals.

It is time for the Republicans to own up to abuses of the House rules. The American people deserve no less.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

90TH COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to commemorate the 90th anniversary of the Armenian genocide, which actually took place on April 24, last Sunday. As the first genocide of the 20th Century, it is imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

Just this week I was joined by my cochair of the Armenian Caucus and 176 additional Members of Congress in sending yet another joint congressional letter to President Bush urging him to use the word "genocide" in his April 24 statement. With over 178 signatures, which is 9 more than last year, the message in this letter is loud and clear: that 90 years is too long to wait for justice to be served and proper recognition to be made.

Mr. Speaker, I received today a copy of President Bush's statement with regard to the April 24 commemoration, and, unfortunately, once again he did not use the term "genocide." And I think that is unfortunate because it has been consistently the case that this Congress and the United States in general over the last 90 years has referred to the Armenian genocide as a genocide, and it is unfortunate that the President continues not to use the term.

This past Wednesday the Caucus, with the cooperation of the Armenian American community, organized a commemorative event on Capitol Hill in the Cannon Caucus room. We were joined by over 350 members of the community as well as numerous Senators and Members of Congress who all spoke on one message: that the United States owes it to the Armenian American community, to the 1.5 million that were massacred in the genocide, and to its own history to reaffirm what is a fact.

As we saw on Wednesday night and as we have seen time and time again, the United States has a proud history of action and response to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the U.S. chose to step up. Individuals like Ambassador Morgenthau and Leslie Davis witnessed the atrocities firsthand, and their conscience did not allow them to simply look the other way. It is now time that the U.S. stops looking the other way, reaffirms what we all know to be fact, and properly recognizes the Armenian genocide.

I wanted to mention that I was very proud earlier this year when our Ambassador to Armenia, Ambassador Evans, referred to the Armenian genocide as a genocide, and it was unfortunate that he was essentially rebuked by the State Department because of the words he used. Because the fact of the matter is that when we talk about the Armenian genocide, we are simply acknowledging historical fact, and we feel very strongly that if at the time when the genocide occurred, the world and the United States, if we had taken more notice and had tried to prevent it, I think it would have served as a lesson so that the Nazi Holocaust against the Jews and so many other atrocities that took place in the 20th century would not have occurred. If we are going to see a situation in the future in this 21st century when we do not repeat the mistakes of the past, we must acknowledge the Armenian genocide.

We know even now, history in the last 100 years has witnessed more horrible episodes since the Armenian genocide. As we speak, the Sudanese Government is taking a page out of the Turkish Government's denial playbook and continuing the vicious cycle of genocide denial in what is happening in Darfur. If we are ever to live in a world where crimes do not go unpunished and fundamental human rights are respected and preserved, we must come to recognize the Armenian genocide, thus allowing for proper reparations and restitutions to be made.

I was very upset, Mr. Speaker, on Saturday when I read in the New York Times that the Turkish envoy to the United States continued to say that the only reason why Armenians and Americans wanted the genocide recognized was because they wanted restitution or they wanted reparations. That is simply not true. But it is also true that restitution and reparations must be made. For those who commit a state-sponsored genocide or a state-sponsored massacre, it is important that the state, in this case, Turkey, acknowledge that it occurred and that restitution and reparations are made, just as in the case with Germany in the case of the Nazi Holocaust against the Jews.

Mr. Speaker, I look forward to introducing a genocide resolution with my colleagues in the 109th Congress, and as we did in the 108th Congress and the 106th. We will do everything in our power to get legislation passed and reaffirm the U.S. record on the Armenian genocide. Today the United States has the profound responsibility of carrying on the tradition and the work of our predecessors in continuing to combat genocide whenever and wherever it takes place. We must show the world that individuals such as Ambassador Morgenthau did not stay quiet 90 years ago, and we in Congress certainly owe it to them not to stay quiet today.

Mr. BECERRA. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian Genocide. April 24, 2005 marked the day 90 years ago that began a bloody eight-year period during which 1.5 million Armenians lost their lives as a result of this tragic event.

We must take this opportunity to heal the wounds of those who survived this calamity, as well as the Armenian people as a whole. Let us officially acknowledge this regrettable moment in human history, as formal recognition is nearly four generations overdue. By finally closing this chapter, we would not only take positive steps towards normalizing relations between Turkey and Armenia, but also help to prevent future tragedies.

I would also like to take this opportunity to commend Armenian Americans nationwide for their contributions to our country. Through the preservation of their heritage, faith and traditions, Armenian Americans join the multitude of immigrants from many different cultures who contribute to the rich diversity we celebrate together as a Nation.

Mr. Speaker, woven deeply into the fabric of our culture, Americans stand for freedom and basic human rights for all. Let us further demonstrate our deep conviction for the ideals we hold dear in our resolute opposition to crimes against humanity and officially recognize the Armenian Genocide.

Mr. MARKEY. Mr. Speaker, today we gather to remember and commemorate the Armenian Genocide, one of the darkest chapters of World War I, and the first of the series of genocides we saw in the 20th Century.

The Armenian Genocide is sometimes called the "Forgotten Genocide." In fact, as most of you know, back in 1939, prior to the invasion of Poland, Adolph Hitler argued that his plans for a Jewish holocaust would, in the end, be tolerated by the West, stating: "After all, who remembers the Armenians." Who remembers the Armenians? Today, we provide an answer: We Do! We Remember!

We do so because it is important, indeed it is essential to remember and reflect upon these events, but we also do so because we know that the Armenian people today struggle on an ongoing basis to confront and surmount the legacies and the consequences of those dark days.

Consider, for a moment, what might have been.

At the end of the first World War, the American public was acutely aware of the atrocities that had been committed against the Armenian people from 1915 on—atrocities that we knew had resulted in the death of more than 1 million Armenians and left the remaining Armenian population starving and destitute.

At the time, U.S. Ambassador Henry Morganthau reported that "When the Turkish authorities gave the orders for these deportations, they were simply giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

A military mission headed by Major General James Harbord in 1919 had been sent to report on conditions in the region and make recommendations to U.S. policy makers. General Harbord sent a clear message about the defenselessness of the Armenians and the dangers they still faced.

By the time of the Paris Peace negotiations at the end of the War, President Wilson was committed to the notion of using the proposed League of Nations to help the Armenians. In a September 6, 1919 speech on the Treaty creating the League, he spoke of the Armenian Genocide, "When I think of words piled upon words, of debate following debate, when these unspeakable things that cannot be handled until the debate is over are happening, in these pitiful parts of the world, I wonder that men do not wake up to the moral responsibility of what they are doing. Great peoples are driven out upon a desert, where there is no food and can be none, and they are driven to die, and then men, women, and children thrown into a common grave, so imperfectly covered up that here and there is a pitiful arm stretched out to heaven, and there is no pity in the world. When shall we wake up to the moral responsibility of this great occasion?"

On May 24, 1920, Wilson proposed to create a U.S. mandate in Armenia, in which we would have sent in troops to maintain the peace and provide assistance to help the Armenian people establish a functioning government and economy.

But the proposed U.S. mandate never occurred. Republican Senator Henry Cabot Lodge from Massachusetts, the Chairman of the Senate Foreign Relations Committee, who earlier had championed the cause of the Armenians, refused to support President Wilson's proposed Mandate. Senator Lodge said at the time, "To invite this country to take charge of that crossroads of the nations in Armenia, to commit itself to sending its troops there for an indefinite period, and to bear the expenses involved for an indefinite period, is something for which I could never bring myself to vote." And on June 1, 1920, he, along with the other Republican isolationists in the Senate voted 34 to 43 and 34 to 41 against two Democratic amendments that would have fully or partially authorized the Mandate.

And so, Armenia was left on its own, open to attack from both Turkey and the Soviet Union. And the Armenians made a fateful decision. Rather than accept Turkish dominance and the prospect of additional killings, they signed an agreement with the Soviet leadership's point man in the Caucuses—a man named Josef Stalin—to join the Soviet Union. That fateful decision led them to more than 60 years of Armenian suffering under the yoke of the Communists.

So, as we all gather together to consider the legacy of the Armenian genocide and the Diaspora it created, it is also appropriate for America as a nation to consider what can be done to give something back to those who, by tragic circumstances, were forced to live through unspeakable atrocities during the Genocide only to then come under the control of a brutal Soviet rule.

Armenia today faces enormous economic and political challenges: It has hostile neighbors. It faces blockades that stifle trade and economic opportunities. It needs economic and military assistance.

There is much that the U.S. government can and should do to assist the Armenian people: We should grant Armenia Permanent Normal Trading Relations status, so as to facilitate the growth of trade and economic relations. We should provide Armenia with the economic and military assistance it needs to develop its economy and ensure its security. We should press for an end to the Turkish and Azerbaijani economic blockades.

The writer Milan Kundera once wrote that "The struggle of man against power is the struggle of memory against forgetting." There are those that would deny the Armenian Genocide, just as there are those that deny the reality of the Nazi Holocaust. In commemorating the Armenian Genocide, as we do this evening, we all collectively engage in that struggle of memory against forgetting. But we do this not only to remember the past, but to animate the future with a commitment to prevent such things from ever happening again, and to strive towards making a better future for the Armenian people, a people who have suffered so much.

In September of 1919, President Woodrow Wilson spoke of his vision of a future Armenia. He said, "Armenia is to be redeemed . . . So that at last this great people, struggling through night after night of terror, knowing not when they may come out into a time when they can enjoy their rights as free people that they never dreamed they would be able to exercise."

It has taken Armenia decades to reach a point where its people could enjoy their rights as a free people—the rights Wilson spoke of. Today, we have an opportunity to help ensure that they can build a better future. And so, I look forward to continuing to work with the Armenian-American community and Members of the Congressional Caucus on Armenia to address the issues facing this region, so that together we build something positive, something hopeful, something good for the future—a peaceful, prosperous Armenia with close ties to the United States.

Mr. COSTA. Mr. Speaker, I rise to commemorate the 90th anniversary of the Armenian Genocide.

The Armenian Genocide is fully documented in the U.S. archives and through an overwhelming body of firsthand, governmental, and diplomatic evidence. The only party denying the Armenian Genocide is the Turkish government.

As a young man, I remember learning about the Armenian genocide by listening to the experiences of the men and women who experienced it firsthand. Many of the survivors of this experience fled to the United States, and through time established communities throughout the country, including my district.

California is home to the largest Armenian-American population in the United States. The California State Assembly designated April 24, 1997 as "California Day of Remembrance for the Armenian Genocide of 1915–23, and for the Victims of the Sumgait Pogroms of 1988 and Baku Riots of 1990."

Morally, it is wrong for the American people to be complicit in the Turkish government's effort to deny the suffering and death of over 1.5 million people.

Turkey's denial of the Armenian Genocide sets a dangerous precedent that makes future genocides more likely. Adolf Hitler, while planning the Holocaust, silenced the potential reservations of his generals by asking: "Who, after all, speaks today of the annihilation of the Armenians?"

As a Nation that values the freedom of speech and assembly, we must admit that this event occurred, and force Turkey to do likewise.

Additionally, we must ask the EU to refuse Turkey's application to join the EU until Turkey accepts their role in the genocide against the Armenian people.

Mr. CONYERS. Mr. Speaker, tonight I rise to remind the world that the 24th of April marked the 90th anniversary of the Armenian Genocide, a systematic and deliberate campaign of genocide of the Ottoman Empire. Also, it marked yet another year without the U.S. formally recognizing the atrocities that occurred. Considering how well documented the genocide is in the U.S. archives and through an overwhelming body of first-hand, governmental, and diplomatic evidence this is nothing less than a disgrace. I also rise to reaffirm my support for the adoption of the Genocide Resolution H. Res 193, which was introduced last Congress by Rep. PALLONE. Unfortunately, even though this legislation passed unanimously out of my committee, had 110 cosponsors and was placed on the House calendar, it was not allowed to be brought to the floor for a vote. The purpose of this legislation was prevent future genocides by stressing the importance of remembering and learning the lessons of past crimes against humanity, including the Armenian Genocide, Holocaust, and the Cambodian and Rwandan genocides in hopes of preventing future atrocities. In addition, this resolution strengthened America's commitment to the universal values of the Genocide Convention and asked the United States to commemorate the 15th anniversary of the Genocide Convention.

As Ranking Member of the House Judiciary Committee, it was an honor to be instrumental in preparing the report last year which gained unanimous approval at the committee level. The report described the Armenian genocide in the following terms: "Beginning in 1915, the Islamic Turkish state of the Ottoman Empire sought to end the collective existence of the Christian Armenian population. From 1915 through 1918, during World War I, the Ottoman Empire subjected the Armenian people to deportation, expropriation, abduction, torture, massacre, and starvation. The atrocities were renewed between 1920 and 1923. It is estimated that one and a half million Armenians were killed out of over two million Armenians who had lived in the Ottoman Empire. It should be noted that these activities ceased with the institution of the new Republic of Turkey in October, 1923." Two weeks ago, I signed onto a bipartisan letter to President Bush, asking him to properly recognize the Armenian Genocide.

The Armenian Genocide is fully documented in U.S. history. In a July 24, 1915 cable, American Consul Davis noted that, "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has ever been conceived by the mind of man. What the order is officially and nominally to exile the Armenians from these Vilayets may mislead the outside world for a time, but the measure is nothing but a massacre of the most atrocious nature. It would be that even if all the people had allowed to perish on the road. As a greater part of them, however, have been actually murdered and as there is no doubt that this was done by order of the government, there can be no pretense that the measure is anything else but a general massacre."

Now more than ever as the world is gripped by unrest and terrorism, the memory of the Genocide underscores our responsibility to help convey our cherished tradition of respect for fundamental human rights and opposition to mass slaughter. We owe it to the victims of the Genocide to acknowledge what happened and to teach our students and children about their suffering, so that we can fulfill our obligation to ensure that genocide will never happen again. Our future generation should be able to say, "I learned, I acknowledge, and I will work to prevent it from happening again."

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 90th Anniversary of the Armenian Genocide. This is both a somber and encouraging day for both myself and many of my constituents, who are survivors or ancestors of survivors. Somber in memory of the millions who lost their lives, and encouraging in the success of the Armenian American community of building new lives in the U.S., as well as an independent Armenia.

April 28, 1915 will live as a day of infamy in the lives of all Armenians, all over the world. It was this day that the Turkish government ordered the deportation of 2.5 million Armenians out of the Ottoman Empire. Within hours, Turkish forces had rounded up over 300 Armenian scholars, and deported or killed them. Over the next year, 1.5 million Armenians were killed or deported to concentration camps to await certain death.

I have always supported the Armenian American community. However, my support for the community does not only stem from the size of the Armenian Community in Queens, but also because I see the strategic importance of the Caucasus region for the United States.

In 2003, I had the opportunity to visit Armenia and to plant a tree at the Genocide memorial. The independent country of Armenia is a living testament to honor the memories of the survivors.

I believe that by failing to recognize these barbaric acts, one becomes complicit in them. Let us never forget the 1.5 million Armenians who perished in 1915 and 1916.

Mr. Speaker, again I commemorate the 90th Anniversary of the Armenian Genocide, and hope that April 28th, 1915 will never be forgotten. I also ask that the New York Times story focusing on survivors of the genocide be inserted into the RECORD. Their words and memories speak louder than any speech we will hear today.

[From the New York Times, Apr. 23, 2005]

ARMENIAN IMMIGRANTS RECALL A 90-YEAR-OLD TRAGEDY

(By Corey Kilgannon)

A cheery sign in the New York Armenian Home in Flushing, Queens, yesterday informed its elderly residents in colorful letters of the current date, season and weather.

And of an anniversary: "Remember April 24, the Armenian Genocide."

A framed proclamation by Gov. George E. Pataki hung nearby, declaring April 24 as Armenian Remembrance Day to commemorate the Turkish massacres of an estimated 1.5 million Armenians beginning in 1915. It called the killings "the 20th century's first such calculated effort to destroy people on a massive scale" and added that "the Armenian Genocide led academics to coin and utilize the very term genocide."

It is doubtful that even with failing memories, any residents at the home needed a reminder.

"This time of year, they all get disturbed and remember," said Jenny Akopyan, assistant director of the home.

Tomorrow, thousands of Armenian-Americans from across the Northeast are expected to gather in Times Square to mark the 90th anniversary of the murders of their relatives and forebears by Ottoman Turks during World War I.

On April 24, 1915, Turkish soldiers arrested hundreds of Armenian leaders in Constantinople, then tortured and executed them. The mass slaughter of Armenians over the next several years is often called the first genocide of that century and a precursor to the Holocaust.

The Armenian Home, on 45th Avenue in Flushing, opened in 1948 and has long housed many genocide survivors who escaped by playing dead, fleeing or other means. Most of the residents are from families decimated by the genocide, but only a half dozen—all in their 90's—actually escaped it as children.

The most recent death of a survivor was in August: Lucy Derderian, age 103, who "only survived the genocide because her mother was smart enough to hide her under the dead bodies during a massacre," said Aghavni Ellian, the home's executive director.

Ms. Ellian walked into the home's day room, where about two dozen elderly Armenian immigrants sat watching "The Price Is Right" on a large television next to an ornate Christian shrine bedecked in crimson and gold. She carried a lamb dish that had been delivered for later: madal, a roast blessed by a priest and traditionally eaten on April 24.

The residents had just finished small cups of thick, strong Armenian coffee. Few survivors could offer completely lucid recollections, but each had some snippet of horror seared into memory.

Gulumya Erberber, 93, said that Turkish soldiers had beheaded her father, a wealthy academic, and seized his riches and several houses. She was 3 years old then, and her mother fled with the five children to a mountain village where the townspeople did not speak Armenian but did help the family.

Israel Arabian, 99, leaned on his cane and related how he was forced to work for a Turkish officer who took Mr. Arabian's teenage sister "as a wife." He ran away and grew up in a Greek orphanage before eventually coming to New York and settling in Queens.

Many Armenians bitterly denounce the Turkish government for denying that the killings constituted genocide. In an interview yesterday, Tuluy Tanc, minister counselor for the Turkish Embassy in Washington, said the accusation of genocide was "unfair and untrue," a legal ploy to gain reparations.

"We don't see what happened as genocide, quote-unquote," Mr. Tanc said. "Unfortunate and tragic events took place during World War I and bad things happened to Armenians, and Muslims and Turks also."

"The number killed is much less than they say—it's more like 300,000 Armenians who lost their lives," he said, adding that Turkish leaders had recently asked Armenia to set up a commission to study the killings.

Onorik Eminian, 93, said she was a young child living in the city of Izmir when the Turks killed her parents and other relatives. She said she has never stopped having nightmares about it, especially in April.

"I saw plenty, sir, plenty," she said. "I saw them go in and they broke our churches. They took old ladies, old like me now, and shot them one by one. This I saw in front of my eyes. They chopped the arms off our schoolteachers and hung them from the trees in the street to teach us a lesson. We watched our priest come delivering food, and they killed him and threw the food into the street."

"Are you sure you want to hear my sad story?" she asked. "I was playing in front of our house when they came on horses. My grandmother pulled me in. The Turks grabbed my father—he was hiding Armenians in his coffee shop—and I cried, 'Daddy, Daddy, don't go' and I held onto his leg. Then one soldier told me to shut up and hit me right here with a rifle. Look, I still got the mark."

Weeping, she pointed to a bump on her forehead between her eyebrows and dabbed her eyes with a tissue.

"I said, 'Where's my father?' and they said, 'Here's your father,' and they held up his jacket and pants."

She grew up in an orphanage, and eventually came to New York, lived in Astoria and had two daughters who never saw any mention of Armenian genocide in their history books.

"If you write this in the newspaper," she said, "will the Turks come here and kill me? I'm still afraid of them."

Mrs. LOWEY. Mr. Speaker, I rise in Commemoration of the 90th anniversary of the Armenian Genocide. This yearly commemoration is a testament to the lives and the legacy of the 1.5 million Armenians who lost their lives, and it underscores our commitment to keeping the Armenian nation and culture alive.

As we revisit this dark period in Armenian history, we must be mindful of the lessons that can be learned from this tragedy. Blind hatred and senseless prejudice tear at the very fabric of our society even today. The victims of the Armenian Genocide, the Holocaust, ethnic cleansing in Kosovo, Rwanda, and Sudan, and acts of vicious terrorism remind us of the human cost of hate and implore us to prevent these tragedies from happening again.

I want to join my colleagues in renewing our pledge to the Armenian nation to ensure that Armenians around the world can live free of threats to their existence and prosperity. Azerbaijan continues to blockade Armenia and Nagorno-Karabagh, denying the Armenian people the food, medicine, and other humanitarian assistance they need to lead secure lives. A key component of this pledge is maintaining high levels of assistance to Armenia. As Ranking Member of the House Foreign Operations Appropriations Subcommittee, I will fight to maintain funding for Armenia, which recently became eligible for special Millennium Challenge Account funds.

We must also be cautious to balance our immediate foreign policy needs with the long-time concerns we have had about both the Azerbaijan and Turkish records. This includes reaffirming that the Section 907 waiver is not automatic and indefinite—it will be carefully evaluated. And it also involves close monitoring of assistance given to Turkey.

Building a strong, prosperous Armenia is the best way to honor the memory of the Genocide victims, and I am proud to be a partner in this effort.

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate the somber occasion of the 90th Anniversary of the Armenian Genocide, and to call upon the Administration to finally recognize this horrible crime for what it truly was, systematic and deliberate murder.

The Armenian Genocide began on April 24, 1915, and within 8 years one and a half million Armenians were tortured and killed. Tortures that the Armenians were forced to endure included forced labor, rape, kidnapping, and death marches under the guise of "temporary relocation." A grave injustice was intentionally committed by the Ottoman Empire during these years, and it is imperative that we now stand up and demand that this injustice be officially recognized by Turkey, the United States, and the world.

The senseless crime of genocide is one of the most reprehensible acts that can be committed by man. To attempt eradication of an entire population based on a misguided prejudice is absolutely vile, and the United States should do everything in its power to try and prevent such atrocities from happening in the future. Only by explicitly defining genocide and ensuring that all cases of genocide throughout history are appropriately identified can we effectively deter this crime. Particularly at this time of heightened vigilance around the world, it is absolutely imperative that America take a strong stance against the most troubling of all terrorist acts, mass killings.

We can not forget Adolph Hitler's haunting remark to his military staff prior to launching the Holocaust: "Who, after all, remembers the annihilation of the Armenians." Let us stand up as a country and let the world know that we do remember.

Mr. KIRK. Mr. Speaker, last Sunday, April 24, 2005 marked the 90th Anniversary of the Armenian Genocide. Beginning in 1915, an estimated one and a half million Armenians were systematically murdered over the next eight years.

There were nearly two million Armenians living in the Ottoman Empire on the eve of W.W.I. In an organized campaign of ethnically motivated genocide, the Ottoman Turks deported a million Armenians, separating families and destroying livelihoods. Hundreds of thousands more were murdered. They did not lose their lives, as common nomenclature refers to the situation. They were murdered. Many others died of starvation, exhaustion, and epidemics which ravaged the concentration camps.

On this 90th Anniversary, I join with my colleagues in Congress and the Armenian community worldwide in commemorating this solemn day of remembrance. In particular I commend the Armenian-Americans from my district who departed from the All Saints Community Center in Glenview, IL, to join dozens of Armenians from the Chicago area to peacefully protest at the Turkish Consulate in Chicago. This sort of activism is an important step to finally gaining official recognition of the genocide.

This anniversary serves as a reminder of the horrible campaigns of genocide that occurred in the past, from the Holocaust, to Rwanda, to today's atrocities in Darfur, Sudan. We must uphold our duties as global defenders of human rights and give the Armenian community, as the victims of the 20th Century's first genocide, the recognition they deserve.

Mr. LEVIN. Mr. Speaker, I rise today to join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

This past Sunday, April 24th, marked 90 years since the beginning to one of history's dark chapters. On that day in 1915, the government of the Ottoman Empire began a brutal and systematic campaign of genocide against the Armenian people. It started with the execution of some 300 Armenian leaders, professionals and intellectuals. By 1923, over 1.5 million Armenians had been killed, and another 500,000 had been deported.

The Ottoman Empire claimed that it was acting to suppress civil unrest among Armenians during World War I. The absurdity of this justification for a reign of terror was pointed out at the time by no less credible a witness than our own Ambassador to the Empire, Henry Morganthau. His report to Washington described the Ottoman campaign as one of "race extermination."

The almost unimaginable pain and suffering endured by the Armenian people has been compounded since by the refusal of the Ottoman Empire and now the government of Turkey to acknowledge that the Genocide ever even occurred. Generations of Turks have been raised to deny this atrocity, perpetuating resentments and hostilities. By trying to defend the indefensible, the government of Turkey has denied the Armenian people, as well as its own people the chance to begin the process of healing these wounds.

Mr. Speaker, 90 years is far, far too long for a people to wait for an acknowledgment of the crimes committed against them. That is why I am proud to support the resolution that will be introduced in the coming days remembering the victims and honoring the survivors of the Armenian Genocide. This resolution will appropriately recognize these acts for what they were. Only with a common understanding of this dark period can we move forward and work to prevent similar tragedies in the future.

While we mark the loss and pain of the Armenian people every April 24th, it is my fervent hope that some day soon, it will no longer be necessary to urge the recognition of these terrible events as genocide. I am particularly disappointed that the President has once again failed to lead on this issue. Once again, President Bush's statement this weekend studiously avoided proper recognition of this tragedy.

Mr. Speaker, I ask that all my colleagues take the time to reflect on this anniversary, and that we renew our commitment to the victims of the Armenian Genocide and to each other to never allow such human suffering to occur again.

Mr. SOUDER. Mr. Speaker, I rise to remember the 90th anniversary of the Armenian Genocide of 1915–1923. We are familiar with these events. Hundreds of thousands of men, women, and children were driven from their homes, starved, beaten, and shot. Government-orchestrated intimidation, government-sponsored deportations, and government-perpetrated slaughter are the hallmarks of the Armenian Genocide. They are also the hallmarks of other genocides with which we are all too familiar.

The Armenian Genocide was the first genocide of its kind, but it was not the last. It has served as a model of the Holocaust in Europe, the Killing Fields of Cambodia, and religiously motivated atrocities in the Sudan. We look regretfully and sorrowfully at the slaughter of so many in these cases, as well we should. These events demonstrate man's inherent sinfulness and the evil that comes so easily. No one denies the events in Europe, Asia, and Africa happened. Anyone rejecting these mass slaughters is themselves rejected. And yet, many suffer some kind of incredulity when it comes to the Armenian Genocide. We demand the perpetrators of these other genocides are made to account for their actions, but not the Armenian Genocide.

Photographs and eye witness account point overwhelmingly and undoubtedly to the massacre of over one million human beings, but no one has ever been held accountable. Ninety years after these events, the perpetrators are no longer living. In this world, they can no longer be held responsible for their actions. Their heirs, however, should be made to acknowledge the deeds of their fathers. But they are not.

Modern Turkey has made Armenian Genocide denial into an article of faith. Genocide denial is taught in schools, and is supported by the government. Anyone who deviates from the official line is considered a traitor. Indeed, the government of Turkey works feverishly to prevent any government from recognizing the Armenian Genocide. Recognition by the legislative bodies of France, Italy, Switzerland, and Russia has been met with harsh criticism from the Turkish government.

In 2000, only intense lobbying and ruthless pressure from Turkey prevented this House from recognizing the Armenian Genocide. It is shameful that the United States House of Representatives refuses to reaffirm the Armenian Genocide. Official American records on the Armenian Genocide are considered to be the most extensive in the world, and yet we refuse to reaffirm what already has been acknowledged to be the first genocide of the Twentieth Century. In past eras, American officials, including U.S. Ambassador Henry Morgenthau and President Ronald Reagan, boldly declared the savage butchery in eastern Anatolia and the Caucuses to be genocide.

By allowing Turkey to deny its past actions, we take a step backwards. By not reaffirming the events of 90 years ago, we do not live up to the ideals of our country. I reaffirm the Armenian Genocide in the House of Representatives. I know that it happened. I remember.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

Today we solemnly remember the victims of the Ottoman Government's 8-year campaign of terror against its Armenian population. During this brutal campaign, Armenian communities were systematically destroyed, one and a half million innocent men, women, and children were murdered, and over one million others were forcibly deported.

This somber anniversary is a tribute to the memory of the victims of the Armenian Genocide, and a painful reminder that the world's inaction and denial 90 years ago left a tragic precedent for other acts of senseless bloodshed. This year we marked the 60th anniversary of the liberation of the Auschwitz-Birkenau death camp. The road from Armenia to Auschwitz was direct. If more attention had been centered on the slaughter of innocent Armenians, perhaps the events of the Holocaust might never have been allowed to occur.

And, as we speak today, government-supported Janjaweed militias continue their systematic destruction of black Sudanese in Darfur. Thousands have been murdered, raped, and starved to death, and over one million have been displaced from their homes. The Armenian Genocide stands as a tragic precedent to the brutal campaign of ethnic cleansing currently ravaging Darfur.

Today, we honor the memory of the victims of the Armenian Genocide, and vow once more that genocide will not go unnoticed or unmourned. We must stand up to governments that persecute their own people, and reaffirm our unwavering commitment to fight all crimes against humanity and the efforts to hide them from the rest of the world.

Mr. HONDA. Mr. Speaker, I rise today to commemorate the anniversary of a tragic event. April 24th 2005 marks a solemn occasion in world history: the 90th anniversary of the Armenian Genocide. From 1915 to 1923, the Christian Armenian population endured a policy of systemic killing implemented by the then-Ottoman and early Turkish Empires, resulting in the ethnic slaughter of one and a half million Armenians.

Since that time, descendants of Armenian immigrants have proudly clung to their identity, prospering in communities throughout the world. Here in the United States, we are especially fortunate to have a vibrant Armenian community that has greatly enriched American civic life.

It is vital that we remember this dark period in history. Losing the memory of this tragic event would only perpetuate the injustice. For too long, the Armenian Genocide, the first genocide of the 20th Century, has been denied the recognition that it properly deserves. As human beings, we all have a responsibility to keep events such as the Armenian Genocide at the forefront of our collective historical memory. We cannot begin to overcome the challenges of the future until we acknowledge our past mistakes.

It is perhaps the tragedy of the 20th Century that a cataclysmic occurrence such as the Armenian Genocide has to share a place in our memory with other horrific events such as the wartime atrocities perpetuated during WWII, the ethnic cleansings in Cambodia and Bosnia, and the Rwandan genocide. I truly believe we must take the time and make the effort to find reconciliation between the perpetrator and victims of these events.

Currently, we are confronted by a genocide unfolding in Sudan, where tens of thousands die every month; we must not allow ourselves to turn a blind eye.

Mr. Speaker, recognizing the Armenian Genocide will help heal the wounds humanity has suffered in the past century. By acknowledging the horrors of our past and working to protect our future, we take one step closer to the goal of "never again."

Mr. MENENDEZ. Mr. Speaker, "those who cannot remember the past are condemned to repeat it." That saying is as true today as it was almost a hundred years ago when the philosopher George Santayana first wrote it.

So, today we are here to remember. We are here to remember that the Ottoman Empire brutally tortured and murdered 1.5 million Armenians 90 years ago and that half a million Armenians were forced to flee their country. Let us also remember and honor those who survived the genocide. Although few survivors of the Armenian Genocide are still living today, those who endured the horrors of 1915 are heroes for all time.

We are here to honor those who died and to call for recognition of the Genocide carried about by the Ottoman Turkish government. We are here to remember so we don't repeat the same mistake, anywhere, in any country of the world.

In my view, all Americans must recognize that the atrocities committed from 1915 to 1923 constitute genocide. We do not use that word lightly. But the word, itself, makes a powerful statement about the horrors suffered by the Armenian people. As Samantha Powers, the leading expert on genocide said in a letter to the editor of the New York Times, "The extermination of Armenians is recognized as genocide by the consensus of scholars of genocide and Holocaust worldwide. The failure to acknowledge this trivializes a human rights crime of enormous magnitude." Today, the people of Armenia and her diaspora are proudly seeking to rebuild their country.

From the ashes of despair born of the genocide, and from the ravages of seven decades of communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenia and Nagorno-Karabagh.

As Armenian-Americans join with Armenians from throughout the world to help to rebuild their homeland, and as they seek to secure an economically prosperous state founded on firm democratic principles, I will stand by them.

As a Member of the House leadership and the House International Relations Committee, I promise to do all I can on behalf of Armenia and to ensure that the Armenian genocide is recognized. In closing, I remind you that Adolf Hitler once stated: "Who today remembers the Armenians?"

I am here to say that we remember the Armenians. The children, grandchildren, and great grandchildren of the survivors and of those who perished, remember the Armenians. The friends and neighbors of Armenia, remember the Armenians. And here in the United States, we remember the Armenians.

Mr. RADANOVICH. Mr. Speaker, I am honored to stand here today with my colleagues to acknowledge this important event and to have the opportunity to commemorate the 90th Anniversary of the Armenian Genocide; one of the saddest chapters of history. We join the Armenian-Americans across the nation and the Armenian community abroad to mourn the loss of so many innocent lives.

In this turbulent century, we have witnessed humanity's great potential for good and bad—but the world has triumphed more often in the last 90 years than it has disappointed. And yet, while focusing on humanity's successes is always more attractive than remembering any failures, we as civilized peoples, countries and nations must not deny the immorality of atrocities such as the Armenian Genocide.

The U.S. is fortunate to be home to an organized and active Armenian community, whose members contribute and participate in every aspect of civic life. This is one of the reasons that myself—along with 170 members of Congress—have asked President Bush to join us in reaffirming the United States record on the Armenian Genocide.

As a proud member of the Congressional Caucus on Armenian Issues and an ardent supporter of Fresno's Armenian-American community, I wish the people of Armenia success in their efforts to bring about the lasting peace and prosperity that they deserve. I pledge to continue my ongoing efforts to sponsor initiatives that would build on our record towards an inevitable, full and irrevocable U.S. affirmation of the Armenian Genocide.

Mr. SMITH of New Jersey. Mr. Speaker, today we mark the 90th anniversary of the beginning of the Armenian Genocide. Every year we participate in this solemn commemoration but this year it has a special significance.

For the families of the victims and the survivors, the horrors of that bygone era remain so painful that it is hard to believe how much time has passed. The passage of years has not dimmed the memory or eased the grief. Not a relative or friend has been forgotten, nor have fond memories of native cities faded away.

Moreover, no accounting for mass murder has been made. Though many governments and legislative bodies around the world have recognized the Armenian Genocide, the Turkish Government consistently refuses to acknowledge what happened. For Armenians everywhere, Turkey's policy of aggressive denial sharpens the feeling of loss, embittering the lives of those who miraculously survived.

Today, those of us without Armenian blood share the sorrow of Armenians everywhere. I had the privilege in September 2000 of chairing hearings on the Armenian Genocide in the Subcommittee on International Operations and Human Rights of the International Relations Committee. The reading I have done over the years, which has included detailed descriptions of the atrocities, shock me. But, I am resolved to speak about this issue, loudly and often.

The Armenian Genocide has significance for all of us. It created a monstrous precedent which launched a century of genocides. In numerous countries and cultures, an ethnic group that controlled the state has used its instruments of coercion to slaughter members of a minority group, religion or class. It is enough to recall Adolf Hitler's smug remark, "Who remembers the Armenians?" to grasp the universality of what happened to the Armenians.

Much has changed in the world since the mass, planned murder in 1915—two world wars, the fall of the Ottoman, Habsburg and Romanov Empires, the rise of the American superpower and most recently, the fall of the Soviet Union. One would have thought that we would have grown wiser over the years. Alas, we have not learned the appropriate lessons from the 20th century's first genocide. Just a few years after Rwanda, at this very moment, another genocide is taking place in Darfur. Yet, instead of mounting a united response, the international community has waffled or slithered away from responsibility, as hundreds of thousands are slaughtered.

The record of man's inhumanity to man is awful enough to produce a feeling of resignation. But we must fight that tendency. We must continue to remind the world of what occurred in 1915 and keep calling on Turkey to won up. We must not restrain ourselves from speaking of the Armenian Genocide. Along with many of my colleagues, I urge President Bush to speak the truth to Ankara, which needs to come to terms with its own past.

As this somber time, I want to note one optimistic point: OSCE negotiators are guardedly hopeful about the prospects of resolving the Nagorno-Karabakh conflict. True, we have experienced such moments before and should not get our hopes up. Still, I am encouraged to hear that there is at least some reason for hope. We all pray for a peaceful solution to this conflict, which has caused over 30,000 deaths and many more casualties. Next year, when we once again commemorate the Genocide of the Armenians, I hope their descendants will be living in peace with their neighbors, building a democratic, prosperous country that will be a light unto the world.

Mr. ENGEL. Mr. Speaker, I rise to commemorate the ninetieth anniversary of the Armenian Genocide. On the night of April 24, 1915, the Ottoman Empire arrested over 200 Armenian community leaders in Constantinople, thereby marking only the beginning of the horrendous Armenian Genocide to come.

On the eve of World War I, an estimated two million Armenians lived in the Ottoman Empire. Well over a million were deported and hundreds of thousands were simply killed. Between 1915 and 1918, the Ottoman Empire conducted other atrocities against Armenians which also included abduction, torture, massacre and starvation. Armenians living in Armenia and Anatolia were forcibly moved to Syria, where they were left in the desert to die of hunger and thirst. In addition, there were systematic murders; women and children were abducted from their homes and abused. It has been estimated that one and half million Armenians died as a result of this genocide from 1915 to 1923. By 1923 the entire landmass of Asia Minor and historic West Armenia had been expunged of its Armenian population.

On this important anniversary, it is a lasting lesson to people everywhere that genocide must not only be opposed by all nations, but that it must be universally recognized as a crime against humanity—no matter where it occurs or against whom it is carried out.

Mr. LANGEVIN. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian genocide, during which one and a half million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile. Despite overwhelming documentation, the Turkish government has refused to admit or apologize for these atrocious acts, or even acknowledge the Armenian Genocide.

As Americans, we must guarantee that our foreign policy reflects our values of justice, equality and responsibility. These values should apply in all of our international interactions, including those with Turkey, a NATO ally. Turkey wishes to increase its global profile through accession to organizations such as the European Union. However, if Turkey wishes to gain the world's respect, it must earn it. It must demonstrate its commitment to peace and democracy in the region. It must reopen its borders, end its blockade of Armenia, and encourage Azerbaijan to end its aggressive rhetoric. And most importantly, it must accept responsibility for past injustices through an unconditional recognition of the Armenian Genocide. Only then can Turkey begin to come to terms with its history. Only then can Armenians seek justice from the Turkish government for the losses of so much and so many.

Last month, I was honored to lead a conference session for Rhode Island students in which we discussed the genocide and what steps our government should take to recognize that tragedy appropriately. I think practically every student present that morning was amazed that, despite overwhelming evidence and widespread support, Congress has not yet passed the genocide resolution. It is time for Congress and the White House to speak with one voice and ensure that our national ideals are reflected in our foreign policy. Consequently, I joined many of my colleagues in asking the President to recognize the Armenian Genocide in unambiguous terms, and I will again cosponsor the Genocide Resolution when it is reintroduced in the coming weeks.

As an ardent supporter of Rhode Island's Armenian-American community throughout my public service career, I am proud to join my colleagues to today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the pain that they have endured.

Mr. McGOVERN. Mr. Speaker, for the past nine years, I have come to the floor of the U.S. House of Representatives to honor and remember the genocide perpetrated against the Armenian people by the Ottoman Empire at the beginning of the 20th Century.

This year marks the 90th Anniversary of these heinous acts, which drove so many survivors to the distant shores of the United States. Those of us in central Massachusetts have learned the story of the Armenian Genocide from our friends, neighbors and colleagues who are direct survivors, or the children and grandchildren of those survivors.

I have been privileged to participate in many of the annual remembrances of the Armenian Genocide held in Worcester, Massachusetts, at the Armenian Church of Our Savior, one of the oldest Armenian churches and congregations in America.

But I feel more privileged to have worked with the Armenian community in Worcester to educate the community, and especially young people and college students, about not only the Armenian Genocide, but about other contemporary and even current genocides that are taking place around the world. I am especially grateful that I will be able to collaborate with them in the future on events that will focus on the genocide in Darfur, Sudan.

May we all live to see and celebrate the day when we commemorate the Armenian Genocide in a world where genocides no longer take place against any people.

Mr. SHIMKUS. Mr. Speaker, I rise to recognize the anniversary of the Armenian Genocide and to place in the RECORD a portion of an opinion article written by Lee Enokian.

Armenian Genocide Victims Are Not Forgotten

(By Lee Enokian)

Today is the 90th anniversary of the Armenian Genocide. Between 1915 and 1923, more than 1.5 million Armenians were murdered or forcibly exiled because they were the wrong religion and ethnicity. The world community memorializes the anniversary annually as Armenian Martyrs Day.

Thousands of Armenians were offered their lives in exchange for their conversion to Islam. They refused and died as a result. Their steadfast faithfulness to the Christian faith is not surprising. Armenia was the first Christian nation and remains the only Christian nation in the Middle East.

Various Turkish people invaded southwest Asia during the Middle Ages and carved an empire for themselves from lands occupied by the indigenous Semitic and Indo-European inhabitants.

Turkish nationalism grew relentlessly during the following centuries. In the years preceding World War I, they actively sought to Turkify the Ottoman Empire and strengthen their rule by eliminating fractious ethnic minorities.

The western two-thirds of Anatolia was once inhabited by Greeks and other Indo-European peoples. It is now primarily occupied by Turks.

The eastern third of modern Turkey was once Armenian with an Assyrian minority, but is now populated by Turks and Kurds.

Modern Armenia survived only because it was the single province controlled, and protected, by the Russian Empire. The rest of the territory within its historical borders is almost wholly devoid of ethnic Armenians.

The organized depopulation of Christians and non-Turks from Anatolia by the Ottoman Empire is one of the worst incidents of racism and religious intolerance documented in the world.

The Genocide was master-minded by the ultra-nationalist "Young Turk" government of Ottoman Turkey. Mehmet Talaat Pasha was the Minister of the Interior and architect of the Armenian Genocide. He was rewarded by being elevated to the position of Grand Vizier in 1917. Pasha fled to Germany as his empire collapsed in 1918. He was convicted of capital crimes, including massacring the Armenians. The post-war Ottoman government sentenced him to death in absentia.

Just-minded federal, state and local governments throughout the world continue to acknowledge the Armenian Genocide.

Illinois is no different. Gov. Rod Blagojevich has continued the practice of his predecessors by remembering the plight of the Armenian people. Part of his annual proclamation reads: "The Armenian community, as well as the global community, remembers the Armenian Genocide, which occurred 90 years ago; and during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year."

Sadly, the modern state of Turkey denies the Genocide ever occurred. It restricts the ability of ethnic Armenians, Kurds and Assyrians to enter and travel within the country. In fact, Turkey has done its best to remove every trace of the Armenian people from their ancestral homeland. These efforts still don't change history.

Blagojevich concluded his proclamation with the fact that we must remember hateful events like the Genocide to help prevent their future institution.

"Both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity."

Evil wins when good men turn a blind eye.

Mr. HINCHEY. Mr. Speaker, I rise in remembrance of the Armenian Genocide—one of the most horrific tragedies of the 20th century. Beginning on April 24, 1915, leaders of the Ottoman Empire began murdering thousands of Armenian people. By 1923, the number of Armenians murdered was over 1.5 million. Yet, in spite of irrefutable evidence, the United States of America and the Republic of Turkey have consistently refused to officially acknowledge that the Armenians were victims of genocide.

The Armenian Genocide is a historical event that cannot be denied or forgotten. It is vital for Turkey to recognize that this tragedy took place on its soil. Turkey should follow the example of Germany in its swift commendation and acknowledgement of the Holocaust. It is also equally vital for the United States to officially recognize the Armenian Genocide, just as many other governments have.

In 2000 the European Parliament officially recognized the Armenian Genocide. The following year the French Parliament recognized it as well. Many attempts have also been made by the U.S. Congress to officially recognize the Armenian Genocide. These attempts, however, have been scuttled by successive administrations for fear of disrupting our strategic relationship with Turkey. While I certainly value Turkey's friendship, as a world leader, the U.S. must officially acknowledge the Armenian Genocide. Not doing so sets an extremely poor example for the rest of the world and denies the victims of this horrific tragedy the proper reverence they deserve.

Mr. LYNCH. Mr. Speaker, I rise today to join with Armenians throughout the United States, Armenia, and the world in commemorating the 90th anniversary of the Armenian genocide, one of the darkest episodes in Europe's recent past. This week, members and friends of the Armenian community gather to remember April 24, 1915, when the arrest and murder of 200 Armenian politicians, academics, and community leaders in Constantinople marked the beginning of an 8-year campaign of extermination against the Armenian people by the Ottoman Empire.

Between 1915 and 1923, approximately 1.5 million Armenians were killed and more than 500,000 were exiled to the desert to die of thirst or starvation. The Armenian genocide was the first mass murder of the 20th century, a century that was sadly to be marked by many similar attempts at racial or ethnic extermination, from the Holocaust to the Rwandan genocide and now the ongoing genocide in Darfur, Sudan.

In the 90 years since the beginning of this genocide, we have learned the importance of commemorating these tragic events. In 1939, after invading Poland and relocating most Jews to labor or death camps, Hitler cynically defended his own actions by asking, "Who remembers the Armenians?" Just a few years later, 6 million Jews were dead. Now is the time when we must answer Hitler's question with a clear voice: We remember the Armenians, and we stand resolved that genocide is a crime against all humanity. We must remember the legacy of the Armenian genocide and we must speak out against such tragedies to ensure that no similar evil occurs again.

While today is the day in which we solemnly remember the victims of the Armenian genocide, I believe it is also a day in which we can celebrate the extraordinary vitality and strength of the Armenian people, who have fought successfully to preserve their culture and identity for over a thousand years. The Armenian people withstood the horrors of genocide, two world wars, and several decades of Soviet dominance in order to establish modern Armenia. Armenia has defiantly rebuilt itself as a nation and a society—a triumph of human spirit in the face of overwhelming adversity.

It is my firm belief that it is only by learning from and commemorating the past can we work toward a future free from racial, ethnic, and religious hate. By acknowledging the Armenian genocide and speaking out against the principles by which it was conducted, we can send a clear message: never again.

□ 1945

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order on the Armenian genocide.

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HONORING ATHENS, TEXAS, MAYOR JERRY KING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise today to recognize the exceptional leadership, character, and outstanding achievements of my dear friend, Mayor Jerry King of Athens, Texas. After an unprecedented five terms in office and 10 years of exceptional service, Mayor King has decided to step down as mayor. His decision is truly a loss to the citizens of Athens, Texas.

A responsive and fiscally responsible leader, Jerry King has always brought Athens together to achieve many worthy goals, including the opening of a new city hall that is modern and meeting the needs of the citizens of that community and the Texas Freshwater Fishery Center, which is truly a wonderful showplace facility for Athens and east Texas that helps educate numerous tourists and school children on the wonders of nature and the environment and our freshwater fish.

He has helped revitalize downtown Athens, Texas. Mr. Speaker, at a time when many small towns in rural America and rural Texas have seen a decline, they have seen their glory days pass them up, downtown Athens is vibrant, it is alive, it is well, thanks to the leadership of Jerry King. It shows that Athens' glory days are in the present and in the future, not in the past.

Mayor King has also worked to improve Athens' transportation infrastructure through the new loop that is just vital to economic development in that part of east Texas. Mayor King has led and won the support on so many different programs and projects that are important to the people of Athens. This is truly a record of accomplishment.

Undoubtedly because of it, Mayor King is recognized as a strong and visionary leader throughout all of east Texas; and elected officials throughout East Texas, including myself, have sought his advice, his counsel, his wisdom.

Mr. Speaker, he is upbeat, he is optimistic, he is forward thinking and he is a good listener; and through his efforts he has made Athens, Texas, a better place to live, to learn, to work, and to raise a family.

Mr. Speaker, Jerry King has not only demonstrated his dedication to public service through his tenure as mayor but through his volunteer service and enthusiastic involvement in community organizations as well. Jerry has always led by example. He served as the president of the Henderson County YMCA, the president of the Athens Noon Kiwanis Club, the president of the Athens Teenage Baseball Association, the vice president of the Chamber of Commerce, a board member of the Athens Industrial Foundation, and the list goes on and on and on.

In his professional career, Jerry King has undertaken a noble life, that of educator. His life is one about improving education and strengthening our institutions of higher learning.

After graduating from Commerce High School, Jerry King attended Texas A&M University at Commerce, where he received a bachelor's degree in economics, a master's degree in business administration, and a doctorate in education.

He has put his education to work for the citizens of east Texas as a professor of management, business and economics at his beloved Trinity Valley Community College. Today he serves there as Dean of Occupational Instruction; and thanks to his work, young people from all over east Texas have been enlightened about business and economics, and thusly they have been empowered. They have been empowered by a great teacher that they respect and admire to go out and create the next generation of inventory software, to help found the next community bank next door.

As the Congressman for the Fifth Congressional District of Texas, I am pleased today to recognize my good friend Jerry King for his many years of public service as mayor and for the outstanding contributions he has made to the city of Athens. I also want to thank his wonderful and patient wife, Dosha, for the sacrifice she too has made on behalf of the people of Athens.

Although he is stepping down as mayor, Jerry King has truly made his community and country a better place. I know he will continue to do so, be it as public servant, leader, volunteer, or educator.

Mr. Speaker, the greatest compliment I can pay my friend Jerry King tonight is that when I think about my 19-month-old son, Travis, I can be proud if one day he would grow up to be just like Mayor Jerry King of Athens, Texas.

NO TO THE CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week more than 150 Republicans and Democrats, Senators and House Members, business groups and labor organizations gathered on Capitol Hill to speak out against the Central American Free Trade Agreement. This group of unlikely bedfellows, if you will, spoke with one voice to deliver a unified message, no to CAFTA.

CAFTA, the Central American Free Trade Agreement, expands the failed trade policies of the North American Free Trade Agreement to Central America. When I ran for Congress in 1992, the United States had a $38 billion trade deficit. Last year, a dozen years later, the United States had a $618 billion trade deficit: from $38 billion to $618 billion trade deficit.

The more you look at the face of CAFTA, the better you can see who will benefit and who will pay the price if Congress passes one more trade agreement. Trade pacts like NAFTA and CAFTA enable companies to go overseas, exploit cheap labor in the developing world, and then import their products back into the United States. That is why we have a $618 billion trade deficit.

The Central American Free Trade Agreement should actually be called the Central American Free Labor Agreement.

Now, we know in the United States our economy over the last several decades has been a tremendous success because workers share in the wealth they create. If you work for General Motors, if you work for a hardware store, you help your employer by your labor make money, and your employer in turn allows you to share in the wealth you create. That is why the American economy is such a success story.

But throughout the developing world, workers simply do not share in the wealth they create. Workers in Costa Rica cannot afford to buy the toys they make for Disney for their children. Workers in Vietnam at a Nike plant cannot afford to buy the shoes they make. Motorola workers in Malaysia cannot afford to buy the cell phones they make. Ford and GM workers in Mexico cannot afford to buy the cars they manufacture.

The Central American Free Labor Agreement is about access to cheap labor. The numbers do not lie. The combined purchasing power of the CAFTA nations, Costa Rica, Nicaragua, El Salvador, Guatemala and Honduras, the combined purchasing power of those six countries is equal to that of Columbus, Ohio, or Orlando, Florida, or Memphis, Tennessee, or the entire State of Kansas.

CAFTA supporters attempt to argue that this trade agreement will open markets for U.S. exports. They paint a picture of American workers manufacturing products for this hugely growing consumer market in Central America. But the math does not lie. The average salary of a Nicaraguan worker is $2,300 a year, $191 a month. Nicaraguan workers cannot afford to buy a car made in Ohio. They cannot afford to buy shoes made in Maine. They cannot afford to buy textiles or apparel made in North Carolina or Georgia. They cannot afford to buy software made in Seattle in the district of the gentleman from Washington (Mr. McDermott).

The fact is, I ask CAFTA supporters, what American-made product can a Central American worker purchase who is earning less than $200 a month? CAFTA supporters will not answer these questions. They cannot.

The truth is that CAFTA is not about selling them American products. CAFTA is about exploiting foreign workers, about taking American jobs to Central America. It is about exploiting those foreign workers, and it means fewer jobs here.

NAFTA promised job growth in the U.S. and a thriving middle class in Mexico; but 10 years later our Nation has lost 1 million jobs, and Mexican workers' wages have remained stagnant.

CAFTA, the dysfunctional cousin of NAFTA, is more of the same: another trade agreement that ships jobs overseas, another trade agreement that neglects the essential environmental standards, another trade agreement that weakens food safety standards in both countries, another trade agreement that keeps foreign workers in poverty.

The definition of madness, Mr. Speaker, is repeating the same action over and over again and expecting a different result. That is what happened: 12 years of trade agreements, 12 years of promises, 12 years of failed trade policy. Yet the insanity of it is we keep doing the same thing. We keep passing more trade agreements.

CAFTA simply does not make sense. The President signed CAFTA almost 1 year ago. Since 2001, typically when the President signs an agreement, we vote on it within 60 days. This week, on Thursday, will be the 11-month anniversary of the signing of CAFTA. House leaders said they are going to vote on it by the end of May.

Mr. Speaker, I would close by saying when the world's poorest workers can buy American products, rather than make them, then we will know that our trade policies are finally succeeding. CAFTA will not. Vote "no" on CAFTA.

IN SUPPORT OF LT. ILARIO PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the Article 32 hearing for Second Lieutenant Ilario Pantano, a Marine who I have talked about at great length and who has served our Nation bravely in both gulf wars.

In an action of self-defense a year ago in Iraq, Lt. Pantano made a split-second, battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two-and-a-half months later, a sergeant under his command who never even saw the shooting and who was earlier demoted for his lack of leadership abilities, accused him of murder. Because of that, Lt. Pantano today faces an Article 32 hearing where a hearing officer will determine whether he will face a court marshal for two counts of premeditated murder.

Mr. Speaker, what is happening to this young man is unfair and an injustice. Lt. Pantano has served this Nation with great honor. My personal experiences with him and his family convince me that he is a dedicated family man who loves his corps and his country.

Mona Charen, a well-known journalist, puts it best when she writes: "Pantano was in the middle of a war zone, not a vacation on the Riviera. He had been dodging ambushes and booby traps for weeks. He had seen his comrades killed and maimed. Perhaps he acted too hastily in shooting those Iraqis. But a murder charge? Has the Marine Corps gone PC," politically correct?

I have received letters and e-mails from Vietnam veterans who sympathize with him and ask that I do something to help him. They know what it is like to be in a battle with an unconventional enemy. One second can make the difference between life and death.

I have also read excerpts from his combat fitness report in which superiors praise his leadership and talent and even call for his promotion.

Mr. Speaker, Lt. Pantano was by all accounts an exceptional Marine. I hope that in the next day or two, as these hearings end, the hearing officer comes to the same conclusion that I and many like myself have come to, that Lt. Pantano should never have been charged in the first place and that all charges against him are dropped.

Mr. Speaker, I put in a resolution, H. Res. 167, to support Lt. Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. But, most of all, I hope it is not necessary for us to discuss this further after this week.

I close with another quote from Mona Charen that I believe summarizes this situation: "Obviously, the United States cannot turn a blind eye to war crimes. If a soldier lines up civilians in front of a pit, My Lai style, and massacres them, he would richly deserve, and every self-respecting American would demand, a court marshal. But good Lord, by what possible standards can this be called murder?"

Mr. Speaker, as I close, I ask God to please bless Lt. Pantano and his family, and I ask the good Lord to please bless all of our men and women in uniform.

I close by asking God to please continue to bless America.

SOLVING AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, President Bush invited the Crown Prince of Saudi Arabia, Prince Abdullah, to his ranch in Crawford, Texas, and met with him yesterday. Here is a photo that has been on the White House Web site and in many newspapers around the country showing the President and the Prince holding hands. That is a sign of friendship over there in that part of the world.

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But I was struck by the fact that the focus, of course, was the subject of oil.

As we watch what the President said, or at least what was reported, our President is in a position of begging. America begging. America begging a dictatorship to ease up on oil prices.

My colleagues might recall the President asked the Saudi prince to take it easy before the election in November, kind of keep prices down a bit, but since the election, they have just skyrocketed. In California, people are paying over $3 a gallon. In Ohio I can tell my colleagues I have paid $2.50, $2.57. The average price they tell us is about $2.24 nationally, with a 43 percent increase since a year ago, and crude oil prices were up Monday about $54 a barrel, up $37 from a year ago.

Now, the United States consumes about $7.1 billion worth of petroleum, and two-thirds of it is being imported. Saudi Arabia being the largest supplier. In essence, America is totally dependent. People have to understand this, because until the American people really understand this, we will not change. Every time we buy a tankful of gas, two-thirds of the money we spend goes somewhere else, and it goes to places that are undemocratic.

The New York Times reports today, and it has this picture in the paper, about the President's meeting, and it also has an article about Venezuela, which I will submit to the RECORD. Venezuela provides about 15 percent of the oil that we consume. In fact, I have a chart here that shows from the Middle East where we get about 30 percent of the total supply, with Saudi Arabia being the largest supplier, along with Kuwait, Iraq, United Arab Emirates, and then Venezuela about 15 percent; nearly half of what we consume comes from those regions of the world. America has to understand this, because until the people of the United States understand, this place will not change.

If we look at the sad energy bill that passed this Chamber last week, without my support, it lives in the past. It lives in the 20th century, not the 21st century. There is a theory: If you just put more holes in the ground, all problems will be solved. Well, that is not going to happen. We have to think in a different way.

Now, Venezuela, as the article in The New York Times today confirms, has become a bit antagonistic toward the United States because we have an administration who is trying to get rid of the President of that country's government. Now, whether you like Venezuela or not, the facts are we get 15 percent of our oil from there, and without that 15 percent, we have to get it from somewhere else, and the prices are going to go up. Now, the President of Venezuela believes that the United States is planning an invasion of his country, and he has threatened to cut these oil sales. It is not a very pretty picture when we look around the world, whether you look at Colombia, Nigeria, Venezuela, the Middle East. So it is not surprising that the President is holding hands with the prince.

What is truly dangerous and tragic about this trend is America is not independent. We had a Declaration of Independence at the beginning of the Republic to cut our umbilical cord to Britain for political and economic reasons. But imagine an America that was energy independent; again, where we put all of this money, that is making others rich, in the pockets of producers in this country, starting with the farmers of America who today, within 5 years, could displace 25 percent of our imported petroleum with the use of clean, burning biofuels based in biomass, in ethanol, in biodiesel, soy diesel, fuels that we can produce today on the fields that are lying fallow across this country. Imagine what biogenetics can do to produce greater BTUs per ton of what we can produce. We do not need a new hydrogen age right now; we can use what we have today to displace these purchases. We are not doing it.

Imagine, imagine an America that was energy independent; again, where when you went to the gas pump, you enriched your own community, the farmers that live around the communities that you live in, and that the gas pump that you drove up to, you could buy ethanol at E85, or you could buy 100 percent soy diesel. Do my colleagues know, in Ohio you cannot do that. Minnesota has seen the future, Iowa has seen the future. There are some places in this country who have seen the future, but the majority of our people have not seen the future.

Renewable biofuels, domestically produced, could directly displace imported petroleum, and our energy bill last week should have done that. Some of us want to live in the 21st and 22nd century; we do not want our President to be holding hands with the crown prince and begging.

[From the New York Times, Apr. 26, 2005]

Bush and Saudi Prince Discuss High Oil Prices in Ranch Meeting

(By Richard W. Stevenson)

CRAWFORD, TX, April 25.—President Bush discussed the surge in oil prices with Crown Prince Abdullah of Saudi Arabia on Monday, but focused on a plan by the Saudis to increase their oil-pumping capacity over the next decade rather than on any short-term efforts to bring prices down.

The two leaders talked for three hours here at Mr. Bush's ranch, trying to restore some normality to a relationship that has been tense since the emergence of the role of terrorists from Saudi Arabia in the Sept. 11 attacks. They discussed a variety of issues, including the Arab-Israeli conflict, terrorism, trade and Mr. Bush's call for more democracy in the Middle East, and the men made every effort to portray the relationship as back on track.

Mr. Bush even held the crown prince's hand, a traditional Saudi sign of friendship, as he guided Abdullah up the steps through a bed of bluebonnets to his office, the very picture of Saudi-American interdependence.

But the focus was on oil prices. Officials from both sides emerged from the meeting to say there was agreement on the value of Saudi Arabia's signaling to global markets that it would push down prices over the long run as demand for energy increased. American officials said they hoped the Saudi policy might put immediate downward pressure on oil prices, even though the expansion plan has been public for weeks.

"A high oil price will damage markets, and he knows that," Mr. Bush said as he waited for his guest to arrive.

Officials said there was no explicit request by Mr. Bush for short-term steps to bring down rising oil and gasoline prices, which are threatening to take a toll on the economy in the United States and are already pulling down the president's approval ratings. They said that Mr. Bush and other officials had already signaled to the Saudis that they wanted a commitment to pump more oil in the short run, and that last week the Saudi oil minister had publicly expressed a willingness to do so.

The officials said the Saudis used the meeting to detail for Mr. Bush the steps they intended to take to cushion the global market from future increases in demand from fast-growing economies like China and India, and from the United States and other industrial nations.

Saudi Arabia's plan, which it began discussing publicly weeks ago, calls for spending up to $50 billion to increase its maximum sustainable production capacity to 12.5 million barrels a day by 2009, and to 15 million in the subsequent decade, from about 10.8 million barrels now. The Saudis are currently pumping about 9.5 million barrels a day.

Asked whether that plan would have any effect soon on gasoline prices in the United States, Stephen J. Hadley, Mr. Bush's national security adviser, told reporters, "It's hard to say."

Mr. Hadley added that increasing capacity "can't help but have a positive downward effect on prices and deal with some of the volatility in the market by assuring people that supply will be available as the economies grow."

A Saudi official said that Mr. Bush had not requested a short-term production increase and that such an increase would not have any effect on gasoline prices in the United States in any case. The high price of gasoline in the United States, the Saudi official said, was mostly a result of a lack of refining capacity here.

"It will not make a difference if Saudi Arabia ships an extra million or two million barrels of crude oil to the United States," said the official, Adel al-Jubeir, a senior adviser to the crown prince. "If you cannot refine it, it will not turn into gasoline, and that will not turn into lower prices."

The national average price for a gallon of regular unleaded gasoline last week was just under $2.24, up 43 cents from a year earlier. Crude oil prices on Monday were about $54 a barrel, up from $37 a year ago.

Saudi Arabia's plans to increase production capacity are politically and geologically sensitive. In the Middle East, the Saudis have been criticized for increasing production to help the United States; the most extreme of those critics has been Osama bin Laden.

Some experts, including past and present officials of Saudi Aramco, the state-owned oil company, have said the plan may be too optimistic because of geological complexities in the oil fields and challenges in finding enough technology and labor.

The crown prince arrived at the Bush ranch late Monday morning from Dallas, where he had met Sunday with Vice President Dick Cheney, who was briefed on the Saudi production plan. Reflecting the importance of the meeting to the administration, Mr. Bush was joined for the meeting here by Mr. Cheney; Secretary of State Condoleezza Rice; Mr. Hadley; Andrew H. Card Jr., the White House chief of staff; and Fran Townsend, the White House's homeland security adviser.

The atmosphere was considerably less tense than during Abdullah's last visit, three years ago to the day, and the two sides cited progress on a variety of fronts.

Saudi officials said only technicalities remained in negotiating a trade deal with the United States, a big step toward Saudi Arabia's goal of joining the World Trade Organization. The two governments agreed to work toward making it easier for Saudi students and military officers to study and train in the United States.

Mr. Hadley said the Saudis had made "real good progress" in fighting terrorism.

Ms. Rice said that the Saudis and the United States had a "common agenda" when it came to promoting peace between the Israelis and Palestinians and that she had discussed with Abdullah the need for the Saudis to provide financial support for the Palestinians in Gaza once the Israelis pull out this summer.

[From the New York Times, Apr. 26, 2005]

U.S. CONSIDERS TOUGHENING STANCE TOWARD VENEZUELA

(By Juan Forero)

As President Hugo Chávez of Venezuela veers toward greater confrontation with Washington, the Bush administration is weighing a tougher approach, including funneling more money to foundations and business and political groups opposed to his leftist government, American officials say.

The Bush administration has already begun to urge Venezuela's neighbors to distance themselves from Mr. Chávez and to raise concerns about press freedoms, judicial independence and the Venezuelan government's affinity for leftist groups abroad, including Colombian guerrillas.

But it has found no allies so far in its attempts to isolate the Venezuelan leader, and it has grown more and more frustrated by Mr. Chávez's strident anti-American outbursts and policies that seem intended to fly in the face of Washington. On Sunday, Mr. Chávez ended a 35-year military cooperation agreement and ordered out four American military instructors he accused of fomenting unrest.

The accusation, which American officials denied, was the latest blow to relations that had been bitter since the United States tacitly supported a coup that briefly ousted Mr. Chávez in April 2002. Since then his strength has grown. He won a recall election last August, and record high oil prices have left his government flush with money as it provides 15 percent of American oil imports.

American officials, who had chosen to ignore Mr. Chávez through much of last year, now recognize the need for a longer-term strategy to deal with a leader who is poised to win a second six-year term in elections next year.

A multiagency task force in Washington has been working on shaping a new approach, one that high-ranking American policy makers say would most likely veer toward a harder line. United States support for groups that Chávez supporters say oppose the government has been a source of tension in the past. Under the plans being considered, American officials said, that support may increase.

"The conclusion that is increasingly being drawn in Washington is that a realistic, pragmatic relationship, in which we can agree to disagree on some issues but make progress on others, does not seem to be in the cards," said an American official who helps guide policy in Latin America.

The official added, "We offered them a more pragmatic relationship, but obviously if they do not want it, we can move to a more confrontational approach."

Already counternarcotics programs have suffered, American officials noted, and meetings among high-ranking officials from the two countries are minimal.

"What's happening here is they realize this thing is deteriorating rapidly and it's going to require some more attention," said a high-ranking Republican aide on Capitol Hill who works on Latin America policy. "The current look-the-other-way policy is not working."

The United States, he said, is particularly concerned because Venezuela is one of four top providers of foreign oil to the United States. "You can't write him off," the aide said of Mr. Chávez. "He's sitting on an energy source that's critical to us."

A main problem for the United States is that Washington has little, if any, influence over Caracas. The high price of oil has left Venezuela with no need for the loans or other aid that the United States could use as leverage.

Nor does the Bush administration have much support in Latin America, where left-leaning leaders now govern two-thirds of the continent. Secretary of State Condoleezza Rice is expected to raise concerns about Venezuela in a four-country tour through the region this week. Political analysts say she will have a hard time finding support.

Defense Secretary Donald H. Rumsfeld, on a recent trip to Brazil, publicly raised concerns about Mr. Chávez. Days later, President Luiz Inácio Lula da Silva of Brazil, in a meeting in Venezuela with Mr. Chávez and the leaders of Colombia and Argentina, pointedly said, "We don't accept defamation and insinuations against a compañero," meaning a close friend.

"Venezuela has the right to be a sovereign country, to make its own decisions," he added.

For his part, Mr. Chávez, who is famous for his rambling, often outrageous speeches, has grown more belligerent, using his anti-American posturing to bolster his popular support. He has accused the United States of planning an invasion, prompting a threat to cut oil sales, and has hurled sexually tinged insults at Secretary Rice.

While other Venezuelan officials stress that oil sales to the United States would never cease, Venezuela's new energy ties with China have worried Washington, as did Mr. Chávez's recent meeting with President Mohammad Khatami of Iran, which he declared "has every right" to develop its atomic energy program.

Mr. Chávez is also forming a popular militia that he says will eventually have two million members and has plans to buy 100,000 AK–47 assault rifles from Russia and fighter jets from Brazil.

"All governments recognize the democratic character of the Venezuelan government, its peaceful vocation, and they want to establish relations with Venezuela, with just one exception, the United States," Ali Rodríguez, the Venezuelan foreign minister, said in an interview. "It has gone to great lengths to isolate Venezuela, but no government is playing along. It has failed, and that's because there is no reason to isolate Venezuela."

Indeed, many of Latin America's largest countries see little benefit in colliding with Mr. Chávez, nor do they support the isolation of Cuba. Venezuela provides oil at below-market prices and has numerous lucrative economic agreements with dozens of nations. Many also do not want to antagonize their own leftist constituencies, who are partial to Mr. Chávez.

"The other countries don't want to be drawn into a polemic between Venezuela and the United States," said Jennifer L. McCoy, a Venezuela expert at Georgia State University who headed the Carter Center's election observer mission in Caracas last year. "It's a counterproductive strategy that could result in a negative Latin American reaction if they're forced to take sides."

Many influential Democrats in Congress also oppose a more aggressive approach.

"I think it creates further estrangement," said Representative Bill Delahunt, a Massachusetts Democrat and a member of the House International Relations Committee who has met many times with Mr. Chávez. "One cannot get around the fact that Hugo Chávez is a democratically elected president."

But Bush administration policy planners say that efforts to patch up relations with Venezuela have largely failed.

The American ambassador, William Brownfield, who took over in Caracas in September, spent fruitless months before getting a meeting with Mr. Rodríguez. Requests for meetings with other ministers and even midlevel officials are routinely ignored, and Venezuela has canceled dozens of routine exchange programs with the United States.

The one option that administration officials increasingly believe they have is to respond much more assertively and publicly to Venezuelan policies the United States does not like, ideally with the help of other countries and respected institutions like the Inter-American Commission on Human Rights.

"We shouldn't be afraid to say when he's taking away liberties, not at all," Robert B. Zoellick, now the deputy secretary of state, told the Senate Foreign Relations Committee in February.

Venezuelan Foreign Ministry officials say they still hold out hope that relations will improve. "There is one condition for us to have healthy relations with the United States," said Vice Minister Mari Pili Hernández, who handles relations with Washington. "It's called respect."

ORDER OF BUSINESS

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

U.S. FOREST SERVICE NEEDS TO ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, a few days ago a P-3 Orion aircraft, owned by Aero-Union, on contract to the U.S. Forest Service, crashed in California. This crash in and of itself reduced the current Federal fleet of nonmilitary, firefighting planes by 10 percent. It probably also will lead to the grounding of the remaining nine Federal aircraft currently available for firefighting in the United States. So here we are, quickly approaching the fire season, and our Federal fleet of civilian firefighting aircraft, which was 33 strong only 2 years ago, will most likely be nonexistent this year.

Yes, we may have a few small crop dusters. We have some helicopters available. But if the wind comes up and a major conflagration gets out of control, our frontline firefighters will have no real backup. This would be a calamity of death and destruction, made all the worse because it is avoidable if we act now.

To have us become so defenseless is inexcusable. Not to take the steps immediately to end this vulnerability would be even worse. So what do we do?

Today I am calling on the leadership of the U.S. Forest Service and the U.S. Department of Agriculture to take the steps necessary to prevent a fire catastrophe later this year. Do not leave us helpless and our firefighters vulnerable and unable to thwart a blaze for lack of a large tanker aircraft which should be available. And do not tell me that it cannot be done unless we have billions of dollars. The U.S. Forest Service regulations establishing the requirements for airplane-based firefighting are obviously designed to protect the good old boys and to discourage anyone else with new approaches and new alternatives. I am suggesting that the U.S. Forest Service drop its obstructionist policies that have prevented, among other things, the use of foreign firefighting aircraft to extinguish major fires in the United States.

Specifically, the Russians have invested a large amount of money in large capacity firefighting air tankers. We wanted them to invest in this. We wanted them to invest in these things rather than in military hardware. Well, they invested and they can be anywhere in the United States or yes, anywhere in the world, in less than 24 hours. They have already played a significant role in extinguishing huge fires in Australia, Greece, and elsewhere. Yet the U.S. Forest Service has blocked the Russians from providing their services here, even as we endured massive fire destruction in places like Florida, New Mexico, and in California. This stonewalling and obstructionism has gone on for 10 years, even as our Federal firefighting air fleet deteriorated, and even as lives, homes, and other property were being lost to out-of-control fires.

This year there has been considerably more rainfall in southern California than usual. It does not take a genius to predict that the increased rainfall we have already experienced will result in a proliferation of shrub growth, thereby increasing the danger of wildfires later this year. In short, we face a fearsome wildfire threat, and the U.S. Forest Service needs to act now, or we will have no large capacity firefighting aircraft tankers available should the worst occur. If we contract with the Russians who have large capacity firefighting aircraft ready to go, we will save lives and property, even if we do that as just a stop-gap measure until domestic aircraft is built and can be introduced.

If the U.S. Forest Service does it right and does it right now, takes the steps that are required for these Russian air tankers to assist us in extinguishing a major wildfire and make those steps right now, we can actually save lives and save property. But if they do not take these steps now and we lose property senselessly, they will be held accountable. If disaster strikes and people and animals die and valuable property is destroyed as huge air tankers that could have helped remain grounded and kept out of the fight, then those responsible will be exposed for this incompetence. But that, unfortunately, will not undo the damage or bring back a life that has been lost.

It is time for the Department of Agriculture and the U.S. Forest Service to change its attitude, quit trying to protect a good-old-boy network which is unable to function, and to permit others to get into this business, including the Russians, who we would like to have invest in this type of domestic, peaceful technology.

Mr. JERRY T. WILLIAMS,
Director, Fire and Aviation Management, Forest Service, Department of Agriculture, Washington, DC.

DEAR MR. WILLIAMS: Reference your 19 Aug 2004 letter, File Code 5700. My staff examined your response to the questions on the Air Tanker grounding by the Forest Service and the possible role of the Russian IL–76 in fighting US wildfires. Your response has raised some very interesting questions. The recent news release saying that the Forest Service is planning to contract for only 10 air tankers has added urgency to our investigations. With the heavy rains in California this last winter, the additional brush and timber will create an extreme fire hazard here in Southern California. A review of your Aerial Resource Bridge Plan for 2005 indicates that you are only going to contact for a maximum of 20 heavy fire fighting aircraft instead of the 33 air tankers that have been available in the past. Your RFP for heavy tankers has excluded the possibility of the use of foreign aircraft such as the IL–76, the CL–215, and the CL–415 to supplement the limited U.S. resources available due to your grounding of the air tanker fleet. It is not clear that the resources will be available to fight the fires if we have a fire season as bad as we had several years ago.

I am requesting that you prepare a briefing for presentation at my Huntington Beach office to set the stage for discussions between your experts and myself in Washington on the air tanker issues. The primary topic would be the FY 05 fire fighting plans with emphasis on the heavy air tanker fleet. Particular emphasis should be given to discussion of your modernization strategy and the role that newer aircraft will be playing. Information on the civilian C–130 fleet that is not included in your bridge plan should be included. Since the military C–130's appear to play an important role in your fire fighting plans, it is inconsistent that the civilian C–130 fleet capabilities have been excluded in your recent RFP. A detailed explanation of this action is requested.

The points of contact for this presentation are Dr. George Kuck in my Huntington Beach office and Chris Minakowski on my Washington staff. Before presenting me with the briefing in Washington, please have your appropriate staff member travel to Huntington Beach for a pre-briefing to Dr. Kuck and discussions on your strategic overall plan.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

SMART SECURITY AND THE NOMINATION OF JOHN BOLTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when Senator John Danforth stepped down as the U.S. Ambassador to the United Nations earlier this year, President Bush had an option. He could nominate a new Ambassador who would work with the nations of the world to address the growing threat of terrorism and resource scarcity, or he could nominate one of the usual suspects, someone who would maintain the administration's unilateral thinking. By nominating John Bolton, President Bush chose the latter.

As Under Secretary of State for Arms Control, John Bolton demonstrated his poor leadership skills by bullying his colleagues. He demonstrated disdain for international diplomacy by refusing to meet with certain foreign leaders, and he openly criticized the very institution, the United Nations, to which he now has been nominated to represent the United States. This behavior is not going to win the United States many friends on the international stage.

Without a reelection campaign to worry about, President Bush could have utilized the U.N. ambassadorship as a means of helping America regain its lost credibility as the most important democratic Nation in the world.

He could have helped America begin its recovery from the mistakes he made in the run-up to the Iraq war and the international alliances that were shattered as a result. But when it comes to addressing America's lost credibility around the world, it remains business as usual for the White House. It seems that the Bush administration has more important matters to take care of, like the shameful way it is working to end the decades-old tradition of the filibuster in the Senate.

The nomination of John Bolton epitomizes the Bush administration's not-so-subtle pattern of disregard for multilateral institutions. Whenever possible, President Bush and his administration continue to sway from the international consensus, not towards it.

But the fight against international terrorism does not belong to a single country, particularly in this era of globalization. When the Internet connects people thousands of miles apart at the mere click of a button, we need to recognize that we are all in it together, because acts of terrorism, abusive regimes, and resource scarcity affect everyone, everyone on the globe. That is why it is more important than ever to work with other nations and the multilateral institutions that guide them, like the United Nations and the international criminal court.

Mr. Speaker, next week, I will reintroduce the SMART Security resolution legislation that does take into consideration the need for international cooperation in the post-September 11 world. In order to effectively address the threat of terrorism, SMART Security works to strengthen international institutions and respect for the rule of law. We cannot possibly strengthen the United Nations if our own U.N. Ambassador has contempt for the institution he is trying to serve.

Instead of continuing to emphasize our differences with other nations, the United States needs to break its current cycle of shameful unilateralism. We need to court the institutions that used to celebrate America's participation, and our efforts must not stop there. If the U.S. expects other countries to relinquish pursuit of nuclear weapons, then we had better honor our international commitments to the Nuclear Nonproliferation Treaty, to the Biological Weapons Convention, to the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention.

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The United States is at its strongest when we lead the rest of the world towards peaceful resolution of conflicts by working with the rest of the world. This is the way we need to address the growing crisis in Iran and North Korea and the way to ensure that members of international terrorist groups like al Qaeda are caught and brought to justice. The ambassadors that serve the United States abroad reflect our values here at home. The nomination of John Bolton as U.S. Ambassador to the United Nations is not consistent with America's best values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. It is time the Bush administration started working with the nations of the world. That world needs to begin here at home.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak in the place of the gentleman from Nebraska (Mr. OSBORNE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DEMOCRACY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to praise President Bush's ongoing efforts to carry democracy and freedom to the farthest corners of the Middle East.

Like some of my colleagues, I have had the opportunity recently to travel to this part of the world, to Iraq, to Lebanon, Syria, Egypt, Jordan, Cypress and Israel. These experiences left me extremely encouraged about the prospect of freedom in the Middle East. I believe we are witnessing a crucial moment in world history as democracy is planting roots in countries previously overrun by terrorists and tyrants.

The most visible instance of this is in Iraq. Four short months ago, Iraqi citizens braved terrorist threats and bodily harm to turn out at the polls in amazing numbers. Today, the fruits of their labor are evident, and the Iraqi people can finally look forward to a future in a free and a democratic society. They have a government that serves as a voice for all Iraqis, be they Kurdish, Sunni, Shiite, Christian, or any of the many other ethnic and religious groups represented in the new government.

Like the Iraqi people, citizens of Afghanistan are also enjoying new-found freedoms. Our United States Armed Forces have liberated millions of Afghans, paving the way for a democratic Afghani government, one that is committed to fighting terrorism on its own.

But Iraq and Afghanistan are not the only nations where freedom is marching, Mr. Speaker. The roots of democracy grow wide, and they have begun their spread into Iran, Syria, Palestine, Libya, and perhaps even Saudi Arabia. The list of democratic accomplishments in the region is growing, suggesting that a true change in outlook and culture is occurring in the Middle East.

Syria has begun pulling its troops out of Lebanon. Israel is working with the Palestinian people to pull troops and settlers out of Gaza, and the post-Arafat PLO is increasingly willing to put this kind of diplomacy over terrorism. Libya has begun the voluntary dismantling of its nuclear program, and Egypt has agreed to allow multicandidate elections.

Any one of these accomplishments alone would be reason to rejoice; but taken together, they signal an ever-growing, irrevocable force for change across the globe. What we are accomplishing in the Middle East is far more than winning the war on terror. We are winning the war of ideas. People around the globe are crying out for freedom.

Democracy, representation, the opportunity to disagree, these are all essential developments that foster freedom; and we are seeing them spread across the Middle East. People are choosing democracy over dictators and demagogues, and I am extremely encouraged by these developments.

Mr. Speaker, the naysayers among us, those who said fair democratic elections in Iraq would never occur, who said this region would never accept democracy, they have been proven wrong. Freedom is a universal ideal, one that knows no boundaries or borders. As President Bush so often reminds us, freedom truly is on the march.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WHY DO THEY HATE US?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the great unanswered question of the 21st century is, why do they hate us?

We have to find out. The answer relates directly to the safety and security of America and every American, wherever we live.

Why does the world not see us the way we see ourselves? Strong, generous, eager to share what makes us unique. "We hold these truths to be self evident."

Why? Why can they not perceive the America that we know?

Well, several incidents recently give us clues as to the riddle of why the world cannot except our raison d'etre.

A few weeks ago we strongly objected to the Japanese government's effort to establish a contract with Iran for much-needed energy. We told them do not do it.

This is the continuation of a quarter-of-a-century-old foreign policy initiative: isolate Iran; that will force them to bend to our will.

But Iran is rich in resources, and I think the conclusion follows naturally from these circumstances. When it comes to Iran, economic isolation equals nuclear proliferation.

Attempting to curb, stifle, or choke off the natural economic progress of a nation with supplies very much in demand is unlikely to be effective. It certainly has not worked for a quarter of a century, no matter which party has had the White House.

Iran is a nation rich in natural energy resources which some nations will seek to leverage regardless of what U.S. policy is.

Today, 14 percent of China's energy needs are met with energy resources from Iran. No one should doubt the obvious. This energy relationship will go on in coming years.

We lean on Japan, but that has no impact on China or Russia or others in the region. If anything, it is an incentive for Iran to deepen its economic and political ties elsewhere.

In attempting to isolate Iran, we may be, in the end, isolating ourselves from the seemingly unstoppable economic and geopolitical expansion in Asia and the Middle East.

A few days after we expressed our extreme concerns to Japan, something happened that did not receive widespread news coverage in the United States. Last year, Japan financed the equivalent of the entire U.S. deficit, $400 billion.

Now, some in Japan have expressed a preference for the Euro. Japan is our friend, a strong and close ally. It seems to me if our friends are struggling with our foreign policy decisions, imagine what our nonfriends are doing. They are using it to isolate the U.S. from the rest of the world.

Not long after our concerns were expressed to Japan, we showed the iron fist again when Iran, Pakistan, and India began to talk of a pipeline for South Asia across Pakistan to supply energy to starved West India.

The President has defined Iran as the Axis of Evil. The U.S., to put it diplomatically, prefers to end the religious government in Iran where we might change the rhetoric from the Axis of Evil to the access, A-C-C-E-S-S to natural resources.

Our vocal and public expressions against the Iranian Government were noticed. Iran's leaders took a page out of our playbook. We call them the Axis of Evil. They call us the Great Satan.

Lately, the administration has ramped up on the nuclear weapons of mass destruction rhetoric, leaving some to fear or speculate about whether the rhetoric is really the base case for a new preemptive action.

One hears Condoleezza Rice threatening sanctions against those who engage in commerce in Iran. It just so happened that entire nations like India and Pakistan fall into that rhetorical trap.

A proposal to build a pipeline from Iran through Pakistan to serve energy needs in India has been called a peace pipeline. It is the latest positive step between two great nations with a long history of tension and bloodshed.

If the IRA and Northern Ireland can resolve differences, surely there is hope for Kashmir. The signs of hope are there; but like a seed planted in fertile ground, the hope for lasting peace must be nurtured.

Instead, our one-size-fits-all foreign policy aimed at Iran hits India and Pakistan as well. We end up trying to punish Iran by undercutting India and Pakistan.

India's energy problems are real. The future of the nation depends on securing stable energy resources. Yet, U.S. foreign policy meant to punish Iran hurts America's friends and America's foreign policy.

We are telling India and Pakistan to abandon the peace pipeline because we do not like Iran. But we are saying there will be severe consequences for our friends if they do not follow our orders.

Why are we trying to prevent India from solving one of its most pressing energy problems, chronic energy shortage?

We have not isolated Iran. We have merely strongly encouraged Iran to build economic and political relationships everywhere else. We like to pretend our effort in Iran has been effective. I think it is time for us to admit we need a complete reassessment and overhaul of our failing foreign policy beginning in Iran.

In my judgment, it is time to put economic democracy on the table, and there is no place like starting with India and Pakistan.

Their destiny should be in the hands of Indians and Pakistanis. The Administration has been declaring veto power.

Iran, Cuba, and a host of other foreign policy initiatives have shown us that this approach does not work. And our intention to approve or veto the destiny of other nations will not last.

I worry about Iran as much as any Republican and Democrat leader.

But we cannot deny what we know to be true. Our current foreign policy—in philosophy and practice—has been most effective at isolating America.

It's time we revise our vision to something sustainable and tolerable.

We can start by encouraging regional cooperation in Central and South Asia. We can start by encouraging peace, perhaps symbolized by the so called peace pipeline. We have helped Iran win many friends in recent years.

Now it is time to envision a foreign policy which makes it more likely that Iran, the world's second largest holder of natural gas, will focus on developing natural gas instead of nuclear energy that could form the basis for a nuclear threat.

Surely, our experience in Iraq and its problems should have taught us something about the ultimate futility of trying to solve everything with a gun.

UNIVERSAL RIGHT TO VOTE BY MAIL ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Universal Right to Vote by Mail Act of 2005, a bill to allow any eligible voter to vote by mail in a Federal election if he or she chooses to do so.

In my home State of California, voters already have this right. California is one of 25 States that already provides this convenient alternative to voting.

While I personally love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. And for some, it is impossible.

That is why I have introduced a bill that builds upon the growing trend of States to bring the polls to the voters. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

What I am proposing is not new or even untested. States ranging from my home State of California to Wisconsin to North Carolina to Maine have already adopted this voter-friendly policy.

Citizens can vote from the convenience of their own homes. They will have more time to mull over their choices and make informed decisions. And they will be able to do so on their own terms, potentially avoiding long lines at the polls.

Not surprisingly, studies have shown that some of the bigger supporters of voting by mail are parents who must schedule time to go to the polls around so many other obligations.

Studies have also indicated that adding the option to vote by mail does not create a partisan advantage for one political party over the other. Republicans and Democrats both benefit from similar increases in voter turnout when voters are given the choice to mail in their ballots.

In fact, overwhelming support for voting by mail is consistent across nearly every demographic, be that age, income level, race, education, employment status, and ideology. It is a win-win for all Americans.

After adopting a universal right to vote by mail system in 1978, California saw a 30 percent increase in the use of mail-in ballots.

In my district of San Diego, 40 percent of voters opted to mail in their votes during the 2004 election. And other States that have implemented this policy have seen the same degree of support from voters, which is why it is hardly surprising that States offering the option of mail-in ballots often experience greater voter participation.

States providing universal access to mail-in ballots during the 2004 election saw a 6.7 percent increase in voter turnout. And again, this increase was uniform across all demographics, including political affiliation.

There is also extremely low incidence of fraud with voting by mail when compared to other methods of voting. The State of Oregon, which runs its elections entirely by mail, has prosecuted only four cases of fraud over the last six elections.

Mr. Speaker, as the former president of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system. Twenty-five States have already proven this option works and it is safe. It is time to give voters in the remaining States this convenient, secure, and affordable alternative.

While I am proud to be from a State where citizens already have this right, I believe democracy works best when all citizens have an equal opportunity to have their voices heard. Right now, an uneven playing field exists between States that already offer the option of mail-in ballots and States that do not.

□ 2030

When the same election is more accessible to voters in California than it is to voters in Maryland, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in Federal elections by curbing the greatest level of voter participation. We should follow the lead of half of our Nation's States and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the Democratic process and give American voters the choices they deserve.

PRESSING ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening I wanted to share my thoughts with my colleagues on some of the pressing issues that I think we have missed, particularly with the schedule that we now have. I think the world is crying out for this Congress to act and to act constructively and productively. There are several issues, both international and domestic, that we simply have failed to address.

I want to associate myself with the remarks of my good friend and colleague, the gentleman from the great State of Washington (Mr. MCDERMOTT) on the progress that India and Pakistan have made. I have congratulated both Ambassadors from Pakistan and India personally for the great leadership shown by the Prime Minister of India and the President of Pakistan, two countries that have been known to be in conflict, sitting down around the table of friendship, talking about energy resources, opening consular offices, solving problems such as Kashmir, working with cultural exchange.

Why should this Nation not applaud them? I hope my colleagues will join me in a resolution that will support and applaud the works of both the President and the Prime Minister of the respective nations. I agree with my good friend from Washington, why should we, with our politics against Iran, eliminate the opportunities for two nuclear giants to begin to solve their energy problems and maybe, by chance, both of them striving towards democracy, having a positive influence on Iran?

So I hope that my resolution offered to the Congress and signed on by a number of my colleagues will be on the floor of the House to emphasize peace.

Today completed the 60-city tour of the President of the United States regarding the issue of Social Security. I am glad, however, that we joined many thousands on Capitol Hill to emphasize that Social Security does not belong to the debate of one single party. In actuality it is an American debate. That debate requires an open mind, but particularly we need to focus the American people on what Social Security is and is not. It is not the private savings account or the bank account for Wall Street. It is not the proof that we are in a capitalist society. It is an insurance program. It provides survivor benefits, disability benefits for those disabled Americans who want to live independently.

Mr. Speaker, it is time to stop going on the road. Come back to Washington, sit down at the table of negotiation with Democrats and Republicans talking about one issue, and that is how to make Social Security solvent. We did it in 1983 with President Reagan and Tip O'Neill, and it was solvent for now 42 years.

There is no reason why we cannot sit down and solve the problem with Social Security without a private savings account that dips into your pocket, takes the money to Wall Street and provides the hugest deficit that you could ever imagine. In fact, to make a private savings account, you need to take $1.7 trillion out of the Social Security account. We are already in terrible straits with the deficit that is spiraling down and creating a burden on our children and grandchildren.

Mr. Speaker, I want to speak very quickly about the work that we need to do on the Committee on the Judiciary. We need to protect our State courts and Federal courts. We had a very informative hearing before our committee today, but we need to work to ensure that there are more U.S. marshals and Federal laws that will protect and prevent violence against State courts and Federal courts; new laws, new mandatory sentences to do it, but real preventative measures, which more law enforcement, more training does.

I would also say I have asked the Committee on the Judiciary today to hold a hearing on a horrific video that I saw, a 5-year-old being handcuffed in Florida. A 5-year-old who does not have the intent, cannot go into a court of law and even be judged to have the appropriate intent to be prosecuted or to be able to testify. Two large police officers, one large teacher, and I love teachers, but this, excuse me, administrator, I believe this was a deputy principal, could not handle a 5-year-old. A mother, a working mother on a job that could not get there quickly, but got to school and they would not let her see her 5-year-old. What an outrage.

I believe that school system and that district and the State of Florida needs to be penalized for the kind of reckless, irresponsible stigmatizing of a 5-year-old. You could have called the mental health authorities. You could have waited. You could have given her a toy and a television set to calm her down; but yet two big police officers put her in the police car with handcuffs for a little girl who was disruptive. What an outrage.

I think we can do better than this and I am going do write legislation to punish school districts who do not understand how to deal with 5-year-olds, particularly those who do not understand that 5-year-olds do not need to be handcuffed. Did she have a gun in her hands? A knife in her hands? A 5-year-old.

I hope we can do further work on prescription drugs and meth labs, since even in my local schools we are facing that, Mr. Speaker.

Finally, let me conclude by saying, Mr. Speaker, I think the national ID, the bill that will pass in the Senate that gives us a national ID card with a driver's license, which the 9/11 Commission did not say, we need real immigration reform. Giving national ID cards does not keep the terrorists from the border. We need to protect the borders.

We need more border patrol agents. That is how we secure the homeland, not national ID cards invading the privacy of Americans.

POWERFUL PHARMACEUTICAL LOBBYISTS

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today on the front page of USA Today's business page, there was a headline, "Pharmaceutical Industry Goes Furthest to Sway Congress."

Last year the pharmaceutical industry spent $158 million, just last year, to lobby Members of the United States Congress and Senate.

Now, I know you may be shocked to know that it may not have been in your interest, $158 million to lobby the Members of the United States Congress and Senate. Since 1998, in 6 years, they have spent three-quarters of a billion dollars lobbying, wining, dining Members of the United States Congress, taking them on golf trips, taking them on vacations, taking them to conferences, taking them out to meals, all to tell them about their industry.

There are 1,300 pharmaceutical registered lobbyists. There are only 535 Members of the United States Congress and Senate. There are 2½ lobbyists for every Member. Three-quarters of a billion dollars in 6 years. $158 million last year alone, and 1,300 lobbyists working on behalf of the industry.

About 475 of them, according to this article, are former Federal Government employees; 40 of them are former Members of Congress. It is the most influential and well-financed lobbying operation in Washington.

Challenging the drug companies is always a costly undertaking, and, more often than not, it is a very difficult one and a losing one. But I want you to know what you are getting for your $158 million.

Congress, when it passed a prescription drug bill last Congress, the 108th, we prevented the United States Government from negotiating prices like the Veterans Administration does, like Wal-Mart does, like Sam's Club does when they want to negotiate. When they want to deal with a supplier they negotiate best prices, not the United States Government. It explicitly prevents the United States Government from negotiating on behalf of Medicare for 43 million seniors for the lowest possible price.

What does it say to our taxpayers? What does it say to our senior citizens? We are not going to do best business practices like Sam's Club, like Lowe's, like other people who negotiate price. We will send you out there and make you pay the highest price possible, which is why the United States taxpayers and senior citizens pay the highest pharmaceutical prices of any major industrialized country in the world. That is what you got for their $158 million.

What else did we get for that $158 million that they spent lobbying Members of Congress? We got a bill that prevented the reimportation of pharmaceutical products from Canada and Europe so we could not get competition and choice in the marketing of prices. That is why people in Canada pay 50 percent cheaper prices than we do here in the United States.

What else did that $158 million get? It does not allow generic medications to come to market to compete against name-priced drugs. Every principle of the free market, whether you negotiate prices based on Medicare, just like Sam's Club, whether you allow competition through the free market and allow people to buy their drugs in Canada and Europe and use competition for Lipitor and for other types of products, or whether you allow generics to come to the market in a speedier time to compete against the name brand, every principle in the free market was prevented.

We have a captive market in this country. We pay the most expensive prices. And the irony of ironies is that the American taxpayer through the R&D, Research and Development tax credit, subsidizes the research for the products that we buy, and we pay top dollar. That is why somebody has to do something about the $158 million, the three-quarters of a billion dollars, in 6 years, spent on behalf of an industry that has got the best government they can get for their resources they spend; 1,300 lobbyists working for the pharmaceutical industry; 2½ lobbyists for every Member of Congress.

When you are working on their legislation, if you work down the halls of Congress and you see a shadow, it is usually theirs, not yours. Three-quarters of a billion dollars in 6 years, $158 million last year alone.

It is estimated that the United States Congress, when it passed the prescription drug bill last Congress, that it resulted in an additional $150 billion over 10 years to the industry's profits. They know what they are doing. They know what they are getting for their money. They know what they are getting for their meals, for their lobbying, for their trips; but it is time that this Congress spoke up on behalf of the American people, the people that elected us, both the taxpayers and the senior citizens, and get them the types of medications they need at prices they can afford, and stand up to the lobbyists from the pharmaceutical industry who are only representing their narrow interests and have lost sight of what we have to do to represent the American people.

CREDIBLE ETHICS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, on March 1 of this year I introduced a resolution, House Resolution 131, that would repeal the ill-conceived amendment to the House ethics rules that were included in the rules package adopted at the beginning of this Congress.

Although this resolution has now gained 208 co-sponsors, the Committee on Rules to which it has been referred has not yet taken any action on it. Accordingly, it now becomes necessary to begin to invoke the procedures provided by House Rule 15, to discharge a measure from the committee.

To that end, today I am introducing a resolution that provides terms for the consideration of House Resolution 131 by the full House. Under House Rule 15, a discharge petition may be filed with regard to this resolution after 7 legislative days.

Mr. Speaker, I want to reiterate that what is at issue with House Resolution 131 is, in fact, whether the House of Representatives is going to continue to have a credible ethics process that can be effective in protecting the reputation and the integrity of this great institution. And for at least two reasons, the House will not and cannot have a credible ethics process unless the Republican-inspired rules changes made earlier this year are repealed.

First, there cannot be a credible ethics process in the House unless it is genuinely bipartisan. By definition, the Committee on Standards of Official Conduct was created as a bipartisan organization within a very partisan body, and its rules have always been fashioned through a bipartisan task force.

□ 2045

Until this year, the House clearly and repeatedly recognized that bipartisanship must extend to the creating of the rules under which the Committee on Standards of Official Conduct conducts its business; and in the past, changes in those rules were made in an open, in a thoughtful, and in a genuinely bipartisan manner.

But this year, Mr. Speaker, in contrast to past tradition, the rules changes were drafted solely on the recommendation of the majority, in a partisan, in a closed, in a secret process in which no one on the Democrat side of the aisle was even consulted. So the rules were adopted on a strict party line vote: all the Republicans voting for; all the Democrats voting against.

Mr. Speaker, this is the most partisan vote we cast in the House of Representatives. Never in the history of the Committee on Standards of Official Conduct has there been an attempt to impose rules in this manner on the

Committee on Standards of Official Conduct.

Mr. Speaker, the second concern about these rules changes is there has been an attempt to impose them on the Committee on Standards of Official Conduct in a very partisan way, but the rules in and of themselves are extremely damaging. The fact is that, at a minimum, these rules changes will seriously undermine the ability of the Committee on Standards of Official Conduct to perform its key responsibilities of investigating and making decisions on allegations of wrongdoing.

These rules changes fall into three categories.

First, there is the so-called automatic dismissal rule under which a complaint against a Member that is filed with the committee can be dismissed solely with the passage of time, no consideration of its merits. Under this automatic dismissal rule, that period of time can be as brief as 45 days from the date that the complaint is deemed to satisfy the procedural requirements of the rules. Previously, a complaint could be dismissed only by majority vote of the committee.

The effect of this automatic dismissal rule will be to give the committee members a means by which they can avoid their responsibility to give thoughtful, reasoned consideration to every complaint and to all of the charges in every complaint. Its ultimate effect will be to provoke partisanship and deadlock among committee members as they wait for the clock to run out. Does the majority really want this result?

Another of the rules changes is that it grants certain so-called due process rights to Members. One of those rights is the right to demand that the Committee on Standards of Official Conduct conduct a trial on a matter on which it has not even conducted a formal investigation. This so-called right would place the committee in the position of having to hold a trial on a matter in which it has not issued a single subpoena. Does the majority really want this result?

The third rule change, Mr. Speaker, is the so-called right to counsel provision which might be better characterized as the right to orchestrate testimony provision or the right to allow collusion among the accused and the witnesses. It would provide that one lawyer can represent the accused and all of the witnesses. Does the majority really want this result?

Mr. Speaker, I continue to urge my colleagues to look closely at the rules changes and the partisan manner in which they were adopted. By adoption of House Resolution 131, the House can begin to undo the damage that has been done to the ethics process, and we will be able to have once again an ethics process that commands the confidence and respect of both the Members of this body, and Mr. Speaker, most importantly, the American people, who, I believe, on a bipartisan basis want a bipartisan Committee on Standards of Official Conduct.

APPOINTMENT OF MEMBERS OF THE HOUSE TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore (Mr. GOHMERT). Pursuant to 40 U.S.C. 188a, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. LEWIS, California

Mr. SHUSTER, Pennsylvania.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 26, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (40 U.S.C. 188a), I hereby appoint Representative MARCY KAPTUR of Ohio to the United States Capitol Preservation Commission.

Best regards,

NANCY PELOSI.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, votes on motions to suspend the rules postponed earlier today will be taken tomorrow.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is a pleasure to be before the House along with my colleagues of the 30-something Working Group. We would like to thank the Democratic leader for allowing us, once again, to address the Members of the House and the American people on issues that are facing the 30-somethings and the entire population of the United States.

I think it is important as Members of Congress that we understand our obligation to the American people, making sure that they fully understand what happens in their house of democracy.

Many times in Washington, D.C., we are here, we are making decisions that are going to affect all of our constituents and even ourselves and our families. So I think it is important we take it very seriously.

We come back again tonight. Of course, we have the gentleman from Ohio (Mr. RYAN) and also the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my good friend from south Florida; and we are here to talk about Social Security. So I think we will just start off just kind of talking about some of the things and some of the events that took place today.

This was a very eventful day for Social Security and making sure that Americans are able to get what they deserve as it relates to their full benefits on Social Security and making sure that we do not gamble with their retirement.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Absolutely, this was a unique day.

Apparently, we reached the 60th day that the President has been out in America trying to sell the American people on his vague outlines of his proposal to privatize Social Security; and quite honestly, at the conclusion of the 60 days, apparently he has said that he wants to go out for another 120 days.

We had a rally today with more than 1,000 people in the crowd and over a hundred Members of Congress from both the House and the Senate Democratic caucuses, standing completely united in opposition to pulling the safety net out from under our retirees' retirement security, and we stood strong. We stood together. We stood together when people did not think that that was possible, that there was definitely, over the last few months, a lack of confidence that the Democrats would stand together united opposing privatization. We have all the way up until today and we will continue to be standing in opposition to privatizing Social Security.

Actually, at the conclusion of today's rally, we stood together and said, Mr. President, please do go out for another 120 days and tell the American people that you want to pull the safety net out from under their retirement security because apparently the more he talks about it, the less the American people like it. So we encourage the President to continue to go out and talk about it, continue to restrict the crowds and limit the access to his town hall meetings where he checks tickets at the door, checks people's philosophies at the door, as opposed to our effort where we are being as inclusive as possible.

We do not screen our crowds. We had more than 400 town hall meetings across the country in our districts as House and Senate Democrats, and we take all comers. Some of us have had maybe a couple of people here and there who have come to our meetings and said why do you not give the President's proposal a try, but almost universally our Members have experienced the communication from our constituents that, above all else, they expect us to be up here in Washington and protect their retirement security.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. No doubt about it, of all the Social Security meetings that I have had, not one citizen in my district has stood up and said anything to the effect of let us take a close look at these private accounts. Young people included have been coming. I have three universities in my district, and even the young students still recognize it.

We get kind of cynical maybe every now and again up here and think that somehow that spin and manipulation somehow will always work; and the facts maybe do not always get out, but I find it very heartening that the President can go out and try to sell a proposal and poll after poll continues to show him losing support on this. I think it is very heartening to know that the American people pay very close attention to these issues especially when they affect their pocketbook like Social Security does, and they look closely at what the President is talking about, and yet they still disagree with what the President is saying.

It is very good, and I think that the key factor is that the President's proposal weakens Social Security. It does not strengthen it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman would yield, I think it is important to highlight, again, this is the 60th day of the President's nationwide, cross-country tour; and one would have expected with the bully pulpit that he has the momentum that he believed that he was going to be able to build behind his vague proposal that by the 60th day, by today, that he would have Americans swinging from the chandeliers in the Capitol, insisting that we take up his proposal and that somebody file a bill.

We have yet to see a bill offered in this Chamber or in the Chamber across the rotunda, and I think it is interesting to note that these are some of the comments and analyses that have been made at the conclusion of his 60-day tour:

"The President's campaign has frightened people, raising concerns that guaranteed benefits could be cut," said William Schneider, who is a public opinion scholar and CNN analyst. "There's very little evidence in polls that Bush's campaign has been effective."

"As he nears the end of a 60-day cross-country campaign, President Bush appears to be further from achieving his signature goal of transforming Social Security than when he began." That was from USA Today just yesterday, and that was the tip of the iceberg in terms of the commentary and analysis.

I just wonder when the President and the leadership of this body are going to get it. When are they going to tell us, when are they going to come to the gentlewoman from California (Ms. PELOSI) and to the gentleman from Maryland (Mr. HOYER) and say, okay, we are taking privatization off the table; clearly we do not have any support for that; Americans do not want us to compromise their retirement security, and we are ready to come to the table and compromise, like they did in 1983 when Tip O'Neill and Ronald Reagan came together and preserved Social Security for generations to come. It is just mind-boggling. It really is.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, it makes you wonder. You go 60 days. You do not sell your program. In fact, it gets progressively worse every trip that you make, and then you decide that, well, we are going to go out for another 60 days.

It makes you wonder if this thing is not a distraction from some of the real issues that we are facing today, and I hate to be cynical in the 30-something group. We are supposed to be the optimists of this body, but it is very difficult for me to believe that this maybe is not a little ploy to distract and say, look over here while we cut Medicaid, we cut food stamps, we cut community development block grants, we cut veterans benefits. Look at the real issues today. The President is trying to say this is a great crisis; 2042 is when we have before there is any structural change at all in the program.

Gas prices, I am sure my colleague is hearing about that in her district because of the oil costs, health care, immigration, issues, the Chinese and manipulation of their currency and dumping into our markets. Instead of saying we need to focus on an alternative energy program so that we could somehow reduce the cost of gas at the pumps, we are talking about a manufactured crisis that starts in 2042, not dealing with the day-to-day pocketbook issues that the people in my community and Florida have to deal with every day.

□ 2100

Mr. MEEK of Florida. Mr. Speaker, I want to make sure that my colleague was able to get that thought out, because it is so very, very important, what he was saying.

I tell you this: I was encouraged. I was not only encouraged by the polling numbers released recently but also about the number of people that showed up at the rally today here at the Capitol; and many of them looking forward to getting to that Social Security age were not silver and blue-haired individuals saying it is about me right now. These were hardworking Americans that came to this Capitol, to this great democracy we speak of, so their voice can be heard. I can tell you that I was encouraged.

Mr. Speaker, I may digress a little as it relates to talking about what Social Security is all about, but I think it is worth saying that Democrats, not only here but in the other body across the hall, and in general here in Washington, D.C, we believe in bipartisanship. We talk about the 1983 vote an awful lot, but I want to let you know that in 1983, when Ronald Reagan, then President, and Tip O'Neill, then Speaker in a Democratic House, passed a bipartisan Social Security plan that would keep Social Security solvent for another 47 to 50 years, as it relates from this point on, from right now, today, as I speak, 100 percent of benefits going to the individuals that would be receiving it, be it in survivor benefits or retirement benefits, and it was a bill of bipartisan nature. In 1983, we passed a bill saving Social Security, with 243 Members voting for it and 102 voted against it. Eighty Republicans voted for it, 163 Democrats voted for it. That is bipartisanship. That is a bipartisan bill.

And we are not going to get there if the individuals that are in charge, the majority seems to be the Republicans in this House, do not come to grips in having a true bipartisan dialogue in saving Social Security, and not the rhetoric of someone else wanting Social Security to be privatized. I am not talking about Wall Street, which is going to benefit by some $940 billion if Social Security is privatized. That is a guarantee to them. But what is a guarantee to the people, our constituents, Democrats, Republicans, independents alike? The only thing they have guaranteed is their $26,000-and-change in a Federal debt they are going to have to pay because the President wants to continue to talk about this privatization piece.

One other thing I just want to add. I think it is important people understand the numbers on Social Security. Forty-eight million Americans are enjoying those benefits right now. Some people want to talk about where is the Democratic plan? Well, where is the Republican plan? Right now, we are talking about philosophy. There was a hearing over in the Senate. Well, there are hundreds of hearings on this Hill every day. Still, we are not at the point to where we can come to grips on a bipartisan approach. On this side of the aisle we are saying we want to be bipartisan.

Now, hats off to Americans. The reason why no one is marching with a plan and we do not have a binded copy of some plan is the fact that the Republicans know full well, the Republican leadership, and there are some colleagues on the other side of the aisle that are saying no way, Jose, if I can say that.

Mr. RYAN of Ohio. You can say that.

Mr. MEEK of Florida. No way we are going to hand up our constituents because someone else wants to privatize Social Security. I did not sign up for that. That is what I am hearing some of these Republicans saying. It is a very small number, hopefully a growing number, because I believe for those that are speaking boldly about privatization of Social Security, I think they are making a career decision, a career decision in a democracy where people believe in having the retirement that they were promised.

The other point I want to make here is to mention today's newspapers, and I took some sections out. Account after account of Americans not being with the President on this. I am sorry, this is not the Meek-Wasserman-Schultz-Ryan Report. This is reality. Now, if the President wants to burn Federal jet fuel, taxpayers' dollars, at $55,000 an hour to fly on Air Force One to go tell people, and I might add these are canned crowds of individuals who have love and respect for the President, and I also have respect for the President, for the office that he holds, because he is my President too. He is President to us all. We support him as our Commander in Chief. But when we are wrong, we are wrong.

So I do not care how many times you say, oh, well, privatization is good and we will save Social Security. Matter of fact, he said to the contrary; that it would not alone save Social Security. So I am proud of the people that are out there saying what they are saying. But I think it is important that we remember if this is about future generations, then the President is doing just the opposite. We are talking about $26,349.67, the average 30-something; the average college student that is graduating with a postgraduate degree or what have you, on average, $20,000 in debt. Add to that the $26,000 of the Federal debt they are going to have to pay, and you might as well make that $46,000 and some change.

Mr. RYAN of Ohio. And growing.

Mr. MEEK. And growing.

Mr. RYAN of Ohio. Mr. Speaker, if I may interrupt the gentleman, I would add that tuition costs are doubling, and this number keeps growing every week. Every single day this clock is actually ticking here, $7.79 trillion. We lifted the debt ceiling a few months back, and this number is also ticking. So we are talking in a few months you are going to be up to owing the government or student loans or banks $50,000.

Imagine a kid being born today owes $26,000. Is that opportunity? Is that ownership? Is that freedom? All the big themes that we like to talk about in Washington, D.C. This is trapping a generation of kids.

Mr. MEEK of Florida. And that is a perfect point, Mr. Speaker. Sometimes in our spare time, as we fly back and forth from our districts that we represent, I do a little something with that number, that $26,349.67 and counting. You could buy a new car for that, every American, not just Americans living in certain parts of the country.

Ms. WASSERMAN SCHULTZ. A pretty decent car.

Mr. MEEK of Florida. Yes, a pretty decent car. You could pay for 4 years of education at a public university. I got that from the College Board. For some of our young people, freedom in America, that buys about 2,250 CDs. I mean, we are talking to America here. You could also go on a luxury cruise around the world for four. You could buy groceries for five families for a year. That is from the Congressional Budget Office. You can put a down payment on a home. Well, that sounds like a great idea. We want more Americans to be in homes.

Mr. RYAN of Ohio. Bingo.

Mr. MEEK of Florida. You could start a small business. You could fly from New York to Hawaii and back 12 times.

The President is marching around here, and the majority side is marching around here saying we are trying to preserve Social Security for future generations; meanwhile it is not tax and spend, it is borrow and spend, and continuing to borrow. They are on borrowfest. They cannot stop themselves. So when folks start talking about, well, the President is flying around and burning taxpayers' dollars at $55,000 an hour, that is more than two or three people make in a year in America.

Now, I am not shocked, because the evidence speaks to the highest deficit in the history of the Republic. He cannot help himself. Neither can the members of the majority side help themselves. And I cannot understand how the leadership, and I say the leadership because I do have friends on the other side that get it, and it is up to us here in Congress to make sure. Here on the Democratic side we have our act together, and a number of Members have that number outside their office to remind people when they come walking the halls to see their Member of Congress, this debt is continuing to click. So we have to make sure as Americans that we vote principle over politics. Principle over politics.

So if you are working right now, and if Americans pull their check stubs out right now and look at what they pay in Social Security, and they have the majority side here saying, the leadership once again and the President saying we are looking out for you, meanwhile we are going to add $5 trillion onto that number, meanwhile we are going to cut your benefits.

What they put out as it relates to their plan, they are going to lose 20 percent of their benefits right now, or more, on a gamble of privatization. I cannot understand it. But I can tell you one thing: The American people are not buying it because the polling numbers are reflecting that.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, my colleague and I from Florida are parents, and I know the gentleman from Ohio (Mr. RYAN) probably plans one day to be a parent. This is the 30-something Working Group.

Mr. RYAN of Ohio. If my wife says it is okay.

Ms. WASSERMAN SCHULTZ. Exactly. Once you get permission. And, believe me, I know that is definitely something that moms need to grant, or potential moms need to grant permission on. But we have little kids, and anyone out there that is a parent can understand what I am going to talk about now in this way.

It is mind-boggling that the President has not gotten off, after 60 days, the concept of privatization. I liken it to when my children do not like that I have told them no and they stamp their feet and they throw a tantrum. Now, I generally try not to give in, like we are not.

I feel like the Democratic Caucus in the House and Senate are the parents of a child in the White House throwing a temper tantrum, who is insisting that he get his way. And regardless of how many times he is told that he cannot have his way, that sometimes we have to compromise, sometimes we cannot have it exactly the way we want it; just like I explain to my children and I try to sit down and rationally explain to them that we are going to try to give you some of what you want but you are not going to have it all your way, he continues to stamp his foot just like my kids sometimes do.

It was not lost on me that that was an appropriate analogy. I am certainly hopeful, like I am hopeful with my own kids, that one day they will grow out of it. We keep waiting for the President to grow out of the temper tantrums. It should not be surprising, because we come from a State where his sibling engages in similar activities. It seems to be a family trait. They do not seem to get the message when they are told by their constituents that they are not in agreement with what they are suggesting. They do not appear to be willing to let go and come to the table and compromise.

Now, another analogy I want to draw would be if we were, as Democrats, sticking our heads in the sand because we support Social Security so strongly. If we were here saying there is no problem, Social Security is fine, we should not do anything, then we would be just as guilty as the President and the leadership of this Congress are. But we are not saying that. What we have said from day one is that there is no crisis: that the crisis is manufactured, as my colleague from Ohio said; that we acknowledge that there is a problem, but there is not a problem that reaches anything that we should be significantly concerned about until we in this 30-something Working Group are well into our seventies.

Literally, 36 years from now, in 2041, I will be 74 years old, long past retirement age. When we ask most of our peers, if you ask your friends and our neighbors and friends who are our age, do you think Social Security is going to be there for you, most of our peers do not think it will. But the reality is that it will be there even if we do nothing. And we are not suggesting that we not do anything. We are suggesting that, just like in 1983, that reasonable people on both sides of this debate should come to the table, should try to find some common ground, and should not continue to kick and scream and insist that it is their way or the highway.

Another thing that I wanted to point out, and this is difficult to say, but it is hard to feel that the President is sincere on this issue. When I have a town hall meeting, and I am sure it is this way for my colleagues, I know it is for my colleague from Florida because I have done town hall meetings with him, I really want to know what people think. That is why I do not screen or ask for tickets or check people's opinion at the door.

Literally, the Secret Service this week sent agents to Denver to probe allegations by three area Democrats that they were ousted from President Bush's March 21 event. The three did not stage any protest at the rally and were later told by the Secret Service they were removed because their vehicle displayed an anti-Bush bumper sticker. White House spokesman Scott McClellan said the man who removed them was a GOP volunteer, but apparently Mr. McClellan refused to divulge his name or whether he works in Colorado or Washington.

What Mr. McClellan said to this reporter is if someone is coming to an event to disrupt it, they are going to be asked to leave. Apparently, if you have an opinion that differs from the President's and from the message that is designed for that particular town hall meeting, you are not welcome, even if you plan on sitting there and saying nothing.

Now, I heard the President's State of the Union, I heard his Inaugural address, and I heard him talk about democracy. I heard him talk about promoting democracy around the world and how important it was that the greatest democracy in the world set an example, that we be the shining beacon of democracy around the world and that we export democracy.

□ 2115

Well, you know what, how do we do that if we are not setting the best example of what democracy is all about. Would we like it if other nations, other fledgling democracies, started mirroring the conduct that the President is engaged in? I do not think so. I think if we heard an independent news report about some of the activities that the President has engaged in in this debate, we would be outraged.

Mr. RYAN of Ohio. And we see where the Russians and Mr. Putin are beginning to crack down on a lot of the democratic movements, taking over a lot of the media, and when a guy like Mr. Yushchenko comes here from the Ukraine, with the scars to prove his fight for democracy, and he stands in front of this Chamber to address our constitutional body that we have, what kind of example is this to send? Yet in the same breath talk about freedom, talk about opportunity. Members would think that as either a legislator or executive, you would want to hear what the dissent is so if you were right, then you would be able to address the issue and explain why you are right.

I think why we see the President's numbers going down, he is speechifying. It is not a give and take at town hall meetings. He is kicking people out if they have an anti-Bush bumper sticker on their car, and pretending like they are the Secret Service. And that is reported. It happened out in Denver, and they are investigating it now.

Answer the concerns of the country, and we will see progress as you begin to advocate and argue for your side.

Funny, the gentlewoman would say that on her flight in from Florida she crunched some numbers, and my flight from Ohio is only an hour, from Cleveland; but I was able to work some numbers, too. We have mentioned here before that if we implement the President's proposal of diverting money into the private accounts, there will be a $5 trillion hole in our budget. Somehow we have to plug the hole. We are going to have to borrow the money and pay interest in order to fund the private accounts.

I did some math trying to figure out what $5 trillion could do for other programs. And since this is the 30-something Hour, I wanted to focus on Pell grants and we were able to get it printed off the cocktail napkin that comes with the Diet Coke and the peanuts on the plane. For Pell Grants, $5 trillion over 20 years could raise the maximum Pell Grant from $4,050 to $59,500. Right now 5.3 million students get the $4,000 maximum, but with the $5 trillion we could have 23.7 million students receive $59,500 worth of college grants to go to schools.

Mr. Speaker, $60,000 would take care of undergrad, masters, and Ph.D. It would get students educated. Many people do not need $60,000 for just a bachelor's degree, so we could cut it in half and give $30,000 to 47 million students.

This is just to illustrate a point. Just think if we plug a hole in a risky ponzi scheme that we are going to have. But imagine if we made this significant investment in education. Imagine the value that would be created from that.

We did a study in Ohio, and for every dollar the State of Ohio spent on higher ed, the State of Ohio would get $2 back in tax money. Imagine what the return on this investment would be. It would be significant. We would have educated, well-rounded citizens participating in democracy, more tolerant, more creative, creating wealth in our society.

What kinds of investments are we making otherwise? We are going to borrow and plug a hole with $5 trillion. What value do we get from that? We are losing jobs left and right, and the biggest crisis is a problem that is in 2041 when we are 70 years old.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what the gentleman is saying is absolutely true, and to just continue on the same theme the gentleman is referring to, if we are going to talk about crisis and things that are looming that we need to deal with, why are we not talking about Medicare? The President should be stumping around the country to get the Congress to address the looming crisis in Medicare because it could be more easily argued that Medicare's insolvency, which is much sooner than Social Security, is really going to cause us some tremendous problems.

The gentleman from Florida (Mr. MEEK) and I are from a State that if Members want to talk about a crisis, if we have a crisis in Medicare, our constituents are really going to have a dire, serious problem. If that problem is not addressed, then there are senior citizens across this country who will die. There is no question if we do not preserve the ability to provide health care to senior citizens who under this proposal are already going to be in jeopardy because their retirement security is going to be pulled out from under them, on top of that if we do not fix Medicare, we will not provide them with health care.

I would love to see the President stumping to try to address that problem. I can assure the President he would have a lot more willing participants, at least on our side, at least from me and from Members who represent States with significant senior populations.

Social Security is often thought of as just a program that benefits senior citizens; and people think if you did a man or woman interview on the street, and asked people who benefits from Social Security, virtually everyone on the street would say that Social Security benefits senior citizens.

In Florida, for example, children who are under 17, there are 174.500 current Social Security beneficiaries, kids who are receiving Social Security either because they are dependents of people receiving SSI because they are disabled or they are survivors of a deceased Social Security recipient. Again, that number is 174.530 kids under 17. And between the ages of 18 and 39, 71,870 Floridians receive Social Security benefits.

That is one of the things that has been lost that each week we have been trying to drive home, lost in this privatization debate. The President has basically wiped the table, or essentially wiped the floor, to be a little more direct about it, when it comes to the people who collect Social Security because they are disabled, which is a third, who are disabled, who are survivors and are receiving survivor benefits. They do not earn an income, so what happens to them when we privatize Social Security? Or when there are annuities and we yank Social Security benefits out from under people who are earning an income, and we are doing nothing for people who are survivors or who are disabled? It is like they do not exist. It is like if we ignore them, maybe they will go away.

I have yet to hear a response from the President or the leadership of this Congress about what we are going to do to help people who are disabled and who are survivors of Social Security recipients when Social Security is privatized and then shrivels up and blows away.

Mr. RYAN of Ohio. Mr. Speaker, from where I come from, that is a moral issue. That is a moral issue. What do we do with those people who need the help, who access or utilize this program as an insurance program when they lose a spouse at a young age and they have kids, they have survivors, which is a third of the program. That is a moral issue, and we talk a lot about morality, and it has been so narrow and focused on just a couple of issues.

Are we going to say as a country you are on your own again and roll it back to before we implemented the Social Security program? It has been successful. It works, and there are a lot of people out there who have benefited. This was an issue at one of my town hall meetings. There were three or four who came, and it was strictly based on survivorship, disability, and people who have just had a lot of bad luck.

We try to pin labels and say this certain segment is lazy, they do not want to work, they want the easy way out. There is a lot of people trying to make their way out working very, very hard. And for one reason or another, they are sick and make a couple of bad decisions. It is amazing. The more I get out and hear these stories, how many people, one car accident, one sick family member, one death in the family, and the whole thing collapses. This program has been there to say to those folks we are here for you and the government is going to be here, society is going to be here to help you.

Mr. MEEK of Florida. Mr. Speaker, it is important that everyone understands we come to this floor once a week to share with Americans the truth about what is going on here in Washington, D.C. We are the 30-something Working Group, but this affects the entire family. When there is a family member who has a problem, Social Security is there for them. That alleviates the financial burden on the rest of the family. To be able to say we are a big family and we are going to take care of one another, guess what, times are not good for everybody. You are going to run into those real-life issues. Someone is working now and they pass on, for those individuals that are 17 and under, the only thing they have are survivor benefits. That is something that you leave for your child.

Spiritually, emotionally, the best contribution and the highest contribution you can make to society is to make sure that your children and grandchildren have a better opportunity than you have had. The gentlewoman talked about the President coming to this Chamber during the State of the Union and talking about Social Security. The first thing the President said, if you are over 55, do not worry about it. So I guess folks over 55 are supposed to say, son, daughter, brother, sister, good luck. I am okay, I am over 55, but you better start saving.

Let me say I cannot believe the information that this administration and the majority-side leadership give us. Now, I said this last week, I said it the week before, I said it the week before that, and I will continue to say it because we have to remind Americans you cannot believe everything that your leaders say. This is not about the President and do we like him or not. The election is over. He cannot run again constitutionally. They may try to change that, but as it stands right now, the President cannot run again. So this is not about somebody standing in judgment of his political future.

During the Medicaid-Medicare prescription drug debate it came to the floor, and the President and his office said it would be $350 billion for a prescription drug plan, or lack thereof. Later it moved up to $400 billion. This is from news accounts and also from official documents here in the Congress.

After the debate, after we passed the bill, and I voted against it because we could not negotiate for lower prices. I am from Florida. This is real-life experience. There are seniors, and in that $26,000 number, you can pay for prescription drugs for 11 Americans for the entire year. We are talking real money here on the whole borrow-and-spend issue.

Then we found out recently that the true cost is $724 billion, which is all borrowed. This is not money that we have stacked up on the shelf somewhere, and this is real money, and this is what we are spending.

Folks say, where is the Democratic plan? Guess what, the Democratic plan is in your wallet right now. The bipartisan Democratic plan, the bipartisan continuation of that plan is in your wallet right now. It is those Social Security numbers that you write down every day or every time you fill out an application or you are applying for some sort of credit card. That is the original Democratic plan.

□ 2130

We have 48 million Americans that are celebrating benefits right now from Social Security because we held our word on the deal that it will be there for them when they need it. Thirty-three million of those Americans are receiving retirement benefits of the 48 million. So we have 33 million.

The President says do not worry about it. I say be very worried from what we know right now and what history speaks to as it relates to accurate information. Forty-eight percent of the 48 million that are receiving benefits right now, 48 percent of them would be under the poverty line if it was not for Social Security.

This is serious business. This is not if one likes the President or not. This is not a popularity contest. This is for real. And I must say, Mr. Speaker, under his plan, or under his philosophy, they will only receive 80 percent of what they have right now and they will only receive $516 a month. Under the plan right now, original Democratic plan, continuation in 1983, the bipartisan plan that was handed to the American people, as we stand right now, will be in force for the next 47 to 50 years, and then after that 80 percent of the benefits will be there for them. On average they get $955 a month. Imagine going from $955 a month down to $516 based on a privatization gamble.

Some Members say there are some Members that are emotional about this. They are right. I am emotional about it because I have constituents who woke up early one day on a Tuesday and went down and voted not only for me but for democracy and to make sure that their voice is heard in this Chamber. And I guarantee my colleagues, as long as I am a Member, as well as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I am pretty sure all of us, they are going to be represented. I do not care if they are Republican or Democrat or Independent or Green Party or what have you. Even if they do not have a voter registration card, it is important that we stand on their behalf.

So wrong is wrong and right and right. And I will tell my colleagues right now some Members on the majority side, especially the leadership, are dead wrong on this issue. And let us just talk a little bit about 1101 grass roots, what happens here within the rules of this House. If we were in the majority, and when I say "we," mean Democrats, with our present leadership right now, if the gentlewoman from California (Ms. PELOSI) was the Speaker of this House, the conversation would be a lot different. It would be about saving Social Security, continuing to save Social Security, a bipartisan plan, if that was the issue of the day, because the real crisis, going back to what the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, is we do not have health care. We have 46 million Americans working, not sitting at home cracking their toes saying the job situation looks sad. These are individuals that wake up every day and go to work that do not have health care insurance. And local communities are falling to their knees because public hospitals are going under, because the Federal Government is just not there.

For another 3, 3½ years, if left up to the mechanics of this House, if something does not change in the next election as it relates to leadership, look forward to having to pay through the nose for health care insurance. That is a crisis. And I have companies in my district now that are telling people that are coming for jobs, to apply for Medicaid, they get more benefits. Hello. Apply for Medicaid, they get more benefits? Because they cannot afford the premiums on the insurance. And meanwhile we are running around here talking about a pie-in-the-sky privatization plan that is risky at best, and we are asking Americans to gamble, and we are spending their money, telling them something that the polling has indicated and a number of Members in this Congress, especially on the Democratic side, have said it is just not going to work.

So this is something that we have to continue to work very hard on. Some people say why are we all talking about Social Security? It is our issue. It is an American issue. It is an issue that is facing every American. It is a $26,340.67 issue.

The baby who was just born when we started this Special Order here tonight already owes the Federal Government $26,000 and change, and climbing. So we have to put a stop to this, and we have to make sure that Americans fully understand that what they have right now in their wallet, the Social Security they have been writing down as their ID number when they went to school to better themselves, go to college, those that went into vocational trade school or what have you, vocational education school. Social Security is there and it is an American-produced program that the rest of the world envies. They envy this.

So in closing, before I yield to my colleagues, I am just going to say that this is extreme. I am going to use the word. It is extreme. It is extreme for people to say or for the leadership to say that private accounts are good, "It is good for you and it is good for me." That is not true. It is extreme.

When folks are running around here saying we want to change the rules because we are not getting 110 percent of the judges to get confirmed through the other body there, that is extreme. And extremism is not going to help us come together as Americans. It is going to divide us. And I guarantee my colleagues this: I said it on this night, if I have got to stand by myself on it, the American people will make those individuals pay for being extreme. And I think the 109th Congress, unfortunately, will be remembered for taking extreme measures in a time when we should have been focusing on other issues such as health care, such as prescription drug care, such as making sure that our children are not in overcrowded classrooms and making sure that our teachers have what they need to be able to teach our future generations and small businesses are able to get loans to be able to keep our economy going. There are a number of issues, and I could go on and on and on, as my colleagues know.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I would just like to make a point. He mentioned dissent and debate, and we talked a little bit about it here tonight. This body has a constitutional obligation to voice our concerns and our opinions. And that is why the rules of the House are set up so that we can get an hour here to talk about it and voice our concerns and talk about what we believe and what our approach would be. And I think it is important that we do get out here, and I think the Democrats have done a great job, leaders in both Chambers have done a great job, of fulfilling our obligation to our constituents to go out there and at least recognize that the President's plan is not resonating, and that we have an obligation to go out there and be critical if we need to be and say that the plan is extreme and say the plan is radical.

I do not think there is anything wrong with that, because in 1994 and the years leading up, the other side was very critical of the President for a long while. They have gone back on what they said they were going to do in 1994, balanced budget amendments and balancing the budget, and this thing just keeps going up and up and up. So they obviously have not fulfilled some of their goals that they set, but they were critical of the President, and they had a right to do that, and they won the House back. And now they are overstepping. Now we are being critical. And I think the American people are going to see that the Democratic Party has something to offer.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding to me.

I think it is really safe to say that both of their remarks are cogent, and I think it is safe to say that we are really disturbed about the direction that this country is going in and the direction that the leadership is taking us. It is time to restore some balance.

We have got a Congress that sees nothing wrong with inserting itself in the midst of a private family tragedy a few weeks ago. Now they want to take Social Security, the most successful program that supports Americans throughout their retirement years, 70 years of success, they want to take it off the tracks. They want to yank the safety net out from under our retirees and under our generation. Because if the President is ensuring that people 55 and over are going to be okay, what is he saying to the rest of us? "You may not be okay but I do not care." I mean that is a really foreboding message that he is sending to our generation.

And I tell the gentleman from Florida (Mr. MEEK) I do not think he has to worry about standing alone, because there were more than 3,000 people at that rally with us today, more than 100 Members of Congress, and it appears in the feedback we have gotten from across this country that we are standing together, not alone; that we have lots of people behind us and they are trying to send a very strong message to the leadership of this Congress and to the President that privatization needs to be dropped, that we need to stop talking about it, that we need to come to the table together and compromise, that we need to right the train.

And I am going to just take the privilege of my gender here for a couple of minutes, since I am the woman of the three of us, and just talk about the possibility of privatization's impact on women, because it is disproportionate. It really is. More than 40 years after the Equal Pay Act, women still only earn 76 cents on the dollar for what a man earns, 76 cents. One cannot save what they do not earn. This proposal will disproportionately impact women.

In fact, because of childbearing years and care for sick or elderly parents, on average, women are generally out of the work force for about 12 years. Older women are less likely than older men to receive pension income. Only about 28 percent of women compared to 43 percent of men have a pension. So when they do receive pensions, the benefit to women is only about half what a man will receive.

So what that boils down to is that when a woman received her Social Security retirement benefits in 2003, the average monthly benefit for a woman was only $798, which is about $241 less than the average man's monthly retirement.

What will happen to women, because we have got 20 percent of single women who are widowed, who are Social Security beneficiaries who are collecting Social Security today, about 20 percent of those women, the only source of their retirement income is Social Security?

We are just yanking out the security and the safety that we have guaranteed where we are going from a guaranteed benefit to a guaranteed gamble. And that is what the gentlewoman from California (Ms. PELOSI) has been saying and leading us at the rally today and all the way leading up to today. We cannot shift the whole nature of Social Security from a guaranteed benefit to a guaranteed gamble. We have to keep the security in Social Security. That is the bottom line.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, no doubt about it. The gentlewoman from California (Ms. PELOSI), in fact, today was at Columbia University, New York City. 300 young people at 8:30 in the morning. College students, when that alarm goes off at 7 o'clock, 7:30 when they are in college, they hit that snooze button and they hope they make their 10 o'clock class. But there is so much concern here for this, and we know it is resonating.

And I think this group especially, since the gentlewoman from Florida joined us specifically, we have had more of an impact here, but I think we have seen the polls and the decline in support by young people for this kind of risky scheme, this risky proposal. And I think we will continue to see it because they recognize the fact that long term this is bad for them.

And one thing I would mention to the people that are watching at home, ask themselves is this legislative body, is this President addressing issues that face them day to day, affect their day-to-day life? Are we dealing with issues that will help them? And I think the answer is no. We are not dealing with oil, gas prices. We are not doing anything to try to find alternative energy sources. We are not doing anything to increase funding for Pell grants or No Child Left Behind. We are actually cutting benefits for veterans. If a veteran is sitting at home right now, their copay is going to go from $7 to $15, and there are going to be user fees assessed to them. All these things are happening. So if people are sitting at home and they are not involved or engaged in the political process at all, they have to ask themselves, "What are they doing in Washington, D.C. that is going to help my life?" And really nothing. We are talking about a manufactured crisis that is going to happen in 2042.

I want to read one quick e-mail. I know we have gotten hundreds of these, but I want to read one. This is from last week. "My name is Susan Parker." Susan lives in Severna Park, Maryland. She is 33, becoming ever more involved in politics. A few weeks ago she watched the dynamic trio up here on C-SPAN discussing why the Bush administration's plan was not good for the citizens of the country.

"I was glued to the TV. I started taking notes, and from those notes I e-mailed letters to my Representative, Senators, and several letters to the editor. Thank you, thank you, thank you for the inspiration and for speaking out so consistently."

□ 2145

So these young people are starting to get involved, engaged, writing.

Before I part ways, I am going to have this hanging in my office. This is "Rock the Boat," the little coffee stand on it. "I Love Social Security." You can go to rocktheboat.com and get some information, or e-mail us at 30-something Democrats at mail.house.gov, or go to the Web site, democraticleader.house.gov/30something. So this is it right here.

Mr. MEEK of Florida. Mr. Speaker, I am sure glad the gentleman from Ohio (Mr. RYAN) shared his closing there, and also showed us his sign.

This is something I picked up today: "Stop Privatization. Americans for Social Security." They have a Web site, dot com. It is actually good water.

Also, this sign here: "Keep Your Hands Off of My Social Security." I think it is important. We know whose hands they are talking about, those who want to privatize, not our hands.

I also want to say thank you, because it is important. The reason why the polling numbers are what they are and Americans feel the way they are now, we want to thank the American Baptist Churches, USA, AFL–CIO, ACORN, Campaign For America's Future, Center For Budget Policy and Priorities, the Center For Economic Policy and Research, Children's Defense Fund, the Coalition of Human Needs, the Congressional Black Caucus Foundation, the Economic Policy Institute, the Labor Council of Latin American Advancement, the Consortium of Citizens With Disabilities, the League of Rural Voters, the League of United Latin American Citizens, Links, Inc., the NAACP, the National Committee To Preserve Social Security and Medicare, the National Congress of American Indians, the National Council of Churches, and I can go on and on and on.

They are the individuals out there, individual Americans, that have taken upon themselves to carry the fight on.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank both of these gentlemen. I am losing the prop board here, but I wanted to close by quoting the President. He said, "Leadership means not passing problems on to future generations and future Presidents."

This plan passes trillions of dollars of debt on to our children and our grandchildren, and it is time that we all exercise some leadership, come together and think about the direction that this country is going in, bring it back to the center, restore some balance, come to the table and compromise, and take privatizing Social Security off the table and not yank the safety net from under our constituents.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, that is what this is about. When the country goes in the wrong direction, the population, the population can shift it and move it in the right direction. That is what is happening here.

Mr. MEEK of Florida. Well, Mr. Speaker, it is wonderful to be with the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) again. It is wonderful being with you all once again. We would like to thank the Democratic leadership, mainly the Democratic leader, the gentlewoman from California (Ms. PELOSI), for allowing us to be here.

GENERAL LEAVE

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. KUHL of New York). Is there objection to the request of the gentleman from Texas?

There was no objection.

INSTITUTING TORT REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I am honored to rise in this Chamber and discuss here tonight what has been a part of my life for my entire adult years, and that is the legal system of the United States, the attitudes of the American people about the legal system of the United States and where we are going in justice for America.

Mr. Speaker, I have had the privilege and the honor to serve as a member of the judiciary for over 20 years of my life. I had the honor to appear before good judges and good juries for an additional about 12 years of my life. I am and have been a part of the legal system of the United States of America. I am a lawyer. I am proud to be a lawyer, and I feel I come from an honorable profession.

But it is also the duty of those of us who practice in a profession, whatever that profession may be, when you see a problem that changes the direction of fairness and justice in America, you need to step up and say it is there. You should not let it hide under a box because you might make a little more honey. You need to step up and say, folks, in a certain area, we are starting to see the system be broke, and, if it is broke, we got to fix it.

Now, we are going to hear the term "tort reform" thrown around. I have a son that coaches back in Round Rock, and he said, You know, the first time I heard tort reform, I thought they were talking about bacon, because the average people need to know what we are talking about when we talk about tort reform.

We are talking about a part of the law which basically deals with personal injuries to people. It is a system of justice we have developed in this country to try to find out a way to try to compensate people who are injured by the negligence of others. It was the purpose to solve a problem.

Mr. Speaker, a courthouse, the courtroom, a battery of lawyers, is nothing more than a massive problem-solving area for America, and tort reform solves the problem of someone being injured through the actions of another or their negligence. To look to reform the system, we need to say, what is broken?

Many people in this Congress on both sides of the aisle, and many of my colleagues that I work with daily, would start by blaming the lawyers. I am not going to start by blaming the lawyers, although they certainly have a great amount of blame.

I start with blaming the American people, because we have become soft and decided, many of us think we should have a free ride. The great, huge, gigantic verdicts that are being supported by some juries in this country are another way of winning the lottery in the eyes of many of the American people, and they are just as responsible for administering justice when they sit on a jury as a judge is or a lawyer who sits in that courtroom.

So as we look at our system, we have to say, why do we see a $100 million verdict in a medical malpractice case when it is way beyond the imagination of anyone that that is what it takes to make that defendant whole from whatever injury that plaintiff has, that is what it takes from the defendant to make the plaintiff whole in that case? It is way beyond it.

Why did they award that $100 million verdict? It is my personal opinion they awarded that verdict because we have become a country that would like to get something for nothing, and they are willing to give a fellow citizen something for nothing.

As a juror takes his oath of office to serve as a trier of fact in a case, he should realize that his job there is to do justice. If the judge refuses to reform a verdict, it is his job to do justice.

So as we start seeing these things in our system, we start saying to ourselves, those of us in the legislative branch of government start saying, well, wait a minute. We see these problems. Are there ways we can look to make it better so really justice is done, so really the purpose for the courtroom is well displayed by the verdict of the jury and the rulings of the court? And that is why this has now become a point in time where this society sues more people than the entire rest of the world put together by about 15 times. We are out of control in our lawsuits. The average jury award is now about $3.5 million, up more than 70 percent since 1995.

So let us look and see who has come up with an idea that might help us address tort reform, help us work on this.

The first area we have already once passed through this House is medical malpractice. I am happy to see that my colleague, the gentleman from Texas (Mr. BURGESS), one of the practicing doctors who is now a Member of this august body, has joined me in the House. I am honored to have him here; and if he has the time, I would love for him to join me and talk a little bit about medical malpractice.

One of the things you have got to think about is that young doctor that just graduated from school, and I will use Texas because I happen to know Texas, maybe UT or Baylor or Texas Tech or A&M medical school, SMU, someplace they are putting out good doctors. This young man wants to go back to a small town and practice medicine, and he wants to do it because he wants to make a decent living and help people stay healthy. So he may want to go into the family practice of medicine.

He may want to deliver babies as part of that family practice of medicine because he loves children; and it is one of the things he loves, bringing life into this world.

Today we have to tell that young doctor that, first off, you paid for all your medical school, probably with money he had to borrow from student loans, you are going to have to pay that back, but you are also going to have to get ready to kick in about $70,000 to $100,000. I would say your first $70,000 to $100,000 you make in the practice of medicine you are going to have to go to pay for liability insurance to make sure that you are protected.

That may be a low number. I am sure that the gentleman from Texas (Mr. BURGESS) could tell us numbers that far exceed that in some specialties where people have to go out and get that insurance. That means when you open the door, you could be $100,000 in the hole for the first year of practice, and the first time something does not go the way somebody would like it, there you are facing a lawsuit.

Now, seven out of 10 medical malpractice lawsuits filed in the United States have been proven to be frivolous; and many of these lawsuits, unfortunately, because of the nature and the fear of the large verdicts in our system, get settled even though they are frivolous, which causes what? The cost of the insurance to go up, not only for the individual, but for the body and for the specialty.

There are places in this country right now where you are not going to find a neurosurgeon on staff because the cost of being a neurosurgeon is just prohibitive. People in the Valley of the Rio Grande of Texas, one of the poorest regions in the entire Nation, it is difficult to find a doctor who will deliver a baby. There are stories upon stories of women arriving at their doctor's office to learn that the cost of their medical malpractice insurance has put them out of the baby-delivering business. That woman is about to have a baby. She is faced with driving 80 or 90 miles to San Antonio just to find a doctor to make sure that baby is going to be delivered by a doctor, if she can get one.

Mr. Speaker, this is a crisis, and it is a crisis that calls upon us who are in the legislative body to start coming up with solutions. I think that the vision that we have for following the California plan, which has shown that setting certain limits on awards, will assist us, and driving down the cost is important. So that is one area.

We talked a lot about this over the last year, and I wanted to touch on it, because that is where we start and that is where we are starting. There is a book, I believe it is Mr. Grisham wrote this book, called "The King of Torts." It is a novel, but it certainly is based upon some historical facts in this country about these class-action lawsuits.

This session of Congress we did something about class-action lawsuits, this House did and the Senate did; and I am very hopeful we have got class-action lawsuits put where they ought to be. Because what was happening is these lawyers were putting together these large classes of people.

Mr. Speaker, I told you, I highly respect the legal profession. I am not here to blast lawyers. But just because I respect the profession does not mean there are not people that in my opinion that I do not hold in high esteem.

Some of these are those who would gather a class from thousands to hundreds of thousands of people in a class, and their victory is they get a certificate for a 20 percent discount and the lawyer gets $100 million.

Mr. Speaker, that is not the right system; and I think, quite frankly, the lawyers that do that ought to be ashamed of themselves, because the system is designed to make whole those who are injured. Yet they forum-shop the Nation looking for these areas where clearly there were some courts who favored these types of actions.

Now, we have put together a system which we feel is very good to put it in the right place, because these things cross State lines. They span the entire Nation and territories of the United States.

□ 2200

Yet, they could go forum shopping in one individual jurisdiction to get better results.

So, in order to stop this forum shopping, we have put together the Class Action Fairness Act which was signed into public law February 18 of this year. It will help unclog overclogged courts, it ends the harassment of local business by forum shopping, and it protects the consumers with the Consumers Action Bill of Rights that requires judges to carefully review the settlements and limits of the attorneys fees when the value of the settlement received by a class member is minor in comparison with the net loss of the settlement claim and the resulting attorneys fees therefrom. It bans settlements that award some class members a larger recovery than others. It allows the Federal courts to maximize the benefit of class action settlements by requiring that unclaimed settlement funds be donated to charitable organizations.

Now, this is a good start, and we are going to have, hopefully, before this session of Congress is over, before the 109th Congress goes to bed, we are going to have more good starts.

Mr. Speaker, I would say that my goal, and I think the goal of all of my colleagues on both sides of the aisle, is to make sure that our legal system, the system that we are so proud of, the fact that we stand in this Chamber day in and day out and talk about the rule of law, because we are proud that we are a nation ruled by the rule of law, that what we are trying to do is make the rule of law work better. The rule of law is not a Las Vegas slot machine. The rule of law is getting justice to every individual that breathes air in this great Nation of the United States of America, and justice means fairness to all.

Mr. Speaker, we are seeing in our court system today a trend that, quite frankly, frightens me. It frightens me because people do not go to court to address grievances; they go to court to punish somebody. They go to court to hurt somebody or to make somebody bow down to their will. Mr. Speaker, that is the climate we have, and we have to start working on it.

I would like at this time to yield to the gentleman from north Texas (Mr. BURGESS), my colleague who is very knowledgeable on the subject of what this is doing to our doctors and our medical profession and our cost of medicine. I am honored that the gentleman is here to join me in this conversation.

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Texas for yielding. I heard the gentleman speaking and I felt compelled to come down here and talk on this subject a little bit. I am so grateful that the gentleman has talked about one of the successes that we have had in this Congress, which is the Class Action Fairness bill, a bill that was signed into law by the President last month.

There is no question we can talk about the injuries and the grievance situation, we can talk about it all day and all night, but that does not do the American people any good. The American people need to see results, and I believe with that bill, we have done a great deal towards reestablishing our country, the greatest work force in the world, as being competitive with other people in other countries. We heard a lot about outsourcing during the last election, how we are going to stop outsourcing. Well, one of the things we can do to stop it is to stop making a climate that is prohibitive for business in this country, and I believe our Class Action Fairness bill was a big step in the right direction to do that.

We have also had some other successes as far as the fairness of the medical liability system in this country. My colleague already alluded to the Medical Compensation Reform Act of 1975 from California, but our own State, Texas, passed a very sweeping medical liability reform law in the last legislative session, 2 years ago. It required a constitutional amendment in the State of Texas to become law, which passed September 12 of 2003, and really what I would like to talk about is the success that we have seen in Texas since the passage of that constitutional amendment.

Now, 10 years ago, when I was just a simple country doctor, if someone had asked me, gee, doctor, what do you think we should do about the medical liability problem, the medical liability crisis; and, mind you, the medical liability crisis, it goes back a number of years. When I was in medical school in 1975, it was a crisis. And we thought we had solved the problem then, but, in reality we had only postponed it for a little while, and it reemerged in the 1980s. We thought we solved it for a little while then, but we did not, and it reemerged in the late 1990s to be the true crisis situation that occurred in the State of Texas in 2002.

But if someone had asked me back in the years right out of medical school what I would prefer to see as something that would restore fairness to the medical justice system, I would have said a system of an alternative dispute resolution-type of program where you would have a medical panel that someone would have to go through before they could go to court. I would have a very idealized no-fault system. The reality is, we cannot get there.

So do I love caps? No, not necessarily, but they work. And since they work and since the crisis is present in this country; and if you do not believe me, if you live in Maryland, ask your doctor the next time you go in to see him or her. If you live in Pennsylvania, ask your doctor the next time you go in to see him or her. If you live in New Jersey, good luck, because you probably will not be able to go in and see your doctor, because they have come to Texas, because we have done such a good job of fixing the liability problem in our State.

The central piece of that was, of course, a cap of noneconomic damages, a $250,000 cap of noneconomic damages against the physician, and a $250,000 cap against the hospital, and then another $250,000 cap against a second hospital or a nursing home, if there is one involved, for a total cap of $750,000.

Now, I did not know if that would work. That seemed almost a little too generous. The California law that was passed in 1975 worked, but they set a single cap of $250,000.

What has happened in Texas since 2003 when that constitutional amendment was passed? Well, one of the unintended consequences was hospitals have really enjoyed a significant benefit from the passage of that law. Texas hospitals are reporting a 17 percent decrease in professional liability premiums for 2004–2005. This is from a Texas Hospital Association survey with responses from 172 acute care hospitals. In 2003, before the law passed, the premiums had risen more than 50 percent.

This is one of the big things. This is one of the big wins of this law. New carriers are seeking entry into the Texas market. The Texas Department of Insurance report from August 5, 2004 and the largest carrier, Texas Medical Liability Trust, has reduced physician rates 12 percent. In the years prior to medical liability reform, 13 carriers left the State and 6,000 physicians had to scramble for coverage. Now, 6,000 physicians, that is a big number. You run across one doctor who has had that happen to them, and that is a significant blow to their livelihood and their career plans.

When I was campaigning in 2002, I met a young woman who was a radiologist. She was probably in her early forties, and she came up to me at an event and said, boy, I hope you get something done with medical liability reform next year because my carrier left the State and I cannot buy insurance. And I thought, well, you must have had some trouble along the way. And she offered, before I even had the chance to speculate about it, I have never been sued, but my carrier left the State. She cannot get insurance. She is not going to practice as a radiologist without insurance and put all of her personal assets at risk.

So, as a consequence, here this young woman, 42 years of age, at the peak of her power as a physician, if you will, trained at the University of Texas at San Antonio, so trained with a State-subsidized education, the people of Texas had paid for her training; the people of Texas are now denied her abilities, her capabilities as a professional because she cannot get insurance and, as a consequence, cannot practice radiology, because the profession of radiology is just too fraught with peril to practice without insurance.

Well, another insurance writer, Texas Health Care Indemnity, reduced their rates by 20 percent in Texas. Again, these are hospital insurance rates that have been reduced because the doctors in Texas did something to try to get ahold of medical liability reform.

The filings themselves, the actual lawsuits filed have decreased. Medical liability lawsuits in several counties considered high-risk for physicians have decreased since the new law took effect in 2003. For Harris County, 105 lawsuits were filed from September of 2003 to July of 2004, compared with 746 lawsuits filed in the 3 months prior to the passage of the constitutional amendment. In Bandera County, the county where San Antonio is, 81 lawsuits were filed between September 1, 2003 and April of 2004, compared with 304 lawsuits filed in the 3 months before the constitutional amendment was passed. Nueces County, 32 compared with 108. Cameron County, 17 compared with 28; Hidalgo County, 17 lawsuits in the year after reform, 96 lawsuits in the 3 months prior to reform.

Well, Mr. Speaker, there is no question that caps have been the good-news story in Texas, and that is why I embrace the legislation that we will do in this House this year that will have as its central feature a cap on non-economic damages.

Does this keep someone out of the courthouse? Absolutely not. If someone is harmed by the system, they are able to recover all of the economic damages to which they are entitled. And the reality is in Texas, we are going to limit damages for pain and suffering to $750,000, which still is a significant amount of money when you consider it in the total amount of filed litigation.

So with that, Mr. Speaker, and with the gentleman from Texas's permission, I will yield back, but I will remain around if the gentleman has any other questions that he would like to ask of me.

Mr. CARTER. Mr. Speaker, I would like to have a little conversation with the gentleman. The gentleman is right. It is very important to make the point that those people that should be at the courthouse addressing genuine harm are still getting to the courthouse and having that harm addressed. It is not cutting off the need of people to recover in the courthouse; it is cutting off these frivolous attacks to try to reach the pot of gold at the end of the rainbow by limiting the pot of gold, and we clearly can see what happened: Get them all in before the deadline so that we can win the lottery. After that, we are just going to get paid for our work.

Mr. BURGESS. Apparently so.

Mr. CARTER. It is a whole lot more fun to dream about winning the lottery. I mean, obviously, the whole country dreams almost every third night in this country about winning the lottery someplace; not very many of them that win it, but they are out there dreaming it. But the real crime of winning the lottery when we are talking about lawsuits is the fear of that big judgment that causes people to settle lawsuits that should not be settled to prevent the danger of that unlimited liability that is out there before caps were placed in the law. The gentleman knows there is nothing that irritates doctors more, and I have talked to doctors about this; they say, they made me settle the lawsuit but, by golly, I did not do anything wrong.

Mr. BURGESS. The gentleman is absolutely correct. If the gentleman will yield, the cost of continuing the lawsuit in both dollar terms and emotional terms is sometimes just simply too high, and the better part of valor is to settle. Fortunately, I lived in a county where juries were a little more favorable to physicians, but we all know of other counties within the State of Texas where that was not the case. There is no question that cases were settled simply because it was easier than continuing the pain and agony of continuing the lawsuit.

Mr. CARTER. And I too lived in such a county and presided over such a court. Our Williamson County jurors, they, when you start talking about $1 million, there is not that much money in the world as far as they are concerned, so they were very tight with their money and, therefore, you saw very few people; if you could file that lawsuit someplace else, they were not filing it in Williamson County, because they were seeking that pot of gold.

Mr. BURGESS. But again, the biggest problem is access. If we drive our good physicians out of practice, if we prevent our best and brightest from entering the practice of medicine, and there is evidence that that is happening, I fail to see how we are furthering the cause of patient safety by keeping the best and brightest out of medicine. I fail to see how we are furthering the cause of patient safety by preventing smaller towns from having access to perhaps an anesthesiologist or perhaps a cardiologist simply because they cannot afford the liability premiums to have them there.

☐ 2215

Now, the gentleman knows I have been around a while. I have had four children. When my first couple of children were born, a lot of the procedures that you OB-GYNs do on a regular basis. And I am glad to see we are joined by another one of our doctors here in Congress, the gentleman from Georgia (Mr. GINGREY). So we will just have this conversation be three-way.

When my first two kids were born, I do not even know the terminology, but when they scanned the baby on your tummy, that was brand new. The piercing to check the fluid was brand new. They did not do that as a regular course. They did not run those tests as a regular course with my first two children. With my last two children they did, and it was a blessing for our family because we had a crisis pregnancy at one time.

But my point now is that a doctor, because of the potential of the liability, is afraid not to do those procedures. Is there some truth to that? Does the gentleman agree that there is some truth to that?

Mr. GINGREY. If the gentleman will yield, I do. And the gentleman from Texas (Mr. CARTER), the good judge, is kind to yield to me. I actually came to the well for another purpose, but since you asked me my opinion on this, I will be glad to opine.

By the way, that piercing of the abdomen to get the fluid, that is called amniocentesis.

Mr. CARTER. That is it. That is why I went to law school and not medical school.

Mr. GINGREY. Now, do not ask me to spell that for you.

But, Mr. Speaker, absolutely. What the gentleman from Texas, both the gentlemen from Texas, I should say, are absolutely right. The gentleman from Texas (Mr. BURGESS) earlier was talking about the number of physicians, that before this good legislation was passed by the great State of Texas, it was 600 or so. And it is really, as I have said this many times, it is not just that the physician loses his or her livelihood that they have worked most of their adult life to establish. But it is a jobs situation, because every time a medical office closes because of the burdensome expense of malpractice insurance, you are talking about putting maybe 15, 25, possibly as many as 50 employees of that medical practice.

Mr. Speaker. That is how many were employed in my practice as an OB-GYN in Georgia.

And I really commend Texas in regard to their legislation. I think it was a model. Mr. Speaker, for my State of Georgia in the general assembly, and the State of Georgia this year did pass reform legislation very similar to the Texas bill. And I think that they have now got a couple of years' experience, so hopefully that same thing will occur in the State of Georgia.

So I really appreciate the gentleman yielding and giving me an opportunity to weigh in on this.

Mr. CARTER. Mr. Speaker, reclaiming my time. And I once again thank my colleague from Texas (Mr. BURGESS) for being here with me tonight. I rose when I first started talking to tell you that there is, in my opinion, an attitude crisis for the justice system in America. We have talked about medical malpractice, and we have gone forward on the crusade. And I think we are getting some results. And the gentleman from Texas (Mr. BURGESS) has very clearly described how we are seeing those results in the State of Texas today. Hopefully, with the work this Congress will do, we will be able to find that same success in the area of dealing with medical issues in the courthouse, to put more fairness back in the system; and that our class action reform, I think, is putting fairness back in the system.

But it is a bigger picture than that, Mr. Speaker. There are a lot of issues we really need to talk about as we talk about lawsuit reform in America. One of the real tragedies that you see in the courthouse today is people using our courts, not to redress grievances, but as a battering ram of costs to destroy competition with those that they are in business in competition against, or using it to try to change, make somebody do something they do not want to do by costing them enough medical costs, I mean, lawyer costs they cannot afford to go to court.

So you just continue to file lawsuit after lawsuit, many of which could be frivolous; but you must defend yourself. And you must be insured to defend yourself. It is getting epidemic. And if you do not think it is epidemic, let us think about the world we are in today, the world of politics in America. Do you think our Founding Fathers ever anticipated that at the end of an election cycle parties would have 50 lawyers on retainer ready to go to court on both sides with both parties?

Do you think that that is the system that we thought that we wanted to have in this country, America? And yet we seem to be there today. I am not taking the sides of whether you like or do not like how elections come out. But when did it become everybody goes to court? When did this have to happen?

I mean, our Founding Fathers trusted the American people to elect their representatives. Did they design a system where judges rule the country? I do not think so. If they had had that system, they would have kept the King, and old George would still be around here. No, the purpose of the American justice system is justice. It is fairness, it is a place to seek recourse when there is no other place for recourse and to get a fair judgment.

Now it has become a weapon of politics. It has become a weapon of business; it has become a weapon to make school boards change policies. It has become a weapon to make city counsels shut down parks or take down symbols. We have gotten to a point where we are letting the courthouse drive everything.

Mr. Speaker, we love our rights in this country. We love to be a Nation that stands up for its rights. My problem is, with rights come responsibilities. And there are times in this life when you are responsible and you have to stand up and recognize I am responsible here. I do not need to sue somebody. If I do not like the way my neighbor cuts his yard, why in the world do I have to drag him into court and make him spend $100,000 on lawyers to make him cross-cut his yard instead of parallel cut it? And yet there are people who do that.

I tried a lawsuit between whose cat and whose dog was doing their business in whose yard. And those people spent $60,000 a piece on lawyers. Mr. Speaker, that is unreasonable. That is ridiculous.

But we have reached a point in America today where we have become so lawsuit crazy and we think we can get something for nothing, they are willing to force somebody to do something that they do not want to do by forcing them to spend their money on lawyers.

It is not the lawyers' fault. They are just getting paid for their hourly wage. It is our attitude in this country. And as we start to show people how we can redirect and make things better, the gentleman from Georgia hit right on it. Not only as these judgments come down in the courtroom does it affect the individuals in the courtroom. The periphery around those individuals, it affects jobs, it affects businesses, it affects the availability of services, the availability of goods, our ability to compete worldwide, to be part of this great ever-growing world community. It affects everything that affects every American citizen by the fact that we are driving up legal costs and using our courts as a weapon.

Mr. Speaker, we have got to do something to change this attitude. I am very blessed right now in Congress to have a multiple of my colleagues from Texas now Members of Congress, the gentleman from Texas (Mr. GOHMERT), who is here with us today. The gentleman from Texas (Mr. POE) is also a new Member of Congress, and I am very honored to have both of these fine judges with me.

We have talked. We talk about what happens in our courtroom, what happens in our courthouse. And we see that there is an attitude in America that has got to be changed. And we do this by, I think, by doing what we are doing right now. Let us start taking the real problem areas, let us start analyzing them. Let us start coming up with a commonsense approach of how we are going to make sure that we are not in the business of making people rich. We are in the business of making people whole. We are in the business of making people right for the injury that occurred. And common sense will hopefully cause us to start to see that what our American court system is about is justice. And if it is not about justice, then it is going about things all wrong.

Mr. Speaker, every day now in the newspaper we see somebody using the courts or somebody using accusations without convictions to harm and punish people in this country, and in this body. Mr. Speaker, that is wrong. That is not what our Founding Fathers intended.

Our Founding Fathers told us that people are innocent until proven guilty. They told us we have a series of courts that are to provide justice and a resolution of disputes, not a battering ram to pound your opponent into submission. And this is the kind of thing that, as we look at the future of the American justice system, we have to do this.

Now, when I get the chance to come up here and talk about lawsuit reform, there is one more thing we ought to talk about. And I may change the subject just so I can get my good friend, the gentleman from Texas (Mr. GOHMERT), to step up to the podium. I am going to yield to him right now, and then I am going to come back and talk to you a little bit about what is going on over in the Senate and checks and balances on the judiciary. But first, I thank the gentleman from Texas for coming up here this late hour and joining me. I am proud to have him here, as I said before.

Mr. GOHMERT. Mr. Speaker, I thank the gentleman. I am very honored to be here in the same body with him. He is a well-respected and well-thought-of jurist sitting in Georgetown, Texas, from Round Rock, Texas, home of the yellow doughnut. But it is an honor to serve with you and with somebody that understands the triparteid system of government and the checks and balances. I know when I was at Texas A&M in undergrad, and it looked like I would not be going to Vietnam, it was ending before I graduated, I was looking at going to law school and my dad was concerned about that. And I used to get clippings every weekend, talked about there are too many lawyers in the country, and what is wrong with America are the lawyers, and lawyers are crooks and that kind of thing. And I really had to do a lot of soul searching about whether law school was something I wanted to do.

And what I came to the conclusion of was that, really, the law is a tool. It is like a hammer. You can use it constructively to build great things, or you can use it to tear down the greatest things. And that was all in whose hand that tool resided. And I ended up endeavoring to do just that, to use the tool and try to use it constructively.

But then, as the gentleman has pointed out, we have seen around the country so many abuses. I was just in Spokane, Washington, and talking to people in eastern Washington Friday and Saturday and was hearing how desperate they were for some certain physicians and specialists in the eastern part of Washington, that many of them were having to travel over to Idaho, some parts of Texas that has become a real problem.

And it is a shame it arises out of some of the abuses that have occurred. You and I know that there are excellent defense lawyers. There are excellent plaintiffs' attorneys and the courts are a very necessary part of our triparteid system where we can come, no matter what is going on outside the courthouse, we can come sit down and each side gets a turn, each side puts on their case, puts on evidence, each side has a chance for mutual arguments and then have a determination in a fair civil manner from objective people, and that is a great system. It is not a perfect system, because unfortunately it deals with people. But it is the best system that has ever been generated for resolving disputes.

But because of some of the abuses, I have been looking for solutions. We know, I have seen for example, many doctors brought in to a lawsuit and maybe there was one person at fault, but then all these other people got brought in, and then person after person who is a defendant gets dropped from the lawsuit.

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I had one doctor standing in my courtroom when I announced that the plaintiffs had dismissed her and she said, That is it? I am dismissed? What about my pain and suffering? What about a year's loss I have had? What about my attorneys fees? What about my liability insurance going through the roof? All of these things have happened and there is no recourse.

So one of the things that I thought that would help level the playing field, and I am open to any ideas, and we hear talk about caps, this, that and the other, but it seems like a system where there was a provision for a loser to pay, if there is no finding of fault or no agreement among the parties, that that could go a long way toward leveling the playing field.

Now, I have heard people from the other side who said, but you do not understand the games that get played on the defense side. I have seen the games that get played on the defense side. I had one lawsuit that involved thousands of plaintiffs, and originally there were hundreds of defendants in it. After I had come into the suit, within a matter of months I dismissed a whole slew of defendants. A couple of defense attorneys told me, wow, Judge, this has been going on 11 years. You just came in here and all of the sudden dismissed a bunch of defendants. We are proud of you. It is good for our clients but we do not know what we will do. One of them said, I put my kids through college and law school on this case as a defense attorney. I kind of hate to see it go away for my clients because I was making money.

There are abuses on both sides. One of the thoughts I had was to answer the cry if you had a strict loser-pay situation that it would make people reluctant to bring all the parties in to a suit initially. And if they did not do that, then you get past the statute of limitations period and then all the defendants turn and point to somebody who is outside the lawsuit, saying he is responsible, and it is too late to go get him.

We know also there have been abuses where parties are brought in just so discovery can be done, depositions be taken free of charge and then drop them. That is a form of abuse as well. My thought was perhaps have a loser-pay type situation, and if it gets beyond the limitations and parties in the lawsuit, point to somebody outside the lawsuit, then extend the limitations for 30 days to bring in a party that they are now all pointing to so that that would take care of that situation.

I am looking for solutions because there are a lot of people that are getting hurt, a lot of people that have been abused; but at the same time we need to protect the system so that real legitimate claims can have a resolution.

If the gentleman would allow me to mention one other aspect of this that he has been talking on so eloquently, of course I love the way a fellow Texan talks such as the gentleman, but I have noticed an effect in the schools.

My mother passed away in 1991 but she was a teacher, eighth grade English teacher most of her adult life, and my sister had been a school teacher for nearly 30 years. My wife had been a school teacher until we got to needing her so desperately full time in our campaign in Congress. But what I was seeing more and more of was this fear of being abused by a lawsuit by educators, by teachers and sometimes teachers have enough. They have a problem student. They take him to an administrator and an administrator says, I realize this person is completely disrupting your class but their parents keep threatening a lawsuit and we cannot afford that. So if you just get by and do the best we can and we will get past the lawsuit and probably somebody else's. And it seems like it has been a complete disruption to orderly discipline in our schools.

One of the thoughts, here again, I am trying to think outside of the box and think creatively, but as judges we had something called judicial immunity. You may not like the way a judge rules, but if he is not committing a crime and he is acting within the purview of his job, trying to do what is right, trying to make the right decision, you are not going to file a lawsuit against him. And if you do, it will be thrown out and probably sanctioned because the judge has judicial immunity.

I thought it might be fair to help education by extending that doctrine to the area of education. You may be making a decision that is not very wise as an administrator and an educational facility, you may be a teacher that does not make wise decisions, and that is the basis for going to the school board and getting you fired. That is a reason to go to the school board and have a principal or someone else fired, but it is not a basis to run and file a lawsuit and go to court. So that educators can feel more comfortable in doing a job.

Yes, they are accountable through the legislative branch, but let us do not make it a habit to run down and file lawsuits. I think we could set the schools back on track and a long way toward proper discipline if we extended that type of educational immunity to teachers and administrators. As long as you are not committing a crime, you are acting within the purview of your job, let us give you a break.

The gentleman has discussed so eloquently this mindset, this America, everything is someone else's fault. And once we can help people get beyond that notion and force them to try to resolve things among themselves, mediation, arbitration, these type of things have been very helpful in the alternative dispute resolution, trying to avoid the lengthy attorney fees and court costs.

We were in Spokane hearing testimony about environmental laws. We had boxes stacked up over my head. As I understood it, it was over a little more than 2-mile stretch of road, and the appeals and things that have just gone on and on have been crazy, the trees that have been cut down just to allow that kind of abuse of the system. By the same token, I was shown a graph that showed that since 1970, the bar graph year by year, that lawsuits have continued to escalate, and with each year as the lawsuits escalated the board-feet of lumber we had produced had gone the other way, directly proportional the other way.

So we see the destructive tendency. That is a renewable resource. We ought to be able to do better than that. But the courts have been used, as the gentleman said, to batter others. As Shakespeare said. The problem may not be in our stars but in ourselves.

Some people blame the lawyers but the fact is no lawyer can file a lawsuit without a client. No lawyer can defend a lawsuit without a client. The problem may be bigger than just lawyers. It may be not in our stars, not in our lawyers, but all part of the same problem.

I appreciate the gentleman addressing this so well tonight.

Mr. CARTER. Madam Speaker, I thank the gentleman. I want to say a statement the gentleman made, I want to emphasize how important it is to me and I think it is important to every Member of this House. That is, men of good will always look for solutions.

We do not always have the right ideas, but if you do not lay proposed solutions on the table for a free debate among men of good will and women of good will in this august Chamber, we will not come up with a solution.

I believe the American people are ready, willing, and able to listen to a debate from the United States Congress about the things that we are talking about here today; and that is what is wrong, how do we change our attitude towards the law, towards our rights and towards our responsibilities? What little things can we do to adjust, to help guide us down the path that I think our forefathers clearly intended for us when we designed the system, which, for all its fault, as the gentleman pointed out, is still the best system ever devised by man?

I am not ashamed of it, and I am not ashamed of lawyers, and I am not ashamed of our system. But I think we must be men of good will and women of good will who seek solutions.

Finally, I am going to just briefly pause. This will be the subject of a whole other talk, but we have got the issue that the press has decided to address as "the nuclear option" which is going on over in the Senate by dealing with the Senate rules and how we are going to get an up-or-down vote on judges.

We love to address, and rightfully so, the Constitution of the United States as we discuss things on this floor. And we love to talk about the checks and balances in our government. And in a judiciary appointed for life as we designed in our system, you have to look into the Constitution and see where the checks and balances are. And I think clearly our framers designed the number one check and balance on the judiciary to be the fact that there will be a new process at least every 8 years now, but certainly 4 to 8 years, who will appoint different types of people to serve in our judiciary which will give a good cross-section of a blend of attitudes, views of the law to our judicial system, to give a system that spreads fairness for all citizens.

To use procedural rules to prevent that appointment power which calls for the advice and consent of Senate, to prevent that using procedural rules, I think it is not a nuclear option, as we are discussing, it is a constitutional option.

If we are not going to allow that check and balance to operate, then where will the checks and balances be? So this will be a subject of another discussion another time. But at this time, I just want to remind the American people as the rhetoric in the papers and on the TV and the radio, remember it is the best justice system in the world. But it is the best because we had some people who sweated blood, sweat, and tears in Philadelphia to come up with a plan that set balance to our system. And the number one balance to a judicial system appointed for life is the opportunity for the executive branch, through the President, to nominate new blood to our judiciary through every Presidential term.

Some of that new blood will be just exactly what they think it will be with their views, and some of it will not. And we are always surprised to hear from our commentators: Well, it is true, but that judge was appointed by Reagan.

That's right, that is how the system works. You put the new blood out there, that blood develops into a justice system, that spreads it out for everybody. And some of them, some people go the way everybody expects them to be and some people do not.

When Eisenhower appointed Earl Warren, nobody anticipated the activist court that would come from the Warren court. And yet historically it is one of the most activist courts in America. So that system works. Why be afraid of it?

I would urge everyone to look at this issue and let the Senate think just for a second, get the politics out of this for a minute and say. What did our Founding Fathers see here? That we had a system that works if we just let it work.

Let us have a vote, up or down, on every nomination that the President has proposed; and when their President gets in there, if he ever does, we should do the same thing for them. That is what our Founding Fathers proposed.

Madam Speaker, I have enjoyed being with you this evening and I am very honored that my colleagues were able to see me ranting and raving and come over here and help me out. Of course, you know one thing you can count on from Texans and Georgians is when there is a call to arms they always show up. So I am proud to see my colleagues from Texas come out and join me in this discussion, and I am very proud to have my colleague from Georgia join me. I thank them all for being here with me tonight.

Madam Speaker, I thank you for your patience in listening to me tonight and for joining us and coming up with those solutions that men and women of good will can submit to this body and hopefully make America better.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109–55) on the resolution (H. Res. 235) providing for consideration of the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109–56) on the resolution (H. Res. 236) providing for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HOOLEY (at the request of Ms. PELOSI) for today on account of a family issue.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today and April 27.

Mr. JONES of North Carolina, for 5 minutes, today and April 27.

Mr. BURTON of Indiana, for 5 minutes, today and April 27 and 28.

Mr. OSBORNE, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, April 27 and 28.

Mr. GUTKNECHT, for 5 minutes, April 27, 28, and May 3.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, April 28.

Ms. ROS-LEHTINEN, for 5 minutes, May 3 and 4.

Mr. MCHENRY, for 5 minutes, April 27 and 28.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today.

Mr. MOLLOHAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 893. An act to make technical corrections in the Anabolic Steroid Control Act of 2004, to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 27, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1728. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans [DFARS Case 2004-D029] received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1729. A letter from the Publications Control Officer, Department of the Army, Department of Defense, transmitting the Department's final rule — Law Enforcement Reporting (RIN: 0702-AA42-U) received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Bonds [DFARS Case 2003-D033] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1731. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003 [No. 2004-56] (RIN: 1550-AB87); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-13] (RIN: 1557-AC84); Federal Reserve System [Docket No. R-1199]; Federal Deposit Insurance Corporation (RIN: 3064-AC77) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1732. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket No. 05-06] (RIN: 1557-AC86); Department of the Treasury, Office of Thrift Supervision [No. 2005-06] (RIN: 1550-AB91); Federal Reserve System [Regulation BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82) received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1733. A letter from the Regulations Coordinator, CDC, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins (RIN: 0920-AA09) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 210. Resolution supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide (Rept. 109–53). Referred to the House Calendar.

Mr. NEY: Committee on House Administration. House Resolution 224. Resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress; with an amendment (Rept. 109–54). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 235. Resolution providing for consideration of the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights (Rept. 109–55). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 236. Resolution providing for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes (Rept. 109–56). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 1813. A bill to require the payment of interest on amounts owed by the United States pursuant to the reliquidation of certain entries under the Tariff Suspension and Trade Act of 2000 and the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. MCGOVERN, Mrs. EMERSON, Mr. DELAHUNT, Mr. OTTER, Mr. ABERCROMBIE, Mrs. BONO, Ms. BALDWIN, Mr. BOOZMAN, Mr. BERMAN, Mr. GRAVES, Mr. BERRY, Mr. HERGER, Mr. CLAY, Mr. JOHNSON of Illinois, Mr. DEFAZIO, Mr. LAHOOD, Mr. LEACH, Mr. DOYLE, Mr. MANZULLO, Mr. FARR, Mr. MORAN of Kansas, Mr. LYNCH, Mr. OSBORNE, Mr. MOORE of Kansas, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. RANGEL, Mr. RYAN of Wisconsin, Mr. ROSS, Mr. SHAYS, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. SNYDER, Mr. TIBERI, Ms. SOLIS, Mr. TANNER, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, and Mr. BASS):

H.R. 1814. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 1815. A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes; to the Committee on Armed Services.

By Mr. KING of Iowa (for himself, Mr. NORWOOD, Mr. PAUL, Mr. WELDON of Florida, Mr. FRANKS of Arizona, Mr. WICKER, Mr. MCHENRY, and Mr. SESSIONS):

H.R. 1816. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. COX:

H.R. 1817. A bill to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. OBERSTAR (for himself, Mr. COSTELLO, Mr. DEFAZIO, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. RAHALL, Mr. BOSWELL, Mrs. TAUSCHER, Ms. NORTON, Mr. MATHESON, Mr. HOLDEN, Ms. EDDIE

Bernice Johnson of Texas, Mr. Weiner, Mr. Nadler, Mr. Menendez, Ms. Millender-McDonald, Mr. Salazar, Mr. Honda, Mr. Pascrell, and Mr. Carnahan):

H.R. 1818. A bill to amend title 49, United States Code, to make funds available for the Aviation Security Capital Fund, to establish a Checkpoint Screening Security Fund, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 1819. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits at Federally qualified health centers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself and Mrs. Biggert):

H.R. 1820. A bill to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to help ensure the appropriate transition of the management entity of the heritage corridor, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE (for himself, Mr. Goode, Mr. Moran of Virginia, Mrs. Jo Ann Davis of Virginia, Mr. Boucher, and Mrs. Drake):

H.R. 1821. A bill to provide States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mrs. BONO (for herself, Ms. DeGette, Mr. Castle, Mr. Markey, and Mr. Bass):

H.R. 1822. A bill to prohibit human cloning and protect stem cell research; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself and Ms. Jackson-Lee of Texas):

H.R. 1823. A bill to amend the Immigration and Nationality Act to extend the provisions governing nonimmigrant status for spouses and children of permanent resident aliens awaiting the availability of an immigrant visa, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER:

H.R. 1824. A bill to provide for the duty-free entry of certain tramway cars and associated spare parts for use by the city of Portland, Oregon; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 1825. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the first $5,000 of each transitional payments under the Fair and Equitable Tobacco Reform Act of 2004; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 1826. A bill to extend the temporary suspension of duty on 2-Chlorobenzyl chloride; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 1827. A bill to extend the temporary suspension of duty on (Z)-(1RS,3RS)-3-(2-Chloro-3,3,3-trifluro-1-propenyl)-2,2-imethylcyclopropanecarboxylic acid; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 1828. A bill to extend the temporary suspension of duty on (S)-Alpha-Hydroxy-3-phenoxybenzeneacetonitrile; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1829. A bill to suspend temporarily the duty on Butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6,-tetramethyl-1-piperidineethanol; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1830. A bill to extend the duty suspension on 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1831. A bill to extend the duty suspension on MUB 738 INT; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1832. A bill to extend the suspension of duty on 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1833. A bill to suspend temporarily the duty on mixtures of 1.3,5-Triazine-2,4,6-triamine,N,N′′′-[1,2-ethane-diyl-bis [[[4,6-bis-[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2 -yl] imino]-3,1-propanediyl]] bis[N′,N′′- dibutyl-N′,N′′-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- and Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6,6-tetramethyl-1-piperdine ethanol; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. Markey):

H.R. 1834. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1835. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Mr. FEENEY:

H.R. 1836. A bill to designate the information center at Canaveral National Seashore as the "T.C. Wilder, Jr., Canaveral National Seashore Information Center"; to the Committee on Resources.

By Mr. FLAKE (for himself, Mr. Hayworth, Mr. Renzi, Mr. Shadegg, and Mr. Franks of Arizona):

H.R. 1837. A bill to amend the Endangered Species Act of 1973 to establish limitations on the designation of critical habitat, and for other purposes; to the Committee on Resources.

By Mr. FORBES:

H.R. 1838. A bill to suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrefluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 1839. A bill to suspend temporarily the duty on Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 1840. A bill to suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4-20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, di-ammonium salt and Di-[2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]]-3-hydroxy proply phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 1841. A bill to suspend temporarily the duty on 1(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 1842. A bill to suspend temporarily the duty on a mixture of Poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4 diyl][(2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-exanediy [(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and Bis(2,2,6,6,-tetramethyl-4-piperidyl)sebaceate; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1843. A bill to suspend temporarily the duty on MCPA; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1844. A bill to suspend temporarily the duty on Bronate Advanced; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1845. A bill to suspend temporarily the duty on Bromoxynil Octanoate Tech; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1846. A bill to suspend temporarily the duty on Bromoxynil MEO; to the Committee on Ways and Means.

By Mr. HENSARLING:

H.R. 1847. A bill to redesignate the National Scientific Balloon Facility in Palestine, Texas, as the "Columbia Scientific Balloon Center"; to the Committee on Science.

By Mr. HOLDEN:

H.R. 1848. A bill to suspend temporarily the duty on certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Ms. DeLauro, Mr. Thompson of California, Mrs. Maloney, Mr. Serrano, Mr. Lynch, Mr. Platts, Ms. Woolsey, Mr. McHugh, Mr. Van Hollen, Ms. Slaughter, Mr. Hall, Mr. Crowley, Mr. Weiner, Mr. Kind, Mr. Schiff, Mr. Taylor of Mississippi, Ms. Schakowsky, Mr. Lantos, Mr. Strickland, Ms. Velázquez, Mr. Oberstar, Ms. Kilpatrick of Michigan, Mrs. Tauscher, Mr. Hinchey, Mr. Holden, Mr. McNulty, Mr. Baca, Mr. DeFazio, Ms. Roybal-Allard, Mr. Spratt, Ms. Eshoo, Mr. George Miller of California, Mr. Dicks, Mr. Holt, Mr. Reyes, Mr. Bishop of New York, Mr. Allen, Mr. Watt, Mr. Payne, Mr. Olver, Mr. Towns, Mr. McIntyre, Mr. Cooper, Mr. Ford, Mr. Kennedy of Rhode Island, Mr. Markey, Ms. Millender-McDonald, Mr. Brown of Ohio, Mr. Kucinich, Mr. McGovern, Mrs. McCarthy, Mr. Emanuel, Mr. Filner, Ms. Harman, Mr. Abercrombie, Mr. Smith of Washington, Mr. Al Green of Texas, Mrs. Christensen, Mr. Berry, Mr. Wexler, Mr. McDermott, Mr. Scott of Virginia, Mr. Jackson of Illinois, Mr. Boucher, Mr. Pallone, Mr. Nadler, Mr. Kildee, Mr. Owens, Mr. Wynn, Mr. Langevin, Mr. Sherman, Mr. Pastor, Mr. Tierney, Mr. Stupak, Ms. Eddie Bernice Johnson of Texas, Mr. Miller of North Carolina, Ms. McCollum of Minnesota, Mr. Hinojosa, Ms. DeGette, Mr. Sanders, Mr. Chandler, Mr. Meehan, Ms. Bordallo, Mr. Larsen of Washington, Mr. Doyle, Mr. Lewis of Georgia, Mr. Conyers, Ms. Baldwin, Mrs. Lowey, Mr. Udall of Colorado, Mr. Clay, Mr. Larson of Connecticut, Mr. Burton of Indiana, Mr. Jefferson, Mr. Fattah, Mr. Gonzalez, Mr. Inslee, Ms. Lee, Mr. Rush, Mr. Simmons, Ms. Hart, Ms. Hooley, Mr. Moran of Virginia, Ms. Norton, Ms. Solis, Mrs. Jo Ann Davis of Virginia, Mrs. Napolitano, Mr. Ryan of Ohio, Mr. Levin, Mr. Gutierrez, Mr. Baird, Mr. Berman, and Mr. Ross):

H.R. 1849. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. King of New York):

H.R. 1850. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NUNES:

H.R. 1851. A bill to suspend temporarily the duty on nylon woolpacks used to package wool; to the Committee on Ways and Means.

By Mr. OTTER (for himself and Mr. Simpson):

H.R. 1852. A bill to direct the Secretary of the Interior to extend certain water contracts in Idaho, and for other purposes; to the Committee on Resources.

By Mr. RAMSTAD (for himself and Mr. Moore of Kansas):

H.R. 1853. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Education Act of 1965 for each of fiscal years 2005 and 2006 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H.R. 1854. A bill to suspend temporarily the duty on magnesium zinc aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1855. A bill to extend the temporary suspension of duty on magnesium aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1856. A bill to extend the temporary duty suspension on C12-18 Alkenes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1857. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1858. A bill to extend the temporary suspension of duty on cis-3-Hexen-1-ol; to the Committee on Ways and Means.

By Mr. RENZI:

H.R. 1859. A bill to make careers in public service more feasible for students who graduate with high educational loan debt; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER (for himself and Mr. Jones of North Carolina):

H.R. 1860. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Ms. SCHWARTZ of Pennsylvania (for herself, Mr. McGovern, and Mr. Davis of Illinois):

H.R. 1861. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of certain furniture and electronic appliances; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. Bass, Mr. Upton, Mrs. Blackburn, and Mr. Gene Green of Texas):

H.R. 1862. A bill to direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. Peterson of Minnesota):

H.R. 1863. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 1864. A bill to provide for enhanced retirement benefits for administrative law judges; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 1865. A bill to direct the Secretary of the Interior to release the condition on a portion of land adjacent to the community of Beaver, Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 1866. A bill to facilitate shareholder consideration of making Settlement Common Stock under the Alaska Native Claims Settlement Act available to Alaska Natives born after December 18, 1971, descendants of Alaska Natives born after December 18, 1971, missed enrollees, and Native Elders, and for other purposes; to the Committee on Resources.

By Mr. SCHWARZ of Michigan (for himself, Ms. Watson, Mr. McCotter, Mr. Forbes, Mr. McHugh, Mr. Davis of Kentucky, Mr. Larsen of Washington, and Mr. Brady of Pennsylvania):

H.J. Res. 44. A joint resolution honoring the life and legacy of Frederick William Augustus von Steuben and recognizing his contributions on the 275th anniversary of his birth; to the Committee on Government Reform.

By Mr. NEY (for himself and Ms. Millender-McDonald):

H. Res. 232. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; to the Committee on House Administration. considered and agreed to.

By Mr. GALLEGLY (for himself, Mr. Wexler, Mr. Lantos, Mr. McCotter, Mr. Wilson of South Carolina, Mr. Van Hollen, Mr. McCaul of Texas, and Mr. Sherman):

H. Res. 233. A resolution recognizing the 60th anniversary of Victory in Europe (V-E) Day during World War II; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H. Res. 234. A resolution providing for consideration of the resolution (H. Res. 131) amending rule XI of the Rules of the House of Representatives with regard to the procedures of the Committee on Standards of Official Conduct; to the Committee on Rules.

By Ms. DEGETTE (for herself, Mr. Beauprez, Mr. Hefley, Mrs. Musgrave, Mr. Salazar, Mr. Tancredo, and Mr. Udall of Colorado):

H. Res. 237. A resolution congratulating the University of Denver Pioneers for winning the 2005 National Collegiate Athletic Association Division I Men's Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. Ramstad, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Kennedy of Minnesota, Ms. McCollum of Minnesota, Mr. Kline, and Mr. Gutknecht):

H. Res. 238. A resolution commending the University of Minnesota women's ice hockey team for winning the 2004-2005 National Collegiate Athletic Association Division I Women's Ice Hockey Championship, and for other purposes; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ANDREWS introduced a bill (H.R. 1867) for the relief of Mohammed Manir Hossain, Ferdous Ara Manir, and Maish Samiha Manir; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Salazar, Mr. Melancon, and Mr. Doggett.

H.R. 13: Mr. Johnson of Illinois, Mr. Beauprez, Mr. Upton, Mrs. Wilson of New Mexico, Mr. Ross, and Mr. Norwood.

H.R. 19: Mr. Foley.

H.R. 22: Mr. Marchant, Mr. Costa, Mr. Gerlach, Mr. Tiberi, and Mr. McKeon.

H.R. 23: Mr. Wamp, Mr. Franks of Arizona, Mr. Lipinski, Ms. Matsui, Mr. Nadler, Mr. Conyers, Mr. Young of Alaska, Mr. Cleaver, Mr. RANGEL, Ms. LINDA T. SÁNCHEZ of California, Mr. HALL, and Mr. UPTON.

H.R. 25: Mr. FRANKS of Arizona.

H.R. 47: Mr. RENZI.

H.R. 98: Mr. SENSENBRENNER.

H.R. 111: Mr. KIRK, Mr. FRANKS of Arizona, Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, and Mr. BOUSTANY.

H.R. 136: Mrs. MUSGRAVE.

H.R. 153: Mr. MARKEY, Mr. ROTHMAN, Mr. BISHOP of New York, and Mr. SERRANO.

H.R. 292: Mrs. DRAKE.

H.R. 302: Mr. GRIJALVA.

H.R. 303: Mr. COOPER, Mr. LAHOOD, Mr. BOUSTANY, Ms. LORETTA SANCHEZ of California, Mr. MEEHAN, Mr. CONAWAY, Mr. BLUMENAUER, Mr. DUNCAN, and Mr. MELANCON.

H.R. 333: Mr. CARDOZA and Mrs. JONES of Ohio.

H.R. 339: Mr. MCCAUL of Texas.

H.R. 363: Ms. ESHOO and Mr. CONYERS.

H.R. 371: Mr. MCDERMOTT and Mr. DEFAZIO.

H.R. 438: Mr. MCKEON and Mr. RADANOVICH.

H.R. 442: Mr. KINGSTON, Mrs. JO ANN DAVIS of Virginia, Mr. HAYWORTH, Mr. GARY G. MILLER of California, Mr. SENSENBRENNER, Mr. CHOCOLA, and Mr. FLAKE.

H.R. 515: Mr. KANJORSKI and Mr. CARDOZA.

H.R. 534: Mr. CONAWAY, Mr. BONNER, and Mr. BOOZMAN.

H.R. 539: Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. ENGEL, Mr. GRIJALVA, Mr. BUTTERFIELD, Ms. BORDALLO, Mr. FEENEY, Mr. MENENDEZ, and Mr. RANGEL.

H.R. 554: Mr. BONILLA.

H.R. 556: Ms. BEAN and Mrs. ROYBAL-ALLARD.

H.R. 558: Mr. FARR, Mr. DEFAZIO, Mr. LAHOOD, Mr. RANGEL, and Mr. MELANCON.

H.R. 559: Ms. MILLENDER-MCDONALD and Mr. WAXMAN.

H.R. 562: Mr. WEINER.

H.R. 567: Mr. MOORE of Kansas.

H.R. 583: Mr. LANTOS, Mr. GONZALEZ, Mr. WAMP, and Ms. HART.

H.R. 588: Mr. ANDREWS.

H.R. 602: Mr. LIPINSKI, Mr. FRANKS of Arizona, Ms. LORETTA SANCHEZ of California, Mr. JOHNSON of Illinois, Mr. MEEK of Florida, Mr. JACKSON of Illinois, and Mr. ALEXANDER.

H.R. 615: Mr. KANJORSKI, Mr. ACKERMAN, Mr. COSTELLO, Mr. CUELLAR, and Mr. LARSEN of Washington.

H.R. 633: Mr. ANDREWS.

H.R. 653: Mr. TIERNEY.

H.R. 689: Mr. EVERETT.

H.R. 691: Mr. FRELINGHUYSEN and Mr. WYNN.

H.R. 752: Mr. KILDEE, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 754: Mr. BUTTERFIELD.

H.R. 800: Mr. BOSWELL, Mr. MCKEON, Mrs. WILSON of New Mexico, and Mr. COBLE.

H.R. 807: Mr. LANTOS, Mr. PASCRELL, and Mr. MCGOVERN.

H.R. 809: Mrs. KELLY, Mr. CHOCOLA, Mr. SWEENEY, Mr. FOSSELLA, Mr. FEENEY, Mr. JINDAL, and Mrs. JOHNSON of Connecticut.

H.R. 810: Mr. JEFFERSON, Mr. HINOJOSA, Mr. BOYD, Mr. CUELLAR, and Mr. CRAMER.

H.R. 818: Mr. BLUMENAUER.

H.R. 819: Mr. FOLEY, Mr. CHOCOLA, and Mr. MCDERMOTT.

H.R. 827: Mr. SESSIONS.

H.R. 887: Ms. ZOE LOFGREN of California, Mrs. DRAKE, Mr. MORAN of Virginia, Mr. FARR, and Mr. FRANK of Massachusetts.

H.R. 899: Ms. SCHAKOWSKY.

H.R. 918: Mr. FEENEY.

H.R. 923: Mr. INSLEE, Mr. DEFAZIO, Mr. SWEENEY, and Mr. ROGERS of Alabama.

H.R. 934: Mrs. KELLY, Mr. ETHERIDGE, Mr. KUHL of New York, and Ms. JACKSON-LEE of Texas.

H.R. 952: Mr. MORAN of Virginia.

H.R. 955: Mr. GRIJALVA.

H.R. 997: Mr. BOUSTANY, Mr. ADERHOLT, and Mr. LINDER.

H.R. 999: Mr. BISHOP of New York, Mr. WOLF, Mrs. CHRISTENSEN, Mr. ISRAEL, Mr. REYES, and Mr. PLATTS.

H.R. 1002: Mr. LEVIN, Mr. KING of New York, Mr. KILDEE, Mr. ANDREWS, and Mr. PASCRELL.

H.R. 1033: Mr. SCOTT of Georgia.

H.R. 1059: Mr. KENNEDY of Rhode Island.

H.R. 1092: Mr. COX.

H.R. 1103: Mr. STARK, Mr. FRANK of Massachusetts, and Mr. FILNER.

H.R. 1124: Ms. BALDWIN and Mr. DEFAZIO.

H.R. 1130: Ms. DELAURO and Mr. FATTAH.

H.R. 1132: Mr. GONZALEZ, Mr. JINDAL, Mr. WYNN, Mrs. CHRISTENSEN, Mr. RUSH, Mr. KILDEE, Mr. BLUNT, Mr. SHIMKUS, Mr. DICKS, Mr. BACHUS, Mr. CHANDLER, Mr. STUPAK, Mr. PICKERING, Mr. SHAYS, Mrs. BONO, and Mr. ALEXANDER.

H.R. 1146: Mr. DUNCAN.

H.R. 1157: Ms. MATSUI.

H.R. 1175: Mr. MOORE of Kansas, Mr. FILNER, Mr. GONZALEZ, and Mr. HINCHEY.

H.R. 1182: Mr. OWENS, Ms. SCHAKOWSKY, and Mr. JEFFERSON.

H.R. 1185: Mr. BEAUPREZ.

H.R. 1204: Mr. SAXTON, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. DAVIS of Florida, Ms. VELÁZQUEZ, Mr. GORDON, Mr. SANDERS, Ms. BEAN, Mr. SPRATT, and Mr. JACKSON of Illinois.

H.R. 1217: Mr. LARSEN of Washington.

H.R. 1226: Mr. ROYCE.

H.R. 1279: Mr. ETHERIDGE.

H.R. 1285: Mr. HYDE.

H.R. 1322: Mr. GRIJALVA, Mr. PALLONE, Mr. DOGGETT, Mr. OWENS, and Mr. SERRANO.

H.R. 1329: Mr. FARR, Mr. KILDEE, and Mrs. MALONEY.

H.R. 1355: Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. BOUSTANY, and Mr. BURTON of Indiana.

H.R. 1357: Mr. CANNON and Mr. TIBERI.

H.R. 1364: Mr. ABERCROMBIE.

H.R. 1366: Mr. DEFAZIO, Mr. LAHOOD, Ms. HARRIS, Mr. RAMSTAD, and Mr. MELANCON.

H.R. 1373: Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. COSTA, and Mrs. DRAKE.

H.R. 1376: Mr. KING of New York, Mrs. KELLY, Mr. LANTOS, and Ms. BALDWIN.

H.R. 1390: Mr. JEFFERSON, Mr. MCGOVERN, and Mr. CONYERS.

H.R. 1397: Mr. REYNOLDS.

H.R. 1406: Mr. MILLER of Florida, Mr. CALVERT, Mr. LYNCH, and Mrs. DRAKE.

H.R. 1408: Mr. BLUMENAUER.

H.R. 1413: Mr. ROTHMAN.

H.R. 1424: Mr. MEEK of Florida, Mr. DOGGETT, Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. SCHWARZ of Michigan, and Mr. SHIMKUS.

H.R. 1426: Mr. BLUMENAUER and Mr. RUSH.

H.R. 1440: Mr. SERRANO, Mr. GRIJALVA, and Mr. FILNER.

H.R. 1469: Mrs. CUBIN and Mr. FLAKE.

H.R. 1471: Mr. KILDEE.

H.R. 1480: Mr. RUPPERSBERGER, Mr. WYNN, Mr. STARK, Mr. HINCHEY, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. MCGOVERN, and Mr. ALLEN.

H.R. 1491: Mr. LIPINSKI.

H.R. 1496: Mr. BOSWELL, Mr. HAYES, Mr. EHLERS, and Mr. MORAN of Virginia.

H.R. 1500: Mr. KOLBE and Mr. FLAKE.

H.R. 1505: Mr. INSLEE, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin Mr. HIGGINS, Mrs. NAPOLITANO, Ms. BEAN, Ms. CORRINE BROWN of Florida, Mr. CUELLAR, Mrs. NORTHUP, Mr. MUSGRAVE Mr. WHITFIELD, Mr. REICHERT, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. STEARNS, Mr. COSTA, Mr. BURTON of Indiana, Mr. HAYES, Mrs. JOHNSON of Connecticut, and Mr. CUNNINGHAM.

H.R. 1521: Ms. SCHAKOWSKY.

H.R. 1544: Mr. PRICE of Georgia and Mr. FRELINGHUYSEN.

H.R. 1553: Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.

H.R. 1554: Ms. KAPTUR, Mr. COSTELLO, Mr. KILDEE, and Mr. HOLT.

H.R. 1575: Mr. MCHUGH, Mr. BERRY, Mr. DINGELL, Mr. COSTELLO, and Mr. TERRY.

H.R. 1588: Mr. EDWARDS, Mr. SKELTON, Mr. BLUMENAUER, Mr. HONDA, and Mr. COSTELLO.

H.R. 1595: Mr. SCHWARZ of Michigan.

H.R. 1608: Mr. CARNAHAN and Mr. COSTELLO.

H.R. 1620: Mr. BAIRD, Mr. UDALL of Colorado, and Mr. BERMAN.

H.R. 1635: Mr. CARTER and Mrs. DRAKE.

H.R. 1636: Mr. VAN HOLLEN and Mr. SAXTON.

H.R. 1639: Mr. LYNCH and Ms. WOOLSEY.

H.R. 1652: Mr. LANTOS, Mr. WEINER, and Mr. DICKS.

H.R. 1668: Mr. STRICKLAND, Mrs. NAPOLITANO, Ms. MCCOLLUM of Minnesota, and Mr. MCDERMOTT.

H.R. 1678: Mr. BEAUPREZ.

H.R. 1688: Mr. INSLEE and Mr. SHERMAN.

H.R. 1694: Mr. BLUMENAUER.

H.R. 1696: Mr. FARR, Mr. BAIRD, Mr. ISRAEL, and Mr. PRICE of North Carolina.

H.R. 1704: Mr, SCOTT of Virginia, Ms. NORTON, Mr. BOUCHER, and Mr. WOLF.

H.R. 1709: Mr. CARNAHAN, Ms. BALDWIN, Mr. MORAN of Virginia, Ms. LEE, Ms. HOOLEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. CROWLEY, Mr. ENGEL, Mr. DELAHUNT, Mr. INSLEE, Mr. WEXLER, Mr. OLVER, Ms. MCCOLLUM of Minnesota, Mr. MOORE of Kansas, Mrs. CAPPS, Mr. SMITH of Washington, Ms. WOOLSEY, Mr. MCNULTY, Mr. PASCRELL, Ms. SOLIS, Mr. GENE GREEN of Texas, Ms. ESHOO, Mr. SCHIFF, Mr. KIND, Mr. ALLEN, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. BLUMENAUER, Mr. LARSEN of Washington, and Ms. DELAURO.

H.R. 1729: Mr. WAXMAN and Mr. RANGEL.

H.R. 1736: Mr. FRANKS of Arizona and Mr. DREIER.

H.R. 1749: Mr. BOOZMAN, Mr. NEY, and Mr. FLAKE.

H.J. Res. 10: Mr. YOUNG of Alaska, Mr. BACHUS, Mr. CRAMER, Mr. FRANKS of Arizona, and Mr. FRELINGHUYSEN.

H.J. Res. 14: Mr. MILLER of Florida.

H.J. Res. 16: Mr. FLAKE.

H.J. Res. 38: Mr. SIMMONS.

H. Con. Res. 24: Mr. EDWARDS, Mr. GEORGE MILLER of California, and Mr. ROTHMAN.

H. Con. Res. 40: Mr. ANDREWS.

H. Con. Res. 69: Mr. FRANKS of Arizona.

H. Con. Res. 71: Mrs. NAPOLITANO, Mr. CONYERS, Mrs. MALONEY, Mr. NADLER, Mr. DAVIS of Florida, and Mr. BROWN of Ohio.

H. Con. Res. 90: Mr. SABO, Mr. CONYERS, Ms. DELAURO, Mr. FARR, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. SERRANO, and Mr. ORTIZ.

H. Con. Res. 96: Ms. WATSON, Mr. SCOTT of Virginia, Ms. SOLIS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 99: Mr. REYES and Mr. BISHOP of Georgia.

H. Con. Res. 127: Mr. MEEKS of New York, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. WYNN, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. TOWNS, Mr.

OWENS, Mr. PAYNE, Mr. FATTAH, and Mr. CLAY.

H. Con. Res. 128: Mr. SCOTT of Georgia.

H. Con. Res. 131: Mr. RAMSTAD.

H. Con. Res. 132: Mr. SIMPSON and Mr. GARRETT of New Jersey.

H. Res. 67: Mrs. NAPOLITANO, Mr. BACA, and Mr. PRICE of North Carolina.

H. Res. 84: Mrs. NORTHUP and Mr. HOSTETTLER.

H. Res. 85: Mr. WEXLER.

H. Res. 116: Mr. WU, Mrs. NAPOLITANO, Mr. HOLT, Mr. CLAY, and Mr. CARNAHAN.

H. Res. 158: Ms. LEE.

H. Res. 166: Mr. MCGOVERN, Mr. CARDOZA, and Ms. WATSON.

H. Res. 169: Mrs. BONO.

H. Res. 175: Mr. BISHOP of Georgia, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. MORAN of Virginia, and Mr. LIPINSKI.

H. Res. 193: Mr. MILLER of Florida, Mr. KINGSTON, and Mr. BERMAN.

H. Res. 195: Mr. GALLEGLY, Mr. ISSA, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. ENGEL, Mrs. NAPOLITANO, Mr. CHANDLER, Mr. TIAHRT, and Mr. LIPINSKI.

H. Res. 215: Mr. WILSON of South Carolina, Mr. PENCE, Mr. FEENEY, Mr. MCHENRY, Mr. FRANKS of Arizona, and Mr. GINGREY.

H. Res. 220: Mr. BURTON of Indiana, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. OWENS, and Mr. KUHL of New York.

H. Res. 227: Mr. ACKERMAN.

H. Res. 228: Mr. GRIJALVA, Mr. DAVIS of Florida, Mr. GONZALEZ, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. WYNN, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. STRICKLAND, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. CONYERS, Mr. ROTHMAN, Mr. MEEKS of New York, Mr. YOUNG of Florida, Mr. ROHRABACHER, Mr. BONILLA, Mr. COBLE, Ms. ROS-LEHTINEN, Mr. HALL, Mr. GENE GREEN of Texas, Mr. DELAHUNT, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. CUNNINGHAM, Mr. MARIO DIAZ-BALART of Florida, Mr. ROYCE, and Mrs. JO ANN DAVIS of Virginia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1762: Mrs. JOHNSON of Connecticut, Mr. JINDAL, and Mr. FEENEY.

EXTENSIONS OF REMARKS

HONORING LEON J. SYLVESTER ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family, friends, community leaders, and colleagues in extending my sincere thanks and appreciation to Leon J. Sylvester as he celebrates his retirement after 43 years of dedicated service as an educator and administrator in the Shelton Public School System.

I have often spoken of our Nation's need for talented, creative educators ready to help our children learn and grow. Leon Sylvester has been just that kind of educator and administrator. In a career that has spanned five decades, Mr. Sylvester has involved himself in the education of young people at nearly every level. The Shelton community—especially its young people—has benefited from his unparalleled service.

Beginning his career as an elementary school teacher, Mr. Sylvester also served as a Social Studies teacher and Guidance Counselor before becoming the Director of Career, Vocational and Educational Training. In each of these positions, he helped to prepare young people for their futures by providing them with the fundamental tools they would need to succeed. He spent the first three decades of his career developing a distinguished reputation as an innovative educator and progressive administrator, which resulted in his elevation to Superintendent of Schools.

In his 14 years as Superintendent of Schools, Mr. Sylvester's leadership has led to significant improvements in both the physical school buildings as well as the programs offered by the school system. He founded the Student Mentoring Program and participates as a mentor, instituted the Alternative Education Program, and began an early reading intervention program for at risk students in the primary grades. During his tenure he also established the long range school facilities and capital improvement plan, oversaw the addition of media centers in Shelton's elementary schools, as well as the construction of a new intermediate school. His many contributions have created an enriched learning environment for all of Shelton's children—a legacy that will continue to make a difference in the lives of students for years to come.

In addition to his years of service to the Shelton Public School system, Mr. Sylvester has also been deeply involved in the community. He has held a seat on the City's Planning and Zoning Commission for nearly 20 years, serving as Chair for 6 years. He has had an integral role as a corporator for such organizations as the Hewitt Management Corporation, the Birmingham Group, Griffin Hospital, and the Shelton Boys & Girls Club—all organizations that have had a positive impact on the community. He has also served on the Board of Directors for the Valley Instructional Network for Education, as the Education Chair for the Valley United Way, and has been involved with the Valley Substance Abuse Action Council. Through all of these efforts, Mr. Sylvester has demonstrated a unique and consummate dedication to public service. I have no doubt that he will continue in these efforts even after his retirement.

Educator, administrator, advocate, and community leader, Leon Sylvester has dedicated a lifetime of commitment to the City of Shelton and its residents. He has left an indelible mark—a model of all that a community member should be and an example to which we should all aspire. I am proud to rise today to join his wife, Barbara, children, grandchildren, family, friends, and colleagues in congratulating Leon J. Sylvester as he celebrates his retirement. My very best wishes for many more years of health and happiness.

TRIBUTE TO PERCY GREEN II, CIVIL AND HUMAN RIGHTS ACTIVIST

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Percy Green II who was among those outstanding Americans recently celebrated in the "Voices of Civil Rights" exhibit at the Library of Congress. It featured oral histories and photographs taken during the Voices of Civil Rights bus tour, which began in Washington, DC, on August 3, 2004. This 70-day tour through 22 states and 30 cities followed part of the route of the 1961 Freedom Rides to Jackson, Mississippi.

Mr. Green is a great St. Louisan who has earned a place in our Nation's history for his role in the fight to end racial discrimination. In an interview with the St. Louis Post-Dispatch, Mr. Green said: "I realized that poor people and less fortunate people were not poor and less fortunate by choice. When I was able to realize there was such a thing that was called the white power structure, and it had a face and it was tangible, then of course, that was when I felt that it needed to be targeted."

In the early 1960s, Mr. Green was one of the few working class members of CORE, the Congress of Racial Equality. He was then an aircraft electrician—which he learned by correspondence—at the McDonnell-Douglas Corporation. He took it upon himself to help other African Americans find decent jobs and so he founded the Action Council to Improve Opportunities for Negroes (ACTION). ACTION targeted local St. Louis corporations and government bodies to expose job discrimination and demand better jobs for minorities. In numerous acts of civil disobedience they marched, sat-in, protested, disrupted and lobbied for a fair share of America's promise. Many St. Louisans still remember that organization's first public demonstration when Mr. Green and a white man climbed up a leg of the St. Louis Gateway Arch while it was under construction. ACTION served as the central organization for desegregating working class jobs well into the 1980s.

The list of actions taken by Mr. Green on behalf of his fellow citizens is long indeed. Even today, at age 69, he remains deeply committed to ending injustice and protecting human rights. His great courage, personal sacrifice and vision have earned Percy Green national recognition and praise.

Mr. Speaker. I am honored to recognize Mr. Percy Green II before the U.S. House of Representatives for his lifetime achievements in the civil rights movement. He is among my heroes and I am proud to salute him for his many lasting contributions to both our community, and to the Nation.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in commemorating the 90th anniversary of the Armenian Genocide.

Beginning on April 24, 1915, the Armenian Genocide was a horrific act of mass violence that should be remembered in infamy as one of the most egregious violations of human rights to ever befall this planet.

It is altogether fitting that we should commemorate this horrible tragedy, and that we should take note of a further outrage: that the government of Turkey, as well as that of these United States, to this day—90 years after the crimes began—has failed to recognize the slaughter for what it was: genocide.

We are speaking of the murder of one-and-a-half million people.

Torture, starvation, death marches, the killing of innocent civilians—all crimes against humanity and completely deserving of the world's condemnation.

Today, I join my colleagues from the Congressional Caucus on Armenian Issues in calling upon the administration and the government of Turkey to formally recognize the Armenian genocide. Its time has come.

LADY MARAUDERS WIN STATE SOCCER CHAMPIONSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend the Lady Marauders of Marcus High School in Flower Mound, located in the 26th Congressional District of Texas, on their State Soccer Championship.

The Lady Marauders were coached to victory over North Mesquite by Kevin Albury who described his successful team as being very close-knit, "It's taken six years, but we finally did it. We said this was our time to do it, and our girls came ready to play."

This May, 14 of the winning players will graduate. Twelve of the 14 will continue their soccer career at the collegiate level; a fact that demonstrates the high caliber of the team. The win marked the Lady Marauder's first state title and third trip to the 5A state finals.

I am proud of these young ladies for their hard work and dedication to the sport of soccer. I am honored to represent these students, and their parents, teachers and especially their coach, in Washington. They are wonderful representatives of the great State of Texas, and I know that the Marcus Lady Marauders will continue to see many future successes.

THEODORE OLSON DEFENDS AN INDEPENDENT JUDICIARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, Theodore Olson, most recently Solicitor General under President George Bush from June 2001 until July of last year, is without question one of the leading members of the American Bar, and a very important figure in conservative politics. Mr. Olson understands that there not only is no conflict between an energetic political and intellectual conservatism and a deep respect for an independent judiciary, but that in fact the two are, as American history shows, wholly complementary, and in some ways reinforcing.

On April 21, Mr. Olson published a cogent, well-argued essay in the Wall Street Journal headlined Lay Off Our Judiciary. The article is an impressive rebuttal to some of the irresponsible, thoughtless attacks that have been made both on specific judges and on the notion of an independent judiciary. Clearly, Mr. Olson makes these arguments out of a genuine commitment to the institution of an independent judiciary, and not because he takes one side or another in a particular dispute that has found its way to the courts or to Congress. As he notes, "calls to investigate judges who have made unpopular decisions are particularly misguided, and if actually pursued, would undermine the independence that is vital to the integrity of judicial systems."

Mr. Olson goes on to be very critical of various aspects of the nomination battles now occurring in the Senate. I do not agree with everything he says here, but the importance of his overall affirmation of the centrality of an independent judiciary to our system of governance is so relevant to current political debates that I ask that it be printed here.

[From the Wall Street Journal, Apr. 21, 2005]

LAY OFF OUR JUDICIARY

(By Theodore B. Olson)

A prominent member of the Senate leadership recently described a Supreme Court justice as "a disgrace." An equally prominent member of the leadership of the House of Representatives on the other side of the political aisle has characterized another justice's approach to adjudication as "incredibly outrageous." These excoriations follow other examples of personalized attacks on members of the judiciary by senior political figures. So it is time to take a deep breath, step back, and inject a little perspective into the recent heated rhetoric about judges and the courts.

We might start by getting a firm grip on the reality that our independent judiciary is the most respected branch of our government, and the envy of the world.

Every day, thousands and thousands of judges—jurists whose names we never hear, from our highest court to our most local tribunal—resolve controversies, render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone. But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, even-handed, and respected rule of law. That requires respected judges. Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process and the judges who make it work.

We have recently witnessed tragic violence against judges, their families and court personnel in Chicago and Atlanta. These incidents serve as reminders of how vulnerable the judiciary is to those who may be aggrieved by judges' decisions. Violence and intimidation aimed at judges is plainly intolerable; all of us can, and should, be unequivocally unified on the proposition that judges must be protected from aggrieved litigants and acts of terrorism. The wall between the rule of law and anarchy is fragile; if it is penetrated, freedom, property arid liberty cannot long endure.

This is not to say that some judges don't render bad decisions. Arrogant and misguided jurists exist, just as such qualities may be found in the rest of the population, and our citizens and elected representatives are fully justified in speaking out in forceful disagreement with judges who substitute their personal values or private social instincts for sound jurisprudential principles. But the remedies for these aberrations consist of reasoned, even sharp, criticism, appeals to higher courts, and selection of candidates for judicial positions that respect limits on the roles of judges.

But, absent lawlessness or corruption in the judiciary, which is astonishingly rare in this country, impeaching judges who render decisions we do not like is not the answer. Nor is the wholesale removal of jurisdiction from federal courts over such matters as prayer, abortion, or flag-burning. While Congress certainly has the constitutional power, indeed responsibility, to restrict the jurisdiction of the federal courts to ensure that judges decide only matters that are properly within their constitutional role and expertise, restricting the jurisdiction of courts in response to unpopular decisions is an overreaction that ill-serves the long-term interests of the nation. As much as we deplore incidents of bad judging, we are not necessarily better off with—and may dislike even more—adjudications made by presidents or this year's majority in Congress.

Calls to investigate judges who have made unpopular decisions are particularly misguided, and if actually pursued, would undermine the independence that is vital to the integrity of judicial systems. If a judge's decisions are corrupt or tainted, there are lawful recourses (prosecution or impeachment); but congressional interrogations of life-tenured judges, presumably under oath, as to why a particular decision was rendered, would constitute interference with—and intimidation of—the judicial process. And there is no logical stopping point once this power is exercised.

Which member of Congress, each with his or her own constituency, would ask what questions of which judges about what decisions? Imagine the kinds of questions asked routinely in confirmation or oversight hearings. How can those questions be answered about a pending or decided case? And what if a judge refused to testify and defend his reasoning about a particular decision? Would an impeachment or prosecution for contempt of Congress follow? Either would be unthinkable. Federal judges are highly unlikely to submit to such a demeaning process and, if push came to shove, the public would undoubtedly support the judges.

No discussion of the judiciary should close without reference to the shambles that the Senate confirmation process has become. It does no good to speculate about how or when the disintegration began, which political interest has been the most culpable, or the point at which the appointment of judges became completely dysfunctional. That sort of debate is both endless and futile. The only hope for an end to the downward spiral is for the combatants to lay down their arms: stop using judicial appointments to excite special interest constituencies and political fund-raising; move forward with votes on qualified, responsible and respected nominees so that those who have the support of a majority of the Senate can be confirmed, as contemplated by the Constitution; and remove the rancor and gamesmanship from the judicial selection process.

We expect dignity, wisdom, decency, civility, integrity and restraint from our judges. It is time to exercise those same characteristics in our dealings with, and commentary on, those same judges—from their appointment and confirmation, to their decision-making once they take office.

INTRODUCTION OF SHAREHOLDER DESCENDENTS VOTING STANDARD AMENDMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. YOUNG of Alaska. The Alaska Native Claims Settlement Act (ANCSA), as originally enacted, limited Alaska Native Regional Corporations from enrolling Natives born after December 18, 1971, as shareholders in their respective corporations. Subsequent amendments to ANCSA have allowed Regional Corporations to include Natives born after December 18, 1971 (often referred to as "New Natives" or "Shareholder Descendents"), if existing shareholders of the Corporation adopt a resolution at an annual meeting. Thus far, very few Native Corporations have adopted resolutions to include Shareholder Descendents, in part because the standard for adopting a resolution is too high.

Existing law provides that a resolution is considered approved by the shareholders of a Native Corporation if it receives an affirmative vote from a "majority of the total voting power of the corporation". At any given annual meeting; however, the total voting power of the corporation is not exercised.

Accordingly, it is possible that eighty-five to ninety percent of the voting proxies at an annual meeting would be required to vote in favor of a Shareholder Descendents resolution. This is an extremely difficult threshold to meet. Accordingly, the attached proposed amendment would allow a Shareholder Descendents resolution to be approved by a majority of the shares present or represented by proxy at an annual meeting. If a change is not made to the existing voting standard for adoption of a Shareholder Descendents resolution, the promises of ANCSA are potentially left unfulfilled, at present, two generations of Shareholder Descendents.

ENGINEERING A SOLUTION: BRING WOMEN INTO THE FOLD

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, amidst the controversy surrounding recent disparaging remarks regarding women in science, I was encouraged to read an editorial from a shining star in Silicon Valley, Carol Bartz, the President and CEO of Autodesk and a member of the President's Council of Advisers on Science and Technology. Ms. Bartz is right, while the controversy of women in science rages on, "unless we bring the other half of our population [women] into the engineering ranks, that [U.S.] leadership [in engineering] inevitably will evaporate."

I would like to include Ms. Bartz' editorial, printed in the San Jose Mercury News on March 24, 2005, in the RECORD.

[From the San Jose Mercury News, Mar. 24, 2005]

ENGINEERING A SOLUTION: BRING WOMEN INTO THE FOLD

(By Carol Bartz)

Last week, Harvard University President Lawrence Summers suffered the sting of a faculty no-confidence vote, stemming from his remarks in January about women in science.

But every day, U.S. companies and the U.S. economy suffer the far more significant sting of girls avoiding science and engineering career paths in droves.

Despite interesting work and excellent pay—an average of $81,000 a year, almost twice U.S. median household income—employers are begging people to fill positions. Yet just one in 10 engineers is a woman, a far worse track record than science or math.

Why are girls who are fully capable of planning cities, designing jet engines or creating the next iPod avoiding engineering? Is it some biological difference in the female brain, the premise that cost Summers so dearly? Or is it simply a lack of encouragement during those crucial teen years when career paths are forged?

Does it matter?

Even with top salaries, the free-market supply of electrical and mechanical engineers is well below U.S. demand. Something is clearly wrong. The answer is obvious: We are relying on archaic, boys' club traditions to supply an industry that instead should serve as a role model for pure efficiency and reason. And we risk global competitiveness as a result.

No responsible CEO would try to build a business by ignoring the value of half her available capital. That would abrogate her responsibility to shareholders, employees and customers. Yet the engineering world is engaged in precisely this irresponsible corporate behavior by failing to take advantage of one-half of the available human "capital."

And in America we do so at our peril, because a perfect storm is brewing.

On one side of our nation looms international competition in engineering-dependent industries we once dominated. The only answer to maintaining our competitive edge is to use our engineering expertise to create innovation.

Looming on the other side is an immense gap between the demand for innovative young engineers and the number of students awarded degrees in mechanical and electrical engineering. Every day the gap grows, as an aging national workforce of some 2 million engineers gradually retires without nearly enough graduates to take their place.

With our national competitiveness for the 21st century at stake, we have no choice. We must work to change the status quo and ensure that the female half of our population makes its proportional contribution to the ranks of engineering.

As a software engineer by training, and the CEO of a company whose products are used by millions of engineers globally, I have seen the current system firsthand.

Even at the Massachusetts Institute of Technology's School of Engineering, the No. 1-ranked school in the country, U.S. News & World Report found women made up only 25 percent of graduate enrollment last year.

The private sector must shoulder much of the burden of attracting women to the field. Offering competitive salaries is not enough. It is incumbent on companies to make an engineering career compelling in all of its aspects to young women—to re-energize the field and reintroduce the "cool" factor that engineering once possessed.

There is some hope. Already, the National Science Foundation, the Business-Higher Education Forum and other organizations are working hard to encourage women to join the ranks of American engineers. As for the "cool," this weekend, San Jose State University will host the regional round of the FIRST Robotics competition, offering high school students (girls included!) the opportunity to solve engineering design problems using robotics.

For more than a century, America's global economic leadership has rested on innovation by our engineers, the best in the world. Through them, we have been able to meet tremendous challenges, building the world's most complex infrastructure, some of the world's largest and most important cities, and products that have changed the lives of people everywhere. Unless we bring the other half of our population into the engineering ranks, that leadership inevitably will evaporate.

ARMENIAN GENOCIDE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to the 1.5 million Armenian men, women and children who lost their lives during the Armenian Genocide.

April 24th marks the anniversary of one of the darkest tragedies in human history—one that must be properly commemorated as the first genocide of the 20th century. On this day ninety years ago, the Ottoman Turk regime began rounding up hundreds of Armenian intellectuals and political leaders to be deported or executed. Thousands more Armenians were killed in their homes or on the streets. For five years, the brutal regime carried out the systematic destruction of the Armenian people through forced labor, concentration camps, and death marches, until millions were dead or exiled.

As we look back on the bloodshed and atrocities committed against the Armenian people, we must publicly acknowledge the weight of this human tragedy. I am disappointed that President Bush failed to characterize the brutal massacre of the Armenian people as a genocide in his annual commemoration address. To deny this truth is to dishonor the memories of the millions of Armenians who lost their lives to ethnic cleansing.

The April 24th remembrance of the Armenian Genocide is also a reminder of the responsibility of all nations to stop these human tragedies from reoccurring. Today, a genocide is taking place in the Darfur region of Sudan. It has resulted in the murders of at least 70,000 innocent civilians, the internal displacement of 1.9 million, and the forced exile of 200,000. The international community must act now before Darfur reaches the scale of the Armenian Genocide.

Massachusetts' Armenian community, much of which I have the honor of representing, is committed to raising awareness of the tragedy that befell Armenians of the Ottoman Empire. Every year, survivors and their descendants participate in commemoration services across the Merrimack Valley to shed light on this dark tragedy. In my hometown of Lowell, the Armenian-American Veterans Honor Guard leads a procession to City Hall for a flag raising ceremony. Through these observances, we will never forget the truth.

TRIBUTE TO SISTER MARY ANTONA EBO, CIVIL AND HUMAN RIGHTS ACTIVIST

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CLAY. Mr. speaker, I rise today to pay tribute to Sister Mary Antona Ebo, a Missourian who was recently celebrated by the Library of Congress in the "Voices of Civil Rights" exhibit for her inspirational service to our nation. She is one of the "Sisters of Selma," a group of Catholic nuns who risked their lives to promote civil rights.

Sister Ebo's role in civil rights history centered around the brutal "Bloody Sunday," beatings that took place at the Edmond Pettus Bridge in Selma, Alabama. On March 7, 1965, law enforcement officials used horses, clubs and gas to turn back the voting rights marchers as they began their 50 mile march to the state capital at Montgomery. Three days later, in response to a request by the Reverend Dr. Martin Luther King, Jr., Sister Ebo went to Selma with a group of religious leaders from St. Louis. There she spoke out against the violence and urged minorities in Alabama to pursue their right to vote. In recalling her role in the historic events in Alabama, Sister Ebo said recently that she saw her actions as a call from God to make a difference.

After the civil rights marches ended, Sister Ebo continued her life of service to others. In 1967, she became the first African American woman religious professional to head a hospital. She was named administrator of St. Clare Hospital and Health Services in Baraboo, Wisconsin. Today she is a treasured member of the St. Louis community where she serves as pastoral associate at St. Nicholas Catholic Church.

Recently, Sister Ebo recalled her days in the civil rights movement. She told a newspaper reporter: "We did that then, in responding to the need of the moment, but there are still needs that need to be addressed by us as women religious. We need to be speaking out, speaking up and saying 'No, we will not participate in those kinds of activities, which oppress a part of our people, whether black, white or polka-dot.' "

Mr. Speaker, it is with great honor that I recognize Sister Mary Antona Ebo before the U.S. House of Representatives for her many lifetime achievements. She has been a source of spirit and strength for countless Americans. She is among my heroes and I am proud to salute her for her many lasting contributions to our community and to this nation.

RECOGNIZING THE CAREER AND CONTRIBUTIONS OF ROBERT MINEHARDT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. HOLT. Mr. Speaker, I rise today to congratulate Robert Minehardt, a distinguished educator at Shrewsbury Borough School, on his retirement after forty years of dedicated service to educating up to three generations of local families.

Robert Minehardt has become a vital part of the Shrewsbury community as he has held nearly every leadership position available to a teacher. Since beginning his career in 1965, he has taught fifth and sixth grades, as a general education teacher and then as a science teacher. Mr. Minehardt has also served as vice-principal for more than 10 years, and also, for a short period as the acting superintendent. He has been the Shrewsbury's Title I director, summer school director, the T&E director, the teacher-in-charge, and the assistant to the superintendent. Outside of the classroom, Mr. Minehardt was also active for several years as a coach to the boy's basketball team, supervisor to intramural sports, and coordinator for the CPR program with Shrewsbury's local first aid squad.

Inside the classroom, Mr. Minehardt had a passion for science concentrated in the areas of oceanography and space exploration. Most notably, his interest led him to advocate for the development of the schools' science program. He organized trips to the beaches of Sandy Hook, NJ and formed the in-school science club program.

As a resident of Shrewsbury since 1968, Robert Minehardt attended high school at Red Bank Regional High in Little Silver, NJ. He then went on to achieve his undergraduate degree at Monmouth University in West Long Branch, NJ and continued his graduate education at Rutgers University in New Brunswick, NJ. Mr. Minehardt returned to Shrewsbury to raise his family including his two sons, Adam and Todd. Both boys attended Shrewsbury schools and were even taught by their father. Currently, Robert Minehardt and his wife, Maggie Minehardt, live in Fair Haven, NJ, where he volunteers as a fire fighter.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Robert Minehardt on his retirement, and we wish him the best in his move to Florida.

IN HONOR OF THE 2ND BATTALION, 113TH INFANTRY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 2nd Battalion, 113th infantry on their return from Guantanamo Bay. On Thursday, April 21, 2005, family members, commanding officers, local officials, friends and neighbors came together to honor their return with a Welcome Home Ceremony at the Jersey City Armory in Jersey City, New Jersey.

The 2nd Battalion, 113th Infantry has a distinguished record dating back to the Revolutionary War. Their nine month long deployment, from June 2004 to April 2005, was part of Operation Enduring Freedom in support of the ongoing global war against terrorism. The battalion was an integral element of Joint Task Force Guantanamo (JTF–GTMO). I had the honor of visiting with many of these soldiers in December during a trip to Guantanamo, and I can personally attest to their dedication and commitment to protecting the freedoms we all hold dear as Americans.

I would also like to provide a special mention of the Expert Infantry Badge Recipients: Capt. Jurandir Araujo, Jr; 1st Lt. Curtis R. Boyd; 2nd Lt. Peter B. Hegsethl Staff Sgt. Nicholas L. Forrestal; Staff Sgt. Michael J. Klock; Sgt. John Casiano; Sgt. Julio C. Garcia, Jr.; Sgt. Daniel M. Kim; Sgt. Benjamin G. Ouckama; Sgt. Winston G. Ouckama, Jr.; Sgt. Roque L. Rodriguez, Jr.; Sgt. Daniel E. Torres; Sgt. Carl M.I. Cabanas; Spc. Damian P. Caceres; Sgt. Damien N. Joseph; Spc. Jorge M. Oliveira; Spc. Ernesto D. Rances; and Spc. Anthony Scally.

Brave members of the National Guard, I believe they can no longer be viewed as simply 'weekend warriors,' but as full-time soldiers making sacrifices to defend our freedom. I believe they all deserve to be treated as such.

Today I ask my colleagues to join me in appreciation of their service, and in fighting to provide health care for these brave men and women and their families, to reduce the retirement age for guardsmen, and to provide readjustment assistance such as counseling, job training, and family assistance.

THANKING STEVEN A. McNAMARA FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. NEY. Mr. Speaker, Mr. Steven "Steve" McNamara, the Inspector General of the House of Representatives will be retiring at the end of May after a long and distinguished career in service to the United States Government. His exemplary career spans 35 years of service, the last 5 of which have been spent with the House of Representatives. Steve's considerable professional skills and credentials as a Certified Public Accountant, Certified Internal Auditor, Certified Information Systems Auditor, and Certified Government Financial Manager equipped him for the important role of leading the Office of Inspector General in the House of Representatives. Through Steve's strong leadership, the Office of Inspector General has conducted essential reviews of the House's financial and administrative operations. These reviews and resulting recommendations have helped the House to achieve our present standards of safety, security, information assurance, and accountability, and Steve's role in these worthy institutional achievements cannot be understated.

Steve's leadership of the Office of Inspector General has spanned a wide area of audit services ranging from the analysis of the House's financial controls to careful analysis of emerging technologies. His business improvement initiatives and focus on efficiency have improved administrative functions in the House Officer organizations and realized cost savings for the House. Furthermore, his efforts have served a valuable purpose in achieving improved services and security for individual Members of Congress and staff. He has worked to ensure fire safety improvements in House facilities and has been paramount to assuring the integrity of the House's information technology systems.

Steve will be missed by all of his colleagues and the House, but he can take great satisfaction in the many positive and important accomplishments of his career. Steve's judicious advice and counsel on matters of significant importance to the House will be difficult to replace. I wish Steve and his wife Jill a joyful and exciting retirement and I thank him once again for his long and distinguished career in Federal service.

HONORING THE HOROWITZ BROTHERS AS THEY ARE RECOGNIZED BY THE CITY OF NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join New Haven city officials, residents, customers, family and friends in paying tribute to Arthur, Leonard, and Philip Horowitz—owners of Horowitz Brothers, a fabric and clothing store which became a New Haven institution.

Emigrating from Russia, Philip and Leonard's father, William, and his uncle, Jack, came to New Haven in 1913 and began selling fabric from a pushcart on Grand Avenue. With hard work, dedication, and a dream they opened a storefront nearby and later, Horowitz Bros. moved to its permanent home on Chapel Street. In later years, Philip, Leonard, and their cousin Arthur took over the family business.

I have often said that small businesses are the backbone of our nation's economy. Through the years, Horowitz Bros. has been a fixture in downtown New Haven outlasting a number of large department stores as well as smaller, family-owned business which have gradually disappeared. For the last ninety years, Horowitz Bros. has been a valued treasure in the City of New Haven—a testament to the American Dream and to the invaluable place small business has in a community.

I have fond memories of going with my mother to pick out fabrics for the dresses she would make for me as a child. While waiting for my mother to choose her fabrics, you could always find me rearranging the many spools of thread—a habit which I am sure caused some chaos, but was always met with a good natured smile. It was indeed a sad day for the residents and City of New Haven when we learned that Horowitz Bros. would be closing its doors last October—as if we had lost a part of ourselves.

Horowitz Bros. holds a special place in the hearts of employees and customers alike. That is why it came as no surprise when I learned that their faithful customers had began a petition drive, determined to ensure that the City of New Haven recognized the Horowitz Bros. invaluable contribution to our community—not just as a business, but as a family. Today, city officials, residents, customers, friends and family are gathered to witness the unveiling of "Horowitz Brothers Corner"—the street corner which for so long was home to the very special family-run emporium.

Though we lost Philip just last year, I know that he is with us today and I am proud to stand today to honor Arthur, Leonard, and Philip for all that they brought to our community. It is because of their hard work and their commitment that even though its doors have closed, Horowitz Bros. will forever be a piece of our City's rich history. The naming of this street corner in their honor will ensure that their legacy lives on for generations to come.

TRIBUTE TO SHERRIE ANDERSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Sherrie Anderson who is retiring as the Deputy Director of the Mass Transit Security Programs Office of the Transportation Security Administration. I join my fellow colleagues in honoring the 34 years of service that Anderson has given to the protection of our nation's passengers. I am honored to give my compliments to a woman who has tirelessly pursued improvements in the nation's transportation security. She has played a pivotal role in our nation's defense against terrorism.

For many years, Anderson was a lone voice in the wilderness of the Department of Transportation begging, pleading and cajoling the various modes of transportation to shore up efforts in improving security.

As the guiding light of the Secretary of Transportation's Office of Security, Anderson was in the forefront of the Department's response to innumerable incidents over the past decades including Pan American Flight 103, the first World Trade Center Bombing, and September 11th.

In the wake of 9/11, Anderson was one of the original hires in the Office of Maritime and Land of the newly created Transportation Security Administration. She served as the first Chief of the Rail Passenger Branch, Deputy Director of the Passenger Security Division and then as Deputy Director of Mass Transit Security Programs Office.

In that capacity, Anderson led efforts to improve passenger screening efforts in commuter rail systems. Through her work, the three-phase Transit Rail Inspection Pilot (TRIP) was undertaken to demonstrate the efficacy of various technologies for passenger security screening systems.

Throughout Anderson's tenure with the Federal Government, she has consistently shown grace and poise that has enabled her to talk to the highest levels of the government as well as those on the frontlines responding to transportation security incidents. Her calmness and level-headedness in crisis situations has been an enduring asset to both the Departments of Transportation and Homeland Security.

I encourage others to continue her dedication to the betterment of transportation security for our fellow citizens. I congratulate the family of Sherrie Anderson on this momentous occasion. I wish her a well-earned retirement, and the thanks of a grateful nation.

CHAMBER MUSIC OF THE HIGHEST ORDER

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to commend the Craftsbury Chamber Players, who this year are celebrating a double anniversary. For 40 consecutive years they have performed chamber music in the Northeast Kingdom of Vermont, and for 25 consecutive years they have performed in Burlington, Vermont's largest city. Founded and still directed by pianist Mary Anthony Cox, the Craftsbury Chamber Players bring chamber music of the highest order to northern Vermont.

The Northeast Kingdom is the least populous area of Vermont, yet every summer the woods of Craftsbury, Hardwick and Greensboro reverberate with the sounds of Haydn, Schubert, Dvorak, and twentieth century music. The Craftsbury Players present concerts that are both innovative and broad. Their repertoire spans over 300 years of music, introducing audiences to little-known works of the past and present, as well as those great chamber pieces which have sustained generations of music lovers. Every concert explores music which should be heard, but often isn't: forgotten works by major composers, supposedly difficult compositions by twentieth century modernists, and seldom-preformed works from our very own day.

These world-class performers come to Vermont to play together, to make music because they love the great richness which comes from measured rhythms and ordered sound. It is fitting that this year their anniversary celebration will be capped by the world premiere of a quintet by Kenji Bunch, a longtime violist with the Craftsbury Players. Commissioned especially for this anniversary, it will be performed on July 20, 2005 in Burlington and July 21 in Hardwick.

The Craftsbury Chamber Players have shared their love of music with thousands of people in Vermont. On this, their 40th anniversary, the people of Vermont salute them for their dedication to music and for bringing the best in music to our communities.

TISHCON CORPORATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. PALLONE. Mr. Speaker, I rise today to recognize the gracious humanitarian efforts of the Tishcon Corporation, a company that manufactures vitamins and nutritional supplements. Throughout the years, this company has generously donated vitamins, nutritional supplements, money, and time to benefit those in need around the world.

Raj K. Chopra, Vipin Patel, and others established Tishcon Corporation in 1977. The company has consistently developed high quality products while always maintaining the high satisfaction of its customers. In conjunction with Vitamin Relief USA, Tishcon Corporation provides free multivitamins each day for more than 14,000 children at risk for malnutrition.

In addition to providing multivitamins for children, Tishcon Corporation has provided over 2,500 multivitamins to at-risk homeless adults and senior citizens every day. Not only does this company provide vitamins and supplements to those in need, they have also donated money to assist in the distribution of these as well.

I ask my colleagues in the United States House of Representatives to join me in recognizing the outstanding humanitarian accomplishments of Tishcon Corporation, an exemplary model of corporate humanity and citizenship in today's world of business.

IN HONOR OF BRUCE HORACE CARLSON AND MATT FRIDAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FARR. Mr. Speaker, I rise today to honor two dear friends from the 17th Congressional District of California, Mr. Bruce Horace Carlson and Mr. Matt Friday. Both Matt and Bruce are devoted community activists whose volunteerism and generous spirits have enriched the Monterey Bay region through their work in education, social justice, politics, the environment, health and the arts. Matt and Bruce are soon leaving the Monterey Peninsula and moving to Oregon.

Bruce Horace Carlson was born on April 13, 1942 in Pittsburg, California. Bruce moved to the Monterey Peninsula in 1986 and as long as I have had the pleasure of knowing him, he has been a tireless advocate for Democratic politics and civil rights. In 1999 he became a founding board member of the Monterey County Gay, Lesbian and Straight Education Network (GLSEN). He was a founding member of the Monterey County Coalition for Fairness and was a founding board member of the Monterey County Lesbian, Gay and Bisexual Task Force. He was the co-director of Monterey's first Gay Pride Parade in 1992 and has been involved in several annual Pride Days since then. To say Bruce has been active in local and national Democratic politics would not go nearly far enough in describing the level of his contributions. Bruce has played a significant role in the 27th Assembly District since 1996 holding various offices and committee seats. He has been a Representative for the Bay Area Municipal Elections Committee in Monterey County since 1994 and has been a board member of that body since 1996. In addition to his many hours of organizing and volunteering locally, Bruce has been a delegate to the California State Convention as well as being a delegate to the Democratic National Convention held in Los Angeles in 2000.

Mr. Matt Friday was born on September 21, 1950 in Ottumwa, Iowa but has made his home on the Monterey Peninsula for over three decades. In those three decades, Matt has made an enormous and everlasting impact on this community in areas as diverse as education, the environment, health. the arts, as well as social justice and politics. I cannot think of any other individual in my district who has donated more time to these issues than Matt. Matt has tirelessly dedicated his efforts to the Monterey Bay community as a volunteer teacher, a co-founder of several environmental projects, a board member for the Monterey County AIDS Project (MCAP) and a frequent contributor to numerous local publications. Matt is also a respected and accomplished organizer in the area of human rights and has organized dozens of educational community forums on issues such as hate crimes, racism, and the PATRIOT Act.

In the area of politics, Matt will leave behind a legacy of thoughtful, energetic and strategic volunteering, planning and organizing from which this community continues to benefit. Matt Friday's name is synonymous with progressive politics on the Peninsula; to say he embodies politics does not overstate the level of his political activism in my district. It would be a futile effort to attempt to list all of Matt's contributions to local politics but some of his most notable achievements have been to co-organize a very successful precinct captains program with neighboring Santa Cruz County during the 2004 election, serving as Chair of the 27th Assembly District from 1999–2003, appointed to be a member of the California State Democratic Central Committee since 1996, serving as co-President of the Bay Area Municipal Elections Committee 2003–2004, and acting as an observer and commentator for KION–TV during the 2000 Los Angeles Democratic National Convention.

It is evident that Matt and Bruce will be missed for all of their contributions and volunteerism to the community, but Mr. Speaker I must also say that I will profoundly miss Matt and Bruce for their kind, warm, and generous spirits. I have spent many evenings in their wonderful home in Del Ray Oaks talking politics and human rights and admiring their gorgeous terraced garden which they lovingly cultivated over the years. I have always felt as if Matt and Bruce were a part of my extended family in my district. I will miss them both personally and professionally.

Mr. Speaker, I would like to take this opportunity on the floor of this great House to thank Matt Friday and Bruce Carlson for their generosity of spirit and for the everlasting contributions they have made to the Monterey Peninsula. I wish them all the best as they embark on a new chapter in their lives.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate the 90th anniversary of the horrific events that occurred in the Ottoman Empire from 1915 to 1923. The Armenian Genocide was a global tragedy. Over an eight year period, one and a half million Armenians were killed and about a half a million more were forced into exile. Every one of us, as citizens of the world, has a responsibility to ensure that the legacy of the Armenian Genocide is acknowledged and remembered so such human tragedies will not reoccur.

We debated for months, as systematic killings occurred in Darfur, about whether the actions there constituted acts of genocide. That is why I rise today to voice my disappointment at the administration's continued lack of clarity when referring to the genocide that occurred during the time of the Ottoman Empire. Falling well short of a declaration, the President referred to the tragedy in his April 24 statement as a "great calamity." Indeed, what occurred was a calamity of such dimensions that the Armenian people are still dealing with its consequences today. But genocide is more than calamity.

I share the opinion of the members of the Armenian Assembly of America who say the President's weak statement, "was a missed opportunity . . . to speak the truth plainly, to once and for all avoid using evasive terminology. . . ." Just as there is no reason to equivocate about what is happening to the people of Darfur, there is no reason to equivocate about what happened to the Armenians 90 years ago. Genocide is genocide.

RECOGNIZING AND HONORING THE CAREER OF MR. LOUIS J. DIFILIPPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MORAN of Virginia. Mr. Speaker, it is with great pleasure that I rise today to recognize and honor the career of Mr. Louis J. DiFilippo as he prepares to retire after 40 years of distinguished service in support of our Nation. Throughout his career, DiFilippo has lived the Navy's core values of Honor, Courage, and Commitment, and he has led the Navy and the Naval Facilities Engineering Command through a period of unprecedented challenges and change.

In November of 1965, DiFilippo began his service to the Navy at the Northern Division, Bureau of Yards and Docks in Boston, MA. He started as a GS–2 Clerk, and over the course of his career rose through the Civil Service ranks to become a GS–15 senior manager for the Naval Facilities Engineering Command. He leaves a record of service, professional development, and dedication to our Nation not commonly seen these days.

A native of Boston, and a dedicated member of Red Sox Nation, DiFilippo continued with Northern Division, and then Chesapeake Division, to become a GS–7 Management Analyst. Moving to Washington DC in June 1970, he continued to progress at the Chesapeake Division, becoming a GS–11 Program Analyst. In April 1973, he was promoted to Headquarters, Naval Facilities Engineering Command, where he began as a GS–11 Employment Development Specialist. For the next 15 years, Mr. DiFilippo had a most profound impact on manpower matters in the entire Command. For 9 years as a GS–13, he led the Naval Facilities Engineering Command Professional Development Program, bringing numerous professionals onto the roles, and nurturing their careers through professional guidance and support. Many of those he hired and guided are now the key leaders in the organization.

Moving up again in the Naval Facilities Engineering Command, DiFilippo became a GS–14 Supervisory Management Analyst in the Office of Civilian Personnel Programs, and eventually became the GS–15 Director of the Office of Civilian Personnel Programs (the "DCPP," as his position is known), with wide responsibilities for all aspects of personnel policy and management.

Someone of his breadth of talent is often called upon to help in other areas. In July 1988, DiFilippo was detailed to the Pentagon to support the Navy Model Installations Program. His extensive knowledge and skills helped numerous initiatives gain acceptance and improve the Naval shore establishment. He continued with the Model Installation Program at the Naval Facilities Engineering Command until April 1991, when he became the GS–15 Special Assistant to the Deputy Director of Programs and Comptroller at the Naval Facilities Engineering Command. In this position, he influenced major budgetary and program decisions, improving efficiency and effectiveness.

From 1993 until his retirement, Mr. DiFilippo served as the GS–15 Director of Corporate Management, acting as the Special Assistant to the Commander, Naval Facilities Engineering Command, and to the Deputy Commander for Operations. His positive influence on Command decision-making during this period cannot be overstated. He has been the steady, keen mind helping to implement major Command initiatives, and advising not only senior managers, but the entire Command. Everyone in the Naval Facilities Engineering Command knows that if you need an answer, "Just ask Lou."

DiFilippo's steadfast leadership and superb performance have won him awards almost too numerous to mention. He has received the Superior Civilian Service Award three times (1982, 1984 and 1998), and the prestigious Distinguished Civilian Service Award in 2005. He leaves behind a legacy of mentorship and service that will be difficult to match, along with a cadre of leaders within the Command that have benefited from his professional guidance.

I am pleased to recognize and thank Louis DiFilippo for his long and dedicated service to this country, and I join his family, friends, and colleagues in wishing him "Fair Winds and Following Seas" as he begins his well earned retirement.

HONORING THE LIFE OF THOMAS BROWN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding American—Mr. Thomas Brown of La Grange, IL, who passed away on April 11, 2005.

To say that Tom Brown devoted his life to service is an understatement. A native of Cicero, IL, Mr. Brown married his childhood sweetheart, the former Helen Sauer in 1942—right before joining the Army Air Corps as a bombardier. While flying a mission on March 26, 1945, Lieutenant Brown's bomber was hit by enemy fire over Austria, and the father-to-be became a prisoner of war.

Not satisfied to sit on the sidelines for the remainder of the war, Lieutenant Brown joined his fellow prisoners in overpowering the guards—and then stealing a German plane! The escapees flew the plane to Allied-occupied Yugoslavia, where they crash-landed the plane after being shot at by Allied troops. Lieutenant Brown received the Purple Heart, the Air Medal, the Victory Medal and the Distinguished Flying Cross for his part in the storybook escape.

Upon returning to the states after the war, Tom Brown did what most veterans did at the time—he went to work, in his case, in the family plumbing business, and he raised a family with Helen.

Mr. Brown's devotion to service led him into local politics, and he served on the La Grange Village Board from 1968 to 1973 and as Village President from 1973 to 1977. In 1983, Mr. Brown took a position as La Grange Code Enforcement Officer and Plumbing Inspector, working until his retirement in 2002.

He was well-known around the community for his wit and easygoing personality. As current La Grange Village President Tim Hansen said, Tom Brown was "the classic old Irish character."

"He was just terrific at limericks and he had a knack for putting people at ease. Both he and Helen have been great friends to the village—just stalwarts in their commitment to helping the village or the church or whatever cause needed them," President Hansen said.

Mr. Speaker, I extend my deepest condolences to Mrs. Brown and the Brown children, as on the passing of Tom Brown, who represented so well the "Greatest Generation."

HONORING THE CONTRIBUTIONS OF JENNIFER HENRY, MARION MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the countless contributions of Jennifer Henry to Marion Middle School.

Jennifer Henry received her B.A. in Anthropology from Texas A&M University. She is currently furthering her education by pursuing her Master's in Secondary Education from Texas State University.

Ms. Henry became interested in teaching while she was a student at Texas A&M. Her studies there convinced her that students need more than just information: they need to be taught how to study and learn. As a result of this insight, Ms. Henry strives to give her students the skills and habits of thought they will need to become successful lifelong learners.

Ms. Henry's goal is to provide a safe, inviting, and engaging classroom environment. She aims to make her curriculum student-centered, and to take advantage of all the available technology resources to facilitate learning. She believes that students learn best from practical examples, and tries to connect learning with real-life applications as much as possible.

Ms. Henry is an energetic and committed teacher, and her efforts have already made a positive impact on her school district and her students. She has a bright future ahead of her, and I am happy to have the chance to applaud her work here today.

INTRODUCTION OF PORTLAND STREETCAR TARIFF WAIVER BILL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BLUEMENAUER. Mr. Speaker, I am introducing legislation that will waive tariffs on three new streetcars to be delivered in 2006 for the city of Portland's successful streetcar system. Without a domestic producer of compatible streetcars, it does not seem reasonable that the city should have to pay an additional $300,000 in tariffs.

The Portland streetcar system has served as an important mobility option in circulating workers, students and visitors throughout the downtown area. Additionally, the system has attracted over a billion dollars in development along its route, linking housing, offices, retail, and Portland State University. Recently, the streetcar was extended down to the banks of the Willamette River and construction has already begun on a further extension to the South Waterfront development project being anchored by Oregon Health Sciences University.

I thank the Ways and Means Committee for consideration of this legislation, which will continue to help improve the transportation options and livability of Oregonians.

EFFICIENT ENERGY THROUGH CERTIFIED TECHNOLOGIES AND ELECTRICITY RELIABILITY ACT OF 2005

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Efficient Energy through Certified Technologies and Electricity Reliability (EFFECTER) Act of 2005. I am joined in this effort by a diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, as well as Senator SNOWE of Maine and Senator FEINSTEIN of California. This bill is a more developed version of the EFFECTER Act that Mr. MARKEY and I introduced in April 2004.

With the President's Energy Plan currently stalled in the other body, we believe that this bill can deliver on one of the less controversial issues when it comes to energy policy—energy efficiency. I support the President's Energy Plan and voted in favor of H.R. 6 when it came before this body for final passage. It is my hope that this fine legislation will implement a desperately needed energy policy in this country.

My constituents in San Diego suffered through the Energy Crisis during the summer of 2001. The aftershocks of the rolling blackouts and outrageously high energy prices are still being felt. Gas prices in California are currently the highest in the country at over $2.50 per gallon. We risk another major blackout and continually soaring fuel prices if we choose to wait before enacting a long term energy policy. My constituents, and all the American people, need solutions now. I am introducing this bill in an effort to pass a portion of our long-term energy plan that can produce results now.

In our legislation introduced last year, Congressman MARKEY and I created legislation that would give builders and consumers a reason to construct housing and purchase equipment that not only saves the consumer money in the long run, but also helps save energy. We have taken this idea and have put it into this bill along with other cost-saving provisions. This legislation offers tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The incentives will reduce peak power demand, which can diffuse the risk of blackouts and high electricity prices. Peak power shortages cost California $15 billion in 2000 alone.

These tax incentives are performance based, not cost based. One dollar of federal tax incentives for energy efficiency offered today will not be paid until January-April 2005, but manufacturers will respond to the incentives by investing in production facilities for more efficient products immediately. This will promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future.

This bill will have the government lead by example by cutting our own energy bills by upgrading our building energy efficiency standards and purchase specifications, and reauthorizing federal Energy Savings Performance Contracts, which allow private companies to partner with the government for mutually beneficial cost-effective energy savings. Finally, it includes mandatory electricity reliability requirements that address directly the failures that caused the east coast blackout of 2003.

This bill increases the security and reliability of the electric grid, while reducing natural gas and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. Grid security is improved by adopting mandatory standards for operation.

The EFFECTER Act seeks to address two key power supply issues—electric reliability and natural gas prices. Reducing peak electric demand not only eases pressure on the electric grid but also reduces utility demand for natural gas, a major factor that has led to higher prices. Over the next ten years, this legislation can produce natural gas savings of over 3.3 quads annually—over 12 percent of total gas use; and peak electricity savings of 145,000 megawatts—equivalent to 350 new power plants of 400 MW capacity.

Mr. Speaker, please join me in supporting the EFFECTER Act which will help reduce energy needs and provide for a cleaner environment. Let's respond to our country's desperate needs today, before we have another energy crisis.

HONORING THE CONTRIBUTIONS OF MARY JOYCE YOUNG, MARION HIGH SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to honor the accomplishments of Mary Joyce Young, Marion High School Teacher of the Year.

Mary Joyce Young came to the profession of teaching late in life. She worked in a medical office for 25 years before returning to Southwest Texas State University to receive her Bachelor's and Master's degrees. She has taught at Marion High School since her graduation in 1988.

Ms. Young believes in teaching her students more than facts and figures. She aims to teach them character traits that will benefit them for the rest of their lives: self-discipline, integrity, and fairness in the home and the workplace. She says that her work is to create well-rounded citizens, as well as successful students.

Ms. Young teaches four subjects at Marion High School: Senior English, British Literature, Government-Economics, and Creative Writing. She loves her subjects, and works every day to teach her students to love them as well.

Mary Joyce Young is an excellent educator, who has changed the lives of many Marion High School students for the better. She is a credit to her community, and a blessing to the people of Marion. I am proud to have had the chance to recognize her here today.

TRIBUTE TO THE REVEREND DR. JOHN ROBERTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the Reverend Dr. John Roberts of Toledo for his 40 years of service in Jesus Christ. Our community will join his congregation in celebration of this milestone on April 3, 2005.

Born in Bryant, Mississippi on March 9, 1927 to George and Melvina Roberts, John E. Roberts came to Toledo, Ohio in 1944. Here he attended Libbey and Scott High Schools. When Indiana Avenue Baptist Church was organized in 1946 he was there, and has been active in the church ever since. Prior to his ordination in 1964, Pastor Roberts served his church as custodian, Sunday school teacher, choir member, Trustee Board Secretary, and Deacon. After receiving his ordination, Pastor Roberts preached his first service at the church he helped to organize on the 3rd Sunday of January 1965. Even while Pastor, he pursued his Bachelor of Arts and Bachelor of Religious Education degrees in 1975, his Master of Theology in 1984, and his Doctorate in Biblical Theology in 1985. All of this, in addition to working a second job in order to contribute to the financing of the church structure. Pastor Roberts truly has led his congregation by example, and he acknowledges that his achievements were obtained under the guidance of the Holy Spirit.

Pastor Roberts' tenure at Indiana Avenue Baptist Church has been most noteworthy. Under his leadership, the Christian Board of Education was organized and so were the Junior Church, Couples Fellowship, Singles Fellowship, Widows Fellowship, Recreation Department, Youth Department and Young Adult Department. He has ministered, counseled, taught and led a congregation numbering in the thousands. It has been noted that Pastor Roberts "has opened the eyes of many who were stumbling in spiritual darkness and led them to the light through the study of the Word of God." His theological mastery is complemented by an extraordinary sense of humor and good nature that lifts the spirits of all people whom he encounters. He is a man of God walking among all the people.

A strong and much respected community leader, Pastor Roberts is also an active participant in the Toledo Public Schools PTA, International Ministerial Alliance, Baptist Ministers Conference, and NAACP Lifetime Member. He has also served on the Boards of the Urban League, the J. Frank Troy Senior Citizens Center, and the Frederick Douglass Community Center and served on the Interracial Coalition Committee and the co-chaired the Alcohol and Substance Abuse Task Force Council. His opinion and counsel are highly valued, and he has been asked by civic leaders both past and present to serve on many special commissions.

Despite his community and church commitments, Pastor Roberts' first devotion is to his wife and family. He credits much of his success to his wife, Bernice, to whom he has been married for 55 years. Together they have raised three sons and have five grandchildren.

It is impossible to characterize the life of so great a man into a few short lines of a RECORD entry. Perhaps no finer tribute may be made than that of the belief of those who know him best that Pastor Roberts is "a man sent by God to lift men's faith, hope, and love."

IN RECOGNITION OF THE HITCHHIKERS, ROBOTICS TEAM 481

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize The Hitchhikers, Robotics Team 481, from my congressional district in California. This team won the Engineering Inspiration Award in March of 2005 at the Portland, Oregon, Pacific Northwest Regional Robotics Competition. This award honors success in advancing the science of robotics. By winning this award, the Hitchhikers, Robotics Team 481, qualified to compete in the Championship Robotics Competition in Atlanta, Georgia, where they came in second out of 52 teams in the first round of competition.

The Hitchhikers were created in an independent study course at Contra Costa College, San Pablo, California in the fall of 2002. Under the stewardship of Tom Murphy, a contra Costa College Instructor, Middle College formed its own FIRST robotics team, based on a commitment that the students would build a robot from the ground up. In December 2002, a grant from Kleiner Perkins Caufield & Byers provided initial funding for the Hitchhikers, and the team received its first robot-building supplies in January 2003. In 2004, budget woes triggered a merge with another award-winning team at nearby De Anza High School, with the hopes of keeping robotics alive for students throughout the school district. The students of the merged team resolved to keep De Anza's number 481 and Middle College's name "The Hitchhikers" as a sign of their unity. Since then, the team has connected with local and national supporters. Other sponsors of The Hitchhikers, Team 481, are NASA Robotics Education Project, the Ed Fund (West Contra Costa Public Education Fund), Chevron Richmond Refinery, TAP Plastics of El Cerrito, Planner's Collaborative of Boston, MA and Honda of El Cerrito.

The majority of Robotics Team 481's members are sophomores, juniors and seniors at Middle College, located on the Contra Costa College campus in San Pablo, California. Students also come from nearby De Anza, El Cerrito, and Pinole Valley high schools. The Middle College robotics team was created to help its members learn and understand scientific and engineering concepts while building team- and group-work skills. The Hitchhikers, Robotics Team 481, have managed to accomplish all this and have fun at the same time.

The Hitchhikers, Robotics Team 481, competed in the FIRST Robotics Competition (FRC) National Championship in the Georgia Dome, Atlanta Georgia, April 21—23. FIRST, For Inspiration and Recognition of Science and Technology, is an organization founded on the sole principle of inspiring young people to find an interest in Science and Technology and using this knowledge in all aspects of life.

Please join me in saluting The Hitchhikers, Robotics Team 481 on their excellent performance in this national robotics competition.

CONGRATULATING PARIS JUNIOR COLLEGE ON WINNING NATIONAL BASKETBALL TITLE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, I am honored to recognize the Paris Junior College Dragons on winning the 2005 National Junior College Athletic Association Division I Men's Basketball championship on March 26 in Hutchinson, Kansas. This was the biggest win in the school's history and only the second trip for the Dragons to the national tournament, some 46 years from their first visit in 1959.

The Dragons ended their season with nine consecutive wins and set a school record with 28 victories in a season. They were unranked in the national tournament and beat two ranked teams before taking on 16th-ranked Moberly Area Community College, Mo., during the NJCAA Division 1 Men's Tournament championship game. They won by a score of 70–61.

Paris Junior College coach Bill Foy won the Coach of the Tournament award and subsequently was named the National Association of Basketball Coaches Junior College Coach of the Year. Rod Earls was named the William E. French Most Valuable Player, averaging 13 points a game to lead Paris Junior College in scoring and contributing 10 points in the championship game. Alexander Starr received the Charles Fesher Sportsmanship Award and scored 10 points in the tournament final. Mike Battle scored 5 points in the final game and also was named to the all-tournament team.

The leading scorer for Paris was Lamar Searight with 18 points. Other players who contributed to the victory included Brian Burrell, Donnell Franklyn, Rickey Quarles, Bobby Joshua, Tyler Best and Charles Stoker. Joel Green and Albert Reese also are members of the team.

Coach Foy also acknowledged all those whose efforts and support contributed to the team's outstanding season: Assistant Coach Brad Enright, Athletic Director Jim Moffitt, Dr. Pam Anglin, President, and student assistants Tyler Easthouse and Patrick Thompson, among others.

Mr. Speaker, the faculty and students at Paris Junior College, local citizens and loyal fans in Northeast Texas take great pride in their National Junior College Basketball Championship team. I want to take this opportunity in the House of Representatives to congratulate the Paris Junior College basketball players and coaches for their spectacular victory, commend them for their hard work and determination, and wish them continued success.

IN HONOR OF LARRY L. WEYERS

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my distinct pleasure to recognize before this body Mr. Larry Weyers, who on May 2nd will be named the 2005 Free Enterprise Award winner by the Rotary Foundation of Green Bay.

For the last 23 years, the Green Bay Rotary has honored one Brown County resident who has demonstrated leadership in local charitable, civic, government or service programs, while helping expand business and employment throughout the area. In other words, the award winner is someone who exemplifies American free enterprise.

This year, Larry Weyers earned that distinguished honor. As the Chairman, President and Chief Executive Officer of WPS Resources Corporation, Larry has helped his company grow to become one of the most successful businesses in Wisconsin. Under his leadership, corporate assets at WPS have nearly tripled, revenues have quadrupled, net income has tripled, and the company's market value has doubled.

But the success of WPS under Larry's direction is secondary to his role in the community. As an active member of dozens of charitable and civic groups, Larry has worked tirelessly to improve the lives of his neighbors. His commitment to the city of Green Bay and Brown County serves as an example to us all.

Mr. Speaker, I can think of no better individual to receive this award than Larry Weyers, and on behalf of the citizens of Wisconsin's Eighth Congressional District I say congratulations.

HONORING THE CONTRIBUTIONS OF BLACKSTONE DILWORTH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the tremendous achievements of Blackstone Dilworth, Junior Achievement of Laredo Business Hall of Fame Laureate.

Mr. Dilworth has been a proud resident of Live Oak County, Texas, for more than 50 years, but he has a special place in his heart for the people of Laredo, the city which he has made his second home. He began his career working as a farm and ranch appraiser in the border country. of Texas, an area in which his family has worked for many years.

He has managed a series of successful businesses, including a number of ranching operations, oil and gas concerns, a telecommunications construction company, and property development. Throughout his career, he has relied on his belief that opportunity is everywhere, for those who are willing to look. He is known to say: "In every problem, somewhere hidden is an opportunity."

Mr. Dilworth loves to travel, and has a deep appreciation for the culture of South and Central America. He is a member of the Explorers

Club of New York. He lives with his wife near Sandia, and has two children and three grandchildren.

Through his initiative, energy, and audacity, Mr. Blackstone Dilworth has contributed enormously to Texas' economic health and vitality. He is a pillar of the business community, and a model for entrepreneurs everywhere, and I am pleased to have the chance to honor him here today.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed nine votes on April 20th, 2005 because I was attending an important family event with my 12-year-old daughter. The votes were on amendments to the Energy Policy Act of 2005 (H.R. 6). Had I been present I would have voted yea on rollcall Nos. 115, 116, 117, 118, 120, 121, 122, 123. I would have voted "nay" on rollcall No. 119.

LOOSEN THE GAS PRICE NOOSE!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FILNER. Mr. Speaker, a gallon of regular gas in San Diego or Imperial Valley has been hovering around the outrageous price of $2.50, often reaching even higher. Even as the price per barrel of oil declines, the price at our local gas stations stays sky-high.

Every time one of my constituents drives to work, drops a child off at school or drives away on vacation, hard-earned dollars go up in smoke. When our grocery stores have to pay more to get their groceries shipped in, they pass the extra cost on to their shoppers. What's the result? The whopping price of gas is choking our middle and working class—essentially levying a new tax when we can least afford it and boosting the profits of the oil companies!

This is simply unacceptable. We must continue to fight to lower the price of gas and protect consumers. One year ago I called on the Bush Administration to take several steps to loosen the gas price noose, including suspending deliveries to the Strategic Petroleum Reserve; requesting an investigation of market failures and lack of competition; blocking mergers that allow oil companies to manipulate supplies; and implementing strong fuel economy standards to put more efficient and environmentally friendly cars on the road and lower consumption.

An investigation by the Federal Trade Commission in August was inconclusive, and the White House has failed to take any steps to rein in oil companies or reduce gas prices. The energy bill we are considering this week also fails to responsibly tackle this problem, instead offering the same favors to oil companies. In the absence of effective leadership, consumers remain at the mercy of the price-gougers.

That's why I have now appealed directly to the Federal Trade Commission and the Attorney General to launch a broader investigation to determine whether the oil companies have engaged in illegal or anti-competitive practices that contribute to the high gas prices.

Additionally, I am fighting for passage of legislation known as the Gas Price Spike Act, that would implement a windfall tax when oil companies collect excessive profits, provide a tax credit for fuel efficient vehicles, and offer federal grants to reduce mass transit fares.

I call on Congress and the Administration to support me in these efforts to inject fairness and competition into the market and end price gouging at the gas pump!

FLEXIBILITY FOR CHAMPION SCHOOLS ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. GOODLATTE. Mr. Speaker, I rise to offer the Flexibility for Champion Schools Act (H.R. 1821).

Mr. Speaker, on January 8, 2002, the President signed the No Child Left Behind Act, commonly referred to as N-C-L-B. I was fortunate enough to have served on the House Education and the Workforce Committee, which considered the details of this domestic policy proposal put forth by the President.

The goals of N-C-L-B were and are laudable. According to the Department of Education, the No Child Left Behind Act gives our schools historic education reform based on stronger accountability for results, more freedom for states and communities, encourages proven educational methods, and creates more choices for parents.

However, one of the major tenants of N-C-L-B, its FLEXIBILITY to treat different states fairly while maintaining the goals of the underlying legislation; has not been a priority for the Department. A law that was originally intended to react like a rubber-band, to bend but not break, has unfortunately been implemented rigidly and is intolerant of states like Virginia, who had previously administered high testing and accountability standards.

Mr. Speaker, with any new law, especially one as sweeping as N-C-L-B, some hurdles will have to be overcome. To jump through these hurdles, my colleagues and I have attempted to work with the Department to resolve some of these problems. After meeting with some superintendents in my district, we began a dialogue to work through issues that were specific to states like Virginia, which already had high standards in place.

We recently learned of the Secretary's intent to "take into account each state's unique situation" to implement the law. Earlier this year, the Virginia Department of Education proposed a series of waivers that would allow N-C-L-B's goals to mesh with the state's already high standards. Unfortunately, not less than a week after the Secretary's promises of flexibility, the Department rejected the first request for flexibility—one to waive certain assessments of limited English proficiency students in grades K–1 in reading and writing. Mr. Speaker, these are non-English speakers who are 5 years old. I do not believe this demonstrates the flexibility intended by members who supported N-C-L-B.

Without this flexibility, I believe the law is inefficient and duplicative for parents, teachers, students, and state education officers. So we have reached this point where N-C-L-B needs to have a mechanism to recognize the role of certain states in providing accountability. I urge my colleagues to support this important legislation.

Mr. Speaker, we have stood by too long waiting for this flexibility. Our bill does not "water down" N-L-C-B provisions, or its intent. If certain states do not have strong accountability standards, then N-L-C-B is directed at them. But when we have schools in Virginia passing one standard but failing another, sometimes based solely on the results of one student from one particular subgroup, we need to act.

To address these problems, I offer with my colleagues, Representatives JOANN DAVIS, VIRGIL GOODE, JIM MORAN, THELMA DRAKE and RICK BOUCHER, the Flexibility for Champion Schools Act.

The legislation provides that a State which meets certain requirements shall be granted a waiver from the Adequate Yearly Progress (AYP) provisions of No Child Left Behind.

HONORING THE CONTRIBUTIONS OF DIANA DAY OF BILL BROWN ELEMENTARY SCHOOL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to honor the exemplary work of Diana Day, Bill Brown Elementary School Teacher of the Year.

Diana Day earned her bachelor's degree in interdisciplinary studies from Texas A&I in Corpus Christi. Currently serving as a special education teacher in Comal Independent School District, she has over 9 years of experience.

She teaches Behavior Life Skills to students in grades kindergarten through four, and believes in teaching her students how to solve problems. Each child is an individual, and Ms. Day believes that the best way to teach each of them is through a unique approach. She wants to help teach each of her students the joys of reading and learning on their own. Diana Day works hard empowering young minds and teaching them the skills that they need to be successful in school.

I am honored to have the chance to recognize the accomplishments of Diana Day, the Bill Brown Elementary School Teacher of the Year. Her passion for education has helped to ensure that our children are on the right track.

TRIBUTE TO ROELAND PARK, KANSAS, MAYOR LORI HIRONS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to Roeland Park, Kansas, Mayor Lori Hirons, who recently left elective office after 4 years of service as mayor, 8 as a city councilmember and 1 year of service on the Roeland Park zoning appeals board.

Lori Hirons has been a visionary and diligent leader of the city of Roeland Park during her tenure as a public servant. Individuals like her across America regularly make significant commitments of their time, resources and personal patience in order to fill these important roles in local government: we cannot thank them enough for doing so.

During her tenure as mayor, I was privileged to work with Mayor Hirons and Senator SAM BROWNBACK to bring to Roeland Park $1.25 million in vitally needed Federal funds to improve that city's stormwater management facilities. Additionally, Lori and her husband, Frank, have been longtime advisors to me in my capacity as Representative of Kansas' Third Congressional District and I am proud to consider them close, personal friends as well.

Mr. Speaker, I include in the RECORD with these remarks an article recently carried by the Kansas City Star that summarizes Mayor Hirons' lengthy record of service and achievements for Roeland Park. I join with her neighbors in wishing her and Frank all the best as they consider new challenges and I hope she will hear the calling of public service again at a future time.

[From the Kansas City Star, Apr. 20, 2005]

HIRONS HAS MADE A DIFFERENCE IN HER CITY

(By Kara Cowie)

Much has changed in Roeland Park Mayor Lori Hirons' 13 years with the city.

City Council meetings no longer run until 1 a.m. and are more amiable than they used to be. Neighborhoods are now looking forward to much-needed street and storm water improvements. And instead of a vacant Venture plaza, a soon-to-be vibrant shopping center with a Lowe's home improvement store and brand-new Price Chopper is in the works.

It's taken many, many meetings to make it all happen, but Hirons is pleased with the results of her four years as mayor, eight years as a Ward 1 council member and one year on the city's board of zoning appeals.

Now she's ready for a break.

"I don't think I've done anything in government that's superstar status, but I do think I took the road less traveled," Hirons said. "And I always said I never wanted to be carried out of here in a box."

So, after more than a decade of Wednesday night meetings, tonight will be her last. Just after 7:30 p.m., Hirons is to pass on the gavel to Councilman Steve Petrehn, who ran unopposed for the position earlier this month.

City Administrator John Carter is sad to see her go.

"I've been doing this for 30 years, and the last four were the most enjoyable years working with a very good mayor," he said.

What makes Hirons so special, Carter added, is "her caring for her community, her ethics and her desire to do what's right," as well as her "doggedness." Hirons never gave up her dream of seeing the old Venture plaza redeveloped, and she pushed to expand RoeFest and to turn the Roeland Park Community Center into a true community hub, he said.

Hirons, too, is proud of those accomplishments and several others.

"I can look back 12 years and see a real difference," she said. "That gives you a feeling of pride and accomplishment."

But she is quick to point out the credit isn't hers alone. She's worked with several progressive council members who shared her vision for the city.

Councilman Scott Gregory has know Hirons for about 15 years and, although they don't always see eye to eye, Gregory said, they do share a mutual respect.

"Over the years, Lori and I have been just screaming at each other and yet we come through it being able to talk, being able to deal with each other," Gregory said. "I truly believe that she has remained focused and hasn't indulged in intrigue and manipulation."

Hirons is the first to admit that public service isn't a popularity contest, and some council members may think she's too brusque.

"I am very direct; I am very honest," she said. "You've got to be yourself."

Hirons' direct and honest nature is one of the things Mission Mayor Laura McConwell appreciates the most.

"She's approachable and she is straight; you can believe what she says, and she doesn't play games," McConwell said. "Whether I agree or not, it's a lot easier to know where someone's coming from."

Plus, McConwell added: "She's a lot of fun. She's just a dynamo."

Hirons joined the council in 1993 after a one-year stint on the board of zoning appeals and several years' involvement with her church and neighborhood. She was elected mayor in 2001 with 64 percent of the vote.

In that time she's helped secure professional management for the city and a new building for City Hall and the police department. She's also helped set up benefit districts for storm water projects, secure a $1.2 million federal grant for drainage improvements and implement a city ethics ordinance, which she described as a moral compass for council members.

Still, Hirons said, her biggest accomplishment is the $31 million Venture plaza redevelopment project, which is expected to boost the city's sales tax base.

"The work I did on that is hopefully my gift to the city," she said.

Now Hirons plans to devote more time to her career as the vice president for public affairs for Citi Cards, a division of Citigroup in Kansas City, and her husband, Frank.

As for politics?

"I don't believe this is the last time you're going to see my name on a ballot, but it won't be in 2006," she said.

INTRODUCING A BILL TO ENHANCE THE SECURITY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. OBERSTAR. Mr. Speaker, today Congressman COSTELLO, Congressman DEFAZIO and I have introduced a bill to enhance the security of the U.S. passenger air transportation system—The Airport 5 Screener Technology Improvement Act of 2005. This bill will create a Checkpoint Screening Security Fund for the TSA that will fund $250 million that has been authorized for the deployment of new checkpoint screening technologies. The bill also provides funds for $650 million a year, which has been authorized for the installation of in-line baggage screening systems.

Mr. Speaker, last week the Department of Homeland Security Inspector General (DHS IG) and the Government Accountability Office (GAO) both released reports that indicate improvements are still needed in the screening process to ensure that dangerous prohibited items are not being carried on aircraft, or enter the checked baggage system. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need. Regarding the causes of poor screener performance, the DHS IG stated—

> Despite the fact that the majority of screeners with whom our testers came into contact were diligent in the performance of their duties and conscious of the responsibility those duties carry, lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology. . . . We encourage TSA to expedite its testing programs and give priority to technologies, such as backscatter x-ray, that will enable the screening workforce to better detect both weapons and explosives.

In response to the DHS IG's findings, the Transportation Security Administration (TSA) responded—

> We agree with the IG's conclusion that significant improvements in performance will only be possible with the introduction of new technology.

Mr. Speaker, our screening system is failing us because this Congress and this Administration are failing both the screeners and the American traveling public. This Congress has arbitrarily capped the number of airport screeners at 45,000, and has provided neither the resources nor the technology for the screeners to get the job done. It is a failure of leadership and there are no more excuses.

Last year, the National Commission on Terrorist Attacks Upon the United States ("the 9/11 Commission") specifically recommended that the TSA and the Congress "give priority attention to improving the ability of screenings checkpoints to detect explosives on passengers." The Intelligence Reform and Terrorism Prevention Act (P.L. 108–458) authorized $250 million for the research and deployment of advanced passenger screening technologies, such as trace portals and backscatter x-ray systems. To date, only about $30 million has been appropriated specifically for the general deployment of these types of technologies.

The 9/11 Commission also recommended that the TSA "expedite the installation of advanced (in-line) baggage screening equipment." The Chairman of the 9/11 Commission testified before Congress that:

> The Commission supports an effort to move explosives units out of airport lobbies and into a secured area where they can be integrated

into the process of moving the bags from the check-in counter to the loading area in a seamless, in-line process. This will promote greater security, because: (1) screening machines will not be exposed to the public; (2) screeners will be able to focus on screening bags rather than moving them; and (3) fewer people will be congregated around machines in the public area. Moreover, processing bags from checking to loading through an in-line system is functionally more efficient making travel more convenient as well as more secure.

In addition to these benefits, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued 8 LOIs to cover the costs of installing systems at 9 airports for a total cost to the federal government of $957.1 million over 4 years. The GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received LOI funding could save the federal government $1.3 billion over 7 years. TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over 1 year.

In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports. Moreover, GAO reports that TSA officials have identified 27 additional airports that they believe would benefit from receiving LOIs for in-line systems because such systems are needed to screen an increasing number of bags due to current or projected growth in passenger traffic. TSA officials stated that without such systems, these airports would not remain in compliance with the congressional mandate to screen all checked baggage using EDS or ETD. Yet, the TSA has also acknowledged that it currently does not have sufficient resources in its budget to fund any additional LOIs. While $650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

Our bill will ensure funding for the screening technology we need. We're collecting over $1.5 billion a year from the passenger security fee. Our bill will put a portion of that fee into two funds that will guarantee that TSA will spend the authorized amount of $650 million a year and $250 million for the installation of in-line baggage screening systems and passenger checkpoint explosive detection respectively.

Mr. Speaker, there is overwhelming evidence in the recommendations, findings and statements of the 9/11 Commission, the DHS IG, GAO and TSA that technology is sorely needed to improve security at our airports. We can no longer plead ignorance nor stand idly by and criticize airport screeners working the front line defense in the war on terror. We must demonstrate the leadership and the political will to do what we know is right and deploy technologies that will help our screeners get the job done, and keep the American public safe and secure. I urge my colleagues to join me in working to pass this important legislation.

HONORING THE CONTRIBUTIONS OF DONNA WILLIAMS OF CANYON HIGH SCHOOL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the numerous accomplishments of Donna Williams, Canyon High School Teacher of the Year.

Donna Williams earned both her Bachelor's and Master's degrees from Texas State University in San Marcos. She currently works as an Algebra II and Precalculus teacher in the Comal Independent School District.

Donna Williams believes that creative teaching methods work best for teaching math, especially in grades nine through twelve. Her approach is self-described as "open, loud and fun," allowing for an atmosphere that is friendly and conducive to learning.

She also spends her time teaching leadership skills and sponsoring the Student Council. Leadership and mathematics are two of the most important skills for success in later life, and Donna Williams works hard to ensure that our kids get the education that they need for success.

It is an honor to recognize the accomplishments of Donna Williams, Canyon High School Teacher of the Year. Her unique perspective on learning helps to make Comal Independent School District a better place for our students to learn.

CONGRATULATING THE NORTH SHORE MUSIC THEATRE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to honor the North Shore Music Theatre at Dunham Woods in Beverly, Massachusetts, which this year is celebrating its fifty-year anniversary.

The North Shore Music Theatre has been entertaining local audiences and visitors since 1955, presenting both classic and innovative musicals in its unique theatre-in-the-round style. When the Theatre first presented Kiss Me Kate in the summer of 1955, the audience sat outdoors in canvas seats. Today, theatergoers are entertained in a modern 1,800 seat facility.

For nearly half of its existence, Artistic Director and Executive Producer Jon Kimball has been at the Theatre's helm. In partnership with his dedicated staff and Board of Trustees, Mr. Kimball has turned the North Shore Music Theatre into a nationally-recognized venue, both in terms of its size and the quality of its productions. The theatre was named by Boston Business Journal as the 2nd largest performing arts organization in the state for three consecutive years.

As a non-profit organization, the North Shore Music Theatre's mission is to increase the awareness, significance and celebration of musical theater and the performing arts through superb entertainment and educational programs. Each year, the Theatre welcomes 400,000 patrons to its six musical subscription series, an original musical production of A Christmas Carol and an acclaimed celebrity concert series. In addition, its award-winning Theatre Arts Academy reaches over 100,000 young people annually, through workshops, outreach and youth performances.

It is appropriate that the House recognize this half-century milestone for the North Shore Music Theatre, which has become one of the anchors of arts and culture in our region. Its contribution to the quality of life for the people of the North Shore and beyond cannot be underestimated.

Congratulations to the North Shore Music Theatre for fifty years of entertainment and education. I'm sure I can speak on behalf of my constituents and neighbors when I say that we all look forward to sharing in the Theatre's bright future.

RECOGNIZING BOB MANSANARES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Bob Mansanares, one of my fellow Coloradans on the occasion of his retirement from government service. For 32 years Bob has been one of our State's most dedicated public servants.

He began his Federal career in 1973 as a claims representative for the Social Security Administration and went on to become the Regional Director of the Office of Workers' Compensation Programs. At the time of his retirement and since July 2001 he has directed the Energy Employees Occupational Illness Compensation Program.

Bob, born in Del Norte, Colorado, to Martin and Ernestine Mansanares, is the oldest of four siblings. Money was scarce in his home but there was always food, clothing and a roof over his head. Above all he had the things that money cannot buy, love and the support of his family and friends. So while Bob grew up poor he never considered himself a victim or disadvantaged. One of his fondest childhood memories is fishing the streams of the valley with his father. Del Norte is an agricultural rural community and Bob and the family did farm labor as a child, picking potatoes and picking peas for a penny a pound to make ends meet. It was there that Bob acquired his work ethic and his unshakable faith in the working men and women of this country. He went from those humble beginnings to be the first in his family to go to college. In 1968 he was recruited by the Migrant Action Program to attend the University of Colorado at Boulder earning his degree in 1972.

While he was a student in college, Bob was torn between making a lot of money and devoting his life to public service. Fortunately for us, he chose the latter and has spent his entire Federal career in programs that focus on workers benefits and entitlements. He chose to repay in some small measure the debt he felt he owed to the community and to those less fortunate than he. As a former farm worker he became keenly aware of the working poor who had little or no knowledge of the benefits and entitlements available to persons who suffered from work related injuries or disabilities.

Over the course of his 32 year career his work philosophy has always been to make the process easier, to avoid acronyms and technical terminology which many find difficult to understand. Under his purview the process has become more user friendly. This lay approach to claiming benefits has been the key to his many successes. Another of Bob's notable achievements is serving as Commissioner on the Veterans Claims Adjudication Commission to review and write the report of findings, conclusions and recommendations for the disposition of claims to the VA.

The joy of his life has been Mary, his wife of 34 years, and their four children, Nick, Elissa, and David. His oldest daughter, Christie, died tragically in an automobile accident in 2001.

Bob has always been a modest man, avoiding the limelight and the accolades he so richly deserves. That is why I chose to honor him now for a lifetime of service, particularly those who might otherwise get lost in the federal bureaucracy.

Bob's simple philosophy includes "taking it one day at a time," and that is what he plans to do. Bob's mother passed away in 2001 and since then he has been telling his father that if he waited until he retired they would spend many days fishing the streams of his youth in his beloved San Luis Valley. Bob, good luck to you and Martin, may the fish always bite and may the sun always be at your back, as you "take it one day at a time."

Enjoy your retirement.

HONORING THE CONTRIBUTIONS OF STEF PARAMOURE, CANYON MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Stef Paramoure, Canyon Middle School Teacher of the Year.

Stef Paramoure received her Bachelor's degree in Multidisciplinary Studies from Texas Lutheran University in Seguin Texas. She is a bright young star in the Comal Independent School District, having taught for only three years before receiving the prestigious Teacher of the Year award.

Working as a seventh grade science teacher has its challenges, but Stef Paramoure is ready to embrace each new day with optimism and enthusiasm. Putting the students first, she works hard to give them the quality of education that they deserve.

She believes strongly in taking a practical approach to learning science. Ms. Paramoure strives to connect the personal lives and experiences of her students to the subject that she is teaching. Though concentrating on a personalized approach, she is able to make science applicable, useful, and understandable to her students.

I am proud to have this opportunity to recognize the skill and accomplishments of one of Comal Independent School District's newest stars. Her recognition as Teacher of the Year is an excellent start to an already distinguished career.

IN MEMORY OF V.G. STRONG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of the Fourth District of Texas, Vilo Glen (V.G.) Strong of Mt. Pleasant, who passed away recently after living 92 wonderful, happy years. V.G. was an active and beloved member of his community and will be missed by all those who knew him.

Born in Nebraska .to Walter and Mary Schneider Strong, V.G. received his Bachelor of Science degree at Colorado College and taught high school in Eckley, CO. After marrying Doris Wells in 1938, he returned to college to receive his Masters degree in 1941. During World War II he was a civilian chemist with the War Department in Pine Bluff, AR, and moved to Mt. Pleasant, TX, in the late 1940s to work for the Cotton Belt Railroad. When offered a promotion with the Cotton Belt in another state, V.G. turned down the opportunity and found a new career as a chemical engineer at Lone Star Steel, where he worked twenty years before retiring.

V.G. and his wife of 66 years, Doris, have been active members of the Mt. Pleasant First Presbyterian Church for over 57 years. V.G. served as a deacon and an elder. He was also active in the Lions Club for over 50 years.

V.G. and Doris developed a passion for traveling after his retirement, visiting more than sixty countries and every continent except Antarctica. Their latest adventure was to Scotland and the Shetland Islands with their grandson and his wife just last August. Also in retirement, V.G. turned a hobby into a part-time job. His love for restoring antique lamps resulted in restoring or converting lamps for numerous East Texas antique dealers and customers.

Most importantly, V.G. had a great love for his family—his wife Doris, sons Jerry and Paul, and five grandchildren. One of his grandchildren, Katie Strong, who is director of the Congressional and Public Affairs Division of the U.S. Chamber of Commerce here in Washington, shared with me her admiration for her grandfather. Katie noted that V.G. was a man of his word who helped so many in need—social outcasts, young people who needed encouragement, young adults who needed guidance and direction.

"While his life was not extravagant, it was good, it was full, and most importantly, it was honest. We could all try to be a little more like the man his grandchildren called Pop-Pop," Katie wrote.

Mr. Speaker, I am honored to recognize this respected and beloved citizen of the Fourth District of Texas and ask my colleagues to join me in paying our last respects to Vilo Glen Strong. May the memory of his wonderful life and his legacy of kindness continue to bring comfort to his family and friends.

TAIWAN OPPOSITION LEADER ARRIVES IN CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BURTON of Indiana. Mr. Speaker, a historic event occurred today in the history of Taiwan-Chinese relations, the Leader of Taiwan's Nationalist Party arrived in China for the first meeting between the party of Chiang Kai-shek and the Communists since the Chinese Civil War "ended" nearly six decades ago.

I know that relations across the Taiwan Straits have been much on the minds of many members of Congress in recent months, especially after the Chinese passed the Taiwanese Anti-Secession Law. Although not an official Taiwanese Government visit, the eight-day trip by Lien Chan does represent an opportunity to test the waters, and put the issue of peaceful co-existence between these two historic antagonists back into the realm of public debate.

Analysts and China-watchers disagreed on whether Lien's trip can help ease Taiwan-China tensions. Some have argued that Chen is simply being used by Communist officials to foster a schism in Taiwanese society. Others, such as Robert L. Downen, a former U.S. State Department Policy Advisor for East Asia during the Reagan administration believe that the Lien Chan can win Beijing's trust and cooperation. Mr. Downen has written an interesting Op-Ed piece supporting his position that is worth considering, and I would like to have the text of Mr. Downen's Op-Ed placed into the CONGRESSIONAL RECORD following my statement.

I do not know which side of this debate is right, and I suspect that it will ultimately be left to the judgment of history to decide whether this trip accomplished anything. Nevertheless, a security crisis over Taiwan is something we all must work to avert and perhaps Lien Chen's visit can in some small way persuade the Chinese Government to reconsider their recent actions and return to the "Good Neighbor" policy that has worked so effectively for so long. The quest for peace is worth that small gamble.

BACK ON TRACK

(By Robert L. Downen)

Nearly overlooked in a recent series of pessimistic news stories about rising tensions across the Taiwan Strait is a small but important initiative. Direct, though unofficial talks between senior statesmen of China and Taiwan are about to occur after an interruption of several years. Cross-Strait talks offer a glimmer of hope in an otherwise stormy policy arena. There simply has been too long a delay in direct contact between antagonists in such a sensitive forum as this one. Face to face communication is overdue.

The set of policy actors on both sides has changed substantially since talks last occurred in the 1990s, and post-9/11 global security and political factors form a different environment. The political stalemate between the Chinese mainland and the island of Taiwan is an anachronistic relic of the Cold War demanding attention, and only direct talks will bring about an accommodation. The present leadership in Taipei seems unable to break the icy standoff, and so the opposition Nationalist Party Chairman Lien Chan a former vice president and premier of Taiwan but now a private citizen has accepted an invitation to visit China in April and will meet there with its President Hu Jintao. Lien calls his mission "a trip for peace."

After more than a half-century of deep mistrust between Beijing and Taipei, further estrangement only aggravates the situation politically, militarily, and economically. Direct talks between semi-official representatives of the two sides in the early 1990s did lead to a few practical agreements on handling postal exchanges, fishing disputes, and airline hijackings, as well as a promising agreement to disagree over the meaning of "one China." But that dialogue eventually broke down over statements by public officials and missile tests conducted by China in the Taiwan vicinity. The lapse of time since then has produced additional misunderstandings and stagnation. New governments in both Beijing and Taipei have missed opportunities for contact and occasionally provoked the situation by careless public remarks and behaviors in recent years.

In diplomacy, as in private business, if you are not moving forward you are effectively moving backwards. Inaction is equivalent to regression. Mistrust and lack of confidence on both sides has produced accusations and counter-accusations, fueling arms build-ups and cross-Strait tensions that increasingly worry the U.S. and its allies. China's recent enactment of an "anti-secession law" and its continuing ballistic missile build-up adjacent to the Strait has produced palpable concern in Washington and European capitals. It has jeopardized the Asian-Pacific region's promising economic development and political stability of recent years.

The time has truly come for bold, creative initiative otherwise known as leadership based on self-confidence, to break the deadlock. The late President Ronald Reagan believed in proactive engagement with adversaries, saying old enemies should "trust but verify" as they reach out and seek to reconcile. Like President Reagan's outreach to the Soviet Union in its final years, the Lien mission proposes to go half-way in extending a gesture of peace, to open a channel of communication to the other side.

Lien's mission is reminiscent of previous milestones when other statesmen chose to reach out to old adversaries at opportune moments in history, often placing their personal reputation and political legacy at risk in the process. His gesture is not unlike that of President Richard Nixon who opened doors for dialogue by visiting China in 1972: or Egyptian President Anwar Sadat who traveled to Jerusalem in 1977 to open discussions with Israel; or even Pope John Paul II who seized the initiative to visit Communist Eastern Europe and later Cuba to open historic new contacts that he believed could change old Cold War relationships.

The international community should welcome this step towards direct unofficial talks between Taiwan and China. Dialogue cultivates mutual understanding, nurtures confidence, builds trust, and creates opportunities for healing wounds and moving forward to break the deadlock. Never underestimate the power of personal engagement the personal touch reduces tensions and prospects for conflict while introducing very human avenues for potential cooperation. There can be no harm in a fresh initiative that energizes the peaceful process across the Strait and promotes the welfare of the people of Taiwan in so many ways.

Americans can cheer the Lien initiative because it serves U.S. interests of peace, international stability, and regional cooperation. It reduces the likelihood that U.S. naval battle groups will once again have to move into the Taiwan vicinity to avert possible conflict between the two sides, as they did in 1996. It greatly improves the prospect that Chinese on both sides of the Taiwan Strait can forge new channels of communication and cooperation, leading eventually to a resolution of one of the world's most dangerous tension spots. Engagement, not estrangement, is the means to reconciliation and stability.

HONORING THE CONTRIBUTIONS OF BARBARA TAYLOR, NORMA KRUEGER ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Barbara Taylor for being named Norma Krueger Elementary School Karrer Campus Teacher of the Year.

Ms. Taylor holds a B.S. in Elementary Education from the University of Houston, and a Masters in Special Education from Our Lady of the Lake University in San Antonio, Texas. She now teaches fifth grade science at the Marion Independent School District.

Barbara Taylor believes that teaching is an ordinary-seeming profession that presents extraordinary opportunities to those willing to look. She asks herself every day what she can do to make a difference in the world, and in the lives of her students. She is known for seeking out teachable moments in which she can show her students a new way of seeing the world.

Ms. Taylor believes that good teaching can be the foundation for extraordinary lives. This philosophy has led her to be one of her district's most energetic and dynamic educators.

Ms. Barbara Taylor is an exemplary teacher, and a tremendous resource for the families and children of Marion, Texas. Her commitment to our children deserves our respect and thanks, and I am happy to have had the chance to recognize her here today.

AMTRAK BOARD'S REORGANIZATION PLAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. RAHALL. Mr. Speaker, last week, Amtrak's Board of Directors released a set of "strategic reform initiatives" the railroad would like to take "to revitalize U.S. passenger rail service." The Chairman of the Board suggested these reforms would "strengthen passenger rail service at a time when our nation needs it most."

In my view, which I share with many of my colleagues on the House Transportation and Infrastructure Committee, these reforms are misguided and would doom the future prospects for the railroad, result in significant hardships for rail passengers in the long-term and be a tremendous disservice to the hard-working employees of Amtrak.

It comes as no surprise to me that the Board's proposal is similar to that of the Administration's—Amtrak's entire governing body has been appointed by President Bush. To be clear, if these proposals, both from Amtrak and the Administration, go into effect, Amtrak will not survive. In many cases, the millions of people who depend on Amtrak's services will be left with no reliable means of rail transportation.

Of significant concern is the Board's proposal as it relates to its workers. The Board proposes to alter the Railway Labor Act to enable Amtrak to unilaterally change work rules and contract out jobs. The Board's reforms would also eliminate many health, safety and benefit protections for which Amtrak's workers have fought hard. In addition, under the Board's plan, newly hired Amtrak and other passenger rail workers would be placed in the Social Security program instead of the Railroad Retirement System, which has covered rail workers for more than 70 years.

The Board is attempting to put Amtrak's funding burden on the backs of its hard-working employees and for that I will not stand. To that end, I would like to highlight the introduction of the Amtrak Reauthorization Act of 2005, introduced by Chairman YOUNG and Ranking Member OBERSTAR.

This legislation would provide Amtrak with $2 billion each year through 2008, and would put the railroad on the track to financial and operational stability. This bill also includes strict funding accountability procedures to ensure contractual obligations are met and money is spent wisely. It is this type of proposal—not the Administration's or Amtrak's Board's plan—that will benefit Amtrak and its passengers in the coming years.

In closing, I urge my colleagues to reject both the Bush Administration's and Amtrak Board's proposals to dismantle Amtrak. They aim only to weaken the railroad, place greater financial burden on the states, and harm the hard-working employees of Amtrak and passenger rail throughout the country.

MEDIA CONSOLIDATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to call attention to a presentation by Charles Benton, chairman of the Benton Foundation, entitled, "Where's the Public? Media Reform in the Digital Age," which he gave at the Engaging in Democracy Series at Ithaca College on January 25, 2005. It is my hope that Congress will address the problems of media consolidation that Mr. Benton discusses. It is our duty to ensure that the public airwaves are meeting the public need.

"I believe the future of media and communications in America is cause for serious concern. In April 2004, I delivered this message to the Council on Foundations, and I repeat it tonight. As we move from an analog world to a digital one, we are truly at a crossroads. At stake is who controls what we see, hear, and read. At stake is our ability to get our message out and make a difference. At stake is nothing less than the health of our democracy. We all have a stake in this debate.

I come here three months after Representative MAURICE HINCHEY and Federal Communications Commissioner Michael Copps spoke to you about media concentration. Given Congressman HINCHEY'S representation of this district, I feel I'm visiting the people who brought the message of media ownership reform to Washington—perhaps you can think of this address as Washington reporting back.

The debate over media ownership restrictions is just the tip of an iceberg that has jolted our time-honored communications policy priorities of competition, diversity and localism. Some would say we are now rearranging the deck chairs on the Titanic . . . that media concentration and consolidation are inevitable, and we will drown in a sea of commercialism. But I see it differently. I believe we are embarking on a new journey—kept afloat—and indeed propelled—by the interest, enthusiasm, and energy of a new generation of people concerned about our media future.

Collected in this hall tonight, I hope, are new enlistees in the battle to preserve, protect, and strengthen the public space in America's media environment. Beyond this hall, I hope this message is received by other committed people and organizations who will offer their time, talent, and resources to prevail in this ongoing fight.

By law, as reaffirmed in the Telecommunications Act of 1996, broadcasters have an obligation to serve the public interest. The government provides broadcasters on loan and free of charge exclusive access to a portion of the public airwaves—spectrum—for broadcasting in exchange for their commitment to serve the "public interest, convenience and necessity."

Under the '96 Act, the amount of spectrum given to television station owners was doubled. The policy rationale for this was to enable them to convert their signals from an analog to a digital format, thereby increasing the number and technical quality of their broadcast channels. For the spectrum needed for one analog channel, broadcasters can now simultaneously air six standard-quality digital channels or one or more high-quality high-definition channels.

When at least 85 percent of homes in a broadcasting market can receive digital signals, the spectrum currently used for analog channels is to be returned to the government for public safety uses, with some spectrum to be auctioned off. Digital television and radio make broadcasting more competitive and valuable in the market, and should enable broadcasters to better serve basic public needs. Remember that broadcasters are supposed to serve as public trustees in their use of the publicly owned airwaves. That at least is the theory on how the system is supposed to work.

Let's look now at the reality, starting with who owns the media. Today, five companies own the broadcast networks, own 90 percent of the top 50 cable networks, and produce 75 percent of all prime time programming. People of color constitute over 30 percent of America, but they own only 4.2 percent of the nation's radio stations and around 1.5 percent of TV stations. The current media landscape already shortchanges our historical commitment to competition, diversity and localism, but in June 2003, a majority of FCC commissioners voted to further weaken it. The FCC decided to relax media concentration safeguards and open the door to a fundamental reshaping of the media landscape. The action would have significantly deregulated broadcast media ownership rules, removing restrictions on the number of outlets a broadcaster could own and control. It would also eliminate "cross ownership" rules that prevented newspapers from buying broadcast stations and vice versa in the same community. The debate leading up to the decision sparked an unprecedented outpouring of public concern over the future of media in America.

Millions of Americans spoke out against relaxing the ownership rules—more than in any other FCC decision to date—yet the FCC acted to allow big media companies to get even bigger—reducing competition at the expense of the public's need for diverse and local content. The sense that the FCC no longer cares about protecting the public interest may have led broadcasters to believe they can get away with more commercialization without protecting the public interest.

But in June of last year, the United States Court of Appeals in Philadelphia reversed the FCC's action. This is a big, big win for diversity, competition and localism in the media, the three stated goals of the FCC. The judges ruled that preserving democracy is more important than freeing big companies to grow bigger. Perhaps the most important part of the decision is the Court's holding that the FCC improperly applied a presumption in favor of deregulation in its review of the broadcast media ownership rules. Thus, it sent the case back to the FCC for better analysis of public impact. This court action gives the public the chance to argue that ownership rules are necessary for preserving local civic discourse.

In November filings to the Supreme Court, Media General and a coalition of major TV network owners made clear that they are seriously considering challenging the Philadelphia court decision by attacking the bedrock legal rationale for regulating the nation's broadcasters—Red Lion. In the landmark 1969 Red Lion decision, the court held that because broadcasters use a scarce government resource—the radio spectrum—to deliver programming over the air, the FCC is justified in its special regulation of the industry in the public interest. The scarcity argument justifies a range of FCC broadcast regulations, from ownership restrictions to prohibitions on indecent broadcasts. But Red Lion is used as a rationale for regulations that benefit broadcasters, too, including obligations of cable operators to carry the signals of local broadcasters.

Why risk this important commercial benefit? Broadcasters appear sick and tired of FCC regulations limiting their ability to add broadcast stations to their portfolios, regulations punishing them for off-color programming that may seem tame on cable, and regulations requiring them to serve the public interest, not just their commercial interests.

I am confident that even if the Supreme Court hears arguments launched by Media General and others against Red Lion and the "scarcity rationale" for broadcast regulation that the decision's underlying principles will prevail. The most important of these, according to the Supreme Court, is that the First Amendment rights of viewers are paramount.

These giant companies claim that we live in a time of unprecedented media choice: hundreds of TV and radio stations provided by terrestrial broadcasters, cable operators, satellite radio and TV systems, national and local newspapers, and. the Internet. But who owns most of this media? You know the names: Time Warner, Fox, Viacom, Disney, GE Universal. Do we really have diverse, competing and local voices?

Additionally, spectrum remains a scarce resource. Wireless telecommunications companies are willing to spend billions—some estimate up to $100 billion—to start providing services over spectrum currently used by broadcasters. Perhaps if broadcasters are willing to enter auctions for spectrum—like other users are forced to do these days—then they can be freed from what they call burdensome regulation. Until and unless they do so, they should be part of a constructive conversation to spell out their public interest obligations in the digital age.

Some responsible broadcasters are doing just that. As long-time commercial broadcaster Jim Goodmon, who served with me on a Presidential Advisory Committee that examined and made recommendations on digital broadcasters' obligations, puts it, "The broadcast company is fulfilling a contract between itself as the user of a public asset and the public body that owns the asset. As with all contracts, both parties to the agreement need to know exactly the responsibilities that they have to each other. With minimum standards spelled out, there is no question. As a broadcaster I would like to know what is expected of me in serving the public interest. Required minimum standards and a voluntary code provide the benefit of certainty to broadcasters. I like to know what the rules are."

Scarcity is not the only argument for regulating broadcasting. Television is ubiquitous and has become the engine of our consumer society. As former FCC Commissioner, Nicholas Johnson, used to say, "TV programs are the flypaper to get people to watch the ads." Its importance in our democracy is easily highlighted by the vast amounts spent by candidates and organizations on political advertising. It is through these ads, unfortunately, not broadcasters' programming, that most voters learn about candidates and issues.

In exchange for the use of our scarce spectrum, broadcasters have a commitment to serve the "public interest, convenience and necessity." These basic obligations, called public interest obligations, are critical tools that are designed to ensure that television, at least in part, serves fundamental public needs. Unfortunately the vision and the reality are often at odds.

The FCC has been working on the transition to digital television, at the behest of the nation's broadcasters, for some 20 years. Absent so far has been a comprehensive proposal for establishing public interest obligations that match digital television's capacity.

Americans everywhere have begun to realize that as broadcasters get bigger, the public's benefits are getting smaller. But there is more at stake than the impacts of media concentration and consolidation.

Television has never played a more important role in our lives. But today's television is too often out of touch with today's realities: parents struggling to find educational programming for their children, voters struggling to find basic coverage of local campaigns and elections so vital to our democracy and the effective use of television for emergency alerts to serve needs of the disabled. In each case, broadcasters have too often lost touch with the needs of the people who own the airwaves. We have the right to demand and the FCC has the mandate to ensure that television and radio stations provide programming that is in the public's interest, not just in the owners' commercial interests.

Public interest obligations are about whether our children can turn on a television and find at least three hours per week of truly educational content, about whether in an emergency our televisions can keep us alert and informed. It is about whether we can be active and intelligent participants in our democracy. It's about whether the blind and deaf can access closed captioning and video descriptors for digital works. And about whether we can work towards a day when the voices and views on our airwaves reflect the diversity of our country.

A growing number of Americans are working to ensure these public interest goals are met not just because the law says we must, but because we will be richer as a nation when we do. I hope you will join that fight. The transition from analog to digital television does not just represent a technological change, but an important opportunity to reassess whether the public's airwaves are being used to meet the public's needs.

Last year the Benton Foundation joined forces with two broad coalitions of organizations focused on delivering public dividends with the transition to digital television. Working with these groups, the FCC recently extended a requirement that broadcasters air a minimum of three hours a week of quality educational and instructional programming for children to all of their new digital channels. It is also exploring proposals that would benefit our democratic process and our society by requiring broadcasters to (1) Air a minimum of three hours per week of local civic or electoral affairs programming on the most-watched channel they operate; (2) Promote the FCC's oftenstated goal of diverse viewpoints and voices on television by ensuring that independent producers provide a minimum of 25 percent of their most-watched channel's primetime schedule; and (3) Tell the public how they are serving the interests of their audiences by making this information available in a standardized hard copy and website formats.

These really are minimal requirements, but nonetheless often opposed or ignored by the broadcasters. We are arguing that it's time to put the remote control back into the public's hands and once again give the public greater control over the kind of democracy they participate in, the children they raise, and the security they deserve.

Congress, the courts, regulators and companies are continuing to make communications policy decisions. These decisions will have far-reaching consequences for competition and innovation and ultimately consumer well-being in the media marketplace. While public concern was raised over the FCC's media ownership decisions, too few individuals are aware that broadcasters are obligated to serve them—or that they can get involved in ensuring they do. For those who understand the crucial role of media in this democracy, our first task is to inform and educate the public about this debate and the right of all Americans to participate in it.

In addition to a clearer television picture, consumers need a clearer regulatory picture for how the digital television transition will impact their lives. Consumers deserve to know how broadcasters will serve their day to day television needs—healthy programming for children, healthy programming for our democracy, and healthy programming for our communities. Citizens need as much information about the TV that comes into our living rooms, as about the food that comes into our kitchens.

But to achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote control—and change the tune coming from policymakers in Washington. It takes letting policymakers know that you want reality based public interest obligations that can help make a difference in your lives.

The first product of a coalition of national and local media advocates is a Citizens' Bill of Media Rights—a positive statement of principles and goals of a media reform movement. The Bill has recently been circulated for signon. If my message tonight makes you want to get involved, here's the first thing you can do: Read "Citizens' Bill of Media Rights," go online, and sign-on.

At the Benton Foundation, we are releasing the Citizen's Guide to the Public Interest Obligations of Digital Television Broadcasters. Our guide will serve as a primer for the organizations and people considering taking the policy remote control out of the hands of media giants and their lobbyists and returning it where it belongs—in the hands of the American people, especially in your community. Action item two: check www.benton.org for the guide.

This year in mid-May, activists, media creators, academics, and policy makers will meet for three days of learning, sharing, networking and momentum building at the 2nd 2005 National Conference for Media Reform in Saint Louis. Visit www.freepress.net for more information. Action item three: Meet Me In Saint Louis.

There are many valuable resources for keeping up to date on what's going on in media policy—let me highlight two. At the Benton Foundation, we provide a service which summarizes the top communications policy stories of the day. The service, Communications-Related Headlines, is delivered via e-mail and is also available on our web site free of charge, www.benton.org. Action item four: subscribe to Headlines.

HearUsNow.org follows Consumers Union's long tradition of promoting a fair and just marketplace by empowering consumers to fight for better and more affordable telephone, cable and Internet services or equipment. By focusing on major media, technology and communications issues and emphasizing local stories, HearUsNow.org will help explain increasingly complex issues and the connections between these issues, underscore what's at stake, and offer ways to make improvements. Action item five: Visit www.hearusnow.org.

Obviously, when working against corporate interests ready to devote billions of dollars to their cause, even more resources will be needed to win the day. Last April, I delivered this message to an audience of philanthropists asking them to fund the ongoing efforts to shape our media future . . . to fund media policy research, education and advocacy. I am happy to say that there's hope coming from this important arena: The Arca Foundation board has committed $1 million—$1.5 million per year for the next 3–5 years to a strategic media policy campaign for policy advocacy, organizing, research and content development. With Ford Foundation leadership, the Grantmakers in Film and Electronic Media's new Working Group on Electronic Media Policy was formed to respond to the burgeoning interest among grantmakers to build and share knowledge about key issues in media policy, as well as undertake targeted activities to help advance the dynamic media policy field. All participants hope that this funder cooperation will result in real capacity building for the media reform field.

Several members of Congress, including Representative HINCHEY, are forming a Congressional Media Reform Caucus this month to focus on media ownership, digital transition, and other media-related issues. Last year, Representative HINCHEY introduced the Media Ownership Reform Act. This proposed legislation has three goals: (1) To curb the deregulatory zeal of the Republican majority at the FCC; (2) To restore the Fairness Doctrine; and (3) To reform the broadcast license renewal process and require broadcasters to report both on their public interest performance and their plans for doing so every two years. In today's political climate, the legislation may seem improbable. But most significantly, it provides a vision of where we'll be when we have true democratic media reform in this country.

Again, we're at a crossroads. Left to its own designs, the majority at the FCC will fight to allow greater consolidation in media ownership while further weakening public interest obligations. With public pressure, with your participation, we may help the FCC envision a democratic media future. In this alternative vision, we, as Americans, could have a media environment that delivers a vigorous, uninhibited marketplace of ideas. In this alternative vision, we could have a media that reflects and responds to local communities. In this alternative vision, we could have a media environment that embraces and enhances the public interest.

Wouldn't you like to be part of that debate and help shape this more democratic and more open media environment? If so, why not join us and get involved?"

HONORING THE CONTRIBUTIONS OF SUSAN HARTLEY, BURGES DISCIPLINE ALTERNATIVE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Susan Hartley, Burges Discipline Alternative School Teacher of the Year.

Ms. Hartley has a Bachelor of Science degree in Health Science from Arizona State University, and a Teacher Certification from Ottawa University. She is a relatively new teacher—she has been teaching for 5 years, all of them spent at the Seguin Independent School District.

Ms. Hartley teaches Science and Health to grades 7 through 12. She deals with what can often be a difficult and stressful job in a counterintuitive way: her goal is to make school fun, for herself and her students.

She believes that students learn best when they are enjoying themselves. Her at-risk students are often disconnected from the school or community. She feels that her role is to help these students find ways to reconnect with others. Students who feel like they are part of the community are less likely to be in trouble, and more likely to go on to a successful future.

Ms. Hartley's work with at-risk youth has already distinguished her as one of her school district's most valuable teachers. In her 5 years, she has made a difference in the life of many students, and in the life of her community. She has a bright future ahead of her, and I am happy to have had this opportunity to recognize her.

TRIBUTE TO RUTH VAN GERPEN AND THE ONCOLOGY NURSING SOCIETY

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. FORTENBERRY. Mr. Speaker, I rise today to honor the Oncology Nursing Society (ONS) and Oncology Nurse Ruth Van Gerpen. Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system. ONS has five chapters that serve the oncology nurses of Nebraska and help them continue to provide the best possible cancer care to patients and their families in our state.

On behalf of the people with cancer and their families in Nebraska's First Congressional District, I would like to specifically acknowledge Ruth Van Gerpen for her leadership within the Oncology Nursing Society as a member of the ONS Board of Directors. Ruth is a clinical nurse specialist (CNS) for oncology at BryanLGH Medical Center in Lincoln, Nebraska. She has been an RN for 28 years and has devoted 20 of those years to oncology nursing. Ruth works to improve patient outcomes, enhance professional and consumer awareness, and educate and support newly diagnosed individuals and their families. Through Ruth's and ONS' leadership, our nation is charting a course that will help us win the war on cancer.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 1.37 million people will be diagnosed with cancer and another 570,000 will lose their battles with this terrible disease. Every day, oncology nurses such as Ruth see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer. patients. We are on the verge of a major national nursing shortage, and it is estimated that there will be a shortage of 1.1 million nurses in the year 2015.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support.

I commend Ruth Van Gerpen for her leadership and ongoing commitment to improving and assuring access to quality cancer care for cancer patients and their families, and I urge my colleagues to support oncology nurses in their important endeavors.

IN REMEMBRANCE OF ARCHBISHOP IAKOVOS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today in remembrance of His Eminence, Archbishop Iakovos, who faithfully led the Greek Orthodox Church in North and South America for over thirty years. With his passing on April 10th, the world lost a great spiritual leader and humanitarian who desired peace and unity between all nations and religions.

Archbishop Iakovos, who was born as Demetrios Coucouzis on July 29, 1911, first set foot on American shores in 1939, after graduating from the Halki Theological Seminary. In 1945 he received a graduate degree from Harvard Theological Seminary and five years later he became an official U.S. citizen.

When Archbishop Iakovos became the leader of the Orthodox faithful in 1959, he made it his goal to bring the church into mainstream life for his followers. In the spirit of incorporating Greek Orthodoxy in America, he encouraged the use of English in the liturgy, set up dialogues with other Christian denominations, as well as Jewish and Muslim leaders, and became the first Archbishop to meet with a Roman Catholic Pope in 350 years.

As a humanitarian, Archbishop Iakovos also became very interested in political issues, particularly those impacting human and civil rights. He regularly visited the White House and met with every U.S. president from Eisenhower to Clinton. His strong vision for peace compelled him to voice his opposition to the Vietnam War, support for the rights of Soviet Jews, and encouragement for the Middle East Peace process. As a champion of social causes, he will forever be remembered for assisting the civil rights movement in America by marching in 1965 with Reverend Dr. Martin Luther King, Jr. in Selma, Alabama.

Throughout his career, Archbishop Iakovos was highly honored for his work. In 1980, former President Jimmy Carter awarded him the Medal of Freedom, the nation's highest civilian honor. He served on the World Council of Churches and also was awarded honorary degrees from over forty colleges and universities.

Mr. Speaker, please join me in honoring the life and legacy of Archbishop Iakovos, who through faithful leadership brought the ideas of faith, equality, peace, and unity to the forefront of the world's political and religious stage.

CONTRIBUTIONS OF CELIA BARRAGAN OF CANYON INTERMEDIATE SCHOOL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many, accomplishments of Celia Barragan, Canyon High School Teacher of the Year.

Celia Barragan received both her Bachelor's and Master's degrees from Texas State University in San Marcos. She currently teaches fourth grade in Comal Independent School District. With over twenty-eight years of experience in teaching, she understands the unique needs of our kids.

She personally believes that the two most important qualities that can be nurtured are "positive self-esteem" and "responsibility". Teaching young people to place value in these virtues is important for skills and development later in life. With a long and distinguished career, Celia Barragan has helped generations of our students to excel in, school. '

I am proud to have this opportunity to honor the' contributions of Celia Barragan, the Canyon Intermediate School Teacher of the Year. Her many years of passionate service have been a blessing to the Comal community.

LONGFORD WATER COMPANY, LLC

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the efforts of the citizens of Longford, Kansas in their work to create and support Longford Water Company, LLC.

For years, this town of 89 people has had a reputation for providing high quality, good tasting water. Road signs near the community advised, "For Good Health and Longevity Drink Longford Water, Kansas Purest." Groundwater from Longford is clean and soft because it is naturally filtered by a distinctive group of underground rocks known as the Kiowa Formation. Years ago, communities used to compete at the Kansas State Fair regarding the quality of their water. Water from Longford was a frequent winner.

More than a year and a half ago, a group of local individuals formed Longford Water Company, LLC. The reason: to research the possibility of capitalizing on Longford's reputation for high quality water by bottling it for sale. They discovered that most of the bottled water for sale has been treated by reverse osmosis, a process used to purify water through removal of unwanted chemicals. This procedure is expensive and removes natural minerals from the water that contribute to good physical health. Due to its high quality, Longford water does not need to be subjected to this added expense.

Following extensive research, the company took the following actions: announced that the production facility will be located in Longford; agreed to purchase water from the City of Longford; in order to minimize marketing and shipping costs, established a marketing distribution system that focuses on a 50-mile area around the community; selected KIOWATA as the marketing name for the water and financed the entire project through private funds.

Because of this team effort, The Longford Water Company is now ready to produce, market and distribute KIOWATA water. According to Wava Kramer, president of the board of managers, the company has raised the real estate tax base of the city, provided local employment and contributed to the positive image of the Longford community.

Ms. Kramer also noted the entire effort has resulted in other benefits. "Langford water has been long known as nature's finest gift to Kansas," said Kramer. "Another gift is that the process of creating Longford Water Company has brought our community together. Our town is small in size but big in spirit."

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. The Longford Water Company is an example of how hard work, innovation, professional management and community pride can create just such an opportunity.

Citizens throughout the First Congressional District of Kansas are working together to enhance the quality of life in their communities. Longford Water Company, LLC is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

HONORING DELTA COLLEGE PRESIDENT DOCTOR PETER D. BOYSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. KILDEE. Mr. Speaker, Mr. CAMP, Mr. STUPAK and I rise together to pay tribute to Dr. Peter D. Boyse, a visionary educator who will retire July 31, 2005, after 17 years of dedicated service to Delta College and the community it serves. Friends and colleagues will gather June 10 to honor his dedication and his many accomplishments.

Dr. Boyse came to Delta College in July 1988 as executive vice president and became president in January 1993. During his tenure, Delta College has completed a $26 million renovation of its computer and science laboratories, and its library, and a $42 million renovation and addition to its Technical Trade and Manufacturing Complex. These renovations place Delta College on the cutting edge of training for tomorrow's jobs in the sciences and in manufacturing.

Delta College, which serves the people of Bay County, Midland County and Saginaw County, as well as many others from surrounding counties in Mid-Michigan, has grown to be one of our Nation's leading community colleges under the guidance of Dr. Boyse. Support for Delta College within that community is demonstrated by the passage of a renewal of an operating millage with an unprecedented 70 percent approval.

Dr. Boyse's visionary leadership has brought about growth in both the size and stature of Delta College. Through its Corporate Services arm, the college has helped people all across the United States to grow and succeed in their careers. His influence as an administrator and a leader in the field of higher education will be felt for many years to come.

Mr. Speaker, we ask that all of our colleagues in the U.S. House of Representatives join us today in recognizing Dr. Peter D. Boyse for his exceptional leadership. His guiding hand has helped shape Delta College into a truly world class institution of higher education. We wish Dr. Boyse all the best in retirement and hope for his continued involvement in our community.

HONORING THE LIFE OF ERICH R. WEBER, OWNER OF WEBER'S BAKERY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of a member of my community who truly exemplified the dedication and hard work required of his ancient profession.

As the longtime owner and operator of a popular Chicago neighborhood bakery, Erich R. Weber never knew an easy day.

For many years, the Chicago native would begin his workday at 2 a.m., breaking by mid-afternoon to have dinner with his family, then returning to the bakery later in the evening. Family members said that in addition to keeping the business side running, he was also the baker behind many of the pastries that disappeared quickly from the shelves.

"He was first and foremost a baker," said his son Michael. "He wore his whites every day."

Mr. Weber, age 71, the longtime owner of Weber's Bakery on the Southwest Side, died April 7, 2005.

Mr. Weber graduated from St. Rita High School in 1951. He received a bachelor's degree in baking science and management from Florida State University in Tallahassee in 1955. That same year he married his wife of 49 years, Bernadine, a fellow student.

Mr. Weber learned to bake from his father, a German immigrant, who founded the bakery in Chicago in 1930. Originally on Kedzie Avenue, the bakery moved in the 1940s to 63rd

Street, and in 1979 to 7055 W. Archer Ave. in the Garfield Ridge neighborhood.

After serving 2 years in the Air Force during the late 1950s, Mr. Weber returned to Chicago, where he joined his father at the bakery. For several years, father and son served as co-presidents of the Chicago Lawn Chamber of Commerce.

"With his college background, my father brought an understanding of the business end of things," said Mr. Weber's son, Michael, who now owns and operates the bakery. "He was technology wise and willing to take chances."

Family members said that when more Hispanic residents moved into the bakery's neighborhood, Mr. Weber introduced more ethnic pastries such as tres leche cake, or three milk cake, which became popular with his customers.

"He was very good at adapting to the changing needs and times of the neighborhood, but he never gave in to trends," his son said.

The father of seven sons, including his late son, David, Mr. Weber often sought the help of family at the bakery, especially during holidays.

"One of my fondest memories is of Dad and me rolling hundreds of loaves of bread during Holy Week at Easter time, and all before the sun came up," said his son Michael. "It was a chance to be alone with him and just talk."

After retiring in 1996, Mr. Weber spent much of his time traveling with his wife and enjoying winters at his home in Naples, FL.

Mr. Speaker, I extend my heartfelt condolences to Mrs. Weber and Mike Weber, as well as Mr. Weber's five other sons, Mark, Paul, Phillip, Stephen and Kurt; his brother, Gilbert; and his 21 grandchildren.

HONORING THE CONTRIBUTIONS OF BARBARA KEMPER-NOLAN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Barbara Kemper-Nolan, Saegert sixth grade teacher.

Ms. Kemper-Nolan is a sixth grade teacher specializing in resource math and language arts. She has two years of teaching experience in the Seguin Independent School District, five years as an instructional aide and one year as a substitute. With her short time at Saegert she has already started to make an impact on her students.

Ms. Kemper-Nolan has a Bachelor of Science in Psychology, a Master of Counseling from Arizona State University, and a Special Education Alternative Certification in grades prekindergarten through twelve.

When Ms. Kemper-Nolan was asked, "why would someone choose to work with some of the most challenging students who are faced with daunting intellectual and emotional obstacles," she quickly replied that "there is no greater feeling than watching the light go on in the eyes of a child, especially a child who has given up on him or herself . . . one teachable moment at a time."

Through her initiative, energy, and audacity, Ms. Kemper-Nolan proves to be an exemplary teacher, and a blessing to the people in her community. She has an excellent career ahead of her, and I wish her the best of luck.

IN MEMORY OF STAR NUCKOLLS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Mr. HALL. Mr. Speaker, the greatest sadness for most of us is the loss of a child, and today I want to honor the life and help preserve the memory of Star Nuckolls of Sulphur Springs, Texas, whose life ended on February 7. Star was four years old. Her life and her struggle captured the hearts of hundreds in her community and throughout the Nation, and today we celebrate the joy and inspiration she brought to so many.

Star was first diagnosed with cancer in June 2004 and received numerous medical treatments during the six months prior to her death. Specialists at MD Anderson Medical Center in Houston performed the necessary surgery and follow-up treatments for a stage four cancer. The citizens of Sulphur Springs and members of the First Baptist Church rallied in support of Star, her parents Steve and Kari, and sister Saylor. Sean Huffman, editor of The Christian News Monthly, wrote and published a moving article about Star and the strength and faith demonstrated by Star's parents.

Star was a beautiful and vibrant young girl who demonstrated a capacity to live with enthusiasm and joy despite her serious illness. She never understood all that was happening to her and certainly could not comprehend the outpouring of support from friends and strangers alike. But her parents did. Their Sunday School class provided groceries so they wouldn't have to shop. Someone mowed their yard every week. Weyerhauser in Dallas donated purple stars with Star's name on them that were sold to help defray out-of-pocket medical expenses. These stars were displayed all around Sulphur Springs in a show of support. Steve and Kari's employer, Farm Bureau Insurance, donated enough to cover a weekly chemotherapy drug that was not covered by their medical insurance. And the prayers that were lifted for Star and her family are countless.

Throughout this difficult time, Kari and Steve demonstrated an unshakeable faith in God and a strength beyond belief. Star may have lost her battle with cancer, but she was victorious in life. Star unknowingly strengthened the faith of her family, brought a community together in love and support, and captured the hearts of many throughout the Nation. As we adjourn today in the House of Representatives, let us do so in loving memory of the life of Star Nuckolls. May her short but remarkable life continue to bless her family and community and all those whose hearts she touched.

FIFTIETH JUBILEE OF REVEREND I.J. JOHNSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 2005

Ms. KAPTUR. Mr. Speaker, this month our community celebrates the fiftieth jubilee of Reverend I.J. Johnson is the pastor of St. Mark's Missionary Baptist Church in Toledo, Ohio.

Amazingly, Reverend Johnson entered the ministry at age twelve. By nineteen, he began pastoring in his home state of Alabama. He received his Bachelor of Theology degree from Easonian Baptist Seminary in Birmingham, Alabama, and served four churches until coming to Ohio in 1955. In July of that year, he was invited by Dr. Israel Walker to conduct a revival at St. Mary's Baptist Church. During this visit he met the woman who would become his wife. On August 26, 1958, Reverend Johnson and Mother Betty Rae Johnson were married. Together they raised four children: Reverend C.L. Johnson, Reverend Michael Johnson. Denisee Williams and Angela Taylor.

In October of 1955, Pastor Johnson founded and organized St. Mark's Missionary Baptist Church. Started with just three members, the church grew over the half-century to more than 2,000 souls.

Enjoying a well-earned reputation as a spiritual leader, Pastor Johnson has been invited to conduct revivals in Alabama, Georgia, Florida, Indiana, Louisiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, South Carolina, and Tennessee. All of this in addition to his ministry at St. Mark's. He has established a yearly fellowship with Historical First Baptist Church of Toronto, Ontario, Canada. In 1981, Pastor Johnson invited Dr. Martin Luther King Sr. to St. Mark's, at which time the first album recorded by the church choir was dedicated. The album was entitled "Our Day Will Come."

Many of our area ministers count Pastor Johnson as mentor. Perhaps the greatest testament to his nurturing ability is the fact that both of his sons are now preachers in their own right. Not only ministers, but many in our community have been beneficiaries of his counsel. Truly a community leader, Pastor Johnson served as president of the Baptist Ministers Conference for eight years. Other associations include the Fairside Community Organization, Northwestern Ohio Missionary Baptist Association, Lucas County Mental Health Board, Interracial Interfaith Committee, Evangelical Board of the National Baptist Convention, and NAACP. A welcome advisor, Reverend Johnson has also been specially recognized by our area's elected leaders.

Reverend Johnson's charismatic leadership, dynamic example, personal spirituality, and careful teachings have brought many people to live their lives in the steps of Jesus Christ. He embodies God's teachings as written in Matthew, 4:19; "Follow me, and I will make you fishers of men."

SENATE—*Wednesday, April 27, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Lord, You are our light and salvation, so why should we be afraid? Each day, You provide us with blessings for which we give thanks.

Thank You for the beauty of the Earth and the glory of the skies. Thank You for bringing order out of chaos. Thank You for marriage and family, for homes built upon our trust in You. Thank You for children's laughter and for the roar of the ocean. Thank You for Your love and for the true and free gift of Your salvation. Thank You for Senators and staffers who faithfully labor to keep our Nation strong.

Lord, deliver us from those things that dishonor You. Free us from provincialism, narrowness, and from a shallow tolerance that lacks a studied conviction. Liberate us also from poverty of thought and spirit. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 27, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader from the great State of Tennessee is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following our leader time, we will have up to 2 hours of morning business. That time will be divided with the majority controlling the first 30 minutes, the minority controlling the next 60 minutes, and the last 30 minutes under the control of this side of the aisle. Following that time we will resume consideration of the highway bill. Yesterday, we began the amendment process on the highway legislation, and we will continue working through amendments today and over the course of this week. I do expect rollcall votes today on amendments, and we should have a full day of debate on the highway bill.

I do want to take this opportunity to remind my colleagues that we in all likelihood will be considering conference reports this week, as they are made available. One of those will be the budget conference report, which will be debated for up to a 10-hour statutory limit. I hope when we do come to the budget we not find it necessary to use all that time, but Senators should stay on notice that we will complete that very important conference report before we leave for our recess.

Finally, I should also mention there are a number of nominations—actually two specific nominations—that will be completed before adjourning. We are working back and forth across the aisle to see how we can best complete those two nominations. We have three district judges as well that should be voted unanimously. The two nominations that I referred to—one is the Portman nomination, which came out of committee, to be U.S. Trade Representative, and the other is Stephen Johnson, to be Administrator of EPA. Again, we are working on bringing that to conclusion, but we need to complete both of those before we leave. Both of these are Cabinet rank officials, and we should not—will not—adjourn until we have considered these important nominations as well.

Mr. President, I have a brief statement on the bill.

THE HIGHWAY BILL

Mr. FRIST. Mr. President, yesterday the Senate voted overwhelmingly to invoke cloture on the motion to proceed to the highway bill, the highway bill we are now on. The amendment process has begun. It enjoys strong bipartisan support, and I am encouraged by the bipartisan commitment to both go to the bill and move this important bill forward. Time is of essence. The current highway extension from last year expires at the end of next month, on May 31. We are going to have to work together to pass this legislation, then take the bill that we pass to conference to join it with the House bill—I have a feeling there will have to be fairly extensive negotiations at that point—and then send that bill to the President for his signature.

This highway bill that is currently on the floor is a product of a long bipartisan process. It is based on more than 3 years of hard work, over a dozen hearings, testimony from more than 100 witnesses, countless hours of negotiation, all of it supported by a deep and broad coalition, from State and local highway authorities to national safety advocates. It was last month that a very similar bill overwhelmingly passed the House of Representatives by a vote of 417 to 9. It is time to get this bill done.

This is what America sees, I know: While we engage in this endless negotiation inside the beltway, outside the beltway people are listening to that as they are sitting in traffic jams which are getting worse and worse by the day. At the same time we are debating, roads and bridges continue to deteriorate, and preventable traffic accidents take the lives of tens of thousands of Americans each year. I will come back to that, because these lives do not have to be lost. The action we take on the floor of the Senate will cause those lives not to be lost.

Car crashes, in fact, are the No. 1 cause of death for every age from 3 years of age to 33 years of age; crashes are their No. 1 cause of death. According to national statistics reported just last week, 43,000 people died in car accidents just last year alone. More than 2.7 million people were injured.

I believe the key point is that one-third of all these traffic-related deaths can be attributed to unsafe roads. One out of every three deaths can be attributed to unsafe roads. In my home State of Tennessee, over 1,000 Tennesseans lost their lives in traffic accidents in 2003. Treasury Secretary Norm Mineta rightly says:

> If this many people were to die from any one disease in a single year, Americans would demand a vaccine.

We do have a medicine of sorts. In fact, we have a cure of sorts. Passing the highway bill will save 4,000 lives each year simply by making those roads safe, by improving those roads, as well as educating the public about road safety. In Tennessee, where seatbelt usage is among the lowest in the country, our State highway department is taking action, but, like transportation departments all across the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

country, it needs our help. The highway bill will provide Tennessee with more than $3.8 billion over the next 5 years to invest in our State's highway infrastructure.

Safety is a top priority of this legislation. Another serious goal is to get America's highways back on track economically. America is interlaced by nearly 4 million miles of roads and highways. Our transportation infrastructure is worth about $1.75 trillion. Every $1 billion we invest in transportation infrastructure generates twice that much—$2 billion—in economic activity and creates over 47,500 jobs. The interstate highway system has often been called the greatest public works project in history, and for good reason.

Our roads, ports, and railroads are vital to America's economic success. We know that well in Tennessee, where we are home to companies such as Federal Express, U.S. Express, Averitt Express. Unfortunately, America's transportation infrastructure is deteriorating badly and becoming painfully overcrowded. Our roads and highways are not keeping up with demand. Just ask any American commuter—bumper to bumper traffic all day long. Indeed, in our Nation's urban areas, traffic delays have more than tripled over the last 20 years, and not just in the big cities but all over the country. In Raleigh Durham, for instance, commuting time has gone up 25 percent in 10 years. In Charlotte, traffic congestion has added 39 additional commuting hours per year. That is nearly an entire work week that has been added, sitting in traffic. In Tennessee, traffic congestion has increased in all of our major metropolitan areas. In Nashville, my hometown, commuters drive an average of 32 miles per person per day. Metropolitan planning organizations are struggling to meet demand.

Americans suffer the loss of more than 3.6 billion hours in those traffic delays, and that translates down to 5.7 billion gallons per year of fuel being wasted. These transportation delays ripple through our Nation's economic sector and ultimately result in lost wages and lost jobs and lost productivity.

Traffic congestion also generates more pollution. Cars that are caught up in stop-and-go traffic emit far more pollution than they do on a road that is smoothly flowing. The American Highway Users Alliance estimates that if we could free up America's worst bottlenecks, in 20 years carbon dioxide emissions would drop by over three-fourths, and Americans would save 40 billion gallons of fuel.

Time, money, and quality of life are being burned up in traffic jams. The highway bill goes a long way to alleviating many if not most of these problems. The key to that effort is the improvements it will make in our mass transit system. The highway bill provides generous provisions to improve our bus and rail systems that make our urban centers thrive. In Tennessee, it will provide more than $240 million over the next 5 years to improve our transit for our rural and urban commuters. Taking the train or the bus will be more convenient and less time consuming and more comfortable.

As we consider this legislation, keep in mind that oil prices are climbing to historic highs, and the summer driving season is just around the corner. For the sake of every family right now planning their vacation for this summer, every commuter who parks and rides, every minute we spend in a traffic jam. I do urge my colleagues to work quickly to pass this bill.

One final note, and it is a note of caution: We need to stay within our budget limits. We have a rising deficit. We have a President who has clearly laid out his spending parameters, several of which will be spelled out in the budget we will bring to the floor tomorrow. But I am confident by working together we can get this done, and we can demonstrate reasonable fiscal restraint.

Our vast and interconnecting highways are emblematic of our American spirit. They represent what being American is all about. They represent that spirit and love of adventure, our drive for the unknown. Our highways, bridges, roads, trains, and ports are the physical, tangible expression of the United States. I do urge my colleagues in the great American tradition, in every sense of the phrase, to keep America moving forward.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business up to 120 minutes, the first 30 minutes under the control of the majority leader or his designee, the next 60 minutes under the control of Mr. BIDEN or his designee, and the final 30 minutes under the control of the majority leader or his designee.

The Senator from the great State of Missouri.

Mr. TALENT. My understanding is we are going first in morning business on this side of the aisle.

The PRESIDING OFFICER (Mr. VITTER). The Senator is correct.

JUDICIAL NOMINATIONS

Mr. TALENT. Mr. President, I will claim 20 minutes of the time. I will appreciate it if the Presiding Officer notifies me when 15 minutes are up because Senator HUTCHISON wants to use 10 minutes. I want to make certain everyone knows I do not intend to filibuster this morning. There will be a limit to my remarks.

I appreciated what the leader said about the highway bill. We do need to pass it. We need to pass a robust highway bill for all the reasons he stated. We are all very strongly for reducing the deficit, but spending on infrastructure is dynamic in nature, as I happen to believe tax cuts are dynamic in nature in the sense they produce economic growth. When we reduce the deficit, make this country competitive, help people get to work, Americans will get rid of the deficit if they can get to work in the morning. We need to have that debate in the Senate. Everyone needs to vote their conscience and vote out a robust highway and transportation bill.

That is not what I am here to talk about this morning. I am here to talk about judicial nominations. We have spent altogether too much time on judicial nominations the last 2 years, 150 hours on judicial nominations—not even Supreme Court nominations but court of appeals nominations. We have been told over and over again how important they are. And they are important. They are the second highest court in the country. There are only three levels of courts in the country so the second highest court is also the second lowest court. They do the day-to-day appellate business of the Federal courts. It certainly is very important, but it is not worth filibustering the Senate and obstructing it to death and preventing the vote on these nominees. That is basically my message today.

For the first 214 years of this Senate, no nominee for the Federal court of appeals was ever successfully filibustered in the Senate. There were runt groups of Senators who in recent years tried filibusters, embryonic filibusters, that were cut off and defeated because the leadership of both parties, majority and minority leadership, opposed those filibusters on the grounds it was a mistake for this Senate to get in the business of filibustering judicial nominees. That was, until a couple years ago, the uniform point of view.

Senator BOXER said—and I am not picking out Senators in any particular area; I guess they are alphabetic:

> According to the U.S. Constitution, the Senate nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

Senator Daschle, former Democratic leader:

> I find it simply baffling that a Senator would vote against even voting on a judicial nomination . . . We have a constitutional outlet for antipathy against a judicial nominee—vote against the nominee.

And, I add, let them have a vote.

Senator FEINSTEIN:

> A nominee is entitled to a vote. Vote them up; vote them down . . .

But vote on them.

Senator FEINSTEIN again:

> Our institutional integrity requires an up-or-down vote.

I couldn't agree with that more. I will get to that a little bit later if I do not have so many digressions that I use up my 20 minutes.

Senator KENNEDY:

> We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues do not like them, vote against them. But give them a vote.

Senator LEAHY, now the ranking member on the Judiciary Committee, former chairman of that committee:

> I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination.

Yes, he is right.

Senator LEAHY again:

> I . . . do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41 . . .

With 41 Senators out of 100, if we allow the filibuster in these cases, you can stop a nominee from ever coming to a vote. So nominees with bipartisan majority support in the Senate do not even get a vote if we allow filibusters in these cases. That has been the case with all these nominees.

I could go on and on with quotes. I will not do it.

For 214 years we never had one successful filibuster of a court of appeals nominee, not one supported by the leaders of either party. In the last 2 years we have had 10 successful filibusters and 6 other threatened ones.

What has happened? Is there something extraordinarily wrong with these nominees? No. I will go to two nominees before the Senate.

Justice Priscilla Owen from Texas. I do not know Justice Owen. I did not insist she come in and speak to me before I voted on her nomination. Here is her history.

Before joining the Texas Supreme Court, Justice Owen was a partner with the well-respected Texas law firm of Andrews and Kurth. She made partner. I never did. She practiced commercial litigation for 17 years. She earned a B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. After graduating from law school, Justice Owen earned the highest score in the State on the December 1977 Texas bar exam. Lawyers within the sound of my voice know the difficulty of earning the highest score on the bar exam. I am not certain how I ever staggered through the Missouri bar, but I am certain I did not get the highest score.

Justice Owen served on the Supreme Court in Texas since 1995. This person who could not even get a vote for 10 years has been a supreme court judge in Texas. She was reelected to her second term by 84 percent of the vote. Every major newspaper in Texas endorsed her. She cannot get a vote. She has significant bipartisan support, including from three former Democratic judges on the Texas Supreme Court. I will read some of that in a minute.

Justice Janice Rogers Brown from California is the daughter of sharecroppers, born in Greenville, AL, in 1949. She attended segregated schools in the era of Jim Crow. She moved to Sacramento, CA. Her family did. She got a B.A. in economics from California State in 1974 and her law degree from the UCLA Law School. She has received honorary law degrees from Pepperdine University, Catholic University of America Law School, and Southwestern University School of Law—three more honorary degrees than I have. She currently serves and is an associate justice—another justice on the State Supreme Court who cannot get a vote. She has held that position since 1996. Before that, she was on the intermediate State appellate court. She got on the State court of appeals. She cannot get a vote to get on the Federal court of appeals. She is the first African-American woman to serve on California's highest court and was retained with 76 percent of the vote in the last election.

I can go on and on with honorary degrees. She spent 24 years in public life in various legal capacities. She is experienced in judicial matters, in other governmental matters as a lawyer. She cannot get a vote. She is being filibustered.

Some of my colleagues say these and the other eight are too extreme; they are not in the mainstream. I wish every Federal judge on the bench today had the qualifications of these people and the bipartisan support of these people. The people who know them best from their own States do not think they are too extreme.

Raul Gonzalez, former Democratic Justice on the Supreme Court of Texas said of Justice Owen:

> I found her to be apolitical, extremely bright, diligent in her work and of the highest integrity. I recommend her for confirmation without reservation.

I guess he would support a vote since he says we ought to confirm her.

Here is another former Democratic Chief Justice:

> After years of closely observing Justice Owen's work, I can assert with confidence that her approach to judicial decision-making is restrained, her opinions are fair and well reasoned, her integrity is beyond reproach . . . I know personally how impeccable her credentials are.

This is from a Democrat in Texas, one of her colleagues.

Jack Hightower, a former Democratic Justice on the Supreme Court of Texas:

> I am a Democrat and my political philosophy is Democratic, but I have tried very hard not to let preconceived philosophy influence my decision on matters before the court. I believe that Justice Owen has done the same.

A bipartisan group of 15 former presidents of the State Bar of Texas:

> Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit . . . The status of our profession in Texas has been significantly enhanced by Justice Owen's advocacy of pro bono service and leadership for the membership of the State bar of Texas.

They go on and on. These are 15 bipartisan former presidents of the State bar of Texas about Justice Priscilla Owen. She cannot get a vote. The 215-year tradition of not filibustering court of appeals nominees is broken to keep people such as her from not getting a vote.

The same things can be said of Justice Janice Rogers Brown who appears to be an extraordinary person. A bipartisan group of 12 of her current and former judicial colleagues says:

> Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the federal bench. We believe she is qualified because she is a superb judge. We who have worked with her on a daily basis know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias and with an even hand.

And she can't get a vote. This 214-year tradition of not filibustering court of appeals judges, we are breaking to keep people such as this woman from getting on the Federal bench and even getting a vote because she is not in the mainstream.

Here is the truth: There is not any one judicial mainstream, as there is no one mainstream of political philosophy in the Senate. Judges disagree about issues as Senators disagree about issues. The point is to disagree without being disagreeable. Disagree while recognizing the other person has a valid point of view. The fact that you do not agree with them does not make them automatically unfit even for a vote to serve on the Federal judiciary.

President Clinton appointed a lot of judges during his time in office who were a lot more liberal than I would have liked. I probably wouldn't have appointed very many of them. I cannot say they are out of the mainstream. They represent the views of tens of millions of people in the country. When you say somebody who disagrees with you is out of the mainstream, you are slandering everyone who supports their views. It is not the right thing to do. It is extremely divisive.

When we hear Members in the Senate say somebody else is not in the mainstream, what they mean is that other person disagrees with me. A confrontational person follows this logic: You say, They do not agree with me; therefore, they are not in the mainstream, and then when you add the filibuster on top of that, you say, therefore, I am not only not going to vote for them—which to me is the first mistake—but I am not even going to let them have a vote. What you are saying is they, and everyone such as them in the whole country and the Senate, do not even deserve a vote on whether they are qualified for public office.

Then we wonder why this place gets divisive and why it is hard to operate because we are not showing respect to many who may disagree with us.

My wife says, when she wants to bring me down to earth when I am on my high horse, JIM, wouldn't the world work wonderfully if everyone would only agree with you all the time about everything? We do not all agree with each other about everything. We have a vote and we go on. And then we try and concentrate on the areas where we do agree, such as the highway bill.

The worst thing about this—and there are a lot of bad things about what is happening with regard to the filibustering of nominations, the breaking of this 214-year tradition—the worst thing about it is the slandering of the credentials and the careers of these qualified people.

There is an old idiom, an old saying: People will forgive you the wrong you do them, but they will never forgive you the wrong they do you. Once, for whatever reason, they have done something that is wrong to you, then they may decide, you know what, I have to make that person out to be a bad person to justify the wrong I did to them in the first place.

A filibuster of these people, breaking the tradition to do that, to not even let them have a vote, these people who have bipartisan majority support on the floor, to justify that, you have to say things about their records. That completely disserves their histories of public service and qualifications, as the people who know them best have said.

The second worst thing about this whole issue is the fact that there are now large parts of the political community in this country, and even here, that, in order to support this effort and to win this battle that is going on, are treating the filibuster like it is a great thing. My heavens, there are groups that have made a mascot out of the filibuster. Filibuster is an extraordinary, obstructive tactic that is not even permitted in most legislative bodies. Even the advocates of it say it should be used sparingly.

The case is actually being made on the floor of this Senate that the filibuster is part of our deliberative process, that it promotes calmness and coolness, compromise, moderation. Is this calmness? Holding these votes up for years, is this coolness? Is this compromise? We have used the filibuster for the first time in 214 years, taking yet another step with the device, making it more common, a device that even the advocates of it say should be used very sparingly.

Do you want to know why? I will explain why. It has to do with the dynamics of a legislative body. If you care passionately about an issue before the Senate—and we should care passionately about these issues—and you know that issue is going to come up for a vote, what are you going to do? If you know it is going to come up for a vote, and a majority is going to win, what are you going to do? You are going to appeal to the middle, aren't you? You are going to seek arguments and amendments and methods that get the middle with you. That encourages compromise. If you do not have the middle with you, and you know it is going to be voted on, and you know a majority is going to win, what is going to happen to your position? Even Senators can figure out that math. You are going to lose.

The majoritarian process promotes compromise and discussion because it empowers the middle. Filibusters empower the extreme, and not just the extreme philosophically; they empower the confrontational people. I have nothing against people who take that point of view. And you need some of them in a legislative body, but you have to be careful how much you empower them. The people who say: Look, if it isn't the way I want it, it is not going to happen at all. It has to be my way or the highway—that is what filibusters empower. I am not saying we should not have it on the legislative calendar. But we have to remember there is a cost to it.

Do you want to know why we don't have an energy bill? Because of the filibuster. There are a lot of other examples of legislation the country has wanted and needed that have been held up with the filibuster. It is a tactic with a cost. It should be used sparingly. It should not be extended in areas where it has not been used in the past with a bipartisan consensus. That is the reason all these distinguished Democratic Senators said, for years on the floor of this body: We are not going to filibuster judicial nominations. It is because they knew what would happen.

We can be certain of one thing: The same standard is going to be applied in this body from President to President. I do not want the filibuster standard applied. I do not want a situation where because I disagree with a judicial nominee of a Democratic President, I am expected, as a matter of course—because that is the protocol and the precedent in this Senate—not to permit a vote. I believe—and it was the tradition here for years—that even if you disagree with a nominee, if they are competent and have integrity, you vote to confirm them out of respect for the process that elected that President and respect for the people and the party that person represents, even if you disagree. If they are a good person, you vote to confirm them. That is what I want to do in this Senate year by year.

The PRESIDING OFFICER. The Senator has consumed 20 minutes.

Mr. TALENT. One more minute, and I will really be done, if the Senator does not mind.

At the very least, we have to allow a vote. Let's keep the tradition of 214 years in the Senate. Let us allow a vote on these people, all of whom have bipartisan, majority support on the floor of the Senate. Let's not continue doing an injustice to the reputation of these fine Americans. Let's preserve the traditions of the Senate, have this vote, and then move on to other issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today in support of Priscilla Owen to serve on the Fifth Circuit Court of Appeals. I want to comment on the constitutional right of Senators to advise and consent to judicial nominations by the President, a right that is now being denied by tactics employed by the minority in the Senate.

Priscilla Owen was nominated to the Fifth Circuit Court of Appeals 4 years ago—4 years ago! She has been serving on the Supreme Court of Texas for 4 years, while awaiting her confirmation by the Senate. Yet she has actually had the votes to confirm her in the Senate four times. Four times the Senate has voted on her nomination, and four times she has received a majority. On May 1, 2003, a cloture vote: 52 to 45 in her favor; May 8, 2003, 52 to 45; July 29, 2003, 53 to 43; November 14, 2003, 53 to 42.

In all these cases, she had a majority of votes in the Senate for confirmation, but she is not on the Fifth Circuit Court of Appeals today. Why? Because her nomination is being filibustered by Democrats, and she has been held to a standard of 60 votes instead of 51. That is changing the Constitution of the United States.

I know Priscilla Owen. I have watched her through this process. If anything confirmed my admiration for her, it is the incredible calm and measured response she has displayed in response to unfair attacks which have sometimes been personal, unfair, and have had political overtones. Yet she has remained totally professional. She has gone through two hearings with the committee. She has answered every question members asked. Some people have said she is the best witness that has ever come before the Judiciary

Committee. It is because she knows what she is doing. She knows the law. And she is very bright.

She earned both her undergraduate and law degrees from Baylor University. She earned the highest score—the No. 1 score—on the Texas bar exam, when she took it. She has had a distinguished career in the private sector for 17 years. And since 1995, she has served on the Supreme Court of Texas.

The American Bar Association unanimously voted for her to have the "well qualified" recognition and rating. That is the highest rating they award, as they review judicial candidates—"well qualified."

I would ask those who are holding up her nomination by putting a 60-vote threshold on it, in a completely partisan vote, what is it that caused her to have the entire Democratic conference come out against her? She has received bipartisan support nationwide.

When she was reelected to the Texas Supreme Court in 2000, she received 84 percent of the vote. Every major newspaper in Texas endorsed her.

Some of her detractors, I have to say, opposed her before they had ever heard one word about her. There were outside groups that decided she should not be a circuit court judge.

Three former Democratic judges, who sat on the Texas Supreme Court, have announced their public support for her. A bipartisan group of 15 past presidents of the Texas Bar Association have come out in open support of Priscilla Owen. I have to come away with the view that this is really not a debate about Priscilla Owen. This is not a debate about this woman who has an impeccable record and an impeccable academic background. No, I do not think it is about Priscilla Owen. I think it is about the Constitution and the requirement of advice and consent.

The minority has changed the Constitution by filibustering judicial nominees, for the first time in the history of the Senate. For the first time in the history of the Senate—over 200 years—we saw, in the last session of Congress, a filibuster of almost one-third of President Bush's circuit court nominees. No President has ever received fewer of his circuit court nominees than President George W. Bush. Almost a third were filibustered to death.

Before the 108th Congress, there were only 17 cloture votes on judicial nominations. But there was never a judge who had the support of the majority who failed to get confirmed. That is the key. For 70 percent of the last century, the same party controlled the Senate and the White House, but there was no use of a partisan filibuster on nominees to prevent an up-or-down vote.

It is not the rule that is being changed in this debate. It is the precedent of the Senate, for 200 years, that was changed in the 108th Congress, by requiring 60 votes for the confirmation of judges. And we are now looking to reaffirm the will of the Senate to do exactly what the Constitution envisions; and that is, a 51-vote majority for judges.

Two hundred years of Senate precedent is being torn apart. Through Democrat majority control and Republican majority control over the years—the filibuster was not used as it was in the last session of Congress.

As recently as March of 2000, more than 80 Senators were on record opposing the filibuster of judicial nominations because the filibuster was never intended to be used this way.

The Senate's original cloture rule, in 1917, did not even apply to nominations because no Senator had ever used a filibuster for nominations. When the cloture rule was rewritten in 1949 to cover all matters, it was used most often for scheduling purposes. History demonstrates that there was no real precedent for the use of the filibuster to permanently block the confirmation of judicial nominations. And there has never been a cloture vote where the person received majority support and still was not confirmed. However, we are not trying to do away with the filibuster on legislative matters. This is a part of our tradition in the Constitution that everyone, I believe, wants to uphold; that is, the right of a minority to filibuster and require three-fifths of the people present and voting in the Senate to overturn it. It is a vital legislative tool. But when it comes to judges, the Constitution never envisioned a super-majority. In fact, where the Constitution has required a super-majority, it has specifically said so. A majority vote ensures the balance of power between the President's right to nominate and the Senate's role to give advice and consent.

We are not only changing the tradition of the Senate with the filibuster of judicial nominations, we are changing the balance of power that was clearly set out in the Constitution and which has been one of the strengths of our democracy. The separation of powers and the balance of powers given to the legislative, executive, and judicial branches of our Government was the genius of the Founding Fathers.

We value three independent branches in our Government and work to prohibit one branch from overruling another, beyond repair. These are the stakes in this debate. That balance of power is going to be disrupted if we allow a super-majority requirement for Presidential nominees or judgeships to be confirmed. It says a minority of 41 Senators, who are not in the majority in the Senate, will have the ability to dictate to the President who is acceptable as a nominee.

That was not envisioned in the Constitution, and it was part of the careful balance between the right of the President to appoint the judiciary and the Senate's right to overturn that appointment by 51 votes, if necessary. But if the nominee gets the majority of 51, that person is confirmed.

We are trying to uphold that constitutional balance. The rules of the Senate can be changed by the Senate. The Supreme Court has been clear. In the United States v. Ballin, the Supreme Court held that only a majority of the lawful quorum is all that is necessary to change the House or Senate rules, practices, and procedures. Moreover, the Supreme Court held that the right to change rules, practices, and procedures is a "continuous power" that may be exercised at any time.

Clearly, the Senate has the right to change its rules and practices by the majority. I want the tradition of the Senate, for 200 years, to be upheld without any need for a rule change. For 200 years, Democrats and Republicans had agreed on this principle. It was not until the last session of Congress, when President George W. Bush lost almost one-third of his judicial nominees for the circuit court benches that we saw sudden changes to the traditions of the Senate, with the effort to impose a 60-vote super-majority for nominations by the Democrats.

I am here to talk about someone I know well, someone I have come to admire totally, even more than I did before she took this awesome responsibility to become a nominee of the President. She has withstood the slings and arrows. Her strength and sound judicial temperament has been consistent. Priscilla Owen has had the necessary 51 votes to be confirmed by the Senate four times. But still, we wait and have been waiting for four years. She deserves an up-or-down vote that will allow her to sit on the Fifth Circuit Court of Appeals bench.

I hope we will not let 200 years of tradition go. But if it is the will of the minority to continue to thwart 200 years of tradition and the Constitution of the United States, it is my hope we reinstate the long-standing practice on nominations in the Senate and adhere to the Constitution. Our Founding Fathers knew what they were doing. We should not change the Constitution without going through the appropriate amending process, which has not been done.

We have unanimous consent for two more speakers, which we intend to continue to hold.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mrs. MURRAY. Mr. President, I come to the floor to talk about the Senate's deliberations on some of the administration's judicial nominees. It is clear this is a debate about basic American values. In drafting the Constitution, the Framers wanted the Senate to provide advice and consent on nominees who came before it to ensure that these very rights and values were protected. I believe, as a Senator, I have a responsibility to stand up for those values on behalf of my constituents in Washington State.

Many activists today are complaining that certain Senators are attacking religious or conservative values. I must argue that it is others—not Democratic Senators exercising their rights—who are pursuing a nomination strategy that attacks basic values outlined in the Constitution.

Our democracy values debate and dissension. Our democracy values the importance of checks and balances. Our democracy values an independent judiciary. But with the nuclear option and the rhetorical assault being launched at Democratic Senators by activists around the country, among others, we see those values under attack.

The nuclear option is an assault on the American people and many of the things we hold dear. It is an attempt to impose on the country, through lifetime appointments, the extreme values held by a few at the cost of the many. It is the tyranny of the majority personified. Confirming these nominees by becoming a rubber stamp for the administration would be an affront to the 200-year-old system of checks and balances, and at the same time it would be an affront to the values I promised to defend when I came to the Senate.

Building and maintaining a democracy is not easy, but our system and the rights and values it holds dear are the envy of the world. In fact, the entire world looks at us as the model for government. It is our values they want to look to. We must protect them not only for us but for those fledgling democracies.

I just returned from a bipartisan trip to Israel, Iraq, Georgia, and the Ukraine, where we saw leaders who were trying to write constitutions, trying to write laws, trying to write policies. They were all working very hard to assure even those who did not vote in the majority that they would have a voice. The challenges were varied in each country. They faced everything from protecting against terrorists to charging people for the first time for electricity, to reforming wholly corrupt institutions. Making sure that democracy survives means having debates, bringing people to the table, and making tough decisions.

In each case, the importance of not disenfranchising any group of people also rings true. So how we in this country accomplish the goal of sustaining a strong democracy and ensuring the participation of all people is very important.

Elections are the foundation of our democracy. They determine the direction of our country. But an election loss does not mean you lose your voice or you lose your place at the table. That is what we must do to keep our democracy strong. That is why we are fighting so hard to keep our voice.

Recently, we have heard a lot from the other side about attacks on faith and on values. In fact, some are trying to say our motive in this debate is somehow antifaith. I argue the opposite is true. We have faith in our values, in American values. We have faith that these values can and must be upheld. It is not an ideological battle between Republicans and Democrats. It is about keeping faith with the values and the ideals our country stands for. Having values and having faith in those values requires that we make sure those without a voice are represented. Speaking up for those in poverty to make sure they are fed is a faith-based value. Making sure there is equal opportunity and justice for the least among us is a faith-based value. Fighting for human rights and taking care of the environment are faith-based values. To now say those of us who stick up for minority rights are antifaith is frightening and it is wrong.

I hope those who have decided to make this into a faith-antifaith debate will reconsider. This should be about democracy. It should be about the protection of an independent judiciary, and it should be about the rights of minorities.

Mr. President, our system of government, of checks and balances, and our values are under attack by this transparent grab for power. They are, with their words and potential actions, attempting to dismantle this system despite the clear intent of the Framers and the weight of history and precedent. They think they know better. I think not.

Mr. President, there is even news this morning that our friends on the other side are unwilling to come to the table to compromise to avoid this crisis. I want to take a second to praise our leader, Senator REID, for his effort to find a reasonable conclusion before the nuclear bomb is dropped.

Unfortunately for him, for all of us on this side of the aisle, and for this institution, that plea has been rejected.

First, yesterday we saw that Karl Rove, one of the President's top advisers, said there would be no deal. Now, in this morning's papers, we read the leadership on the other side of the aisle is falling into line and saying, "No deal."

By rejecting the deal, Republicans are now saying that three nominees—three total nominees—are so important that they must break with the more than 200 years of tradition and 200 years of precedent. We have heard day after day on the floor—even a few moments ago—that this is the most important issue facing this body today.

Well, we have record-high gas prices and deficits, we have 45 million uninsured Americans, and we have far too many veterans without the health care they need and deserve. All the other side is talking about is doing away with the checks and balances so they can get radicals on the bench.

If the other side wants to continue on this destructive course and ignore those real needs of the American people, they can. But this Senator and my colleagues will continue to fight this abuse of power and do the work the people sent us here to do.

It is a sad day when one side refuses to come to the table to negotiate a way out of this impasse. It is even sadder that they refuse to accept our excellent confirmation record in blind pursuit of confirming the most radical of their choices.

Although we have been able to confirm 205 nominees that President Bush sent forward, there are a few that are far outside some basic values.

Let's start close to home with President Bush's nominee to the Ninth Circuit Court. To that court, which overseas appeals from my home State of Washington and five other States, President Bush has nominated William Myers. Mr. Myers is a lifelong lobbyist and anti-environmental activist. He is opposed by over 175 environmental, labor, civil, and women's disability rights organizations. He even drew opposition from Native American organizations and from the National Wildlife Federation. This is a man who has never tried a jury case, who has an anti-environmental record stretching back to his days as a Bush Interior Department official and industry lobbyist. He even received the lowest possible rating from the ABA.

Mr. President, in the Pacific Northwest and in regions around this great country, we hold our environmental values dear. I am not willing to hand a lifetime appointment to such a vehement advocate against the people's interests. This is the perfect example of the check our Framers had in mind when they drafted our Constitution. We can, and we must, use it.

That is just one example of a nominee looking to attack basic values. Bill Pryor, a nominee to the Eleventh Circuit, opposes basic individual liberties and freedoms. He called Roe v. Wade the "worst abomination of constitutional law in history."

Janice Rogers Brown, nominated to the DC Circuit Court, called 1937—that was the year this Government enacted many of the New Deal's programs to help lift our country out of the deep depression—"the triumph of our own socialist revolution." Mr. President, her disdain for worker and consumer protection values and principles is clear in decision after decision.

Nominee Priscilla Owen's narrow constitutional view was so far outside the mainstream that then-Texas Supreme Court Judge and now Attorney General Alberto Gonzales said that to accept it would be "an unconscionable act of judicial activism."

Mr. President, time and time again, these nominees have sided against the American people and the values we hold dear. They have taken extreme positions that run counter to mainstream values. Not one of these nominees has the experience or the temperament to administer justice in an impartial way to the citizens that they would serve.

Today it is fashionable for some of my colleagues on the other side of the aisle to disparage what they call activist judges. But this power grab reveals their true motivation. They want activists on the bench to interpret the law in a way that undermines important American values. We will not let them.

We have a responsibility to stand up and say no to these extreme nominees. But to know that, you don't need to listen to me; just look back at the great Founders of our democracy.

The Framers, in those amazing years when our country was founded, took great care in creating our new democracy. They wrote into the Constitution the Senate's role in the nomination process. They wrote and they spoke about protecting the minority against the tyranny of the majority. Their words ring true today.

James Madison, in his famous Federalist No. 10, warned against the superior force of an overbearing majority or, as he called it, a "dangerous vice." He said:

> The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice.

Years prior, John Adams wrote, in 1776, on the specific need for an independent judiciary and checks and balances. He said:

> The dignity and stability of government in all its branches, the morals of the people and every blessing of society, depends so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checked upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men.

Mr. President, I shudder at the thought of what these great thinkers and Founders of our democracy would say to this attempted abuse of power in the Senate. I think one of the best interpretations of those thoughts was offered to this body by Robert Caro, the great Senate historian, in a letter in 2003. He talked about the need for the Senate to maintain its history and traditions, despite popular pressures of the day, and of the important role debate and dissension plays in any discussion of judicial nominees. In particular, he wrote of his concern for the preservation of Senate tradition in the face of attempted changes by a majority run wild.

In part, he said:

> In short, two centuries of history rebut any suggestion that either the language or intent of the Constitution prohibits or counsels against the use of extended debate to resist Presidential authority. To the contrary, the Nation's Founders depended on the Senate's members to stand up to a popular and powerful President. In the case of judicial appointments, the Founders specifically mandated the Senate to play an active role providing both advice and consent to the President. That shared authority was basic to the balance of powers among the branches.
>
> I am . . . attempting to say as strongly as I can that in considering any modification, Senators should realize that they are not dealing with the particular dispute of the moment, but with the fundamental character of the Senate of the United States, and with the deeper issue of the balance of power between majority and minority rights.

Mr. President, protection of minority rights has been a fundamental principle since the infancy of this democracy. It should not—in fact, it cannot—be laid to rest here in this Chamber.

I know many people are out there wondering why we are spending so much time talking about Senate rules and judicial nominations. They are wondering why I am talking about nominees and being on the floor quoting Madison and Adams. They are wondering what this means to them.

Let me make it clear. This debate is about whether we want a clean, healthy environment and the ability to enforce laws to protect it fairly. This debate is about whether we want to protect essential rights and liberties. This debate is about whether we want free and open Government. This debate is about preserving equal protection under the law. This debate is about whether we want to preserve the independent judiciary, whether we want to defend our Constitution, and whether we want to stand up for the values of the American public.

Mr. President, these values are too precious to be abdicated. Trusting in them, we will not let the Republicans trample our rights and those of millions of Americans we are here to represent. We will stand and say, yes, to democracy; yes, to an independent judiciary; yes, to minority rights; and, no, to this unbelievable abuse of power.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise today to speak at some length, if time will permit me, about the same subject my friend from Washington State so eloquently addressed. My colleagues know that although when I speak, I sometimes get very passionate, I have not very often, in past years, risen to the floor for any extended period of time. I do that today because so much is at stake.

For over 200 years, the Senate has embodied the brilliance of our Founding Fathers in creating an intricate system of checks and balances among the three branches of Government. This system has served two critical purposes, both allowing the Senate to act as an independent, restraining force on the excesses of the executive branch, and protecting minority rights within the Senate itself. The Framers used this dual system of checks and balances to underscore the independent nature of the Senate and its members.

The Framers sought not to ensure simple majority rule, but to allow minority views—whether they are conservative, liberal, or moderate—to have an enduring role in the Senate in order to check the excesses of the majority. This system is now being tested in the extreme.

I believe the proposed course of action we are hearing about these days is one that has the potential to do more damage to this system than anything that has occurred since I have become a Senator.

History will judge us harshly, in my view, if we eliminate over 200 years of precedent and procedure in this body and, I might add, doing it by breaking a second rule of the Senate, and that is changing the rules of the Senate by a mere majority vote.

When examining the Senate's proper role in our system of Government generally and in the process of judicial nominations specifically, we should begin, in my view, but not end with our Founding Fathers. As any grade school student knows, our Government is one that was infused by the Framers with checks and balances.

I should have said at the outset that I owe special thanks—and I will list them—to a group of constitutional scholars and law professors in some of our great universities and law schools for editing this speech for me and for helping me write this speech because I think it may be one of the most important speeches for historical purposes that I will have given in the 32 years since I have been in the Senate.

When examining the Senate's proper role in our system of Government and in the process of judicial nominations, as I said, we have to look at what our Founders thought about when they talked about checks and balances.

The theoretical underpinning of this system can be found in Federalist 51 where the architect of our Constitution, James Madison, advanced his famous theory that the Constitution set up a system in which "ambition must be made to counteract ambition."

"Ambition must be made to counteract ambition." As Madison notes, this is because "[The] great security against a gradual concentration of the several powers in the same department consists in giving those who administer each department the necessary constitutional means and personal motives to resist encroachments by the other."

Our Founders made the conscious decision to set up a system of government that was different from the English parliamentary system—the system, by the way, with which they were the most familiar. The Founders reacted viscerally to the aggrandizement of power in any one branch or any person, even in a person or body elected by the majority of the citizens of this country.

Under the system the Founders created, they made sure that no longer would any one person or one body be able to run roughshod over everyone else. They wanted to allow the sovereign people—not the sovereign Government, the sovereign people—to pursue a strategy of divide and conquer and, in the process, to protect the few against the excesses of the many which they would witness in the French Revolution.

The independence of the judiciary was vital to the success of that venture. As Federalist 78 notes:

> The complete independence of the courts of justice is peculiarly essential in a limited Constitution.

Our Founders felt strongly that judges should exercise independent judgment and not be beholden to any one person or one body. John Adams, in 1776, stated:

> The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that.

Adams continues:

> The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any one man or any body of men.

In order to ensure that judicial independence, the very independence of which Adams spoke, the Founders did not give the appointment power to any one person or body, although it is instructive for us, as we debate this issue in determining the respective authority of the Senate and the Executive, it is important to note that for much of the Constitutional Convention, the power of judicial appointment was solely—solely—vested in the hands of the legislature. For the numerous votes taken about how to resolve this issue, never did the Founders conclude that it should start with the Executive and be within the power of the Executive. James Madison, for instance, was "not satisfied with referring the appointment to the Executive;" instead, he was "rather inclined to give it to the Senatorial branch" which he envisioned as a group "sufficiently stable and independent" to provide "deliberative judgments."

It was widely agreed that the Senate "would be composed of men nearly equal to the Executive and would, of course, have on the whole more wisdom" than the Executive. It is very important to point out that they felt "it would be less easy for candidates"—referring to candidates to the bench—"to intrigue with [the Senators], more than with the Executive."

In fact, during the drafting of the Constitution, four separate attempts were made to include Presidential involvement in judicial appointments, but because of the widespread fear of Presidential power, they all failed. There continued to be proponents of Presidential involvement, however, and finally, at the eleventh hour, the appointment power was divided and shared, as a consequence of the Connecticut Compromise I will speak to in a minute, between the two institutions, the President and the Senate.

In the end, the Founders set up a system in which the President nominates and the Senate has the power to give or withhold—or withhold—its "advice and consent." The role of "advice and consent" was not understood to be purely formal. The Framers clearly contemplated a substantive role on the part of the Senate in checking the President.

This bifurcation of roles makes a lot of sense, for how best can we ensure that an independent judiciary is beholden to no one man or no one group than by requiring two separate and wholly independent entities to sign off before a judge takes the bench?

There is a Latin proverb which translates to "Who will guard the guardians?" Our judges guard our rights, and our Founders were smart enough to put both the President and the Senate, acting independently, in charge of guarding our judicial guardians. Who will guard the guardians?

As a Senator, I regard this not as just a right but as a solemn duty and responsibility, one that transcends the partisan disputes of any day or any decade. The importance of multiple checks in determining who our judges would be was not lost on our Founders, even on those who were very much in favor of a strong Executive.

For example, Alexander Hamilton, probably the strongest advocate for a stronger Executive, wrote:

> The possibility of rejection [by the Senate] would be a strong motive to [take] care in proposing [nominations. The President] . . . would be both ashamed and afraid to bring forward . . . candidates who had no other merit, than that . . . of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instrument of his pleasure.

Hamilton also rebutted the argument that the Senate's rejection of nominees would give it an improper influence over the President, as some here have suggested, by stating:

> If by influencing the President be meant restraining him, this is precisely what must have been intended. And it has been shown that the restraint would be salutary.

The end result of our Founders was a system in which both the President and the Senate had significant roles, a system in which the Senate was constitutionally required to exercise independent judgment, not simply to rubberstamp the President's desires.

As Senator William Maclay said:

> [W]hoever attends strictly to the Constitution of the United States will readily observe that the part assigned to the Senate was an important one—no less that of being the great check, the regulator and corrector, or, if I may so speak, the balance of this government. . . .The approbation of the Senate was certainly meant to guard against the mistakes of the President in his appointments to office . . . The depriving power should be the same as the appointing power.

The Founders gave us a system in which the Senate was to play a significant and substantive role in judicial nominations. They also provided us guidance on what type of legislative body they envisioned. In this new type of governance system they set up in 1789 where power would be separated and would check other power, the Founders envisioned a special unique role for the Senate that does not exist anywhere else in governance or in any parliamentary system.

There is the oft-repeated discussion between two of our most distinguished Founding Fathers, Thomas Jefferson and George Washington. Reportedly, at a breakfast that Jefferson was having with Washington upon returning from Paris, because he was not here when the Constitution was written, Jefferson was somewhat upset that there was a bicameral legislative body, that a Senate was set up. He asked Washington: Why did you do this, set up a Senate? And Washington looked at Jefferson as they were having tea and said: Why did you pour that tea into your saucer? And Jefferson responded: To cool it.

I might note parenthetically that was the purpose of a saucer originally. It was not to keep the tablecloth clean.

Jefferson responded: To cool it, and Washington then sagely stated: Even so, we pour legislation into the senatorial saucer to cool it.

The Senate was designed to play this independent and, I might emphasize, moderating—a word not heard here very often—moderating and reflective role in our Government. But what aspects of the Senate led it to become this saucer, cooling the passions of the day for the betterment of America's long-term future? First, the Founders certainly did not envision the Senate as a body of unadulterated majoritarianism. In fact, James Madison and other Founders were amply concerned about the majority's ability, as they put it, "to oppress the minority." It was in this vein the Senate was set up "first to protect the people against their rulers; secondly, to protect the people against the transient impressions into which they themselves might be led. . . .The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch."

Structurally, the Founders set up a "different type of legislature" by ensuring that each citizen—now here is an important point, and if anybody in this Chamber understands this, the Presiding Officer does—the Founders set up this different type of legislative body by ensuring that each citizen did not have an equal say in the functioning of the Senate—that sounds outrageous, to ensure they did not have an equal say—but that each State did have an equal say. In fact, for over a century, Senators were not originally chosen by the people, as the Presiding Officer knows, and it was not until 1913 that they were elected by the people as opposed to selected by their State legislative bodies.

Today, Mr. President, you and I do stand directly before the people of our State for election, but the Senate remains to this day a legislative body that does not reflect the simple popular majority because representation is by States.

That means someone from Maine has over 25 times as much effective voting power in this body as the Senator from California. An interesting little fact, and I do not say this to say anything other than how the system works, there are more desks on that side of the aisle. That side has 55. Does that side of the aisle realize this side of the aisle, with 45 desks, represents more Americans than they do? If we add up all the people represented by the Republican Party in the Senate, they add up to fewer people than the Democratic Party represents in the Senate. We represent the majority of the American people, but in this Chamber it is irrelevant and it should be because this was never intended in any sense to be a majoritarian institution.

This distinctive quality of the Senate was part of that Great Compromise without which we would not have a Constitution referred to as the Connecticut Compromise. Edmund Randolph, who served as the first Attorney General of the United States and would later be Secretary of State, represented Virginia at the Constitutional Convention, and in that context he argued for fully proportionate representation in the debates over the proper form of the legislative branch, but ultimately he agreed to the Connecticut Compromise. After reflection, that so seldom happens among our colleagues, myself included, he realized his first position was incorrect and he stated:

> The general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man—

Referring to every man who agreed to the compromise—

> had found it in the turbulence and follies of democracy; that some check therefore was to be sought against this tendency of our Governments; and that a good Senate seemed most likely to answer this purpose.

So the Founders quite intentionally designed the Senate with these distinctive features.

Specifically, article 1, section 5 of the Constitution states that each House may determine its own rules for its own proceedings. Precisely: "Each House may determine the Rules of its Proceedings." The text contains no limitations or conditions. This clause plainly vests the Senate with plenary power to devise its internal rules as it sees fit, and the filibuster was just one of those procedural rules of the many rules that vest a minority within the Senate with the potential to have a final say over the Senate's business.

It was clear from the start that the Senate would be a different type of legislative body; it would be a consensus body that respects the rights of minorities, even the extreme minority power of a single Senator because that single Senator can represent a single and whole State. The way it is played out in practice was through the right of unlimited debate.

I find it fascinating, we are talking about the limitation of a right that has already limited the original right of the Founding Fathers. The fact was there was no way to cut off debate for the first decades of this Republic.

Joseph Story, famous justice and probably one of the best known arbiters of the Constitution in American history, his remark about the importance of the right of debate was "the next great and vital privilege is the freedom of speech and debate, without which all other privileges would be comparatively unimportant, or ineffectual." And that goes to the very heart of what made the Senate different.

In the Senate, each individual Senator was more than a number to be counted on the way to a majority vote, something I think some of us have forgotten. Daniel Webster put it this way:

> This is a Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions.

Extended debate, the filibuster, was a means to reach a more modest and moderate result to achieve compromise and common ground to allow Senators, as Webster had put it, to be men—and now men and women—of absolute independence.

Until 1917, there was no method to cut off debate in the Senate, to bring any measure to a vote, legislative or nomination—none, except unanimous consent. Unanimous consent was required up until 1917 to get a vote on a judge, on a bill, on anything on the Executive Calendar. The Senate was a place where minority rights flourished completely, totally unchecked, a place for unlimited rights of debate for each and every Senator.

In part this can be understood as a recognition of our federal system of government in which we were not just a community of individuals but we were also a community of sovereign States. Through the Senate, each State, through their two Senators, had a right to extensive debate and full consideration of its views.

For much of the Senate's history, until less than 100 years ago, to close off debate required not just two-thirds of the votes, but it required all of the votes. The Senate's history is replete with examples of situations in which a committed minority flexed its "right to debate" muscles. In fact, there was a filibuster over the location of the Capitol of the United States in the First Congress. But what about how this tradition of allowing unlimited debate and respect for minority rights played out in the nomination context, as opposed to the legislative process?

First, the text of the Constitution makes no distinction whatsoever between nominations and legislation. Nonetheless, those who are pushing the nuclear option seem to suggest that while respect for minority rights has a long and respected tradition on the legislative side of our business, things were somehow completely different when it came to considering nominations. In fact, it is the exact opposite.

The history of the Senate shows, and I will point to it now, that previous Senates certainly did not view that to be the case. While it is my personal belief that the Senate should be more judicious in the use of the filibuster, that is not how it has always been. For example, a number of President Monroe's nominations never reached the floor by the end of his administration and were defeated by delay, in spite of his popularity and his party's control of the Senate.

Furthermore, President Adams had a number of judicial nominations blocked from getting to the floor. More than 1,300 appointments by President Taft were filibustered. President Wilson also suffered from the filibusters of his nominees.

Not only does past practice show no distinction between legislation and judicial nominations in regards to the recognition of minority rights, the formal rules of the Senate have never recognized such a distinction, except for a 30-year stretch in the Senate history, 1917 to 1949, when legislation was made subject to cloture but nominations were not. Do my colleagues hear this? All of those who think a judge is more entitled to a vote than legislation, in 1917 it was decided that absolute unlimited debate should be curtailed, and there needs to be a two-thirds vote to cut off debate in order to bring legislation to the floor.

But there was no change with regard to judicial nominees. There was a requirement of unanimous consent to get a nominee voted on. So much for the argument that the Constitution leans toward demanding a vote on nominations more than on legislation. It flies in the face of the facts, the history of America and the intent of our Framers. This fact in itself certainly undercuts the claim that there has been, by tradition, the insulating of judicial nominees from filibusters.

In both its rules and its practices, the Senate has long recognized the exercise of minority rights with respect to nominations. And it should come as no surprise that in periods where the electorate is split very evenly, as it is now, the filibustering of nominations was used extensively. For example, my good friend Senator **HATCH** who is on the Senate floor—as my mother would say, God love him, because she likes him so much, and I like him, too—he may remember when I was chairman of the Judiciary Committee back in the bad old days when the Democrats controlled the Senate during President Clinton's first 2 years in office, a time when the Democrats controlled both the Presidency and the Senate but nonetheless the country remained very divided, numerous filibusters resulted, even in cases not involving the judiciary.

I remind my friends, for example, that the nomination of Dr. Henry Foster for Surgeon General, Sam Brown to be ambassador to the Conference on Cooperation and Security in Europe, Janet Napolitano to be U.S. attorney in the District of Arizona, and Ricki Tigert for the Federal Deposit Insurance Corporation head, were all filibustered. We controlled the Senate, the House, the Presidency, but the Nation was nonetheless divided.

Some may counter that there should be a difference between how judicial nominees should be treated versus the treatment accorded executive branch nominees, the Cabinet, and the rest. Constitutional text, historical practice and principle all run contrary to that proposition.

On the textual point, we only have one appointments clause. It is also instructive to look at a few historical examples. In 1881, Republican President Rutherford B. Hayes nominated Stanley Matthews to the Supreme Court. A filibuster was mounted, but the Republican majority in the Senate was unable to break the filibuster, and Stanley Matthews' Supreme Court nomination failed without getting a vote.

In 1968, the filibuster to block both Justice Abe Fortas from becoming Chief Justice and Fifth Circuit Court Judge Homer Thornberry to occupy the seat that Justice Fortas was vacating was one where the Democrats controlled the Senate, and the Republicans filibustered. The leader of that successful filibuster effort against Justice Fortas was Republican Senator Robert Griffin from Michigan. In commenting on the Senate's rejection of President George Washington's nomination of John Rutledge to be Chief Justice of the Supreme Court, the Republican Senator who mounted a successful filibuster against Fortas on the floor—translated, Fortas never got a vote, even though he was a sitting Supreme Court Justice about to be elevated to Chief Justice—what did the Senator from Michigan who led that fight say about the first fight in the Senate?

> That action in 1795 said to the President then in office and to future Presidents: "Don't expect the Senate to be a rubberstamp. We have an independent coequal responsibility in the appointing process; and we intend to exercise that responsibility, as those who drafted the Constitution so clearly intended."

There is also a very important difference between judicial and executive nominees that argued for greater Senate scrutiny of judicial nominees. It should be noted that legislation is not forever. Judicial appointments are for the life of the candidate.

Of course, no President has unlimited authority, even related to his own Cabinet. But when you look at judges, they serve for life.

An interesting fact that differentiates us from the 1800s, when these filibusters took place, and 1968, when they took place: The average time a Federal judge spends on the bench, if appointed in the last 10 years from today, has increased from 15 years to 24 years. That means that on average, every judge we vote for will be on that bench for a quarter century. Since the impeachment clause is fortunately not often used, the only opportunity the Senate has to have its say is in this process.

The nuclear option was so named because it would cause widespread bedlam and dysfunction throughout the Senate, as the minority party, my party, has pledged to render its vigorous protest. But I do not want to dwell on those immediate consequences which, I agree with my Senate Judiciary Committee chairman, would be dramatic. He said:

> If we come to the nuclear option the Senate will be in turmoil and the Judiciary Committee will be in hell.

However serious the immediate consequences may be, and however much such dysfunction would make both parties look juvenile and incompetent, the more important consequence is the long-term deterioration of the Senate. Put simply, the nuclear option threatens the fundamental bulwark of the constitutional design. Specifically, the nuclear option is a double-barreled assault on this institution. First, requiring only a bare majority of Senators to confirm a judicial nominee is completely contrary to the history and intent of the Senate. The nuclear option also upsets a tradition and history that says we are not going to change the rules of the Senate by a majority vote. It breaks the rule to change the rule. If we go down this path of the nuclear option, we will be left with a much different system from what our Founders intended and from how the Senate has functioned throughout its history.

The Senate has always been a place where the structure and rules permit fast-moving partisan agendas to be slowed down: where hotheads could cool and where consensus was given a second chance, if not a third and a fourth.

While 90 percent of the business is conducted by unanimous consent in this body, those items that do involve a difference of opinion, including judicial nominations, must at least gain the consent of 60 percent of its Members in order to have that item become law. This is not a procedural quirk. It is not an accident of history. It is what differentiates the Senate from the House of Representatives and the English Parliament.

President Lyndon Johnson, the "Master of the Senate," put it this way:

> In this country, a majority may govern but it does not rule. The genius of our constitutional and representative government is the multitude of safeguards provided to protect minority interests.

And it is not just leaders from the Democratic Party who understand the importance of protecting minority rights. Former Senate Majority Leader Howard Baker wrote in 1993 that compromising the filibuster:

> would topple one of the pillars of American Democracy: the protection of minority rights from majority rule. The Senate is the only body in the federal government where these minority rights are fully and specifically protected.

Put simply, the "nuclear option" would eviscerate the Senate and turn it into the House of Representatives. It is not only a bad idea, it upsets the Constitutional design and it disserves the country. No longer would the Senate be that "different kind of legislative body" that the Founders intended. No longer would the Senate be the "saucer" to cool the passions of the immediate majority.

Without the filibuster, more than 40 Senators would lack the means by which to encourage compromise in the process of appointing judges. Without the filibuster, the majority would transform this body into nothing more than a rubber stamp for every judicial nomination.

The Senate needs the threat of filibuster to force a President to appoint judges who will occupy the sensible center rather than those who cater to the whim of a temporary majority. And here is why—it is a yes or no vote: you can't amend a nomination.

With legislation, you can tinker around the edges and modify a bill to make it more palatable. You can't do that with a judge. You either vote for all of him or her, or none. So only by the threat of filibuster can we obtain compromise when it comes to judges.

We, as Senators, collectively need to remember that it is our institutional duty to check any Presidential attempt to take over the Judiciary. As the Congressional Research Service, the independent and non-partisan research arm of Congress, stated, the "nuclear option" would:

> . . . strengthen the executive branch's hand in the selection of federal judges.

This shouldn't be a partisan issue, but an institutional one. Will the Senate aid and abet in the erosion of its Article I power by conceding to another branch greater influence over our courts? As Senator Stennis once said to me in the face of an audacious claim by President Nixon:

> Are we the President's men or the Senate's?

He resolved that in a caucus by speaking to us as only John Stennis could, saying:

> I am a Senate man, not the President's man.

Too many people here forget that.

Earlier, I explained that for much of the Senate's history, a single Senator could stop legislation or a nomination dead in its tracks. More recent changes to the Senate Rules now require only ⅗ of the Senate, rather than all of its Members, to end debate. Proponents of the "nuclear option" argue that their proposal is simply the latest iteration of a growing trend towards majoritarianism in the Senate. God save us from that fate, if it is true.

I strongly disagree. Even a cursory review of these previous changes to the Senate Rules on unlimited debate show that these previous mechanisms to invoke cloture always respected minority rights.

The "nuclear option" completely eviscerates minority rights. It is not simply a change in degree but a change in kind. It is a discontinuous action that is a sea change, fundamentally restructuring what the Senate is all about.

It would change the Senate from a body that protects minority rights to one that is purely majoritarian. Thus, rather than simply being the next logical step in accommodating the Senate Rules to the demands of legislative and policy modernity, the "nuclear option" is a leap off the institutional precipice.

And so here we collectively stand—on the edge of the most important procedural change during my 32-year Senate career, and one of the most important ever considered in the Senate; a change that would effectively destroy the Senate's independence in providing advice and consent.

I ask unanimous consent to be able to continue for another 15 minutes.

The PRESIDNG OFFICER. Without objection, it is so ordered.

Mr. BIDEN. The "nuclear option" would gut the very essence and core of what the Senate is about as an institution—flying directly in the face of our Founders who deliberately rejected a parliamentary system. A current debate, over a particular set of issues, should not be permitted to destroy what history has bestowed on us.

And the stakes are much, much higher than the contemporary controversy over the judiciary. Robert Caro, the noted author on Senate history, wrote the following in a letter to the Chairman and Ranking Member of the Senate Committee on Rules and Administration:

> [I]n considering any modification [to the right of extended debate in the Senate Senators should realize they are dealing not with the particular dispute of the moment, but with the fundamental character of the Senate of the United States, and with the deeper issue of the balance between majority and minority rights . . .. you need only look at what happened when the Senate gradually surrendered more and more of its power over international affairs to learn the lesson that once you surrender power, you never get it back.

The fight over the nuclear option is not just about the procedure for confirming judges. It is also, fundamentally, about the integrity of the Senate. Put simply, the "nuclear option" changes the rules midstream. Once the Senate starts changing the rules outside of its own rules, which is what the nuclear option does, there is nothing to stop a temporary majority from doing so whenever a particular rule would pose an obstacle.

It is a little akin to us agreeing to work together on a field. I don't have to sit down and agree with you that we are going to divide up this field, but I say, OK, I will share my rights in this field with you. But here is the deal we agree to at the start. Any change in the agreements we make about how to run this field have to be by a supermajority. OK? Because that way I am giving up rights—which all the Founders did in this body, this Constitution—rights of my people, for a whole government. But if you are going to change those rules with a pure majority vote, then I would have never gotten into the deal in the first place.

I suffer from teaching constitutional law for the last 13 years, an advanced class on constitutional law at Widener University, a seminar on Saturday morning, and I teach this clause. I point out the essence of our limited constitutional government, which is so different than every other, is that it is based on the consent of the governed. The governed would never have given consent in 1789 if they knew the outfit they were giving the consent to would be able, by a simple majority, to alter their say in their governance.

The Senate is a continuing body, meaning the rules of the Senate continue from one session to the next. Specifically, rule V provides:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

I say to my colleague from North Carolina, on the floor, I say to my colleague from South Carolina, I say to my colleague from Utah: If you vote for this "nuclear option" you are about to break faith with the American people and the sacred commitment that was made on how to change the rules.

Senate rule XXII allows only a rule change with two-thirds votes. The "continuing body" system is unlike many other legislative bodies and is part of what makes the Senate different and allows it to avoid being captured by the temporary passions of the moment. It makes it different from the House of Representatives, which comes up with new rules each and every Congress from scratch.

The "nuclear option" doesn't propose to change the judicial filibuster rule by securing a two-thirds vote, as required under the existing rules. It would change the rule with only a bare majority. In fact, as pointed out recently by a group of legal scholars:

> On at least 3 separate occasions, the Senate has expressly rejected the argument that a simple majority has the authority claimed by the proponents of the [nuclear option].

One historical incident is particularly enlightening. In 1925, the Senate overwhelmingly refused to agree to then-Vice President Dawes' suggestion that the Senate adopt a proposal for amending its rules identical to the nuclear option.

On this occasion, an informal poll was taken of the Senate. It indicated over 80 percent of the Senators were opposed to such a radical step.

Let me be very clear. Never before have Senate rules been changed except by following the procedures laid out in the Senate rules. Never once in the history of the Senate.

The Congressional Research Service directly points out that there is no previous precedent for changing the Senate rules in this way.

The "nuclear option" uses an ultra-vires mechanism that has never before been used in the Senate—"Employment of the [nuclear option] would require the chair to overturn previous precedent.

The Senate Parliamentarian, the nonpartisan expert on the Senate's procedural rules—who is hired by the majority—has reportedly said that Republicans will have to overrule him to employ the "nuclear option".

Adopting the "nuclear option" would send a terrible message about the malleability of Senate rules. No longer would they be the framework that each party works within.

I've been in the Senate for a long time, and there are plenty of times I would have loved to change this rule or that rule to pass a bill or to confirm a nominee I felt strongly about.

But I didn't, and it was understood that the option of doing so just wasn't on the table.

You fought political battles; you fought hard; but you fought them within the strictures and requirements of the Senate rules. Despite the short-term pain, that understanding has served both parties well, and provided long-term gain.

Adopting the "nuclear option" would change this fundamental understanding and unbroken practice of what the Senate is all about. Senators would start thinking about changing other rules when they became "inconvienent." Instead of two-thirds of the vote to change a rule, you'd now have precedent that it only takes a bare majority. Altering Senate rules to help in one political fight or another could become standard operating procedure, which, in my view, would be disastrous.

The Congressional Research Service has stated that adopting the "nuclear option" would set a precedent that could apply to virtually all Senate business. It would ultimately threaten both parties, not just one. The Service report states:

> The presence of such a precedent might, in principle, enable a voting majority of the Senate to alter any procedure at-will by raising a point of order . . . by such means, a voting majority might subsequently impose limitations on the consideration of any item of business, prohibiting debate or amendment to any desired degree. Such a majority might even alter applicable procedures from one item of business to the next, from one form of proceeding to a contrary one, depending on immediate objects.

Just as the struggle over the "nuclear option" is about constitutional law and Senate history, it is also about something much more simple and fundamental—playing by the rules.

I reiterate that I think Senator FRIST and his allies think they are acting on the basis of principle and commitment, but I regret to say they are also threatening to unilaterally change the rules in the middle of the game. Imagine a baseball team with a five-run lead after eight innings unilaterally declaring that the ninth inning will consist of one out per team.

Would the fans—for either side—stand for that? If there is one thing this country stands for it's fair play—not tilting the playing field in favor of one side or the other, not changing the rules unilaterally. We play by the rules, and we win or lose by the rules.

That quintessentially American trait is abandoned in the "nuclear option." Republican Senators as well as Democratic ones have benefited from minority protections. Much more importantly, American citizens have benefited from the Senate's check on the excesses of the majority.

But this is not just about games, and playing them the right way. This is about a more ethereal concept—justice. In his groundbreaking philosophical treatise, A Theory of Justice, the philosopher John Rawls points to the importance of what he calls procedural justice.

Relying on this predecessors such as Immanuel Kant, Thomas Hobbes, Jean Jacques Rousseau, and John Locke, Rawls argues that, in activities as diverse as cutting a birthday cake and conducting a criminal trial, it is the procedure that makes the outcome just. An outcome is just if it has been arrived at through a fair procedure.

This principle undergirds our legal system, including criminal and civil trials. Moreover it is at the very core of our Constitution. The term "due process of law" appears not once but twice in our Constitution, because our predecessors recognized the vital importance of setting proper procedures—proper rules—and abiding by them.

It is also the bedrock principle we Senators rely on in accepting outcomes with which we may disagree. We know the debate was conducted fairly—the game was played by the rules. A decision to change the Senate's rules in violation of those very same rules abandons the procedural justice that legitimates everything we do.

It is interesting to ask ourselves what's different about now, why are we at this precipice where the "nuclear option" is actually being seriously debated and very well might be utilized? Why have we reached this point when such a seemingly radical rule change is being seriously considered by a majority of Senators? It's a good question, and I don't have an easy answer.

We have avoided such fights in the past largely because cooler heads have prevailed and accommodation was the watchword.

As Senator Sam Ervin used to say—the separation of powers should not, as President Woodrow Wilson warned, become an invitation for warfare between the two branches.

Throughout this country's history—whether during times of war or political division, for example—Presidents have sometimes extended an olive branch across the aisle. Past Presidents have in these circumstances made bipartisan appointments, selecting nominees who were consensus candidates and often members of the other party.

President Clinton had two Supreme Court nominees, and the left was pushing us as hard as the right is pushing you. What did he do? I spent several hours with him consulting on it. He picked two people on his watch who got 90 or so votes. Moderate, mainstream appointments. He did not appoint Scalias. He did not appoint Thomases. He appointed people acceptable to the Republicans because he was wise enough to know, even though he was President, we were still a divided Nation.

History provides ample examples. During the midst of the Civil War, President Lincoln selected members of the opposition Democratic party for key positions, naming Stephen Field to the Supreme Court in 1863 and Andrew Johnson as his Vice Presidential candidate in 1864.

On the brink of American entrance into WWII, President Roosevelt likewise selected members of the opposition Republican party, elevating Harlan Fiske Stone to be Chief Justice and naming Henry Stimson as Secretary of War.

Other 20th Century Presidents followed suit. In 1945, President Truman named Republican Senator Harold Burton to the Supreme Court. In 1956, President Eisenhower named Democrat William Brennan to the Supreme Court. What has happened to us? What have we become?

Does anyone not understand this Nation is divided red and blue and what it needs is a purple heart and not a red heart or a blue heart.

Lest any of my colleagues think these examples are merely culled from the dusty pages of history, let me remind them that the Senate has witnessed recent examples of consensus appointments during times of close political division. As I already mentioned, President Clinton followed this historic practice during vacancies to the Supreme Court a decade ago.

As explained by my friend, the Senior Senator from Utah, who was then the ranking member of the Senate Judiciary Committee, President Clinton consulted with him and the Republican Caucus during the High Court vacancies in 1993 and 1994. The result was President Clinton's selection of two outstanding and consensus nominees—Ruth Bader Ginsburg and Stephen Breyer—both of whom were confirmed overwhelmingly by the Senate, by votes of 97-3 and 87-9, respectively.

Indeed, the last two vacancies to the Supreme Court are text book examples of the executive branch working in cooperative and collegial fashion with its Senate counterpart to secure consensus appointments, thus averting an ideological showdown. The two constitutional partners given roles in the nomination process engaged in a consultative process that respected the rights and obligations of both branches as an institutional matter, while also producing outstanding nominees who were highly respected by both parties.

To be sure, a careful review of our Nation's history does not always provide the examples of consultation, comity, or consensus in the nomination process. Presidents of both parties have at times attempted to appoint nominees—or remove them once confirmed—over the objections of the Senate, including in some instances where the Senate was composed of a majority of the President's own party. And sometimes the Senate has had to stand strong and toe the line against imperialist Presidential leanings.

Our first President, George Washington, saw one of his nominees to the Supreme Court rejected by this Senate in 1795. The Senate voted 14 to 10 to reject the nomination of John Rutledge of South Carolina to be Chief Justice. What is historically instructive, I believe, is that while the Senate was dominated by the Federalists, President Washington's party, 13 of the 14 Senators who rejected the Rutledge nomination were Federalists.

The Senate also stood firm in the 1805 impeachment of Supreme Court Justice Samuel Chase. President Jefferson's party had majorities in both the House and the Senate, and Jefferson set his sights on the Supreme Court. Specifically, he wanted to remove Justice Chase, a committed Federalist and frequent Jefferson critic, from the Court.

Jefferson was able to convince the House to impeach Justice Chase on a party-line vote, and the President had enough members of his party in the Senate to convict him. But members of the President's own party stood up to their President; the Senate as an institution stood up against executive overreaching. Justice Chase was not convicted, and the independence of the judiciary was preserved.

The Senate again stood firm in the 1937 court-packing plan by President Franklin Roosevelt.

This particular example of Senate resolve is instructive for today's debates, so let me describe it in some detail. It was the summer of 1937 and President Roosevelt had just come off a landslide victory over Alf Landon, and he had a Congress made up of solid New Dealers. But the "nine old men" of the Supreme Court were thwarting his economic agenda, overturning law after law overwhelmingly passed by the Congress and from statehouses across the country.

In this environment, President Roosevelt unveiled his court-packing plan—he wanted to increase the number of Justices on the court to 15, allowing himself to nominate these additional judges. In an act of great courage, Roosevelt's own party stood up against this institutional power grab. They did not agree with the judicial activism of the Supreme Court, but they believed that Roosevelt was wrong to seek to defy established traditions as a way of stopping that activism.

In May 1937, the Senate Judiciary Committee—a committee controlled by the Democrats and supportive of his political ends—issued a stinging rebuke. They put out a report condemning Roosevelt's plan, arguing it was an effort "to punish the justices" and that executive branch attempts to dominate the judiciary lead inevitably to autocratic dominance, "the very thing against which the American Colonies revolted, and to prevent which the Constitution was in every particular framed."

Our predecessors in the Senate showed courage that day and stood up to their President as a coequal institution. And they did so not to thwart the agenda of the President, which in fact many agreed with; they did it to preserve our system's checks and balances; they did it to ensure the integrity of the system. When the Founders created a "different kind of legislative body" in the Senate, they envisioned a bulwark against unilateral power—it worked back then and I hope that it works now.

The noted historian Arthur Schlesinger, Jr., has argued that in a parliamentary system President Roosevelt's effort to pack the court would have succeeded. Schlesinger writes: "The court bill couldn't have failed if we had had a parliamentary system in 1937." A parliamentary legislature would have gone ahead with their President, that's what they do, but the Founders envisioned a different kind of legislature, an independent institution that would think for itself. In the end, Roosevelt's plan failed because Democrats in Congress thought court-packing was dangerous, even if they would have supported the newly-constituted court's rulings. The institution acted as an institution.

In summary, then, what do the Senate's action of 1795, 1805, and 1937 share in common? I believe they are examples of this body acting at its finest, demonstrating its constitutional role as an independent check on the President, even popularly elected Presidents of the same political party.

One final note from our Senate history. Even when the Senate's rules have been changed in the past to limit extended debate, it has been done with great care, remarkable hesitancy, and by virtual consensus. Take what occurred during the Senate's two most important previous changes to the filibuster rule: the 1917 creation of cloture and the 1975 lowering of the cloture threshold.

First, let's examine 1917. On the eve of the United States' entry into WWI, with American personnel and vessels in great danger on the high seas, President Wilson asked that Congress authorize the arming of American merchant vessels. Over three-fourths of the Senate agreed with this proposal on the merits, but a tiny minority opposed it. With American lives and property at grave risk, the Senate still took over 2 months to come to the point of determining to change its rules to permit cloture.

When they did so, they did it by virtual consensus, and in a supremely bipartisan manner. A conference committee composed equally of Democrats and Republicans, each named to the committee by their party leadership, drafted and proposed the new rule. It was then adopted by an overwhelming vote of 76–3.

In 1975, I was part of a bipartisan effort to lower the threshold for cloture from two-thirds to three-fifths. Many of us were reacting against the filibustering for so many years of vital civil rights legislation. Civil rights is an issue I feel passionately about and was a strong impetus for me seeking public office in the first place. Don't get me wrong—I was not calling the shots back in 1975; I was a junior Senator having been in the chamber for only 2 years.

But I will make no bones about it—for about two weeks in 1975—I was part of a slim bipartisan majority that supported jettisoning established Senate rules and ending debate on a rules change by a simple majority.

The rule change on the table in 1975 was not to eliminate the filibuster in its entirety, which is what the current "nuclear option" would do for judicial nominations; rather it was to change from the then-existing two-thirds cloture requirement to three-fifths. It was a change in degree, not a fundamental restructuring of the Senate to completely do away with minority rights.

The rule change was also attempted at the beginning of the Senate session and applied across the board, as opposed to the change currently on the table, brought up mid-session concerning only a very small subset of the Senate's business. Nonetheless, my decision to support cutting off debate on a rules change by a simple majority vote was misguided.

I carefully listened to the debate in 1975 and learned much from my senior colleagues. In particular, I remember Senator Mansfield being a principled voice against the effort to break the rules to amend the rules.

Senator Mansfield stood on this floor and said the following:

> [T]he fact that I can and do support [changing the cloture threshold from ⅔ to ⅗] does not mean that I condone or support the route taken or the methods being used to reach the objective of Senate rule 22. The

present motion to invoke cloture by a simple majority, if it succeeds would alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it. The proponents of this motion would disregard the rules which have governed the Senate over the years, over the decades, simply by stating that the rules do not exist. They insist that their position is right and any means used are, therefore, proper. I cannot agree.

Senator Mansfield's eloquent defense of the Senate's institutional character and respect for its rules rings as true today as it did 30 years ago. Senator Mansfield's courage and conviction in that emotionally charged time is further evidence, I believe, of why he is one of the giants of the Senate.

In the end, cooler heads prevailed and the Senate came together in a way only the Senate can. I changed my mind; I along with my Senate colleagues. We reversed ourselves and changed the cloture rule but only by following the rules. Ultimately, over ¾ of the voting Senators—a bipartisan group—voted to end debate. In fact, the deal that was struck called for reducing the required cloture threshold from ⅔ to ⅗; but it retained the higher ⅔ threshold for any future rules changes.

Now I understand that passions today are running high on both sides of the "nuclear option" issue, and I can relate to my current Republican colleagues. I agree with my distinguished Judiciary Committee Chairman that neither side has clean hands in the escalating judicial wars.

I also understand the frustration of my Republican colleagues—especially those who are relatively new to this Chamber—that a minority of Senators can have such power in this body.

For me, the lesson from my 1975 experience, which I believe strongly applies to the dispute today, is that the Senate ought not act rashly by changing its rules to satisfy a strong-willed majority acting in the heat of the moment.

Today, as in 1975, the solution to what some have called a potential constitutional crisis lies in the deliberate and thoughtful effort by a bipartisan majority of Senators to heed the wisdom of those who established the carefully crafted system of checks and balances protecting the rights of the minority. It's one thing to change Senate rules at the margins and in degrees, it's quite another to overturn them.

Federalist No. 1 emphasizes that Americans have a unique opportunity—to choose a form of government by "reflection and choice":

> It has been frequently remarked that it seems to have been reserved to the people of this country . . . to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

We need to understand that this is a question posed at the time of the founding and also a question posed to us today. At the time of the founding, it was a question about whether America would be able to choose well in determining our form of government.

We know from the experience of the last 225 years that the founding generation chose well. As a question posed to citizens and to Senators of today, it is a question about whether we will be able to preserve the form of government they chose.

The Framers created the Senate as a unique legislative body designed to protect against the excesses of any temporary majority, including with respect to judicial nominations; and they left all of us the responsibility of guaranteeing an independent Federal judiciary, one price of which is that it sometimes reaches results Senators do not like.

It is up to us to preserve these precious guarantees. Our history, our American sense of fair play, and our Constitution demand it.

I would ask my colleagues who are considering supporting the "nuclear option"—those who propose to "jump off the precipice"—whether they believe that history will judge them favorably.

In so many instances throughout this esteemed body's past, our forefathers came together and stepped back from the cliff. In each case, the actions of those statesmen preserved and strengthened the Senate, to the betterment of the health of our constitutional republic and to all of our advantage.

Our careers in the Senate will one day end—as we are only the Senate's temporary officeholders—but the Senate itself will go on.

Will historians studying the actions taken in the spring of 2005 look upon the current Members of this Senate as statesmen who placed the institution of the United States Senate above party and politics?

Or will historians see us as politicians bending to the will of the Executive and to political exigency?

I, for one, am comfortable with the role I will play in this upcoming historic moment.

I hope all my colleagues feel the same.

Mr. President, on behalf of Senator BYRD, I ask unanimous consent to have printed in the RECORD a speech against the nuclear option delivered earlier this week by Senator BYRD to the Center for American Progress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Upholding the Tradition of Freedom of Speech—April 25, 2005

"That 150 lawyers should do business together (in the U.S. Congress) ought not to be expected." Those are the words of Thomas Jefferson.

Now comes the so-called Nuclear Option, or Constitutional Option to prove him right. You know, I liked Jefferson, but I always thought he borrowed some of my best stuff for that declaration he wrote. This poisoned pill, euphemistically designated "the nuclear option", has been around a long time—since 1917, in fact, the year the cloture rule was adopted by the U.S. Senate. It required no genius of Brobdingnagian proportions to conjure up this witch's brew. All that it takes is (1) to have the chair wired; (2) to have a majority of 51 votes to back the chair's ruling; and (3) a determined ruthlessness to execute the power grab.

Over the 88 years since 1917, however, no White House and no party in control of the Senate has ever resorted to the use of this draconian weapon in order to achieve its goal. Until now. Why now? It is because a determined minority in the Senate has refused to confirm only 10 of over 200 nominees to federal judgeships submitted by President George Bush during this first term as President. Since his reelection, President Bush has resubmitted 7 of the 10 nominees who failed to be confirmed in his first term. Hence, a heavy-handed move is about to be made to change the rules by disregarding the standing rules of the Senate that have governed freedom of speech and debate in the Senate for over 200 years. The filibuster must go, they say.

Obstructive tactics in a legislative forum, although not always known as filibusters, are of ancient origin. Plutarch reported that, while Caesar was on sojourn in Spain, the election of Consuls was approaching. "He applied to the Senate for permission to stand candidate," but Cato strongly opposed his request and "attempted to prevent his success by gaining time; with which view he spun at the debate till it was too late to conclude upon anything that day." Hey, the filibuster has only been around 2,064 years, since circa 59 B.C.!

Filibusters were also a problem in the British Parliament. In 19th century England, even the members of the Cabinet accepted the tactics of obstruction as an appropriate weapon to defeat House of Commons' initiatives that were not acceptable to the government. In this country, experience with protracted debate began early. In the first session of the First Congress, for example, there was a lengthy discussion regarding the permanent site for the location of the Capitol. Fisher Ames, a member of the House from Massachusetts, complained that "the minority . . . makes every exertion to . . . delay the business."

Senator William Maclay of Pennsylvania complained that "every endeavor was used to waste time, . . . " Long speeches and other obstructionist tactics were more characteristic of the House than of the Senate in the early years.

There have been successful filibusters that have benefited the country. For example, in March 1911, Senator Owen of Oklahoma filibustered a measure granting statehood to New Mexico, arguing that Arizona should also be a state. President Taft opposed the inclusion of Arizona's statehood because a provision of Arizona's state constitution permitted the recall of judges. Arizona later attained statehood, at least in part because Senators took time to make the case the year before. Another example occurred in July 1937, when a Senate filibuster blocked FDR's Supreme Court-packing plan until public opinion turned against the plan.

Freedom of speech and debate is enshrined in Article I, Section 6, of the U.S. Constitution. The roots run deep. Before the British Parliament would proclaim William III and

Mary as king and queen of England, they were required to swear allegiance to the British Declaration of Rights, which they did on February 13, 1689. They were then declared joint sovereigns by the House of Commons. The declaration was converted into the English Bill of Rights by statute on December 16, 1689, the 9th Article of which guarantees freedom of speech and debate in Parliament in words similar to those in our own Constitution, Article I, Section 6.

So now, for the first time in the 217 years since 1789, the tradition of freedom of speech and debate in the Senate is under a serious threat of extinction by the majority party through resort to the nuclear option.

Marty Gold, deservedly respected for his knowledge of the Senate rules and precedents, and opponents of free speech and debate claim that, during my tenure as Majority Leader in the United States Senate, I established precedents that now justify a proposal for a misguided attempt to end debate on a judicial nomination by a simple majority vote, rather than by a 3/5s vote of all Senators duly chosen and sworn as required by Paragraph 2 of Senate Rule XXII. Their claims are false. Utterly false!

Proponents of the so-called "nuclear option" cite several instances in which they inaccurately allege that I "blazed a procedural path" toward an inappropriate change in Senate rules. They are dead wrong. Dead wrong! They draw analogies where none exist and create cockeyed comparisons that fail to withstand even the slightest intellectual scrutiny. My detailed response to these false claims and allegations appears in the March 20, 2005, edition of the Congressional Record. But, simply put, no action of mine ever denied a minority of the Senate a right to full debate on the final disposition of a measure or matter pending before the Senate. Not in 1977, not in 1979, not in 1980, not in 1987—the dates cited by critics as grounds for the nuclear option. In none of the instances cited by those who threaten to invoke the nuclear option did my participation in any action deny the minority in the Senate, regardless of party, its right to debate the real matter at hand.

Now why can't reasonable Senators on both sides of the aisle act in the best interests of the Senate, the Constitution, and the country by working together to find a way to avoid this procedural Armageddon? President Gerald Ford always said that he believed in friendly compromise and called compromise "the oil that makes governments go."

When I was a mere lad in southern West Virginia, I once accidentally threw a wooden airplane I had crafted through the glass of a window in a neighbor's house. The neighbor's name was Mr. Arch Smith. He was angry, and I was scared. Into the house I went to plead with Mr. Smith not to tell my Dad. I knew that a belt thrashing awaited me if he did. I promised to pay Mr. Smith 35 cents for the windowpane if he would stay mum about the accident. I would raise the 35 cents by running errands for a friendly lady next door. We struck a deal. We compromised. And my dad never learned of the incident until after I had paid my debt. That compromise saved me a licking, and paid for Mr. Smith's broken window. The sweet art of compromise solved our dispute.

Of course, the Senate itself is the result of a compromise which solved a dispute. The Senate answered the plea of the smaller states for equality and a forum where they could have equal representation and minority views could be heard. Because of that famous action, the Great Compromise of July 16, 1787, the Senate and the House balance each other, reflecting majority rule and minority rights like halves of the same apple in our Republic, and achieving a delicate balance—a finely tuned, exquisitely honed accommodation of tensions which has endured for over 200 years. To paraphrase the words of James Madison, the Republic has been structured to, "guard against the cabals of a few . . .," as well as against the "confusion of a multitude . . ."

The Constitution, under Article II, Section 2, requires a President to submit his selection of Federal judges, members of his own cabinet, and certain other high-ranking officials to the Senate for its "advice and consent." The Framers allowed the Executive only to propose. It was left to the Senate to dispose. There is no stipulation in the Constitution as to how the Senate is to express its advice or give its consent. President Bush incorrectly maintains that each nominee for a federal judgeship is entitled to an up or down vote. The Constitution doesn't say that. It doesn't even say that there has to be a vote with respect to the giving of "its consent." The Senate can refuse to confirm a nominee simply by saying nothing and doing nothing. In Section 2, Article II, it says, " . . . and by and with the advice and consent of the Senate, [He] shall appoint ambassadors . . . Judges of the Supreme Court, and all other Officers of the United States. . . ."

Just as in Article I concerning the setting of Senate rules, Article II allows the Senate the freedom to determine how it will use its advice and consent powers. The choice of the Senate as the single entity to work with the President on the selection of life-tenured federal judges seems strongly to indicate the Framer's desire for scrutiny by the House of Congress uniquely designed for the protection of minority views. The Framers could have selected the majoritarian House of Representatives for such a duty. They did not. In fact, they totally excluded the House. They made a conscious decision to delegate the "advice and consent" function to the United States Senate.

But, suppose the President's party controls the Senate, and therefore controls the votes of a majority in the Senate? Where then, is the check on Presidential power? The filibuster is the minority's strongest tool in providing the Constitutional curb on raw Presidential power when it comes to nominations and the federal courts. Of course, the President's party could occupy 60 seats in the Senate, and that would be enough to break any filibuster except when amending the rules. But, 60 votes is a high threshold, and does provide an effective check on the abuse of power. Why would we ever want to eliminate this important check on Presidential power? Haven't we always had a healthy suspicion of too much power in the hands of a King or any President regardless of party affiliation? The filibuster is the final bulwark preventing a President from stacking the courts (as FDR tried to do in 1937) if his political party holds a majority in the Senate. Without the ability by a minority to defeat cloture by a supermajority vote, that slim wall holding back the waters of destruction of a fair and independent judiciary, ruptures. Other liberties enumerated in the bill of rights can then also be washed away by a President who stacks the courts to reflect a political agenda. Freedom of speech, freedom of religion, all could be gone, wiped out by a partisan court, beholden to one man: the President.

The threat of the so-called "nuclear option" puts us on a dangerous course. Yet, incredibly, today we stand right on the brink, maybe only days away, from destroying the checks and balances of our Constitution. What has happened to the quality of leadership in this country that would allow us to even consider provoking a Constitutional crisis of such major proportions? Where is the gentle art of compromise? Edmund Burke said, "All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter." As I have said earlier, the nuclear option has been around for years. It could have been employed at anytime. Yet, no leader of either party chose to go down that path because the consequences are so dire. Why have we arrived at such a dangerous impasse?

Reaction to recent decisions handed down by Federal Courts has fueled the drive toward this act of self destruction. Many citizens, religious people, angered by a feeling of years of exclusion from our political process, are deeply frustrated. I am in sympathy with such feelings. I do not agree with many of the decisions which have come from the courts concerning prayer in school, and prohibitions on the public display of religious items. For example, relating to freedom of religion, Article I states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ." In my opinion, the courts have not given equal weight to both of these clauses but have stressed the first clause while not giving enough weight to the second clause "or prohibiting the free exercise thereof:. . . ." I have always believed that this country was founded by men and women of strong faith, and that their intent was not to suppress religion in the life of our nation, but to ensure that the government favored no one religion over another. I understand the extreme anger of many good people who decry the nature of our popular culture, with its overt emphasis on sex, violence, profanity, and materialism. They have every right to seek some sort of remedy. But these frustrations, as great as they are, must not be allowed to destroy crucial institutional mechanisms which protect minority rights, and curb the power of an overreaching President. Yet, that is exactly what is about to happen, with this very misdirected attack on the filibuster.

The outlook for compromise is dim. The debate has reached a fever pitch and political polarization is at levels I have never seen. Democrats have overreached. Republicans have overreacted. And the White House has poured salt in the wound by sending the same contentious nominations right back to the Senate as if there were not a country full of qualified and talented judges from which to choose. Our two great political parties are not having a national debate. We are simply shouting at each other. I have heard statements of late which cause me to shudder—such things as, "Democrats hate America," or "Democrats hate people of faith," or "Republicans want to eliminate separation of Church and State." Thinking Americans would ordinarily shun such extreme and ridiculous rhetoric. Yet, vituperation and extremism continue to rage on all sides. There have even been overt attempts to physically threaten and intimidate Federal judges. When the nation becomes this divided, when the spin becomes this mean, the destruction of basic principles which have been our guide for more than two centuries looms straight ahead. Moreover, the trashing and trampling of comity leaves ugly scars sure to fester and linger. How can we recover from the venom spewed by this dangerous political ploy and get on with the people's business, especially if the nuclear trigger is actually pulled?

At such times as these, the character of the leaders of this country is sorely tested. Our best leaders search for ways to avert such crises, not ways to accelerate the plunge toward the brink. Overheated partisan rhetoric is always available, although these days it seems to come especially cheap, but the great majority of our people want a healthy two-party system and leaders who know how to work together, despite serious differences.

The current uproar serves only to underscore the mounting number of problems not being addressed by this government. Over forty five million persons in our country, some 15% of our population cannot afford health care insurance. Our infant mortality rate is the second highest of the major industrialized countries of the world. Our deficits are skyrocketing. Poverty in these United States is rising, with 34 million people or 12.4% of the population living below the poverty line. Our veterans lack adequate medical care after they have risked life and limb for all of us. Our education system produces 8th graders ranked 19th out of38 countries in the world in math, and 12th graders ranked 19th out of 21 countries in both math and science. Yet, we debate and seek solutions to none of these critical problems, and instead focus all energy on the frenzy over the selection of judges, and seek as an antidote to our frustration, the preposterous solution of permanently crippling freedom of speech and debate and the right of a minority to dissent in the United States Senate.

It is very important to remember that the Senate has formalized ways of considering changes to our rules. Changes require 67 votes to curtail a filibuster of rules changes. If this nuclear option is employed in the way most frequently discussed, i.e. a ruling from the chair that a supermajority requirement for cloture on a filibuster in respect to amending the rules is unconstitutional, if sustained by 51 votes, cloture will require only a simple majority vote with respect to federal judgeships. There is nothing, then, except good sense, which seems to be in very short supply, to prevent majority cloture of any filibuster on any measure or matter, whether on the legislative or the executive calendar. Think of that! Rules going back for over 200 years and beyond, with roots in the early British Parliament, can be swept away by a simple majority vote. Because of demagoguery, lack of leadership, raw ambition, hysteria, and a state of brutal political warfare that wants no truce and brooks no peacemakers, we may destroy the U.S. Senate, leaving in our wake a President able to select and intimidate the courts like a King, and a system of government finally and irretrievably lost in a last pathetic footnote to Ben Franklin's rejoinder for the ages, "a Republic, if you can keep it." This is scary!

I suspect that at least part of what all of this dangerous sound and fury is about can be explained by the advanced ages of several Supreme Court Justices, and rumors of the Chief Justice's coming retirement due to ill health. The White House does not want a filibuster in the Senate to derail a future choice for the Supreme Court.

Let me step into the brink and propose something that might calm some waters. In the 105th Congress, Senator ARLEN SPECTER and I introduced S. Res. 146, a bill which would establish an advisory role for the Senate in the selection of Supreme Court Justices. Except for a very limited "floating" of names shortly before the President sends up a nomination for the Supreme Court, no one gets to weigh in on the choices until after they are made. As in so many instances in Washington, broad consultation is nonexistent. In the case of potential occupants for the Federal Bench, that is a recipe for instant polarization before hearings on nominees are even held. Everyone quickly takes sides, and the steam mounts like in an overheated pressure cooker until the lid is about to blow off.

Therein lies the source of some of the fighting over the make-up of the Courts—no prior consultation, so, in effect, no "advice" independent of the White House. Our bill aims to release some of that steam in this way. The Senate Judiciary Committee would establish a pool of possible Supreme Court nominees for the President to consider, based on suggestions from Federal and State judges, distinguished lawyers, law professors, and others with a similar level of insight into the suitability of individuals for appointment to the Supreme Court.

Such a pool would fulfill the Senate's "advice" function under Article II, Section 2. In other words, everyone could get their "oar" into the prospective judicial waters. The President would of course be free to ignore the pool if he chose to do so. But, the "advice" required by the Constitution would be formally available, and the President would know that the individuals in the pool had received a bipartisan nod from the Senate Committee required to do the vetting. Such a pool might even be expanded to include all nominees for our federal judiciary.

Perhaps letting the Senate in on the judicial "take off" as well as the landing can help in the future to heal some of the anger which dominates the discussion of the Federal Courts these days.

But for now, like many of you, I simply hope and pray that cooler heads will prevail, and compromise (that fading art) will prevent us from heading over the cliff. There are, at least some efforts in that direction, but time is very short. In just a few days we may see the unbelievable come to pass—one man, the President, able to select the third, unelected branch of government, including the court of last resort, the Supreme Court; the Senate of the United States relegated to a second House of Representatives with six year terms; free speech and unfettered debate rejected; and the Constitutional checks and balances in sad and sorry tatters. Shame! What a shame!

In closing, let us remember the words spoken by Vice President Aaron Burr in 1805 when he addressed the Senate for the last time:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Ladies and gentlemen, the clock is running and the hour of fulfillment of Vice President Burr's prophesy is virtually at hand.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent we be extended an extra 15 minutes, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. HATCH. The Senator from Delaware a few minutes ago claimed we have never changed our procedures by majority vote. Four times the distinguished Senator from West Virginia led this body to do exactly that when he was acting as majority leader—in 1977, 1979, 1980, and 1987. Using a ruling from the Chair and a majority of all the Senate, a simple majority, we changed procedure relating to both legislation and nominations. The record has to be made clear.

All we are asking is the 214-year tradition of the Senate that judicial nominees not be filibustered be followed. That has been the tradition of the Senate up until President Bush became President. All we are asking is that every one of these qualified nominees who have reached the floor receive an up-or-down vote. That is all we are asking.

These are highly qualified nominees. The ABA has ruled they are qualified in every case. They all have a majority bipartisan vote in their favor. If our colleagues on the other side do not want to vote for them, they can vote against them. That will be their right. I would fight always to maintain that right. But give them a vote, vote up or down. That is what we have always done for 214 years before this President became President.

The actions of our colleagues on the other side amount to changing that 214-year traditional history of this Senate.

By the way, we never called this the nuclear option. It was called the nuclear option by the Democrats. We called it the constitutional option because the Constitution says the President has the right to appoint and nominate these people for judicial positions. We have the right to advise and—it is sometimes left off in this body—consent, which means a vote up and down.

That is what I think our colleagues ignore. This is a dangerous thing. I call it the constitutional option, or I call it the Byrd option because our distinguished friend, the Senator from West Virginia, is the one who used this four times.

If politics is a medicine, an effective prescription gives an accurate diagnosis. I take a step back and offer a diagnosis of our current struggle over how to conduct the judicial confirmation process. I hope this will bring a few pieces together, connect some dots, and provide a little perspective.

The first principle is every judicial nomination reaching the Senate deserves an up-or-down vote.

This principle has constitutional roots, historical precedent, and citizen support. I begin with the Constitution because that is where we should always begin. The Constitution is the supreme law of the land. Along with the Declaration of Independence, it is one of the foundational organic laws of the United States. It is the charter that each of us, as Senators, swears an oath before God to preserve, protect, and defend.

That Constitution separates the three branches of Government, assigning legislation to us in the legislative branch, and assigning appointments to the President in the executive branch. We have heard that the Constitutional Convention considered other arrangements for appointing judges. That may be, but the Constitutional Convention rejected those arrangements. Rejected ideas do not govern us. The Constitution does. And the Constitution makes the President, in Alexander Hamilton's words, the "principal agent" in appointments, while the Senate is a check on that power.

Giving judicial nominations reaching the floor an up-or-down vote, that is, exercising our role of advice and consent through voting on nominations, helps us resist the temptation of turning our check on the President's power into a force that can destroy the President's power and upset the Constitution's balance.

Historically, we have followed this standard of everybody who reaches the floor getting an up-or-down vote. When Republicans ran the Senate under President Clinton, we gave each of his judicial nominations reaching the floor a final confirmation decision, an up-or-down vote. We took cloture votes, that is, votes to end debate, on four of the hundreds of nominees reaching us here. All four were confirmed. As a matter of fact, we confirmed 377 judges nominated by President Clinton, almost the same number as the all-time confirmation champion, and that was Ronald Reagan, who got 382. But Ronald Reagan had 6 years of a Republican Senate to help him. President Clinton only had 2 years of a Democrat Senate to help him. Yet, with the aid of the Republicans on the Judiciary Committee and in this body, he got 377 approved.

In fact, even on the most controversial appeals court nominations by President Clinton, the Republican leadership used cloture votes to prevent filibusters and ensure up-or-down votes, exactly the opposite of how cloture votes are being used during President Bush's Presidency.

This principle that every judicial nomination reaching the Senate floor deserves an up-or-down vote not only has constitutional roots and historical precedent, it also has citizen support. I saw in the Washington Post yesterday a poll framed in partisan terms, asking whether Senate rules should be changed "to make it easier for the Republicans to confirm Bush's judicial nominees."

With all due respect, this question could easily have been written in the Democrats' new public relations war room. I am actually surprised that such a biased question did not get even more than 66-percent support.

A more balanced, neutral, fair poll was released yesterday, asking whether Senate procedures should make sure that the full Senate votes up or down on every judicial nomination of any President. The results, not surprisingly, were exactly the opposite of the biased poll, with 64 percent of Americans, including 59 percent of moderates and almost half of all liberals, embracing this commonsense, fair, and traditional standard.

The second aspect of this diagnosis is that the judicial nominees being denied this traditional up-or-down vote are highly qualified men and women, with majority, bipartisan support.

Last week, I addressed how opponents of President Bush's nominees play games with words such as "extremist." Just as they want to talk about a judicial appointment process the Constitution did not establish, these critics want to talk about everything but what these nominees would do on the bench. We know, from abundant testimony by those who know these nominees best, that no matter how provocative their speeches off the bench or strongly held beliefs in their hearts and minds, these nominees are or would be fair, impartial, and evenhanded on the bench.

Yet they are called extremists. All 10 of them—there are only 7 remaining—but all 10 of them had qualified ratings, and most well qualified, the highest rating of the American Bar Association. By the way, that was considered the "gold standard" during the Clinton years by our friends on the other side.

Now this is the real standard.

It is hard to believe we are actually arguing about whether we should vote on judicial nominations and whether highly qualified nominees, with majority support—bipartisan, majority support—should be confirmed. Yet the third part of this diagnosis is that Senate Democrats are trying to change our tradition of giving judicial nominations reaching the Senate floor an up-or-down vote. Senators, of course, are free to vote against them for any reason. We must, of course, have a full and vigorous debate about these nominees and their qualifications.

The critics, however, do not want to have that debate. Democrats in this body and the leftwing interest groups that, to a certain extent, seem to control them, want only to seize what they cannot win through the fair, traditional system. Beginning in the 108th Congress, for the first time in American history, they are now using the filibuster not to debate but to defeat majority-supported judicial nominations.

They are trying to rig the confirmation process, to pry us away from our tradition that respected the separation of powers, and force us into a brave, new world which turns the judicial appointment process inside out. They want to turn our check on the President's appointment power into a force that hijacks that power altogether. That would be serious and constitutionally suspect if a Senate majority did it. It is even more serious when, as we see today, a minority of Senators—all partisan Senators—tries to capture the process.

For 2 years now, we have heard claims that these filibusters are nothing new, that they have been part and parcel of how the Senate has long done its confirmation business. While some questions in this debate may be subjective and complex, this is not one of them. The current filibusters target bipartisan, majority-supported judicial nominations, and they defeat them by preventing confirmation votes. Either that happened before the 108th Congress or it did not.

Let us look at what our Democratic colleagues have claimed. On March 11, 2003, the distinguished Senator from Vermont displayed here on the Senate floor a chart titled: "Republican Filibusters of Nominees." He said his list proved that Republicans have "succeeded in blocking many nominees by cloture votes." Anyone can look it up for him or herself. The whole chart is right there on page 5685 of the CONGRESSIONAL RECORD.

It turns out only 6 of the 19 names on the chart were judicial nominations, that the Senate actually confirmed 5 of those 6, and the other one did not have majority support. And there was a real question whether that was a filibuster raised, not in the least sense by the person who conducted the debate on the Republican side, Senator Robert Griffin, who had an impeccably honest—and still does—an impeccably honest reputation. He said there was never a desire to filibuster Justice Fortas. He said they wanted 2 more days of debate to make their case. But, he said, they had enough votes to defeat him up and down. Now, he was here on the Senate floor. He knew it. He led the fight. And the votes were bipartisan, almost equal. It turns out, again, that only 6 of the 19 names on the chart were judicial nominations, that the Senate actually confirmed 5 of them, and the only one they did not was Justice Fortas, because Lyndon Johnson pulled him, not wanting to be embarrassed.

Far from justifying today's filibusters, the chart of the distinguished Senator from Vermont proved no precedent exists at all.

On November 12, 2003, the Senator from Vermont tried again, this time with a list of what he claimed were Clinton appeals court nominees supposedly blocked by Republicans. Once again, the list included nominations the Senate confirmed—every one of them. How can a confirmed nomination be called a blocked nomination? It cannot. Not a single nomination on Senator LEAHY's list is similar to the nominations being filibustered today.

That same day, November 12, 2003, the distinguished Senator from Illinois, Mr. DURBIN, named 5 judicial nominations which he said had been filibustered. Once again, not one of them is a precedent for filibusters happening today. You would think no one with a straight face would claim that ending debate and confirming nominations is somehow precedent for not ending debate and refusing to confirm nominations.

On April 15, 2005, the distinguished assistant minority leader, Senator DURBIN, expanded his previous list, now offering us 12 examples of what he said were judicial nominations requiring at least 60 votes for cloture to end a filibuster. I addressed this in more detail last week. Not one—not one—of those 12 of Senator DURBIN's supposed precedents is any precedent at all.

The first nomination on his list occurred in 1881, 36 years before we even had a cloture rule in the Senate. In fact, if we truly did what he apparently wants us to do, and treated his listed examples as a confirmation guide, we would vigorously debate judicial nominations, invoke cloture if we needed to, and then vote on the confirmations. That is what happened.

This game continued as recently as 2 months ago. On Monday, April 25, on CNN's "Crossfire" program, the leader of a prominent leftwing group claimed that more than 30 nominations—here is the list—had been filibustered. I have this list right here in my right hand. It is titled: "Filibusters of Nominations." It lists 13 judicial nominations out of the 30, and not one of them is at all like the filibusters being conducted today—not one. We did not even take a cloture vote on two of them. We invoked cloture on eight of them. We confirmed 12 of the 13. And the one we did not, did not have majority support, the Fortas nomination, but had bipartisan opposition.

Accepting such fraudulent arguments requires believing that ending debate on judicial nominations is the same as not ending debate, that confirming judicial nominations is the same as not confirming them, and that judicial nominations without majority support are the same as those with majority support. As you can see, the liberal propaganda machine has been working overtime.

In addition to these bizarre claims I described, they worked to turn what was once common sense and accepted fairness into something that sounds sinister and unseemly. They manufacture nasty phrases such as "court packing" and ominous warnings about "one-party rule." Now, we are told, preventing up-or-down votes on even majority-supported judicial nominations is the only way to prevent our entire constitutional order from imploding. The sky is falling, and we are all about to slide into the abyss.

The purveyors of this fantasy would have us look to President Franklin Delano Roosevelt who, they tell us, wanted to pack the Supreme Court. The Senate rejected his legislative proposal to expand the Court so he could appoint more Justices. By taking this stand, the storytellers say, the Senate kept one-party rule from packing the Court.

Well, as Paul Harvey might say: Here is the rest of the story.

The Senate, even though dominated by President Roosevelt's own party, did not support this legislative plan. And it turns out President Roosevelt did not need any legislative innovations to pack the Supreme Court. He packed it all right, doing it the old-fashioned way, by appointing eight out of nine Justices in 6 years. Mind you, during the 75th to the 77th Congress, Democrats outnumbered Republicans by an average of 70 to 20. Now, that is one-party rule.

In those years, from 1937 to 1943, our cloture rule applied only to bills. This meant that ending debate on other things, such as nominations, required unanimous consent. A single Senator in that tiny, beleaguered minority could conduct a filibuster of President Roosevelt's nominations and thwart the real court packing that was in full swing.

Now, if the filibuster were the only thing preventing one-party rule from packing the courts, and the filibuster were so easily used, surely there must be in history filibusters of President Roosevelt's Supreme Court nominations. If the warnings, frantic pleas, and hysterical fundraising appeals we hear today make any sense at all, the filibuster would certainly have been used in FDR's time.

I hate to burst anyone's bubble, but there were no filibusters, not even by a single Senator, not against a single nominee. In fact, FDR's 8 Supreme Court nominees were confirmed in an average of 13 days, and 6 of the 8 were confirmed without even a rollcall vote.

So if this is to protect the minority, why has it not ever happened before President Bush became President? Even when we look at the very examples and stories the other side uses, we see no support for using the filibuster against majority-supported judicial nominations.

Last week, here on the Senate floor, the distinguished Senator from Illinois repeated a selective version of this FDR story and asked what would happen today in a Senate dominated by the President's party. He asked:

> Will they rise in the tradition of Franklin Roosevelt's Senate?

Well, I hope we do. I hope the Senate does exactly what Franklin Roosevelt's Senate did, by debating and voting on the President's judicial nominations. Franklin Roosevelt's Senate did not use the filibuster, even when the minority was much smaller and the filibuster much easier to use, and this Senate should not do so, either.

Finally, the fourth piece to this diagnosis of our current situation is that Senate Democrats have threatened to shut down the Senate if the majority moves us back to the tradition—the 214-year tradition—of debating and voting on judicial nominations.

To avoid what most Americans believe Senators come to Washington to do—debate and vote—we are now threatened with a party policy of open obstruction, a nuclear option of shutting down the Senate, at least to anything but what they agree to. I said a few minutes ago that the Constitution's separation of powers assigns legislative business to Congress and executive business, including appointments, to the President. Some Senators on the other side of the aisle are saying if they cannot hijack what is not theirs, they will destroy what is theirs. If they cannot abandon Senate tradition and use the filibuster to defeat majority-supported judicial nominations, they will undercut and disable the legislative process. And they call us radical.

The Constitution gives the power of nomination and appointment to the President. The Senate provides a check on that power. I believe we must preserve the system of separated powers and checks and balances and resist those who would radically alter that system, turning the Senate's check on the President's power into a force that can overwhelm the President's power.

Every judicial nomination reaching the Senate floor deserves an up-or-down vote. I argued that during the Clinton years, and I prevailed as chairman of the Judiciary Committee. That principle has constitutional roots, historical precedent, and citizen support. President Bush has sent two highly qualified nominees that we know have bipartisan majority support. They deserve to be treated decently and, after a full and vigorous debate, given an up-or-down vote.

Our colleagues on the other side are trying to change our tradition. For the first time in more than two centuries, they want to use filibusters to block confirmation votes on judicial nominations here on the Senate floor. This radical innovation is not needed to prevent one-party rule from packing the courts. Republicans resisted using the filibuster under Roosevelt and Democrats should resist using it today.

Finally, all Americans should be most concerned with the threat of some of our colleagues on the other side. Because they are unable to seize control of a judicial appointment process that does not belong to the Senate, Democrats say they will shut down the legislative process that does belong to the Senate. This cannot stand. With all due respect, they need to get both their principles and their priorities in order.

Our former majority leader Bob Dole has a thoughtful column in today's New York Times also addressing Senate tradition and the prospect of returning to that tradition. No one loves this institution more than Senator Dole, and I think I am in that category, too.

I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 27, 2005]

UP, DOWN OR OUT

(By Senator Bob Dole)

In the coming weeks, we may witness a vote in the United States Senate that will define the 109th Congress for the ages. This vote will not be about war and peace, the economy or the threat from terrorism. It will focus instead on procedure: whether the Senate should amend its own rules to ensure that nominees to the federal bench can be confirmed by a simple majority vote.

I have publicly urged caution in this matter. Amending the Senate rules over the objection of a substantial minority should be the option of last resort. I still hold out hope that the two Senate leaders will find a way to ensure that senators have the opportunity to fulfill their constitutional duty to offer "advice and consent" on the president's judicial nominees while protecting minority rights. Time has not yet run out.

But let's be honest: By creating a new threshold for the confirmation of judicial nominees, the Democratic minority has abandoned the tradition of mutual self-restraint that has long allowed the Senate to function as an institution.

This tradition has a bipartisan pedigree. When I was the Senate Republican leader, President Bill Clinton nominated two judges to the federal bench—H. Lee Sarokin and Rosemary Barkett—whose records, especially in criminal law, were particularly troubling to me and my Republican colleagues. Despite my misgivings, both received an up-or-down vote on the Senate floor and were confirmed. In fact, joined by 32 other Republicans, I voted to end debate on the nomination of Judge Sarokin. Then, in the very next roll call, I exercised my constitutional duty to offer "advice and consent" by voting against his nomination.

When I was a leader in the Senate, a judicial filibuster was not part of my procedural playbook. Asking a senator to filibuster a judicial nomination was considered an abrogation of some 200 years of Senate tradition.

To be fair, the Democrats have previously refrained from resorting to the filibuster even when confronted with controversial judicial nominees like Robert Bork and Clarence Thomas. Although these men were treated poorly, they were at least given the courtesy of an up-or-down vote on the Senate floor. At the time, filibustering their nominations was not considered a legitimate option by my Democratic colleagues—if it had been, Justice Thomas might not be on the Supreme Court today, since his nomination was approved with only 52 votes, eight short of the 60 votes needed to close debate.

That's why the current obstruction effort of the Democratic leadership is so extraordinary. President Bush has the lowest appellate-court confirmation rate of any modern president. Each of the 10 filibuster victims has been rated "qualified" or "well qualified" by the American Bar Association. Each has the support of a majority in the Senate. And each would now be serving on the federal bench if his or her nomination were subject to the traditional majority-vote standard.

This 60-vote standard for judicial nominees has the effect of arrogating power from the president to the Senate. Future presidents must now ask themselves whether their judicial nominees can secure the supermajority needed to break a potential filibuster. Political considerations will now become even more central to the judicial selection process. Is this what the framers intended?

If the majority leader, Bill Frist, is unable to persuade the Democratic leadership to end its obstruction, he may move to change the Senate rules through majority vote. By doing so, he will be acting in accordance with Article I of the Constitution (which gives Congress the power to set its own rules) and consistently with the tradition of altering these rules by establishing new precedents. Senator Frist was right this past weekend when he observed there is nothing "radical" about a procedural technique that gives senators the opportunity to vote on a nominee.

Although the Democrats don't like to admit it, in the past they have voted to end delaying tactics previously allowed under Senate rules or precedents. In fact, one of today's leading opponents of changing the Senate's rules, Senator Robert Byrd, was once a proponent of doing so, and on several occasions altered Senate rules through majoritarian means. I have great respect for Senator Byrd, but Senate Republicans are simply exploring the procedural road map that he himself helped create.

In the coming days, I hope changing the Senate's rules won't be necessary, but Senator Frist will be fully justified in doing so if he believes he has exhausted every effort at compromise. Of course, there is an easier solution to the impasse: Democrats can stop playing their obstruction game and let President Bush's judicial nominees receive what they are entitled to: an up-or-down vote on the floor of the world's greatest deliberative body.

Mr. HATCH. As our current majority leader Bill Frist put it a few days ago: I never thought it was a radical thing to ask Senators to vote. That is what we have traditionally done on judicial nominations that reach the floor, and that traditional standard should apply across the board no matter which party controls the White House and no matter which party controls the Senate. We should bind both parties, Republicans and Democrats, to do what is right.

That is the diagnosis, and I hope we see an effective cure soon so we can get back to doing the people's business.

I started off by saying one of the problems here is that every one of these Presidential nominees who reaches the floor should have an up-or-down vote, especially since they are listed as qualified by the American Bar Association, most of them well qualified, the highest rating you can have. They all have majority bipartisan support. We should not change 214 years of Senate tradition because some in this body don't like President Bush's nominees.

People such as Priscilla Owen—she broke through the glass ceiling for women in this country and became a major partner in a major law firm. Her last election to the Texas Supreme Court was over 75 percent. She had every editorial board in the State of Texas supporting her; 15 former State bar presidents supported her, most of whom were Democrats. Yet they have called her an extremist.

Janice Rogers Brown, a sharecropper's daughter, came up the hard way, put herself through college and law school as a single mother, worked in California State government in a variety of positions, wound up on the California Supreme Court where she wrote, at least in the last number of years, the majority of the majority opinions. She got reelected by 84 percent of the California voters, more votes than any other person running for the Supreme Court that year, including her colleagues. Yet she is called an extremist because she is a conservative African American.

It is very dangerous stuff to say this will create nuclear war because we want to continue 214 years of Senate tradition. That is dangerous stuff. It is the wrong stuff. We ought to give these people a simple, straightforward up-or-down vote.

I notice the distinguished Senator from North Carolina is waiting. I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from North Carolina.

Mr. DURBIN. Madam President, if the Senator will yield briefly for a unanimous consent request, I ask unanimous consent that when the Senator from North Carolina has completed her remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Madam President, today I want to express my strong concern over the judicial nominations process. It is clear this process has completely broken down. Unfortunately, the rhetoric surrounding this important issue has become increasingly bitter over the past several weeks. Sharp words have been exchanged. The intentions of my fellow Republicans have been unfairly characterized and my colleagues on the other side of the aisle have even gone so far as to threaten to shut down the Government if the Senate were to exercise its constitutional right to set its own procedural rules. That is nuclear.

It is time to put aside the rhetoric for a moment and look at the facts. It is a fact that my Democratic colleagues have taken the unprecedented step of blocking not 1, not 2, but 10 nominees of President Bush to the Federal circuit courts of appeal. As a result, President Bush has the lowest appeals court confirmation rate for any first-term President since Franklin Roosevelt. It is a fact that each of these filibustered nominees has the support of a majority of Senators and each has received a rating of qualified or well qualified by the American Bar Association. It is a fact that today for the first time in our Nation's history, a President's nominees to the Federal bench are being required to receive a 60-vote supermajority rather than the traditional majority, the up-or-down vote, that has been the standard for 214 years. That is nuclear.

It is a fact that the ongoing filibuster of the President's nominees has prevented the Senate from fulfilling its constitutional duty to provide advice and consent to the appointment of men and women chosen to sit on our Nation's highest courts.

The former minority leader from South Dakota once lamented he found it simply baffling that a Senator would vote against even voting on a judicial nomination. I completely agree and note that every single one of President Clinton's judicial nominees who reached the Senate floor received an up-or-down vote. And contrary to what my friends across the aisle are so fond of saying, this includes the Paez and Berzon nominations to the Ninth Circuit.

By imposing a supermajority requirement for judicial nominees, the Democrats are disrupting the careful balance struck in the Constitution itself between Congress and the executive branch and allowing political considerations to play an even larger role in the confirmation process. They should heed the words of prominent Democratic legal advisor Professor Michael Gerhardt who, in another context, has written that a supermajority requirement for confirming judges would be "problematic because it creates a presumption against confirmation, shifts the balance of power to the Senate, and enhances the power of special interests."

For the last several weeks, instead of engaging in the hard work of compromise, some of my colleagues on the other side of the aisle have chosen to travel down the political road. We have seen pro-filibuster press conferences, other political events, and even an obstruction rally with the extreme liberal group MoveOn.Org. Liberal special interest groups are now spending millions of dollars across the country on television ads in support of judicial filibusters. One cannot help but reach the conclusion that these organizations, having failed to defeat President Bush at the ballot box in November, are now trying to advance their own liberal agenda through the only avenue left open to them—the Federal courts.

The judicial filibuster is their way of establishing a liberal litmus test. If you are not a liberal activist, you cannot serve on a Federal circuit court of appeals, or at least that is what the new standard appears to be.

Until now every judicial nominee with support from a majority of Senators was confirmed. The majority vote standard was used consistently throughout the 18th, 19th, and the 20th century for every President's nominees, Democrat or Republican, even Whig, until George W. Bush's judicial nominations were subjected to a 60-vote standard.

Let me emphasize one additional point. My friends across the aisle are well aware that no Republican—not one—is seeking to eliminate the ability of Senators to filibuster on legislative matters. We all recognize that the legislative filibuster has served an important function in our system of checks and balances. It is ironic, though, that nine of my Senate colleagues who are now working so hard to block President Bush's judicial nominees once advocated the elimination of the legislative filibuster. So who is playing politics?

I commend Majority Leader FRIST for his patience in trying to bring both sides together to develop a reasonable compromise on this difficult issue. Certainly no other majority leader has been faced with such unprecedented tactics in blocking the Senate's ability to fulfill its constitutional duty to provide advice and consent. I know Senator FRIST will continue to do what he feels is right for this body and for our country.

If he decides he is confronted with no other choice but to proceed with the constitutional option, I will fully support him. This approach is consistent with Senate precedent and has been employed in the past by some of the best parliamentary minds in this Chamber.

Our goal is to restore the practice, the tradition of 214 years, a simple majority vote for a President's nominees to the Federal bench.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 567, to provide a complete substitute.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is the third day we have been on a bill we have been working on for 2½ years. It is the same bill essentially that was passed last year by a margin of 76 to 21. We are anxious to get people to come down to the floor for amendments. I don't know of anyone coming down at this time. But I encourage all Members on both sides of the aisle to come down and utilize this time so we can get the amendments behind us.

I understand the Senator from Illinois has some comments he wishes to make. I yield to him some of our time at this time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the chairman of the committee. Let me say I share his sense of urgency about the underlying bill. This is a bipartisan bill, a bill Democrats and Republicans want to see passed, a bill to finance the building of roads and bridges and airports, to finance mass transit in what is critical infrastructure for America's economy. I do not have an amendment to the bill, but if I did, I would offer it because I think those who have them should bring them to the floor so we can move and get it done before we take a recess next week. I urge my colleagues on the Democratic side to follow the admonition of the chairman.

What brings me to the floor was a statement made earlier by the Senator from Utah which made reference to me. Senator ORRIN HATCH and I are friends. We disagree on a lot of things.

We vote differently on a lot of issues and we debate furiously, but we get along fine. I think that is what life should be like and what the legislative process should be like. He made a reference earlier to this whole question of the nuclear option, to which I would like to return for a few moments.

First, what is the nuclear option? People who don't follow the Senate on a regular basis have to wonder are they using nuclear weapons on the floor of the Senate? What could it be? "Nuclear Option" was a phrase created by Republican Senator TRENT LOTT to describe a procedure that might be used to change the rules of the Senate. The reason Senator LOTT called it the nuclear option was because it is devastating in its impact to the tradition and rules of the Senate.

I will put it into context. The Senate was created to give the minority in the Senate, as well as in the United States, a voice. There are two Senators from every State, large and small. Two Senators from the smallest State have the same vote on the floor of the Senate as Senators from larger States, such as

California, New York, Illinois, and Texas. That is the nature of the Senate. The rules of the Senate back that up. The rules of the Senate from the beginning said if any Senator stood up and objected, started a filibuster, the Senate would come to a stop. You think to yourself, how can you run a Senate if any Senator can stop the train? Well, it forces you, if you are going to move something forward in the Senate, to reach across the aisle to your colleagues, to compromise, to find bipartisanship, so that things move through in a regular way and in a bipartisan way. That is the nature of the filibuster.

Over the years, it has changed. You saw the movie "Mr. Smith Goes to Washington," when Jimmy Stewart stood at his desk, with his idealism and his youth, arguing for his cause until he collapsed on the floor. He was exercising a filibuster because he believed in it so intensely. We have said over the years that you can do that to any nominee, bill, or law on the floor of the Senate; but if a large number of Senators, an extraordinary number of Senators, say it is time for the filibuster to end, it would end. The vote today is 60 votes. So if I am perplexed by an amendment offered by one of my colleagues, and I stand up to debate it and decide I am going to hold the floor of the Senate as long as my voice and body can hold out, I can do that, until such point as 60 colleagues, Democrats and Republicans, come together and say: Enough, we want to move to a vote. That is what it is all about.

So what has happened is the Republicans now control the House, Senate, and the White House. What they have said is they want to change the rules. They want to change the rules in the middle of the game because they don't like the fact that Democratic Senators have used the filibuster to stop 10 judicial nominees President Bush has sent to Congress, sent to the Senate.

Now, for the record, the President sent 215 nominees; 205 were approved and only 10 were not. Over 95 percent of the President's judicial nominees have gone through. We have the lowest vacancy rate on the Federal bench in modern memory. So we don't have outrageous vacancies that need to be filled quickly. We decided—those of us who voted for the filibusters—that these 10 nominees went way too far; their political views were inconsistent with the mainstream of America. They were not consistent with the feelings and values of families across the country on issues as diverse as the role of the Federal Government in protecting health and safety, which is an issue nominee Janice Rogers Brown takes a position on that is hard to believe. She has taken a position on a case—a famous case called the Lockner case—which would basically take away the power of the Federal Government to regulate areas of health and safety when it comes to consumers and the environment. It is a radical position.

And then another nominee, William Myers—my concern about him and the concern of many Senators is the fact that he has taken a radical position when it comes to our Nation's treasury and heritage, our natural and public lands. He has taken a position where he backs certain lobby groups, but there is one that we think is inconsistent with mainstream thinking in America. So there is an objection.

Other nominees have taken what we consider to be far-out positions that don't reflect the mainstream of America and we have objected, which is our right. Now the President says: Enough, I am tired of losing any nominee to the Senate. Don't we have 55 Republicans? Should we not get what we want?

He is not the first President who has felt that way. Thomas Jefferson felt that way. Thomas Jefferson, in the beginning of his second term, came to the Senate and said: I am sick and tired of the judges who have been appointed to the Supreme Court. I want to start impeaching them.

You know what Jefferson's party said? No, Mr. President, you are wrong. The Constitution is more important than your Presidential power. They said no to Thomas Jefferson.

Franklin Roosevelt did the same thing at the beginning of his second term. He was unhappy that his New Deal legislation was being rejected. He came to the Senate and said: Let's change this and make sure we can put more Justices on the Supreme Court and get the votes we want.

His Democratic Party in the Senate said: No, Mr. President, we love you and we are glad you were elected, and we support your New Deal, but you have gone too far. Presidential power is not more important than the Constitution. They said no to him.

So now comes President Bush and Vice President CHENEY, and they have said: We don't like the fact that we only have 95 percent of our nominees approved; we want them all. We want to change the rules of the Senate—in fact, we will break those rules to change them so that President Bush can get every single nominee. Unfortunately, very few on that side of the aisle from the President's party are willing to stand up and say to this President, as Senators have said to President Jefferson and President Roosevelt: You are going too far. What you are doing here, sadly, is going to abuse the Constitution to build the power of the White House.

The Senator from Utah, Mr. HATCH, came in earlier and made a statement. He said every nominee should have an up-or-down vote. On its face, that sounds reasonable. We understand the rules of the Senate allow the filibuster and an extraordinary majority for nominees. What Senator HATCH failed to mention was that when he was chairman of the Judiciary Committee during the Clinton administration—those 8 years—over 60 Presidential nominees for the bench who were sent up by President Clinton to his committee were buried in committee without so much as a hearing. They didn't even have a chance to stand up and defend themselves, explain their point of view. Senator HATCH said, no. Over 60 Presidential nominees for President Clinton were stopped by Senator HATCH on the Judiciary Committee. I know; I served on the committee. I watched it happen. I heard Senator HATCH say every nominee should have an up-or-down vote. He is suffering from political amnesia. He has forgotten when he was in charge, 60 nominees never even had a hearing, let alone an up-or-down vote.

So we come to this point, a point where I think the issues are very clear. The Republicans are prepared, with the help of Vice President CHENEY—who announced over the weekend he supports them—to break the rules of the Senate, which are in a book that is seldom drawn out of our desks. The rules of the Senate say it takes 67 votes to change the rules of the Senate. That is a big number, 67 out of 100. The Republicans know they don't have 67 votes to change the filibuster rule, so they have decided to do it differently. They are going to wait until Vice President CHENEY is in the chair, and they are going to make a point of order that we should just have a simple majority vote on judicial nominees. And Vice President CHENEY is going to rule—he already said he would—and that is that. That is the end of the story.

So they are breaking the rules of the Senate to change the rules of the Senate, to eliminate a tradition and rule that has been around for 200 years. They are changing the rules in the middle of the game. The net result of that is this: The Senate will lose power when it comes to checks and balances. The President will have more power. It will mean that the President—this President, unlike President Jefferson and President Roosevelt—will trump the Constitution and will basically say: I am going to take more power away from the Senate. And his party will go along with that, even though President Jefferson and President Roosevelt had members of their own party stand up and say: Mr. President, you have gone too far.

The net result—the one that troubles me the most—is that we are talking about lifetime appointments to the Federal bench. If you take people who are so far out of the mainstream and stick them on a Federal bench for life, let me tell you, we don't have a clue what that is going to mean. But it is certainly worrisome that they could rule and change laws that we value as

Americans—laws that, frankly, cross both political borders and Democrats and Republicans have supported. When you put somebody on the bench with that much power for a lifetime, then you have to worry about them.

So we have tried to come to some conclusion. Senator REID of Nevada, our Democratic leader, came to the floor to describe in general terms what he has been doing. For weeks, he has been negotiating with Senator FRIST and speaking to other Republican Senators about avoiding this constitutional confrontation, avoiding a constitutional crisis, avoiding this effort to change the rules in the middle of the game. He has made an offer—a good-faith offer—to bring some of these judges forward, to talk about rule changes that are in the best interests of this institution: and, frankly, Senator FRIST said yesterday: No, we are not talking about it anymore. It is over.

That is unfortunate.

It is important that we continue a dialog. The good thing about the filibuster is that it brings us together in order to move a nominee or a bill. Republicans have to reach across the aisle to Democrats and Democrats have to reach across to Republicans. That is the way it should be in this Chamber. It should not be a line down the middle and a wall that cannot be breached. That is exactly what we face if the Republicans go forward with the nuclear option.

When I return to Illinois, they say: Senator, can we come together to pass this highway bill Senator INHOFE is bringing to the floor? We will and it will be a good, bipartisan bill. We have been waiting, but let's pass this bill on a bipartisan basis. They say: Senator, can't Democrats and Republicans work together to do something about health insurance? You don't even talk about it on the Senate floor. I think we can. I know that business interests, as well as labor interests, want us to bring up this issue and resolve it. We should do it on a bipartisan basis. They say: Senator, can't you sit down and find a Republican who wants to put more money into our schools for No Child Left Behind, so that we can have better schools, better teachers, better students?

Of course, we should move toward bipartisanship. But the nuclear option, sadly, is going to divide us, split us. Make no mistake, if the nuclear option goes forward, this will be a different Senate and not very good in the process, I am afraid. A lot will happen that will be bad for us. Some have said on the floor, well, certainly at that point the Democrats are going to shut down the Senate and the Government. Trust me, that is not going to happen. We saw that tactic once. Remember the name Newt Gingrich and the Contract with America? He was so emboldened by Rush Limbaugh, he said if we shut down the Federal Government, nobody will notice. We noticed in a hurry and it hurt the Republican Party when they did it. We are not going to make that mistake. We believe that important functions of this Government must move forward. The defense of America, the support of our troops, the passage of critical appropriations bills, the passage of a highway bill—those issues are moving forward. But the ordinary day-to-day business of the Senate, otherwise, is going to be changed a lot.

If the Republicans are prepared to break the rules to change the rules, sadly the Senate Democrats will have to say we must play by the rest of the rules. That means more time on the floor, more debate, Senators spending more time at their desks, more time in session, more time in Washington. You hear the complaint that 5,000-page bills come before us that nobody reads. We will read them. Important amendments will be read. Debate will take place, and instead of the Chamber almost always being empty, it may be almost always full. Things will change.

I think there is a better way. Senator REID has suggested a better way—that cooler heads prevail, that those truly interested in not only the institution of the Senate but the value of the Constitution come forward. We can protect the filibuster. We can make certain that we do it in a sensible way. But we can only do it if we are in a dialog.

Senator FRIST's comments yesterday are worrisome. At this point, I ask unanimous consent to have printed in the RECORD an article from the Chicago Tribune. It is an editorial of April 25, which supports the Democrats and opposes the nuclear option.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Chicago Tribune, Apr. 25, 2005]

DEMOCRACY AND THE FILIBUSTER

The most surprising thing about the Senate battle over the filibuster is that a dusty 200-year-old procedure could generate such fresh controversy. Republicans say Democrats have abused it so badly to block judicial nominees that it should be removed from their arsenal. Democrats say it is an indispensable tool to prevent the president from turning the federal courts over to extremist judges.

But the debate is really just the latest argument about the central issue of our system of government: how much power the majority should have.

There is no question that Democrats have misused the leverage afforded by the filibuster. This device is supposed to ensure that the Senate gets a full hearing on any controversy before it votes. Facing a Republican president and a Republican majority of 55 senators, however, Democrats have deployed the threat of a filibuster not to delay votes but to prevent them.

Contrary to Republican claims, though, this tactic is not unprecedented, and it wasn't invented by the Democrats. Republicans tried to filibuster several judges named by President Clinton, even though they controlled the Senate at the time.

Democrats were right to complain then, as Sen. Patrick Leahy did in 1999: "If we don't like somebody the president nominates, vote him or her down. But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of senators really shame all senators." Republicans are equally justified in objecting now.

But changing Senate rules to bar the use of filibusters against judicial nominees, as Republican leader Bill Frist of Tennessee has threatened to do, would be shortsighted and ultimately unhealthy. The filibuster, whatever its potential for misuse, is a vital safeguard against majority excesses. As such, it buttresses a constitutional framework ingeniously designed to keep the many from running roughshod over the few.

Although Americans have great faith in democracy, a Martian political scientist arriving here with no knowledge of our federal framework might think its purpose was not to empower the majority but to frustrate it. The Constitution contains a variety of mechanisms designed to make sure that public sentiment doesn't automatically get translated into policy.

The Bill of Rights, for instance, places certain subjects off-limits. The separation of powers, dividing authority among three different branches of government, serves as another check on the will of the people. A president can overrule the 535-member Congress and sustain a veto with as few as 34 senators. The Senate itself, of course, is at odds with pure democracy, because it allocates equal representation to each state, regardless of population.

The filibuster is merely a Senate rule, not a constitutional provision. But the reason it has survived for so long is that it fits well into the overall structure of our government.

Devices that obstruct the will of the majority can be an awful nuisance. But in the long run, the protections they offer against democratic excesses are worth the price.

Mr. DURBIN. Madam President, the Chicago Tribune, I can tell, is no liberal newspaper. They have a newspaper that takes conservative positions regularly, and they have decided that the nuclear option is the wrong way to go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I am anxious to yield the floor to the distinguished Senator from Indiana, who has an amendment to bring up at this time. But before doing that, I have sat and listened very carefully while Senator HATCH was talking about the constitutional option and the response from the Senator from Illinois. Sometimes you have to leave the individuals and hear what is being said outside this Chamber.

I have a couple editorials I am going to read at this time. The first is from yesterday's Investors Business Daily. Granted, that is generally a fairly conservative publication, and the next editorial I will read certainly is not one that would be identified as even moderate or conservative.

Investors Business Daily says:

Rules of order: The Democrats would have us believe filibustering is a time-honored constitutional and Senate tradition. It's not. And it wasn't that long ago that they felt quite differently.

A showdown now looms after Republicans on the Senate Judiciary Committee used their 10–8 majority to move the nominations of Janice Rogers Brown and Priscilla Owen for federal appeals court seats to the full Senate.

Democrats threaten to filibuster these picks. Majority Leader Bill Frist threatens to employ the unfortunately named "nuclear option" restoring the quaint notion that 51 votes constitutes a majority, and Vice President Dick Cheney says he's willing to be the tie-breaking vote to ban filibusters of judicial nominees.

Democrats are trying to portray GOP efforts to restore majority rule to the Senate as it relates to judicial nominations as an assault on the traditions of the Senate and the Constitution itself. As if the filibuster were James Madison's dying wish.

As a practical matter, the filibuster didn't even exist until the 1830s, when it was used to block legislation and not judicial picks. It was used by Democrats to defend slavery and oppose the Civil Rights Act—hardly noble purposes.

In 1841, the filibuster was used by Sen. John Calhoun to defend slaveholding interests. In 1957, then-Democratic Sen. Strom Thurmond held the floor for 24 hours straight to block civil rights legislation. And in 1964, 18 Democrats and one Republican blocked the Civil Rights Act for 2½ months.

In 1916, Senator Robert La Follette, a Republican, used it to block legislation to let merchant ships arm themselves against German U-boats. This prompted the Senate in 1917, at the behest of President Wilson, a Democrat, to adopt the first cloture rule, rule XXII, requiring a two-thirds to end debate.

This was amended 60 years later by none other than ROBERT BYRD, D-W.Va., the Senate's constitutional guardian and conscience, who reduced it to a three-fifths requirement.

In sum: For the first 200 years of our republic, Senate "tradition" never required 60 votes to approve judges. Filibusters are neither an idea of the Founding Fathers nor a historical tradition of the Senate. Cloture rules are a 20th century phenomenon, with the current rule less than 30 years old. Systematic filibustering of a president's appellate-court nominees is totally unprecedented.

Democrats didn't always love the filibuster. In September 1999, in a debate over Clinton appellate-court nominees, Sen. Patrick Leahy of Vermont thundered on the Senate floor: "Vote them up or down! That is what the Constitution speaks of in our advise-and-consent capacity." An up-or-down vote, he said then, was a "constitutional responsibility."

The year before, none other than Sen. Ted Kennedy of Massachusetts solemnly intoned: "We owe it to Americans to give these (judicial) nominees a vote. If our Republican colleagues don't like them, vote against them, but give them a vote."

In 1995, Sen. Tom Harkin of Iowa proposed a plan to end filibusters identical to one now proposed by Frist. The Harkin plan was supported by 19 Democrats, including Sens. Kennedy, Barbara Boxer of California, Joseph Lieberman of Connecticut, Russell Feingold of Wisconsin and John Kerry of Massachusetts.

Harkin proposed to establish a declining vote requirement for cloture so that by the fourth cloture vote, a simple majority of the Senate would suffice to end debate and allow a floor vote on the matter at hand.

In the Constitution, when the Framers intended more than simple majorities, they explicitly said so. For example, they require a two-thirds majority to convict in an impeachment trial, expel a member, override a presidential veto, approve a treaty or propose a constitutional amendment.

Senate Democrats once opposed the filibustering of judicial nominees; they now support and rail against a "nuclear option" they once proposed themselves. Republicans should expose this hypocrisy, stop worrying and learn to love the bomb.

I will not read the whole editorial from the L.A. Times, from yesterday. I will read the first two paragraphs, in deference to my good friend from Indiana.

They said:

These are confusing days in Washington. Born-again conservative Christians who strongly want to see President Bush's judicial nominees voted on are leading the charge against the Senate filibuster, and liberal Democrats are born-again believers in that reactionary, obstructionist legislative tactic. Practically every big-name liberal senator you can think of derided the filibuster a decade ago but now sees the error of his or her ways and will go to amusing lengths to try to convince you that the change of heart is explained by something deeper than the mere difference between being in the majority and being in the minority.

At the risk of seeming dull or unfashionable for not getting our own intellectual makeover, we still think judicial candidates nominated by a president deserve an up-or-down vote in the Senate. We hardly see eye to eye with the far right on social issues, and we oppose some of these judicial nominees, but we urge Republican leaders to press ahead with their threat to nuke the filibuster. The so-called nuclear option entails a finding by a straight majority that filibusters are inappropriate in judicial confirmation battles.

I ask unanimous consent that this entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Madam President, I will say this: It is unprecedented, that for 200 years there has never been a circuit court nominee by any President who had the majority support in the Senate to be filibustered. It never has happened until now.

EXHIBIT 1

[From the LA Times, April 26, 2005]

NUKE THE FILIBUSTER

These are confusing days in Washington. Born-again conservative Christians who strongly want to see President Bush's judicial nominees voted on are leading the charge against the Senate filibuster, and liberal Democrats are born-again believers in that reactionary, obstructionist legislative tactic. Practically every big-name liberal senator you can think of derided the filibuster a decade ago but now sees the error of his or her ways and will go to amusing lengths to try to convince you that the change of heart is explained by something deeper than the mere difference between being in the majority and being in the minority.

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But the Senate shouldn't stop with filibusters over judges. It should strive to nuke the filibuster for all legislative purposes.

The filibuster debate is a stark reminder of the unprincipled and results-oriented nature of politics, as senators readily switch sides for tactical advantage. Politicians' lack of consistency on fundamental matters—the debate over the proper balance of power between Washington and the states would be another case in point—is far more corrosive to the health of American democracy and the rule of law than any number of Bush-appointed judges could ever be. For one thing, it validates public wariness about politicians professing deep convictions.

Liberal interest groups determined to keep Bush nominees off the bench are in such a frenzy that they would have you believe that the Senate filibuster lies at the heart of all American freedoms, its lineage traceable to the Constitution, if not the Magna Carta. The filibuster, a parliamentary tactic allowing 41 senators to block a vote by extending debate on a measure indefinitely, is indeed venerable—it can be traced back two centuries. But it is merely the product of the Senate's own rule-making, altered over time; the measure was not part of the founding fathers' checks and balances to prevent a tyranny of the majority. The Senate's structure itself was part of that calculus.

The filibuster is a reactionary instrument that goes too far in empowering a minority of senators. It's no accident that most filibusters have hindered progressive crusades in Washington, be it on civil rights or campaign finance reform. California's Democratic Sen. Barbara Boxer, one of those recent converts to the filibuster, embarrassed herself by hailing Sen. Robert Byrd (D-W.Va.) as her inspiration at a pro-filibuster rally. At least Byrd is being consistent in his support—he filibustered the 1964 Civil Rights Act.

A showdown is looking increasingly likely, though it isn't clear that all Republicans want this fight. Some of them realize they will again be in the minority someday and that the filibuster is a handy brake on the federal government's activism. If their caution prevails, or if Republicans take on the filibuster only in the narrow context of confirmation battles, we will happily weigh in again in the future, still on the anti-filibuster team.

Mr. INHOFE. Madam President, I inquire of the Senator from Indiana, is he going to be offering an amendment?

Mr. BAYH. Madam President, I am.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, what is the pending business?

The PRESIDING OFFICER. The highway bill is the pending business.

AMENDMENT NO. 568 TO AMENDMENT NO. 567

Mr. BAYH. Madam President, I have an amendment at the desk, No. 568, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 568.

Mr. BAYH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries)

At the appropriate place, insert the following:

TITLE —OVERSEAS SUBSIDIES

SECTION 01. SHORT TITLE.

This title may be cited as the "Stopping Overseas Subsidies Act of 2005".

SEC. 02. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.

Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting "(including a nonmarket economy country)" after "country" each place it appears.

SEC. ___03. EFFECTIVE DATE.

The amendments made by section 02 apply to petitions filed under section 702 of the Tariff Act of 1930 on or after the date of the enactment of this title.

Mr. BAYH. Madam President, I thank my colleague from Oklahoma for his courtesy.

The highway bill we are currently debating is important, vitally important to building a strong economy for our Nation. It will create jobs today and raise productivity tomorrow, strengthening the American people in the global economic competition we face and, in so doing, offer better prosperity and security for our children.

This is only a small part of a bigger picture. It is only the beginning of what must be done if we are to ensure American prosperity and national security and a future for our children of which we can be proud.

The American people need a debate—a debate that starts today—about how to create that prosperity in a global economy, about what we must do and to what we must commit ourselves, and also about what we have a right to expect from others. It is a debate that will take time—time today, time this week, time repeatedly this year and for the foreseeable future. It is a debate that will define our generation and affect the American people for generations to come. It is a struggle from which our current leaders have all too often been missing, incoherent, naive, and shortsighted, and that must change.

As my colleagues know, I feel so strongly about this subject that I recently placed a hold—the first time I have done such a thing—on the prospective nomination of Ron Portman to be our next trade negotiator. I want to emphasize this action is not personal on my behalf. I met with Mr. Portman. He is a fine man. I have every reason to believe he is eminently qualified for the position for which he has been nominated. But our obligation in this Senate is not merely to confirm him in his new job but, in addition, to confirm that American workers and businesses can labor in a system where, through hard work, ingenuity, and sacrifice, they have a fair chance in the global "economyplace" to succeed. That, too often, is not the case, and the indifference and the inaction that has led to this must change.

Our amendment enjoys broad bipartisan support. I am proud to say Senators COLLINS, GRAHAM, and others support this undertaking. They know it is essential. We have bicameral support. Representatives ENGLISH, DAVIS, and many others support this amendment. They too know that something must be done.

Our approach enjoys support by both business and labor—the National Manufacturers Association, and many representatives of organized labor—because they have waited too long for justice, and the time for justice has arrived.

We have the broad support we enjoy because of a building consensus in our country. Even in a divided society, even in this divided institution, action is needed and can no longer be delayed or denied.

What is that consensus, Madam President? It is the American people must devote themselves to succeeding in a global competition, that we must provide for those who are adversely affected by that global competition, and that American workers and businesses have a right to expect that our competitors in this competition will play by the same set of rules as do we.

America must commit itself, we must commit ourselves—it is our obligation—to doing those things that are necessary to succeed in the global marketplace. Nothing else will do. We cannot wall up our country. We cannot shut out those with whom we would compete. We saw the consequences of that in Eastern Europe under communism. So when the walls come down, as they invariably do, they could produce nothing that the rest of the world could consume.

It reminds me, in some ways, of the siren song of protectionism of the Greek king who once sought to turn back the tide and stood on the beach commanding it not to come in, only to drown in the process. We must not follow that path. But to avoid following that path, we must have a strategy for success in the global marketplace that involves a robust commitment to research and development in the new goods, the new services, the new technologies of the future that will command good wages in the global marketplace, particularly in the area of energy independence.

We have an opportunity, as a society, to create hundreds of thousands of good-paying jobs, to address our imbalance of payments, to strengthen our finances, our economy, our environment, and our Nation's security in the process. That commitment has been missing for too long.

It is penny-wise and pound-foolish when we cut back on our investment in research and development. It demonstrates a lack of national will when we do not commit ourselves to increased energy independence. That must change.

What also must change is an increased commitment to an education for every American child, particularly the less-fortunate third, so they can be economically relevant in the global marketplace of today and tomorrow with the skills and the talents and the abilities to be globally competitive.

For too many of our less fortunate children, that still is simply not the case. So we have to redouble our efforts in K–12 education, and we need to open up the doors of access to college opportunity for every American child who is willing to work hard, play right, and do right themselves to get there.

The growing gap between the haves and have nots in America today increasingly is defined by those who have a college education and those who do not. Over the last 20 years, those who dropped out of high school or got a high school diploma that did not mean very much because the grades were the result of social promotion rather than actual achievement have seen their standards of living decline precipitously. Those in our country who received a college degree have seen their standards of living increase marginally. Those who have gotten an advanced degree have seen a dramatic increase in their prosperity and standard of living. So if we want to be globally competitive, we need to invest in the talents and the skills of our children and ensure that every child can have a college opportunity. That is a debate for another day. More needs to be done. More must be done if we are going to win the battle of global economic competition.

We also must do our part by committing ourselves to a course of fiscal sanity. The current budget imbalances simply are not sustainable, and they exacerbate the trade imbalance and the borrowing we must undertake from abroad. When it comes to our own budget deficits and imbalance, we only have ourselves to blame. We have to summon the national will to restore our finances, to ensure that we have a strong financial, fiscal situation in this country, to ensure that our children will inherit from us something better than our unpaid bills that have to be paid with interest to foreign countries and increasingly foreign banks. That is not right. We need to correct that situation. We need to redouble our efforts to increase our national savings through incentives for Americans to save more in the private sector so that we will increasingly be able to finance our demands at home.

We need to look through the prism of innovation in all that we do to ensure that we can be more rapid, more nimble, in terms of bringing new goods and services to market, and when we do that we need to ensure there is robust protection for our intellectual property rights abroad. All too often, that is not the case. We cannot allow a situation to develop where, when we do our part through research and development, through education, through fiscal sanity, through increasing our own domestic savings, through becoming more competitive and innovative, the fruits of that labor of that American genius are stolen by those abroad through violating our intellectual property rights. That cannot be allowed to continue further.

In addition to having a positive strategy for economic success in a global marketplace, we also have a moral responsibility to those who may be dislocated through no fault of their own as a result of that global economic competition. We must reach out to those Americans who are displaced and ensure that they have an opportunity to get back on the ladder of success, that every American has the prospect of being upwardly mobile in the global marketplace and that we do not just say to them, well, if they grew up 30 or 40 years ago and did not get the education they need, if they happen to be employed in the wrong industry that is suffering dislocations, that is too bad for them; they are in the scrap heap of history; they are on the wrong side of history; tough luck. That is social Darwinism, and we cannot take that path either.

For those of us who will benefit from the fruits of the global marketplace, consumers and industries that are globally competitive and enjoy comparative advantage, we have to take some of that success, some of those benefits, and put it into training, retraining, job placement, pension and health care portability, so that every American has a chance to be upwardly mobile and successful in the global marketplace.

There is also a growing consensus that even when we have done our part, even when we have adopted a strategy to be successful, even when we have defined our comparative advantage, when we provided for those who will be dislocated through no fault of their own, even when we have done all of that, others must do their part, too. We cannot stand idly by and watch the ingenuity, hard work, and sacrifice of the American people undone by the premeditated cheating—and that is what it is—of other countries because of their own narrow self-interests.

American workers and businesses too often are getting the shaft today, and that is not right. It is not right when those of us in the Senate stand idly by. It is not right when those in the administration turn a blind eye to this. That must change. We must enforce the rules of open global competition, and that is what our amendment will do. That is our obligation to our fellow citizens and our children.

The cheating—and as I have said, that is what it is—comes in many forms, such as the theft of intellectual property. I am told that more than 80 percent of the business software in China today is pirated. Barriers to U.S. exports, some in the form of tariffs, some not tariff barriers, such as our beef exports to Japan today—more on that in a moment—through currency manipulation, which we voted on in this Senate not long ago, giving a built-in 25- to 30-percent advantage to countries that do that—in this case, China—not because our workers are not as smart, not because they do not work as hard, not because the products are not as competitive, are simply because of financial engineering. Tens of thousands of Americans, when they get up in the morning, before they get dressed and go to work, start off with that kind of disadvantage through no fault of their own. How can we possibly look them in the face and tell them they are getting an even shake in the global marketplace? How can we possibly call that free trade? It is not. We know it is not. And it has to change.

Illegal subsidies is another form of cheating. Free rent, free power, loans never intended to be repaid—that is not free trade. It is the opposite of free trade. It is economic engineering by other countries to the detriment of American workers and businesses, and that has to stop. It is well known.

In its recent report to the Congress, the congressionally mandated and bipartisan U.S.-China Economic and Security Review Commission stated:

> There was a general consensus in the testimony that China remains in violation of its WTO obligations in a number of important areas.

In a hearing before the Ways and Means Committee 2 weeks ago, a representative of the U.S. Chamber of Commerce highlighted a number of concerns:

> . . . China's post-WTO accession use of industrial policy—

Not free trade, industrial policy—

> including the use of targeted lending, subsidies, mandated technology standards rather than voluntary, industry-led international standards, discriminatory procurement policies, and potentially, antitrust policy—to structure the development of strategic sectors is of mounting concern.

Industrial policy, not free trade. That is what we seek to change, a global competitive marketplace where the laws of comparative advantage will rule, where citizens of every country will have a right to work hard, think smart, be nimble, bring goods and services to the marketplace, and let the best man and woman win. Too often that is not the case today. It is the case on the part of our workers but not on the part of their competitors, and that is what has to stop. That is what this amendment will do.

Our Government is well aware of this but too often chooses to turn a blind eye. The time for the Senate turning a blind eye has to stop. I think about the case of Batesville Tool and Die in Indiana and the fact that their competitor, in this case from China, sells their product in the United States of America for one-half of a penny above the cost of the raw materials, leaving nothing for labor, nothing for transportation, nothing for marketing. There has to be an illegal subsidy there. It is the laws of physics and the laws of economics. Currently there is nothing in our law that allows us to do anything about it. If the laws of economics are going to make sense, our law better insist that we have a right to end this kind of industrial policy and cheating. That is what our amendment will change.

I think about the National Association of Manufacturers, an organization that embraces free trade, and a pair of pliers they held up when we announced our amendment a few months ago, a pair of pliers sold at the cost of raw materials—the same thing, leaving nothing for anything else. Obviously an illegal subsidy violating the rules of the WTO is in place there, and that has to change.

I think about a foundry I visited in northeast Indiana where they stopped production so that I could address the workers several months ago. A foundry is a dirty business. These guys had soot on their faces and grime on their clothes, and they gathered around to hear me speak. I looked at them, and I in good conscience could no longer look them in the face, knowing the kind of burdens they labor under, the unlevel playing field, the kind of cheating that takes place, knowing they are willing to work hard for a living, and that too often that can be undone by those who are not willing to do the same or are willing to cheat to have their way. That is what has to stop, and that is what this amendment will change.

The time has come to take a stand. Our prosperity is at stake. The global marketplace, the global trading system, cannot work. When our global competitors have a comparative advantage, we buy their goods, but then when we have a comparative advantage, when American workers can produce something quicker, smarter, and cheaper than anybody else, they still do not get to sell their products abroad. They are still defeated at home because of cheating. It just will not work, and that is what this amendment will help to change. Our national sovereignty is at stake, our very sovereignty as a nation.

I do not know how many of my colleagues or the American people noticed several weeks ago that the President of the United States got on the phone and he called his colleague, the Prime Minister of Japan, and he said: You have been keeping our beef exports out of your country for too long. We are pretty good at producing beef in the United States, and you are using the excuse—and it is an excuse now—of the mad cow scare a couple of years ago as an informal trading barrier to keep our products out. You know what, we buy a lot from you. You ought to bring this nontariff barrier down. It is only the right thing to do.

So they had this exchange, and then shortly thereafter, whether by accident or not, the Prime Minister happened to say, well, maybe the time has come for Japan to start diversifying its financial holdings out of dollar-denominated assets, and for the next several hours the value of our currency, the value of our money, began to go into a free fall until some bureaucrat down in the bowels of the Finance Ministry came out and said the Prime Minister did not really know what he was talking about, it is not true.

Well, that is one thing. But a couple of weeks before that, there was a rumor going through Seoul, the same kind of thing—maybe the South Koreans would start diversifying out of dollar-denominated assets. That started a run on our currency, too.

It is not a sign of strength, it is not a sign of independence, it is not a sign of security when something as fundamental as the value of our money can be undermined by a slip of the tongue or a premeditated statement or a rumor sweeping a foreign capital. That is not the sign of a great nation; it is the sign of dependency, of weakness. It is something that can no longer be allowed to continue if we are going to have the kind of security for our children that we want them to have and that they deserve.

Make no mistake, our Nation's security is at stake. A strong military and the current financial imbalances we are running cannot be sustained indefinitely.

There was a book several years ago by Paul Kennedy called "The Rise and Fall of Great Powers." It pointed out that the undoing of great nations had all too often been the result of their economic and financial weakness.

The percentage of GDP we are currently spending on national security and military expenditures substantially outstrips that of our economic competitors, freeing them to invest a substantially greater percentage of their wealth in productive assets.

As the only global superpower and the principal leader in the war against terror, we cannot afford to cut back on our investment in national security. At the very least, we can insist that those who benefit from our efforts in the fight against terror, who benefit from our efforts to provide for global security, play by the same set of economic rules so that we do not undercut the very prosperity that allows us to fight the war on terror and provide for global economic security. The two have to go hand in hand. For the last several years there has been a decoupling that cannot go on indefinitely. If we do not correct this situation, we not only undermine our prosperity and our financial strength, we undermine our very sovereignty and our Nation's security. The debate about leveling the field and enforcing the rules on global trade is very much, in the long run, a debate about national security as well.

Finally, let me sum up by saying two things. First, I know a lot of people want to talk about China. We had a debate on that and a vote with regard to currency manipulation a couple of weeks ago. Our relationship with China is one of the most important relationships over the next 50 to 100 years. They are a great nation with a great culture and a bright future. Our relationship with them will be at times complex and difficult. It is only going to work if the relationship is mutually beneficial in a number of ways, and in the economic arena as well.

The nation of China has its challenges and we want to see them successfully meet those challenges. But we have challenges, too, and they must be committed, equally committed to seeing us meet our challenges if this relationship is going to work as it must. It is simply not right that to ease the absorption of surplus workers in agriculture in China, we are asked artificially to throw out of work and put out of business American workers and businesses in our heartland. That is fundamentally not just. Stability and growth in China are important, and we should help them in that regard but not at the cost of our own. It is time that we insisted we achieve both.

Let me conclude by saying I am optimistic about our future. With the right kind of leadership there is little that the American people cannot accomplish. But as the old saying goes: If you don't know where you are going, well, any road will lead you there. We must have a strategy for success and prosperity. If we do, I am convinced we can get the job done because we have done it before.

If I had been addressing this Senate 100 years ago, more than half of our workers would have been employed in agriculture—more than half. Today it is about 3 or 4 percent. As we made the transition from an agricultural economy to a manufacturing-based economy, the United States of America did not dry up and blow away. There were difficulties but we met the challenge. We reinvented our economy and increased our prosperity and our standing in the world as a result.

If I had been addressing this Senate 50 years ago, more than 30 percent of the American workers would have been employed in manufacturing. Today it is about 12 percent. Again, as the global economy began to change, as our domestic economy began to change, we did not dry up and blow away. There were difficulties. There were challenges. But we have been growing the service sector of the economy and the innovative and other parts of the economy.

So as we fight to save every kind of manufacturing job where we can be competitive in advanced manufacturing and other sections of the manufacturing sector, we have grown other parts of the American economy as well. We can continue to do that but only if we are willing to stand up for American interests and competitiveness and not allow the genius of our people to be stolen and undermined by the premeditated cheating and self-interest of other nations to which we turn a blind eye, or don't have the stomach to stand up to. That has to stop and that is what our amendment will do.

It will enable the American people to preserve our prosperity—when we are right, when we are competitive, when we have an advantage—and will enable us to go on and grow parts of our economy and grow good jobs at good wages where we have that advantage and allow our consumers to buy products from countries where they have the advantage. It will do right by our children. It will do justice to our workers. It will strengthen our national security, our sovereignty, our finances, and our prosperity. It is the right thing to do, and that is why I propose this amendment and that is why I ask for my colleagues' support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the amendment of the distinguished Senator, it is my understanding, is one that has been in consideration in the Finance Committee. There is a freestanding bill called "Stopping Overseas Subsidies Act of 2005." Is that correct?

Mr. BAYH. That is correct.

Mr. INHOFE. Madam President, the chairman of the committee has advised me that they have been working on this bill for quite some time. As chairman of the Environment and Public Works Committee, and author of the highway bill, I suggest there are titles of the bill that are not within the jurisdiction of my committee. One is the Finance Committee title. The title is not yet here, so we do not have that to consider at this time.

I think it would be more appropriate later on, after we receive the title, to debate that in the normal process of legislation.

Mr. GRASSLEY. Mr. President, I rise in strong opposition to this amendment.

First, let me say I am profoundly disappointed by the way this issue has been handled over the past several weeks.

My staff has been working hard with some of the proponents of this legislation to fully understand the pros and cons of the legislation.

In fact, a meeting was held with the proponents just prior to a press release being issued saying that a hold was being placed on a nominee unless a vote were taken on the bill.

I thought we were making good progress. Needless to say, I was very surprised to learn of that development. No one asked me about it.

Let's be clear. I share concerns about China's economic policies and the impact of those policies on international trade and the U.S. economy.

At this point, however, I'm not convinced that the Bayh amendment is the best possible policy response we can provide to China's economic policies.

The amendment would substantively change United States trade law, and it is imperative that the repercussions be fully understood before we move ahead with the proposed change.

That's why the committee process should not be circumvented. The Finance Committee has jurisdiction over issues of international trade, and its expertise should be brought to bear on any trade issue before its consideration by the full Senate.

When that process is not respected, we run the risk of adopting ill-thought out policy which in the end could undermine the very intent of legislation that is rushed in as an amendment, as Senator BAYH proposes we do in this case.

For starters, I understand that the bill may not even be necessary, as it's possible this change could be implemented administratively rather than legislatively.

We should explore with Administration officials the feasibility of implementing an administrative change, what that would entail and how that might best be accomplished.

The proposed legislation doesn't give the Commerce Department any flexibility to develop appropriate regulations and procedures to implement this provision.

Such a significant change from established practice should at least incorporate sufficient flexibility so that it can be implemented properly. Otherwise, proponents run the risk of undermining their very goal.

Why wouldn't proponents want to ensure that such a significant change in the operation of our trade laws is implemented properly?

Again, that's why the Finance Committee should have the opportunity to address the details.

There are other repercussions that should be examined. How does the proposed legislation relate to China's accession to the WTO for example?

Is it consistent with the terms of our bilateral agreement on China's WTO accession?

Those questions should be answered before we move ahead on this legislation.

Another very serious issue is the relationship between this legislation and existing U.S. trade law.

It's quite possible that by adopting this bill we could undermine the application of U.S. antidumping law, and I doubt any of my colleagues would advocate that result.

It is even possible that this amendment could force us to relinquish application of the nonmarket antidumping methodology in dumping cases.

That question needs to be addressed thoroughly before we move ahead on this legislation. Proponents may offer blanket assertions to the contrary, but that is not sufficient, in my view.

We should not run the risk of undermining our trade laws by pushing this amendment onto a bill today.

I hope Senator BAYH will reconsider his decision and withdraw the amendment.

If not, I hope my colleagues will join with me in opposing his amendment until we can fully appreciate its repercussions.

Mr. President, I yield the floor.

Mr. INHOFE. I will be glad to respond to any questions the Senator has, after I get one thing taken care of here.

Madam President, I ask unanimous consent that at 1:30 p.m. the Senate proceed to executive session for the consideration of Calendar No. 39, the nomination of J. Michael Seabright, to be U.S. district judge for the Southern District of Hawaii; provided further that there be 30 minutes for debate equally divided between the chairman and the ranking member or designees, and that at the expiration or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; provided further that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, as we said over and over again, I have a list of about eight amendments people have said they want to come down and offer. This is the third day now we have been inviting them to come down. So far only Senator THUNE has brought his amendment in. We did adopt that amendment. I encourage others to come down.

I think this could very well be considered by most people the most significant vote on a bill we will be considering on the floor this entire year. We want to make sure, while we have the time, that we give adequate consideration and time for the amendments that different Members may have. I invite them to come down at any time during this process. With that, I yield the floor.

Mr. BAYH. Did my colleague have a question?

Mr. INHOFE. It is my understanding the junior Senator from Missouri would like to have the floor for consideration of an amendment. But I will yield the floor at this time.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 582 TO AMENDMENT NO. 567

Mr. TALENT. Madam President, I have an amendment to send to the desk. I ask unanimous consent the Bayh amendment be set aside so I can do that, offer the amendment; and then, at the end of the 3 or 4 minutes I am going to use to offer the amendment, that we would go back to the Bayh amendment. That would be my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT] proposes an amendment numbered 582 to amendment No. 567.

Mr. TALENT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Transportation to conduct a program to promote the safe and efficient operation of first responder vehicles)

At the appropriate place, insert the following:

SEC. . FIRST RESPONDER VEHICLE SAFETY PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator, National Highway Traffic Safety Administration, shall—

(1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;

(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) PARTNERSHIPS.—The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) PUBLIC OUTREACH.—The Secretary shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2006 to carry out the provisions of this section.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, I thank my friend from Oklahoma and my friend from Indiana for allowing me to get this amendment pending. I am very hopeful we will eventually get it accepted. I am working with the chairman and ranking members of both the full committee and subcommittee to get that done.

The purpose of the amendment is to address the problem of the increasing number of accidents occurring in which either parked first responder vehicles are rear-ended by other vehicles or the first responder is struck after leaving the vehicle.

In first responders—such an antiseptic term—we are talking about our police officers, our ambulance workers and drivers, our firefighters who are dealing with the issue of a car that is parked on the side of the road, maybe because the police officer pulled the car aside, or because the car has been abandoned, or it is on fire. It is all too often the case in this country that our first responders who are working on those situations are injured or killed by a passing vehicle.

I will share the story of a Missouri law enforcement officer who tragically lost his life this way. I know there have been many more such as him around the country. Michael Newton was a State trooper for the Missouri highway patrol. He stopped a vehicle on Interstate 70 in Lafayette County, MO, for a traffic violation on May 22, 2003. He and the other driver were sitting in the patrol car when they were struck from behind by a pickup carrying a flatbed trailer. Trooper Newton died at the scene. The driver he had stopped suffered serious burns. Trooper Newton was only 25 years old. He left a wife, two young sons, many loving relatives, and a community that deeply mourned his loss and was very grateful for his service to the State of Missouri.

In 2003, 193 other people lost their lives in crashes involving emergency vehicles, including 141 lives lost in crashes involving police vehicles, 29 lives lost in those involving ambulances, and 24 lives lost in crashes involving firetrucks.

According to the National Law Enforcement Officers Memorial Fund, vehicle-related incidents are the No. 1 cause of police officer injuries and the No. 2 cause of police officer deaths. In 2004, 73 out of 153 police officer deaths were vehicle related. Not all of those involved parked cars, but most of them did.

I was very surprised to see those statistics and deeply concerned that we have not informed people and raised their awareness about this problem. That is what this amendment is designed to do. My Pass With Care amendment requires the Secretary to start a nationwide publicity campaign through public service announcements, developing a Web site, providing informational materials, to increase public awareness of this crucial safety issue.

Our first responders, our police, our firefighters, our ambulance workers dedicate their lives to helping protect the rest of us. They save so many lives through their heroic efforts. If more people realize they can help protect our first responders by quickly and safely pulling over when they hear an emergency siren or being more careful when they see a first responder vehicle parked on the road or the shoulder of the road, that will reduce the risks for our law enforcement, health workers, and firefighters.

The amendment requires the Secretary, in consultation with the National Highway Safety Administration, to develop and implement a program to promote compliance with State Pass With Care laws and "move over" laws. Those laws govern how motorists pass and yield to first responders' vehicles.

The Secretary, under my amendment, would compile a list of best practices to promote compliance with such laws, would conduct an analysis of the various State and local laws that deal with the safety of first responder vehicles, and from that analysis develop model legislation that States can adopt should they choose to do so.

Unfortunately, only 27 States currently have Pass With Care laws or "move over" laws. The amendment would help give guidance to the remaining States on drafting laws that would help save lives. The Secretary would be authorized to enter into partnerships with safety organizations and engage with public outreach to help improve first responder safety.

This is not an amendment that would be coercive on the States. I tried to be sensitive to that in drafting it. It is what we can do as an alternative to mandating the States in this area to help provide a clearinghouse of information for them to help develop model legislation and also in appropriate ways to develop an increased public awareness of this problem.

If people become more aware of this as the bill goes through and as a result of an awareness campaign the Secretary would conduct, that in itself would probably reduce the number of deaths.

I was surprised to hear of the number of first responders who are imperiled. If we can help them by raising awareness, I think we ought to do it. I am pleased to introduce the amendment on behalf of our first responders at risk on our roads and highways. They should not be at risk. I urge the Senate to pass the amendment to help strengthen these laws, and ensure the safety of our first responders.

I certainly am willing to work with the managers of the bill to help deal with any concerns they may have regarding the wording of the amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF J. MICHAEL SEABRIGHT TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there are 30 minutes, equally divided, for debate on the nomination.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased and hnored to speak in support of J. Michael Seabright of Honolulu, Hawaii, who has been nominated by the President to serve as a Federal district court judge for the District of Hawaii.

Mr. Seabright graduated magna cum laude from his undergraduate alma mater of Tulane University, before going on to attend The National Law Center at George Washington University, where he received his juris doctor and graduated with high honors as a member of the Order of the Coif.

At George Washington, he further distinguished himself by serving as the editor of the George Washington Journal of International Law & Economics.

I have had the pleasure of knowing Mr. Seabright since he arrived in Hawaii 20 years ago, having watched him as he successfully became a member of the Hawaii State Bar Association, and became involved in our community.

Now Mr. Seabright stands out as a leader in the legal side of law enforcement, where he developed the District of Hawaii plan for implementing "Operation Triggerlock-Hawaii," a Federal-local effort aimed at the prosecution of violent armed career criminals in Federal court.

His broad experience in prosecution, from violent crimes to government corruption, have provided him a balanced perspective of the criminal justice system that will continue to serve him well as he prepares for this most recent development in his career of public service.

Mr. Seabright's work for Hawaii goes beyond his professional commitments as an assistant U.S. attorney, however. He has served on the Hawaii Supreme Court's disciplinary board since 1995 and holds the chairmanship of its rules committee, which is charged with the drafting proposed rules for the Hawaii Rules of Professional Conduct.

He was also a member of the Hawaii State Board of Bar Examiners, and has been an adjunct professor at the University of Hawaii William S. Richardson School of Law.

This extraordinary record of achievement has now culminated with his nomination to the Federal bench, and amply supports the favorable reports he has received from the Hawaii State Bar Association, the American Bar Association, and the Federal Bureau of Investigation.

I am confident that his record will prove equally impressive to the full Senate, and I trust that he will become the 206th of Mr. Bush's judicial nominees to be confirmed to the Federal bench. I hope my colleagues will join me in voting in favor of Mr. Seabright.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. AKAKA, is recognized.

Mr. AKAKA. Mr. President, it is with great pleasure that I join Senator INOUYE in support of the nomination of Mr. J. Michael Seabright for the U.S. District Court for the District of Hawaii. The Hawaii State Bar Association has found Mr. Seabright to be highly qualified for the position of U.S. District Court Judge in Hawaii. This is of significant importance to me, as I value the opinion of Hawaii's legal community in evaluating those nominated to serve as judges.

Mr. Seabright has practiced law in the State of Hawaii for over 20 years, in a number of capacities, including both private practice and public service. Mr. Seabright has been employed by the U.S. Attorney's Office for the District of Hawaii for the past 15 years, and he has headed the white-collar and organized crime section since 2002.

I am very pleased that this position, after being vacant for so many years, will now be filled by an individual as qualified as J. Michael Seabright. For the past few years, I have heard from jurists and a number of attorneys in Hawaii about the need to fill this judicial vacancy. I am encouraged to see that with the consideration of this nominee the Senate will continue its tradition of fulfilling its advice and consent role under the Constitution.

I urge my colleagues to vote in favor of Mr. Seabright's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it has taken some time, but the Senate Republican leadership will finally allow the Senate to consider the nomination of Michael Seabright to be a United States District Court Judge for Hawaii. I commend the distinguished Senators from Hawaii for their effort in identifying this consensus nominee. When Mr. Seabright is confirmed by an overwhelming, bipartisan vote of the Senate, he will be the 206th nominee of this President confirmed to a lifetime appointment to our Federal courts.

This is only the second judicial nomination Senate Republicans have been willing to consider all year. There has been no filibuster of judicial nominees this year. Instead, it is the Senate Republican leadership that, through its deliberate inaction, is keeping judgeships unnecessarily vacant for months. With this nomination and with the nomination of Judge Crotty, I was the one asking for months for the nomination to be considered, debated, voted, and confirmed. For the last several weeks, I have been calling upon the Republican readership to proceed to the confirmation of Michael Seabright to the District Court of Hawaii.

All Democrats on the Judiciary Committee had been prepared to vote favorably on this nomination for some time. We were prepared to report the nomination last year, but it was not listed by the then-chairman on a committee agenda. I thank Chairman SPECTER for including Mr. Seabright at our meeting on March 17. The nomination was unanimously reported and has been on the Senate Executive Calendar for more than a month. It is Senate Republicans who resisted a vote on this judicial nominee, not Democrats. In their fashion, they did so without any explanation akin to the anonymous "holds" that doomed more than 60 of President Clinton's judicial nominees not so long ago.

Once confirmed, Mr. Seabright will be the 206th of 216 nominees brought before the full Senate for a vote to be confirmed. That means that 829 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. It is regrettable that Republican delay has now pushed the Senate behind even the pace set by the Republican majority in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider any circuit court nominees for the entire session and only 17 district court nominees were confirmed. The Republican Senate has fallen behind that pace.

Of the 47 judicial vacancies now existing, President Bush has not even sent nominees for 29 of those vacancies, more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so again, today. The Democratic leader and I sent the President a letter in this regard on April 5, but we have received no response.

It is now the last week in April. We are almost one-third through the year and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate, and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees such as Michael Seabright who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from Hawaii for their efforts to work cooperatively to fill judicial vacancies. I only wish Republicans had treated President Clinton's nominees to vacancies in Hawaii with similar courtesy. Had they, there would not have been the vacancies on the Ninth Circuit and on the District Court. The work of the Senators from Hawaii is indicative of the type of bipartisan efforts Senate Democrats have made with this President and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support.

The truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The Hawaii judgeship at issue here has been vacant for more than 4 years, since December of 2000 when Judge Alan Kay took senior status. President Clinton made a nomination to that seat in advance of the vacancy, but the Republicans in control of the Senate refused to act on it. They preserved the vacancy for a Republican President.

In 2002, President Bush nominated James Rohlfing to the vacancy. That nomination failed, however, because in the view of his home State Senators and the American Bar Association, he was not qualified for the position. It took the White House more than 2 additional years to agree. Finally, in May 2004 that nomination was withdrawn by President Bush.

The administration finally got it right after consultation with the Hawaii Senators. The President sent Michael Seabright's name to the Senate last September. An outstanding attorney who has experience in private practice as well as a sterling reputation as an Assistant United States Attorney, Mr. Seabright merited consideration and swift confirmation. Despite his reputation as a law-and-order Republican, Republicans would not move on Mr. Seabright's nomination last Congress. The President took his time renominating Mr. Seabright and even then it took repeated requests to get his nomination included on the agenda of the committee. When he was considered on March 17, he was reported with unanimous support. Senate Democrats have long supported and requested action on this nomination.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation, and appointment of consensus nominees with reputations for fairness. The Seabright nomination, the bipartisan support of his home State Senators, and the committee's action by a unanimous bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 29 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks, we have heard some extremists call for mass impeachments of judges, court-stripping, and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge the President to disavow the divisive campaign and, instead, do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and, most importantly, the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm consensus nominees to these important lifetime posts on the Federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the constitutional limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly-owned subsidiary of his political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the Executive branch by their use of what has become knows as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong federal judiciary and, ultimately, at their rights and freedoms.

Mr. President, I commend the two Senators from Hawaii, Mr. INOUYE and Mr. AKAKA, for their support and their work with the White House in getting this nominee to the floor. I commend the White House for working with them.

This nominee was confirmed unanimously in the Senate Judiciary Committee, Republicans and Democrats joined alike. I urge on our side of the aisle that all Senators vote for him.

I have been advised by the distinguished members of the Republican side of the aisle that they are willing to yield back their time. So I ask that all time on either side on this nominee be yielded back so we can go to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. BIDEN), are necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Baucus
Biden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

Mr. INHOFE. Mr. President, I ask unanimous consent that we set aside the pending Bayh amendment for the purpose of adopting an agreed-to amendment, the Talent amendment, and go immediately back to the Bayh amendment.

Mr. BAYH. With that understanding, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 582

The PRESIDING OFFICER. Is there further debate on the Talent amendment?

If not, the question is on agreeing to amendment No. 582.

The amendment (No. 582) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 568

The PRESIDING OFFICER. Under the previous order, the Bayh amendment will be the pending amendment.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to show my strong support for the Bayh amendment on countervailing duties, and I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I commend my friend and colleague from Indiana for his vision on the issue of what we need to do to create a level playing field for our businesses and workers. This is an important amendment.

I have spoken forcefully about our need to address the unfair trade practices of those with whom we trade. A necessary step in this process is to change those U.S. laws that hinder our industries from operating on a level playing field. That is what this amendment addresses. Our businesses, our workers have an expectation that we will provide a level playing field for them, and we need to deliver on that. This amendment is a good step in that direction.

Unfair trade practices are hurting our U.S. manufacturers and costing jobs. In my State of Michigan, I regret to say, we now have the highest unemployment rate in the country. At the time when our Nation's countervailing duty laws were approved in 1979, the Department of Commerce decided it was impracticable to apply those laws to nonmarket economies such as China due to the difficulty of determining what defines a government subsidy within the context of a state-controlled economy.

However, since that time, many nonmarket economies have undertaken significant economic reforms that have liberalized the state control over their economics. Unfortunately, however, some of these nations, such as China, refuse to comply with standard international trading rules and practices and use subsidies and other economic incentives to give their producers an unfair competitive advantage. This has a direct impact on job loss in Michigan, as well as in other States.

As we all know—and it has been documented—these subsidies range from currency manipulation, to providing below interest rate loans to less than creditworthy companies, to providing preferential access to raw materials and other input. I should mention that I was very proud to be a part of the effort to get a very strong vote a few weeks ago; 67 Members on both sides of the aisle joined to send a message both to the White House and to China that we expect China to stop manipulating their currency, which means it costs more for us to sell to them than for them to sell to us. It is part of what we need to do to level the playing field. I hope that because we have joined together in the vote we had on a very strong bipartisan basis, we will see the same kind of vote on this Bayh amendment.

I will give you a few examples of how this hurts Michigan manufacturers and workers directly. Counterfeit automotive products are a very big problem in Michigan. Not only does it kill American jobs, but it has the potential to kill Americans as cheap, shoddy automotive products replace legitimate ones of higher quality. The American automotive parts components industry loses an estimated $12 billion in sales on a global basis to counterfeiting. This must stop. We don't even keep statistics on the potential loss of life.

The United States is losing manufacturing jobs as a direct result of China's policies. China's policies have cost our economy 1.5 million jobs in the last 15 years and 51,000 jobs alone in Michigan. These job losses are hurting all of our manufacturers, from apple juice, to auto parts, to clothing, to furniture.

At this stage, U.S. industries have no direct recourse to combat subsidies used by nonmarket economies. They must rely upon the Federal Government to negotiate a settlement, or on the dispute settlement processes of international organizations, such as the WTO.

Why do we put such a strain on our own businesses? The remedies available currently might eventually lead to relief, but it takes years to see relief. We are losing jobs every day. There are headlines every day in Michigan about job loss. We have to have a sense of urgency here in the Senate and in the Congress and in the White House.

The Bayh amendment would change the situation to ensure that nonmarket economies are subject to the same countervailing duty laws as all other trading nations.

At a recent Finance Committee hearing on his nomination, Congressman PORTMAN said he thinks "we . . . need an additional focus on China. After a top-to-bottom review, I would plan to shift some resources, including some people to that effort."

I certainly encourage him to do that. I also want to indicate at this time that Congressman PORTMAN indicated support for a focus on creating an international trade prosecutor, or some people in his office who would focus on the role of prosecutor more broadly on those other countries that are violating rules. Senator BAYH has been a champion of that effort, and I am very proud he has joined with me and Senator GRAHAM in South Carolina in introducing specific legislation that relates to creating an international trade prosecutor as well. All of these pieces are important. We have taken one step to sending a message to China and to the administration that we expect them to address the issue of currency manipulation.

Now, this amendment is a very important piece in leveling the playing field for our businesses and our workers. I also urge that we incorporate an international trade prosecutor who will be our American voice for business and for workers on the broad issue of continuing to make sure the rules are fair. I think these pieces together create hope for the people we represent, whom we, in fact, would stand up for and stand up for American jobs.

While I have the floor, I want to speak briefly about something else that also relates to American jobs. In addition to this important amendment, we will be focusing on the broader issue of a strong SAFETEA Transportation bill. I am hopeful that we are going to get this done as quickly as possible. I am pleased that we have begun the process of debating this critical issue.

The snow finally has melted in Michigan—at least for the moment—and we are in the beginning of a new construction season. During the budget debate, I was pleased to join with Senator TALENT to lead an effort on an amendment to help the Senate produce a well-funded Transportation bill. I know Senator GRASSLEY and Senator BAUCUS are working hard to help strengthen this bill that is in front of us.

As my colleagues know, this bill isn't just about improving roads and transit systems and buses, but it is about creating jobs. Again, it is absolutely critical that we do everything possible to create American jobs and do it as quickly as possible. The Transportation bill is one of the fastest ways that we can bring good-paying jobs back to our States.

The Department of Transportation estimates that every $1 billion of highway spending creates 47,500 new, good-paying jobs, and it generates more than $2 billion in economic activity.

Mr. President, we need this bill now. If there are efforts to extend it, we need to have it be a short extension beyond May 31. My preference is to get this done before the end of May because we are going to lose another construction season if we do not. We in Michigan have projects ready to go the minute this bill is signed. It is absolutely critical that we get this done as soon as possible.

Over the last 4 years, Michigan has lost jobs. This bill, as I said, would create good-paying jobs that would help thousands of our families in Michigan. We are not talking about minimum wage jobs, we are talking about well-paying jobs, good-paying jobs that help families pay their mortgages and save for retirement and put their children through school.

Last year's bipartisan Senate bill that passed overwhelmingly would have created over 99,000 jobs in Michigan alone. It is my hope that the Senate will pass another strong bill. I understand that the House and the White House did not support the effort that we passed. Even though it was an important bipartisan effort and it showed in the Senate the best about governing, in my opinion, and people worked very hard on both sides of the aisle, it is very unfortunate that this was not supported by the House or the White House. Now we have a bill back in front of us and we need to make it the best we can possibly make it so that we are creating jobs and meeting the needs of our communities. We cannot fix the problems that we have in our States in terms of infrastructure and traffic congestion and issues of jobs and so on without the very best bill possible.

I am very hopeful—and I will do everything within my power, working with colleagues on both sides of the aisle—to get the fairest, best bill that we can for the people we represent and to get that as quickly as we possibly can.

Mr. President, I urge my colleagues to support the Bayh amendment and to move on to put together the final bill in the best way possible for both those States such as mine, which are donor States, as well as for the other States around the country, so that we can create the jobs that are needed as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Indiana.

Mr. BAYH. Mr. President, I thank my friend and colleague, the Senator from Michigan, for her generous words, but for her leadership as well on both of these important issues. She understands very well the Transportation bill will create jobs for our construction workers in the short run and will improve our productivity in the long run but that it is just part of a bigger piece of improving America's economic competitiveness, and a big part of that, in Michigan and Indiana and the other 48 States, is when workers want to work hard, be smart, play by the rules, do the right thing, they need to be rewarded for those efforts and not have their hard-working sacrifices unfairly taken from them by global competitors who do not play by the rules, who cheat, and are not willing to make the tough decisions our businesses and workers are asked to make.

I thank her for her leadership and for her kind words and look forward to working with her on these and other issues.

Ms. STABENOW. Mr. President, I thank the Senator.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, right now the pending business is the Bayh amendment. I stress again that both Senator JEFFORDS and I are inviting anyone to come down with amendments they have. Senator BAYH has graciously agreed to set his aside for the consideration of any other amendments, and then we would go back to his amendment. So I would not want any Members who are watching the proceedings to believe they cannot get their amendment in. We do encourage them to bring their amendments down. I would hate to have all of these stacked up at the last minute. Now is the time to get consideration for amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today, our third day of debate on the highway bill.

As we have stated before, this is vital legislation that will have an impact on every American.

I join Senator INHOFE in calling on my colleagues to come to the floor to offer amendments. With that said, I would like to address some of the important provisions in this bill.

I would like to spend a minute talking about bridges and our need to make sure that adequate funding exists to maintain these structures.

As many of my colleagues know, I have a passion for bridges and specifically covered bridges.

While covered bridges are no longer critical parts of our Nation's infrastructure, they provide an important link to our collective past and are feats of engineering and longevity.

The National Covered Bridge Preservation Program, which I authored in 1998, has been a great success, albeit a slightly underfunded success.

From the Thetford Center Covered Bridge to the Weathersfield Falls Covered Bridge, I have taken great pride in being able to work to rehabilitate these bridges in Vermont.

Given my passion for the topic, many members may think that Vermont has the Nation's largest number of these bridges.

In fact, Pennsylvania has 220 covered bridges, Ohio has 144 covered bridges, and Vermont has only 99 covered bridges.

Even California has 12 covered bridges and Missouri has 5.

It is my great regret that I do not believe Oklahoma has any of these fine structures.

While I may seem like a broken record talking about bridges, it is critical that we pass a bill that adequately funds bridge maintenance and repair.

While I do not have the national statistics at my fingertips, those of you that travel around our Nation's Capital can readily attest to the fact that the bridges in this city are choke points for commuters and commerce.

The DC Department of Transportation estimates that about $300 million is needed to repair 11 major bridges.

If we do not provide at least some of these funds, our economy will suffer.

Senator LEAHY and I have been working for years to provide funds to rehabilitate the Missisquoi Bay Bridge in Vermont.

This bridge links New York and Vermont and serves as an international corridor to Canada.

In 1998, Vermont's congressional delegation secured funds in the highway bill to begin the project, and unfortunately we are still at it.

I can hardly imagine how long it would take to upgrade the George Washington or Chesapeake Bay Bridges.

It is my hope that the Congress will send the President a bill with a robust bridge program.

Our Nation's bridges, whether historic or not, are in a state of disrepair and this bill is an important step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Vermont brings up a very sensitive subject to me, and that is one of bridges. It seems to me we do have one covered bridge in Oklahoma. I am going to have to check on that to make sure they get a share of this, whatever it is.

We do have a serious problem. The FHWA ranks various States and the conditions of their bridges, roads, and highways. Oklahoma is ranked dead last in the condition of its bridges, and it is a very serious matter. It is also a very serious problem in terms of the number of deaths we have.

One of the considerations that was involved in putting together a formula—and I state again how much work goes into a formula approach. I have said several times that it would be very easy to do it the other way where we just come up with a bunch of projects and satisfy 60 Senators and pass a bill and go home. That is not what we tried to do. One of the considerations we have is the risk in the various States, the number of mortalities.

Once again, at this point it is important to stress why we need to have a bill. We are now on our sixth extension, and extensions do not work. There is not a State of all 50 States that is not very anxiously awaiting this bill because with extensions there can be no planning. If we do not get this done, we will not have any chance to improve our donor States.

Oklahoma is a donor State. We have many donor States, and that is probably the most sensitive single issue in the formulas, is how the donor States are treated. But if we do not get this done, there is not going to be any change. We are right now at 90.5 percent. If we had passed the bill we had last year, which was a little more robust than this bill, by the end of that 6-year period, every State would have achieved at least a 95-percent return. That is the return of money they have paid into the trust fund.

As it is right now, in a lower amount, this would raise it a modest amount but not that much further above 90.5 percent. It would be an improvement, though.

If we do not have a bill and are operating under extensions, there will not be any new safety core programs to help the States respond to the thousands of deaths each year on the highways. In that respect, I think you have to acknowledge that this bill is a matter of life and death. There will be many more deaths if we do not have a good highway bill.

If we don't have a highway bill, there will not be any streamlining of the environmental reviews. Critical projects will still be subjected to avoidable delays that can be avoided with the passage of this bill.

Along that line, I think with all the provisions of this bill that was 2½ years in the making, there are a lot of provisions that my good friend from Vermont accepted that he would have preferred not to accept. There are many provisions I accepted that I would have preferred not to accept. But this was a give and take in a spirit of bipartisan cooperation, and I think that is something people are starving for right now. That is what they have in this bill.

If we do not have a bill, there is not going to be an increase in the ability to use innovative financing, giving us a chance to do something differently than we have been doing it before. Where innovative partnership types of financing have taken place, it has extracted a lot of money from the private sector that is willing to get in there and participate in the TIFIA provisions of this bill, allowing them to do that very thing.

There are a lot of members on our committee who were concerned about the Safe Routes to Schools Program. That is in here. Again, if we are operating under an extension, if we do have an extension, if we do not have the bill, we will not have that. It could be we will have young people killed and injured on the way to school without this bill.

Without this bill, with just another extension, States would continue to have uncertainty in planning and delay in projects. I hope this doesn't need much elaboration. It is only logical. If you know in advance what is going to happen over the next 5 years or so, you can start planning. You can plan your resources, plan your labor, plan the amount of construction that is going to go on in each State so each State will get far more for each dollar spent than they would get on just an extension.

If we just get an extension, we are not going to have any new border program. I think the border States, many of them, should be the first ones down here to encourage that this bill be passed, particularly those who are affected by NAFTA traffic. We have a special provision in here that takes care of borders as well as corridors. In the absence of this, with just an extension, we are not going to have any of these provisions.

Without the bill, we are going to have delay in the establishment of the national commission to score how to fund transportation in the future. We have been doing it the same way for many years. There are better ways of doing it. This bill establishes this commission to study what innovative suggestions might come from the States, ways we can do a better job of financing and getting private participation and get a lot more efficiency into the system.

When you look at what we are faced with today, we have an unusually high price of gasoline. As a result of that, people are not driving as much. If we had a gas tax that was geared to a percentage basis, it would not make any difference. In fact, we would probably increase revenues. But that is not the way it is. It is just a number of cents per gallon, so if there are fewer gallons bought, then there is less money that goes into it.

If we do not have a bill, if we just go on an extension, there will not be any opportunity to address the chokepoints at intermodal connectors. People think this is just a highway bill. They think back in the early days, back when Eisenhower, in World War II, was a major, he realized the inefficiencies we had in this country in transportation when he was trying to move troops and move military equipment around the country. When he became President, he drew upon that experience and established, for that reason, this National Highway System.

This goes all the way back to the Eisenhower administration, but this goes further than it went at that time. Now we have chokepoints. A lot of people are not aware that my State of Oklahoma actually has a port. We have the port of Catoosa, about 10 miles from my home in Tulsa. But there are chokepoints in any transportation system. You can have a channel, air transportation, rail transportation; it has to marry up and be consistent with the movement on the roads. This bill does that. That is why we call it intermodal.

Last, the firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs. In every State, all 50 States, we have experienced problems of people seeing an opportunity to steal money out of the trust fund and raid it, and they do it. They have certainly done it in my State of Oklahoma—not just the highway trust fund but other trust funds, too. I know there are many States that have their own individual highway trust fund where money is coming out of it. This is something we can protect at the national level by having firewalls. The firewalls are intact in this bill.

There are a lot of reasons we have to do this other than just having a highway bill and getting more construction. We have had the opportunity to talk about the complexities of a formula and all the things that are in a formula. I believe it is worthwhile repeating some of them.

Formulas are not just, Are you a large State or are you a small State? They take into consideration many things. There are the interstate maintenance programs that are a part of the formula, as are the interstate lanes, the number of miles to be maintained, your National Highway System miles—that is part of the formula—the Surface Transportation Program, the total lane miles, the Highway Bridge Replacement and Rehabilitation Program, the Congestion Mitigation and Air Quality Improvement Program, which is very important. It has taken a lot of time in committee to come up with something on which we could agree.

We have low-income States. Oklahoma is a low-income State. We have low-population States, such as Wyoming and Montana. We have low-population-density States. We have high-fatality-rate States. Everything I mentioned is part of the formula we are working on. We have guaranteed minimum growth States, where growth is very slow, but there is a factor that provides for a floor. We have guaranteed minimum rate of return donor States.

All are part of the consideration of a very complex, very difficult formula that is the proper way to do it. Again, we have said several times in the last 3 days, it would have been a lot easier for Senator BOND and Senator BAUCUS and Senator JEFFORDS and myself to have put together a bill that did not have a formula; it just would do projects. But we elected not to do that in order to get the most miles for our money and to be the most fair with all 50 States.

Our forefathers were great when they talked about putting together this system where you have the House and the Senate. One is on population, the other is geographic areas. It is our responsibility to be sure that each of these States is treated properly, is treated fairly. This bill has done that.

The Senator from Indiana, Mr. BAYH, has the pending amendment on the floor. As I stated before, he has agreed to set his amendment aside as soon as there are any coming down. We have a list of about seven or eight amendments that different Members wish to offer. This is the time to offer them.

As Senator JEFFORDS said, come on down. We want you to come down and offer it. You have much more time to spend on your amendments. You can explain them. We have all day today, and we need to have these amendments on the floor and considered. I know what is going to happen if we do not. We are going to get down toward the end of it. Who knows, there may be cloture invoked where you are almost out of time and everyone is going to be yelling and screaming and crying they didn't have adequate time to consider their amendments. So let me get on record right now and say you have adequate time. We invite you to come down and present your amendments for consideration. As I said, Senator BAYH has agreed to set his amendment aside should you come down and want an amendment considered. Come on down. We are open for business.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, it has been agreed that anyone who wants to seek the floor can seek the floor, and we will be returned to the amendment under consideration, which is the Bayh amendment. We move to temporarily set the Bayh amendment aside for the purpose of the Senator's statement.

Mr. THOMAS. I thank the chairman.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I come to the Senate to urge we move forward with our highway bill. We have worked on this for a very long time. I was on the committee 6 years ago when we passed the original bill. We have not passed it the last couple of years but have simply extended it. I hope we can move forward.

There are a number of issues before the Senate that have immediate impact. One of them is this highway bill, as well as the Energy bill.

There are other conversations going on, disputes about a number of issues, but overall we are here to do some work. This is something that is most important. Six extensions is six too many. We need a highway bill.

One of the problems is all of our highway departments, as they work on highways, use contractors. Therefore, they need to make contracts ahead of time. They have to know what funds are available. So it is even more important for this particular activity to know what the funding is going to be over time than it is in any other agency of the Government.

Our State DOTs cannot make long-term plans unless they have some idea of what the funding is going to be. So projects are delayed in Wyoming, as I am sure they are in other States. One of our problems, of course, is we have a short construction season. So it is particularly important we be able to plan ahead and know when the construction is going to happen.

Federal funds account for nearly 70 percent of Wyoming's Department of Transportation highway construction budget. Even though we are relatively low in population, we have a large State and, therefore, lots of highways, and so on.

The long-term reauthorization of the bill, of course, will create jobs. Contractors have to have the assurance necessary to commit themselves to equipment and hiring people. It has been said that $1 billion invested in Federal highways equals 47,500 jobs. We are talking about, in this bill, $280, $290 billion over time, so think of the number of jobs that are involved. Of course, it also creates jobs in related industries, such as those for engineers and those involved with stone, concrete, and fuel, and so on.

So there are so many reasons we should move forward with this bill. It deals with transportation, jobs, standard of living, quality of life. All these things are touched in this bill. Yet we seem to be awfully slow in moving it.

I am hopeful that as much time as has been spent on this bill in the committees, in the House, and so on, that we will be able to move forward and not have a whole series of amendments that seek to change everything. We have already been through that. We passed a bill in the Senate last year that was substantially higher. But because of the administration, because of the ability to raise funds, it has to be lower. So it is there for a reason.

This idea that somehow we can change it again, I am sorry, but there is some realism in terms of funding, regardless of what the program is. These programs, of course, are to come from gas taxes and the highway system. So I think it is very important.

I happen to be chairman of the Parks Subcommittee. This bill is very important for park roads. They currently receive about $165 million per year. This bill will change that. So it will be about $1.4 billion over 5 years. Of course, the highways are an essential element, particularly in the large parks we have in the West. They do not have the State things, and so on. So it is very important.

I am not going to take a lot of time, but I wanted to try to emphasize how important this bill is to most of us, and how important it is to get this bill done, and also how much effort has gone into the bill to bring it to this point, and to discourage anyone from trying to make too many changes in this bill because it has already been reviewed. It has already been bargained. Concessions have already been made.

So we are ready to move forward. Quite frankly, it seems to me like that is what we ought to be doing. So I urge everyone to give some thought to this bill. If they have ideas, let's talk about them, but let's get this job done. Let's get it out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I concur with the remarks of the Senator from Wyoming. I also represent a northern State with a very short construction season. We were severely impacted last year by the inability to reach an agreement with the House and with the President. But in fairness to all of us in the Senate, we were not the holdup in that matter.

As I said on numerous occasions to the distinguished chairman of the committee, Senator INHOFE, and to the ranking member, Senator JEFFORDS, we had a bipartisan agreement in the Senate that was best for Minnesota and I think for virtually every other State. I have not heard anybody say they have too much Federal highway or transit money and don't know what to do with it. But, unfortunately, we ran into the intransigence of the administration a year ago, and with the insistence of the President, the concurrence of the House, and were unable to get what the chairman of the Senate Finance Committee, Senator GRASSLEY, said was a fiscally sound and balanced—in terms of the highway trust fund revenues—measure in the Senate.

So while I concur with the Senator from Wyoming. I might also point out, as it relates to this particular legislation, the Democratic leader, Senator REID, last week wrote to the Senate Republican leadership and urged that this measure be brought up this week. I commend Senator FRIST and Senator MCCONNELL for deciding to proceed on this very important matter for the people of this country rather than some of the shenanigans that others were urging upon them. So we are proceeding on a measured basis, but not with any resistance or opposition by anybody on this side of the aisle.

We voted overwhelmingly to proceed on the motion to proceed earlier in the week. It is unfortunate timing that our long-planned Senate recess for next week will truncate the process. But I share the Senator's view that this bill needs to be enacted as expeditiously as possible. I hope the conference committee will be able to proceed as quickly as possible thereafter, while recognizing the Senate bill has been, and continues to be, vastly superior to the House version in terms of additional funding. Those are matters worth arguing about and, hopefully, prevailing on because Minnesota needs the money even as much as we need the bill to be completed.

Mr. President, if there is no immediate business related to this measure—I spoke earlier with the bill's manager—I ask unanimous consent that I have up to 10 minutes to speak as in morning business. Is this a propitious time to do so?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. DAYTON are printed in today's RECORD under "Morning Business.")

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, some people are not aware that when you have something as massive as a highway bill, it is not just the committee I chair, the Environment and Public Works Committee, but other committees are involved, including the Finance Committee, the Banking Committee, and the Commerce Committee. As of right now, we don't have the titles that come from those three committees, but we will have one right now.

AMENDMENT NO. 573 TO AMENDMENT NO. 567

Mr. INHOFE. Mr. President, on behalf of Senator SHELBY, I send an amendment to the desk, the Federal Public Transportation Act of 2005, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. SHELBY and Mr. SARBANES, proposes an amendment numbered 573.

Mr. INHOFE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of April 26, 2005 under "Text of Amendments.")

Mr. INHOFE. Mr. President, let me reemphasize to my friend from Indiana, as soon as this amendment is disposed of, we will return to the regular order, which is the pending Bayh amendment.

This amendment, which was crafted on a bipartisan basis in the Senate Banking Committee, provides $51.6 billion to address growing public transportation needs across the country.

It provides for record growth for public transportation and for the first time recognizes the growing needs in rural communities across the country, including my State and the State of the Presiding Officer, Oklahoma, which has a rural population of greater than 57 percent. In fact, in the final year of this bill, the rural transportation program is doubled over its TEA–21 levels.

Additionally, it creates a new formula within the urbanized area formula called the "Rural Low Density" formula. Rural transit is as challenging to provide as the distances between employment centers and health care centers are great.

This amendment also creates a formula to recognize "growing States"—those locations which are forecast to grow more quickly than the average over the course of the next 15 years. This change will allow those States, which includes Oklahoma, to be proactive with regard to their transportation needs.

Finally, this amendment makes several modifications to enhance the role of the private sector in public transportation. By creating opportunities for competition, public transportation services can be provided more efficiently.

I am happy to have had the opportunity to work with Senator SHELBY on the development of this amendment. I look forward to working with him on final passage and a successful conference report.

I ask unanimous consent that the amendment be agreed to, that the language be considered as original text as part of the substitute for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 573) was agreed to.

Mr. INHOFE. Mr. President, I thank Senators SHELBY and SARBANES because we cannot really entertain amendments that affect these titles until we have them done. We are anxious to get the other two titles on the bill.

I will repeat our plea for people to come over with their amendments because the Senator from Indiana has agreed that he would set his amendment aside when people come down, with the understanding we would return to his amendment upon completion of those amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me repeat one more time, we are going to be open for business, as we were today, tomorrow. We will invite people to come down.

I want to get on the record right now, very often we go through this exercise and when we get close to the end of the consideration of the bill, when cloture has been filed, everyone comes running and screaming, saying they want to offer an amendment. Now is the time to do it. Members can bring them down anytime tomorrow. I certainly invite any Member to come down and offer the amendment tomorrow.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent we now go into a period of morning business, where each Senator may speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this week, the Nation celebrates National

Small Business Week. It is a time when all of us join together, without any partisanship at all, to celebrate the hard work of millions of American entrepreneurs. At the Small Business Administration Expo last night at the Smithsonian, we recognized countless Americans who have had the courage to put everything they have on the line in order to turn an idea into a business. We celebrated the business people of the year from all of the 50 States in the country.

Today, these Americans, I think all of us recognize, are much more than small business owners. They are employers, community leaders, and they are the people who give life to the American dream. Our small business owners not only remind us of the opportunities that America provides to those who are willing to work for it, but they remind us how much opportunity small business itself provides to all Americans. They drive our economy, compromising over 99 percent of all firms and over half of our GDP.

Two-thirds of all new American jobs are created by small businesses, and a majority of Americans depend on their small business employer for health insurance. Our small businesses are responsible for countless inventions and innovations that have elevated the standards of living in our country and for people around the world.

The entrepreneurial spirit I am talking about is alive and well in our country, though it faces a number of particular challenges: rising health care costs, imports, a reduction in the numbers of people going into innovative jobs and pursuing careers in the sciences and in research and development. Nevertheless, three out of four adults in America have considered starting a small business. With the advent of the Internet, those numbers are rapidly going up.

I know my colleagues are familiar with the Small Business Administration in a lot of different ways. We all understand how it is charged with defending small business interests in the country. It helps small businesses tackle issues ranging from initial development issues and startup issues and access to capital to Federal contracting and trade assistance. Those efforts are working relatively well. Businesses such as Staples, Intel, Nike, America Online, Eskimo Joe's, Callaway Golf, FedEx, Hewlett-Packard, Jenny Craig, Ben and Jerry's, Winnebago, Sun Microsystems, Outback Steakhouse—you don't think of them as small businesses in need of Federal assistance. But the fact is every one of those businesses, and many more that have become household names in America, got their initial startup with Federal assistance, with venture capital or loans from the SBA, which they could not have gotten otherwise and couldn't get from traditional sources. Their owners have proven that sometimes outstanding business ideas deserve a chance, even when traditional lenders or venture capitalists won't take that chance.

So we can ask the question, how many of these businesses may not have made it without help from the SBA? How many jobs would have been lost? How much tax revenue would have been lost to communities and the country? The benefits of small business expansion are numerous: a stronger economy, higher paying jobs, better prospects for women and minorities, innovation, cutting-edge products, increased opportunities for countless Americans.

What is unique about the SBA investments is they pay for themselves and they pay for the SBA budget many times over with the tax revenues to the country. So supporting our small business is a win-win proposition for Americans. We can afford it. The people want it. Our economy needs it.

That is why it is very hard to understand why this administration does not provide the full measure of support to the SBA and to those businesses. The SBA budget has been cut by over one-third since 2001—the largest reduction of any Federal agency, despite the fact that it is one of the few Federal agencies that completely pays for itself. Those cuts would have been far greater if Congress had not intervened. I am pleased to say, on a bipartisan basis with Senators on both sides of the aisle, we joined together to intervene. The chairwoman of the Small Business and Entrepreneurship Committee, Senator SNOWE, and I have worked with Members of both sides in order to provide the funding that was necessary and to prevent further cuts from taking place. Time and again we have received unanimous support in the Senate to rebuff proposed administration cuts that would have gone further. That is because supporting small businesses is not a partisan issue, and it never should be. We should not have to fight so hard to provide support for something that so obviously benefits all of us.

The administration loves to claim the pro-business mantle, but if they were candid with the American people, they would clarify that most of that support, as we see in the Energy bill or the tax bill, means big business, not small business.

If you look at the tax cuts, the administration claims the tax cuts primarily benefit small businesses, but in reality, only the biggest small businesses get the majority of those cuts. More than half of small business owners received less than $500 in tax cuts, and almost a quarter of those businesses got no tax cuts at all.

If you look at energy policy, you can see that while American families and small businesses have struggled with gas prices, oil companies earned record profits in the fourth quarter of 2004. Exxon-Mobil was up 218 percent. Conoco-Phillips was up 145 percent. Shell was up 51 percent. ChevronTexaco was up 39 percent. BP was up 35 percent.

Show me the small business in America, except the rare small business, that saw that kind of growth in the fourth quarter of last year.

You can also look at this disparity at what is happening with respect to Federal contracts right now. Congress set the goal of the Federal government awarding at least 23 percent of its contracting dollars to small businesses. So what did the administration do? They allowed $2 billion worth of contracts to be reported as going to small businesses when, in fact, they went to some of the largest businesses in the country. The money went to Raytheon, in my State, Northrop Grumman, General Dynamics, and Hewlett-Packard. Even the State of Texas was treated as a small business.

An administration concerned with small business ought to be outraged by these facts, and it ought to do something about it. This administration has facilitated the distortion of that Federal agency contracting goal of 23 percent and, in fact, allowed a process to go forward that has undermined our ability to help the small businesses that need it.

In addition, the administration has refused requests for an audit. They have not taken substantive steps to reform the contracting process. They have not prosecuted anyone for misrepresenting their organization as a small business. And now the administration is supporting efforts to make it easier for the Energy Department to shift money away from small businesses.

A bipartisan Senate has repeatedly stood up to the administration and called them to account for being too willing to ignore the challenges that face small businesses. It is time to again join forces to assure that this new challenge to small businesses, which is the diversion of federal contracts and the distortion of the standards that apply to what is a small business and what is a large business, ought to be appropriately adjusted.

Small businesses are also particularly hard hit by health care. Most small business owners want to do right by their employees. They try hard to do that, but too many of them just cannot afford to offer health care anymore. Premiums are rising faster than inflation or wages, with double-digit increases in each in the last 4 years.

Since 2000, the premiums for family coverage have gone up 59 percent compared with inflation increases of nearly 10 percent and wage growth of over 12 percent. Some small businesses have reported premium increases of as much as 70 percent in one year. As a result, 5 percent fewer small businesses offered health benefits to their workers in 2004 than in 2001. By contrast, 99 percent of the businesses with 200 or more employees offer their workers health insurance. Of 45 million uninsured Americans, almost two-thirds are small business owners, their employees and their families.

So I think all of us understand that in a nation founded on equity and equality of opportunity, it is important for us to address the question of health care costs. We need a plan that gives small business access to the range of plan choices and consumer product protections that are offered through the Federal Employees Health Benefits Program. And we need to give these small businesses affordable options through refundable tax credits and Federal reinsurance plans that will reduce premiums for everyone.

Small businesses and entrepreneurs are America's single greatest economic resource. There is not a big business in America that did not begin in someone's garage, someone's attic, someone's basement, where people did not work out of a car for a period of time in an effort to try to grow that business. Time and again small businesses, not large corporations, have pulled our economy out of trouble by creating the jobs and the products of the future.

For many entrepreneurs, the SBA is their only chance to earn their fair share of the American dream. As we celebrate small businesses and entrepreneurship this week, we all have a responsibility to defend that dream. We need to ensure that the SBA is adequately funded. We need to ensure legislation never shortchanges small businesses, and we need to provide a real plan for small business health care. The doors of opportunity must be open to everyone.

ALBERT EISELE'S ARTICLES ON IRAQ

Mr. DAYTON. Mr. President, when I went to work in the Washington office of then-Senator Walter Mondale from Minnesota as a young, beginning legislative assistant in 1975, Al Eisele was a Washington correspondent for the St. Paul Dispatch and Pioneer Press, Duluth Herald and News-Tribune, and other Knight-Ridder newspapers. In 1976, after Senator Mondale was elected as Jimmy Carter's Vice President, he named Mr. Eisele as his press secretary and senior adviser, a position that Mr. Eisele held for the next 4 years.

"He previously covered me as a Washington correspondent for Minnesota newspapers during my 11 years in the Senate, so I obviously know him well," Senator Mondale later explained. "He was one of the most well-respected and knowledgeable reporters in Washington, with a reputation for even-handedness, incisive reporting, and personal integrity, which is why I asked him to join my staff."

After the Carter-Mondale administration, Mr. Eisele helped found the Center for National Policy in Washington; was a fellow at the Institute of Politics at Harvard; served as an assistant to Mr. William C. Norris, the founder and chief executive officer of Control Data Corporation in Minnesota; and started his own literary agency and international consulting firm, Cornerstone Associates.

For the past 10½ years, this native Minnesotan has been instrumental in the success of The Hill, a nonpartisan, nonideological newspaper covering Congress, that he helped found. Indeed, the April 27, 2005, issue of The Hill includes the 500th column Mr. Eisele has written since the newspaper's inaugural issue of September 21, 1994. In addition, he has acted as a mentor for more than 50 young journalists whom he helped train and who now work for many major newspapers, magazines, and broadcast organizations.

Last month, Mr. Eisele traveled to Iraq to get, as he wrote, "a firsthand look at what the American military is up against in this greatest projection of American power since Vietnam."

With his customary dedication, he did not just visit Iraq; rather, he traveled throughout the country for 10 days and interviewed everyone, from generals to privates, high-ranking Iraqi officials to ordinary citizens, visiting Members of Congress, fellow journalists covering the war, and private contractors involved in rebuilding Iraq's infrastructure.

His subsequent articles and columns in The Hill provided many compelling accounts of personal realities there, as well as very valuable insights.

Mr. President, I ask unanimous consent that those articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATORS ENCOURAGED BY PROGRESS IN IRAQ

BAGHDAD, Mar. 23, 2005.—Senate Minority Leader Harry Reid (D–Nev.) led a bipartisan Senate delegation to Baghdad Tuesday and left little doubt that the Senate will soon approve an $81 billion supplemental appropriation passed by the House last week, most of which will go to pay for rebuilding Iraq's war-torn economy and countering insurgent violence.

Reid and his six colleagues held a news conference at the end of a whirlwind one-day visit during which they met with top U.S. military and diplomatic officials in Iraq and leaders of the three internal factions competing for control of the government being established in the wake of the January elections.

Reid, who was making his first trip to Iraq, said the Senate will take up the supplemental appropriations bill when it returns after the Easter recess, and indicated there is little real opposition to it. He stressed the need for continued U.S. support for reconstruction efforts, along with training Iraqi security forces to replace U.S. military personnel and help bolster the Iraqi economy and political structure.

"Everyone understands that reconstruction is an important part of the U.S. mission here," he declared.

Reid and his colleagues, who included four Democrats and two Republicans, all indicated they are encouraged by signs of progress in carrying out the three-pronged U.S. strategy of support for bolstering Iraq's security forces, economy and political system.

"One of the people we met with today called Iraq 'an infant democracy,' and we can't leave this infant alone," said Minority Whip Dick Durbin (D–Ill.). "I believe what we are seeing here is good."

Sen. Robert Bennett (R–Utah) compared this visit with an earlier visit he made last year. "I find a quiet optimism instead of a cautious optimism," he said. He added, "I think that the elections and the strengthening of the Iraqi security forces have given us hope that the seed of democracy has been planted here. There's still a lot to do and we still have a lot to worry about, but the signs are more optimistic now than before."

Even Sen. Barbara Boxer (D–Calif.), who has been a leading critic of the Bush administration's Iraq policy, seemed upbeat about the future of the new Iraq government.

Declaring that the success of Iraq's future stability "greatly depends on the training of Iraqi security forces," she said, "we got a very, very upbeat report" from the top U.S. military officials, including Gen. George Casey Jr., who commands the multinational coalition forces, and Lt. Gen. David Petraeus, commander of the NATO training mission here.

She added that it's essential that the new government, which will be put together in the coming months, include all elements of Iraqi society, especially women. "I think it's fair to say that all of us today gave that message" to the leaders of the three main ethnic factions in Iraq, the majority Shiites, the minority Sunnis and the Kurds.

However, Boxer also indicated after the group's meeting with the man who is expected to be Iraq's next prime minister, Ibriham al-Jaafari, that he is not as upbeat about the quality of the Iraqi police and security forces.

"My sense was that he was certainly in no rush to hand over security to his new police force," she said.

Other members of the Senate delegation included Patty Murray (D–Wash.), Lamar Alexander (R–Tenn.) and freshman Ken Salazar (D–Colo.).

Salazar, who was making his first visit to Iraq, said, "This trip has enforced the enormity of the challenge in Iraq and the need to help the Iraqi people."

"TRANSLATORS ARE A SPECIAL TARGET"

BAGHDAD, Mar. 25, 2005.—After 38 years in the United States, Paul Oraha is back in his native Baghdad and working only a short distance from the neighborhood where he grew up. But he's not about to look up any old friends who might still be around.

"We are a target now," said Oraha, who works as a translator for the U.S. Embassy and U.S.-led Multinational Coalition. "Translators are a special target because many Iraqis feel we are traitors because we're working for Americans against Iraq.

Oraha, 65, left Baghdad with his family in 1966 for Detroit, where his father, a Mercedes Benz parts supplier, found work in the auto industry. While his personal history is different, Oraha's situation is the same as thousands of other Iraqis whose lives are at risk because they work for, or cooperate with, the Multinational Coalition.

Many Iraqi civilians, as well as military and security personnel, government officials and civic leaders have been killed or wounded by Iraqi insurgents and foreign Islamic extremists since the March, 2003 invasion that ousted Saddam Hussein.

Oraha, who later moved from Detroit to San Diego and served in the U.S. Navy, returned to Iraq in July, 2004, now works and lives in the heavily guarded international enclave in the middle of Baghdad known as the Green Zone. A nearby bridge that commemorates the bloody 1958 coup in which Saddam's Baathist Party took power links the Karada neighborhood across the Tigris River where he grew up.

And even though there are constant reminders of the terrorist threat—several mortar rounds hit the bridge on Monday night but did not injure anyone—Oraha feels the security situation is improving.

"This area used to get hit almost every day, but now it's almost every other week," he said while smoking a cigarette and drinking coffee one recent morning outside the Rasheed Hotel where and he and many other Americans and foreigners live. "Security is the biggest problem here, but I think we're making tremendous progress because the attacks have slowed down.

Oraha said he thinks most Iraqis "want us to be here and stay here. They're very appreciative that we got rid of Saddam and they look forward to having a better life. But they're very concerned about the security situation. They feel if it improves, they will have an opportunity to rebuild their country and enjoy the benefits of democracy."

However, Oraha cautioned that many Iraqis are concerned that the U.S. will not take the drastic steps they feel are needed to discourage future terrorist activity.

"They think the U.S. is not going to be tough enough in dealing with the terrorists, that they're too concerned about the human rights of terrorists who are blowing up people. They feel they will take that as a sign of weakness and operate with impunity.

He added, "As an American, I believe in the Constitution and its guarantees of the rights of those accused of crimes. But I agree with Iraqis that we have to be tougher with terrorists. Many Iraqis think some of these people should be executed and the world should know about it."

However, Oraha predicts that the new government that soon will be elected "is going to get tougher on terrorists because they're going to have to answer to the Iraqi people, who are tired of terrorism."

Improvised Explosives Becoming More Deadly in Iraq

MOSUL, IRAQ, Mar. 28, 2005.—They're one of the worst nightmares for American military personnel or anyone traveling with them on the dangerous roads of Iraq, even if you're surrounded by tons of armor plate and moving at high speed.

They're called IED's, military speak for Improvised Explosive Devices, and they're the devil's own invention.

These fearsome homemade weapons are responsible for many of the more than 1,700 deaths and 15,000 plus casualties suffered by U.S. and coalition forces since the invasion of Iraq two years ago this month. And they're getting more deadly and numerous.

"They've gone up exponentially in number and they're getting more powerful all the time," said Lt. Col. Michael Kurilla, whose 24th Infantry Regiment's First Battalion patrols the western half of this northern Iraq city that has the highest number of attacks by insurgents of any city in Iraq.

Col. Kurilla was among some 50 Army officers who briefed Gen. John Abizaid, commander of U.S. forces in the Gulf region, and Sen. Jack Reed (D-R.I.) on the military situation in Ninevah province on Easter Sunday at a coalition base near this city of two million, the third largest in Iraq.

Afterwards, the tall, handsome West Point graduate from Elk River, Minn., explained the challenge these devilish devices present to his 800-man unit.

When his battalion arrived in Iraq last October from Fort Lewis, Wash., it didn't find a single IED while patrolling the streets of Mosul. But in November, it found three, followed by 15 in December, 50 in January, and 134 in February. One of his soldiers was killed when one of his unit's heavily armored Stryker vehicles was destroyed, and many more have been injured.

"We're still getting plenty of detonations, it's almost constant," said Col. Kurilla, whose battalion has already earned 182 Purple Heart medals, given to those injured in combat.

Sgt. Loren Kirk, a member of the 25th Infantry Division's First Brigade Stryker combat team, described the constant danger posed by the IEDs.

"We go all over Mosul and everybody gets hit, even in the nice neighborhoods," he said. "We can go a week without getting hit. It just depends on where we are. We drive side-by-side with cars on the street. They tend to give us a wide berth, and because of VBEDS [Vehicle-based Explosive Devices], we try to keep them at least 50 yards away."

Kirk added, "It's all timing. We could roll down the road and drive by an IED and a minute later, a vehicle behind us will get hit."

Kirk, 37, took his unit's commander through the city's crowded streets to the briefing from its base about 15 minutes away. "Our mission is to get him where he needs to go, safely, escort troops or check on soldiers at a checkpoint."

The heavily armed 36,000-pound, eight-wheel vehicles were first introduced to Iraq in 2003 as a replacement for the 1980s era Abrams tanks and the less well-armored Hummers, which many units are still using while they wait for Strykers to be delivered.

Every one of the Strykers in Kirk's battalion has been hit by an IED at least twice, according to Specialist Seth Christie, who rides in a partially exposed position atop Kirk's Stryker.

So what's it like to take a hit from an IED?"

It scares the s--- out of you," said Christie, 24, who was slightly injured when his vehicle was hit by an IED in January and he was knocked back into the vehicle. "You feel it in your chest, you feel it in your teeth. Your lungs fill with smoke and everything goes black."

Christie's buddy, Specialist Donald Armino, also 24, agrees that IEDs are more numerous and powerful than a few months ago. "They're getting a lot bigger and a lot more sophisticated," he said, often concealing them more cleverly and magnifying their power by tying a half dozen or more 120-mm mortar shells together and setting them off by remote control, or using shaped charges that can penetrate six inches of steel.

An even more vivid description of the destructive power of IEDs was provided by four young Marine reservists from Chicago who were relaxing at the coalition's main base near the Baghdad airport while preparing to return home last weekend.

"What's it like?" said Cpl. Johnny Lebron, 31, whose unit driving armored Hummers found and disarmed 19 IEDs and was hit by 21 during six-and-a-half months in the northern province of Babil, a part of the Sunni triangle dubbed "the triangle of death."

"Well, it really rattles your cage. It's an experience you can't describe. For four or five seconds, time seems to stand still."

Sgt. Timothy Jensen, 26, added, "The explosion hits and then everything goes black and the breath is sucked out of your lungs. You feel like you're dead, floating in timeless space. The first thing you worry about is the Marine next to you. Once I know my Marines are good to go, we act on our objective."

But Sgt. Jensen conceded that it's hard to find those who place and detonate the IEDs. "You're really not going to be able to get on them because they use remote devices from a distance, and they're really hard to find."

Unlike the Marines, the soldiers in Mosul who are equipped with the heavily armed Strykers are thankful they have them.

"The Stryker is a fantastic vehicle, much better than an up-armored Hummer," said Sgt. Kirk. "We're really lucky to have them. I've got a lot of faith in this vehicle."

U.S. Forces Thwart Major Escape in Southern Iraq

CAMP BUCCA, IRAQ, Mar. 25, 2005.—U.S. military police Friday thwarted a massive escape attempt by suspected insurgents and terrorists from this southern iraq Army base that houses more than 6,000 detainees when they uncovered a 600-foot tunnel the detainees had dug under their compound.

"We were very close to a very bad thing," Major Gen. William Brandenburg said Friday after troops under his command discovered the tunnel that prisoners had painstakingly dug with the help of makeshift tools.

Within hours of the discovery on the first tunnel, a second tunnel of about 300 feet was detected under an adjoining compound in the camp, which holds 6,049 detainees.

The discoveries came just hours before Brandenburg, who commands Multinational Force detainee operations in Iraq, toured the camp with Gen. George Casey Jr., the top Army general in Iraq and commander of the Multinational Coalition, who was making his first visit to this remote desert camp in southwestern Iraq near the Kuwaiti border.

Brandenburg said the prisoners, who include Iraqis and suspected terrorists from other Arab countries, probably were waiting for the dense fog that often rolls in at night from the nearby Persian Gulf before attempting their escape."

We get fog after midnight in which you can't see 100 feet," he said. "I think they were waiting on poor visibility and I think there was a good chance they would have gotten out of the camp."

Brandenburg, whose command also includes the better known but smaller Abu Ghraib camp near Baghdad, said soldiers in charge of Camp Bucca suspected that an escape attempt might be in the offing because they had found a small tunnel in another part of the camp about five days ago, and had been told by detainees that other tunnels were being dug.

Brandenburg also said that in recent days there were "people outside the camp who we're not used to seeing," which was another indication that "something was going on."

Brandenburg, who was spending the night at the nearby Basrah airport while waiting for Gen. Casey to arrive from Baghdad Friday morning, said he was awoken at 1:30 a.m. by an officer from Camp Bucca who said, "Sir, you won't believe what we've found."

When Brandenburg and Casey arrived at Camp Bucca, they were shown the tunnel's exit point, which was outside the chain link fence and concertina wire that surrounds the camp's eight compounds, each of which contains more than 600 prisoners, and several smaller compounds.

The prisoners had used a cut-away five-gallon gas can attached to a 60-foot-long rope to haul the sandy soil out of the tunnel. They apparently used makeshift tools to dig and reinforce the tunnel, and covered the entry point inside the compound with a false floor made from wooden slats from their beds, which in turn they concealed under two feet of dirt.

The detainees disposed of the dirt they had dug from the tunnel by flushing it down their latrines, which gave camp officials another clue that something was amiss when workers emptying the latrines complained that the filters on their trucks were getting jammed.

Col. James Brown, the commander of the 18th Military Police Brigade that is in charge of Camp Bucca and Abu Ghraib, said two detainees tried to escape 10 days ago but were caught. He said the latest escape attempt was clearly planned to allow more than 100 prisoners to flee the camp.

Brown said it is reasonable to assume that other tunnels will be discovered in other parts of the camp.

Col. Brown said he made his troops view the movie, "The Great Escape," starring Steve McQueen, about a group of American prisoners in a World War II German POW camp, so they would think like people who were bent on escaping from his facility."

It's a great movie," he said. "The trouble is we tend to view life through the lens of who we are and not who somebody else is. There are a lot of good lessons for us there."

During Casey's tour of the camp, thousands of the prisoners watched silently and sullenly as he and his entourage walked past them, and as he climbed a watchtower for a panoramic view.

As Casey walked past the compound where the second tunnel was discovered, a soldier drove a large backhoe into the camp and began digging up the tunnel.

Camp officials also showed Casey a large collection of makeshift weapons taken from the detainees, including knives, slingshots, and even a fake flak jacket made from Muslim prayer shawls that resembled the real thing.

"I am never amazed at what I see," Brandenburg said of the ingenious technique used by the detainees in their escape attempt.

At the end of his tour, Casey presented a special medal to the young woman soldier, Specialist Lisa Wesson of Asheville, N.C., who discovered the larger tunnel during a routine investigation.

Camp Bucca is almost twice the size of Abu Ghraib, which was the scene of last year's prisoner abuse scandal that has prompted widespread changes in the handling of detainees. There are 3,243 detainees at Abu Ghraib, and another 114 after a camp near Baghdad International Airport, where Saddam Hussein and members of his deposed government are being held pending trials for crimes against humanity.

EMBED CAVALLARO SEES WAR FROM THE INSIDE

BAGHDAD, Mar. 31, 2005.—After four trips to report on the war in Iraq, no one understands the pluses and minuses of being embedded with the U.S. military better than Gina Cavallaro.

On the one hand, the former congressional aide and staff writer for the Army Times knows it would be impossible to do her job without relying on the military for logistical support and protection in the dangerous combat zones she routinely visits.

At the same time, she knows that the bonds she forms with soldiers and Marines make it more difficult to be an objective reporter, especially when one of them is killed or wounded.

So it's not surprising that the 45-year-old Hillary Swank look alike was still trying to come to grips last week with the death of a 20-year-old soldier who had become her "buddy" and "little brother." Spc. Francisco Martinez, a forward observer in a field artillery unit, was killed by a sniper the day before while she was standing a few feet away.

"I haven't processed much of it yet," she said, struggling with her emotions as she prepared to return to Washington after nine weeks in Iraq.

"It's very difficult to write about. When we go out on a patrol, I feel that I need to get on the ground with the soldiers, and I have done that dozens of times, knowing it was dangerous. But I always know I'm here voluntarily, and the last thing I wanted to see was a soldier getting killed."

But Martinez, who was with a Second Infantry Division brigade combat team that was transferred from Korea last September, wasn't just another soldier.

"There's always one gregarious soldier who hangs out with reporters," she said. "He was my buddy, my shadow, my escort. He was like a little brother. He stuck by me to make sure I was safe. He was so young and so outgoing, and so proud of what he was doing."

She added, "I only knew him for a couple of days, but we had a lot in common. We both grew up in Puerto Rico, and when you are with someone in a combat environment, it doesn't take long to get to know them." The two often conversed in Spanish and talked about life in their native Puerto Rico.

Cavallaro had spent eight days with Martinez's unit in Ramadi, a hotbed of insurgent resistance 75 miles west of Baghdad in an area the soldiers call the "Wild West." While she was there, an IED (Improvised Explosive Device) killed four soldiers in an armored Humvee. "It was huge, a big bomb," she said. "They are using more and more of them, and they are also more snipers. I have to admit, I felt in danger out there. I felt I was also a target."

It was a routine patrol on a Sunday afternoon as Alpha Company searched a dangerous neighborhood for a sniper who had killed three soldiers and wounded several more. Cavallero was taking a photograph when she heard a shot, very close by.

"I was probably six feet in front of him," she said. "I turned around and was horrified to see him lying on the ground."

Martinez was wearing body armor, but the bullet seemed to go under it, on the right side of his back. He was bleeding heavily and told her he couldn't feel his legs.

Medics quickly put Martinez in an armored Humvee and took him to an aid station only minutes away. Cavallera rode with him, holding his hand and pleading with him in Spanish to keep breathing and not fall asleep.

The medics told her Martinez probably would make it and she watched as a medical evacuation helicopter took him to a field hospital. But a few hours later, she learned that he had died.

"It was a little bit more of an exclamation point to this trip than I wanted," she said. "It just hurts when you lose a friend. It really hurts.

For Cavallero, who visited Iraq twice in 2003 and once in 2004, it was a brutal reminder of how much more dangerous Iraq has become for both soldiers and embedded journalists.

"Absolutely, it's become more dangerous," she said. "When I first came here, the IED's hadn't started and the insurgency didn't exist in any substantial way. I may be out of line saying this, but I agree with the military that only a small percentage of people are disrupting things here, but they're doing a pretty good job of it. There's never not a combat patrol. Whenever you go on patrol, it's always a combat situation."

Cavallaro, who writes for a predominantly military readership, has mixed feelings about journalists being embedded with troops.

"I don't know," she said when asked if it affects how she and other journalists report on the military. "I just think it makes it more difficult. I find the media is afraid to get around on its own in Iraq, and rightly so. They're relying more on the military to get them where they want to go, and as a result, the military is getting smarter about getting its own story told. It almost seems like a little bit of quid pro quo."

She added, "I don't necessarily consider that a bad thing. The military will get you around but it always wants to show you its new sewage plant."

Cavallaro was a reporter for the San Juan Star when she got a job as press secretary to then-Del. Carlos Romero Barcelo (D-P.R.), but decided her heart was still in reporting and answered an ad in the Army Times.

She says she still hears complaints from soldiers about negative coverage of the war. "The most frequent question I get is, 'Do people back home care about us? Do they know we're still here?'"

Asked for her view of how the war is going, Cavallaro says she's "not in a position to judge, but I do see the concept of Iraqi security forces being the key to what happens here."

However, she added that "there are some really impressive Iraqi army troops and some really shoddy ones. But I've seen some American soldiers who get it. They're taking the Iraqis by the hand and showing them what the right looks like."

If there's one aspect of war reporting that Cavallaro is critical of, it's television. "I don't know why it is, but most soldiers tend to get their news from TV. Images are so strong. They are projected in chow halls all over Iraq, but it takes a dedicated effort for a soldier to look up news on the Internet.

And when Cavallaro returns to her newspaper's Springfield, Va., office, what will she be thinking about her last assignment?

"How much I hate leaving those soldiers behind," she said. "You can't be here and be embedded with soldiers and not care about them, no matter how hard core you are. It would take a really cynical person not to see them as individuals.

"I've seen reporters who are clearly anti-military, and I don't begrudge them that. It's their right. But in my writing and reporting here, I consider my readership—what would be of interest to the soldiers' families and relatives? I get a lot of emails from readers who want me to go hug their kids."

When she returns home, Cavallaro will continue to concentrate on the lives of the men and women in uniform she has left behind. "I see myself as chronicling their time here—their triumphs, their tragedies, their quality of life. I find the military as a fascinating theme for a writer. The stakes and risks are high, but it's incredibly rewarding."

A SECOND TRIANGLE IS BUILT IN IRAQ

BAGHDAD.—Much of the violence that has plagued Iraq in the two years since U.S. forces toppled Saddam Hussein has been planned and carried out by insurgents and terrorists based in the Sunni triangle north and west of this city of seven million people.

But another triangle, which had its origins in a chance meeting in Washington last June, appears to be paying off for the Bush administration's effort to create a fledgling democracy in Iraq, after Sunday's election of a prominent Sunni Arab as speaker of the newly elected national assembly. The meeting between the two men who were preparing to take over as America's top military and diplomatic officials in Baghdad set in motion a three-pronged strategy involving the U.S.-led coalition forces, the American Embassy and the Iraqi government.

The men are Gen. George Casey Jr., the Army vice chief of staff who had just been named commander of the multinational forces in Iraq, and John Negroponte, who was about to trade his job as U.S. ambassador to the United Nations for that of U.S. ambassador to Iraq.

Casey spoke about the meeting late last month. He was returning to Iraq after a short vacation that ended with him briefing President Bush and Secretary of Defense Donald Rumsfeld at the White House. Casey flew back to Iraq aboard a 12-passenger C-37, the military version of the business jet favored by corporate CEOs and celebrities.

"Right after I found out I was going to Iraq, John was in town and we agreed to get together," Casey said. "He stayed over on a Saturday, and we met in the morning at the Pentagon."

The purpose of their meeting was to develop a plan to build on the Jan. 20 national assembly elections that would restore a measure of stability, allow the Iraqis to create a post-Saddam democratic government and begin to rebuild their devastated economy and infrastructure. They agreed to focus on the elections as the organizing point for their plan.

When Casey arrived June 28 at Camp Victory, the sprawling coalition headquarters base outside of Baghdad, the first thing he and Negroponte did was put together a "red team" composed of top aides from Casey's staff, the U.S. Embassy, the State Department and the Central Intelligence Agency and its British counterpart.

"We felt we had to have a firm understanding of the enemy and the war we were fighting," Casey said. "I had our staff working on a plan that focused on the same basic questions, the nature of the enemy and its capabilities and intentions. After about 30 days, we both came up with a product and we merged them together and they pretty much reinforced each other."

The end result, Casey explained, was a plan that consisted of four elements.

First, it was decided that "the greatest threat, apart from the insurgents and foreign fighters, was people hoping for a return to Sunni dominance" of the Shiite majority and Kurdish minority. But it was clear that threat couldn't be eliminated by military force alone.

"You don't win a counterinsurgency [war] by military means," Casey said. "You win by integrating the political, economic and military to produce a common outlook, by cutting off the insurgents from popular support.

A second element was to build up the Iraqi security forces, which called for creating 27 Iraqi Army battalions. The first phase of that plan, "a huge training and equipping operation that is still going on," Casey said, was completed last month, and the next phase, creating the Iraqis' own command structure, is under way.

"We felt we had to bring the insurgency to a level that could be contained by Iraqi security forces while we helped them build a sufficient capacity to deal with it. But it was clear that Iraqi security forces were not ready to do that."

The third part of the plan was aimed at rebuilding Iraq's ruined economy.

"On the economic side, we inherited a hugely complicated and bureaucratic—I don't want to use the word 'mess,' but I guess I will. There were so many different [U.S.] agencies that had their fingers in it, we felt we had to get ourselves organized to deliver on the $18 billion aid package" approved by Congress. "I'm not being critical of these guys, but they put the package together in Baghdad without consulting the people in the field."

The Casey-Negroponte plan increased the 230-plus economic aid and reconstruction projects that existed in June, 2004 to more than 2,000 last month, and Casey predicts projects to spend all $18 billion will be in place by this fall.

The fourth part of the plan was a two-part communications strategy. "One was to drive a wedge between the insurgents and the population, to demonstrate that the insurgents and terrorists have nothing good to offer for Iraq," Casey said. "The other part was to try to change the image of the population toward the Coalition.

"People always want to know, are we winning the hearts and minds of the Iraqi people, and I say, 'No, that's not what we're here to do.' The people of Iraq will never welcome an occupying force. What we need is their consent."

Casey added, "All four of these lines of operation are working together in an integral way between us, the embassy and the Iraqi government. That triangle—we actually have a triangle in our plan—has the Iraqi government at the top, us at one corner and the embassy at the other.

But while Casey said he is encouraged by early progress in carrying out the "triangle strategy," he cautioned that success is far from certain. Casey, who earlier commanded the 1st Division in Kosovo, said he asked his predecessor, Lt. Gen. Ricardo Sanchez, to compare the two countries.

"He said Iraq is 10 times harder."

FOR RHODE ISLAND'S REED, CODELS ARE SOLITARY AFFAIRS

KUWAIT CITY, Apr. 6, 2005.—During the Easter Week recess, when three other congressional delegations, consisting of 21 senators and House members, were visiting Iraq, the codel led by Sen. Jack Reed (D-R.I.), was conspicuous for several reasons.

First, Reed, a West Point graduate and former company commander in the 82nd Airborne, was the only member of Congress in his codel.

Second, instead of traveling with a battalion of aides like those with the other codels, he was accompanied only by his legislative assistant for military and foreign affairs, Elizabeth King; Lt. Col. Vic Samuel, an Army legislative liaison officer; and John Mulligan, the Washington bureau chief of the Providence Journal.

Third, instead of flying into Baghdad for a few hours of official briefings and then flying to Jordan or Kuwait at day's end, Reed spent the better part of four days hopscotching across Iraq, often aboard Blackhawk helicopters manned by National Guard units from Rhode Island; meeting with troops in some of the most dangerous parts of Iraq; and questioning top U.S. military and diplomatic officials, and Iraqi security forces as well.

Fourth, Reed—unlike Senate Minority Leader Harry Reid (D-Nev.)—wasn't making his first visit to this war-torn country, where some 150,000 American troops and 24,000 troops from 23 other member nations of the U.S.-led multinational coalition are battling Muslim insurgents and terrorists while trying to help create a new government and rebuild Iraq's shattered infrastructure.

And finally, none of the other congressional visitors can claim to have attended the U.S. Military Academy with Gen. John Abizaid, the overall commander of U.S. forces in the Persian Gulf region, or served in the Army with Maj. Gen. William Brandenburg, who oversees detainee operations in Iraq, including the infamous Abu Ghraib prison.

This was the fifth visit to Iraq for Reid, a 55-year-old Harvard lawyer and former instructor at West Point. All but the first, in 2002, have been solo affairs. And it may have been that one that convinced Reed to shun multimember codels.

He was traveling with a half-dozen other senators to Afghanistan, Iraq and Pakistan and nearing the end of the long, exhausting trip when the other members decided they didn't want to get up early the next morning to visit an Army special forces unit near the Pakistan border.

But Reed insisted they go, he recalled during an early-morning interview here before returning to the United States on Monday. "I got a little annoyed because these troops were expecting us to come."

Reed said he feels he can learn more about the actual progress, or lack of it, by traveling alone."

You can see a lot of places you couldn't necessarily go with others" because of security needs, he said as he wolfed down a breakfast of baked beans, scrambled eggs, fried potatoes and olives. "It helps me to be able to do it on my own. You can't substitute firsthand experience."

He added, "I like to characterize myself as someone who comes out here on a fairly frequent basis to look at what's happening on the ground and then reach judgments about what we can do to succeed."

Reed always makes it a point to visit troops from his native state. There are about 400 in Iraq, and he visited many of them, including Army troops in Baghdad, Marines in Fallujah, the helicopter crews and a field artillery unit in Mosul, and soldiers at a remote desert base in Kuwait.

Reed, a member of the Armed Services Committee, makes no apologies for being a critic of the administration's policy in Iraq, and to a lesser extent, Afghanistan.

"My job is to be critical about what's going on and what needs to be improved," he said, adding, "I think my criticism has been accurate, certainly in the operations in the region, in that we didn't organize ourselves for the appropriate occupation and stabilization" after Saddam Hussein was toppled, which happened two years ago this month.

"It took a long time to get the needed equipment in here for our troops. We made some serious errors in terms of de-

Baathification efforts, rather than trying to incorporate the Sunnis, and disbanding the Iraq Army. There's a litany of problems."

And although Reed has high praise for the military effort here, he added, "You have to understand that this is not over yet, militarily. And the notion that everything's fine disregards the resilience of this insurgency and the deep-seated political, historical and social forces that are at work.

"I think one of the greatest errors and misjudgments would be at this point, so to speak, to get out, because the area has one or two months of relative quiet—this is a long-term effort, and, in a way, the hardest part, even now, is to revamp an economic and political structure that doesn't have that many democratic tendencies."

Reed said Iraq has been "brought right back to almost where we began two years ago. And now we have the obligation to reinforce military success with political and economic progress, and the question is, do we have the resources and the capability to do that?"

Reed also said he feels that civilian agencies haven't done enough to rebuild Iraq's battered infrastructure by providing "the soft power that you need to stabilize the country."

"This is a major effort," he declared. "We've got to get it right. There are things that we're doing very well and again I'd say that if we don't, if we take our eye off the ball, we could find ourselves right back where we were six months or a year ago. This place has the annoying habit of every time you turn the corner, there's another corner. We might be turning the corner, but watch out."

BATTERED FALLUJAH KEY TO IRAQ

FALLUJAH, Apr. 7, 2005.—This devastated former insurgent stronghold west of Baghdad, where some of the worst violence—and one of the grisliest scenes—of the two-year war in Iraq took place, is shaping up as the key to the success or failure of the Bush administration's historic effort to reinvent Iraq.

That was evident last week as James Jeffrey, deputy chief of mission of the U.S. Embassy in Baghdad, came here to confer with the commander of the 23,000 Marines who still patrol this dangerous region and to meet with some two dozen local police and government officials, Arab sheiks and Sunni clerics.

"This is the future of Iraq," Lt. Gen. John Sattler, commander of the 1st Marine Expeditionary Force that drove Iraqi insurgents and foreign Muslim fighters out of the city in an epic 11-day battle last November, told the local leaders as Jeffrey stood by.

The salty-tongued Sattler, who was reassigned to Camp Pendleton, Calif., at the end of March, portrayed Fallujah as a crucial test of the U.S.-led multinational coalition's ability to provide security, assure political stability and rebuild Iraq's shattered urban centers.

"If you can make Fallujah work, it becomes a status symbol and the whole Arab world will be looking at what they have done for Fallujah," he said.

Sattler and Jeffrey also made it clear that the prospects of reducing and eventually ending the commitment of some 175,000 U.S. and coalition troops in Iraq will be greatly enhanced if Iraqi security forces can be trained and equipped in sufficient numbers.

At the same time, they said, hundreds of millions of dollars must be spent in Fallujah on economic reconstruction by creating jobs and restoring basic services, including water, sanitation facilities and electricity.

"We're at the very beginning stages now," Sattler said. He and about a dozen other senior Marine officers gave Jeffrey an update on the military situation in their region and, in turn, heard Jeffrey describe the political situation and economic reconstruction effort before they met with the local leaders.

The meetings in Fallujah came almost exactly a year after the world was subjected to the ghastly scenes of the charred remains of several American contractors whose bodies were hung from a Fallujah bridge. The scene was the prelude to the bloody battle in November that drove insurgents from their fortified and well-armed base in Fallujah.

Jeffrey is running the U.S. Embassy until the arrival of Zalmay Khalilzad, the current ambassador in Afghanistan whom President Bush nominated Tuesday to replace John Negroponte as ambassador to Iraq. Jeffrey gave the Marines an update on the overall military, political and economic situation in Iraq.

He said coalition forces have made "tremendous progress" toward defeating the insurgent and al Qaeda elements in most areas of Iraq, although the violence directed against coalition forces and Iraqis who are cooperating with the coalition "is still very worrisome."

And he said that 100 50-man units of Iraqi Army and security forces, including local police, are in place, of which about 50 are ready to be deployed nationwide. "That's a huge difference and huge investment," he said, with between $5 billion and $6 billion already spent and about an additional $10 billion committed by the end of this year.

But it's not the money, he said, "it's the mentoring and training that are important."

On the political front, he said the successful outcome of the Jan. 30 elections has provided important momentum, but he expressed concern about the vacuum that exists until the newly elected national assembly and its leaders are chosen.

The problem, he said, is that "the old government is not willing to take action, and the new government doesn't exist yet. We're a bit frustrated, but that's democracy."

Finally, on the economic reconstruction front, Jeffrey said $100 million has already been spent on Fallujah, with another $100 million in the pipeline.

"Let's face it: We're winning," he said. "It needs to be said that we are winning. This is a very, very, very difficult thing we're undertaking, but we're winning and we need to continue pouring resources into Fallujah."

Sattler acknowledged the difficulty of finding the right local officials and working with them. "There's dust on everyone here," he said. "So you have to go down until you find somebody without blood on his hands. That's the person you have to deal with."

But one Agency for International Development official said more and more local leaders are willing to cooperate in the rebuilding effort.

"We're beginning to see them at the table now, and they're beginning to ask questions. We're shifting from one level to another. We're dealing with the Iraqi mind and not the U.S. mind. We're trying to deliver the goods, but it's going to be a long process. It's water running into one more house. It's electricity going into one more house."

Sattler pointed out that more than 2,000 government workers showed up for work in Fallujah the day before and "15,000 people came into town yesterday. There were less than a thousand in December."

A few days later, Sattler repeated his message while hosting Gen. John Abizaid, commander of all U.S. forces in the Persian Gulf region, and Sen. Jack Reed (D-R.I.).

"A year ago, we had an insurgency that operated with impunity inside Fallujah," Sattler said. But now there's a growing partnership between U.S. troops and Iraqi security forces that he said bodes well for the future.

Sattler said, "We get a lot of visitors here, but you haven't visited Iraq if you haven't visited Fallujah."

REGULATION OF 527 ORGANIZATIONS

Mr. DAYTON. Mr. President, earlier today, as a member of the Senate Rules Committee, I participated in a markup of legislation that purports to regulate the so-called 527 organizations. What started out as campaign finance reform legislation in the view of many, both Democrats and Republicans, in this body, unfortunately, turned, through the amendment procedure and the markup, into a very different kind of legislation.

I commend Senator LOTT, chairman of the Rules Committee. He was eminently fair throughout and gave each one of us an opportunity to present our amendments to be fully considered and voted upon. But one amendment that was introduced at the very outset, that was voted favorably upon by all members of the majority caucus as well as I believe one or two Democrats, but not nearly enough to carry the legislation, drastically shifted the bill to one that opens vast new opportunities for political action committees, special interests, to increase their contributions and for Members of Congress, Members of the Senate to direct those moneys to other political campaigns.

Specifically, the amendment that was adopted increased the contributions allowed to political action committees from $5,000 to $7,500. That is a 50-percent increase.

The amendment increased the amount of money that political action committees could contribute to national political parties from $15,000 to $25,000. That is a 67-percent increase. And it eliminated the restrictions on trade associations soliciting member companies for those contributions without prior approval of those companies as well as limitations on the number of times each year they could be solicited.

Most egregious, the amendment that was adopted allows Members of Congress to transfer unlimited amounts of money from their leadership political action committees to national parties and to the political committees that are established and maintained by a national political party which includes such enterprises as the Democratic and Republican senatorial campaign committees, congressional campaign committees, and other subdivisions and political committees of the national parties that are used to directly attack

Members of Congress for their reelections or to assist challengers or to assist incumbents.

It opened the door widely, broadly, in allowing Members of Congress to use their positions of power and influence to solicit these contributions from special interests on a year-round, round-the-clock basis and then turn those moneys over in unlimited amounts to all of these other political activities.

So at the same time this legislation purported to restrict the ability of individuals to make these kinds of large expenditures on behalf of political causes and candidates, it threw the door wide open for special interest groups to do exactly what they said they were prohibiting. It is a terrible step in the wrong direction. It is evidence, again, of why allowing incumbents to be involved in so-called election law regarding their own self-interest is akin to giving a blowtorch to a pyromaniac. They simply cannot resist the abuses that are available to them.

I urge my colleagues to look at this legislation cautiously as it proceeds to the Senate floor. It is a step in the wrong direction. I regret the action taken today.

HONORING OUR ARMED FORCES

SERGEANT JOHN W. MILLER

Mr. GRASSLEY. Mr. President, I wish to recognize today the passing of a fellow Iowan who has fallen in service to this country. Sergeant John W. Miller, of the Iowa Army National Guard Company, A, 224th Engineer Battalion, was killed by a sniper on April 12 in Ar Ramadi, Iraq, while providing security for a road-clearing operation. He was 21 years old and is survived by a father, Dennis, two brothers, James and Nathan, and a sister, Jessica, who live in the Burlington, IA area.

John Miller attended West Burlington High School and received his high school diploma from Des Moines Area Community College. He joined the Iowa Army National Guard in March of 2002 and was mobilized to go to Iraq in October of 2004. He was posthumously awarded the Bronze Star, Purple Heart, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, National Defense Service Medal, Army Good Conduct Medal, Army Service Ribbon, Army Reserve Component Achievement Medal and the Armed Forces Reserve Medal with "M" device for Mobilization. He was also promoted to sergeant posthumously.

I offer my condolences to John's family and friends. Sergeant Miller's battalion leader wrote that John "will never be forgotten." I ask all of my colleagues and fellow Americans to join me in fulfilling that promise of remembrance. We must remember John and his comrades who have fallen, their lives, and their sacrifices; for a Nation that forgets her heroes will lose her direction, her strength, and her spirit.

NURSE ANESTHESIA PROGRAM

Mr. AKAKA. Mr. President, so often we talk about collaboration between the Departments of Veterans Affairs and Defense. Today, we have a terrific example of such sharing. I specifically want to call attention to an innovative training program for nurse anesthetists. In an attempt to maximize scarce resources, VA and the U.S. Army have pulled together their resources to help prepare VA for fields in anesthesia.

Out of this joint VA/DOD effort has transpired one of the top Certified Registered Nurse Anesthetist programs in the country. The program offered at the U.S. Army Medical Department Center and School at Fort Sam Houston, TX, has been said by its students to provide top of the line Army training in the field of nurse anesthesia. This type of training can be carried over to VA and will promote a seamless transition for those servicemembers that need continued treatment upon return from active duty.

In addition to the clinical training, during the second phase of the program, the students also receive invaluable lessons that simply cannot be taught in just any training facility. By sitting side by side with Army and Air Force classmates, the students are able to gain a greater appreciation and understanding for the different branches of the armed services and the culture of the military. Knowing that they are being cared for by someone who understands their background and by someone who speaks their language, veterans are provided with a level of comfort that can only be beneficial as they receive health care treatment.

This VA/DOD nurse anesthesia training program only provides a glimpse of the strides VA is making and hopefully will continue to make in training and educating current and future health care workers—despite budget constraints. I applaud VA for its leadership to the health care community and for its collaborative efforts to ensure quality health care. As ranking member of the Committee on Veterans Affairs, I will continue to fight for veterans and make sure that they receive the health care that they deserve.

CHINESE TARIFFS

Mr. DOMENICI. Mr. President, on April 6, 2005, I voted against a motion to table amendment No. 309, otherwise known as the Schumer amendment, to the fiscal year 2006–2007 Foreign Affairs authorization bill. Upon careful consideration of this issue I have come to the conclusion that this amendment will be ineffective at best and harmful at worst. As it is currently written, the Schumer amendment will impose a tariff on all Chinese imports. Sponsors of the amendment claim this measure is necessary in order to compel the Chinese Government to revalue its currency.

I am a supporter of free trade. I also believe that the benefits of free trade must be weighed against any harm that could be done to vital American interests. Understandably, there is considerable angst over the expanding trade deficit between the United States and China. Still, this body should not be hasty to repeat a mistake of the 106th Congress when it acted to support a similar amendment to the 2000 China trade bill.

Similar to what the Schumer amendment proposes, provisions in the China trade bill allowed the Federal Government to impose a de facto tariff in the form of dumping penalties against foreign companies. The collected penalties were distributed to the companies that filed complaints in the U.S. It should be noted that the WTO defines "dumping" as a situation where goods are sold below price normally charged in home market. By contrast, and to the consternation of our trade partners, domestic American companies have thought of dumping as goods being sold below price normally charged in the U.S. market. Over the past 4½ years since the bill was enacted, American companies have collected over $1 billion in penalties from suits filed in the United States.

While that might not seem like such a bad thing, other governments have been busy filing complaints with the World Trade Organization. They are now determined to impose 15 percent tariffs against American exporters as punishment for the American "dumping" penalties. The costs of these tariffs will be borne by all sorts of American manufacturers and exporters. These tariffs will also punish American workers by making their work products uncompetitive in the global market.

I raise this parallel because it reveals to us the dangers of not seeking resolution through an agreed-to and effective framework provided by the WTO. The strength of the American economy has always been based on the openness of our markets. Unilaterally imposing tariffs on Chinese imports will act as an unfair tax on American exporters and that is a price we cannot afford to pay.

FREEDOM TO TRAVEL TO CUBA ACT OF 2005

Mr. ENZI. Mr. President, on Monday, April 25, I introduced a bill, S. 894, with Senator DORGAN that will make a small change in Cuba policy. It deals only with travel provisions to Cuba.

I have been watching Cuba since the 1960s. I went to college at George Washington University and was there at the time of the Cuban missile crisis. I have had the opportunity to watch what has happened with Cuba through the years and I am reminded of something my dad used to say: If you keep on doing what you have always been doing, you are going to wind up getting what you already got.

That is kind of been the situation with Cuba. We have been trying the same thing for 40 years—over 40 years—and it has not worked. So I am suggesting a change to get a few more people in there to increase conversation for people that understand the way the United States works and the way Cuba works and how they ought to drift more rapidly towards where we are.

Castro's cruelty to his own people has tempted us to tighten the already strong restrictions on the relations between our two countries, and we did. We need to be successful in bringing about a better way of life for the Cuban people.

When we stop Cuban-Americans from bringing financial assistance to their families in Cuba, and end the people to people exchanges, and stop the sale of agricultural and medicinal products to Cuba, we are not hurting the Cuban Government, we are hurting the Cuban people. We are diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow more and freer travel to Cuba, if we increase trade and dialogue, we take away Castro's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the better we try to make things for the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by Fidel Castro.

As I mentioned before, it seems foolish to do the same thing over and over again and expect different results. That is what we are doing in Cuba. We are continuing to exert pressure from our side and, as we do, we are giving Castro a scapegoat to blame for the poor living conditions in his country in the process. It is time for a different policy, one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goals in that country.

The Freedom to Travel to Cuba Act is very straightforward. It states that the President shall not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens or transactions incident to such travel.

In 1958 the Supreme Court affirmed our constitutional right to travel, but the U.S. Government then prohibited Americans from spending money in Cuba. We simply said, OK, you have a right to travel, but try traveling without spending a dime.

One of the reasons I became involved in this issue is because a Cuban-American from Jackson, WY, had been in Cuba visiting his family, doing his one visit a year. As he left and was on the plane coming back to Wyoming, one of his parents died. He could not go back there for a year. Under the recent changes, he now would be unable to go back for 3 years. This is not a good situation for any family.

I must ask my colleagues why we are continuing to support a policy that was basically implemented 40 years ago. Why are we supporting a policy that has had little effect on the government we oppose? Why don't we improve our policy so that it will improve conditions for the Cuban people and their image of the United States?

The bill we are introducing makes real change in our policy toward Cuba that will lead to real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends, and extended family from the United States. Or let them hear it from the American people who will go there. The people of this country are our best ambassadors and we should let them show the people of Cuba what we as a Nation are all about. One thing we should not do is to play into Castro's hands by continuing to enact stricter and more stringent regulations and create a situation where the United States is easy to blame for the problems in Cuba.

Unilateral sanctions will not improve human rights for Cuban citizens. The rest of the world isn't doing what we are doing. They are being supplied by the rest of the world for everything that they need. Open dialogue and exchange of ideas and commerce can move a country toward democracy.

What better way to share the rewards of democracy than through people to people exchanges. Unilateral sanctions stop not just the flow of goods, but the flow of ideas. Ideas of freedom and democracy are the keys to positive change in any nation.

Some may ask why we want to increase dialogue right now, why open the door to Cuba when Castro behaves so poorly. No one is denying that the actions of Castro and his government are deplorable, as is his refusal to provide basic human rights to his people. But if you truly believe that Castro is dictator with no good intentions, how can you say we should wait for him to behave before we engage. He controls all the media in Cuba. The entire message that is coming out unless we have people interacting is his message. Keeping the door closed and hollering at Castro on the other side does nothing. Let's do something, let's open the door and talk to the Cuban people.

I encourage all of my colleagues to take a look at S. 894 and join me in this effort.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY

Mr. BROWNBACK. Mr. President, in light of the upcoming Holocaust Remembrance Day, I want to pay tribute to the men, women, and children who suffered and were murdered at the hands of the Nazis in the death camps across Europe. In 1951, the Israeli Knesset designated an official day on the Hebrew calendar, called Yom ha-Shoah, to commemorate the Shoah or Holocaust. This important day falls on May 5th.

"Shoah" is the Hebrew word meaning "catastrophe," which speaks to the tragic destruction of nearly the entirety of European Jewry during World War II. Perhaps no other place has been so linked to the Shoah than Auschwitz, the liberation of which was solemnly marked earlier this year.

Auschwitz now symbolizes the horror suffered by millions in an expansive network of camps and sub-camps that stretched throughout much of Europe. Millions of people were deported to these camps throughout the war. Many were summarily executed. Others were worked to death. Some were subjected to sadistic medical experimentation.

The death camp at Auschwitz was at the heart of the "final solution," the slaughter of innocents for no other reason than that they were Jews. In addition, Poles, Roma and other minorities were transported to Auschwitz and elsewhere for elimination. To put this staggering human suffering into some scale, the equivalent of roughly half the current population of my home State of Kansas was murdered at Auschwitz alone.

I have had the privilege of visiting Yad Vashem in Jerusalem to honor the memory of the victims of Shoah. The legacy of the Holocaust encompasses the memory of those that perished as well as those who survived. The testimonies of those who survived Auschwitz and other death camps attest to the capacity of evil. At the same time, the lives of the survivors underscore the resilience of the human spirit and the fact that good can and must prevail over evil.

Six decades after the smoldering flames of the Shoah were extinguished, we are still confronted with reality that the embers of anti-Semitism could today be fanned into a consuming fire. As chairman of the Commission on Security and Cooperation in Europe, I am committed to confronting and combating manifestations of anti-Semitism and related violence at home and abroad. I look forward to the upcoming OSCE conference in Cordoba, Spain, as it will assess what measures countries are or are not taking to confront anti-Semitism. As a member of the Senate, I have and will continue to support the vital educational work of the United States Holocaust Memorial Museum and other institutions.

While the world professed shock at the scope of the atrocities and cruelty of the Holocaust, it has not prevented genocides elsewhere, Bosnia, Rwanda, and now Darfur. We I can best honor the memory of those killed during the Holocaust and the survivors by giving real meaning to "never again."

ADDITIONAL STATEMENTS

TRIBUTE TO DAN TANG—SBA SMALL BUSINESS OWNER OF THE YEAR

● Mr. ALLARD. Mr. President, I rise today to pay tribute to Mr. Dan Tang, who has been named by the Small Business Administration the Small Business Owner of the Year.

Dan was born in China in 1962 and was raised in Canton, China. At 19 years of age, Dan was forced to escape China. After eleven months in a refugee camp, he finally received a visa to travel to the United States. His dream of becoming an American citizen began in California. He worked hard, saved his money and found his way to Colorado.

After moving to Aurora, CO, he met up with some friends who owned a local Chinese restaurant. He accepted a job offer to be the dish washer and began working his way up in the business. He went from washing dishes, then bussing tables and eventually was promoted to become a cook. Always working long days and saving his money, Dan was eventually able to open his own restaurant in 1990. The opening of the Heaven Dragon was an enormous achievement for him and his family.

Today the Heaven Dragon is one of the best known family owned restaurants in the Denver metro area. His reputation is so well known that on a recent visit to Denver, President Bush requested his speciality, Peking Duck.

Dan Tang is a true American success story. He is a role model for hard-working small business owners across the country who are creating their own American dream.●

TRIBUTE TO CONSTABLE BILL BAILEY

● Mrs. HUTCHISON. Mr. President, there is something in the Texas soil that produces colorful characters. From Judge Roy Bean, the law west of the Pecos, to Admiral Chester Nimitz, to racecar driver Richard Petty, Texas has raised up men and women whose achievements and personal flair have made our world not only a better place, but more interesting.

One of Texas' most popular people is Harris County constable Bill Bailey. Constable Bailey heads up a big operation, with 77 employees and a $4.3 million annual budget. He has been a constable for 21 years, whose leadership was recognized when he was named president of the Texas Association of Counties.

This is a big achievement for anyone.

But Bill Bailey is not just anyone. Born Milton Odom Stanley, he was always a gregarious attention-seeking youth. Before he graduated from high school, he landed his first job on a radio station in Temple. He called himself "The Lone Wolf."

When he graduated from high school in 1957, his career began to take off. He was hired by a station first in Round Rock, then in El Paso, where he enrolled at Texas Western College. Radio was so good, he dropped out of college and took a job with a chain. He ended up in Des Moines, IA, broadcasting as Lee Western. During his job there, he had his first child, who was born over Texas soil even though the birth took place in a Des Moines hospital. Bill Bailey's mom sent him some dirt from his hometown which he wrapped in sterile cloth and placed under the delivery table. That is an authentic Texan.

On New Year's Day, 1960, he tuned in to listen to the University of Texas play in the Cotton Bowl.

"They cranked up 'The Eyes of Texas,' and I just cried," Bill said. "I came home to Texas without a job."

Later, he walked into Houston radio station KTHT to apply for a position. The station had recently hired a man from St. Louis by the name of Bill Bailey and had invested heavily in a promotion using the song, "Won't you come home Bill Bailey, Won't you come home?" The problem was, the new man decided after two weeks to do just that and went back home to St. Louis.

The station was desperate to recoup the cost of the advertising, so the deal presented to young Milton Odom Stanley was to become Bill Bailey. He kept the name ever since.

Two years later, Bill Bailey was hired by KIKK, known as KIKKer Country in Houston, not long before the Urban Cowboy nationwide country music craze. By 1979, Bill Bailey was honored as the number one country music broadcaster in a major market, and Billboard magazine named him Program Director of the Year.

At the top of his profession, Bill Bailey noted that radio personalities were beginning to coarsen their acts to get higher ratings. This went against the grain, because he knew young girls and grandmothers would listen to his show. Since he was opposed to using off-color humor, Bill Bailey began looking for a way to switch careers.

The opportunity came when a vacancy opened for constable in Harris County Precinct 8. By this time, Bill had a law enforcement commission as a reserve officer in the Galena Park Police Department. In this respect, he was following in the footsteps of his great, great, great grandfather, Williamson County Sheriff Milton Tucker, who captured the legendary outlaw Sam Bass in 1878 the day after Bass had been mortally wounded by Texas Rangers in Round Rock.

After winning a run-off election, he worked hard to make his office more professional and improved every aspect of its operations. Bill started many initiatives in his office, not least of which is guarding the homes of astronauts while they are in space.

Another measure was to provide powered impact wrenches with all his patrol cars so deputies can rapidly change tires for stranded motorists.

"I've gotten more mail from citizens who have had flats fixed than all the other cops-and-robbers stuff we do," he said.

I have known Bill for years. We rode horses together on the Salt Grass Trail and in the Houston Rodeo. He is a fine and good man.

Bill Bailey's other activities include serving part-time as an announcer at the Texas Prison Rodeo for 15 years, and calling the calf scramble and grand entry salute at the Houston Livestock Show and Rodeo. He has been active in that charity for 43 years.

It is no surprise that a man this talented has had so many names: Milton Stanley, "Poogie", his nickname as he grew up in Galena Park, "Lone Wolf", Lee Western, Buffalo Bill Bailey and, finally, plain old Bill Bailey.

Constable Bill Bailey may have had many names, but he has always been a devoted family man, a believing Christian and a colorful credit to our State. Please join me in congratulating him as the City of Pasadena and the Pasadena Rotary Club host Bill Bailey Day on April 29, 2005.●

GEORGE KALLAS

● Ms. MURKOWSKI. Mr. President, my State of Alaska is small in population but huge in territory, warmth and generosity. In a State with a population of somewhat over 655,000 people, whose largest community, the municipality of Anchorage, has a population of about 275,000, the good deeds of people stand out.

The high level of civic engagement exhibited by the people of Alaska is impressive. Many Alaskans begin their morning with Rotary, take lunch at the Chamber of Commerce, the World Affairs Council or Commonwealth North, and spend their evenings supporting one of our many cultural, charitable and civic organizations.

Alaskans, whether life long residents of the State as I am, or people transplanted to The Great Land, like George Kallas, play an active role in the life of our communities. The difference between a sourdough and a cheechako, a newcomer, is not measured in longevity of residence. It is measured in contributions to the community.

Last Saturday, I joined with Alaskans in celebrating the life of George Kallas who passed away at the age of 81 on April 19, 2005. George Kallas came to Alaska in 1971. He was a native of Kansas City and will be buried there. A U.S. Army veteran of World War II, he was a member of American Legion Post 28.

George's business, the Beef and Sea Restaurant, on the Old Seward Highway was a favored dining spot of Alaskans and visitors alike. Located close to the heart of Alaska's oil and gas industry, it offered a touch of Alaska hospitality and a taste of Alaska crab to thousands who came to develop the Prudhoe Bay oilfield and the Trans Alaska Pipeline System. George participated in the growth of Anchorage from small town to cosmopolitan metropolis. He operated the restaurant until 1999 when he retired.

At Christmas George opened the restaurant to feed all of those who cared to come free of charge. At least 1,500 people, probably more, took advantage of this wonderful Christmas present.

He was not merely a successful small businessperson, but a leader of the small business community. George was proudest of his leadership role in the Alaska Coalition of Small Business which advocated for the interests of small business on issues from local to national importance. He was also an active member of the Holy Transfiguration Greek Orthodox Church.

George was what we in Alaska refer to as a "super voter," someone who never missed the opportunity to vote. Even in his final months as a resident of the extended care facility at Providence Hospital, he insisted that he be brought to the polls to perform his duty as a citizen of Alaska and the United States.

I will miss George Kallas. Alaska will miss George Kallas.●

TRIBUTE TO BOB LIGOURI

● Mr. HARKIN. Mr. President, 7 years ago, Senator JIM JEFFORDS recruited me to join him as a volunteer for a literacy program in Washington, DC, called Everybody Wins! The program is simple—spend one lunch hour a week at an elementary school reading with a child. This is the ultimate power lunch.

It didn't take long and I was hooked. It is the most important and rewarding hour of my week. I also thought this was a program we needed in Iowa.

Three years ago, under the leadership of Bob Ligouri, Everybody Wins! Iowa was launched. The Iowa program started as a small pilot program in three central Iowa elementary schools involving 15 students and 15 adults. From those humble beginnings, Everybody Wins! Iowa has grown to over 200 volunteers in 12 central Iowa schools.

Starting a brand new non-profit organization is not easy. There were volunteers to recruit, schools to identify, a board to create, paperwork to file and money to raise. Bob Ligouri built a solid foundation for Everybody Wins! Iowa. He adapted the national program to better fit our State and put the organization on the right track for future growth.

Everybody Wins! Iowa was fortunate to have the opportunity to work with Bob. He has long experience working with children as a coach of various athletic teams. He also led Special Olympics here in Iowa for 10 years building it into an organization with 10,000 volunteers and athletes.

Bob Ligouri served as the executive director and later, as president of the board of directors for Everybody Wins! Iowa for over 3 years. He planted the seeds, nurtured them and watched them blossom into a strong literacy and mentoring organization.

As Bob Ligouri moves on to dedicate more time to a new business venture, I express my sincere gratitude for the outstanding job he has done for Everybody Wins! Iowa. His dedication and leadership was critical to the Iowa program and he will be missed.●

COMMENDING PATRICIA POLAND

● Mrs. CLINTON. Mr. President, I am pleased today to recognize the outstanding service of Patricia "Judy" Poland, who retires in May after 30 years of dedicated efforts on behalf of the U.S. Army. For three decades, Miss Poland has worked at the Army's Recruiting Battalion in Albany, NY. She retires as the Battalion's Chief of Advertising and Public Affairs.

Miss Poland began her Government service in 1973 and has spent her entire career in the field of public affairs. It is fitting to note, therefore, that she entered Federal service at the same time that the Army began its daring initiative to become an All-Volunteer Force. Miss Poland's career spanned the full gamut of recruiting slogans, each of which reflected the changing temperament of the Nation, from "Today's Army Wants to Join You," through "Be All You Can Be" to the current "Army of One." She leaves an All-Volunteer Army sustained by successful recruitment.

Judy Poland's efforts in Albany, NY, contributed greatly to the Army's success. Recognized for her leadership, for most of her service she has headed her department, she has held the unconditional trust of several thousand recruiters, and her institutional knowledge has eased the way for more than a dozen battalion commanders.

From her early service pounding a manual typewriter under leaking steampipes in a basement, she has not only seen the Army change and grow into a service on the cutting edge of technology but she has facilitated that growth.

As Judy Poland leaves Government service to pursue goals and hobbies postponed for 30 years, I offer not only congratulations on her accomplishments but heartfelt thanks for her selfless service to our great Nation. I send to her my best wishes for continued success.●

TOM RUSSO AND THE SCHOLAR-RESCUE PROGRAM

● Mr. LEAHY. Mr. President, today I wish to make a short statement on the work of Tom Russo. Mr. Russo is a vice chairman of Lehman Brothers, making his time some of the most valuable time in the world. But, it is precisely what Mr. Russo does with this time that I would like to speak about here today—in particular his work with the Institute of International Education—IIE—and the scholar-rescue program.

Mr. Russo has played a leadership role in working with IIE to establish a program that helps to bring scholars, whose lives are in danger in their home countries, to the United States. Once in the United States, the scholars are matched with host universities according to their academic specialty and the needs of the university. In many ways, this program is a win-win. The scholars, and in some cases their families, are removed from harm's way. Universities in the U.S. get top-rate scholars to teach and conduct research, while IIE helps to defray some of the costs to these institutions.

Of course, everyone would prefer that these scholars were able to remain in their home countries shaping the intellectual culture there, especially the scholars themselves. But, these are cases where there is no other option. It is either leave or be killed. And we have a moral responsibility to help these scholars escape and continue their work, in hopes of one day returning and advancing the knowledge base in their home nations.

One only has to look at the newspaper to see that there is virtually unlimited demand for this program. Let me read a few sentences from an article in last Wednesday's Washington Post, entitled "Attacks Across Iraq kill 12, Wound Over 60". The article reads: "Elsewhere in the capital, masked men shot and killed a professor, Fuad Ibrahim Mohamed Bayati, as he left home for the University of Baghdad, police said."

Tom Russo and his colleagues, including Henry Jarecki, a board member of IIE, and Alan Goodman, the president of IIE, have worked tirelessly to build this program. I know this because on several different occasions I have met with Henry, Alan, or Tom about the scholar-rescue program. It is abundantly clear from our conversations that they are deeply involved with the program and are passionate about the good work that it is doing around the world. While the scholar-rescue program cannot prevent every tragedy, I can attest it is making a difference. I also know that, instead of resting on their laurels, Mr. Russo. Dr. Jarecki, Dr. Goodman, and others are laboring day and night to expand the program to come to the aid of more scholars and their families.

I appreciate all Mr. Russo is doing and wanted to bring his work to the attention of the Senate. I encourage all of my colleagues to read about Tom Russo and the scholar-rescue program. I ask that an article from the New York Sun on Mr. Russo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Sun, Apr. 11, 2005]

LEHMAN'S RUSSO: "CREATE A CULTURE OF DOING THE RIGHT THING"

(By Pranay Gupte)

Thomas Russo, vice chairman of Lehman Brothers Incorporated and the 155-year-old investment bank's chief legal officer, had started this day with a meeting at 7:30 a.m. By the time he came to lunch, he'd had three more meetings, and taken several overseas and domestic calls in his additional role as head of Lehman's corporate advisory division, with responsibility for compliance, internal audit, government relations, and the documentation group.

There was also some work in connection with Lehman's new products committee and also the operating exposures committee, both of which he chairs. There were a couple of matters related to the Institute of International Education, which administers the State Department's Fulbright Program, and whose executive committee he heads.

And yes, there was a one-hour workout at a gym before his workday started.

Were there enough hours in the clock for him, the reporter—whose own deadline driven schedule had spawned portliness, in contrast to his guest's dapper trimness—asked Mr. Russo.

"In everything I do, I always ask myself, 'Am I doing the best that I can?'" Mr. Russo said. "If you feel good about what you do, then you can be at peace with yourself."

He's handsomely compensated for what he does. Lehman gave him $3 million last year, making him the highest-paid corporate legal counsel in America after General Electric's chief lawyer, Benjamin Heineman Jr., who drew $4.3 million, according to a survey by Corporate Legal Times.

Mr. Russo certainly earns his salary and bonuses, especially these days when Wall Street is under increased scrutiny by regulatory institutions on account of assorted scandals concerning corporate behavior. As Lehman's chief legal officer, its Mr. Russo's responsibility to ensure strict compliance with the law—particularly the 2002 Sarbanes-Oxley Act on accounting and governance—on the part of the firm's 20,300 employees.

Indeed, Mr. Russo was a key player in bringing about the record $1.4 billion settlement by 10 Wall Street companies in April 2003. Lehman, which paid $80 million in fines—Citigroup paid $400 million—was among those accused by the Securities and Exchange Commission and New York State Attorney General Eliot Spitzer of conflicts of interest while aiming to increase their investment-banking business.

"The whole episode was bad for the industry, it was bad for business," Mr. Russo said. "It could be cited as an example of us being our own worst enemy. While some have accused regulators for being excessively zealous, for the most part the industry brought this upon itself."

What about the continuing tensions and torque of his work, the reporter asked. How does he go about ensuring compliance with the law in such a large organization as Lehman?

"The only way to regain investors' trust is to create a culture of doing the right thing," Mr. Russo said. "I always say to my colleagues, 'If it feels wrong, just don't do it.' You cannot compromise your integrity. Everyone in financial services always needs to keep in mind that, first and foremost, customers must be served to the best of our ability. I cannot emphasize enough the importance of doing the right thing."

Mr. Russo's emphasis on "doing the right thing," and his probity, has acquired an almost mythic dimension in the financial services industry. Some 84 million Americans have invested more than $14 trillion in the equities markets in the United States; more than 3.2 billion shares are typically traded on the New York Stock Exchange and Nasdaq every day.

That emphasis on morality is transmitted by Mr. Russo not only to his associates at Lehman (which he joined in January 1993). It's a message that he conveys to hundreds of other professionals, students, and young people with whom he comes into contact each year through institutions such as the IIE, the Economic Club of New York, the Foreign Policy Association, the Fellows of the Phi Beta Kappa Society, and U.S. Council for International Business.

He's not a proselytizer, nor is his style preachy. The soft-spoken Mr. Russo learned the art of subtlety from his late father, Lucio, a Staten Island lawyer who was also a member of the state Assembly for 22 years. He also learned forthrightness and resourcefulness from his late mother, Tina, who encouraged him to get summer jobs on the floor of the American Stock Exchange; it was his mother who elicited his continuing involvement with the March of Dimes, where he's vice chairman. (His parents died in a car accident last year.)

"I figured out early in life that success is a matter of focus and energy," Mr. Russo said. "If you find something that you like to do, then you've got to do it with all your passion."

It's an attitude that helped him ace undergraduate studies at Fordham University, and Cornell University, where he earned an MBA as well as a law degree. Mr. Russo was also elected to the honor societies Phi Beta Kappa and Phi Kappa Phi. It's an attitude that helped him distinguish himself as a young lawyer at the SEC, which he joined after Cornell.

It's an attitude that helped him become partner and member of the management committee of the prestigious law firm Cadwalader, Wickersham & Taft. And it's an attitude that most certainly helped land him the job of the first director of the Commodity Futures Trading Commission's Division of Trading and Markets. (Mr. Russo is also the author of two books on federal securities and commodities laws, and frequently writes for trade and mainstream publications on commodities, securities, banking, and financial market regulation.)

His career has fetched him numerous honors. The National Law Journal listed him as one of the "100 Most Influential Lawyers in America." Not long ago, Mr. Russo was an inaugural inductee into the Futures Industry Association Hall of Fame. These honors are to be savored, of course, but Mr. Russo isn't one to brag about them. During lunch, in fact, he credited his colleagues and parents, and averred: "I've been enormously lucky in my life."

There's one aspect of his luck that Mr. Russo chooses to highlight—his wife, Marcy, who helps run a Jewish educational foundation; and his children: twin daughters Alexa and Morgan, 15, and son Tyler, 9.

The reporter obtained a sense of how much Mr. Russo's family shares his dedication to education and cultural bridge-building—which he said were essential not only for sustaining America's economic might but also for engendering enhanced awareness overseas of the homespun values of tolerance, friendship, and hospitality that serve as underpinnings of American society.

On the evening after the lunch with Mr. Russo, he'd invited several young Fulbright scholars from Iraq, India, China, Syria, and other countries to his Fifth Avenue apartment for a reception. The view of Central Park was stunning; the food was scrumptious. But the highlight of the evening was clearly violin renditions of Bach by Alexa and Morgan, accompanied on the piano by their fellow student from the Dalton School, Gennifer Tsoi.

They often give such performances, Mr. Russo said, they visit senior citizens' homes and hospices to give comfort and spread good will through their music. The reporter thought: Like father, like daughters.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House, Mr. NUSSLE, Mr. RYUN of Kansas.

The message also announced that the House disagree to the amendments of the Senate to the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two houses thereon: and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. MOLLOHAN, Mr. VISCLOSKY, Mrs. LOWEY and Mr. EDWARDS.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 28. An act to amend the High-Performance Computing Act of 1991.

H.R. 749. An act to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services.

H.R. 1158. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1524. An act to designate the facility of the United States Postal Service located at 124333 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 41. Concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community.

The message further announced that pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170), and the order of the House of January 4, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Ticket to Work and Work Incentives Advisory Panel: Mr. J. Russell Doumas of Columbia, Missouri to a 4-year term.

The message also announced that pursuant to 40 U.S.C. 188a. and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. LEWIS of California.

The message further announced that pursuant to 40 U.S.C. 188a. and the order of the House of January 4, 2005, the Minority Leader appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Ms. KAPTUR of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 28. An act to amend the High-Performance Computing Act of 1991; to the Committee on Commerce, Science, and Transportation.

H.R. 749. An act to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1158. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Energy and Natural Resources.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1947. A communication from the General Counsel of the Department of Defense, transmitting, a report of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2006; to the Committee on Armed Services.

EC–1948. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Aviation Career Incentive Pay and Aviation Continuation Pay Programs for Fiscal Year 2004"; to the Committee on Armed Services.

EC–1949. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2004 Wiretap Report"; to the Committee on the Judiciary.

EC–1950. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of the Department's intent to obligate funds for purposes of Nonproliferation and Disarmament Fund activities and funds to cover Nonproliferation and Disarmament Fund Fiscal Year 2005 Administration and Operation costs; to the Committee on Foreign Relations.

EC–1951. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Salary Offset" (RIN1510–AA70) received on April 26, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1952. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers" (RIN0580–AA87) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1953. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled "West Indian Fruit Fly; Regulated Articles" (APHIS Docket No. 04–127–1) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1954. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled "Asian Longhorned Beetle; Removal of Regulated Areas" (APHIS Docket No. 05–011–1) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Cocoa Beach Patrick AFB, FL and Class E4 Airspace Cocoa Beach Patrick AFB, FL" ((RIN2120–AA66) (2005–0084)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Newton, KS" ((RIN2120–AA66) (2005–0081)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Palmer, MA; Direct Final Rule; Request for Comments" ((RIN2120–AA66) (2005–0087)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF34–8C1 Series and CF34–8C5 Series Turbofan Engines" ((RIN2120–

AA64) (2005–0188)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200 and 200PF Series Airplanes" ((RIN2120-AA64) (2005-0189)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146-FJ Series Airplanes" ((RIN2120-AA64) (2005–0181)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330, A340-200, and A340-300 Series Airplanes" ((RIN2120–AA64) (2005–0182)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-80A1/A3 and CF6-80C2A Series Turbofan Engines, Installed on Airbus Industrie A300-600 and A310 Series Airplanes" ((RIN2120-AA64) (2005-0183)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64) (2005-0184)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc., SA226 and SA227 Airplanes" ((RIN2120-AA64) (2005-0185)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1965. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, and 300 Series Airplanes; and Model 747SR and 747SP Series Airplanes" ((RIN2120–AA64) (2005–0186)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1966. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10, 20, 30, 40, and 50 Series Airplanes; and Model DC 9–81 and DC 9-82 Airplanes" ((RIN2120-AA64) (2005-0187)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1967. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Limited, Bristol Engine Division Model Viper Mk.601–22 Turbojet Engine" ((RIN2120-AA64) (2005-0176)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1968. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes" ((RIN2120-AA64) (2005-0177)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1969. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–45A, –50A , –50C, and –50E Series Turbofan Engines" ((RIN2120–AA64) (2005–0178)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, –100B, 100B SUD, –200B, 300, 747SP, and 747SR Series Airplanes" ((RIN2120–AA64) (2005–0179)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes" ((RIN2120–AA64) (2005–0180)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (46); AMDT No. 3116 [2–18/4–7]" ((RIN2120–AA65) (2005-0008)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (49); AMDT. No. 3117 [3–11/4-7]" ((RIN2120–AA65) (2005–0009)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (94); AMDT. No. 3118 [3–18/4-7]" ((RIN2120-AA65) (2005–0010)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Nevada, MO; Confirmation of Effective Date" ((RIN2120–AA66) (2005–0086)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Parsons, KS; Direct Final Rule; Request for Comments" ((RIN2120–AA66) (2005–0083)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Rolla, MO; Confirmation of Effective Date" ((RIN2120–AA66) (2005–0082)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation .

EC–1978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ozark, MO; Confirmation of Effective Date" ((RIN2120–AA66) (2005–0085)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Boonville, MO" ((RIN2120-AA66) (2005-0088)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1980. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey: U.S. Route 209 Commercial Vehicle Fees" (RIN1024-AD14) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1981. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Snowmobile Use, Yellowstone and Grand Teton National Parks" (RIN1024-AD29) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1982. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Apostle Islands National Lakeshore; Designation of Snowmobile and Off-Road Motor Vehicle Areas, and Use of Portable Ice Augers or Power Engines" (RIN1024-AD26) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1983. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "National Park System Units in Alaska" (RIN1024-AD13) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1984. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Rocky Mountain National Park Snowmobile Routes" (RIN1024–AD15) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1985. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Chickasaw National Recreation Area, Personal Watercraft Use" (RIN1024–AC98) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Maria Cino, of Virginia, to be Deputy Secretary of Transportation.

*Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation.

*Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration.

*Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2005.

*Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2005.

*William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD:

S. 911. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. Lautenberg, Mr. Leahy, Mr. Kerry, Mr. Jeffords, Mrs. Boxer, Mr. Dayton, Mr. Schumer, and Mr. Durbin):

S. 912. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 913. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the "Southwest Bridge Research Center"; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. Smith, Mr. Lott, and Mr. Durbin):

S. 914. A bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. Wyden):

S. 915. A bill to provide for the duty-free entry of certain tramway cars and associated spare parts for use by the city of Portland, Oregon; to the Committee on Finance.

By Mr. REID (for himself and Mr. Ensign):

S. 916. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 917. A bill to amend title 38, United States Code, to make permanent the pilot program for direct housing loans for Native American veterans; to the Committee on Veterans' Affairs.

By Mr. OBAMA (for himself, Mr. Talent, and Mr. Durbin):

S. 918. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security and reduction of greenhouse gas emissions; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. Rockefeller, Mr. Dorgan, Mr. Craig, Mr. Dayton, Mr. Vitter, Mr. Thune, Mr. Johnson, Mr. Baucus, and Mr. Coleman):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service, and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 920. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Mr. Durbin, Mr. Kennedy, and Mrs. Clinton):

S. 921. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. Lieberman):

S. 922. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. Akaka, Ms. Stabenow, Mr. Lautenberg, and Mr. Obama):

S. 923. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. Akaka, Ms. Stabenow, Mr. Lautenberg, Mr. Sarbanes, and Mr. Baucus):

S. 924. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. Akaka, Ms. Stabenow, Mr. Lautenberg, and Mr. Baucus):

S. 925. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. Vitter, and Mr. Enzi):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. Lautenberg, Mr. Sarbanes, Mr. Johnson, Ms. Landrieu, and Mr. Kennedy):

S. 927. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

By Mrs. LINCOLN:

S. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. Chambliss, Mr. Inhofe, Mr. Coburn, Mr. Talent, Mr. Cornyn, and Mr. Isakson):

S. 929. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. Dodd):

S. 930. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 931. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Durbin, Ms. Mikulski, Mrs. Murray, Mr. Harkin, Mr. Dodd, Mr. Lautenberg, Mr. Corzine, Mr. Akaka, Mrs. Boxer, Mr. Feingold, Mr. Schumer, and Mr. Dayton):

S. 932. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. Inouye, and Mr. Stevens):

S. Res. 126. A resolution honoring Fred T. Korematsu for his loyalty and patriotism to the United States and expressing condolences to his family, friends, and supporters on his death; considered and agreed to.

By Mr. GREGG (for himself, Mr. Lieberman, Mr. Frist, Ms. Landrieu, Mr. Sununu, Mr. Alexander, Mr. DeMint, Mrs. Dole, Mr. Vitter, Mr. Burr, and Mr. Allard):

S. Res. 127. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 114

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 271

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of S. 271, a bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

S. 300

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 397

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 418

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 428

At the request of Mr. TALENT, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 428, a bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA–21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 677

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 677, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 756

At the request of Mr. BENNETT, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 782

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 782, a bill to amend title 37, United States Code, to authorize travel and transportation for family members of members of the Armed Forces hospitalized in the United States in connection with non-serious illnesses or injuries incurred or aggravated in a contingency operation, and for other purposes.

S. 785

At the request of Mr. LOTT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 785, a bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

S. 802

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 802, a bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 803

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 803, a bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

S. 850

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Louisiana (Ms.

LANDRIEU) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. RES. 117

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 117, a resolution designating the week of May 9, 2005, as "National Hepatits B Awareness Week."

S. RES. 121

At the request of Mr. COLEMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Res. 121, a resolution supporting May 2005 as "National Better Hearing and Speech Month" and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

AMENDMENT NO. 573

At the request of Mr. SHELBY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 573 proposed to H.R. 3, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 911. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Improving Access to Nurse-Midwifery Care Act of 2005. For too many years, certified nurse midwives, CNMs, have not received adequate reimbursement under the Medicare program, despite evidence that shows the quality of care and outcomes for services provided by CNMs are comparable to obstetricians and gynecologists. My legislation takes important steps to improve reimbursement for these important healthcare providers.

There are approximately three million disabled women on Medicare who are of childbearing age; however, if they choose to utilize a CNM for "well women" services, the CNM is only reimbursed at 65 percent of the physician fee schedule. In practical terms, the typical well-woman visit costs, on average, $50. But Medicare currently reimburses CNMs in rural areas only $14 for this visit, which could include a pap smear, mammogram, and other precancer screenings. CNMs administer the same tests and incur the same costs as physicians but receive only 65 percent of the physician fee schedule for these services. This reduced payment is unfair and does not adequately reflect the services CNMs provide to beneficiaries. At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee, MedPAC, agrees that a CNM simply cannot afford to provide services to Medicare patients and has supported increasing reimbursement for CNMs.

My legislation would make several changes to improve the ability of CNMs and certified midwives, CMs, to effectively serve the Medicare-eligible population. First, and most importantly, my bill recognizes the need to increase Medicare reimbursement for CNMs by raising the reimbursement level from 65 percent to 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level.

In addition, the Improving Access to Nurse-Midwifery Care Act would guarantee payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Finally, my bill would establish recognition for a certified midwife, CM, to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. My bill would change this.

This bill will enhance access to "well woman" care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEAHY, Mr. KERRY, Mr. JEFFORDS, Mrs. BOXER, Mr. DAYTON, Mr. SCHUMER, and Mr. DURBIN):

S. 912. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing important legislation to affirm Federal jurisdiction over the waters of the United States. I am pleased to have three members of the Environment and Public Works Committee—the Senator from Vermont, Mr. JEFFORDS, the Senator from New Jersey, Mr. LAUTENBERG, the Senator from California, Mrs. BOXER—as original cosponsors of this bill. I also thank Senators DAYTON, KERRY, SCHUMER, and DURBIN for joining me in introducing this important legislation.

In the U.S. Supreme Court's January 2001 decision, Solid Waste Agency of Northern Cook County versus the Army Corps of Engineers, a 5 to 4 majority limited the authority of Federal agencies to use the so-called migratory bird rule as the basis for asserting Clean Water Act jurisdiction over non-navigable, intrastate, isolated wetlands, streams, ponds, and other bodies of water.

This decision, known as the SWANCC decision, means that the Environmental Protection Agency and Army Corps of Engineers can no longer enforce Federal Clean Water Act protection mechanisms to protect a waterway solely on the basis that it is used as habitat for migratory birds.

In its discussion of the case, the Court went beyond the issue of the migratory bird rule and questioned whether Congress intended the Clean Water Act to provide protection for isolated ponds, streams, wetlands and other waters, as it had been interpreted to provide for most of the last 30 years. While not the legal holding of the case, the Court's discussion has resulted in a wide variety of interpretations by EPA and Corps officials that jeopardize protection for wetlands, and other waters. The wetlands at risk include prairie potholes and bogs, familiar to many in Wisconsin, and many other types of wetlands.

In effect, the Court's decision removed much of the Clean Water Act protection for between 30 percent to 60 percent of the Nation's wetlands. An estimated 60 percent of the wetlands in my home State of Wisconsin lost Federal protection. Wisconsin is not alone. The National Association of State Wetland Managers has been collecting data from States across the country. For example, Nebraska estimates that it will lose protection for more than 40 percent of its wetlands. Indiana estimates it will lose 31 percent of total wetland acreage and 74 percent of the total number of wetlands. Delaware estimates the loss of protection for 33 percent or more of its freshwater wetlands.

These wetlands absorb floodwaters, prevent pollution from reaching our rivers and streams, and provide crucial habitat for most of the Nation's ducks and other waterfowl, as well as hundreds of other bird, fish, shellfish and amphibian species. Loss of these waters would have a devastating effect on our environment.

In addition, by narrowing the water and wetland areas subject to federal regulation, the decision also shifts more of the economic burden for regulating wetlands to state and local governments. My home State of Wisconsin has passed legislation to assume the regulation of isolated waters, but many other States have not. This patchwork of regulation means that the standards for protection of wetlands nationwide are unclear and confusing, jeopardizing the migratory birds and other wildlife that depend on these wetlands.

Since 2001, the confusion over the interpretation of the SWANCC decision has grown. On January 15, 2003, the EPA and Army Corps of Engineers published in the Federal Register an Advanced Notice of Proposed Rulemaking raising questions about the jurisdiction of the Clean Water Act. Simultaneously, they released a guidance memo to their field staff regarding Clean Water Act jurisdiction.

The agencies claim these actions are necessary because of the SWANCC case. But both the guidance memo and the proposed rulemaking go far beyond the holding in SWANCC. The guidance took effect right away and has had an immediate impact. It tells the Corps and EPA staff to stop asserting jurisdiction over isolated waters without first obtaining permission from headquarters. Based on this guidance, waters that the EPA and Corps judge to be outside the Clean Water Act can be filled, dredged, and polluted without a permit or any other long-standing Clean Water Act safeguard.

The rulemaking announced the Administration's intention to consider even broader changes to Clean Water Act coverage for our waters. Specifically, the agencies are questioning whether there is any basis for asserting Clean Water Act jurisdiction over additional waters, like intermittent streams. The possibility for a redefinition of our waters is troubling because there is only one definition of the term "water" in the Clean Water Act. The wetlands program, the point source program which stops the dumping of pollution, and the non-point program governing polluted runoff all depend on this definition. Even though the Administration rescinded this proposed rulemaking in December 2003, the policy guidance remains in effect.

If we don't protect a category of waters from being filled under the wetlands program, we also fail to protect them from having trash or raw sewage dumped in them, or having other activities that violate the Clean Water Act conducted in them as well.

Congress needs to re-establish the common understanding of the Clean Water Act's jurisdiction to protect all waters of the U.S.—the understanding that Congress held when the Act was adopted in 1972—as reflected in the law, legislative history, and longstanding regulations, practice, and judicial interpretations prior to the SWANCC decision.

The proposed legislation is very simple. It does three things. First, it adopts a statutory definition of "waters of the United States" based on a longstanding definition of waters in the EPA and Corps of Engineers' regulations. Second, it deletes the term "navigable" from the Act to clarify that Congress's primary concern in 1972 was to protect the nation's waters from pollution, rather than just sustain the navigability of waterways, and to reinforce that original intent. Finally, it includes a set of findings that explain the factual basis for Congress to assert its constitutional authority over waters and wetlands on all relevant constitutional grounds, including the Commerce Clause, the Property Clause, the Treaty Clause, and Necessary and Proper Clause.

In conclusion, I am very pleased to have the support of so many environmental and conservation groups, as well as organizations that represent those who regulate and manage our country's wetlands, such as: the Natural Resources Defense Council, Earthjustice, the National Wildlife Federation, Sierra Club, American Rivers, the National Audubon Society, U.S. Public Interest Research Group, Defenders of Wildlife, the Ocean Conservancy, Trout Unlimited, the Izaac Walton League, and the Association of State Floodplain Managers. They know, as I do, that we need to re-affirm the Federal Government's role in protecting our water. This legislation is a first step in doing just that.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Authority Restoration Act of 2005".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act.

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) In enacting amendments to the Federal Water Pollution Control Act in 1972 and through subsequent amendment, including the Clean Water Act of 1977 (91 Stat. 1566) and the Water Quality Act of 1987 (101 Stat. 7), Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters, along with other waters of the United States, is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into interstate and intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and periodically-flowing streams comprise the majority of all stream channels in the United States and serve critical biological and hydrological functions that affect entire watersheds, including reducing the introduction of pollutants to large streams and rivers, and especially affecting the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of the waters of the United States, including intrastate waters, is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including wetlands, provide protection from flooding, and draining or filling wetlands and channelizing or filling streams, including intrastate wetlands and streams, can cause or exacerbate flooding, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on wetlands and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography and other graphic arts, and those activities and associated travel generate billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the

United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (23) as paragraphs (7) through (22), respectively; and

(3) by adding at the end the following:

"(23) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.".

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking "navigable waters of the United States" each place it appears and inserting "waters of the United States";

(2) in section 304(l)(1) by striking "NAVIGABLE WATERS" in the heading and inserting "WATERS OF THE UNITED STATES"; and

(3) by striking "navigable waters" each place it appears and inserting "waters of the United States".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 913. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the "Southwest Bridge Research Center"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation creating the Bridge Research Center at New Mexico State University. I would also like to thank my good friend Senator BINGAMAN for cosponsoring this important bill.

New Mexico State University (NMSU) is uniquely qualified to be the home of the Bridge Research Center. For over three decades NMSU has applied its considerable talents to solving technological problems related to bridge systems. It makes sense that we capitalize on NMSU's history and expertise in this field by establishing the bridge research center.

The Bridge Research Center will develop smart bridge evaluation techniques using advanced sensors and instrumentation. Additionally, the NMSU Bridge Center will improve bridge design methodologies, create new inspection techniques for bridges, and find better ways to conduct nondestructive evaluation and testing. Finally, the Bridge Center will conduct research into high performance materials to address durability and retrofit needs.

I have no doubt that NMSU will apply its extensive capability to develop theoretical concepts into practical solutions for bridge problems all across our country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southwest Bridge Research Center Establishment Act of 2005".

SEC. 2. BRIDGE RESEARCH CENTER.

Section 5505 of title 49, United States Code, is amended by adding at the end the following:

"(k) SOUTHWEST BRIDGE RESEARCH CENTER.—

"(1) IN GENERAL.—In addition to the university transportation centers receiving grants under subsections (a) and (b), the Secretary shall provide grants to New Mexico State University, in collaboration with the Oklahoma Transportation Center, to establish and operate a university transportation center to be known as the 'Southwest Bridge Research Center' (referred to in this subsection as the 'Center').

"(2) PURPOSE.—The purpose of the Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges, with an emphasis on—

"(A) increasing the number of highly skilled individuals entering the field of transportation;

"(B) improving the monitoring of structural health over the life of bridges;

"(C) developing innovative technologies for bridge testing and assessment;

"(D) developing technologies and procedures for ensuring bridge safety, reliability, and security; and

"(E) providing training in the methods for bridge inspection and evaluation.

"(3) OBJECTIVES.—The Center shall carry out—

"(A) basic and applied research, the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in transportation;

"(B) an education program that includes multidisciplinary course work and participation in research; and

"(C) Aa ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

"(4) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this subsection, the institution specified in paragraph (1) shall enter into an agreement with the Secretary to ensure that, for each fiscal year after establishment of the Center, the institution will fund research activities relating to transportation in an amount that is at least equal to the average annual amount of funds expended for the activities for the 2 fiscal years preceding the fiscal year in which the grant is received.

"(5) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall be 50 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out using funds from a grant provided under this subsection may include funds provided to the recipient under any of sections 503, 504(b), and 505 of title 23.

"(C) ONGOING PROGRAMS.—After establishment of the Center, the institution specified in paragraph (1) shall obligate for each fiscal year not less than $200,000 in regularly budgeted institutional funds to support ongoing transportation research and education programs.

"(6) PROGRAM COORDINATION.—

"(A) COORDINATION.—The Secretary shall—

"(i) coordinate the research, education, training, and technology transfer activities carried out by the Center;

"(ii) disseminate the results of that research; and

"(iii) establish and operate a clearinghouse for information derived from that research.

"(B) ANNUAL REVIEW AND EVALUATION.—At least annually, and in accordance with the plan developed under section 508 of title 23, the Secretary shall review and evaluate each program carried out by the Center using funds from a grant provided under this subsection.

"(7) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this subsection shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

"(8) AMOUNT OF GRANT.—For each of fiscal years 2005 through 2010, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in paragraph (1) to carry out this subsection.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 2005 through 2010.".

Mr. BINGAMAN. Mr. President, I am pleased to join with my colleague Senator DOMENICI today to introduce legislation that I believe will go a long way in helping to improve the safety and durability of the Nation's highway bridges. It is with great pleasure we are today introducing the New Mexico State University Bridge Research Center Establishment Act of 2005.

The purpose of our bill is to authorize the Secretary of Transportation to establish a new University Transportation Center focused on the safety of highway bridges. The new center will lead the Nation in the research and development of technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and training in methods of bridge inspection. New Mexico State University is one of the Nation's leaders in bridge research and I believe worthy of being designated as one of the Nation's university transportation centers.

Our highway network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. Transportation via cars, buses, and trucks plays a central role in our basic quality of life. Much of the food we eat, the clothes we wear, the materials for our homes and offices, comes to us over the 4 million miles of our road network.

One critical element of our highway network is the highway bridges that span streams, rivers, and canyons of our cities and rural areas. Bridges also help traffic flow smoothly by carrying one road over another.

Most highway bridges are easy to overlook. Notable exceptions are New England's covered bridges, the new Zakim Charles River Bridge in Boston, San Francisco's Golden Gate Bridge, and the spectacular Rio Grande Gorge Bridge near Taos, NM. The fact is, according to the Federal Highway Administration, we have about 590,000 highway bridges in this country that are more than 20-feet long. The total bridge-deck area of these 590,000 bridges is an amazing 120 square miles, or slightly smaller in area than the entire city limits of Albuquerque, NM, roughly twice the size of the entire District of Columbia, or five times the area of New York's Manhattan Island. The State of Texas leads the Nation with almost 49,000 bridges, about ten percent of the total. Ohio is second with about 28,000 highway bridges.

A little known and disturbing fact about these 590,000 highway bridges is that nearly 78,000, or 13 percent, are considered to be structurally deficient according to the most recent statistics from the FHWA. The percent of structurally deficient bridges varies widely among the 50 states. For example, this chart shows the top ten states with the highest percentage of deficient bridges.

State	Number of bridges	Number of structurally deficient bridges	Percent of structurally deficient bridges (percent)
Oklahoma	23,312	7,307	31.3
Rhode Island	749	193	25.8
Pennsylvania	22,253	5,464	24.6
Missouri	23,791	5,028	21.1
Iowa	24,902	5,259	21.1
Mississippi	16,838	3,379	20.1
Vermont	2,690	484	18.0
South Dakota	5,961	1,072	18.0
North Dakota	4,507	803	17.8
Nebraska	15,455	2,550	16.5
Michigan	10,818	1,764	16.3

The source is the FHWA National Bridge Inventory System, December 2004

Florida and Arizona have the lowest percentages of structurally deficient bridges at less than 3 percent each.

Structurally deficient bridges are a particular concern in rural areas of our country. According to FHWA's 2002 edition of its Conditions and Performance Report to Congress, 16 percent or rural bridges are structurally deficient compared to only 10 percent of urban bridges. The report estimates the average costs required to maintain the existing 590,000 highway bridges is $7.3 billion per year.

Another surprising fact about our Nation's highway bridges is their age. Almost one-third of all highway bridges are more than 50 years old, and over 10,000 bridges are at least 100 years old. About 4,200 of these century-old bridges are currently rated as structurally deficient.

I do believe the number of deficient bridges in this country should be a concern to all Senators. Ensuring that States and local communities have the funds they need to help correct these deficient bridges will be one of my priorities when Congress reauthorizes TEA-21. However, because there may not be sufficient Federal and State funding to address all of the deficient bridges, it will be important to identify the bridges that are most in need of replacement or rehabilitation.

To ensure the most efficient use of limited resources, Congress should also address the need for new technologies to help States monitor the condition of the Nation's 590,000 highway bridges and determine priorities for repair or replacement. Such monitoring technologies, or "smart bridges," should be quick, efficient, and not damage the bridge in any way. I am very pleased that New Mexico State University is one of the Nation's pioneers in the development of non-destructive methods of determining the physical condition of highway bridges. Such smart bridges can record and transmit information on their current structural condition as well as on the traffic crossing them. Sensors embedded in the concrete monitor the stresses on the bridge as the weather changes or under the weight of vehicles and show how the materials change with age. The information can then be used by engineers to help design more durable and economical bridges. Eventually NMSU's methods could be used to help design better buildings.

In 1998, NMSU installed 67 fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces and converted it into a "smart bridge." This award-winning project was the first application of fiber-optic sensors to highway bridges. In 2000, sensors were incorporated directly in a concrete bridge during construction to monitor the curing of the concrete; the bridge crosses the Rio Puerco on Interstate 40, west of Albuquerque. A third smart bridge, on I10 over University Avenue in Las Cruces, opened in July 2004.

In February 2003 I had an opportunity to tour the facilities at NMSU and to see firsthand the fine facilities and work being conducted on bridge technology. NMSU has an actual 40-foot "bridge" in a laboratory on campus to allow studies of instrumentation and data collection.

I will ask unanimous consent that two recent articles describing NMSU's accomplishments on smart bridge technology be printed in the RECORD at the end of my statement.

New Mexico State is also a leader in other areas of bridge inspection. The university has provided training for bridge inspectors for over 30 years. It has also developed expertise in using a virtual reality approach to document a bridge's physical condition.

This is just a glimpse at the high quality bridge research at New Mexico Sate University. The university is widely recognized as national leader in all aspects of bridge research and technology. I believe it is fully appropriate for NMSU to be recognized as the university technology bridge research center.

The bill we are introducing today authorizes the Secretary of Transportation to establish and operate the New Mexico State University Bridge Research Center. I do believe NMSU has earned this honor. The bill mirrors the language for University Transportation Centers in the Senate-passed SAFETEA from the 108th Congress and provides $40 million in funding over 6 years from the Highway Trust Fund to operate the bridge technology center.

The Federal Highway Administration has long recognized the quality of the work at NMSU and has provided grants to support their outstanding work. In November 2004, NMSU's bridge center was awarded a $400,000 grant to install fiber-sensors in a new bridge over Interstate 10 in Doña Ana, NM. The sensors will relay information about the effects of stress on the bridge long before any signs of aging are visible. This is the fourth bridge in New Mexico to be equipped with the smart bridge technology. NMSU's Dr. Rola Idriss is the principal investigator of these projects.

NMSU's work is also being recognized internationally. Highway departments in Switzerland, Belgium, and Japan are experimenting with the smart bridge technology. In October 2004, NMSU's Dr. David Jauregui and Dr. Ken White were invited speakers for the International Conference on Bridge Inspection and Bridge Management in Beijing, China. Dr. White delivered the keynote address for the conference. NMSU is currently developing a memorandum of agreement with the Chinese bridge community to develop a bridge inspection and management training program.

Congress has also already recognized the fine work at NMSU. For example, at my request, Congress provided $600.000 in 2001 for bridge research at New Mexico State University, $250.000 in 2003, $500.000 in 2004 and $125.000 for the current fiscal year.

The specific purpose of NMSU's Bridge Research Center will be to contribute to improving the performance of the Nation's highway bridges. The center will emphasize five goals: 1. Increasing the number of skilled individuals entering the field of transportation; 2. Improving the monitoring of the structural health of highway bridges; 3. Developing innovative technologies for testing and assessment of bridges; 4. Developing technologies and procedures for ensuring bridge safety, reliability, and security; and 5. Providing training in the methods of bridge inspection and evaluation.

Building on NMSU's research work, the University Technology Center will develop a strong educational component, including degree opportunities in bridge engineering at both the undergraduate and graduate levels. In addition, the center will have a cooperative certificate program for training and professional development. Distance education technology and computer-based learning will allow programs to be offered at any of the universities.

The engineers at New Mexico State University have applied their vast talents, tools, and techniques to solving technological problems with highway bridges for over 30 years. The team is well established and maintains cutting-edge expertise. The members of the team are recognized and respected at the national and international levels through accomplishments in bridge testing, monitoring, and evaluation.

I ask all senators to support the designation of the New Mexico State University Bridge Research Center. I look forward to working this year with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this bill into the full 6-year reauthorization of the transportation bill.

I now ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Mar. 1, 2004]

NMSU DESIGNS HIGH-TECH BEAMS TO MONITOR SOUNDNESS OF STRUCTURE

(By Andrew Webb)

What if a highway bridge could actually tell you it was wearing out? Or, how about a building that could warn its owners of unseen structural damage after an earthquake?

That's what researchers from New Mexico State University hope to produce by embedding high-tech optical sensors in concrete beams. The six 90-ton beams, each with 120 sensors, will support the westbound lanes of the Interstate 10 overpass at University Avenue in Las Cruces, expected to be completed in July.

When the bridge is complete, the sensors will give federal and state highway departments feedback about the performance of its design, the new high-performance concrete it is made of, and its structural soundness as it ages, says NMSU professor of civil engineering Rola Idriss.

"We'll get information on how the bridge carries its load throughout its entire life," said Idriss. She was in Albuquerque last week to help supervise the placement of the sensors and fiber-optic lines in molds at an Albuquerque construction materials business.

The bridge will be the first of its kind in the country, Idriss says. NMSU embedded similar sensors, which are manufactured by the Swiss firm Smartec, in a much smaller Interstate 40 bridge over the Rio Puerco west of Albuquerque in 2000.

"That research was very promising, so we're taking what we learned on that bridge and putting it on a much larger Interstate bridge," says Jimmy Camp, a state bridge engineer with the New Mexico Department of Transportation, which helped fund the $500,000 sensor project along with the Federal Highway Administration.

The total cost of the Las Cruces project, which began last summer, is about $6.3 million.

As the expected lifespan of concrete bridges has gone from about 50 years in the Interstate system's early days to nearly 80, builders are seeking better data on bridge conditions, Camp says.

"We make a lot of assumptions with bridge theory," he says.

OPTIC MONITORS

The project entails stringing fiber-optic lines throughout the concrete, through which beams of light are shot. As the beam strains or stretches, the properties of the light change. Those changes are picked up by sensors and relayed to a data collection box near the bridge for eventual analysis by NMSU, which then will give the information to the highway department, Idriss said.

"Those changes can be calibrated to measure the strain," she said.

At present, inspection of bridges and other concrete structures is done primarily by visual analysis and electronic sensors on outside surfaces.

"Here, you're actually getting measurements from within," Idriss said, adding that the added costs would be insignificant in large projects.

She said she thinks the technology could be applied to other structures, such as buildings.

"It could become an industry standard," she said. "Right now, it's still in its infancy."

Highway departments in Switzerland, Belgium and Japan are experimenting with similar technology, she said. About 20 of the 560,000 major highway bridges in the U.S. have some sort of onboard sensors to detect changes, vibration and other factors, according to the Federal Highway Administration.

The beams were cast at Albuquerque-based Rinker Prestress, a division of Florida-based Rinker Materials, which employs 75 people at three New Mexico plants.

[From the Associated Press, Oct. 4, 2004]

INTERSTATE 10 BRIDGE TO PROVIDE HOW BRIDGES AGE

LAS CRUCES, N.M.—Sensors monitoring stresses on an Interstate 10 bridge will give researchers information on how materials age.

New Mexico State University tested the technology earlier on a bridge over the Rio Puerco near Albuquerque. It installed the technology in late summer in the I–10 bridge in Las Cruces.

The idea is that the bridge will provide information for researchers on how to build bridges with high-performance concretes, which could save highway departments money in the future, said Wil Dooley, bridge engineer for the Federal Highway Administration's state division.

Inside the bridge's beams are fiber optic sensors that monitor how each component bends and changes in different weather and with varying weights of vehicles.

The sensors carry data from the bridge to a locker-size box near an off ramp, where NMSU scientists download the data each week to a portable computer.

"These newer concretes are more durable and they're going to last longer," Dooley said. "All our calculations for how to build bridges are made on traditional concrete. Studying new concretes in the smart bridge will help us modify those equations and make new bridges that last longer and cost less to build."

NMSU researchers embedded 120 optical sensors in each of six 90-ton concrete beams in the I–10 overpass. Beams of light are carried by fiber optic lines laced through the beams. As the beam strains or stretches, the properties of the light change.

New Mexico is an ideal location to test stresses on different types of concrete. Hot days and cold nights cause concrete to bend and flex, and that happens more in New Mexico than in many other states, Dooley said.

Rola Idriss, an NMSU civil engineering professor who is developing the smart bridge technology, said the researchers could download information from the sensors remotely, but the I–10 bridge is close to campus.

In the future, when the technology is put into bridges in rural areas, highway departments could monitor them remotely—even monitoring all the bridges in the state from one location, she said.

"This is a trend to the future," Idriss said. "The bridge can give you real data about how things are aging. We can use that data to fix problems early and design better bridges with fewer problems in the future."

Highway engineers intend to put the technology next into a bridge on U.S. 70 near White Sands National Monument.

That might be ideal for testing remote monitoring systems, Idriss said.

Dooley said the technology also could be used in large projects to sense corrosion and allow problems to be corrected before a catastrophic failure, Dooley said.

Adding sensors does not add much expense. The I–10 bridge cost $6.2 million; the sensors and monitoring equipment, along with the expense of studying the data, ran $500,000 more, with the money coming from the Federal Highway Administration and state Department of Transportation, Idriss said.

"We're basically proving out the technology for them," she said. "The information we gather feeds right back to them. They tell us what they want and we research it."

By Mr. ALLARD (for himself, Mr. SMITH, Mr. LOTT, and Mr. DURBIN):

S. 914. A bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLARD. Mr. President, April 27, 2005, marks an important day for health care, especially personnel involved in public health specialties, because it is the day that I introduced the Veterinary Workforce Expansion Act, VWEA. This bill will create a new competitive grant program in the Department of Health and Human Services for capital improvements to the Nation's veterinary medical colleges.

Many Americans do not realize that veterinarians are essential for early detection and response to unusual disease events that could be linked to newly emerging infectious diseases such as monkeypox, SARS, and West Nile Virus, just to name a few. The training and education that veterinarians receive prepares them to address the concerns of bioterrorism and emerging infectious diseases, most of which are transmitted from animals to man. In fact, 80 percent of biothreat agents of concern fall into this category. I believe veterinarians should be our first-responders when it comes to these threats. I know that they are uniquely qualified to address these issues because I have received this training myself. I received my DVM from Colorado State University and have kept my license current every year since I closed my clinic and ran for elected office.

Veterinarians are a unique national resource, as they are the only health professionals trained in multi-species comparative medicine. As a result of this training, the veterinary profession is able to provide an extraordinary link between agriculture and human medicine. The uses made of this link have been extensive, with multiple benefits to society.

Currently, approximately 20 percent, 15,000, of all veterinarians in the United States are I engaged in either private population-health practice with a significant food animal component or public practice in one of its various forms. The need for new graduates entering the field is imperative to preparing the country for the threats of agroterrorism and bioterrorism. If new graduates do not enter these fields, government, nongovernmental organizations, industry, and agribusiness will employ lesser qualified individuals to fill their needs.

There is a critical shortage of veterinarians working in public health areas. The Health Resources and Services Administration, U.S. Department of Agriculture, U.S. Public Health Service, veterinary academia, National Research Council, and the Bureau of Labor Statistics are unified in reporting that the shortage of veterinarians in the workforce will only continue to worsen. Combined with a rapidly growing population and increased human to animal interaction, there is an urgent need to adequately prepare the Nation's veterinary colleges so they may educate the workforce of the future.

The VWEA would allow credentialed schools of veterinary medicine to compete for Federal grant funding under the Department of Health and Human Services. These grants would be for capital costs associated with expanding the existing schools of veterinary medicine or their academic programs in the areas of public health practice. This new grant program will be authorized for 10 fiscal years. At that point, it is my hope and goal that the veterinary medical colleges will be adequately prepared to educate the veterinary workforce for the future.

For more than 100 years, veterinary medical colleges have effectively delivered a core educational program that has enabled veterinarians to adapt and respond to evolving societal needs. Being a veterinarian myself, I want to continue this tradition by expanding existing veterinary colleges. I hope that you will join me in my efforts to protect the Nation's public health by providing much-needed support for veterinary medical education.

By Mr. REID (for himself and Mr. ENSIGN):

S. 916. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Orchard Detention Basin Flood Control Act for myself and Senator ENSIGN. This Act will release approximately 65 acres of land managed by the Bureau of Land Management in Clark County, NV; from the Sunrise Mountain Instant Study Area to allow the construction of an important flood control project.

The Orchard Detention Basin project is part of the Clark County Regional Flood Control District's Master Plan to protect the Las Vegas Valley from flooding. This comprehensive floodplain management program is designed to protect private and public lands from flood damage and to save lives in this rapidly growing metropolitan area. When completed, the Orchard Detention Basin project will protect approximately 1,800 acres of urban development from flooding and reduce the magnitude of flooding further downstream.

The boundary change executed by this legislation is needed because a portion of the detention basin project lies within the boundaries of the Sunrise Mountain Instant Study Area. An "instant study area" designation places development restrictions on public lands similar to those on wilderness study areas. This designation currently prevents the construction of this important flood control project, leaving the land and residents living downstream vulnerable to flood damage.

Even though the Las Vegas Valley is a desert, flash flooding is an all too common problem affecting the people in Las Vegas. Along with property damage and deaths related to flooding, Clark County residents experience inconvenience resulting from impassable roads during flooding events. Support services such as police, fire and ambulance can also be delayed, creating life-threatening incidents.

I look forward to working with the Energy Committee and my other distinguished friends to move this bill in a timely manner during the current session.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orchard Detention Basin Flood Control Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means Clark County, Nevada.

(2) MAP.—The term "map" means the map entitled "Orchard Detention Basin" and dated March 18, 2005.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. RELEASE OF CERTAIN LAND IN THE SUNRISE MOUNTAIN INSTANT STUDY AREA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 65 acres of land in the Sunrise Mountain Instant Study Area of the County that is—

(1) known as the "Orchard Detention Basin"; and

(2) designated for release on the map.

(d) RIGHT-OF-WAY.—The Secretary shall grant to the County a right-of-way to the land described in subsection (c) for the construction and maintenance of the Orchard Detention Basin Project on the land.

By Mr. AKAKA:

S. 917. A bill to amend title 38: United States Code, to make permanent the pilot program for direct housing loans for Native American veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I rise to offer legislation that would make the Native American Veteran Housing Loan Pilot Program permanent. In April 1992, I sponsored a bill that established the Native American Veteran Housing Loan Pilot Program. That bill later became Public Law 102-547 and authorized the Department of Veterans Affairs (VA) to establish a pilot program that would provide veterans with assistance in purchasing, constructing, and improving homes through 1997. This pilot program has been extended several times. In fact, last Session Congress extended this pilot program by three years.

Through January of this year, 443 loans were created under this program. It is time to make this program permanent.

The Native American home ownership rate is about half the rate of the general U.S. population. This issue partially stems from the fact that lenders generally require that buyers own the parcel of land on which their homes will be located. This is difficult for many in Indian Country, Alaska, and Hawaii because their homes are on trust lands. Most lenders decline these loan applications because Federal law prohibits a lender from taking possession of Native trust lands in the event of a default. Several Federal programs have been developed to provide home ownership opportunities to Native Americans. The Native American Veteran Housing Loan Program is one such program that has helped to make home ownership a reality for indigenous peoples, particularly Native Hawaiians.

Under this program, VA offers loan guaranties that protect lenders against loss up to the amount of the guaranty if the borrower fails to repay the loan. Previous to the Native American Veteran Housing Loan Program, Native American veterans who resided on these lands were unable to qualify for VA home-loan benefits. With the Native American Veteran Housing Loan Program, indigenous peoples residing on trust lands are now able to use this very important VA benefit.

The Native American Veteran Housing Loan Program is intended to serve veterans who are eligible for homes under the Hawaiian Homes Commission Act, and who reside on Pacific Islands lands that have been communally owned by cultural tradition and on Native American trust lands on the continental United States. This VA-administered program assists Native American veterans by providing them direct loans to build or purchase homes on such lands.

Before VA can make a loan on tribal trust land, the tribe must enter into a Memorandum of Understanding with VA to clarify some of the issues that could arise when administering the program. During fiscal year 2004, VA entered into two Memoranda of Understanding with tribal entities. In addition, VA is currently negotiating nine Memoranda of Understanding with Native American tribes. Trust lands that are eligible for this program include tribally and individually held trusts. Per a Memorandum of Understanding between VA and the Bureau of Indian Affairs (BIA), VA and BIA Regional Offices work to implement this loan program together. Additionally, VA personnel continue to conduct outreach with tribal representatives to solicit assistance in reaching out to tribal members who are veterans.

Per capita, Native Americans have the highest percentage of people serving in the United States Armed Forces. While they represent less that 1 percent of the population, they make up 1.6 percent of the Armed Forces. I want to reiterate that through January of 2005, 443 loans have been made to Native Americans under this program. This allows those who have served our nation so honorably and their families to be a part of the American Dream of home ownership. We need to make the Native American Veteran Housing Loan permanent this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR HOUSING LOANS FOR NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended to read as follows:

"§ 3761. Authority for housing loans for Native American veterans

"(a) The Secretary shall make direct housing loans to Native American veterans in accordance with the provisions of this subchapter.

"(b) The purpose of loans under this subchapter is to permit Native American veterans to purchase, construct, or improve dwellings on trust land.".

(b) CONFORMING AMENDMENTS.—Section 3762 of such title is amended—

(1) in subsection (a), by inserting "under this subchapter" after "Native American veteran" in the matter preceding paragraph (1);

(2) in subsection (b)(1)(E), by striking "in order to ensure" and all that follows and inserting a period;

(3) in subsection (c)(1)(B), by striking "shall be the amount" and all that follows in the second sentence and inserting "shall be such amount as the Secretary considers appropriate for the purpose of this subchapter.";

(4) in subsection (d)(1), by striking the second sentence;

(5) in subsection (i)—

(A) in paragraph (1), by striking "of the pilot program" and all that follows and inserting "of the availability of direct housing loans for Native American veterans under this subchapter."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "under the pilot program" and all that follows and inserting "under this subchapter";

(ii) in subparagraph (E), by striking "in participating in the pilot program" and inserting "in participating in the making of direct loans under this subchapter"; and

(6) by striking subsection (j).

(c) CLERICAL AMENDMENTS.—(1) The heading of subchapter V of chapter 37 of such title is amended to read as follows:

"SUBCHAPTER V—HOUSING LOANS FOR
NATIVE AMERICAN VETERANS".

(2) The table of contents for such chapter is amended—

(A) by striking the matter relating to the subchapter heading of subchapter V and inserting the following new item:

"SUBCHAPTER V—HOUSING LOANS FOR NATIVE
AMERICAN VETERANS";

and

(B) by striking the item relating to section 3761 and inserting the following new item:

"3761. Authority for housing loans for Native American veterans.".

By Mr. OBAMA (for himself, Mr. TALENT, and Mr. DURBIN):

S. 918. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security and reduction of greenhouse gas emissions; to the Committee on Finance.

Mr. OBAMA. Mr. President, we have all heard from folks back home about the high price of gasoline. When you pull into a gas station to fill up your tank, you're now paying some of the highest prices of all time.

And when you turn on the news, you see that our dependence on foreign oil keeps us tied to one of the most dangerous and unstable regions in the world. With oil at more than $50 per barrel, some argue that the best way to deal with high gasoline prices is to wait it out—to wait until the world market dynamics change.

I disagree with that mindset. For too long now, we've relied too heavily on foreign oil to fuel our energy needs in this country. This is not good for the United States—not for our economy, not for our national security, and not for our people.

The bill I am introducing today, along with my distinguished colleagues from Illinois and Missouri, is designed to do something about fuel prices and our reliance on foreign oil—something rooted in reality, something achievable in the short term, and something that actually works.

Last week, I visited a gasoline station in Springfield, IL, where along with regular gasoline, a new kind of fuel is offered for consumers—a fuel known as E–85. E–85 is a clean, alternative form of transportation fuel consisting of a blend of 85 percent ethanol and 15 percent gasoline. Ethanol is made from renewable, Midwestern corn, and it is 40–60 cents cheaper per gallon than standard gasoline. Last week, at this Springfield station, regular gasoline was listed at $2.06 and E–85 was selling for $1.69.

Not every car can run on E–85 fuel—but there are millions of cars that can. They're known as "flexible-fuel vehicles," and the auto industry is turning out hundreds of thousands of them every year. And if any of you are wondering whether cars will run as well on E–85 as they would on regular gas, just ask the Indy 500, which recently announced that all of their cars will soon run on E–85 fuel.

The only problem we have now is that we're in short supply of E–85 stations. While there are more than 180,000 gas stations all over America, there are only about 400 E–85 stations. And although E–85 has many environmental benefits and is a higher performing fuel, the fuel economy of E–85 is slightly lower than that of regular gasoline. An additional incentive is needed to help ensure that the cost of this clean fuel remains competitive with that of regular gasoline.

That is why I'm introducing a bill to provide a tax credit of 50% for building an E–85 fuel station and a tax credit of 35 cents per gallon of E–85 fuel. This provision is similar to a provision that already has passed the Senate three times. I hope my colleagues will pass this provision again.

We've talked for too long about energy independence in this country, and I think this bill gives us an opportunity to actually get something done about it. I urge the support of my colleagues of this bill, and I thank the Chair.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "E–85 Fuel Utilization and Infrastructure Development Incentives Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Purpose.
Sec. 3. Findings.
Sec. 4. Incentives for the installation of alternative fuel refueling stations.
Sec. 5. Incentives for the retail sale of alternative fuels as motor vehicle fuel.

SEC. 2. PURPOSE.

The purpose of this Act is to decrease the dependence of the United States on foreign oil by increasing the use of high ratio blends of gasoline with a minimum 85 percent domestically derived ethanol content (E–85) as an alternative fuel and providing greater access to this fuel for American motorists.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The growing United States reliance on foreign produced petroleum and the recent escalation of crude oil prices demands that all prudent measures be undertaken to increase United States refining capacity, domestic oil production, and expanded utilization of alternative forms of transportation fuels and infrastructure.

(2) Recent studies confirm the environmental and overall energy security benefits of high ratio blends of gasoline with a minimum 85 percent domestically derived ethanol content (E–85), especially with regard to the reduction of greenhouse gas emissions from the national on-road passenger car vehicle fleet.

(3) The market penetration of E–85 capable Flexible Fuel Vehicles (FFVs) now exceeds 5,000,000 with an additional 1,000,000 or more FFVs expected to be added annually as automakers continue to respond positively to congressionally provided production incentives.

(4) It is further recognized that actual implementation of the use of E–85 fuel has been significantly underutilized due primarily to the lack of E–85 refueling infrastructure availability and promotion and that such utilization rate will continue to lag unless resources are provided to substantially accelerate national refueling infrastructure development.

(5) Additionally, incentives in the form of tax credits can serve to stimulate infrastructure development and E–85 fuel utilization.

SEC. 4. INCENTIVES FOR THE INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified alternative fuel vehicle refueling property.

"(b) LIMITATION.—

"(1) IN GENERAL.—The credit allowed under subsection (a)—

"(A) with respect to any retail alternative fuel vehicle refueling property, shall not exceed $30,000, and

"(B) with respect to any residential alternative fuel vehicle refueling property, shall not exceed $1,000.

"(2) PHASEOUT.—

"(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property placed in service after December 31, 2010, the limit otherwise applicable under paragraph (1) shall be reduced by—

"(i) 25 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2011, and

"(ii) 50 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2012.

"(c) YEAR CREDIT ALLOWED.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified alternative fuel vehicle refueling property is placed in service by the taxpayer.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning given for clean-fuel vehicle refueling property by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol.

"(2) RESIDENTIAL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'residential alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

"(3) RETAIL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'retail alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property (other than property described in paragraph (2)) used in a trade or business of the taxpayer.

"(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(f) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(g) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(h) REFUELING PROPERTY INSTALLED FOR TAX-EXEMPT ENTITIES.—In the case of qualified alternative fuel vehicle refueling property installed on property owned or used by an entity exempt from tax under this chapter, the person which installs such refueling property for the entity shall be treated as the taxpayer with respect to the refueling property for purposes of this section (and such refueling property shall be treated as retail alternative fuel vehicle refueling property) and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any installation contract the specific amount of the credit allowable under this section.

"(i) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(j) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) shall apply.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(l) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) to the extent provided in section 30B(f).".

(2) Section 55(c)(2) is amended by inserting "30B(e)," after "30(b)(3),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative fuel vehicle refueling property credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 5. INCENTIVES FOR THE RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40A the following new section:

"SEC. 40B. CREDIT FOR RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

"(a) GENERAL RULE.—The alternative fuel retail sales credit for any taxable year is 35 cents for each gallon of alternative fuel sold at retail by the taxpayer during such year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel at least 85 percent of the volume of which consists of ethanol.

"(2) SOLD AT RETAIL.—

"(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

"(B) USE TREATED AS SALE.—If any person uses alternative fuel (including any use after importation) as a fuel to propel any qualified alternative fuel motor vehicle (as defined in this section) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

"(3) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

"(A) which is capable of operating on an alternative fuel,

"(B) the original use of which commences with the taxpayer,

"(C) which is acquired by the taxpayer for use or lease, but not for resale, and

"(D) which is made by a manufacturer.

"(c) ELECTION TO PASS CREDIT.—A person which sells alternative fuel at retail may elect to pass the credit allowable under this section to the purchaser of such fuel or, in the event the purchaser is a tax-exempt entity or otherwise declines to accept such credit, to the person which supplied such fuel, under rules established by the Secretary.

"(d) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(e) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2010.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following new paragraph:

"(20) the alternative fuel retail sales credit determined under section 40B(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

"Sec. 40B. Credit for retail sale of alternative fuels as motor vehicle fuel.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. BURNS (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. CRAIG, Mr. DAYTON, Mr. VITTER, Mr. THUNE, Mr. JOHNSON, Mr. BAUCUS, and Mr. COLEMAN):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, as the Senate begins the important task of debating the highway bill reauthorization, another critical infrastructure issue comes to mind: railroads. In Montana, we rely heavily on both passenger and freight rail for our transportation needs. However, Montana is served by only one major railroad, resulting in shippers being captive to little or no competition for price or service quality. That lack of competition hurts our competitiveness for agriculture and manufacturing. It drives up the cost of electricity, because of the increased costs for coal. Sometimes, it even costs us jobs in Montana.

To address the problems faced by many captive shippers, I am introducing today the Railroad Competition Act of 2005. I am joined by my colleagues, Senators ROCKEFELLER, DORGAN, CRAIG, DAYTON, VITTER, THUNE, JOHNSON, BAUCUS, and COLEMAN. This legislation will extend competition to many captive rail customers and correct problems in the Surface Transportation Board's implementation of railroad deregulation. Specifically, the legislation ensures that rail customers will receive rate quotes for movements between various points on a railroad's system; frees regional and short line railroads to provide access to additional major systems; provides captive rail customers who cannot afford to participate in expensive rate challenge proceedings access to arbitration; and directs the STB to adopt a more realistic and workable rate reasonableness standard.

In addition to a lack of competition in many markets, the rail industry in America is badly in need of investment into its infrastructure. To address the infrastructure problem, the legislation increases ten-fold the current Railroad Rehabilitation and Infrastructure Financing program. The legislation also expands who is eligible for the loans and loan guarantees, so that qualified shipping entities can also invest in rail infrastructure.

This is about jobs, plain and simple. Last year, when the intermodal hub in Shelby, Montana was closed, over 40 jobs were lost. The Port Authority in Shelby reached out to the railroads to persuade them to keep the hub open, but without competition, the single supplier chose to close. Those jobs are real losses in Shelby, a town of a little over 3,000 people. As high rail rates make U.S. products less competitive, imports flow in to fill the gap—and that costs us jobs. I understand that the rail industry employs a lot of people, and I am glad for those jobs. But we can not let lack of choice and competition in price and service cost us jobs in other areas.

Since passage of the Staggers Act in 1980, the railroad industry has experienced significant consolidation, from over 40 major railroads down to 7. Roughly 35 percent of the rail traffic in America is captive, driving up the cost of transportation and placing a heavy burden on shippers.

Captive shippers, like my farmers in Montana, have nowhere to go to seek relief. The Surface Transportation Board, the watchdogs over the rail system, is a complicated and expensive mess that hardly provides a fair forum for disputes. To bring a rate reasonableness case, challenging the unfair rates charged to captive shippers, a rail customer must first file huge fees—fees that will double in the coming weeks. Then, the customer must construct a hypothetical railroad and prove to the STB that rail transportation theoretically can be provided at a lower fee. That process can cost over $2 million per case, and take years to see through. At the end, even if the shipper wins, all he gets is a lower fee in the future. Too often, damages for past overcharging are not awarded. Meanwhile, the railroad sits idly by, under no obligation to justify its rates, and continues to collect the exorbitant fees that are under dispute. This system can not stand.

The Railroad Competition Act of 2005 directs the STB to address this nonsensical system, and develops a final offer arbitration option, allowing shippers to take their case to a neutral arbiter. These provisions are necessary, not to punish railroads, but to develop a level playing field that keeps my small businesses and agriculture producers in business.

Railroads are an essential part of our nation's infrastructure, a vast system that includes our highways, railroads, electric transmission lines, pipelines, and digital infrastructure. In a rural state like Montana, we rely on the rails to cover long distances efficiently, so rail must remain a viable shipping option. We need to achieve affordability, while still allowing sustainability for the railroads. There is a necessary public interest in our shared infrastructure, and the Railroad Competition Act of 2005 is designed to address legitimate public concerns, in Montana and around the nation, about rail operations. I look forward to working with my colleagues to secure passage of this important legislation.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join with my colleagues Senator BURNS, Senator DORGAN, Senator CRAIG, Senator DAYTON, Senator VITTER, Senator JOHNSON, Senator THUNE, Senator COLEMAN, and Senator BAUCUS to introduce the Railroad Competition Act of 2005. This legislation encourages the competition and consumer protection in the freight railroad market that Congress intended when it partially deregulated the industry in 1980 with the passage of the Staggers Act.

Introduction of legislation in this vein is a bit of a ritual for this Senator. West Virginia industries depend on efficient and dependable rail service at fair prices to move their products to market. This is a perfectly reasonable goal. However, for shippers without competitive rail access—referred to as captive shippers—it is a cruel and impossible dream. I have tried for years, with partners from both sides of the aisle and all parts of the country, to change the status quo, and improve the economic situation for rail shippers and retail shoppers. This is the seventh time since 1985 I have sponsored legislation to address this issue, and the fifth congress in a row in which I have worked closely with my good friends CONRAD BURNS and BYRON DORGAN to help shippers and their customers. And I won't give up until I actually succeed.

Predictably, the railroads will overreact to this bill with scathing accusations of what we are doing. In truth, we intend nothing more radical than helping shippers, consumers, and the railroads themselves, reap the benefits of the basic principles of capitalism—the ability of sophisticated actors to conduct arms-length negotiations for competition, service, and fair prices. Currently, Class I railroads overcharge and underserve captive shippers with impunity, and with an antitrust exemption preventing meaningful oversight by Congress. Customers have no power. This means higher prices for electricity, food, medicine, paper products; the chemicals to protect our water supply and crops, and the basic ingredients of the plastics in many of the goods we purchase. This is crucial to protecting commerce in the United States. So far, we have been thwarted, though we remain undeterred in our efforts and confident of the validity of our objectives.

In the 1970s, Congress observed a bloated freight rail network, unprofitable railroads, and service was anything but efficient and dependable. When the Staggers Act was passed in 1980, Congress gave a green light to deregulation of the railroad industry. But, as with the deregulation of every other industry that Congress has allowed, there were to be constraints on the ability of railroads to abuse shippers left captive to just one railroad. The Staggers Act left it to the Interstate Commerce Commission (ICC) to watch over a partially deregulated industry carrying out Staggers' dual goals: Improving the financial health and viability of the railroads; and improving and maintaining service for shippers. The ICC was responsible for ensuring fair treatment and reasonable rates for those shippers made captive by mergers or business decisions allowed under Staggers.

The success of Staggers has been completely one-sided. Captive rail shippers in my state of West Virginia have told me—since before I came to the United States Senate—that service was horrible and rates being charged were too high. That is still true today. When I was first running for the Senate, the country was served by about 40 "Class I" railroads. After Staggers the railroad industry "rationalized" its routes—meaning it dropped unprofitable lines and left more and more shippers captive to just one railroad.

A virtually unimpeded string of rail mergers during the last 25 years has only compounded the problem. The number of Class I railroads has dropped to seven. Four of these—CSX and Norfolk Southern in the East and Burlington Northern Santa Fe and the Union Pacific in the West—completely dominate the industry, accounting for about 90 percent of the freight rail traffic in the nation.

This is simple. Fewer market participants mean less competition, and less competition opens up the possibility of the abuse of local monopoly power. Under the misadministration of the Staggers Act, first by the ICC, and later by its successor agency the Surface Transportation Board (STB), abuse of captive shippers has not only gotten worse, but it has been unjustly bestowed a veneer of propriety by a series of unwise administrative decisions and at least one court case that gave grudging deference to an agency, the STB, that has failed to carry out the clear directions of Congress. The STB, to which shippers have looked for a solution, has become a facilitator of the problem.

The goals of the Railroad Competition Act are really quite mundane. My colleagues and I hope only to give life to a freight rail system originally envisioned by the drafters of the Staggers Act. We hope to send to the President a bill that will allow captive shippers the most basic right in business negotiations: They will be able to get the railroads that ship their products simply to quote a rate for the service.

My colleagues may be amazed to find out that the STB's current reading of the Staggers Act allows shippers no such right. Our legislation will simply require railroads to tell their customers the cost of moving a certain quantity of product from their manufacturing facility to their customer, Point A to Point B. Nothing in business is more basic, but it is a basic of business negotiations captive shippers do not currently enjoy. Additionally, our legislation also would do the following: clarifies that the STB shall promote competition among rail carriers, helping to maintain both reasonable freight rail rates and consistent and efficient rail service; creates a system of "final offer" arbitration for matters before the STB; authorizes the STB to remove so-called "paper barriers" that prevent short-line and regional railroads from providing improved service to shippers; requires STB to act in the public interest and removes required showing of railroads' anti-competitive conduct; caps filing fees for STB rate cases at the level of federal district courts (reducing filing fee from the current fee $65,000, which is to be doubled in 2005); calls for a Department of Transportation (DOT) study of rail competition; allows elected officials and state railroad regulators to petition the STB for declarations of "areas of inadequate rail competition," with appropriate remedies; creates position of Rail Customer Advocate at U.S. Department of Agriculture (USDA); and expands infrastructure modernization loan guarantee program.

In closing I would suggest that, rather than the highly charged arguments we have engaged in over the years, my colleagues encourage the railroads to take shippers' concerns seriously, and that we all work to create a freight rail marketplace made up of companies hungry, in the best capitalist sense of that word, to do business. That is the goal of the Railroad Competition Act, and I look forward to its consideration by the full Senate.

By Mr. CORNYN:

S. 920. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill I am introducing today—to amend chapter 1 of title 3, United States Code, relating to Presidential succession—be printed in the RECORD. I also ask unanimous consent that the section by section analysis titled "Presidential Succession Act of 2005" and the letter sent to the chairmen of the RNC and DNC be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Succession Act of 2005".

SEC. 2. PRESIDENTIAL SUCCESSION.

(a) IN GENERAL.—Section 19(d) of title 3, United States Code, is amended—

(1) in paragraph (1), by inserting ", Secretary of Homeland Security, Ambassador to the United Nations, Ambassador to Great Britain, Ambassador to Russia, Ambassador to China, Ambassador to France" after "Secretary of Veterans Affairs";

(2) in paragraph (2), by striking "but not" and all that follows through the period and inserting "or until the disability of the President or Vice President is removed.";

(3) in paragraph (3)—

(A) by striking "be held to constitute" and inserting "not require"; and

(B) by adding at the end the following: "Such individual shall not receive compensation from holding that office during the period that the individual acts as President under this section, and shall be compensated for that period as provided under subsection (c)."; and

(4) by adding at the end the following:

"(4) This subsection shall apply only to such officers that are—

"(A) eligible to the office of President under the Constitution;

"(B) appointed to an office listed under paragraph (1), by and with the advice and consent of the Senate, prior to the time the powers and duties of the President devolve to such officer under paragraph (1); and

"(C) not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.".

(b) CONFORMING AMENDMENTS.—Section 19 of title 3, United States Code, is amended—

(1) in subsection (b), by striking "as Acting President" and inserting "to act as President"; and

(2) in subsection (e)—

(A) in the first sentence, by striking "(a), (b), and (d)" and inserting "(a) and (b)"; and

(B) by striking the second sentence.

SEC. 3. SENSE OF CONGRESS REGARDING VOTES BY ELECTORS AFTER DEATH OR INCAPACITY OF NOMINEES.

It is the sense of Congress that—

(1) during a Presidential election year, the nominees of each political party for the office of President and Vice President should jointly announce and designate on or before the final day of the convention (or related event) at which they are nominated the individuals for whom the electors of President and Vice President who are pledged to vote for such nominees should give their votes for such offices in the event that such nominees are deceased or permanently incapacitated prior to the date of the meeting of the electors of each State under section 7 of title 3, United States Code;

(2) in the event a nominee for President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for Vice President of the same political party is not deceased or permanently incapacitated), the electors of President who are pledged to vote for the nominee should give their votes to the nominee of the same political party for the office of Vice President, and the electors of Vice President who are pledged to vote for the nominee for Vice President should give their votes to the individual designated for such office by the nominees under paragraph (1);

(3) in the event a nominee for Vice President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for President of the same political party is not deceased or permanently incapacitated), the electors of Vice President who are pledged to vote for such nominee should give their votes to the individual designated for such office by the nominees under paragraph (1);

(4) in the event that both the nominee for President and the nominee for Vice President of the same political party are deceased or permanently incapacitated prior to the date referred to in paragraph (1), the electors of President and Vice President who are pledged to vote for such nominees should vote for the individuals designated for each such office by the nominees under paragraph (1); and

(5) political parties should establish rules and procedures consistent with the procedures described in the preceding paragraphs, including procedures to obtain written pledges from electors to vote in the manner described in such paragraphs.

SEC. 4. SENSE OF CONGRESS ON THE CONTINUITY OF GOVERNMENT AND THE SMOOTH TRANSITION OF EXECUTIVE POWER.

It is the sense of Congress that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent determined appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration to ensure continuity of Government.

SECTION-BY-SECTION ANALYSIS

The Presidential Succession Act of 2005—introduced by U.S. Senator JOHN CORNYN (R–TX) and U.S, Representative BRAD SHERMAN (D–CA) on April 27, 2005—makes a number of significant improvements to the current Presidential Succession Act, in order to ensure the continuity of the Presidency in the event of a terrorist attack or other crisis. This legislation implements Article II, Section 1, Clause 6 of the U.S. Constitution, which provides that "the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

This legislation is a more modest version of two bills introduced by Senator CORNYN and Representative SHERMAN in the last Congress to reform the Presidential Succession Act. Because many constitutional experts believe that members of Congress are constitutionally ineligible to serve in the line of succession, both S. 2073 and H.R. 2749 would have addressed a potential constitutional crisis by removing the House Speaker and Senate President pro tempore from the line of succession. By contrast, the 2005 version of the bill does not attempt to address that particular controversy, but instead leaves the Speaker and President pro tempore in the line of succession. It is hoped that Congress will enact the Presidential Succession Act of 2005 quickly, and that the more controversial but nevertheless critical constitutional issues arising out of current law can be addressed as well through separate legislation.

SECTION 1. SHORT TITLE.

SECTION 2. PRESIDENTIAL SUCCESSION ACT REFORMS.

Amending the line of succession. This provision adds the Secretary of Homeland Security to the line of succession. Under current law, the Secretary of Homeland Security does not fall within the line of succession. During the 108th Congress, the Senate approved legislation to place the Secretary of Homeland Security right behind the Attorney General in the line of succession, but that proposal ran into opposition in the House. This provision attempts to avoid that controversy by placing the Secretary of Homeland Security at the end of the current line of succession.

In addition, this provision addresses the difficulty that arises from the fact that all current members of the line of succession generally work and live in the greater Washington, D.C. area. Due to current law, a catastrophic incident in the D.C. area could theoretically eliminate the entire line of succession and leave the nation without anyone legally eligible to serve as President for an extended period of time. Accordingly, this provisions adds at the end of line of succession senior federal officials who do not generally work and live in the D.C. area specifically, the U.S. Ambassador to the United Nations and the U.S. Ambassadors to each of the four other permanent members of the U.N. Security Council (Great Britain, Russia, China, and France).

Reforming Cabinet succession. This provision eliminates the requirement that a cabinet secretary must resign in order to succeed to the Presidency. By doing so, this provision helps ensure that a cabinet secretary will not hesitate to take the reins, by ensuring that there will be a cabinet position to which the officer may return after any period of service as Acting President. This provision also helps cure a potential constitutional defect in current law: some constitutional scholars argue that only a current "officer" may act as President under Article II.

In addition, this provision addresses the so-called "bumping off" problem in current law. The current Presidential succession statute puts the Executive Branch in a precarious position vis-a-vis Congress, because it allows the House Speaker or Senate President pro tempore to assert their right under current law to take over the reins at any time from a cabinet officer who holds office as Acting President. This aspect of current law raises serious constitutional separation of powers problems, because it effectively places the Presidency at the mercy of Congressional leaders. In addition, current law raises a potential constitutional problem because Article II, Section 1, Clause 6 of the U.S. Constitution states that any officer who shall act as President "shall act accordingly, until the Disability be removed, or a President shall be elected." This provision eliminates this "bumping off" problem in current law by eliminating the ability of the House Speaker or Senate President pro tempore to assert their right under current law to take over the reins from a cabinet officer holding office as Acting President.

Finally, this provision ensures that only individuals who are actually confirmed to the Cabinet-level office are eligible to serve in the line of succession. By doing so, this provision prevents lower-level officers who rise to the position of an acting Cabinet secretary from then acting as President.

Section 3. Presidential succession during the Presidential selection process. This provision states the sense of Congress that steps must be taken to ensure smooth Presidential succession in the event of a crisis during the Presidential selection process. The provision states that, prior to their political party's nominating conventions, candidates for President and Vice President should announce individuals who should be chosen by members of the Electoral College in the event that either the Presidential or Vice Presidential nominee is killed or permanently incapacitated prior to the Electoral College vote. The provision also advises the political parties to craft rules and procedures consistent with these principles.

Section 4. Presidential succession during the Presidential transition. This provision is modeled after S. Con. Res. 89 and H. Res. 775 from the last Congress. It states the sense of Congress that, in the event of the election of a new President, the outgoing Administration and incoming Administration should work together to ensure a smooth transition. Under current law, in the event of a terrorist attack on the inauguration or other crisis, a member of the prior Administration could theoretically rise to serve as Acting President, because new Cabinet officers may have not yet been nominated, confirmed, and appointed by that time. Accordingly, this provision calls for cooperation between outgoing and incoming Administrations to achieve smooth Presidential transitions. It recommends that the outgoing President nominate the individuals selected by the incoming President for offices that fall within the line of succession, it advises the Senate to act on those nominees to the extent it deems appropriate prior to the inaugural event on January 20, and finally, it recommends that the outgoing President appoint confirmed individuals to their posts on January 20 before the inaugural event.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 27, 2005.

Chairman KEN MEHLMAN,
Republican National Committee,
Washington, DC.
Chairman HOWARD DEAN,
Democratic National Committee,
Washington, DC.

DEAR CHAIRMAN MEHLMAN AND CHAIRMAN DEAN: This morning, we introduce the Presidential Succession Act of 2005, to update the existing Presidential Succession Act of 1947. The bill addresses some of the most pressing problems in the current law to ensure that, should tragedy strike, the nation will have a clear and legitimate president.

One of the primary areas of concern is the period between the nominating conventions and the casting of Electoral. votes. Should a presidential or vice-presidential nominee be unable to proceed as a nominee between these two events, general election voters and electors would face great uncertainty about their votes. We are concerned about the potential mischief and instability in our government that could arise in such event.

We have attached language from the Presidential Succession act of 2005 which calls on political parties to address this issue with appropriate party rules changes and public declarations. Specifically, these changes would call upon the presidential and vice-presidential nominees to jointly name successors should tragedy occur. If only the presidential nominee is unable to continue in an election, the vice presidential nominee would become the presidential nominee.

There is no reason for the political parties to await Congressional action. The vagaries of current party rules can be solved much sooner. We call on you to take action.

Should you have questions or need additional information, please do not hesitate to contact us.

Sincerely,

JOHN CORNYN,
United States Senate.
BRAD SHERMAN,
United States House of Representatives.

By Mrs. MURRAY (for herself, Mr. DURBIN, Mr. KENNEDY, and Mrs. CLINTON):

S. 921. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I am pleased today to introduce a bill with Senators DURBIN, KENNEDY, and CLINTON that will help our Nation's high school students graduate with the knowledge necessary to succeed in post-secondary education and the skills needed to succeed in the workforce.

Unfortunately too many high school students today are not completing high school at all or with the skills necessary to enter post-secondary education or the workforce. The statistics are staggering. Every day, 3,000 teenagers drop out of high school. This year over 500,000 students will drop out of high school. Overall, less than 70 percent of high school students will graduate and less than 50 percent of high school students of color will graduate.

Of 100 9th graders, less than 70 percent will graduate on time, only 38 percent will directly enter college, only 26 percent will still be enrolled in their sophomore year, and only 18 percent will graduate from college. That number is even lower for minority students. Forty percent of students entering 4-year colleges and nearly 70 percent of students entering community colleges will take remedial classes in reading, writing or math, extending their years in and the cost of college.

Only one-third of the U.S. workforce has any post-secondary education but it is estimated that 60 percent of new jobs in the 21st century will require a post-secondary education. Business will spend billions of dollars on remediation for their employees in reading, writing and math.

We can do better and we must do better for our Nation's students, their families, and American business. Currently, high school students are graduating at meager rates and even if they are graduating from high school, they are not leaving high school with the skills and knowledge to enter the workforce or be successful in college. That is why I have written and am introducing the Pathways for All Students to Succeed Act or the PASS Act.

The PASS Act targets high school reform in three key areas: core academics, improving graduation rates, and assistance to low-performing schools to improve student achievement through innovative models. The PASS Act will help improve student achievement in core academics and reduce the need for remediation in college and the workplace through grants for schools to hire literacy and math coaches. Literacy and math coaches bring professional development back into schools and classrooms. Coaches help teachers identify which students are having reading or math problems, how to respond to such problems, and how to integrate literacy and math skills across curricula.

The PASS Act also targets dropouts and low graduation rates through grants for academic counselors and a meaningful graduation rate calculation. Time after time I have talked to students in their senior year who have said, "I didn't know I needed four years of math to graduate and get into college." Part of the problem is that our counselors are completely overwhelmed. The current national average ratio of students to counselors is over 450 to 1. My bill would provide grants to bring that ratio down to 150 to 1. Academic counselors will also work with students and their families to create 6 year graduation and career plans that will help students identify what classes they need to graduate and achieve their post-secondary goals, whether those goals are training or college, and identify support services such as GEAR UP and TRIO that are available to the student.

The PASS Act also provides grants to schools for data collection, and specifically on graduation rates. Currently schools do not have a way to accurately calculate graduation rates. The Department of Education only requires schools to report the graduation rate based on 12th grade data and we all know that is not when students drop out. The PASS Act provides schools with funding to collect, disaggregate, and report accurate graduation rates so that schools can correctly diagnose and address problems facing specific student populations.

And lastly the PASS Act provides additional funding for schools labeled "in need of improvement" to implement proven, innovative reforms leading to gains in student achievement. I often talk to principals who tell me they know what they need to do to improve their schools; they just don't have the funds to make the necessary changes. Such reforms include smaller learning communities, adolescent literacy programs, whole school reforms, personalized learning environments, and programs that target transitions between middle and secondary school.

Congress must act now and act boldly to correct the shortfalls in our nation's high schools. We can and must do better. I hope my colleagues will join me in supporting this bill and addressing the needs of our high school students.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pathways for All Students to Succeed Act".

TITLE I—READING AND MATHEMATICS SKILLS FOR SUCCESS

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425), provides a strong framework for helping children in the early grades, our Nation still needs a comprehensive strategy to address the literacy problems and learning gaps of students in middle school and secondary school.

(2) Approximately 60 percent of students in the poorest communities fail to graduate from secondary school on time, in large part because of severe reading deficits that contribute to academic failure.

(3) Forty percent of students attending high minority enrollment secondary schools enroll in remedial reading coursework when entering higher education, in an effort to gain the skills their secondary education failed to provide.

(4) While 33 percent of all low-income students are enrolled in secondary schools, only 15 percent of the funding targeted to disadvantaged students goes to secondary schools.

(5) Data from the 1998 National Assessment of Educational Progress show that 32 percent of boys and 19 percent of girls in eighth grade cannot read at a basic level. These numbers do not change significantly in the secondary school years and are even more dramatic when students are identified by minority status.

(6) The 2002 National Assessment of Educational Progress writing scores indicate that while the percentage of fourth and eighth graders writing at or above a basic level increased between 1998 and 2002, the percentage of 12th graders writing at or above a basic level decreased. These numbers show that our concentrated efforts for elementary school students have improved their writing skills, but by neglecting the needs of secondary school students, we are squandering these gains.

(7) The United States cannot maintain its position as the world's strongest economy if we continue to ignore the literacy needs of adolescents in middle school and secondary school.

(8) The achievement gap between White and Asian students and Black and Hispanic students remains wide in the area of mathematics.

(9) The 2003 National Assessment of Education Progress shows that the achievement gap between the mathematics scores of eighth grade Black and Hispanic students and White students is the same in 2003 as in 1990.

(10) The 2003 National Assessment of Education Progress shows that eighth grade students eligible for a free or reduced-price school lunch did not meet the basic mathematics score, unlike non-eligible students.

(11) According to the latest results from international assessments, 15-year-olds from the United States performed below the international average in mathematics literacy and problem-solving, placing 27th out of 39 countries.

(12) Only 13 of the United States workforce has any post-secondary education, yet 60 percent of new jobs in the 21st century will require post-secondary education.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to provide assistance to State educational agencies and local educational agencies in establishing effective research-based reading, writing, and mathematics programs for students in middle schools and secondary schools, including students with disabilities and students with limited English proficiency;

(2) to provide adequate resources to schools to hire and to provide in-service training for not less than 1 literacy coach per 20 teachers who can assist middle school and secondary school teachers to incorporate research-based reading and writing instruction into the teachers' teaching of mathematics, science, history, civics, geography, literature, language arts, and other core academic subjects;

(3) to provide assistance to State educational agencies and local educational agencies—

(A) in strengthening reading and writing instruction in middle schools and secondary schools; and

(B) in procuring high-quality diagnostic reading and writing assessments and comprehensive research-based programs and instructional materials that will improve reading and writing performance among students in middle school and secondary school; and

(4) to provide adequate resources to schools to hire and to provide in-service training for not less than 1 mathematics coach per 20 teachers who can assist middle school and secondary school teachers to utilize research-based mathematics instruction to develop students' mathematical abilities and knowledge, and assist teachers in assessing student learning.

SEC. 103. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "local educational agency", "Secretary", and "State educational agency" have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency who is eligible to receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(3) LITERACY COACH.—The term "literacy coach" means a certified or licensed teacher with a demonstrated effectiveness in teaching reading and writing to students with specialized reading and writing needs, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support reading and writing improvement, who works on site at a school—

(A) to train teachers from across the curriculum to incorporate the teaching of reading and writing skills into their instruction of content;

(B) to train teachers to assess students' reading and writing skills and identify students requiring remediation; and

(C) to provide or assess remedial literacy instruction, including for—

(i) students in after school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(4) MATHEMATICS COACH.—The term "mathematics coach" means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students requiring remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(5) MIDDLE SCHOOL.—The term "middle school" means a school that provides middle school education, as determined under State law.

(6) SECONDARY SCHOOL.—The term "secondary school" means a school that provides secondary education, as determined under State law.

(7) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) LITERACY GRANTS.—For the purposes of carrying out subtitle A, there are authorized to be appropriated $1,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) MATHEMATICS GRANTS.—For the purposes of carrying out subtitle B, there are authorized to be appropriated $1,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Subtitle A—Literacy Skills Programs

SEC. 111. LITERACY SKILLS PROGRAMS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under section 104(a) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this subtitle, that will provide grants to State educational

agencies, and grants or subgrants to eligible local educational agencies, to establish reading and writing programs to improve the overall reading and writing performance of students in middle school and secondary school.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this subtitle shall be awarded for a period of 6 years.

(b) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under section 104(a) for a fiscal year, the Secretary shall reserve—

(1) 3 percent of such amounts to fund national activities in support of the programs assisted under this subtitle, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) 2 percent of such amounts for the Bureau of Indian Affairs to carry out the services and activities described in section 112(c) for Indian children.

(c) GRANT FORMULAS.—

(1) FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.—If the amounts appropriated under section 104(a) for a fiscal year are equal to or greater than $500,000,000, then the Secretary shall award grants, from allotments under paragraph (3), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish reading and writing programs to improve overall reading and writing performance among students in middle school and secondary school.

(2) DIRECT GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—If the amounts appropriated under section 104(a) for a fiscal year are less than $500,000,000, then the Secretary shall award grants, on a competitive basis, directly to eligible local educational agencies to establish reading and writing programs to improve overall reading and writing performance among students in middle school and secondary school.

(B) PRIORITY.—The Secretary shall give priority in awarding grants under this paragraph to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(a) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(B) MINIMUM ALLOTMENT.—Notwithstanding subparagraph (A), no State educational agency shall receive an allotment under this paragraph for a fiscal year in an amount that is less than 0.25 percent of the funds allotted to all State educational agencies under subparagraph (A) for the fiscal year.

(4) REALLOTMENT.—If a State educational agency does not apply for a grant under this subtitle, the Secretary shall reallot the State educational agency's allotment to the remaining States.

(d) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this subtitle, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this subtitle in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include an assurance that—

(i) the State educational agency has established a reading and writing partnership that—

(I) coordinated the development of the application for a grant under this subtitle; and

(II) will assist in designing and administering the State educational agency's program under this subtitle; and

(ii) the State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this subtitle.

(C) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for literacy coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional reading and writing assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this subtitle—

(I) is based on reading and writing research;

(II) will effectively improve instructional practices for reading and writing for middle school and secondary school students; and

(III) is coordinated with professional development activities funded through other programs (including federally funded programs such as programs funded under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of reading and writing instruction.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on reading and writing research.

(viii) How the State educational agency will build on and promote coordination among reading and writing programs in the State to increase overall effectiveness in improving reading and writing instruction, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this subtitle.

(2) REVIEW OF APPLICATIONS.—The Secretary shall review applications from State educational agencies under this subsection as the applications are received.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this subtitle shall—

(1) establish a reading and writing partnership, which may be the same as the partnership established under section 1203(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(d)), that will provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based reading and writing programs for middle school and secondary school students;

(2) use 80 percent of the grant funds received under this subtitle for a fiscal year to award subgrants to eligible local educational agencies having applications approved under section 112(a); and

(3) use 20 percent of the grant funds received under this subtitle—

(A) to carry out State-level activities described in the application submitted under subsection (d);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and literacy coaches;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in section 112(c); and

(D) for administrative costs,

of which not more than 10 percent of the grant funds may be used for planning, administration, and reporting.

(f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subtitle shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this subtitle.

(g) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this subtitle shall use the grant funds to supplement not supplant State funding for activities authorized under this subtitle or for other educational activities.

(h) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

SEC. 112. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.

(a) APPLICATION.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subtitle shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(2) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(A) Development or selection and implementation of research-based reading and writing assessments.

(B) Development or selection and implementation of research-based reading and writing programs, including programs for students with disabilities and students with limited English proficiency.

(C) Selection of instructional materials based on reading and writing research.

(D) High-quality professional development for literacy coaches and teachers based on reading and writing research.

(E) Evaluation strategies.

(F) Reporting.

(G) Providing access to research-based reading and writing materials.

(3) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium, if each member of the consortium is an eligible local educational agency.

(b) AWARD BASIS.—

(1) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this subtitle for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 111(e)(2) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies under such part for the preceding fiscal year.

(2) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subtitle.

(c) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to carry out, at the middle school and secondary school level, the following services and activities:

(1) Hiring literacy coaches, at a ratio of not less than 1 literacy coach for every 20 teachers, and providing professional development for literacy coaches—

(A) to work with classroom teachers to incorporate reading and writing instruction within all subject areas, during regular classroom periods, after school, and during summer school programs, for all students;

(B) to work with classroom teachers to identify students with reading and writing problems and, where appropriate, refer students to available programs for remediation and additional services;

(C) to work with classroom teachers to diagnose and remediate reading and writing difficulties of the lowest-performing students, by providing intensive, research-based instruction, including during after school and summer sessions, geared toward ensuring that the students can access and be successful in rigorous academic coursework; and

(D) to assess and organize student data on literacy and communicate that data to school administrators to inform school reform efforts.

(2) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure literacy skills are taught within the content area subjects.

(3) Providing reading and writing professional development for all teachers in middle school and secondary school that addresses both remedial and higher level literacy skills for students in the applicable curriculum.

(4) Providing professional development for teachers, administrators, and paraprofessionals serving middle schools and secondary schools to help the teachers, administrators, and paraprofessionals meet literacy needs.

(5) Procuring and implementing programs and instructional materials based on reading and writing research, including software and other education technology related to reading and writing instruction.

(6) Building on and promoting coordination among reading and writing programs in the eligible local educational agency to increase overall effectiveness in improving reading and writing instruction, including for students with disabilities and students with limited English proficiency.

(7) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant.

(d) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to supplement not supplant the eligible local educational agency funding for activities authorized under this subtitle or for other educational activities.

(e) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

(f) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subtitle shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

Subtitle B—Mathematics Skills Programs

SEC. 121. MATHEMATICS SKILLS PROGRAMS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under section 104(b) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this subtitle, that will provide grants to State educational agencies, and grants and subgrants to eligible local educational agencies, to establish mathematics programs to improve the overall mathematics performance of students in middle school and secondary school.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this subtitle shall be awarded for a period of 6 years.

(b) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under section 104(b) for a fiscal year, the Secretary shall reserve—

(1) 3 percent of such amounts to fund national activities in support of the programs assisted under this subtitle, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) 2 percent of such amounts for the Bureau of Indian Affairs to carry out the services and activities described in section 122(c) for Indian children.

(c) GRANT FORMULAS.—

(1) FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.—If the amounts appropriated under section 104(b) for a fiscal year are equal to or greater than $500,000,000, then the Secretary shall award grants, from allotments under paragraph (3), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs to improve overall mathematics performance among students in middle school and secondary school.

(2) DIRECT GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—If the amounts appropriated under section 104(b) for a fiscal year are less than $500,000,000, then the Secretary shall award grants, on a competitive basis, directly to eligible local educational agencies to establish mathematics programs to improve overall mathematics performance among students in middle school and secondary school.

(B) PRIORITY.—The Secretary shall give priority in awarding grants under this paragraph to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(b) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(B) MINIMUM ALLOTMENT.—Notwithstanding subparagraph (A), no State educational agency shall receive an allotment under this paragraph for a fiscal year in an amount that is less than 0.25 percent of the funds allotted to all State educational agencies under subparagraph (A) for the fiscal year.

(4) REALLOTMENT.—If a State educational agency does not apply for a grant under this subtitle, the Secretary shall reallot the State educational agency's allotment to the remaining States.

(d) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this subtitle, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this subtitle in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include an assurance that—

(i) the State educational agency has established a mathematics partnership that—

(I) coordinated the development of the application for a grant under this subtitle; and

(II) will assist in designing and administering the State educational agency's program under this subtitle; and

(ii) the State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this subtitle.

(C) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this subtitle—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for middle school and secondary school students; and

(III) is coordinated with professional development activities funded through other programs.

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this subtitle.

(2) REVIEW OF APPLICATIONS.—The Secretary shall review applications from State educational agencies under this subsection as the applications are received.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this subtitle shall—

(1) establish a mathematics partnership that will provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for middle school and secondary school students;

(2) use 80 percent of the grant funds received under this subtitle for a fiscal year to approve high-quality applications for subgrants to eligible local educational agencies having applications approved under section 122(a); and

(3) use 20 percent of the grant funds received under this subtitle—

(A) to carry out State-level activities described in the application submitted under subsection (d);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in section 122(c); and

(D) for administrative costs, of which not more than 10 percent of the grant funds may be used for planning, administration, and reporting.

(f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subtitle shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this subtitle.

(g) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this subtitle shall use the grant funds to supplement not supplant State funding for activities authorized under this subtitle or for other educational activities.

(h) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

SEC. 122. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.

(a) APPLICATION.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subtitle shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(2) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(A) Development or selection and implementation of research-based mathematics assessments.

(B) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(C) Selection of instructional materials based on mathematics research.

(D) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(E) Evaluation strategies.

(F) Reporting.

(G) Providing access to research-based mathematics materials.

(3) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium if each member of the consortium is an eligible local educational agency.

(b) AWARD BASIS.—

(1) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this subtitle for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 121(e)(2) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies under such part for the preceding fiscal year.

(2) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subtitle.

(c) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to carry out, at the middle school and secondary school level, the following services and activities:

(1) Hiring mathematics coaches, at a ratio of not less than 1 mathematics coach for every 20 teachers, and providing professional development for mathematics coaches—

(A) to work with classroom teachers to better assess student learning in mathematics;

(B) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(C) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, by providing intensive, research-based instruction, including during after school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(D) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(2) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within the content area subjects.

(3) Providing mathematics professional development for all teachers in middle school and secondary school that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(4) Providing professional development for teachers, administrators, and paraprofessionals serving middle schools and secondary schools to help the teachers, administrators, and paraprofessionals meet mathematics needs.

(5) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction.

(6) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in improving mathematics instruction, including for students with disabilities and students with limited English proficiency.

(7) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant.

(d) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to supplement not supplant the eligible local educational agency funding for activities authorized under this subtitle or for other educational activities.

(e) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

(f) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subtitle shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

TITLE II—PATHWAYS TO SUCCESS

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) In 2003, approximately 60 percent of students in the poorest communities failed to graduate from secondary school on time.

(2) All ninth grade students should have a plan that assesses the student's instructional needs and outlines the coursework the student must complete to graduate on time, properly prepared for college and career.

(3) Research shows that 1 of the most important factors behind student success in secondary school is a close connection with at least 1 adult who demonstrates concern for the student's advancement.

(4) Secondary school counselors can help students receive the instructional, tutorial, and social supports that contribute to academic success.

(5) Model programs around the Nation have demonstrated that effective academic and support plans for students, developed by counselors serving as academic coaches, in cooperation with students and parents, result in a higher percentage of students graduating from secondary school well prepared for college study.

SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "local educational agency", "poverty line", "secondary school", "Secretary", and "State educational agency" have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ACADEMIC COUNSELOR.—The term "academic counselor" means a highly qualified professional who has received professional development appropriate to perform the services described in section 205(c).

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency who has jurisdiction over not less than 1 secondary school receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 203. PROGRAM AUTHORIZED.

The Secretary is authorized to establish a program, in accordance with the requirements of this title, that—

(1) enables a secondary school that receives assistance under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), to hire a sufficient number of academic counselors, in a ratio of not less than 1 counselor to 150 students, to develop personal plans for each student at the school, including students with limited English proficiency;

(2) involves parents in the development and implementation of the personal plans; and

(3) provides academic counselors and staff at the schools receiving grants under this title the opportunity to coordinate with other programs and services, including those supported by Federal funds, to ensure that students have access to the resources and services necessary to fulfill the students' personal plans.

SEC. 204. GRANTS TO STATES.

(a) GRANTS AUTHORIZED.—From amounts made available under section 206 and not reserved under subsection (i), the Secretary shall award grants, from allotments under subsection (b), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to implement programs in secondary schools in accordance with this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From funds appropriated under section 206 and not reserved under subsection (i) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(2) MINIMUM ALLOTMENT.—Notwithstanding paragraph (1), no State educational agency shall receive an allotment under this subsection for a fiscal year in an amount that is less than 0.25 percent of the amount allotted to the State educational agencies under subsection (e)(1) for the fiscal year.

(3) RATABLE REDUCTIONS.—If the amount appropriated to carry out this title for any fiscal year is less than $2,000,000,000, then the Secretary shall ratably reduce the allotment made to each State educational agency under this subsection in proportion to the relative number of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), in the State compared to such number for all States.

(c) LENGTH OF GRANTS.—A grant to a State educational agency under this title shall be awarded for a period of 6 years.

(d) APPLICATIONS.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary in the form and according to the schedule established by the Secretary by regulation.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this title shall use—

(1) 80 percent of the grant funds to award subgrants to eligible local educational agencies under section 205; and

(2) 20 percent of the grant funds to provide professional development to academic counselors and technical assistance to local educational agencies, and to pay for administrative costs, of which not more than 10 percent of such 20 percent may be used for planning, administration, and reporting.

(f) SUPPLEMENT NOT SUPPLANT.—Grant funds provided to State educational agencies under this title shall be used to supplement not supplant funding provided by the State for activities authorized under this title or for other educational activities.

(g) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this title may be used only to provide services and activities authorized under this title that were not provided on the day before the date of enactment of this Act.

(h) REALLOTMENT.—If a State educational agency does not apply for funding under this title, the Secretary shall reallot the State educational agency's allotment to the remaining eligible State educational agencies.

(i) RESERVATIONS.—Of the funds appropriated under section 206 for each fiscal year, the Secretary shall reserve—

(1) 2 percent for the Bureau of Indian Affairs to carry out the authorized activities described in section 205(c); and

(2) 3 percent for national activities that support the programs assisted under this title, except that the Secretary shall not use such reserved funds to award grants directly to local educational agencies.

SEC. 205. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.

(a) SUBGRANTS AUTHORIZED.—From amounts made available under section 204(e)(1), a State educational agency shall award subgrants to eligible local educational agencies having applications approved under subsection (b) to enable the eligible local educational agencies to carry out the authorized activities described in subsection (c).

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this title shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency. Each such application shall describe how the eligible local educational agency will—

(A) hire a sufficient number of highly qualified academic counselors to develop personal plans for all students in such students' first year of secondary school, with a ratio of 1 academic counselor to not more than 150 students in each secondary school served under the subgrant;

(B) provide adequate resources to each such school to offer the supplemental and other support services that the implementation of students' personal plans require, and provide such supplemental services, where possible, through coordination with Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), Gear Up programs under chapter 2 of such subpart (20 U.S.C. 1070a–21 et seq.), programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), 21st Century Community Learning Centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (in accordance with students' individualized education programs), and programs under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

(C) include parents in the development and implementation of students' personal plans; and

(D) provide staff at each such school with opportunities for appropriate professional development and coordination to help the staff support students in implementing the students' personal plans.

(2) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a consortium, if each member of the consortium is an eligible local educational agency.

(c) AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this title shall use the subgrant funds to provide the following services:

(1) Hiring academic counselors (at a ratio of not less than 1 counselor per 150 students) to develop the 6-year personal plans for all students in such students' first year of secondary school and coordinate the services required to implement such personal plans. Such academic counselors shall—

(A) work with students and their families to develop an individual plan that will define such students' career and education goals, assure enrollment in the coursework necessary for on-time graduation and preparation for career development or postsecondary education, and identify the courses and supplemental services necessary to meet those goals;

(B) advocate for students, helping the students to access the services and supports necessary to achieve the goals laid out in the personal plan for the student;

(C) assure student access to services, both academic and nonacademic, needed to lower barriers to succeed as needed;

(D) assess student progress on a regular basis;

(E) work with school and eligible local educational agency administrators to promote reforms based on student needs and performance data;

(F) involve parents or caregivers, including those parents or caregivers who are limited English proficient, and teachers, in the development of students' personal plans to ensure the support and assistance of the parents, caregivers, and teachers in meeting the goals outlined in such personal plans; and

(G) communicate to students and their families the importance of implementing the 2 years of the personal plan following secondary school graduation, and work with institutions of higher education to help students transition successfully and fully implement the students' personal plans.

(2) Determining the academic needs of all students entering grade 9 and identifying barriers to success.

(3) Ensuring availability of the services necessary for the implementation of students' personal plans, including access to a college preparatory curriculum and advanced placement or international baccalaureate courses.

(4) Where appropriate, modifying the curriculum at a secondary school receiving subgrant funds under this title to address the instructional requirements of students' personal plans.

(5) Providing for the ongoing assessment of students for whom personal plans have been developed and modifying such personal plans as necessary.

(6) Coordinating the services offered with subgrant funds received under this title with other Federal, State, and local funds, including programs authorized under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), sections 402A and 404A of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 and 1070a-21), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (in accordance with students' individualized education programs), and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY PRIORITY.—In awarding subgrants to eligible local educational agencies, a State educational agency shall give priority to eligible local educational agencies with—

(1) the largest number or percentage of students in grades 6 through 12 reading below grade level; or

(2) the lowest graduation rates as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(e) SCHOOL PRIORITY.—In awarding subgrant funds to secondary schools, an eligible local educational agency shall give priority to secondary schools that—

(1) have the highest percentages or numbers of students in grades 6 through 12 reading below grade level;

(2) have the highest percentages or numbers of children living below the poverty line according to census figures; or

(3) have the lowest graduation rates as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(f) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this title for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 204(e)(1) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies in the State under such part for the preceding fiscal year.

(g) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this title.

(h) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this section shall use the subgrant funds to supplement not supplant funding for activities authorized under this title or for other educational activities.

(i) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this section may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out this title, there are authorized to be appropriated $2,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—FOSTERING SUCCESSFUL SECONDARY SCHOOLS

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) Personalization of the school environment has been proven to be an essential factor in helping low-performing secondary school students succeed.

(2) Effective schools provide ongoing, high-quality professional development for teachers and administrators to improve instruction.

(3) Student success is dependent upon alignment of curriculum, instruction, and assessment.

(4) Successful schools adapt instruction to the unique interests and talents of each student.

(5) Successful schools have high expectations for all students and offer a rigorous curriculum for the entire student body.

(6) Ongoing assessment is the best way to measure how each student is learning and responding to the teacher's instructional methods.

(7) Effective secondary schools have access to, and utilize, data related to student performance prior to, and following, secondary school enrollment.

(8) Despite significant increases to the program, only about 7 percent of funding for title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) goes to secondary schools.

(9) Every year, 1,300,000 students do not graduate with their peers, which means every school day, our Nation loses 7,000 students.

(10) Nationally, of 100 ninth-graders, only 68 will graduate from high school on time, only 38 will directly enter college, only 26 will still be enrolled for the sophomore year, and only 18 will end up graduating from college. The numbers for minority students are even lower.

(11) Even secondary school graduates going on to college are struggling with basic literacy skills, with 40 percent of all 4-year college students taking a remedial course and 63 percent of all community college students assigned to at least 1 remedial course.

SEC. 302. PURPOSES.

It is the purpose of this title to implement research-based programs, practices, and models that will improve student achievement in low performing secondary schools.

SEC. 303. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "institution of higher education", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that has jurisdiction over not less than 1 eligible secondary school.

(3) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means—

(A) an eligible local educational agency in partnership with a regional educational laboratory, an institution of higher education, or another nonprofit institution with significant experience in implementing and evaluating education reforms; or

(B) a consortium of eligible secondary schools or eligible local educational agencies, each of which is an eligible entity described in subparagraph (A).

(4) ELIGIBLE SECONDARY SCHOOL.—The term "eligible secondary school" means a secondary school identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), as of the day preceding the date of enactment of the Pathways for All Students to Succeed Act.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 304. PROGRAM AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to State educational agencies, from allotments under section 305(b), to enable the State educational agencies to award subgrants to eligible local educational agencies, from allocations under section 305(c)(2), to promote secondary school improvement and student achievement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $500,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 305. RESERVATIONS, STATE ALLOTMENTS, AND LOCAL ALLOCATIONS.

(a) RESERVATIONS.—From funds appropriated under section 304(b) for a fiscal year the Secretary shall reserve—

(1) 2 percent for schools funded or supported by the Bureau of Indian Affairs to carry out the purposes of this title for Indian children;

(2) 3 percent to carry out national activities in support of the purposes of this title; and

(3) 95 percent for allotment to the States in accordance with subsection (b).

(b) ALLOTMENT TO STATES.—

(1) IN GENERAL.—From funds reserved under subsection (a)(3) for a fiscal year, the Secretary shall make an allotment to each State educational agency in an amount that bears the same relationship to the funds as the number of schools in that State that have been identified for school improvement under section 1116(b) of the Elementary and

Secondary Education Act of 1965 (20 U.S.C. 6316(b)), bears to the number of schools in all States that have been identified for school improvement under such section 1116(b).

(2) REALLOTMENT.—The portion of any State educational agency's allotment that is not used by the State educational agency shall be reallotted among the remaining State educational agencies on the same basis as the original allotments were made under paragraph (1).

(c) ALLOCATIONS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) RESERVATIONS.—Each State educational agency receiving a grant under this title shall reserve—

(A) not more than 10 percent of the grant funds—

(i) for State-level activities to provide high-quality professional development and technical assistance to local educational agencies receiving funds under this title and to other local educational agencies as appropriate, including the dissemination and implementation of research-based programs, practices, and models for secondary school improvement; and

(ii) to contract for the evaluation of all programs and activities in the State that are assisted under this title; and

(B) not less than 90 percent of the grant funds to award subgrants to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in section 306.

(2) LOCAL ALLOCATION.—From funds reserved under paragraph (1)(B), the State educational agency shall allocate to each eligible local educational agency in the State an amount that bears the same relation to such funds as the number of secondary schools that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), that are served by the eligible local educational agency, bears to the number of such schools served by all eligible local educational agencies in the State.

SEC. 306. LOCAL USES OF FUNDS.

Each eligible local educational agency receiving a subgrant under this title shall use the subgrant funds for activities to improve secondary schools that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), such as—

(1) developing and implementing research-based programs or models that have been shown to raise achievement among secondary school students, including smaller learning communities, adolescent literacy programs, block scheduling, whole school reforms, individualized learning plans, personalized learning environments, and strategies to target students making the transition from middle school to secondary school;

(2) promoting community investment in school quality by engaging parents, businesses, and community-based organizations in the development of reform plans for eligible secondary schools;

(3) researching, developing, and implementing a school district strategy to create smaller learning communities for secondary school students, both by creating smaller learning communities within existing secondary schools, and by developing new, smaller, and more personalized secondary schools;

(4) providing professional development for school staff in research-based practices, such as interactive instructional strategies and opportunities to connect learning with experience; and

(5) providing professional development and leadership training for principals and other school leaders in the best practices of instructional leadership and implementing school reforms to raise student achievement.

SEC. 307. APPLICATIONS.

(a) STATES.—Each State educational agency desiring a grant under this title shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require to ensure compliance with the requirements of this title.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each eligible local educational agency desiring a subgrant under this title shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency may require to ensure compliance with the requirements of this title. Each such application shall describe how the eligible local educational agency will form an eligible partnership to carry out the activities assisted under this title.

SEC. 308. EVALUATIONS.

In cooperation with the State educational agencies receiving funds under this title, the Secretary shall undertake or contract for a rigorous evaluation of the effectiveness and success of activities conducted under this title.

TITLE IV—DATA CAPACITY

SEC. 401. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF ASSESSMENT AND ACCOUNTABILITY.

(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (e) for a fiscal year, the Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to develop or increase the capacity of data systems for assessment and accountability purposes, including the collection of graduation rates.

(b) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Each State educational agency that receives a grant under this section shall use the grant funds for the purpose of—

(1) increasing the capacity of, or creating, State databases to collect, disaggregate, and report information related to student achievement, enrollment, and graduation rates for assessment and accountability purposes; and

(2) reporting, on an annual basis, for the elementary schools and secondary schools within the State, on—

(A) the enrollment data from the beginning of the academic year;

(B) the enrollment data from the end of the academic year; and

(C) the twelfth grade graduation rates.

(d) DEFINITIONS.—In this section:

(1) GRADUATION RATE.—The term "graduation rate" means the percentage that—

(A) the total number of students who—

(i) graduate from a secondary school with a regular diploma (which shall not include the recognized equivalent of a secondary school diploma or an alternative degree) in an academic year; and

(ii) graduated on time by progressing 1 grade per academic year; represents of

(B) the total number of students who entered the secondary school in the entry level academic year applicable to the graduating students.

(2) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 2 succeeding fiscal years.

Mr. DURBIN. Mr. President, I am pleased to support the introduction today, along with my colleagues Senators CLINTON and KENNEDY, of Senator MURRAY's bill to improve America's high schools.

We have all heard a lot of talk these days about the need to improve America's high schools. Bill Gates makes the point that the academic caliber of our high school graduates is one of the greatest factors in our country's ability to innovate and to compete internationally in technological advancements. The CEO of Intel, Craig Barrett, tells the story of the how U.S. students are eclipsed in the international science competition his firm sponsors. University presidents I meet with talk about the strain that remedial education for incoming freshmen places on the school's faculty and budgets.

The President's budget this year includes his high school initiative, which proposes to redirect money to high schools. There's a big catch, though. The President says that to fund his high school initiative we need to eliminate one of our most effective education programs for high schools, technical schools and colleges—Perkins Vocational and Technical Education grants.

There is a better way. The Pathways for All Students to Success (PASS) Act provides the resources schools need to sharpen the focus on literacy and math—skills critical to success in the workforce or in post-secondary studies. High schools can employ literacy and math coaches to help support and supplement the teachers in traditional classrooms. The legislation also allows for additional academic counseling, to provide that targeted, individualized assistance that many students need to achieve proficiency in key academic areas.

The PASS Act also provides funding that allows schools not meeting national standards to implement proven, comprehensive school reform to help students learn. Finally, current data on high school graduation rates is incomplete, inconsistent and often inaccurate. That makes it harder for schools to know which populations of students are most in need of additional attention. This legislation provides funding for school systems to collect, disaggregate and report accurate graduation rates.

Now is the time to strengthen our high schools. Expectations in the workplace and on post-secondary campuses are higher than ever for high school graduates. The PASS Act supports students working toward high school graduation, enhancing their pathway to success.

By Mr. SANTORUM (for himself and Mr. LIEBERMAN):

S. 922. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I along with Senator LIEBERMAN am introducing the Savings and Working Families Act of 2005.

The need for this legislation comes at a time when Americans face an ongoing savings and assets crisis. One third of all Americans have no assets available for investment, and another fifth have only negligible assets. The United States household savings rate lags far behind that of other industrial nations, constraining national economic growth and keeping many Americans from entering the economic mainstream by buying a house, obtaining an adequate education, or starting a business.

Low-income Americans face a huge hurdle when trying to save. Individual Development Accounts, IDAs, provide them with a way to work toward building assets while instilling the practice of savings into their everyday lives. IDAs are one of the most promising tools that enable low-income and low-wealth American families to save, build assets, and enter the financial mainstream. Based on the idea that all Americans should have access, through the tax code or through direct expenditures, to the structures that subsidize homeownership and retirement savings of wealthier families, IDAs encourage savings efforts among the poor by offering them a one-to-one match for their own deposits. IDAs reward the monthly savings of working-poor families who are trying to buy their first home, pay for post-secondary education, or start a small business. These matched savings accounts are similar to 401(k) plans and other matched savings accounts, but can serve a broad range of purposes.

The Savings and Working Families Act of 2005 builds on existing IDA programs by creating tax credit incentives for an additional 900,000 accounts. Individuals between 18 and 60 who are not dependents or students and meet the income requirements would be eligible to establish and contribute to an IDA. For single filers, the income limit would be $20,000 in modified aggregate gross income, AGI. The corresponding thresholds for head-of-household and joint filers would be $30,000 and $40,000, respectively.

Participants could generally withdraw their contributions and matching funds for qualified purposes, which include certain higher education expenses, first-time home purchase expenditures, and small business capitalization.

Additionally, this bill would create a tax credit to defray the cost of establishing and running IDA programs, contributing matching funds to the appropriate accounts, and providing financial education to account holders. Program sponsors could be qualified institutions, qualified nonprofits, or qualified Indian tribes, and would have to be an institution eligible under current law to serve as the custodian of IRAs. Sponsors could claim a tax credit that would have two components. The first would be a $50 credit per account to offset the ongoing costs of maintaining and administering each account and providing financial education to participants. Except for the first year that an account is open, the credit would be available only for accounts with a balance, at year's end, of more than $100. In addition, there would be a credit for the dollar-to-dollar matching amounts.

IDAs work to spur savings by low-income individuals. The American Dream Demonstration, ADD, a 14-site IDA program, has proven that low-income families, with proper incentives and support, can and do save for longer-term goals. In ADD, average monthly net deposits per participant were $19.07, with the average participant saving 50 percent of the monthly savings target and making deposits in 6 of 12 months. Participants accumulated an average of $700 per year including matching contributions. Importantly, deposits increased as the monthly target increased, indicating that low-income families' saving behavior, like that of wealthier individuals; is influenced by the incentives they receive.

Additionally, key to the success of IDAs is the economic education that participants receive. Information about repairing credit, reducing expenditures, applying for the Earned Income Tax Credit, avoiding predatory lenders, and accessing financial services helps IDA participants to reach savings goals and to integrate themselves into the mainstream economic system. The encouragement and connection to supportive services helps low-income individuals to keep early withdrawals to a minimum and overcome obstacles to saving. Banks and credit unions benefit from these new customer relations, and States benefit from decreased presence of check-cashing, pawnshop, and other predatory outlets.

But more than income enhancement, asset accumulation affects individuals' confidence about the future, willingness to defer gratification, avoidance of risky behavior, and investment in community. In families where assets are owned, children do better in school, voting participation increases, and family stability improves. Reliance on public assistance decreases as families use their assets to access higher education and better jobs, reduce their housing costs through ownership, and create their own job opportunities through entrepreneurship.

We must re-instill the value that Americans once put into saving and promote an ownership society. Saving must once again become a national virtue. At stake are not just the financial security and prosperity of Americans as individuals but America as a nation. This bill takes a step in reaching out to low-income Americans to meet this goal.

I urge my colleagues to support the Savings and Working Families Act of 2005.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. OBAMA):

S. 923. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce the TANF Financial Education Promotion Act of 2005 in order to call attention to an important issue for low-income families financial literacy. I am proud to be reintroducing this bill during the month of April, which is Financial Literacy Month.

One of the goals of the Temporary Assistance for Needy Families (TANF) Program is to help low-income families transition from welfare to work. However, there is more to leaving poverty than just finding a job. Welfare recipients must learn the skills that will help them build savings and establish good credit so that they can stay off welfare. Currently, TANF does not offer financial education to low-income individuals, leaving welfare recipients at risk of dependence upon public assistance.

Furthermore, millions of low-income families, including families receiving TANF, are unbanked. These households tend to do their banking at check-cashing outlets that charge exorbitant fees for such services. A lack of basic consumer finance education, including lack of familiarity with how a checking or savings account works, has been cited as a major reason why millions of Americans do not set up such accounts.

Not only are low-income people more likely to be unbanked than other individuals, but they are also the most vulnerable to abusive lending practices and hostile credit arrangements. Those with the fewest financial resources end up paying the most to obtain financing. Financial education that addresses predatory lending will help prevent low-income families from becoming victims of unaffordable loan payments, equity stripping, and foreclosure.

Burdened by significant financial needs, welfare recipients need practical information on the fundamentals of saving, household budgeting, taxes, and credit. With this knowledge, individuals will be better equipped to move toward self-sufficiency and maintain financial independence.

The TANF Financial Education Promotion Act makes strides in financial literacy for welfare recipients by requiring states to use TANF funds to collaborate with community-based organizations, banks, and community colleges to create financial education programs for low-income families receiving welfare and for those transitioning from welfare to work.

I am not alone in advocating financial literacy for TANF recipients. Federal Reserve Chairman Alan Greenspan has said, “Educational and training programs may be the most critical service offered by community-based organizations to enhance the ability of lower-income households to accumulate assets.”

I urge my colleagues to join me in helping the most vulnerable families in the United States get access to the tools they will need to successfully make the transition from welfare to work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “TANF Financial Education Promotion Act of 2005”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Most recipients of assistance under the Temporary Assistance for Needy Families (TANF) Program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Currently, personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Financial education speaks to the broader purpose of the TANF Program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

SEC. 3. REQUIREMENT TO PROMOTE FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

“(vii) Establish goals and take action to promote financial education, as defined in section 407(j), among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, and the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.”.

(b) INCLUSION OF FINANCIAL EDUCATION AS A WORK ACTIVITY.—Section 407 of the Social Security Act (42 U.S.C 607) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A), by striking “or (12)” and inserting “(12), or (13)”; and

(B) in subparagraph (B), by striking “or (12)” each place it appears and inserting “(12), or (13)”;

(2) in subsection (d)—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(13) financial education, as defined in subsection (j).”; and

(3) by adding at the end the following:

“(j) DEFINITION OF FINANCIAL EDUCATION.—In this part, the term ‘financial education’ means education that promotes an understanding of consumer, economic, and personal finance concepts, including the basic principles involved with earning, budgeting, spending, saving, investing, and taxation.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, Mr. SARBANES, and Mr. BAUCUS):

S. 924. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I would like to speak today about an issue that I believe should be a lifelong goal for all Americans—financial literacy.

More specifically, I want to highlight the necessity of financial literacy for men and women who are close to retirement. Senior citizens are too often the victims of predatory mortgage and lending abuses and other financial scams. AARP surveys show that over half of telemarketing fraud victims are age 50 or older. In fact, financial exploitation is the largest single category of abuse against older persons. It is clear that the vulnerability of this population stems from a lack of financial knowledge, so it is more important than ever that this Congress take steps to increase the availability of financial education for midlife and senior citizens.

Not only does poor financial literacy leave older Americans vulnerable to financial fraud, but it also leads to poor retirement planning. In the next thirty years, the number of Americans over the age of 65 will double. For many of these Americans, Social Security alone will be insufficient to cover all their expenses, particularly as health care costs rise. Only about half of American workers are currently participating in any pension plan, leaving more than 75 million Americans without an employer-sponsored pension. Even worse is the fact that fifty million Americans have no retirement savings whatsoever. These statistics are frightening. As our population lives longer, we must focus on retirement education for mid-life and aging Americans as well as consumer education for seniors.

My legislation, the Education for Retirement Security Act will address the need for financial literacy among seniors by creating a $100 million competitive grant program that would provide resources to State and area agencies on aging, and nonprofit community based organizations, to provide financial education to mid-life and older Americans. The goal of this education is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud. The bill also creates a national technical assistance program that will designate at least one national grantee to provide financial education materials and training to local grantees.

I am proud to be reintroducing this legislation during the month of April, which is Financial Literacy Month.

We must offer those individuals who are close to or in retirement the tools they will need to make sound financial decisions and prepare appropriately for their retirement. The Education for Retirement Security Act will help older Americans learn how to avoid scams and invest well. With savvy financial planning and smart consumer skills, senior citizens will be more empowered to protect themselves and ultimately be better able to enjoy a more secure retirement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Education for Retirement Security Act of 2005”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that midlife and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's "retirement" years.

(6) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(7) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(8) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 21,084 victims in 2004, an increase of more than 11 times in number.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to midlife and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term "financial education" means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term "midlife individual" means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term "older individual" means an individual aged 65 or older.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2006 through 2010.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. BAUCUS):

S. 925. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the Youth Financial Education Act. I am pleased to introduce this bill during the month of April—Financial Literacy Month.

It is hard to underestimate the importance of financial literacy for our youth. As credit, banking, and financial systems in this country become more and more complex, it is time to make sure that our education system teaches our children the fundamental principles of earning, spending, saving and investing, so that they can be successful citizens. Federal Reserve Chairman Alan Greenspan said himself that "Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions." It is crucial not only for the well-being of our children, but for the future of our society as a whole that all citizens understand how to manage a checking account, use a credit card, and estimate their taxes.

According to the Jump$tart Coalition for Personal Financial Literacy's Survey of High School Seniors, which measures students' aptitude and ability to manage financial resources such as credit cards, insurance, retirement funds and savings accounts, only 52.3 percent of students answered the survey questions correctly. In less than a year, 54 percent of these students who go onto college will carry a credit card. These statistics make it evident that we must do more to arm our youth with the tools they need to make informed decisions about the fiscal realities they will face upon entering college or the workforce.

In 2004, only 7 states required students to complete a course that includes personal finance before graduating from high school. In my home State of New Jersey, New Egypt High School is the only school that requires a course financial education. Several years ago I had the pleasure of teaching a class of these students, and came away impressed with their knowledge and competency in financial matters.

While awareness of the importance of financial literacy is improving, it is still not being addressed appropriately in schools. Our schools must prepare our children to succeed in every way, including in their financial decisions.

I am pleased that I successfully added a provision to the No Child Left Behind Act giving elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. Although this was an important step in the right direction, Congress can and should do more to address this issue.

The legislation I am introducing today will provide grants to States to help them develop and implement financial education programs in elementary and secondary schools. These programs will offer professional development for teachers and prepare them to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

Earlier this year, the Senate debated the Bankruptcy Reform Bill that seeks to change the rules governing bankruptcy. While I agree that bankruptcy reform should provide an incentive for capable individuals to honor their financial obligations, this legislation will make it that much more difficult for people who have fallen into debt to declare bankruptcy. With these reforms imminent, it will be all the more critical to take a proactive approach to the problem of personal debt in this country and make sure that the next generation learns how to better manage their money.

I ask for my colleagues to join me in support of the Youth Financial Education Act, which will equip our nation's youth with skills to become responsible consumers and enjoy economic security as well as economic opportunity in their futures.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTING YOUTH FINANCIAL LITERACY.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART D—PROMOTING YOUTH FINANCIAL LITERACY

“SEC. 4401. SHORT TITLE AND FINDINGS.

“(a) SHORT TITLE.—This part may be cited as the ‘Youth Financial Education Act’.

“(b) FINDINGS.—Congress finds the following:

“(1) In order to succeed in our dynamic American economy, young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. All young adults should have the educational tools necessary to make informed financial decisions.

“(2) Despite the critical importance of financial literacy to young people, the average student who graduates from high school lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 2004 by the Jump$tart Coalition for Personal Financial Literacy examined the financial knowledge of 4,074 12th graders. On average, survey respondents answered only 52 percent of the questions correctly. This figure is up only slightly from the 50 percent average score in 2002.

“(3) An evaluation by the National Endowment for Financial Education High School Financial Planning Program undertaken jointly with the United States Department of Agriculture Cooperative State Research, Education, and Extension Service demonstrates that as little as 10 hours of classroom instruction can impart substantial knowledge and affect significant change in how teens handle their money.

“(4) State educational leaders have recognized the importance of providing a basic financial education to students in kindergarten through grade 12 by integrating financial education into State educational standards, but by 2004, only 7 States required students to complete a course that covered personal finance before graduating from high school.

“(5) Teacher training and professional development are critical to achieving youth financial literacy. Teachers should be given the tools they need to educate our Nation's youth on personal finance and economics.

“(6) Personal financial education helps prepare students for the workforce and for financial independence by developing their sense of individual responsibility, improving their life skills, and providing them with a thorough understanding of consumer economics that will benefit them for their entire lives.

“(7) Financial education integrates instruction in valuable life skills with instruction in economics, including income and taxes, money management, investment and spending, and the importance of personal savings.

“(8) The consumers and investors of tomorrow are in our schools today. The teaching of personal finance should be encouraged at all levels of our Nation's educational system, from kindergarten through grade 12.

“SEC. 4402. STATE GRANT PROGRAM.

“(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants to State educational agencies to develop and integrate youth financial education programs for students in elementary schools and secondary schools.

“(b) STATE PLAN.—

“(1) APPROVED STATE PLAN REQUIRED.—To be eligible to receive a grant under this section, a State educational agency shall submit an application that includes a State plan, described in paragraph (2), that is approved by the Secretary.

“(2) STATE PLAN CONTENTS.—The State plan referred to in paragraph (1) shall include—

“(A) a description of how the State educational agency will use grant funds;

“(B) a description of how the programs supported by a grant will be coordinated with other relevant Federal, State, regional, and local programs; and

“(C) a description of how the State educational agency will evaluate program performance.

“(c) ALLOCATION OF FUNDS.—

“(1) ALLOCATION FACTORS.—Except as otherwise provided in paragraph (2), the Secretary shall allocate the amounts made available to carry out this section pursuant to subsection (a) to each State according to the relative populations in all the States of students in kindergarten through grade 12, as determined by the Secretary based on the most recent satisfactory data.

“(2) MINIMUM ALLOCATION.—Subject to the availability of appropriations and notwithstanding paragraph (1), a State that has submitted a plan under subsection (b) that is approved by the Secretary shall be allocated an amount that is not less than $500,000 for a fiscal year.

“(3) REALLOCATION.—In any fiscal year an allocation under this subsection—

“(A) for a State that has not submitted a plan under subsection (b); or

“(B) for a State whose plan submitted under subsection (b) has been disapproved by the Secretary;

shall be reallocated to States with approved plans under this section in accordance with paragraph (1).

“(d) USE OF GRANT FUNDS.—

“(1) REQUIRED USES.—A grant made to a State educational agency under this part shall be used—

“(A) to provide funds to local educational agencies and public schools to carry out financial education programs for students in kindergarten through grade 12 based on the concept of achieving financial literacy through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, and investing;

“(B) to carry out professional development programs to prepare teachers and administrators for financial education; and

“(C) to monitor and evaluate programs supported under subparagraphs (A) and (B).

“(2) LIMITATION ON ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under subsection (a) may use not more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out this section.

“(e) REPORT TO THE SECRETARY.—Each State educational agency receiving a grant under this section shall transmit a report to the Secretary with respect to each fiscal year for which a grant is received. The report shall describe the programs supported by the grant and the results of the State educational agency's monitoring and evaluation of such programs.

“SEC. 4403. CLEARINGHOUSE.

“(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary shall make a grant to, or execute a contract with, an eligible entity with substantial experience in the field of financial education, such as the Jump$tart Coalition for Personal Financial Literacy, to establish, operate, and maintain a national clearinghouse (in this part referred to as the ‘Clearinghouse’) for instructional materials and information regarding model financial education programs and best practices.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a national nonprofit organization with a proven record of—

“(1) cataloging youth financial literacy materials; and

“(2) providing support services and materials to schools and other organizations that work to promote youth financial literacy.

“(c) APPLICATION.—An eligible entity desiring to establish, operate, and maintain the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

“(d) BASIS AND TERM.—The Secretary shall make the grant or contract authorized under subsection (a) on a competitive, merit basis for a term of 5 years.

"(e) USE OF FUNDS.—The Clearinghouse shall use the funds provided under a grant or contract made under subsection (a)—

"(1) to maintain a repository of instructional materials and related information regarding financial education programs for elementary schools and secondary schools, including kindergartens, for use by States, localities, and the general public;

"(2) to disseminate to States, localities, and the general public, through electronic and other means, instructional materials and related information regarding financial education programs for elementary schools and secondary schools, including kindergartens; and

"(3) to the extent that resources allow, to provide technical assistance to States, localities, and the general public on the design, establishment, and implementation of financial education programs for elementary schools and secondary schools, including kindergartens.

"(f) CONSULTATION.—The chief executive officer of the eligible entity selected to establish and operate the Clearinghouse shall consult with the Department of the Treasury and the Securities Exchange Commission with respect to its activities under subsection (e).

"(g) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops financial education programs and instructional materials for such programs shall submit to the Clearinghouse information on the programs and copies of the materials.

"(h) APPLICATION OF COPYRIGHT LAWS.—In carrying out this section the Clearinghouse shall comply with the provisions of title 17 of the United States Code.

"SEC. 4404. EVALUATION AND REPORT.

"(a) PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the performance of programs assisted under sections 4402 and 4403.

"(b) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under subsection (a), the Secretary shall evaluate programs assisted under sections 4402 and 4403—

"(1) to judge their performance and effectiveness;

"(2) to identify which of the programs represent the best practices of entities developing financial education programs for students in kindergarten through grade 12; and

"(3) to identify which of the programs may be replicated and used to provide technical assistance to States, localities, and the general public.

"(c) REPORT.—For each fiscal year for which there are appropriations under section 4407(a), the Secretary shall transmit a report to Congress describing the status of the implementation of this part. The report shall include the results of the evaluation required under subsection (b) and a description of the programs supported under section 4402.

"SEC. 4405. DEFINITIONS.

"In this part:

"(1) FINANCIAL EDUCATION.—The term 'financial education' means educational activities and experiences, planned and supervised by qualified teachers, that enable students to understand basic economic and consumer principles, acquire the skills and knowledge necessary to manage personal and household finances, and develop a range of competencies that will enable the students to become responsible consumers in today's complex economy.

"(2) QUALIFIED TEACHER.—The term 'qualified teacher' means a teacher who holds a valid teaching certification or is considered to be qualified by the State educational agency in the State in which the teacher works.

"SEC. 4406. PROHIBITION.

"Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—For the purposes of carrying out this part, there are authorized to be appropriated $100,000,000 for each of the fiscal years 2006 through 2010.

"(b) LIMITATION ON FUNDS FOR CLEARINGHOUSE.—The Secretary may use not less than 2 percent and not more than 5 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4403.

"(c) LIMITATION ON FUNDS FOR SECRETARY EVALUATION.—The Secretary may use not more than $200,000 from the amounts appropriated under subsection (a) for each fiscal year to carry out subsections (a) and (b) of section 4404.

"(d) LIMITATION ON ADMINISTRATIVE COSTS.—Except as necessary to carry out subsections (a) and (b) of section 4404 using amounts described in subsection (c) of this section, the Secretary shall not use any portion of the amounts appropriated under subsection (a) for the costs of administering this part.".

By Mr. INHOFE (for himself, Mr. VITTER, and Mr. ENZI):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Finance.

Mr. INHOFE. Mr. President, today I proudly rise to introduce The Natural Gas Production Act of 2005.

One of the challenges facing our economy is increasing energy prices. Take, for example, natural gas that accounts for 22 percent of American energy consumption. According to the Energy Information Administration, over the next 20 years, U.S. natural gas consumption will increase by over 50 percent. At the same time, U.S. natural gas production will only grow by 14 percent. At a time when natural gas prices are already at an all time high, it is critical that we increase our supply by developing our domestic natural gas.

This legislation will provide an incentive to increase the supply of domestically produced natural gas, which in turn will help alleviate high natural gas prices.

The Natural Gas Production Act of 2005 will add natural gas produced from formations more than 15,000 feet deep (Deep Gas), to the list of qualifying fuels for the Section 29 non-conventional tax credit. Experts consider deep gas drilling at more than 15,000 feet to be a non-conventional source of energy production.

Studies show the resource potential below 15,000 feet for natural gas is great. The Department of Energy's Strategic Center for Natural Gas has estimated there to be 130 trillion cubic feet below 15,000 feet in the lower 48. In comparison, that is equal to the proven and potential reserves on the Alaskan North Slope.

While these vast reserves remain, very little production is occurring from depths greater than 15,000. Deep gas wells require a considerable amount of time and money. On average these wells cost more than $6.1 million, and for wells deeper than 20,000 feet costs can exceed $16 million. Add to that the minimum one-year and longer drilling time and you can clearly see that Federal drilling incentives are needed to help promote and speed production of this enormous potential resource.

To drill a deep well, a drilling rig will employ about 25 people directly. In 1979, 128 deep well completions in Oklahoma created 2,630 jobs. In addition to direct jobs, economists estimate that 60 to 75 indirect jobs will be created as well.

Due to changes in the regulatory governance of the industry and cyclical market conditions over the next two and one-half decades, deep drilling activity all across the country has declined substantially.

I am introducing this legislation, along with Senator VITTER, today to encourage more domestic production in an area of proven reserves that will increase our supply. I thank Senator VITTER for his work and I urge members to support us in this effort. I ask unanimous consent that the text of the bill be printed in the RECORD.

If you have any questions, please contact Mike Ference on my Staff at 224-1036.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Gas Production Act of 2005".

SEC. 2. CREDIT FOR PRODUCING FUEL FROM NONCONVENTIONAL SOURCE TO APPLY TO GAS PRODUCED ONSHORE FROM FORMATIONS MORE THAN 15,000 FEET DEEP.

(a) IN GENERAL.—Subparagraph (B) of section 29(c)(1) of the Internal Revenue Code of 1986 (defining qualified fuels) is amended by striking "or" at the end of clause (i), by striking "and" at the end of clause (ii) and inserting "or", and by inserting after clause (ii) the following new clause:

"(iii) an onshore well from a formation more than 15,000 feet deep, and".

(b) ELIGIBLE WELLS.—Section 29 of such Code is amended by adding at the end the following new subsection:

"(h) ELIGIBLE DEEP GAS WELLS.—In the case of a well producing qualified fuel described in subsection (B)(iii)—

"(1) for purposes of subsection (f)(1)(A), such well shall be treated as drilled before

January 1, 1993, if such well is drilled after the date of the enactment of this subsection, and

"(2) subsection (f)(2) shall not apply.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, Ms. LANDRIEU, and Mr. KENNEDY):

S. 927. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce a very important piece of legislation, the Medicare Mental Health Modernization Act of 2005.

Our Nation's Medicare beneficiaries—our elderly and disabled population—have limited access to mental health services. Medicare restricts the types of mental health services available to beneficiaries and the types of providers who are allowed to offer such care. It also charges higher copayments for mental health services than it does for all other health care. In order to receive mental health care, seniors and the disabled must pay 50 percent of the cost of a visit to their mental health specialist, as opposed to the 20 percent that they pay for other services. Medicare also limits the number of days a beneficiary can receive mental health care in a hospital setting to 190 days over an individual's lifetime.

We must address this problem. The need is glaring. Almost 20 percent of Americans over age 65 have a serious mental disorder. They suffer from depression, Alzheimer's disease, dementia, anxiety, late-life schizophrenia and, all too often, substance abuse. These are serious illnesses that must be treated. Unfortunately, they are often unidentified by primary care physicians, or the appropriate services are simply out of reach. Americans age 65 and older have the highest rate of suicide of any other population in the United States. An alarming 70 percent of elderly suicide victims have visited their primary care doctor in the month prior to committing suicide.

Medicare is also the primary source of health insurance for millions of non-elderly disabled. More than 20 percent of these individuals suffer from mental illness and/or addiction. This very needy population faces the same discrimination in their mental health coverage.

As our population ages, the burden of mental illness on seniors, their families, and the health care system will only continue increase. Experts estimate that by the year 2030, 15 million people over 65 will have psychiatric disorders, with the number of individuals suffering from Alzheimer's disease doubling. If we do not reform the Medicare program to provide greater access to detection and treatment of mental illness, the cost of not treating these diseases will rapidly escalate. Without the appropriate outpatient mental health services, too many of our seniors are forced into nursing homes and hospitals. If We truly want to modernize Medicare and make it more efficient, we must provide access to these services. Not only will they likely reduce costs in the long term, but they will also increase Medicare beneficiaries' quality of life.

The Medicare Mental Health Modernization Act takes critical steps to address these issues. First, the bill reduces the 50 percent copayment for mental health services to 20 percent. The proposed 20 percent copayment is the same as the copayment for all other outpatient services in Medicare. Second, the bill would provide access to intensive residential services for those who are suffering from severe mental illness. This will give people with Alzheimer's disease and other serious mental illness the opportunity to be cared for in their homes or in community-based settings. Third, the bill expands the number of qualified mental health professionals eligible to provide services through the Medicare program. This includes licensed professional mental health counselors, clinical social workers, and marriage and family therapists. This expansion of qualified providers is critical to ensuring that seniors throughout the nation, particularly those in rural areas, are able to receive the services they need.

In closing, I urge all of my colleagues to step forward to support the Medicare Mental Health Modernization Act of 2005. It is time for the Medicare program to stop discriminating against seniors and the disabled who are suffering from mental illness.

By Mrs. LINCOLN:

S. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, four years ago, as projected budget surpluses reached over $5 trillion, Congress passed a tax cut bill that began the process of addressing the unfairness of the estate tax. Now in 2005, the surpluses have long since disappeared, and Congress has made no further progress on estate tax relief for America's family-owned farms and businesses—many of whom still pay this tax today.

Earlier this month, the House once again voted for a complete repeal of the estate tax. I myself have consistently supported complete repeal. I have voted in favor of full repeal on multiple occasions, and I will continue to support full repeal should that option be brought to the floor of the U.S. Senate for a vote in the future. Nevertheless, given the persistent state of our more than $400 billion annual deficits, it is increasingly doubtful such a bill could obtain the necessary votes in the Senate for passage right now.

I'm not alone in feeling that the votes just aren't there for full repeal. President of the U.S. Chamber, Tom Donahue, was quoted this week stating that the Chamber would likely support a good compromise coming out of the Senate. We all understand the state of affairs and I want to echo Mr. Donahue's sentiments. We must work together to bring relief to those that this tax affects most—family-owned farms and businesses.

It is the family-owned farms and businesses across Arkansas and all across this Nation that serve as the backbone of our rural communities. To put it simply, they are the economic engines of rural America. It is the family-owned businesses that provide jobs, wages, and health care for my constituents. It is the family-owned businesses that sponsor Little League, they pay local taxes, they are a part of the community. They live there. And that's why family-owned businesses aren't the ones that are shutting down and heading off-shore. When we force family businesses to spend valuable assets on estate planning and life insurance rather than on investing and expanding their businesses, we are putting them at a disadvantage to their publically-traded competitors. I, for one, intend to fight for these family businesses, fight for these communities, and fight for the jobs in rural America.

In the wake of the House vote and the real lack of votes here in the Senate to pass a complete repeal bill, talk of compromise has raised speculation of higher exemptions and/or lower tax rates as an alternative to complete repeal.

Quite frankly, I believe these compromise approaches are incomplete solutions to the problems faced by family-owned farms and businesses. Certainly, I understand that a higher exemption and lower rates will be considered as part of a compromise. But both are expensive and inefficient methods to specifically reach family-owned farms and businesses.

Given the restraints of our budget deficits today, I ask, how can we raise the exemption high enough, or lower the rates low enough, to provide necessary relief for family farms and businesses?

We could not get there in 2001 when projected surpluses reached $5 trillion. What makes us think we can solve this problem today with projected deficits totaling $2.6 trillion in the President's budget?

We took these approaches in 2001, and family-owned farms and businesses still face this tax today, so we should be leery of any compromise approach that considers only rates and exemptions. They were incomplete compromise solutions then—and they will be tomorrow.

In this environment, I feel we are seriously losing ground on coming to a fair and final resolution of this issue. In the meantime, the current state of the law places many family-owned businesses in an extremely uncertain and precarious position—a law that taxes family-owned businesses today, then repeals the tax in 2010, and then snaps back to pre-2001 law in 2011 is simply not responsible on our part. This amounts to nothing more than a nightmarish rollercoaster ride for the businesses we intended to help!

So, we need to set some priorities and go about the business of lifting this tax from these family-owned farms and businesses first.

On the subject of setting priorities, I would like to relay a statistic that may startle my colleagues a bit. The IRS Statistics of Income for 2003 show that only 7.4 percent of the estate tax is paid on "farm assets, closely held stock, or other non-corporate business assets." These 7.4 percent should be our first priority in any compromise the estate tax. The remaining 92.6 percent of assets—such as widely-held stock, bonds, insurance proceeds, art, and real estate partnerships—should not drive or dictate our actions at the expense of America's family-owned farms and businesses.

This simple statistic helps lead us to a targeted solution which should cost less and immediately help those we intended to help in the first place. Today, I introduce the "Estate Tax Repeal Acceleration for Family-Owned Businesses and Farms Act"—or ExTRA. Under ExTRA, an estate may voluntarily elect to exclude an unlimited portion of family business assets from the estate tax. The carryover basis rules will apply to these business assets and no estate tax will be paid on them. That is the same deal that repeal promises—but we do so immediately and permanently—and at a fraction of the cost.

My bill does not seek to change current law to repeal the estate tax. It would leave in place the scheduled increases in the unified credit, the decreases in rates, and the repeal of the estate tax in 2010. My bill would only seek to rectify the special circumstances of family-owned businesses and farms, in an attempt, not to inflame the issue further, but to resolve this issue now and forever for those this effort was originally intended to help.

The goal of the Lincoln bill is that no family-owned farm or business will ever pay the estate tax. Americans are driven to build their lives and their communities and they want to be able to pass that on to the next generation. What comes of the American dream if someone works hard all their life to build something to pass on to their family, their legacy, and it has to be sold for taxes.

If there is an idea that will protect the American dream and the family-owned business, we should not be reluctant to put it on the table. Today, I am introducing such an idea, and I firmly believe such an approach must be part of any compromise if one is reached. In fact, I will not support any compromise that does not take care of family businesses in Arkansas.

I urge my colleagues to take a look and study the Lincoln bill to immediately and permanently repeal the estate tax for family owned farms and businesses.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Estate Tax Repeal Acceleration (ExTRA) for Family-Owned Businesses and Farms Act".

SEC. 2. REPEAL OF ESTATE TAX ON FAMILY-OWNED BUSINESSES AND FARMS.

(a) CARRYOVER BUSINESS INTEREST EXCLUSION.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by inserting after section 2058 the following new section:

"SEC. 2059. CARRYOVER BUSINESS INTERESTS.

"(a) GENERAL RULES.—

"(1) ALLOWANCE OF DEDUCTION.—For purposes of the tax imposed by section 2001, in the case of an estate of a decedent to which this section applies, the value of the taxable estate shall be determined by deducting from the value of the gross estate the adjusted value of the carryover business interests of the decedent which are described in subsection (b)(2).

"(2) APPLICATION OF CARRYOVER BASIS RULES.—With respect to the adjusted value of the carryover business interests of the decedent which are described in subsection (b)(2), the rules of section 1023 shall apply.

"(b) ESTATES TO WHICH SECTION APPLIES.—

"(1) IN GENERAL.—This section shall apply to an estate if—

"(A) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

"(B) the executor elects the application of this section under rules similar to the rules of paragraphs (1) and (3) of section 2032A(d) and files the agreement referred to in subsection (e), and

"(C) during the 8-year period ending on the date of the decedent's death there have been periods aggregating 5 years or more during which—

"(i) the carryover business interests described in paragraph (2) were owned by the decedent or a member of the decedent's family, and

"(ii) there was material participation (within the meaning of section 2032A(e)(6)) by the decedent, a member of the decedent's family, or a qualified heir in the operation of the business to which such interests relate.

"(2) INCLUDIBLE CARRYOVER BUSINESS INTERESTS.—The carryover business interests described in this paragraph are the interests which—

"(A) are included in determining the value of the gross estate,

"(B) are acquired by any qualified heir from, or passed to any qualified heir from, the decedent (within the meaning of section 2032A(e)(9)), and

"(C) are subject to the election under paragraph (1)(B).

"(3) RULES REGARDING MATERIAL PARTICIPATION.—For purposes of paragraph (1)(C)(ii)—

"(A) in the case a surviving spouse, material participation by such spouse may be satisfied under rules similar to the rules under section 2032A(b)(5),

"(B) in the case of a carryover business interest in an entity carrying on multiple trades or businesses, material participation in each trade or business is satisfied by material participation in the entity or in 1 or more of the multiple trades or businesses, and

"(C) in the case of a lending and finance business (as defined in section 6166(b)(10)(B)(ii)), material participation is satisfied under the rules under subclause (I) or (II) of section 6166(b)(10)(B)(i).

"(c) ADJUSTED VALUE OF THE CARRYOVER BUSINESS INTERESTS.—For purposes of this section—

"(1) IN GENERAL.—The adjusted value of any carryover business interest is the value of such interest for purposes of this chapter (determined without regard to this section), as adjusted under paragraph (2).

"(2) ADJUSTMENT FOR PREVIOUS TRANSFERS.—The Secretary may increase the value of any carryover business interest by that portion of those assets transferred from such carryover business interest to the decedent's taxable estate within 3 years before the date of the decedent's death.

"(d) CARRYOVER BUSINESS INTEREST.—

"(1) IN GENERAL.—For purposes of this section, the term 'carryover business interest' means—

"(A) an interest as a proprietor in a trade or business carried on as a proprietorship, or

"(B) an interest in an entity carrying on a trade or business, if—

"(i) at least—

"(I) 50 percent of such entity is owned (directly or indirectly) by the decedent and members of the decedent's family,

"(II) 70 percent of such entity is so owned by members of 2 families, or

"(III) 90 percent of such entity is so owned by members of 3 families, and

"(ii) for purposes of subclause (II) or (III) of clause (i), at least 30 percent of such entity is so owned by the decedent and members of the decedent's family.

For purposes of the preceding sentence, a decedent shall be treated as engaged in a trade or business if any member of the decedent's family is engaged in such trade or business.

"(2) LENDING AND FINANCE BUSINESS.—For purposes of this section, any asset used in a lending and finance business (as defined in section 6166(b)(10)(B)(ii)) shall be treated as an asset which is used in carrying on a trade or business.

"(3) LIMITATION.—Such term shall not include—

"(A) any interest in a trade or business the principal place of business of which is not located in the United States,

"(B) any interest in an entity, if the stock or debt of such entity or a controlled group (as defined in section 267(f)(1)) of which such entity was a member was readily tradable on an established securities market or secondary market (as defined by the Secretary) at any time,

"(C) that portion of an interest in an entity transferred by gift to such interest within 3 years before the date of the decedent's death, and

"(D) that portion of an interest in an entity which is attributable to cash or marketable securities, or both, in any amount in excess of the reasonably anticipated business needs of such entity.

In any proceeding before the United States Tax Court involving a notice of deficiency based in whole or in part on the allegation that cash or marketable securities, or both, are accumulated in an amount in excess of the reasonably anticipated business needs of such entity, the burden of proof with respect to such allegation shall be on the Secretary to the extent such cash or marketable securities are less than 35 percent of the value of the interest in such entity.

"(4) RULES REGARDING OWNERSHIP.—

"(A) OWNERSHIP OF ENTITIES.—For purposes of paragraph (1)(B)—

"(i) CORPORATIONS.—Ownership of a corporation shall be determined by the holding of stock possessing the appropriate percentage of the total combined voting power of all classes of stock entitled to vote and the appropriate percentage of the total value of shares of all classes of stock.

"(ii) PARTNERSHIPS.—Ownership of a partnership shall be determined by the owning of the appropriate percentage of the capital interest in such partnership.

"(B) OWNERSHIP OF TIERED ENTITIES.—For purposes of this section, if by reason of holding an interest in a trade or business, a decedent, any member of the decedent's family, any qualified heir, or any member of any qualified heir's family is treated as holding an interest in any other trade or business—

"(i) such ownership interest in the other trade or business shall be disregarded in determining if the ownership interest in the first trade or business is a carryover business interest, and

"(ii) this section shall be applied separately in determining if such interest in any other trade or business is a carryover business interest.

"(C) INDIVIDUAL OWNERSHIP RULES.—For purposes of this section, an interest owned, directly or indirectly, by or for an entity described in paragraph (1)(B) shall be considered as being owned proportionately by or for the entity's shareholders, partners, or beneficiaries. A person shall be treated as a beneficiary of any trust only if such person has a present interest in such trust.

"(e) AGREEMENT.—The agreement referred to in this subsection is a written agreement signed by each person in being who has an interest (whether or not in possession) in any property designated in such agreement consenting to the application of this section with respect to such property.

"(f) OTHER DEFINITIONS AND APPLICABLE RULES.—For purposes of this section—

"(1) QUALIFIED HEIR.—The term 'qualified heir' means a United States citizen who is—

"(A) described in section 2032A(e)(1), or

"(B) an active employee of the trade or business to which the carryover business interest relates if such employee has been employed by such trade or business for a period of at least 10 years before the date of the decedent's death.

"(2) MEMBER OF THE FAMILY.—The term 'member of the family' has the meaning given to such term by section 2032A(e)(2).

"(3) APPLICABLE RULES.—Rules similar to the following rules shall apply:

"(A) Section 2032A(b)(4) (relating to decedents who are retired or disabled).

"(B) Section 2032A(e)(10) (relating to community property).

"(C) Section 2032A(e)(14) (relating to treatment of replacement property acquired in section 1031 or 1033 transactions).

"(D) Section 2032A(g) (relating to application to interests in partnerships, corporations, and trusts).

"(4) SAFE HARBOR FOR ACTIVE ENTITIES HELD BY ENTITY CARRYING ON A TRADE OR BUSINESS.—For purposes of this section, if—

"(A) an entity carrying on a trade or business owns 20 percent or more in value of the voting interests of another entity, or such other entity has 15 or fewer owners, and

"(B) 80 percent or more of the value of the assets of each such entity is attributable to assets used in an active business operation, then the requirements under subsections (b)(1)(C)(ii) and (d)(3)(D) shall be met with respect to an interest in such an entity.".

(b) CARRYOVER BASIS RULES FOR CARRYOVER BUSINESS INTERESTS.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1022 the following new section:

"SEC. 1023. TREATMENT OF CARRYOVER BUSINESS INTERESTS.

"(a) IN GENERAL.—Except as otherwise provided in this section—

"(1) qualified property acquired from a decedent shall be treated for purposes of this subtitle as transferred by gift, and

"(2) the basis of the person acquiring qualified property from such a decedent shall be the lesser of—

"(A) the adjusted basis of the decedent, or

"(B) the fair market value of the property at the date of the decedent's death.

"(b) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means the carryover business interests of the decedent with respect to which an election is made under section 2059(b)(1)(B).

"(c) PROPERTY ACQUIRED FROM THE DECEDENT.—For purposes of this section, the following property shall be considered to have been acquired from the decedent:

"(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent.

"(2) Property transferred by the decedent during his lifetime—

"(A) to a qualified revocable trust (as defined in section 645(b)(1)), or

"(B) to any other trust with respect to which the decedent reserved the right to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

"(3) Any other property passing from the decedent by reason of death to the extent that such property passed without consideration.

"(d) COORDINATION WITH SECTION 691.—This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

"(e) CERTAIN LIABILITIES DISREGARDED.—

"(1) IN GENERAL.—In determining whether gain is recognized on the acquisition of property—

"(A) from a decedent by a decedent's estate or any beneficiary other than a tax-exempt beneficiary, and

"(B) from the decedent's estate by any beneficiary other than a tax-exempt beneficiary, and in determining the adjusted basis of such property, liabilities in excess of basis shall be disregarded.

"(2) TAX-EXEMPT BENEFICIARY.—For purposes of paragraph (1), the term 'tax-exempt beneficiary' means—

"(A) the United States, any State or political subdivision thereof, any possession of the United States, any Indian tribal government (within the meaning of section 7871), or any agency or instrumentality of any of the foregoing,

"(B) an organization (other than a cooperative described in section 521) which is exempt from tax imposed by chapter 1,

"(C) any foreign person or entity (within the meaning of section 168(h)(2)), and

"(D) to the extent provided in regulations, any person to whom property is transferred for the principal purpose of tax avoidance.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 2058 the following new item:

"Sec. 2059. Carryover business exclusion.".

(2) The table of sections for part II of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1022 the following new item:

"Sec. 1023. Treatment of carryover business interests.".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to estates of decedents dying, and gifts made—

(1) after the date of the enactment of this Act, and before January 1, 2010, and

(2) after December 31, 2010.

By Mr. ALLEN (for himself, Mr. CHAMBLISS, Mr. INHOFE, Mr. COBURN, Mr. TALENT, Mr. CORNYN, and Mr. ISAKSON):

S. 929. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I rise in support of legislation that I reintroduced today with a number of my Senate colleagues—the Volunteer Pilot Organization Protection Act of 2005.

The spirit of volunteerism is indelibly rooted in our Nation's history. From when early settlers landed in Jamestown in 1607 to when our citizen soldiers took up arms against the British Crown in the Revolutionary War, volunteerism has always been a part of American culture.

But that unwavering spirit did not stop there, it has continued and thrived in many individuals and charitable organizations today. One such group of organizations that has selflessly given back so much to Virginians and Americans are charitable medical transportation systems operated by volunteer pilot organizations, VPOs.

The mission and purpose of public benefit and non-profit volunteer pilot organizations involved in patient transport is to ensure that no financially needy patient is denied access to distant specialized medical evaluation, diagnosis or treatment for lack of a means of long-distance medical air transportation. The principal goal is to remove the geographical and financial burdens that would deny access to specialized care.

Last year public benefit flying nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 40,000 patients and their escorts in times of special need. Mr. President, this year, that figure will likely grow to roughly 54,000 people.

One such organization that has played an intricate part in this mission is Angel Flight. Angel Flight is a not-for-profit grassroots organization with a volunteer corps of more than 6,200 volunteer pilots/plane owners—divided into six regions across the United States—who fly under the banner of Angel Flight America. Angel Flight provides flights of hope and healing by transporting patients and their families in private planes, free of charge, to hospitals for medical treatment.

Following the terrorist attacks of September 11, 2001, the Department of Transportation and the FAA closed airports and grounded commercial air traffic, but the FAA allowed Angel Flight volunteers to fly. Angel Flight pilots flew firefighters, families of victims of the bombings, Red Cross personnel, medical and other supplies including the protective booties for the Search and Rescue dogs to New York and Washington, DC.

In my years of public service, I have always maintained that we must provide access to care to all Virginians and Americans. Medical care should be available to all individuals. Sadly, our Nation is facing a medical crisis. Medical malpractice insurance costs and Medicare physician reimbursement are forcing many of our doctors to stop seeing "high-risk" patients or Medicare beneficiaries and in some cases forcing our doctors to give up practice altogether and retire. As a result, patients have to travel great distances to receive the medical care that they need to live happy, healthy and productive lives. Unfortunately, a number of these patients do not have the financial means to travel long distances, thus, ultimately denying patients access to life-saving or quality of life improving specialized treatment.

We can say the same with patients who rely on volunteer pilot organizations such as Angel Flight or one of its subsidiary groups like Mercy Medical Airlift in my home Commonwealth of Virginia. Unfortunately, due to the public's apparent notion that organizations that use airplanes are financially well-off and have deep pockets, many of the volunteer pilot organizations are open to frivolous and junk lawsuits. This leads to an access to care issue.

Also, aviation insurance has skyrocketed up in price and non-owned aircraft liability insurance is no longer reasonably available to volunteer pilot organizations. Many insurance companies had always provided this type of insurance but post September 11, 2001, this insurance is scarcely found and if found, the costs have increased greatly, to the astronomical sums of $5 million a year. Because of the exorbitant costs of insurance, volunteer pilot organizations have a difficult time recruiting and retaining pilots and professional persons.

I would like to submit an editorial written by the Virginian Pilot. This editorial correctly identifies the obstacles that these volunteer pilot organizations have to go through. I would like that editorial inserted here.

That is why I decided to introduce the Volunteer Pilot Organization Protection Act. In 1997, Congress passed the Volunteer Protection Act, which handled much of the liability issue for volunteer endeavors in the country; however, this legislation did not adequately address aviation-related matters.

My bill amends the highly regarded Good Samaritan Act to provide necessary liability protections in the area of charitable medical air transportation and promote volunteer pilot organizations. More specifically, this legislation will protect volunteer pilot organizations, their boards and small paid staff and nonflying volunteers from liability should there be an accident. The VPOs are simply the "matchmakers" between the volunteer pilot willing to help a neighbor and the needy patient family. The pilot has full and sole responsibility for conducting the flight in a safe manner in accordance with Federal Aviation Regulations. In addition, this legislation will provide liability protection for the individual volunteer pilot over and above the liability insurance that they are required to carry.

Furthermore, the Volunteer Pilot Protection Act will provide liability protection for "referring agencies" who tell their patients that the charitable flight service is available. Referring hospitals and clinics are becoming unwilling to inform their patients that charitable medical air transportation help is available for fear of a liability against them should something happen in a subsequent volunteer pilot flight. Hence, organizations like the Shriners Hospital System and the American Cancer Society would be able to make known available volunteer pilot services to transport their patients to Shriners or other hospitals where they receive care.

I know a few people have concerns that this bill would provide blanket immunity to Volunteer Pilot Organizations but I want to stress that my bill requires insurance on the part of the pilot and if there is negligence on behalf of the pilot, the injured party does have legal recourse. This bill does not provide blanket immunity to VPOs, but has been carefully worded to allow legal action to be brought against the insurance policy of the pilot in event of negligence.

By providing volunteer pilots with liability protection, insurance rates for these pilots will ultimately be reduced. Therefore, more pilots will be able to afford insurance and fly for the public good. With less-costly insurance available, I am confident that more pilots will generously give their time to fly for and help the medically needy.

This bill enjoys the support of a number of charitable organizations, including the Children's Organ Transplant Association, the National Organization for Rare Disorders, the Air Care Alliance, the Independent Charities of America, the Health and Medical Research Charities of America, the National Association of Hospital Hospitality Houses, and many others.

Not only does this legislation enjoy the support of numerous charitable organizations, it also enjoyed the support of the United States House of Representatives. On September 14, 2004, the House of Representatives passed the Volunteer Pilot Organization Protection Act of2004 by a vote of 385–12. Mr. President, this is a clear indication that this bill has broad bipartisan support in the House and I know the House will once again pass this commonsense legislation.

I am confident that this legislation will start a trend to help curb the large amounts of counterproductive lawsuits, lower insurance costs, and promote the spirit of volunteerism that has been rooted in the framework of our country's storied history. I, along with the volunteer pilots and organizations, and with the thousands of families who rely and may rely on the help of volunteer pilot organizations, urge the Senate to quickly and finally pass this legislation in the 109th Congress.

I would like to thank Congresswoman THELMA DRAKE, our newest member to the Virginia team, for taking over this legislation for former Congressman Ed Schrock and introducing the companion bill on the House side. In addition, I would also like to thank the original cosponsors of this legislation, Senators CHAMBLISS, INHOFE, COBURN, TALENT, CORNYN, and ISAKSON for their support as we work to pass this vitally necessary legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the (Norfolk) Virginian-Pilot, Mar. 11, 2003]

SHIELD HELPFUL PILOTS FROM FRIVOLOUS LAWSUITS

In the realm of volunteers, few outshine the generous folks at Angel Flight.

This nonprofit organization flies patients for whom air transport would be otherwise unaffordable to medical facilities around the country. Private pilots spirit individuals to dialysis, chemotherapy sessions, organ transplants and other surgeries by donating their aircraft and their valuable time. The goal is a noble one: to ensure that no one in need is denied medical care for lack of long-distance transportation.

But in our lawsuit-happy society, even these warmhearted souls can't escape the possibility of landing in court. While a law known as the Volunteer Protection Act shields most people who give their time to worthy causes from frivolous suits, it doesn't cover volunteer pilots or flight organizers. Liability insurance costs for Angel Flight and similar nonprofits have skyrocketed from $1,000 to more than $25,000 annually.

This prohibitive price tag threatens the future of Angel Flight, which is funded solely through donations. A spokeswoman for Angel Flight Mid-Atlantic, headquartered in Virginia Beach, said the burden will ultimately fall on sick and needy patients. And with 600 volunteer pilots transporting an average of 100 medical cases a month, literally thousands of lives may be affected by this oversight in the law.

Fortunately, lawmakers are paying attention. U.S. Rep. Ed Schrock recently introduced bipartisan legislation to add volunteer-pilot organizations to the ranks of those covered by the Volunteer Protection Act. U.S. Sen. George Allen is expected to introduce a similar measure in the Senate. Congress should pass these bills, the sooner the better. Keeping Angel Flight aloft is literally a life-and-death matter.

By Mr. GRASSLEY (for himself and Mr. DODD):

S. 930. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I introduce Senate Bill 930, the Food and Drug Administration Safety Act of 2005. I am pleased that Senator DODD is co-sponsoring another piece of drug safety legislation with me. This legislation is part of a sustained effort to restore public confidence in the Federal Government's food and drug safety agency. Enactment of this bill will be another meaningful step toward greater accountability and transparency at the FDA. Importantly, this legislation provides the FDA with some much needed authorities to ensure the safety and efficacy of drugs for the long haul.

The Food and Drug Administration cannot always serve the American people and the interests of the drug industry at the same time. These two interests are often at odds with each other. When there is a conflict the American people should win out each and every time. The Vioxx situation is a classic example of this inherent conflict. American consumers demand and deserve assurances that the medicines in their cabinets are safe. The risks associated with a drug should be outweighed by its benefits, and this risk-benefit analysis should not be negotiated by the industry behind closed doors. Unfortunately, reforms at the FDA are necessary to place drug safety front and center once and for all.

When drugs go on the market, they are used by exponentially larger numbers of people than were involved in the pre-approval trials. What John Q. Public deserves and demands is for the FDA to embrace a renewed mission to pursue aggressively key safety questions that the industry would sometimes prefer to ignore. The FDA must protect the health of the public by considering not only the benefits but also the risks of drugs for the tens of millions of Americans who actually use new drugs already available in the marketplace. The FDA's post-market evaluation and research needs to be a separate but equal partner with pre-approval evaluation. Indeed FDA's post marketing surveillance function can no longer take a back seat within the agency.

I have been pressing for necessary reforms at the FDA—both administrative and legislative—and the focus of these reforms center on a reorganization of the FDA. The Food and Drug Administration Safety Act of 2005 will establish an independent Center within the FDA—the Center for Post-market Drug Evaluation and Research (CPDER). The new Center's primary mission, vision and values will focus on conducting risk assessment for approved drugs and biological products once they are on the market. The Director of the Center will report directly to the FDA Commissioner and will be responsible for monitoring and assessing the safety and efficacy of drugs and biological products.

Today's legislation is focused on the equal importance of pre-marketing evaluations by the Center for Drug Evaluation and Research (CDER)—the pre-market Center—and post-marketing evaluations by the newly established post-market Center. Consultation and coordination between pre-market and post-market Centers will be essential, but their relationship will place them on equal footing with the other. The present Office of Drug Safety will no longer be effectively under the thumb of the Office of New Drugs. We are hopeful that this reorganization of the FDA will go a long way toward eliminating the conflict of interest that shadows the FDA's post-market risk assessment presently.

Today's legislation will also: authorize the Director to require manufacturers to conduct post-market clinical or observational studies if there are questions about the safety or efficacy of a drug or biological product.

Authorize the Director to determine whether an approved drug or licensed biological product may present an unreasonable risk to the health of patients or the general public, given the known benefits.

Authorize the Director to take corrective action if a drug or biological product presents an unreasonable risk to patients or the general public—including the authority to make changes to the label or approved indication, place restrictions on product distribution, require physician and consumer education, and require the use of other risk management tools.

Allow the Director to withdraw approval of a drug or biological product if necessary to protect the public health.

Require submission of advertising prior to dissemination, and certain advertising disclosures related to risks and benefits to patients, if one or more of the three following conditions is met: the Director has determined that the product may present an unreasonable risk to patients, the product is the subject of an outstanding post-market study requirement, or the product was approved within the last two years.

Establish strong enforcement mechanisms, including civil monetary penalties, for those who fail to comply.

Ensure that the Director benefits from all appropriate resources, including but not limited to consultation with the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER), and makes all decisions based on a risk-benefit analysis.

Ensure that all findings and decisions made by CPDER are transparent.

Require a report and recommendations to Congress on post-market surveillance of medical devices.

Authorize graduated appropriations totaling $500 million over five years to ensure that CPDER has the resources to accomplish its goals.

Today's legislation is another important step toward reforming the FDA. I urge my colleagues to join me in this effort by cosponsoring this important legislation.

Mr. DODD. Mr. President, I rise today to join Senator GRASSLEY in announcing the introduction of the Food and Drug Administration Safety Act of 2005 (FDASA). I would like to thank Senator GRASSLEY for his commitment to this issue and his willingness to work on this important legislation in a bipartisan manner. Senator GRASSLEY and I have spent the past several months crafting this legislation, which will create a new center within the FDA that will be responsible for ensuring that prescription drugs are safe once they are on the market.

Our hope is that the creation of this new center will restore confidence in the medicines that so many Americans rely on to safeguard their health and well-being. Patients should be able to rest-assured that the drugs they take to help them will not hurt them instead.

The American pharmaceutical industry is a true success story. Their incredible innovations over the last few decades have saved and improved millions of lives, and made prescription drugs an integral part of quality health care. I am proud to say that Connecticut is home to a number of leading pharmaceutical companies. There is very little question that the American drug industry is the world leader. This is due, in no small part, to the FDA. Throughout the world, the FDA seal of approval—the words "FDA Approved"—has stood as the gold standard for safety and quality.

Unfortunately, events of the past year have put patients at risk and have seriously tarnished the FDA's image. Recent developments have cast into doubt the FDA's ability to ensure that the drugs that it approves are safe—especially once they are on the market. These concerns are bad for patients, bad for physicians, and bad for the drug industry.

Like many Americans, I have been deeply disturbed by the revelations of significant risk associated with widely used medications to treat pain and depression. These revelations raise real and legitimate questions about the safety of drugs that have already been approved. It would be one thing if these drugs were in a trial phase, but safety issues are being identified in drugs that are already on the market and widely used. Health risks significant enough to remove drugs from the market or significantly restrict their use are becoming clear only after millions of Americans have been exposed to real or potential harm.

It has been estimated that more than 100,000 Americans might have been seriously injured or killed by a popular pain medication, while millions of children have been prescribed antidepressants that could put them at risk. This recent spate of popular medicines being identified as unsafe underscores the need to take additional steps to monitor and protect safety after a drug has been approved.

The legislation that Senator GRASSLEY and I are introducing today will do three things to restore confidence in the words "FDA Approved," and ensure that the FDA has all the tools that it needs to protect patients. First and foremost, it will establish within the FDA a new center—the Center for Postmarket Drug Evaluation and Research (CPDER)—which will report directly to the FDA Commissioner and be responsible for ensuring the safety and effectiveness of drugs and biological products once they are on the market.

I strongly believe that the creation of such a new, independent center is necessary. There have been disturbing reports that suggest that the FDA does not place enough emphasis on drug safety, and that concerns raised by those in the Office of Drug Safety (ODS) are sometimes ignored and even suppressed. An internal study conducted by the HHS Office of the Inspector General in 2002 revealed that approximately one-fifth of drug reviewers had been pressured to approve a drug despite concerns about safety, efficacy, or quality. In addition, more than one-third said they were "not at all" or only "somewhat" confident that final decisions of the Center for Drug Evaluation and Research (CDER) adequately assessed safety. The creation of a new center will raise the profile of drug safety within the agency.

Second, our bill will provide the Director of CPDER with significant new authorities, including: the authority to require drug companies to conduct postmarket studies of their products if there are questions about safety or effectiveness; the authority to take corrective actions, such as labeling changes, restricted distribution, and other risk management tools, if an unreasonable risk exists: the authority to review drug advertisements before they are disseminated, and to require certain disclosures about increased risk; and in extreme cases, the authority to pull the product off the market.

These new authorities will allow the FDA to act quickly to get answers when there are questions about the safety of a drug, and to act decisively to mitigate the risks when the evidence shows that a drug presents a safety issue. With these authorities, we will never again have a situation where a critical labeling change takes two years to complete, as was the case with Vioxx. When we are talking about drugs that are already on the market and in widespread use, any delay can put millions of patients in harm's way.

Third and lastly, this legislation will authorize the appropriation of $500 million over the next 5 years to provide the new center with the resources to carry out the provisions of this legislation.

I would like to thank several groups that have endorsed this bill, and that were instrumental in its drafting, including Consumer's Union, the Elizabeth Glaser Pediatric AIDS Foundation, the National Organization for Rare Disorders (NORD), the National Women's Health Network (NWHN), the U.S. Public Interest Research Group (PIRG), the Consumer Federation of America, and the Center for Medical Consumers.

I look forward to working with all of my colleagues, including Senator ENZI and Senator KENNEDY on the HELP Committee, to see this legislation enacted as soon as possible. By strengthening the ability of the FDA to ensure the safety of prescription drugs once they are on the market, this legislation will allow physicians to prescribe, and patients to use, prescription drugs without wondering if the medicines intended to help them will hurt them instead. It will help ensure that the term "FDA-Approved" will remain the gold standard for safety and quality.

By Mr. BURNS:

S. 931. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

Mr. BURNS. Mr. President, today I am introducing legislation to address the difference between the import tariff placed on unfinished cork and refined cork. Unfinished cork has a higher import tariff than already-refined cork—this problem is in need of a resolution.

Unfinished cork is the principal element of a fishing pole's grip and must be imported as it is not available domestically. Many fishing rod companies reside in Montana, such as the R.L. Winston Rod Company of Twin Bridges. I am aware that fishing rod manufacturers, particularly fly-fishing rod manufacturers, are under pressure to increase the price of their equipment because of prohibitively high tariff on the import of unfinished cork. While the tariff on already-finished cork is 6 percent, unfinished cork is subject to a 14 percent tariff. It just does not make good sense to charge a significantly higher levy on an unfinished product that is imported and then handcrafted by American workers.

This inconsistency must end by leveling the difference between the two tariffs. The reduction will enable American workers to continue manufacturing custom-made fishing rod grips, keep the price of all fishing poles down, and bring a measure of common sense to this portion of our tariff law. Once resolved, domestic businesses will be able to finish fly rods here, leading to an increasingly competitive place in the market for American goods. With this change Montana's small businesses will benefit as will our overall economy in the state.

I am pleased that some of my colleagues in the House have decided to assist in this effort. I truly appreciate the work of Representative SIMMONS of Connecticut, who is leading this legislation in the House. He has already signed on 17 co-sponsors to this legislation at last count. His assistance has been invaluable, and I look forward to working with him as this legislation moves forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN ARTICLES OF NATURAL CORK.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.45.03	Articles of natural cork (provided for in subheading 4503.90.60) ..	6%	No change	No change	On or before 12/31/2008	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. HARKIN, Mr. DODD, Mr. LAUTENBERG, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. DAYTON):

S. 932. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the ability of American families to live the American dream is becoming harder and harder. With each passing month, it's more difficult for families to earn a living—to pay the mortgage and the doctor bills, and send their sons and daughters to college.

In the Bush economy, families are worried about their job security, their income, and the cost of living. They're working longer and harder and finding it more and more difficult to balance their work and their family responsibilities.

Most Americans assume that paid sick days are a right. They're not. Half of all American workers are not guaranteed the right to time off when they're ill, without losing their pay, or even their job.

In 1993, Congress and the administration guaranteed unpaid leave for millions of working men and women to deal with serious medical problems.

It's time to build on this success, and ensure that millions of workers can also take time off when they need an annual check-up, when their children are sick with a cold, and when their ailing elderly parents need to be taken to the doctor.

Hard-working men and women deserve better. That's why Congresswoman DELAURO and I are introducing legislation to guarantee workers 7 days of paid sick leave a year to care for their own medical needs and those of their family members. This proposal covers workers at all businesses, except small businesses with fewer than 15 employees.

This is a family issue. When my son was diagnosed with cancer in his leg as a child, and had to undergo surgery, I was able to take the time I needed to be there for him. But year after year, countless employees have to choose between the job they need and the family they love. Families deserve the flexibility to care for each other when they get sick.

It's an economic issue. Paid sick days actually save businesses money through reduced turnover and increased productivity. A recent study by Cornell University examined the problem of employees coming to work despite medical problems. They found it costs business $180 billion annually in lost productivity.

It's also a public health issue. Too often, employees come to work sick and co-workers and many others can easily be infected. Recently, a court ruled that because of the lack of paid sick leave, a stomach virus in one worker infected 600 guests and 300 employees at the Reno Hilton Hotel in Nevada.

Paid sick days will help prevent the spread of illnesses like that. Taking time off to treat illnesses and injuries will save health costs in the long run. It will make an important difference for insurers, for hospitals, and for the health of millions of Americans.

It's long past time to provide paid sick days for workers. This bill is a first step to guarantee that every worker who needs sick leave has it and can afford to take it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—HONORING FRED T. KOREMATSU FOR HIS LOYALTY AND PATRIOTISM TO THE UNITED STATES AND EXPRESSING CONDOLENCES TO HIS FAMILY, FRIENDS, AND SUPPORTERS ON HIS DEATH

Mr. DURBIN (for himself, Mr. INOUYE, and Mr. STEVENS) submitted the following resolution which was considered and agreed to:

S. RES. 126

Whereas on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School and tried on 2 occasions to enlist in the United States Army but was not accepted due to a physical disability;

Whereas on December 7, 1941, Japan attacked the United States military base at Pearl Harbor, Hawaii, forcing the United States to enter World War II against Japan, Germany, and Italy;

Whereas on February 19, 1942, President Franklin D. Roosevelt signed Executive Order number 9066 (42 Fed. Reg. 1563) as "protection against espionage and against sabotage to national defense", which authorized the designation of "military areas . . . from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restriction the . . . Military Commander may impose in his discretion";

Whereas the United States Army issued Civilian Exclusion Order Number 34, directing that after May 9, 1942, all persons of Japanese ancestry were to be removed from designated areas of the West Coast because they were considered to be a security threat;

Whereas in response to that Civilian Exclusion Order, Fred Korematsu's family reported to Tanforan, a former racetrack in the San Francisco area that was used as 1 of 15 temporary detention centers, before being sent to an internment camp in Topaz, Utah;

Whereas more than 120,000 Japanese Americans were similarly detained in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming, without any charges brought or due process accorded;

Whereas Fred Korematsu, then 22 years old and working as a shipyard welder in Oakland, California, refused to join his family in reporting to Tanforan, based on his belief that he was a loyal American and not a security threat;

Whereas on May 30, 1942, Fred Korematsu was arrested and jailed for remaining in a military area, tried in United States district court, found guilty of violating Civilian Exclusion Order Number 34, and sentenced to 5 years of probation;

Whereas Fred Korematsu unsuccessfully challenged that Civilian Exclusion Order as it applied to him, and appealed the decision of the district court to the United States Court of Appeals for the 9th Circuit, where his conviction was sustained;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz for 2 years, and during that time, he appealed his conviction to the United States Supreme Court;

Whereas on December 18, 1944, the Supreme Court issued its decision in Korematsu v. United States, 323 U.S. 214, which upheld Fred Korematsu's conviction by a vote of 6-to-3, based on the finding of the Supreme Court that Fred Korematsu was not removed from his home "because of hostility to him or his race" but because the United States was at war with Japan and the United States military "feared an invasion of our West Coast";

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II;

Whereas, under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), an historian discovered numerous government documents indicating that, at the time Korematsu v. United States, 323 U.S. 214, was decided, the Federal Government suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas in light of this newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California;

Whereas on November 10, 1983, United States District Judge Marilyn Hall Patel overturned Fred Korematsu's conviction, concluding that senior government officials knew there was no factual basis for the claim of "military necessity" when they presented their case before the Supreme Court in 1944;

Whereas in that decision, Judge Patel stated that, while Korematsu v. United States "remains on the pages of our legal and political history . . . [as] historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees";

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order Number 9066 (42 Fed. Reg. 1563), concluded that "today the decision in Korematsu lies overruled in the court of history";

Whereas the Commission on Wartime Relocation and Internment of Civilians concluded that a "grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II", and that those acts were "motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership";

Whereas the overturning of Fred Korematsu's conviction and the findings of Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) to request a Presidential apology and symbolic payment of compensation to persons of Japanese ancestry who lost liberty or property because of discriminatory action by the Federal Government;

Whereas on August 10, 1988, President Reagan signed that Act into law, stating, "[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law";

Whereas on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, "In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.";

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life, particularly speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy, and cautioning the Federal Government against repeating mistakes of the past by singling out individuals for heightened scrutiny on the basis of race, ethnicity, or religion;

Whereas on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California; and

Whereas Fred Korematsu was a role model for all Americans who love the United States and the promises contained in the Constitution, and his strength and perseverance serve as an inspiration for all people striving for equality and justice: Now, therefore, be it

Resolved, That the Senate—

(1) honors Fred T. Korematsu for his loyalty and patriotism to the United States, his work to advocate for the civil rights and civil liberties of all Americans, and his dedication to justice and equality; and

(2) expresses its deepest condolences to his family, friends, and supporters on his death.

SENATE RESOLUTION 127—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Ms. LANDRIEU, Mr. SUNUNU, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. BURR, and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 through 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 582. Mr. TALENT proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved.

SA 583. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 584. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 585. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 586. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 587. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 588. Mr. VOINOVICH (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 589. Mr. BINGAMAN (for himself, Mr. BENNETT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 590. Mr. BINGAMAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 582. Mr. TALENT proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as followed:

At the appropriate place, insert the following:

SEC. . FIRST RESPONDER VEHICLE SAFETY PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator, National Highway Traffic Safety Administration, shall—

(1) develop and implement a comprehensive program to promote compliance with State

and local laws intended to increase the safe and efficient operation of first responder vehicles;

(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) PARTNERSHIPS.—The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) PUBLIC OUTREACH.—The Secretary shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2006 to carry out the provisions of this section.

SA 583. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table: as follows:

In section 178(c) of title 23, United States Code (as added by section 1824(a)), strike "and transit".

SA 584. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

SEC.   . DESIGNATION OF HIGH PRIORITY CORRIDOR IN NEW YORK, VERMONT, NEW HAMPSHIRE, AND MAINE.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031; 112 Stat. 191; 115 Stat. 871) is amended by adding at the end the following:

"(46) The East-West Corridor, from Watertown, New York, continuing northeast through the States of New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.".

SA 585. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table: as follows:

At the end of section 1808, add the following:

(c) DESIGNATION OF ADDITION TO THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—Section 14501(b) of title 40, United States Code, is amended by adding at the end the following:

"(3) DESIGNATION.—

"(A) IN GENERAL.—There is designated as an addition to the Appalachian development highway system the portion of United States Route 219 that—

SA 586. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

Section 105(b)(1)(B) of title 23, United States Code (as amended by section 1104(a)) is amended by inserting after "that decennial census," in the second place it appears the following: "an indexed State motor fuel excise tax rate for gasoline that is greater than 150 percent of the Federal motor fuel excise tax rate for gasoline under section 4081 of the Internal Revenue Code of 1986,".

SA 587. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table: as follows:

Strike section 1701(b) and insert the following:

(b) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.—Section 149(b) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, improve transportation systems management and operations, and implement, operate, and maintain intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.".

SA 588. Mr. VOINOVICH (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table: as follows:

On page 551, strike lines 14 and 15 and insert the following:

"(B) coal combustion fly ash;

"(C) blast furnace slag aggregate; and

"(D) any other waste material or byprod-

SA 589. Mr. BINGAMAN (for himself, Mr. BENNETT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 405, line 13, strike "$1,607,547" and insert "$1,800,000".

SA 590. Mr. BINGAMAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 216, after the matter preceding line 1, insert the following:

SEC. 1524. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

"(46) The corridor extending from the point on the border between the United States and Mexico at El Paso, Texas, where United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.".

NOTICES OF HEARING/MEETINGS

ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Wednesday, May 11, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

For further information please contact Nate Gentry at 202–224–2179 or David Marks at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, April 27, 2005 at 10:30 a.m. The purpose of this hearing will be to consider the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development and to be a member of the Board of Directors of the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, April 27, 2005, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, April 27, 2005, at 10 a.m. for a hearing titled "Chemical Attack on America: How Vulnerable Are We?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 27, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Regulation of Indian Gaming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Executive Nominations" on Wednesday, April 27, 2005 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators.

Panel II: Paul D. Clement, to be Solicitor General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 27, 2005, at 9:30 a.m., to markup S. 271, a bill which reforms the regulatory and reporting structure of organizations registered under Section 527 of the Internal Revenue Code.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2005 at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, April 27, 2005 from 10 a.m.–12 p.m. in Dirksen G50 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 74.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I understand we cannot get a time agreement on this nomination due to an objection on the other side. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 74, the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

Bill Frist, Chuck Grassley, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 61.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Stephen L. Johnson, of Maryland, to be administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, again I am told there is objection from the Democratic side to a time agreement on the nomination. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

Bill Frist, J.M. Inhofe, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorums with respect to both cloture votes be waived and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

VERMONT DAIRY FESTIVAL

Mr. McCONNELL. Mr. President, I ask unanimous consent that it be in order for the Agriculture Committee to be discharged from further consideration of S. Res. 118, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) recognizing June 2 through June 5, 2005, as the "Vermont Dairy Festival," in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I rise to discuss S. Res. 118, a resolution I submitted with Senator LEAHY to recognize the Enosburg Falls Vermont Dairy Festival in honor of Harold Howrigan.

Harold is a dairyman through and through.

He recently retired from the board of the St. Albans Co-op, a Vermont dairy cooperative, and he ably served as the board's president for 17 years.

Harold is a great guy—a real leader in Vermont's diary industry—and I've known him and his family for many years.

Dairy farming is a tough job, and only those who really love it are successful.

Congratulations, Harold, and I wish you the best in retirement.

Enosburg Falls and the Lions Club of Enosburg host and sponsor the Vermont Dairy Festival.

This year, the festival celebrates its 49th year.

They say it is the largest parade in Vermont, and I believe it is the largest.

Enosburg Falls is a small town; I know, I used to spend a lot of time there.

In fact, my family settled in Enosburg in 1792.

My family owned the local pharmacy on Main Street, in downtown Enosburg, for many years.

But during the festival, thousands of Vermonters show up to enjoy the parade and participate in the events.

It is a wonderful time.

Our resolution honors Harold's years of service.

And it recognizes the men and women who make the Vermont Dairy Festival the success that it is and will continue to be.

I am hopeful that the Senate will soon act on this resolution to appropriately celebrate Harold's career and Vermonts dairy farmers.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statement relating to the resolution be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas the town of Enosburg Falls, Vermont, will host the "Vermont Dairy Festival" from June 2 through June 5, 2005;

Whereas the men and women of the Enosburg Lions Club will sponsor the Vermont Dairy Festival, which celebrates its 49th year;

Whereas the Vermont Dairy Festival is a beloved expression of the civic pride and agricultural heritage of the people of Enosburg Falls and Franklin County, Vermont;

Whereas the people of Enosburg Falls and Franklin County have long-held traditions of family owned and operated dairy farms;

Whereas the St. Albans Cooperative Creamery, Inc., which was established in 1919, is a farmer-owned cooperative;

Whereas Harold Howrigan served on the Board of the St. Albans Cooperative for 24 years;

Whereas Mr. Howrigan was the President of the Board of the St. Albans Cooperative for 17 years;

Whereas Mr. Howrigan recently retired from his position as President of the Board of the St. Albans Cooperative; and

Whereas Mr. Howrigan led the St. Albans Cooperative to uphold the region's traditions and to meet future challenges: Now, therefore, be it

Resolved, That the Senate recognizes June 2 through June 5, 2005, as the "Vermont Dairy Festival", in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

HONORING FRED T. KOREMATSU

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 126) honoring Fred T. Korematsu for his loyalty and patriotism to the United States and expressing condolences to his family, friends, and supporters on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating to this resolution be printed in the RECORD.

Mr. DURBIN. Mr. President, reserving the right to object, and I will not object, I would like to say a brief word or two about this resolution honoring the life of a great American who passed away recently. I am proud to be joined by Senators INOUYE and STEVENS on this resolution.

Three weeks ago, when I heard that Fred Korematsu died at the age of 86, I came to the Senate floor and paid my tribute. But because his place in our Nation's history is so important, I have come to the floor again to ask the entire Senate to recognize this man with this resolution.

In recent months, I have had several occasions to mention Fred Korematsu's name in committee and floor proceedings, because the story about the injustices he and thousands of others faced as a Japanese American during from World War II is one that we should never forget.

Today, as our Nation is engaged in a global war on terrorism and when we are confronting the issues of the balance between civil liberties and security, Fred Korematsu's name is a reminder that we need to learn from our history, as difficult and shameful as it may be.

In November 2003, Fred Korematsu filed a brief before the Supreme Court in a case involving the detentions at Guantanamo Bay. His brief contained a simple plea to the government: "to avoid repeating the mistakes of the past, this court should make clear that the United States respects constitutional and human rights, even in times of war."

As leaders in Washington, we are responsible for a wide range of legislative and policy decisions that will have impact on millions of lives of our fellow Americans. As we deliberate and debate these issues, I hope all my colleagues will continue to heed the wise words of this humble man.

Fred Korematsu died on March 30 at his daughter's home in Larkspur, CA, after a long illness. He leaves behind his wife, Kathryn, and their son and daughter. Our thoughts and prayers go out to their family and friends, and we honor his memory today with this resolution.

I ask my colleagues to support this resolution honoring a true American hero.

Fred Korematsu is a family name known to every student who has ever gone through law school. It was Mr. Korematsu who filed the law case protesting the internment of Japanese Americans during World War II. His family, like so many others, was discriminated against simply because of their heritage. We now realize it was a serious mistake and a great disservice to many loyal and patriotic Japanese Americans.

His recent passing was a reminder of this man's courage throughout his life, and I hope that this resolution, when it is sent to his family, will be a fitting tribute from the Senate for all the contributions they and his family have made to America.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I rise to speak in support of the Senate resolution honoring Fred Toyosaburo Korematsu for his loyalty and patriotism to the United States and expressing condolences to Fred's family, friends and supporters on his passing.

On March 30, 2005, our Nation lost a deeply compassionate man and a great American patriot. Fred profoundly influenced the course of American history and legal jurisprudence when he led a courageous legal challenge against the internment of Japanese Americans by the United States Government. Fred was born in Oakland, CA, in 1919. His parents were Japanese immigrants who ran a flower nursery while Fred attended Castlemont High School and later the Master School of Welding. Fred worked on the Oakland docks as a steel welder and was quickly promoted to a foreman position.

The war in Europe, however, changed his life. America began providing supplies to Great Britain in its war against Germany and Germany's allies, including the country of Japan. At home in California, when Fred entered restaurants, waiters refused to serve him because of his ancestry. Fred's union terminated his membership, and Fred lost his job. American by birth, Fred wished to prove his patriotism by joining the United States Coast Guard, but the recruiting officer refused his application. Fred eventually found work with a mobile trailer company, but after the bombing of Pearl Harbor in December 1941, his employer fired him.

Fred was 22 years old when President Roosevelt issued Executive Order 9066, authorizing military commanders on the West Coast to issue whatever orders necessary for national security. Curfews, exclusionary orders, and the internment of 120,000 Japanese Americans soon followed, and the Korematsu family was taken to the Tanforan racetrack in San Mateo. Fred, however, held a deep conviction that the constitutional rights of Japanese Americans were being violated by the internment order issued without any real evidence of disloyalty, without specific charges, and without trial, and so Fred chose to defy the order.

Fred assumed a non-Japanese identity and even had plastic surgery in an attempt to change his appearance. Nevertheless, the police stopped him in San Leandro and Fred was charged with violating the military's exclusion order. Fred was sent to Federal prison and later to live with his family in a horse stall at the Tanforan racetrack. The Korematsus performed hard labor behind barbed wire and under the watch of armed guards. Other Japanese Americans in the internment camp avoided him, fearing for the safety of their own families. The Federal district court found Fred guilty of violating military exclusion orders, and sentenced him to 5 years of probation under military authority. Fred appealed that decision. Meanwhile, after a year and a half of laboring in the interment camp. Fred's skill as a welder enabled him to leave the camp, on the condition that he not return to California. He got a job as a welder in an iron works company in Salt Lake City, and eventually. made his way to Detroit.

Fred's appeal reached the Supreme Court in 1944. The Court upheld the lower court's ruling in a 6-3 vote, citing the simple reason that the internment of American citizens of Japanese ancestry was a military necessity in light of the war with Japan. Fred petitioned for a rehearing, but it was denied in February 1945.

Fred eventually met and married Kathryn and raised a family. Like many Japanese Americans, Fred tried to put his internment experiences behind him, but he was unable to pursue many job opportunities because his violation of the exclusion order left him with a criminal record. He once worked on an application to become a real estate broker, but when he came across the question that asked whether he had prior criminal convictions, he threw the application away. Although Fred worked as a draftsman, he did not apply to work at larger companies or government agencies, as they would not hire someone who had a prior conviction on record. Without a pension, Fred worked part time to make ends meet, even while in his eighties.

In the early 1980s, a volunteer legal team began to accumulate evidence that government officials had possessed significant information that Japanese Americans had not posed an actual threat to national security at the time of the interment, and the team approached Fred to file a coram nobis petition to review events that occurred 40 years earlier that denied Fred a fair hearing.

In late 1983, a Federal court in San Francisco overturned Fred's guilty conviction, stating that the Government's case at the time had been based on false and biased information.

The court's decision was a landmark and a critical turning point in history. The volunteer legal team that gravitated to Fred was driven by his courage, his unshakable sense of right and wrong, and his faith in the American Constitution. The court's 1983 holding in *Korematsu* v. *U.S., coram nobis*, set in motion a chain of important events. Shortly following the success of that case, Congress ordered a commission report on the internment of Japanese Americans. Upon the commission's finding that internment orders were issued without proper basis, Congress in 1988 passed legislation for a Presidential apology and reparations to Japanese American internees.

Ten years later, in 1998, President Bill Clinton awarded Fred with the Presidential Medal of Freedom, the highest civilian honor in the United States. During that ceremony, the President stated, "In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls—Plessy, Brown, Parks. To that distinguished list today we add the name of Fred Korematsu."

To many, Fred was more than just a distinguished name. Fred shared his riveting and protracted story about justice with thousands of young Americans, and he has deeply touched and inspired a new generation of civil rights attorneys. Fred's zest for life, courage, patriotism, compassion, gentle humor, strong will, and delight in teaching others has endeared him to many. He graced our midst, and by example, encouraged all of us to never abandon our Nation's cherished constitutional principles and values.

Fred Korematsu was a devoted husband and father, a teacher, a trailblazer, a hero, and a great American.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School and tried on 2 occasions to enlist in the United States Army but was not accepted due to a physical disability;

Whereas on December 7, 1941, Japan attacked the United States military base at Pearl Harbor, Hawaii, forcing the United States to enter World War II against Japan, Germany, and Italy;

Whereas on February 19, 1942, President Franklin D. Roosevelt signed Executive Order number 9066 (42 Fed. Reg. 1563) as "protection against espionage and against sabotage to national defense", which authorized the designation of "military areas . . . from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restriction the . . . Military Commander may impose in his discretion";

Whereas the United States Army issued Civilian Exclusion Order Number 34, directing that after May 9, 1942, all persons of Japanese ancestry were to be removed from designated areas of the West Coast because they were considered to be a security threat;

Whereas in response to that Civilian Exclusion Order, Fred Korematsu's family reported to Tanforan, a former racetrack in the San Francisco area that was used as 1 of 15 temporary detention centers, before being sent to an internment camp in Topaz, Utah;

Whereas more than 120,000 Japanese Americans were similarly detained in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming, without any charges brought or due process accorded;

Whereas Fred Korematsu, then 22 years old and working as a shipyard welder in Oakland, California, refused to join his family in reporting to Tanforan, based on his belief that he was a loyal American and not a security threat;

Whereas on May 30, 1942, Fred Korematsu was arrested and jailed for remaining in a military area, tried in United States district court, found guilty of violating Civilian Exclusion Order Number 34, and sentenced to 5 years of probation;

Whereas Fred Korematsu unsuccessfully challenged that Civilian Exclusion Order as it applied to him, and appealed the decision of the district court to the United States Court of Appeals for the 9th Circuit, where his conviction was sustained;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz for 2 years, and during that time, he appealed his conviction to the United States Supreme Court;

Whereas on December 18, 1944, the Supreme Court issued its decision in Korematsu v. United States, 323 U.S. 214, which upheld Fred Korematsu's conviction by a vote of 6-to-3, based on the finding of the Supreme Court that Fred Korematsu was not removed from his home "because of hostility to him or his race" but because the United States was at war with Japan and the United States military "feared an invasion of our West Coast";

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II;

Whereas, under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), an historian discovered numerous government documents indicating that, at the time Korematsu v. United States, 323 U.S. 214, was decided, the Federal Government suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas in light of this newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California;

Whereas on November 10, 1983, United States District Judge Marilyn Hall Patel overturned Fred Korematsu's conviction, concluding that senior government officials knew there was no factual basis for the claim of "military necessity" when they presented their case before the Supreme Court in 1944;

Whereas in that decision, Judge Patel stated that, while Korematsu v. United States "remains on the pages of our legal and political history...[as] historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees";

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order Number 9066 (42 Fed. Reg. 1563), concluded that "today the decision in Korematsu lies overruled in the court of history";

Whereas the Commission on Wartime Relocation and Internment of Civilians concluded that a "grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II", and that those acts were "motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership";

Whereas the overturning of Fred Korematsu's conviction and the findings of Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) to request a Presidential apology and symbolic payment of compensation to persons of Japanese ancestry who lost liberty or property because of discriminatory action by the Federal Government;

Whereas on August 10, 1988, President Reagan signed that Act into law, stating, "[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law";

Whereas on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, "In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.";

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life, particularly speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy, and cautioning the Federal Government against repeating mistakes of the past by singling out individuals for heightened scrutiny on the basis of race, ethnicity, or religion;

Whereas on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California; and

Whereas Fred Korematsu was a role model for all Americans who love the United States and the promises contained in the Constitution, and his strength and perseverance serve as an inspiration for all people striving for equality and justice: Now, therefore, be it

Resolved, That the Senate—

(1) honors Fred T. Korematsu for his loyalty and patriotism to the United States, his work to advocate for the civil rights and civil liberties of all Americans, and his dedication to justice and equality; and

(2) expresses its deepest condolences to his family, friends, and supporters on his death.

CONGRATULATING CHARTER SCHOOLS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 127, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, today I am joined by my colleagues Senators LIEBERMAN, FRIST, LANDRIEU, SUNUNU, ALEXANDER, DEMINT, DOLE, VITTER, BURR, in support of this resolution to designate the week of May 1 through May 7, 2005 as National Charter Schools Week. This year marks the 13th anniversary of the opening of the nation's first charter school in Minnesota. Since that time, charter schools have experienced tremendous growth as more and more parents discover for themselves why surveys show such high levels of parental satisfaction with charter schools. Today, there are almost 3,300 charter schools serving nearly 900,000 students in 40 States, the District of Columbia, and Puerto Rico, up from 3,000 schools serving 750,000 students just 1 year ago. Nearly 40 percent of these schools report having waiting lists, and there are enough students on these waiting lists to fill another 1,000 average-sized charter schools.

Charter schools serve a unique role in public education. They are designed to be free from many of the burdensome regulations and policies that govern traditional public schools. They are founded and run by principals, teachers and parents who share a common vision of education, a vision which guides each and every decision made at the schools, from hiring personnel to selecting curricula. Furthermore, charter schools are held strictly accountable for student performance—if they fail to educate their students well and meet the goals of their charters, they are closed. Most importantly, charter schools are raising student achievement. Research has shown that charter school students are more likely to be proficient in reading and math than students in neighboring traditional schools, and that the greatest achievement gains can be seen among African American, Hispanic, and low-income students. Research also shows that the longer charter schools have been in operation, the more they outdistance traditional scores in student performance.

Since each charter school represents the unique vision of its founders, these schools vary greatly, but all strive for excellence. There are countless examples of charter schools that are having an enormous impact on their students both academically and personally, and on the surrounding community.

For example, the Vaughn Next Century Learning Center in San Fernando, CA, serves students in grades K-12, 97 percent of whom qualify for free lunch, and 87 percent of whom speak limited English. Fifteen years ago, the Vaughn Street School was a haven for drug deals and violence, and students' test scores were the lowest in the San Fernando Valley. Since it converted to a charter school in 1993, Vaughn rose from the ninth percentile in language arts and the eleventh percentile in math to become a National Blue Ribbon School. Test scores have gone up 330 percent in the past 5 years alone. As a result of the autonomy granted by converting to charter status, Vaughn has been able to redirect considerable resources to programmatic efforts, including an extended school year and comprehensive afterschool program. The school has also expanded its offerings to the greater community, including a school-based clinic, family center, business co-op, and library.

Cincinnati's W.E.B. DuBois Academy, serving children in grades 1 through 8, recently became the only elementary school in the city and one of only 102 schools in Ohio to be recognized as a "School of Promise." The recognition follows a period of remarkable improvement for the low-income school, which now boasts that 100 percent of its students passed State tests in six areas. The school has met the State's requirements for Adequate Yearly Progress, and is closing the achievement gap—and has generated a lengthy waiting list along the way. The W.E.B. DuBois Academy attributes its success to extended research-based instructional time, performance-based pay for teachers, strict discipline, and a rewards system that reinforces outstanding academic performance. Says founder Wilson H. Willard III, "We've implemented a research-based system that addresses the constraints that compromise traditional education. In doing so, we've generated successful academic results for hundreds of our students. . . . defying convention has built success for the school, and most importantly, each student in it. In the end, that's what really matters."

These are but a few of the promising schools in the charter movement, which includes a wide range of schools serving a variety of different learning needs and styles, often at a lower cost than traditional public schools. I am pleased that four such schools have launched in New Hampshire this year, ranging from the State's first school for deaf and hard of hearing students to academies focused on the arts, technology, and business. Several more schools will soon open their doors in the Granite State, offering additional options for parents and students, including those most at risk.

I expect that we will see charter schools continue to expand both in New Hampshire and nationally. Three years ago, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer their children to another public school. No Child Left Behind also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice and "vote with their feet", the demand for charters schools will increase.

I commend the ever-growing number of people involved in the charter school movement, from parents and teachers to community leaders and members of the business community. Together, they have led the charge in education reform and are helping transform our system of public education. Districts with a large number of charter schools have reported that they are becoming more customer service-oriented, increasing interaction with parents, and creating new education programs, many of which are similar to those offered by charter schools. These improvements benefit all our students, not just those who choose charter schools.

I encourage my colleagues to visit a charter school during National Charter Schools Week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the communities in which they reside.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 127

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 through 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 55, 56, 60, 64, 65, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

DEPARTMENT OF STATE

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

ENVIRONMENTAL PROTECTION AGENCY

Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

MISSISSIPPI RIVER COMMISSION

Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission.

Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN304 COAST GUARD nominations (2) beginning Curtis L. Sumrok, and ending Jed R. Boba, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN305 COAST GUARD nominations (292) beginning Michael T Cunningham, and ending David K Young, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN390 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (15) beginning Paul Andrew Kunicki, and ending Lindsey M Vandenberg, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 28, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow, following morning business, the Senate will resume consideration of the highway bill. We will continue the amending process, and the chairman and ranking member will work through amendments as they are offered throughout the day. Rollcall votes are expected in relation to those amendments. On behalf of the majority leader, I encourage Senators who wish to offer amendments to the bill to contact the bill managers as soon as possible.

In addition to the highway bill, we will also act on a budget reconciliation conference report, should it become available. The Senate may also act on any nominations available for floor consideration.

Just moments ago, I filed two cloture motions with respect to two Cabinet-level nominations. These votes will occur on Friday of this week, unless some other agreement is reached prior to that time. Therefore, Senators should expect a busy day tomorrow and Friday, with rollcall votes possible throughout as we complete our work prior to the recess.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator CARPER and the remarks of the distinguished Democratic leader, who is on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

RULE CHANGES

Mr. REID. Mr. President, today the American people have spoken, and they have spoken very firmly. It should be a day of celebration in the United States Capitol. A few hours ago, we saw responsible Republican leaders in the House of Representatives come together to do the right thing by abandoning the attempt to change the ethics rules. We will await the final outcome but I am told it has all been done, that they will have to go to the House floor and approve changing the rules back from where they are now to where they need to be—that is, the way they used to be. The American people are very perceptive. They can tell when something is going on that simply is not fair. What we had in the House of Representatives is one of the leaders, with the abuse of power that takes place so often around here, took himself out of the criticism that he was receiving from the Ethics Committee. He was reprimanded on three separate occasions within 1 year but he did not have to worry about any more censures or reprimands because they simply changed the rules.

That is where the American people came in. They know that the rules cannot be changed in the middle of the game. Today, the Republicans in the House heard that message.

As this Chamber wrestles with its own possible rule change in the next few weeks, I urge my Republican colleagues to pay attention to how the American people feel about what is being attempted. It does not matter how many times one comes to the Senate floor and says there has not been a filibuster on a judge ever before, it is simply not true, underlined and underscored.

I note the tone has been different, and I am happy about that. My distinguished friend, the Senator from Utah, came to the floor today and said there has not been a filibuster of a judge that has come to the floor. Well, that still is not true but it is better than what he said before. What he was saying, in the language we understand in Congress, is the Republicans in the Judiciary Committee turned down 69 judges that President Clinton wanted. They did not come to the floor. They did not come to the committee. Senator HATCH is right, they certainly did not get a floor vote.

Also, we keep hearing we have to have up-or-down votes on judicial nominations. I was somewhat amazed yesterday by what people from the other side of the aisle said, that we are going to allow filibusters on other nominations that come from the President. Now, let us see what logic there is here. On a lifetime appointment, that is a judge who becomes a district court judge or a circuit court judge, they can be appointed at age 35 and serve for the next 40 years, and we cannot use our advise and consent that we have as Senators? But if someone is going to serve for a few months or a few years, as other nominations, then we can talk as long as we want, our ability to speak is not taken away there?

If we look at this, there might be something more there than meets the eye. The American people are not interested in seeing us fight about the rules or pursuing partisan goals. That is why this body has to come together and worked out this issue. We need to take on issues the American people wrestle with every day. Whether it is in Chicago; Oklahoma City; Reno; Pittsburgh; Dover, DE, wherever it is, the people in those communities are interested in health care—as a subset, prescription drugs—and they certainly are interested in gas prices. As I have said on the floor the last few days, Nevada is paying $2.65 a gallon. If you have a small car it is $30.

Veterans—we need to take care of veterans, better than what I see in this budget. The American people want us to talk about this.

They want us to talk about education.

They also want us to see that the checks and balances created by our Founding Fathers are not trampled on, this provision of the Constitution. I hope we are not heading down that road with the nuclear option, which turns the Senate into a rubber stamp, which destroys the checks and balances. As I said in the past, I will do everything within my power to avoid that option and today gives me hope we can avoid that.

The American people did not like what they saw with the abuse of power in the House of Representatives. What did they do? They spoke out loudly. As a result, the Speaker and others in the House of Representatives said we are no longer going to protect one of our own, because it is an abuse of power, and we are going to go back to the rules the way they used to be. That is a victory for the American people. I hope we can accomplish the same here today.

As I said yesterday, it would be a great visual if Senator FRIST and I could walk down this aisle—he stands here, I stand here—and say we have got a deal for the American people.

There is so much work to do, we should not be fighting over these rules. If the Republicans insist on putting politics ahead of the American people, we are going to make sure the Senate works for the American people.

Mr. DURBIN. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield to my friend.

Mr. DURBIN. I would say I followed his remarks closely. If I understand what has just happened in the House of Representatives, or is about to happen, it is that they decided the changes in the ethics rules which were promulgated to protect perhaps one Member or two Members from close scrutiny, in terms of their conduct, are now going to be changed. I think, if I am not mistaken, this will be the second time in the last few months—in recent times, that the Republican leadership in the House of Representatives has changed the ethics rules and then, after public response, came back and restored the ethics rules.

Is this not similar to a situation we are facing on the Senate side, where there are at least some who are talking about the nuclear option, a term that Senator LOTT came up with, that would change the rules of the Senate in the middle of our session, rules that have been in place for almost 200 years?

Mr. REID. I would answer to my friend, not only is there a suggestion about changing the rules, but they are going to do it by breaking the rules. To change a rule here in the Senate takes a simple majority. But if somebody wants to speak in an extensive manner relating to that rule change, you have to break a filibuster. They are not willing to do that. They are going to use brute force and break the rules to change the rules. That is what they are talking about.

So even though what went on in the House of Representatives is bad, what is contemplated here is even worse than that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for an additional question through the Chair. I would like to ask the Senator, is it not true that the Democrats, in the minority in the House of Representatives, stood together and argued that the integrity of the House of Representatives was at stake because of these changes in ethics rules to favor one Republican leader, or perhaps two, and that by standing together and appealing to the Nation, that they were successful, and now the Republican leadership in the House of Representatives has announced they are going to restore the original ethics rules?

Mr. REID. I say in answer to my friend. I applaud, I commend the Speaker of the House of Representatives from the State of Illinois for realizing that what had gone on was wrong, and it is being changed as we speak. So the Speaker got the message loudly and clearly from the American people.

Mr. DURBIN. I would also ask the Senator from Nevada through the Chair, is it not also true that as we have started talking to the American people about the so-called nuclear option, the term that Senator TRENT LOTT came up with, as we have talked to the people about the nuclear option across the country, is it not true there has been an incredible reaction? I would say to the Senator from Nevada, many of us believed this was an arcane debate that most people wouldn't follow. But we are finding that overwhelmingly the people across America share the view of the Democrats on this issue, that we should not change the rules in the middle of the game and eliminate the filibuster on judicial nominees, that we should not assault the basic principle of checks and balances also under the Constitution, and, finally, we should stand our ground to make sure that, on a bipartisan basis, we pick judges for lifetime appointments, judges who are in touch with the values and needs of simple Americans and their families?

Mr. REID. I say to my friend, the answer is yes. Yesterday, I got a copy of an editorial from a newspaper in Nevada, a newspaper out of Fallon, NV. In 1998, I got 21 percent of the vote in that county. I have said before, a homeless person could have gotten that many votes in Churchill County, but that is how many votes I got. So I got the editorial and it said, "Stop Mr. Smith."

As we know, there are some ads running that show the great movie with Jimmy Stewart as Mr. Smith coming to Washington to give a long speech as a Senator.

I said: I will read it. I read that editorial. It was so magnificent. I ask unanimous consent I be allowed to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHUT UP, MR. SMITH

(By Glen McAdoo)

NEVADA, April 25.—Remember when you were a kid and there was always at least one whiner on the block who had to win at all costs? If you were playing baseball and the whiners got three strikes they wanted to change the rules in the middle of the game so they could have at least four strikes. Furthermore they wanted to call the balls and strikes themselves. If, by miracle, they finally did strike out, becoming the third out, they wanted to change the rules so that their team got four outs. Remember those whiners? They would pout and cry or jump up and down and scream bloody murder until they got their way. Remember them?

Well, they are still around. They comprise the majority of the House and Senate leadership in Washington, D.C. They're not called whiners anymore, today we call them Republicans.

Remember the movie, "Mr. Smith Goes to Washington" starring James Stewart? Well, you won't find a Mr. Smith among these modern day whiners. And if they have their way, Mr. Smith will never again grace the hallowed halls in our Nation's Capitol. The Republicans want to do away with one of the great traditions in our Government—the filibuster. In an attempt to prevent the Democrats from stopping the appointment of Judges who echo the shallow thoughts of the most extreme far right, the Republicans are up to no good—again.

"Stay home Mr. Smith, there is no place for big mouths like you in the Capitol. Save your breath. Go home to the folks who sent you here. We are in charge now and we would rather you keep your big mouth shut. So what if you are right. Shut your lip. We know what is best for everyone and we don't need a do-gooder like you gumming up the works. What's that you say Mr. Smith? You say we are even angry with the Federal Judges we appointed. That's about half of them. Judges should decide cases based on the law and not public opinion, you say? Darn you, a little truth could spoil everything. See, that's why we want you to shut up and go home." so would say the Republicans to Mr. Smith.

Last week, Senator Harry Reid brought forth a million names of people who don't want the rules changed. These people believe the filibuster should stay as part of a time honored practice.

The filibuster may be the only way to stop overzealous lawmakers who insist on approving the worst of President Bush's misguided nominees to the Federal Bench. We must keep the filibuster, and use it when necessary, and if the petulant pouting pompous Republicans in the Senate don't like it they can take their ball and go home. So there!

How quickly they forget. The Republicans have used the filibuster many times. Have they forgotten Abe Fortas in 1968 or Clinton's nominee to the ninth circuit Richard Paez in 2000. All told the Republicans used the filibuster six times in attempts to block Clinton's Judicial nominees. What hypocrites.

In the House of Representatives things are just as bad. Republicans have now changed the rules to make it nearly impossible to have a public inquiry and possibly oust Tom DeLay (R-Texas) on ethics charges. According to Congressman Barney Frank, the Republican leadership has now removed from the ethics committee any Republican with the slightest bit of independence and replaced them with people who will acquiesce to the leadership's wishes. In the past, if the committee were deadlocked five to five a public investigation would go forward. With the rules change it is dead in the water, unless one of these mighty midgets of morality says yea and makes it six to five. These foul balls want four strikes and four outs.

The self proclaimed model for the moral right, Mr. DeLay, could turn out to be one of the slimiest characters we have ever seen in such a high office. We will probably never know for sure unless one of the spineless Republicans on the ethics panel gets some backbone and makes their private probe, public. That may happen, they are under a lot of pressure, but I wouldn't bet on it.

We don't need a bunch of rule changes in the House and Senate. What we need to do is replace a bunch of Republicans with Democrats.

Mr. REID. Mr. President, the first paragraph—and I am paraphrasing but not by very much—starts out by saying: You remember when you were growing up and you had this kid who was never happy? You couldn't win a game because he kept changing the rules in the middle of the game, and if you didn't allow the change, all he did was whine about it?

They went on for long, maybe six or seven paragraphs, saying: What is going on in Washington? Trying to change the rules in the middle of the game is un-American.

This is from Fallon, NV.

So the answer is yes, the American people are speaking. If you can get a newspaper in Fallon, NV, to write a harsh criticism of the Republican leadership we have in the Senate, they should listen because, believe me, I got 21 percent of the vote in that county.

Mr. DURBIN. If the Senator would further yield for a question through the Chair, is it not true that the filibuster, because it requires 60 votes to overcome, really requires the Senate to work to compromise, to find bipartisan solutions to their differences, and brings us together in a bipartisan fashion? Is this not the same thing that the Democratic leader just alluded to, that we should use that same bipartisan approach not only when it comes to lifetime appointments for judges and controversial issues but to find constructive solutions to issues such as the challenge of health care, the cost of health insurance, the need to help families pay for college education—all of the things we should put on our agenda but, sadly, have not been part of the discussion in this Republican majority Senate so far this year?

Mr. REID. Let me say to my friend, a perfect example of that is what is going on on the floor as we speak. One of our colleagues, the distinguished junior Senator from Indiana, Mr. BAYH, has an issue. He offered an amendment to this bill.

The reason he offered it to this bill is he wanted to make a statement about something that is going on in China. He believes trade policies there are unfair and unbalanced. He offered an amendment on this bill.

You can debate whether it should be on this bill, but it is on this bill. He offered an amendment. We have a right to do that. He, as a result of what he has done, held up the nomination of ROB PORTMAN, Congressman PORTMAN to be Trade Representative. I like Congressman PORTMAN, a good man. I think he will do a good job as our Trade Representative.

As we speak, because of this filibuster that he, in effect, is conducting—not necessarily on this bill, but he is not going to let PORTMAN go forward, so we will have to vote 2 days from now—the parties have come together. They are talking. I am confident we will work that out and PORTMAN will be approved tomorrow.

The answer is yes. One of the good things about this institution we have found in the 214 years it has been in existence is that the filibuster, which has been in existence since the beginning, from the days of George Washington—we have changed the rules as relates to it a little bit but never by breaking the rules.

I say to my distinguished friend, the senior Senator from Illinois, in all the political writings about filibuster, that is one of the things they talk about as a positive. It forces people to get together because sometimes in this body you become very fixed. You think you are the only person who knows what is going on and you need to examine yourself. The other person has an issue. The Senator from Illinois is absolutely right. It brings people together.

Mr. DURBIN. If I could ask one final question of the Senator from Nevada through the Chair? I know what the Senator said about his commitment to the traditions of the Senate, to the constitutional principles that guide the Senate, such as the protection of the minority so there will never be another tyranny of the majority; that you will have this filibuster that gives the minority, always, a voice in the dealings of the Senate.

I know the Senator from Nevada—and I share his belief—is committed to this constitutional principle that goes back to our Founding Fathers. But I want to ask the Senator from Nevada in closing: Is it not true, as you announced yesterday, that despite this commitment to this core principle that you have reached out to the other side, to the Republican leadership, in an effort to try to find some common ground to work through our difficulties and differences over several different judges; that you have spoken directly to Senator FRIST and many Republican Senators in an effort to try to resolve this, and that, sadly, Senator FRIST came to the floor yesterday and announced he wouldn't be party to any negotiations to try to work this out?

Mr. REID. I say to my friend, first of all, in defense of Senator FRIST, the statement he gave was before we had our meeting. I have confidence Senator FRIST is weighing the offer I gave him.

Let me say this to all my friends, including the distinguished junior Senator from Pennsylvania: I am not going to dwell on what took place during the Clinton administration. Most people would acknowledge it was not right. I am not going to dwell on what took place these last 4 years of the Bush administration because I am sure people can make a case, as advocates can, that maybe we did not do the right thing in those years.

I am asking my Republican friends on the other side of the aisle to give us a chance. Let's work our way through this. We are not out plotting to take the next Supreme Court nominee who comes before the Senate, waiting in the wings to knock him or her out. We are not waiting to knock out circuit judges or district court judges.

Test us. We have proven so far this year that we are willing to work with the majority. We have done some pretty good stuff in spite of a number of things we could have held up for a long time. As I said yesterday, we could have held up class action for a long time. Just to go to conference takes three separate cloture votes. Bankruptcy could have taken a lot of time.

We legislated the way the Senate used to legislate. We had a bill come to the Senate. A person offered an amendment. He spoke in favor of it. People came and joined in that. People spoke against it. And we did things the old-fashioned way—we voted on them and then sent the bill to the House. That is the way we did it.

We have to develop faith in what we are trying to do. I am saying to everyone, trust us. Yes, I have spoken to Republican Senators. I have spoken to every one of the Democrat Senators. I have spoken to quite a few Republican Senators. I hope they give us the benefit of the doubt.

We are not working from a position of weakness. The American people want us to do this. They want us to join together, to pass legislation. They do not want anyone breaking the rules to change the rules.

This is so important for our country. We need to come together to work out our differences. It is not only important to this institution, it is important to our country.

I thank very much my friend from Illinois for his questions.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent I be able to speak for 7 minutes.

Mr. REID. Mr. President, I have no problem with my friend speaking. My friend has to catch a train, and he has had unanimous consent to speak here for a long period of time. I think he should be able to go first. I object. I want my friend from Delaware to go first.

Mr. CARPER. I appreciate that. I will miss my train, but go ahead. I yield to the Senator.

Mr. SANTORUM. If the Senator is going to miss his train because of my 7 minutes, not because of his own speech, I will withhold. But if he is going to miss the train because of his speech—

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. The objection has been heard.

The Senator from Delaware is recognized.

Mr. CARPER. I thank the Senator from Pennsylvania, and I promise to be very brief.

The PRESIDING OFFICER. The Senator is recognized.

NOMINATION OF STEPHEN JOHNSON

Mr. CARPER. Mr. President, I have been here 4 years. I have never placed a hold, as I recall, on any nomination for anyone to serve in this administration.

When Christie Whitman was nominated to head up EPA, I said: Congratulations. What can I do to help get you confirmed and to confirm the members of the team you want to surround yourself with? And I went to work on it.

When Mike Levitt was nominated to succeed her, I called Mike Levitt—both him and Governor Whitman, with whom I served—I called Mike Levitt and I said: Congratulations. What can I do to help get you confirmed and the team you want to surround yourself with? And I went to work on it.

When Tommy Thompson was nominated to be Secretary of Health and Human Services, I called to congratulate him and said: What can I do to help get you confirmed and confirm the team you want to surround you? And I went to work on it.

When Tom Ridge was nominated to be Secretary of Homeland Security, I called him and I said: Congratulations. What can I do to help get you confirmed and to confirm the team you want around you?

For me to stand here today in an effort to stop, at least for a short while, the nomination of Stephen Johnson to be Administrator of EPA is out of character for me. That is not the way I do business. I hope my colleagues realize that after 4 years I am a guy who likes to work across the aisle, and whether the issues are some of the issues Senator REID just mentioned—class action reform, bankruptcy reform legislation, now asbestos, overhauling the postal system, comprehensive energy bill—I am one on the Democrat side who looks forward to working not only with my colleagues but with our colleagues on the other side of the aisle.

We have problems in our country, challenges we face on all fronts. Among those challenges we face is what to do to improve the quality of our air and how we can do that in a way that does not cost consumers an arm and a leg. What can we do to improve the quality of our air that does not encourage the shifting of utility plants from coal, which we have in abundance, to natural gas, which we don't.

We have had sort of a Hobson's choice in the last couple of years—the administration's clear skies proposals, multipollutant bill dealing with reducing sulphur dioxide, nitrogen oxide, mercury from utility plants, compared to the proposal of our colleague from Vermont, Senator JEFFORDS, and others, who would propose to go further, a lot further, a lot faster than the administration on those three pollutants, and add a fourth, carbon dioxide.

The Presiding Officer, as well as my friend from Pennsylvania—we have all served in the House together. I don't know about them, but when I served in the House, I never liked it when I was dealt a Hobson's choice—a position over here and another position over here. I never liked it.

One of the great things about the Senate is we can craft something in the middle. What I sought to do in working with people such as Senator LAMAR ALEXANDER from Tennessee, LINCOLN CHAFEE from Rhode Island, and JUDD GREGG from New Hampshire, was to come up with something in the middle, a centrist approach that we believe reduces the emission of sulphur dioxide, nitrogen oxide, mercury from utility plants, gets a start in slowing down the growth of emissions from CO_2, and does so in a way that does not cost consumers an arm and a leg and, frankly, does not lead to a lot of shifting off of coal and onto natural gas.

We introduced legislation the first time in 2002. That was the year I first asked EPA for comparative analysis, comparing the administration's clear skies proposal with our bipartisan bill with the Jeffords bill. In 2003 we got a lot of raw data and not much analysis from EPA. Along with the raw data and the limited analysis they sent us, they said some of the assumptions on which this analysis was conducted are, frankly, out of date and that the information we have shared with you is maybe not as valid as it otherwise would be.

We renewed the request and asked for the comparative analysis of the President's proposal of the clear skies with the Jeffords proposal and our proposal in the middle. We found out in 2004—we heard the information could not be provided because it looked as if Congress, the Environment and Public Works Committee, was not going to move to cleaner legislation in 2004, so they did not want the EPA to do the analysis.

We renewed our request in 2005 for the comparative analysis, and we were told that no, the EPA does not have time because we are moving so quickly toward enactment of clean air legislation.

We are now in a situation where the President's proposal was not approved by committee, and we are not moving anything. The only thing that is moving right now is lawyers—to file lawsuits on behalf of environmental groups or on behalf of utilities. It is not a good situation.

I came here to legislate. I didn't come here to litigate. I came here to get things done.

We have about 50,000 people in my State who suffer from asthma, and about 20,000 of them are kids. We have too much smog in my State—the ozone problem and too much smog—especially in the summertime, more than we do in other parts of the country. We have in my State too much mercury that has been ingested by fish, and pregnant women in Delaware and other places around the country eat those fish. There are high levels of mercury in those fish. We know what it does to the brains of the unborn those pregnant women carry.

Not everybody believes carbon dioxide leads to global warming and that we are actually seeing a temperature rising on this planet of ours. I will tell you NASA says this year will be the warmest year on record since we have been keeping records, and we have been keeping records for 150 years. We are told that 9 out of the last 10 years have been the warmest years since we have been keeping temperature records in this country.

The glaciers—I have seen some of them, and maybe others here have, too—are disappearing way up North and way down South. The snowcaps on some of the tallest mountains in the world are disappearing, too. We are actually seeing temperatures rise. We are seeing sea levels rise.

I am not going to get into an argument today about whether there is a real problem. I believe there is. I respect the views of others who disagree, but I think the preponderance of scientific evidence says we need to get started on this issue.

How does that lead us to the nomination of Stephen Johnson? I have been asking for 3 years, from the EPA, for scientific analysis that will enable our committee and, frankly, the Senate to decide what kind of clean air legislation, multipollutant legislation, to move out of committee to bring to the Senate floor. Frankly, we have not gotten an altogether satisfactory response.

The responses are getting a little better, but we are not quite where I think we need to be. Stephen Johnson is a good man. He will be a good administrator if this administration will let him do his job. If we do not have the scientific analysis we need to be able to use good science to decide how far, how fast to go in reducing the emissions of these four pollutants, we are not going to get a clean air bill. It is just that simple.

Someday, we will have a Democratic President. It could be in a couple years. It could be longer than that. Someday, we will have a Democratic majority in the Senate, maybe even in the House. I do not think it should matter who is in the White House or who is in the majority here in the Senate. We need to work across the aisle on issues such as this. If you look at the history of this body: clean air, bipartisan legislation; clean water, bipartisan legislation; brownfields, bipartisan legislation.

If we are going to find agreement, common ground on multipollutant legislation, it is going to be because we work together, not because EPA was compelled to withhold data or information from one side or the other, but because they shared that information, and we used that information and good science to go forward.

Let me close with this. There is going to be a vote on cloture—it could be tomorrow; it could be Friday—on Stephen Johnson. As much as I am convinced he is a good man and would be a good administrator of EPA, I am even more convinced we need not just a good person to head up EPA, but we need strong, balanced multipollutant legislation in this country. The only way I believe that legislation is going to move through our committee and through this Senate is if we have good, comparable analysis, good comprehensive analysis. It is not hard to get.

I spoke with Mr. Johnson twice today. He was good enough to respond to me in writing to my requests. We met and talked a number of times. He has suggested to me what he thinks might be a compromise on the amount of information they would be willing to share. I responded, in turn, with a counterproposal. In my judgment, it is eminently reasonable.

I would hope somebody on the other side—our Republican friends either here or down at 1600 Pennsylvania Avenue—would see that maybe the better part of valor and a way to get to a win-win situation is to simply say: We will provide the information that has been requested. We will stop squabbling about it and just provide it.

If they do that, we can negotiate in earnest this spring on a multipollutant bill; and we can pass, this year, that legislation. I would call that a win-win situation—a win-win because Stephen Johnson would be allowed, literally, to be confirmed this week to head up EPA; and our country would be on the road to having air that is cleaner to breathe and less polluted with sulfur dioxide, nitrogen oxide, and mercury; and we would have a world where the threat of global warming has been reduced a little bit as well. Those are two good outcomes.

My hope is, before we push this ball any further down the court, we can come to agreement and get those two things done.

Mr. President, I yield back my time and thank the Senator from Pennsylvania for his accommodation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE TRADITION ON JUDICIAL NOMINATIONS

Mr. SANTORUM. Mr. President, I had the opportunity to listen to the Democratic leader for a few moments talking about the House of Representatives and the compromise the House of Representatives just achieved on their ethics consideration.

Three comments about that compromise: No. 1, it is interesting that "compromise" means the Republicans do what the Democrats insisted upon them doing. That is a compromise, No. 1.

No. 2, that compromise meant the House went back to the way the House has always done things when it came to ethics. The compromise was to go back to the precedent and rules of the House they have always used.

Third, that compromise means—and the Senator from Oklahoma has had experience over in the House, as have I—the rules of the House will continue to be that if a Member has an ethics claim filed against them by someone—and the Ethics Committee is equally divided—particularly, if it is a Member where there happens to be political value in having an ethics claim filed against them, if the other side decides, politically, they are simply not going to hear the case, it stays on the docket forever, for as long as the session lasts, with no need to dispose or rule on that. So the ethics charge hangs out there without a decision. It automatically goes forward, in other words, unless there is a decision on the part of a bipartisan majority to end the discussion.

I think what we have seen in the past—and I know Members of the House are concerned about this—is that there has been an abuse, a politicization of the ethics process. We all know how damaging it is because the only thing we have in this body and before our constituents is our word and our reputation. They are intangible things that are easily affected and certainly are affected when ethics charges are filed. That does not mean ethics violations have been found but simply that ethics charges have been filed.

The mere fact a charge has been filed is a very damaging thing to the reputation of a Member. To have that out there, without any need for disposition, I think is very dangerous and has proven to be—and I think will continue to be—a bad precedent.

But that is compromise. I make the argument that capitulation is not compromise. But I will agree on the second point I made, that going back to the way we have done things in the past is usually a pretty good idea when you really aren't sure how to deal with things. So I too say I am glad that the speaker, the leader, and others in the House have broken this logjam, and they have done so in a way they can at least move the process forward in the House. I too commend the Republican leadership for trying to move it forward.

I will say the same thing could be done here in the Senate. If we have a sincere disagreement as to how we should proceed with respect to judicial nominations, we could look to the example of the House of Representatives and go back to the way we did things for years and years and years. The way we have done things for years and years and years, 214 years prior to the last session of Congress, was that nominations that came to the floor of the Senate received an up-or-down vote.

It was very interesting. The Senator from Nevada criticized one of our Republican Members who suggested that we would be willing to compromise by not including all executive nominations, just including certain executive nominations. When that was proffered, the Senator from Nevada criticized this compromise and said: It is disingenuous because it is not intellectually consistent. Lots of compromises aren't. But that was for the sake of compromise, to say that we believe—and 214 years of history have shown, and the tradition and the precedent of the Senate is—when executive nominations arrive on the floor of the Senate, they receive an up-or-down vote. That is the precedent. There is not one instance in which someone who had majority support here on the floor of the Senate for a judicial nomination did not receive an up-or-down vote and get confirmed, not one precedent until 2 years ago. Then things changed.

So we have suggested we would like to go back to that 214-year precedent that served this country very well. We didn't have the acrimony we see here today. The Senator from Nevada repeatedly talked about how the public wants us to get things done. Then don't change the rules of the game and then complain the public is angry with the fact that we are not getting things done. Look at the cause of the controversy.

The cause of the controversy lies with the previous leader of the Democrats, who put forward a strategy, a plan, a scheme to fundamentally shift the power away from the President to 41 Members of the Senate to determine what nominees will be confirmed in the Senate. That could have been done. I would agree with the Senator from Nevada and everybody else here. It could have been done 200 years ago. It could have been done 100 years ago. It could have been done 10 years ago. But it never was done. We showed restraint. I showed restraint.

The Senator from Nevada talked about how I could look back at the Clinton administration and see how President Clinton's nominees were disadvantaged. Let's look back to the Clinton administration. I can think of two people I recall very clearly to whom I was adamantly opposed. They had records as judges that were deplorable in my mind. They didn't follow the law. They were activists on the court. They put their interpretation and their views ahead of the law repeatedly. Richard Paez and Marsha Berzon were their names. They were nominated for the circuit court.

I adamantly opposed them. They were bad judges and, in my opinion, this country would be in worse shape by having them on the circuit court. I wanted them defeated. They were against a lot of what I strongly believed was bad for this country. That is what they were for, things which I strongly believed were bad for the country.

There were a lot of groups outside, a lot of conservative groups, just as they are hearing from a lot of liberal groups, who said: Do it, block their nomination. Yes, they have majority support, but block their nomination because they will do so much damage. They are bad. That is what these outside groups were saying: These folks will undermine the judiciary.

There is always a temptation to let the current fury cloud your judgment and to think about the immediate political posture or the next election or the folks who brought you here and do what they ask you to do.

We had a leader, at that time, in TRENT LOTT, and we had a chairman, in ORRIN HATCH, who said: I understand how you feel. I oppose these judges too. But there is something more here in the Senate than the passions of the day. There is something more than the groups who may support your campaigns today. When we do things that change the precedent of the Senate, it ripples, maybe forever, and can fundamentally change the balance of power, the way the judiciary functions, the way the executive functions and, as you have seen in the last 2 years, the way this body functions or "misfunctions" as a result.

So for that moment in which I really wanted to block their nominations, when TRENT LOTT and ORRIN HATCH filed cloture on those two nominees to move the vote forward, not to block their nomination, but to move their vote forward, I voted along with 85 of my colleagues. A vast majority of Republicans and all the Democrats voted to allow their vote to come. Richard Paez did not get 60 votes when his confirmation came up. In other words, had we wanted to filibuster Richard Paez, we would have been successful. He would not have gotten 60 votes. He would not be a judge on the circuit today had we wanted to block his nomination.

But my belief is—and the vast majority of Republicans' belief was at that time—as much as we opposed the nomination, we supported the tradition and the precedent of the Senate because we are but stewards of this place. We don't own this institution. Yes, we say we run this institution. We don't run this institution. We are simply stewards. We are passersby. When we crack the foundation of the way things have been done and worked for this country for 200-plus years, we leave behind a foundation that may not sustain us as a people.

To stand before the Senate, as my colleagues on the other side of the aisle have done repeatedly over the last few weeks, and talk about how they are being aggrieved by what the Senate Republicans are trying to do and calling this the nuclear option repeatedly, and suggesting somehow or another this is destroying the filibuster, when it was never used—underscore that, never used—to block a judge on the floor of the Senate prior to the last session of Congress, when the Democratic minority decided they could not resist, they had to put politics over process. They had to put partisanship over the stability of this institution for the long term.

I suspect there are a lot of folks on the other side of the aisle who regret that happening, and they probably regret it today. Where are the statesmen? Where are the folks who quietly whisper to one another that this was wrong? Where are they to stand up and set it straight?

I desperately hope we do not have to cast this vote on the floor of the Senate to return the precedent of the Senate to the way it has been for 214 years because it would show what two sides were able to do for 214 years. I say to the Presiding Officer from Oklahoma, think about all of the conflicts and passions that have occurred through all of the great debates in the Senate. People were shot in the Senate, and there were fisticuffs and beatings. The passions must have been incredible at certain times. But we always were able to understand that there were some things bigger than the passion of the moment. This institution is one of them. The way this institution functioned to balance powers was one of them. What the other side of the aisle is doing, I say to the Senator from Illinois, is fracturing the foundation of this institution.

So I hope we don't have a vote. I hope we don't have a vote. I hope there will be some on both sides of the aisle who would look to the 214-year precedent when, in spite of strong disagreements, the Senate was able to find comity to get things done.

We need to get things done. I know the Democratic leader has threatened to shut down the Senate—his words, not mine, "shut down the Senate"—if they don't get their compromise. What is their compromise? They want to continue to do what they did in the last session of the Congress. That is their compromise. I find it somewhat remarkable that the Senator from Illinois praised the Senator from Nevada for his "compromise." His compromise says if the ten judges they were blocking from the last session—they have successfully blocked three because they have been withdrawn, and now they are suggesting they want to block at least three more. They don't care which ones they are. I know this was all driven by pure concern about each and every one of these, but for some reason they can pick which three. Some might suggest this is less about the individual and more about politics, but now we are sort of in this compromise and, fine, let's compromise. Fine. We will take ten, we get to kill six, and you get to pick the four we move forward with. That is compromise. Oh, and by the way, we reserve the right to continue to do this in the future. This is the great Henry Clay type of statement that we see before the Senate: Of the ten that we have blocked—against every precedent of the Senate—we will take six, and these fine individuals, all well qualified by the ABA—the "gold standard," in Senator LEAHY's words, not mine—we will take these fine upstanding people in the community and tarnish their reputations for the rest of their lives.

By the way, you pick the three we are going to tarnish, and we will let you have four nominees. By the way, you can go ahead and expect that we will block others in the future.

That is their compromise. That is the great olive branch: We will continue to abuse 214 years of history.

I ask anyone if you can point out one nominee for the court on the floor of the Senate who had majority support who was blocked by filibuster. Name one who had majority support. It never happened. So what is the compromise? The compromise is that six judges who had majority support on the floor of the Senate will be denied confirmation, and we will do so to others in the future if we so desire. That is the compromise. I don't think most people objectively looking at that would see that as much of a compromise.

The Senator from Illinois said another remarkable thing. I will go back and check the record. I find it hard to believe. He said Senator FRIST came to the floor yesterday and said he would not be a party to any negotiation on this issue. That is what the Senator from Illinois said.

Let me review the record. Senator FRIST, in the last session of Congress, offered a compromise with Zell Miller called the Frist-Miller approach. It was a compromise. It is still a compromise that is out there. I know for a fact—and I suspect others on the other side of the aisle do, too—that Senator FRIST has repeatedly offered compromises to the Democratic leader.

I know also for a fact that the Senate majority leader, Senator FRIST, is very much open to negotiation and compromise, to return the precedent of the Senate and find a way in which we get back to what was just lauded by the other side of the aisle—returning, as the House just did, to the way they have always done things. So, too, would we like to do that—return to the way we have always done things. But that is too much of a reach. I suspect, for some because we have partisan agendas. We have, even more so, I suggest, not just partisan agendas because I think in part it is driven by partisanship, but I think it is mostly driven by ideology.

What I think is sadly true is that the agenda of the other side of the aisle—which we have not seen a whole lot of as far as solutions; we have seen a lot of obstruction, not a whole lot of ideas but a lot of obstruction—is not accomplished in democratic forums anymore. It is accomplished through the courts. So I think what we are seeing is a gasp of saying that we can no longer win elections on our agenda. We can no longer win votes on the floor of the Senate with our agenda—the most radical elements of our agenda, anyway—so we must hold on to the courts. We must hold on and make sure those individuals who are willing to be activists on the court and overturn the will of the Congress, create new rights in the Constitution, bypass the democratic process, amend the Constitution through court edict, as opposed to the traditional way laid out by our Founders, we want to make sure that we still have the ability to enact our agenda on the courts.

Another point I will make is that I am very much for the filibuster. I believe the filibuster is exactly what our Founders intended when it comes to legislation—absolutely what they intended, that the Senate would be a place where the hot tea would be poured into the saucer and cooled. I support it and, in fact, I voted to support it because when I was first elected to the Senate, some Democratic Members offered a change to the rules that would have eliminated the filibuster and gone to a simple majority on all legislative matters.

This was interesting because at the time, as I said, the Republicans were in the majority, and yet Democrats were offering this rather savory morsel out there for those of us who recently came to the Senate and wanted to get a lot of things done and understood how difficult it would be. We had a Contract With America, we may recall—the House was moving forward and wanting to pass a lot of bills. We had a lot of momentum over here. There was a part of me that said: That would be great, we could get rid of this. I said: No, the Founders had it right, the traditions of the Senate are right. We do not need to change this institution because of the whims of the moment, because of the passions of the day, because of the interest groups off Capitol Hill that would want us to do so.

No, we have a higher duty. We have a higher duty. That duty is to this institution because this institution is the bulwark of this democracy that protects us from doing rash and sometimes irrational things in which at times the public gets swept up. No, that is what this institution is for when it comes to legislative passions.

By the way, there were 19 people, 19 Democrats who voted to end the legislative filibuster, but not one Republican. Not one. So the legislative filibuster is important, and it will remain in place as a result of anything we do over the next few weeks with respect to judicial nominations.

I close by saying I am hopeful we can find a compromise, but what I keep hearing from the other side is this incredible spinning that somehow or other what has gone on here in the last 2 years was part of the normal course, and the fact that this was done in previous Congresses, as the Senator from Nevada mentioned, in committee, in committee these nominations were killed.

Were these nominations killed? Some nominations were held and defeated in committee, that is right. By whom? By the majority—by the majority. The majority on the floor of the Senate has defeated nominations. The majority in committee has defeated nominations. But never before has the minority in committee defeated a nomination. Never before has the minority on the floor defeated a nomination. Never before has the minority been able to dictate to a President who they will nominate either for their Cabinet or for some of the most important positions in the judiciary. Never before until now.

This is taking power away from a popularly elected President who, under the Constitution, has the right to nominate people. President Clinton, I believe, had over 350 judges confirmed. I think I voted against maybe 5, 6, something like that; less than 10, I know that. I did not agree ideologically with probably more than 10, but as I went home and had to face some of my constituents who were upset with me for voting for one judge or another because they did not like their politics, I said: You will have to take it up with the American people because President Clinton won the election, and he has a right to nominate who he wants as long as they are within the mainstream. That does not mean they are going to agree with me philosophically. There are a lot of people in the mainstream who are center and left of center who have a right to serve, as people who are right of center have a right to serve, and I am not going to impose my ideology on somebody else's nominees.

That is what is going on today. It is an ideological litmus test, and it is now infecting this body to the detriment of the Senate.

I hope cooler heads will prevail, and that those of us who showed restraint and did not vote for filibusters, voted for cloture on nominees we did not like—that there will be those who will stand up and do the same on the other side of the aisle in the future.

Mr. President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER HISTORY

Mr. DURBIN. Mr. President, I know it is late, and I will be very brief. I want to make a quick response to my colleague and friend from Pennsylvania, Senator SANTORUM. I am sorry I had to leave the floor while he was speaking.

What I am about to say I would be happy to say with Senator SANTORUM in the Chamber and would be happy to respond to tomorrow. The Senator from Pennsylvania made the point that he thinks the golden rule here is, the principle here is that every judicial nominee is entitled to a majority vote up or down.

That is an interesting idea, and it might be appealing to some people if they do not know the rules of the Senate. For 214 years, we have said if you bring an amendment, a bill, or a nomination to the floor of the Senate, it is subject to Senate rules. And Senate rules are very clear. Any Senator can take the floor and begin a debate and hold the floor as long as that Senator physically can, unless 60—now 60 members of the Senate—vote otherwise. So you need an extraordinary majority—60 Senators—to stop a filibuster. That is the way it has always been.

In the beginning it was different. Senators could not stop a filibuster until 1919. In 1919 it took 67 votes; a few years back we changed that to 60 votes. But it has always taken more than a majority to stop a filibuster.

In "Mr. Smith Goes to Washington," Jimmy Stewart is on the floor, holding the floor as long as he did. That is the Senate. That is the tradition of the Senate.

The Senator from Pennsylvania says it has always been a majority vote. Sadly, he is mistaken. There has always been the opportunity for filibuster on a nomination.

So he was mistaken in that assertion.

The second thing the Senator from Pennsylvania was mistaken about was his oft-repeated comments that never, ever, not once in the history of the Senate—we hear it from the Senator from Pennsylvania and others has a filibuster been used on a judicial nomination. It has never been done until the Democrats recently did it to a number of President Bush's nominees.

Unfortunately, again, history is not on the side of the Senator from Pennsylvania. On 12 different occasions, beginning in 1881, filibusters have been used to stop judicial nominations. In 1881, it was Stanley Matthews to be a Supreme Court Justice; 1968, Abe Fortas to be Chief Justice of the Supreme Court was subjected to a filibuster; right on down through the Clinton administration, when, in fact, on two different occasions—maybe more, as I look at this list—there were filibusters applied to Clinton nominees. So for the Republican side of the aisle to consistently state what history tells us is not true is unfortunate.

I ask unanimous consent to have printed in the RECORD this history of filibusters and judges so anyone who follows congressional proceedings can read the names and circumstances for each and every judge who has been subjected to a filibuster in the history of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF FILIBUSTERS AND JUDGES

Prior to the start of the George W. Bush administration in 2001, the following 11 judicial nominations needed 60 (or more) votes—cloture—in order to end a filibuster:

1881: Stanley Matthews to be a Supreme Court Justice.

1968: Abe Fortas to be Chief Justice of the Supreme Court (cloture required ⅔ of those voting).

1971: William Rehnquist to be a Supreme Court Justice (cloture required ⅔ of those voting).

1980: Stephen Breyer to be a Judge on the First Circuit Court of Appeals.

1984: J. Harvie Wilkinson to be a Judge on the Fourth Circuit Court of Appeals.

1986: Sidney Fitzwater to be a Judge for the Northern District of Texas.

1986: William Rehnquist to be Chief Justice of the Supreme Court.

1992: Edward Earl Carnes, Jr. to be a Judge on the Eleventh Circuit Court of Appeals.

1994: H. Lee Sarokin to be a Judge on the Third Circuit Court of Appeals.

1999: Brian Theadore Stewart to be a Judge for the District of Utah.

2000: Richard Paez to be a Judge on the Ninth Circuit Court of Appeals.

2000: Marsha Berzon to be a Judge on the Ninth Circuit Court of Appeals.

Because of a filibuster, cloture was filed on the following two judicial nominations, but was later withdrawn:

1986: Daniel Manion to be a Judge on the Seventh Circuit Court of Appeals Senator

Biden told then Majority Leader Bob Dole that "he was ready to call off an expected filibuster and vote immediately on Manion's nomination."—Congressional Quarterly Almanac, 1986.

1994: Rosemary Barkett to be a Judge on the Eleventh Circuit Court of Appeals ". . . lacking the votes to sustain a filibuster. Republicans agreed to proceed to a confirmation vote after Democrats agreed to a daylong debate on the nomination."—Congressional Quarterly Almanac, 1994.

Following are comments by Republicans during the filibuster on the Paez and Berzon nominations in 2000, confirming that there was, in fact, a filibuster:

". . . it is no secret that I have been the person who has filibustered these two nominations, Judge Berzon and Judge Paez."—Senator Bob Smith, March 9, 2000.

"So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role."—Senator Bob Smith, March 7, 2000.

"Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on the nomination."—Senator Orrin Hatch, March 9, 2000, when a Senator offered a motion to indefinitely postpone the Paez nomination after cloture had been invoked.

In 2000, during consideration of the Paez nomination, the following Senator was among those who voted to continue the filibuster: Senator Bill Frist—Vote #37, 106th Congress, Second Session, March 8, 2000.

Mr. DURBIN. Mr. President, the Senator from Pennsylvania is very discreet in how he explains his view of dealing with judges, that every judge should be allowed a majority up-or-down vote. That is not a bad concept if that really was what the Senator from Pennsylvania could point to in his own record. Under President Clinton's administration, nine of the President's judicial nominees to the Commonwealth of Pennsylvania were confirmed by the Senate, while eight were never even given hearings before the Judiciary Committee. So the Senators who are now begging for majority votes and majority rules thought nothing of closeting and burying these judicial nominees under the Clinton administration, to the point where they had no possibility of being confirmed.

Let me be specific. John Bingler was nominated by President Clinton. Senator SANTORUM exercised his discretion over nominations in his State and held up this nomination for 2 years, until Mr. Bingler withdrew.

Robert Freedberg, another nominee by President Clinton. Senator SANTORUM delayed the entire slate of judicial candidates, saying the President didn't honor an earlier agreement to nominate a particular Pittsburgh attorney whom he, Senator SANTORUM, wanted.

Lynette Norton. As was reported by the Pittsburgh Post Gazette on July 22, 2000:

> Sen. Rick Santorum insisted yesterday the Senate will not act on any nomination for the U.S. District Court here until next presidential administration . . .

He was very clear on what his agenda was: it was to hold up nominations that were going to be filled by President Clinton until, hopefully, in his eyes, a Republican President was elected.

Repeatedly, Senator SANTORUM used his own form of a filibuster to deny even a hearing or a vote in the Senate to these judicial nominees. Now he stands aghast, appalled, incredulous, that anyone would oppose a judicial nominee of President Bush.

We should stand by the traditions of the Senate. Let's not change the rules in the middle of the game. Let's not violate the time-honored principle of checks and balances which says the Senate as an institution will have the last word on lifetime appointments to the Federal bench.

Even though President Bush has been successful with over 95 percent of his nominees being approved by the Senate, mark my words, a few of them should not have been approved for lifetime appointments. Our view on our side of the aisle, both liberal and conservative, a handful went too far. Their positions on the role of Government in protecting our health and safety, the role of Government in protecting our environment, the rights of women, privacy under our Constitution, their views were so extreme and so radical they were not deserving, at least to the mind of many of my colleagues, to have a lifetime appointment to the Federal bench.

It is best when in doubt to stick with the Constitution. It is best when in doubt to stick with the traditions of the Senate. It is best when in doubt to stick with the filibuster, which requires compromise, requires bipartisanship, and moves us to a point where we can and must work together to achieve goals of this Nation and to serve the people who were kind enough to give us this great opportunity.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, April 28, 2005.

Thereupon, the Senate, at 6:59 p.m., adjourned until Thursday, April 28, 2005 at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE NICHOLAS GREGORY MANKIW, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

SHARA L. ARANOFF, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2012, VICE MARCIA E. MILLER, TERM EXPIRED.

DEPARTMENT OF STATE

DAVID HORTON WILKINS, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ALAN S. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY J. LESCAVAGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. BROOKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ROBERT B. MURRETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. VICTOR C. SEE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CHRISTINE M. BRUZEK-KOHLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK W. BALMERT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RAYMOND E. BERUBE
CAPT. JOHN J. PRENDERGAST III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KEVIN M. MCCOY
CAPT. WILLIAM D. RODRIGUEZ

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, April 27, 2005:

DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE DEPUTY SECRETARY OF AGRICULTURE.

DEPARTMENT OF STATE

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

ENVIRONMENTAL PROTECTION AGENCY

LUIS LUNA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

BRIGADIER GENERAL WILLIAM T. GRISOLI, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

J. MICHAEL SEABRIGHT, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH CURTIS L. SUMROK AND ENDING WITH JED R. BOBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH MICHAEL T. CUNNINGHAM AND ENDING WITH DAVID K. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH PAUL ANDREW KUNICKI AND ENDING WITH LINDSEY M. VANDENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

HOUSE OF REPRESENTATIVES—*Wednesday, April 27, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 2005.

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Fred S. Hollomon, Chaplain, Kansas Senate, Topeka, Kansas, offered the following prayer:

Heavenly Father, there are some time-honored proverbs and maxims which have been helpful in making decisions, but some of them are not always appropriate for our situation.

For instance, there are some sleeping dogs which really should be awakened. There are some squeaking wheels which do not deserve any grease. There are some boats which not only need to be rocked but need to be sunk.

Please give us the wisdom, O God, to decide which dogs to wake up, which squeaks to ignore, which boats to sink.

I pray in the name of Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CHOCOLA. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CHOCOLA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Kentucky led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent Resolution expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

INTRODUCTION OF THE REVEREND FRED HOLLOMAN AS GUEST CHAPLAIN

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Madam Speaker, I am honored today to introduce to the House of Representatives the Reverend Fred Holloman of Topeka, Kansas. Reverend Holloman is a retired Southern Baptist minister and is currently a member of New Beginnings Baptist Church in Topeka, Kansas.

Reverend Holloman retired in 2002 after serving 50 years in the ministry. He had attended seminary at Southwestern Baptist Theological Seminary in Fort Worth, Texas, after graduating from the University of Alabama. After serving in Oklahoma and Missouri, Reverend Holloman moved to Kansas in 1958. He was pastor in Baxter Springs, Manhattan, Lawrence, and Kansas City before concluding his career as a Baptist minister with a 15-year tenure in Topeka.

I am especially glad to be introducing my friend Reverend Holloman today because he served as the chaplain of the Kansas Senate during my time there. Fred was there a lot longer in the Kansas Senate than I. He has served as the senate chaplain for now 24 years, where he is known for his wit and his incisive thought when he delivers his invocation, but also known as someone who cares and has compassion for every member of our legislature and their families.

Many of Reverend Holloman's relatives have joined us today and are in attendance. He and his wife, Pat, have nine children. His children and grandchildren have come here to our Nation's Capital all the way from Texas and Kansas.

Please join me in welcoming the Reverend Holloman to the United States House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain ten 1-minutes from each side.

THE FIRST 100 DAYS OF THE 109TH CONGRESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, in the first 100 days of this Congress, we have passed class action fairness to combat lawsuit abuse. We have passed a supplemental appropriation funding our troops and their successful war in Iraq. We have passed a budget resolution. We have enforced and passed the REAL ID Act and border security, implementing driver's license reforms, defending our borders, strengthening deportation laws. We have passed the death tax repeal, the bankruptcy bill, and the Job Training Improvement Act. These are significant accomplishments.

Some on the other side of the aisle would prefer to bring down the character of a man that leads this Chamber. I suggest when my colleagues are out of ideas and out of opportunities, they attack other people.

It is time to get our own House in order. Lead forth the American people on behalf of the American people and stop this name calling, finger pointing, and derogatory accusations.

America's House of Representatives is much better than that. Let us lead by example. Let us not lead by destruction.

FRIENDS FOR THE CHILDREN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. BLUMENAUER. Madam Speaker, in 1993 a gentleman in my community, Duncan Campbell, provided three full-time friends for 24 at-risk children, children who were at the bottom of the barrel, children who were guaranteed to fail, not just poor but without family support.

With the efforts of these full-time mentors and this innovative program, we have produced stunning results over the course of the last 12 years. Ninety-eight percent of these children are still in school. Ninety-seven percent have passing grades. Ninety-eight percent have never been incarcerated. Ninety-seven percent do not use drugs or alcohol on a regular basis.

Today, this program has spread across the country. It is in 11 different communities with over 600 children. First Lady Laura Bush is expected to visit the Friends of Children program in Portland tomorrow. I commend her for taking the time to visit with the kids and learning more about this program.

Tomorrow, the gentleman from Ohio (Mr. CHABOT), my colleague, and I are introducing legislation that would authorize $7.5 million for Friends of Children to support local programs at existing sites and disseminate this information to policy-makers around the country to make a commitment to improving the lives of at-risk children.

THE MINUTEMEN PROJECT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, government waste, fraud, and abuse have taken every shape and form one can imagine, and now it is even affecting our lax immigration policies.

The U.S. Government recently spent close to $240 million to help our border patrol with the latest technology. The problem is the equipment does not work. That is right, $240 million and the government is left with a bunch of useless equipment. Sounds like we ought to get a refund.

The border patrol needs all the help it can get, and for the last few weeks, hundreds of concerned citizens formed the largest Neighborhood Watch in Arizona, the Minuteman Project. Their goal is to help spot illegal aliens crossing the border from Mexico.

Ordinary people watching the border and easily spotting aliens illegally crossing should outrage every single Member of Congress. How can we claim to be for national security, for the rule of law, when such incredible violation takes place in front of our very own eyes?

Madam Speaker, America is a very generous Nation, but we are allowing our laws to be broken and our borders to be violated without consequence.

It is long past time we secure our borders, reevaluate our immigration laws, and get serious about national security.

GM AND THE AMERICAN FISCAL CRISIS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, it used to be said that what is good for GM is good for the country. Well, things are not so great for GM. What does that say about America?

Their cars are not selling because they face skyrocketing health care costs that put them at a competitive disadvantage with Toyota and other companies.

For every car GM produces, they actually spend more on health care than on steel. Yet it is not the United States Congress, the White House, seeking to help GM out of this problem. GM's knight in shining armor is Toyota.

On Monday, Toyota's chairman said the Japanese auto maker was considering raising its prices in order to give American car makers some breathing room.

Here is what former Governor John Engler from Michigan said of the GM crisis: We cannot, with the deficits we face today, step in and help this company get back on its feet.

We are too deep in debt to save hundreds of thousands of jobs and help an American company compete and win.

Today, we are facing a fiscal crisis that is stripping America of its ability to compete and win. The health care crisis facing General Motors is the same health care crisis facing the Federal Government and every American family, and yet we are in debt of nearly $8 trillion and unable to compete and win in today's economy.

CONGRATULATING VILLA MADONNA ACADEMY ON ITS FORTHCOMING CENTENNIAL ANNIVERSARY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to congratulate the Villa Madonna Academy of Villa Hills, Kentucky, on its forthcoming centennial anniversary on May 14, 2005.

Villa Madonna Academy carries a long, distinguished reputation of preparing students to respect themselves and others, to have a sense of self-discipline, to accept personal responsibility for their attitudes and actions, and to dedicate themselves to academic excellence and lifelong learning.

Villa Madonna Academy has demonstrated its academic distinction by being the only greater Cincinnati-northern Kentucky area high school to receive designation, under two separate criteria, as a U.S. Department of Education Blue Ribbon School of Excellence two consecutive years in 2002 and 2003.

Villa Madonna Academy's partnership with the nearby Benedictine Sisters of St. Walburg Monastery provides opportunities for area youth to participate in a variety of sports activities and be outstanding neighbors in our community.

Once again, I want to congratulate the students, teachers and alumni of the Villa Madonna Academy on its centennial anniversary and to thank them for being such fine individuals and stewards of our community.

WORKERS' RIGHTS IN BREWER, MAINE

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Madam Speaker, an all-out attack on workers' rights is happening in Brewer, Maine; and I come to the House floor today to tell DHL that it is time for them to stop their assault.

These Brewer workers have borne the brunt of these union-busting practices, and they are paying the price. For many, the price of their jobs has been too much for them and their families to bear. Workers have been fired. Many were put on the street with no severance pay, no insurance, and no assistance to make ends meet. Management has reverted to using interrogation and coercion to keep workers in line.

This is simply outrageous. I know as a union member how important unions are to ensure better jobs and basic protection of rights. I will do all I can to assure that their rights are protected.

HONORING THE LIFE OF CHILLICOTHE POLICE OFFICER LARRY COX

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Madam Speaker, I rise today to honor the life of Chillicothe, Ohio, police officer Larry Cox.

Officer Cox was a man of dignity and compassion. A 19-year veteran of the Chillicothe police force in Chillicothe, Ohio, Officer Cox was a devoted law enforcement official who had dedicated his life to one of our Nation's noblest fights, keeping our children away from drugs.

As a DARE officer, Officer Cox was able to provide impressionable elementary school students with the guidance and support that many could not find elsewhere.

This past Thursday evening as Officer Cox walked home from visiting his parents in Chillicothe, Ohio, he surprised a fleeing robbery suspect who then shot and killed him in an utterly senseless act of violence.

It is times like these that we question the world we live in, but we must not let this senseless act blind us from the goodness that is all around, the compassion of our teachers, the innocence of our children, and the ultimate bravery of our law enforcement officials. For it is these things that Officer Cox was born of and ultimately died for.

So I stand here today to honor the life of Officer Larry Cox, to honor each and every law enforcement official that risks their life to protect the most treasured pieces of our community. Officer Cox understood these treasures and the paramount importance of caring for others; and though his body has left us, his spirit of bravery, dignity, and compassion will forever be found in our communities.

CLOSING THE HEALTH CARE DIVIDE: PRINCIPLES FOR ADDRESSING RACIAL AND ETHNIC HEALTH DISPARITIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise to announce the adoption of the Democratic principles that will be unveiled today that will seek to eliminate racial and ethnic health care disparities.

The community that I represent is multicultural. Sixty percent of the residents are Latino, 20 percent are Asian Pacific Islander, and 40 percent of those residents in my district were born outside of the United States, and many of them cannot afford to pay for medical coverage.

Unfortunately, our health care system is not meeting the needs of all these people, who in most cases are children.

☐ 1015

For racial and ethnic minorities, as for most all communities, the lack of health insurance is a major barrier in quality health care. In our Nation, there are over 43.3 million people who do not have any form of health care coverage.

A staggering 1 in 3 Latinos in this country are uninsured. Actively challenging the racial and ethnic inequalities affecting all branches of our health care system is key to helping the Latino community achieve better health care.

These Democratic principles address the many health disparities plaguing our communities. I strongly support these principles and stand united with my colleagues to end racial and ethnic health disparity. We must make this a national priority for our country.

SOCIAL SECURITY

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Madam Speaker, Social Security was created in 1935, and over the decades has become a vital resource to millions of Americans. But demographic realities have changed over the past 70 years. Now fewer workers, more retirees, and longer life spans will cause Social Security's promised benefits to exceed the system's income by 2017.

If we do not act now to strengthen Social Security, the system that so many depend upon today will be unable to meet its promises to tomorrow's retirees, and it will burden our children and grandchildren with exhaustive taxes.

The Social Security Trustees, the Comptroller General of the United States, and the Chairman of the Federal Reserve Board have all agreed that the sooner we act, the smaller and less abrupt the changes will be.

So, Madam Speaker, I encourage all my colleagues to consider all the options now and work toward a bipartisan solution that renews Social Security's promises for future generations.

TRIBUTE TO HARLINGEN HIGH SCHOOL

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Madam Speaker, I rise today to ask my colleagues to join me in congratulating Harlingen High School for being selected as one of the 2005 College Board Inspiration Awards. Harlingen High School is one of three exemplary high schools in the Nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities.

Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of a higher education.

I would like to congratulate the superintendent, Dr. Linda Wade; the principal, Richard Renaud; the teachers, students, and entire school community for their prestigious award. Harlingen High School is truly an inspiration for all of us who value education and academic excellence for all students.

For the Hispanic community, it reaffirms our core faith in our own potential. Over 87 percent of the students at Harlingen High School are Hispanic and many of them are bilingual. Their motto is: "In relentless pursuit of student success."

I urge my colleagues to join me in saluting Harlingen High School for its achievement and applauding the College Board for sponsoring the Inspiration Awards. May each year be more competitive than the last.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, America as a Nation must defend life from the moment of conception to natural death. Later today, the House will take up H.R. 748, the Child Interstate Abortion Notification Act, introduced by my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN). This bill will protect minors and their parents from inconsistent State abortion laws.

Currently, 23 States require a parent to be involved in a child's abortion decision, while 27 do not. This bill would prosecute anyone who transports a minor to a State without parental consent laws with the purpose of undermining parental rights. It requires that any time a minor goes for an abortion, the physician must at least try to notify the parents.

Madam Speaker, we need to make sure that we have serious parental involvement in these difficult and potentially dangerous decisions. I urge my colleagues on both sides of the aisle to support this reasonable measure and vote "yes" on H.R. 748 later today.

ETHICS CRISIS IN THE HOUSE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, the ethics process in this House is broken. I believe the first duty of all House Members is to set and follow the highest ethical standards, not just toe the party line for either party.

The complete breakdown of the long-established bipartisan ethics process is a direct result of steps taken by this current majority. This includes actions taken by House Republicans to cripple the ethics enforcement process and to even purge fellow Republicans from the committee and staff for merely following what used to be fair and time-honored rules in this last Congress.

Madam Speaker, there is an ethics crisis in the House that will only get worse unless immediate action is taken. It is time for Republicans and Democrats to move quickly to fix the untenable and unprecedented situation that now exists. As a first step, this House must take up H.R. 131, a measure that will repeal the misguided House rules adopted at the beginning of this Congress that have led to a complete shutdown of the bipartisan ethics process in the House.

This House of the American people demands nothing less than strong bipartisan ethics rules.

THE CHILD INTERSTATE ABORTION NOTIFICATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, 34 States currently have parental consent laws when it comes to minors and abortion. Unfortunately, they are too often and too easily ignored simply by going to another State. Today, the House is going to vote to make it a Federal crime to transport a minor across State lines for an abortion.

This legislation would not affect State laws, but would prevent minors from being transported to evade a parental consent law in the girl's home State. The average American parent would be outraged if some adult took their child across States lines for an abortion.

The Child Interstate Abortion Notification Act protects parents and minors from adults who might conspire with or even pressure them to cross into another State for an abortion. This bill is for our kids and for a better America. I urge a "yes" vote.

THE 95–10 INITIATIVE

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Madam Speaker, last week the Pro-Life Democratic Members of Congress introduced an abortion reduction proposal called the 95–10 Initiative. This comprehensive proposal of 15 different policy programs should reduce the number of abortions in America by 95 percent over the next 10 years by providing women with support, information, and viable alternatives to abortion.

The initiative is a clear indication that pro-life Democrats in Congress, in conjunction with the Democrats for Life of America, are firmly committed to reducing abortions in America. By looking into the different reasons that women choose abortion rather than just politicizing the issue, we have been able to come up with a comprehensive and commonsense initiative that would empower women and encourage them to choose life.

The 95–10 Initiative seeks to eliminate the pressures that lead to abortions through various measures, including adoption tax credits, abortion referral information, adoption referral information, and fully funding the special nutrition WIC program.

Additionally, the initiative calls for expanding insurance coverage to pregnant women and to newborns, and removes pregnancy as a preexisting health condition. I strongly urge my colleagues on both sides of the aisle to join the pro-life Democrats in supporting a comprehensive 95–10 abortion reduction bill.

AARP AND SOCIAL SECURITY REFORM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the AARP has publicly denounced any plans to reform Social Security that might include personal savings retirement accounts. They have taken out full-page ads claiming that investing for retirement is like playing the slot machines in Las Vegas. But the AARP Web site tells its senior members to invest their money in a 401(k) or an IRA, and also says that seniors do not invest enough in retirement plans. Why are these retirement plans safe and advisable but personal retirement accounts through Social Security are too risky? In addition, the AARP has its own investment plan through Scudder Investments that invests in mutual funds and stock index funds.

If the AARP exists to look out for the interests of retired persons and they advise their membership to invest their money in mutual funds and stock index funds, my colleagues, it seems suspect that they would not support a program that would allow some, some flexibility through the Social Security program.

ILLEGAL IRAQ WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, 771 days ago, the United States illegally went to war against Iraq. Since then we have lost 1,574 of our finest, and the Iraqi people have lost tens of thousands of innocent civilians to the war. Some of us opposed the war from the start, but today we all know that America went to war based on false information given to this Congress and to the American people. Iraq had no weapons of mass destruction and was not an imminent threat, yet the war grinds on.

America is building permanent bases in Iraq. The interim government has no credibility. Under the watchful eyes of our occupying army, the Iraqi people know full well policy is made in Washington, not Baghdad. And here in Congress, we move on to other issues, while some are calling for more troops to move in.

The administration built a theater of war with no exits. It is time for Congress to build an exit from the Iraqi theater. In the next few days, I, along with other Members, will submit such a plan.

527 FAIRNESS ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the summer of 527s will long be remembered in American politics. Groups organized on the left and the right under section 527 of the Internal Revenue Code spent more than $300 million to support candidates, while the two major political parties and the Nation's most respected labor units, associations, businesses, and constitutional groups watched in silence from the sidelines.

In response to the summer of 527s, some here in Washington, DC want to exert more regulation and control. But my colleague, the gentleman from Maryland (Mr. WYNN), a Democrat, and I have taken a different approach by introducing the bipartisan 527 Fairness Act. The Pence-Wynn bill restores basic fairness to the political parties and outside organizations instead of attempting further regulation.

Madam Speaker, when it comes to political speech, greater government control is never the answer. More freedom is.

Now, The Washington Post calls the Pence-Wynn bill "a dangerous notion" that is "misguided." And freedom is chaotic, but as Thomas Jefferson said, "I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it."

I urge my colleagues on both sides of the aisle to consider Pence-Wynn and support us as we answer the summer of 527s with more freedom, not less.

WEAKENED ETHICS RULES

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, earlier this year, the House Republican leadership purged the Committee on Standards of Official Conduct of three of the Republican Members. Serving on this committee, where one is charged with investigating and possibly reprimanding one's own colleagues is not an easy assignment, but it is a very important one.

The gentleman from Colorado (Mr. HEFLEY), the chairman, and the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Missouri (Mr. HULSHOF) wanted to continue to serve on the committee, a committee unlike most in this Chamber, that worked in a bipartisan fashion. Could that have been their downfall?

After losing his chairmanship, the gentleman from Colorado (Mr. HEFLEY) told The Washington Post, and I am quoting, "There's a bad perception out there that there was a purge in the committee and that people were put in that would protect our side of the aisle better than I did."

□ 1030

He continues, "No one should be there to protect anybody; they should be there to protect the integrity of the institution."

Madam Speaker, I could not have said it better myself. The integrity of the House is much more important than any one Member. It is time the Republican leadership learns that lesson.

CUBAN POLICIES

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. FLAKE. Madam Speaker, I rise in support and commend the gentleman from New Jersey (Mr. MENENDEZ) and others for raising H. Con. Res. 81 to mark the 2-year anniversary on the latest crackdown on human rights in Cuba. This is simply the latest crackdown. These have been occurring for more than 45 years now.

I also commend those who have come to this city to encourage more travel to Cuba and allow more travel to Cuba. Recently, Fidel Castro's government issued an edict to all state employees, which is by definition everyone on the island, saying they should have minimal travel with tourists and travelers because it is, for one thing, promoting individualism. I would submit that is a very good thing, and we ought to want more of it. I would encourage this body to again, as we have done year after year after year, allow Americans the freedom to travel wherever they please.

RESTORE ETHICS RULES IN HOUSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, according to the morning papers, the Republican majority may now be ready to drop its new ethics rules and restore stronger rules that were written by Democrats and Republicans. It is about time.

We need to restore the old rules immediately so the Committee on Standards of Official Conduct can begin investigating possible unethical behavior, questionable actions that have been in the national papers over the last couple of months.

As the gentleman from Texas (Mr. DELAY), the majority leader, said back in November 1995: "The time has come that the American people know exactly what their representatives are doing here in Washington. Are they feeding at the public trough, taking lobbyist-paid vacations, getting wined and dined by special interest groups, or are they working hard to represent their constituents. The American people have a right to know."

That was the majority leader, the gentleman from Texas (Mr. DELAY), 10 years ago. The majority leader was right. The American people deserve answers; and, unfortunately, they will not get those answers under the weakened ethics rules. Hopefully, the Republican majority has come to its senses and will restore the old rules later this week. If the majority leader really believes his comments from 10 years ago, I would think he would join us in our fight.

THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 47, answered "present" 1, not voting 15, as follows:

[Roll No. 135]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—47

Baird
Baldwin
Brady (PA)
Capuano
Costello
DeFazio
Filner
Ford
Fossella
Green, Gene
Grijalva
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Holt
Kucinich
Larsen (WA)
Larson (CT)
Latham
LoBiondo
Marshall
McCotter
McDermott
Miller, George
Moran (KS)
Nadler
Oberstar
Peterson (MN)
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Waters
Weller
Whitfield
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—15

Brown, Corrine
English (PA)
Fattah
Gutierrez
Hooley
Hunter
Kennedy (RI)
Menendez
Rothman
Spratt
Velázquez
Watson
Westmoreland
Wicker
Young (FL)

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to House Resolution 232, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, when the Chair says the House will be in order, we are ready to take our picture. That will be in just a few minutes.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess while the Chamber was being prepared.

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order at 11 a.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 109th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1115

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o'clock and 15 minutes a.m.

PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 235 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 235

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights. The amendments to the resolution and the preamble recommended by the Committee on Small Business now printed in the resolution are considered as adopted. The previous question shall be considered as ordered on the resolution and preamble, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business; and (2) one motion to recommit, which may not contain instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 22 calls for a commonsense Small Business Bill of Rights that spells out urgent actions that Congress should take to allow small businesses to thrive.

Ninety percent of all employers in our country are small businesses, and 70 percent of all new jobs created in America are created by these small locally owned businesses. Small businesses, stores, manufacturers, and farms drive the economic engine of many communities across the country. They truly are the backbone of America.

Many obstacles confront a small business owner looking to expand his or her company to provide more jobs and investment.

Frivolous lawsuits are a constant and a costly threat to small businesses across the country. The rising cost of health care has made it difficult and, in many cases, impossible for small business owners to offer health care to their employees. Today, over 60 percent of small business employees do not have health insurance.

Soaring energy costs make it difficult for small manufacturers to produce goods at a competitive price. The cost of natural gas and other feedstocks is taking up a larger and ever-growing share of the budget of manufacturers.

In the 109th Congress, the People's house has already acted on several of the items called for in this resolution. Two weeks ago, we passed legislation to permanently repeal the death tax, a tax that puts a huge burden on small business owners and takes away resources that are vital to families seeking to keep farms and businesses in their family.

Last week, we passed the Energy Policy Act of 2005 to help reduce the cost of energy. The legislation provides money for clean coal technology that will help coal continue to provide low-cost energy while protecting our environment. Provisions will also open new refineries and new oil reserves into the market. All of these measures will help lower the cost of energy for small businesses.

In February, President Bush signed the Class Action Fairness Act into law. This law is a strong first step in limiting frivolous lawsuits that burden our economy and destroy job growth.

There is still much more to be done. In the past two Congresses, we passed legislation allowing for Association Health Plans. These plans would permit small businesses to join together through trade associations across State lines to gain purchasing power in the health insurance market.

Health insurance is the biggest challenge facing small business today, hands down. Many small business owners want nothing more than to offer affordable health care to all of their workers. These owners know their employees personally and know their employees' spouses and children, making that decision not to offer health coverage an agonizing one. Yet many small business owners make this choice because of the rising cost of health care.

We must pass legislation to allow small businesses to have the same purchasing power as large corporations in the health insurance market.

With millions of small business employees among the uninsured, association health plans are one of the most important things Congress can do for our Nation's workers.

In order for small business to grow and produce more jobs in local economies, we must have pro-growth policies. A national energy policy, association health plans, and legal reform are some of the important steps that will benefit small business owners and their employees alike.

This resolution is an opportunity for Members to show their support of small business to continue moving forward on crucial issues to protect existing jobs and spur economic development. I urge my colleagues to join me in supporting the rule and the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I might consume.

Mr. Speaker, I rise today in opposition to this closed rule. Once again, the majority has muted debate on a piece of legislation for no legitimate reason. The resolution has not been fully debated before the committee of jurisdiction and, as a result, it fails to include a number of priorities important to small businesses.

Mr. Speaker, small businesses are the engine of America's economy, representing more than 95 percent of all employers, creating half of our gross domestic product, and creating 3 out of 4 of new jobs nationwide. Small business owners are leaders in innovation, creating new technology, new products, and more effective business operations. The government should help small business owners achieve their goals, not stand in their way. I think this is something all Members can support.

There are some very good elements of this "small business bill of rights" resolution that I support. I believe small business should not be hampered with unnecessary restrictive regulations and paperwork. I support the provision insisting that small businesses have the right to equal treatment and should have expanded access to capital and credit.

Opening up assets to government contracts for small businesses should be a top priority for Congress. I support the principle in House Resolution 22 that we must consider legislation to create a fair and open Federal contracting system to make sure that everyone has a fair shot in winning a Federal contract. There must be an end to the practice of awarding "mega contracts" that take opportunities away from small businesses at no savings to the taxpayer. We must institute a fair contracting appeals process for small businesses to be heard.

I also support expanding contract opportunities for women, low-income individuals, and minorities by strengthening such key business development programs as 8(a). These actions will reduce current barriers and ensure small businesses have access to perform Federal contracts.

But small businesses have expressed additional priorities, and I wish we would have included them in the resolution. Instead, the majority chose to insert partisan agenda items.

During the committee markup, the chairman restricted debate time on all amendments to 4 minutes per side. After considering the first 5 amendments, the chairman moved to cut off debate, which passed on a strict party-line vote. This was done despite having two Democratic amendments still pending before the committee.

One of these amendments, offered by the gentleman from Georgia (Mr. BARROW) and the gentlewoman from Wisconsin (Ms. MOORE), would have strengthened programs for minority entrepreneurs. The other, offered by the gentlewoman from California (Ms. LINDA SÁNCHEZ), would express support for the microloan program which the administration eliminated in its fiscal 2006 budget.

I understand that the chairman had only allotted an hour for the committee markup, but we have an opportunity today with this rule to provide time for the debate we should have had. These thoughtful amendments should be heard. So far this year, the Committee on Rules has only reported one open rule, just one, out of 21 rules. It is time to allow Congress to do its job, and part of that job is to openly discuss the priorities facing our Nation.

Why not make time for this debate? The Members that were denied debate in committee came before the Committee on Rules last night to urge their amendments be made in order. Several other amendments were also offered. I cannot help but point out that our legislative schedule this week has plenty of room in it. Not surprisingly, however, the majority chose not to have a full debate and ignored amendments that could have improved this legislation.

Mr. Speaker, I believe that the amendments blocked from consideration today would have made House Resolution 22 a complete bill of rights. For instance, small business owners need access to capital and technical expertise if they are to make the most of their opportunities. The Small Business Administration provides this critical assistance to small business owners. The gentlewoman from California (Ms. Sánchez) and the gentlewoman from Illinois (Ms. BEAN) offered amendments recognizing that we should be supporting all of SBA's programs, including the microloan and 7(a) lending programs. But, again, this rule risks leaving a gaping hole in this list of rights.

House Resolution 22 could also be strengthened to ensure that minority business owners retain their place as a vibrant part of the U.S. economy. The Barrow-Moore amendment, if made in order, would do just that. While minority individuals comprise nearly one-third of the population, only 15 percent of businesses are minority-owned. These businesses employ 5 million people and generate nearly $600 billion in revenue. Given the gap between the number of individuals and the business ownership rate, it is clear that an entrepreneurial divide exists in this country. One of the most significant reasons for this divide is the fact that minority-owned companies have not seen legislative updates for nearly 20 years. Congress must bring these programs into the 21st century. Minority business owners deserve the right to have these important initiatives modernized.

The only way to achieve a complete bill of rights is to include all of the rights small businesses are asking for. A closed rule does not do this. An open rule, a better rule, would allow full debate on small business priorities. An open rule today would allow the House of Representatives to consider the importance of such issues as access to affordable capital and changing the Federal marketplace to meet the needs of small business. I urge my colleagues to vote no on this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the author of the resolution and a champion of small business.

Mr. KELLER. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I rise today in strong support of the rule and H. Res. 22.

The purpose of the small business bill of rights is to provide a blueprint for Congress to follow to help small business employers create even more jobs. A job is the best social program in the world. It gives a person income and health insurance and dignity. Since 70 percent of all new jobs in this country are created by small businesses, I met personally with 20 very successful small business employers in central Florida to learn firsthand what, if anything, Congress can do to help them create more jobs. Four top-tier issues consistently emerged from these meetings.

First and foremost, they had the problem of addressing skyrocketing health costs, and they wanted the ability to join together to negotiate lower prices.

Second, family-owned businesses, we are seeing one-third of them having to liquidate because of the death tax, and they needed some commonsense reform there.

Third, they had a problem with frivolous lawsuits and skyrocketing liability insurance. Unlike a big corporation, if someone sues them, they do not often have $100,000 to successfully defend the claim, even if frivolous. They have to settle it for a nominal amount, $5,000 or $10,000.

The fourth problem they mentioned over and over was paperwork and red tape.

After listening to their concerns, I joined with my original cosponsor, a Democrat, the gentleman from Alabama (Mr. CRAMER), and wrote and filed House Resolution 22.

We have given plenty of opportunity for people to be heard on H. Res. 22. For example, other nonbinding House resolutions sometimes go right to the floor with no hearings, no markups, no motion to recommit. They just get an up-or-down vote on a Suspension Calendar, with no chance to amend at any point. Well, that is not what happened here. In this particular instance, the minority requested that we have a hearing. We readily agreed and had a hearing. At this hearing, witnesses from NFIB and the U.S. Chamber of Commerce testified that the four issues identified in the small business bill of rights were, in fact, the top four issues affecting small businesses in the United States right now.

□ 1130

The minority was allowed to call witnesses at that hearing, and they did. Every member of the hearing, Republican and Democrat, was afforded two full rounds of questioning. Afterwards, the minority said, well, now we want to have a markup on this nonbinding resolution. We agreed to that as well.

At the markup, in an effort to reach out, I offered a substitute amendment which addressed three additional issues that the minority thought were important to them, issues relating to energy costs and access to capital and contract bundling. The substitute amendment I offered was approved by a voice vote.

Even though I had already included these three additional issues at this markup, the minority offered amendment after amendment after amendment after amendment. For example, one of the amendments called for Members to take a controversial stand on whether or not people agreed with the personal retirement accounts under President Bush's Social Security proposals. Things like that ate up time. The four amendments offered by the minority were defeated. But each time they insisted on calling for a roll call vote which ate up additional time.

Now, it is my understanding that the minority Members had two more amendments that they wished to offer, but the chairman had only scheduled an hour for the markup under the understanding that the minority would have few amendments.

So what exactly did the minority get in terms of due process here? They got a full blown hearing. They got three additional issues added to the original resolution, and they got votes on four of the six amendments they offered.

H. Res. 22 was passed by the full committee on a voice vote. Not a single person on the committee, Republican or Democrat, voiced opposition to H. Res. 22 during that voice vote, and the reason is it represents a noncontroversial consensus of what small business employers tell us they need.

Now, what are the Small Business Bill of Rights? There are seven: first, the right to join together to purchase affordable health insurance for small business employees. The right to simplify tax laws that allow family owned businesses to survive over several generations. The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs. The right to be free of unnecessary restrictive regulations and paper work which wastes the time and energy of small businesses while hurting production and preventing job creation. The right to relief from high energy costs which pose a real threat to the survival of small businesses. The right to equal treatment as compared to large businesses when seeking access to capital and expansion capital and credit. The right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for the Federal contracts.

This is what the small business people in America tell us that they want. This is what we learned from the hearing, and this is what is included as the top tier issues in the Small Business Bill of Rights affecting small business people.

Now, if someone is opposed to this Small Business Bill of Rights, what would they be for? They would be for higher health insurance costs, higher taxes, more frivolous lawsuits, more paper work and red tape, higher energy costs, more obstacles to getting capital and more obstacles to getting government contracts.

Now, significantly, at no time in this process, during the markup or otherwise, has there been any attempt to strip away one of these seven rights. To the extent the minority has a controversy with this, it is not anything that is on the board here. It is they think one or two additional things should be there.

Well, let me remind you. The Small Business Bill of Rights is a blueprint that lists the top tier issues facing small businesses in the United States. It does not list every small business issue known to man. If it did, this thing would be as thick as a phone book, and it would not list the priorities.

Some of the business people I met with had things that I did not list because, while it was important to that person or this person, it was not something that was a consensus issue affecting the small business people across the country.

Now, if a Member has some issue that was not included, and they think it is a real important issue, then there is nothing preventing them from filing their own nonbinding House resolution and having that proceed under the regular order.

I urge my colleagues to vote "yes" on the rule. Plenty of opportunity has been heard for both sides to give their input to the Small Business Bill of Rights. It is a bipartisan Small Business Bill of Rights from the get-go when it was filed by a Democrat and myself, and I urge my colleagues to vote "yes" on the Small Business Bill of Rights, H. Res. 22.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentlewoman from California for yielding.

As we take this week to honor our Nation's small businesses, it is important to notice the everyday challenges that are standing in their way. As the main job creators and stimulators of the economy, there are far too many obstacles that still remain.

Small businesses have received a number of promises over the last 4 years. But as the ranking member on the House Small Business Committee, I can tell you that what entrepreneurs need now is no more rhetoric. What they need is more action. Unfortunately, rhetoric is all that they have gotten up to this point.

One of the most obvious challenges is that a number of small businesses are not able to access health care. Six out of every 10 uninsured families are headed by a small business employee. This is simply unacceptable. Yet Congress has passed no solutions to the health care crisis.

My colleagues on the other side love to talk about how many times this House has passed association health plans. The bottom line is that Republicans control the White House, the Senate, and the House of Representatives. How many more times do we have to pass association health plans to get it done? Stop the rhetoric. What we need is action.

With the skyrocketing prices of gas and energy, small businesses are having an even more difficult time starting and expanding their ventures. Just last week the House passed an energy bill that does not do anything to help this Nation's small businesses. For the small business owner that works in the transportation industry, this bill has done nothing to help reduce the record highs in gas prices we are seeing today.

Compounding entrepreneurs' difficulties even further are regulatory burdens. Too often a small business owner does not have the resources to comply with a number of Federal regulations. Despite the promises made by this administration, small firms have seen little relief. The reality is that this administration holds the record for the single largest increase in paperwork burden in 1 year in our Nation's history. Again, the rhetoric needs to end.

Our Nation's entrepreneurs deserve to see some real action, some real solutions. And as we honor our Nation's entrepreneurs this week for National Small Business Week, all Congress is going to give them is this legislation, the Small Business Bill of Rights. Let me tell you, this Nation's small businesses deserve much more than some rhetoric included in House Resolution 22. And that is all this bill does. They deserve to be assured that Congress will work to address their challenges, that we will go on the record listing the priorities we will work to address for their businesses. Sadly, that is not what House Resolution 22 does.

Yes, the Small Business Bill of Rights contains some lofty rhetoric on taxes, regulations, and capital. But what it fails to do is really recognize the fact that small businesses do not get capital the same way that large businesses do. Small firms cannot head over to Wall Street. Instead, they rely heavily on loan programs. To tell them that loan programs are not important is disingenuous.

House Resolution 22 also says that some contract bundling is okay and that is okay for small businesses to lose out on contracting opportunities. The Small Business Committee has always been on the record protecting small businesses. Every economic analysis and indicator says that contract bundling is bad. Yet, this bill wants to say it is okay.

Most upsetting is that House Resolution 22 mentions absolutely nothing about the needs of minority and women business owners, the fastest growing sectors of our economy. This is despite the fact that the gentleman from Georgia (Mr. BARROW), the gentlewoman from Wisconsin (Ms. MOORE), and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) all tried to include these provisions in a markup in which the chairman of the committee blocked these amendments from even being offered.

The gentleman from Florida (Mr. KELLER) spoke about due process that was provided. What the gentleman does not tell you is that the chairman took the unprecedented step of moving the previous question. I will challenge any chairman to come to the floor and talk about when they moved the previous question to block the minority from offering amendments. They were then rejected again by the Rules Committee.

Despite the overwhelming growth of minority- and women-owned businesses, this Small Business Bill of Rights tells them that their needs are not a top priority, and that is ridiculous.

This is Small Business Week, and all we are giving to our Nation's entrepreneurs, the main job creators, are some promises in House Resolution 22. These promises are not helping to give small businesses more loans. They are not opening up the fair marketplace, and they are certainly are not giving small firms any solutions to the health care crisis. Maybe next time Congress can promise to help small businesses to pay their bills and again follow through with no action.

This rhetoric needs to end. Our Nation's small businesses deserve much more than rhetoric this week. They deserve commitment and action all year long to address their challenges. Clearly, House Resolution 22 will not do that. We should vote down this rule, and we should not be passing promises without action in the House of Representatives.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, let me thank the gentlewoman from California for yielding this time. And I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for her consistent and valuable advocacy on behalf of the small businesses in this country. It is an honor to serve with the gentlewoman.

It is a funny situation to be here today during Small Business Week speaking on a resolution that is intended to benefit our Nation's small businesses: but, in reality, this resolution ignores a pressing issue that has the potential to very severely burden the small business community of our country.

I believe this resolution has less to do with priorities and more about a partisan political agenda that does not address a myriad of realities for small businesses. And I want to talk about one reality. The reality in this situation is this:

The President has spent millions of dollars pitching privatized personal accounts as the answer to Social Security. But he has failed to address how these personal accounts will adversely affect the administrative costs for small businesses.

Small firms are already responsible for withholding billions of dollars a year of payroll taxes for their employees. The creation of private savings accounts sticks them with a severe logistical headache, in fact an unfunded mandate.

Consider this: under a personal savings plan, small businesses would be responsible for everything from providing, collecting, filing paperwork, to establishing an accounting system to ensuring proper payment over time, to handling quarterly and annual reporting to the employee.

Furthermore, the administration has been telling Americans that this plan is only, is just like a Thrift Savings Plan. The truth of the matter is that there are tremendous costs associated with administering these types of plans, and most often those costs will fall on the employers.

And judging by the experience with TSPs and other retirement accounts, employees will look to their employers if there is a problem. Who knows how responsibility and liability will be determined? Small firms will be sued if anything goes wrong with an account or with the investment.

In light of the facts that I have laid out, Congress should be taking a harder look at the realities of having small businesses assume the administrative burden of collecting and paying out for private accounts. A proposed blueprint that does not address all the realities and the real needs of small businesses is once again a one-way street with a dead end.

I urge a "no" vote on the rule.

□ 1145

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to state my opposition to House Resolution 22 and the rule expressing the sense of the House that American small businesses are entitled to a small business bill of rights.

I want to especially thank my good friend, the gentlewoman from New York (Ms. VELÁZQUEZ) and applaud her for her hard work on behalf of small businesses. If the only rights small businesses are entitled to are listed in House Resolution 22, I feel sorry for all small businesses; because for all small businesses give to this country, this bill gives them nothing in return.

Small businesses, including minority- and women-owned businesses, are the backbone of this country, and most especially to my State of Texas. Where are the small businesses rights to, one, participation in the Federal marketplace; two, assistance from the government's lending programs which account for 40 percent of all long-term small business financing; three, targeted tax relief similar to that provided to the big corporations; and, four, strong technical assistance from the Federal Government that deals with issues faced by small businesses; and, five, protection from contract bundling, combining two and three contracts together to eliminate small businesses competition?

These are challenges and there are many challenges facing small businesses as they attempt to gain a foothold in this Federal marketplace.

We should be about the business of ensuring full and fair access for small firms. We should be about helping them overcome the obstacles in their way instead of coming up with the blank checks under the guise of giving them rights that large companies are afforded.

Vote against this rule. Vote against this bill, because it does nothing to allow for rights that small business need or the opportunities. Amendments to correct all this were attempted in the Committee on Rules but denied. So I would say go and fix it or defeat it.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I urge Members to vote "no" on the previous question so we can change this rule to include three very important Democratic amendments that were not allowed by the Committee on Rules last night. In fact, two of the amendments, one offered by my colleagues, the gentleman from Georgia (Mr. BARROW) and the gentlewoman from Wisconsin (Ms. MOORE), related to the rights of minority business owners. Another offered by the gentlewoman from California (Ms. LINDA SÁNCHEZ) relating to expanding the microloan program was denied not only in the Committee on Rules but in the Committee on Small Business as well.

The third amendment denied by the Committee on Rules, offered by the gentlewoman from Illinois (Ms. BEAN), would have put the House on record in support of the 7(a) loan program.

Mr. Speaker, this should not be about partisan politics. It is about fairness. It is bad enough that most Democratic amendments are blocked from floor considerations around here; now the Republican leadership does not even want them considered in the committees of original jurisdiction. I am very disturbed by the pattern of abuse that seems to be spreading in this House, first on the House floor and now in the committee process as well. This must stop.

Vote "no" on the previous question so we can include these three thoughtful amendments. I want to make it very clear, that a "no" vote will not stop us from considering this legislation; however, a "yes" vote will block these amendments from any type of congressional action in the House.

Mr. Speaker, I ask unanimous consent to insert the text of the amendments immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

This resolution outlines the areas that the 109th Congress needs to highlight for all small businesses.

In previous Congresses we have initiated many areas of small business in terms of trying to help them grow and flourish where they are employing so many Americans. They are the very engine of our Nation's economy and it is time that we start acting on legislation to help them continue to do so.

I thank the gentleman from Florida for bringing the measure to the floor. I urge a "yes" vote on the rule and the underlying resolution.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 235 AND H. RES. 22—EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights. The amendments to the resolution and the preamble recommended by the Committee on Small Business now printed in the resolution are considered as adopted. The previous question shall be considered as ordered on the resolution and preamble, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business; (2) the amendments printed in section 2, if offered by the Member designated or a designee,. each of which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit, which may not contain instructions.

SEC. 2. The amendments referred to the first section of this resolution are as follows:

(1) Amendment by Representative Barrow of Georgia or Representative Moore of Wisconsin.

AMENDMENT TO H. RES. 22, AS REPORTED OFFERED BY MR. BARROW OF GEORGIA AND MS. MOORE OF WISCONSIN

Page 6, after line 7, insert the following:

(8) Minority business owners have the right to participate fully in the Federal marketplace and to receive the "maximum practicable opportunity" promised them under section 8 of the Small Business Act (15 U.S.C. 637). To accomplish this, programs aimed at minority business development must be modernized, adequately funded, and supported by the Small Business Administration. This will ensure that the Nation's minority entrepreneurs receive the support they need and rightfully deserve, allowing them to serve as an important catalyst to the economy.

In the fourteenth whereas clause, strike "and" at the end.

After the fourteenth whereas clause, insert the following:

Whereas a business ownership divide exists in this country. Despite the fact that people of color represent 32 percent of the United States population, these individuals own only 15 percent of businesses. These same barriers exist for minority-owned companies attempting to access the Federal marketplace. Today, fewer than 5 percent of Government contracts go to minority businesses. This is due, in large part, to a lack of support by Federal officials for key minority business development programs designed to assist this segment of the business population. Programs once embraced by agencies and administrations have stagnated and been allowed to deteriorate without legislative improvements for nearly 20 years, leaving minority business owners without the assistance they need to reach their full potential; and

(2) Amendment by Representative Sánchez.

AMENDMENT TO H. RES. 22, AS REPORTED OFFERED BY MS. LINDA T. SÁNCHEZ OF CALIFORNIA

In the fourteenth whereas clause, strike "and" at the end.

After the fourteenth whereas clause, insert the following:

Whereas traditional lenders do not make loans to many of the Nation's low-income entrepreneurs, which creates a gap in the capital markets; and

Page 6, after line 7, insert the following:

(8) The right to a strengthened and expanded microloan program under section 7(m) of the Small business Act (15 U.S.C. 636(m)), which will ensure that low-income small businesses can contribute to the economic development of local communities.

(3) Amendment by Representative Bean of Illinois.

AMENDMENT TO H. RES. 22, AS REPORTED OFFERED BY MS. BEAN OF ILLINOIS

Page 6, line 3, insert before the period, "which would be accomplished by restoring funding for the loan program under section 7(a) of the Small Business Act (15 U.S.C. 636(a))".

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1636

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1636.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 748, the Child Interstate Abortion Notification Act. The rule waives all points of order against consideration of the bill, it provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, shall be considered as an original bill for the purpose of an amendment.

It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution; it provides that the amendments printed in the report may be offered only in the order printed in the report; may be offered only by a Member designated in the report; shall be considered as read; shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; it shall not be subject to an amendment and shall not be subject to a demand for the division of the question in the House or in the committee of the whole. It waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions..

Mr. Speaker, I would like to take this opportunity to recognize and to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her dedication and leadership, not only on this bill, but also on all matters concerning the well-being and defense of our children. She truly has made this fight her own and I would like to applaud her for her hard work.

Mr. Speaker, I fear that the opponents of this bill will demagogue it as an assault on a woman's right to choose, but this bill has absolutely nothing, let me repeat, nothing to do with a woman's right to choose. Rather, this bill ensures that no minor is deprived of any protection according to not only her but also her parents under the laws of her State.

H.R. 748 is a commonsense bill that will prohibit the transportation of a minor across the State line to obtain an abortion when the child's home State requires parental consent. This bill makes an exception in those extremely rare cases in which the abortion is medically necessary to save the life of the minor. Also, this bill makes another exception allowing for judicial bypass.

This bill also affirms the responsibility of a physician prior to performing an abortion on a minor from another State to make sure that they are acting in accordance with the laws of her State.

Having practiced as an OB-GYN for nearly 30 years, I am uniquely qualified to discuss the medical and legal obligations of a physician to his or her patient. And this law not only ensures the protection of minors but it also clarifies the responsibility of the physician to make sure that he or she is not inappropriately performing an abortion on a minor without the legally mandated consent of her parents.

This bill also affirms the principles of federalism and it prevents the circumvention and violation of laws passed by State legislatures. Over 30 States have passed parental notification laws, Mr. Speaker. In fact, in my home State of Georgia, the legislature just recently passed a new abortion notification law in an overwhelming and bipartisan fashion, and this Congress has the responsibility to defend that federalism and the integrity of State laws in interstate matters.

Mr. Speaker, while I can address this issue both as a Member of Congress and as a medical physician who has delivered a lot of precious infants, I can also talk about this issue as a father. My wife and I had four children. Three of them are now grown women and two of them have children of their own. However, I knew that when they were still young children, minors, I not only had a moral obligation that I proudly still bear to this day, but also a legal obligation to defend them and their well-being against any and every potential and imminent danger.

Mr. Speaker, this legislation recognizes this fundamental bond between parents and child and it recognizes the obligation of a parent to be involved and to assist in making important decisions affecting both the life and the health of a minor. Children cannot even be given aspirin at school without their parents' permission, so I cannot comprehend how anyone could possibly justify that administering an abortion is less traumatic or potentially dangerous than taking an aspirin. Yet, Mr. Speaker, that is exactly what the opponents of this bill are saying through their opposition to H.R. 748.

☐ 1200

During this debate, I encourage my colleagues to remain focused on the matter at hand and remember that this legislation seeks to uphold the legislatively guaranteed rights of parents and their minor children. Let us not allow this debate to be bogged down with the same tired rhetoric about a woman's right to choose.

I ask my colleagues to support the rule and the underlying bill for final passage.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after being brought to task by the American people for meddling in the personal and private life decisions of an American family during the Schiavo tragedy, you would think that the majority in this Congress would have learned. You would think that they would have learned that the people of the country do not want the government intruding into the lives of American families: but they have not learned, Mr. Speaker, because here we go again.

This bill is another invasion into the private lives of American families making the decisions for themselves, and it is an invasion into the legal rights afforded all women in this country. I am talking about the legal right for women to choose, which is protected by the Constitution of the United States.

We have a duty in this body to consider legislation which will maximize our freedom and equality, values which are the very fabric of our society. Our job here is to protect the legal rights of those we serve and not to take them away, and I urge a "no" vote on this bill.

A report was just recently released that shows that there are more Americans incarcerated than in any other country in the United States. This bill will add Granny and Granddad and the clergy and an occasional cab driver, this is how far this bill goes; but I want to talk for a minute about another abuse which has occurred in this Chamber, a personal affront to three of our colleagues.

The Committee on Rules discovered yesterday that the Committee on the Judiciary report on this very bill, which was offered by the majority staff, contained amendment summaries which had been rewritten by the committee staff for the sole purpose of distorting the intent of the authors.

This committee report took the liberty to mischaracterize and to falsify the intent of several amendments offered in committee by Democrat Members of this body.

At least five amendments of this bill which were designed to protect the rights of family members and innocent bystanders from prosecution under the bill were rewritten as amendments designed instead to protect sexual predators from prosecution and were then included in the committee report as if that was the actual intent of the amendment.

No Member of Congress on either side of the aisle would do such a despicable thing as attempt to protect sexual predators, and these amendments were no more about sexual predators than they were about terrorists or arsonists or any other criminal class in our society. No one was attempting to protect them.

Indeed, what they were trying to do was produce amendments which apparently the fact of writing an amendment was offensive. The amendments were about the rights of the grandmothers and siblings and clergy and the cab drivers, and I asked the chairman of the committee about this deception yesterday at the Committee on Rules hearing.

Instead of decrying what I certainly expected would be revealed as a mistake by an overzealous staffer, the chairman stood by the authored amendment descriptions, to my great surprise. I have known the gentleman from Wisconsin (Mr. SENSENBRENNER) since I first arrived in Congress, and I did not believe that he would allow such a thing to happen and particularly not in the Committee on the Judiciary, but he made it very clear to us that the alterations to the Members' amendments were deliberate.

When pressed as to why his committee staff took such unprecedented action, the chairman immediately offered up his own anger over the manner in which Democrats had chosen to debate and oppose the unfortunate piece of legislation we have before us today. In fact, he said, "You don't like what we wrote about your amendments, and we don't like what you said about our bill."

To falsely rewrite the intent of an amendment submitted by another Member, to intentionally distort its description as being designed to protect sexual predators is no different than accusing a fellow Member of Congress of being an apologist for sexual predators themselves.

That is, in effect, what the chairman of the Committee on the Judiciary has done here, and he has ensured that these amendment descriptions will be encapsulated in the RECORD for all time by including those unfair and incorrect amendment summaries in the committee report. He has mischaracterized these Members forever.

This is a new low for this Chamber, Mr. Speaker. This is a clearly dishonest and unethical attack on the credibility and character of other Members; and sadly, it is just the latest in a pattern of unethical and abusive tactics employed by this majority.

How incredibly arrogant it is that they believe they have the right to tamper with official congressional documents for their own political purposes. How unbelievably arrogant is the leadership of this Congress that they would force their own political interpretation of another Member's work upon this body and upon American people in perpetuity in an official committee report.

The majority's actions are not only an affront to the Members in the House but an affront to the American people.

There is no question that we can debate and disagree over the impact the bill can have. We can argue over how well it has been written or what language it should include to be more effective; but regardless of the way the debate turns out, the caption on the top of that bill or amendment serves to instruct the American people as to what the original intent of the legislation was.

It serves as an unbiased reading on what the amendment aims to accomplish. To falsify and rewrite that description as a political attack is not only unprecedented; it is fundamentally dishonest and an abuse of the power given to the majority by the American people and their votes.

I have no doubts, Mr. Speaker, no doubts that unless this CONGRESSIONAL RECORD is amended to reflect the true captions of these amendments, we will see these erroneous captions again in the form of campaign attack mail pieces. In fact, when pressed last night in the Committee on Rules to have the record amended to reflect the honest and accurate captions that belong on the amendments, we were defeated on a party-line vote.

So now, these honorable and hardworking Members of Congress will be forever branded in the official record as having offered amendments designed to protect sexual predators when nothing, nothing could be further from the truth.

Mr. Speaker, I have often heard the chairman of the Committee on Rules, as well as other Members of the leadership, talk about the loss of civility in this Chamber. How can we be civil under this attack? Is this a disguised attack to say to the Democrat Members of the House, if you have the effrontery to offer an amendment on a bill of ours, we will destroy you in the committee report? Have they reached that low?

Perhaps they have: but if we are going to regain lost civility, they do not need to look any further than the abusive, unethical, and arrogant administration of this House of Representatives and this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to take a few moments to address some of the concerns articulated by my colleague on the Committee on Rules. The other side of the aisle has been concerned about how some of the amendments they offered during the Committee on the Judiciary markup have been characterized in the committee report.

Mr. Speaker, this is a question of intent versus effect. During the Committee on the Judiciary markup, there were several amendments offered that would have exempted certain individuals from prosecution under this bill. My colleagues on the other side of the aisle say that they did not intend for sexual predators to be exempt from prosecution. I believe them. I would hope it will never be the intent of anyone in this body to in any way inadvertently or otherwise assist in doing harm to a child to offer protection to those who would.

But, Mr. Speaker, this is where the effect of the amendments come to bear.

The effect of the amendments would have been to exempt individual classes of people from prosecution. If a case arose where the sexual predator qualified under one of these classes of individuals, that person could not be prosecuted under this bill. This effect is simply unacceptable.

The minority side argues that their intent, not the effect, should be the language used in the report submitted by the Committee on the Judiciary. However, it is the responsibility, in fact it is the charged duty, of the Committee on the Judiciary chairman to write and file the report. It is the prerogative of the chairman to write the report as he sees fit.

On the other side, the minority has ample opportunity to take up any issue they choose in the dissenting views of the report. In this instance, the dissenting views of the minority are found on pages 121 to 133 of House Report 109-51.

If the minority wants their interpretation of the intent or even effect of an amendment to be in the report, it is wholly appropriate for them to articulate those views in their dissenting views. In fact, this is just exactly what they did.

So on the one hand, we have the chairman stating his understanding of the effect of these amendments; and on the other hand, we have the minority stating their intent. Both the minority and majority positions are stated clearly in the committee report.

It seems to me that both the majority and minority used the committee report to fairly and appropriately state their views. No one was shut out from the opportunity to voice an opinion in this committee report.

Mr. Speaker, I believe both sides of the aisle used the committee report to discuss their efforts on this legislation, and we should not cloud the merit of this legislation because the other side does not like how the effect of their amendments was characterized.

Mr. Speaker, for further clarification, I would like to yield for as much time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I would like to take issue with the characterizations that the distinguished gentlewoman from New York has made about the committee report and about my actions in two respects.

First of all, every committee report that is filed in the House of Representatives does allow the people who disagreed with the legislation to file dissenting views; and those who did support the legislation can file additional views, all of which are printed in the committee report.

The majority has the responsibility in the committee report to articulate the arguments in favor of the bill because the committee report represents the views of those who voted in favor of the legislation at the committee level.

The amendments that were offered and which are the text, or the description, at issue here in this debate today were all offered by members of the Committee on the Judiciary who oppose the bill. They were all defeated by a majority vote in the committee: and my committee, perhaps in a minority in the Congress, does print the entire text of our committee markups in committee reports. The text of the debate in the markup and the text of the amendments are contained in pages 58 through 120 of House Report 109-51 inclusive.

Now, what the gentlewoman from New York is complaining about is the majority's arguments in favor of the bill and against the amendments which were defeated. To attempt to have those who voted against the bill rewrite the arguments that are in favor of the bill contained in the committee report is just as wrong as those who voted in favor of the bill attempting to rewrite the dissenting views which are appended to the committee report and represent the views of those who voted against the bill.

Second point: it is against the rules of the House of Representatives to impugn the motives of another Member. So the intent of the authors of the amendments that were defeated in the committee and which were described in the committee report is out of bounds. It cannot be done on the floor. It cannot be done in committee reports. So all that can be done in terms of the debate is to look at what the effect of the amendments was.

Perhaps these amendments were not properly drafted by the authors when they were submitted in the committee because they did not contain a specific carve-out of the exemptions that were proposed for the various classes of people that were proposed to be exempted in the amendment. This is not the fault of the majority. That is the fault of the people who drafted the amendments: and because the amendments were not tightly enough drafted, they did not contain a carve-out of the exemptions for sexual predators. That is what we pointed out in the committee report.

It is not the fault of the majority of the Committee on the Judiciary or me as chairman in filing this report to gloss over a defect that did allow exemptions for sexual predators. The minority has the chance in their dissenting views to dispute the conclusion that had been reached in describing what the amendments were. They chose not to do so.

So the committee report and the headers on the amendments accurately reflect the fact that those who authored the amendment did not choose to carve out an exemption for sexual predators in the effect of the amendment in the clear text of the amendment that was submitted.

I rest my case.

□ 1215

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. NADLER), one of those maligned.

Mr. NADLER. Mr. Speaker, it is very difficult to keep my temper when I listen to the sophistry of the distinguished, and I use that word advisedly because of protocol only, Chairman.

First of all, it is not true that the minority had a chance to see these comments. The distinguished chairman is very well aware that we do not see the majority views of the committee until after we hand in the minority views of the committee, the dissenting views, until in fact they are published. The majority sees the dissenting views. We never see the majority views. We have no opportunity to reply, number one.

Number two. The distinguished chairman says, and the other gentleman said that the question is intent versus effect; that it may have been my intent to deal with grandparents and clergy members, but in fact it might have led to a sexual predator being able to take advantage of the amendment. That would be fair comment in a debate. That would be fair comment in the body of the views, if they said in the majority views we oppose this amendment because under certain circumstances it might be used to the advantage of a sexual predator. And to that we could reply and say, no, they are wrong because, in the minority views. But that is not what we are discussing. We are not discussing an exchange of views. We are discussing how the amendment is reported in a one-sentence summary of the amendment without any views.

The amendment, and here the report simply lies about all five Democratic amendments. In reporting the amendment, the first amendment, which reads in its entirety, the actual text of the amendment offered by me was: "The prohibition of subsection 8 does not apply with respect to conduct by a grandparent or adult sibling of the minor."

In the 107th Congress House Judiciary Report on the same amendment it was reported as follows: "An amendment was offered by Mr. Nadler prohibiting H.R. 476 from applying with respect to conduct by a grandparent or adult sibling of the minor." That is exactly right. In fact, that is how the amendment, which was made in order for the floor, was reported by the Committee on Rules.

What does this dishonest committee report say? "Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor." I find it strange in the entire debate, and I give the chairman credit for including the transcript of the debate in the committee report, but if you actually turn to the debate and look at the transcript, no one raised the question of the application of this amendment to sexual predators. No member of the majority, no member of the minority. It did not occur to anybody.

Now, maybe it should have occurred to somebody. Maybe the views are valid that this amendment could be used that way. Maybe not. That is a matter of opinion. But that is not what this amendment says. What this amendment says is that these prohibitions shall not apply with respect to conduct by a grandparent or an adult sibling of the minor, period. That is the only honest way to report this amendment.

Second amendment. The second amendment which I offered said that where there is reason to believe that the judicial bypass system in a State is not real, that the local judges are bypassed or whatever, the person can go to Federal court and ask for a Federal judicial bypass. Now, you can agree or disagree with the implications of that amendment, but the proper description of that amendment is to provide a Federal judicial bypass where there is evidence that the local judicial bypass is not available.

It is described on page 45 of the committee report as: "Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill." Now, it is a judicial bypass of getting an abortion. It has nothing to do with conviction, number one. Number two, this does not even mention judicial bypass. It is entirely dishonest. And, again, in the entire debate in the committee over this amendment, nobody mentioned the word sexual predators. The first we hear of sexual predators in connection with these amendments is when we are told, when we see the committee report in print that I offered an amendment to protect sexual predators. How dishonest. How disingenuous of an argument that we hear on this floor and in the Committee on Rules last night that these are matters of opinion; that the amendments might be used.

You know, this bill, never mind the amendment, this bill has a provision in it that says that the parents of a minor transported across State lines to get an abortion can sue the person who transported them, can sue the doctor who performs an abortion. Okay, you can debate that provision on the merits, pro and con. But did you stop to think what if the father raped the daughter, committing incest in doing so? Two crimes, rape and incest, and caused the pregnancy that she is now trying to abort. Under this bill, he profits from his wrongdoing. He now, because he raped the daughter and caused the pregnancy, he can now because of this bill go and sue the doctor or the boyfriend or the clergyman or the grandmother who transported her to get the abortion.

Well, that is a defect in the bill. It was not drafted properly. I doubt that that was the intent. And maybe it was the intent, maybe it was not. We can debate that. Would it be fair for a news report or an official report of this Congress to call this entire bill the Rapists and Sexual Predators Right to Sue Act? That is what this bill is, it is the Sexual Predators Right to Sue Act. And if the Democrats were in the majority and the Committee on Rules reported a rule saying we will now consider the Sexual Predators Right to Sue Act, I think the gentleman from Wisconsin (Mr. SENSENBRENNER) would say that is a disgusting misuse of power.

This was a disgusting misuse of power. It is a rape of the rules of this House and it must be corrected.

Mr. GINGREY. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank my wonderful friend, the gentleman from Georgia (Mr. GINGREY) for yielding me this time and for managing the bill and allowing us to focus once again on the bill and the rule.

I want to thank the distinguished, the very distinguished gentleman who is the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentleman from Ohio (Mr. CHABOT), who has been a champion of this bill, and it was in his subcommittee where it was first heard.

I am so proud to stand here in favor of House Resolution 748, the Child Interstate Abortion Notification Act. This bill will incorporate all of the provisions previously contained in the previous legislation that we had filed, the Child Custody Protection Act, making it a Federal offense to transport a minor across State lines to circumvent that State's abortion parental notification laws.

In addition, this year's bill will require that in a State without a parental notification requirement, abortion providers are required to notify a parent. It will protect minors from exploitation from the abortion industry, it will promote strong family ties, and it will help foster respect for State laws. Similar but not identical legislation has had the support of the overwhelming majority of the Members of Congress who have voted in favor of it, not only in 1998 and in 1999, but also in 2002.

I am extremely hopeful that this commonsense pro-family legislation will pass both the House, the Senate, and will be signed into law by our President. As the mother of two teenage daughters, I believe this bill would protect my girls, and I encourage my colleagues to vote in favor of the rule and support this commonsense legislation on a concept that is supported by the majority of Americans. I believe that it is a bill that pro-choice advocates can support.

Ms. SLAUGHTER. Mr. Speaker, I want to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), who was also maligned in the report.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, let me speak briefly about the distortion in the description of my amendment in the committee report. First, the suggestion, as the gentleman from New York has indicated, the suggestion that we had an opportunity to respond to the majority report is just not accurate. Perhaps we need to change the rules in light of this distortion, but the dissenting views explain our opposition to the bill, and we do not see the majority report prior to the submission of the dissenting views. Therefore, we had no way of knowing that such distortions would be part of the committee report.

Mr. Speaker, the underlying bill makes it illegal to transport a minor across State lines for the purpose of getting an abortion. Let me read my amendment. "The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers, nurses, medical providers, or others in the business of professional transport." It was described in the report as saying: "Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport."

Let me just say that if a person is known to be a sexual predator, the last thing a prosecutor would have done would be to say, aha, we have him for transporting a minor across State lines as a taxicab driver, and we can get him for a misdemeanor; when, obviously, if they can show that he is a sexual predator, they have many felonies they could prosecute him for. But my view on the description and the distortion of this amendment is that it says more about the character of the persons responsible for describing the amendment that way, or for those trying to defend the distortion, than it does about the amendment.

I would point out that the Committee on Rules changed the description from the distortion in the committee report and described it as follows: "Amendment immunizes taxicab drivers, bus drivers, and others in the business of professional transport; doctors and nurses and others, medical providers or their staff, from the transportation provision of the bill." A description of what the amendment says, a clarification of the distortion, but again, Mr. Speaker, it just says more about the character of the people who wrote that distortion than it does about the amendment.

I would hope that we would adopt an amendment to the rules that would require the Committee on Rules to eliminate that distortion so that the public will be accurately informed as to what is in the bill and the amendments.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume. The gentleman from New York had said that the issue of sexual abuse never came up in the committee hearing. If you look at page 84.

Mr. NADLER. I never said that. I said it did not come up with respect to my amendments.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia controls the time.

Mr. GINGREY. Mr. Speaker, I stand corrected in regard to his amendments, but in regard to a number of these other amendments, let me quote from the committee report on page 84. This is the gentleman from Ohio (Mr. CHABOT) speaking. "This amendment would allow abusers potentially to get off scot-free and doom the victims of sexual abuse to even more abuse. If the girl is afraid to tell her parents of the abortion for fear of past or future sexual abuse, she may utilize the judicial bypass process which is available in her State."

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, a woman from my district came to Washington last month to tell Congress about how her daughter was taken to New Jersey for an abortion without her knowledge and she said, "On February 16th, I sent my daughter to her bus stop with $2 of lunch money. I thought she was safe at school. She and her boyfriend had a prenatal class scheduled after school."

So the mom knew about the 14-year-old daughter's pregnancy. Her daughter had chosen to keep the baby and was attending prenatal classes.

The mom continues. "However, what really happened was that boyfriend and his family met with her down the road from the bus stop, called a taxi, they put the children on a train from Lancaster to Philadelphia. From there they took two subways to New Jersey. That is where his family met the children and took them to the abortion clinic. When my daughter started to cry and have second thoughts, they told her that they would leave her in New Jersey. They planned, paid for, coerced, harassed and threatened her into having the abortion. They left her alone during the abortion and went to eat lunch."

From this incident let us be clear on what the law allows. A 14-year-old girl tells her mom she is pregnant. Mom says she will support her in whatever choice she makes. The daughter chooses to have the baby and begins to prepare for delivery, even chooses the names. Boyfriend's family bullies the girl into having an abortion and sends her to New Jersey. All this time the mother thinks she is sending her daughter to school. Instead, the boyfriend's family dropped this young girl in tears off at an abortion clinic and then went to eat lunch. Her unborn baby is killed and she is in counseling to this day.

□ 1230

Mr. Speaker, this bill would correct this problem. It would protect our children. No parent should be kept in the dark when it comes to a medical issue regarding their children. I urge support for the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a Member maligned in the report.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am outraged by the incident that the last speaker mentioned. I do not know why there seems to be the ignoring of the obvious. The amendments that Democrats offered in the committee had nothing to do with their compassion and lack thereof. In fact, it was to enhance and give a broader opportunity for a tragedy that occurred like that, which is really people with no feelings and no heart. Those are not relatives of that young woman. That was not her parent. That was almost a criminal act. That has nothing to do with the point that the Democrats were trying to make, which is give the opportunity for a greater latitude of those who can counsel and comfort this young woman.

I do not know where the parent was in this instance, but maybe if a grandparent or a godparent was there or a clergy was there, this terrible tragedy that occurred with people who were not her relatives might have been avoided.

So this distorted debate on the floor of the House mischaracterizes many of those who raise these very issues in the Committee on the Judiciary.

So I not only stand outraged for the tragedy that was just articulated by the previous speaker, a child forced to get on abortion, on the floor by the other side of the aisle, but I am equally outraged at the misconstruing of the amendment offered in the Judiciary Committee suggesting that they exempted child predators. The process that the Committee on the Judiciary Committee has used, and my friends on the other side of the aisle have used deserve absolute disregard, and that is to distort, misquote, "miswrite", abuse and mischaracterize the amendments that were offered by a number of members of the Committee on the Judiciary. Mine happened to be one. We did not offer amendments to protect child predator rather our amendments offered a safety net to that minor child.

I thank the gentlewoman from New York (Ms. SLAUGHTER); I thank the ranking member, not only for her passion but also her articulation of the long-standing damage. We are Americans, too, and we are also human beings. The Republican staff well knows that somebody somewhere, and forget about an election, but people who you go home to your district, to be able to hold this document up and say that SHEILA JACKSON-LEE deals with child predators, how dare you do that. It is an outrage. The only issue my amendment dealt with was to give the minor child more protection.

The only thing that I think is appropriate is for the chairman of the full committee to exercise some sort of comity and collegiality to remove this abusive language.

First of all, the specifics of my amendment says that I offered an amendment that would have exempted sexual predators from prosecution under the bill. My amendment dealt specifically with allowing clergy, godparents, aunts and uncles or first cousins, minimally speaking; and then I offered a GAO study. The description in the report language also says I have a GAO study dealing with clergy and godparents. This is an abuse of power and incorrect. And I know this is inside the ballpark, but it also says if you have the votes for this legislation, win fair and square. Do not win by maligning colleagues and defeating the purpose of the rules of this House. Vote this rule down.

Mr. Speaker, I rise in opposition to the restrictive H. Res. 236, the rule governing the debate over H.R. 748, the Child Interstate Abortion Notification Act of 2005—legislation that has come to the Congress before for consideration but that did not pass because of its overwhelming contentious nature. Today is no different.

I thank my Democrat colleagues of the Committee on Rules for their efforts to move this House to bring decorum and professionalism to the committee process. The report as to amendments offered by Mr. SCOTT, Mr. NADLER, and me was materially inaccurate to the point of being offensive.

My amendment, in particular, made no mention of sexual predators. One can infer virtually anything about amendments until they are taken into context. In fact, one can infer a myriad of negative things from what is not included in the base legislation. The report was, frankly, ludicrous as to this matter. We must take it upon ourselves to accurately interpret our colleagues' amendments; lest we turn ourselves into a body of mud-slinging, vindictive individuals.

As Chair of the Children's Caucus, the report has risen to an inflammatory inference that must be corrected because justice requires it. However, one thing about this debate is different. The manner in which our committee colleagues have elected to report out the amendments that were offered by Mr. SCOTT, Mr. NADLER, and me has morphed from the simple reiteration of the precise idea of the amendment two years ago when we last debated this to an abomination that insinuates that our amendments would protect sexual predators. As my colleague and partner in offering the amendment I will present today stated before the Committee on Rules, our committee colleagues have behaved in an unfair manner and have made a clear partisan attack when the lives of minor females are at stake.

H. Res. 236, while ruling the amendments of Mr. SCOTT and of Mr. NADLER and me in order, unreasonably restricts the debate on the highly controversial base bill. The Child Interstate Abortion Notification Act (CIANA), while good in its intention, was written with several areas of vagueness, overly punitive nature, and constitutional violations that very much deserve debate in order to save lives and to obviate the need for piles upon piles of legal pleadings.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the "Child Custody Protection Act" which make it a Federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10 states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case. The base bill, if passed, would take away the States' rights to make their own determination as to legislating the abortion issue for minors with respect to parental notification.

My amendment to the Child Interstate Abortion Notification Act, would change the prohibitions to exempt grandparents of the minor or clergy persons. This must be done because some minors want the counsel of a responsible adult, and are unable to turn to their parents. In Idaho, a 13-year-old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate a pregnancy caused by his acts of incest. This is an exact situation where the help of a grandparent or clergy would have been more helpful. Spring Adams may still be with us today if she could have found someone more compassionate and caring to confide in.

H.R. 748, as drafted, will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved when their daughter faces a crisis pregnancy. Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in states without mandatory parental consent or notice laws knew of their daughter's pregnancy.

Unfortunately, some young women cannot involve their parents because they come from homes where physical violence or emotional abuse is prevalent or because their pregnancies are the result of incest. In these situations, the government cannot force healthy family communication where it does not already exist—and attempts to do so can have tragic consequences for some girls.

Major medical associations—including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association—all have longstanding policies opposing mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. These physicians see young ladies on a daily basis and hear their stories. They would not protest this law unless they felt there were severe stakes.

CIANA criminalizes caring adults—including grandparents of the minor, who attempt to assist young women facing crisis pregnancies. In one study, 93 percent of minors who did not involve a parent in their decision to obtain an abortion were still accompanied by someone to the doctor's office. If CIANA becomes law, a person could be prosecuted for accompanying a minor to a neighboring state, even if that person does not intend, or even know, that the parental-involvement law of the state of residence has not been followed. Although legal abortion is very safe, it is typically advisable to accompany any patient undergoing even minor surgery. Without the Jackson Lee-Nadler Amendment, a grandmother could be subject to criminal charges for accompanying her granddaughter to an out-of-state facility—even if the facility was the closest to the young woman's home and they were not attempting to evade a parental involvement law.

In a statement given by Dr. Warren Seigel, a member of the Physician for Reproductive Choice and Health, to the House Judiciary Subcommittee on the Constitution, he says, "I recognize that parents ideally should be—and usually are—involved in health decisions regarding their children. However, the Child Interstate Abortion Notification Act does nothing to promote such communication. Instead, CIANA places incredible burdens on both young women and physicians; infringes on the rights of adolescents to health care that does not violate their safety and health; makes caring family, friends and doctors criminals; and could be detrimental to the health and emotional well-being of all patients."

Although this legislation is supposedly aimed at increasing parent-child communication, the government cannot mandate healthy families and, indeed, it is dangerous to attempt to do so. Research has shown that the overwhelming majority of adolescents already tell their parents before receiving an abortion. In fact, the younger the woman is, the more likely she is to tell her parent. The American Academy of Pediatrics, a national medical organization representing the 60,000 physician leaders in pediatric medicine—of which I am a member and leader—has adopted the following statement regarding mandatory parental notification:

> Adolescents should be strongly encouraged to involve their parents and other trusted adults in decisions regarding pregnancy termination, and the majority of them voluntarily do so. Legislation mandating parental involvement does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate medical care.

It is important to consider why some young women cannot inform their parents. The threat of physical or emotional abuse upon disclosure of the pregnancy to their parents or a pregnancy that is the result of incest make it impossible for these adolescents to inform their parents. My amendment would allow other trusted adults to be a part of this process. Support the Jackson Lee-Nadler amendment.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in support of H.R. 748 and the rule that we have in front of us this afternoon. I commend the sponsor of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing this legislation, legislation of which I am a proud cosponsor.

Mr. Speaker, I find it unacceptable that under the current law any person in this country can take a pregnant minor to another State for the purpose of having an abortion without parents' knowledge and/or consent.

As the father of a teenage daughter myself, it is a frightening scenario. I am particularly happy to see that this bill will require abortion providers to inform a minor's parent or legal guardian within 24 hours before carrying out an abortion procedure.

Parental notification is not a new idea. I have three children, and my wife and I have to sign a parental consent form when our children go on a field trip. But what we are talking about today is the most serious of subjects, and I strongly believe no parent should find out after the fact that such a procedure has been performed on their child.

When it comes to such a serious medical procedure being performed on a minor, we cannot leave that notification up to a scared child. Every parent or legal guardian has a right to know, and this legislation ensures that right. I urge my colleagues to support the rule on H.R. 748 which ensures that right.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to this rule and to H.R. 748, the Child Interstate Abortion Notification Act. It would be more aptly called the Teenage Abandonment Act because that is what this bill does. It abandons our teenage children.

When I was a school nurse, I was privileged to administer a school-based program for teen parents and pregnant teenagers, helping them to stay in school and support their children. What I saw firsthand was that for these young women, the discovery that they were pregnant presented them with the hardest choices they would ever face. They needed the help of adults to sort through the issues surrounding their pregnancy, but this bill makes sure that many pregnant teenagers will be all alone as they face this problem.

Ideally, of course, a pregnant teenager will turn to parents for advice and support. Believe me, those who can and are able, they do. But we do not live in an ideal world. Sadly, not all parents are good. Some parents are abusive; other parents are not equipped to deal with this. And in some awful situations, a parent is responsible for the daughter's pregnancy.

In these terrible conditions, it is critical that a young girl coping with severe emotional distress be able to turn to other loving adults for help and guidance: perhaps a doctor, a teacher, a clergy, or a grandparent. This bill discourages that. Judicial bypass sounds easy on paper, not in real life for a teenager. This bill cuts off other support a young woman might have. It abandons her at her time of most critical need.

Mr. Speaker, if we want to be compassionate toward young women, really compassionate, we are going to defeat this bill.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. Hart).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time on this extremely important issue.

I decided it was important to speak some words about it. As a State legislator for a number of years, and a lot of us here were, I understand the importance of State laws and the importance of respecting families.

I am just shocked at some of the debate I hear on the other side of the aisle opposing this legislation. The whole point here is to support the family. The whole point here is to prevent the person who may even be a sexual predator or the person who is exploiting this minor from transporting this child across a State line to obtain an abortion and basically get rid of his problem.

It is outrageous that we would not support this legislation. A minor needs parental consent to engage in sports in school, to get a tattoo or a body piercing; yet we are allowing people to take a child across State lines for an abortion.

Mr. Speaker, it is important that we pass this bill. It is important to preserve families. I believe with all my heart we are just nuts not to support this bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. McGOVERN. Mr. Speaker, I strongly oppose this bill, and I know some people strongly support the bill. This clearly is an emotional issue. We can debate both sides of this. But I rise to express my deep regret over the report from the Committee on the Judiciary that accompanied this legislation.

Mr. Speaker, there is not a civility left in this House, and what little civility is left I want to protect. Listening to my colleagues on the other side talk about, and the way they have mischaracterized and misrepresented and, yes, maligned Democratic Members on this side, and I say maligned because if you use those words that you used to describe their amendments to describe them on this House floor, your words would be taken down.

One of the kinds of traditions or the unwritten rules of this House is when you describe the amendments offered by Republicans or Democrats, it is done so in a nonpartisan way. In the Committee on Rules, we get more amendments than any other committee in this House, and they are all described in a nonpartisan way. We would never describe anybody's amendment in this kind of a political way. If we did, there would be an outcry amongst members on that committee.

I urge my colleagues on the other side of the aisle to kind of take a step back, to correct the report, to demonstrate some civility and some rationality on this issue. Nobody deserves to have their amendments characterized the way these Members did. This is wrong, and I know deep down you know it is wrong.

It is difficult for me to sit by and watch my colleague from Georgia and the chairman of the Committee on the Judiciary, who I have great respect for, try to rationalize this. We are better than this. I would hope there could be a bipartisan consensus when it comes to descriptions of amendments in reports, we could do this in a nonpartisan way.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. King).

Mr. KING of Iowa. Mr. Speaker, I rise today in support of the rule and the underlying bill, the Child Interstate Abortion Notification Act.

Mr. Speaker, eight in 10 Americans favor parental notification laws, and 44 States have recognized the important role of parents in a minor child's decision to have an abortion by enacting a parental involvement statute. Even so, many of these laws are being circumvented by people who simply transport girls across State lines to States without parental notification laws for the purpose of getting an abortion.

All too often these other adults are grown men who sexually preyed upon the young girls, and they used the abortions to cover up their crimes. CIANA returns parental rights to parents.

Despite the strong deference it gives to abortion rights, even the U.S. Supreme Court recognizes that parents' rights to control the care of their children is among the most fundamental of all liberty interests. The Supreme Court has consistently recognized that parents have a legal right to be involved in their minor daughter's decision to seek medical care, including abortion.

The court has consistently affirmed a State's right to restrict the circumstances under which a minor may obtain an abortion in ways that adult women seeking abortion are not restricted. The Supreme Court has also observed that "the medical, emotion, and psychological consequences of an abortion are serious and can be lasting," and that "it seems unlikely that a minor will obtain adequate counsel and support from an attending physician at an abortion clinic where abortions for pregnant minors frequently take place."

The Supreme Court has also stated that "minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them."

No one has the child's best interest at heart more than her parents. Minors have to have parental permission to be given an aspirin by the school nurse. Twenty-six States have laws requiring parental consent before minors can get body piercings or tattoos, and in fact some States prohibit tattooing of minor children even with parental consent. Parents must be able to play a role.

The public, State statutes, and Supreme Court precedent all support parental involvement in a minor's life decision. Please support the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Waters).

Ms. WATERS. Mr. Speaker, I rise in strong opposition to the bill and to the proposed rule for this bill.

The two amendments made in order under the proposed rule, the Scott amendment and the Jackson-Lee/Nadler amendment are very important amendments. At the same time, it is instructive to note that many of the nine Democratic amendments that were not made in order seek to protect the people most directly affected by the bill: the young girls who wish to exercise their constitutional right to end their pregnancy.

For example, I offered an amendment before the Committee on Rules to create an exception to the criminal penalties and a civil suit imposed on a person transporting a young girl across State lines in cases where the minor is a victim of incest. Because the bill lacks a judicial bypass procedure in circumstances where the Federal notification requirements apply, under this bill a young girl could be required to notify a parent who impregnated her before obtaining an abortion even though it would be inappropriate, traumatic, and potentially dangerous to require her to do so.

Mr. Speaker, if a young girl is required to notify a parent who has molested her that she is pregnant before traveling to another State to seek an abortion, I fear that some girls may seek to end their pregnancy without help, whether they do so by traveling alone to another State for the procedure, or even worse, through a self-induced or illegal back-alley abortion. However, the Republican members on the Committee on Rules refused to make this amendment in order on a party-line vote.

Mr. Speaker, the gentleman from New York (Mr. NADLER) and I also offered a commonsense amendment barring a parent who has molested his daughter and caused her to be pregnant from any relief under this bill.

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However, this too was rejected on a party-line vote.

Mr. Speaker, this bill should be considered under an open rule that would allow consideration of amendments to protect the young girls who choose to seek an abortion. In its current form, the bill gives rights to a parent who has victimized his daughter.

I urge my colleagues to reject the rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), who is a member of the Committee on the Judiciary and chairman of the Constitution Subcommittee.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 748, the Child Interstate Abortion Notification Act of 2005, introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I want to thank her for her leadership on this.

We have passed this bill a number of times in a different form. There is one addition in this particular bill. But it is good legislation. I strongly encourage my colleagues to support it. CIANA is critical to better protecting young girls who fall prey to older men as well as ensuring fundamental parental rights, that parents have the right to be involved in the decisions of their daughters, particularly one that may have the long-term consequences of this particular decision.

CIANA builds on the Child Custody Protection Act by requiring that abortion providers provide 24 hours' notice to one of the minor's parents, or legal guardians if necessary, prior to performing an abortion, unless one of four carefully crafted exceptions is met. As I said, young girls are increasingly falling prey to older men who do not have the minor's best interests in mind. Parents are being left out of decisions in which they can provide critical information about their child's medical history and medical conditions as well as provide appropriate follow-up care if necessary. CIANA pushes back against this trend by allowing parents to have the chance to exercise their right to be involved in what may be the most important decision of their daughter's life.

There has been, obviously, concern raised and some umbrage taken about the amendments in the committee report. I do not think we should lose track of this important legislation, what it actually does; and I think that the gentleman from Georgia (Mr. GINGREY) made a very important point, and that is that what was being pointed out was in regard to these amendments what the effects would be and how predators could take advantage of these amendments, not the intent of our colleagues on the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for her leadership on this issue and many important issues.

Mr. Speaker, what we are really talking about today is the need to prevent teen pregnancy. Let us understand that. We can disagree about this issue. But I strongly feel, as a mother of four children, two daughters and two sons, that by providing them information I am the one who can assure that they behave responsibly. I do not need to criminalize the behavior of others in trying to do my best job as a mother. So I oppose this bill.

I also oppose the rule because it did not make in order something I thought was totally obvious, and that is an amendment that I offered with the gentleman from Connecticut (Mr. SHAYS) to prevent teen pregnancy by funding programs which accomplish that. The Committee on Rules chose not to make our amendment in order. All it would have done was provide a series of criteria by which to judge teen pregnancy programs. Those that were effective in preventing teen pregnancy would get precious Federal dollars, and those that were not would not.

I would call that, given my background on the Permanent Select Committee on Intelligence, a slam-dunk amendment, but it was not to the Committee on Rules. So I oppose this rule because it shut out our opportunity to offer our amendment. We will be introducing it as a stand-alone bill and it is also part of a comprehensive bill that the gentlewoman from New York has introduced. But I would hope that this body later this year would do the right thing, and that is to put our money where our mouth is. And where our mouth is, is to reduce unwanted teen pregnancy. That is a much better answer than the thrust of this legislation we are considering here today.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that the gentlewoman from New York has 3 minutes remaining and the gentleman from Georgia has 3 minutes remaining and the right to close.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 748, the Child Interstate Abortion Notification Act of 2005, and the rule. I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for leading the charge on this important piece of legislation.

Let us talk about what this piece of legislation does. It does three things: one, it upholds the democratic process that has taken place in 44 States; it respects the rights of parents to be involved in the medical decisions for their children; and, most importantly, it protects the health of young daughters.

When someone takes their child to get their teeth cleaned, if they are underage today, they have to have a parent's permission. We should have parents involved in this very important decision in a young woman's life and protect them from those who do not have their best interests at heart.

I encourage the Members of this body to do the right thing today. Let us protect these young women and make sure that this important decision is with a parent's involvement and not with someone who does not have their best interests.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, to show the egregious nature of the misconduct engaged in by the committee report, I have here the reports from the 107th Congress, the 106th Congress, and several other Congresses on these same amendments.

In the 107th Congress, an amendment was offered prohibiting H.R. 476 from applying with respect to conduct by a grandparent or adult sibling of a minor; 106th Congress, to exempt grandparents and adult siblings of the minor from the provisions of the bill; 106th Congress, four amendments were offered en bloc by the gentlewoman from Texas (Ms. JACKSON-LEE) to exempt ministers, rabbis, pastors, priests, other religious leaders from the provisions of the bill.

In no case in these prior Congresses was the slander and libel about sexual predators mentioned. That has changed for this Congress. It has changed because of a dishonest report.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to insert into the RECORD the reports.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Hearings

The Committee's Subcommittee on the Constitution held a hearing on H.R. 476 on September 6, 2001. Testimony was received from the following witnesses: Ms. Eileen Roberts, Mothers Against Minors' Abortions, Inc.; Professor John C. Harrison, Professor of Law, University of Virginia School of Law; Rev. Katherine Ragsdale, Vicar, St. David's Episcopal Church; and Ms. Teresa S. Collett, Professor of Law, South Texas College of Law. Additional material was submitted by Honorable Ileana Ros-Lehtinen (R-FL); Mr. Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University and Mr. Peter J. Rubin, Associate Professor of Law, Georgetown University; Bill and Karen Bell; and the Center for Reproductive Law and Policy.

Committee Consideration

On February 7, 2002, the Subcommittee on the Constitution met in open session and ordered favorably reported the bill H.R. 476, by a voice vote, a quorum being present. On March 20, 2002, the Committee met in open session and ordered favorably reported the bill H.R. 476 without amendment by a recorded vote of 19 to 6, a quorum being present.

Vote of the Committee

1. An amendment was offered by Mrs. Waters to prohibit subsection (a) of the Act from applying "if the pregnancy is the result of sexual contact with a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of the minor, or by any household or family member." The amendment was defeated by a rollcall vote of 12 to 16.

Committee Oversight Findings

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Performance Goals and Objectives

H.R. 476 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House is inapplicable.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 476, the following estimate and comparison prepared by the director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

Hearings

The Committee's Subcommittee on the Constitution held a hearing on H.R. 1218, the "Child Custody Protection Act," on May 27, 1999. Testimony was received from the following witnesses: Ms. Eileen Roberts, Mothers Against Minors' Abortions, Inc.; Ms. Billie Lominick of Newbury, South Carolina; Professor Lino A. Graglia, A. Dalton Cross Professor of Law, University of Texas School of Law; Dr. Jonathon D. Klein, M.D., American Academy of Pediatrics; and Professor John C. Harrison, Professor of Law, University of Virginia School of Law. Additional material was submitted by Professor Stephen B. Presser, Raoul Berger Professor of Legal History, Northwestern University School of Law; National Right to Life Committee, Inc.; Center for Reproductive Law and Policy; National Abortion and Reproductive Rights League; and the American Civil Liberties Union.

Committee Consideration

On June 8, 1999, the Subcommittee on the Constitution met in open session and ordered reported the bill H.R. 1218, without amendment, by voice vote, a reporting quorum being present. On June 23, 1999, the Committee met in open session and ordered reported favorably the bill, H.R. 1218, without amendment, by a recorded vote of 16 to 13, a quorum being present.

Vote of the Committee

1. An amendment was offered by Mr. Nadler to exempt grandparents and adult siblings of the minor from the provisions of the bill. The amendment was defeated by a 13–17 roll call vote.

2. An amendment was offered by Mr. Nadler to permit any adult who reasonably believed that compliance with state judicial bypass procedures would either "compromise the minor's intent to maintain confidentiality with respect to her choice to terminate a pregnancy" or would "be futile because the judicial bypass procedure of the minor's state of residence is unavailable or ineffective," to obtain a waiver of the requirements of the bill from a federal district court. The amendment was defeated by a 14–17 roll call vote.

3. Four amendments were offered en bloc by Ms. Jackson Lee to exempt ministers, rabbis, pastors, priests, other religious leaders, aunts, uncles, godparents, and first cousins from the provisions of the bill. The en bloc amendment was defeated by a 14-16 roll call vote.

4. An amendment was offered by Ms. Waters to prevent the application of the bill "with respect to an abortion where the pregnancy resulted from incest." The amendment was defeated by a roll call vote of 12–15.

5. An amendment was offered by Mr. Watt to require proof that the defendant acted with the intent to evade the requirements of a state parental involvement law in order to be prosecuted under the bill. The amendment was defeated by a voice vote.

6. An amendment was offered by Mr. Watt to create an exception where the abortion was necessary to prevent serious physical illness, injury, or disability. The amendment was defeated by a 11–17 roll call vote.

7. An amendment was offered by Ms. Jackson Lee to require the General Accounting Office to conduct a study of "the impact of the number of unsafe and illegal abortions performed on minors who would be affected by this law, and report to Congress the results of that study within one year." The amendment was defeated by a 12–17 roll call vote.

8. An amendment was offered by Mr. Scott to exempt medical facilities, doctors, and other medical professionals from prosecution under the bill. The amendment was defeated by a 12-16 roll call vote.

9. An amendment was offered by Mr. Scott to exempt accessories after the fact, aiders and abetters, and other principals from prosecution under the bill. The amendment was defeated by a voice vote.

10. Final Passage, the motion to report the bill, H.R. 1218, favorably without amendment to the whole House. The motion was agreed to by a roll call vote of 16–13.

Committee Oversight Findings

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Committee on Government Reform Findings

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

New Budget Authority and Tax Expenditures

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee acts forth, with respect to the bill, H.R. 1218, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

Hearings

The Committee's Subcommittee on the Constitution held a hearing on H.R. 3682, the "Child Custody Protection Act" on May 21, 1998. Testimony was received from the following witnesses: Representative Ileana Ros-Lehtinen; Representative James L. Oberstar; Representative Nita Lowey; Representative Lincoln Diaz-Balart; Representative Sheila Jackson-Lee; Representative Christopher H. Smith; Ms. Joyce Farley of Dushore, Pennsylvania; Ms. Eileen Roberts, Mothers Against Minors' Abortion; Reverend Katherine Hancock Ragsdale, Episcopalian Priest; Professor Teresa Collett, Professor of Law, South Texas College of Law; Professor Stephen Presser, Raoul Berger Professor of Legal History, Northwestern University School of Law; and Mr. Robert Graci, Office of the Attorney General of Pennsylvania.

Committee Consideration

On June 11, 1998, the Subcommittee on the Constitution met in open session and ordered reported the bill H.R. 3682, as amended, by a vote of 7 to 2, a reporting quorum being present. On June 17, and June 23, 1998, the Committee met in open session and ordered reported favorably the bill, H.R. 3682 with an amendment in the nature of a substitute, by a recorded vote of 17 to 10, a quorum being present.

VOTE OF THE COMMITTEE

1. Mr. Canady offered an amendment to clarify that neither the minor girl who is being taken out of state for an abortion, nor her parents, may be subject to prosecution or civil action and to add an affirmative defense where the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that the state parental involvement law where the minor girl resides had been complied with. The amendment was agreed to by a voice vote.

2. An amendment was offered by Mr. Nadler to Mr. Canady's amendment to delete the word "affirmative" from the affirmative defense. The amendment was defeated by a 9-15 roll call vote.

3. An amendment was offered by Mr. Nadler to Mr. Canady's amendment to delete from the affirmative defense the provision that the defendant's reasonable belief about compliance with the state law where the minor resides must be "based on information the defendant obtained directly from a parent of the individual or other compelling facts." The amendment was defeated by a 8-15 roll call vote.

4. An amendment was offered by Mr. Canady to clarify that circumventing a state's parental involvement law is an abridgement of a parent's right and to ensure that either parental notice or consent or a judicial bypass is obtained before the out-of-state abortion, according to what would have been required by the first state's law. The amendment was agreed to by a voice vote.

5. An amendment was offered by Mr. Barr to add the phrase "in fact" to Mr. Canady's amendment to clarify that, under the new language as amended, knowledge of violation of the state law is not an element requiring specific proof. The amendment was agreed to by a voice vote.

6. An amendment was offered by Mr. Scott to exempt the sibling of a minor from the penalty provision of this Act. The amendment was defeated by a 6-15 roll call vote.

7. An amendment was offered by Ms. Jackson-Lee that would exempt ministers, rabbis, pastors, priests, or other religious leaders from the penalty provisions of the Act. The amendment was defeated by a 5-17 roll call vote.

8. An amendment was offered by Ms. Jackson-Lee to require that one year after the enactment of this bill, GAO submit a study on the impact on the number of illegal and unsafe abortions and increased parental abuse, and report to Congress the results of that study. The amendment was defeated by a 8-4 roll call vote.

9. An amendment was offered by Mr. Conyers to create an exception to the prohibitions of this bill to the extent such prohibitions would increase "hazards" to the minor or place an undue burden on a minor seeking an abortion. The amendment was defeated by a 8-14 roll call vote.

10. An amendment was offered by Mr. Scott to create an exception where a minor has participated in a judicial bypass proceeding in any state court. The amendment was defeated by a 9-16 roll call vote.

11. An amendment was offered by Mr. Watt to create an exception where the abortion is necessary to prevent serious physical illness or a serious health condition. The amendment was defeated by a 11-16 roll call vote.

12. An amendment was offered by Mr. Scott to remove the ability of parents to file a civil action for violation of their rights under this bill. The amendment was defeated by a voice vote.

13. An amendment was offered by Mr. Scott to exempt from any criminal or civil liability abortion clinics and providers. The amendment was defeated by a voice vote.

14. An amendment was offered by Mr. Scott to create a health exception. The amendment was defeated by a voice vote.

15. An amendment was offered by Mr. Watt to require proof of specific intent to evade a state's parental involvement law. The amendment was defeated by a voice vote.

16. Two amendments were offered en bloc by Mr. Scott to remove the applicability of sections 2 and 3 of title 18 dealing with accessory after the fact and aiding and abetting principals under the bill. The en bloc amendment was defeated by a voice vote.

17. An amendment was offered by Mr. Frank to insert a non-severability clause. The amendment was defeated by a 5-15 roll call vote.

18. An amendment was offered by Mr. Scott to require a finding of significant federal interest and insufficiency of state laws before prosecution pursuant to this bill. The amendment was defeated by a voice vote.

19. An amendment was offered by Ms. Jackson-Lee to exclude grandparents from the prohibitions of this bill. The amendment was defeated by an 8-16 rollcall vote.

20. Two amendments were offered en bloc by Ms. Jackson-Lee to exclude aunts, uncles, and first cousins from the prohibitions of this bill. The en bloc amendment was defeated by a 9-16 rollcall vote.

21. Final Passage. Mr. Hyde moved to report the bill, H.R. 3682, favorably as amended by the amendment in the nature of a substitute to the whole House. The motion was agreed to by a rollcall vote of 17-10.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause (2)(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

First let me say that, once again, the Congress of the United States is beginning to meddle in the affairs of the American public. They tried to tell us in the Schiavo case that they did not care for it, but undeterred by that, Congress is coming back again to make decisions for the American family.

In 19 years in the House of Representatives, I have heard of no single case of any problem that this bill would attach to, and try as I might, I can find that there is no great epidemic or any outbreak of this sort of thing, of coercing young women against their will, or for any other reason; and to occupy this kind of time in Congress is appalling to me.

But I urge Members to vote "no" on the previous question so that I can modify the rule to require that the Committee on the Judiciary file a supplemental report to clarify the descriptions of the five Democrat amendments that were so grossly mischaracterized in the original Committee on the Judiciary report on H.R. 748. I attempted to add this language in the Committee on Rules last night, but it was defeated on a party-line vote.

Mr. Speaker, when an amendment to protect grandparents and adult siblings from being called criminals simply for helping a young granddaughter's sister is twisted beyond the pale and labled pro-sexual offender, something is terribly wrong. And when it is included in an official committee report and historic document, it is even worse. We are offended by this kind of character assassination.

I cannot stress enough the importance of a "no" vote on the previous question to correct this injustice. A "no" vote will not keep us from discussing the underlying bill but will simply correct what is a gross miscarriage of justice that has never happened before.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the descriptions of the five amendments, be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, again I ask a "no" vote on the previous question, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

The gentlewoman said she has not heard a single case in which this law would have affected anything. I will send her the transcript of a witness at our hearing, Marcia Carroll, whose daughter was taken. An abortion was provided for that daughter. That daughter said she would do anything to undo what happened that day and that this is something the family should have some involvement in.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

I would again emphasize the importance of this bill as a safeguard of parental rights and protection for minors.

As I listened to the opposition on the other side, I cannot help but notice how they remain unwilling to honestly address and debate this bill. H.R. 748 is a clear example of consensus legislation upon which most Americans agree. According to a recent poll by the New York Times, almost 80 percent of Americans favor parental notification law, and yet these laws are currently circumvented and violated through the interstate transportation of minors. Allowing our children to be carted across State lines by nonguardians to get an abortion is absolutely immoral and fundamentally wrong.

With over 30 States requiring some type of parental notification, Congress cannot turn a blind eye to those who would violate the law and endanger our children.

Mr. Speaker, this Congress has an obligation and absolute moral duty to parents and their children alike to make sure that these State laws are upheld so that nonguardians do not make medical decisions for our children. Parents and children deserve better, Mr. Speaker, and this bill will ensure that they get the care and consideration that they need.

Again I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the sponsor of the bill, and all my colleagues who support this bill. I encourage each and every Member to think long and hard about this matter, to put rhetoric aside and to listen to their conscience.

Mr. Speaker, I further ask and encourage my colleagues to vote in favor of this rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 236—RULE ON H.R. 748 CHILD INTERSTATE ABORTION NOTIFICATION ACT

Text: At the end of the resolution add the following new section:

"SEC. 2. The Chairman of the Committee on the Judiciary shall file a supplemental report to accompany H.R. 748 that provides for an objective description of the amendments offered during consideration."

The following amendments were offered and voted down by recorded votes in the Judiciary Committee markup of H.R. 748—The Child Interstate Abortion Notification Act (CIANA):

The Judiciary Committee mischaracterized these amendments in their official committee report on the bill.

No. 11–16. Objective Description: A Nadler amendment allows an adult who could be prosecuted under the bill to go to a Federal district court and seek a waiver to the state's parental notice laws if this remedy is not available in the state court.

Committee Report Description: Rollcall No. 1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a rollcall vote of 11 yeas to 16 nays, the amendment was defeated.

No. 12–19. Objective Description: A Nadler amendment to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill.

Committee Report Description: Rollcall No. 2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a rollcall vote of 12 yeas to 19 nays, the amendment was defeated.

No. 13–17. Objective Description: A Scott amendment to exempt cab drivers, bus drivers and others in the business transportation profession from the criminal provisions in the bill.

Committee Report Description: Rollcall No. 3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a rollcall vote of 13 yeas to 17 nays, the amendment was defeated.

No. 12–18. Objective Description: A Scott amendment that would have limited criminal liability to the person committing the offense in the first degree (No. 12–18).

Committee Report Description: Rollcall No. 4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a rollcall vote of 12 yeas to 18 nays, the amendment was defeated.

No. 13–20. Objective Description: A Jackson-Lee amendment to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill.

Committee Report Description: Rollcall No. 5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accounting Office. By a rollcall vote of 13 yeas to 20 nays, the amendment was defeated.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

Mr. NEY, from the Committee on House Administration, submitted a privileged report (Rept. No. 109–57) on the resolution (H. Res. 239) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN ONE HUNDRED NINTH CONGRESS

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 224) providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, as amended.

The Clerk read as follows:

H. RES. 224

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED NINTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Ninth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $11,257,009; Committee on Armed Services, $12,826,208; Committee on the Budget, $12,026,478; Committee on Education and the Workforce, $15,493,286; Committee on Energy and Commerce, $19,925,687; Committee on Financial Services, $15,203,100; Committee on Government Reform, $20,497,085; Committee on Homeland Security, $14,000,000; Committee on House Administration, $9,554,568; Permanent Select Committee on Intelligence, $9,527,870; Committee on International Relations, $16,299,018; Committee on the Judiciary, $15,312,992; Committee on Resources, $14,520,962; Committee on Rules, $6,365,600; Committee on Science, $12,327,996; Committee on Small Business, $5,586,973; Committee on Standards of Official Conduct, $4,290,536; Committee on Transportation and Infrastructure, $18,108,082; Committee on Veterans' Affairs, $6,474,418; and Committee on Ways and Means, $17,819,494.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2005, and ending immediately before noon on January 3, 2006.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,495,805; Committee on Armed Services, $6,292,249; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,705,970; Committee on Energy and Commerce, $9,812,619; Committee on Financial Services, $7,427,648; Committee on Government Reform, $10,121,443; Committee on Homeland Security, $6,100,026; Committee on House Administration, $4,648,683; Permanent Select Committee on Intelligence, $4,500,653; Committee on International Relations, $7,946,084; Committee on the Judiciary, $7,461,565; Committee on Resources, $7,178,224; Committee on Rules, $3,074,229; Committee on Science, $6,101,648; Committee on Small Business, $2,721,600; Committee on Standards of Official Conduct, $1,891,890; Committee on Transportation and Infrastructure, $8,856,869; Committee on Veterans' Affairs, $3,075,732; and Committee on Ways and Means, $8,674,514.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2006, and ending immediately before noon on January 3, 2007.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,761,204; Committee on Armed Services, $6,533,959; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,787,316; Committee on Energy and Commerce, $10,113,068; Committee on Financial Services, $7,775,452; Committee on Government Reform, $10,375,642; Committee on Homeland Security, $7,899,974; Committee on House Administration, $4,905,885; Permanent Select Committee on Intelligence, $5,027,217; Committee on International Relations, $8,352,934; Committee on the Judiciary, $7,851,427; Committee on Resources, $7,342,738; Committee on Rules, $3,291,371; Committee on Science, $6,226,348; Committee on Small Business, $2,865,373; Committee on Standards of Official Conduct, $2,398,646; Committee on Transportation and Infrastructure, $9,251,213; Committee on Veterans' Affairs, $3,398,686; and Committee on Ways and Means, $9,144,980.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REQUIREMENTS FOR USE OF FUNDS FOR MASS MAILINGS.

(a) IN GENERAL.—None of the amounts made available under this resolution may be used by a committee for the production of material for a mass mailing unless—

(1) the mailing is of a press release to the communications media, a notice of the schedule of a hearing or markup of the committee (the content of which shall be limited to date, time, location, topic, witness list, and ADA services), a committee document printed pursuant to the applicable provisions of title 44, United States Code, or a request for the views of the public or the views of other authorities of government essential to the conduct of the study, investigation, or oversight of matters within the jurisdiction and related functions assigned to the committee under rule X of the Rules of the House of Representatives;

(2) prior to mailing, the chairman or ranking minority member of the committee (as the case may be) submits a sample of the material to the House Commission on Congressional Mailing Standards and the Commission determines that—

(A) the mailing is ordinary and necessary to the conduct of the normal and regular business of the committee, and

(B) the mailing would be in compliance with the requirements of subsections (a)(3)(A), (a)(3)(C), (a)(3)(C), (a)(3)(G), (a)(4), and (a)(5) of section 3210 of title 39, United States Code, if mailed by a Member of the House of Representatives;

(3) the mailing would not be prohibited under section 3210(a)(6)(A) of title 39, United States Code, if mailed by a Member of the House of Representatives; and

(4) the aggregate amount that will be spent in franking costs by the committee for mass mailings during the session involved, after taking into account the franking costs of such mass mailing, will not exceed $5,000.

(b) MASS MAILING DEFINED.—In this section, the term "mass mailing" has the meaning given such term in section 3210(a)(6)(E) of title 39, United States Code.

SEC. 6. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to consider H. Res. 224, an omnibus funding resolution providing for the expenses of certain committees of the United States House of Representatives in the 109th Congress.

In February of this year, the chairman and ranking member of each committee presented a budget request to the Committee on House Administration and introduced individual resolutions, as is our process, to support their funding request.

H. Res. 224, the Omnibus Primary Expense Resolution, combines all of the individual resolutions into one bill, including our new permanent committee, the Committee on Homeland Security.

I am pleased to put before the House a bipartisan resolution that can be supported by a majority of Members on both sides of the aisle. I feel that both chairmen and ranking members will agree that this carefully crafted agreement will provide sufficient funding for them to carry out the duties and responsibilities with which they are charged. As we all know, the Committee on Homeland Security was created at the beginning of this Congress, making it a permanent standing committee of the U.S. House of Representatives. The committee will provide an important oversight function overseeing the Department of Homeland Security and ensuring that the combined agencies are doing the job we all expect of them with regard to protecting our homeland.

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The inclusion of the Select Committee on Homeland Security and the permanent committee funding process significantly raises the funding levels needed for committees to operate. Their budget alone increased funding for this resolution by 1 percent. Protecting our homeland is now a reality, and the funding needed to run the committee is also a reality that we dealt with and came to a conclusion that I think is good for the committee and the entire process here in funding.

During this cycle, committees requested a total of $273.4 million in spending. This is approximately $40 million more than what was authorized in the 108th Congress and represented a 17.1 percent requested, and I stress "requested" increase. Removing homeland security from the equation, the request by committees totaled $257.8 million, which is a $35 million increase over the 108th authorized levels and a 15.7 percent increase. This resolution reduces, I am pleased to say, the amount requested by committees by $16.2 million, or a 5.9 percent decrease.

H. Res. 224, as amended, provides for expenses of all committees and authorizes $257.4 million, a 10.1 percent increase. This is a $23.7 million increase over the 108th Congress authorized levels.

It should be noted that the 109th Congress funding level of $257 million in this resolution is still lower than the funding levels in the 103rd Congress when adjusted for inflation. The mark for the 103rd Congress was $223.3 million, which adjusted for inflation amounts to $296.4 million in 2005 dollars. That means in real terms we have held a reasonable line of expenditures for the committee; but we are able to still carry out the tasks of these committees, which is so important to constituents across the United States who depend on these committees to be able to produce public policy and to do their work for the people of the country.

I am proud of the numbers we are putting forward with this resolution, Mr. Speaker. As I stated earlier, I feel that most Members will be able to widely support this measure.

This resolution also carries forward a goal that we reached in the 107th Congress whereby committees allocated at least one-third of their resources to the minority. Since the 104th Congress, we have strived to reach the goal of dividing committee resources on a two-thirds/one-third basis between the majority and the minority of each committee. I am proud to say that committee chairmen have worked with their respective ranking members and vice versa and produced agreements that provided for a two-thirds/one-third split of resources agreements that have been reached between the Chairs and the ranking members to their satisfaction.

I want to note that it is important that under the leadership of the gentleman from Illinois (Speaker HASTERT), who runs the House, and the goal that he set when the gentleman from California (Mr. THOMAS) was chairman and the gentleman from Maryland (Mr. HOYER) was the ranking member, they set the two-thirds/one-third allocation and did a wonderful job to get to that. The gentleman from Connecticut (Mr. LARSON) was our ranking member, and the Speaker held to the same tenacity to reach that deal, and we reached the two-thirds/one-third.

I am pleased today our ranking member, the gentlewoman from California (Ms. MILLENDER-MCDONALD), is here and has carried on to make sure that has stayed intact and refined it and has pushed for the minority in a marvelous way. This goal would never have been reached if it were not for our ranking member, the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This ensures a fair division of the resources. I want to thank the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) for their work on this issue and the previous assignments, and I want to thank the chairman of each committee and their ranking member for their cooperation with each other on this matter.

Mr. Speaker, when I speak again, I will have some ending thanks for some staff on both sides of the aisle. I will save that until after our ranking member speaks.

Let me just say, I am so proud. We might have differences in the House, but we come together for the institution of the House today. I am so proud of our ranking member for working through the issues, of expressing for her membership for the ranking members of what they wanted to see in this document.

I want to thank again the Chairs and the ranking members. It is truly a document that will receive, I believe, wide bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this committee's funding resolution. For the past 6 years, the Speaker and the gentleman from Ohio (Chairman NEY) have labored in the House service to the benefit of both the majority and the minority. They have firmly established the fairness principle in the committee funding process. By doing so, they have benefited this great institution and have brought civility to the House regarding the fair allocation of committee resources.

While many others have also worked to bring this about, including the gentleman from California (Mr. THOMAS) and my predecessor ranking members, especially the gentleman from Maryland (Mr. HOYER), it is the gentleman from Ohio (Chairman NEY) and the Speaker who must be credited with greatly diminishing this source of continuing tension between the majority and the minority.

But the most important consequence of the application of the Speaker and the gentleman from Ohio (Chairman NEY) of the fairness principle today is that the principle is now firmly established as an operating standard within the House; and I believe it will be applied from this point forward, no matter which political party is in the majority.

The fairness principle, simply stated, is that the minority is entitled to a minimum of one-third of the staff and committee resources and control over those resources. The fairness principle has been embedded in House rules for many decades under both Republican and Democratic majorities. It is currently reflected in the House rule X, clause 9.

Six committees unconditionally operate under the fairness principle today, with the remainder operating on a version of the fairness principle agreeable to the respective chairmen and ranking members. We must anticipate that as committee leaders' positions change hands, old compromises and accommodations will yield to the universal and unconditional application of the fairness principle. Only then will the gentleman from Ohio (Chairman NEY) and the gentleman from Illinois (Speaker HASTERT) have fulfilled the worthy objective of securing civility between the majority and the minority regarding the division of committee resources.

Mr. Speaker, we also would like to compliment the gentleman from Ohio (Chairman NEY) on another matter of great importance to this institution. It involves the self-initiated mass mailings on behalf of committees, which could have undermined public support for the franking privilege.

The Committee on House Administration has taken a very enlightened approach to these taxpayer-funded mailings. The resolution before us clarifies the existing rules regarding committee-initiated mass mailings and prohibits the use of committee funds to prepare mass mailings once a committee has expended $5,000 in mass-mailing costs in a session.

Mass mailings by committees would have to be approved by the bipartisan Franking Commission and would be subject to the 90-day cutoff that individual Members are subjected to. This clarifying language and the limitation provide guidance which will allow committees to strategically plan their franking use during each session of Congress.

By a separate action of the Committee on House Administration, we adopted a committee resolution setting an overall committee limit for all forms of franked mail, including committee-initiated frank mailings, of $5,000 per session. Again, this gives committees a planning tool. And we recognize that a committee might find itself in crisis due to exigent circumstances.

During the markup of this resolution, the gentleman from Ohio (Chairman NEY) expressed clearly and unequivocally that any committee needing additional franking authorization above the $5,000 must return to the committee to request and justify the needed increase. Such an increase would be adopted by the full committee in the form of a committee supplemental resolution, and the increased funding could not be used for mass mailings.

Mr. Speaker, I insert a chart in the RECORD at this point.

COMMITTEE FRANKED MAIL EXPENDITURES

	2000	2001	2002	2003	2004
Agriculture	$691.91	$578.90	$521.92	$645.20	$384.52
Armed Services	5,640.99	6.300.05	7,312.99	673.37	470.97
Budget	1,232.48	285.20	129.48	133.25	252.44
Education and the Workforce	1,665.49	1.458.71	1,515.39	1,345.59	4,839.41
Energy and Commerce	3,937.66	2.737.09	1,772.19	1,838.59	1,673.53
Financial Services	1,617.51	1,025.71	733.41	1,078.74	856.10
Government Reform	....	4.776.00	4,689.00	3,767.09	9,700.46
Homeland Security	n/a	n/a	n/a	909.01	783.89
House Administration	1.381.12	688.07	2,606.07	756.20	7,883.31
Intelligene	342.16	248.10	146.46	353.99	190.26
International Relations	5,041.04	1,730.78	834.57	739.27	724.38
Judiciary	6,866.53	4,530.67	4.422.33	2,957.02	2,956.42
Resources	1,563.89	2,882.59	2,081.58	51.123.13	53.917.29
Rules	241.19	257.14	222.97	924.33	958.19
Sciences	2,810.99	1,974.97	1,874.39	1,739.34	14.122.29
Small Business	3.292.73	2,214.66	3,502.11	897.88	1,623.39
Standards	17,016.88	1,126.46	4.640.89	3.133.07	1,016.13
Transportation	1,824.82	2,254.39	1.264.35	1,624.70	1.156.61
Veterans	2,206.75	2,037.79	1,656.58	1,200.22	1,694.77
Ways and Means	4,372.19	2,958.93	1,959.06	1,640.67	1.156.84

Mr. Speaker, the chart details aggregate franked mail expenditures on behalf of committees during the last 5 years. As you can see, few committees will have any difficulty operating within the limit established by the Committee on House Administration based on spending levels prior to the 108th Congress.

This is a great resolution because it really does continue the fairness practice that has been put forth by the Speaker, but especially by this chairman, the gentleman from Ohio (Chairman NEY); and it has been my privilege to work with him on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I wanted to mention a few thanks that we need to say. The minority leader, the gentlewoman from California (Ms. PELOSI), and also her counsel, Bernie Raimo; the gentleman from Illinois (Speaker HASTERT), of course, for his diligence on this issue and fairness with the committee funding structure; Scott Palmer with the Speaker and Ted Van Der Meid, who provided constant assistance to us on the issues; also our staff, Paul Vinovich, Jeff Janas and David Duncan; and the minority, George Shevlin, Charlie Howell, and Catherine Tran.

Let me also thank the members of our committee, the gentleman from Texas (Mr. BRADY), the gentlewoman from California (Ms. ZOE LOFGREN), the gentleman from Florida (Mr. MICA), the gentleman from Michigan (Mr. EHLERS), the gentleman from California (Mr. DOOLITTLE), the gentleman from New York (Mr. REYNOLDS), and our newest member, the gentlewoman from Michigan (Mrs. MILLER).

As we have opened up the House, and it is a wonderful thing, to the age of the Internet, where Americans can actually see what is going on in their House, in the committees, as we have done that, more people are writing than ever before, more people are wanting answers than ever before; and that is wonderful open structure in this House. But that has caused, obviously, extra work; and we have staff of these committees, both minority and majority staff, that are doing a wonderful job to respond to citizens across the country and crafting laws.

We can argue about the laws, whether they are good or bad, or make amendments; but if we did not have the committee structures of all of the committees of this House, we would not be able to craft the law; we would not be able to carry out lawmaking.

So, again, I want to especially thank our ranking member for doing a wonderful job, giving us her views, and giving wonderful input into the system.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank again the chairman for his leadership in drafting this resolution and also would like to ditto what he said in terms of the staffs on both sides working diligently to ensure that we had this type of resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I rise to address just one aspect of the funding resolution. I have come to this floor before with my concerns that mass mailings have been sent by a particular committee. We as Members of the House have constituents that we need to keep in touch with, but a committee has as its constituents only the members of that committee. A committee does not answer to the whole people of the United States; it answers to this House and to its Members.

This funding resolution makes it clear that the mass mailings of any committee cannot exceed over $5,000 in postage in any year. Basically, that means no effort to reach out to an entire community, an entire congressional district, with an ideological message.

For that reason, I want to commend the ranking member and the Chair for putting to rest that issue, at least for as long as this funding resolution is operative.

I would also point out that it is my understanding that this funding resolution calls for any mass mailings sent by a committee to go to the Franking Commission. I want to thank the leader of our party for appointing me to that commission, where I will serve with our ranking member (Ms. MILLENDER-McDONALD) and others.

So I am confident that the mailings of committees will be limited to committee business, will not be so massive as to try to affect the views of an entire congressional district, and will follow the rules of the House as to manner and content.

□ 1315

So I once again commend the chairman and commend the ranking member.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I do have a speaker who has arrived, so I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding me this time and congratulate the chairman of the committee, the gentleman from Ohio (Mr. NEY) and his ranking member and the leadership on both sides for coming together on this funding resolution.

I could take Members back 12, 14 years ago when this committee funding resolution every year was a brawl. Having sat on the Committee on House Administration with some of my colleagues, there were times when the majority was getting 82 percent of the budget, sometimes 78 percent of the budget, and I always believed that it was fair for the minority to get at least one-third of the resources. It has really been a long struggle in bringing that about. I thought that when we were in the minority, I believed the same since we have been in the majority, and over these years I think we have accomplished an awful lot in terms of funding committees at a reasonable level, bringing comity and stability to the House.

I just want to say to my two colleagues who brought this resolution to the floor today that they deserve the congratulations of all of the Members and the leadership on both sides as well.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I do not believe that I have any further speakers on this issue, but I did forget to mention the franking issue, and I agreed with that amendment. What we did is we changed the rules. We did not clarify the rules, but we changed the rules. Previously, committee mailings were not covered by the same regulations that apply to individual Members. This was the case in the 108th and the previous Congress. This rule change will treat committee mailings the same as individual mailings with respect to the blackout and the preapproval.

So we have I think made a change in the rules that, as I said, I agreed with is good, and all the chairs of the committees and the ranking members agreed with the change.

Ms. ZOE LOFGREN of California. Mr. Speaker, I strongly support the House Committee Funding Resolution for the 109th Congress as approved by the House Administration Committee on Thursday, April 21, 2005. This Resolution assures that the Minority will be treated fairly in regard to both committee budgets and staff. It abides by the 2/3–1/3 principle in which the Minority receives 1/3 of the staff, 1/3 of the budget, and control over that budget. It is my understanding that every Chair and Ranking Member in the House have come to an agreement on their individual budgets, and all treat the Minority in a fair and respectful way. I commend Chairman NEY and Ranking Member MILLENDER-McDONALD for their hard work on this Resolution.

During markup of the Committee Funding Resolution, Congresswoman MILLENDER-McDONALD offered an amendment regarding House Committee's use of the Frank. Under this amendment, Committees will be limited to a $5,000 franking budget per year, and Committees will need to abide by, and receive approval from, the House Franking Commission for any mass mailings. This is an important proposal that I strongly support. This amendment assures that House Committees will only use the Frank for official purposes, and stem the questionable franking practices that developed at the end of the 108th Congress.

Finally, I must comment on the controversy surrounding the budget of the Resources Committee during the 108th Congress.

My colleague Chairman NEY was elected to Congress in 1994, the same year as me. As you will recall, 1994 was the year that the Republicans took control of Congress for the first time in 40 years.

Led by Newt Gingrich, the incoming members of the House promoted the Contract with America. The Contract promised that under Republican rule, the House would pass a number of resolutions and bills within the first 100 days of the 104th Congress.

One of the promises made by the Republicans was to pass a resolution on the first day of the 104th Congress that would provide for the selection of a major, independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud or abuse. Republicans were concerned that tax dollars were being misspent by the House of Representatives. Chairman NEY signed the Contract with America, and I can only assume that he supported this provision.

It seems odd to me now that a little over 10 years later, my friend BOB NEY and his Republican colleagues do not seem to have the same zeal for investigating waste, fraud and abuse here in the House.

During the Committee Funding Resolution hearings in March, I posed several questions about the budget and policies of the Resources Committee during the 108th Congress to Resources Committee Chairman RICHARD POMBO.

On October 6, 2004, The Hill reported that Chairman POMBO planned to close the Resources Committee for a month leading up to the November 2004 elections. It went on to state that the staff would receive a month of vacation time and Chairman POMBO's spokesman stated on-the-record that some staff may choose to go and work on campaigns during their time off.

During the hearing, I posed several questions about the vacation policy of the Resources Committee to Chairman POMBO and gave him the opportunity to clear up the confusion about the events leading up to the 2004 elections.

Chairman POMBO welcomed the opportunity to address the issue. He answered some of my questions at the hearing, and said he would need to get back to the Committee regarding others.

In an effort to get to the bottom of this issue and clear up any confusion, I put my questions in writing for Chairman POMBO. The record, at the direction of Chairman NEY, was held open so Chairman POMBO could respond to the House Administration Committee within 30 days. Chairman POMBO did respond to some, but not all, of my questions in writing on April 13, 2005.

Both Chairman NEY and representatives of Chairman POMBO have categorized these ordinary and routine inquiries as something extraordinary. Mr. POMBO's spokesman has actually compared me to Senator Joseph McCarthy. While I find that comment to be a bit weird, I am prepared to state unequivocally that I do not believe Chairmen POMBO or NEY are communists!

So the record is totally clear, I have included in the Committee Report accompanying this resolution all of the correspondence between myself, Chairman NEY and Chairman POMBO on this issue as well as the transcript of our discussion at the committee hearing. This report should be posted on the House Administration Committee Web site. I will also note that at this time, Chairman POMBO has still not answered all of my written questions.

It is the job of the House Administration Committee to oversee all operations of the House of Representatives, including the approval of taxpayer-funded committee budgets. Under this Committee Funding Resolution, the Resources Committee will receive a 7.5 increase in their operating budget in the 109th Congress.

It is only appropriate that the House Administration Committee confirm that the money spent by the Resources Committee during the 108th Congress was done so in a proper way. Chairman POMBO still has the ability to quickly clear up this confusion. I remain hopeful that Chairman POMBO will take the time to answer all the written questions in detail about the policies and practices of the Resources Committee to reassure that tax dollars are being spent in a legal, fair, and ethical manner. Chairman NEY, signers the Contract with America, and anyone else that believes in good government, should demand nothing less.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 224, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 224, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE SIXTH CONGRESSIONAL DISTRICT OF TENNESSEE

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 239) dismissing the election relating to the office of Representative from the Sixth Congressional District of Tennessee, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H.R. 902, by the yeas and nays;

House Concurrent Resolution 81, by the yeas and nays;

House Resolution 235, ordering the previous question, by the yeas and nays;

House Resolution 236, ordering the previous question, by the yeas and nays.

Votes after the first in this series will be conducted as 5-minute votes.

PRESIDENTIAL $1 COIN ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 902, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the bill, H.R. 902, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 6, not voting 6, as follows:

[Roll No. 136]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello

Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Berman
Capuano
DeFazio
Mack
Poe
Strickland

NOT VOTING—6

Brown, Corrine
Portman
Rothman
Smith (WA)
Westmoreland
Wicker

☐ 1343

Mr. CAPUANO and Mr. BERMAN changed their vote from "yea" to "nay."

Mr. HINCHEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln, and for other purposes.".

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 81.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 81, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 27, answered "present" 2, not voting 7, as follows:

[Roll No. 137]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes

Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—27

Carson
Clay
Davis (IL)
Farr
Grijalva
Hinchey
Jackson (IL)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Meeks (NY)
Olver
Paul
Payne
Rangel
Rush
Serrano
Stark
Thompson (MS)
Towns
Velázquez
Waters
Woolsey
Wynn

ANSWERED "PRESENT"—2

DeFazio
Watt

NOT VOTING—7

Bachus
Brown, Corrine
Jones (OH)
Portman
Rothman
Westmoreland
Wicker

□ 1354

Mr. WYNN and Mr. MEEKS of New York changed their vote from "yea" to "nay".

Mr. GEORGE MILLER of California changed his vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

The SPEAKER pro tempore (Mr. BASS). The pending business is the question on ordering the previous question on House Resolution 235 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question, on which the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 201, not voting 5, as follows:

[Roll No. 138]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brown, Corrine
Portman
Rothman
Westmoreland
Wicker

□ 1403

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 748. CHILD INTERSTATE ABORTION NOTIFICATION ACT

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 236 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 192, not voting 8, as follows:

[Roll No. 139]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Brown, Corrine
McDermott
Portman
Rothman
Smith (TX)
Westmoreland
Wicker
Wilson (NM)

☐ 1411

Mr. BERMAN changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, earlier today, I was absent attending a meeting at the White House and missed the recorded votes on rollcall No. 136, on H.R. 902, the Presidential One Dollar Coin Act; rollcall No. 137, on H. Con. Res. 81, Expressing the sense of Congress regarding human rights in Cuba; rollcall No. 138, on Ordering the Previous Question on H. Res. 235, the rule for H. Res. 22, Expressing the sense of Congress regarding a Small Business Bill of Rights; and rollcall No. 139, on Ordering the Previous Question on H. Res. 236, the rule for H.R. 748, the Child Interstate Abortion Notification Act.

Had I been present, I would have voted "yea" on rollcall No. 136; "yea" on rollcall No. 137; "yea" rollcall No. 138; and "yea" on rollcall No. 139.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Mr. KELLER. Mr. Speaker, pursuant to House Resolution 235, I call up the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 22 is as follows:

H. RES. 22

Whereas more than 90 percent of all American employers are small businesses;

Whereas small businesses generate approximately 70 percent of the new jobs created in the United States each year;

Whereas small businesses are crucial to the American economy and account for a significant majority of new product ideas and innovations;

Whereas small businesses, together with innovation and entrepreneurship, are central to the American dream of self-improvement and individual achievement;

Whereas 60 percent of the 45,000,000 Americans without health insurance are small business employees and their families;

Whereas most small businesses do not provide health insurance to their employees, primarily because of the surging cost;

Whereas the death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner;

Whereas frivolous lawsuits and the rising costs of liability insurance represent serious threats to small business owners;

Whereas burdensome regulations and paperwork cost small businesses more than $5,500 per employee; and

Whereas Congress can help small businesses grow by establishing a climate to encourage small businesses to create jobs and offer more affordable health insurance to employees: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that American small businesses are entitled to the following Small Business Bill of Rights:

(1) The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health care coverage.

(2) The right to tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow.

(3) The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs.

(4) The right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small businesses while hurting production and preventing job creation.

The SPEAKER pro tempore. Pursuant to House Resolution 235, the amendments to the text and preamble printed in the resolution are adopted.

The text of House Resolution 22, as amended, is as follows:

H. RES. 22

Whereas more than 90 percent of all American employers are small businesses;

Whereas small businesses generate approximately 70 percent of the new jobs created in the United States each year;

Whereas small businesses are crucial to the American economy and account for a significant majority of new product ideas and innovations;

Whereas small businesses, together with innovation and entrepreneurship, are central to the American dream of self-improvement and individual achievement;

Whereas 60 percent of the 45,000,000 Americans without health insurance are small business employees and their families;

Whereas most small businesses do not provide health insurance to their employees, primarily because of the surging cost;

Whereas the Internal Revenue Code of 1986 is exceedingly complex, making it difficult for small businesses to understand it and comply with its requirements;

Whereas the Internal Revenue Code of 1986 discriminates, in many instances, against small businesses and self-employed persons by limiting the availability of certain tax incentives to larger firms or corporations;

Whereas the death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner;

Whereas frivolous lawsuits and the rising costs of liability insurance represent serious threats to small business owners;

Whereas burdensome regulations and paperwork cost small businesses more than $5,500 per employee;

Whereas adequate, affordable, and reliable energy supplies are essential to the success of small businesses, especially small manufacturers;

Whereas lack of access to capital and credit stifles new business growth and economic opportunity;

Whereas both unsound contract bundling or consolidation and the failure of various Federal agencies to closely monitor the small business goals and subcontracting plans of large businesses have dried up many procurement opportunities for small businesses; and

Whereas Congress can help small businesses grow by establishing a climate to encourage small businesses to create jobs and offer more affordable health insurance to employees: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that American small businesses are entitled to the following Small Business Bill of Rights:

(1) The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health care coverage.

(2) The right to simplified tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow.

(3) The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs.

(4) The right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small businesses while hurting production and preventing job creation.

(5) The right to relief from high energy costs, which pose a real threat to the survival of small businesses, to be accomplished by reducing the Nation's reliance on imported sources of energy and encouraging environmentally-sound domestic production and conservation of energy.

(6) The right to equal treatment, as compared to large businesses, when seeking access to start-up and expansion capital and credit.

(7) The right to open access to the Government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.

The SPEAKER pro tempore. The gentleman from Florida (Mr. KELLER) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the goal of the Small Business Bill of Rights is to provide a blueprint for Congress to help small business employers create more jobs. A job is the best social program in the world. It provides income, health insurance, and dignity.

Significantly, 70 percent of all new jobs in the United States are created by small business people. In light of the fact that small business employers are the engine that drive this economy, I decided to meet with 20 very successful small business people in Orlando, Florida, to learn firsthand what, if anything, Congress could do to help small business employers create even more jobs.

I learned a lot by sitting down and listening to small business people. First, I learned that the number one issue facing small business people today is the skyrocketing cost of health insurance. In fact, a growing number of small businesses today are not able to provide health insurance to their employees, primarily because of the surging cost. Of the 45 million Americans without health insurance, 60 percent are small business employees and their families.

Right now, small businesses are unable to achieve the bargaining power of large corporations when negotiating with insurance companies to obtain affordable health insurance for their employees. The premiums that small businesses pay are typically 20 to 30 percent higher than those of large companies.

According to the Congressional Budget Office, small businesses that obtain insurance from association health plans can save up to 25 percent.

These small business people told me that they needed the right to be able to join together to purchase affordable health insurance for their employees so their workers have the opportunity to get the same health care benefits now reserved for those employees of Fortune 500 companies.

The second thing I learned is that many of these small businesses are family owned. Unfortunately, the death tax causes one-third of all family-owned businesses to liquidate after the death of the owner. If Congress does not undertake any meaningful reforms of the death tax laws, then small businesses will go back to paying up to 55 percent in tax rates in the year 2011. Unfortunately, the only small family-owned business in America that knows for sure whether they will die in the year 2010 is the Sopranos.

Understandably, these small business people want the right to tax laws that allow family-owned small business people to survive over several generations and offer them incentives to grow.

The third thing I learned is that frivolous lawsuits and the rising cost of liability insurance represent a very serious threat to small business owners. Unlike large, multinational corporations, small business owners do not have the resources to defend themselves against frivolous litigation and are often forced, for business reasons, to settle a claim for $5,000 to $10,000 rather than pay a defense attorney $100,000 to successfully defend them in court.

Finally, I learned that burdensome regulations and paperwork cost small business more than $5,500 per employee, and these small business owners understandably want the right to be free of unnecessary, restrictive regulations and paperwork which end up wasting their time and energy and prevent them from creating additional jobs.

After listening to the challenges and solutions proposed by various small business people, I worked with some of my Democrat colleagues to craft a Small Business Bill of Rights.

□ 1415

I want to particularly thank the gentleman from Alabama (Mr. CRAMER) for being an original cosponsor of H. Res. 22.

Now, we had a hearing on the Small Business Bill of Rights last month. At that hearing, witnesses from NFIB and the U.S. Chamber of Commerce testified that the four issues identified in the Small Business Bill of Rights were in fact the top four issues affecting small businesses in the United States today, according to the surveys of their members.

After the hearing, we added language relating to the importance of lower energy costs, increasing access to capital, and opening access to government contracts for small business. To my left here is a chart which shows the Small Business Bill of Rights.

Number one. The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health insurance.

Number two. The right to simplify tax laws that allow family-owned small businesses to survive over several generations, and offer them incentives to grow.

Number three. The right to be free from frivolous lawsuits, which harm law-abiding small businesses and prevent them creating new jobs.

Number four. The right to be free of unnecessary restrictive regulations and paperwork which waste the time and energy of small business people.

Number five. The right to relief from high energy costs, which pose a real threat to the survival of small businesses.

Number six. The right to equal treatment as compared with large businesses when seeking access to start-up and expansion capital and credit.

Number seven. The right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.

Now, if someone is not in favor of the Small Business Bill of Rights, if they would be voting "no" on this, then what would they be voting in favor of? In favor of higher health insurance costs, higher taxes, more frivolous lawsuits, more paperwork and regulations, higher energy costs, more obstacles to getting capital, more obstacles to getting Federal contracts for small business people?

In fact, the Small Business Bill of Rights, as you might imagine, passed the Committee on Small Business on a voice vote. Not a single Republican or Democrat member voiced opposition to this. There is nothing here at any time that any Republican or Democrat during the markup process or the Committee on Rules or anywhere else sought to remove. There is no controversy that has been articulated so far about these seven things.

To the extent people may have criticisms, it is criticism of what is not on here. Some folks wish that there were a couple of things that were added that were not here. I can tell you that when I met with small business people, various of them told me different items that were not on here. But when I interviewed 20 people and then had testimony from the witnesses of large organizations, I tried to put together the top-tier issues that affect people across the board in the United States. And while some issues may affect this person or that person, these are the top-tier issues.

Now, it does not list every issue in the world affecting small business people. This is merely a blueprint. If I put every single issue affecting small business people, all people, then what we would probably have is something that is as thick as a phone book. But what we have here are some consensus noncontroversial items, and I urge my colleagues to vote "yes" in favor of H. Res. 22.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

As we are in the middle of recognizing National Small Business Week, most small business owners are going forward with their daily routine; waking up, heading into work, opening up their stores, and figuring out ways to pay their bills, manage their employees, and satisfy their customers.

All day today we have been hearing about the numbers of challenges facing small firms, and we will continue to hear about these challenges over and over again. But the sad reality is that small businesses are facing tougher times today, now more than ever. With skyrocketing health care, energy and gas prices, rising interest rates and a $427 billion budget deficit, there are already restrictions facing those entrepreneurs who want to start and expand their business ventures.

And now I want to ask, what is Congress' answer to all this, to all these challenges facing small firms? The answer is: Give small businesses some rights. You should have the right to access health care, the right to be relieved of regulatory burdens, and the right to tax simplification. This is all good when it is said and done, but what is Congress going to do to carry through on those promises? What action is going to be taken to back up the rhetoric?

Supporters of this bill will tell you that opposition to this resolution is opposition to helping small businesses. However, the truth is that if you votes "yes" on House Resolution 22, you have voted to do nothing more than offer empty promises to small businesses, empty promises that Congress probably will not keep.

This is because tonight, when this Nation's small business owners go home, probably somewhere around 10 or 11, well after we have been done and gone for the day and after having missed a family dinner and maybe even a Little League game because they believe so much in their business venture, not one of their challenges will be solved because we voted "yes" for House Resolution 22. Today's actions will not fix even one of the problems that most small business owners went to work with this morning.

The Small Business Bill of Rights will not provide health care, it will not give entrepreneurs more access to capital, it will not relieve them of regulatory burdens, and it definitely will not help minority- and women-owned firms to grow a successful business. So continue talking about what you want to do for small businesses today, keep talking about what the challenges are, but what I want to know is when my colleagues on the other side of the aisle are going to stop talking and start taking action.

The bottom line here is that voting for House Resolution 22 today will not make a single thing better for this Nation's small businesses. It might make a great press release for some and another opportunity to boast support for entrepreneurs, but, sadly, that is all it will be.

This Small Business Week all that our Nation's entrepreneurs will be getting are more empty promises. By voting for House Resolution 22, you are voting to make more empty promises to small businesses this week. What we need now is for small businesses to see some well-deserved and long-overdue action taken to address their challenges. No more rhetoric. That is the least we can do for this Nation's small businesses this week.

This should be seen for what it truly is, a sham, and it should be voted down.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume to briefly address some of the items raised by the gentlewoman from New York. This bill, House Resolution 22, is what it says it is, a blueprint for Congress to follow; that, if followed, will help small businesses create additional jobs. She says, well, it is not enough just to have a blueprint, we should do something about some of these things; and why has this Congress not done anything about it?

I had to smile when hearing that, and I will give three examples of why. The very first thing in the Small Business Bill of Rights says the right to join together to purchase affordable health insurance for small business employees. Now, I happen to be a cosponsor of that legislation, the Association Health Plans, as is the gentlewoman who uttered that statement. And, in fact, Congress has just acted on that bill on the Committee on Education and the Workforce, on which I serve, and we will be bringing that bill up to the floor for a vote in the future where it will surely pass the House of Representatives. I recently met with President Bush about that issue and asked him to help push this issue in the Senate.

The second issue mentioned in the Small Business Bill of Rights is the right to simplify tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow. Why have we not done anything about that? In fact, just last week we passed a law repealing the death tax. In fact, I cosponsored that legislation.

The third issue was the right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them creating new jobs. In fact, the gentleman from Texas (Mr. SMITH) has filed legislation called the Lawsuit Abuse Reduction Act, which I have cosponsored, which says we will have mandatory sanctions for frivolous lawsuits, and three strikes and you are out for those attorneys who file frivolous lawsuits. This is not really a Republican issue, but as well as having support of people like myself, it had the support of Senator JOHN EDWARDS and Senator JOHN KERRY on the campaign trail, who said we should have tough sanctions and a three-strikes-and-you-are-out penalty. That is legislation that passed the House last time and we will surely seek to pass it this time.

So, Mr. Speaker, we have laid out the blueprint here and then said we are creating order out of chaos. Of all the different myriad issues, these are the top-tier issues, and now we must take action to pass these pieces of legislation. And in fact this Congress is committed to doing that and has already done that in the three instances I have talked about.

Mr. Speaker, I am going to insert for the RECORD a copy of the exchange of letters between the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO); the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS); and the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS) regarding H. Res. 22.

And I will also insert into the RECORD a statement by the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 26, 2005.
Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, Washington, DC.

DEAR CHAIRMAN MANZULLO: I am writing concerning H. Res. 22, a resolution "[e]xpressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights," which was reported by the Committee on Small Business on Thursday, April 21, 2005.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. The second resolution clause referring to the "right" afforded to small businesses to simplified tax laws would require changes to the Internal Revenue Code, and thus clearly falls within the jurisdiction of the Committee on Ways and Means. However, the Committee will not take action on this particular resolution. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H. Res. 22, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, April 26, 2005.
Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H. Res. 22, which expresses the sense of the House of Representatives that American small businesses are entitled to a "Small Business Bill of Rights." As you noted, some of the provisions of the bill fall within the Rule X jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo consideration of the bill, and I acknowledge that by agreeing to waive its consideration of the bill, the Committee on Ways and Means does not waive its jurisdiction over these provisions.

A copy of your letter and this response will be included in the Congressional Record during consideration of H. Res. 22 on the House floor.

Thank you for your assistance in this matter.

Sincerely yours,
DONALD A. MANZULLO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 27, 2005.
Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Government Reform Committee in matters being considered in H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights.

I recognize the importance of H. Res. 22 and the need for the legislation to move expeditiously. Therefore, while the Committee has a valid claim to jurisdiction over certain provisions of the resolution, I have not requested a sequential referral of H. Res. 22. My decision to forego a sequential referral does not waive, reduce or otherwise affect the jurisdiction of the Government Reform Committee. I respectfully request that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your cooperation in this matter.

Sincerely,
TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, April 27, 2005.
Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Government Reform Committee's jurisdictional interest in H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, and your willingness to forego consideration of H. Res. 22 by the Government Reform Committee.

I agree that the jurisdiction of the Government Reform Committee will not be adversely affected by your decision to not request a sequential referral of H. Res. 22. As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your assistance, as I work toward the passage of this resolution.

Sincerely,
DONALD A. MANZULLO,
Chairman.

STATEMENT OF THE HONORABLE DONALD A. MANZULLO ON H. RES. 22

Mr. Chairman, I am pleased that the House is taking up this resolution that essentially lists the small business priorities for this Congress. It is particularly fitting that on Small Business Week, we take time out of our busy schedule to honor small businesses and list their top priority issues. Representative Ric Keller has authored a commendable resolution, based on input he has received from his small business constituents, which expresses the sense of the House of Representatives that the top challenges facing small businesses are: staggering health care costs; a high tax, regulatory and paperwork burden; frivolous lawsuits; growing energy costs; inadequate access to capital and to federal procurement opportunities. Surveys of small businesses continually show similar priorities, which was reflected in the hearing the Small Business Committee held last month. These priorities should be the focus of Congressional action to improve the climate for small businesses.

On many fronts, Congress is making progress addressing these issues. In February, we were finally able to break the logjam in the Senate on class-action litigation reform and it is now the law of the land.

This Committee held two hearings on health care in recent weeks and I am optimistic that we can build on the success in the previous Congress that established Health Savings Accounts to break the impasse in the Senate on Association Health Plans and medical liability reform.

I am pleased that the President's Fiscal Year 2006 budget request and the House FY '06 Budget resolution includes making the tax cuts we already passed into law permanent, which helps about 85 percent of all small businesses that pay their taxes on an individual—not corporate—basis. Two weeks ago, the House passed making permanent repealing the estate or "death" tax repeal so that small businesses can be passed on to the next generation.

I am going to work very hard this Congress to see meaningful reform of the Regulatory

Flexibility Act (RFA) to insure that no federal agency bypasses the concerns of small business in the regulatory process. As a first step, the Committee held a hearing on legislation to improve the RFA last month.

Last week, the House passed a comprehensive energy bill that is one part of the solution to help lower the price of energy in the United States through increasing supply and encouraging conservation.

Finally, various SBA programs can help improve access to capital and procurement opportunities for small business. Now that the 7(a) loan guarantee program is on a stable footing, it has grown by 27 percent during the first six months of this fiscal year as compared to a similar period last year. It is on track to reach a record level of usage both in terms of the number of small businesses served and the dollar amount loaned out. The 504 Certified Development Company (CDC) and the Small Business Investment Company (SBIC) programs also play critical roles in meeting the expansion and venture capital needs of small business. In addition, SBA oversight over many of the federal procurement programs has produced positive results for small businesses—for the first time in many years, the federal government met its overall 23 percent small business goal by providing $65.5 billion in prime contracting opportunities for small business in FY 2003.

I encourage my colleagues to support H. Res. 22 and commend Representative Keller's leadership in offering this initiative.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself 20 seconds. I would say that a blueprint is important, but at some point we need to start building a house.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, it is ironic, or perhaps hypocritical is the right word, to be passing a Small Business Bill of Rights when in fact our Republican friends are gutting the very programs that support small businesses in this country. We will very likely pass this so-called bill of rights, but the danger is that in this Congress, this will become a smoke screen for inaction or worse.

The Bush administration can find a trillion here and a billion there for tax cuts of questionable benefit to the economy, but they cannot find the funds necessary to help our small businesses that have time and time again proven their power to create jobs and spur economic growth.

The Small Business Administration budget proposed by President Bush would provide the SBA with just over half the funds they had during the final year of the Clinton administration. That is like taking money right out of the hands of our small business owners.

One out of every three small business loans in this country has been provided by 7(a). Last year the Bush administration eliminated funding to subsidize this critical program, and for the life of me I cannot figure out why.

The return on this government investment is staggering. In 2004, 7(a) loans returned an estimated $12 billion on an $80 million investment. That is a more than a 100-fold return to the economy. It does not take a genius to realize that is good business and it is good common sense.

Despite this, the President says he thinks it is not the government's business to support this program. Instead, he wants to pass the cost along to small business owners, significantly raising the fees they pay to use the program, up to $50,000 in some cases. That is ironic coming from a President who claims that any change in his tax policy will stall our economic recovery.

Mr. Speaker, Democrats understand small businesses and their need for accessible capital. In vote after vote, we are willing to support this vital sector of our economy. If the Republican leadership of this body feels the same, I suggest we stop wasting our time with feel-good resolutions and start putting our money where our mouth is.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize how important access to capital is to America's small businesses. That is why we listened to small business owners when they testified here last month and included language in this bill emphasizing the importance of capital and credit to small business growth. I am very happy that the 7(a) program, referenced by the gentleman, is not only thriving but that it is self-sufficient, operating at a zero subsidy and saving American taxpayers millions of dollars.

With the passage of the Small Business Bill of Rights, we will be emphasizing Congress' commitment to access to capital for small businesses.

Mr. Speaker, I reserve the balance of my time.

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Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

This is very interesting, this is a resolution, sense of the Congress. It is all the good things one can imagine. They have also just recently called it a blueprint. What it is not is action. It is not concrete action to solve the problems of the small business community, and that is what Democrats are trying to say today.

If we look at it, and this is the irony, some of the things they are trying to advocate have already been passed. They talk about tort reform, and they passed some tort reform. This House has passed association health plans. I am for them; the gentlewoman is for them.

My point is they are talking about things that have passed or things that they have no intention of passing. They have had every opportunity to do something about bundling, the consolidation of Federal contracts. They have not done a thing. Democrats have been talking about this for years.

There are a lot of things in this bill that on its face are not necessarily objectionable, they are not so bad, but they do not mean anything. At the end of the day, they are empty platitudes. I do not take great offense at these platitudes, but Congress has to be candid with the American people and the American small business community and say these are platitudes that do not do anything. It is time we do something.

Let me mention one other item, and that is what is not in this bill of platitudes, and that is it does not address the concerns of the minority community. The minority community in America is about 32 percent of our population, 13 percent of our companies. The Democrats said, look, let us not just do platitudes, let us do some things to improve the condition of minority businesses, let us improve those government programs that are targeted at the minority communities, such as the 8(a) program. Let us streamline it and let us modernize it. They were not interested in that. The gentleman from North Carolina (Mr. PRICE) just pointed out we need to beef up the 7(a) program. The administration is trying to zero out that program so we do not have loans for small businesses.

What we have here is a bill of platitudes that sound nice that ignores the minority community and does not really do anything except rehash some of the ideological positions of the Republican side of the aisle, without really offering the business community any real meat.

Mr. Speaker, I urge Members to reject this bill of platitudes, and let us do something for small businesses.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I have to smile listening to the gentleman's comments because he said this is a bill of platitudes that is a partisan Republican agenda, and then he turns around and said that he proudly supports association health plans, along with the ranking member, and we need action on them. I think that is a bit inconsistent, although I will agree with the gentleman, association health plans are very important. I think it is fair to say that they will pass overwhelmingly in the House. We want to make that a priority. I think it is fair to say the Senate has not taken them up, should have taken them up, and darn well better take them up and finally pass them this term. I think we want to send a strong message that the House considers this a top priority of small businesses.

With respect to the other issues, certainly we want to focus on the top-tier issues, such as repealing the death tax, and not just a platitude. We want it to pass and we took action last week, and it is going to come back in the form of a conference report. We want the small business community to be on record as saying that we think that is important that we finally repeal the death tax once and for all.

With respect to frivolous lawsuits and liability concerns, we will have an opportunity to address that this Congress. We want this country to know we are listening to small business people when they say that they are concerned about frivolous lawsuits and there should be some sanctions. So we have simply taken many, many issues, identified them in this blueprint by saying these are the top-tier issues that the NFIB says are the top issues to their members, the Chamber of Commerce says, and the regular people that I have interviewed say, and say, we hear you, we know you want action, and we are identifying these top priorities, and we intend to take action on those top priorities.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yes, I agree with the gentleman that we have association health plans, and that is a bipartisan issue that has support; but we have voted in this House four times on that issue. How many more times do we need to vote in the House? The other side controls the White House and the Senate. On the one issue where there is bipartisan support, the other side cannot get the President to call the Senate and get this legislation passed. That is how much the other side of the aisle cares about access to health care for small businesses.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The resolution we are talking about today is supposed to express the sense of Congress that we are committed to meeting the needs of small businesses. But, frankly, as we fiddle away, we ignore that small businesses need action now. We have been speaking of the most glaring example, where Congress and the administration have been long on promises and very short on action. A comprehensive health care reform for small business needs to be a priority.

The number one challenge facing our Nation's businesses today is inability to access affordable health care. The problem has deepened in the past 5 years, an increase in cost of over 60 percent over the past 5 years. While it seems that everybody recognizes there is a problem, there has been no major reforms in the last 5 years. Since 2001, the President has repeatedly talked about bringing down health care costs for small businesses, but he has done little in the way of making any real changes.

In the meantime, we have passed a bankruptcy bill, four tax cuts, a Medicare bill, a class-action bill; but the number one problem facing small businesses continues to see no action. Meaningful support means a comprehensive approach to health care reform for small business and not merely an unworkable gesture. Bringing down health care costs for small business and the self-employed is and should be a top priority. Unfortunately, Congress and the President have failed to do so. That means health care costs are going to continue to skyrocket.

We need to end the back and forth. We need comprehensive health care reform and to start taking steps forward to implement a solution that is workable and actually helps small business owners.

As the economic engines of this great Nation, small businesses deserve to be confident in their ability to provide health care for themselves, their families, and their employees. I urge a "no" vote on this resolution.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Arizona (Mr. GRIJALVA) just urged a "no" vote. Now what does that mean: A Member is not for the things that we have here in the bill of rights, seven things that no person at any time on the Committee on Small Business has ever moved to strike, and we are voting on this Small Business Bill of Rights. We are not voting on what is not here; we are voting on what is in front of us.

I want to be very clear to Members who are heeding this gentleman's advice that they should vote "no." If a Member votes "no" on what we are advocating, you are voting "yes" for higher health insurance costs, "yes" for higher death taxes, "yes" for more frivolous lawsuits, "yes" for more paperwork, "yes" for higher energy costs, "yes" for more obstacles to getting capital, and "yes" for more obstacles for getting contracts from the Federal Government for small businesses.

I believe the appropriate vote here is a "yes" vote to send a message to the small business people in this country that we appreciate the fact that they are creating 70 percent of all the new jobs in this country. We hear their concerns. We want to help them. We have listened to their top priorities; and by golly, we are going to work to pass each and every one of these items in this Congress.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today we are going to vote on a resolution that will do nothing to help small businesses in Nevada and throughout this country. My friends on the other side of the aisle call this resolution the Small Business Bill of Rights; yet in my opinion this is another case where their rhetoric does not match the reality.

Small business is very important to me. Half of the businesses in Nevada are small businesses. We are all concerned about the cost of health care to small businesses. We are all concerned about the amount of paperwork that small businesses are deluged by, and we are all concerned about the skyrocketing costs of energy for all business, including small business.

But the bill before us does a disservice to small business. It fails to recognize the importance of women-owned small businesses. This is especially important in Nevada which has over 50,000 women-owned small businesses and has the fastest growing number of women-owned small businesses in the country.

The number one issue for the women in Nevada that own small businesses is access to capital. It is the number one issue for women. It is the number one issue for women-owned businesses. Gutting the 7(a) loan program and microloans is a disaster for these businesses.

House Resolution 22 also fails to condemn the illegal practice of Federal Government contract bundling. When small business owners come to see me, one of the first issues they bring up is lack of access to Federal contracting opportunities. Contract bundling shuts small businesses out of the marketplace and should certainly be included in any genuine Small Business Bill of Rights.

Nevada has been rated among the best States for entrepreneurs to start a small business. These businesses must have opportunities in the Federal marketplace. Increasing small business participation in Federal contracts will result in lower cost to taxpayers and give small businesses more opportunities in the Federal marketplace. Small businesses make up 97 percent of all business in the United States; yet the Federal Government does more than 77 percent of its business with only 3 percent of our Nation's companies.

Mr. Speaker, I urge my colleagues to vote "no" on House Resolution 22 and "yes" on the Velázquez motion to recommit.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know if the gentlewoman from Nevada (Ms. BERKLEY) had the opportunity to read the bill. She said it does not say anything about access to capital or contract bundling. In reality, it specifically says small businesses shall have the right to equal treatment as compared to large businesses when seeking access to start-up and expansion capital and credit. It says small businesses should have the right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.

We specifically added those provisions knowing that they were of concern to the minority members on the Committee on Small Business.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, there are some things in this resolution I agree with, and there are some things that I do not agree with; but the real problem that I have with the resolution is it does nothing. It is just a bunch of rhetoric. Where I come from, we say it is a lot of words with sound and fury signifying nothing. Nothing will be done for small businesses at the end of the day under this bill.

Why we need a blueprint or a road map to address something in Congress escapes me. This bill does nothing.

The 20 businesses the gentleman from Florida (Mr. KELLER) says he talks to obviously did not include any minority businesses, and the number one issue that minority people are indicating to us as members of the Congressional Black Caucus is they cannot even get into business.

Mr. Speaker, that is 21 percent of the population, 7 percent of the small businesses, 7 percent of the businesses in this country; and yet when we tried to offer amendments to this bill to address the access to capital needs, 8(a), 7(a) and the things that are important to incentivizing minority businesses, the committee objected to including those things in this bill, and the Committee on Rules said, no, you cannot offer those amendments.

We want access to capital. We want the ability to just be able to get into business. We want access to contracts; and while the bill talks about unbundling Federal contracts, nobody on the other side of the aisle has done anything about unbundling contracts.

We have met with administration officials time after time after time, and they have done nothing. This resolution does nothing, and I encourage my colleagues to vote against it.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly respect the gentleman from North Carolina (Mr. WATT) and appreciate the gentleman agreeing with at least some of the positions in here, although the gentleman's position is somewhat interesting to me because on the one hand he is demanding that certain items be included that are not included, and on the other hand he says the resolution is meaningless.

□ 1445

So if in reality the resolution is meaningless, then why is it so key to him to have those things included?

The second thing he mentioned is we must not care about minority- or women-owned businesses. There is not one single thing in the Small Business Bill of Rights that says anything bad about women or minority businesses. I have not heard from any colleague any ill feelings to any women or minority businesses. There is language talking about equal access to capital and government contracts.

His saying next, I believe, we must not have talked to any folks representing minority-owned businesses, in reality we had testimony from the Chamber of Commerce at this hearing which said they represent 3 million businesses, testimony from NFIB representing 600,000 small businesses, small business owners, white, black, Hispanic and others; and they gave us their top four issues as surveyed by their own members as association health plans, repealing the death tax, cracking down on frivolous lawsuits, and reducing paperwork. So these were the top-tier issues of these organizations, which do include small businesses.

Mr. WATT. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, I appreciate the gentleman's yielding to me.

I just want to be clear on whether this committee considered any amendments dealing with 8(a) or any of the incentivizing provisions and what disposition this committee made and what disposition the Committee on Rules made of efforts to amend this resolution to include some incentives for minority business participation that would close the gap that exists between minority individuals in business and other individuals in business. Did they consider anything?

Mr. KELLER. Mr. Speaker, reclaiming my time, with respect to what was considered by the committee, the committee, minority members included, got a full hearing. Everybody got to ask questions twice. They then had three provisions added to the original Small Business Bill of Rights by me through substitute amendments, and then they got a vote on four of their six amendments before time expired. No, there was not a vote on the 8(a) program. There is nothing in here that says 8(a) is bad or good.

Ms. VELÁZQUEZ. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, two things. Only one person, one witness, testified on behalf of the 8(a) program. So she represented 100 percent of minority businesses in this country. Secondly, is it not true that in the list of priorities for NFIB, frivolous lawsuit does not make the top 50, it does not rank?

Mr. KELLER. Mr. Speaker, reclaiming my time, and certainly she can get her own time to respond, but, no, there was a lady who was invited to testify before the committee representing herself. She certainly did not represent 100 percent of all minorities in the country. She did not pretend to represent any minorities other than herself.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for yielding me this time.

Mr. Speaker, I rise in opposition to H. Res. 22, the so-called Small Business Bill of Rights. There is nothing that is right about this resolution since it does not recognize the right of small businesses to have access to capital that meets their needs.

Last night I offered an amendment to the Committee on Rules that recognized the right of small businesses to have access to capital; and I am extremely disappointed that, despite valiant efforts on the part of Democrats, this amendment was not made in order. Small businesses need the 7(a) loan program, the microloan program, and other SBA access to capital programs that help them maintain and expand their businesses.

My amendment would have also recognized the importance of the microloan program, which provides small loans to startups that are not served by traditional lenders. I know for a fact that access to capital programs are vitally important to small businesses in my district because when I held a small business roundtable meeting, access to capital was the number one issue each business brought forward as being an obstacle; and I know that this is the number one issue across the country.

Why are we not helping small businesses? They produce two-thirds to three-quarters of all the new jobs in this country, and they are the backbone of our economy. Unfortunately, many small businesses continue to face barriers to accessing the capital they need.

And I believe that Congress needs to take a stand today and strengthen these programs. It is time for Congress to go on the record in support of access to capital programs, like the microloan program, like the 7(a) loan program. Small businesses need more than just rhetoric and good intentions. They need action by this Congress.

So I urge my colleagues to oppose this resolution because it leaves out this critical priority.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

I will respond to the comments of the gentlewoman from California. Mr. Speaker, no one, no one, at the hearing of this resolution, either submitted written testimony or spoke about the Small Business Administration's microloan program. That is not to say that the program is unimportant. The Committee on Small Business has argued against eliminating the microloan program in the past. However, the main purpose of this resolution is to include only those issues that affect a broad cross-section of all small businesses. The microloan program serves a small niche marketplace. Access to capital issues are already addressed in the Small Business Bill of Rights. We specifically say small businesses should be entitled to the right to equal treatment as compared to large businesses when seeking access to startup and expansion capital and credit.

Again, this is an example of someone criticizing the resolution not for what it says. They do not disagree with what it says. It is something that is not even there in it, and it confounds me a little bit. And I have to tell my colleagues when I interviewed various businessmen, they had a lot of ideas that they thought should be included and focused on in Congress that, frankly, I did not include in this resolution, even though I like them and they are sincere and it is important to them, because it was not a top-tier issue. It did not affect a broad cross-section of people. It was not a consensus noncontroversial issue.

Just to give one example, one of the businessmen I interviewed was Mr. Bruce O'Donohue, who installs traffic lights. He says the biggest frustration as a small business person is getting reimbursed from the local, State, and Federal Government when they install traffic lights. It has a big impact on a small business guy to do work and then wait 4 or 5 months to get paid much more than it does a Fortune 500 company. I am sure for him this is more important than death tax laws and association health plans and frivolous lawsuits, and I do not doubt the sincerity. But I did not include it because it was the only time I heard it. It did not come up in the hearing. It was not a broad consensus issue.

So I could have made this piece of legislation as thick as a phone book and included everything in the world, but then nothing would ever get done. Instead, we decided to go with a blueprint of the top-tier issues that essentially says to Congress these are important; and if we do nothing else, let us at least achieve these top priorities.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to say that more than 50 percent of the microloan program loans went to minority entrepreneurs, making it a critical source for funding for new minority-owned firms. That is quite a niche for us. It might not be for the other party.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I am sitting here listening to the information being disseminated in regards to small business.

I have been for many years a small business entrepreneur, if the Members will. I have sat on the committee for 6 years and have seen how the funding for some of the programs that are most helpful to minority business and other small business have dwindled and we have had to fight, especially for women-owned businesses. One year it was from 8 million, increased by 3 million to all of 11 million for the whole of the United States. Yet women-owned businesses were the biggest growing segment of new business in the United States.

So here we have areas that need help. The ability for some of our small business to grow, to be able to start up, grow, to be able to expand, to create the jobs. Small business is the recovery engine of our United States; and yet we are saying these are important things, that it does not really say anything about it, it just does not say anything about them to help them grow in these hard economic times that we are facing right now. When we are talking about the reimbursement of business license, that is a local issue. That is local government. It has nothing to do with the Federal Government. Those are reimbursement issues that procurement at the local level is handling. That has nothing to do with assistance in programs that will enable small business to be able to produce the jobs that we need to recover.

And, yes, there are a lot of other issues that I could bring up, but I stand here and cannot help but wonder why they are so adamantly opposed to add provisions in a bill this year that we can institute to be able to further along our engine of recovery through our small business assistance.

Mr. KELLER. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I rise in support of today's Small Business Bill of Rights, but I feel it necessary to address the concerns of the one small business community whose concerns are not addressed in this resolution, America's minority-owned businesses. This is not a small part of the small business marketplace. It is not a niche market, though this resolution treats the minority small business market as though it were a niche market.

Despite the fact that nearly one-third of America's population consists of minorities, these individuals own only 15 percent of America's small businesses.

Earlier this month, the gentlewoman from Wisconsin (Ms. MOORE) and I attempted to offer an amendment to address this disproportion. Our amendment was simply a call for modernizing and streamlining the eligibility criteria of the Small Business Administration's 8(a) program so that minority-owned small businesses had substantially the same eligibility criteria that we use to serve the rest of the small business community.

The 8(a) program was created nearly 40 years ago, and it is the major business development program that this government offers to help minority business development.

Currently, businesses applying for 8(a) certification have to meet a number of restrictive criteria. These include a net worth cap of $250,000; a 9-year maximum time in the program; a weaning off of government contracts; having been in business for 2 years prior to entering the program; and having to show written proof of "prospects for success."

Today these restrictions apply only to the 8(a) program. The eligibility criteria for the 8(a) program has not been updated, revised, or changed at all in the last 17 years. During that time, we have seen many other improvements in the Federal marketplace, including three new procurement programs targeting specific sectors of the small business community: the HUBZone program, the Women's Procurement program, and the Small Disadvantaged Business program. These are good initiatives that help America's small businesses; but in order to qualify for them, they do not have to jump through the same hoops they have to jump through to get 8(a) certification.

Mr. Speaker, 17 years without a legislative update is the equivalent of repeal by neglect. Instead of ensuring that minority entrepreneurs have equal access to Federal contracts and subcontracts, this resolution does nothing to eliminate out-of-date and unnecessary obstacles for minority-owned companies.

Mr. Speaker, this amendment was not even given the chance to be considered in committee. Just when it was time for us to introduce our amendment, a motion for previous question was made, preventing us from even introducing our amendment.

Yesterday, I argued before the Committee on Rules that this amendment be considered today, and that request too was denied.

Mr. Speaker, I understand that this is a House of procedure and protocol. But the curious and unusual procedure and protocol afforded this amendment has been unfair and unjust.

This resolution offered us an opportunity to help remove antique barriers that limit the potential of our Nation's minority-opened businesses. Until this Congress addresses the fact that minority small businesses have to jump through hoops that do not apply in other small business programs, minority small businesses will continue to be second-class concerns.

A bill of rights for small businesses ought to fix that.

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Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. KELLER) has 9 minutes remaining; the gentlewoman from New York (Ms. VELÁZQUEZ) has 8 minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I want to, so the world knows, speak in support of all of the work that the gentlewoman from New York (Ms. VELÁZQUEZ) has done on behalf of small business across this country. Without her leadership, small businesses might not have a voice in this Congress.

I rise to speak in opposition to this resolution and, specifically, on the importance of tax relief for American small businesses. This bill specifies that small businesses have "the right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small business, while hurting production and preventing job creation."

My only question is, what have the Republicans done since they took the majority in 1994 to relieve the tax burden on small business? Over a decade ago, when Republicans took control of the House, they promised that they would make our tax laws more simple and fair. Former Committee on Ways and Means Chairman Bill Archer promised on many occasions that he was going to rip the code out by its roots and replace it with a simpler one. This has not happened.

Actually, Mr. Speaker, the truth is no action has been taken. The Republicans have done the very opposite of what they promised.

Here are some disturbing facts. The IRS estimates that the average taxpayer with self-employed status has the greatest compliance burden in terms of preparation: 59 hours. This is about 10 hours longer than in 1994. According to the GAO, in 2000 and 2001, small businesses overpaid their taxes by $18 billion because of return errors and complexity in the Tax Code. The Small Business Act of 1996 made 657 Tax Code changes that expanded the code by more than 50 pages. The Job Growth and Tax Relief Act of 2003 made 51 Tax Code changes and expanded the Tax Code by nearly 12 pages. During the 108th Congress, the Republicans orchestrated nearly 900 changes to the Tax Code. And it goes on.

I just rise to say, Mr. Speaker, that I rise in opposition to the legislation. Small businesses need a simplified Tax Code.

An analysis of the legislation by the Joint Committee on Taxation describes how the new law will require more than 10 percent of all small businesses to keep additional records, result in more disputes with the IRS, increase tax preparation costs, and require additional complex calculations.

Mr. Speaker, small businesses are the foundation of our economy. They need a tax system that frees resources for investment and encourages job creation. We must support small businesses and American entrepreneurship.

When this resolution before us states that small businesses have "The right to be free of unnecessary, restrictive regulations . . .," we can't help but question the sincerity of that declaration.

Since they took the majority in 1994, Republicans have enacted 42 new tax laws. These new laws contain 4,268 changes to our tax code, resulting in over 500 additional pages to our tax code. These changes have made the tax code significantly more complex for Americans and small businesses, with no serious effort to provide tax simplification.

Mr. Speaker, when we say that small businesses have the right to be free from unnecessary regulation and deserve tax simplification, we cannot just "talk the talk." We must also "walk the walk." This is the time in which we need to initiate fundamental tax reform; it has become vital to our small businesses and American entrepreneurship. We must act now.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume, just to respond to one allegation by the gentlewoman which essentially was that Republicans have been in power for a while and have done nothing to help small businesses with respect to tax relief. I would dispute that pretty vigorously, and I do not need to look for too many examples of that.

When I was elected to Congress in the year 2000, small businesses, most of which are subchapter S pass-through entities, were paying a tax rate of 40 percent. On the other hand, the Fortune 500 corporations were paying a corporate tax rate of 35 percent. President Bush thought that was unfair, and we passed President Bush's tax relief initiative and brought small businesses from 40 percent down to 35 percent. We have seen 2 million new jobs created in the past year in large part because of that tax policy, and, in fact, 70 percent of those new jobs were created by small business people.

He also thought it was important that people have incentives to invest, so he asked us and we complied, and we lowered the capital gains tax from 20 percent down to 15 percent. We have had extraordinary tax growth. So I think the President has taken the lead with respect to tax relief, and the Congress has agreed with him, and we have had some pretty good success with that.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, small businesses got only $500. That is nothing compared to the $3,000 that they have to pay in fees through the 7(a) program.

Mr. Speaker, I yield 2 minutes, 15 seconds to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I will not repeat the many cogent remarks that my colleagues have made, but I would like to address some of the things that the gentleman from Florida has said.

First of all, minority- and women-owned businesses are very, very proud to have contributed to this economy. The 3 million businesses with close to 5 million workers have generated close to $600 billion in revenue. My concern is that there will be a serious attrition because, in fact, the programs that have helped to create these businesses are being gutted and have not been improved in 17 years. As a result of our not modernizing these programs, there has been a loss of $10 billion in Federal contracting opportunities.

I would also like to address the gentleman's remarks about no one having a complaint about things in this bill. I suppose, Mr. Speaker, that the welcome for me, a new Member of Congress, is that I was not even allowed to debate my amendment, something that I regret, because I feel that I am a great contributor.

Mr. Speaker, I would just like to share a few of the staggering economic statistics in my district of Milwaukee, Wisconsin. In the past 5 years, the city of Milwaukee has lost 33,000 manufacturing jobs. We have had an 80 percent unemployment increase among residents in the city of Milwaukee. According to the Bureau of Labor Statistics, 59 percent, 59 percent of African American males are unemployed, and 92 percent of them live in the city of Milwaukee.

The late great Ronald Reagan once said anecdotally, the best way to address minority business unemployment is to create minority businesses. I could not have said it better.

Mr. Speaker, small businesses create nearly 75 percent of all new jobs, account for 99 percent of all employers, and make up half of our nation's Gross Domestic Product, GDP. Many people of color have embraced the idea of the American dream through business ownership, as minorities own more than 3 million businesses with close to 5 million workers and generate close to $600 billion in revenue.

However, despite the fact that minorities make up one-third of the population, minority-owned businesses account for only 15 percent of all U.S. companies. It seems that an ownership divide exists in this country and more of an effort should be made to encourage minority entrepreneurship. Unfortunately, H. Res. 22 does not adequately reflect the challenges facing many of today's minority entrepreneurs.

Let me briefly run down a few staggering statistics in terms of my district:

Since 1999, the number of unemployed residents in Milwaukee has increased by close to 80 percent.

According to the 2000 census, 59 percent of African American working age males in Milwaukee are either unemployed or out of the workforce.

In the past 5 years, the city of Milwaukee has lost 33,000 manufacturing jobs.

Ninety-two percent of the Metropolitan Milwaukee area's African American labor force lives in the city of Milwaukee.

I know the creation of a handful of new small businesses in my district would be a step in the right direction towards addressing some of the eye-opening figures I mentioned a moment ago. But the resources have to be made available in order to make this happen. Sadly, the actions of the federal government indicate the opposite.

It concerns me that programs established by Congress to promote minority business development, such as the SBA's 8(a) program, have been ignored and allowed to fall behind the times—with no action taken during the past 17 years to ensure that these vital services are able to meet the demands of today's small business marketplace. This is unacceptable.

In the meantime, numerous reforms occurred in the federal procurement process that made it quicker and easier to participate in contract practices. Regrettably, minority-owned firms were unable to capitalize on these improvements due to the outdated procurement initiatives offered through minority business development programs. As a result, these companies lost out on nearly $10 billion in Federal contracting opportunities.

In addition, there are significant racial disparities in Small Business Administration's lending practices. The average loan size for 7(a) loans is $170,000. However, the average 7(a) loan for African American-owned companies is $86,000, and the average 7(a) loan for Hispanic-owned businesses is $128,000.

The Federal Government has also added to the barriers to success already facing minority small business owners though the shutdown of the Small Business Investment Company's, SBIC, Participating Securities program. In 2003, 14 percent of all SBIC's program financings in 2003 went to minority-owned businesses. Entrepreneurs now have one less avenue for capital.

Furthermore, the administration also recommended eliminating the SBA's MicroLoan and PRIME programs, which provide financing and technical assistance to budding minority entrepreneurs. Given the importance of small businesses to the American economy and the serious problems facing urban communities, Congress should take proper action to accommodate the needs of small business owners.

Mr. Speaker, along with my colleague from Georgia, Representative BARROW, I made a good faith effort to introduce an amendment during the Small Business Committee Markup of H. Res. 22 which would have added the concerns of minority small business owners. Unfortunately, we were never granted the opportunity to offer our amendment.

To paraphrase former President Reagan, "the best way to increase employment in minority communities is to increase the number of minority-owned businesses." I couldn't have said it better myself.

This Small Business Bill of Rights does not accurately reflect the concerns of all small businesses in my district. Therefore, I cannot support the resolution. I urge my colleagues to vote "no" on H. Res. 22.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire how much time is left.

The SPEAKER pro tempore. The gentlewoman from New York has 3¾ minutes remaining; the gentleman from Florida has 7½ minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, in my community, there is an old saying that goes: After all is said and done, much more is said than done.

Now, we have heard a great deal about what some people have called the do-nothing, the empty-promises Small Business Bill of Rights. The gentleman from Florida asked the question, if you vote against this, what are you really voting against? What you are voting against is the gamesmanship of playing games with the needs of small businesses.

Yes, small businesses need some things. They need access to capital, money, cash. They need venture capital, money, cash to expand and grow their businesses. They need protection from the inopportunity to do business. They need the big contracts broken up, unbundled, so that they can compete. So they need assistance. They do not need rhetorical commentary, they do not need advice, they need help.

I am afraid that my colleagues have been correct. This legislation is full of empty promises. As my colleague from North Carolina said, sound and fury signify nothing.

We all love small businesses, but we want them to know the truth. The Bible says, "Know ye the truth, and the truth will set you free."

The truth is, this administration has not been supportive of small businesses.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Again, I respect the comments and enthusiasm of the gentleman from Illinois, and I wish I had his wonderful voice, by the way; maybe I would be more persuasive.

We hear criticisms that, well, this is just a blueprint, we need action. And then it is criticized because it does not have a thing or two that they want in there. So if it is, in fact, a meaningless blueprint and does not in fact do what I say it does, and that is provide a blueprint of action for this Congress, why are they so desperately trying to get their provisions in here?

I have to tell my colleagues that there are some folks who do not agree with their characterization that this is not important. The NFIB, which represents 600,000 small businesses, sent out a letter yesterday to every Member of Congress, please vote for the Keller Small Business Bill of Rights. This is important to us to have this blueprint.

The Chamber of Commerce sent out a letter on April 25, 2 days ago, which represents 3 million people, asking each Member of Congress, please vote for this Small Business Bill of Rights. This is a blueprint that is critical to have on the record so that this Congress will follow it.

I believe that we do need to have action after this. I believe that the gentlewoman from New York (Ms. VELÁZQUEZ) was smart and right to cosponsor the Association Health Plans. I share her criticism as to why the Senate has not acted, but we are going to act on this, and we are going to demand they act.

She inquired of me earlier, well, you, and I assume she meant my party, control the White House and the Senate; why do you not do something and get the President to act? I have to share with my colleagues that on March 18, just a little while ago, I had the happy privilege of flying down to my home district of Orlando with President Bush on Air Force One and he invited me up to his cabin there where his mom, Barbara Bush was, and I got the chance to chat with them, just he and I and Senator MARTINEZ, for an hour. He said, if you could have me do anything, what would you want me to do? I said, sir, I want you to use your bully pulpit to help us pass association health plans in the Senate. He said he supports it and he would agree to do that.

So I do not know what more I can do, other than asking the Commander in Chief, one on one, and getting his commitment that he is going to push for that. But I have tried. I wish I were a dictator for a day sometimes, because if I was, we would have association health plans.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to address a provision of H. Res. 22 that states that small businesses have a right to be free from unnecessary regulation and paperwork. Small business is important to me, Mr.

Speaker. since 95 percent of the businesses in Guam are small businesses. My concern is the practical aspect of including this language in a bill that is meant to serve essentially as a statement of legislative goals for the 109th Congress.

The Regulatory Flexibility Act is routinely ignored by Federal agencies who are supposed to review regulations every 10 years. The Office of Advocacy and the Office of Information and Regulatory Policy are the offices assigned to review proposed regulations.

The point is that sufficient authority exists to protect small businesses against unnecessary regulatory burdens but. unfortunately. Mr. Speaker. these laws are not being carried out to the intended level by the executive branch. I agree with the regulatory provision of H Res. 22. However. this issue should remain where it belongs: in the committee's oversight plan.

Mr. Speaker I. therefore. support House Resolution 22.

Mr. Speaker, I rise to address a provision of H. Res. 22 that states that small businesses have a right to be free from unnecessary regulation and paperwork. My purpose is not to judge the merits of this provision in the rhetorical sense, as I too agree that we need to do more to relieve the regulatory and paperwork burden on small businesses. My concern is the practical aspect of including this language in a bill that is meant to serve essentially as a statement of legislative goals for the 109th Congress, particularly a bill such as H. Res. 22 that has unfortunately poisoned some of the bipartisan spirit that I believe made the Small Business Committee so strong and effective in past Congresses.

Section 610 of the Regulatory Flexibility Act requires federal agencies to review regulations every ten years in order to strike or revise those provisions which are obsolete or for which a more modern perspective would lead to a better rule. This Act is routinely ignored by federal agencies. The Office of Advocacy and the Office of Information and Regulatory Policy are the offices assigned to review proposed regulations for their impact on small businesses and to ensure that agencies comply with the Regulatory Flexibility Act and the paperwork Reduction Act. Both offices have been provided fewer resources than in previous years, with the administration now proposing to eliminate the line item for advocacy's research budget.

The point is that sufficient authority exists to protect small businesses against unnecessary regulatory burdens, but unfortunately these laws are not being carried out to the intended level by the executive branch. I agree with the regulatory provision of H. Res. 22 in substance, however, this issue should remain where it belongs: in the committee's oversight plan. As the ranking member of the Regulatory Reform and Oversight Subcommittee, I am very much looking forward to conducting oversight hearings on the challenges facing the Federal agencies in complying with existing mandates. The chairman of my subcommittee is a good man, with whom I know there exists much common ground for which we can work on a bipartisan basis.

Last year, we worked on a bipartisan basis to advance an SBA reauthorization that had many important provisions. We worked together on a number of other items such as small business health care and restoring funding for the 7(a) Loan Program that we felt were of mutual interest to small businesses despite objections from other members of our own parties. Unfortunately many of the bipartisan points were scuttled, including a very important provision for my district, and many of the issues for which there is not as strong a consensus are now being advanced. I don't question the commitment to small businesses of those supporting or not supporting H. Res. 22. I do however question whether or not this strategy is conducive to what we really need to be doing as a committee and as a Congress in advancing the interests of our small business community, particularly those issues on which we all agree.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker. who was the right to close?

The SPEAKER pro tempore. The gentleman from Florida has the right to close.

Ms. VELÁZQUEZ. Mr. Speaker. I ask unanimous consent for an additional 1½ minutes for myself.

Mr. KELLER. Mr. Speaker. I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

The SPEAKER pro tempore. The gentlewoman is yielded an additional 1 minute then, for 2¼ minutes.

Ms. VELAZQUEZ. Mr. Speaker. I yield myself the remaining time.

My colleagues have all heard about the challenges facing small business today during this debate. It has become very clear that House Resolution 22 will do nothing to address these issues, and it is nothing more than pure rhetoric.

This resolution fails terribly in providing strong solutions and action items to help this Nation's small businesses. It also fails terribly in representing the needs of all sectors of the small business community. With all the respect due to the main sponsor of this resolution. 20 small businesses from his district do not represent 20 small businesses in my district, or 20 small businesses in any other Members' district. By voting for House Resolution 22. you are merely casting a blank ballot. This bill of rights is nothing more than empty promises to our Nation's small businesses.

I am going to request a motion to recommit this bill back to the committee. By voting for this motion to recommit, you will be voting to give small businesses the opportunity to truly receive more capital through SBA lending programs and to protect them from free trade agreements. Most importantly. you will be voting to make the needs of women- and minority-owned businesses a true priority. These are critical provisions that need to be addressed.

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This resolution does not represent the needs of all our Nation's small businesses. In order to enhance House Resolution 22. I urge you to vote "yes" on the motion to recommit this legislation to the committee. And I urge you to vote "no" on final passage.

Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida has the right to close.

Mr. KELLER. Mr. Speaker. may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 4½ minutes remaining.

Mr. KELLER. Mr. Speaker. I yield myself as much time as I may consume.

Mr. Speaker. let us talk a little bit about this Small Business Bill of Rights and whether or not it accurately represents small business people. When I was assigned to the Small Business Committee. before accepting my Chair there, I decided to personally go interview small business people in my district.

I did not pretend to have any idea as to what their top issues were. I just knew that they were creating 70 percent of all new jobs in this country; and I wanted to see what. if anything. I and other Members of Congress could do to help them. I went into those meetings with an open mind. I then came out learning that the skyrocketing health insurance was the number one issue, and they wanted association health plans.

I learned their number two issue was small family-owned businesses wanting to pass the businesses from one generation to the next under some reformed death tax laws. Right now what we have was unacceptable.

I have learned that they had concerns about frivolous lawsuits. and their liability premiums were going up. and that it was hard for them to defend a case in court, even if they were not at fault. because attorneys are so expensive. and so they would rather pay 10 grand to settle a case where they did nothing wrong rather than pay $100,000.

I also learned that they were spending about $5,500 per employee on unnecessary paperwork and regulations. I learned from these meetings that. in fact. those were not only the top four issues. but in about that order.

And then later. when the gentlewoman from New York (Ms. VELÁZQUEZ) said that she wanted to have a hearing on this matter. we had the majority and minority call witnesses. And I did not know what these witnesses were going to say at that hearing.

But when we got to the hearing. we had the U.S. Chamber of Commerce. which does represent 3 million businesses. and not just the 20 I spoke of, say that, in fact, according to the polls of those members, those four issues that consistently came up in my district of Orlando were the top four issues in the country facing small businesses.

We then had a gentleman testify on behalf of NFIB named Jerry Pierce. And he testified those were the top four issues according to him and NFIB. And so, in fact, we had isolated the top four issues affecting small businesses, and they rightfully deserve to be there.

So we put together this Small Business Bill of Rights; did not do it alone, sat down and talked with a Democrat colleague of mine who is the original cosponsor of this, the gentleman from Alabama (Mr. CRAMER), and put together what we thought were the top four issues.

We then had a hearing. And the minority said, well, there are some other issues that are also important dealing with energy costs and access to capital and contract bundling. We put those there as well.

And so we came up with this Small Business Bill of Rights, not by accident or witchcraft or consulting some psychic. We came up with these issues by talking directly to business people out in the field, in congressional hearings, and listening to what they said in their surveys. And we came up with a pretty good bill that almost everyone, Republican and Democrat, should support.

Now, there is a reason not to support this; and I will tell you, in the interest of straight talk. If you disagree with what this says, and you believe there should be higher health insurance, then do not support it. If you think there should be more taxes, then do not support it. If you think we should have more frivolous lawsuits, do not support it. If you want more red tape and paperwork, do not support it. If you want higher energy costs, do not support it. If you want more obstacles to getting contracts, do not support it. If you want it to be harder to get access to capital, do not support it. But if you are a small business person and you represent small business people, realize that this Small Business Bill of Rights represents what they tell us they want Congress to do.

During this week, National Small Business Week, let us send a message to small business people: we hear you, we have a resolution listing these as the blueprint for our priorities in Congress, and we are going to vote "yes" to send a message that we are going to get these things done, if nothing else.

With that, Mr. Speaker, I ask my colleagues on both sides of the aisle to vote "yes" on H. Res. 22 and vote "no" on the motion to recommit.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. UDALL of New Mexico. Mr. Speaker, thank you for allowing me the opportunity to offer my remarks today regarding H. Res. 22. As a member of the House Small Business Committee, small business creation and development is one area in which I take great interest. As the Representative from a largely rural district, I understand that small businesses are the livelihood of rural America. They bring goods and services to these communities, providing the foundation for local rural economies. They also are the main source of employment in many rural areas.

In many rural areas, it is a priority to ensure small businesses access to capital. Without access to financing, small businesses are unable to target new markets, grow, or even hire new workers. Often, undercapitalized businesses go bankrupt, leaving a void in rural communities across the country.

The Small Business Administration's 7(a) loan program was created to fill this void as well as to ensure that small businesses would always have an available source of affordable capital. The program is administered by a network of lenders, which based on SBA rules, sets up its own processes. SBA provides a guarantee on a portion of the loan, and allows the bank to extend more capital than they would without the guarantee. The 7(a) loan program, which is the SBA's core lending program, is responsible for 30 percent of all long-term lending to small business owners.

Unfortunately, the Administration recently shifted the cost of the 7(a) program to small businesses and their lenders—raising fees on these loans for both the borrowers and lenders. Upfront fees were raised by nearly $1,500 for smaller loans and as much as $3,000 for larger loans. For the largest loans available, which are for $2 million, these fees are now over $50,000. This has doubled lenders' annual costs for making loans and reduced their incentives for participating in the program.

The Administration's actions are starting to take their toll. During the last quarter of FY04, when the program was operating unfettered and with lower fees in place, the program did $3.94 billion worth of business. Recent quarterly figures show that this has dropped to $3.42 billion—a 14 percent decline. And the Administration has now proposed more fees for next year. This will only serve to further harm small businesses and the communities that they are located in.

There are many creditworthy businesses that are in need of capital but that do not fit a lender's traditional underwriting standards. Some entrepreneurs put off needed improvements or forgo potential expansion. Others are forced to turn to costly lending alternatives and end up financially strapped with insurmountable debt before their companies have even had a chance to get off the ground.

To make things worse, credit conditions are tightening for small business owners. The Federal Reserve has just raised interest rates for the seventh time since last June. Many lenders have followed suit, lifting their prime lending rates to 5.75 percent. Small business loans are tied to the prime lending rate, and as a result many small businesses will face higher interest rates.

It is evident that many small business owners are unable to access the capital they need. This creates a situation where not only is the entrepreneur unable to achieve their goal, but our local communities lose out on the potential job creation and economic growth that these new firms bring with them.

Small businesses are critical to our nation's economy and we must ensure that they have access to capital. Yet, this resolution fails to call for Congress to help strengthen the SBA programs that best help small businesses. This resolution falls far short of helping small businesses. As such, I urge my colleagues to oppose H. Res. 22.

Mr. KELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 235, the previous question is ordered on the resolution and the preamble, as amended.

MOTION TO RECOMMIT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the resolution?

Ms. VELÁZQUEZ. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. VELÁZQUEZ moves to recommit the bill, H. Res. 22, to the Committee on Small Business.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 222, not voting 24, as follows:

[Roll No. 140]

YEAS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle

Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costa
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Cubin
Doolittle
Feeney
Flake
Hensarling
Hinojosa
Istook
Johnson, Sam
Lynch
Musgrave
Myrick
Pence
Pitts
Rothman
Ryan (WI)
Scott (GA)
Shadegg
Souder
Westmoreland
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1546

Messrs. KIND, THORNBERRY, LEACH, PETERSON of Pennsylvania and REGULA changed their vote from "yea" to "nay".

Messrs. ENGEL, DAVIS of Tennessee and OBERSTAR and Mrs. MALONEY changed their vote from "nay" to "yea".

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 140, had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

SUPPORTING GOALS OF WORLD INTELLECTUAL PROPERTY DAY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 210) supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide.

The Clerk read as follows:

H. RES. 210

Whereas intellectual property is the backbone of our Nation's economic competitiveness and the only sector where the United States has a trade surplus with every nation in the world;

Whereas all nations can use the intellectual property system to achieve economic growth and cultural development;

Whereas intellectual property plays an important role in an increasingly broad range of areas, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts, and understanding the role of intellectual property in these areas—many of them still emerging—often requires significant new research and study;

Whereas World Intellectual Property Day provides an opportunity to reflect on how intellectual property touches all aspects of our lives: how copyright helps bring music to our ears and art, films, and literature before our eyes, how industrial design helps shape our world, how trademarks provide reliable signs of quality, and how patenting helps promote ingenious inventions that make life easier, faster, safer—and sometimes completely changes our way of living;

Whereas World Intellectual Property Day is an opportunity to encourage young people everywhere to recognize the creator, the problem-solver, and the artist within themselves, because the classrooms of today will produce the entrepreneurs, the scientists, the designers, and the artists of tomorrow;

Whereas the over-arching objectives for World Intellectual Property Day 2005 are to reach out to young people about the importance of intellectual property, to increase understanding of how protecting intellectual property rights helps foster creativity and innovation, and to raise awareness of the importance in daily life of patents, copyrights, trademarks, and designs;

Whereas April 26, 1970, was the date on which the Convention establishing the World Intellectual Property Organization entered into force;

Whereas in 2000, member states of the World Intellectual Property Organization established World Intellectual Property Day to celebrate the contribution made by innovators and artists to the development and growth of societies across the globe and to highlight the importance and practical use of intellectual property in our daily lives: and

Whereas April 26, 2005, has been designated as World Intellectual Property Day as a time to celebrate the importance of intellectual property to the United States and world economy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of World Intellectual Property Day to promote, inform, and teach the importance of intellectual property as a tool for economic, social, and cultural development;

(2) congratulates the World Intellectual Property Organization for building awareness of the value of intellectual property and

developing the necessary infrastructure to help citizens take full advantage of their own creativity;

(3) applauds the ongoing contributions of human creativity and intellectual property to growth and innovation and for the key role they play in promoting and ensuring a brighter and stronger future for the Nation: and

(4) recognizes that intellectual property continues to face serious, new challenges, which affect prospects for future growth of the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 210, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 210 is to congratulate the World Intellectual Property Organization, commonly referred to as WIPO, for its work and to support the goals of World Intellectual Property Day, which include teaching the importance of intellectual property as a tool for economic, social, and cultural development.

WIPO is considered the most important international organization for the promotion of intellectual property.

Among its other responsibilities, WIPO administers those treaties known as the Berne and the Paris conventions to protect intellectual property globally. The United States is a WIPO member.

Five years ago, WIPO member states celebrated the founding of the organization by establishing World Intellectual Property Day. April 26, 1970, is the date on which the convention that created WIPO took effect.

House Resolution 210 commemorates the achievements of WIPO and its designation of April 26, 2005, as World Intellectual Property Day for the current year.

I support the resolution and urge other Members to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 210. First, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his graciousness and the degree of support that he has lent to this bill.

I want to extend a very special thank you to the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, without whom we would not have had the energy and the direction to be here today.

I also want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) for their leadership, as well as the three other Chairs of the Intellectual Property Caucus, the gentlewoman from California (Mrs. BONO), the gentleman from Florida (Mr. FEENEY), and the gentleman from Washington (Mr. SMITH), who have joined with me in sponsoring House Resolution 210.

This important resolution commemorates World Intellectual Property Day, which is April 26, 2005. On April 26, 1970, the United Nations established the World Intellectual Property Organization, WIPO, which is one of the 16 specialized agencies of the United Nations system of organizations. WIPO focuses solely on promoting the use and protection of patents, trademarks, and copyrights internationally. As part of their important advocacy and public awareness campaign, WIPO created World Intellectual Property Day, and it is celebrated each year on the anniversary of WIPO's creation, April 26.

World Intellectual Property Day brings attention to the importance of intellectual property in the world economy and celebrates the contribution made by innovators and artists to the development and growth of societies across the globe. While most Members of the Congress have had the opportunity to see firsthand the importance of intellectual property to artists and businesses in our respective districts, World Intellectual Property Day serves as a helpful reminder to us and as an educational tool for those who may not realize how vital intellectual property is to our economic prosperity.

From artistic works to life-saving medicines to revolutionary inventions, intellectual property enriches, enhances, and informs our lives. In spite of the tremendous importance of intellectual property, many Americans are unaware that the entertainment they enjoy and the technology they use to get their work done would not exist if not for the protections our Founding Fathers placed in the Constitution and the value our society has continued to place on these vital, yet intangible, contributions.

World Intellectual Property Day is focused this year on bringing intellectual property to young people around the globe. Through it, we can reach out to young people about the importance of intellectual property and to increase understanding of how protecting IP rights helps to foster creativity and invention. America is an unsurpassed leader in imagination and innovation, and it will be up to our children and through the efforts of groups like the World Intellectual Property Organization of the U.N. to continue this strong tradition.

House Resolution 210 will help bring attention to World Intellectual Property Day and to the tremendous value of intellectual property, and I hope that all of our colleagues will join us in support of this resolution.

Mr. Speaker, I yield back the remainder of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me time.

I would also like to thank the gentleman from Florida (Mr. WEXLER), my friend, for his generous comments and especially for taking the initiative on this resolution.

Mr. Speaker, I am an original cosponsor of this resolution which supports World Intellectual Property Day and applauds the work of the World Intellectual Property Organization, WIPO.

WIPO is the leading intellectual property organization that works globally to promote intellectual property. Its mission is to promote the use and protection of works of the human spirit.

The organization administers 23 intellectual property treaties and works to educate member countries about the importance of intellectual property.

In the United States, the intellectual property industries drive our economy. Whether it is the creative industries that produce music and movies or high-tech companies that produce software and research, nanotechnology, innovation keeps America competitive.

The United States is a member of WIPO. In order to safeguard our inventors and innovators, we must not only enact strong intellectual property laws in the U.S. but also must make sure our products are protected abroad. WIPO works to do just that.

April 26 was established by WIPO 5 years ago as World Intellectual Property Day. H. Res. 210 applauds WIPO for its work and commemorates April 26, 2005, as World Intellectual Property Day.

This resolution is an appropriate way to call attention to such a worthy organization, and I encourage my colleagues to support it. Once again, I would like to thank the gentleman from Florida (Mr. WEXLER) for his sponsoring of this resolution.

Mr. ISSA. Mr. Speaker, I rise today in support of H. Res. 210, a resolution acknowledging the importance of intellectual property in the United States and throughout the world. I thank Mr. WEXLER for introducing this important legislation.

Prior to my election to Congress, I spent over twenty years in the consumer electronic industry. I know firsthand the importance of allowing an individual or company to reasonably protect their creative works. If it were not for this ability to prevent others from infringing upon a creator's ideas, the United States would not be the engine of economic growth that it is today.

World Intellectual Property Day was established in recognition of these principles. The goals of this Day are simple—to promote, inform, and teach the importance of intellectual property. Through my travels abroad, I have come to realize that not all entities around the globe, public or private, respect intellectual property rights to the same degree. For example, we still face increasing amounts of piracy of copyrighted works and counterfeiting of patented medications. Put plainly, the incentive to create stems in great part from the desire to do so exclusively. Ensuring the continuation of intellectual property rights in the United States and throughout the world will only serve to bring more high quality and safe products consumers want to the market.

Mr. SENSENBRENNER. Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 210.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 748, the bill to be considered shortly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

The SPEAKER pro tempore (Mr. PORTMAN). Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 748.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. FOLEY) to assume the chair temporarily.

☐ 1556

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, with Mr. FOLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 748, the Child Interstate Abortion Notification Act. Laws that require parental notification before an abortion can be obtained by a minor are overwhelmingly supported by the American people.

As recently as March 2005, 75 percent of over 1,500 registered voters surveyed favored requiring parental notification before a minor could get an abortion. In fact, the 2004 Democratic nominee for President said on "Meet the Press" this year, "I am for parental notification."

Across the country, medical personnel and others must obtain parental consent before performing routine medical services such as providing aspirin or including children in certain activities such as field trips and contact sports.

Yet, today, people other than parents can secretly take children across State lines in violation of parental notification laws for abortion without their parents even knowing about it.

Introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), the Child Interstate Abortion Notification Act, or CIANA for short, will protect the health and physical safety of young girls and protect fundamental parental rights. This legislation contains two central provisions, each of which creates a new Federal crime subject to $100,000 fine or 1 year in jail or both.

The first section of the bill makes it a Federal crime to transport a minor across State lines in order to circumvent a State law requiring parental involvement in the minor's abortion decision. Twenty-three States currently have such parental involvement laws. The purpose of this section is to prevent people, including abusive boyfriends and older men who may have committed rape, from pressuring young girls into receiving a secret out-of-State abortion that keeps the abuser's sexual crimes hidden from that minor's parents or law enforcement authorities.

The first section of the bill does not apply to a minor seeking the abortion themselves or to their parents.

☐ 1600

It also does not apply in life-threatening emergencies that may require that an abortion be provided immediately.

The second section of CIANA applies to cases in which a minor who is a resident of one State presents herself for an abortion in another State that does not have a parental involvement law. In those circumstances, the bill requires the abortion provider to give one of the minor's parents, or a legal guardian, notice of the minor's abortion decision before the abortion is performed. The purpose of this section is to protect the fundamental right of parents to be involved in a minor's decision to undergo a potentially dangerous medical procedure. A parent will be familiar with their daughter's medical history and able to give that information to a health care provider to ensure that she receives safe medical care and necessary follow-up treatment.

This section of the bill does not apply where the abortion provider is presented with court papers showing that the parental involvement law in effect in the minor's State of residence has been complied with. It also does not apply where the minor states that she has been the victim of abuse by a parent and the abortion provider informs the appropriate State authorities of such abuse. Furthermore, it does not apply where a life-threatening emergency may require that an abortion be provided immediately.

The need for this section was provided by Marcia Carroll, who testified on behalf of H.R. 748 before the Committee on the Judiciary. In her testimony, Mrs. Carroll described how her daughter, without Mrs. Carroll's knowledge, was pressured by her boyfriend's stepfather to cross State lines to have an abortion she did not want and which she now regrets. Mrs. Carroll said, "My daughter does suffer. She has gone to counseling for this. I just know that she cries and wishes she could redo everything, relive that day over. She has asked me to come here for her sake and for other girls' safety to speak and let you know what was happening."

It is important to note that nothing in this legislation prevents a minor from obtaining an abortion. CIANA simply protects the right of parents to be given a chance to help their children through difficult times. The Supreme

Court has described parents' right to control the care of their children as "perhaps the oldest of the fundamental liberty interests recognized by this Court." The Supreme Court has also observed that, "The medical, emotional, and psychological consequences of an abortion are serious and can be lasting," and that "it seems unlikely that the minor will obtain adequate counsel and support from the attending physician at an abortion clinic where abortions for pregnant minors frequently take place."

The House of Representatives has passed similar legislation by over 100-vote margins in recent Congresses, and I urge all my colleagues to again support this legislation, which is so vital to parental rights and to the health and safety of America's minor daughters.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, ladies and gentlemen of the House, we have, this afternoon, a measure on the floor that will increase health risks to young women who choose to have an abortion, is clearly unconstitutional, is antifamily and antiphysician, and it goes way beyond limiting the travel rights of a young woman who would want or seek an abortion or forcing a physician to provide parental notices.

This bill is really about stopping any woman from crossing a State line to obtain an abortion under any conditions and about preventing a doctor from performing an abortion at any time. It is a tragic bill. It is a mean-spirited bill.

If the proponents really wanted to allow young women to ever cross a State line to obtain an abortion, would they pass a law so extreme as to prevent even the woman's grandparents, aunts or uncles, siblings or clergy from helping safeguard the woman's safety? Why else would they pass a law that criminalizes not only taxi and bus drivers but nurses or any health professional who even gives a young woman directions home? There is only one possible answer, and that is they want to prevent any young woman from being able to obtain an abortion, even if she is raped, or even if she is too afraid of her parents to confide in them.

If the proponents of the bill really wanted to permit doctors to conduct abortions on young women under the proper circumstances, why would they force the doctors to travel in person across State lines to give actual written notice to parents? Why else would they fail to define what constitutes reasonable effort by a physician? Why else would they impose this burdensome requirement, even if a parent brought his or her child to the doctor's office to obtain this medical procedure?

So if the proponents really cared whether the bill complied with the Constitution, they would add a health exception that has been frequently enumerated by the Supreme Court in Stenberg versus Cahart; they would provide for a judicial bypass, as is mandated in Hodgson versus Minnesota. Yet the proponents continue to ignore the letter of the law and then act surprised and complain about activist judges when the Court merely does its duty and strikes down blatant unconstitutional proposals like the one before us today.

Unfortunately, this legislation constitutes yet another in a long line of shortsighted efforts to politicize tragic family dilemmas that does nothing to respond to the underlying problems of teen pregnancies, dysfunctional families, and child abuse. We in Congress should not be in the business of telling young women facing a terrible situation who they must confide in and that the Constitution does not apply to them.

Please listen carefully and reject this unwarranted piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 748, the Child Interstate Abortion Notification Act, CIANA, which was introduced by my colleague, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN). I would also like to thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership on this bill as well.

CIANA's predecessor, the Child Custody Protection Act, received broad support, passing this House by over 100-vote margins on three separate occasions, including the 105th, the 106th, and the 107th Congresses. H.R. 748, introduced this session, was favorably reported out of the Subcommittee on the Constitution on March 17 and out of the full Committee on the Judiciary on April 13 of this year.

Passing CIANA is critical to both protecting our minors as well as preserving the opportunity for parents to be involved in their children's decisions. The first section of CIANA, as our chairman mentioned, would make it a Federal crime to transport a minor across State lines to obtain an abortion in another State in circumvention of a State's parental notification law.

The primary purpose of the first section is to prevent people, including abusive boyfriends and older men, and oftentimes we have seen people in their twenties and we have seen girls 15, 16, 17 years of age here, so oftentimes it is statutory rape, from pressuring these young girls into circumventing their State's parental involvement laws by receiving secret out-of-State abortions, unknown to their parents. The parents are the ones that ought to be involved in making these oftentimes life-altering decisions, not some abusive boyfriend, not some older man whose interests are to protect himself and perhaps to do away with the evidence. He does not have that girl's best interests in mind. The parents are the ones that ought to be involved in making this decision.

CIANA recognizes certain exemptions to the act's requirements, including instances in which a life-threatening emergency may require an abortion be provided immediately; instances in which the abortion provider is presented with court papers showing that the parental involvement law in effect in the minor's home State has been complied with; and instances in which the minor states that she has been the victim of abuse by a parent and the abortion provider informs the appropriate State authorities of such abuse so that it can be prevented.

The statistics show that approximately 80 percent of the public favors parental notification laws, and as recently as last month, 75 percent of 1,500 registered voters favored requiring parental notification before a minor could get an abortion, with only 18 percent opposing parental notification.

Forty-four States have enacted some form of parental involvement statute. Twenty-three of these States enforce statutes that require the consent or notification of at least one parent or court authorization before a young girl can obtain an abortion, including my State, the State of Ohio. Such laws reflect the widespread agreement that the parents of a pregnant minor are best suited to provide counsel and guidance and support as the girl decides whether to continue her pregnancy or to undergo an abortion.

The Subcommittee on the Constitution heard firsthand about this life-altering procedure, as our chairman mentioned. We had the mother of a young girl. This young girl was essentially pressured by the boyfriend and the boyfriend's parents. This young girl's parents thought they were sending her to school; she was then taken out of State, from Pennsylvania into New Jersey, where an abortion was performed on her. The parents and the boyfriend, they went out and had lunch while she is undergoing this abortion.

This girl did not want to go through with it to begin with. They pressured her, and when she got there, she said she did not want to go through with it. That was the evidence in the committee. She was told by them if you do not go through with this, you do not have a way to get back home. So she would have been stuck there. The mother found out about this, and the daughter, she said, still cries about this constantly; that she wishes she could go back and undo what happened to her, but obviously it is too late.

The parents should have been entitled to have been involved in this process, but, unfortunately, too often that is not the case if they are being pressured by the boyfriend or some abusive adult. Parents such as Mrs. Carroll should be given the chance to be involved in these life-altering decisions. Confused and frightened young girls who find themselves in these situations are routinely influenced and assisted by adults in obtaining abortions and are encouraged to avoid parental involvement by crossing State lines.

These girls are often guided by those who do not share the love and affection that the parents do. It should be the parents involved. Parental involvement is critical. I strongly urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 4 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has worked with great diligence on this subject across the years.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me this time, and first let me begin by noting that the case just alluded to by the gentleman from Ohio (Mr. CHABOT), that in the case where a young woman was held coercively, was threatened if she did not go through with an abortion she would not be able to get home, would seem to violate the laws against kidnapping and half a dozen other criminal laws. If those people were not prosecuted, it is the district attorney's fault. We do not need this bill to deal with a situation like that.

Mr. Chairman, we consider today legislation that is at once another flagrant violation of the Constitution and an assault on the health and well-being of young women and their health care providers. Some States have chosen to enact parental notification and consent laws. Some, like mine, have considered this issue and decided such laws are not good for the welfare of young women and have declined to enact them. This bill would use Federal authority to impose the restrictive laws of one State on abortions performed in another State. It would, in effect, make a young girl carry the law of her State on her back wherever she goes.

Mr. Chairman, I know of no law that has attempted to do this kind of thing since the Fugitive Slave Act of the 1850s. This bill would make criminals of grandparents, boyfriends, brothers, sisters, and clergymen and women who try to help a young woman, a young woman who had a fear or alienation and thinks she cannot confide in her parents.

It would even apply to a case such as that of a 13-year-old from Idaho, Spring Adams, who was shot to death by her father after he found out that she planned to terminate a pregnancy, a pregnancy he caused by his act of incest. Under this bill, he would have the parental notification or veto right.

This bill is radically different from previous versions. If you voted for this bill in the past, look again. It would now, for the first time, jail doctors. It would now, for the first time, require doctors to know the laws of all 50 States. It would now, for the first time, require a doctor to fly to the young woman's home State and ring her parents' doorbell before treating her. Even if the young girl's State of residence and the doctor's State have both decided not to enact parental notification or consent laws, this bill would impose a new Federal parental notification law that is more Draconian than the laws of most States.

□ 1615

This bill imposes a 24-hour waiting period and does not waive that requirement even if the parents accompany the young woman to the abortion doctor and even if a delay would threaten her health. That is not only unconstitutional; it is immoral. Congress should not be tempted to play doctor. It is always bad medicine for women.

In an ideal world, loving, supportive and understanding families would join together to face these challenges. That is what happens in the majority of cases, law or no law; but we do not live in a perfect world. Some parents are violent; some parents are rapists. Some young people can turn only to their clergy, to a grandparent, a brother, a sister, or some other trusted adult. We should not turn these people into criminals simply because they are trying to help a young woman in a difficult or dire situation.

This bill is the wrong way to deal with a very real problem. It does not provide exceptions to protect the young woman's health. It does not provide exceptions where a parent has raped a young woman. It even allows the rapist to sue the clergyman or the doctor who tries to help the doctor deal with the effects of the rape committed by the rapist. It allows the rapist to sue the doctor and gain from his crime.

I urge my colleagues to reject this legislation on both constitutional and policy grounds. If only for the sake of humanity, I urge Members to join in providing the needed flexibility for the most difficult real-world cases involving the lives of real young women. We owe them at least that much.

We also owe the States the respect to note that some of them have passed such laws, some have not. Why should we impose these laws in States that have not done it? Why should we tell someone in one State because you came from another State, you are subject to the laws of that State wherever you go. We do not do that in this country generally. We are supposed to be a Federal Republic, although increasingly in this House we seem to forget that. I urge rejection of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the bill.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his critical leadership on this bill, as well as the gentleman from Ohio (Mr. CHABOT) for his help throughout this process.

As a mother of two teenage daughters, I, like so many Americans, believe that we as parents have a right to know what is going on in our daughters' lives, especially with regard to a potentially life-threatening medical procedure. And my bill, the Child Interstate Abortion Notification Act, CIANA, will incorporate all of the provisions previously contained in the Child Custody Protection Act making it a Federal offense to transport a minor across State lines in order to circumvent that State's abortion parental notification laws.

In addition, the bill will require in a State without a parent notification requirement, abortion providers are required to notify a parent. It will protect minors from exploitation from the abortion industry. It will promote strong family ties, and it will help foster respect for State laws.

This legislation will put an end to the abortion clinics and family planning organizations that exploit young, vulnerable girls by luring them to recklessly disobey State laws. This legislation has had the support of the overwhelming majority of Members who have voted in favor of a similar, but not identical, bill in not only 1998 and in 1999 but also in 2002. Today, CIANA has 129 cosponsors. The people have spoken in the past, and so have their representatives.

I am extremely hopeful that this Congress will pass this common-place and commonsense legislation. I hope it will pass the House and the Senate, and the President has said he will sign the bill into law. I encourage my colleagues to vote in favor of this legislation and reject weakening amendments that seek to put loopholes in this bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

Ms. WATERS. Mr. Chairman, I rise in strong opposition to what I think is an outrageous piece of legislation that is going to harm women and make criminals out of innocent individuals and even grandmothers who seek to help their granddaughters travel across State lines in order to end their pregnancy.

Mr. Chairman, we worked very hard in the Committee on the Judiciary to try and make sense out of this bill. Those of us who oppose this legislation thought for one minute that perhaps our colleagues would have enough humanity to recognize that there ought to be some exceptions to this bad bill. One that I dealt with had to do with incest.

Can Members imagine that a young girl has been raped or abused by a father, and now she has to go to him to ask him for permission to have an abortion; but beyond that, permission to travel out of the State to another State where the laws are different and would allow for abortion, perhaps without a bypass procedure?

It is inconceivable to me that we would have been denied this kind of an amendment. It is inconceivable to me that my colleagues on the other side of the aisle would think that they should not only force a young girl who is the victim of incest to go to the perpetrator, maybe the father or the relative to ask them for permission, they even create penalties for anyone that would assist the young girl in traveling across State lines. This is absolutely outrageous and unreasonable.

Young women in this country increasingly are confronted with far too many traumatic situations. We have sexual predators out there, many in the headlines today. We have more and more cases of incest that we are learning about, and at the same time we would make life more difficult for someone who is the victim of incest. I would ask my colleagues to reject this legislation. It is absolutely unreasonable.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me this time to speak on this important issue.

I rise today to urge my colleagues to support H.R. 748, the Child Interstate Abortion Notification Act. This important piece of legislation will make it a Federal crime to transport a minor across State lines to obtain an abortion in another State.

Unfortunately, only about half our States currently have parental notification or consent laws in effect, and all too often these laws are circumvented by those wishing to take minors to other States that do not have parental notification requirements. This often happens under heavy pressure from older boyfriends or at the urging of abortion providers.

In order to protect the welfare of young women and the rights of their parents, Congress has a duty to regulate this interstate activity. Furthermore, those who manipulate and abuse young, vulnerable, pregnant women should be punished. This must include irresponsible abortionists who perform abortions on young women from other States. As Federal lawmakers, we also have an obligation to protect the rights of the States. Unfortunately, when it comes to abortion, these State laws are being trampled on at the expense of vulnerable young women and their families.

Life does begin at conception and is sacred. We should do all we can to protect life. This includes empowering the States that have parental notification laws to enforce them. Abortionists should not be rewarded for opening their businesses to new markets in other States. The health and well-being of these young women is at risk.

I am optimistic about the future of this legislation because of the tenacity of the gentlewoman from Florida (Ms. ROS-LEHTINEN), the 129 cosponsors of the bill, the support the Committee on the Judiciary and the chairman of the committee, and our leadership in the House. Life is a gift from God delivered at conception. It must be protected and cherished at that point forward. I am happy and honored to be here to celebrate another great stride towards that goal.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who has worked tirelessly on the committee on this subject matter.

Ms. LINDA T. SANCHEZ of California. Mr. Chairman, I rise today in strong opposition to the Child Interstate Abortion Notification Act. This is simply another example of anti-woman and anti-choice legislation that jeopardizes a young woman's health and is at odds with the United States Constitution.

This bill will leave young girls like Spring Adams completely unprotected. Spring was a 13-year-old sixth grade student from Idaho who became pregnant as a result of her father's shameful actions. When Spring's father became aware that she planned to terminate the pregnancy, he shot and killed her. If H.R. 748 were law, girls in Spring's tragic circumstances would be more vulnerable to harm since young women will be forced to notify the same parent that sexually abuses them of their plan to seek medical care. Is that the dangerous situation we want to put an abused girl in?

What is worse is that H.R. 748 does not contain a health exception which is dangerous to a young woman's health. Under this bill, doctors will be guilty of a crime if they do not wait 24 hours before performing an abortion, a medical procedure, on a young girl even if the girl is at risk for serious injury. This means that in some circumstances conscientious doctors must sit on their hands and wait for 24 hours as young female patients suffer from complications and risk permanent injury.

Mr. Chairman, 24-hour delays are not always an option when a young girl is pregnant and experiencing medical complications. And if these victimized girls ask a caring grandparent or aunt to drive them to another State for an abortion, even if the girl is at risk for serious injury or has been sexually abused by a parent, their family members will be guilty of a crime and may wind up in prison.

That is a heavy price to pay for trying to help and protect a loved one. Doctors and grandparents should not have to make the unthinkable choice between protecting a patient or granddaughter from serious physical injury and going to jail. This bill forces them to make that impossible choice. For this reason, I urge every Member of this body to stand up for women's health, stand up for the U.S. Constitution, and vote "no" on this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in support of the Child Interstate Abortion Notification Act. While many States require parental notification or consent before an abortion procedure, others do not. The gentlewoman from Florida (Ms. ROS-LEHTINEN) introduced this bill to prohibit the transportation of a minor across State lines in order to obtain an abortion.

As we have all heard in the discussion today, there are no Federal parental notification laws and not every State operates under the same rules. There are some States that do not require a parental consent form or notification, or their laws may be tied up in a court challenge, as was the case in Florida; but the voters voted overwhelmingly to have parental notification. When a minor is transported across State lines to evade these State laws, the rights of parents have been violated.

I only have daughters. I have three daughters and certainly any parent realizes that their children cannot have such a minor thing as a tattoo or a body piercing or even receive vaccines in school without their consent. Is it asking too much that our children receive parental consent before they undergo an out-of-state and serious medical procedure, all without their parents' consent? Can you imagine learning that your daughter was transported across State lines because she thought it was her only option? That is just plain wrong.

Mr. Chairman, we must support the Child Interstate Abortion Notification Act today. Certainly Congress does not want to condone nonparents transporting young women across State lines for the purpose of evading the parental involvement laws in the girl's home State. To me that is a dangerous and unconscionable precedent to set.

Across the country, officials must obtain parental consent before performing even routine medical procedures.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the sponsor of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), is my colleague and friend; but on this issue I must respectfully disagree with her.

I know that most of my colleagues believe teens should communicate with their parents and guardians when faced with difficult and terrifying choices. Unfortunately, that does not always happen; and in some cases where abuse and neglect are involved, we cannot force it to happen. In every community in every congressional district, whether red or blue, the sad truth is that there are unspeakable acts perpetrated against young girls by relatives that result in pregnancy, and this legislation does nothing to protect them.

In a perfect world, there would be no heinous acts against children. In a perfect world, no woman would become pregnant until she was spiritually, physically, and emotionally prepared to love and care for a child.

□ 1630

Just over a month ago, I stood on the floor of this House because I firmly believed that politicians have no right to meddle in personal and private affairs of medical decisions. As recent actions and events have reflected, leaders in this Congress across the country are seeking more ways to violate the Nation's laws and our personal freedoms in order to impose their will on American families. This is not the role of Congress, nor should it be. This legislation includes no provision for a teenager who fears turning to her parents because the pregnancy may be the result of an act of rape or incest. It is wrong and we must stop it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today to voice my strong support for H.R. 748. And I thank the Committee on the Judiciary for allowing Members to speak on this bill and also particularly the gentlewoman from Florida, who brought this legislation to the floor and who has worked on this legislation to get it through.

Needless to say, this bill is something that many of us feel very strongly about, that will protect our daughters of minor age from those who would seek to harm them or that would interfere with that parental/child relationship.

In my State, for example, Alabama, we have a one-parent consent or judicial bypass law that is currently on the books. Three of the States that border Alabama, Georgia, Tennessee, and Mississippi, have laws that are at least as stringent as those in Alabama. The fourth State, Florida, currently has no parental involvement statute in effect, which in essence means that minor children from Alabama can be taken into Florida to have an abortion with no parental involvement.

I in no way believe that this legislation punishes young women. It was put there to protect them. Therefore, I would urge my colleagues to vote in support of this important legislation.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time. I applaud his leadership.

And I would like to be associated with the comments of the Members of minority in their comments strongly against this bill. It is not about protecting children. It is merely a part of the majority's agenda to please anti-choice extremists. If the majority were truly concerned about children, then this bill would not be so extreme, so complex, and so unconstitutional. It provides no exception for the health of the mother, as required by the Supreme Court. It does not always provide an option for judicial bypass, which is also required by the Supreme Court. And it violates States rights by forcing the laws of one State on to another.

What this bill is really about is the majority war with our courts. The majority knows that this bill is unconstitutional, but they do not care. And when the first court determines that it is unconstitutional, the majority will blame the judges, just as they labeled them judicial activists, as they did in the Terri Schiavo case, and just as they did in the partial birth abortion case. Believe me, when the judges make their decision, it will be based on volumes and volumes of case precedent that sets the standard of constitutionality and not on a political agenda.

I urge my colleagues to vote "no."

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, as a father with four daughters, the safety and well-being of young women are among my absolute priorities. The Child Interstate Abortion Notification Act is not a bill that affects a minor's right to have an abortion. It is a bill that protects young women from being pressured into having an abortion. The legislation requires that abortion providers provide 24-hour notice to one of the minor's parents or legal guardians before the procedure is performed. Abortion is already taking one life. We have a duty to protect the lives of the young girls forced to have these procedures.

Kentucky is among the Commonwealths and States that have parental involvement laws for minors seeking an abortion. An overwhelming majority of Americans support these laws, and parents, unlike those taking a young girl over State lines for the procedures, have the girl's best interests at heart. The decision to end the life of an unborn child is not one that should be made by a frightened young girl forced into a clinic.

Too often the men transporting the girls are either abusive boyfriends or men who have committed rape and are trying to dispose of the evidence. These predators should not be given the opportunity to circumvent State law and circumvent a girl's parents.

The House has passed legislation similar to this in the past, and we find ourselves here again supporting a bill that will protect young women. Officials must obtain parental notification before dispensing aspirin to minors and before taking students on field trips. States require written parental consent before a minor can get a tattoo or body piercing. But our current laws allow a young girl to be taken across the State lines for an abortion without notifying her parents. This is despicable. It is dangerous. And it should be stopped.

I urge my colleagues to join me to pass the Child Interstate Abortion Notification Act so that we can protect young girls and involve their parents or legal guardians in decisions of life or death.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN), a distinguished member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Chairman, I rise today in strong opposition to H.R. 748.

This bill is yet another example of government intrusion into the most private of family decisions, and it once again criminalizes the actions of doctors who seek to provide women with confidential reproductive health care services.

Mr. Chairman, in a perfect world every child would be able to turn to their parents for guidance. In a perfect world, every parent would have their child's best interests in mind. In a perfect world, every parent would create a safe and loving home where their teens could talk openly about important decisions.

But, Mr. Chairman, we do not live in a perfect world. And mandatory parental notification and consent laws like the one before us harm exactly those people whom our laws should be looking out for, those who cannot turn to their parents for guidance. These young women who feel they cannot turn to their parents often enlist the help of a grandparent or an aunt or a trusted family friend. H.R. 748 would make it a Federal crime for any of these people to help the young women in need.

I urge my colleagues to vote against this deplorable legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have to take issue with the gentlewoman from Wisconsin (Ms. BALDWIN). She says this bill involves itself in the most personal of family decisions. How does it involve itself in a family decision when the family does not even know about it? And what this bill requires is that the family at least know about the fact that their daughter is being taken across a State line in circumvention of a State law requiring parental involvement.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Chairman, I certainly thank the gentlewoman from Florida for offering this legislation. I commend her, and I am proud to be an original cosponsor of this legislation.

We work so hard in the policies that we pass in this body. We work so hard in so many ways in this country today to try to help families to stay together. We try to encourage communication between parents and their kids. And that is exactly what this legislation is designed to do. It is designed to encourage parents and their children to have more conversations, to be communicating about some of life's most difficult and challenging circumstances and decisions that have to be made in families today.

We have young kids in our family, and time after time after time, kids come home from school with permission slips. They cannot do anything in school today without a permission slip. A school trip, being on a bus, participating in some activity. We cannot do anything in schools today, with young people today, without getting a permission slip from their parents. A child cannot get an aspirin in school without getting permission from their parents.

Yet with this legislation, we are simply suggesting and requiring that if someone is going to try to take a young child, a minor, a young woman, a girl, across State lines to evade a law that is designed to have parents and their children talking and communicating about some of the toughest things that families have to deal with, we are talking about an abortion procedure. We are talking about an invasive surgical procedure. It requires anesthesia. And we are saying that parents should not necessarily be involved in that decision? My gosh, it betrays common sense. It betrays norms for decency and common sense. We are talking about an invasive surgical procedure that requires anesthesia, when we require a parent to be notified and to give consent for their child to have an aspirin or to ride on a bus or to go on a school trip; yet saying parents should not be involved necessarily when their child is going to have an invasive surgical procedure requiring anesthesia simply betrays common sense.

I certainly encourage and urge passage of this legislation.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise today in opposition to H.R. 748.

Let us just pause for a moment and think about what it does. Will it prevent unwanted pregnancies that teenagers today have, although in smaller numbers, at least in California where we have had good education? Let us get real about it.

I think it glosses over the complexity of real people's lives and abandons young women at a critical time. Young women deserve better than H.R. 748's complicated grid of State laws and intimidating legal procedures.

We cannot mandate healthy communication where it does not exist. Just the opposite, I think, can happen from this bill. But we can work together to prevent teen pregnancies through education, through counseling, through access to family planning services. Please let us focus on prevention rather than restrictions.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, would the Chair inform us as to how much time remains on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 14 minutes left. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8½ minutes left.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

It is very critical that we understand whose side everyone is on. The Center for Reproductive Rights, the American Medical Association, the American College of Obstetricians and Gynecologists, who are all opposed to this bill, the American College of Physicians, the American Public Health Association, Planned Parenthood, all have longstanding policies opposing mandatory parental involvement laws because of the dangers they pose to young women and the need for confidential access to physicians.

We have yet to have anyone explain why it is that the exception for health is not included in this law. So the dangers that are posed to young women in H.R. 748 underscore the need for confidential access to physicians. It is absolutely critical that we realize that this is about developing more human regulations of this very terrible circumstance.

Very little has been said on the other side about the constitutional concerns and the fact that we refuse to recognize that the lack of parental notification provisions raise at least three serious constitutional concerns.

☐ 1645

So I urge the Members to consider how much more Draconian this law is than the previous bills that have been on the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me this time. I do rise in strong opposition to this bill. I am a strong supporter of my own State's law requiring parental involvement, but I strongly oppose this bill.

First of all, it is quite different from any bill that has appeared before us, and it is truly ironic that we should have this bill before the House on the very same day we are passing a Small Business Bill of Rights. One of those rights is for small business to be relieved of litigation.

The majority of physicians in America practice in one, two, or three-man practices, which are small businesses. But, this bill opens up a new lawsuit possibility against them for civil damages in case they do not notify the parents, and that is plural, of a young person who comes to them for abortion services. It requires that the physician serve this notification in person. Now, what happens if that doctor gets in his car, goes and drives and notifies the mother, but since he does not know the mother and father are estranged, he does not notify the father. The father then has a right of action against him.

This is not fair or right. This bill requires physicians to reveal information that under HIPAA and all confidentiality laws, they are not allowed to reveal. So this puts a burden on physicians that is extraordinary, and they are small businesses, and we need to remember that.

Secondly, it puts young people, remember, it does not put the teenager of a healthy family in jeopardy, it puts the teenager of the at-risk family, of the family in which there is a lot of abuse, in jeopardy. Many of the teenagers who become pregnant young are pregnant because their fathers impregnated them, or an uncle or a nephew or a cousin. These are ugly situations, and if they find a grandmother or an aunt or a cousin who will substitute for a mother who may be the drugee and effectively out of their lives, who might help them deal with this situation, and that grandmother does not happen to know that she has to comply with State notification and all the other laws of both States, she will be subject to criminal penalties.

This is a bad bill for the children who most need our help.

Mr. CONYERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. NADLER), the subcommittee ranking member.

Mr. NADLER. Mr. Chairman, we have alluded repeatedly in this debate to the reasons why this bill is oppressive and is wrong, and we have alluded to the fact that it is unconstitutional, but we have not really gone into that.

The fact is that under the rulings of the Supreme Court, it is not permissible to pass a law which has the effect of imposing one State's legal requirements on another State, as this bill does. In essence, the bill imposes on States and physicians the laws of the States that have the most stringent requirements on abortion. Federalism dictates that one has the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in another State, according to the privileges and immunities clause of the 14th amendment.

In the Saenz case in 1999, the Supreme Court held that a State cannot discriminate against a citizen of another State when there is no substantial reason for the discrimination, except for the fact that they are a citizen of another State. The court specifically referred to Doe v. Bolton, the companion case to Roe v. Wade, where it said the State cannot limit access to its medical care facilities for abortions to in-State residents. A State must treat all that are seeking medical care within that State in an equal manner.

This bill would, in effect, say that there are two legal regimes in a State. One is the regime, the system, the set of laws that apply to residents of that State passed by the State legislature of that State. The second law that applies applies to people who came from another State, and it is the laws of that other State that apply, plus the laws of this State. Constitutionally, you cannot do that. You cannot make, you cannot make a young woman carry the law of one State on her back wherever she goes because she originated in that State.

I said before that Congress has made no attempt to use Federal authority to impose the laws of one State on another since the Fugitive Slave Act. The Fugitive Slave Act, if passed today, would clearly be unconstitutional. This bill is clearly unconstitutional, as well as oppressive.

It is also wrong because the States that have decided not to impose such laws on their own citizens should not be forced to because we say so.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me this time, and I wand to commend him and the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Ohio (Mr. CHABOT) for their outstanding work that they have done, and many others, on this very important legislation to protect life—especially the lives of underage teenagers.

Mr. Chairman, abortion mills in my home State of New Jersey go so far as to buy ads, especially in the yellow pages, to promote abortion for minors residing in Pennsylvania, where parental consent is required for abortion, to come to my State, where no parental involvement of any kind is needed. The marketing of teenage abortions in this way, Mr. Chairman, or in any way, for that matter, is morally indefensible. The abortion industry's engraved invitation to vulnerable young girls to procure a secret abortion means it becomes more likely and that more abortions will indeed occur. That means, Mr. Chairman, more dead babies; that means more wounded moms.

Earlier in this debate, the gentlewoman from California (Mrs. CAPPS) suggested that the Child Interstate Abortion Notification Act somehow constituted an "abandonment" of minor girls. Well, I thought I had heard just about everything one could hear in my 25 years in Congress during abortion debates, but to call a bill designed to protect vulnerable teenagers from abuse by abortion mills and those who would facilitate that abuse "abandonment", is deeply and profoundly troubling. I respectfully submit that enabling secret abortions by underage teenagers without parental knowledge or consent is, in and of itself, abandonment. To abandon is to forsake, to desert, to give up on. Why abandon a 14-year-old or a 15-year-old or a 16-year-old to an abortion mill where she could be severely hurt and where the baby will be killed? Moreover, Mr. Chairman, abortion itself, by definition, is an act of abandonment of a baby.

Let us not kid ourselves. Abortion mills do not nurture, they do not heal, they do not cure disease; unless you construe pregnancy to be a disease, and some abortionists do, including Dr. Willard Cates, who used to be the head of the CDC Abortion Surveillance Unit and gave a 1976 speech before Planned Parenthood, titled "Pregnancy: The Second Most Prevalent Sexually Transmitted Disease After Gonorrhea." But if you do not see pregnancy as a disease and the child a tumor or wart, then we are talking about abandonment.

Abortion clinics are in the business, and a Member just a few moments ago talked about abortion mills as small business. It is not just small business; this is big business, and abortionists make millions of dollars plying their lethal trade. But they are in the business, I say to my colleagues, of dismembering the fragile bodies of unborn children with sharp knives and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. This is not healing, this is killing, and it is abandonment.

I say to my colleagues, no wonder 3 out of 4 Americans strongly support parental notification laws. This bill ensures that those State laws are not violated and young girls and young women are protected from abuse and abandonment.

Mr. CONYERS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, under this legislation, we get two crimes for the price of one. H.R. 748 would not only make a felon out of anyone, a stepparent, grandparent, aunt, or member of the clergy who accompanies a young woman across State lines for an abortion; it would make a felon out of any doctor who performs an abortion on a minor from another State without having first obtained parental consent, in person, and abided by a 24-hour waiting period. In my judgment, this is a terribly misguided bill that has the potential to isolate young people and put doctors in the unthinkable position of having to decipher State and Federal law before practicing good medicine.

Thankfully, most young women involve their parents in the decision to seek an abortion. But, under this legislation, those who feel they cannot turn to their parents when facing an unintended pregnancy, and my colleague, the gentlewoman from Connecticut (Mrs. JOHNSON) talked about the terrible cases of incest where a young woman is impregnated by a father or a stepfather, they will be forced to fend for themselves without any help from a responsible adult. Some will seek unsafe abortions close to home. Others will travel to unfamiliar places, obtaining abortions by themselves. We should encourage the involvement of responsible adults in these difficult decisions, not criminalize this compassion.

Mr. Chairman, every single Member of this body knows that we cannot legislate family relationships. Sadly, parental consent laws do not always force young women to talk to their parents. In fact, we know that in some circumstances, these laws, without any exemptions, can literally tear families apart.

This bill is not about involving parents in the lives of their daughters, or about ensuring that doctors practice medicine responsibly or well; in my judgment, it represents a lack of compassion, empathy, and moral judgment. It distracts us from doing things that will actually help young people and their families make abortion less necessary, teaching and encouraging abstinence, fostering safe and healthy relationships in adolescence.

I believe this body can do better, and I encourage my colleagues to oppose this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), my distinguished predecessor as chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, the question was asked, whose side are we on? I am on the side of the family. It seems to me the practice of ferreting some pregnant girl who is a minor out across the State line so that parents will not know about it is an assault on the family, and I do not know why the family should be assaulted as much as it is routinely by some elements. Where in the world is the humanity in killing an unborn child?

I have listened to this whole debate, and not one syllable has emanated from the opposition to this bill about the real tragedy of abortion: the killing of an innocent human life. That is what abortion is. And you are busy attempting to facilitate abortions.

The litany of medical societies that support abortion is a scandal. At one time, abortion was a crime. Now it is a constitutional right. But it is wrong, and the sad thing is, we have gotten used to it.

This is a good bill and we ought to support it. Get on the side of the family.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the distinguished gentleman from Michigan for yielding me this time.

I want to ask my colleagues to ask themselves, what messages are we sending to young women and girls about what their value is, with no provisions and no exceptions and no safety clauses in this bill to protect them from abuse? Why could we not have an amendment to ensure that protection for those young girls?

□ 1700

Mr. Chairman, I urge my colleagues to consider all of the unintended consequences and ramifications of passing this legislation. But more importantly, I ask them to consider the young women and girls and families whose lives we will be impacting. The result of this legislation, sadly, will not be more communication between parents and their daughters. It will not result in fewer minors becoming pregnant. It will result in more young girls ending their pregnancies themselves, giving birth in bathroom stalls and potentially harming their newborns and themselves. These and other dire outcomes are the potential unintended consequences of this legislation.

Mr. Chairman, I urge my colleagues to think carefully through the consequences of this legislation.

Mr. CONYERS. Mr. Chairman, I am proud to yield 1½ minutes to the gentlewoman from California (Ms. SOLIS), cochair of the Women's Caucus.

Ms. SOLIS. Mr. Chairman, I also rise in opposition to H.R. 748, the Child Interstate Abortion Notification Act. This bill especially concerns me because it endangers the lives of young women who are seeking abortion services in emergency circumstances, such as rape and incest.

The travel restrictions in this bill make it a Federal crime for any person other than a parent to assist a minor across State lines to access abortion services.

Unfortunately, this is not inclusive of young women who seek help from a grandparent or another family member when the relationship with the parent is either nonexistent or unhealthy. This places a burden on young women who are unable to seek help from a parent.

Plus, it is important to realize that often women must travel across State lines because they do not have reproductive health providers close by.

The notification requirements also place a burden on doctors. Under this bill, it would be illegal for a doctor to perform an abortion without first notifying a parent. This will not only deter doctors from performing such services but also endanger the life of a young woman who may not be able to consult with a parent. This could create a very dangerous situation at home.

The bill does not provide exemptions for critical and dangerous health situations which endanger a woman's life. The bill endangers the life of young women, and I encourage my colleagues to vote against the bill.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, this bill imposes a Federal parental notification requirement on the 27 States, including my own of Illinois, that either have no parental involvement law in effect, or require parental involvement but allow flexible alternatives, such as allowing an adult family member to be notified or give consent.

Since Illinois has no parental involvement law in effect, the bill will impose tough and unrealistic requirements to Illinois providers for the first time. Under the bill, doctors will be asked to comply with other State laws, verify the information provided by patients, and obtain in-person parental consents, even if the parents were abusive or guilty of incest.

To make matters worse, because this bill lacks an adequate exception for medical emergencies, Illinois doctors could be force to withhold needed medical treatment from their patients in order to comply with this Federal law.

Young people from Missouri, Indiana, and other neighboring States often travel to Illinois for safe abortion care, frequently because the nearest abortion provider happens to be located in Illinois. Yet this legislation would criminalize responsible adults.

Mr. CONYERS. Mr. Chairman, I am now pleased to yield the remaining time to the gentlewoman from Colorado (Ms. DEGETTE), chair of the Pro-Choice Caucus.

Ms. DEGETTE. Mr. Chairman, I rise in opposition to this legislation. The bill before us is so ludicrous it would be laughable if it were not so dangerous. The bill is blatantly unconstitutional. It is unrealistic, and it is cruel.

Not since the Fugitive Slave Act has there been a law designed to extend individual State laws beyond their boundaries to intrude into the jurisdiction of other States.

The debate on this bill so far has centered on what young women should do, how families ought to be. And there is not any disagreement among us about how much we all love our kids. We all want the best for our kids, no matter what. And when it comes to making big decisions, I think we would all want our kids to come to us for advice. Certainly I would want my 15-year-old daughter to come to me first, and I think she would.

And, in fact, the majority of young women do involve one or more parents when considering an abortion. But, sadly, this is not the case for all young people in this country. For myriad reasons, many adolescents and young adults cannot turn to their parents with a problem like this. And in many situations, they have a very good reason. For example, what about the victims of incest?

Of course teenagers should seek out their parents' advice, but we also need to face reality. We need to do what will help these desperate kids from making a bad situation worse, even to take their own lives.

The government cannot, my friends, mandate healthy, open family communication when it does not exist. The bill here will not make families stronger, and will put more young women at risk.

Not everybody talks to their parents, because they cannot. And so it is these young people who most need the advice and assistance of a trusted family friend, a minister, or a sympathetic grandmother. When a young woman cannot involve her parents, public policies and medical professionals need to encourage her to involve a trusted adult. And if you look at this bill, it does just the opposite of that. If it is passed into law, these young women will have to face this life-altering decision themselves, alone and without any medical help.

So why do so many major medical associations, including the AMA, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association, all have longstanding policies against parental notification laws?

Because they are dangerous to these young women and they take away the need for confidential access to physicians. And so I think the harm to adolescents alone, by denying access to appropriate medical care, is cruel, it is against family values, and it makes this legislation so dangerous, it so ill serves our youth. We need to vote against this bill to preserve our families.

Mr. CONYERS. Mr. Chairman, I yield the remaining time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I just simply want to come to the floor and wish upon my colleagues the ability to look at a bill that really denies a young person the comfort of clergy, of grandparents, and the ability to make a fair decision about a choice that should be the family, the doctor, and the religious leader.

This parental consent that confuses the issue of State laws is going to cost lives. I ask my colleagues to consider that we want to save lives. We want that young person to have someone to have comfort. And if their parent is incestuous, if their parent has created incest, then that is not the person for parental consent.

Mr. Chairman, I oppose the legislation before the House, H.R. 748, the Child Interstate Abortion Notification Act. The provisions contained within this proposal are very inflexible and unreasonably punitive. This legislation completely eliminates State rights and creates a maze of confusion during a troubling time.

Given the usual slant of my good colleagues on the other side of the aisle to favor uniformity in legislation, this bill is inconsistent with that purpose. Overall, H.R. 748 would force physicians to learn and enforce 49 other states' laws with respect to parental-involvement requirements. On its face, one of the policies that this bill seeks to enforce, the mandate that every parent will receive notice and can get involved when their daughter faces a crisis pregnancy, is a good one. However, one of its harmful effects is that it is unnecessarily punitive. In the absence of laws mandating parental involvement, young women come to their parents before or while they consider abortion. A study found that 61 percent of parents in states without mandatory parental consent or notice laws had knowledge of their daughter's pregnancy.

Interestingly enough, a majority of my colleagues on the other side of the aisle supported less governmental intrusion in personal family matters in the recent case of Terry Schiavo (S. 653/H.R. 1332). However, in the case of a young girl's decision to have an abortion, the proponents of H.R. 748 seek to force family communication even where it does not already exist. Excessive governmental intrusion can have detrimental consequences as evidenced in the case of a 13-year-old sixth grade student from Idaho named Spring Adams who was shot to death by her father after he learned of her plan to terminate a pregnancy caused by his acts of incest.

Some of the major health associations such as the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association strongly oppose mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. This legislation poses such a risk by increasing the risk of harm to adolescents by obstructing their access to healthcare that could save their lives.

According to an article by Lawrence B. Finer and Stanley K. Henshaw, only 13 percent of U.S. counties have abortion providers. Therefore, the fact that many young women seek abortions outside of their home state is not solely attributable to an avoidance of home state law.

I will offer an amendment with Mr. NADLER of New York, #9 that expands the exceptions to the prohibitions of this act to include "conduct by clergy, godparents, aunts, uncles, or first cousins." This amendment is a very simple but necessary dampening of the excessive punitive nature of this legislation. A young woman should not lose her right to seek counsel and guidance from a member of the clergy, her godparent, or the family member enumerated in the text of the amendment if she so desires.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My State, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the "Child Custody Protection Act" which make it a federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10 states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case.

Given the disparity in state law requirements for the parental-notification requirement, not giving a young woman the right to seek assistance in deciding from a member of the clergy, a godparent, or family member could increase the health risks that she faces. I ask that my colleagues support this important amendment.

Young women as a population group are more likely to seek abortion later in their pregnancy. The Centers for Disease Control (CDC) have shown that adolescents obtain 30 percent of all abortions after the first trimester, and younger women are more likely to obtain an abortion at 21 weeks or more gestation. The provisions of H.R. 748 will exacerbate this dangerous trend, and the GAO study called for in my amendment would uncover this potential problem.

Mr. Chairman, this bill will add an unnecessary layer of legality, travel time, and mandatory delay to the already difficult job that physicians have in providing quality care to their patients. My colleagues on the other side of the aisle have consistently advocated for protection of health care providers by way of tort reform. This legislation flies in the face of that initiative and is totally inconsistent with it. I ask my colleagues to reject it.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, what this bill does is it requires the involvement of parents or where State law requires the involvement of parents in the decision on whether or not a minor should have an abortion.

Now, minors have not reached the age of majority. They cannot sign contracts; they cannot serve on juries. Parents or legal guardians in every instance stand in the place of the minor and represent the minor's interests. And under the current law, a doctor cannot even treat a child for a hangnail without parental consent, or at least parental notification. But under the law, a doctor can perform an abortion.

Now, let us look at it this way. Abortion is a very serious medical procedure. In many cases, complications arise from that abortion. And the parents or the guardian are legally responsible for providing medical care when medical care is needed for minors.

So if you buy the argument of the people who are opposed to this bill, a parent of a minor who is not notified can end up being prosecuted for child neglect if complications ensue from the abortion and the parent does not know that they have a legal obligation to provide necessary medical care. That is why this bill should be passed, because parents ought to be involved in the medical decisions. They ought to have knowledge of the medical decisions. And we should not condone a system where a minor can run across a State line in order to get an abortion without the notification that is required by the State law of that minor's residence. This bill ought to pass.

Mr. UDALL of Colorado. Mr. Chairman. I rise today to express my opposition to H.R. 748, the Child Interstate Abortion Notification Act, because this bill may reduce the likelihood that girls will seek family planning assistance when they are faced with a pregnancy and does not include an exemption to protect the health of the young mother.

This bill is intended to ensure that parents are involved with a girl's decision to have an abortion, even if they cross a State line in an effort to avoid State parental notification laws. As the father of a teen-aged daughter I completely sympathize with the idea that parents be involved in helping their children through crises, including that of an unwanted pregnancy, and if my daughter found herself in this situation I hope that she would feel comfortable coming to me and my wife for guidance and support. Not every family functions with love and support, however, and if we intend to legislate in this area we must be careful to do so with an eye on the exception and not the rule.

In some families, young women are the victims of parental abuse, including sexual abuse. In the case of unwanted pregnancy, these girls may have another trusted adult, often a relative like a grandparent, in whom they feel comfortable seeking support and guidance from, and will turn to for assistance when faced with a pregnancy. I would much rather see a girl seek the guidance of a trusted adult than no one at all. This bill will make it a crime for an adult who is not the parent to take a girl across State lines to obtain an abortion if the girl's home State requires parental notification. Girls will be less likely to seek the assistance of a trusted adult if they know the adult could face criminal charges for assisting in obtaining an abortion.

I also have concerns that this bill does not include an exemption for the health of a mother. In tle Supreme Court case Stenberg v. Carhart, the Court struck down Nebraska's Partial-birth abortion ban because it did not include such an exemption. This bill requires a physician to wait 24 hours before performing the abortion on a girl from a State with a parental notification law, even if the parent of the girl is present. If an abortion is needed to protect the health of the mother, a doctor would have to wait 24 hours before they could perform the procedure. Though I am not a lawyer, based on the precedent set in the aforementioned court case, I have concerns that this bill would be unconstitutional should it become law.

The Child Interstate Abortion Notification Act does not ensure that girls will seek the support and guidance of the parents when faced with a pregnancy. Instead it increases the likelihood that they will not seek the guidance of any adults, which could harm themselves and the fetus they are carrying. For these reasons, I cannot vote in support of H.R. 748.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 748, the Child Interstate Abortion Notification Act. This bill creates criminal offenses that are long overdue at the Federal level and are needed to prevent the disregard of a parent's right to know when their child is seeking a major medical procedure—an abortion.

The legislation makes it a Federal crime to transport a minor, for the purpose of obtaining an abortion, from a State that requires parental notification, across State lines to a State that does not require parental notification.

Almost half of the States, including my home State of Texas, currently require parental notification before a minor can obtain an abortion. However these laws are being circumvented by individuals who want to undermine the rights of parents. Such individuals can include abusive boyfriends who pressure their young girlfriends into having an abortion, older men who rape young females and want to hide their crime, and minor females who may not know all of the emotional and physical repercussions of having an abortion.

The bill also makes it a Federal crime for an abortion provider not to give the parent or legal guardian of a minor seeking an abortion 24 hours' notice in advance of the procedure, if the minor crosses State lines to have the abortion. The 24-hour notice period will allow parents the time necessary to discuss the ramifications of an abortion, and possible options such as adoption, with their daughters.

The Child Interstate Abortion Notification Act protects a minor's ability to have an abortion in cases of parental sexual abuse as long as the abortion provider informs the appropriate State authorities of the abuse. The ability to have an abortion is also protected in cases in which the minor's life is threatened if the abortion is not performed immediately.

There is a great deal of support and precedent for a law like this. The Supreme Court has consistently upheld the constitutionality of State parental notification laws. According to a March 2005 Quinniac University poll, 75 percent of those polled agree that parental notification should be required before a minor can obtain an abortion. We in the House of Representatives have shown our support for such laws by passing legislation similar to the Child Interstate Abortion Notification Act three previous times—in 1998, 1999, and 2002. Now it is time for this legislation to pass again and be signed into law by the President.

Mr. MILLENDER-McDONALD. Mr. Chairman, I rise to strongly urge all of my colleagues to vote against H.R. 748.

There are so many reasons to vote against this bill.

To begin, the premise of CIANA violates the core constitutional principles of federalism.

The ability to travel freely between states is fundamentally interwoven into the cloth of our country. The 50 states are not 50 different countries and the founding fathers would not have wanted us to treat them as such.

H.R. 748 violates the Constitutional right of every individual to travel freely from State to State. If we are to be a unified Nation, every citizen cannot be treated as a foreigner when visiting another State.

Every young woman who will be affected by this bill is a citizen. Every young woman who will be affected by this bill deserves the protections of the Constitution of the United States of America that applies to everyone.

CIANA treats a young woman who travels to a state or resides there temporarily (as in the case of a college student) differently than a young woman living in that State.

The Supreme Court held in Doe v. Bolton that the Privileges and Immunities Clause requires a state to make abortions available to out-of-state visitors on the same legal terms under which it makes them available to residents. CIANA would single handedly reverse this decision.

CIANA is potentially dangerous from a health and safety perspective.

CIANA contains no exception to the 24-hour waiting period for when an abortion may be necessary to protect a teenage girl's health. The only exception that exists is in cases where the minor's life is at risk. Even at that point, the bill contains no guidance as to how to draw the line between a lifethreatening situation and one that is a nonfatal medical emergency.

CIANA imposes a mandatory 24-hour waiting period even if the teenager's parents accompanied her to the doctor. This means that anything short of a possible death, including a risk of infertility or nonfatal hemorrhaging, will not waive the 24-hour delay. These delays can impose logistical and financial hardships on functional families who are trying to support their daughter.

A vote for this bill will signal that we do not even trust parents to make these incredibly personal and incredibly painful decisions with their daughters even in cases of medical emergency.

CIANA is an extremely dangerous attempt to incrementally encroach upon the Supreme Court's decision in Roe v. Wade. Imposing the aforementioned restrictions on a young woman's ability to obtain an abortion essentially places those young women in the same place as young women were prior to the Roe decision.

Most disturbing of all is that teenagers facing an unwanted pregnancy may turn to dangerous and drastic acts to avoid notifying their parents.

A teenager facing an unwanted pregnancy is already in crisis. Those young women who are unwilling or unable to tell a parent about an unwanted pregnancy may resort to self-induced or illegal abortions with tragic results.

I implore you to vote against this bill.

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the Child Interstate Abortion Notification Act.

With this bill, the Republican Congress once again reaches inappropriately into the private lives of American citizens.

H.R. 748 would make criminals out of doctors, nurses, and family members who help young people who are seeking legal abortion services. It will not prevent abortions—but it will force young women to make that decision alone, without the help of adults they can trust. It may even force them into seeking unsafe abortions that put their health or their lives at risk.

Most minors seeking abortions involve their parents in the decision. But all too many young women live in emotionally or physically abusive households. Some have become pregnant as a result of rape or incest. For them, it is unrealistic and cruel to make it a crime for them to seek the help of other adults they can trust, such as a clergy member, older sibling, or grandparent.

H.R. 748 is blatantly unconstitutional. It restricts interstate travel and prevents young women from exercising their legal rights. It imposes undue burdens without making exception for emergencies where the young woman's health is threatened. It requires minors seeking judicial bypasses to go to court in not one but two States, even though this option is not even available in some States. Finally, this bill is another assault on federalism, usurping the laws of 27 states that have no parental notification laws or more reasonable laws.

Once again, the Republican Congress is attempting to legislate family relationships and restrict the constitutional rights of American citizens. I urge the defeat of H.R. 748.

Mr. STARK. Mr. Chairman, I rise in strong opposition to H.R. 748, the Child Interstate Abortion Notification Act of 2005. This bill would not only jail grandparents, older siblings, and others who attempt to help minors who can't turn to their parents, but it would criminalize doctors, regardless of the laws of the State in which they practice.

Today I stand here principally as a Californian. Republicans and Democrats in California have stood up for a woman's right to choose. They have defended the privacy and health of women. We do not have a parental consent law in California because we don't dare suggest that the decision to have an abortion is ever taken lightly or done in isolation unless it's absolutely necessary. We don't pretend that forcing girls who have been raped by their fathers to get their permission to terminate the pregnancy is somehow standing up for "family values."

The people of my home State have resisted the grotesque politics of the so-called "culture of life." The politics of people who vote to cut $xx billion in health care for the poorest Americans and simultaneously intervene in private, end-of-life decisions and hide behind their hypocritical mandate of "looking out for the most vulnerable."

Even though the people of California and their bipartisan elected leaders have judiciously worked to protect the privacy and health of women, some in Washington, DC, think they know better. This legislation would jail California doctors with out-of-state patients unless they inform the parents in person 24 hours in advance of the procedure. If the parents are unreachable, doctors would have to give notice "by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place." This ludicrous meddling in medical decisionmaking would be a joke if it weren't so tragic.

If enacted, the consequence for offending the religious right now carries with it up to a year in prison. God help the doctor who is as confused by that sentence as I am.

Mr. Chairman, those of us who still believe in science know that the best way to reduce the number of abortions in this country is to have comprehensive sex education and provide full funding for family planning so that unintended pregnancies don't happen in the first place. It's no coincidence that the abortion rate, which hit a 24-year low when President Clinton left office, has risen throughout President Bush's first term. The "culture of life" philosophy of hypocrisy, fear, and shame works better on the campaign stump then it does in practice. If this is what the culture of life is really all about, then I want no part of it. I vote no on this shameful, unconstitutional bill.

Ms. SCHAKOWSKY. Mr. Chairman, I stand today in strong opposition to H.R. 748, the Child Interstate Abortion Notification Act. It is a direct attack on a woman's right to choose, it endangers women's health, and it forces young women facing unintended pregnancies to choose between dealing with it on their own or enlisting the help of a trusted adult who could possibly be put in jail as a result. This bill makes it a crime for anyone other than a parent, including a grandparent or a religious counselor, to accompany a minor across state lines for an abortion if the minor has not complied with her home state's mandated parental consent or notification law. This bill also makes it a federal crime for a doctor to perform an abortion on a young woman who is a resident of another state unless the doctor notifies the young woman's parent in person at least 24 hours before the procedure.

I agree that, whenever possible, minors should go to their parents for help in difficult situations. And research tells us that the majority of the time, young women do talk with their parents when making difficult decisions about pregnancy, whether their state requires parental consent for an abortion or not. Unfortunately, H.R. 748 ignores the reality of many situations where a young woman may choose not to go to her parents, possibly because she fears violence or because she was the victim of incest or because their parent is not available. Very often in those situations, young women seek help and guidance from other trusted adults in their lives, such as grandparents, aunts, and ministers. Yet, this law would deter many young women from seeking help and would instead tell them that they must deal with this situation on their own.

The reality is that CIANA will not make more young women tell their parents about a pregnancy if they do not want to, nor will it reduce or prevent abortion. What it would do is endanger the health of young women who feel they have no other choice but to seek illegal or self-induced abortions and who will be limited in their options for receiving health care. The American Medical Association has noted that "the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths." The American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and the Society for Adolescent Medicine all oppose this bill because of the dangers they pose to young women and the need for confidential access to physicians. The coalition of health groups in their letter urging Congress to oppose this bill state, "Our primary responsibility must be to our patients. The potential health risks to adolescents if they are unable to obtain reproductive health services are so compelling that deference to parental involvement should not stand in the way of needed health care for patients who request confidentiality."

This bill would force minors to delay urgent health care and, contrary to proponents' claims, infringe on the rights of parents. There is no exception to either the waiting period or the notification requirement in cases where a person is facing a serious but not life-threatening medical emergency. In a medical emergency, a young person would be forced to wait 24 hours for an abortion that could avert serious risks to her health. The abortion must be delayed even when the minor's parent accompanies her and requests medical help.

Furthermore, many young women who obtain abortions outside of their home States do so for reasons that have nothing to do with avoiding their home States' laws. The most prevalent and compelling of these reasons is the lack of abortion providers. Only 13 percent of U.S. counties have an abortion provider. Several states, in fact, have only a single provider or a provider who may be located many hours away from a young woman's home.

Lastly, CIANA violates the basic principle of federalism by attaching the laws of a woman's home State no matter where she travels in the Nation. The Supreme Court has held that States are required to make abortions available to visitors on the same legal terms under which they make them available to residents. Since Illinois has no parental involvement law in effect, this bill would impose tough and unrealistic requirements to Illinois providers for the first time. Under CIANA, doctors will be asked to comply with other State laws, verify the information provided by patients, and obtain in-person parental consent even if parents are abusive, guilty of incest or absent from the household. CIANA imposes a punitive and arbitrary federal parental notification requirement that will trump the public policy judgments of the 27 States that lack such requirements. It will mean that physicians who comply with their State's laws and provide medical care to their patients could be treated as criminals.

Make no mistake, this law is a direct threat to a woman's right to make decisions about her reproductive health. We need to see this bill for what it really is—another attempt to chip away at Roe v. Wade and deny women choice.

The Government cannot mandate healthy family communication where it does not already exist. We must face this reality and work to help teens receive the treatment, counseling, and support they need when it comes to reproductive health. I urge my colleagues to reject H.R. 748 because it would endanger young women's health and force them to be alone at a time when they are most vulnerable and most in need of support from a trusted adult.

Mr. HONDA. Mr. Chairman, I rise today in opposition to H.R. 748, the "Child Interstate Abortion Notification Act."

Over 20 years after Roe v. Wade, a woman's right to an abortion continues to be challenged and undermined. Amendments to appropriations bills have been added to restrict abortion coverage. A nationwide campaign of violence, vandalism, and blockades continues to curtail the availability of abortion services and endangers providers and patients. Antichoice lawmakers continue to push for legislation that attempts to ban "partial-birth" abortions, reinstate "global gag rule" policies, restrict access to mifepristone and contraceptives, and protect those who participate in violence against abortion clinics through bankruptcy laws.

Now, Congress is considering H.R. 748, legislation that would make it a Federal crime for doctors or family members to help young adults obtain an abortion.

Like many of my colleagues, I believe that it is important for teenagers to talk to their parents about their decision to have an abortion, and research suggests that most do. Unfortunately, in the real world, parental involvement is not always in a minor's best interest. Many young women who choose not to involve their parents have valid reasons. One study concluded that one-third of teens who do not involve their parents are victims of family violence and fear its recurrence or they are forced to leave their homes due to their pregnancy.

To make matters worse, this legislation would endanger a young woman's health by delaying the abortion until later in the pregnancy when it is less safe by turning them to possible dangerous alternatives.

It is for all of these reasons that we must protect the rights of young women to access safe, affordable and appropriate health care.

We need to ensure that instead of making abortion more difficult and dangerous for young women, Congress should make abortion less necessary by providing opportunities for young women to make educated choices through comprehensive sex education and ensuring young women have access to a range of family planning options.

I urge my colleagues to oppose H.R. 748.

Mr. SIMMONS. Mr. Chairman, I rise in opposition to H.R. 748, the "Child Interstate Abortion Notification Act." I do this because I believe this is bad public policy that will hurt young women.

Most young women today readily involve their parents in a decision to end a pregnancy. They do this because they come from loving homes where there is healthy communication and support, not because there is a law requiring them to do so.

Unfortunately, some young women come from homes where these support structures are not in place. Some young women come from families with absentee parents, or abusive parents. This is an unfortunate reality.

Rather than ensuring healthy communication between parents and their teenage daughter about the difficult decision to terminate a pregnancy, this bill may isolate these young women even further. This bill may cause a young woman to either delay care, when the risk of complications from an abortion will be greater, or cause her to avoid going to a doctor in the first place and consider unsafe alternatives.

By attempting to legislate on family dynamics, this bill puts the health of young women from troubled homes in jeopardy. I cannot believe we want to do this.

In discussing this issue, the American College of Obstetricians and Gynecologists, the American Academy of Pediatricians, and the Society of Adolescent Medicine have joined together in a letter opposing this bill. They say:

> The potential health risks to adolescents if they are unable to obtain reproductive health services are so compelling that deference to parental involvement should not stand in the way of needed health care for patients who request confidentiality.

The American Medical Association has also weighed in on the consequences of parental notification:

> Because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of the pregnancies. They may run away from home, obtain a "back alley" abortion, or resort to self-induced abortion.

Surely we do not want to support legislation which has such adverse consequences for young women.

Mr. Chairman, many years ago I had the honor to work with Senator Barry Goldwater (R–AZ). In his classic work, The Conscience of a Conservative, Goldwater wrote:

> Every man, for his individual good and for the good of his society, is responsible for his own development. The choices that govern his life are choices he must make: they cannot be made by any other human being, or by a collectivity of human beings.

He went on to say:

> The Conservative looks upon politics as the art of achieving the maximum amount of freedom for individuals that is consistent with the maintenance of social order. The Conservative is the first to understand that the practice of freedom requires the establishment of order: it is impossible for one man to be free if another is able to deny him the exercise of his freedom.

And he concluded:

> Thus, for the American Conservative, there is no difficulty in identifying the day's overriding political challenge: it is to preserve and extend freedom.

Finally he said that:

> Throughout history, government has proved to be the chief instrument for thwarting man's liberty.

Mr. Chairman, this bill is a prime example of government inserting itself into the lives of our people, invading their privacy, and thwarting their liberty. This is unacceptable.

I urge a vote against this bill.

Mr. SHAYS. Mr. Chairman, I rise in opposition to H.R. 748, the Child Interstate Abortion Notification Act.

I support encouraging—not requiring—parental notification for minors seeking contraceptive services. This legislation proposes a variety of new mandates on women, families, and doctors.

For example, the bill forces doctors to learn and enforce 49 other States' laws, under the threat of fines and prison sentences. In many cases, it forces young women to comply with two states' parental-involvement mandates. It also requires a doctor to notify a young woman's parents in person, in another State, before abortion services can be provided.

Finally, in some cases, even if a parent travels with his or her daughter to obtain abortion care, the doctor must still give "notice" to the parent and wait 24 hours before providing the care. In such cases, this requirement acts as a built-in mandatory delay—which makes it more difficult logistically, more expensive, and more burdensome all around for the family. It may even endanger the young woman's health.

Not only does H.R. 748 include these negative provisions, it also could be found unconstitutional for three reasons. First, it contains no health exception.

Second, in some cases, it offers young women no judicial bypass. Judicial bypass is required by the Supreme Court and allows another responsible adult to consent instead of a parent.

Finally, it forces states to enforce other States' laws by forcing individuals to carry their home State laws with them when they travel.

Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in States without mandatory parental consent or notice laws knew of their daughter's pregnancy.

In a perfect world, all children would have open, clear communication with their parents. Unfortunately, this is not the case in every family. I believe this legislation would dissuade young women from turning to other trusted adults, such as an aunt or older sibling, in a time of need.

While this bill might be well intentioned, it is a deeply flawed attempt to curb young women's access to private, confidential health services under the guise of protecting parental rights.

I would like to see abortion remain safe and legal, yet rare. Whatever one's views on abortion, I believe we all can recognize the importance of preventing unintended pregnancies. When women are unable to control the number and timing of births, they will increasingly rely on abortion. Making criminals of advisors, however, is simply not the way to accomplish this goal.

I urge my colleagues to oppose this legislation.

Mr. BLUMENAUER. Mr. Chairman, 3 years ago I voted against a bill that is similar to what is being considered in the House today. My position on the bill has not changed. In fact, H.R. 748, the "Child Interstate Abortion Notification Act" is worse. Not only will this anti-choice bill make it illegal for friends and relatives to assist young women with one of life's most difficult decisions, it will require physicians to notify a young woman's parents in person, regardless of whether they live in a different State, before the abortion services can be provided. The physician will be responsible for following the abortion laws of both the State where he is performing services and the State from which the patient has traveled. In effect, doctors will have to know the abortion laws of 50 different States.

I wish that every child was in a loving family that they could turn to first. The facts are, however, that many young women do not have that type of relationship with their parents and in too many cases we have seen the actual problem caused by abusive close family members.

People who would deny women reproductive choice have altered their tactics to chip away at women's reproductive freedoms; this is one of the most insidious examples. This bill would limit the choices for the most desperate women and is part of an overall anti-choice strategy that I reject.

Measures like H.R. 748 often have unintended consequences that can lead to desperate actions with dire consequences for the mental health and physical well-being of our nation's young women.

Mr. FARR. Mr. Chairman, I rise today in strong opposition to the Child Interstate Abortion Notification Act, H.R. 748. This bill would create a complex maze of State and Federal parental notification and consent requirements that impact young women, family members, and doctors differently depending on the young woman's State of residence and the State in which she is seeking abortion care. It would preempt State laws by imposing parental notification and a 24-hour mandatory waiting period that could result in criminal penalties for health care providers and citizens. This unwise legislation will endanger the health of teens, compromise the ability of doctors to provide the best treatment in a timely manner, and fail to actually prevent teen pregnancies or abortions.

Abortion is an extremely difficult, personal decision that should be made with the advice of trusted advisors like doctors, partners, parents, friends, or anyone else with whom the woman wishes to discuss her decision. Unfortunately for some young women, especially those whose families have histories of physical and emotional abuse, they cannot consult their parents on this complicated issue.

I wish that all young women would be able to discuss this decision with their parents, but in reality, this is simply not always the case. In these situations, we should encourage grandparents, adult siblings, religious advisors, and mentors to provide support for these young women. By making the people who offer teens help during this extremely difficult time, subject to criminal prosecution and lawsuits, Congress is isolating young women who desperately need the help and advice of trusted adults. This isolation will unnecessarily add to the emotional distress of a young woman facing an unintended pregnancy, and could contribute to her failure to seek timely medical care.

This legislation contains a complicated web of 24-hour waiting period, parental notification requirements, and judicial bypass procedures that will vary depending on the different State laws already in place. These intricate provisions will result in confusion and delay for a young woman who does not have the support of a trusted adult as she tries to navigate this system in order to receive safe and timely medical treatment.

In addition, H.R. 748 fails to provide an exemption to protect the health of the pregnant woman. Based on the Supreme Court decisions in Planned Parenthood of Southeastern Pennsylvania vs. Casey and Stenberg vs. Carhart, it is unconstitutional to interfere with a woman's choice to have an abortion if continuing the pregnancy is a threat to her health.

The restrictions and requirements in H.R. 748 clearly interfere with a woman's choice to have an abortion. It is an unconscionable and unconstitutional that this legislation would endanger the health of young women.

If H.R. 748 becomes law, doctors will face unprecedented mandates and infringements on their responsibilities to provide safe and timely medical care. The goal of doctors should be to provide the most unbiased, safe and personal medical care possible for each of their patients. Unfortunately this legislation forces doctors to spend more of their time focusing on the intricacies of State law rather than the well-being of their patients. The effect of this legislation on the complex web of State parent notification laws will force doctors to become legal experts in all States' laws, and in some cases doctors would be forced to personally travel to another State to inform a young woman's parents, in-person, of her intent to have an abortion. H.R. 748 establishes a confusing bureaucracy that threatens doctors with imprisonment while diminishing the quality and timeliness of the health care doctors are able to provide.

This legislation attempts to address teen pregnancy and abortion as issues of interstate commerce, but we are not talking about products or trade. We are talking about people; our nieces, granddaughters and friends who are in desperate need of help and advice from trusted adults. H.R. 748, deprives our young women of this needed support and counsel. The real issue we should be addressing today is how to prevent unwanted teen pregnancies, which is the only real way to decrease the number of abortions. I urge my colleagues to support comprehensive sex education so that young women have the information to prevent pregnancies. I urge my colleagues to support Title X funding that provides reproductive health care to low-income young women around the country. I urge my colleagues to support over-the-counter status for emergency contraception so that a young woman that is the victim of rape or incest can prevent a pregnancy.

We must do more to protect our teens and their health, but H.R. 748 only creates more roadblocks for vulnerable young women and the trusted adults and doctors that are attempting to help them.

Mr. TURNER. Mr. Chairman, I am pleased to co-sponsor H.R. 748, the Child Interstate Abortion Notification Act.

This bill makes it a Federal offense to knowingly transport a minor across State lines with the intent to circumvent parental notification laws so that the minor can obtain an abortion.

It is imperative that we stop the victimization of young girls who are transported across State lines to undergo abortions without their parents' knowledge. Not only does this practice endanger the lives of our daughters, imagine how parents would feel if their daughter was transported across State lines without their knowledge and pressured to have an unwanted abortion.

Across the country, officials must obtain parental consent before performing routine medical services such as providing aspirin, and before including children in field trips and contact sports. Some States require written parental consent before a minor can get a tattoo or a body piercing. Despite all this, in some States people other than parents can secretly take minor girls across State lines for abortions.

Mr. Chairman, the Child Interstate Abortion Notification Act protects the rights of parents to be involved in the medical decisions of their minor daughters and protects the health and safety of young girls by preventing valid constitutional State parental involvement laws from being circumvented. I am pleased to support this bill, which protects our daughters and supports our families.

Mr. DINGELL. Mr. Chairman, the bill before us is a tangled web of legal intricacies, which I found to be a muddled attempt to impose specific laws of individual States. After a careful reading of the bill, I am forced to rise in opposition to the legislation.

H.R. 748 is a two-part bill. The first part makes it a crime for anybody other than a parent to accompany a minor across State lines for an abortion if the minor's State of residence has parental notification laws. We have seen this language, known as the Child Custody Protection Act, in past Congresses and I have hesitantly voted in favor of it. I say hesitantly because I have always been concerned that: the bill violates the constitutional principles of federalism; there are no exceptions for another responsible adult family member to accompany the minor; and the language is so broad that it would allow a cab or bus driver to be prosecuted.

You are probably wondering, Mr. Chairman, why I voted for the bill even with these concerns. Well, as a parent, I feel strongly that parents should be involved in major decisions concerning the health and well-being of their children. The most knowledgeable resource regarding the minor's medical history is often their parent. Moreover, as is the case with any medical procedure, it is important that someone in the household be aware of the situation should there be side effects. Thus, I voted to move the process forward with the hope that my concerns would be addressed before the final legislation was sent to the President for signature. This did not happen because the Senate has never acted on the legislation.

The second part of the bill is new and would hold a doctor criminally liable for performing an abortion on a minor from another State. This, Mr. Chairman, is where the web gets really tangled. You see, in some cases, the minor would have to comply with the laws of two States, and in all cases, the doctor would have to get consent from the parent in person and a mandatory 24-hour waiting period would be instituted.

Probably the most striking scenario would be a minor who traveled between States with no parental consent law. In this case, the doctor would have to obtain consent in person from the parent, the mandatory 24-hour waiting period would be instituted, and in this specific case there would be no judicial bypass option.

This creates quite a burden on doctors, who would be required to have a near-encyclopedic knowledge of the parental involvement laws in each of the 50 States, their specific requirements and their judicial procedures.

Some States have strict parental consent laws, some have parental consent laws with reasonable bypass mechanisms, and some States have no consent laws at all. If this bill passes, we are saying to some States, "your law is good." To others we are saying, "your law is OK, but it is not quite good enough." And to still other States we are saying, "your law, or lack thereof, is wholly inadequate." This is no way to legislate in our federalist system.

While reading over the bill, Mr. Chairman, I tried to think of what precedent there is for this kind of law. It took awhile, but the only law I could come up with was the Fugitive Slave Act. Going back to laws like this, Mr. Chairman, is not something this Congress should even consider.

Mr. Chairman, I often wonder why we do not focus more of our effort on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. As such, I would ask that all of my colleagues to come to the table to discuss the ways we can further this mutual goal.

Mr. Chairman, I urge my colleagues to vote yes on the Scott and Jackson-Lee amendments and no on the underlying bill.

Mr. MORAN of Virginia. Mr. Chairman, I would like to remind my colleagues that what we are talking about are young girls who are in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. While it should be common for parents to be responsible, to be nurturing and not to be punitive, it unfortunate is not always the case.

Proponents of this measure claim that this bill will "give parents a chance to help their daughters during their most vulnerable times" and would require doctors to give 24 hours' notice to the minor's parent before allowing her to have an abortion.

It is not quite as simple as that. In a perfect world, teenagers would be able to tell their parents that they are pregnant, but many are unable to due to fear of rejection at home, threats of physical and emotional abuse, and in the most troubling of situations, because it was a family member, such as a stepfather, that put them in that position in the first place.

These teenage girls should have a right to seek help from a trusted adult, such as a grandmother or a member of the clergy.

This bill will create a complicated patchwork of State and Federal law that will apply differently depending on the minor's State of residence and the State where the abortion is performed.

More importantly, it will be nearly impossible for teenagers to understand and physicians to comply with.

While this measure includes all the provisions of the Child Custody Protection Act, a measure considered in previous Congresses which would make it a Federal crime for a caring adult other than a parent to accompany a young woman across State lines for an abortion, the Child Interstate Notification Act, CINA, goes even further by mandating that doctors be fully aware and knowledgeable of the mandatory parental involvement laws in each of the 50 States, their specific requirements, their judicial-bypass procedures, and their interaction with the Child Interstate Abortion Notification Act or face criminal fines.

CIANA would make it a Federal crime for a doctor to perform an abortion on a minor who is a resident of another State unless the doctor notifies the minor's parent, in person, a minimum of 24 hours before the procedure.

It is also disturbing that this measure, not unlike the partial-birth abortion ban law, does not include an exception for emergency circumstances where a minor's health would be threatened by this delay. It is no wonder that the constitutionality of this law is being challenged in several Federal courts as we speak.

The intent of this measure is not to ensure that caring parents have access to their teenage daughters who are contemplating having an abortion. The true intent is to make it so difficult for doctors to comply with this law that they simply give up.

What would be compassionate of teenage girls is for this body to consider legislation such as the Prevention First Act, H.R. 1709, which would help to reduce the number of unintended teenage pregnancies by providing annual funding to both public and private entities to establish or expand teenage pregnancy prevention programs.

This measure would also require these entities to incorporate teenage pregnancy prevention programs that have been proven to delay sexual intercourse or sexual activity, increase contraceptive use or reduce teenage pregnancy, such as comprehensive sexual education.

Why are we not doing more to help the 820,000 teen girls who get pregnant each year?

This is the second time in as many months that the House of Representatives is legislating morals when we do not know the individual circumstances that may apply. We should leave this to the States.

I urge all my colleagues to vote against the Child Interstate Notification Act, a regressive measure, which will have no impact on reducing the number of unintended teenage pregnancies and will do more harm than good.

Mr. PAUL. Mr. Chairman, in the name of a truly laudable cause, preventing abortion and protecting parental rights, today the Congress could potentially move our Nation one step closer to a national police state by further expanding the list of Federal crimes and usurping power from the States to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a constitutional oath, which prescribes a procedural structure by which the Nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those Members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across State lines for ignoble purposes.

As an obstetrician of almost 40 years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the States. In the name of protecting parental rights, this bill usurps States' rights by creating yet another Federal crime.

Our Federal government is, constitutionally, a government of limited powers, article I, section 8, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issues, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The 10th amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 748. H.R. 748 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents' rights to not have their children taken across State lines for contemptible purposes? Absolutely. Can a State pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the Federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some States. To the extent the Federal and State laws could co-exist, the necessity for a Federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb. . ." In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of the unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for Federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more Federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress's tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a Nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a Federal police force is that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the 10th amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, section 2, clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to State autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate Federal law, or an "adequate" Federal law improperly interpreted by the Supreme Court, preempts States' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all States by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the Federal Government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to the point where it reads "It's ten o'clock; does the Federal Government know where your children are." Further socializing and burden shifting of the responsibilities of parenthood upon the Federal Government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 748.

Mr. McCAUL of Texas. Mr. Chairman, I rise today in support of H.R 748, the Child Interstate Abortion Notification Act. I would like to thank Congresswoman ROS-LEHTINEN for her leadership on this crucial issue. I am an original co-sponsor of this legislation and applaud the effort of those who brought this measure to the floor.

Today we have an opportunity to protect families, protect children, and protect the unborn. Let us make sure parents are given a chance to help their daughters during their most vulnerable times. Parents of minor children must be consulted if their child wants to get their ears pierced. The same standard should be applied when it comes to making life altering decisions. My home State of Texas has enacted a law guaranteeing the rights of parents in making important medical decisions for their children. Several states bordering Texas have no such statutes and many try to circumvent Texas law by driving across state lines, often against the will of the child. This bill will ensure that if a family is ever faced with having to make such a life altering decision it will be made by the family, and with the child's best interests at heart.

With passage of this legislation, Congress has an opportunity to stand with families during a difficult time. We also have a chance to protect the least among us, the unborn.

Let us be judged on how we answer this call. Let us pass this pro-family, pro-child, and pro-life legislation.

Mr. WESTMORELAND. Mr. Chairman, I rise today to offer my support for an important piece of legislation on which I was unable to vote due to the birth of my granddaughter.

During my absence, the House considered the Child Interstate Abortion Notification Act (H.R. 748) which I co-sponsored, and strongly support. There is no question that we must protect young women from being coerced into obtaining abortions. As the testimony and advertisements made available through the committee process have clearly demonstrated, many clinics deliberately target minors in order to avoid parental notification and consent laws in their home states.

In order to protect the enforcement power of each state's laws and these young women, I am thrilled the House is moving forward with this legislation and look forward to its passage. Isolating minors from their parents at a time when they need them most is the wrong thing to do, and this legislation prevents these out of state clinics from doing just that. I am grateful my colleagues supported this important bill and opposed all amendments. If I had been present, I would have voted against all amendments and in favor of final passage (Roll Call Vote #144).

I know this is an important vote, and I was unable to be present for the vote because I have welcomed a new life into the world.

My son and daughter-in-law have been through a very challenging pregnancy, with serious concern that they would lose Kate during the early months. We couldn't imagine how terrible that would be, and are so grateful that God has provided for the safe delivery of little Kate Summerlin Westmoreland. She was born Tuesday, April 26 at Northside Hospital in Atlanta, Georgia and weighs in at six pounds, four ounces, with a full head of hair!

I am so blessed to have the family I do, and to enjoy the time together with them was worth everything in the world, especially after how many challenges accompanied the initial stages of Kate's life.

I don't know what God has in store for this little one, but am excited about what lies ahead of her. I am returning to Washington as soon as practicable after her birth, and look forward to getting back home to spend time with Kate, her big brother Acton, and her proud parents, Trae and Kristy.

In today's world, so many people rush by without realizing the treasure they have in their families. Events like the birth of grandchildren help bring those special ones into focus, and remind you of the rich blessings God has given.

Mr. Chairman, it has been an exhausting, but thrilling past few days, and I am honored to announce to the House the birth of Kate Summerlin Westmoreland.

Mr. REICHERT. Mr. Speaker, today the House passed the Child Interstate Abortion Notification Act with overwhelming majority support, ensuring a parent's right to involvement in important decisions concerning their children and strengthening American families' bonds.

This bill makes it a crime to transport a minor across state lines to avoid required parental consent for an abortion in their home state. It also compels abortion providers in a state without safety laws to notify a parent before performing the surgery.

Today states require written parental consent before a minor can get a tattoo or a body piercing, yet persons other than an adolescent's parents can facilitate aborting a life by simply driving them across state lines. Parents must play a primary role in the healthcare of their minor daughters. These are our children and we are responsible to them and our communities to be involved in these critical choices, teaching them responsibility and good decision making.

The Child Interstate Abortion Notification Act upholds the safety laws of individual states and protects parents' rights to be involved in decisions regarding their children. I thank my colleagues who voted for this legislation and urge the Senate to quickly pass this legislation to ensure the safety of our children.

Mr. SHUSTER. Mr. Chairman, I rise to applaud the House for the passage of H.R. 748, the Child Interstate Notification Act, sponsored by my colleague from Florida Congresswoman ILEANA ROS-LEHTINEN. This important legislation prohibits the transportation of a minor across state lines to obtain an abortion for the sole purpose of avoiding parental consent laws.

It is a tragedy to deny parents the ability to consult with their child at the most critical time. It is a parent who can provide the emotional and psychological support that their daughter will need. Additionally, parents know their daughter's medical history. They know any allergies that she may have to certain medications or anesthesia. In an era when a child must seek parental consent to receive aspirin from school officials, it seems reasonable to aspect that a child seek that same consent to obtain a major medical procedure.

Mr. Chairman, I come from a state that requires parental notification. Yet out of state clinics are constantly trying to circumvent our parental notification laws. It is not an uncommon practice for clinics in New Jersey, a state without parental notification laws, to advertise in Pennsylvania phone books. In fact, these clinics will go as far as to highlight the fact that they will perform abortions without parental notification. The passage of the Child Interstate Notification Act will effectively put an end to this atrocious practice.

Also, it should be noted that in no way does passage H.R. 748 interfere with or supercede existing state law. This bill simply deals with the interstate transporting of minors. As a parent of two children, I appreciate that the passage of this legislation will ensure that children will not be transported across state lines to circumvent state law.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Interstate Abortion Notification Act".

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.

"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—

"(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides; or

"(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

"(2) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision;

"(4) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required; and

"(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

SEC. 3. CHILD INTERSTATE ABORTION NOTIFICATION.

Title 18, United States Code, is amended by inserting after chapter 117A the following:

"CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION

"Sec.

"2432. Child interstate abortion notification.

"§2432. Child interstate abortion notification

"(a) OFFENSE.—

"(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

"(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not possible after a reasonable effort has been made, 24 hours constructive notice must be given to a parent.

"(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—

"(1) the abortion is performed or induced in a State that has a law in force requiring parental involvement in a minor's abortion decision and the physician complies with the requirements of that law;

"(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

"(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect; or

"(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(c) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

"(2) the term 'actual notice' means the giving of written notice directly, in person;

"(3) the term 'constructive notice' means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

"(4) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court;

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(5) the term 'minor' means an individual who is not older than 18 years and who is not emancipated under State law;

"(6) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

as determined by State law;

"(7) the term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

"(8) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

SEC. 4. CLERICAL AMENDMENT.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

"117A. Transportation of minors in circumvention of certain laws relating to abortion 2431
"117B. Child interstate abortion notification .... 2432".

SEC. 5. SEVERABILITY AND EFFECTIVE DATE.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) The provisions of this Act shall take effect upon enactment.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–56. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–56.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SCOTT of Virginia:

Page 4, after line 11, insert the following:

(3) The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers, nurses, medical providers or others in the business of professional transport.

Redesignate succeeding subsections accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 236, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill makes it a Federal crime to transport a minor across State lines with the intent that the minor obtain an abortion if the parental-involvement laws of the State were circumvented.

Now, transport is not defined in the bill. But it obviously includes taxicabs, buses, ambulance drivers and others that may transport a minor across State lines to get an abortion or return from an abortion under the bill. And it makes them criminals for the simple task of doing their job, transporting someone between two places.

Now, the bill also makes conspiracy and accessory after the fact criminal violations, so a nurse or receptionist or sorority sister who calls the cab could also be prosecuted for the Federal crime.

That is why, Mr. Chairman, I have introduced the amendment, which says that the prohibitions of this section do not apply with respect to the conduct of taxicab drivers, bus drivers, nurses, medical providers or others in the business of professional transport.

Now, even if a prosecutor uses commonsense prosecutorial discretion and does not prosecute a cab driver or a sorority sister in this situation, there are other problems with the bill, because a technical violation of the bill, such as one committed by the taxicab driver, automatically exposes that taxicab driver or the sorority sister who calls the cab, did not even go on the trip, to civil liability. That means that the parents can sue them for what they did.

The civil liability provisions of the bill create a blanket Federal cause of action for a parent that suffers "legal harm," compounding the massive intimidation effects of the bill. Based on the language of the bill, the cab driver, receptionist, sorority sister could be held civilly liable for helping to provide safe and legal transportation assistance to the minor.

Moreover, based on the agency principles, not only is the cab driver exposed to civil liability, but the entire cab company is similarly exposed.

Now, you may say that the cab driver probably did not know. But what happens when the passenger gets into the cab and says, take me to the abortion clinic which happens to be across State lines. And during the trip, he hears the minor discuss with a friend where she is going and why. It becomes clear what the deal is.

Now, in prior discussions with the amendment, it has been suggested that the bill will immunize someone who may be a taxicab driver and also a sexual predator.

Let us not insult each other. If someone is a sexual predator, and the prosecutor evidence of that, this will be the last code section that they will be looking at because these are misdemeanors. The code is full of felonies for sexual predators.

And so if the parent finds out that the minor went across State lines by taxicab and gets mad, and the child has to explain what happened, how they got to the clinic, and what was said in the cab, obviously, the parent can sue the cab driver.

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Now, an overwhelming portion of minors already discuss the situation with their parents. This will not reduce teen pregnancy. This will not increase the number of children that discuss the situation with their parents. This will make no exceptions for dysfunctional families. It will just make criminals out of friends and relatives and allow the parents to sue them.

I just do not think, Mr. Chairman, that the taxicab drivers ought to get caught up in that controversy and that is why I hope the amendment is adopted.

Mr. Chairman, I reserve the balance of my team.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment should be defeated for a number of reasons, most specifically of which, it is once again drafted overly broadly and will allow the immunization of people who really are a part of a scheme to transport people across State lines in violation of a State parental involvement law.

The amendment would allow the creation of an entire for-profit, interstate taxicab network specifically designed to thwart State parental notification laws. For example, we heard from the gentleman from New Jersey (Mr. SMITH) that there are ads in the Pennsylvania Yellow Pages for abortion clinics in New Jersey, since New Jersey does not have a parental notification or involvement law but Pennsylvania does.

So if this amendment were adopted, an ad could advertise the abortion clinic in New Jersey and then have a phone number of a cab company that is under contract with that New Jersey abortion clinic to pick up the minor and cross the State line for the abortion. And I do not think that is what we want to foster with this amendment.

The allegations that taxicab drivers would be inadvertently caught up under this bill I think is misstated. They are not generally liable under the bill which allows for the conviction of an individual who knowingly transports a minor across State lines with the intent that such an individual obtain an abortion. Although a taxicab driver or a bus driver or whoever may have the knowledge that the minor that he or she is transporting will obtain an abortion as soon as she arrives at her destination, his or her intent is not that the minor obtain the abortion. Rather, it is to transport the minor to the destination of choice, whether it is an abortion clinic or a shopping mall.

In other words, the taxicab driver's reason for transporting the minor is to receive the fare, not to ensure that he or that she obtain an abortion. So a taxicab driver will generally not have the requisite criminal intent necessary for prosecution under the bill.

On the other hand, there are some instances in which the taxicab driver does have such criminal intent; and this amendment, if adopted, would mean that even if they had that intent they could not be prosecuted. The driver may have the intent that a minor obtain an abortion across State lines perhaps because the minor has been the victim of statutory rape at the hands of the cab driver himself and he wants to erase any evidence of his impregnating her.

This amendment, if adopted, will allow such misconduct and that is wrong. A taxicab license should not be a license to commit crimes and avoid prosecution.

The amendment should be defeated for reasons I have stated. It seeks to address a problem that does not exist, and, in doing so, opens a huge loophole that can be exploited by those who would seek to keep parents in the dark and conceal criminal misconduct. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 6 minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in support of the Scott amendment and in opposition to H.R. 748. I commend the work of my colleagues, the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Colorado (Ms. DEGETTE) in the work on this bill as well.

Here we go again. The party that talks about States rights is stepping on the rights of States. The party that talks about family values wants to put Grandma and Aunt Jane in jail.

Supporters of this bill argue that it will help reduce the number of abortions in this country or protect the health and well-being of our Nation's youth and families. But while these types of bills may look good for politics for some, they make very bad policy for all.

It is sad that the U.S. has the highest rates of teen pregnancy in the western civilized world, and I think everyone here agrees that we should take steps to counter that. That is why we should support programs that improve the health of our young people, improve communication among families, prevent teen pregnancy and reduce the number of abortions.

Fortunately, these programs like those under Title X do exist. Unfortunately, these programs are not what we are focusing on here today. Congress should work to find common ground on real solutions to problems of unintended pregnancies and abortions. Funding for programs like Title X is one way to reduce abortions. Passage of H.R. 748 is not, and I urge a "no" vote.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me time.

This amendment, as the chairman previously indicated, is just unnecessary. If you go to the language of the bill itself, it indicates it is essentially illegal to knowingly transport a minor across the State line with the intent that such minor obtain an abortion, and so on.

Now, clearly the taxicab driver's intent is to obtain the fare, not that the young girl receive an abortion. So this is really unnecessary. I might add, during the course of this debate we have heard a number of things. We had heard that parents, for example, that a girl is not protected under this proposed bill because perhaps there is a case of incest; perhaps the father is the one that actually was responsible for the girl becoming pregnant. Judicial bypass, as we all know, as it does under the various State laws, protects that particular situation so that is really not an issue.

I think the gentleman from Illinois (Mr. HYDE) was exactly right when he said that in essence when you have somebody secreting a girl who is pregnant to have a secret abortion in another State, that is an assault on the family, and that is what we are trying to prevent.

Again, the parents are in the best position to be able to determine what is in the best interest of that child.

Finally, I just wanted to say we have heard this bill, which I think is a very good pill and has passed in this House three times before, we have heard it called by some folks on the other side ludicrous, laughable, cruel; but I just might note that the last time this bill was before this House, 58 Democrats, 58 folks on the other side of the aisle voted for this bill. And so that is a little more than 1 in 4 supported this bill.

I think it is great legislation. I am very pleased we will once again take it up.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I am grateful to the gentleman from Virginia (Mr. SCOTT) who has been very careful about what he has said and written about this bill, and his amendment is very thoughtful.

Now, for anybody that thinks this is the same bill you have voted on three times, I want to tell you it is not. This bill goes far further and federalizes more things than any of the legislation we have ever had. And as the bill is drafted now, and as the gentleman from Virginia (Mr. SCOTT) has perceived, anyone involved in any way with the transportation of a minor would have violated the law if they were going to get an abortion, whether he knows it or not.

That is because the bill does not require proof of any intent to avoid State parental consent laws. Just simply transporting a minor, a driver, a taxi man, a bus driver, a family member, could be jailed up to a year or fined, or both. The same applies to emergency medical personnel.

As the gentlewoman pointed out, doctors who may be aware that they are taking a minor across State lines to obtain an abortion but would have no choice if a medical emergency was occurring, what about the Supreme Court requirement for medical emergencies for abortion? Does that not mean anything to anybody here?

Similarly, a nurse at a clinic just providing directions to a minor or her driver could be convicted as an accessory. We have never had that in the bills before us before. A doctor who procures a ride home for a minor and a person accompanying her because of car troubles, coupled with the minor's expressed fear of calling her parents for assistance, could be convicted as an accessory after the fact. A sibling of the minor who merely agrees to transport a minor across States lines without knowledge of any intent to evade the resident State's parental consent or notification laws could be thrown in jail and convicted of a conspiracy to violate the statute.

Let us pass this amendment that brings just a little bit of humanity back into a very mean-spirited bill. We need this amendment to protect these individuals who are innocently swept into the young woman's abortion act and are not made innocent victims of the law.

Support the Scott amendment.

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to close if the gentleman from Virginia (Mr. SCOTT) has no further speakers.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me read the operative language of the bill. "Whoever knowingly transports a minor across a State line with the intent that such minor obtain an abortion," clearly covers a taxicab driver who knows where he is going and has heard the discussion behind him.

I just do not think the bill ought to apply to the taxicab driver. If the others do not think it applies, then just pass the amendment. I think it is a commonsense amendment. The taxicab driver ought not get caught up into an interfamily dispute over who did what and he get sued and the cab company get sued because he did not know it was illegal to take the fare to the nearest abortion clinic which happened to be across the State line.

The taxicab driver could clearly know and he could hear the discussion about where they were going and why. That would make him guilty, the taxicab company guilty, the sorority sister that called the taxicab guilty for conspiracy.

This is a commonsense amendment. I do not think the taxicab driver ought to be part of this discussion, ought not be sued by a mad parent, and I hope we will adopt the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, one standard element of obtaining a criminal conviction is that the defendant has the appropriate criminal intent.

Now, under the bill without the Scott amendment, if the taxicab driver does not have the criminal intent which includes knowledge of what is going on, then the taxicab driver and the company cannot be convicted. If they do have the criminal intent to evade a State parental involvement law, then they ought to be convicted of transporting the minor across the State line.

What the Scott amendment does is effectively immunize transporters who have criminal intent, and that is why the amendment ought to be defeated. I urge the membership to vote "no."

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

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The Acting CHAIRMAN (Mr. GILLMOR). It is now in order to consider amendment No. 2 printed in House Report 109–56.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 4, after line 11, insert the following:

"(3) The prohibition of subsection (a) does not apply with respect to conduct by a grandparent of the minor or clergy person.

The Acting CHAIRMAN. Pursuant to House Resolution 236, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, before yielding to the cosponsor of this legislation, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I support the amendment, but I also wanted to point out that at the end of the last debate the chairman of the committee suggested that there needs to be a criminal intent for the evasion of the parental consent laws, but we do not need intent for that. If, in fact, you have circumvented the parental consent laws, then there is a violation. You do not even have to know you violated them if, in fact, you did; and I think the chairman would acknowledge that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from New York (Mr. NADLER), the ranking member of the subcommittee.

Mr. NADLER. Mr. Chairman, I am pleased to be offering this amendment with my good friend, the gentlewoman from Texas.

Mr. Chairman, this is one of the amendments that the committee report lied about. This amendment would prevent terrible and, I assume, unintended injustices. The amendment creates an exception to the provisions that make it a crime to accompany a minor across State lines who is seeking abortion services if the person accompanying the minor is a grandparent or a member of the clergy.

These are responsible adults to whom young people often turn when they are in trouble and cannot go to their parents. In an ideal world, that would never happen; but where that is the case, where they feel they cannot turn to their parents. I think we want our young people to able to turn to a grandparent or their minister, priest, or rabbi.

At the very least, I do not think Members want to put grandmothers and members of the clergy behind bars simply because they did not want to leave a young person alone and unaided during a very difficult moment.

Do we really want to put grandmothers and clergy in jail? Surely the supporters of this bill would not want to put a grandmother or reverend in jail who is only trying to help a minor.

I know they argue that the evil abortion providers are spiriting them away, but we are not talking about if that ever occurred. We are talking about the grandmother of the minor. We are talking about the trusted minister, priest, or rabbi of the minor whom she seeks out and confides in.

The opponents of this amendment have argued that it is the fundamental right of a parent to be involved in any decision concerning the pregnancy of their child. This is certainly true.

But in the real world, there are situations where it is impossible for a minor to tell a parent about a pregnancy, for instance, in cases of incest, where the parents physically abuse their children or in the case that I mentioned while in general debate of the young 13-year-old girl whose father had raped her, found out she was pregnant, and murdered her. In these cases, a minor needs to be able to turn to a responsible adult, such as a grandparent or a clergy member, for assistance. We should not criminalize this assistance. We should not be throwing caring grandmothers, grandparents, or ministers in jail.

Now, it may be that a properly drafted amendment that would say if it was a ring of people doing this for money, maybe that would be reasonable, but not a grandparent or a clergy member who was helping a young person in trouble.

Some have argued that we should defeat this amendment because there are cases, albeit few and isolated, where a grandparent or a member of the clergy may be a sexual predator. Sadly, this is true sometimes. Thankfully, it is rarely true. It is also true that sometimes a parent is a sexual predator, and this bill not only does not protect the minor in those cases. It requires the doctor to ring the sexual predator's doorbell to tell him what is going on, and it gives the sexual predator the ability to sue the doctor. That is what the bill does.

Even with this exception, with the exception in this amendment, any sexual predator will still face the full force of the law. Those crimes can, and should still, be punished. This amendment in no way shields these criminals from the consequences of their acts. It does, however, protect caring grandparents and clergy from going to jail just because they cared enough about a young person to stand with them in a difficult time.

Mr. Chairman, it should be the duty of the government and Congress to provide help to young women in these trying times, not to make life more difficult than it needs to be.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve my time.

Mr. SENSENBRENNER. Mr. Chairman, I am the only speaker on this amendment, and I will reserve my time so I can close.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member. And may I ask how much time is remaining.

The Acting CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 6 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, I want to thank the gentlewoman from Texas, whose amendment, with the gentleman from New York (Mr. NADLER), helps to bring a little sensitivity, a little care, understanding, concern about the awful problem behind the necessity that is thought to be needed for this bill.

The Jackson-Lee/Nadler amendment seeks to give the young women who are already in desperate situations an opportunity to turn to a trusted adult. Specifically, it creates an exception for grandparents and clergy members from civil or criminal liability.

Now, one could almost, in a more rational circumstance, ask who could be against that. The alternative to this, without this amendment, would be to leave the young women at the mercy of their peers and adults who do not have their best interests at heart or leave them alone.

So the amendment is absolutely vital. Even further, some young women justifiably fear they would be physically abused if forced to disclose their pregnancy to their parents. Nearly one-third of minors who choose not to consult with their parents have experienced violence in their family or feared violence or feared being forced to leave home. So enacting this legislation and forcing young women in these circumstances to notify their parents of their pregnancies will only exacerbate the dangerous cycle of violence in dysfunctional families.

This is the lesson of Spring Adams, an Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy he caused. It is clear that when a young woman believes that she cannot involve her parents in her decision to terminate a pregnancy, the law cannot mandate healthy, open family communications.

I urge my colleagues to support Jackson-Lee/Nadler.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, in an ideal world, teens would talk to their parents if they found themselves pregnant. I guess some would even go so far as to say, in an ideal world, our teens would not be having sex at all; but let us face it, that is not the world we live in. Many teenagers would do anything not to tell their parents about an unintended pregnancy, even if it means putting their own life in jeopardy.

Make no mistake. I strongly support measures that will help foster healthy relationships between parents and their children; but those out there who believe this is a good, family-friendly bill are out of touch with reality.

This bill is not going to encourage teens to talk to their parents. It is not going to curb abortion. Rather, this bill will only encourage young girls to seek unsafe, illegal abortions.

I urge my colleagues to vote for this amendment; vote against H.R. 748.

I thank the gentlewoman very much for yielding time to me.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of the time.

I thank the distinguished gentlewoman for her leadership. I thank the gentleman from New York (Mr. NADLER) for his leadership, and I thank him very much for the fight that he has put forward for a fair and balanced response to what could be a very tragic set of circumstances.

I am delighted to follow the gentlewoman from California (Ms. WOOLSEY) because I want to reinforce the fact that we want healthy relationships between parents. We want a young woman to be able, a girl, a minor to be able to consult with her parents in a prayerful manner with her clergy and with her physician in this potentially tragic set of circumstances.

But allow me to read into the RECORD a circumstance that does occur in America. In Idaho, a 13-year-old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate her pregnancy caused by his acts of incest. Might I repeat it again, Mr. Chairman, by his acts of incest. One more time. By his acts of incest.

This is what the debate is about. This particular legislation, although it may be well intended, does not have an exemption for incest, does not have an exemption for incest. The amendments that my colleagues offered in the Committee on the Judiciary all went to the idea of providing the greater safety for this minor, not to eliminate the responsibility of a parent, nor to eliminate the relationship between parent and child.

Let me for the record, as the gentleman from New York (Mr. NADLER) did indicate in his remarks, that the amendment that I offered in the Committee on the Judiciary did not exempt sexual predators, and I am so terribly offended and offended for this institution for the untruths that were reported in the report language.

The Jackson-Lee amendment that offered to include aunts, uncles and cousins and godparents to be able to provide counsel to that minor was to speak to the question of incest, in case a parent was engaged in incest. Unfortunately, we could not get our colleagues on the other side of the aisle to understand the clarity of trying to provide an additional person cover, counsel if you will, so that if the parent perpetrated incest, that child had somewhere to go.

The untruth of the representation in the report language needs to be qualified and corrected. I hope my colleagues will see fit very shortly to have that corrected; but I would simply say that H.R. 748, as it is drafted, does not provide protection for that minor child.

Our amendment, the Nadler/Jackson-Lee amendment, allows for the grandparent and the clergy to be exempted from being sued by the parents when they can stand instead to provide counsel, religious counsel, social counsel, comfort counsel to that minor child; and that they should be subjected to a lawsuit by a parent who may have perpetrated incest is an insult and a travesty.

This legislation will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved in their daughters' lives, and I will tell my colleagues that 61 percent seek counsel. Ninety-three percent who do not get counsel from their parent do seek to from a close associate, friend, grandparent.

It is important, even in the absence of laws mandating parental involvement, many young women do turn to their parents. I would argue that this is a poorly drafted legislative initiative. I would ask my colleagues to support this amendment because there is no incest exemption.

Mr. Chairman, I rise to offer and support an amendment on which my colleague from New York, Mr. NADLER has joined me.

My amendment, in particular, made no mention of sexual predators. One can infer virtually anything about amendments until they are taken into context. In fact, one can infer a myriad of negative things from what is not included in the base legislation. The report was, frankly, ludicrous as to this matter. We must take it upon ourselves to accurately interpret our colleagues' amendments; lest we turn ourselves into a body of mud-slinging, vindictive individuals.

As Chair of the Children's Caucus, the report has risen to an inflammatory inference that must be corrected because justice requires it. However, one thing about this debate is different. The unprofessional way in which our committee colleagues have elected to report out the amendments that were offered by Mr. SCOTT, Mr. NADLER, and me has morphed from the simple reiteration of the precise idea of the amendment two years ago when we last debated this to an abomination that insinuates that our amendments would protect sexual predators. As my colleague and partner in offering the amendment I will present today stated before the Committee on Rules, our committee colleagues have behaved in an unfair manner and have made a clear partisan attack when the lives of minor females are at stake.

The Child Interstate Abortion Notification Act (CIANA), while good in its intention, was written with several areas of vagueness, overly punitive nature, and constitutional violations that very much deserve debate in order to save lives and to obviate the need for piles upon piles of legal pleadings.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the "Child Custody Protection Act" which make it a federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10 states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case. The base bill, if passed, would take away the States' rights to make their own determination as to legislating the abortion issue for minors with respect to parental notification.

Our amendment to the Child Interstate Abortion Notification Act, would change the prohibitions to exempt grandparents of the minor or clergy persons. This must be done because some minors want the counsel of a responsible adult, and are unable to turn to their parents. In Idaho, a 13 year old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate a pregnancy caused by his acts of incest. This is an exact situation where the help of a grandparent or clergy would have been more helpful. Spring Adams may still be with us today if she could have found someone more compassionate and caring to confide in.

H.R. 748, as drafted, will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved when their daughter faces a crisis pregnancy. Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in states without mandatory parental consent or notice laws knew of their daughter's pregnancy.

Unfortunately, some young women cannot involve their parents because they come from homes where physical violence or emotional abuse is prevalent or because their pregnancies are the result of incest. In these situations, the government cannot force healthy family communication where it does not already exist—and attempts to do so can have tragic consequences for some girls.

Major medical associations—including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association—all have longstanding policies opposing mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. These physicians see young ladies on a daily basis and hear their stories. They would not protest this law unless they felt there were severe stakes.

CIANA criminalizes caring adults—including grandparents of the minor, who attempt to assist young women facing crisis pregnancies. In one study, 93 percent of minors who did not involve a parent in their decision to obtain an abortion were still accompanied by someone to the doctor's office. If CIANA becomes law, a person could be prosecuted for accompanying a minor to a neighboring state, even if that person does not intend, or even know, that the parental-involvement law of the state of residence has not been followed. Although legal abortion is very safe, it is typically advisable to accompany any patient undergoing even minor surgery. Without the Jackson Lee-Nadler Amendment, a grandmother could be subject to criminal charges for accompanying her granddaughter to an out-of-state facility—even if the facility was the closest to the young woman's home and they were not attempting to evade a parental involvement law.

In a statement given by Dr. Warren Seigel, a member of the Physician for Reproductive Choice and Health, to the House Judiciary Subcommittee on the Constitution, he says "I recognize that parents ideally should be—and usually are—involved in health decisions regarding their children. However, the Child Interstate Abortion Notification Act does nothing to promote such communication. Instead, CIANA places incredible burdens on both young women and physicians; infringes on the rights of adolescents to health care that does not violate their safety and health; makes caring family, friends and doctors criminals; and could be detrimental to the health and emotional well-being of all patients."

Although this legislation is supposedly aimed at increasing parent-child communication, the government cannot mandate healthy families and, indeed, it is dangerous to attempt to do so. Research has shown that the overwhelming majority of adolescents already tell their parents before receiving an abortion. In fact, the younger the woman is, the more likely she is to tell her parent. The American Academy of Pediatrics, a national medical organization representing the 60,000 physician leaders in pediatric medicine—of which I am a member and leader—has adopted the following statement regarding mandatory parental notification:

Adolescents should be strongly encouraged to involve their parents and other trusted adults in decisions regarding pregnancy termination, and the majority of them voluntarily do so. Legislation mandating parental involvement does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate medical care.

It is important to consider why a minority of young women cannot inform their parents. The threat of physical or emotional abuse upon disclosure of the pregnancy to their parents or a pregnancy that is the result of incest make it impossible for these adolescents to inform their parents. My amendment would allow other trusted adults to be a part of this process. Support the Jackson Lee-Nadler amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the time given to me in opposition to the amendment.

Mr. Chairman, first, both sections of the bill do provide an exception for incest, and all of the arguments that have been made to the contrary are simply not correct.

Furthermore, this amendment should be defeated because it would codify the circumvention of parental involvement when the overwhelming majority of Americans support parental involvement. In some polls, over 80 percent of the public supports parental involvement. As recently as March 2005, 75 percent of over 1,500 registered voters surveyed favored requiring parental notification before a minor gets an abortion, and only 18 percent opposed parental notification.

☐ 1745

Under current law, grandparents and clergy do not have the authority to authorize a medical procedure for a minor child, or even ear piercings or the dispensing of aspirin at schools. So why should such a fundamental parental right be thrown aside for the abortion procedure alone? This amendment would sever the essential parent-child relationship. Grandparents and undefined clergy are not parents. It is that simple.

It is instructive that the Supreme Court has always held that the important duty to ensure and provide for the care and nurture of minor children lies only with the parents, a conclusion which arises from the traditional legal recognition that "the natural bounds of affection lead parents to act in the best interest of their children." That was Parham v. J.R., 1979, of the Supreme Court. And as Justices O'Connor, Kennedy, and Souter observed in Planned Parenthood v. Casey, parental consent and notification laws related to abortions are "based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart."

Significantly for CIANA, the Supreme Court recently struck down a Washington State visitation law under which grandparents were granted visitation of their grandchildren over the objection of the children's mother. That State visitation law was struck down precisely because it failed to provide special protection for the fundamental right of parents to control with whom their children associate.

The amendment also excludes from the bill any clergy, and the amendment leaves the word "clergy" undefined. Just last year, one State court ominously described the dangers of using the term "clergy" in the law without providing any clear definition. That court stated, "Almost anyone in a religious organization willing to offer what purports to be spiritual advice would qualify for clergy status." That is Waters v. O'Connor, 2004, the Court of Appeals of Arizona. That means that under this amendment, an impressionable and vulnerable minor could be sexually exploited by a cultist and the cultist could escape liability and prosecution under this legislation because the cultist claims clergy status.

In fact, when the Federal Rules of Evidence were being debated in Congress, Congress specifically rejected using the word clergy in those rules. Doing so would have invited courts, just as this amendment would, to allow all matter of cult figures to fall under the term.

Parents, and not anyone else, know and can provide their dependent minor children's complete and accurate medical histories. Before children undergo medical procedures, parents are required to provide this critical information. Without that medical history, an abortion could be devastating to a child's health.

As the Supreme Court has made clear, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting. An adequate medical and psychological case history is important to the physician. Parents can provide medical and psychological data, refer the physician to other sources of medical history, such as family physicians, and authorize family physicians to give relevant data." That is H.L. v. Matheson, 1981.

And in addressing the right of parents to direct the medical care of their children, the Supreme Court has stated, "Our jurisprudence historically has reflected western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system has long rejected any notion that a child is a mere creature of the State." And, on the contrary, asserted that parents generally "have the right, coupled with the high duty, to recognize and prepare their children for additional obligations. Surely this includes the high duty to recognize symptoms of illness and to seek and follow medical advice. The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions." Parham v. J.R., 1979.

Parents, not grandparents or undefined clergy, are legally, morally, and financially responsible for their children's follow-up medical care. If parents are kept in the dark by others, they will not be able to recognize potentially dangerous consequences of abortions.

Mr. Chairman, I urge my colleagues to defend the integrity of the parent-child relationship, which this amendment does so much to undo; to protect the rights of young girls from potential medical harm by defeating this amendment. Please vote "no."

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1, offered by Mr. SCOTT of Virginia, and amendment No. 2, offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 245, not voting 10, as follows:

[Roll No. 141]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy

Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros Lehtinen
Royce
Ryan (OH)
Ryan (WI)

Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brown, Corrine
Brown-Waite, Ginny
English (PA)

Green, Gene
Grijalva
Olver
Pearce

Rothman
Westmoreland
Wicker

☐ 1817

Mr. KING of Iowa changed his vote from "aye" to "no."

Messrs. ISRAEL, SCHWARZ of Michigan, LYNCH and MOORE of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN (Mr. GILLMOR). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 252, not voting 5, as follows:

[Roll No. 142]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher

Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)

Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe

Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.

Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—252

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom

Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter

Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)

Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)

Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)

Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brown, Corrine
Istook

Rothman
Westmoreland

Wicker

☐ 1827

Mr. SAXTON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GILLMOR). There being no further amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, pursuant to House Resolution 236, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. Yes, Mr. Speaker, I am most certainly opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NADLER moves to recommit the bill H.R. 748 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 5, insert after "(a)" the following: ", other than a parent who caused the minor to become pregnant as a result of rape or incest".

Page 9, line 2, insert after "(a)" the following: ", other than a parent who caused the minor to become pregnant as a result of rape or incest".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, this bill allows a father to sue the person who accompanied the young woman or, if he did not receive the required notice, to sue the doctor who provided the abortion even if he himself, the father, that is, caused the pregnancy by rape or incest.

If adopted, my motion to recommit would simply ensure that this right to sue does not extend to a parent who caused the pregnancy through rape or incest. The motion to recommit would ensure that this bill would not enable such rapists to profit from their wrongdoing.

I know the gentleman from Wisconsin (Mr. SENSENBRENNER) will say that the bill already prohibits suits by rapists, but the so-called prohibition in the bill applies only to suits against the doctor, not against the person who accompanied her, and even against the doctor only in the unlikely event that the minor declares the rape in a signed written statement to the doctor.

□ 1830

Aside from that exception, the rapist under this bill will profit from the newly established rights to sue the doctor or the unlimited newly established right to sue the person who accompanied her.

I cannot believe that any Member of this House, even those who support parental-consent laws, could really want to enable a criminal, a father who raped his daughter and caused the pregnancy, to be able to profit from his wrongdoing by suing doctors, grandmothers, and clergymen. This motion would correct this obvious mistake; and I think, or at least I hope, that the sponsors of this bill would agree that this amendment should be adopted.

Mr. Speaker, there has been a great deal of loose talk over the last few days about sexual predators and the need to protect young women. We may not agree in this House on the best way to protect these young women, but we should all be able to agree that a father who rapes his daughter should not profit from his crime. This bill as presently constituted gives him that power. The motion to recommit would take that ability away from him and would do nothing else at all.

The motion to recommit simply says a father who rapes his daughter or commits incest with her and causes that pregnancy cannot then sue someone who performs an abortion or who accompanies her to an abortion.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the motion to recommit with instructions. This motion is necessary in order to correct a glaring deficiency in H.R. 748. In its current form, H.R. 748 would permit a parent who impregnated his daughter nonetheless to bring an action under the bill against a health provider or a person accompanying a young girl across State lines for violation of the bill's notification provisions when a young girl travels across State lines to seek an abortion.

Mr. Speaker, this is about incest. My friends on the opposite side of the aisle would have you believe that there is an exception in this bill, that somehow they have taken care of this. It is not true. They have not made an exception for someone, a parent, that could now sue because the young girl did not come to them and get their permission, or if a person assisted this young girl, taking her across State lines.

The Nadler-Waters motion to recommit would prohibit a parent who caused his daughter's pregnancy from bringing an action under the bill against a health care provider or any person accompanying the minor across State lines when that minor travels across State lines to obtain an abortion.

Mr. Speaker, a parent who has molested his child and left her facing pregnancy should not be allowed to sue a medical care provider who aided this child in her moment of need or sue someone who accompanied his child across State lines to help her safely address this tragic situation. Nor should that parent have any role in his daughter's decision to seek an abortion, unless the daughter chooses to give her parent such a role. A person who has violated his daughter in such a horrible way simply must not be entitled to any relief.

Mr. Speaker, I urge my colleagues to support the motion to recommit H.R. 748 to the Committee on the Judiciary with instructions so that, at the very least, the committee may correct the obvious miscarriage of justice that the bill produces in its current form. And if my colleagues on the opposite side of the aisle continue to insist that they made an exception, make them show it to you in the bill. Make them prove it to you.

Mr. SENSENBRENNER. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, what the two proponents of the motion to recommit are arguing is something that simply is not going to happen. If the father of a young girl impregnates her as a result of an incestuous act, filing a lawsuit will expose that crime and the evidence that would have to be submitted by the defendants would end up very clearly showing that that father did commit a crime.

What would happen as a result of this bill not passing, with or without the amendment, is that the father who did commit that crime of incest would want to destroy the evidence of that crime without alerting the authorities. This bill prevents that, and the bill requires the alerting of appropriate authorities to protect young girls from future abuse.

Those who oppose this bill and are supporting this motion to recommit would doom the victims of rape and incest to continued abuse. Supporters of this bill want to prevent that abuse from continuing.

Vote down the motion to recommit, and vote for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of passage.

The vote was taken by electronic device, and there were—yeas 183, nays 245, not voting 6, as follows:

[Roll No. 143]

YEAS—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle

Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bishop (GA)
Brady (TX)
Brown, Corrine
Rothman
Westmoreland
Wicker

□ 1855

Mr. COX and Ms. FOXX changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 157, not voting 7, as follows:

[Roll No. 144]

AYES—270

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—157

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al

Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Blumenauer
Brown, Corrine
Camp
Rothman
Westmoreland
Wicker
Wilson (NM)

☐ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1900

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TO TRANSMIT CERTAIN INFORMATION TO THE HOUSE OF REPRESENTATIVES RESPECTING A CLAIM MADE BY THE PRESIDENT ON FEBRUARY 16, 2005, AT A MEETING IN PORTSMOUTH, NEW HAMPSHIRE, THAT THERE IS NOT A SOCIAL SECURITY TRUST

Mr. THOMAS, from the Committee on Ways and Means, submitted a privileged report (Rept. No. 109–58) together with dissenting views, on the resolution (H. Res. 170) of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting in Portsmouth, New Hampshire, that there is not a Social Security trust, which was referred to the House Calendar and ordered to be printed.

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REINSTATE CERTAIN PROVISIONS OF THE RULES RELATING TO PROCEDURES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO THE FORM IN WHICH THOSE PROVISIONS EXISTED AT THE CLOSE OF THE 108TH CONGRESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–59) on the resolution (H. Res. 241) providing for the adoption of the resolution (H. Res. 240) amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That upon adoption of this resolution, House Resolution 240 is hereby adopted.

The SPEAKER pro tempore (Mr. LAHOOD). The question is, Will the House now consider House Resolution 241.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 241.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority Member of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides that upon its adoption, House Resolution 240 will be adopted. This will take us back to the 108th Congress's rules with regard to ethics, word for word, comma for comma, exactly the same rules that existed in the 108th Congress.

Mr. Speaker, our Founding Fathers understood the need for Members to scrutinize the actions of their peers. I commend those who, over the years, have volunteered for service to the House as members of the Committee on Standards of Official Conduct.

Mr. Speaker, the Father of our great Constitution, James Madison, in Federalist No. 57 said: "The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust."

Now, it is not surprising that our Constitution contains in Article I, section 5 the peer review requirements for each House of the Congress. Article 1, section 5 is as follows: "The House shall be the Judge of the Elections, Returns and Qualifications of its own Members," and "may punish its Members for disorderly behavior."

Now, Mr. Speaker, unfortunately, we have recently seen that there are those who have wanted to use the ethics process for political purposes. At the start of the 109th Congress, our great Speaker, the gentleman from Illinois (Mr. HASTERT), decided, along with the membership of the Republican Conference and through a vote of the full House, to include reforms of the ethics process because we believed it was flawed and needed increased transparency and accountability. Mr. Speaker, we still believe that.

The reforms adopted at the start of the 109th Congress were an effort to address the fairness of the ethics process.

Now, as many of you know, the ethics complaints filed at the end of the 108th Congress placed Members in jeopardy without any notice or opportunity for due process. That is not fair to any Member or to the institution itself.

Speaker HASTERT justly has been concerned about the rights of every single Member of this institution on both sides of the aisle, and he has also been very concerned about the integrity of this institution in the eyes of the American people. The Members of this great body and the American people deserve a structure which provides due process in the area of ethics.

Accordingly, we tried to take political jeopardy out of the ethics process with our changes at the beginning of this Congress.

Now, Mr. Speaker, in spite of this ongoing issue with which we have had to contend, we are extraordinarily proud of the fact that we have been able to successfully get the work of the American people done. We have been doing the American people's business with a great deal of success. We have engaged in a rigorous debate over ideas.

In just the first few months of this year, the beginning of the 109th Congress, we have shown strong bipartisan support, reaching across the aisle to Democrats and gaining support for funding for our troops, the energy bill, the highway bill, the Continuity of Congress bill, the border security issue, and other issues. And in the legislation that we just passed, 54 Democrats joined with Republicans to once again show that we are working in a bipartisan way to get the work of the American people done.

The fact is, the House needs an ethics committee, and today remains without one because, unfortunately, our friends on the other side of the aisle made a decision not to organize.

Mr. Speaker, this House needs an ethics committee which can begin its work. Unfortunately, we have seen our friends on the other side of the aisle choose not to organize the ethics committee.

I will say that my very good friend, the gentleman from Washington (Mr. HASTINGS), has worked valiantly to try and reach out and bring together bipartisan compromise to ensure that the ethics committee can get down to work and do its business, so that it can, in fact, comply with Article I, section 5 of the Constitution; and it is a struggle which the gentleman has been involved in for the past several months. And unfortunately, the gentleman has not been as successful as he would like.

We believe that with the action that we are about to take here today, that we can now move ahead with depoliticization of the ethics process and do the kinds of things that need to be done.

Now, as I said, we stand by the rules changes that we proposed, that underscore the importance of due process and underscore the importance of ensuring that we have an ethics committee which can guarantee the rights of every individual in this institution. But I believe that it is even more important now for us to move back to the rules of the 108th Congress. Why? So that we can, in fact, let the gentleman from Washington (Chairman HASTINGS) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and the other members of the ethics committee begin their work.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill represents a true victory for the American people and provides some hope for the integrity of this body, which has been so badly tarnished by the actions of this majority that can one day be restored.

As a child, my parents taught me that integrity means doing what is right when no one is looking.

Well, 4 months ago when they thought no one was looking, the Republican majority of this House passed a rules package that gutted the House ethics standards and effectively neutered the House ethics committee, a committee that genuinely worked well and that had not had a complaint for years.

The changes were made in an obvious attempt to protect one man from further prosecution or investigation by the ethics committee. Four months later, after the world has been awakened to the unethical brand of sweep-it-under-the-rug politics, the Speaker has finally relented to public pressure and agreed to reinstate the ethics rules that have governed the House for years, rules that should have been governing the House during the 109th Congress from the very start.

You know, it is easy to do the right thing when the whole world is watching, and today the whole world is watching. And it appears that the majority, with their back against the wall, may finally do the right thing. It appears as though they will heed the call of the minority and the call of America to reinstate the ethics committee.

It appears they may heed the overwhelming call to return to the rules of the 108th Congress. And not just a section from part A, or a smidgeon of part B; but all of them.

Even now, at this low point, there is concern that the rules changes the majority proposes today will not include measures to ensure that the staff of the ethics committee remain nonpartisan. That, Mr. Speaker, would be a tragedy. And it is crucial that they maintain a professional and nonpartisan staff if the ethics committee will retains any credibility moving forward.

But even in defeat, it seems the majority has no shame. I will say that whatever the outcome today, they do not deserve a pat on the back for this apparent about-face.

And as I said earlier, we should always remember, it is easier to make the right decision when the world is watching. But what defines our character is what we do when no one is watching.

We saw clearly what this majority is all about. We have been witness to it for the past 4 months, and every day we discover new abuses of the rules by the Republican leadership and new abuses of the democratic process here in the House. Example: what happened in the report from the Judiciary Committee.

All of us owe the gentleman from West Virginia (Mr. MOLLOHAN) a debt of gratitude for his resoluteness and steadfastness on this issue and for having the courage to fight against this clear attempt by the majority to subvert the democratic process and destroy the principles of ethics and integrity in the House.

Let us hope that America will not soon forget what the majority did and the Herculean effort it has required to convince them to reverse course.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I have mentioned him several times in my remarks. I am now very pleased to yield 4 minutes to my friend, the gentleman from Pasco, Washington (Mr. HASTINGS), the hardworking member of the Committee on Ethics who actually chairs the committee and is ready to go to work.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to thank the distinguished chairman of the Rules Committee (Mr. DREIER) for his graceful words. And I want to say, Mr. Speaker, that no one has worked longer and harder over the years or devoted more personal energy to the critically important institutional issues of this House than the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

□ 1915

Those issues do not win you many headlines back home but they are absolutely essential to our continuing ability to work in an effective bipartisan fashion history in the people's House.

So I thank the gentleman from California (Mr. DREIER) for his leadership in the past and his insistence in moving this resolution to the floor.

Mr. Speaker, I have introduced House Resolution 240 for one reason and one reason only: to restore a functioning ethics process here in the House. Regrettably, the Democrats have kept the Ethics Committee shut down now for more than 2 months. It simply must be restarted as soon as possible.

Members will recall that in January as part of our opening day rules package for the 109th Congress, the Members of this House adopted a series of much-needed ethics reforms. We adopted those reforms in order to ensure that the ethics rules treat Members of the House as fairly as possible.

We believe, for example, and still believe that it is unfair for the Ethics Committee to tell individuals called before the committee during an investigation whom they can or cannot hire as their lawyer. This right to counsel, after all, is a fundamental right enjoyed by all Americans, so we moved to protect it. In addition, we believed and still believe that it is unfair for Members to be publicly embarrassed when the committee issues a public letter of reprimand or admonishment or violation, et cetera, without providing the Member in question with any advance notice that they are being scrutinized by the committee in any way. So we moved to make sure that this never happens to any Member of either party in the future.

And finally, we believe and still believe that it is unfair for Members of either party to be kept in perpetual limbo after initial investigation of a complaint if a bipartisan majority of the committee cannot agree to proceed with the full-scale investigation. Contrary to many published reports, no investigation has ever been undertaken by the Ethics Committee without bipartisan support. But under the old rules of the 108th Congress, the burden of proof to get out from under an ethical cloud fell on the Member in question, whether Democrat or Republican. So we acted to restore fairness to that part of the ethics process as well.

Nevertheless, despite the fact that the full House adopted these rules, the Democrat members of our committee refused to accept the clear directive of the House and to let us organize our committee. For 2 months now, I have worked in good faith to address the substantive objections of the gentleman from West Virginia (Mr. MOLLOHAN) to these rules, and I know that he holds these objections in a very sincere way. And while I have a great deal of respect for the gentleman from West Virginia, I regret that he has declined to consider any of my proposed compromises.

As it should be, membership on our committee is evenly divided between the majority and minority, which means that substantive action of any kind requires support from both sides of the aisle and a genuine commitment to compromise. However, Democrat leaders and the gentleman from West Virginia (Mr. MOLLOHAN) have made clear that they remain absolutely unwilling to compromise on any of these matters and insist on overturning the expressed will of the House by returning to the rules of the 108th Congress.

Because I believe it is severely damaging to this institution to permit Members on the other side of the aisle to keep the doors locked on the Ethics Committee, I have concluded that we must return now to the rules of the past Congress, the 108th Congress. My resolution would do just that. But at the same time, Mr. Speaker, I am hopeful that once Democrats agree to put a functioning Ethics Committee back in business, they will then agree to work with us in a bipartisan way to address the real problems of unfairness to Members that are inherent in the 108th rules.

Mr. Speaker, the American people have every right to expect the highest ethical standards here in the House. Those of us charged with upholding the integrity of the institution stand ready to carry out our important responsibilities.

Accordingly, I urge adoption of H. Res. 240 so all of us who serve on the Ethics Committee, from both sides of the aisle, can get back to work.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me time.

I would observe at the outset that if the arguments propounded by the gentleman from California (Mr. DREIER) and the distinguished chairman of the Ethics Committee, which they have made repeatedly over the last 4 months, were agreed to by the American public, we would not be here today. But those arguments were rejected.

A vote on this important legislation which will restore the bipartisan ethics rules that were originally adopted in 1997 and which functioned well in every Congress since then is long overdue. And I believe that it was inevitable.

Today is not a day for those of us on the Democrat side of the aisle to gloat. However, it is a day for those who instigated and supported these partisan rules changes in January to recognize that a serious mistake in judgment was made. That does not seem to be the case.

The gentleman from Colorado (Mr. HEFLEY) will observe, as he has in the past, that this is the first time, and I have served here for 24 years, the first time that the rules of the Ethics Committee were changed in a partisan action. As the former chairman, the gentleman from Colorado (Mr. HEFLEY) stated 2 weeks ago, "We can't make rule changes unilaterally." We've never made rules for the Ethics Committee "unilaterally." "The way it was done was wrong."

Today the Speaker recognizes the validity of that statement and seeks to rectify this error. It is a good step. However, let me say as clearly as I can, this legislation marks a beginning, not an ending. It is in reality a procedural prerequisite to a real, meaningful ethics process that ensures the American people of the integrity of this great institution. Surely every one of us wants that to be the reality.

In the last several months a great number of issues have become public that warrant an inquiry by the Ethics Committee. The press has asked me numerous times over the last 3 months, Are you going to file a complaint? And I have said, No, I am not going to file a complaint. And the reason I am not going to file a complaint is because I believe it is the responsibility of the Ethics Committee, particularly when ethics questions are raised in the public arena, that the Ethics Committee address those issues so that the public's confidence can be kept intact.

It is imperative now that the committee organize as soon as practicable so that it may conduct its important business. Let me also urge the chairman and the ranking member to honor the letter and the intent of the 1997 rules package by agreeing to hire a nonpartisan professional staff. I say that because the chairman indicated that he was going to treat this like any other committee and install his chief of staff.

His chief of staff, I am sure, has high integrity and great ability. I do not question that at all. But it is incumbent upon us to make sure that both sides have confidence in the leadership of this staff as was intended by the rules.

Mr. Speaker, the Ethics Committee is the only mechanism that this institution has to police itself. Today we have taken a vital step in restoring procedural vitality to our ethics process and ensuring public confidence in this institution. I urge my colleagues to vote for this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the distinguished vice chairman of the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. We did the right thing, Mr. Speaker, the first day of this Congress when we passed amendments to the rules as they relate to the Ethics Committee, which the chairman of the Ethics Committee has referred to. Basically they dealt with the right to counsel, with the right to notice, and the right to action within a time limit.

In other words, if you will, the fish-or-cut-bait amendment, decide amendment, and do not theoretically hold any and all Members potentially in limbo with regard to accusations ad infinitum.

Now, Mr. Speaker, the Spanish philosopher Ortegay Gasset said, "Man is man plus his circumstances."

What are our circumstances today?

The minority has said that they will not organize, they will not commence the work of the Ethics Committee unless we, the majority, agree to go back to the rules of the prior Congress. In other words, that the amendments that we talked about that have to do with due process be eliminated before they begin even, they agree to begin the work of the Ethics Committee. Those are our circumstances.

Either no Ethics Committee, for us to say to the minority, you won, there will be no Ethics Committee, or to go back to the prior rules without the very wise and necessary amendments that we carried forth the first day of this Congress. In other words, to have an ethics process that is flawed. And that is what we are agreeing to today. It is better to have a flawed ethics process than no ethics process. Thus, we are passing the rule that we have brought forth today which I support and urge the adoption of.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I am pleased to rise in support of this resolution which will repeal the unfortunate ethics rules changes that the majority included in the House rules package that was adopted on January 4 of this year.

For those of us who have opposed these rules changes from the outset, it has been a long, difficult effort and it is gratifying to see it finally succeed.

I have maintained from the outset, Mr. Speaker, that what is at issue in these rules changes is in fact the fundamental question of whether the House is going to continue to have a credible ethics process, a credible ethics process that will command the respect and confidence of both the Members of the House and the public. And I firmly believe that nothing less than this is at stake here tonight.

Back in 1967, the House of Representatives in its wisdom also thought that it was important for the House to have a credible ethics process. The premise to ensuring credibility of that ethics process was bipartisanship. It was the standard by which the Ethics Committee's organization was measured; and the original committee established back in 1967 was, in fact, bipartisan. An equal number of Democrats and an equal number of Republicans. A unique situation in the House of Representatives where partisanship is the way we are organized, and rightly so. But it is not right with regard to the Ethics Committee.

Those founding Members, if you will, recognized that the Ethics Committee that was going to be able to do its job, if it is going to be able to have the confidence of the body, if it was going to be able to maintain the standards that reflect favorably upon the House of Representatives and enforce those standards in the face of the American people, then its decisions had to come from bipartisanship.

Mr. Speaker, that bipartisanship has been reflected each and every time the House of Representatives has reconsidered major rules changes. So far as I know, in each time that the House of Representatives has undertaken to change the rules with regard to the Ethics Committee, it has abided by that principle of bipartisanship by establishing a committee that was equally represented of Democrats and equally represented from Republicans.

□ 1930

These bipartisan task forces, one established in 1988 when the Democrats were in charge of the House, in the majority, one established in 1997 when the Republicans were in charge of the House of Representatives, each maintained this principle of bipartisanship. These bipartisan ethics rules task forces were charged with going off, sitting around a table and coming up with rules that they could recommend; and they were charged with recommending back to the House of Representatives.

On each occasion, those bipartisan task forces fulfilled that mission admirably. They negotiated in that proper environment ethics rules, each side saying why they objected to the other side's proposals and working out the compromises.

The gentleman from Maryland (Mr. CARDIN), our colleague who is here tonight, performed distinguished service, along with his Democrat and Republican counterparts in that 1997 bipartisan task force, and it is under those rules which the committee was operating last year in the 108th Congress.

Mr. Speaker, whatever the motivation for the Speaker and the Republican leadership directing the Committee on Rules to change the Committee on Standards of Official Conduct rules, the process which they undertook was flawed from the beginning. Why? Because they violated that tradition and the principle that is embedded in that tradition to change Committee on Standards of Official Conduct rules through bipartisan task forces.

That is our first objection to the majority's rule changes of January 4 of this year, that because they could, because they were in the majority, come up with rules changes, direct the Committee on Rules to embed them in the House rules package, pass them in that omnibus package by the most partisan vote the House casts, all Republicans voting for, all Democrats voting against, and in that process, imposing in a partisan manner the rules changes.

It is no wonder that these three rules changes, the automatic complaint dismissal rule, the rule that allows the attorney of accused to represent all the witnesses, and the rule that allows anybody mentioned unfavorably to immediately opt for a trial rather than investigation, it is no wonder that in that partisan process those rules were flawed, and they were.

It is imperative that we change these rules. The gentleman from Illinois (Speaker HASTERT) is doing the right thing here tonight by reversing his decision earlier this year and directing that this resolution be brought to the floor.

The committee, Mr. Speaker, can now organize. It can now get on with its business. It can now consider some of the very tough issues like staffing issues that have been referenced here; and if there is a concern about rules in the House, we can all move on a bipartisan basis in the right direction, through the right format, by forming a bipartisan task force to come up with bipartisan rules changes to the Committee on Standards of Official Conduct and, in the process, assure the Chamber and the American people that the credibility of the Committee on Standards of Official Conduct is going to be maintained.

I look forward to working with the gentleman from Washington (Chairman HASTINGS), my distinguished chairman, in moving forward with the business of the Committee on Standards of Official Conduct.

Mr. DREIER. Mr. Speaker, I am happy to yield 2½ minutes to the gentleman from Colorado Springs, Colorado (Mr. HEFLEY), the very distinguished former chairman of the Committee on Standards of Official Conduct, our friend.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman very much for the time.

Let me say that the Committee on Standards of Official Conduct was not broken. There was no deadlock ever. There were no partisan votes ever. Almost every vote was unanimous. Every staff member was hired or fired in a bipartisan way; but at the same time, neither the process nor the rules are perfect, and they should be looked at. They just should not be looked at in the way we have done it. My colleagues have heard me say it over and over, and they are getting tired of it and I apologize, and maybe we will not have to talk about it anymore; but we cannot have a Committee on Standards of Official Conduct unless it is completely bipartisan in every way.

I want to praise the Speaker of the House for taking the leadership in this and getting us out of this mess. I want to praise the gentleman from Washington (Chairman HASTINGS) and the other members of the Committee on Standards of Official Conduct for trying to resolve this dispute.

I want to praise the gentleman from West Virginia (Mr. MOLLOHAN) for trying to resolve the dispute and making sure that we continue with an absolute nonpartisan or bipartisan committee. There are ethics charges flying around this place that are being used in a political way, there is no question about it. I do not think the gentleman from West Virginia (Mr. MOLLOHAN) is a part of that, however. I think he sincerely is concerned about the institution, and I think all of us are.

We should be open to reforming the ethics process when necessary; and I encourage the committee, and in a bipartisan way, to look at these rules and to look at other rules.

The gentleman from West Virginia (Mr. MOLLOHAN) and I talked often about a package of rules that we would like to present to the House for consideration of changing, and I would encourage the committee to do that.

Some of the due process provisions of the rules that were made in the January decision are good, and the committee should give consideration to adopting them even if not directed by the House. I am encouraged by this effort to return to a bipartisan ethics process that existed during the last Congress.

I urge my colleagues to vote for this and to continue the effort to return the process to a bipartisan type of process that it absolutely must be. Then we can go from here and make sure that when we have a Committee on Standards of Official Conduct, it is an ethics committee we can all be proud of.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I just want to compliment the gentleman from Colorado (Mr. HEFLEY) for his comments. I support this resolution, and I think he has really stated the case very well, that the ethics process must work in a bipartisan manner.

In fact, I served on the Committee on Standards of Official Conduct for 6 years during some of the most difficult times, including the investigation of Speaker Gingrich and the House so-called banking scandal. At no time during any of that debate did we break down on a partisan line in the Committee on Standards of Official Conduct. We worked things out. We figured out what needed to be done. The facts speak for themselves. So allowing for the Committee on Standards of Official Conduct process moving forward will allow it to operate in a nonpartisan way.

The revisions that were passed in a partisan manner on the first day of this session were wrong. They were wrong in process, and they were wrong in substance. The process needed to be bipartisan.

I had the opportunity to co-chair with Mr. Livingston the 1997 ethics task force that brought about the changes in our ethics rules. We worked together in a bipartisan manner to bring about those changes. That was not done in this case.

The substance of these rules changes made it very difficult for the committee to function. All one needed to do was to allow time to go by and there was automatic dismissal. Failure to act was rewarded. It encouraged the partisan divisions since there is an equal number of Democrats and Republicans on the Committee on Standards of Official Conduct. That is not the way that the ethics committee can function in a nonpartisan or bipartisan manner. The rules changes were flawed, and the process was flawed.

It is interesting that we have this resolution before us today. The reason is because the public understood what we did on the first day of this session, and they knew it was wrong.

This is the people's House, and the people's voice has been spoken and heard by this body. We, today, will correct a mistake that we made on the opening day of this session. It will allow us to restore a proper ethics process that truly can function to carry out one of our most sacred responsibilities.

Under the Constitution, we are required to judge the conduct of our own Members. This rules change will permit us to carry out that most sacred responsibility so we can restore public confidence in this body. This is a great institution, and this rules change will allow this institution to carry out that responsibility.

Mr. Speaker, I regret that we have been delayed 4 months in this work. I am glad tonight that we are correcting the mistake that was made. I urge my colleagues to support the resolution.

Mr. DREIER. Mr. Speaker, I am happy to yield 1¾ minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a very hard-working new member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I rise today in support of House Resolution 240, a bill providing for changes to the rules of the House of Representatives related to the procedures of the Committee on Standards of Official Conduct, the ethics committee.

Mr. Speaker, it is truly unfortunate the House of Representatives must take up this legislation that rescinds progressive reforms made to the practice of the Committee on Standards of Official Conduct.

Mr. Speaker, new rules were agreed upon that would have allowed a bipartisan majority to resolve ethics disputes in an expeditious and judicious fashion. These rules would have ensured that the House Committee on Standards of Official Conduct could never be used by either party, Republican or Democrat, as a weapon to malign and tarnish the reputation of any Member in this body for political purposes.

Yet, Mr. Speaker, the House Democrats have refused to accept these changes and, thus, have brought the Committee on Standards of Official Conduct to a screeching halt. Not only have the House Democrats essentially shut down the House Committee on Standards of Official Conduct but they have also used its demise for political gain.

Over the past few months, House Democrats have abandoned any substantial discussion of policy like Social Security modernization and resorted to an incessant stream of personal and political attacks upon Members of this body, especially upon one Member in particular.

The Democrats do not have a plan to strengthen Social Security for our seniors, but they will spend months upon months stonewalling and refusing to allow the Committee on Standards of Official Conduct to function. Mr. Speaker, if the House Democrats actually allowed the Committee on Standards of Official Conduct to meet and conduct investigations, then they would lose their ability to exploit tabloid sensationalism and would have to return to doing the work of the American people.

So, Mr. Speaker, the House must now consider a return to the old rules. Despite the flaws in the old rules, we in the majority cannot and will not accept a Committee on Standards of Official Conduct held hostage for purposes of political gain.

Mr. Speaker, I encourage my colleagues to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, this resolution is long, long, long overdue. We should not have to be here today at all. We should not have to fix something that the Republicans broke for no good reason.

Let us be clear and honest about this. The ethics rules are not being reinstated today because suddenly the majority has had a change of heart. They are being reinstated because the American people have been outraged by Republican attempts to dismantle the ethics process. They have demanded that the House do the right thing. They have demanded that we restore the sensible, bipartisan procedure we used to have.

We have heard a lot of complaints from some on the other side about the politicization of this ethics process; but, Mr. Speaker, the partisan politics are coming from the other side. In fact, the Republican leadership is still playing politics.

In my hand is a copy of some of the talking points put out by the House Republican Conference on this rule change. Here are just a few samples of the poisonous rhetoric being put out today by the other side.

They accuse the Democrats of "questionable motives"; a "cynical attempt to corrupt the process"; "partisan hackery in the guise of 'good government.'"

These talking points have the audacity to claim that Republicans are now taking the high road. Hardly. Their low-ball tactics continue, and I will insert these into the RECORD at this point so the American people can see what is going on here.

RETURN TO THE RULES OF THE 108TH CONGRESS

Despite the best good-faith efforts of the Ethics Committee Chairman and the Republican Leadership, House Democrats have left no way to restart the ethics process without a full and complete return to the Rules of the 108th Congress. For the good of the House, an operating but flawed Ethics Committee is preferable to a more equitable, but non-operational Committee.

House Republicans stand by the changes made to the rules of the House at the outset of the 109th Congress, but believe it is more important for the institution to have a functioning Ethics Committee that may be flawed, than to have a more perfect, but non-operational Committee.

The three major rules changes made at the start of this Congress greatly increased the bipartisan nature of the ethics process, prevented the Ethics Committee from being used as a political tool, and ensured fairness for Members targeted by politically motivated charges.

The three changes—guaranteeing Members the right to be represented in front of the Committee by counsel of their choice, ensuring Members' right to due process, and eliminating the possibility that a charge could wind up "in limbo"—were opposed by House Democrats in a blatantly political attempt to use the ethics process for electoral gain.

Despite the questionable motives behind Democrat opposition to the rules changes, House Republicans worked to come to an agreement with the Minority in order to get the Ethics Committee up and running.

Unfortunately—but not surprisingly—each attempt by either the Republican Leadership or Chairman Hastings was rejected.

Chairman Hastings offered on numerous occasions to meet with Ranking Member Mollohan in order to craft a compromise, but was rebuffed. When he presented his written and signed guarantee addressing Mr. Mollohan's concerns, Minority Leader Pelosi called his good-faith effort "a sham" (Weekly Media Availability, April 21, 2005).

Just one week prior to Leader Pelosi's statement, Ranking Member Mollohan said: "We would proceed by our rules, not any other way" (Pittsburgh Post-Gazette, April 14, 2005).

The Democrat intransigence clearly indicates their intention to use the ethics process as a tool in their political arsenal. Their cynical attempt to corrupt the process by injecting political rancor is odious, and will be seen for what it truly is—partisan hackery in the guise of "good government."

But rather than let the Democrat "my way or the highway" strategy drag on, House Republicans have elected to take the high road.

By returning to the Rules of the 108th Congress, the House will once again have an operational Ethics Committee which, while flawed, will at least be able to begin functioning.

Unlike the obstructionist Democrats who would rather bluster about supposed abuses of power by the Majority than actually come to an agreement on ethics, House Republicans are committed to moving forward and protecting the integrity of the House.

Mr. Speaker, I hope that today marks a real return to an honest, bipartisan ethics process and not just an attempt to change the subject.

I hope that members of the Committee on Standards of Official Conduct will continue to work in a bipartisan way and that the leadership of the House will let them do that work, without pressure or intimidation.

I hope the committee will continue the tradition of nonpartisan, professional staff members.

Only time will tell. In the meantime, Mr. Speaker, I take comfort in the knowledge that the American people are watching very, very closely.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) has 13½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to the very distinguished gentleman from Moore, Oklahoma (Mr. COLE), who serves on both the Committee on Rules and the Committee on Standards of Official Conduct.

Mr. COLE of Oklahoma. Mr. Speaker, I rise to support this resolution because I am convinced that it is the right and proper way to address a tough partisan division that exists at this time. I thank the Speaker and the gentleman from Washington (Chairman HASTINGS) for their work in resolving this difficult issue.

As we move forward, Mr. Speaker, I think we would be well advised to operate according to the spirit of a statement once made by John Wesley, the founder of the Methodist Church. He said: "Differences that begin in points of opinion seldom terminate there. How unwilling men are to grant anything good in those who do not in all things agree with themselves."

□ 1945

Mr. Speaker, people of both sides in this dispute have acted honorably; however, many have questioned the integrity of those who disagreed with them on the substance of the questions at hand. It is my sincere hope that we do not question the motives and the intentions of the members of the Committee on Standards of Official Conduct as we go about our work. There has been far too much division and imputation of motives with respect to questions surrounding the Committee on Standards of Official Conduct and the rules by which it operates. That hurts the Committee, it reflects poorly on the House, and undermines public confidence in the institution.

Mr. Speaker, with that said, I commend the Speaker and the chairman of the Committee on Standards of Official Conduct for setting us on the path to providing this House with a functioning ethics committee and, therefore, I request all Members support this important rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. I rise in support of this resolution to restore the integrity to our ethics process and reinstate the standards of previous Congresses, standards which regrettably this Chamber chose to erode earlier this year. That action marked the first time in the history of the House of Representatives that our ethics rules were altered on a partisan basis.

Our constituents deserve a Congress that holds itself to the highest of standards. Many generations of our predecessors acknowledged the importance of this by having the Committee on Standards of Official Conduct be evenly divided between the parties, regardless of any electoral outcome, by working together in a bipartisan fashion, and by ensuring that neither party would be allowed to use partisanship and power as a shield against behavior that falls short of the standards our constituents expect and deserve.

With this action earlier this year, this Congress fell short of this standard. The ethics process must operate on a bipartisan basis to ensure that it functions in an evenhanded and just fashion, and it must be prepared to act without regard to party in order for the people of this country to have any faith in it. Simply put, this Chamber's ethics and the standards to which we hold ourselves must be put to a higher plane than any one political party.

We should never have reached this point, but with today's long overdue action, my hope is that the House of Representatives will correct that error.

Mr. Speaker, I want to thank my distinguished colleague, the ranking member of the Committee on Standards of Official Conduct, the gentleman from West Virginia (Mr. MOLLOHAN), for his determined and tenacious leadership on this matter. If it were not for his leadership and the leadership of others, it would have been all too easy for this to be ignored and the American people would not be seeing this victory. Had we not altered course, we could have done irreparable long-term damage to the institution that we all love. Instead, thanks to their efforts, we take much-needed corrective action.

Mr. Speaker, I urge my colleagues to support this much-needed resolution.

Mr. DREIER. Mr. Speaker, I yield 1¾ minutes to the gentleman from Madison, Ohio (Mr. LATOURETTE), a former member of the Committee on Standards of Official Conduct.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time, and, Mr. Speaker, I am a recovering member of the Committee on Standards of Official Conduct. I just want to tell my story briefly about a complaint that was pending last year.

When the complaint was pending, these good government groups indicated that I was unfit to sit in judgment because the majority leader had donated to my campaign over 10 years and I was corrupt. When I voted unanimously with my colleagues to send a couple of letters to the majority leader, I then possessed the wisdom of Solomon. When the Speaker replaced me on the committee with other members this year, I am now up for sainthood in a number of churches across the country.

I tell this story because what I think what the Speaker was attempting to get at, during the course of that complaint there were press conferences held by people, rather than letting the Committee on Standards of Official Conduct do its work. And the Speaker saw that one of the rules changes was, you know what, you cannot choose your own lawyer. Well, that is ridiculous, and I do not think any of us would stand for that in any other venue.

He also, during consideration of one of the complaints, found that two members, who did not even have any part of what allegedly was going on, received letters from the committee saying, your conduct is in question. He felt that due process was required in that situation, and I agree with him, and I think most people in this body would agree with him.

I would hope as we make these changes, and I want to commend Speaker HASTERT, because this is a magnanimous gesture on his part, it is tough to recognize and admit that maybe something was not done in an appropriate way and that we take a step back and do it, and Speaker HASTERT has had the courage to do that today.

But the next step, Mr. Speaker, I will tell you, is going to be that there will be a complaint filed against a Republican or a Democrat and there will be these outside interest groups that say, if it is against the Democrat, the five Democrats on the committee are trying to protect their buddy; or if it is against a Republican, that the five Republicans are attempting to protect their friend and their buddy.

I would hope as we make these changes, with the Speaker's blessing, that every Member of this House commit themselves to let the Committee on Standards of Official Conduct do their work, and we never impugn the integrity of the men and women who serve honorably.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank my colleague for yielding me this time, and since I do not need the full 2 minutes, I will be yielding back some time, but I just want to say to her and to everyone in this Chamber, that the ethics process needs to be bipartisan, and so it is so right to return the rules back to the way they were.

I believe that the gentleman from Washington (Mr. HASTINGS) and the gentleman from West Virginia (Mr. MOLLOHAN), the chairman and ranking members respectively, can work out whatever other differences that still remain. These are two good men.

And I also want to say that I have tremendous respect for Members of this Chamber from both parties for the good will and integrity they exhibit. I just think it is important for us to put this behind us and to move forward. It may be that on a bipartisan basis the chairman and ranking member and the full committee will come back with recommendations that this full body can consider.

It would be an absolute shame, I think, if the Committee on Standards of Official Conduct becomes a committee in which it is a place to just "get Members" and a place to score political points. And I hope and pray that it will be a committee that will see its primary purpose as maintaining the integrity of this Chamber and allowing us to all feel proud of what happens here.

So I thank my colleague for yielding me this time, and I think it was a mistake to have amended the rules and I am grateful that we are restoring them to the way they were.

Mr. DREIER. Mr. Speaker, I am happy to yield 1¼ minutes to the gentleman from Columbia, Missouri (Mr. HULSHOF), another former member of the Committee on Standards of Official Conduct.

Mr. HULSHOF. Mr. Speaker, I rise, gratefully, in support of this resolution, and applaud you, Mr. Speaker, for allowing it to come to the floor for consideration.

My colleagues, there are those beyond this venerable hall who would hope that this body would erupt in partisan ethical warfare. There may even be a handful of colleagues who have threatened ethical retaliation against another Member on the other side. There are others that, with tonight's vote, will try to claim some moral or ethical superiority because of the vote; and still others who will continue to seek some political advantage by taking the alleged improprieties of one Member and trying to tarnish the rest of that Member's party.

To those that I have described, you need not heed my words. But for the vast majority of my colleagues that I have not described, that are fair and decent and honorable and honest, I say to you, we need a functioning ethics process. Matter of fact, let me rephrase that. This institution requires a credible ethics process. The American public deserves that credible ethics process.

The integrity of this institution is at stake. The memory of those who have served, those that are going to come after us who serve, this resolution sets us back on the correct path. I urge its adoption.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York has 9 minutes remaining.

Ms. SLAUGHTER. And my colleague from California?

The SPEAKER pro tempore. The gentleman from California also has 9 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to my good friend, the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am not a member of the Committee on Standards of Official Conduct, nor have I ever been, nor do I ever want to be. I think we need to laud the members on both sides of that Committee.

The other side knows me as being very frank. I speak an open mind. My perception of the rules changes, and I think the perception of many of my colleagues, is that they were made because we felt there were partisan attacks against our leadership. I know most of the members on the Committee on Standards of Official Conduct, and I consider them friends.

Even during the time of Newt Gingrich, I thought the Committee on Standards of Official Conduct did a credible job, but we felt that David Bonior was being partisan. We also felt that part of the Democrat leadership was directing partisanship on this committee.

Now, maybe the rule was wrong, but we think also the partisanship is wrong. Using Mr. HOYER's words, if we want a truly effective ethics committee, and I believe in my heart that most Members in this body want that, so I hope that that can happen. I pray that that can happen because we do not want a Hatfield-and-McCoy scenario. It would do disservice to this body.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to the gentlewoman from Hinsdale, Illinois (Mrs. BIGGERT), a very hardworking member of the Committee on Standards of Official Conduct.

Mrs. BIGGERT. Mr. Speaker, I rise to urge my colleagues to vote for this resolution, not because I think it is a good resolution, but because I think it is the lesser of two evils. What is the first evil? Well, those on the other side of the aisle claim it was the process by which the rules were changed last January. Perhaps they are right. As a member of the committee, I happen to believe that the changes were good ones, but perhaps we will look at that on another day in a bipartisan way.

But we should make no mistake about it: The greater evil by far is in not allowing the ethics committee to meet and do its job. And why do I say this? It is because without a functioning ethics committee, some Members will be tried in the press by partisan interest groups or by innuendo and accusation instead of by facts and due process. At the same time, complaints against other Members will go unresolved and uninvestigated. That is not right.

My point is that an ethics committee was not created for one particular Member of Congress, it was created for all of us and for the good of this body. As a three-term member of the Committee, I have great respect for both the Republican and the Democrat members with whom I have served on the committee. Peer review is never easy, and it is impossible if we are not allowed to leave politics and partisanship at the door.

I commend the chairman, the gentleman from Washington (Mr. HASTINGS), for his hard work and perseverance. He inherited a challenge, acted as an honest broker, and did everything possible to resolve it. I also commend the leadership of Speaker HASTERT on this issue.

I urge my colleagues on both sides of the aisle to vote "yes" to send us back to the table to do the jobs we have been assigned to do for this great body.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to my very good friend, the gentleman from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, once again today, the Speaker of the Whole House, the gentleman from Illinois (Mr.

HASTERT), has proven that he is a decent, fair, humble, and, today, magnanimous person, putting the institution first.

The truth is neither party has an exclusive on integrity or ideas. There are good and decent people in both parties. But we are not your enemy. Al Qaeda is our enemy. We are competitors. We need to stick together and pursue unity and reconciliation. Sometimes that means setting your own beliefs aside, which the Speaker did today for the purpose of the institution, holding it up above our own view of how things should be done.

I have spoken out when I thought we were going in the wrong direction, but in this case I, frankly, think the rules proposals were reasonable. And if one Member's foot was not in a snare today, I think a lot of Members over here would have agreed to them. But that is not a discussion point anymore.

I appeal to both sides. Let us make sure that this ethics conflict does not turn into a circular firing squad. It is not in our country's best interest and it is not in this institution's best interest. Let us pursue, as much as we can in the competitive battles we fight on ideas and our agendas, let us pursue reconciliation and unity, especially when it comes to the ethics of this great institution, putting it above either party's political agendas. It will serve our country well, and the Speaker should be commended.

□ 2000

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding me this time.

Some people may say the majority party is in full retreat, that we were wrong in processing substance with the new rules. Well, that is incorrect. The new rules were fair and just, and according to the rules of the House, were passed by a majority vote.

Where the fault lies is with those who use the ethics rules for pure political attacks, those who use the failure to act as an attack against one Member. The opposition claims these existing rules are unethical. That is also incorrect. What is unethical is to unjustly smear someone in order to destroy their character.

Mr. Speaker, I think that is the attempt here, to unfairly attack one Member and use the House rules to do so. I admire the efforts of the gentleman from Illinois (Mr. HASTERT) because I think the gentleman has gone above and beyond the call of duty to go back to the previous set of rules so we can move the process forward and continue the hard work, the successful work of the Republican-controlled House.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, some in the minority are obsessed with the vanity of power and they will hatchet the ethics process and people. I have taken down some of the words used here tonight by the minority: tarnish, gutted, subverted, destroyed, flawed, violated. What are they talking about? I am unceasingly amazed and gravely disturbed by the torrent of darkness caused by what I will refer to as false prophets of justice engaged in ignominious conduct. It is called the politicalization of the Committee on Standards of Official Conduct, and it is wrong.

I have been a victim of a vicious political attack and gone before the Committee on Standards of Official Conduct. I will assure Members, having been brought before the Committee on Standards of Official Conduct, and I was fortunately cleared by unanimous vote, but when another Member wants to make a partisan attack and go before the committee, that is wrong. So we are engaged in this session to clarify it. I supported the changes.

Mr. Speaker, to the American people, what are we talking about: the right to counsel, due process, notification, bipartisanship. That is what I demand. That is what I want, and I am going to vote against this.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, my sister says of our four siblings, I may be the only true optimist. I am like the kid who got the horse manure for Christmas, and all he could do is run around asking, Where is the pony?

In this body on this issue when we look through and sift through the piles and piles of rhetoric, and we look at just the rules, the rules were fair. They are not perfect, but they are better than what was there. I was not familiar with the process they went through, but the right to know you are being investigated, you would want to know that. The right to due process, the concept of a speedy trial and speedy disposition. Members want to talk about partisanship, if it a 5–5 split, that is partisan. The only way we can get bipartisan is if we make it a 6 vote to go forward with an investigation. That is bipartisan. I thought they were good rules when I voted for them the first time. I hope we can move on. I am going to vote for them again. I think they are more fair.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the minority leader of the House.

Ms. PELOSI. Mr. Speaker, I commend the gentlewoman from New York (Ms. SLAUGHTER) for upholding a high ethical standard in the House, and I rise in strong support of the resolution before us.

Mr. Speaker, this is a great day for the American people. Across the country they have spoken out and editorial boards have reflected their views throughout our nation that not any one of us is above the law. No Member of Congress is above the law.

I come to this podium as the House Democratic leader, but I also would note that I bring to my office that I serve in now and to this podium the experience of serving on the House Committee on Standards of Official Conduct for 6 years, and an additional 7th year to be part of the Livingston task force. Mr. Livingston, a Republican Member, chaired our committee, and the gentleman from Maryland (Mr. CARDIN) was our ranking member on the task force that wrote the rules that we have been talking about this evening.

They were very important. We came together in a bipartisan way, hammered out all of the challenges that Members proposed, and came up with bipartisanship. When we did that, we were acting in the tradition of the Committee on Standards of Official Conduct in the House of Representatives, bipartisan in nature in terms of writing the rules and in implementing them.

My friends, we all should be deeply indebted to all of the Members who have served on the bipartisan Committee on Standards of Official Conduct. Anyone who has served on it will tell Members it is not an easy task, and one that any one of us would like to avoid. It is very hard to pass judgment on your peers.

What I learned on the committee was that there are only three things that matter in the discussion: the facts, the rules of the House, and the law of the land. Anything else, discussion, hearsay and the rest of it was irrelevant to the decision-making. So in a bipartisan way, friendships were developed, we worked together. Members are down in the lower levels of the Capitol for long, long hours; and it was sometimes very difficult and sad to make those judgments. We deliberated; we exchanged ideas. Indeed, we even prayed over our decisions because we knew what impact they would have on the lives of our colleagues.

In short, we took our responsibility to act in a bipartisan way very, very seriously. And so should the committee regarding the rules that we will be returning to now. They should be taken in the most serious way. I hope when we vote on these rules tonight, we will have a big vote and that big vote will show not only our support for this resolution but our respect for the Committee on Standards of Official Conduct and its need to act in a bipartisan way.

One concern that I do have that has not been addressed is something that has happened not by a rules change but by a practice, a one-time practice.

Mr. Speaker, this book is called the "House Rules and Manual," and it determines how we function in the House and how each of the committees functions. This rule says here: "All staff members shall be appointed by an affirmative vote of a majority of the committee." The rules governing staffing have been the standing rules of the House since the bipartisan task force recommendations were adopted in the 105th Congress, in the 106th Congress, the 107th Congress, the 108th Congress, and they are indeed the rules of the House now even without action being taken tonight.

Central to a bipartisan upholding of a high ethical standard is nonpartisan staffing of the Committee on Standards of Official Conduct. Certainly the Chair and the ranking member have their staff person for liaison purposes to the committee, but the work of the Committee on Standards of Official Conduct must be done in a nonpartisan way. Those are the rules of the House. They must be upheld. They have been departed from in this Congress.

I would hope that it is implied in what we do here that the intent of Congress is to obey the rules of the House. If any Member has a different view of the intent of Congress regarding the hiring of staff for the committee in a nonpartisan way, I think that Member should speak up now because the intent of Congress should be clear, unequivocal, and not controversial.

I want to commend those that served during the 108th Congress, and especially the gentleman from Colorado (Mr. HEFLEY); and I agree with the gentleman from Colorado (Mr. HEFLEY) whole-heartedly: if there are rules changes that need to be made, let us subject these rules to the scrutiny that Members feel they should have, and let us do it in a bipartisan way.

In fact, on at least two, maybe three, occasions, I have brought that very proposal to the floor in a privileged resolution by saying, "let us form a bipartisan task force to examine the rules and see how we go forward." We can still do that, but we cannot do it until these rules are in place for the committee to function and then to review them.

I commend the gentleman from West Virginia (Mr. MOLLOHAN) and am so proud of the dignified, serious way he approached his responsibilities to upholding a high ethical standard. And the gentleman from Washington (Mr. HASTINGS) is absolutely right, we will not compromise ever on the integrity of the House. I support the gentleman's statement and associate myself with the gentleman's statement in that regard.

And as we return to bipartisanship in upholding a high ethical standard in the House, let us also heed the voice of the American people who want us to return to bipartisan cooperation in growing our economy so we can create good-paying jobs in our country. Let us expand access to affordable health care for all Americans. That is what the American people want us to do. Let us work in a bipartisan way to broaden opportunities for our children so no child is left behind and so our children can go to college without going into crushing debt.

Let us listen to the American people who want us to work in a bipartisan way to truly protect our homeland, to strengthen Social Security; and let us listen to the American people when they say, "we need relief at the pump now. We cannot pay these high prices at the pump. We cannot pay these high prices at the pharmacy."

I contend that ethics impact policy. Certainly a high ethical standard is its own excuse for being. Integrity of the House should be unquestioned, and part of our responsibility is to uphold that ethical standard. But ethics does impact policy. The American people must believe that we are working in this House in the public interest and not in the special interest. A higher ethical standard is essential to creating policy which is consistent with our values.

And so I support this resolution, and I urge our colleagues all to vote for it and hope that the strong vote that it will receive will not only speak to the resolution but speak to the respect that we all have for the ethics process, for the Committee on Standards of Official Conduct, for upholding a high ethical standard, and for saying not any one of us is above the law.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the distinguished minority leader just made a very compelling case for the bipartisan legislative accomplishments that we have had in this House in the past few months.

We have had between 41 and 122 Democrats join with Republicans in passing legislation dealing with bringing the price of gasoline down by passing the energy bill, passing bankruptcy reform, passing the class action bill, passing Continuity of Congress legislation, and making sure that we deal with a wide range of concerns the American people want us to address. Unfortunately, the minority leader did not vote for any of those pieces of legislation, along with that large number of Democrats.

We are going to deal in a bipartisan way with the ethics issue. We feel strongly that we were absolutely right in saying that Members should be entitled to choose their own lawyer and absolutely right in saying that there should be due process, and we were absolutely right in saying that Members should not be left out hanging, there should be a resolution to their case.

But the gentleman from Illinois (Mr. HASTERT) has in his wisdom said it is very important for us to move ahead in a bipartisan way to do what those editorial boards correctly say should happen: we should be able to have a Committee on Standards of Official Conduct that works. That is what we believe is the right thing to do. I take my hat off to the gentleman from Illinois (Mr. HASTERT) for stepping up to the plate and making it clear that is just what we should do. Vote for this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 20, answered "present" 1, not voting 7, as follows:

[Roll No. 145]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez

Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Barton (TX)
Blackburn
Burgess
Burton (IN)
Buyer
Carter
Cubin
Culberson
Gillmor
Gohmert
King (IA)
McHenry
Otter
Pence
Poe
Price (GA)
Simpson
Thornberry
Tiahrt
Weldon (FL)

ANSWERED "PRESENT"—1

Souder

NOT VOTING—7

Boucher
Brown, Corrine
Lee
Rothman
Waxman
Westmoreland
Wicker

□ 2040

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 241, House Resolution 240 is adopted.

The text of H. Res. 240 is as follows:

H. RES. 240

Resolved, That clause 3 of rule XI of the Rules of the House of Representatives (relating to the Committee on Standards of Official Conduct) is amended as follows:

(1) Subparagraph (2) of paragraph (b) is amended to read as follows:

"(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

"(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner; or

"(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that he believes the information is submitted in good faith and warrants the review and consideration of the committee.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Standards of Official Conduct, the chairman and ranking minority member shall establish jointly an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

(2) Paragraph (k) is amended to read as follows:

"*Duties of chairman and ranking minority member regarding properly filed complaints*

"(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

"(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

"(B) establish an investigative subcommittee; or

"(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

"(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

(3) Paragraphs (p) and (q) are amended to read as follows:

"*Due process rights of respondents*

"(p) The committee shall adopt rules to provide that—

"(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

"(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

"(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

"(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

"(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

"(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

"(5) a respondent shall receive written notice whenever—

"(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

"(B) a complaint or allegation is transmitted to an investigative subcommittee;

"(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

"(D) an investigative subcommittee votes to expand the scope of its investigation;

"(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

"(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

"(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

"*Committee reporting requirements*

"(q) The committee shall adopt rules to provide that—

"(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

"(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

"(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

"(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

"(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

"(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

"(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.".

DEMOCRATS SHOULD REFOCUS EFFORTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the American people elected us to represent their best interests, and Republicans in the 109th Congress are fulfilling their duties. In only 4 months, Republicans have made real progress in decreasing the deficit, strengthening America's borders, preventing frivolous lawsuits, improving our highways, and providing our country with a comprehensive energy policy.

Unfortunately, in an effort to obstruct the successful Republican agenda, House Democrats have dedicated their time and energy to play politics and obstruct Republican Members of Congress.

Last week, Republican Members of the Committee on Standards of Official Conduct agreed to impanel a formal investigation into the recent allegations regarding the majority leader. Today, the House considered another proposal to address this issue.

House Democrats prefer to attack our effective majority leader, the gentleman from Texas (Mr. DELAY), instead of allowing Congress to hold an open and honest discussion on this issue. I am disappointed by their actions and hopeful that Democrats will refocus their efforts on providing real solutions for the American people.

In conclusion, God bless our troops, and we will never forget September 11.

TRAVEL RESTRICTIONS TO CUBA AFFECTING AMERICAN TROOPS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, we heard the last speaker say "God bless the troops."

I want to tell you the story of a man named Carlos Lazo. He is a Cuban-American. He joined the military. He served honorably in the National Guard in the State of Washington. He spent a year in Iraq as a medic in Fallujah, the most violent area of Baghdad or all of Iraq.

When he came back he thought, Maybe I would like to go see my children. So he went and applied for a visa to Cuba, and he was told, Well, we are sorry, you went in 2003. You can't see your children until 2006.

Now, we are out here passing these ridiculous resolutions about how the Cubans act about travel. Why can Carlos Lazo not go and see his children?

I write a letter to OFAC up at the Department of Treasury. They do not even answer my letter. They give no justification for why a man who served cannot see his kids. And guess what? He is going back to Iraq. That is how much we respect the military in this country.

Somebody ought to act on his behalf. The Republicans have control of this Congress. They have control of the White House. And Carlos cannot see his kids. Some democracy you are selling in Iraq.

CONGRATULATING COACH GENE MAYFIELD ON HIS INDUCTION TO THE TEXAS HIGH SCHOOL FOOTBALL HALL OF FAME

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I rise tonight to congratulate Coach Gene Mayfield on his induction into the Texas High School Hall of Fame. On May 7, 2005, Coach Mayfield will be inducted into the Texas High School Hall of Fame.

Coach Mayfield was a master at turning mediocre football programs into State title contenders. A graduate of Quitaque High School, Mayfield played quarterback for Coach Frank Kimbrough at West Texas State University. In 1950, Mayfield led his team to a Border Conference Championship and a win over the University of Cincinnati in the 1951 Sun Bowl. After serving as Kimbrough's assistant for two seasons, Mayfield accepted the job at Littlefield High School, where his teams advanced to the Texas State semi-final games in 1954 and 1956.

Coach Mayfield began rebuilding the football program at Borger High School in 1958 with a district title in his first season. His 1962 squad was undefeated until losing the Texas State championship game to San Antonio Brackenridge 30 to 26.

In 1965, the "Father of Mojo" took over an Odessa Permian team picked to finish last in the district. The Panthers went on to win the Texas State championship, beating San Antonio Lee 11 to 6. Mayfield's teams also advanced to the title game in 1968 and 1970.

Mayfield left Odessa Permian and took the West Texas State University job in 1971. He finished his coaching career at Levelland High School.

Coach Mayfield posted a career high school record of 156 wins, 35 losses and 4 ties. While his teams were very successful, Coach Mayfield's greatest accomplishment was the influence he had on the lives of the young men he coached. He instilled in all of us the value of hard work, responsibility, discipline, and being prepared. Coach Mayfield left a lasting impression on everyone he coached.

I credit much of my personal success to his influence on my life during these years since 1965.

Congratulations, Coach Mayfield, on a life well led.

WELCOME HOME TENNESSEE NATIONAL GUARD FROM McNAIRY COUNTY, TENNESSEE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I would like to welcome home some of our Tennessee Army National Guard, our friends and neighbors from McNairy County who were deployed in 2004.

America relies on men and women who are willing to give of their time and effort and energy to defend our great Nation. These are men and women of courage and bravery, and that is what each individual has done. They have defended this Nation; they have defended our freedom.

I know the Tennessee National Guard Family Group Service of McNairy County has done a great job coming together to support the men and women in uniform and working to be sure that the families of those deployed had the help that they needed.

Mr. Speaker, McNairy County really has been a model community in this effort, and I hope all of my colleagues will join me in congratulating them and welcoming home their loved ones in the Tennessee Army National Guard.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take this time for my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the second day of the Article 32 hearing for Second Lieutenant Ilario Pantano, a marine who I have talked about at great length who has served our Nation bravely in both Gulf Wars.

In an action of self-defense a year ago, Lieutenant Pantano made a split-second battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two and one-half months later, a sergeant under his command, who never even saw the shooting and who was earlier demoted for his lack of leadership abilities, accused him of murder. Because of that, Lieutenant Pantano today continues to face an Article 32 hearing where a hearing officer will determine whether he will face a court-martial for two counts of premeditated murder.

Mr. Speaker, today's hearing came to a halt when it became apparent that Lieutenant Pantano's accuser, Sergeant Coburn, had recently violated his superior's orders not to give interviews on this case. The defense showed that he has interviewed with many media outlets. Just last week, New York Magazine ran a cover story on this case with multiple quotes from Sergeant Coburn. It is clear that his testimony cannot be considered credible.

What is happening to this young man is an injustice. I see absolutely no way these charges can move forward any further when the accuser and key witness in this case is an individual who did not see the incident, has continually disobeyed orders, and who has clearly made it his mission to defame the character and integrity of a superior who demoted him for poor performance.

Lieutenant Pantano has served this Nation in great honor. My personal experience with him and his family convinced me that he is a dedicated family man who loves his Corps and his country. By all accounts, he was an exceptional marine.

I hope that in the next day or two as these hearings end, the hearing officer comes to the same conclusion that I and many like me have come to, that Lieutenant Pantano should never have been charged in the first place, and that all charges against him are dropped. I hope and pray that the truth will prevail.

Mr. Speaker, I have put in a resolution, House Resolution 167, to support Lieutenant Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. But, most of all, I hope it is not necessary for us to discuss this further after this week.

I close with a quote from a witness in today's trial, Navy Corpsman George "Doc" Gobles, who was present during the shooting, but did not actually see anything. He did, however, testify to the character and leadership of Lieutenant Pantano. When he was asked about Lieutenant Pantano on the stand earlier today, he said, "I just felt a sense of security when a situation arose, I knew he would be able to take care of it. I felt the safest with this platoon, more than any other platoon in our company, more than anything because of Lieutenant Pantano and his leadership."

Mr. Speaker, as I close I want to mention that his mother, who is a wonderful lady from New York whom I have had the pleasure of talking to on several occasions, has set up an Internet Web site. It is www.defendthedefenders.org, and I would ask my colleagues to please look into this and join me on House Resolution 167. I ask the good Lord in heaven to please bless Lieutenant Pantano and his family, and I ask the good Lord to please bless all of our men and women in uniform and their families, and I ask God to please bless America.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–60) on the resolution (H. Res. 242) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REAL SOLUTIONS FOR IMMIGRATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to continue my ongoing efforts to offer real solutions to fix our immigration system and to highlight the real contributions of our Nation's immigrant community.

Last week, we talked about CNN's Lou Dobbs and his "Broken Borders" segment. We talked about how Mr. Dobbs uses his show to offer a venue to anti-immigrant extremists. We talked about how, between all of his regular guests, one would be hard-pressed to find a solution to the challenges we face, because they would rather demagogue and divide than offer tangible ideas or pragmatic proposals. I guess they think it is better for ratings, better for raising money for their organizations, or better for riling up their membership.

Well, let me say this: It is not better for America. It is not better for America to do nothing about an immigration system that hurts families, hampers businesses, and harms communities.

So, this evening, I thought we could continue our discussion on mending borders, and I thought we could do it by answering a few questions that Mr. Dobbs left unanswered at the end of his show last week.

Let me start with Ray from Michigan's comment. Ray wrote the following to Mr. Dobbs: "Isn't hiring illegal aliens just another way to outsource labor? The money doesn't stay in the United States."

Well, Ray from Michigan, since Mr. Dobbs did not refute the inaccuracy of your statement, let me point you to a recent study by the Inter-American Development Bank.

According to the study, approximately 16.7 million U.S. workers born in Latin America had a combined gross income of $450 billion last year, of which 93 percent was spent locally. That means billions of dollars spent at local stores for local services, that means hundreds of thousands of jobs created. Just look at Chicago. According to a study by the Center For Urban Economic Development at the University of Illinois, the estimated 220 undocumented immigrants in the Chicago area alone added $5.5 billion to the local economy, creating more than 31,000 jobs.

So I would simply and respectfully say to Ray from Michigan that immigrants make enormous contributions to our economy and to our communities, and we should work together to create a system that allows them to come out of the shadows and work here legally, safely, and humanely.

Now, let's go to Judy in Belvedere, Illinois. Judy wrote the following to Mr. Dobbs: "I feel like this country is finally waking up to the fact that the illegal population is draining our country of millions of taxpayers' money."

Let me respond with a few points, the first being that all immigrants pay taxes, income taxes, property taxes, sales taxes, gasoline taxes, cigarette taxes, every tax when they make a purchase. As far as income tax payments go, sources vary in their accounts, but a range of studies find that immigrants pay between $90 billion and $140 billion in Federal, State, and local taxes.

And let us not forget the Social Security system. Recent studies show that undocumented workers sustain the Social Security system with a subsidy as much as $7 billion a year. Let me repeat that: $7 billion a year.

Mr. Speaker, I know I have provided a lot of facts and figures this evening, so let me close with a newspaper quote describing immigrants: "These people are by their nature unruly and not fit for civil society and government. We have little hope of containing them, other than by force of law."

Somebody writing to Lou Dobbs? No. The source of the quote, an editorial in the esteemed New York Times. In their defense, it was in 1895.

And what unruly, ungovernable misfits was the New York Times writing about? Italian immigrants.

Now, my point in reading this quote is not to be critical of the New York Times or, let me be clear, to say anything disparaging about Italian immigrants.

My point, I hope, is obvious.

Uncertainty and fear and ignorance about immigrants, about people who are different, has a history as old as our Nation. Boston and Philadelphia papers in the early 19th century editorialized against the Irish who they said were ruining our Nation, for the only real Americans, those, of course, being of English ancestry. It is not new or unusual for the real Americans, meaning those immigrants who came to America a little bit longer ago, to fear the outsiders, the pretenders, the newcomers. But I think we have an obligation to set the record straight.

Because the truth is, today's immigrants, as they have for generation after generation, work the longest hours at the hardest jobs for the lowest pay, jobs that are just about impossible to fill. They pick our fruit, they care for our children and elderly, they change bedpans, they clear our tables and wash our dishes. And they do those jobs not because they want to take away anything from America, but because they want to give their skills, their sweat, their labor, for a better life and to help build a better America, just as those who came before them.

I hope we in this body can work in a bipartisan manner to ensure that our immigration system can better reflect their contributions.

ETHICS DISCUSSIONS IN WASHINGTON, DC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, we are hearing a lot about ethics these days, ethical problems, ethical controversies. Why is ethics coming up as a topic of discussion here in Washington, DC? It is because the Democrat leadership has led their party on a campaign against our Republican majority through what I believe is a conspiracy of character assassination and misleading attacks.

Let me quote this week's U.S. News and World Report. Democrat strategists, confident that voters are increasingly fed up with the Republican establishment, are planning an all-out attack on what they call the "abuse of power" by Republicans. Democrat strategists, Mr. Speaker. Those folks who live and crawl around the basement of the Democrat National Committee and the DCCC, they see ethics as a way that might be able to gain them a few congressional seats.

I can tell my colleagues why they are doing this. It is because in the last 2 election cycles, Democrats, their agenda, their leaders, their ideas, or lack thereof, are going nowhere. They lost six U.S. Senate seats. They have posted double digit losses in the U.S. House of Representatives races. They are sitting back and trying to obstruct as Republicans pass tax relief. In fact, in just this Congress, we eliminated the death tax, the double taxation of inheritance. They watched as the Republicans passed an energy policy to keep and lower gas prices. They tried to obstruct class action lawsuit reform which Republicans passed to protect small businesses and individuals from the frivolous lawsuits of ambulance-chasing trial lawyers. They sat back as we passed comprehensive bankruptcy reform. And they are losing their own Members on these votes.

Mr. Speaker, over 70 Democrats have abandoned their leadership, their Democrat leadership to support a Republican bill on bankruptcy reform. Forty-two Democrats bolted their leadership, their left-wing leadership to support the permanent repeal of the death tax. Forty-one Democrats abandoned their leadership on energy policy, because they see that our ideas are better than their party's. A whopping 50 members of the Democratic Caucus abandoned their leader, the gentlewoman from California (Ms. PELOSI), on class action lawsuit reform. The Democrat Party is hemorrhaging. They are hemorrhaging.

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So how does the leadership fight back, when they cannot even win their own rank-and-file members? How do they fight back? It is by baseless, senseless attacks and character assassinations, that is how. Let me quote an article that ran in a January issue of the New Republic, a liberal left wing magazine. The article is called "How the Democrats Can Overthrow the House." And I quote: "Democrats should consider fighting back by extraparliamentary means, going beyond the standard perimeters of legislative debate and attacking Republicans not on issues but on ethics. Character. In other words, it may be time for Democrats to burn down the House in order to save it."

Not my words, Mr. Speaker. This is the liberal strategy for taking control of this House of Representatives. Burn down the House. Burn down this institution. That is the Democrats' plan. They are willing to tear down this very institution so they can gain raw political power. We have seen this before, and that is why you are hearing all of this about House rules and ethics.

But here is the deal. Democrats want to apply the rules, Mr. Speaker. They do. They just do not want to apply the rules to themselves. Consider the Democratic leader, the gentlewoman from California (Ms. PELOSI). She called for an investigation of the House majority leader, our Republican majority leader, for alleged irregularities for his travel records.

But ABC News reported last night that members of her very own Democrat leadership staff have not properly disclosed their own travel forms. Not just once. Not just twice. But a dozen times. The gentlewoman from Ohio (Mrs. JONES) who is a member of the ethics committee, Mr. Speaker, the gentlewoman is a member of the ethics committee, she went on a trip to Puerto Rico. I do not blame her for wanting to go on a nice trip. The gentlewoman from Ohio went on this with the gentlewoman from California (Ms. PELOSI) herself, as well as a number of other Democrats.

According to ABC News last night, the gentlewoman from Ohio (Mrs. JONES) said the incident was paid for by a registered lobbyist, while the gentlewoman from California (Ms. PELOSI) said it was paid for by a different organization.

Then, the gentlewoman from Ohio (Mrs. JONES) went back and amended her forms to say that the lobbyist did not pay for it. But you know what? Two other Democrats that went on that trip did not even disclose their travel. Did not even disclose it. When asked, one Member told the Washington Times, this happened 4 years ago; I am not sure why this is even relevant. Wow.

Do you hear hypocrisy? This is the pot calling the kettle black.

The SPEAKER pro tempore (Mr. CARTER). The time of the gentleman has expired.

POINT OF ORDER

Mr. ISRAEL. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ISRAEL. Mr. Speaker, is the gentleman allowed to make allegations, false allegations about another Member on the floor of the House during this time?

Mr. McHENRY. Mr. Speaker, if I may address this, these are not false allegations

Mr. ISRAEL. Mr. Speaker, I would appreciate a ruling.

Mr. McHENRY. I am reporting what ABC News reported.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. McHENRY. This is reported in the press.

The SPEAKER pro tempore. The Chair will remind all Members to refrain from arraigning the conduct of other Members. The gentleman's time has expired.

Mr. McHENRY. Mr. Speaker, it is in reference to a reported incident that is covered by ABC News.

The SPEAKER pro tempore. The gentleman's time has expired.

SMART SECURITY AND THE TSUNAMI OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, those watching C–SPAN right now probably are wondering what they are watching. They probably think it is a circus. But they are pretty familiar with the 5-minute speeches that Members of Congress deliver each day after the House of Representatives wraps up its legislative session.

Some critics and political opponents may claim that these nightly speeches serve little purpose, and sometimes they do serve little purpose. It is hard to accomplish much in 5-minute increments, they say.

But because half of the American people are not being represented by the Bush administration's shameful and threatening foreign policy, and half the American people are not receiving the representation they deserve from the Republicans in Congress, those who cower to the President's every demand when it comes to funding the illegal, ill advised and dangerous war in Iraq, I come here nightly so that I can discuss that very issue, the issue of the war in Iraq. That issue says to me that we need to change the way we think about foreign policy if we hope our country will survive the threat of global terrorism from fanatical groups like al Qaeda.

That is why next week I will reintroduce the SMART Security Resolution for the 21st Century, legislation that provides a positive alternative to the Bush doctrine of unilateralism and preemptive war. SMART Security addresses the threat of terrorism and nuclear security by augmenting and encouraging diplomatic efforts with other nations.

We need to address the threats we face through international cooperation, not war, because the military option does not solve our problems.

Only by promoting an effective national security strategy that is based on conflict prevention, diplomacy, multilateralism, and nonproliferation can we truly secure America for the future, while at the same time holding on to the liberties and values that make this country so very great.

Many of my House colleagues have stood with me in urging a new and smarter American foreign policy. Fifty Members of Congress cosponsored the SMART Security resolution during the 108th Congress, and my staff and I will work to ensure that this number increases in the 109th Congress.

But Members of Congress are not alone in this effort. Many of my constituents get it too. I am incredibly privileged to serve as the voice in Congress for the people of Marin and Sonoma counties, just north of the Golden Gate Bridge, which comprises California's 6th Congressional District.

My constituents get democracy as well as anyone else in the country. In last November's election, for example, a record 89½ percent of registered voters turned out to vote in California's 6th district; 91.1 percent turned out in my hometown of Petaluma, California.

That is why I quote them, and I want to quote Marge Piaggio, who lives in Fairfax, California. She called my office earlier this month to say that what the world needs is, and I am quoting her pretty liberally here, but she said what the world needs is a "peace tsunami." The tsunami analogy might sound like an odd idea at first, but I think Marge is on to something. It is about time, she said, and I agree with her, that we washed over the war machine and cleaned up our political system.

Of course Congress will need the help and the support of citizens of the United States in this effort. And another one of my constituents, Jean Walz of Santa Rosa, wrote because she realizes that there is an important role that she and others like herself can play in helping to end the war in Iraq.

In reference to my nightly 5-minute speeches, Jean wrote the following in an e-mail, and I quote her: "If you can do this each night, so can I. I will send an evening missive each and every night to my local elected representatives to please stop this war in Iraq."

Everyone in this country, Mr. Speaker, who opposes the Bush administration's dangerous current path can emulate Jean Walz's heroic efforts to influence her local representatives. Then we will have peace in the United States between ourselves and other countries.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian genocide and to commend the Armenian Caucus co-chairs, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from New Jersey (Mr. PALLONE), for again encouraging their colleagues to remember this solemn occasion.

April 24 marked the beginning of this systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. Over the next 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile.

The U.S. Ambassador to the Ottoman Empire during the genocide vividly documented the massacre of the Armenians by stating: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

As this crime against humanity was being committed, the United States led the world in attempting to end the slaughter and to save those who survived. American intervention prevented the full realization of the Ottoman Empire's genocidal plan, and U.S. humanitarian assistance was extended to those who survived.

While the U.S. record on the Armenian genocide is the most expansive in the detail of its coverage of the events of 1915 to 1918, the official records of many other countries, Austria, France, Germany, Great Britain, Italy, and Russia corroborate the evidence gathered by U.S. diplomats.

Therefore, it is important for our government to reaffirm its own record on the Armenian genocide and to assure that the relevant historical records are preserved. By keeping memories alive through history, we will prevent other instances of inhumanity from occurring.

As an ardent supporter of New Hampshire's Armenian community, I would like to pay particular respect to hardworking individuals within my State. Mr. Mike Manoian and Mr. John Aranosian have long advocated on behalf of the Armenian-American citizens in New Hampshire, and their efforts have resulted in the increased awareness and understanding of Armenian interests. I applaud that dedicated work and greatly appreciate their strong commitment. As a proud member of the Congressional Caucus on Armenian Issues, I will continue to encourage my colleagues to honor the memory of those Armenians who suffered and perished nearly a century ago.

EXCHANGE OF SPECIAL ORDER TIME

Mr. ISRAEL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMEMORATION OF THE 60TH ANNIVERSARY OF AUSCHWITZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, in January I attended the commemoration of the 60th anniversary of the Auschwitz death camp in Poland. This month and over the next several weeks, the world will pause and reflect on the 60th anniversary of the liberation of so many Holocaust death camps and, in fact, the drawing to a close of the Holocaust.

Every day the memory of the Holocaust diminishes as survivors find their eternal rest. And that is why it is so profoundly important that we teach the lessons of the Holocaust to our young people, to generations who become more and more removed and more and more distant from that gruesome experience.

I recently received a poem from a very bright young woman who met with a survivor from Auschwitz named Josephina Prins. I want to read this poem on the floor of the House because it shows just how powerful that experience was, bridging the divide of generations and making one of histories most unfathomable tragedies real for a 13-year-old girl named Ophelia Snyder. The poem is entitled "The Miracle, Josephina Prins."

They called you a number,
A thing.
They called you an animal.
You were a star.
You were a Jew.
They treated you like a smudge,
Like an object.
You are a person just like us.
Prick your finger.
What comes out?
Ask a friend.
What comes out?
Red blood.
We are all the same.
Then why,
Why did you seem so different?
Why are you not treated the same?
Are you not flesh?
Are you not blood?
Does your heart not beat?
Are we not the same?
74937.
You are special.
But then you are the same.
74937.
P-R-I-N-S.
Let that name live forever.
Even in the darkest night.
Let those letters shine with the hope of others.
Let her memories live forever.
Let her life inspire.
Let others remember.
And let us never forget.
P-R-I-N-S.
Josephine Prins.
The Jewel.
The Jew.
A miracle.
By the girl who met the miracle.

—*Ophelia B. Snyder.*

Ms. Snyder is 13 years old, but she teaches lessons that are, in fact, eternal.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Ohio (Mr. PORTMAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEFINITION OF HYPOCRISY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker. Webster's Dictionary defines hypocrisy as a false pretension to personal qualities or principles not actually possessed.

Politicize is defined as to make the subject a political discussion or dispute. Progress is defined as moving forward, advancing, developing.

Now, of those three words, I can pick out two that occur regularly in this Chamber as the minority party perfects its blocking maneuvers. Unfortunately, it is not progress.

Let us talk about hypocrisy. Four Members of the minority party took the same trip with the foreign agent that the Democrats keep crowing that the majority leader took. Another Member of the minority party filed travel papers clearly stating that a lobbyist paid for her trip, but then corrected the papers after reporters asked about them and chalked it up to human error.

☐ 2115

Yet the minority leader continues to insist that the ethics problems her party has trumped up is a Republican issue. I think that those who live in glass houses should not throw stones, lest their own walls begin to crack.

The minority leader's staff has not properly disclosed their own travel 12 times. A Democrat member of the ethics committee reported that a registered lobbyist paid for a trip she took to Puerto Rico. Two other Democrats did not even disclose that they went on the same trip. The minority whip took ten trips paid for by private parties that he never disclosed.

If you listen closely, you will hear the tinkling clatter of cracked glass falling on the ground outside the minority leader's office.

It is regrettable that the shameless hypocrisy of the liberal wing of the minority party in this Chamber chose to politicize the ethics committee. The reasons for doing this are simple: The liberal wing of the minority party knows that they have no agenda, no ideas, and frankly no leadership. So they are striking out against a successful majority leader who has brought forth an agenda, continues to offer ideas, and continues to lead his party.

The liberal wing of the minority party, still stinging from their losses in November, especially in the great State of Texas, are going after the majority leader. He must be doing something right to account for all the vitriolic slander aimed at him.

The liberal wing of the minority party had to create a distraction in hopes that the country would not notice that the Republicans were busy passing bipartisan legislation to create jobs, to help small businesses, to strengthen our borders, and craft a comprehensive energy policy.

So what do we do now?

The minority party will not let the ethics committee meet so the majority leader can clear his name. For the good of the House, the ethics process has to be above partisan politics. The Republicans have been willing throughout these long months of blustering from the obstructionist party to work towards a solution for the ethics committee to do its work.

Maybe returning us to the rules of the previous Congress will be acceptable to them, maybe not. I guess we will find out as the minority leader is sweeping up the broken glass resulting from her shattered strategy of personal attacks, personal destruction, and personal slander.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PRACTICE WHAT YOU PREACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we passed the bankruptcy bill out of here the other day and I voted "no," and I will show you what I got for my reward. I got two more credit cards in the mail the very same day I voted "no."

The credit card industry in this country is demonstrating what is anti-Christian about this body. A lot of people stand around and tell us, oh, we believe in the Judeo-Christian religion and that is the root of all our efforts and everything else. Well, let me tell you something: The Israelites went down into Egypt and they were slaves. God said, look, I am going to take you out of Egypt, I will put you in the promised land but you have got to develop a community where nobody is enslaved.

Now, that took us to several different points in the presentation. The first was the idea of the Sabbath. On the Sabbath day, everybody was supposed to rest; slave, worker, wife, husband, animals, everybody rested on the seventh day.

The second concept was of the Sabbath year. And here is what the Sabbath year was. And I read this, this is from Deuteronomy 15. If you do not know, that is the fifth book in the Jewish Bible and it is also the fifth book in the Christian Bible.

"Every seventh year you shall grant a remission of debts. And this is the manner of the remission: Every creditor shall remit the claim that is held against a neighbor, not exacting it of a neighbor who is a member of the community, because the Lord's remission has been proclaimed. When the Lord, your God, has blessed you as he has promised you, you will lend to other nations but you will not borrow."

How do we explain $450 billion of borrowing?

"You will rule over other nations but they will not rule over you." And it goes on. "If there is among you anyone in need, a member of your community in any of our towns within the land that the Lord, your God, is giving you, do not be hard-hearted or tight-fisted towards your needy neighbor. You should open your hand, willingly lend enough to meet the need, whatever it may be. Be careful you do not entertain a mean thought, thinking the seventh year, the year of remission is near, and therefore view your needy neighbor with hostility and give nothing. Your neighbor might cry to the Lord against you and you will incur guilt. Give liberally but be ungrudging when you do so, for on this account the Lord, your God, will bless you and all your work and all that you undertake.

"Since there will never cease to be some in need on the Earth, I therefore command you, open your hand to the poor and the needy neighbor in your land."

Now we have stood out here and passed a bill that is in exact contradiction. This same idea goes right into the Christian faith. This is not a Jewish idea. It is not a Christian idea. It is the Judeo-Christian ethic under which we live.

The bankruptcy bill says, if you have taken more money and borrowed more money than you can pay off, we are going to get you. We are going to squeeze the last dime out of you.

In that bill that passed here the other day, we changed a basic principle in our bankruptcy law in this country: that if you are in bankruptcy the first draw on any money available is the wife and the children. Child support. That should be the first money that goes out to be paid. If there is nothing else left, that should be first.

What this bill said was, these credit card companies who are out there sending these cards out all over this country with absolutely no regulation whatsoever, they are hooking people and then we are going to squeeze the last dime. We will put the poor woman and her kids in court, arguing with attorneys from the credit card company about whether or not they are going to get any money. So the poor woman and the kids are going to spend their food money on a lawyer to fight these people. No protection whatsoever.

That is not what the book of Deuteronomy said. That is not what God commended us to do. Whether we are Christian or Arab or Muslim or whatever, that bill was an abomination. We ought to start paying attention to the base of the values that we say we submit to in this House.

UPDATING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

Mrs. NORTHUP. Mr. Speaker, I rise today to highlight an important issue that has become the topic of much discussion across our country: Social Security.

Republicans in Congress have joined together to form a series of teams to highlight the important issues facing our Nation today, and I am proud to serve as the chairman of the Retirement Security Team and to be joined by a number of my esteemed colleagues for this important discussion tonight.

Mr. Speaker, we know that it is important that Congress address the challenges that Social Security stand before us in the coming years. We know that there is an increased number of retirees and that there are fewer joining the work force. When Social Security first paid out benefits in 1950 there were about 16 workers for every retiree. Today there are 3.3 workers for every retiree, and we are headed towards a time when there will be only 2 workers in the system for every retiree. This means that we need a system that can support a Social Security team program.

When Social Security began, it happened that it paid out benefits when you were 65, but the life expectancy was at the age of 62. So this means for the average American they paid into a system where they were expected to die 3 years before they would be entitled to collect benefits. To our great benefit and to all Americans' benefit, our lives are much different now. We know that our life expectancies are much greater than 65; 79, 80, 81 are becoming the life expectancy. And not only that, Americans are healthier. They are enjoying vibrant lives after they retire, and that means we have to have a Social Security system that can support the hope and opportunities that so many seniors have come to depend on and look forward to in their years after the age of 65.

It is an exciting time for Social Security. The Members here in Congress that are with me tonight are eager to address the challenges of Social Security so that we can meet our responsibilities and so that we can live up to the expectations of also our children and grandchildren who are going to be expected to bear the responsibility of this program after we ourselves are retired.

This is a good time to embrace this challenge, to put ideas on the table, to ask our friends across the aisle to join us and to make a difference for today's seniors that they know they are in a system that is strong and vital and is there for them as they have always known it. For those that are about to be retired, that there is a system that they can expect is going to stay the same and benefit them.

We need to invite seniors today and those that are about to be seniors to join us in this conversation as seniors in previous generations have done, to sit down at the table and to help ensure that this program that means so much to them will be there for their children and grandchildren.

The seniors in my district are appreciative of the generations before them that planned for a program that would be sustainable while they themselves were retired. And I know that they are eager to roll up their sleeves and to join in this discussion and make sure that the program for their children and grandchildren will be stainable too.

So tonight let me introduce several of my colleagues as we discuss what the opportunities are before us with relationship to Social Security.

First, I would like to introduce my very good friend, the gentleman from South Bend, Indiana (Mr. CHOCOLA) or Elkhart, Indiana to be exact. I thank the gentleman for being with us tonight.

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding to me. I also thank her for her leadership on this issue.

This is not the first time that we have come to the floor and talked about this important issue that we face as a Nation, and it is really a test we cannot afford to fail. We need to act responsibly. We need to find ways to find a bipartisan solution to the challenges, the really undeniable challenges that we face with Social Security. People like the Chairman of the Federal Reserve and the Comptroller General of the United States have said that the sooner we act, the less painful any solutions will be.

We can talk tonight about important numbers like 2017 when we go into a negative cash flow. We can talk about 2041 when the trust fund is exhausted and we can not pay the promised benefits to future retirees. We can talk about $10.4 trillion unfunded liability that we have as a Nation today that we must face up to. But I think that this problem is really even bigger than that. And to that end, I will tell just a quick story.

I was in a committee hearing not long ago where the Secretary of the Treasury, John Snowe, was testifying. And our friends on the other side of the aisle were criticizing the Secretary about any proposed solutions that had been discussed or offered to address this problem. And after that criticism I talked to one of my friends on the other side of the aisle and said, If this is so bad, if our solutions are so unwelcomed by the American people, why do you not just let us do it because that would be the quickest way to go back into the majority? If this is such a bad idea and the American people will like it so little, they will throw us out of office for trying to solve this problem in a responsible way.

□ 2130

I do not think that that offer is going to be taken because I think that many understand that this is much bigger than Social Security in itself. This is a bigger test and a challenge that we face as a Nation.

Just stop and think for a second that if we allowed every working American the opportunity to own a little bit of a growing economy, we would truly become an ownership society, and think about the fact that every American could own a piece of this growing Nation, the strongest economy on Earth, and got the benefit of this and could build a nest egg and build wealth over the course of their career, they would not really like things like frivolous lawsuits anymore or excessive regulation or excessive corporate taxes. We pay the highest corporate taxes in the industrialized world. People would understand, take ownership of how we grow the economy, and we all could benefit from that.

I think the ramifications of that go much beyond Social Security. They represent an ownership society, and we can use those types of principles to address even bigger problems like Medicare, Medicaid, pension reform.

So this is such an important issue that we have to move forward. It is a test we cannot afford to fail, and we need to find a bipartisan solution.

Before I turn it back over to the gentlewoman from Kentucky, I just say that I invite all Members of this body to become part of the solution. I used to be in the private sector before I was elected to Congress; and the people I worked with never came and said, boy, we have got a problem and all your ideas are rotten. What they would do is say, you know, we have got a problem and here are some ideas that I have to solve those problems and so we can act responsibly.

Is that not what we are elected to do? Because it is easy to be against things. It is easy to criticize other people's ideas, but we are really elected to find solutions to hard problems. If we are not willing to stand up and offer solutions to tough problems, rather than just criticizing others for their solutions, I do not think we are living up to the responsibility that we have as public servants. It is certainly not why anyone sent us here from home to serve in this body.

So I thank the gentlewoman for her leadership, and I invite every Member of this body to participate in a constructive discussion to find a bipartisan solution to an undeniable challenge that we face as a Nation; and if we do not live up to it, we are not doing what we need to do to serve future generations and generations that are currently retired in a responsible way.

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman for his comments, and I know that I look forward to discussing some of the directions we do not go.

We know that raising taxes is not a solution. We know that depending on a trust fund that does not exist is not a solution; but I do see that our friend, the gentleman from Georgia (Mr. GINGREY), has joined us. I welcome him, and I will yield to him for a few minutes.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Kentucky, and as well my good friend from Indiana; and it is a pleasure to be with my colleagues tonight to discuss something of such tremendous import to the country.

I have done about, Mr. Speaker, 10 listening sessions, town hall meetings on this subject; and it is very, very instructive. If you do them during the daytime, it is typically going to be senior-dominated; and many of those individuals, of course, are among the 43 million who are current Social Security beneficiaries.

One thing that we try to make sure that they understand is in any of the plans that are out there, and of course, every plan is a work in progress and nothing is set in stone, but that the concept, first of all, of holding harmless anyone 55 years or older, that their Social Security benefits will not change. Their checks will only change when they get their annual COLA, and they would not, in fact, have the opportunity to invest in an individual personal account, if that is part of the final solution.

I do not know, maybe my colleagues have heard this, too. Some of them, in particular at age 55, they are a little disappointed: Why did you cut me out? I do not get full retirement until I am 67 years old because of those changes that occurred under the Reagan administration in 1983, the last time we were in crisis. They are kind of disappointed, particularly if they are planning on working and deferring their benefits until age 70. They would have 15 years of an opportunity to get the miracle of compound interest.

But these seniors, and I am sure again that my colleagues are hearing the same thing, they are very concerned. Even when we tell them that they are secure and we promise them this is our pledge, they are concerned about their children and grandchildren; and they are there not so much for themselves, even if their Social Security was at risk, they are very concerned about their children and grandchildren. That kind of renews my sense of faith and spirit in our seniors and in the American way. It is really great to hear that from them.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I am over 55 and many of my friends are over 55. I hear it more often from people that are 49, that say, now, wait a minute, if you are going to cut off the people who can benefit from these at 50, I only have a year to go; so how long is it going to take you to pass this bill so that I can get in the gate and be one of those that can also grow a personal account within Social Security to help pay some of the benefits that I will be entitled to when I retire.

So I have heard that and I agree with my colleague. It is very heartening to talk to the seniors. They obviously know that they depend on Social Security. They deserve to be reassured that their benefits are not going to change.

But many of them remember that the Democrat Congress in 1993 passed a tax on Social Security. They raised the taxes on Social Security significantly. They had thought that their Social Security would be untaxed. Now it is taxed, and they realize that if we can secure Social Security for the long run, that their current Social Security is even less likely to incur higher tax rates or a greater percentage of their Social Security tax. That is reassuring to them and also gives them a sense that they have helped steer or shepherd Social Security through sort of this transition so that it will be there for their children.

Mr. CHOCOLA. Mr. Speaker, if the gentlewoman would yield for just a second. I think it is important to step back for just a second and kind of review the course of the debate on this issue.

There were a whole bunch of headlines in the paper yesterday and today about a hearing that occurred over in the other body and which would lead people, I think, to believe that the discussion about Social Security has stalled or the President is not being effective in leading the discussion on meaningful reform on Social Security.

But it was not all that long ago, beginning this year in January, where I would hold town hall meetings and speak with people in the 2nd District of Indiana, and there was still a question of whether there was a problem or not. We would have a discussion: Do we have to act now or can we wait? Is this a crisis, or is this something that is being overblown?

But today when I talk to people back in the 2nd District of Indiana, there is no question whether there is a challenge, an undeniable challenge that we face in the need to move forward and act.

A very encouraging thing happened to me the other day. I think seniors do understand their benefits are safe and secure, and they are concerned about their children and their grandchildren and want to make sure there is a system in place that can give them the same benefits they have been able to enjoy.

I visited an eighth grade class in Culver, Indiana, on Liberty Day, where the local Lions hand out a copy of the Declaration of Independence and the Constitution, which is a great thing to do for our young people. I asked a question of the eighth grade class: How many of you are concerned about Social Security? To my great delight, every single one of them raised their hands. I said the discussions we are having in Washington and around the country about Social Security really is not about your grandparents because their bennies are safe and secure, but I know they are concerned about you, and our action or inaction on this issue is really all about you because you are going to pay for or you are going to enjoy the benefit of whatever we do.

So I was very encouraged to see that the eighth graders in Culver, Indiana, are paying attention to this and they understand the consequences to them and their families. I think that the debate is moving in the right direction. We have gone from do we have a problem to, sure, we have a problem to, now what do we do about it.

Again, I think it is the only responsible thing we can do for every Member of this body to participate in the discussion, to offer their ideas. Personal accounts have been controversial. I think personally that they need to be part of the discussion, but I know the President and I am sure that my colleagues here tonight would say if somebody has a better idea that results in permanent solvency for the Social Security system and gives future generations the opportunity to have all of the benefits that their parents and their grandparents have had, let us hear it, let us talk about it, let us debate it. If it is a good idea, I am sure we could act on it, and I am sure we would all benefit from that.

Mrs. NORTHUP. Mr. Speaker, I agree. We are all looking for the best possible solution.

I think when you ask the question, can we afford to wait, the follow-up question is, or what we often hear from the other side of the aisle, we do not have a crisis now because the trust fund will take care of us until 2017 or 2018.

Let us talk a little bit about why that is not the solution. I do not know whether the gentleman from Georgia (Mr. GINGREY) would like to maybe lead that off, why we cannot wait and why the trust fund is not going to take care of this.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman because it is such a good point.

The gentleman from Indiana said in his earlier remarks that we have a $10 trillion unfunded liability. That is a big number, but the cost of doing nothing is estimated at $600 billion a year for every year we do nothing and continue to try to avoid the problem, pretend that it does not exist, hope that some other Congress, the 110th, the 112th, whatever, will address that, and we will not have to put our political careers at risk.

I have heard others say, and I have said many times in my discussions across my district, that I am more concerned about the next generation than the next election. We do an interesting thing in our listening sessions. We have a video clip. Of course, it is a black and white movie reel going back to 1935 showing a little clip of President Roosevelt signing that initial law, and he said very clearly this is not going to be enough to take care of the average senior's full retirement. I encourage them because of, and he used a term I hardly knew what it meant, I had to look it up in the dictionary, the vicissitudes of life. Things happen, good and bad; and people should prepare by buying an annuity to cover the vicissitudes of life, but unfortunately, people, fully a third of our seniors, cannot afford to invest in an IRA. Maybe they never had an opportunity to participate in one of these employer-sponsored 401(k) benefit plans for retirement, where the employer matches the employee, and they certainly did not have enough money in the paycheck they were earning to buy an annuity.

So where the problem is, and we all know it, nobody is disputing this, a third of our seniors get to age 62 or 65, they do not have a job, they do not have any other savings. They only have the Social Security check.

So this idea of an individual personal account is not a brand-new idea, and I know my colleagues agree with me on this point. It is not privatization. We are not turning the Social Security trust fund over to Merrill Lynch or Smith Barney and saying, here, go ahead and invest the money and you do this on behalf of the government and its retirees, and if you want to invest in Enron or Global Crossing or WorldCom or something not at all.

I think it is just so disingenuous, but we have to spend so much time undoing some of the negative publicity that has been sent out to our seniors to literally scare them, just like the same scare tactics that were used when we were passing the Medicare Modernization and Prescription Drug Act. Tear up your AARP card because they supported that; resign from that organization. Even if you are eligible to get $600 a year benefit on your prescription drugs, $1,200 over 2 years, do not accept that Medicare-approved drug discount card.

So we are spending an inordinate amount of time trying to overcome that negative publicity, those scare tactics in regard, yes, now with Social Security.

It is important and I really commend the gentlewoman from Kentucky for sponsoring this hour, for leading this hour so that we can make sure our colleagues understand that clearly it is time to do something about Social Security, and we cannot afford to put it off to the future.

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman; and I want to yield to the gentleman from Indiana (Mr. CHOCOLA) to also discuss the trust fund and why we cannot wait and depend on the trust fund.

□ 2145

Mr. CHOCOLA. Well, Mr. Speaker, that is a very good question, and there has been a lot of discussion about what is the trust fund. Does it have money in it? Does its have IOUs in it? Really, what does it have? And that question was presented to David Walker, who is Comptroller of the United States and responsible for the GAO.

In a committee hearing he was asked, how would you characterize the trust fund? And David Walker is one of the most honest, knowledgeable people I have ever heard talk about this issue. He is a Clinton appointee, but he does not talk about it in partisan ways at all. And paraphrasing his response, he said, well, the trust is less of a trust and more of an accounting device. It really is only pieces of paper in a filing cabinet. There is no marketable securities in there.

And I think his point was that we need to act now. Because in less than 3 years from now, in 2008, the baby boomers will start to retire. What we are faced with, in large part, is a demographic math problem. We have so many people retiring that we do not have enough people paying into the system to be able to provide the benefits for those collecting those benefits.

So that the trust fund itself, again characterizing the comments of David Walker, is that there are no assets there. There are only liabilities. They are IOUs that the government owes itself and that we must pay. We must find a way to live up to the promises we have made to current retirees and future retirees. But we are going to have to do it by thinking about alternative solutions. All the options need to be put on the table.

The fact is that one of the earliest lessons I learned in business was that balance sheets and income statements are fiction, cash flow is reality. The reality is that we have a cash flow problem. We do not have enough cash to pay the benefits, and we need to act now. As my colleague from Georgia said, if we fail to act, every year it costs us $600 billion more and the options on the table become fewer and more painful.

And so we need to act now. We need to find a bipartisan way and we need to invite our colleagues, especially on the other side of the aisle, to be part of the solution, not just part of the problem.

Mrs. NORTHUP. Mr. Speaker, I also would like to address the trust fund issue. I often use as an example an analogy that most people in every home can understand. I would say if you came home from work every week and you put some of your paycheck in a cookie jar for your child's college education, and then you borrowed it and you took a vacation, you bought some clothes, you did whatever with it, and you left an IOU in the cookie jar, at the end of 18 years you would have a cookie jar full of IOUs with no assets to back those up. In a sense, you would have nothing more than if you had never had the trust fund to start with. It is nothing but an accounting tool that shows us how much has gone in.

Now, this is how it was from the beginning. It is possible if we could bring back the Congresses of 1945 and 1948 and 1950 and 1960 and 1967, we could ask them if they would like to rethink that, and if they would have wanted to put it in a trust fund and put it someplace where it would grow and get interest and so forth. But in the meantime, those Congresses, believing that it was important to build an educational system and so forth, they spent the money.

In fact, in 1967, when Social Security was fixed at one point, increased revenues, it supported the war in Vietnam and at the same time the Great Society. Unfortunately, those programs that were started at that time still are the responsibility of the generations that followed behind. So our children are not only going to have the responsibility of Social Security, they also are going to bear the responsibility of continuing these programs that our educational system is dependent on, that our health system is dependent on, and that our rural communities have depended on. It is part of the American foundation.

So that is an enormous responsibility, filling the necessary programs and at the same time paying Social Security benefits that should have been part of a trust but that are not. So the trust fund is not something that is going to be there for our children to depend on or for those that are about to be retiring. In fact, already Social Security is reaching across to the education programs, the health programs, and pulling those dollars back across into Social Security to pay out the old-age benefits that have been promised, and that of course we are going to pay.

So already we are feeling the pressure on all of the other programs that got used to depending on the Social Security surplus dollars. Each year that is difficult for us, but starting in 2017 not only will every Social Security dollar be absorbed in benefits that will be paid out, but also dollars that have come in in general revenues, that had been used to sustain our defense, to keeping our rivers going and our airports flying and all the other responsibilities that government has, they will have to be foregoing those dollars to pay Social Security benefits. And as more of the baby boomers retire, that gets into a deficit that is so steep it challenges this country for all the rest of the years without a fix in Social Security.

Mr. Speaker, I do see that my friend and colleague, the gentleman from Wisconsin (Mr. RYAN), has come in. I know that he has put forth or introduced a plan that has all of us very interested in that plan and how it would work. Maybe I could ask the gentleman to spend a little while telling us about his program.

Mr. RYAN of Wisconsin. Mr. Speaker, I would be glad to do so, but let me first thank my colleagues from Georgia, Indiana and Kentucky for talking about this issue tonight. This is one of the most important issues facing our country, and it faces all generations; our seniors' generation, our worker generation, our children's generation and our grandchildren's generation.

We have one problem that my colleagues have done such a good job of talking about, which is the insolvency problem, that when we go from 3.3 workers paying for one retiree to 2 workers paying for one retiree, or put another way, when we go from 40 million seniors to 80 million seniors within one generation, it is bringing the system to insolvency. But the real problem starts not just in 2017 but in 3 years, in 2008, when the oldest baby boomers begin retiring. That is when the revenues coming into Social Security start going down. And in 12 years, we no longer have enough money coming in to pay off all the benefits.

But there is one more problem that is coming to Social Security that we also want to fix, in addition to making the program solvent, and that is we want to make this program generationally fair, and it is not right now. Take me, for example. My mom is 70 years old and she gets about a 5 percent rate of return on her payroll taxes that she paid when she worked. It is a good deal for current seniors. They are getting a relatively good market rate of return on their payroll taxes, 5 percent for a 70-year-old; even higher for an 80-year-old.

But for current workers today, based upon the payroll taxes they are now paying, they are getting anywhere from 1 to 1.5 percent. The average worker today gets a 1.25 percent rate of return on their payroll taxes. Well, when you take a look at my children, our children's generation, I have three little toddlers, right now, under the current system, they are scheduled to get today a negative 1 percent rate of return on their payroll taxes.

Now, why is that important? I would say it is important because 80 percent of the American worker pays more in payroll taxes than they even pay in income taxes. It is the biggest tax most Americans pay. When Americans take 12.4 percent of their wages and put it into this program and it is a program that they are not even getting a fair share on, we have to ask ourselves can we not do better? Can people get a better retirement benefit from Social Security if they could only grow their money, this 12.4 percent coming out of their paychecks, at a better rate of return, like current seniors are getting?

That is why when we talk about saving Social Security, we want to do more than what Congress has traditionally done in the past. What have they traditionally done in the past? Raised taxes or reduced benefits. Specifically, Congress has raised payroll taxes 22 times since this program began. The payroll tax rate was 2 percent in 1937. Today, it is 12.4 percent. So we could save this program with solvency by just raising taxes again or reducing benefits. But if that is what we do, then that 1.25 percent that current workers are getting, and that negative 1 percent that our children will be getting, will just get much worse.

When you take a look at the pension plans around America, if you take a look at the Thrift Savings Plan that we here in Congress and other Federal employees have, which got us an average of 7.67 percent over the last 10 years; or if you take a look at most of the union pension plans, the Taft-Hartley plans, that got between 7 and 10 percent over the last 10 years; or if you look at the AARP's mutual funds, they have 35 bond and stock mutual funds that got on average about 7 percent over the last 10 years; and you look at the pension system, you say we can do better for workers today.

Why are today's workers only going to get a little over a 1 percent rate of return on their payroll tax dollars when every other pension fund, every other savings system out there does about 5 or 6 or 6 times that? So that is what we are taking a look at.

What I do in my bill is give people a choice. For those people under the age of 55, if they want to, they can dedicate a portion of their payroll taxes to their personal savings accounts. And we are not talking about privatizing Social Security. We are not even talking about partially privatizing Social Security. Because to privatize the program would be to let someone take a chunk of their payroll taxes and go outside the system, take it to their stock broker and do whatever they want with it. That is not what is being debated here. That is not what is on the table. That is not what is being discussed.

What we are talking about, whether you look at the Ryan-Sununu bill or any other bill in Congress, or the President's framework, what we are talking about is personal accounts that are inside of Social Security; that are run, overseen, managed, and regulated by Social Security, not Wall Street firms outside of the system. The vision that we have is to give people a choice of having a personal retirement account inside of Social Security, run by Social Security, just like the Thrift Savings Plan that we here in Congress have where we can get a better rate of return on our dollars. That is what we are planning on doing.

Now, the great thing that you can accomplish with personal retirement accounts is it can help bring solvency to the system and it can reduce the need to raise taxes or reduce future benefits. So what I would say is, the most humane way to save Social Security for future generations, to make it fair for our kids so they can get a similar retirement benefit like our seniors are getting today, and to bring the system into solvency and preserve the Social Security safety net, which we are all interested in continuing, personal retirement accounts are the most humane way to save the system. Because without them, then you have to resort to steep tax increases or benefit reductions.

If we want to fix this problem right now, tomorrow, and just do it on taxes, what the Social Security trustees, what the actuaries tell us, is the payroll tax rate would have to go up 50 percent tomorrow, to 18.6 percent. So when you are looking at the fact that 80 percent of us in this country, the biggest tax we pay is payroll taxes, and you want to raise that 50 percent to solve this problem, we say no to that.

When you take a look at the benefits, if you want to do this just on benefits, we would have to reduce future benefits by 40 percent just to solve this problem for the three generations we have. But with personal retirement accounts, you can prevent those kinds of painful options and give people a chance of making their money work harder for them so they can actually accumulate real wealth and get a better benefit when they retire.

The added benefit of a personal retirement account also is that it is your property. It is part of the individual's property. The government cannot take it away from you. It is the ultimate lockbox. Because unlike today, where the government spends all the Social Security surpluses, raids the trust fund, the government cannot take your personal account away from you.

When I talk to constituents, one thing that surprises them so much is that they think that they have a personal retirement account already. When they get their statement in the mail from Social Security, it says here is what you are entitled to, here is what you paid into it. People think there is an account with their name on it with money in it waiting for them. That is not the case. Court case after court case, from Fleming v. Nester in 1960, the Supreme Court has continuously told us no American has a legal or a contractual right to their Social Security benefit. The only guarantee any American has to their Social Security benefit is whatever the 535 politicians in Congress in any given year decide it is going to be.

But with a personal retirement account, that is your money. That is your property. It is surrounded by private property rights that the government cannot take from you. If you die, it goes to your family. It does not go back to the government.

I take a look at my personal situation from my own life, because our lives shape our values, which shape what we do here. My father died when I was 16 years old. He was 55. I was a recipient of the safety net. The survivor benefits that I got from Social Security helped me pay for college and finance my education. My mom at the time had a choice to make. She could either keep the payroll taxes that she paid when she worked, and my mom was a stay-at-home mom for a number of years, but also worked at a hospital. So she paid a lot of payroll taxes. But she had a choice when my dad died: Keep what she paid in her payroll taxes or not, and/or keep what my dad had paid in his payroll taxes. Not both.

She got a $250 death benefit and then she had to give away all that money she paid in payroll taxes throughout her working career. She had to give that all back into the system and get the benefit based on my dad's payroll taxes. Under the personal retirement account system, especially for women who outlive their husbands, especially for any spouse who outlives the other spouse, not only would my mom be able to keep the payroll taxes she had always paid over those years for herself, she would also get my dad's personal retirement account on top of it.

So there are a lot of problems in the current system that I think a personal retirement account fixes, not least of which is inheritability. You actually own the fruits of your own labor and you own the account that you have in your name. The great thing that occurs in society by fixing Social Security this way, instead of going to the old-fashioned way of cutting benefits or raising taxes, is you broadly decentralize the concentration of wealth in America through personal retirement accounts.

□ 2200

Mr. Speaker, what do I mean when I say that. Under the Ryan-Sununu bill with accounts that we are proposing, where we have accounts and we keep the safety net of Social Security intact, we do not reduce benefits or raise taxes. According to the Social Security actuary, workers will have $7 trillion in their personal retirement accounts within 15 years. That is $7 trillion that every willing worker in America will have in their name as part of their property that they otherwise would not have. That is $7 trillion that would have otherwise gone to Washington will instead go into workers' savings.

Half of America today is the investor class. Half of the households own stocks and bonds. What that also means is the other half of America does not. The other half of America are not members of the investor class.

With personal retirement accounts which come from the existing retirement accounts that workers already pay, the biggest tax that they pay, every willing worker will be an owner in our society. They will own a piece of America's free enterprise system. They will have a stake in our society, they will be an owner of real assets and real wealth. That is a good thing.

I would like to think from the left or right, Republican or Democrat in Congress, we can agree on a couple of notions, that to decentralize the concentration of wealth in America and to narrow the gap between rich and poor would be a good thing to do. That is exactly what would happen when we have personal retirement accounts as part of the plan to save Social Security. That is essentially what our bill does.

If Members have any other questions on the specific mechanics, I will be happy to go into them. I thank the gentlewoman from Kentucky (Mrs. NORTHUP) for talking about this issue. If we delay like the gentleman from Indiana (Mr. CHOCOLA) said, every year we delay, according to the trustees, not the Republicans or the Democrats, but the trustees, it is another $600 billion of debt that we go into the hole. We owe it to our kids and grandkids not only to make this program solvent, but to give them a choice to have a system so they get an actual decent retirement benefit when they retire.

Mrs. NORTHUP. Mr. Speaker, I will give all of my colleagues a chance to respond to the presentation of the gentleman from Wisconsin (Mr. RYAN), and I thank the gentleman for his hard work. It is very difficult with all of the numbers and all of the actuarial work, and we are all very excited about this plan.

When the gentleman talks about the $7 trillion that would accumulate in workers' accounts, it reminds me of how important in an economy it is to have a thriving middle class. Economies with a few rich and many poor do not thrive because there is not a majority of people with purchasing power. In my district we make refrigerators and dishwashers and Ford has a Ford Explorer plant. We need a huge middle class that can create demand and gain the benefits of that production.

Years ago when there was only a fraction of Americans that owned stocks, all they got was what they made when they went to work. They got paid by the hour, week, or the month. As the economy grew, only that 20 percent that owned stocks shared in the wealth that came from the growth of the economy.

When you start to have every worker start to own stocks and bonds, they get to share in the economic growth of this country so you increase the purchasing power of the middle class. So you not only allow every single worker to increase the fruits of their labor; you also create an economy that is vibrant and exciting.

Also as we have more seniors that retire, it is important that they maintain their purchasing power. If our seniors wind up with the lowest amount of dollars that they can spend, they will not be able to participate in growing our economy. So the benefits of every single person growing a nest egg, a nest egg that they can count on and pass on to their children, that they can watch and understand what it means to the relationship between their job and their future when they retire is hugely important. We thank the gentleman.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN). I think the Ryan-Sununu plan is one that excites me. There are several others out there, but one thing that the gentleman from Wisconsin (Mr. RYAN) said that we need to emphasize, he is explaining that if we totally, completely say that an individual personal account, not privatization but as he has explained it, an opportunity to invest a portion, just a portion of that payroll tax in something like a thrift savings plan, if we completely rule that out as our friends on the other side of the aisle have done in both Chambers, drawn a deep line in the sand and said no, not only no, but heck no.

But when we say show us your plan, what do they do, they hold up a blank sheet of paper because they do not want to admit what the gentleman from Wisconsin (Mr. RYAN) just pointed out, alternatives are to raise the payroll tax or to decrease benefits or raise the age at which a person can receive full benefits. Let us say because people are living longer and are healthier, let us say full retirement is 75 and early retirement is age 70, so it is important that people understand.

We are not ruling out anything on our side of the aisle. We do not have a plan set in stone, but clearly this option of an individual personal account enjoys, like no other fix, the miracle of compound interest. Einstein, when asked what the greatest power on Earth was, everyone expected him to say atomic energy, but he said the miracle of compound interest. I think the gentleman is on the right track.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman. Also, there are some fiscal issues that we need to talk about. There are some real misnomers out in the press. The trustees of Social Security have told us that the long-term debt, the unfunded debt we would owe to Social Security, that we would have to put aside today to keep it going into the future, is $11.1 trillion. Add to that the $1.7 trillion in unfunded IOUs we have in the Social Security trust fund, and it is not an asset, it is a debt, that is over $12 trillion we are short of money we would need to keep Social Security going at the current level where my kids get a negative 1 percent rate of return.

If we come up with a plan to save the system that has a personal retirement account as a part of it, and any borrowing or cost associated with transitioning from the current system over to a saved system, that cost is not new debt. Many people say that the Bush plan costs $2 trillion.

Well, that is not true; but, nevertheless, because there are not enough specifics to even analyze that plan, it is a framework, but let us take that at face value. The Bush plan costs $2 trillion to have personal retirement accounts that are voluntary. To bring the system into permanent solvency, $2 trillion wipes out that $12 trillion in debt. So if we are talking about debt that is incurred to save the system, that is not new debt: that is taking debt that is hanging out there on top of the American people, recognizing it and paying it off today, just like you refinance your mortgage but paying it off at a smaller digestible level, and leaving the country debt-free with a better Social Security system that is guaranteed and gives people better benefits when they retire. It is a really important point that I think is missed a lot in the debate up here.

Mrs. NORTHUP. Mr. Speaker, that is true and certainly in an accounting system, no one would approve an accounting system where the assets that are coming in are going to have to meet future liabilities without also accounting for those future liabilities. If you can reduce a 10 or 11 or $12 trillion liability to a $2 trillion transition, that you incur as a transition, what you have done is overall reduced liability to our children and grandchildren. That is an excellent point.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) for his leadership on this issue. He has provided a lot of great ideas and leadership throughout this body.

Just to reinforce a couple of things, as the gentleman from Georgia said, Albert Einstein said the greatest force in the universe is compound interest. And I would argue the second greatest force in the universe is ownership. I saw that firsthand in my private life. Before I was a Member of Congress, I ran a publicly traded company. We had a 401(k) and a profit-sharing plan. People who lived paycheck to paycheck, that one might not consider to be financially sophisticated, they would come into my office and say, How much management fee would I pay on that? What was the last 5-year return? How should I think about my risk tolerance?

Mr. Speaker, when people are given ownership of their own money, they become real smart. It was commonplace for people to retire after a 30- or 40-year career, to retire as hourly workers with $300,000 or $400,000 in a retirement nest egg. So they were proof that one of the most powerful forces in the universe is compound interest.

Those that criticize the gentleman's plan who say we would put at risk guaranteed benefits, I think it is an important point that the current system has zero guaranteed benefits. None of the benefits are our property or have our names on them, and having millions of small lockboxes with our names on them is the only way we can guarantee benefits for future retirees.

Finally, the transition financing issue. Part of the gentleman's plan is to pay transition financing through savings in government, slower growth in government, which is a great idea. But even if we had to borrow the money, every public company uses what is called accrual accounting, that you have to identify and state on our financial statements liabilities as they are incurred. We use a cash basis in government, and we identify or recognize those liabilities when we write the check.

If we are going to have truth in accounting, we have to stand up and say this is an unfunded liability that is already an obligation. So paying off our mortgage early as the gentleman pointed out is the responsible thing to do and in fact results in a lower financial obligation long term. That is how we get solvency and act responsibly, and I thank you for your leadership.

Mrs. NORTHUP. Mr. Speaker, I see that the gentleman from Georgia (Mr. KINGSTON) has joined us, and I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to make a couple of points. Number one on the compounded interest, at one of my 16 Social Security town meetings, a woman from Douglas, Georgia, came up to me and said, as I got a little older, in 1989 I started saving $200 a month. Compounded daily, that money is now worth $320,000. That is the miracle that Einstein was talking about.

I also wanted to bring out one point here. We focus so much on solvency, but there is also a generational fairness issue, and that is best shown if we think about somebody retiring in 1980, they got all of their money out of Social Security in 2.8 years. If you retire in 2003, it will take you 17 years to get your money back. If you retire in 2020, it is worse than that, it is more like 21 years. One of the things that we have is a solvency challenge, and we also have a generational fairness challenge.

Finally, I want to make the point that we are Republicans. We are the majority. It is going to be a little more difficult because we have to govern and come up with ideas. And it is easier if you are in the minority party to just sit back and criticize and live out there and tell people there is no problem with Social Security. The reality is we need and we want Democratic ideas. I think Social Security should be bipartisan and it should transcend the next election, and you should get the best ideas of the Democrats and of the Republicans, and move forward with the best.

I was disappointed to learn that the meeting which some of us are going to be participating in tomorrow, the bipartisan meeting, now the gentlewoman from California (Ms. PELOSI) has said to her Members that they cannot go to it.

□ 2215

And I think of the bipartisan meeting that we are going to have with the AARP, an equal number of Democrats, equal number of Republicans, that we now only have two Democrats who are going to go even though others said, yes, we will go, this time works for us.

So I am hoping that the gentlewoman from California (Ms. PELOSI) and the Democrats will back off their extreme obstructionist position and allow Members to sit down and negotiate with the other party and try to come up with ideas, because that kind of partisanship, that kind of silliness, that kind of bitterness is not going to help our seniors and our future generations.

So I am looking forward to this meeting. I know the gentlewoman from Kentucky (Mrs. NORTHUP) is going. I do not know if all of my colleagues here are going or not, but we would like to have everybody in attendance there.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, let me just reiterate what the gentleman said. How important it is and how thrilled we would be to have more of the Democrats there. First of all, I want to thank the Democrats who are still committed to come to it. I am eager to meet with them. I remember when I was in the Kentucky legislature in 1990, that we had education reform and I was in the minority and I was one of the Republicans that reached across the aisle and joined the majority party in passing educational reform. It just had a profound impact on education. It was one of the first systems that had an accountability system where we tested and held schools accountable.

It is thrilling when something happens, where people put party aside and step forward and pass something that will make generations of differences. And I am so excited that AARP is going to be part of a meeting, a bipartisan meeting. I am thrilled that two of our Democrat colleagues are eager to come. I know my colleagues here share my eagerness to hear what they have to say and start to look for common ground. I hope they will prevail upon some of their other members that this is bigger than a party thing. It is really something that is important for the future of our country, and I believe that it could still be quite a successful meeting.

Mr. CHOCOLA. Mr. Speaker, if the gentlewoman would yield, I just go back to the eighth graders I visited last week in Culver, Indiana. And I do not know if they remember that I was there a week later. But I guarantee in 20 years they will remember that I was there and they will look back and say, "That darn Chris Chocola, he was part of a Congress that could not get above the political rhetoric, could not put partisan politics aside and solve this problem for me and my family"; or they will think back and say, "Finally somebody did the responsible thing and I do not have to pay for the inaction of a Congress that was elected to make sure I did not have to pay the bill when I grew up and I was trying to grow my family and grow my career."

So I think that we should always keep in mind when we have these discussions those eighth graders and what they are going to think about us in 20 years, because, after all, that is what this is about. It is about the future of our country. It is about giving future generations the opportunity to enjoy some of the same benefits and opportunities that we have all had, that our parents have had, and if we do not act responsibly, I am afraid that those eighth graders will certainly recognize that and hold us responsible, as they should.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I know our time is about up. So let me start by yielding to the gentleman from Wisconsin (Mr. RYAN) to see if he has any final thoughts or anything he wants to say in conclusion.

Mr. RYAN of Wisconsin. Mr. Speaker, only that I think it is very important that we come together, bring our ideas to the table, and fix this problem. We cannot keep kicking the can down the road. We owe too much to our kids, and just the numbers are so overwhelming. When we in one generation are going to double the number of retirees we have in this country, followed by fewer workers paying into the system, it is a system that cannot sustain itself. That is why we have got to fix this.

Social Security, I would argue, is the most successful and important program ever devised and created by the Federal Government. It has done wonders keeping people out of poverty. It is too important to let it fail and fall because of partisan politics. We have got to fix it for our kids and grandkids.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, let me close by thanking my colleagues who are here tonight. The gentleman from Elkhart, Indiana (Mr. CHOCOLA) has been a friend who has been on the floor. We have had opportunities to discuss this previously, and I know we will be back for future opportunities. And the gentleman from Georgia (Mr. GINGREY) has been a great leader on this issue. He is so thoughtful and so articulate on it, and I know that Americans around the country that heard him tonight were inspired. And, finally, the gentleman from Georgia (Mr. KINGSTON) is a leader in our caucus, and we depend on his advice and his leadership, and he has made a huge difference.

And we look forward to joining our fellow Americans around the country to continue these conversations in the future.

THE BUDGET

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, more than a month ago, the House and Senate passed budget resolutions both on a fast track. Our hearings were minimal, ostensibly to finish up for the Easter break.

But this year's budget has become the classic case of hurry up and wait. Only yesterday, a month after finishing the budget resolution, did the House finally appoint conferees, and today we held the first and only meeting of the conference committee. We held that meeting amidst reports that agreement on the conference report was almost already a done deal. So the meeting was a formality, a gesture to lend some sort of collaboration to the budget process. But there has been no collaboration, and the budget resolution said to be emerging from conference does not reflect the resolution that we would pass if we were full partners in this process.

This year the Federal Government faces a deficit estimated at $427 billion, the third record deficit in a row. With deficits of this size, $427 billion, rising and never ending, the budget should be used to make the bottom line better, not worse. But the budget coming out of this conference does just the opposite. The President's budget, the House Republican budget, the Senate budget all make the deficit larger, not smaller.

The House budget makes the deficit $127 billion worse than current services. The Senate budget, Republican budget, makes the deficit $217 billion worse than current services.

I acknowledge, I will give the Republicans their due, both houses. They have searched the budget for programs to cut, and they have come up with some significant cuts. Medicaid, $20 billion; student loans; pension benefit guarantee premiums; probably the earned income tax credit, food stamps, maybe veterans benefits.

But these cuts do not go to the bottom line. That is the dirty little secret. They do not go to the bottom line and diminish the deficit. What they do, partially at least, is offset their tax cuts because even though the budget is $427 billion in deficit, Republicans are still pushing for more tax cuts, knowing full well that it can only make the bottom line worse, the deficit larger.

I think it is fair to ask can we fund the government if we have massive deficits and yet keep on cutting taxes? Obviously one way is to use the payroll taxes in the Social Security surplus to make up for the income taxes that are lost to tax reduction. And, in fact, that is just what the Republicans do. They use the payroll taxes that are accumulated in the Social Security surplus to make up for the income taxes lost to tax reduction.

As the next chart shows, the chart I have right here shows, they spend 100 percent of the Social Security Trust Fund surplus not on benefits but on everything in the Federal budget, 100 percent of it not just this year, 2005, 2006, but every year in their 5-year budget. I know that a government bond is placed in the trust fund for every dollar that is taken out of it, but I also know that President Bush went to West Virginia a couple of weeks ago and disparaged these bonds as mere IOUs, just scraps of paper.

Mr. Speaker, I do not believe that Social Security is in what one would call a crisis, but I do believe the actuaries at Social Security when they tell us that it may be faced with insolvency as early as 2041, and I believe we should do all that we can, as soon as we can, to remove that risk. But until we have a solution in place, a grand solution that returns the program to assured solvency for 75 years, surely we should do no further harm. Yet in raiding the Social Security Trust Fund of $160 billion this year and more in subsequent years, the Republicans' budget does just that, considerable harm. This is not a step towards making Social Security solvent. It is a long step backwards.

This budget is also a long step backwards for programs that Americans depend upon: education, veterans health care, environmental protection, medical and scientific research, and on and on down the list. On the discretionary side, the money we are appropriating, 13 bills every year, the House resolution cuts nondefense discretionary spending, domestic discretionary spending, by $12 billion in 2006 and by $150 billion over the next 5 years below inflation. The Senate's resolution is a bit lighter. It cuts spending next year by $6.3 billion and by $128 billion over the next 5 years.

On the mandatory spending side, which some call the entitlement side, the House budget resolution directs nine committees to come up with mandatory spending cuts and reconciliation procedures that will total $69 billion over 5 years. The Senate, more moderate, calls for $17 billion in reconciled cuts.

These reconciled cuts that our committee issues to different committees of jurisdiction in the House and Senate do not designate or specify how they shall be achieved, but the jurisdiction of each committee suggests exactly what is likely to be cut. The House resolution, since it is directed to the Committee on Energy and Commerce, for example, will likely fall on Medicaid; and since it is directed to the Committee on Agriculture, it will likely fall on food stamps; and since it is directed to the Committee on Education and the Workforce, it will likely fall on student loans or other income security; and since it is directed to the Committee on Veterans' Affairs, on veterans benefits. It is also directed to the Committee on Ways and Means. That means it is likely to fall on something we call the earned income tax credit, which is tax relief for the working poor, the people who need it the most. Or it could fall on welfare for the most disabled, those who have nowhere else to turn and rely upon a program called SSI, Supplemental Security Income.

These cuts are likely as a result of the reconciliation instructions in the budget resolution, even though the President did not call for them in his budget resolution and they are not included in the Senate budget resolution.

The Senate also, enough Senators got their backs up and said the Medicaid program is too important to people for whom it is health care of last resort and we simply cannot blindly whack $20 billion or even $10 billion out of the program. If we want to reform it and restructure it and try to achieve some savings, fine, but let us not have an arbitrary budget savings number that drives reform and restructuring. So enough Republicans in the Senate voted that the Medicaid provision calling for cuts in Medicaid was deleted from their resolution.

And yesterday on the House floor we did exactly the same thing. A large majority of this institution, Democrats and Republicans, voted not to have the Medicaid cuts included in the bill. Mark my words, however, notwithstanding a majority in this House and a majority in the Senate, those cuts in Medicaid are likely to emerge in the budget resolution that is likely to come forth tomorrow.

These budget policies continue the course that was set when President Bush came to office. At that time the budget was in surplus by $5.6 trillion dollars over 10 years. Democrats warned then and there on the House floor and in committee that these were paper projections, they could disappear in the blink of an economist's eye, and we said let us seize this opportunity. Having years and years of deficits, now that we have a surplus or what appeared to be a huge surplus, we said let us pay down some of our long-term liabilities like Social Security and build up the Social Security program.

President Bush decided to take a different tact. It is true, terrorists, recession, and war have all taken a toll on the budget. But the Bush administration has adopted the attitude that we can have guns, butter, and tax cuts too, and never mind the deficits. As a result, the budget has moved from record surpluses to record deficits, as this next chart shows.

The President's 2006 budget, the budget for next year, like the House budget, like the Senate budget, claims to cut these deficits in half over 5 years. That is the claim we hear repeated frequently. They imply that in another 5 years, the budget would be brought back to balance. Give us 10 years, we will get the job done. But their budgets give us no figures at all, nothing after the first 5 years, and by running their numbers out only 5 years instead of 10, they avoid recognizing the impact that 90 percent of the President's remaining tax cut agenda is going to have on deficits. They will add $2 trillion if passed, if implemented. $2 trillion to the deficits in those outyears from 2011 to 2015 if we include a fix to the alternative minimum tax.

□ 2230

CBO, our Congressional Budget Office, our budget shop, which is neutral and nonpartisan, has given us a 10-year estimate, something the Republicans have not supplied us in the House nor Senate, a 10-year estimate, at least with the President's budget, and they estimate that there is no progress whatsoever on the deficit. In fact, CBO estimates deficits totaling $2.6 trillion over the next 10 years if we implement, if we follow the recommendations and the requests in the President's budget. $2.6 trillion in additional debt.

As bad as this may appear, the realistic numbers are even worse, because CBO is simply taking what the President has requested and extended it forward over 10 years. If we add what the President has omitted, the numbers are far, far worse.

The President has omitted the cost of Social Security privatization, even though he is pushing hard for it and acknowledges that the cost will be $754 billion between 200 and 2015. He omits the cost of fixing the Alternative Minimum Tax, which CBO says is $642 billion over 10 years, even though everybody knows it is a political inevitability. And he omits any costs for our deployments in Iraq and Afghanistan after 2005. Nothing for 2006. Everybody knows we will still have troops in substantial numbers there. CBO suggests that the cost over the next 10 years could easily amount up to $384 billion. Not a dime of that is in the President's budget.

When these costs are included, the budget outlook, as the next chart shows, is much, much bleaker. Annual deficits never fall below $362 billion. The heck with this talk of cutting them in half. They never fall below $362 billion, and they eventually rise at the end of this time period to $621 billion in 2015. That is a CBO number, which we have adjusted.

We do not have a 10-year projection of the House or Senate budget, but both are broadly similar to the President's budget, and that means that these estimates are roughly the same, basically in the same ballpark.

They say that the past is prologue, and we should not forget in that sense the impact of Bush budget in the first term between 2002 and 2005. To accommodate the Bush budgets between 2002 and 2005, we in the Congress, Republicans in Congress, on three different occasions have had to raise the debt ceiling, the legal ceiling to which we can borrow in the United States, first by $450 billion, then by $984 billion, then by $800 billion, by a total of 2.234 trillion in a period of 4 years.

In the House when we considered the budget, Democrats offered a better plan. We offered a better plan to reduce the deficit and eventually, believe it or not, to balance the budget again in the year 2012. The numbers added up. The Republican budget never achieved balance.

A real bipartisan conference, not like the one we had today, a real bipartisan conference, with everyone at the table and everything on the table, would give us a chance to consider a conference report like the budget resolution that we offered the floor which put the budget back in balance and actually achieved balance in the year 2012. Unfortunately, such a conference and such an outcome will not occur.

Unlike last year, there probably will be a Republican budget this year, but there be no plan, no prospect, for reducing the deficit.

I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, I appreciate the gentleman yielding. I would like to ask a question on this, because I think it is a very significant chart the gentleman is pointing out.

It is my understanding it took the first 204 years of American history to run up $1 trillion in debt, and that chart seems to demonstrate, what, that in just 2 or 3 years—

Mr. SPRATT. Every 18 months we are adding $1 trillion to the national debt, to the statutory debt to the United States. Nobody in his right mind thinks this is something that can be sustained.

Mr. COOPER. So to put the cookies on a low shelf, it took the first 204 years to do $1 trillion worth of damage to our Nation, and now the Republican majority is doing that every 18 months?

Mr. SPRATT. Roughly that. Even the CBO tells us that another substantial increase in the debt ceiling will be necessary by at least January or February of next year.

Mr. COOPER. If the gentleman will yield further, this is probably hard for the folks back home to understand, and I know it is hard for many Members here to understand, but this news simply has not gotten out to the American people. It is my understanding that, what, votes on raising the debt ceiling anymore do not happen?

Mr. SPRATT. This is past history. What I was giving you is a projection. You can look at the last three increases over the last 4 years, and the bottom line is $2.234 trillion. As Yogi Berra liked to say, you can look it up. It is a matter of record.

Mr. COOPER. Numbers do not lie. I appreciate the gentleman yielding. So the total national debt now is about $7.7 trillion.

Mr. SPRATT. That is correct.

Mr. COOPER. We pay the interest on that debt largely to foreign nations now, right? More and more foreign nations are lending us this money, so we are owing more and more money to foreign nations, is that correct?

Mr. SPRATT. Reclaiming my time, that is correct.

Mr. COOPER. Mr. Speaker, if the gentleman will continue to yield, Japan, China, Europe, nations like that, we will have to write checks to for many, many years in order to service the interest.

Mr. SPRATT. This chart shows the percentages of our debt that are held by foreigners. As you can see, they have steadily increased to the point where in 2004 the share of foreign-owned debt rose to 44 percent. One of the reasons that it is difficult to get this message across to the American people is that they are not really feeling the effects of it, since foreigners are buying for now a lot of our debt. But when and if they cease buying it in huge quantities as they have been, we have got a problem.

Mr. COOPER. So almost half the mortgage on America is owned by foreigners, and they have been kind to lend us that money, but they could change their minds and stop lending us money at almost any time? Because we sell Treasury bonds, notes, other papers, every day in the market.

Mr. SPRATT. Reclaiming my time, in the meantime, they are accumulating claims against the United States that could some day be called.

Mr. COOPER. What happens if we cannot pay the debt?

Mr. SPRATT. Well, we have to probably inflate our currency. But let us not get into that. We are still not in that bad of shape, and I do not want to get into dire predictions. But we are forewarned. We all know there are limits to which anyone can go, governments, individuals, households, companies, corporations, there are limits to which you can go in borrowing money. It is a function of what your income is, and we are beginning to approach those limits.

Mr. COOPER. Mr. Speaker, the gentleman mentioned we certainly do not want to inflate the currency, but the dollar today is weaker than it has been in some time, the dollar vis-a-vis foreign currencies. If an American travels abroad and pays in dollars, you discover today it buys very little under Bush administration policies. A few years ago it used to buy a whole lot more. That is a sign of a weak dollar that we are already facing today because of our dependence on foreign borrowing.

Mr. Speaker, I appreciate the gentleman yielding. I did not mean to distract from your presentation.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY). I traveled to Las Vegas to spend the day with the gentlewoman from Nevada (Ms. BERKLEY) a couple of weeks ago, and we went all over the City of Las Vegas, from three different editorial boards, to television, to a town meeting, and we found people there very much concerned about Social Security and about the shape of the budget.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from South Carolina for yielding. I so enjoyed the gentleman in Las Vegas and so did all of my constituents, because he was able to bring home to them and articulate to them exactly what the issues are when it comes to the budget and how it is going to affect them in a very adverse way.

I am here tonight to talk about why I am going to be voting against this Republican budget that is going to be on the floor probably tomorrow. But before I do, I have to comment on the last hour, because I had the opportunity since I was sitting here to hear some of the rhetoric from the other side when they were talking about Social Security and a bipartisan meeting with AARP that the Democrats were supposedly boycotting.

I think it is very important for people that are listening to know, at least from this Democratic Member of Congress, that until I heard that, I had never heard of such a meeting. I am married to a Republican. We practice bipartisanship in our home every single day. And I think if the Republicans were truly serious about working in a bipartisan fashion with the Democrats to craft solutions to the very serious problems that we have, we not only would sit down and talk about Social Security, not the privatization of Social Security, which we all know will do absolutely nothing to make this system solvent, but talk about the more immediate and pressing crises of Medicare and the health care system in this country. If you have tried to access the health care system in this country, you would know without me having to tell you that we do have a crisis.

So instead of creating a crisis and screaming about the partisan nature of the House of Representatives, maybe if they truly wanted to solve some of the solutions to make life easier for average American people, we would be sitting down at a table now, instead of the gentleman and I sitting here talking to each other. But we can talk about that some other time. I was just so taken aback by the attack that I felt I had to respond to it.

Mr. Speaker, I am going to be voting against this budget proposal that the Republicans have set forth, and it is very important that my constituents know why.

This is a very fiscally irresponsible budget. It is going to devastate numerous programs that many low and middle-income Americans depend on. I know they do in my congressional district.

Day after day we hear the President and congressional Republicans talking about fiscal responsibility and providing opportunities for lower and middle-income families in this country. But the priorities outlined in this budget tell an entirely different story. This is the perfect example of Republican rhetoric not matching the reality on the ground.

The Republican budget hides costs. We all know that. The gentleman spoke of some of the hidden costs. It threatens to put key programs like veterans health care, education funding and Medicaid on the chopping block.

The Republicans talk about keeping our promises to our veterans. I sit on the Committee on Veterans Affairs, and I have the fastest growing veterans population in the United States of America in Southern Nevada. The issues that affect our veterans are very important to me, and particularly health care, because my veterans do not get the health care that they deserve.

The Republican budget does not include enough money for veterans programs to keep pace with inflation over the next 5 years. To me this is an outrage. It is never acceptable to cut veterans benefits at any time, but it is especially not appropriate at a time when our country is depending more and more on the strength and morale of our Armed Forces in Iraq, Afghanistan, Kosovo and South Korea. We are stretched very thin.

These soldiers are going to be coming home to this country. They are going to be veterans and they are going to be expect the health care that this Nation has promised our soldiers when they become veterans, and I am afraid this budget is way short of providing the needs of our veterans, particularly not only health care needs, but mental health care, and that is going to be a major problem with our troops coming home from Iraq, a serious, serious problem.

I am not going to vote for any budget that threatens key programs, including health care benefits for the more than 160,000 veterans that live in my community. These men and women have served our country with dignity and valor, and I refuse to support a budget that shortchanges programs that are vitally important to them.

The Republican budget also fails students and their families in Nevada and across the country. It not only will not support current education programs and services over the next 5 years, but, again, since I have got the fastest growing student population in the United States, a budget that is even neutral and does not cut programs, although this one does, hurts my district disproportionately, because while our student population is growing, if education funding is going down, we take the biggest hit in the country.

Education should be one of the highest priorities in any budget. Our schools and our teachers and our students already feel the squeeze by budget cuts. To further cut funding is unfathomable to me.

The Republican budget cuts child nutrition programs. If you are a kid and you are not getting breakfast at home and you are going to school on an empty stomach, how are you going to learn? How are you going to concentrate on your studies when your tummy is growling? This cuts student nutrition programs.

It cuts student loans. I come from a family where my dad was a waiter when I was growing up. I depended on those student loans to get an education. That is how I went through college and how I went through law school. It took me many years to pay back those students loans, but without them I guarantee you I would not be standing here on the floor of the House tonight.

Vocational grants, so important for those students that do not go to college, who would rather go get a vocational education, which is also important for our economy in this country, those programs are getting decimated.

Also disability and pension programs. What type of Nation that prides itself on caring for its fellow citizens is going to cut pension and disability programs? But this Republican budget does exactly that.

Student loans. Let me get back to that, because I know firsthand how important they are.

□ 2245

They are vitally important to families in southern Nevada and across this country. Low and middle-income families in my district are not going to be able to send their kids to college without student loans. People think of Las Vegas and they see the fancy hotels and the wild night life, and we do have the glitz and the glamour in Las Vegas, but Las Vegas is populated by middle income people that are working in those hotels and trying to put a roof over their family's heads, food on their tables, clothes on their backs, and their children through college. They are entitled to have these student loans so that they can make sure that their children enjoy the American dream.

I am astounded that that is an area that this administration and this Republican budget is cutting.

Straining student loan programs will reverse the progress this country has achieved by sending millions of students just like me to college who otherwise could not afford it. This is unacceptable, must be stopped, and the American public should be rising up and complaining to the Republican Members of this House, telling them that this is unacceptable to them, because it hurts, and it is very painful.

The Senate restored funding for medicaid in its budget and, last night, the House the Representatives voted to instruct budget conferees to protect medicaid funding from the drastic cuts outlined in the President's budget. I hope that the House and Senate conferees do the right thing and leave the medicaid funding alone.

Medicaid provides crucial health services to approximately 159,000 people in my home State of Nevada. Any cuts to medicaid funding will make it much harder for low-income pregnant women, seniors, children, disabled, and families in Nevada and throughout the United States to get the health care they need.

I cannot stress enough how important medicaid is to the State of Nevada. Nevada's hospitals, nursing homes, community health centers depend on this funding. Medicaid pays for 65 percent of Nevada's certified nursing home residents. What are these seniors going to do if we lose this funding? It is going to be devastating for them. Are they going to be thrown out on the streets where they are going to die in the gutter? This medicaid funding must be restored, and it must be restored to the appropriate levels to take care of the people of this country.

I am going to vote against this conference report, because it fails to prioritize veterans, students, low-income and middle-income families. I want to remind my colleagues and the chairman that not too long ago, the Democrats offered a budget alternative that every Republican in the House voted against. And in light of the attacks that I just heard before we got up to speak about the partisan nature of the Democratic Party, I mean I find it a little shocking that not one Republican would cross the aisle and support the democratic budget proposal, because in that proposal, the Democrats not only talked the talk, but we walked the walk. Democrats provided an alternative that was fiscally responsible, would balance the budget by 2012, would reduce the deficit, and provide opportunities to all Americans that the Republicans only talk about. But if their budget is any indication of what they care about and what they are going to act upon, well, I am afraid it is a little light on helping their fellow man and taking care of the fiscal health of this country.

So I thank the gentleman very much for his leadership on this. There is nobody that presents our side of the argument better than the gentleman from South Carolina (Mr. SPRATT), and I thank the gentleman for letting me be a part of this discussion tonight.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for a very effective presentation.

I yield to the gentleman from Portland, Maine (Mr. ALLEN), a former mayor who understands what Federal grants and aids and other projects mean to cities and small towns all over this country.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. It is true at the local level you learn in a very short time the importance of a partnership between the Federal Government and the States and local governments. Clearly, it has been forgotten here.

I do want to thank the gentleman for the knowledge that he brings to this particular debate, the information he brings. I mean, the gentleman knows more, in my opinion, about this budget than anyone else in the Congress.

At some level, it seems to me, this should not be that hard, because the Federal budget should, number one, be designed to create a stronger and more competitive economy. I mean, after all, what we want for people in this country is to have opportunity, we want them to be able to get a good education, to get a job and be successful in competing, because we are all competing in one way or another in a global economy. We know that the Chinese economy is growing very rapidly, that India has very strong schools these days, particularly in engineering, and so we need the best educated, best trained work force we can have.

Now, if we look at this budget, we are not going to get the best educated, best trained work force out of what the Republicans are trying to do to this country. As the gentlewoman from Nevada was saying, there are so many programs, adult education, job training programs, technical education that are being reduced, being reduced, simply to pay for tax cuts for the richest people in the country. So how do we build a stronger, more competitive economy when we are reducing the ability of people to get the education and training they need; when we are turning around and passing a resolution, as we did today, a resolution that said, we are for a small business Bill of Rights, and then reducing funds to the Small Business Administration to make it harder for entrepreneurs in this country to get the financing they need, the technical assistance they need to get a business off the ground. It takes your breath away.

Mr. SPRATT. Mr. Speaker, that is the point I was trying to make at the opening. While these cuts may seem to be necessary to deal with the deficit, in truth, the deficits and their budget resolution are bigger than they would be under current surpluses. What they really do, to some extent, is use these entitlement cuts and discretionary spending cuts to offset the tax cuts so they will not grossly enlarge the bottom line. But they still have a huge deficit that is bigger than would otherwise be the case, because they are, notwithstanding these deficits, are making more and more tax cuts.

Mr. ALLEN. Mr. Speaker, just quickly, the thing that strikes me, that is astonishing to me is the median household income in this country is something like $48,000, $49,000. Half of the households, or less than half of the households earn more. We have a deficit of roughly $427 billion projected for this year. That is more than $1 billion a day that we are borrowing, a lot of it from Chinese and Japanese banks. Yet, $89 billion will be enjoyed by households earning over $350,000 this year, next year, the year after that, the year after that; $89 billion that they did not have in the prosperous 1990s because of the tax cuts that the Republicans passed for the wealthiest people in the country, and they are going to do anything to protect those tax cuts.

So what they are doing is they are cutting aid for small businesses, they are cutting vocational education, they reduce funding for adult education, they reduce funding for the Small Business Administration to protect tax cuts for the wealthiest people in the country. It is hard to see how that will provide a stronger and more competitive economy, and it certainly will not provide broader prosperity because that, in my view, is the second goal we ought to have here. We ought to be trying to make sure that opportunity in this country; the chance, if you work hard and play by the rules, to have a reasonable opportunity for a reasonable level of prosperity. That is missing in this budget.

The middle class in this budget takes it on the chin. This is no budget for middle class Americans.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding. I have been listening, listening over in my office initially and now here on the Floor to the discussion, and it strikes me that what the Republicans have given us is a worst-of-both-worlds budget.

The Ranking Member on the Committee on the Budget has described to us very convincingly how this budget takes us over the cliff fiscally. There is no question. We are looking at $400 billion, $500 billion deficits as far as the eye can see; just unprecedented deficits and debt piling up on this country.

One would like to think that if we are incurring that kind of deficit, we are at least getting some bang for the buck, right? We would like to think that we are getting adequate funding for domestic needs, for example. We would like to think that the economy is getting some juice, some stimulus. Yet, we are not getting that, either. We are getting the worst of both worlds. We are going over the cliff fiscally, yet we are not addressing these priorities.

Mr. Speaker, the political premise seems to be, and the gentleman from Maine was getting at this; the political premise seems to be that we are going broke in this country because we are doing too much for education, or because we are building too many highways, or because we are doing too much cancer research, or because too many loans are available to small businesses. I think that is irresponsible, and "irresponsible" is a kind word for that kind of political pitch, that we are getting from our Republican friends these days.

The fact is that these domestic expenditures account for very little in the way of our budget difficulties, yet they are being required to bear the brunt of the administration's budget policies. If it is not domestic discretionary expenditures, what is it? I would like to ask the gentleman.

Mr. SPRATT. Mr. Speaker, we have a chart to prove that point. I need to get it up here. We have a chart that shows how over the last 4 fiscal years, the increases in discretionary spending and, once again, that is the money we appropriate in 13 different bills each year. We call it discretionary because each year we decide how to spend it, it is defense, it is national parks; if we look at those accounts in discretionary spending, we will find that 90 to 95 percent of the increases in discretionary spending over and above current services, just running in place, are attributable to 3 different factors.

Here we go. Here is the chart. Defense, Homeland Security, and the response to 9/11. Those three factors account for 90 to 95 percent of the growth in discretionary spending. Now, the President says we are spending out of control but, in truth, the House is controlled by Republicans, the Senate is controlled by Republicans, the White House is controlled by Republicans. It is a self indictment, if anything.

But here is the actual truth: discretionary spending is going up, but it is going up in accounts and for reasons the President has requested and sought money for, and we have given it to him. Having put an Army in the field in Iraq, we are going to support them and see them through, we hope to a successful conclusion. But this is policy that he has originated and we have supported in one way or another and now support, and this accounts for the main increase in spending.

So number one, it is spending he has initiated; number two, it is not likely to fall off substantially to abate by any significant amount in the near future. That is a fact we have to live up to, a fiscal fact we have to live up to. But the administration is in a state of fiscal denial. They will not acknowledge that this is a fact, and that the remaining wedge out of the budget for discretionary spending, domestic, nondefense discretionary spending constitutes maybe $380, $390 billion. You cannot squeeze enough out of that sector to begin to wipe out a $427 billion deficit.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, we are stuck here in the Congress not able to pass a transportation bill. Our communities are crying out for highway maintenance, for modernizing our highway system, for bringing transit on line. The administration has stood in the way of a congressional accommodation on a transportation bill that would invest in our future. Is highway spending part of that equation?

Mr. SPRATT. Ironically, there is about $20 billion there for roads, bridges, oil wells and other infrastructure in Iraq.

Mr. PRICE of North Carolina. Yes, in Iraq, but not in this country. We are not going broke because we are building too many highways in this country or doing too much in the way of infrastructure development. In fact, it is very, very foolish to cut back on those things in the name of fiscal balance when the problem in truth lies elsewhere.

Well, if the gentleman will go further, what is the tax side of this equation?

Mr. SPRATT. Well, as I acknowledged, terrorists and war and recession have all taken a toll on the budget. But the President has basically taken the attitude that we can have guns, butter, and tax cuts too, and never mind the deficits. The tax cuts keep coming every year. The President has an unfinished tax agenda of at least 1 trillion 400 billion, and that does not include everything, because he does not put on his agenda anything, anything to fix the alternative minimum tax. I paid it this year, I paid it last year, more and more Americans are going to be paying the AMT until it rises. Treasury tells us, to 30 million tax filers in the year 2010, not far away.

The political truth of the matter is, we will have to do something about that. That means that the President's tax agenda, tax cut agenda calls for another $2 trillion beginning in 2011. They conveniently stop their budget projections in 2010, so we miss the outyears.

but here is what happens in the outyears when you add AMT to the President's other requests, principally to make permanent the tax cuts adopted in 01, 02 and 03. This is what happens to the baseline projections of the deficit; it gets worse and worse and worse. There is no end in sight, and it is aggravated by this fact, the tax cut agenda.

□ 2300

Mr. PRICE of North Carolina. Does the gentleman yield?

I spoke to the Raleigh Kiwanis Club just as tax filing deadline approached a couple of weeks ago and said something about the alternative minimum tax, that if the Members in this room have not figured that alternative minimum tax, you had better do it because I, for one, and sounds like the gentleman from South Carolina (Mr. SPRATT) had the same experience, I found just exactly how this is biting, and there were many heads nodding in that room. This alternative minimum tax is reaching deep into the middle class. And as the gentleman says, the President's budget takes no account of the need to fix that.

Mr. ALLEN. If the gentleman would yield, you know, I find a couple of things astonishing here. One is the Office of Management and Budget used to do 10-year projections of the budget. But they do not anymore. They just do 5 years under the Bush administration because from year 6 to year 10 is such a horrifying picture, they do not want the American people to know how bad it is. And you do not have to take it from us, from Democrats.

Before the 2003 tax cuts were passed, Paul O'Neill, George Bush's Secretary of the Treasury, said if you pass these 2003 tax cuts, if you do that, you will not be able to do anything else that you want to do. And he was right. He was absolutely right. Because this year, as a percentage of total economic activity, tax revenues to the United States of America are at the lowest level since 1959, before Medicaid, before Medicare. We are trying to run a 21st-century government on revenues that are, you know, really, as a percentage of the economy, 1950s revenues. And it is all because Republicans have, at least they say, they think if you cut taxes, revenues to the government increase. That is what the gentleman from Texas (Mr. DELAY) has stood up and said. The CBO disagrees and the real world does not work that way because every time they do a big tax cut, revenues decrease. We have got an administration that is the most fiscally irresponsible administration in the last hundred years at least, maybe forever, because they have turned the deficit, turned a surplus generated during the Clinton administration into huge deficits that go on and on.

And I just think in terms of what happens to our children, because part of this deficit, part of this budget ought to be to prepare a better future for our children. That is what all Americans want. And we are simply piling debt on the backs of our children and grandchildren. We are spoiling their chances for a good life. And frankly, the people who are doing it have to know it.

Mr. SCOTT of Virginia. Will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I just want to follow up on this briefly because we talked about fiscal responsibility and irresponsibility. And we have seen this chart. In 1993 we passed budgets that were very controversial. But they had the effect of eliminating the deficit and sending it up into surplus. And these were controversial, and those votes were used against the Democrats.

Right after these votes were cast, when we eliminated the trend line going down into further and further deficit and started going up, we had PAYGO in effect, where if you had a tax cut, you had to pay for the tax cut. If you had a spending increase, you had to pay for it with either more taxes or less spending somewhere else. You just could not spend without paying for it. You could not cut taxes without paying for it. And we ended up in a surplus at the end of 2000. We let PAYGO expire so you could pass massive tax cuts and increase spending all you wanted without paying for it. And that kind of fiscal irresponsibility puts us down here to $427 billion in the hole.

Now, it is going to get worse before it gets better. The President suggests in the rhetoric that he is going to cut the deficit in half in 5 years, which is actually somewhat modest. That means he is only going to clean up half the mess he caused. He is not even going to clean up just half. He is going to promise to clean up half.

But this green line down here shows if you actually include what we know must be included, there is no way you are going to even come close. It is just going to get worse and worse.

This blue line is an interesting line because this is the budget projection. All the surpluses of 300 billion-plus was the projection made in 2002, which is an interesting year, because it is after 2001. After 9/11 we still thought we could have surpluses, but we continued to cut taxes, we continued to increase spending without any limit.

Now, we have heard about the priorities that we are going to be missing. We have heard about education. We have heard about health care. We have heard about all of the things we cannot do. One of the things we cannot do. I live in Newport News, Virginia. We build aircraft carriers. Because of the budget crunch, they are talking about reducing the number of aircraft carriers.

We have a NASA research facility near my district, aeronautics research. We are scrambling to try to find a couple $100 million so that NASA Langley can have a few million dollars to continue the research that we are doing. We are having trouble finding that money. We hope we can find it.

But just last week, we passed another tax cut. When fully phased in, it would be another $70 billion a year. Without paying for it. Just passed it.

One priority we have, all of us here, Social Security. If you look at all of the tax cuts, you know, where are we going to find the money for Social Security to keep the plan we have got now, all of the tax cuts under this administration passed, and if we make them permanent, $14 trillion. Social Security only has a 3.7 to $4 trillion shortfall. If you add on Medicare, you could have solved both of those, or you can have tax cuts. And to add insult to injury, make the tax cuts permanent. That is over $11 trillion in present value cost. Social Security, 3.7. Make the tax cuts permanent for the top 1 percent, those making more than $350,000 a year. That is almost enough in itself to solve the Social Security problem that we have.

Matter of priorities. Are we going to give tax cuts to the top 1 percent, or are we going to save Social Security for everybody? Well, we are going to be voting on that. We have already passed estate tax repeal. We have got others. I believe that we ought to save Social Security first. If you are going to have an $11 trillion tax cut plan on the table, well, let us just take the first 4 trillion and solve Social Security. Then maybe we can only cut taxes $7 trillion. But we would have saved Social Security. Let us save Social Security first. We have got a good plan. All of the benefits being promised we cannot pay right now. We are 4 trillion short. It is actually better than the President's plan because his plan goes broke quicker and cuts benefits in the process. So that ought to be a nonstarter.

But we have priorities and because of our fiscal irresponsibility, we cannot meet those priorities. If we go back to the fiscal responsibility we had from 1993 to 2000, you had to pay for your new initiatives. You could not just pass a tax cut, and where a President would veto bills that were fiscally irresponsible, even if he had to shut down the government. In 1995 we shut down the government rather than President Clinton signing those bills that would have put us back in the ditch where we were. Now, that is the kind of leadership we need now. We do not have it.

And if the gentleman looks at the chart right beside him, where you pass these tax cuts that look a little modest for the next couple of years, but when you reveal the full 10-year and the next 10-year cost, you know they are fiscally irresponsible. We cannot afford them, and that is why Social Security is in jeopardy today.

Mr. SPRATT. I yield to the gentleman from Tennessee (Mr. COOPER), who I believe has a question he wants to put forth.

Mr. COOPER. I think it is important to return to the fact that we are going to be voting tomorrow on the budget for the United States of America, and it is a budget that no one has seen yet. They only appointed the conferees yesterday.

Mr. SPRATT. $2.6 trillion budget, which no one has seen.

Mr. COOPER. $2.6 trillion, covering all of the priorities of this great Nation, the fact that we are at war, Social Security and Medicare, all domestic spending, cancer research, CDBG grants, everything is rolled up into it and no one has seen it.

Now, last year we did not have a budget at all, so maybe the prospect of voting on a budget this year is a good one. But from all that we do know of the budget, and we will probably vote on it apparently about 2:00 tomorrow afternoon, it will be crammed down our throats with no one having seen the text of it. And the New York Times and responsible publications like that are saying it is really the worst of both worlds. It is going to help the people who need it the least and hurt the people who need it the most. It is going to hurt poor people. It is going to hurt middle-class people. It is going to hurt small businesses. It is going to hurt our schools, and that is irresponsible budgeting.

Mr. SCOTT of Virginia. Will the gentleman yield?

Mr. COOPER. I would be delighted to yield to the gentleman.

Mr. SCOTT of Virginia. When the budget left the House, what did it do to things likes Medicaid?

Mr. COOPER. I believe they recommended a $60 billion cut in Medicaid.

Mr. SCOTT of Virginia. Did they direct the Education and Workforce Committee to cut mandatory spending?

Mr. COOPER. Well, unbelievable cuts are in this and unbelievable aid to countries like Iraq. It is really a crazy set of priorities and unbelievable tax cuts.

Mr. SCOTT of Virginia. And if you cut mandatory spending and the education budget, the only thing you have for school lunches and student loans, that is the only thing you can cut under that program.

□ 2310

Mr. COOPER. One thing we know will go up is interest expense on the national debt because the deficits are the largest in American history. It is getting harder and harder to blame 9/11 for that because they have produced the largest deficits in American history year after year after year, as this chart shows right here. As the gentleman illustrated earlier, the sea of red ink is continuing; deficits, the largest in American history, as far as anyone can see.

Mr. SCOTT of Virginia. The gentleman mentioned 9/11. It seems to me that it is fair to have been surprised in September of 2001 or maybe later that you suffered 9/11. Does the gentleman find it surprising that people still appear to be surprised that 9/11 happened here, 4 years later, that we are budgeting as if it did not happen? And surprise, after you pass the budget, oh, we forgot about 9/11?

Mr. COOPER. All the experts, including Chairman Greenspan of the Federal Reserve, say right now under these Republican budgets we are clearly on an unsustainable path, a literal road to ruin for our Nation. And the head of the GAO, the Government Accountability Office, David Walker, has said the same thing. In fact, he pointed out that 2004 was the worst year in American fiscal history, the worst year in our entire Nation's fiscal history because we are piling up deficits in such an irresponsible fashion. It is time for that to stop, but the situation will not be helped tomorrow when they cram down a budget on us that literally no one has seen. But if it resembles the House Republican budget or the Senate Republican budget, it is likely to be bad news for the American people.

Mr. SCOTT of Virginia. Let me ask one more question. The gentlemen mentions interest on the national debt. I remember in 2001 when this administration came in, when Chairman Greenspan was testifying, the questions he had to answer were along the lines of should we pay off the whole national debt or should we pay off just the short-term debt or the long-term debt? What will happen to the interest rates when you pay off the national debt?

Were the projections not at the beginning of 2001 when this administration came in that we could pay all the debt held by the public, we could pay it off by 2008, and by 2013, 2015, we could have put all the money back into the trust funds that we borrowed from like Social Security?

Mr. COOPER. The gentleman makes a great point because we have gone from the prospect of being a debt-free Nation to being one of the most indebted nations in the world.

In fact, there is a tragic tipping point that will occur in the last year of the Bush administration, because in that year, and this is according to the House Republican budget, we will actually be spending more on interest payments to our creditors than we spend on all regular domestic government in America. So in a sense it will be a better deal to be a bond holder of this country, even a foreign bond holder, than to be a citizen of this country. And that is the classic result of budget mismanagement which we are seeing year in and year out under this administration.

Mr. SPRATT. The gentleman mentioned what they told us about repayment of the debt. If the gentleman recalls, they said if you pass our budget, including these tax cuts, $1.5 trillion, $1.6 trillion in tax cuts, with interest even more, we will not be back until 2008, if you implement our budget, to ask you for an increase in the debt ceiling. We will not need to come back because we will have ample room beneath that ceiling.

In the Clinton administration the last 3 years we paid off over $300 billion of national debt. That is the first time that has happened for a long time. So they said that trend is going to extend and we will not need to come back and ask for an increase in the debt ceiling in 2008. History shows in 2002 they were back, hat in hand, saying we need $450 billion. The next year, 2003, they needed 984.

As the gentleman from Tennessee (Mr. COOPER) pointed out, that was equal to the entire debt of the United States in 1980. And then only 16 months later, they were back asking for another $800 billion which was provided in November of last year; and as a consequence, the total increase in the debt ceiling of the United States to accommodate the Bush budget from 2001 through 2005 is $2 trillion 234 billion. That is simple arithmetic, back-of-the-envelope analysis, but it is truly astounding to me, given the fact that they told us we would not need to raise the debt ceiling until 2008.

Mr. COOPER. The gentleman mentioned earlier that in early 2006 they will be asking for another increase in the debt ceiling, perhaps even 2005.

Mr. SPRATT. That is correct. This time next year they will need another increase, probably in the range of $800 billion.

Mr. SCOTT of Virginia. Would the gentleman remind us what the 10-year surplus was projected to be at the beginning of this administration?

Mr. SPRATT. $5.6 trillion.

Mr. SCOTT of Virginia. For those same 10 years, what is the projected surplus to be now?

Mr. SPRATT. It is more like $3.3 trillion deficit. We have had a swing in the wrong direction of nearly $9 trillion.

Mr. SCOTT of Virginia. Mr. Speaker, I would ask if the entire take of the individual income tax, is that not about $800 billion?

Mr. SPRATT. That is correct.

Mr. SCOTT of Virginia. And we have an average of $900 billion overspending from what was projected every year for the 10-year period?

Mr. SPRATT. Yes. It is a serious problem. It is a result of policies. It did not just fall off out of the sky. It is not terrorism necessarily. It is not war, even. It is the fiscal policies of this administration.

Now, one thing we did, as the gentleman will recall, in 2001 we did not do it, I did not vote for that budget; but in the Senate in particular, they said these tax cuts will have to sunset at the end of 2010 because, one reason, there may not be the surplus that we think there will be. This is a blue-sky estimate. It may not obtain it. If it does not, we do not want to be committed to these tax cuts only to find out that the surplus that they are predicated upon does not actually happen. And so they were all made to expire or terminate by December 31, 2010.

Now, we know that the surplus projection was wrong, grossly off, vastly overstated. And we have huge deficits in the place of huge surpluses now. But the administration is still pushing the same fiscal policy, asking, insisting, scheduling these tax cuts to be extended, all of them, almost all of them, after the year 2010, even though they can only do one thing at that point in time and that is go directly to the bottom line and vastly, hugely, expand the deficit of the United States.

Mr. SCOTT of Virginia. Does the gentleman have a chart that shows what the surpluses were supposed to be and what the annual deficits look like?

Mr. SPRATT. Here is one good chart that does just that. The gentleman can see it better than I can from his vantage point. We can see what they projected.

In the year 2002 they projected a surplus of $313 billion. That was with the implementation of their policies. It turned out to be a deficit of $158 billion. In the year 2003 they projected $359 billion. At least that was the January 2001 projection. I beg your pardon. That was without policy. That was the projection before Bush policy. A $359 billion surplus turned into a $377 billion deficit with Bush policies.

Mr. SCOTT of Virginia. Now, Mr. Speaker, could the gentleman show me where Social Security and Medicare present surpluses are on that chart?

Mr. SPRATT. Most of the numbers that we have quoted, as the gentleman well knows, are net of the Social Security surpluses.

Mr. SCOTT of Virginia. So that means we spend the Social Security plus, and then spend even more than that after we have spent the surplus?

Mr. SPRATT. That is correct. We had a deficit last year of $412 billion. But that was after deducting $150, $160 billion surplus in Social Security. If that Social Security surplus had not been offset, there was a deficit in the general account of the Federal budget equal to nearly 600.

Mr. SCOTT of Virginia. In the final years of the Clinton administration we had the Social Security and Medicare surplus and we were talking about a lockbox where that would be put to save Social Security and Medicare without spending it; is that right?

Mr. SPRATT. That is correct.

Mr. ALLEN. If I could just jump in here, I wanted to come to a conclusion about what this means, these huge deficits, these unprecedented deficits, the highest deficits in American history. They mean higher interest rates in the long run, higher interest rates than we would have otherwise.

Mr. COOPER. On car loans.

Mr. ALLEN. On car loans and home mortgages and on business loans. That is number one. And because it means higher interest rates in the long run, it means slower economic growth, slower economic growth than we would have with more responsible policies. What does slower economic growth yield? Fewer jobs. Fewer jobs for the American people.

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So we have higher interest rates, slower economic growth, fewer jobs.

It is hard to believe the people who care about America would do what the Republican majority is doing to the American people through these budgets. They have fed the wealthiest people with tax cuts, the largest tax cuts in American history, and they are taking from the middle class opportunities for education and job training and advancement that ought to be part of what this country means.

I think it is embarrassing, it is a shameful activity, and it clearly is the worst fiscal irresponsibility that I can remember in the last 100 years.

Mr. SPRATT. Mr. Speaker, the gentleman has just examined one of the reasons that this deficit, these deficits which are structural deficits built into the budget, not cyclical and resulting from the economy, but structural, will not go away of their own accord, will not self-resolve but will be with us on and on and on until we take significant action.

The sad part about it is the budget resolution that comes to the floor tomorrow will not take significant action. We will have a budget that appears, but we will not have a plan to reduce the deficit, and we will not have any prospect of reducing the deficit, not under this budget. We will just kick the can down the road and leave it to the next Congress.

I thank all of the gentleman here for participating tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, May 4.

Mr. CONAWAY, for 5 minutes, today.

Mr. DENT, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, April 28 and May 3 and 4.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 4.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. DAVIS of Tennessee, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,807.00.

ADJOURNMENT

Mr. SCOTT of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, April 28, 2005, at 10:00 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions [R06-OAR-2005-TX-0008; FRL-7890-4] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Post 1996 Rate-of-Progress Plan, Adjustments to the

1990 Base Year Emissions Inventory, and Motor Vehicle Emissions Budgets for the Dallas-Fort Worth Ozone Nonattainment Area [TX–107–1–7496; FRL–7890–1] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7889-8] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1737. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-fired Electric Utility Steam Generating Units from the Section 112(c) List [OAR-2002-0056; FRL-7887-7] (RIN: 2060-AM96) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1738. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New and Existing Stationary Sources: Electronic Utility Steam Generating Units [OAR–2002–0056; FRL–7888–1] (RIN: 2060-AJ65) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1739. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Reporting Requirement for Changes in Status For Public Utilities With Market-Based Rate Authority [Docket No. RM04-14-000; Order No. 652] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. House Resolution 239. Resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (Rept. 109–57). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. House Resolution 170. Resolution of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security Trust; adversely (Rept. 109–58) Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 241. Resolution providing for the adoption of the resolution (H. Res. 240) amending the rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress. (Rept. 109-59) Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 242. Resolution waiving a requirement of clause 6(a) rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. (Rept. 109-60) Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 742. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; referred to the Committee on Judiciary for a period ending not later than May 6, 2005, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–61, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself, Ms. BEAN, Mr. GRIJALVA, Mr. CASE, Mrs. CHRISTENSEN, and Mr. COOPER):

H.R. 1868. A bill to amend the Small Business Act to provide for increased access to capital for small businesses under the section 7(a) loan program, and for other purposes; to the Committee on Small Business.

By Mr. THORNBERRY:

H.R. 1869. A bill to improve the conduct of strategic communication by the Federal Government; to the Committee on International Relations.

By Mr. FOLEY (for himself, Mr. MILLER of Florida, Mr. PUTNAM, Mr. MACK, Ms. HARRIS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. BISHOP of Georgia, Mr. PAUL, Mr. JINDAL, and Mrs. KELLY):

H.R. 1870. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act; to the Committee on Transportation and Infrastructure.

By Mrs. DRAKE (for herself, Mr. FORBES, Mr. CUNNINGHAM, Mr. GRAVES, Mr. KIRK, Ms. HART, Mr. ALEXANDER, Mr. TANNER, Mr. STEARNS, Mr. SESSIONS, Miss MCMORRIS, Mr. MURPHY, Mr. PRICE of Georgia, Mr. EHLERS, Mr. GOODLATTE, Mr. GOODE, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. KUHL of New York, and Mr. TAYLOR of Mississippi):

H.R. 1871. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. JINDAL, Mr. MANZULLO, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. NEUGEBAUER, Mr. CAMP, Mrs. DRAKE, Mr. PENCE, Mr. KING of Iowa, Mr. BEAUPREZ, Mr. NUSSLE, Mr. BRADY of Texas, and Mr. CHOCOLA):

H.R. 1872. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the purchase of qualified health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. BASS (for himself, Mr. DAVIS of Florida, Mr. COOPER, and Mr. BRADLEY of New Hampshire):

H.R. 1873. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 1874. A bill to improve national pier inspections and safety standards; to the Committee on Transportation and Infrastructure.

By Mr. BERRY:

H.R. 1875. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BLUMENAUER (for himself, Ms. HOOLEY, Mr. WALDEN of Oregon, and Mr. CHABOT):

H.R. 1876. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAMP:

H.R. 1877. A bill to suspend temporarily the duty on hydraulic control units; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 1878. A bill to suspend temporarily the duty on shield asy-steering gear; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 1879. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1880. A bill to suspend temporarily the duty on 2,4-Dichloroaniline; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1881. A bill to suspend temporarily the duty on 2-Acetylbutyrolactone; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1882. A bill to suspend temporarily the duty on Alkylketone; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1883. A bill to reduce temporarily the duty on Cyfluthrin (Baythroid); to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1884. A bill to suspend temporarily the duty on Beta-cyfluthrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1885. A bill to suspend temporarily the duty on Deltamethrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1886. A bill to suspend temporarily the duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1887. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1888. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1889. A bill to extend the temporary suspension of duty on Ethoprop; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1890. A bill to suspend temporarily the duty on Propiconazole; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1891. A bill to suspend temporarily the duty on 4-Chlorobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1892. A bill to suspend temporarily the duty on Oxadiazon; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1893. A bill to extend the temporary suspension of duty on 2-Chlorobenzyl chloride; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1894. A bill to suspend temporarily the duty on NaHP; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1895. A bill to extend the temporary suspension of duty on Iprodione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1896. A bill to extend the temporary suspension of duty on Fosetyl-Al; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1897. A bill to extend the temporary suspension of duty on Flufenacet (FOE Hydroxy); to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mr. Fossella, Mr. Shimkus, Mr. Paul, Mr. Wilson of South Carolina, Mr. Boehner, Mr. Gilchrest, Mr. Chabot, Mr. Duncan, Mrs. Bono, Mr. Sam Johnson of Texas, Mr. Goode, Mr. Burton of Indiana, Mr. Meeks of New York, Mr. Miller of Florida, Mr. Sensenbrenner, Mr. Manzullo, Mr. Camp, Mr. Cannon, Mr. Deal of Georgia, Mr. Mack, Mr. Green of Wisconsin, Mr. Kuhl of New York, Mr. Terry, Mrs. Musgrave, Mr. Culberson, Ms. Hart, Mr. Michaud, Mr. Garrett of New Jersey, Mr. Costello, Mr. Hastings of Washington, Mr. Rohrabacher, Mr. Souder, Mr. Ferguson, Mr. Cox, Mr. Rogers of Michigan, Mr. Goodlatte, Mr. Radanovich, Mr. Kennedy of Minnesota, and Mr. Aderholt):

H.R. 1898. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1899. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1900. A bill to extend the temporary suspension of duty on Methanol, sodium salt; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1901. A bill to reduce temporarily the duty on Trifloxystrobin; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. Rangel, Mr. George Miller of California, Mr. Owens, Ms. McCollum of Minnesota, Mr. Berman, Mr. Pallone, Ms. Jackson-Lee of Texas, Mr. Nadler, Mr. Gene Green of Texas, Mr. Gutierrez, Ms. Schakowsky, Ms. Wasserman Schultz, Mr. Frank of Massachusetts, Mr. Waxman, Ms. Lee, Mr. Engel, Mr. Hinchey, Mr. Kildee, Mr. Lantos, Mrs. Maloney, Mr. McGovern, Ms. Norton, Mr. Meehan, Mr. Jefferson, Mr. Oberstar, Mrs. McCarthy, Ms. Millender-McDonald, Mr. Jackson of Illinois, Mr. Serrano, Mr. Brady of Pennsylvania, Mr. Lewis of Georgia, Mr. McNulty, Mr. Towns, Mr. Grijalva, Mr. Andrews, Mr. Blumenauer, Mr. Clay, Mr. Olver, Ms. Woolsey, Mr. Davis of Illinois, Ms. Kilpatrick of Michigan, Ms. Roybal-Allard, Mr. Evans, and Mr. Holt):

H.R. 1902. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY:

H.R. 1903. A bill to suspend temporarily the duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Ways and Means.

By Mr. DELAY:

H.R. 1904. A bill to suspend temporarily the duty on lutetium oxide; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 1905. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 1906. A bill to reduce temporarily the duty on ACM; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1907. A bill to suspend temporarily the duty on Permethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1908. A bill to suspend temporarily the duty on Thidiazuron; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1909. A bill to suspend temporarily the duty on Flutolanil; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1910. A bill to suspend temporarily the duty on Resmethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1911. A bill to reduce temporarily the duty on Clothianidin; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1912. A bill to suspend certain nonessential visas, in order to provide temporary workload relief critical to the successful reorganization of the immigration and naturalization functions of the Department of Homeland Security, to ensure that the screening and monitoring of arriving immigrants and nonimmigrants, and the deterrence of entry and settlement by illegal or unauthorized aliens, is sufficient to maintain the integrity of the sovereign borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON:

H.R. 1913. A bill to suspend temporarily the duty on ACRYPET UT100; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 1914. A bill to amend the Harmonized Tariff Schedule of the United States to provide that the calculation of the duty imposed on imported cherries that are provisionally preserved does not include the weight of the preservative materials of the cherries; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1915. A bill to reduce temporarily the duty on diethyl ketone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1916. A bill to suspend temporarily the duty on 5-Amino-1-[2,6-dichloro-4- (trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfiny] -1H-pyrazole-3-carbonitrile; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1917. A bill to suspend temporarily the duty on 2.3-Pyridinedicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1918. A bill to suspend temporarily the duty on 80% 2.3-Dimethylbutylnitrile and 20% toluene; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1919. A bill to suspend temporarily the duty on 2.3-Quinolinedicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1920. A bill to suspend temporarily the duty on p-Chlorophenylglycine; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1921. A bill to suspend temporarily the duty on 3.5-Difluoroaniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1922. A bill to suspend temporarily the duty on 1.3-Dibromo-5-dimethyl-hydantoin; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1923. A bill to suspend temporarily the duty on booster and master cyl asy-brake; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1924. A bill to reduce temporarily the duty on certain transaxles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1925. A bill to suspend temporarily the duty on converter asy; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1926. A bill to suspend temporarily the duty on module and bracket asy-power steering; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1927. A bill to reduce temporarily the duty on unit asy-battery hi volt; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 1928. A bill to allow the entry of certain United States-origin defense articles into bonded warehouses and foreign-trade zones; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. Bishop of Georgia, and Mr. Rogers of Kentucky):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. LUCAS (for himself, Mr. Osborne, Mr. Case, Mr. Hinojosa, Mr. Peterson of Minnesota, and Mr. Moran of Kansas):

H.R. 1930. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture.

By Mrs. McCARTHY:

H.R. 1931. A bill to amend chapter 44 of title 18, United States Code, to extend the firearm and ammunition prohibitions applicable to convicted felons to those convicted in a foreign court; to the Committee on the Judiciary.

By Mrs. MILLER of Michigan:

H.R. 1932. A bill to amend title 10, United States Code, to standardize the grade specified by law for the senior dental officer of the Air Force with that of the senior dental officer of the Army; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. TOWNS, Mr. RANGEL, and Ms. LEE):

H.R. 1933. A bill to authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PITTS (for himself, Mr. SMITH of New Jersey, and Mr. LoBIONDO):

H.R. 1934. A bill to suspend temporarily the duty on certain vinyl chloride-vinyl acetate copolymers; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1935. A bill to suspend temporarily the duty on Clomazone; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1936. A bill to suspend temporarily the duty on Flonicamid; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1937. A bill to suspend temporarily the duty on Bifenthrin; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1938. A bill to suspend temporarily the duty on Chloropivaloyl Chloride; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 1939. A bill to prohibit funds appropriated for the Export-Import Bank of the United States, any international financial institution, or the North American Development Bank from being used for loans to any country until the country has honored all United States requests to extradite criminals who have committed a crime punishable by life imprisonment or death; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DINGELL, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLDEN, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. WATT, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, Mr. HOLT, Ms. ESHOO, Mr. LEWIS of Georgia, Mr. MCINTYRE, Mr. PALLONE, Mr. STRICKLAND, Mrs. TAUSCHER, and Ms. WATERS):

H.R. 1940. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 1941. A bill to reduce temporarily the duty on triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate]; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. SAM JOHNSON of Texas, and Mr. ENGLISH of Pennsylvania):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to impose penalties for the failure of 527 organizations to comply with disclosure requirements; to the Committee on Ways and Means.

By Mr. SHERMAN:

H.R. 1943. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on the Judiciary.

By Mr. SIMMONS (for himself, Mr. SHAW, Mr. PAUL, Mr. FOLEY, Mr. MARSHALL, Mr. THOMPSON of California, Mrs. MUSGRAVE, Mr. MICHAUD, Mr. KENNEDY of Minnesota, Mr. HAYES, Mr. KLINE, Mr. GOODLATTE, Mr. BOEHLERT, Mr. BOSWELL, Mr. MCCOTTER, Mr. OTTER, Mr. JENKINS, and Mr. MCHUGH):

H.R. 1944. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself and Mr. ETHERIDGE):

H.R. 1945. A bill to provide temporary duty reductions for certain cotton fabrics, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1946. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself and Mr. MCDERMOTT):

H.J. Res. 45. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Mrs. McCARTHY (for herself and Mr. GEORGE MILLER of California):

H. Con. Res. 139. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan (for himself, Mr. EHLERS, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. CAMP, Mr. UPTON, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, and Mr. SCHWARZ of Michigan):

H. Con. Res. 140. Concurrent resolution recognizing and affirming the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to withdrawal of water from the Great Lakes and urging that management authority over the Great Lakes should remain vested with the Governors and Premiers; to the Committee on International Relations.

By Mr. NEY:

H. Res. 239. A resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; considered and agreed to.

By Mr. HASTINGS of Washington:

H. Res. 240. A resolution amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress.

By Mr. COOPER (for himself, Mr. TAYLOR of Mississippi, and Mr. SHAW):

H. Res. 243. A resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself and Mrs. BONO):

H. Res. 244. A resolution commemorating the 100th anniversary of the creation of the Salton Sea; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, Mrs. MCCARTHY, Mr. VAN HOLLEN, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. KILDEE, Mr. CONYERS, Mr. TERRY, Mr. HALL, Mr. OWENS, Mr. MCNULTY, Mr. WATT, Mr. MOORE of Kansas, Mr. TANNER, and Mr. MCCOTTER):

H. Res. 245. A resolution supporting the goals and ideals of National Nurses Week; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. RAMSTAD):

H. Res. 246. A resolution expressing the sense of the House of Representatives that there should be established a National Drug Court Month, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD (for herself and Mr. GARY G. MILLER of California):

H. Res. 247. A resolution commending the Southern California Association of Governments for Forty Years of Planning and Advocacy in Transportation, Air Quality, and Growth Management; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McCOTTER:

H.R. 1947. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. McCOTTER:

H.R. 1948. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. McCOTTER:

H.R. 1949. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. KLINE.
H.R. 22: Ms. KAPTUR and Mr. PASTOR.
H.R. 66: Mr. WALSH.
H.R. 97: Mr. UDALL of New Mexico.

H.R. 98: Mr. HAYWORTH, Mr. ALEXANDER, and Mr. MILLER of Florida.

H.R. 111: Mr. COSTA and Mrs. WILSON of New Mexico.

H.R. 176: Mr. MCGOVERN, Ms. LEE, and Ms. MATSUI.

H.R. 227: Mr. NADLER.

H.R. 292: Mr. WALDEN of Oregon.

H.R. 305: Mr. BOEHLERT, Mr. INGLIS of South Carolina, and Mr. HAYES.

H.R. 314: Mr. GREEN of Wisconsin.

H.R. 331: Mr. PASTOR and Mr. BECERRA.

H.R. 341: Mr. COSTELLO.

H.R. 400: Mr. RENZI.

H.R. 416: Mr. ROGERS of Alabama.

H.R. 425: Mr. CUMMINGS.

H.R. 438: Mrs. TAUSCHER and Ms. ROYBAL-ALLARD.

H.R. 478: Mr. CUMMINGS.

H.R. 500: Mr. LATHAM, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. JINDAL, and Mr. BOUSTANY.

H.R. 503: Mr. INSLEE, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. ABERCROMBIE, and Mr. LINDER.

H.R. 513: Ms. LEE.

H.R. 519: Mr. CONAWAY.

H.R. 521: Ms. HOOLEY and Mr. PRICE of North Carolina.

H.R. 554: Mr. CHABOT, Mr. WESTMORELAND, and Mr. BOUSTANY.

H.R. 583: Mrs. JO ANN DAVIS of Virginia.

H.R. 596: Mr. KIND, Mr. NEUGEBAUER, Mr. INGLIS of South Carolina, and Mrs. MCCARTHY.

H.R. 652: Mr. BOOZMAN and Mr. MORAN of Kansas.

H.R. 669: Mr. WU.

H.R. 687: Mr. SKELTON.

H.R. 747: Mr. RANGEL and Mr. COSTA.

H.R. 759: Ms. ROYBAL-ALLARD.

H.R. 761: Mr. NEAL of Massachusetts, Mr. MEEKS of New York, Mr. COSTA, Ms. HERSETH, Ms. BERKLEY, Ms. KAPTUR, Ms. HOOLEY, Mr. STRICKLAND, Mr. SABO, Mr. BISHOP of Georgia, Mr. SNYDER, Mr. WEINER, Mr. HONDA, Mr. LYNCH, Mr. FORD, Mr. SCOTT of Virginia, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. WASSERMAN SCHULTZ, and Ms. MATSUI.

H.R. 762: Mr. RADANOVICH.

H.R. 783: Mr. DEFAZIO, Mr. ISRAEL, and Mr. NORWOOD.

H.R. 791: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 870: Mr. KILDEE, Mr. MCDERMOTT, and Mr. OWENS.

H.R. 874: Mr. BONILLA, Mr. WELDON of Florida, Mr. CUNNINGHAM, and Mr. WESTMORELAND.

H.R. 884: Mr. RYAN of Wisconsin and Mr. GEORGE MILLER of California.

H.R. 920: Mr. BONILLA, Mr. HALL, Mr. MCINTYRE, and Mr. TOWNS.

H.R. 923: Mr. CARTER and Mr. WALDEN of Oregon.

H.R. 939: Mrs. MALONEY and Ms. WASSERMAN SCHULTZ.

H.R. 946: Mr. JACKSON of Illinois, Mr. PAYNE, and Mr. SERRANO.

H.R. 968: Mr. LAHOOD, Mr. BLUMENAUER, Mr. WELDON of Florida, Mr. BEAUPREZ, Mr. HALL, Mr. GOODE, Mr. BOOZMAN, and Mr. FRANKS of Arizona.

H.R. 997: Mr. HOEKSTRA.

H.R. 998: Mr. SULLIVAN.

H.R. 1010: Mr. RYAN of Wisconsin, Mr. BLUMENAUER, Mr. FORD, and Mr. CASE.

H.R. 1029: Mr. OTTER.

H.R. 1048: Mr. TIERNEY.

H.R. 1078: Mr. TIERNEY.

H.R. 1079: Mr. HOEKSTRA.

H.R. 1080: Mr. TIERNEY and Ms. WASSERMAN SCHULTZ.

H.R. 1081: Mr. LEWIS of Georgia.

H.R. 1116: Mr. OWENS and Mr. PASCRELL.

H.R. 1136: Mr. SHERMAN and Ms. DELAURO.

H.R. 1139: Ms. SCHAKOWSKY and Mr. ANDREWS.

H.R. 1153: Mr. SCHIFF, Ms. MATSUI, Mrs. MALONEY, and Mr. GRIJALVA.

H.R. 1155: Mr. PRICE of North Carolina.

H.R. 1215: Mr. HOLT.

H.R. 1227: Mr. EMANUEL, Mr. KIRK, Mr. BLUMENAUER, and Mr. CUMMINGS.

H.R. 1262: Mr. RUPPERSBERGER, Ms. HART, Mr. FOLEY, and Mr. LARSON of Connecticut.

H.R. 1298: Mr. OWENS, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. GORDON, Mr. PAUL, Ms. BALDWIN, Mr. BAIRD, and Mrs. CHRISTENSEN.

H.R. 1309: Ms. SCHAKOWSKY.

H.R. 1313: Mr. HAYES.

H.R. 1314: Mr. CHANDLER.

H.R. 1339: Mr. PASTOR.

H.R. 1352: Mr. CARNAHAN, Mr. WEXLER, Mr. WALSH, Mr. UDALL of Colorado, Mr. SKELTON, Mr. FITZPATRICK of Pennsylvania, Mr. LANTOS, Mr. FILNER, Mr. BERMAN, Mr. BAIRD, Mr. BLUMENAUER, Mr. WEINER, and Mr. WU.

H.R. 1355: Mr. MARCHANT.

H.R. 1358: Mr. GRIJALVA, Mrs. DRAKE, Mr. SIMMONS, and Mr. PASTOR.

H.R. 1361: Mrs. DRAKE.

H.R. 1364: Mr. SKELTON.

H.R. 1373: Mr. LYNCH, Mr. SANDERS, and Mr. SIMMONS.

H.R. 1384: Mr. LINDER.

H.R. 1405: Mr. PAYNE.

H.R. 1406: Mr. CARTER.

H.R. 1409: Mr. BOOZMAN, Mr. PENCE, and Mr. TANCREDO.

H.R. 1422: Mr. LINDER.

H.R. 1451: Mr. GUTIERREZ, Mr. BECERRA, Mr. SHERMAN, and Ms. BALDWIN.

H.R. 1469: Mr. YOUNG of Alaska.

H.R. 1471: Ms. SOLIS.

H.R. 1480: Mr. GENE GREEN of Texas and Mr. HIGGINS.

H.R. 1499: Mr. RADANOVICH, Mr. BRADY of Texas, Mr. CANTOR, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. MARCHANT, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. CARTER, Mr. KUHL of New York, and Mr. JINDAL.

H.R. 1500: Mr. GOODLATTE.

H.R. 1505: Mr. ROGERS of Alabama, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mr. FERGUSON, Mr. COLE of Oklahoma, Mr. FOLEY, Mr. WAMP, Mr. DENT, and Mr. CRENSHAW.

H.R. 1508: Mr. TIERNEY.

H.R. 1510: Mr. SAM JOHNSON of Texas, Mr. LINDER, Mr. DAVIS of Alabama, Mr. MANZULLO, and Mr. RADANOVICH.

H.R. 1511: Mrs. MCCARTHY, Mr. WELDON of Florida, and Miss MCMORRIS.

H.R. 1518: Mr. RANGEL.

H.R. 1522: Mr. BOUCHER.

H.R. 1545: Mr. WALSH.

H.R. 1548: Mr. SESSIONS, Mr. PUTNAM, Mr. ROSS, Mr. WELLER, Mr. WILSON of South Carolina, Mr. REYES, Mr. SHUSTER, Mrs. CHRISTENSEN, Mr. PENCE, Ms. GRANGER, Mr. SIMPSON, Mr. TOWNS, Mr. REGULA, Mr. GERLACH, Mr. SKELTON, Ms. HART, Mr. WICKER, Mr. LATHAM, Mr. CARDOZA, Mr. PICKERING, Mr. MICA, Mr. LAHOOD, and Mr. DENT.

H.R. 1558: Mr. PETERSON of Minnesota.

H.R. 1575: Mr. KILDEE and Mr. GOODLATTE.

H.R. 1578: Mr. LANGEVIN, Ms. PELOSI, Mr. CROWLEY, and Mr. BURTON of Indiana.

H.R. 1588: Ms. WOOLSEY, Mr. GENE GREEN of Texas, and Mr. STUPAK.

H.R. 1591: Mr. DINGELL, Mr. MCHUGH, and Mrs. BIGGERT.

H.R. 1592: Mr. DINGELL, Mrs. BIGGERT, Mr. MCHUGH, and Mr. MCCOTTER.

H.R. 1597: Mr. KUHL of New York, Mr. MCGOVERN, Mr. MCHUGH, Ms. WASSERMAN SCHULTZ, and Mr. RANGEL.

H.R. 1598: Mr. MICHAUD and Mr. TERRY.

H.R. 1618: Mr. SHADEGG.

H.R. 1633: Mr. HOBSON.

H.R. 1635: Mr. WALDEN of Oregon.

H.R. 1639: Ms. SCHWARTZ of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, and Mr. STUPAK.

H.R. 1642: Mrs. MUSGRAVE and Mr. FRANKS of Arizona.

H.R. 1650: Mr. FOLEY.

H.R. 1652: Ms. DELAURO.

H.R. 1671: Mr. GOODE and Mr. KILDEE.

H.R. 1686: Mr. MENENDEZ.

H.R. 1688: Mr. KUCINICH and Mr. FRANK of Massachusetts.

H.R. 1696: Mr. BARROW, Mr. EMANUEL, and Mr. POMEROY.

H.R. 1749: Mr. JINDAL.

H.R. 1759: Mr. GORDON.

H.R. 1764: Mr. SCOTT of Virginia.

H.R. 1791: Mr. JEFFERSON.

H.R. 1859: Mr. CHANDLER.

H.R. 1861: Mr. OLVER.

H.J. Res. 23: Ms. BERKLEY and Ms. WOOLSEY.

H. Con. Res. 71: Ms. VELÁZQUEZ.

H. Con. Res. 108: Mr. MEEKS of New York, Ms. BERKLEY, Mr. SABO, and Mr. COSTELLO.

H. Con. Res. 127: Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. CAPUANO, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 128: Mr. HAYWORTH.

H. Res. 186: Mr. AL GREEN of Texas.

H. Res. 195: Mr. BOOZMAN and Mr. POE.

H. Res. 214: Mr. NEUGEBAUER.

H. Res. 221: Mr. JEFFERSON.

H. Res. 223: Mr. CROWLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1636: Mr. GEORGE MILLER of California.

EXTENSIONS OF REMARKS

RECOGNIZING THE ACHIEVEMENTS OF VANDY D. LAWSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Vandy D. Lawson for her dedication to teaching the students at the Comal Leadership Institute in the Comal Independent School District.

Vandy D. Lawson received her bachelor's degree in math from the University of Northern Colorado in Greely and her master's in statistics from Colorado State University in Fort Collins. Currently she is teaching students grades ninth through twelfth in the subject of math. Through her extraordinary teaching methods she is able to reach students and appeal to their interest like none other—this is what distinguishes her as a great teacher.

The unique teaching style of Mrs. Lawson is one that the teachers of our Nation should regard as an example of how they can reach students in a more effective way. It is said that Mrs. Lawson "looks at what she does every day as a being on a treasure hunt, uncovering great treasures and bringing them back to life." The students she teaches all benefit from Mrs. Lawson's continuous drive to reach each and every student to make sure they all receive as much assistance as possible.

The math and sciences are two essential fields of study that students around the Nation need exposure to America's teachers like Mrs. Lawson, play the most vital role in ensuring students get taught the necessary skills to become tomorrow's leaders. I am honored to have this opportunity to distinguish Vandy D. Lawson for her dedication to the perseverance of knowledge in our community.

TRIBUTE TO UNITED COMMUNITY CENTER IN CELEBRATION OF ITS 35TH ANNIVERSARY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the achievements of an outstanding community center in my district. This week the United Community Center celebrates its 35th Anniversary.

Since 1970, the UCC has endeavored to provide services and cultural opportunities to members of the Hispanic community in Milwaukee. Founded as a youth center, the UCC has grown into one of the premier social service agencies in our city, with an impressive array of programs designed to serve the needs of Hispanic families and communities.

The UCC attempts to create new opportunities for Hispanic families to move out of poverty and join the ranks of the middle class. Confronting the challenges of poverty requires a multi-faceted approach, a fact that is not lost on the leaders and members of this organization.

The UCC attends to the educational needs of the community, serving hundreds of students in its pre-kindergarten, grade school and middle school programs. Recognizing the importance of physical health, the Center offers prevention and health awareness services designed to reduce smoking, drug abuse, and teen pregnancy. The UCC understands that communities are sustained, in part, by culture, and as a result, regularly exhibits the works of prominent Hispanic artists and stages musical and dance performances. Young people in the community benefit from classes and workshops in theater arts, ceramics, dance and music. The UCC helps us care for our elders, providing assistance with transportation and affordable housing, while also maintaining adult day care for senior citizens.

The UCC understands that caring for families and individuals requires caring for the environment and stabilizing the neighborhood. Through its neighborhood development initiative, the UCC helps build the wealth and desirability of the community by helping families repair their homes, plant trees, and landscape open areas.

Through all of these activities, the UCC also serves as an ambassador for Hispanic people, reaching out to other communities in Milwaukee to develop understanding and acceptance of Hispanic culture.

By offering a unique array of services and programs, the UCC has established itself as a vital center of Hispanic culture in my district. On the occasion of this 35th Anniversary, I salute the leaders of the UCC, its current and former volunteers, and it members, for these impressive achievements.

IN RECOGNITION OF JOSEPH W. NIGRO, JR.

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts and across our nation.

Mr. Speaker, it is my duty to inform the Membership of the House that my dear friend, Joseph W. Nigro, Jr. is retiring from the post of General Agent of the Boston Metropolitan Building Trades Council in Boston, Massachusetts.

Mr. Speaker, Joe Nigro is a remarkable leader with a long and illustrious career in the American Labor Movement. Joe Nigro was initiated into the International Brotherhood of Electrical Workers, Local 103 on November 21, 1960 and from the beginning he has been a shining example of dedicated service to his union, his community and his family and for these reasons is entirely worthy of Congressional recognition as well as the appreciation of this nation. Joe's personal integrity, hard work and determination illustrate the best characteristics of those who serve the working men and women of this country.

Over the last 18 years in his position as General Agent of the Boston Metropolitan Building Trades Council, Joe Nigro has made enormous contributions to the men and women of the building trades, not just in Massachusetts but across the country. Under Joe Nigro's leadership, the United States Supreme Court confirmed the legal right to use Project Labor Agreements on public projects creating job opportunities for union construction workers across the nation.

As a member of the Massachusetts State Legislature and Chair of its Commerce and Labor Committee, I witnessed Joe's passionate advocacy on behalf of working families. From securing benefits for workers who had lost their jobs, to training the next generation of America's workers, Joe has worked to ensure that the views and interests of working people are at the forefront of our state and national policy.

Mr. Speaker, Joe Nigro has also been a man committed to his community and has dedicated many hours and much energy to various charities including the South Boston Neighborhood House, the Muscular Dystrophy Association, the Boys and Girls Club of Boston, as well as the Fiske Family Inn Foundation.

On a personal note, I believe that one of Joe's greatest accomplishments has been little recognized over the years: that is, his remarkable ability to maintain "labor peace" among the building trades during times of enormous challenge within the labor movement. As the former President of the Ironworkers Union in Boston, I can assure you that this was a monumental task.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Joe's wonderful family, friends, and brothers and sisters in the Labor Movement to thank him for his service and congratulate him on his much-deserved retirement. I hope my colleagues will join me in celebrating Joe Nigro's distinguished career and all his future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING HARLINGEN HIGH SCHOOL FOR THE 2005 INSPIRATION AWARD

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. HINOJOSA. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Harlingen High School for being selected for one of the 2005 College Board Inspiration Awards. Harlingen High School is one of three exemplary high schools in the nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities.

Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration Awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of higher education. I would like to congratulate the superintendent, Dr. Linda Wade, the principal, Richard Renaud, the teachers, students, and entire school community for this prestigious award.

Harlingen High School is truly an inspiration for all of us who value education and academic excellence for all students. For the Hispanic community, it reaffirms our core faith in our own potential. Over 87 percent of the students at Harlingen High School are Hispanic, and many of them are bilingual. Their motto is "in relentless pursuit of student success." Harlingen High School stands firm on three major commitments it has made to the community. These are: To create a positive learning environment for all students; responsibly develop and maintain student-centered educational programs; and a commitment to making graduation the beginning of successful participation as positive and progressive citizens.

Harlingen High School has succeeded in the face of many challenges. More than half of its students participate in the free and reduced price lunch program and over 90 percent of the Hispanic students are considered to be "at risk." A number of the students are the children of migrant and seasonal farm workers, and many of these young people work in the fields themselves.

Supporting teachers, building strong community partnerships, and fostering family engagement have been the foundation for Harlingen High School's success in achieving a 75 percent college-going rate. Harlingen counselors have also made sure that students and families know where they can find the resources to help finance college. In addition to helping Harlingen families with the federal student aid process, school counselors guided Harlingen students to over $2 million in scholarship money.

Harlingen High School has expanded access to AP courses for all of its students, and for Hispanic students, in particular. Hispanic students comprised 80 percent of the 298 students in grades 9–12 who took at least one Advanced Placement (AP) Program® examination. To prepare students for AP courses and college, Harlingen starts in 8th grade with a pre-AP Program. They couple this with an extensive Parent Involvement Program that conducts outreach meetings at different neighborhood community centers to impress upon parents the importance of helping teens prepare for college.

This is what is possible when we invest in excellence in the Hispanic community. I urge my colleagues to join me in saluting Harlingen High School for its achievement and applauding the College Board for sponsoring the Inspiration Awards. May each year be more competitive than the last.

10TH ANNIVERSARY OF SERVICE LEARNING PROGRAM AT TVI

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 10th anniversary of the Service Learning Program at TVI Community College in my home state of New Mexico. Service Learning is a collaboration of academic instruction, civic engagement and work experience that complements traditional college curriculum. Classroom learning is supplemented with relevant community service followed by self-assessment through group reflection. The concept of Service Learning is not new; the innovation is in promoting it as an essential part of the higher learning experience.

Dr. Rudy Garcia started the TVI Service Learning program in 1995 with 30 local nonprofit agencies and 45 students. Ten years later, over 8,000 students have participated in nearly 42,000 hours of education-based community service. Funded by grants, this initiative has achieved program sustainability by building agency partnerships to deliver unique and relevant learning experiences for students while meeting community needs. The TVI Service Learning program fosters an ethic of civic engagement, best illustrated by the 35% of students who stay on as agency volunteers after completing the required hours for their program.

Service Learning at TVI is more than just volunteerism; students translate what they have learned in the classroom into hands-on experiences that develop skills for future employment. The non-profit community agencies are mentors to the Service Learners and partners to the educators who strive to increase academic success and student retention. Local employers also benefit, as Service Learning helps build a stronger, more experienced labor pool; a college degree combined with related work experience is the key to success in today's job market.

Dr. Garcia's Service Learning program has won numerous awards, including the Community Engagement Collaboration Award and the National Bellwether Award for Best Community College Instruction Program. The Campus Compact has designated TVI a Training College for institutions interested in Service Learning, Civic Responsibility and Community Partnerships. TVI and Dr. Garcia were also selected by the Pew Partnership for Civic Change to provide their Leadership Training program.

Mr. Speaker, I have had many Service Learners in my district offices, and as a public servant I welcome every opportunity to mentor these students in community service and civic responsibility. I endeavor to provide relevant work experience, while recognizing the tremendous contribution of our Service Learning students as they apply these leadership principles and become peer mentors and role models in our community.

GULF ISLANDS NATIONAL SEASHORE GRANT RECOGNITION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. MILLER of Florida. I rise today to recognize Gulf Islands National Seashore for receiving a grant from the National Park Foundation and Unilever.

Unilever's Recycling at Work competitive grants program funds enhancement projects such as seating, boardwalks, overlooks, pullouts and educational/interpretive displays using sustainable lumber throughout the National Park System. The projects highlight the environmental leadership of the National Park Service in demonstrating how people may live more lightly on the land through the use of sustainable materials and techniques.

In Northwest Florida, Gulf Islands National Seashore is proud to be a part of this program. As a result of the generous grant, the park will construct the only accessible nature trail on the seashore. This trail will be a universal design boardwalk made of recyclable materials which will not only enhance the visitors' experience, but will also protect the fragile underbrush of the forest.

Mr. Speaker, this grant, in conjunction with the Florida National Trails Association's hard work and manpower, will greatly benefit all those who visit Northwest Florida's scenic wonders. I, along with Northwest Florida, am very appreciative of Unilever's generosity.

INTRODUCING THE MEDICARE MENTAL HEALTH MODERNIZATION ACT OF 2005

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. STARK. Mr. Speaker, I rise to introduce the Medicare Mental Health Modernization Act of 2005. Medicare's mental health coverage is woefully inadequate. Instead of the standard 20 percent coinsurance payment required of beneficiaries, mental health services require a 50 percent copayment. Further, only limited community-based treatments are covered and, unlike treatment for physical illness, there is a 190-day lifetime cap on mental health hospitalization days. The bill we are introducing today eliminates this blatant mental health discrimination under Medicare and modernizes the Medicare mental health benefit to meet today's standards of care.

One in five members of our senior population displays mental difficulties that are not part of the normal aging process. In primary care settings, over a third of senior citizens demonstrate symptoms of depression and impaired social functioning. Yet only one out of every three mentally ill seniors receives the mental health services he/she needs. Older adults also have the highest rate of suicide of any segment of our population. In addition, mental illness is the single largest diagnostic category for Medicare beneficiaries on disability. There is a critical need for effective and accessible mental health care for the Medicare population. Recent research has found a direct relationship between treating depression in older adults and improved physical functioning associated with independent living. Unfortunately, the current structure of Medicare mental health benefits is inadequate and presents multiple barriers to access of essential treatment. This bill addresses these problems.

The Medicare Mental Health Modernization Act of 2005 is a straightforward bill that improves Medicare's mental health benefits as follows:

It reduces the discriminatory co-payment for outpatient mental health services from 50 percent to the 20 percent level charged for most other Part B medical services.

It eliminates the arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals.

It improves beneficiary access to mental health services by including within Medicare a number of community-based residential and intensive outpatient mental health services that characterize today's state-of-the-art clinical practices.

It further improves access to needed mental health services by addressing the shortage of qualified mental health professionals serving older and disabled Americans in rural and other medically underserved areas by allowing state licensed marriage and family therapists and mental health counselors to provide Medicare-covered services.

Similarly, it corrects a legislative oversight that will facilitate the provision of mental health services by clinical social workers within skilled nursing facilities.

It requires the Secretary of Health and Human Services to conduct a study to examine whether the Medicare criteria to cover therapeutic services to beneficiaries with Alzheimer's and related cognitive disorders discriminates by being too restrictive.

The push for mental health parity is ongoing. We've made important strides forward for the under-65 population. Twenty-three states have already enacted full mental health parity and the Federal Employees Health Benefits Plan was improved in 2001 to assure that all federal employees and members of Congress are provided mental health parity. In April 2002, President Bush called for Congress to enact legislation to provide equivalence for private sector health insurance coverage of mental and physical conditions (though he has yet to endorse any legislation to achieve that goal).

What has been too-often missing from this overall mental health parity debate is the fact that the Medicare program continues to fail to meet the mental health needs of America's seniors and those with disabilities. That's why we've introduced the Medicare Mental Health Modernization Act. That's also why this bill has received support from numerous mental health advocacy and provider organizations including: the National Alliance for the Mentally Ill, the Federation of Families for Children's Mental Health, the American Association of Geriatric Psychiatry, the American Psychological Association, the American Association for Marriage and Family Therapy, the American Mental Health Counselors Association, and the Clinical Social Work Federation.

It is past time for us to take action with regard to Medicare's inadequate mental health benefits. Over the years, Congress has updated Medicare's benefits for treatment of physical illnesses as the practice of medicine has changed. The mental health field has undergone many advances over the past several decades. Effective, research-validated interventions have been developed for many mental conditions that affect stricken beneficiaries. Most mental conditions no longer require long-term hospitalizations, and can be effectively treated in less restrictive community settings. This bill recognizes these advances in clinical treatment practices and adjusts Medicare's mental health coverage to account for them.

The Medicare Mental Health Modernization Act of 2005 removes discriminatory features from the Medicare mental health benefits and helps facilitate access to up-to-date and affordable mental health services for our elderly and disabled. I encourage my colleagues to support its passage into law.

HONORING THE CONTRIBUTIONS OF STEVE LA MANTIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Steve La Mantia, Junior Achievement of Laredo Business Hall of Fame Laureate.

Mr. La Mantia grew up in McAllen, Texas, with his three brothers and sisters. He describes himself as having "grown up farming" on his family's farm on Mines Road. From an early age, he loved sports, and the persistence and competition that sports embody have become guiding values in his life.

He graduated from McAllen high school, where he played football, and attended college at Texas A&M, where he served as a referee. As a businessman, Mr. La Mantia has been tremendously dedicated to giving back to the educational community. Since 1991, he has been raising money for the Hispanic Scholarship Fund. In 2002, his family founded STARS: South Texas Academic Rising Scholars. STARS now provides students from the lower 22 counties of South Texas scholarship money to attend the college of their choice.

Mr. La Mantia is one of his community's most successful businessmen, working as Vice President and part owner of L&F distributors in Laredo. His work is a testament to the power of family businesses to thrive and create growth for our communities.

Mr. Steve La Mantia is a loyal Texan, a dedicated volunteer and philanthropist, and an exemplary businessman. I am happy that he has been chosen to receive the Laredo Junior Achievement Hall of Fame award, and I am proud to have had the chance to recognize him here today.

LEGISLATION ESTABLISHING THE NORTHERN BORDER COORDINATOR IN THE DEPARTMENT OF HOMELAND SECURITY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Ms. SLAUGHTER. Mr. Speaker, I am pleased to introduce legislation that would establish the position of Northern Border Coordinator in the Department of Homeland Security.

The northern border spans twelve states and over 3,000 miles. My congressional district, which includes Niagara Falls and Buffalo, serves as an annual gateway for 14.5 million individuals who enter the United States across the Niagara River bi-national bridges. The Peace Bridge, connecting Buffalo to Fort Erie, is the country's busiest border crossing, with over 1.3 million trucks and 20 billion dollars of commerce passing over it each year. More broadly, Canada is our nation's single largest trading partner, with total trade activity exceeding $400 billion.

Mr. Speaker, in the wake of the September 11, 2001 attacks, there is a new awareness that the northern border can also serve as an opening for terrorists, weapons of mass destruction, and other hazardous materials. Even today, there are many areas along the northern border that lack sufficient personnel and resources to provide border security. Our nation must act to thwart terrorists who attempt to abuse the open relationship between our two countries. It is important that enhanced border security along the U.S.-Canadian border be overseen in a coordinated manner among federal, state and local law enforcement and first responders.

For this reason, I have introduced legislation that would establish the position of Northern Border Coordinator at the Department of Homeland Security. The Northern Border Coordinator would be responsible for increasing the security of the border between the U.S. and Canada; improving the coordination among the agencies responsible for homeland security; serving as the primary liaison with the state and local governments and law enforcement agencies in matters regarding border security; and serving as a liaison with the Canadian government.

It is critical that we devote the personnel and technology necessary to ensure our security while maintaining strong channels for trade. A position within the Department of Homeland Security dedicated towards these goals is a step in the right direction.

HONORING THE CONTRIBUTIONS OF BUDDY ALBRO, NORMA KRUEGER ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Buddy Albro, Norma Krueger Elementary School Primary Campus Teacher of the Year.

Mr. Albro decided to enter the profession of teaching relatively late in life. Previously, he had been a successful worker in the oil and gas industry. He decided that he wanted to make a difference in the lives of children, and went back to school at Southwest Texas State University, where he graduated with honors.

He has now been a teacher with the Marion Independent School District for eight years, seven of which were spent teaching the third and fourth grades. Currently, he is the elementary physical education teacher for grades K–5.

Mr. Albro believes that every child has the potential to do great things, and he works hard to make learning fun for his students. He believes that the most important component of an elementary education is becoming a good reader; this skill, he feels, sets the stage for a lifetime of success.

Mr. Buddy Albro is an outstanding educator, dedicated to the welfare and happiness of the children of Marion. His dedication is a tremendous example for other educators, and I am happy to have the opportunity to honor him here today.

TRIBUTE TO THE AMERICAN CANCER SOCIETY ON THE OCCASION OF MAKING STRIDES AGAINST BREAST CANCER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to express my gratitude to the American Cancer Society for its outstanding efforts to combat breast cancer.

On May 1, the American Cancer Society will host its annual event, Making Strides Against Breast Cancer. This year, Making Strides Against Breast Cancer will invite local residents to participate in a non-competitive walk along Milwaukee's lakefront to raise money to fight breast cancer and to educate our citizens about prevention, detection and treatment.

I am particularly thankful for their work because I know the devastating effects of breast cancer on individuals and families in my district. Those who lack awareness of the disease are less likely to follow basic prevention and detection protocols. Too many women die of this disease when early detection and treatment might have saved their lives.

Throughout the year the American Cancer Society works hard to make a difference in the lives of Wisconsin residents, promoting cancer awareness and prevention. It is a pleasure to take this opportunity to recognize their contributions to the communities in the Fourth Congressional District, and to say thank you. I wish them good weather for a successful event and another year of commendable work.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Congressional Youth Leadership Council (CYLC) as it celebrates its 20th Anniversary. Since its founding in 1985, the Council has been successfully committed to its mission to foster and inspire young people to achieve their full leadership potential.

CYLC has directly impacted over 200,000 young men and women representing all 50 states, the District of Columbia, the American territories, and over 100 countries around the world since its founding. From the State of Illinois alone, more than 3,000 students have participated in at least one of the Council's dynamic programs. These scholars are well-rounded in their academic achievements and demonstrated leadership abilities.

The educational programs offered by the council create opportunities for leaders of all ages to have a unique experience with each program. Beginning with the Junior National Young Leaders Conference (JrNYLC) and the National Young Leaders State Conference (NYLSC), students are challenged to understand their own leadership skills through the context of American history and self-evaluation. The National Young Leaders Conference (NYLC) and the Global Young Leaders Conference (GYLC), provide outstanding young leaders of tomorrow the opportunity to meet the national and global leaders of today. During that time they explore, question, and discuss critical issues facing all of us.

The comprehensive curriculum focuses on learning through experience—simulations, role playing, debate and, most importantly, personal interaction among students and today's leaders that fosters open dialog, new perspectives, and cultural exchanges. All of these elements combine to create an atmosphere of inspiration that energizes young men and women to return to their homes, communities, and schools with the tools and drive to be effective leaders both today and for many years to come. Please join me in congratulating the Congressional Youth Leadership Council on 20 years of positively impacting the lives of this nation's and the world's future leaders.

STRATEGIC COMMUNICATION ACT

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. THORNBERRY. Mr. Speaker, I agree with those who say that the Global War on Terrorism is actually a Global War of Ideas and that terrorism is one of the tactics used in that War. Military power, alone, will not win this War nor can it ensure our safety against those willing to destroy themselves as they murder as many Americans as possible.

The Global War of Ideas must be waged on many fronts—military, diplomatic, economic. It must include intelligence activities abroad and homeland security efforts here at home. It must involve our allies and friends around the world.

One critical aspect of this War involves what I believe can best be labeled as "Strategic Communication." Strategic Communication is not marketing; it is not simplistic slogans; it is not simply looking for better ways to tell the world how good we are. Strategic Communication is deeper and more sophisticated than that. It is how we communicate with—and thus relate to—the rest of the world.

It includes public diplomacy (how we communicate with people outside of the United States), public affairs (how we communicate with Americans and the media), international broadcasting, and various governmental information operations programs. It must, of course, utilize and take into account ever-evolving technologies.

Any communication begins with listening and understanding, which is certainly where Strategic Communication must begin. We cannot conduct a poll or two and assume we know what the people think. We have to understand history, culture, traditions, values, and anxieties. Without that understanding, any attempt at communicating, much less influencing, will be futile. Our understanding must extend to networks of influence within societies and to the factors which influence human behavior.

In addition to understanding attitudes and cultures, Strategic Communication involves engaging in a dialogue of ideas, advising policy makers of the implications of various decision choices, and developing and implementing communication strategies that can help shape attitudes and behaviors. It involves the work not only of the Department of State, but also the Department of Defense, the Intelligence Community, and others.

Needless to say, Strategic Communication is a massive job that directly affects the national security of the United States for generations to come.

A number of studies since the 9/11 attacks—and some even prior—have emphasized the importance of Strategic Communications and have also found that the United States efforts have been quite deficient. One recent report, which I found particularly helpful, was issued by the Defense Science Board Task Force on Strategic Communication, chaired by Mr. Vincent Vitto.

The Defense Science Board report provides a context for the importance of Strategic Communications, and it offers a number of recommendations. Many of those recommendations require action by the Executive Branch, but some require Congressional action as well. The report's bottom line is that the U.S. needs a "dramatically more disciplined, methodical, and strategic approach to global communications."

In considering the many aspects of Strategic Communications, there are some things only government can do. But, government does not have all of the answers or all of the expertise needed to successfully wage this War. Those outside government have much to contribute. To be truly successful, there must be a cooperative partnership between government and the private sector.

The bill I am introducing today, H.R. 1869, the "Strategic Communication Act of 2005," will help provide a framework for that partnership. Implementing one of the recommendations of the Defense Science Board study, the bill creates a nonpartisan, non-profit Center for Strategic Communication to be at the intersection of government and private sector efforts in Strategic Communication. As a nongovernmental entity, the Center can take advantage of the experience and expertise of those outside of government who may be unwilling or unable to work within government but would like the opportunity to contribute. It would also allow greater flexibility than government regulations sometimes permit.

While no one wants to duplicate essential governmental functions, the Defense Science Board's report suggests that a non-profit Center would have three primary purposes:

1. To provide information and analysis to civilian and military decision-makers;

2. to develop plans and programs to create and implement U.S. communication strategies; and

3. to support government strategic communications. Among the areas in which the Center can contribute are: polling and analysis, cultural influence analysis, media influences analysis, fostering cross cultural exchanges, sub-contracting to the commercial and academic sectors for a range of products and programs, mobilizing non-government initiatives, such as temporary communication teams, and continually monitoring and evaluating effectiveness.

Mr. Speaker, let me make clear that I understand, as did the Defense Science Board, that the War of Ideas is about much more than communications strategies. It is also about policies and actions, some of which are not popular in various regions of the world. The Defense Science Board report noted that policies and strategic communications cannot be separated.

But effective communication is also an essential part of any effort to make the world a safer place. As the Defense Science Board noted, "Strategic Communication is a vital component of U.S. national security. It is in crisis and must be transformed with a strength of purpose that matches our commitment to diplomacy, defense, intelligence, law enforcement, and homeland security."

I believe that this proposal and the entire list of recommendations by the Defense Science Board can make a major contribution to this effort.

ASSAULT WEAPONS BAN

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. GINGREY. Mr. Speaker, the so-called Assault Weapons ban passed in 1994 has now been expired for seven months and our nation has yet to feel the ill effects proponents of the '94 legislation predicted. The following article by Deborah Sontag of the New York Times, provides a great description of how little has changed since the ban was lifted. Mr. Speaker, I would like to insert this article into the Congressional Record.

[From the New York Times, Apr. 24, 2005]

Many Say End of Firearm Ban Changed Little

(By Deborah Sontag)

Despite dire predictions that the streets would be awash in military-style guns, the expiration of the decade-long assault weapons ban last September has not set off a sustained surge in the weapons' sales, gun makers and sellers say. It also has not caused any noticeable increase in gun crime in the past seven months, according to several metropolitan police departments.

The uneventful expiration of the assault weapons ban did not surprise gun owners, nor did it surprise some advocates of gun control. Rather, it underscored what many of them had said all along: that the ban was porous—so porous that assault weapons remained widely available throughout their prohibition.

"The whole time that the American public thought there was an assault weapons ban, there never really was one," said Kristen Rand, legislative director of the Violence Policy Center, a gun control group.

What's more, law enforcement officials say that military-style weapons, which were never used in many gun crimes but did enjoy some vogue in the years before the ban took effect, seem to have gone out of style in criminal circles.

"Back in the early 90's, criminals wanted those Rambo-type weapons they could brandish," said Jim Pasco, executive director of the Fraternal Order of Police. "Today they are much happier with a 9-millimeter handgun they can stick in their belt."

When the ban took effect in 1994, it exempted more than 1.5 million assault weapons already in private hands. Over the next 10 years, at least 1.17 million more assault weapons were produced—legitimately—by manufacturers that availed themselves of loopholes in the law, according to an analysis of firearms production data by the Violence Policy Center.

Throughout the decade-long ban, for instance, the gun manufacturer DPMS/Panther Arms of Minnesota continued selling assault rifles to civilians by the tens of thousands. In compliance with the ban, the firearms manufacturer "sporterized" the military-style weapons, sawing off bayonet lugs, securing stocks so they were not collapsible and adding muzzle brakes. But the changes did not alter the guns' essence: they were still semiautomatic rifles with pistol grips.

After the ban expired in September, DPMS reintroduced its full-featured weapons to the civilian market and enjoyed a slight spike in sales. That increase was short-lived, however, and predictably so, said Randy E. Luth, the company's owner.

"I never thought the sunset of the ban would be that big a deal," Mr. Luth said.

No gun production data are yet available for the seven months since the ban expired. And some gun-control advocates say they don't trust the self-reporting of gun industry representatives, who may want to play down the volume of their sales to ward off a revival of the ban.

Indeed, a replica of the ban is again before the Senate.

"In my view, the assault weapons legislation was working," said Senator Dianne Feinstein, Democrat of California, a chief sponsor of the new bill. "It was drying up supply and driving up prices. The number of those guns used in crimes dropped because they were less available." Assault weapons account for a small fraction of gun crimes: about 2 percent, according to most studies, and no more than 8 percent. But they have been used in many high-profile shooting sprees. The snipers in the 2002 Washington-area shootings, for instance, used semiautomatic assault rifles that were copycat versions of banned carbines.

Gun crime has plummeted since the early 1990's. But a study for the National Institute of Justice said that it could not "clearly credit the ban with any of the nation's recent drops in gun violence." Research for the study in several cities did show a significant decline in the criminal use of assault weapons during the ban. According to the study, however, that decline was offset by the "steady or rising use" of other guns equipped with high-capacity magazines—ammunition-feeding devices that hold more than 10 rounds.

While the 1994 ban prohibited the manufacture and sale of such magazines, it did not outlaw an estimated 25 million of them already in circulation, nor did it stop the importation of millions more into the country.

Senator Feinstein said she wished she could outlaw the "flood of big clips" from abroad, calling that the "one big loophole" in the ban. But that would require amending the bill, and Republicans like Senator John W. Warner of Virginia and Senator Mike DeWine of Ohio are willing to back it only without amendments, she said.

Some gun-control advocates say it is pointless to reintroduce the 1994 ban without amending it to include large magazines and a wider range of guns. They see more promise in enacting or strengthening state or local bans. Seven states—California, Connecticut, Hawaii, Massachusetts, Maryland, New Jersey and New York—already have bans, most based on the federal one. The model ban, gun-control advocates say, is a comprehensive one in California (referred to as "Commiefornia" on some gun enthusiast Web sites).

The Fraternal Order of Police has not made a new federal ban a legislative priority, either. Mr. Pasco, the organization's director, said he could not recall a single "inquiry from the field about the reauthorization of the ban—and we have 330,000 members who are very vocal."

"In 1994, I was the principal administration lobbyist on this ban," said Mr. Pasco, who then worked for the federal Bureau of Alcohol, Tobacco and Firearms. "But here we are 10 years later, and these weapons do not appear to pose any more significant threat to law enforcement officers than other weapons of similar caliber and capability."

The ban made it illegal to possess or sell a semiautomatic weapon manufactured after September 1994 if the weapon accepted a detachable magazine and contained at least two features from a list that included protruding pistol grips and threaded muzzles. The ban outlawed 19 weapons by name, among them some foreign semiautomatics already banned under the 1989 firearms importation law, which still stands.

But gun manufacturers increased production of assault weapons while the ban was being debated. Then, by making minor changes in design, they were able to produce, as they called them, "post-ban" assault weapons that were the functional equivalent of the originals.

Colt came out with a "sporterized" version of its popular AR–15 semiautomatic rifle, leaving off some military features that were "meaningless as far as its lethality," said Carlton S. Chen, vice president and general counsel for Colt.

"People might think it looks less evil," Mr. Chen said, "but it's the same weapon. It was a hoax, a Congressional hoax, to ban all these different features."

Mr. Pasco of the police organization disagreed. "We knew exactly what we were doing by trying to ban guns with certain features," he said. "While it didn't affect their function or capability, those features, at that point in time, seemed to make those weapons more attractive to those who wanted to commit crimes."

Gun-control advocates say military-style semiautomatics do not belong in civilian hands. "They are weapons of war," Senator Feinstein said, "and you don't need these assault weapons to hunt."

Gun makers, however, say the weapons do have sporting uses, in hunting and in target shooting. "People buy these rifles because they're fun to shoot and they perform well," Mr. Luth of DPMS said. "They also like them because you can jazz them up like you can your car. You can custom-paint them, put on a multitude of handguards or buttstocks."

Some collectors simply admire certain guns. Charles Cuzalina, a gun dealer in Oklahoma who specializes in banned weapons, is taken with the Colt AR–15.

"I just like the look of the weapon," Mr. Cuzalina said. "When I bought my first, I went out on the farm shooting at a pie plate, and I realized how accurate it makes you. You think you're the world's best shot."

Mark Westrom, owner of ArmaLite Inc., a gun maker in Illinois, said prey hunters and target shooters did not miss bayonet lugs and other features that disappeared with the post-ban rifles. Collectors looking for an exact civilian replica of a military rifle, however, consider the removal of a bayonet lug "a matter of design defacement," Mr. Westrom said.

Several manufacturers are offering factory conversions or selling kits so gun owners can retrofit their post-ban weapons. They are also increasing their production of pre-ban weapons and decreasing production of post-ban weapons.

Many gun store owners say that sales of assault weapons spiked briefly in September and October. Gun dealers sought to capitalize on the ban's sunset and, during the presidential campaign, to raise the specter of a tougher ban if John Kerry won.

"We view this time as a 'pause' and urge you to take advantage of the opportunity to exercise your Second Amendment rights," Tapco, a shooting and military gear company, said on its Web site last fall. "Anti-gun politicians learned much over the past 10 years. They will surely not leave as many loopholes in future legislation."

After President Bush was re-elected and the novelty of the ban's expiration waned, sales leveled off at many gun shops. But Mike Mathews, the owner of Gunworld in Del City, Okla., said sales had been holding steady at a higher level.

Norm Giguere of Norm's Gun & Ammo in Biddeford, Me., on the other hand, said that he had not sold any military-style semiautomatic rifles since right after the Sept. 11 terrorist attacks, and that the gun business in general was "going down the tubes."

Mr. Luth of DPMS, however, said that his sales had been increasing for years, to the law enforcement community, the civilian market and an unexpected new clientele. "We've picked up new customers with the troops returning from Iraq," he said, "who had never shot an AR-15 before and now want one."

The war in Iraq has had another unintended consequence for the marketplace. Colt, one of the biggest manufacturers, has decided against putting its AR-15 back on the civilian market because the company is backlogged with military orders.

Unlike assault weapons, high-capacity magazines, which are used with many guns, have been selling briskly since the ban ended because prices have dropped considerably.

"The only thing Clinton ever did for us was drive up the price of magazines," said a weapons specialist named Stuart at TargetMaster, a shooting range and gun shop in Garland, Tex. (He declined to give his last name.) "A 17-round Glock magazine crept up to $150 during the ban. It's $75 now."

Since September, the Web site of Taurus International Manufacturing Inc., a major maker of small arms, has celebrated the demise of the prohibition on magazines, flashing in red letters, "10 years of 10 rounds are over!"

HONORING MAJOR GENERAL GEORGE W. KEEFE IN RECOGNITION OF HIS SERVICE AS ADJUTANT GENERAL OF THE MASSACHUSETTS NATIONAL GUARD

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CAPUANO. Mr. Speaker, I rise to honor the career of Major General George W. Keefe, who recently retired from his post as the 41st Adjutant General of the Massachusetts National Guard. Major General Keefe, appointed interim Adjutant General on July 24, 1999, and Adjutant General January 7, 2000, was the first Air Force officer to hold this position.

Born and raised in Northampton, Massachusetts, Major General Keefe attended Holyoke College, where he received an Associate in Business degree. He joined the Massachusetts Air National Guard in 1956 as a Crash Fire Rescue Specialist and rose to the enlisted rank of Master Sergeant in Westfield's 104th Tactical Fighter Group.

Upon becoming an officer, Major General Keefe served in various capacities within the Massachusetts Air National Guard, including the 104th Combat Support Squadron Personnel Officer, Base Supply Operations Officer, Comptroller, and Chief of Supply. His leadership abilities elevated him to the positions of Commander of the 104th Resource Management Squadron, and Deputy Commander for Resources for the 104th Tactical Fighter Group. In 1993, the Major General became the Group's Vice Commander. Major General Keefe was selected as the Vice-Commander for the Massachusetts Air National Guard in 1994 and assumed the position of Assistant Adjutant General for Air in 1995.

As Adjutant General, Major General Keefe was the Governor's senior military advisor responsible for protecting life and property, preserving peace, order, and public safety in times of natural disaster and civil emergency. He also had a responsibility to the Chief of the National Guard Bureau for providing operationally trained, equipped and mission-ready forces to support national security objectives.

Major General Keefe is enshrined in the U.S. Air Force Enlisted Heritage Hall at Maxwell AFB as one of the only general officers who enlisted as an E–1, was promoted through the ranks to E–7, and then rose through the officer ranks from First Lieutenant to Major General. He holds several distinctions, including being the last member in uniform who served in the Berlin Call-up, serving at Plattsburg AFB from October 1961 to September 1962.

Among his awards and decorations, Major General Keefe has received the Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award (with three oak leaf clusters), Air Reserve Forces Meritorious Service Medal, National Defense Service Medal (with Bronze Star), Armed Forces Expeditionary Medal, and Armed Forces Service Medal. The Major General also has been awarded the Air Force Longevity Service Ribbon (with nine oak leaf clusters), Armed Forces Reserve Medal (with gold and bronze hourglass device), Small Arms Expert Marksmanship Ribbon (with Bronze Star), Air Force Training Ribbon Massachusetts Medal of Merit, Massachusetts National Guard Service Medal (with gold eagle), Massachusetts National Guard Desert Storm Service Award and an Award for Heroism for the City of Northampton, Massachusetts.

Major General Keefe has four sons, Gary, James, Patrick and Timothy. Three of his sons are current members of the Massachusetts National Guard. The Commonwealth of Massachusetts and the nation owe Major General Keefe an enormous debt of gratitude for his service to his country. On behalf of my colleagues in the Massachusetts delegation, I commend Major General George W. Keefe for such a distinguished military career and I wish him continued success in all his future endeavors.

INTRODUCING A BILL TO ENHANCE THE SECURITY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. COSTELLO. Mr. Speaker, yesterday Congressman OBERSTAR, Congressman DEFAZIO and I have introduced a bill to enhance the security of the U.S. passenger air transportation system—The Airport Screener Technology Improvement Act of 2005. We are currently collecting over $1.5 billion a year from the passenger security fee for aviation security services. Our bill will put this fee into two funds that will guarantee that TSA will spend the authorized amounts of $650 million a year and $250 million for the installation of in-line baggage screening systems and passenger checkpoint explosive detection, respectively.

Mr. Speaker, last week the Department of Homeland Security Inspector General (DHS IG) and the Government Accountability Office (GAO) both released reports that indicate that our airport screening system still needs improvement. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need.

Mr. Speaker, this Congress has arbitrarily capped the number of airport screeners at 45,000, and has provided neither the resources nor the technology for the screeners to get the job done. Without a significant investment and commitment by Congress and this Administration to upgrade our technology, our screening system will continue to fail. We must and can do better!

Last year, the National Commission on Terrorist Attacks Upon the United States ("the 9/11 Commission") specifically recommended that the TSA and the Congress improve the ability of screenings checkpoints to detect explosives on passengers. The Intelligence Reform and Terrorism Prevention Act (P.L. 108–458) authorized $250 million for the research and deployment of advanced passenger screening technologies, such as trace portals and backscatter x-ray systems. To date, only about $30 million has been appropriated specifically for the general deployment of these types of technologies.

The 9/11 Commission also recommended that the TSA "expedite the installation of advanced (in-line) baggage screening equipment." The Chairman of the 9/11 Commission testified before Congress that the Commission supports moving explosives units out of airport lobbies and into a secured area which will allow for movement of bags from the check-in counter to the loading area in a seamless, in-line process, promoting greater security and efficiency.

In addition to these benefits, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued eight LOIs to cover the costs of installing systems at nine airports for a total cost to the federal government of $957.1 million over four years. The GAO reports that TSA has estimated that in-line baggage screening systems at the nine airports that received LOI funding could save the federal government $1.3 billion over seven years. TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over one year.

In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports. Yet, the TSA has stated that it currently does not have sufficient resources in its budget to fund any additional LOIs. While $650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

Mr. Speaker, the recommendations, findings and statements of the 9/11 Commission, the DHS IG, GAO and TSA all indicate that we need better technology to improve security at our airports. We have been put on notice, and we must take action now. We must demonstrate leadership and deploy technologies that will keep the American public safe and secure. I urge my colleagues to join me in working to pass this important legislation.

CONGRATULATING MR. BERNIE DITTMAN ON RECEIPT OF THE 2005 ALABAMA BROADCASTERS ASSOCIATION'S BROADCASTER OF THE YEAR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Bernie Dittman on the occasion of his being honored with the 2005 Alabama Broadcasters' Association's Broadcaster of the Year Award.

This award recognizes outstanding contributions made by members of the Alabama radio and television broadcast community in both their professional field and in the life of their local cities and towns. Bernie Dittman, a long-time friend and resident of Alabama's First Congressional District, as well as an active member of the state broadcasters' association, is a very worthy choice to receive this year's award.

Bernie purchased WABB–AM in Mobile, Alabama, in 1959. This station, previously owned by the Mobile Register newspaper organization, first went on the air in 1948 with call letters that stand for "Alabama's Best Broadcasters." One year later, Bernie moved to Mobile and completely changed the broadcast format of the station. His conversion of WABB from a country station to Top 40 propelled WABB to the position of the leading station in that format and one of the premiere stations anywhere on Alabama's Gulf Coast. In 1973, Bernie took WABB in a new direction when the station added a new FM signal and began to broadcast a progressive rock format. At a time when most automobiles were not equipped with FM receivers, Bernie and his team ran an extensive series of on-air promotions encouraging the installation of low-cost FM receivers.

Under Bernie Dittman's leadership, WABB has become one of the longest-running and most successful Top 40 radio stations in the United States. The station has also spearheaded over the years the move to more equality in the hiring of on-air personalities and staff members; in fact, WABB was one of the stations in south Alabama which early on began to hire women and African-Americans for important announcer positions. WABB has also been a critical part of Mobile's emergency broadcast community and played a crucial role in providing information to listeners during Hurricane Frederic (1979) and Hurricane Ivan (2004). During Ivan, in fact, WABB was one of the few stations in the area able to transmit continuously during the storm without losing power. Following the end of the storm, the station also spearheaded the effort to collect and distribute relief material to neighboring states which had also been severely affected.

Aside from his professional obligations, Bernie has also ensured that WABB and its family of employees take an active role in the life of the Mobile community. For the past 47 years, the station has operated the WABB Community Club Awards Program of Greater Mobile, which has during its existence provided over $250,000 in financial awards to local civic, religious, and cultural institutions. Additionally, the station has been a 40-year sponsor of the Greater Gulf State Fair, a 35-year sponsor of the Alabama Deep Sea Fishing Rodeo, and a long-time sponsor of both the Senior Bowl and GMAC Bowl college football games. The Boys and Girls Clubs of Greater Mobile, the United States Marine Corps Toys for Tots program, the Mobile Ronald McDonald House, and numerous other organizations advocating area youth have also benefited tremendously from Bernie Dittman's leadership and community involvement. In fact, the area Toys for Tots program holds the record for the single largest toy collection anywhere in the United States, with over 100,000 toys collected—due in large part to the efforts of Bernie and his entire team.

Bernie has also been a longtime member of the Alabama Broadcasters' Association and the National Association of Broadcasters, and in 2000 was the recipient of the Greater Mobile Advertising Federation Silver Medal Award.

Mr. Speaker, there have been few individuals more important to the broadcast profession in Alabama or to the life of their local community than Bernie Dittman. He is an outstanding example of the quality individuals who have devoted their lives to the field of broadcasting, and I ask my colleagues to join with me in congratulating him on this remarkable achievement. I know Bernie's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the First Congressional District and the entire state of Alabama.

RECOGNIZING THE ACHIEVEMENTS OF DEBBY LAWSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Debby Lawson for her dedication to teaching the students at Frazier Elementary in the Comal Independent School District.

Today's students that go through our nation's public school systems have an innate right to be taught the necessary skills to tackle all the challenges they will encounter through the course of their lives. Teachers provide them with this right day after day and in Debby Lawson's case she has been doing this for 30 years now.

Receiving her bachelor's and master's degrees from the University of Texas in Austin, she has been able to take these tools learned in the college classroom and turn them into results in the elementary classroom. The learning environment promoted by Mrs. Lawson is one that teaches the students the values of communication between themselves and their fellow students. Her second grade students are encouraged to "support each other and celebrate the successes of their classmates." This provides our nation's children with the fundamentals to learning how to understand and work along side their peers, an invaluable asset to anyone no matter what age.

Teachers like Debby Lawson give our nation's children the necessary foundations to help them forge their minds into tomorrow's greats. I am honored to have this opportunity to recognize Debby Lawson for her dedication to teaching our community's children.

EMERGENCY IMMIGRATION WORKLOAD REDUCTION AND HOMELAND SECURITY ENHANCEMENT ACT OF 2005

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. GRAVES. Mr. Speaker, I rise today still afraid for our nation's security. Not because of terror alerts, but because our borders remain porous. The enforcement of our immigration policy is impotent, resulting in a continued flood of illegal immigrants across our borders.

It is time for the federal government to stop letting unchecked mass immigration undermine the wages, safety, and benefits in one occupation after another. It is time for the federal government to moderate immigration and to treat American workers, citizen and immigrant, with the respect they deserve.

Our constituents did not elect us to help cheapen the quality of their lives by importing foreign workers at six to eight times the historical average. There is no getting around the fact that when we cheapen labor with unchecked illegal immigration, we cheapen our neighbors, both citizens and immigrants alike.

Today, I introduce the Emergency Immigration Workload Reduction and Homeland Security Enhancement Act of 2005. This legislation would suspend certain nonessential visas in order to provide temporary workload reduction critical to the success of the immigration component of the recently established Department of Homeland Security. These suspensions would be lifted following the certification by Secretary of Homeland Security to Congress that specific conditions ensuring the department's ability to carry out its enforcement responsibilities have been met.

Zealous enforcement of our immigration laws is a critical first step; however, Congress must look at the root causes of our policy flaws. In this era of global terrorism, we must re-evaluate our immigration policy and close these outstanding loopholes to give the Department of Homeland Security the tools it needs to protect our soil.

I call on my colleagues to join me in working to reform our immigration policies and to halt the cheapening of America's citizen and immigrant workers. Without real immigration reform, our borders will not be safe and our citizens will be at risk.

FORTY YEARS OF WORKING FOR PEACE AND INTERNATIONAL UNDERSTANDING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. SANDERS. Mr. Speaker, this year marks the fortieth anniversary of the School for International Training in Brattleboro, Vermont. As one of the foremost schools for cross-cultural education in the world, its record is one trail-blazing effort after another, a whole series of initiatives that have transformed both the world, and the way education about the world is shaped.

The SIT, as it is known, was an outgrowth of the Experiment in International Living, which originated in 1932 when Donald Watt took twenty American teenagers to Europe to live together with teenagers from several European nations. Year after year that program grew and prospered.

In the wake of World War Two the Fulbright Program for the international exchange of scholars and the establishment of the Peace Corps increased this Nation's commitment to the exchange of citizens between different countries and cultures. The SIT was founded in order to provide training and ultimately advanced degrees to those who wanted to work and teach in a global context. It was an early and important resource for Peace Corps training—an unsurprising fact, given that Sergeant Shriver, the first Director of the Peace Corps, had in 1934 been a member of one of the earliest Experiment in International Living programs. The core of the SIT has remained the same for forty years: language training, field-based practice, and a commitment to internationalism.

The School for International Training is not only about technical training for international exchange and work. It has a central vision and a central mission: world peace. Its motto is, "Building peace through understanding—one person at a time." It has lived up to this motto by educating individuals to work in a world where human need is more important than political borders, religious groupings, ethnic identities, or geographical boundaries. It tries to construct a new world in which human beings are united rather than divided by working together to shape a more equitable and peaceful society.

Too often our world today is rent by violence or plundered by corporations looking only to make a quick profit. Building peace and community takes time and steadfast effort. It also takes vision, and a deep sense of generosity. The School for International Training—its leaders, its teachers, its generation of students—have devoted time, effort, vision and generosity in extraordinary measure.

As it celebrates its first forty years, I, the people of Vermont, and the citizens of both the American Nation and the world, wish the School for International Training forty more years of success.

HONORING MR. GENE A. LUNDQUIST

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and wish well in retirement Mr. Gene A. Lundquist, of Bakersfield, California. Gene has greatly served his community through the various organizations with which he has been involved.

Gene has recently retired from Calcot, Ltd., following 36 years of work within this corporation. In his most recent capacity, Gene was the Vice President of Calcot's Legislative and Public Affairs department He was also a member of Calcot's management committee, and took part in Board of Directors' activities.

His career with Calcot began in 1969 and Gene made an impression on all of those who worked with him. He became well known by growers throughout California and Arizona, he represented Calcot at various functions, and he directed the grower relations program. Gene was always the liaison on which people could count. He guided the public affairs program, and assisted with farm legislation and legislators.

While growing and expanding in his various duties at Calcot, Gene also joined other beneficial organizations. He is the director of the Kern County Water Agency, of which he has been a member for over 20 years. This agency is the second largest contractor of state project water, after the Metropolitan Water District in Los Angeles. The Agricultural Council of California, the National Cotton Council, and the Seed Saving and Pricing Committee of California Cotton Planting Seed Distributors are just a few of the other councils and committees on which Gene has served.

Throughout his career Gene has been committed to providing information to the public on various important issues. He is, for example, currently the President of the Water Association of Kern County, a local water education organization.

Although Gene has become well known and quite comfortable with the various agencies in California, he has also expanded his horizons. He participated in the California Agricultural Leadership Program and traveled to Africa and visited Nigeria, South Africa, Ethiopia, Kenya, and Egypt to observe the culture, economies and governments of those nations.

His many experiences both here and abroad have combined to make Gene the all around great guy that he is. His family, wife Susan and son Nels, have graciously shared Gene with the community for many years. While I am sure that Gene will not completely retire from public service, I am sure he will be spending more time with his loved ones.

For us, his retirement is bittersweet—although it is well deserved his efforts will be greatly missed. I congratulate Gene Lundquist, and wish his family all the best.

IN HONOR OF STAFF SERGEANT KIMBERLY FAHNESTOCK VOELZ

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. SHUSTER. Mr. Speaker, I rise today in honor of a young woman who made the ultimate sacrifice for her country. Staff Sergeant Kimberly Fahnestock Voelz of Cumberland County, Pennsylvania died December 14, 2003 in Iraq from injuries sustained on the battlefield. A Leader of the Explosive Ordnance Disposal Team, Kimberly was fatally injured performing her duties with the EOD while approaching a suspicious device outside of Fallujah, 40 miles west of Baghdad. She is credited by her superiors as saving countless lives.

Born in Camp Hill, Pennsylvania on August 24, 1976 to Floyd Jr. and Carol (Mardis) Fahnestock Kimberly graduated from Trinity High School and joined the Army after briefly studying at Wilson College in Chambersburg, PA. She was also a member of St. Joseph's Catholic Church in Mechanicsburg.

Serving with the 703rd Ordnance Company, 2nd Explosive Ordnance Disposal (EOD) stationed at Fort Knox, Kentucky, Staff Sergeant Voelz began her tour of duty in Iraq in September 2003. During her time of service to her country, she was awarded the Army Commendation Medal, the Army Achievement Medal with one Oak Leaf Cluster, two Good Conduct Medals, and a National Defense Service Medal. Sergeant Voelz was also Posthumously awarded the Bronze Star for Valor, the Purple Heart, and the Global War on Terrorism Expeditionary Medal for her service in Iraq. Kimberly was the first female soldier from Pennsylvania to die serving in Operation Iraqi Freedom.

Described as a bright, talented self-starter, Voelz loved what she did, plain and simple. She reenlisted for another 10 years of service shortly before her death. Voelz chose EOD because it was something different, and it took her all over the world. She was often assigned Secret Security detail ensuring government facilities were free of explosives, including events such as the 2002 Winter Olympics and a visit by the late Pope John Paul II to St. Louis.

Staff Sergeant Kimberly Fahnestock Voelz will be honored in a ceremony at Letterkenny Army Depot in Carlisle, Pennsylvania on May 2nd, 2005. Upon the recent completion of a new security gate, it will now bear Kimberly's name in honor of her service and sacrifice to the security of this nation. It is a fitting tribute that validates both her distinguished work as an Ordnance Soldier and Letterkenny's mission to support national security.

Mr. Speaker, I extend my heartfelt condolences to her husband Sergeant First Class Max Voelz, who was holding Kimberly in his arms when she died from her injuries. To her parents, brothers Chad, Mark and sister Kelly, who proudly and deservedly esteem Kimberly "their hero". We are humbly indebted to them for their sacrifice and a grateful nation honors Kimberly's memory.

COMMEMORATING AFRICA MALARIA DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, whether you are from Minnesota or Mozambique, Kansas or the Congo—we all want good health for our children and ourselves. We all want the opportunity to be free from want and the hope that tomorrow will be a beautiful day, maybe even better than today.

Sadly, for millions of families across the African continent, good health, opportunity and hope are all needlessly diminished or extinguished by malaria.

Now I'm from Minnesota so I know a lot about cold winters and just as much about mosquito filled summers, but in Minnesota our mosquitoes annoy us—they don't make us sick and they don't kill our children.

The human misery and economic destruction caused by malaria in Africa is a reality that must change.

And we have the tools to slow malaria's destruction—bed nets, improved sanitation, improved drug treatments, appropriate pesticide use and a committed global partnership to provide resources and to help strengthen national health systems to fight malaria as well as tuberculosis and HIV infection.

Every year across the African continent more than one million babies, toddlers and children under five years old die from malaria. This unimaginable number of children dying last year alone is equal to every single child under 15 years of age in my state of Minnesota.

One million African children dying in a single year from a preventable disease is beyond comprehension, but in fact it is reality and it is a reality that can and must be changed.

For those of us who are moms and dads, we know small children burning with fever don't scream, they whimper almost silently and they stare into your eyes looking for help. Their voices are not heard.

More than a million African moms stare back into their children's eyes equally helpless. And tragically they watch them die from a disease that can be prevented, treated and defeated, if, if the world comes together with the resources, the determination and the urgency to defeat malaria.

Today we need to hear those one million tiny voices. Today we need to look back into the eyes of a million mothers with our compassion and our commitment.

The leadership of the United States, along with other donor nations, when partnered with the Global Fund, the United Nations, W.H.O., UNICEF, along with health ministries and health workers across Africa—if we stand together—can transform the helplessness faced by millions of moms into the promise of surviving, thriving children and healthier families.

I am proud of the commitment Congress, the White House and the American people have made and will continue to make to overcome malaria and the suffering and poverty it causes. But there is much more work to be done. On-going American leadership and strong global partnerships are needed for Africa's leaders, health workers and citizens to successfully control malaria.

So, as we commemorate Africa Malaria Day, let me conclude by paying tribute to our partners—the partners we must not forget. They are the heroes who struggle against malaria everyday. They are the community health workers and midwives, the doctors and nurses, the lab technicians and pharmacists. They work in village health centers, urban hospitals and rural clinics and they are saving lives, often times under very, very difficult conditions.

And together—as partners—their work along with our support, our commitment and a collective sense of urgency—we can save lives, keep families healthier and keep entire communities free from malaria's misery.

HONORING COMMANDER LEDA MEI LI CHONG

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the outstanding efforts of and the recent promotion of Commander Leda Mei Chong of the United States Navy.

Commander Chong was born in Kowloon, Hong Kong and calls San Diego, California her hometown. After graduating from the University of California-San Diego with a degree in Applied Mathematics and French Literature, she joined the Navy through the Nuclear Propulsion Officer Candidate program and received a direct commission as an Ensign in November 1987.

Commander Chong reported to her first assignment at Naval Nuclear Power School, Orlando, Florida as an instructor of mathematics, chemistry, materials engineering, and radiological controls. Her second assignment was as the Administrative Department Head at Afloat Training Group Pacific, San Diego. In 1994 she reported to Naval Postgraduate School as a student in the Systems Technology/Joint C3I curriculum.

Her next assignment was the Navy's Drug Law Enforcement Agency where she was concurrently assigned to the Coast Guard's Telecommunications and Information Systems Command (TISCOM). As the liaison to the Coast Guard, she was responsible for military satellite communications interoperability and policy. Following TISCOM, she moved to Keflavik, Iceland where she was the Deputy Director for C4 to Commander Iceland Defense Force and the N6 for Commander, Fleet Air Keflavik.

Commander Chong completed her tour in Keflavik in the Fall of 2000 and transferred to Washington, DC, to work for the Director of Space, Information Warfare, Command and Control (CNO N6). She was the Navy requirements officer for the Teleports program, for Australia/Canada/New Zealand/United Kingdom/United States (AUSCANZUKUS) allied interoperability, and for Naval Communications and Telecommunications Commands. From 2002 to 2005, she was the Space, C4ISR, and

Information Technology Congressional Liaison in the Navy Office of Legislative Affairs. She is currently assigned as a Navy Appropriations Congressional Liaison in the office of the Assistant Secretary of the Navy (Financial, Management and Comptroller).

I have personally known Commander Chong since 2000 when she assisted my office and my staff with our work on Navy cyber security issues. At that time, as she is now, she displayed an extremely high level of professionalism as well as in-depth knowledge of Navy IT and cyber security issues.

Her recent promotion from Lieutenant Commander to Commander is only one instance where her performance has been recognized and I rise here today to express my appreciation for her efforts as well.

Quite simply, the Navy is well served by Commander Chong, as is the staff and members of this body.

TRIBUTE TO MR. JONAS KISBER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a great American and a very dear friend of mine, Mr. Jonas Kisber, of Jackson, Tennessee. Jonas just recently celebrated his 75th birthday, surrounded by family and many friends.

Jonas was born into a family of retail merchants. Kisber's Department Store, founded in 1905, was a fixture in Jackson for many years. Everyone in West Tennessee was familiar with Kisber's Store and when the store closed in December of 1991, it was an emotional, as well as economic, loss for the area.

Jonas entered the United States Army in 1952. He served in the Korean conflict, and was honorably discharged in 1954 when he began his career at the family business. Jonas served as President of Kisber's Department Stores, Inc. from 1974 until 1991. He has been involved in many civic and cultural activities. He and his late wife, Jane Louise Greenberg Kisber, were well known in their community and in the State of Tennessee for being available to help when you needed someone you could count on to get a job done.

Jonas was the founding Treasurer of the Episcopal Day School, has served in various offices for the Friends of the Jackson Madison County Library Foundation, was President of the Tennessee Retail Merchants Association in 1976–1977, is a member of the Tennessee Library Association, the Jackson Lions Club, served on the Board of Directors of the Jackson Area Chamber of Commerce, and is a past President of the Temple B'nai Israel. He is a member of the Board of Directors of Murray Guard, Inc. He is also currently a member of the Tennessee Board of Regents, a position previously held by his wife, Jane, and to which he was appointed at the time of her death in August of 2002.

He and his late wife are the parents of three children, Joan Kisber Haskins of Chicago, Illinois, Matthew Harris Kisber of Nashville, Tennessee and Rachel Kisber Obermeier of Bad Soden, Germany. Matt, a former Tennessee State Representative for many years, currently serves as Commissioner of the Tennessee Department of Economic and Community Development. Jonas is also the proud grandfather of three boys and a new granddaughter.

Throughout his life, Jonas has contributed much to his community, his state and his nation. He has never shied away from work when his skills and efforts were needed and could make a difference. It is my high honor to recognize his many achievements and contributions, and to say thanks to him for all he has done through the years to make the City of Jackson and the State of Tennessee a better place in which to live.

RECOGNIZING THE ACHIEVEMENTS OF MARJORIE CLAGETT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Marjorie Clagett for her dedication to teaching the students at Goodwin Primary School in the Comal Independent School District.

When someone thinks of a teacher, they most often think of someone who is in the classroom lecturing students about reading and arithmetic. Although this is what usually is expected of a teacher, some teachers commit themselves to students in other ways not as frequently seen in the typical classroom setting. Marjorie Clagett is a perfect example of someone who goes the additional mile to educate her students. Not only is she a great teacher to the students but she also serves as an advisor to them in any way she can. She is there for them to talk about any of the problems that they might be encountering in life and it is for this that she truly is a role model to them.

Educated at Upper Iowa University and St. Mary's University, Mrs. Clagett has the knowledge and experience to help the students in her first grade class not only enrich their minds but also enrich their lives. Her dedication to her class is something that teachers around the world should view as an example of how not only to become a leader to students but also a trusted confidant.

Citizens like Marjorie Clagett provide our nation's children with a teacher in the classroom while also being a friend and role-model to them. I am honored to have this opportunity to recognize Marjorie Clagett for her continuing service to the children of the Comal community.

UNVEILING AND DEDICATION OF THE MOBILE MAMMOGRAPHY UNIT

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to commend CHRISTUS Santa Rosa Health Care for the dedication of the only Mobile Mammography Unit (MMU) in the area of San Antonio and surrounding counties. The MMU will provide breast health services and education to women who otherwise would either have difficulty accessing or not be able to access these services because of financial, transportation, cultural or other constraints.

The CHRISTUS Santa Rosa MMU will assist those who are uninsured and underserved as well as working women who have difficulty leaving the workplace to get a mammogram. All women who have a positive mammogram will be guided to appropriate medical services for follow up care.

As we know, breast cancer is the leading cancer among white and African American women. Statistically, every three minutes a woman in the United States is diagnosed with breast cancer and one out of every eight women in America will develop breast cancer at some time in her life. However, when breast cancer is detected early, a five-year survival rate is 96 percent.

Today, CHRISTUS Santa Rosa Hospital is proud to begin offering assistance for screening mammograms to the women of South and Central Texas to include uninsured and underinsured women of San Antonio and the surrounding counties. The MMU has partnered with community organizations such as the San Antonio Affiliate of the Susan G. Komen Foundation, WINGS (Women Interested in Nurturing, Giving, Sharing), the Alamo Breast Cancer Foundation, the Breast and Cervical Cancer Programs, the San Antonio Metropolitan Health District and many others to provide the full range of services.

Mr. Speaker, once again, I would like to commend CHRISTUS Santa Rosa in San Antonio, Texas for bringing the mobile mammography unit back to the area after three years of not having a unit. I especially want to thank the collaboration of community organizations, the doctors, nurses and staff for their hard work and continued dedication, and wish them well as they continue their life-saving services to the community.

SUPPORTING THE MINUTEMAN PROJECT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. ISSA. Mr. Speaker, I rise today to recognize and commend the successes of the Minuteman Project whose efforts have helped shine light on the flood of aliens illegally entering our country each day and the many deficiencies in United States border security.

It is an extraordinary event when citizens take it upon themselves to make a statement in such a profound manner, leaving their families and homes to travel to a remote area of the Arizona desert to stand watch at the border. For years, we have tried to contain the onslaught of illegal immigration and smuggling into the United States, but we have done so with too few personnel and with policies in place that have undermined these efforts and often aided those illegally present in our country. The Minuteman Project has shown us that we can be effective in securing our borders if we have the personnel and policies in place to do the job.

In just seventeen days, the Minutemen proved that a few dedicated citizens could stifle a significant amount of illegal immigration. They peacefully, unobtrusively, and effectively assisted the United States Border Patrol to intercept numerous illegal border crossings. This was a neighborhood watch program at its finest.

I want to thank the participants in the Minuteman Project for their concern for our country and for their willingness to disrupt their own lives to bring attention to an issue that Congress has not effectively addressed. They have stood their watch on America's border, now Congress must act decisively to expand the Border Patrol and close a hole in our border security that is wide open to those who would harm us.

TRIBUTE TO THE LATE ANDREW ROLLINS, JR.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. MOORE of Kansas. Mr. Speaker I rise today to mourn the recent passing Andrew Rollins, Jr., of Kansas City, Kansas.

Andy Rollins was a longtime civic activist in Wyandotte County and Kansas City, Kansas, who spent over 40 years working to improve the lives of his neighbors and the conditions within his community. I am placing in the Congressional Record with this statement two recent news articles, from the Kansas City Star and the Kansas City Kansan, detailing Andy Rollins' 88 years of good works. He served for 16 years as the president of the Kansas City, Kansas, chapter of the National Association for the Advancement of Colored People, continually worked to bring economic development funds and strategies to Kansas City, Kansas, and actively supported local efforts to assist drug addicts and alcoholics. Additionally, he served our country with distinction as a member of the U.S. Army during World War II, receiving European, African, and Middle Eastern Theater Ribbons, the Good Conduct Medal, the American Campaign Medal, and the World War II Victory Medal.

Mr. Speaker, Kansas City, Kansas, is a much stronger and richer community for having Andrew Rollins, Jr., as a member of the community. I commend him to you and to the members of this House and I join with his family and his many, many friends in mourning his loss.

[From the Kansas City Star]

ANDREW ROLLINS' PASSION FOR GROWTH LEFT MARK ON KCK

(By Robert A. Cronkleton)

City and county leaders fondly remembered Andrew Rollins Jr., a long-time Kansas City, Kan., activist, who died last week at the age of 88. Rollins helped secure private financing for community projects and had worked for years to promote economic development in Kansas City, Kan., and the metropolitan area. "I don't know anyone who cared about the community more than Rollins did," said Don Denney, a spokesman for the Unified Government of Wyandotte County and Kansas City, Kan. "He was a very caring individual and he did a lot of work behind the scenes."

Rollins' community work dated back to 1962, when he founded the Depth Rehabilitation Alcohol Group. Over the years, he helped secure private financing for various community projects including the Kansas City, Kan., Police Cadet Program, a housing project in Nicodemus, Kan; the Mid-America Regional Council; the Gateway I and II office complex, and the construction of the current Kansas City, Kan., City Hall and the joint city-county public health department.

Rollins had owned a security company and for 16 years had served as the president of the Kansas City, Kan., chapter of the National Association for the Advancement of Colored People.

He worked over the years to bring a hotel to downtown Kansas City, Kan., next to the Jack Reardon Civic Center. At one time he was associated with a Saudi Arabian group that was presented as investors for hotel projects that never materialized. "I loved the city and I loved to see the city grown," Rollins said in a 1991 interview.

Dennis Hays, county administrator Unified Government, said Rollins worked tirelessly to find the developers and financing to make the hotel project happen. The Hilton Garden Inn was eventually built at the site and opened in September 2002. While Rollins was not involved in the final financing for the project, Hays said, Rollins was very active in searching for financing and should be credited for his work. "Andy was amazing," Hays said. "He had friendships dating over more than 60 years, back to the days of World War II."

Those friendships included federal, state and local officials, Hays said. "He had access to those folks and an uncanny ability of getting the right people together to address issues and solve problems," Hays said. "He was able to pull the right people together."

Police Chief Ron Miller said he had known Rollins for many years and worked with him on several issues. He always supported the Police Department, Miller said, and was a good conduit for information on issues facing the community. "Andy Rollins loved Kansas City, Kan., and always supported this community," Miller said. "He had national exposure in various groups, but he was always proudest of Kansas City, Kan."

LaVert Murray, director the Unified Government's development department, said Rollins was a mixture between a community activist and a community booster. "He worked hard to better his community," Murray said. "His desire was to make Kansas City, Kan., the best community that existed in the U.S. and to improve the entire metropolitan area."

In 1992, Rollins received four medals and ribbons he earned in the U.S. Army during World War II. The decorations were the European, African, Middle Eastern Theater Ribbon; the Good Conduct Medal; the American Campaign Medal; and the World War II Victory Medal.

Survivors include his two sons, Rev. Andrew J. Rollins III of Topeka and Edward T. Rollins of Mission; two ex-wives, Margaret Louise Hutchinson of Mission and Patience O'Hare of Kansas City, Kan.; a brother and his wife, Henry C. and Geraldine Rollins of Seattle; and two grandchildren.

Rev. Rollins said his father loved Kansas City, Kan., because it was his hometown, he had spent his entire life there. "One of the things he shared with me was that when he was born, he was born in an impoverished situation, the wrong side of the track you could say," Rollins said of his father.

That didn't stop his father from being determined to leave his mark and contribute something positive to the community, Rollins said. He said his father believed that anyone could have a significant impact in life, despite their humble beginnings. "Sometimes you can be dealt a worse hand than the person you are playing against, but if you play your cards better, not even the best hand will still win," Rollins said.

[From the Kansas City Kansan]

COMMUNITY ACTIVIST REMEMBERED

LEADER LEAVES LEGACY TO WYANDOTTE COUNTY

(By Brant Stacy)

The Rev. Andrew Rollins III said his dad was an awesome man.

The late Andrew "Andy" J. Rollins Jr., a longtime activist in Kansas City, Kan., died Sunday at the age of 88. The late Rollins, who was born and grew up in Kansas City, Kan., was deeply involved in making Wyandotte County a better place to live. The Rev. Andrew Rollins III, one of Rollins' two sons, said his father was someone who didn't mind stepping out and taking a chance. He said he was willing to put his life on the line to make a difference. "He encouraged people to live out their dreams," Andrew said. "He wanted to make a better Kansas City, Kan., and he wanted to see African-Americans actively participating in their community. He wanted to inspire."

Andrew said his father's civic career consisted of many great accomplishments. He said he remembers his father serving as president for the Kansas City, Kan., branch of the NAACP, for 16 years. He also said he actively engaged within the urban core. "Both my parents were involved in the civil rights movement," Andrew said. "My father had a lot of pressure on him in those days, but he stood his ground and helped make a difference, especially in the school systems."

Edward Rollins, Rollins' other son, said he remembers his father working hard to help curb alcoholism and D.R.A.G. Alcohol and Abuse Center. He said the facility, which assisted those in the community dependent on chemical substances helped many individuals get back on their feet and lead healthy, productive lives. "He was really concerned about the plight of alcoholics," Edward said. "The D.R.A.G. Center went on to become a national model for drug and alcohol rehabilitation."

Edward said his father was extremely involved in politics. He said his father helped finance City Hall, and a plaque hangs on the wall commemorating his achievements. "He was instrumental in getting the bonds to get that building built," Edward said. "He also secured private funding for other developments within Wyandotte County as well. He was always focused. That's what he was about."

Edward said his father slept only four hours a day for the past 30 or 40 years of his life. He said he was very self determined and had a lot of more than 100 men behind him. "He led an army," Edward said. "He has a lot of soldiers with him as well."

La Vert Murray, Unified Government director of economic development and friend of the late Rollins, said it's difficult to sum up in words the amazing accomplishment Rollins made during his life. Murray said he went to school with Rollins' sons and had always known him. It wasn't until he became involved with the UG of Wyandotte County, Kansas City, Kan., that he understood the power of this man.

Murray said Rollins was a very dynamic individual that got things started. He said he helped fund a variety of development initiatives such as the Jersey Creek Project, the Jack Reardon Civic Center, the Hilton Garden Inn/BPU Office Complex and the most recent, the Weed and Seed program, which helps weed out criminal elements in the community. "He started the Human Engineering Committee for Kansas and Missouri, which focused on getting the Weed and Seed program going," Murray said. "The program helped produce positive individuals and communities."

Murray said Rollins was proud of his accomplishment of securing grants to demolish drug houses. He said those areas are more secure because the drug houses have been cleared. "When you look at the areas in the community that are yet redeveloped, at least a number of those areas are more secure because the dilapidated structures are torn down."

Murray said that oftentimes Rollins came across as a commoner. He said while he gave this appearance he was able to effectively communicate across all lines, including those of senators, representatives and the common man.

Andy said it's hard to believe his father is gone. He said it's hard to say how his father's life will affect people in the future but he knows he will be remembered.

Edward said his father helped countless amounts of people. He reached out to urban areas, helped black people get involved and showed them how to become active in their community. "God put him on this earth to do something with Wyandotte County," Edward said. "He made Wyandotte County a positive place to live and raise kids."

U.S. POLICY OPTIONS FOR IRAN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. FILNER. Mr. Speaker, today I enter into the CONGRESSIONAL RECORD a report by the Iran Policy Committee (IPC) entitled, "U.S. Policy Options for Iran." The IPC found that Iran presents a growing challenge to U.S. interests and values in a number of areas. The report examines the U.S. policy options for addressing these concerns and calls for change in Iran based on internal Iranian opposition.

We need to foster greater awareness and dialogue in Congress about this critical situation. To that end, I urge my colleagues to review this report and join me developing an effective U.S. policy on Iran.

U.S. POLICY OPTIONS FOR IRAN

PREPARED BY: IRAN POLICY COMMITTEE (IPC)

CO-CHAIRS

Ambassador James Akins, (ret.)

Lt. Col. Bill Cowan, USMC (ret.), CEO, wvc3, inc.

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Dr. Neil Livingstone, CEO, Global Options, Inc.

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Lt. General (ret.) Thomas McInerney Former Assistant Vice Chief of Staff of the Air Force

Captain Chuck Nash (ret.) President, Emerging Technologies International

Lt. General Edward Rowny (ret.) Former Ambassador Strategic Arms Reduction Talks

Professor Raymond Tanter Former Staff Member, National Security Council

Major General (ret.) Paul Vallely, Military Committee Chairman, Center for Security Policy

Executive Director: Clare Lopez Strategic Policy and Intelligence Analyst

U.S. POLICY OPTIONS FOR IRAN: EXECUTIVE SUMMARY

Iran poses six threats to American interests and ideals:

Drive to acquire nuclear weapons.

Continuing support for and involvement with terrorist networks.

Aid to groups working against the Arab-Israel peace process.

Disruptive role in Iraq.

Expansionist radical ideology.

Denial of basic human rights to its own population.

With respect to these threats from Iran, Washington circles largely divide between two alternatives—those who favor engagement with and those who support military strikes against the regime Few favor regime change as an end in itself.

While the Bush administration does not yet explicitly call for changing the regime, it advocates working with the Iranian people as opposed to the unelected theocracy in Tehran, which is an implicit policy of regime change.

By calling for change in Tehran based on the Iranian opposition instead of the U.S. military, the Iran Policy Committee (IPC) highlights a third alternative: Keep open diplomatic and military options, while providing a central role for the Iranian opposition to facilitate regime change.

IPC joins the debate in Washington over Iran policy initiated by think tank reports on Iran—Council on Foreign Relations (CFR), The Committee on the Present Danger (CPD), and The Washington Institute for Near East Policy (TWI). In contrast to the thrust of such reports, IPC suggests that Iranian opposition groups ought to play a central role in U.S. policymaking regarding Iran.

Comprised of former officials who have worked on the Middle East in the White House, State Department, Pentagon, intelligence agencies, Congress, and experts from think tanks and universities, IPC welcomes the occasion to support the Iranian people in pursuit of U.S. national interests. But continued designation since 1997 of the main Iranian opposition group, Mujahedeen e-Khalq (MEK), as a foreign terrorist organization by the State Department assures Tehran that regime change is off the table. Removing the MEK's terrorist designation would be a tangible signal to Tehran and to the Iranian people that a new option is implicitly on the table—regime change.

U.S. POLICY OPTIONS FOR IRAN

INTRODUCTION

". . . liberty in our land depends on the success of liberty in other lands . . . . So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture.—President George W. Bush, Inaugural Address, 20 January 2005.

"As you stand for liberty, America stands with you."—President George W. Bush, State of the Union Address, 2 February 2005.

Using the theme of liberty in general from his Inaugural Address, President Bush refers directly to the Iranian people in his State of the Union Address. In so doing, he tacitly "targets" the regime in Tehran.

The question is what means should the President use to decrease threats posed by Iran:

Continued negotiations, including positive and negative incentives.

Future military action.

Support for the Iranian opposition.

These options are neither mutually exclusive nor logically exhaustive; but they do reflect courses of action being considered in Washington.

Because the Iranian regime's policies pose direct threats to national security interests and ideals of the United States Government (USG) and those of its allies and friends, Iran is on the front burner of American foreign policy.

Consider these six Iranian threats to U.S. interests and ideals:

Drive to acquire nuclear weapons.

Continuing support for and involvement with terrorist networks.

Aid to groups working against the Arab-Israel peace process.

Disruptive role in Iraq.

Expansionist radical ideology.

Denial of basic human rights to its own population.

The Iran Policy Committee (IPC) analyzes these dangers and makes recommendations to meet them. It is not the intention of the IPC to duplicate analysis already receiving consideration in policymaking circles; rather, this policy paper offers a distinct perspective and recommends a course of action that is different in key aspects from what has been proposed to date. IPC seeks to build upon the President's disposition to work with the Iranian people by broadening options for American policymakers regarding Iran.

For too long, Washington has been divided between those who favor engagement with and those who support military strikes against the Iranian regime. The Committee stresses the potential for a third alternative: Keep open diplomatic and military options, while providing a central role for the Iranian opposition to facilitate regime change.

President Bush's 2005 State of the Union Address ignores the leadership in Iran in order to converse directly with Iranian people. And it is not his first time doing so; indeed, the President's radio address of December 2002 began the process of having a conversation with the people instead of diplomatic discourse with the regime.

The IPC urges the administration to acknowledge the threat posed to American national security interests by the totalitarian theocracy in Tehran and to adopt a policy that proactively steps forward to defend those interests.

Furthermore, the IPC believes that Washington should support the Iranian people in their efforts to participate meaningfully in a representative government that is responsive to their concerns; implicit in such support is the recognition that the Iranian people have the right to choose and change their own government, as they see fit.

IPC joins the debate in Washington over Iran policy initiated by think tank reports on Iran—Council on Foreign Relations (CFR), The Committee on the Present Danger (CPD), and The Washington Institute for Near East Policy (TWI). In contrast to the thrust of such reports, IPC suggests that Iranian opposition groups ought to play a central role in U.S. policymaking regarding Iran.

Themes running through these think tank reports include the following reasons for dissatisfaction with American policy toward Iran. Critics hold that U.S. policy is not well articulated because of bureaucratic differences; there are too many or too few carrots in relation to sticks; and American policy is not linked enough with Europe's approach to Iran. The reports view the threat of sanctions and force as well as the promise of diplomacy as complementary tools in the Western arsenal. At issue is the mix between negative and positive incentives, a formula for which there is little accord among transatlantic partners.

While some place the burden on Washington to resolve Iran's nuclear proliferation activities and its state sponsored international terrorism, few place that responsibility directly on the Iranian people. With the possible exception of the CPD, there is too little acknowledgment of a role for Iranians in general and groups opposed to the regime in particular.

As a result, there is a niche for the Iran Policy Committee to address Iranian threats from the perspective of encouraging the people to be principal agents change. Without the active participation of Iranians, moreover, regime change from the outside is unlikely to succeed.

En route to her first overseas mission to Europe on February 3, 2005, Secretary of State Condoleeza Rice held that the Iranian people should have a chance to "change their own future," a statement IPC considers as a euphemism for regime change.

Summing up the U.S. government's principal concerns with respect to Iran, Rice further stated that, "The goal of the administration is to have a regime in Iran that is responsive to concerns that we have about Iran's policies, which are about 180 degrees antithetical to our own interests at this point."

While the debate in Washington concerns whether to make explicit its tacit policy of regime change for Iran, the debate in the region is the race between two clocks—a diplomatic and a nuclear timepiece.

On one hand, at issue is whether negotiations can slow down Tehran's march toward nuclear weapons status before Iran acquires such status. The Committee holds that the diplomacy is moving too slowly in relation to nuclear weapons progress.

On the other hand, unless working with the Iranian people rapidly leads to regime change in Tehran, the pace of nuclear weapons development might leave Washington with what he Committee believes is the least desirable option of waging military strikes against Iran.

IRAN'S NUCLEAR WEAPONS PROGRAM

Regarding impact in the region, the nature of the regime in Tehran is of greater import than its nuclear weapons capability: An Iran with representative institutions with a nuclear weapons capability would not be as destabilizing as nuclear weapons in the hands of the unelected, expansionist theocracy. The best outcome is a freely-elected, representative government without nuclear weapons; only with such a government would such an outcome be possible.

The nightmare scenario is that a nuclear weapons capability in the hands of an aggressive and repressive regime in Tehran raises the possibility that it could and would collaborate with transnational networks to carry out nuclear terrorism. In any event, of the six critical threats posed by Iran, its drive to acquire nuclear weapons is the first and most urgent.

According to June 2004 testimony by Undersecretary of State for Arms Control and International Security, John Bolton, defense experts in the United States strongly believe that Iran has a clandestine program to produce nuclear weapons. Speaking in January 2005, moreover, Bolton told reporters that Iran's repeated support for terrorism makes it particularly dangerous if Tehran were to acquire nuclear weapons.

There have been new revelations about the rapid pace of Iran's nuclear weapons progress since 2002. It is known that Iran is developing its indigenous uranium mines; has built a uranium conversion facility at Isfahan in central Iran; is building a massive uranium enrichment facility at Natanz, which is designed to house tens of thousands of centrifuges plus numerous centrifuge production workshops, a heavy water production plant at Arak, and a laser enrichment facility.

Revelations by diplomatic sources on February 3, 2005 suggest that Iran is testing components of its centrifuge rotors, despite a November 2004 pledge to freeze all such activities related to enrichment. That pledge led to an agreement among Iran's European interlocutors and the International Atomic Energy Agency (IAEA) to put a hold on U.S. attempts to report Iran to the UN Security Council for violations of the Treaty on the Non Proliferation of Nuclear Weapons (NPT). The new revelations deal a serious blow to any hopes that Iran intends to forego uranium enrichment en route to a nuclear weapons capability.

In separate developments on February 3, a spokesman for the main Iranian opposition group charged that Iran has obtained materials and expertise to make neutron initiators ("triggers") for an atomic bomb. A senior official of the National Council of Resistance of Iran (NCRI), speaking in Paris, cited secret sources inside Iran's nuclear development programs. This person accused Tehran of conducting a secret program to develop a nuclear triggering mechanism using smuggled materials. He claimed that Iran has produced or purchased from abroad quantities of polonium-210 and beryllium, two elements required for building a "neutron initiator," which is an integral part of a nuclear bomb.

The facility where this work allegedly is taking place is a military installation on the outskirts of Tehran, known as Lavizan II. Remarkably, the IAEA has not inspected Lavizan II yet, nor does it appear to be pressing for inspections there, despite the site first being identified by the NCRI in November 2004.

The NCRI has been instrumental in exposing Iran's secret nuclear facilities in the past. By relying on its network inside Iran of a member organization, the Mujahedeen e-Khalq (MEK), the NCRI revealed a number of significant nuclear sites including Natanz, Arak, Ab-Ali, and Lavizan.

Despite the fact that Iran is a signatory to the NPT, Tehran has repeatedly violated its provisions and continues to play fast and loose with IAEA efforts to monitor compliance. The regime appears to be counting on the apparently inexhaustible patience of the IAEA and the Europeans, who have agreed to compromise after compromise with Iran, to avoid having the issue brought before the United Nations (UN) Security Council, as pursued by the United States. The longer this negotiation takes, the more time Iran has to engage in covert activities, enabling it to acquire fissile materials to build and test nuclear weapons.

In other words, time is on Iran's side. The world cannot wait for proof "beyond a reasonable doubt" of an Iranian bomb. The risks of delay are too high. The international community should be prepared to act on the recent discoveries of evidence of weapons-related nuclear activities. Discoveries over the past two years, along with the revelations by Iranian opposition groups that Iran is developing a nuclear trigger, constitute "clear and present evidence" of illicit activities that, unless halted, may lead to bomb-making.

The general view among the experts is that, if left undeterred, Iran is only one to three years away from producing a nuclear bomb. Indeed, there are reports from a secret meeting that Supreme Leader Ayatollah Ali Khamenei has ordered technicians to accelerate Iran's nuclear program in order to achieve nuclear weapons status by the end of 2005.

There is a notion in certain policy circles that, if Iran feels threatened, the hard-line clerics will be further induced to go nuclear. They propose offering additional security assurances to Iran as an incentive to convince it to give up its nuclear weapons program. Given the nature and behavior of the regime, the more plausible argument is that unless they feel threatened, the Iranian clerical rulers will continue their nuclear weapons program on the assumption they can get away with it. Only the prospect of severe consequences threatening the very existence of the regime could induce them to forego nuclear weapons out of fear of the consequences.

NUCLEAR DELIVERY SYSTEMS: THE IRANIAN MISSILE PROGRAM

Iran possesses one of the largest missile inventories in the Middle East. It has acquired complete missile systems and developed an infrastructure to build missiles indigenously. During military exercises held in September 2004, the Iranian Revolutionary Guards successfully test-fired a "strategic missile," likely the Shahab-3 rocket, which reportedly has a range of up to 2,000 kilometers and is capable of carrying a 760–1,000 kilogram warhead. The Revolutionary Guards is officially armed with the Shahab-3 missiles.

Taken in combination with Iran's drive to achieve a nuclear weapons capability, its continuing support for radical Islamist terrorist groups and avowed opposition to the existence of Israel, Iran's demonstrated capability to field an intercontinental ballistic missile raises much concern among defense officials of many countries.

In December 2004, Iran's main opposition coalition, the National Council of Resistance of Iran (NCRI), uncovered a new missile program secretly pursued by Iran, as well as a program to develop a nuclear warhead. The new secret missile, produced at the Hemmat Missile Industries Complex in northeast Tehran, is named Ghadar, NCRI reported. North Korean experts are believed to be assisting the Iranian program at this complex.

The Ghadar missile may have a range of 2,500 to 3,000 kilometers (1,550 to 1,860 miles). NCRI also reported that Iran has improved the guidance and control system of its Shahab-4 missiles, based on a system acquired from China.

In late January 2005, a Ukrainian legislator alleged that Kiev sold nuclear-capable cruise missiles to Iran and China during the period from 1999–2001. The Kh-55 cruise missile has a range of 3,000 kilometers and is capable of carrying a 200-kiloton nuclear warhead.

In addition to Iran's nuclear weapons program and its advanced delivery system, a second threat posed by the regime is its support for and involvement with international terrorist networks.

REGIME SUPPORT FOR INTERNATIONAL TERRORISM

The Islamic Republic of Iran is the world's number one state-sponsor of terror. It created Hizballah, supports al Qaeda, Abu Musab al-Zarqawi in Iraq, Hamas, and Palestinian Islamic Jihad (PIJ). Tehran operates at the heart of a network of terrorist organizations engaged in murder, kidnapping, bombing, and other atrocities calculated to sap the will of the United States and the West to resist.

Iran's logistical, financial and operational assistance takes the form of providing terrorists safehaven, travel documents such as passports, weapons, training and technical expertise.

Information reveals a pattern of operational contacts between the Iranian government and Osama bin Laden's al Qaeda organization. These contacts include: joint planning of terrorist operations, military training of bin Laden operatives inside Iran and by Iranian IRGC and MOIS officers in Syria and Lebanon, financial assistance to clandestine terrorist and surveillance cells, false passports, and communications.

The 9/11 Commission report documented in great detail the logistical, operational, and material support provided by Iran and Hizballah to al Qaeda. This report, released in July 2004, echoes the earlier federal grand jury findings about links between Iran and al Qaeda. The Commission's report stated that Iran's support of al Qaeda dates back to 1991, when operatives from both sides met in Sudan; by 1993, "al Qaeda received advice and training from Hezbollah" in intelligence, security, and explosives, especially in how to use truck bombs. The training took place in the Beka'a Valley, Hizballah's stronghold in Lebanon.

According to the 9/11 commission report, there is strong evidence that Iran facilitated the transit of al Qaeda members into and out of Afghanistan before 9/11, and that some of these were future 9/11 hijackers. Iran's support for al Qaeda has continued.

IRAN'S OPPOSITION TO THE ARAB-ISRAEL PEACE PROCESS

Tehran was instrumental in the creation of Lebanese Hizballah, which formed in 1982 under the sponsorship of Iran's Revolutionary Guard Corps (IRGC), who arrived in Lebanon as the vanguard of Khomeini's Islamic revolution.

Iran continues to provide Hizballah with money, equipment, training locations, and refuge from extradition. Its overall financial support to Hizballah and Hamas totals tens of millions of dollars in direct subsidies each year.

IRANIAN DESIGNS IN IRAQ

Demography and geography facilitate the impact of Iran's expansionist ideology. With a population three times Iraq's and a contiguous territory four times Iraq's, Iran exerts a naturally powerful influence on its western neighbor. Iraq's longest border is with Iran (over 900 miles), and the vast majority of the Iraqi population lives within a 100 mile distance from the Iranian border, placing it well within the sphere of Tehran's expansionist ideology.

Shiite pilgrims began flowing once again after 2003 between the holy places in Iran and those in Iraq, especially the holy shrines in Najaf and Karbala. Iranian intelligence agents also flooded the country. They quietly and effectively set up a network of agents across Iraq, recruiting and training local village people, former Iraqi military officers, politicians, and young men to collect intelligence on Coalition forces and facilities.

A long period of secular Ba'athist domination in Iraq punctuated by a savage eight-year war between Iran and Iraq countered Iranian political influence in the region. During this time, westward expansion of Iran's theocratic ideology declined. With the April 2003 collapse of Saddam Hussein's regime and ensuing breakup of existing security and border patrol forces, Iran seized the chance to spread its influence and launched a multifaceted military, intelligence, and political campaign in Iraq.

Along with intelligence agents, the Iranian Revolutionary Guard Corps (IRGC) and the Ministry of Intelligence (MOIS) also sent suicide bombers, money, and weapons to support insurgents fighting against Coalition forces in Iraq. Testimony and documentary evidence show that officials at the highest level of the Iranian regime have been involved with planning and providing support for terrorists and suicide bombers affiliated not only with the upstart Shiite cleric, Moqtada al-Sadr, but with the forces of wanted Jordanian terrorist and al Qaeda associate, Abu Musab al-Zarqawi, and Ba'athist loyalists as well.

In late January 2004, an Iraqi terrorist leader captured in Falluja and accused of carrying out beheadings and deadly attacks, claimed that his group was linked to Tehran. In footage aired January 8, 2005 on the U.S.-run television channel, Al-Hurra, Ahmed Yassin, a leader of the Jaish Muhammed (Muhammed's Army) and a former colonel in Saddam Hussein's army, said two members of his group went to Iran in April or May, where they met a number of Iranian intelligence officials and Iran's Supreme Leader Khamenei. Iranian officials provided money, weapons, and even "car bombs." During December 2004, the Najaf police chief said that the commander of three terrorists arrested in connection with a car bomb that exploded in the holy city on December 26, had extensive connections to Iran's Ministry of Intelligence.

Tehran also recruited over four thousand volunteers for suicide operations in Iraq in public ceremonies in Iran attended by prominent Revolutionary Guards commanders.

Iranian intelligence services have pumped millions of dollars and hundreds of operatives into Iraq. In a press conference in October 2004, Iraq's national intelligence chief, Mohammed Al Shahwani, accused Iran's Baghdad embassy of recruiting elements for sabotage operations and assassinations of his intelligence agents. He said that documents showed Iran had a $45-million budget for sowing chaos in Iraq. At least 27 people working in the Iranian embassy in Baghdad were coordinating intelligence gathering operations and assassinations, the spy chief added.

Iranian meddling is aimed at frustrating the emergence of a stable and representative government in Iraq and also at keeping the United States so occupied in dealing with the insurgency that it would have neither the will nor the resources to pressure Iran on the nuclear issue. In the months and weeks leading up to national elections in January 2005, both Iraqi President Ghazi al-Yawar and Jordan's King Abdullah charged that Iran was heavily involved in attempting to influence the outcome to produce a Shiite dominated government similar to Iran's. In an interview with the Kuwaiti daily, Al-Qabas on January 6, 2005, Iraqi Defense Minister Hazem Shaalan accused the Iranian regime of "interfering [in Iraq] with money, guns, and intelligence."

With the apparent success of the Iraqi elections, Iraq has now entered a new phase. Only a day after the January 2005 elections, Iranian media and web sites claimed victory, comparing the Shiites' gain in the elections with the Iranian revolution that brought an Islamic system to power or with the rise of Hizballah in the Lebanese political scene in the Middle East.

The first and most pressing post-election challenge is to ensure the selection of a representative National Assembly that would draft a modern, broadminded constitution for Iraq. The aim would be to reflect Iraq's Islamic soul but avoid a narrow formula for governance based solely on Sharia law. It is to be expected that Iran will seek to influence the members of the National Assembly and their drafting of this constitution.

The makeup of the future interim government is equally important and might succeed to avoid Iranian dominance by seeking as diverse participation as possible from all sectors of Iraqi society. In the transitional period before the constitution comes up for a vote and a permanent government and military and security structure is in place, it will be critical to monitor Iranian efforts to influence the process.

EXPANSIONIST RADICAL IDEOLOGY

Iran's "Velayat e-Faqih" system poses both an immediate and continuing threat to neighbors because of its aggressive policy of expansion. This policy is evident in Iranian actions in Lebanon and Iraq, where calculated cultivation of terrorism is an inseparable characteristic of the theocratic system.

Export of terrorism and extremism is an intrinsic attribute of Iran's theocratic system. Tehran's rulers believe their power lies in awakening the Islamic world to their Islamist ideology. Iran's leadership clearly believes the Islamic Republic's survival depends on the support of such a global force.

DENIAL OF BASIC HUMAN RIGHTS TO ITS OWN CITIZEN

The human rights situation in Iran has deteriorated severely over the past year. Ironically, the European Union's "human rights dialogue" has had the opposite effect from that intended because the regime has continued its suppression of the Iranian citizenry.

In December 2004, the United Nations in a resolution criticized Iran for public executions, arbitrary sentencing, flogging, stoning, and systematic discrimination against women. The measure also condemned "the execution of minors below eighteen years of age, and the use of torture and other forms of cruel, inhuman and degrading punishment." It also rebuked Iran for discrimination against minorities, including Christians, Jews, Sunnis, and the Baha'is.

Gender discrimination and violence against women in Iran continue to give cause for grave concern. The parliament has called for placing more restrictions on women's attire and on their social freedoms. Deputies have also called for segregating men and women at universities and for other limits on women's activities. The number of publications closed down and of people arrested, prosecuted and sentenced for the peaceful expression of their opinion has increased.

While the human rights situation deteriorated in Iran, the public discontent has been on the rise.

POLITICAL DISSENT IN IRAN

Over the past year, hundreds of anti-government demonstrations were held in Iran, further destabilizing the regime. Originating with complaints over municipal issues, a series of anti-regime demonstrations that erupted in 2004 in many provincial cities, such as Feraydoun Kenar, Boukan, and the earthquake-stricken city of Barn, reportedly targeted government buildings, vehicles, and security forces.

In December 2004, students at Tehran University gave President Khatami an angry and humiliating reception when he admitted to the role he played in preserving the regime. They shouted, "Shame, shame" while calling him a liar and demanding his resignation.

The anti-regime movement, partly derailed by the false expectations aroused as a result of the election of Khatami as president in 1997, has now gained a new momentum. The disillusionment of the population with Khatami took place in July 1999, when he failed to support a student demonstration that turned into a six -day popular uprising, spreading to 19 cities and shaking the foundations of the regime. In the midst of a bloody crackdown on the students, Khatami opted to stand by the establishment; many believe he may have ordered some of the crackdown himself.

The opposition movement meanwhile continued its expansion, and since 1999, many student demonstrations and popular protests have rocked Tehran and other cities.

IN SEARCH OF A NEW APPROACH TOWARD IRAN: OPTIONS

Some American policy advisors urge the administration to refrain from taking a hard line with Tehran because they interpret recent developments inside Iran as pointing to an impending collapse of the system, much like the Soviet implosion that led to the end of the communist regime in the USSR. Other policymakers advocate engagement with the ruling clerics in Tehran in order to solve controversial issues outstanding between the two countries.

In a difficult atmosphere of diplomatic gridlock, internal and international ideological divisions, and faced with an unappealing slate of military options, the United States needs a broad set of options. This paper outlines a full spectrum of approaches toward Iran, beginning with diplomacy and moving through increasingly more coercive measures, culminating with an outright commitment to regime change.

DIPLOMACY

Proponents of the diplomatic approach hold that the United States has not offered enough carrots to Iran to address its security concerns. In addition, it is necessary to convince Tehran that it is in its own interests to abandon outlaw behavior, they contend.

There are several carrots that might be offered to the Iranian regime in the hope that a good-faith demonstration by the West to an approach of engagement would elicit desired compliance with international norms of behavior. Most of these incentives have already been placed on the table.

This diplomatic approach requires that Washington cooperate with Europeans to present a united front to the regime. With the example of U.S. resolve in Afghanistan and Iraq before them, the Iranian leadership might be persuaded to reach the appropriate conclusions, if the principal European interlocutors were to emphasize the limits of their ability to influence, much less control, American foreign policy decisions. In a version of "good cop— bad cop," the message would be conveyed that there are consequences for noncompliance that are beyond European ability to control.

An effort to acknowledge the legitimacy of Iranian national desires for a civilian nuclear power program might provide Iran an opportunity to demonstrate its peaceful intentions, according to diplomatic approach.

To enhance the acknowledged benefit of exchange programs that bring foreign students and business leaders to the United States for study and travel opportunities, Washington should look for ways to expand such exchange programs, consistent with the requirements of homeland security.

COERCIVE DIPLOMACY

A frank evaluation of the track record so far on attempts at diplomatic engagement with the ruling regime in Tehran must conclude that such an approach is not working and probably will not ever succeed, if not stiffened with more stringent measures. Such measures would begin exacting penalties from Iran if it does not comply.

At the top of the list of penalties are economic sanctions, which will not succeed unless applied in concerted and cooperative fashion by all of Iran's major Western trading partners. Such sanctions would include oil; ban on airline travel; prohibition of financial transaction, bilateral or multilateral economic assistance, and general trade.

Increased funding and strong congressional backing for radio and satellite television broadcasts into Iran would send the message that Washington wants to reach out to the Iranian people. Public statements of support from American officials in favor of imprisoned and exiled Iranian political leaders would be an encouraging sign of support for the people.

The U.S. State Department can send a strong message of disapproval to the regime in Tehran by refusing to issue visas to its United Nations representatives that would permit them to travel beyond the immediate radius surrounding New York City (as occasionally has been done).

In the same vein, the activities of Iran's diplomatic representation at the regime's interest section in the Embassy of Pakistan in Washington, as well as at the regime's UN mission in New York, should continue to be closely observed by the appropriate domestic intelligence and other agencies for possible unlawful activities that may include espionage, threat, intimidation, or unlawful lobbying with Members of Congress.

Also relevant is a threat of action by an international tribunal for Iranian leadership crimes. It might charge the leaders with support for transnational terrorism and human rights abuses. This threat might be made tangible by bringing a legal case against Supreme Leader Khamenei.

Most important of all, the United States must stay the course in Iraq to ensure that a moderate system takes hold, which is representative, committed to fairness for all Iraqis, and intolerant only of terrorism and violence. Helping the voices of moderate Iraqi Muslims to be heard and protecting them from intimidation by agents of Iranian terror should go a long way to encourage emergence of like-minded moderates within Iran.

As efforts on the diplomatic front are under way, the United States should accelerate its outreach to the Iranian people, as part of the process to help them change their future.

DESTABILIZATION

Application of the diplomatic measures may not alter the regime's behavior on those issues of paramount concern to the international community, such as support for terror, pursuit of WMD programs, meddling inside Iraq, and violation of its citizens' human rights. If not, then Washington should be prepared to embrace a new option, short of direct military action, but which might have the best chance for success.

The middle option would open a campaign of destabilization, whose aim would be to weaken the grip of the ruling regime over the Iranian people sufficiently that Iranian opposition groups inside the country and abroad are empowered to change the regime. To the extent that any or all of the foregoing diplomatic measures, coercive or not, are deemed useful, their application should be sustained during a destabilization phase.

However implausible or unlikely to be taken seriously, an American call for Iranian Supreme Leader Khamenei and his cohorts "to return to the mosque" might set the stage and be used as a point of departure for further negotiations. Such a call might give the international community a foundation upon which to build a case against the regime.

The next stage of an American-led campaign to compel conformity to international norms of behavior would be to encourage Iranian opposition groups. This is an option that has never actually been on the table and has not been explored sufficiently; this option relies on the Iranian opposition to take the lead role in coordinating a campaign for regime change and establishing representative institutions.

Secretary of State Condoleezza Rice told reporters on her February 2005 European trip, "The Iranian people should be no different from the Palestinians or Iraqis or other peoples around the world." That is, the people of Iran are not immune to the wave of democracy in the Middle East.

In January 2005, six prominent members of the U.S. Congress, led by House International Relations subcommittee chair for Middle East and Central Asia, Ileana Ros-Lehtinen (R-FL), as well as Tom Lantos (D-CA), Eric Cantor (R-VA), Howard Berman (D-CA), Steve Chabot (R-OH), and Gary Ackerman (D-NY), introduced the Iran Freedom Support Act (H.R. 282), with more than 50 cosponsors. It would provide U.S. assistance to independent broadcasts into Iran and to pro-democracy groups.

The best-known of the Iranian opposition groups is the Mujahideen-e Khalq (MEK). Founded in the 1960s by college students, the MEK participated in the 1979 revolution against the Shah, but quickly fell out with Ayatollah Khomeini, who executed thousands of its members and leaders. Following the start of mass executions in June 1981, the group went underground, and many of its leaders fled to France from 1981 to 1986, after which the MEK took refuge in Iraq.

While in Iraq, the group formed an army equipped with tanks, armored personnel carriers, and field guns, implementing cross-border attacks against the Iranian regime. The MEK network in Iran also carried out military operations against the Revolutionary Guards and other government targets. The MEK has represented a significant security threat to the Iranian regime ever since the end of the Iran-Iraq War and could continue to do so, were it released from its circumscribed status in Iraq.

United States policy toward the MEK has been ambivalent and controversial over the years and reached a nadir in 1997, when the Department of State placed the MEK on its Foreign Terrorist Organizations list. This inclusion was primarily a goodwill gesture to

Mohammad Khatami, the newly-elected Iranian president, whose administration was looked to with much hope for its reformist promise. Despite the State Department's accusations that the MEK murdered Americans in mid 1970s and supported the U.S. embassy takeover in Tehran in 1980—charges the organization denies—the MEK has not attacked or targeted U.S. interests since the 1979 Iranian revolution.

Nevertheless, the State Department added the major political wing of the Iranian opposition, NCRI, to the Department's terrorist designation; previously, NCRI had operated in the United States as a legitimate, registered organization.

Before surrendering hundreds of tanks and armored personnel carriers to the U.S. military, the MEK had notable mechanized and infantry capabilities. The fledgling Iraqi Army uses some of this equipment, since 2004.

The MEK seems to have an impressive network in Iran, where it has been gathering intelligence on Iran's nuclear weapons program as well as its activities in Iraq. The MEK published a book detailing the particulars and pictures of nearly 22 thousand people—mostly associated with the MEK—executed for political charges by the Iranian government.

There is sizable support among the exile Iranian community for the MEK, which often draws large crowds to its rallies and demonstrations in western capitals.

THE MEK'S RELATIONSHIP WITH THE U.S. MILITARY IN IRAQ

Months before the start of the 2003 War in Iraq, the United States' major concern was Iraq's eastern neighbor, and its perceived involvement in the conflict that might have complicated the situation in the region. Washington, therefore, offered to alleviate Iran's concerns by bombing and destroying the MEK, hoping to reach an accommodation with Iran in a post-Saddam Iraq.

Days after the start of U.S. bombing of Saddam's forces in late March and early April of 2003, Coalition planes heavily bombed nearly a dozen bases belonging to the MEK, killing dozens of fighters and wounding many more.

U.S. Special Forces worked out a ceasefire agreement with the MEK in April 15, 2003, once the MEK consolidated its forces in a few camps north of Baghdad. The United States decided in May 2003 to disarm the group, and confiscated 2,139 tanks, armored personnel carriers, artillery pieces, air defense artillery pieces, and miscellaneous vehicles formerly in the MEK's possession.

In August 2003, in what appeared to be a response to Iranian demands, the State Department acted to close down the offices of MEK associate groups in Washington.

Tehran has been particularly sensitive to the MEK activities inside Iran and abroad, signaling that it takes the dissident group most seriously. European governments and some U.S. administrations have used the MEK as bait to improve relations with Tehran. In a similar vein, the November 2004 European Union nuclear agreement with Iran includes an EU promise to treat the MEK as a terrorist group, which addressed Iran's security concerns.

Although it is difficult if not impossible to gauge the level of support MEK enjoys in Iran, this organization is indisputably the largest and most organized Iranian opposition group. There are nearly 3,800 of its members in Camp Ashraf, 60 miles north of Baghdad. Females constitute nearly a third of its rank and file.

As of February 2005, the State Department still listed the MEK as a foreign terrorist organization, despite calls for its removal from the list by many members of the U.S. Congress and others.

THE MEK AND OTHER OPPOSITION GROUPS SUPPORT OF U.S. INTERESTS

The lack of viable intelligence about Iran continues to plague analysts and planners. As stated earlier, the MEK and NCRI revealed much of the information that has been verified about Tehran's nuclear weapons programs. In this respect, Washington might consider using intelligence made available from opposition groups as lead information, i.e., to be verified using independent means.

A 16-month investigation by the State Department and other government agencies of the MEK members in Iraq culminated in the 2004 judgment that they were "protected persons under the Fourth Geneva Convention," and that there was no basis to charge any of them with terrorist actions.

At this juncture in 2005, therefore, a review of U.S. policy concerning the MEK and the overall Iranian opposition is in order. The designation of the MEK as a foreign terrorist organization by the State Department has served, since 1997, as an assurance to the Iranian regime that the United States has removed the regime change option from the table. Removing the terrorist designation from the MEK could serve as the most tangible signal to the Iranian regime, as well as to the Iranian people, that a new option is now on the table. Removal might also have the effect of supporting President Bush's assertion that America stands with the people of Iran in their struggle to liberate themselves.

In the same way that the United States was receptive to South African anti-apartheid leaders and the Soviet Union's anti-communist activists, Washington should invite prominent opposition figures both in Iran and in exile to the United States. They might meet with U.S. officials, Members of Congress, academics, think tanks, and the media. The European Parliament offered such an example in December 2004, when it invited Maryam Rajavi, the president of the NCRI to its headquarters in Strasburg, where she offered an alternative view to that of the Iranian regime. Tehran's angry reaction to this invitation served to highlight the effectiveness of such measures.

As an additional step, the United States might encourage the new Iraqi government to extend formal recognition to the MEK, based in Ashraf, as a legitimate political organization. Such recognition would send yet another signal from neighboring Iraq that the noose is tightening around Iran's unelected rulers.

In light of the MEK's status as protected persons under the Fourth Geneva Convention and the continued protection that the U.S. military provides the group in Iraq, Washington has an opportunity to decide whether to return to the MEK its weapons, which would relieve responsibility from the American military for the protection of its camps and personnel. Such a move also would send an unambiguous signal to the Iranian regime that it faces an enabled and determined opposition on its borders.

Iranian groups, whether domestic or internationally-based, which seek to broadcast or publish pro-democracy messages inside the country might be provided with equipment, facilities, funding, and support. Relatively modest expenditures on such purposes can spell the difference between a capability for such groups to get their message out to international publics and in Iran.

The United States should make it official policy to protest publicly cases of human rights violations, crackdown on Iranian student demonstrators, and application of inhumane and degrading punishments, such as stoning to death, flogging, eye gouging, and amputation. Washington should be particularly vigilante in providing political and moral support to student demonstrators in Iran and hold Tehran accountable for the arrest and killing of students during anti-government demonstrations.

Should the United States reach a decision to support an explicit policy of regime change in Iran, a Presidential Finding would be a necessary first step, enabling many activities by U.S. entities that cannot take place without such a finding.

The United States should ensure that Iran understands that neither it nor the Iranian opposition will take any option off the table, if Iran remains unwilling to address adequately international concerns about its nuclear programs in particular. The goal is to ensure that democracy, tolerance, and the rule of law are established in an Iran that abjures use of WMD, terrorism, and threats against its neighbors. Bringing Tehran's flagrant non-compliance with the NPT before the U.N. Security Council would be an important first step.

IN SEARCH OF A NEW APPROACH: THE MILITARY OPTION

"We do not want American armies marching on Tehran," then-Secretary of State Colin Powell said in November 2004. Despite the official position of the administration, there are some who suggest that given the failure of the engagement option over the past quarter century and the urgency to counter the Iranian threat, Washington should adopt a military option. Despite its risks and implications, they are willing to absorb the costs and consequences. Proponents of strikes believe that United States interests are better served by taking preventive military action in the present than facing the future nightmare of a nuclear Iran with extensive regional dominance armed with the ideology of hate.

Conventional force military options have a broad spectrum upon which to draw, which individually or collectively might evoke different results and/or responses from the Iranian regime.

Air options include low-end, minimal-risk overflights of unmanned aerial vehicles into Iranian airspace for purposes of reconnaissance, psychological impact, testing of Iranian response and capabilities. In addition, maximum options consist of airstrikes by manned aircraft and drones as well as cruise missile attacks against targeted facilities, installations, bases, and command or research centers.

Naval options range from low end overt open waters surveillance and harassment of Iranian shipping to maximum options such as introduction of major forces into theater and a full blockade of Iranian ports and waters.

On one hand, ground forces options include a low-end approach of pressuring Iran through the buildup of conventional ground forces and supporting logistics capability along borders and at strategic locations within the region. On the other hand, there are high-end options, such as a well-planned, fully-coordinated and -executed ground assault into Iran.

On one hand, Special Operations Forces options include low-end clandestine ground operations supported by air insertion/extraction to acquire target information, emplace sensors or precision guidance beacons, or preposition arms/equipment for local insurgents. On the other hand, high-end options consist of direct action missions against preselected targets, link-up with indigenous forces to engage and attack government facilities, bases, and personnel. In total context, combinations of the various minimal to maximum options provide a wide array of choices that can exert significant impact on Tehran and influence the regime economically, diplomatically, and politically.

Given the above capabilities, potential military options include:

Limited Actions: Clandestine insertions of Special Operations Forces to acquire precision target information, emplace remote sensors, and preposition arms/equipment. Such actions offer the ability to gather unobtrusively more reliable information than currently available through other military means; these actions also might establish sustainability for future operations. But, such actions do not cause the regime to react as long as such actions remain clandestine and the regime unaware. There is the possibility of extremely negative reaction from various entities internationally and in Iran if such activity were compromised or uncovered.

Moderate Actions: Limited naval blockade that overtly conducts surveillance and harasses Iranian flagged shipping; overt overflights of Iranian airspace by U.S. surveillance aircraft and unmanned platforms; limited buildup of U.S. forces, supplies, and equipment in friendly countries adjacent to Iran; stationing of U.S. Marine amphibious forces off the coast; overt equipping of Iranian dissident groups; limited precision strikes or special operations activities against known WMD targets or munitions factories.

As such measures become increasingly visible to the international public, a negative reaction might occur from many quarters, including, of course, Iran, which would seek diplomatic support in world forums to oppose U.S. activities. Assuming the effectiveness of any actual military strikes that cause damage to Iran's WMD or other indigenous military capabilities, such offensive measures would degrade Iran's ability to employ/deploy its weapons against United States or other friendly interests.

Outrage from some corners of the globe is to be expected; the possibility of loss or capture of some U.S. service personnel might create a new dimension to the problem; outright military action also might toughen the resolve of the Iranian regime and even turn some of the Iranian people against the attacking forces. Serious consideration must be given to the likelihood that under the extreme stress of being attacked, Iran might unleash Hizballah and other terrorist organizations around the world to launch terrorist attacks against United States and/or other friendly interests. The ultimate potential for pulling Washington into a full-scale military confrontation with Iran must be weighed before any military action, however limited, is considered.

Maximum actions: Full-scale naval blockade, the landing of U.S. Marine Corps amphibious forces at strategic locations, introduction of airborne, Ranger, Green Beret, or SEAL forces to seize key objectives, and crossborder invasion by land forces. All these actions would be fully supported by preparatory airstrikes intended to disable and destroy command and control centers, antiaircraft capabilities, as well as key military and logistics centers.

Full-scale military invasion on the scale of Iraq or Afghanistan would be a very serious step, embarked upon with only one ultimate objective in mind: the overthrow of the regime in Tehran and the forcible occupation of the country. In addition to the destruction of regular army, IRGC, and MOIS military units together with their armaments, such an invasion would also number among its objectives the elimination of Iran's WMD programs, and thereby, the ending of WMD threats from Iran.

Full-scale military invasion of Iran, even if supported by an international coalition, would be likely to elicit outrage from many corners of the globe. An invasion would be likely to incur higher casualties and a much longer period of intense, widespread conflict than that experienced in Iraq. Given the size and population of Iran, a full-scale invasion would require a force several times the size of the force in Iraq; continued strain on the overall U.S. military structure and its available resources would affect long-term sustainability of any such operation and the overall ability of U.S. armed forces to respond to crises elsewhere.

CONCLUSION:

Recall the nuclear time clock that is ticking down as Iran drives to reach nuclear weapons capability. If the regime continues to prove intransigent with respect to fulfilling its obligations under the NPT, the international community may not have the luxury of pursuing only a regime change policy. The theocratic leadership in Tehran must know that they will not be permitted to achieve a nuclear bomb status. A military option, which could include limited strikes against Iran's nuclear program infrastructure, clearly would be a last option but must clearly be understood to remain on the table.

Given the realities in the region and the fact that the United States continues to be engaged in Afghanistan and Iraq, a full-scale military invasion is the least appealing of all the options on the table for dealing with Iran. Nevertheless, as the ultimate means of ensuring U.S. national security interests, such military action must remain unambiguously among the options at U.S. disposal.

The moderate action option that includes limited military strikes would at best buy time while leaving intact or even enhancing the overall threat of the regime in areas like terrorism, opposition to the Arab-Israel peace process, and involvement in Iraq. Nevertheless, limited, precision military strikes, executed according to high quality targeting information with minimal collateral damage and casualties might not only set back Iran's nuclear program to a significant degree but likely would also help destabilize the regime.

In addition, diplomacy pursued by the Europeans and several U.S. administrations has produced little tangible result over the past quarter century. And unless the potential for U.N. Security Council sanctions is on the table, diplomacy is likely to yield few results in the future.

While keeping open diplomatic and military options, Washington should consider a third alternative, one that provides a central role for the Iranian opposition to facilitate regime change.

APPENDIX

IRAN POLICY COMMITTEE (IPC)—CO-CHAIR BIOGRAPHIES

James Akins, Ambassador (ret.): James Akins was U.S. ambassador to Saudi Arabia during the Nixon administration. An internationally respected expert on Middle East and energy issues, Akins has been an active and outspoken proponent for a just resolution of the Arab-Israeli conflict and a prescient analyst of the Middle East peace process and Arab politics in general. Author Jean-Jacques Servan Schreiber has called Akins "the westerner who knows the most about the Middle East and has the closest relationship of trust with its leaders."

Lt. Col. Bill Cowan, USMC (ret.), co-founder of wvc3, inc.: Bill Cowan is an internationally acknowledged expert in areas of terrorism, homeland security, intelligence, and military special operations. A retired Marine Corps officer, Cowan spent three-and-a-half years on combat assignments in Vietnam. From 1989 through 1994, Cowan was involved in numerous operations in the Middle East in response to terrorist incidents and the holding of Western hostages in Beirut and Kuwait. He was directly involved in every facet of the Beirut hostages drama, including international negotiations leading to their release in 1991.

In 1990, on behalf of a major New York law firm and working with former CIA Director Bill Colby, he organized and successfully conducted a series of operations resulting in the repatriation of a number of Western hostages from Iraqi-occupied Kuwait. Cowan is a FOX News Channel contributor and a cofounder of the WVC3 Group, a company providing homeland security services, support and technologies to government and commercial clients.

Paul Leventhal, Founder and President, Nuclear Control Institute: Paul Leventhal founded the Nuclear Control Institute (NCI) in 1981 and served as its President for 22 years prior to becoming Senior Advisor and Founding President in June 2002. He prepared four books for the Institute and lectured in a number of countries on nuclear issues, including as Distinguished Visiting Fellow at Cambridge University's Global Security Programme. Prior to establishing NCI, Leventhal held senior staff positions in the United States Senate on nuclear power and proliferation issues.

Leventhal was Special Counsel to the Senate Government Operations Committee and Staff Director of the Senate Nuclear Regulation Subcommittee: Leventhal was responsible for the investigations and legislation that resulted in enactment of two landmark nuclear laws—the Energy Reorganization Act of 1974 and the Nuclear Non-Proliferation Act of 1978. He also served as co-director of the Senate Special Investigation of the Three Mile Island Nuclear Accident and Assistant Administrator for Policy and Planning at the U.S. National Oceanic and Atmospheric Administration (NOAA). Leventhal holds a bachelor's degree from Franklin and Marshall College and a master's degree from the Columbia University Graduate School of Journalism.

Dr. Neil Livingstone, CEO, Global Options, Inc., an international risk management and business solutions company, headquartered in Washington. Livingstone is author of nine books on terrorism and national security topics and more than 200 articles that have appeared in such publications as The Washington Post, The New York Times, and The Wall Street Journal. He serves on numerous corporate and other advisory boards, and has appeared on more than 1100 television programs. He holds an A.B. from the College of William and Mary, three master's degrees, and a Ph.D. from the Fletcher School of Law and Diplomacy.

R. Bruce McColm, President Institute for Democratic Strategies and Former President, International Republican Institute:

McColm is the President of Democratic Strategies, a non-profit organization committed to strengthening democratic processes abroad. For the past 25 years, he has been actively involved in the global movement toward democracy and has written extensively on political transitions in Latin America, Africa, and Central Europe. He has served on numerous boards of directors and acts as a trustee for various private foundations and advocacy groups. McColm served as president of the International Republican Institute, where he extended the organization's capacity to provide technical assistance on economic and political reform around the world, introducing the use of information technologies to democracy programs. Previously, McColm worked in a variety of capacities at Freedom House, a New York-based human rights organization and also was elected a member of the InterAmerican Commission of Human Rights by the General Assembly of the Organization of American States (OAS). McColm was educated at William College, Harvard University, and the University of Chicago.

Lt. General Thomas McInerney USAF, (Ret.): General McInerney established his own consulting firm, GRTT (Government Reform Through Technology) in January 2000. Working with high-tech companies that do business with federal, state, city, and local governments, GRRT helps them introduce advanced technology into the private sector. From 1996–1999, Gen. McInerney was Chief Executive Officer and President of Business Executives for National Security (BENS), a national, nonpartisan organization of business and professional leaders, with headquarters in Washington. Prior to joining BENS, Gen. McInerney was Vice President of Command and Control for Loral Defense Systems-Eagan. He joined Loral (then Unisys Electronic Systems Division) in 1994, following 35 years as a pilot, commander, and Joint Force Commander in the United States Air Force. Gen. McInerney retired from military service as Assistant Vice Chief of Staff of the Air Force and as Director of the Defense Performance Review (DPR), reporting to the Secretary of Defense. In that capacity, he led the Pentagon's "reinventing government" effort, visiting more than 100 leading edge commercial companies to assimilate their ideas about business re-engineering.

Gen. McInerney earned a Bachelor of Science degree at the U.S. Military Academy in 1959 and a master's degree in international relations from George Washington University in 1972. He completed Armed Forces Staff College in 1970 and the National War College in 1973. Gen. McInerney is a member of several Boards of Directors.

Captain Charles T. "Chuck" Nash, USN (ret.) is the founder and President of Emerging Technologies International, Inc. (ETII). The company's focus is to understand military requirements and then actively search out and identify high leverage, emerging technologies that can be inserted quickly and inexpensively into tools for the U.S. military. Clients include government laboratories and commercial technology companies. Previously, Capt. Nash served as Vice President, Emerging Technologies Group, Santa Barbara Applied Research, Inc. For 25 years before that, Capt. Nash served as an officer in the U.S. Navy, accumulating over 4,300 hours of flight time and 965 carrier landings on nine different aircraft carriers as a Naval Aviator. He served in a variety of command positions with Naval Operations at the Pentagon and U.S. Naval Forces Europe and has filled billets with U.S. and foreign special operations forces in Turkey, Northern Iraq and elsewhere. Capt. Nash previously served on the Defense Threat Reduction Agency (DTRA) and on the Naval Air Systems Command (NAVAIR) Expert Panel for the Supersonic Cruise Missile Advanced Concept Technology Demonstration. He was a sponsor and co-chairman of the OPNAV High Speed Strike Information Day, Johns Hopkins Applied Physics Laboratory (JHAPL). Currently, he serves on a number of Boards of Directors and is an advisor to the Chairman of the Board of Isothermal Systems Research, Inc. and to the President and CEO of Vision Technologies International, Inc. Capt. Nash earned his B.S. in Aeronautics from Parks College of Aeronautical Technology, St. Louis University and attended the National War College at Fort L. J. McNair in Washington. Currently a Fox News Channel Military Analyst, Capt. Nash frequently appears on the network to discuss military, terrorism and aviation issues.

Lt. General Edward Rowny, USA (ret.): General Rowny began his military career following graduation from the Johns Hopkins University and the U.S. Military Academy, two Masters degrees from Yale University and a Ph.D. from American University. He fought in WW II, Korea, and Vietnam, commanding units from platoon to Corps size. Later, he served in the 1970s and 1980s as an advisor to the SALT II talks and as the chief negotiator of the START negotiations, with the rank of ambassador. From 1985 to 1990, he was Special Advisor for Arms Control to Presidents Ronald Reagan and George H.W. Bush. In 1989, President Reagan awarded him the Presidential Citizens Medal. The citation reads that Gen. Rowny is "one of the principal architects of America's policy of peace through strength. As an arms negotiator and as a presidential advisor, he has served mightily, courageously, and nobly in the cause of peace and freedom." In 1991, Ambassador Rowny retired from government and currently consults on international affairs.

Professor Raymond Tanter, Former Senior Staff Member, National Security Council: Raymond Tanter is Visiting Professor at Georgetown University, where he teaches courses on International Relations and Terrorism. Tanter is adjunct scholar at The Washington Institute for Near East Policy and was scholar-in-residence at the Middle East Institute in Washington. He researched U.S. policy options regarding Iran at both think tanks. After receiving a Ph.D. from Indiana University in 1964, Prof. Tanter taught at Northwestern, Stanford, and the Hebrew University of Jerusalem. Tanter was a fellow at the Hoover Institution at Stanford and the Woodrow Wilson International Center in Washington and a Fulbright scholar, University of Amsterdam. In 1975, Tanter spent a month as scholar-in-residence at the American Embassy, Tokyo, lecturing on petroleum interruption scenarios, with special reference to the Middle East. In 1967, Tanter was deputy director of behavioral sciences at the Advanced Research Projects Agency of the U.S. Department of Defense and a member of the Civilian Executive Panel, Chief of Naval Operations, 1980–1981. He served at the White House on the National Security Council staff, 1981–1982. In 1983–1984, he was personal representative of the Secretary of Defense to arms control talks in Madrid, Helsinki, Stockholm, and Vienna. He is a member of the Council on Foreign Relations. Among Tanter's publications is Rogue Regimes: Terrorism and Proliferation, New York: St. Martin's Press, 1997. Tanter is a member of the Council on Foreign Relations, Committee on the Present Danger, American Political Science Association, and the Iran Policy Committee.

Major General Paul E. Vallely, USA (Ret.): General Vallely retired in 1991 from the U.S. Army as Deputy Commanding General, U.S. Army Pacific in Honolulu, Hawaii. Gen. Vallely graduated from the U.S. Military Academy at West Point and was commissioned in the Army in 1961, serving a distinguished career of 32 years in the Army. He served in many overseas theaters, including Europe and the Pacific Rim countries, as well as two combat tours in Vietnam. He has served on U.S. security assistance missions on civilian-military relations in locales around the world. Gen. Vallely is a graduate of the Infantry School, Ranger and Airborne Schools, Jumpmaster School, the Command and General Staff School, The Industrial College of the Armed Forces and the Army War College. His combat service in Vietnam included positions as infantry company commander, intelligence officer, operations officer, military advisor and aide-de-camp. He has over 15 years experience in Special Operations, Psychological and Civil-Military Operations. Gen. Vallely was one of the first nominees for Assistant Secretary of Defense for Special Operations under President Reagan and commanded the 351st Civil Affairs Command during the 1980s. He has served as a consultant to the Commanding General of the Special Operations Command as well as the Department of Defense Anti-Drug and Counter-Terrorist Task Forces. Gen. Vallely is a military analyst for Fox News Channel and is a guest on many nationally-syndicated radio talk shows. He also is a guest lecturer on the War on Terror and has just co-authored a book entitled The Endgame, Winning the War on Terror.

Clare M. Lopez, Executive Director, IPC is a strategic policy and intelligence analyst with a focus on Middle East, homeland security, national defense, and counterterrorism issues. Based for the last five years in the private sector environment of the Washington metro area, Lopez began her career as an operations officer with the Central Intelligence Agency (CIA), serving domestically and abroad for 20 years in a variety of assignments. Lopez served as a Senior Intelligence Analyst, Subject Matter Expert, and Program Manager for the Alexandria, VA firm, HawkEye Systems, LLC. Lopez previously produced Technical Threat Assessments for U.S. Embassies at the Department of State, Bureau of Diplomatic Security, where she worked as a Senior Intelligence Analyst for Chugach Systems Integration. During Lopez's CIA career, she served under diplomatic cover in various postings around the world, acquiring extensive regional expertise with a career focus on the former Soviet Union, Central and Eastern Europe and the Balkans. She has served in or visited over two dozen nations worldwide and speaks several languages, including Spanish, Bulgarian, French, German, and Russian. Lopez began a study of Arabic in 2003 at the Department of Agriculture Graduate School before transferring to the Middle East Institute (MEI) in downtown Washington.

Lopez received a B.A. in Communications and French from Notre Dame College of Ohio and an M.A. in International Relations from the Maxwell School of Syracuse University. She completed Marine Corps Officer Candidate School (OCS) in Quantico, Virginia before declining a commission in order to join the CIA. Lopez is a Visiting Researcher and an occasional guest lecturer on counterterrorism, national defense, and international relations at Georgetown University. Lopez is a member of the International Association of Counterterrorism and Security Professionals (IACSP), Women in International Security (WIIS) and the Middle East Institute (MEI).

RECOGNIZING THE ACHIEVEMENTS OF THE RELAY FOR LIFE AND THE AMERICAN CANCER SOCIETY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the Relay for Life, a charity event that has helped us in the war against cancer.

The Relay for Life celebrates the survivors of cancer and further helps to raise funds for the American Cancer Society. It serves to bring people from every age group, religious denomination, political affiliation, and racial background together in the common cause of fighting cancer.

The American Cancer Society estimates that over 86,880 new cases of cancer will alter the lives of Texans this year. When we look at these numbers it is important to see past the statistics. This number of 86,880 represents 86,880 mothers, 86,880 fathers, sisters, brothers, best friends, and spouses. This number represents the people that we care about the most; this figure impacts our families.

In keeping with my vow and promise to help keep our families strong and healthy, I am honored to provide the participants of this important event with both my presence and blessing. I thank all of you for your passionate dedication for family, friends, state, and nation.

TRIBUTE TO LINC TELACU SCHOLARS DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BACA. Mr. Speaker, as a member of the Congressional Hispanic Caucus, I rise today to acknowledge the dedication and commitment of TELACU to underserved students in Los Angeles and to recognize June 3, 2005 as LINC TELACU Scholars Day. The Education Foundation has been steadfast in its goals of increasing financial assistance for those that need it most and providing mentorship to young Latino students. Mr. Speaker, it gives me no greater pleasure than recognizing the Foundation's outstanding achievements and encouraging the continued support of TELACU.

TELACU has remained committed to providing community development through business expansion as well as quality affordable housing. The LINC TELACU Education Foundation affords TELACU the opportunity to open doors to educational institutions and contributes to the development of the future leaders of our communities.

Together with the profits from its own businesses and in partnership with corporations and individuals, TELACU has awarded millions of dollars in financial resources to thousands of deserving students. The students have the opportunity to attend some of the finest and most prestigious colleges and universities throughout the United States.

The LINC TELACU Education Foundation has been paramount in providing necessary outreach to our Nation's most vital asset, our children. With the continued leadership of David Lizárraga, President and CEO of TELACU, and his dedicated staff, efforts to improve educational opportunities for our youth have been extremely successful.

In 2004, 100 percent of LINC TELACU college seniors earned their degree; 100 percent of high school Scholars graduated, compared to the national Latino average of only 50 percent and the Los Angeles County average of only 39 percent among Latino students; 100 percent of high school Scholars enrolled in post-secondary education, compared to the Los Angeles County average of only 22 percent among Latinos; and, 100 percent of Health Careers Program senior nursing students completed their degree and received certification.

The Education Foundation has provided strong foundations for young people and allowed Latino students to continue on to higher education. Their dedicated work has hastened the development of our future Latino leaders and allowed the larger national community to see the amazing potential of our Latino youth.

Mr. Speaker, I join today with community members of Southern California in congratulating the valued services of the LINC TELACU Education Foundation. I express my sincere admiration for their organization and am honored by the opportunity to recognize the LINC TELACU Scholars today.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Ms. LEE. Mr. Speaker, on April 26, 2005 I missed rollcall votes Nos. 133 and 134. Had I been present, I would have voted "aye" on the motion to instruct conferees on the FY 2005 supplemental appropriations bill and "aye" on the motion to instruct conferees on the FY 2006 Budget Resolution.

HONORING THE SCHUSTER FAMILY AND THE NATIONAL KIDNEY FOUNDATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the contributions of the Schuster Family to the prevention and treatment of kidney and urinary tract disease. On April 27th, the National Kidney Foundation of Massachusetts, Rhode Island, New Hampshire, and Vermont will host a dinner with President Bill Clinton in honor of Gerald and Elaine Schuster and their two sons Mark and Scott for their 35 years of tireless dedication to this important cause.

In 1954, Dr. Joseph Murray performed the very first organ transplant in the world at the Brigham and Women's Hospital in Boston. That same year, the National Kidney Foundation of Massachusetts, which would later expand to include Rhode Island, New Hampshire, and Vermont, was founded.

For more than half a century since then, the National Kidney Foundation and its affiliates have played a crucial role in the prevention and treatment of kidney and urinary tract disease. In particular, the Foundation provides patient services, funding for much-needed research, free early-screening services, public and professional education, and organ donation information. In addition, the Foundation helps further the prevention and treatment of kidney and urinary tract disease.

The Schuster Family has long played a vital role in the success of the National Kidney Foundation. As President of the National Kidney Foundation of Massachusetts, Elaine Schuster successfully advocated for including organ donation check-off on Massachusetts' drivers licenses in 1968, a move which has saved countless lives by giving every citizen an opportunity to get involved in an easy and direct way.

In 1978, the Schuster family felt the impact of their work firsthand, when Mark Schuster donated a kidney to save his brother Scott's life. Twenty-six years later, Scott Schuster is a successful businessman and Chairman of the very Foundation that helped to make his lifesaving surgery possible.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedication of the Schuster Family, and the important, lifesaving work of the National Kidney Foundation.

TRIBUTE TO JANE EAGLEN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. McDERMOTT. Mr. Speaker, I rise today in tribute to Jane Eaglen, among the foremost sopranos on the stages of international opera, renowned for her performances on concert platforms around the globe, and for her classical recordings.

Teachers in her native England encouraged her unique voice from a young age, and she was trained in the style of both Bellini and Wagner. From the time she joined the English National Opera, Ms. Eaglen garnered acclaim in a variety of roles until her breakthrough casting as Donna Anna in Mozart's Don Giovanni at the Scottish Opera.

In the two decades since then, she has achieved success in roles such as Isolde (for the Metropolitan Opera, Seattle Opera, Teatro Liceu Barcelona, Lyric Opera of Chicago, and in Puerto Rico). She has won worldwide applause for her rendition of Brunnhilde (performed in Seattle, Chicago, San Francisco, Milan, New York and the United Kingdom), and recently triumphed as Ariadne in Seattle.

Jane Eaglen is equally accomplished as a concert artist. She has worked with distinguished orchestras from Boston to Salzburg, and with the world's leading maestros including Daniel Barenboim, Zubin Mehta, Danielle Gatti and Claudio Abbado. Her performances with the Seattle Symphony Orchestra, conducted by Gerard Schwartz, have thrilled audiences. Her extensive discography of classical recordings has won over fans of the music of masters from Strauss to Beethoven to Mahler. Her recording of Tannhauser with Barenboim received a Grammy Award in 2003 for Best Opera Recording.

Mr. Speaker, Jane Eaglen has been a resident of my district for the past several years, and it is with pride that I note that Seattle's Rainier Club has named her Laureate for 2005–2006. She joins previous laureates author Jonathan Raban, glass artist Dale Chihuly, jazz virtuoso Ernestine Anderson, Pulitzer Prize winning cartoonist David Horsey, and playwright August Wilson. Her memorable performances with the Seattle Opera and the Seattle Symphony merit the Rainier Club adulation.

We look forward to future renditions of the world's great music by the versatile Jane Eaglen. I would invite you to Seattle to hear her in the complete Ring cycle this August, but the Seattle Opera says it's sold out.

FRIENDS OF THE CHILDREN NATIONAL DEMONSTRATION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BLUMENAUER. Mr. Speaker, I am introducing the "Friends of the Children National Demonstration Act" that would authorize $7.5 million for Friends of the Children to support local program operations at existing sites and to disseminate findings to policymakers and other youth-serving programs, Friends of the Children is the only program in the nation that provides carefully screened full-time professional mentors to at-risk children for 12 years starting at five years of age,

This innovative program began in Portland, Oregon, starting in 1993 with 3 "Friends", mentors serving 24 children. Today, Friends of the Children serves over 600 children in 11 communities across the nation. The young people who participate are truly the most defenseless—they are children of poverty; they have been in foster care, on welfare, and have parents who are incarcerated or are homeless.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of at-risk children.

CONGRATULATING WEST ANCHORAGE HIGH SCHOOL ON ITS PARTICIPATION IN THE "WE THE PEOPLE" COMPETITION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. YOUNG of Alaska. Mr. Speaker, from April 30–May 2, 2005 more than 1200 students from across the United States will visit Washington, D.C. to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education.

I am proud to announce that the class from West Anchorage High School will represent the state of Alaska in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our nation's capitol and compete at the national level.

While in Washington, the students will participate in a three-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service (ETS) characterizes the We the People program as a "great instructional success." Independent studies by ETS have revealed that We the People students "significantly outperformed comparison students on every topic of the tests taken."

Congratulations to Elizabeth DeYoung, Monique Eniero, Roberta Gordaoff, Danielle Johnson, Jayme Johnson, Vassar Louis-Bradford, Gareth Olds, Michael Pascual, Courtney Prokosch, Alexander Richert, Gerriane Villanueva, Jeffery Wittsey and their teacher Pamela Orme.

I wish these students the best of luck at the We the People national finals and applaud their outstanding achievement.

APPLAUDING KAZAKHSTAN'S PRESIDENT NURSULTAN NAZARBAYEV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. RADANOVICH. Mr. Speaker, I congratulate the President and the people of Kazakhstan on the 10th anniversary of the removal of the last nuclear weapons from their territory within the framework of the Cooperative Threat Reduction program.

I applaud Kazakhstan's President Nursultan Nazarbayev's leadership and courage. Today, we can state with great confidence that the decision of Kazakhstan's leader to renounce the world's fourth largest arsenal of deadly nuclear weapons was made not only in the interest of the mankind, but it has changed the course of world history. As we all know, proliferation of weapons of mass destruction and international terrorism remain major threats to the world in this new century. It is frightful to imagine a scenario where terrorist organizations such as Al-Qaeda could have gained access to Kazakhstan's nuclear arsenal.

Mankind is more secure because of the contribution of Kazakhstan and its leader.

Kazakhstan is a universally recognized leader and one of the key players in nonproliferation and deserves praise for its actions. We believe Kazakhstan, under the leadership of President Nazarbayev, will continue to strengthen this role.

Kazakhstan stands firmly by its international commitments in nonproliferation and stands ready to expand this cooperation with the United States. Convincing evidence of the growing cooperation was evident in the signing in the December 2004 amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which brought the two nations to a new level of cooperation in preventing the threat of bio-terrorism.

Today, we mark not only the successful interaction between our nations in nonproliferation, but also the growing relations of the strategic partnership between the United States and Kazakhstan. Since the first days of independence Kazakhstan has chosen to build a truly democratic and market oriented society, and proved itself as a strong and essential partner and ally of the United States. American people will never forget the support of the President and people of Kazakhstan at the difficult time following 9/11. I would also like to express my gratitude to Kazakh military engineers who have so far destroyed more than 3 million pieces of ordnance in Iraq, and saved the lives of many Iraqis and those of our brave soldiers.

Kazakhstan's continued dynamic development is a pledge of prosperity and stability for all of Central Asia. President Nazarbayev rightfully should get credit for transforming his country into an undeniable leader in political and economic reforms.

Mr. Speaker, again I would like to congratulate the President and the people of Kazakhstan on their achievements and wish this young country full achievement of its potential. With a great deal of optimism, I look forward to the years ahead as the partnership between Kazakhstan and the United States strengthens to benefit the people of both nations and the world at large.

RECOGNIZING THE DISTINGUISHED SERVICE OF THE CASTRO BROTHERS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor eight brothers who have distinguished service records worthy of commendation. Although men in the same families have served side by side and generation after generation throughout our nation's history, few families can claim the level of service that is shared by the Castro family. Together, the Castro brothers' military service totals 172 years, an average of nearly 22 years each.

As Chairman of the House Armed Services Committee, I want to thank the Castro brothers for their distinguished leadership, dedication and service to their country, community and fellow veterans. My fellow colleagues, I ask that you join me in recognizing: Master Sergeant Abe Castro, Sergeant First Class Carlos Castro, Sergeant Jose Castro, Sergeant Juan Castro, Sergeant Erasmo Castro, Captain Julio Castro, Master Sergeant Basilio Castro, and Sergeant Arthur Castro. While each of the Castro brothers served our nation with honor and distinction, I would like to pay particular attention to the service of Abe and Jose Castro. As a rifleman in World War II and Korea, Abe was wounded a total of five times, received four Purple Hearts, two Combat Infantry Badges, a Silver Star, a Bronze Star, and seven battle stars. His brother Jose, who served in the Korean War, was wounded 3 times in combat, and recommended for the Bronze and Silver Stars.

During this time of conflict, patriotism runs high and many Americans ask what they can do for their country. The Castro brothers, like those on guard today, have made the bold and courageous decision to dedicate a part of their lives to making our nation and the world a safer place for all. They responded to our nation's call by voluntarily offering their service and contributing their very best.

In his first inaugural message as Governor of California, Ronald Reagan is quoted as saying, "freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. Those who have known freedom, and then lost it, have never known it again." We will continue to rely on individuals and families, like the Castros, that are willing to uphold the tradition of military service and put their nation before themselves.

Family means many things to different people. To the Castro brothers, family means military service. It is a real pleasure for me—both professionally and personally—to recognize and pay tribute to these brothers and their distinguished service records.

APPRECIATION OF ED GROVES

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mrs. BLACKBURN. Mr. Speaker, after 15 years of devoted service to the North Tennessee Workforce Board, Edgar Ray Groves is stepping down and I wanted to take a moment to thank him for his service.

In 1990, Groves was first appointed to the position and began working to reorganize the way services were provided. Within two short years improvements were already noticeable, and in 1992 the NTWB received the Governor's cup for its outstanding accomplishment.

By 1996, the NTWB was leading the State in all Workforce Development services and had won national recognition by the U.S. Department of Labor. And that same year, NTWB began operating a Career Center on post at Fort Campbell, delivering dislocated worker services to soldiers exiting the Army.

Although Groves will no longer be serving as chair, he will continue to serve as a member of the local workforce board and the Tennessee State Workforce Board.

I join with our community in offering Ed Groves our sincere appreciation for his years of service.

MAYDAY MANUFACTURING AND PRESIDENT MIKE NELSON WIN SBA'S SUBCONTRACTOR OF THE YEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Mayday Manufacturing Co., Inc., located in the 26th District of Texas, and its President Mike Nelson on being named Regional Subcontractor of the Year by the United States Small Business Association.

This recognition is awarded to ten subcontractors around the country by the U.S. SBA to companies that meet or exceed their government contracts. Subcontractors are nominated by the government and prime contractors for outstanding performance in various areas. Mayday Manufacturing won the award for Region 6 which encompasses Arkansas, Louisiana, New Mexico, Okalahoma and Texas. Vought Aircraft Industries, also located in North Texas, nominated Mayday Manufacturing and President Nelson.

Mayday Manufacturing Co., Inc. started in 1966 in a small Texas garage. It has grown over 39 years as a business which now serves hundreds of customers globally. The company specializes in aerospace parts to be used in commercial and military aircraft.

I am proud of Mike Nelson and his company for winning SBA's Regional Subcontractor of the Year award. Their industriousness is a fine example of how small businesses make a profound impact. Mayday Manufacturing is a wonderful example on which other companies should model themselves in order to attain this high level of achievement.

APPLAUDING THE WITHDRAWAL OF SYRIAN TROOPS FROM LEBANON

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to applaud the withdrawal of the remaining Syrian troops from Lebanon on April 26, 2005. This withdrawal marks the end of a 29 year military presence which allowed Syria to unduly influence and manipulate Lebanon's government and people. During these years, dissenters of Syrian influence have been politically persecuted. Some have been abducted and others murdered.

Syria has played a devious role in Lebanon in the past decades. I do appreciate Syria's decision to recall its final troops in accordance with U.N. Security Council Resolution 1559. However, Syria must completely stop imposing its influence and will on Lebanon. This will clear the way for the Lebanese to exert their rights to self government and bring about a more promising era in Lebanon's history.

It is my hope that the Lebanese people will use this landmark development to institute a free and equitable government. I do not pretend that establishing such a government will not be trying for the Lebanese people. The ethnic, religious, and political segmentation which fueled Lebanon's lengthy civil war still exist within the nation's borders. Now that the Syrian troops have departed, Maronite, Sunni, and Shi'a, Opposition and Loyalists will need to work together in order to form a stable and autonomous government for Lebanon.

Overcoming these types of divisions is inevitably a challenging task. However, I have great faith in the ability of the people of Lebanon to do so. In a recent poll conducted in Lebanon, citizens revealed that they derived their primary identification not as their religious or political orientation, but rather as being Lebanese. This is a promising indication of the direction which Lebanon's politics can take. If The people of Lebanon are able to make the welfare their nation rather than their own group interests their top priority, I am confident that Lebanon's government will be able to flourish.

TRIBUTE TO FORT BEND. ISD FOR WINNING THE AWARD FOR BEST DISTRICT-WIDE MOCK STUDENT ELECTION PROGRAM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. PAUL. Mr. Speaker, I am pleased to congratulate the Fort Bend Independent School District (ISD) for winning the award for having the best district-wide mock student election program in the nation from the American Association of School Administrators and the National Student/Parent Mock Election. Fort Bend ISD's program is an innovative educational project combining resources from the social studies, math, and education technology departments to create an interactive website containing election resources, an online voting location, and a database of election results.

Fort Bend students can use the database to study election results, create spreadsheets, and draw conclusions about the election process. The website also includes information for parents, including a link to the county registrar's office for voter registration. Another part of the program involved the county election board deputizing teachers so the teachers could register adults, including eligible high school students, to vote in the 2004 election.

Each school within the Fort Bend ISD individualized its mock election by having candidates debate and the students decorate the polling places. Students also studied potential campaign strategies for the candidates they supported. Student participation were very strong, with over 40,000 votes cast.

The curricula developed to analyze mock election results were made available to elementary, middle and high school students. According to the National Student/Parent Mock Election, which evaluates similar curricula nationwide, Fort Bend ISD's curricula was very strong. Particularly impressive was Fort Bend ISD's utilization of Microsoft Excel to analyze and generate summaries of the election results.

Fort Bend ISD's mock student election project was an innovative use of technology and community support to educate children about the electoral process and thus prepare them to be active, and informed, citizens. I am proud to pay tribute to the teachers, administrators, parents, and especially the students of Fort Bend ISD for winning the award for the best mock student election project in the nation from the American Association of School Administrators and the National Student/Parent Mock Election.

HONORING THE CONTRIBUTIONS OF IKE AND DORIS EPSTEIN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Ike and Doris Epstein, Junior Achievement of Laredo Business Hall of Fame Laureates.

Ike and Doris Epstein are a true American success story. When Ike started his business, Dr. Ike's, it had one location and an inventory of only $10,000. Today, his business has grown to three locations, with a value of almost $8 million.

Ike and Doris met at the University of Texas in 1951, when they were both attending undergraduate school. They were married in 1955. Ike went into business for himself in 1958, after serving in the U.S. Army in Okinawa, and Doris opened her own business, Globetrotter of Laredo Travel Agency, in 1979.

Both of the Epsteins believe in treating their customers and employees like family. It is their own family, however, that they are proudest of. They have two children, Clayton and Karen, and four grandchildren. In spite of both work and family obligations, the Epsteins have also found the time to be enthusiastic community volunteers. The Women's City Club, Pennies for Tennies, Crimestoppers, the Salvation Army, and the United Way are only a few of the organizations that they have supported over the years.

Ike and Doris Epstein are a great success story, and a great team. They are an example for the rest of us of the power of hard work and dedication, and of the importance of treating other people like members of your own family. They are an important part of what makes Laredo such a great city, and I am proud to have had the chance to honor them here today.

MEDAL OF HONOR WINNER LOUIS CAPET SHEPARD

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. LATOURETTE. Mr. Speaker, today I had a flag flown over the United States Capitol in honor of Louis Capet Shepard, the only Medal of Honor winner from Ashtabula County, Ohio, which is in my congressional district. Shepard served in the U.S. Navy during the Civil War.

Louis C. Shepard was born in Ashtabula on September 2, 1841, and served in the Navy as an ordinary seaman. Shepard was awarded the Medal of Honor for his valor during the assault on Fort Fisher in North Carolina. The Medal of Honor is the country's highest award for valor.

Each time a Medal of Honor is awarded, the following words are spoken: "For Conspicuous Gallantry and Intrepidity in Action at the Risk of Life, Above and Beyond the Call of Duty." These words certainly exemplify Shepard's actions during the assault on Fort Fisher on January 15, 1865.

According to records, Shepard was honored for advancing gallantly through severe enemy fire while armed only with a revolver and cutlass which made it impossible to return the fire at that range. Shepard succeeded in not only reaching the angle of the fort, but in being one of the few to enter it. When the rest of the men to his rear were forced to retreat due to devastating fire, Shepard was forced to withdraw and seek the shelter of one of the mounds near the stockade. Shepard then succeeded in regaining the safety of his ship. Shepard was just 23 years old at the time.

After the fall of Fort Fisher on January 15, 1865, the Confederate army evacuated its remaining forts in the Cape Fear area, and Union forces soon overtook Wilmington. Once Wilmington fell, the supply line of the Confederacy was severed, and the war soon ended.

It's a tremendous honor for Ashtabula County to be the home of a Medal of Honor winner. Fewer than 3,500 Medals of Honor have been awarded since the decoration was created in 1861. There were 1,522 awards for the Civil War, and 307 of the medals were awarded to men in the Navy. Of those, 195 medals went to Ohioans, including Shepard, who died at the age of 77 and is buried in Lakeview Cemetery in Port Clinton.

Mr. Speaker, the flag that was flown over the United States Capitol today will be unveiled on Memorial Day during the dedication ceremony for the new Ashtabula County Veterans Memorial. I applaud VFW Post 3334 in Jefferson for their efforts on behalf of the new memorial, and for choosing to honor the valor of Louis C. Shepard, the only Medal of Honor winner from Ashtabula County.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed rollcall votes No. 133 and No. 134 on April 26, 2005, and rollcall vote No. 140 on April 27, 2005. On April 26, 2005, I was returning from Texas after attending a Social Security workshop in Galveston with President Bush and on April 27, 2005, I was at the White House meeting with President Bush.

Had I been present, I would have voted "yes" on rollcall vote No. 133, a Motion to Instruct Conferees on H.R. 1268, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes; I would have voted "no" on rollcall vote No. 134, a Motion to Instruct Conferees on H. Con. Res. 95, the Congressional Budget Resolution for Fiscal Year 2006; and I would have voted "no" on rollcall vote No. 140, a Motion to Recommit H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights

HONORING THE CONTRIBUTIONS OF JULIAN MONCEAUX, HOFFMANN LANE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Julian Monceaux, Hoffmann Lane Elementary School Teacher of the Year.

Mr. Monceaux earned his Bachelor's Degree at the University of Texas at San Antonio. He is a veteran educator, with more than 20 years of teaching experience.

Currently, Mr. Monceaux is the Physical Education Teacher for children of all grade levels at Hoffman Lane Elementary School in the Comal Independent School District.

Mr. Monceaux believes strongly in the power of physical education to improve the lives of his students. He believes that physical education should provide' "opportunities for students to develop physically, mentally, and socially." The program he teaches includes information and training to promote physical fitness, wellness, nutrition, sportsmanship, motor and manipulative development, specific skills development, coordination, and good lifetime habits.

Julian Monceaux has distinguished himself through his tireless service to the children of Hoffmann Lane Elementary School and the people of Comal. His work as a physical educator is critical to the health and well-being of his students, and I am happy to have the opportunity to honor him here today.

CONGRATULATING HOWARD UNIVERSITY SCHOOL OF LAW'S MOOT COURT TEAM FOR WINNING THE AMERICAN BAR ASSOCIATION MOCK TRIAL COMPETITION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to honor excellence in education as I congratulate the Howard University School of Law's Mock Trial Team for their outstanding performance in the American Bar Association Mock Trial Competition—besting Harvard Law School and 6 other highly-regarded law schools in this venerable contest.

This competition is designed to showcase the dedication and talent of law school students from across the country. Without question, the Howard University students displayed a great deal of both in their victorious efforts.

The Huver I. Brown Trial Advocacy Team made history on April 2, 2005, becoming the first team representing a historically black college or university to take overall first place in the competition.

The team of 20 students sent four bright young scholars to the competition: team captain, Derrick Simmons, along with Adonna Bannister, Nisha Brooks and Chris Stewart. Mr. Stewart also won the title of "Best Advocate" during this year's competition.

Mock Trial Court Competitions are an opportunity for law school students to demonstrate their skills as advocates in a court setting.

Mr. Speaker, I am proud to say that the team from my Alma Mater took on the challenge of an esteemed national competition and used it as an opportunity to excel.

I was a member of the Mock Trial Team when I was in law school at the University of Maryland, so I know first-hand of the serious dedication, hard work and countless hours of preparation that is required to effectively demonstrate a command of the law, rules of evidence, and procedure.

Howard University's victory represents the very best in effort and education. I commend Kurt Schmoke, the Dean of the Howard University School of Law, and Patrick Swygert, the President of Howard University, for fostering an atmosphere of excellence in which students can succeed.

Mr. Speaker, becoming a member of the Huver I. Brown Trial Advocacy Team is one of the highest honors a Howard law student can earn. The Team is named for Huver I. Brown, an African American attorney who in 1939 sued the District of Columbia Bar Association to gain access to the District of Columbia Bar Association Law Library.

During a trial, the presiding judge asked Attorney Brown to provide legal support for an argument he made. Because at that time only white attorneys were allowed to use the law library, African American attorneys had to skillfully argue without the aid of legal precedent.

In his suit, Attorney Brown asserted that a private bar group could not deny black lawyers access to the law library because it was located in a federal courthouse. Therefore, the denial of access was unconstitutional. In 1941, the lawsuit was settled, and African Americans were allowed access to the library.

In winning that lawsuit, Huver I. Brown achieved a phenomenal victory for the entire country and generations yet unborn.

Mr. Speaker, the impressive win by Huver I. Brown students at the national ABA Mock Trial Competition this year is a testament to their commitment of honoring the legacy for which the team is named.

The victory is also a solid confirmation of the recognition of Howard University as a national power. Such success is worthy of our admiration and praise.

Let the triumph of the Huver I. Brown students remind us of the rich tradition of African American excellence in the mastery of law. I look forward to meeting these future Thurgood Marshalls and Johnnie Cochrans one day, here in the halls of our nation's Capitol, where they would clearly serve well.

Again, I congratulate the members of Howard University School of Law's Trial Advocacy Team on their victory over Harvard Law School in the American Bar Association Mock Trial Competition.

ON THE OCCASION OF HIS 70TH BIRTHDAY CELEBRATION OF BISHOP J.E. REDDICK

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize one of Eastern North Carolina's great public servants, Bishop J.E. Reddick on the occasion of his seventieth birthday celebration.

Bishop J.E. Reddick was born on Easter Sunday afternoon on April 21, 1935. After completing high school in 1953, Bishop Reddick received his collegiate and professional training at Shaw University, A&T State University and Hampton Institute. He is the recipient of the Bachelor of Bible Degree and the Master of Bible Philosophy Degree from the American Bible Institute of Kansas City, Missouri and has received two honorary Doctor of Divinity Degrees from the Universal Bible Institute of Alamo, Tennessee and Shaw University Divinity School respectfully. The United Christian College in Goldsboro, North Carolina awarded him the Doctor Humane of Letters.

Aside from his talents as preacher, teacher and leader, Bishop Reddick's main forte is his ability as a builder and administrator. He has set Free Will Baptist precedents in the area of church renovation, construction and programs. Bishop Reddick is founder of the Mt. Calvary Free Will Baptist Church, which today is revered as one of the most functional, practical and attractive churches in the Free Will Baptist connection. He led Maury Chapel Free Will Baptist Church congregation from a deteriorating building into a new church structure. Piney Green and Union Grove Free Will Baptist Churches were remodeled under the leadership of Bishop Reddick.

Bishop J.E. Reddick remains highly active in his community. He presently serves as President of the National Convention of Free Will Baptist USA, General Bishop of the United American Free Will Baptist Denomination and Presiding Annual Bishop of North West "B" annual Conference. He also serves as Board Member for Millennia Community Bank (Greenville, NC) and Kinston Housing Authority. He previously served as a Board Member Chairman for the North Carolina Department of Social Services. Bishop Reddick retired from the Lenoir County Public School System after serving 30 years. Bishop Reddick was awarded the "Legion of Honor Award" by the National Chaplain's Association, which is presented to a clergyman for outstanding achievements and accomplishments, and has served 58 years as a Minister of the Gospel.

Bishop Reddick credits his success to faith in God, Christian principles, love from family and support of friends. I ask my colleagues to join me in congratulating this fine man on seventy years of accomplishments, and wish him many more.

CONGRATULATING LLOYD HILL ON HIS INDUCTION TO THE TEXAS HIGH SCHOOL FOOTBALL HALL OF FAME

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CONAWAY. Mr. Speaker, I congratulate Mr. Lloyd Hill on his induction to the Texas High School Football Hall of Fame. Lloyd played high school football at Odessa Permian.

In his senior year of high school, Lloyd Hill was a vital cog in Odessa Permian's high powered offense in 1989. The Panthers outscored their opponents 620–97 and won the Texas 5A state championship with a 16–0 record. Permian defeated Houston Aldine 28–14 in the Texas State title game that year. Hill was an all-state receiver in 1989 and was a two-time all-district pick. He was also selected to play in the Texas High School Coaches Association All-Star Game. Lloyd Hill lettered at Texas Tech University from 1990–1993 and still holds school receiving records for—yards in a season (1,261), most 100 yard games in a season (7), and most TDs in a season (12). He ranks second on the Red Raider career yardage list. Hill played professional football for the Shreveport Pirates in the Canadian Football League and with the Houston ThunderBears of the Arena Football League.

Again congratulations to Mr. Lloyd Hill on receiving this recognition for his high school career.

HONORING THE CONTRIBUTIONS OF MARY SILVERS, MT. VALLEY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Mary Silvers, Mt. Valley School Teacher of the Year.

Mary Silvers holds a Bachelor's degree from the University of Texas at Austin. She currently runs the Title I reading program at Mt. Valley School in the Comal Independent School District.

Ms. Silvers is not only in the business of teaching her children reading; she also teaches them good character and social skills. She seeks to teach her students tolerance, and the value of individual differences. She organizes her classroom into small cooperative groups, teaching her children how to work together as she teaches them how to read.

Ms. Silvers wants her classroom to be a pleasant place to learn, a place where her students can feel safe and accepted. Her methods have brought her the recognition and thanks of her school and her community.

Ms. Mary Silvers is an exceptional educator, and the message of cooperation and tolerance she brings to her students will stand them in good stead throughout their lives. I am proud to have had the chance to honor her here today.

HONORING RITA K. RONEY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. HINOJOSA. Mr. Speaker, this Saturday the Girl Scouts—Tip of Texas Council will honor Rita K. Roney with the Woman of Distinction Award. This award is given to someone who exemplifies the ideas and characteristics of the Girl Scout movement and Rita Roney is truly deserving of this honor.

A native of McAllen, Texas, Mrs. Roney joined the Girl Scouts as a child and has continued to support this fine organization as an adult. Working with the Girl Scout board of directors, she has been instrumental in raising the needed funding for the amphitheatre at the new Rio Grande Valley Girl Scout Camp. The amphitheatre will be used for ceremonies, chapel services and other programs.

Rita Roney has not just confined her efforts to supporting the Girl Scouts. She is wellknown throughout the region for her dedication to the community. She serves on numerous boards including the Rio Grande Valley Community Foundation, the McAllen International Museum, the McAllen Medical Center Auxiliary, the McAllen Opera Guild, the Rio Grande Valley International Music Festival and the McAllen Performing Arts.

She has a talent for fundraising that she began honing at the age of 10 when she organized a school fundraiser for the March of Dimes. Over the years, she has been instrumental in raising millions of dollars for groups such as the Boys and Girls Club, the Muscular Dystrophy Association, Mujeres Unidas, McAllen Junior League, and the St. John's Day School.

Rita has a particular concern for improving the lives of young people and has been involved with anti-drug campaigns and with improving educational opportunities for local children. She has also been an advocate for seniors and can often be found at local nursing homes visiting residents.

Rita Roney has truly exemplified the highest level of community service and is an outstanding role model for young people. I join the Girl Scouts in congratulating her on being the recipient of this year's award.

HONORING THE LIFE OF JOHNNIE COCHRAN, JR., ESQUIRE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. CUMMINGS. Mr. Speaker, "You are empowered to do justice. You are empowered to ensure that this great system of ours works. Listen for a moment, will you, please."—Johnnie Cochran, Closing Statement, O.J. Simpson Trial.

Mr. Speaker, I rise today to pay tribute to Johnnie Cochran, Jr, who died of a brain tumor on March 29, 2005. The New York Times called him "fierce," "flamboyant," and "electrifying." Johnnie certainly was fierce, flamboyant and electrifying. He was also nuanced, principled, and persuasive—a giant in the legal profession.

Mr. Speaker, throughout his life, Johnnie Cochran believed wholeheartedly in the power and promise of the American judicial system. He was born in a charity hospital in Shreveport, Louisiana. His great grandparents had been slaves, his grandparents were sharecroppers, and his father was a pipefitter. When he was still a child, the Cochran family moved to California in search of opportunity and a better life. It was from California that the 11-year-old Johnnie watched Thurgood Marshall prosecute Brown vs. the Board of Education. Inspired by the trial, Johnnie, at only 11 years old, decided he wanted to be a lawyer. As he said in an NPR interview toward the end of his life, "After Brown vs. Board came along, I knew I wanted to use the law to change society for the better."

Mr. Speaker, throughout his life, Johnnie Cochran was on the frontlines where race, politics and the law intersected. There are some detractors who mistakenly believed Johnnie fostered race divisions, but, in truth, he spent his life as an integrator. He was one of two dozen black students to desegregate Los Angeles High School in the 1950s. As a young lawyer, he served as an inspiration to many African Americans who watched him, a lone black face amidst a sea of white lawyers, as he crusaded against corruption and racism in law enforcement. When the riots broke out after a verdict was reached in the Rodney King trial, Cochran represented Reginald Denny, a white truck driver who had been attacked by a mob, arguing that his civil rights had been violated.

But, Mr. Speaker, Johnnie made a career out of defending African Americans—from the O.J.s to what he called the "No Js," cases in which the "chances for getting paid are actually pretty slim." High profile trials made Johnnie Cochran a celebrity, but it was the victories for justice that made him proud. In 1978, Johnnie Cochran traded in his $300,000 salary for a $49,000 job as an Assistant District Attorney in Los Angeles County because he wanted to effect change from inside the system. His most cherished triumph was the vindication of Elmer "Geronimo" Pratt, a former Black Panther who served 25 years in prison for murder before being exonerated. In 1997, when the judge read the verdict that set Pratt free, Johnnie said, "It doesn't get any better than this."

Mr. Speaker, Johnnie Cochran was a courtroom wizard with a practical sensibility and a lyrical lilt. He was a champion of racial justice, with just a touch of the razzle dazzle. We will miss him.

If I may, I would like to close the way I began. Let Johnnie Cochran's words serve as a reminder to us today and everyday. "You are empowered to do justice. You are empowered to ensure that this great system of ours works. Listen for a moment, will you, please."

A TRIBUTE TO BROOKLYN COLLEGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor the seventy-fifth anniversary of Brooklyn College of the City University of New York, who I am proud to represent in the House of Representatives. Concurrently, the Council of the City of New York is scheduled to adopt a resolution congratulating Brooklyn College and its President, Dr. Christoph M. Kimmich, on their anniversary and outstanding efforts on behalf of the Brooklyn community.

Mr. Speaker, Brooklyn College was founded on May 15, 1930, upon the merger of the Brooklyn branches of Hunter College and City College as the first coeducational public college in New York City. At its inception it was a modest institution that has developed tremendously and flourished marvelously.

Brooklyn College provides superb education in the arts and sciences and has served the community by graduating, over the past seventy-five years, more than 140,000 ethnically and culturally diverse students, reflecting New York City's rich sociological fabric. Brooklyn College has been recognized nationally for its outstanding faculty, rigorous academic standards, innovative curriculum, and beautiful campus, and was recently ranked third among America's Best Value Colleges by the Princeton Review.

Mr. Speaker, Brooklyn College will be holding many special events throughout the year in celebration of this anniversary, including a birthday party on May 10, 2005, on the College Quadrangle.

Mr. Speaker, I believe it is incumbent upon this body to recognize the activities celebrating the seventy-fifth anniversary of Brooklyn College and its ongoing dedication to providing excellence in education. I encourage my colleagues to join the residents of Brooklyn in honoring Brooklyn College and its many alumni, students, faculty, and staff upon this very momentous occasion.

HONORING ARABELLA MARTINEZ

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Arabella Martinez, a remarkable individual who is retiring after many years of exemplary service and dedicated community involvement in Oakland, California. On May 11, 2005, the community will celebrate Ms. Martinez "The legacy of a Living Legend" at a dinner in her honor.

Arabella Martinez has extensive experience in a wide range of activities affecting the role of minorities and women in the economy and larger society. Her experience in social work, community action programs, and community development led to her conviction that economic development, evolving from strong, community-directed institutions, was the most effective path toward economic self-sufficiency and empowerment. President Jimmy Carter recognized Ms. Martinez's talent and experience and appointed her Secretary for Human Development Services in the Department of Health Education and Welfare. She became the first Hispanic woman to hold this position.

Ms. Martinez was one of the founders and the first Executive Director of the Spanish Speaking Unity Council. After a fifteen-year absence, she returned to the Unity Council in December 1989, to rescue it from near bankruptcy. The Spanish Speaking Unity Council is now one of the largest and most successful community development corporations in the nation. Besides founding the Unity Council, Ms. Martinez helped build the Women's Initiative for Self Employment as a Board member and consultant. She raised over $800,000 for the Oakland YWCA's capital campaign to save its historically significant Julia Morgan building.

Over the past ten years, Ms. Martinez has successfully worked to revitalize the Fruitvale district, an inner-city neighborhood in Oakland, California. The revitalization includes major real estate development projects, community building activities, and a range of community and family asset development programs. Ms. Martinez's major responsibility has been the successful development of a $100 million mixed use, transit-oriented development around the Fruitvale BART station. The Transit Village includes 245,000 square feet of community facilities, child development and senior centers, a community clinic, a library, technology center, retail space housing and podium parking in two multi-level complexes, bisected by a pedestrian plaza.

The Fruitvale Transit Village has transformed the community and its residents. It provides social services as well as community empowerment for individuals and businesses to thrive.

Arabella Martinez is truly a living legend who continues to work tirelessly for the benefit of others. I join the community in expressing heartfelt appreciation for her noteworthy contributions. She leaves a legacy of talent and commitment that is hard to match.

HONORING THE CONSULAR CORPS ASSOCIATION OF PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Consular Corps Association of Philadelphia.

In celebration of 43 years of promoting international understanding, I extend congratulations to the first Consular Corps in the United States, the Consular Corps Association of Philadelphia.

With the founding of the Corps, now one of the largest diplomatic associations in the nation, a model was created that allows us to reach beyond geographic boundaries to strengthen international relations

Thirty seven countries are represented in the Philadelphia Association and as a result there are increased opportunities for business, educational and diplomatic partnerships.

The Consular Corps Association of Philadelphia has also provided humanitarian aid. Its members aided relief efforts for Asian and African victims of the tsunami disaster and survivors of civil war.

On the educational front, the organization has developed innovative cultural exchange programs, including partnerships with the World Affairs Council, the International Visitors' Council and the Bodine High School for International Affairs. As a result of these outreach programs many area young people now see themselves as world citizens with a greater appreciation for cultural and racial diversity.

The Consular Corps of Philadelphia helps us understand that by reaching beyond our geographic boundaries there is hope that we can learn to share more fairly in the world's bounty.

WALL STREET JOURNAL EUROPE ARTICLE

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. ENGLISH of Pennsylvania. Mr. Speaker, at a time when reform is being encouraged from both inside and outside the Arab and Muslim worlds, Morocco has been quietly getting the job done. The April 12th edition of The Wall Street Journal Europe contains an insightful and balanced article on the progress that has been made—as well as the continuing challenges—in Morocco. Reform is a long and oftentimes difficult process, but both the government and the people of Morocco have made a decision about where their future lies. I commend this article to the attention of my colleagues.

[From the Wall Street Journal Europe, Apr. 12, 2005]

MAGHREBIAN NIGHTS

(By Brian M. Carney)

CASABLANCA, MOROCCO.—There really is a Rick's Cafe in Casablanca. It was opened a year ago by an American expatriate named Kathy Kriger, who decided to stay on after a stint here as a trade attache for the U.S. Commerce Department.

Ali Kettani, the man sitting across from me at Rick's, is also a returnee. Although born and raised in Morocco, he'd spent the best part of the last 15 years in Paris and New York as a banker. "Before the previous king died," Mr. Kettani says, "I would have sworn that I would never have come back to Morocco." But here he is, moving back and forth between the U.S. and Morocco to raise American money for a planned $35 million Moroccan private-equity fund, which he says is the first of its kind.

Mr. Kettani's renewed enthusiasm for his country is not unusual in this, the country that claims to be America's oldest ally. (Morocco signed a friendship treaty with the U.S. in 1787 that has been in force ever since.) In February, a bilateral free-trade agreement went into effect between the U.S. and Morocco, lowering 95 percent of tariffs between the two countries to zero and phasing out the rest over the next several years. A so-called "association agreement" with the EU is likewise gradually lowering trade barriers between Europe and Morocco. Businessmen in the country hope to capitalize on this privileged access to the two largest economies in the world by trading with both.

"The future of Morocco," said Ali Belhaj, a businessman and opposition politician, "is in services, logistics, tourism and agriculture." Agriculture is already a substantial chunk of the Moroccan economy, but in the future Mr. Belhaj sees Morocco selling more and more farm products to the U.S. and Europe, thanks to its privileged trade status and low costs. As for services, he offers an example. "The biggest dental-implant company in Paris is Moroccan. You go to the dentist in Paris, he takes a mold of your teeth and ships it to Casablanca, where the implants are made and shipped back to Paris. We can turn around dental implants in 48 hours." For Mr. Belhaj, proximity and good relations with the West are the foundations of Morocco's economic future.

Morocco is a potential bridge between the West and the Arab world in more than just economic ways. At a time when U.S. President George W. Bush's Greater Middle East project is viewed by many in both Europe and the Arab world as a "neoconservative" pipe dream, Morocco stands out as a country furiously trying to show that Arab ways and a Western, modernizing orientation are not incompatible.

Morocco is a nigh-absolute monarchy, but one whose king has been steadily if gradually ceding power to an elected Parliament. The elections in 2002 are generally viewed, both within Morocco and among Western NGOs such as Freedom House, as the first free and fair ones in the country's 1,300-year history. And this year, the Parliament is expected to pass and the king is expected to ratify a law strengthening the role of parties in the country's politics. For Ali Belhaj, a businessman who is trying to found a center-right party dubbed Alliance of Liberties, it is a vital step toward democracy. "We have 26 parties that get nearly all of their funding from the state," Mr. Belhaj says. "The annual budget for the parties? $1 million. How can you build a democracy like that?" Even so, he allows that he sees "the beginnings of democracy in Morocco," and would like to see the Parliament strengthened.

But in terms of civil rights and freedom of the press, the country has made some real strides, enshrining habeas corpus and the presumption of innocence in law in the last few years. The Parliament is working on a bill to decriminalize libel, meaning disgruntled politicians would no longer be able to lock up journalists for writing things the ruling class would rather not see in print.

In Rabat, the country's capital, I spoke to Ahmed Abbadi, the director of Islamic affairs in the Ministry of Religion, about the role of religion in a modernizing Morocco. Last year, Morocco passed a reform of its so-called Family Law. The new law grants women equal status in the family, with equal rights to divorce their husbands, an equal say in family governance and the right to marry without the consent of a male relative.

There were Islamist elements who had opposed some of these reforms on religious grounds; I asked Mr. Abbadi what the government's response had been on a religious level. "We are concerned with finalities," he said. "When you are concerned with finalities, you do not get bogged down with the literal words." He continued: "There is a saying in Islam: 'Wherever is the interest of the whole, there is sharia.'" So bearing in mind the interest of the whole, he said, "We must determine how to implement the general principles of sharia law in a way that is appropriate to our time." In short, the Ministry of Religion determined that the Family Law, giving women broadly equal rights in the family context, was consonant with Morocco's official interpretation of Islam. It's a dose of historical relativism that's badly needed in much of the Arab world.

What about Abu Musab al-Zarqawi's claims ahead of the Iraqi elections that democracy was unIslamic? "He does not have the skills, the knowledge or the class to talk about democracy," was Mr. Abbadi's response, delivered with just a touch of condescension. And, speaking of Saudi Arabia's fundamentalist brand of Islam, he observed: "When you have a simple society," you wind up with a "simple, superficial" interpretation of Islam—"like the 'Bedouin Islam' in Saudi Arabia."

All of which sounded pretty encouraging. So, did Mr. Abbadi see Morocco's flavor of Islam as a model for the rest of the Arab world—a modern, forward-looking alternative to Wahhabist fundamentalism? He didn't want to go that far, but in the end he allowed, "We believe—humbly—that Morocco could be a model" for others, although they had no inclination to actively export their interpretation.

Morocco is democratizing, liberalizing and modernizing on several fronts. Is it a model for the Arab world? I repeated the question to Bob Holley, a former American diplomat who is now consulting for the Moroccan government in Washington, and who facilitated a number of my meetings in Morocco. "It's a great sales pitch—Morocco as model for the greater Middle East," Mr. Holley noted. But in the end, given its historical, cultural and ethnic particularities, "I think Morocco's utility as a model is limited," he admitted.

Mr. Holley may be right, and in any case Morocco's progress is far from perfect or uniform. After the May 16, 2003, suicide bombings in Casablanca, the police rounded up some 2,000 people, a reaction that for some in Morocco harkened back to the bad old days when the government was empowered to imprison anyone it deemed a threat to the public order. (That law, known in the country as Art. 35, has been repealed.)

But model Arab democracy or not, Morocco is nevertheless showing what is possible within an Arab monarchy that looks west and north, rather than only east or inward. Back at Rick's Cafe, our table-mate, Dr. Bouthayna Iraqui-Houssaini, who owns a medical-supply company here in Casablanca, offers her own appraisal. "Not everything is good, but it is all changing. People believe life is getting better," she said. And that's not a bad beginning.

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RECOGNIZING RECIPIENTS OF THE BETTER BUSINESS BUREAU OF CENTRAL NEW ENGLAND, INC. TORCH AWARDS FOR MARKETPLACE ETHICS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to this year's Better Business Bureau of Central New England Torch Award For Marketplace Ethics recipients from my hometown area of Worcester County.

Mr. Speaker, the mission of the Better Business Bureau of Central New England, Inc. (BBB) created in 1942, is to promote and foster the highest ethical relationship between businesses and the public through voluntary self-regulation, consumer and business education, and service excellence.

Ten years ago, the BBB established its annual Torch Award for Marketplace Ethics to recognize companies for their outstanding commitment to exceptional standards in relationships to their customers, employees, suppliers, competitors, shareholders, and surrounding communities. These awards are helping to illuminate the importance of corporate conscience and responsibility to upholding a fair and honest marketplace.

Mr. Speaker, two companies are being honored today by the Better Business Bureau for their commitment to marketplace ethics: Apple Home Care Associates, Inc. of Holden, MA. (provider of hospital equipment and supplies; established in 1990; 12 employees; President, Ms. Joni Milluzzo) and Sarkisian Builders, Inc. of Rutland, MA. (building contractor; established in 1962; 6 employees; President, Mr. Pat Sarkisian).

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Apple Home Care Associates, Inc. and Sarkisian Builders, Inc. for this outstanding recognition of their business ethics and solid reputations within the communities they serve. It is through the efforts and leadership of companies like these that businesses throughout Massachusetts, both large and small, are reminded that ethical behavior in the marketplace counts.

INTRODUCTION OF H.R. 1898: THE TELEPHONE EXCISE TAX REPEAL ACT OF 2005

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, in 1898, the United States engaged in a brief military conflict with Spain. To pay for the three month skirmish, lawmakers enacted a luxury tax that would only tap money from the super wealthy. Today, that same luxury tax lives on, but instead of taxing only the rich, it hits the pocket books of almost all Americans, both rich and poor. The tax is the federal phone tax. A pesky three percent surcharge on all phone calls made in the United States. Today I am introducing a bill to ensure its days, like those of the Spanish empire before the 1898 war, are numbered.

H.R. 1898, the "Telephone Excise Tax Repeal Act of 2005," will repeal the antiquated tax on telecommunication services.

While a "luxury" tax on telecommunication services might have made sense in 1898, there is no question that telecommunications services today are necessities, not luxuries.

Today, Americans depend daily on land line telephones, cell phones and dial-up internet services to communicate. However, we continue to take money from Americans by classifying these services as a "luxury." Today, more than 100 million American households are paying for a tax on their telecommunications services.

The tax is not only applied to local services, but on specialty features including call waiting, caller ID, local toll charges, long-distance calls, wireless services and directory assistance. This tax burdens our communication abilities and is destructive to technological innovation. It must be repealed immediately.

Telephone tax revenues once used to pay for the Spanish-American War are deposited in the General Fund. Unlike the gas tax, which directs revenues to the Highway Trust Fund, no specific account exists to redirect money collected from the telephone "luxury" tax. Other items subject to a "luxury" tax include airplane tickets, beer and liquor, firearms and cigarettes. Obviously, a telephone is a necessity, and thus does not fit with this list of "luxury" items.

It is time to hang up on the telephone tax. I urge my colleagues to join me in supporting this important legislation to permanently repeal the federal telephone excise tax.

* * *

TRIBUTE TO DR. ANNE J. MATULA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to a unique and distinguished woman from Portland, Texas: Dr. Anne J. Matula, who is greatly admired for her leadership in education and who is retiring from her work in education and service.

Dr. Matula is the former Dean of Business Career and Technology Programs at Del Mar College. Presently, she serves as an assistant to the Vice President of the university, and as an adjunct instructor at the University of the Incarnate Word.

Her deep conviction and strong character were apparent even when she graduated as the valedictorian from Odem High School. She obtained a Bachelor of Science degree, Summa Cum Laude (the highest honors) and a master's degree in Business Administration from Texas A&I. Following that, she completed a Joint Doctoral Program in Educational Leadership at the Texas A&M Universities at Corpus Christi and Kingsville, Texas.

Her educational background clearly supports her firm belief in education. Thriving to pursue this endeavor, she devoted a major part of her life to teaching. She began her teaching experiences at H.M. King High School in Kingsville, TX and Gregory-Portland High School in Gregory, TX. Just right after, she began teaching at Del Mar College in Corpus Christi as an instructor, assistant professor, and associate professor. Later on, she became an adjunct instructor at the college as needed. Dr. Matula served a tenure of 23 years at Del Mar College, which she led with incomparable competence. She was also an adjunct instructor at Texas A&M University in Corpus Christi.

Her participation in a number of civic organizations, such as the Coastal Bend Council of Governments and the San Patricio Economic Development Corporation, reflect her commitment to help the community. She has given many years of service on boards and forums, including the Junior League of Corpus Christi Advisory Board, the Regional Community Leaders Forum, the National Conference for Community and Justice, and the Board of Trustees of the Gregory-Portland Independent School District, on which she served for five elected terms. Dress for Success South Texas is another important board on which she served and of which she was the founding member.

She has also been distinguished for her membership in various professional organizations, such as the Delta Kappa Gamma Society International (Gamma Psi Chapter), Phi Alpha Kappa, the Texas Association of School Boards, the Texas Community College Teachers Association, and the Texas Association of College Technical Educators (TACTE).

As a woman of great talent and dedication, Dr. Matula has been recognized and presented with various awards and prominent recognitions. It is a pleasure and privilege to honor Dr. Matula, whose passion and dedication to help others is immeasurable. Her years of commitment to higher education make her a distinctive and unique voice in our community. Dr. Matula is loved by all the students whose lives she has touched and will remain in their hearts as a prominent figure in their education and future success.

I ask my colleagues to join me in honoring Dr. Anne J. Matula on the occasion of her retirement.

WOMEN'S HEART HEALTH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a critically-important public health issue, cardiovascular disease among women.

I recently attended a women's heart health symposium in my district and was surprised to learn that heart disease is the number one cause of death for American women. Heart disease kills more than 366,000 women each year, more than all types of cancer combined. One of every 5 women has some form of cardiovascular disease. One woman dies from it every minute.

There are also troubling trends for women who survive heart attacks. I was astonished to learn that 38 percent of women who have heart attacks will die within one year of having that heart attack. Forty-six percent of women who have heart attacks will be disabled with heart failure within 6 years of having a heart attack. These statistics are simply unacceptable.

There is good news, however. There are some simple steps both women and men can take to greatly reduce their risk for heart disease. We can lower our risk for heart disease simply by not smoking, exercising regularly, and eating a nutritionally-balanced diet because smoking, high blood pressure, obesity, and sedentary lifestyles are major risk factors for heart disease in us all, particularly women.

As former Chairman of the Energy and Commerce Health Subcommittee, I am pleased to have been able to help double funding for the National Institutes of Health and support the work done by its National Heart, Lung, and Blood Institute, which currently is sponsoring a public awareness campaign on women and heart disease called "The Heart Truth." This initiative is designed to spread the word that heart disease is not just a man's disease, motivate women to take their heart health seriously and encourage them to lower their risk for cardiovascular disease.

Mr. Speaker, I believe that we should help raise public awareness about women's heart health issues and support policies which promote the early diagnosis and proper treatment of women with cardiovascular disease. I hope that our colleagues join me in bringing attention to the importance of women's heart health. Our mothers, wives, sisters, and daughters depend on it.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 2005

Mr. FARR. Mr. Speaker, I have long been staunch supporter of human rights throughout the world. Consistent with my strong record opposing human rights abuses around the world, I deplore the draconian actions President Castro has taken to curb the civil rights of Cubans. Unfortunately, it is impossible to. have a legitimate debate an human rights abuses in Cuba because of the extreme politicalization of U.S.-Cuba policy that the Bush Administration has championed.

If we are truly serious about instilling a democratic influence and respect for the rule of law, U.S. policy should permit unrestricted travel to the island that is only 90 miles from our shores. Cuban Americans should be able to freely visit their loved ones, tourism should be allowed to flourish, cultural and educational exchanges should be encouraged, and agricultural trade should be unrestricted, thereby creating new markets for U.S. farmers and growers. Unfortunately, the current policy towards Cuba is not only counterproductive to American economic interests, but actually helps prop up President Castro by continuing to isolate Cubans from the rest of the world.

The House of Representatives should be pressing far greater political and economic freedoms for Cubans that would truly improve their human rights instead of meaningless resolutions that reinforce a flawed strategy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 28, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.
SD–366

MAY 11

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Federal recognition of Indian tribes.
SR–485

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.

SD–226

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.

SD–366

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

SENATE—*Thursday, April 28, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, You are our rock of safety. You are the Ancient of Days, yet the ever-new God. Thank you for Your mercies which are fresh each day. Your spirit restores our souls to newness of life. Because of You, we have discovered a new life, a new song, and a new hope that nothing in life or in death can dismay.

Today, bless the Members of this body. Guide their steps and inspire their hearts. May they use their talents to make the world better.

Be their strength and shield from every danger as You fill their hearts with joy. Lord, protect our military men and women who daily sacrifice to keep us free. Lead them like a shepherd and carry them forever in Your arms.

We pray in Your awesome Name. Amen

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today we will begin our session with a 1-hour period of morning business, and following morning business, the Senate will begin debate on the highway bill. Senator INHOFE has been on the floor over the course of the last 3 days and has encouraged Members to offer their amendments. I encourage them to do so at this time. I ask Senators to contact the chairman and ranking member if they do intend to offer an amendment so they can plan accordingly. We will make further progress on the bill today and tomorrow. Senators should not wait until the last minute to offer their amendments. Please come forward today and tomorrow with those amendments.

Also, I remind everyone that last night we filed two cloture motions on two Cabinet-rank nominations: Rob Portman to be USTR, and Stephen Johnson to be Administrator of EPA. Those votes will occur on Friday unless we reach an agreement for a confirmation vote on those two important nominations.

We will also consider the budget and supplemental conference reports when they are available. Members continued to work well into the evening last evening on both of these conference reports. The budget conference report, as my colleagues know, can be debated for up to a 10-hour statutory limit.

Having said that, Senators should be informed we have quite a bit of work to accomplish prior to our adjournment, and we are going to need to stay until we finish our business. Senators should expect rollcall votes each day.

COMMENDING ANNICE M. WAGNER, CHIEF JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS

Mr. FRIST. I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. Res. 107 and the Senate now proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 107) commending Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, for her public service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, entered Federal Government service in 1973 as the first woman to be appointed General Counsel of the National Capital Housing Authority, then a Federal agency;

Whereas, from 1975 to 1977, the Honorable Annice M. Wagner served as People's Counsel for the District of Columbia, an office created by Congress to represent the interests of utility consumers before the District of Columbia Public Service Commission and the District of Columbia Court of Appeals;

Whereas, in 1977, the Honorable Annice M. Wagner was appointed by President Carter and confirmed by the Senate to serve as an Associate Judge of the Superior Court for the District of Columbia;

Whereas, while serving as an Associate Judge of the Superior Court, the Honorable Annice M. Wagner served in the civil, criminal, family, probate, and tax divisions and served for 2 years as presiding judge of the probate and tax divisions;

Whereas, while serving as an Associate Judge of the Superior Court, Annice M. Wagner served on various commissions and committees to improve the District of Columbia judicial system, including serving as chairperson of the Committee on Selection and Tenure of Hearing Commissioners, and as a member of the Superior Court Rules Committee and the Sentencing Guidelines Commission;

Whereas, as an Associate Judge of the Superior Court, Annice M. Wagner served as chairperson of the Court's Advisory Committee on Probate and Fiduciary Rules and was largely responsible for the implementation of new rules intended to streamline and clarify procedures regarding missing, protected, and incapacitated individuals;

Whereas, as an Associate Judge of the Superior Court, the Honorable Annice M. Wagner served as chairperson of the Task Force on Gender Bias in the Courts, which conducted a comprehensive study of bias in the courts;

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts established the Standing Committee on Fairness and Access to the Courts to ensure racial, gender, and ethnic fairness;

Whereas Annice M. Wagner was appointed by President George H.W. Bush and confirmed by the Senate in 1990 to be an Associate Judge of the District of Columbia Court of Appeals;

Whereas Annice M. Wagner was appointed in 1994 to serve as Chief Judge of the District Court of Appeals;

Whereas, while Chief Judge of the District of Columbia Court of Appeals, Annice M. Wagner served as Chair of the Joint Committee on Judicial Administration in the District of Columbia;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts initiated the renovation of the Old District of Columbia Courthouse (Old City Hall) in Judiciary Square, a National Historic Landmark, for future use by the District of Columbia Court of Appeals;

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts initiated the master planning process for the renovation and use of unused or underutilized court properties, which will lead to the revitalization of the Judiciary Square area in the Nation's Capital;

Whereas, under Annice M. Wagner's leadership, the Court of Appeals, along with the District of Columbia Bar, the District of Columbia Bar Foundation, and the District of Columbia Consortium of Legal Service Providers, established the District of Columbia Access to Justice Commission, a commission that will propose ways to make lawyers and the legal system more available for poor individuals in the District of Columbia;

Whereas Annice M. Wagner served as President of the Conference of Chief Justices, an organization of Chief Justices and Chief Judges of the highest court of each of the 50 States, the District of Columbia, and the territories;

Whereas Annice M. Wagner served as Chairperson of the Board of Directors of the National Center for State Courts;

Whereas the Honorable Annice M. Wagner commands wide respect within the legal profession nationally, having been selected to serve as one of 11 members of the American Bar Association's Section on Dispute Resolution's Drafting Committee on the Uniform Mediation Act, which collaborated with the National Conference of Commissioners on Uniform State Laws in promulgating the Uniform Mediation Act, which, in 2001, was approved and recommended for enactment in all of the States, to foster prompt, economical, and amicable resolution of disputes through mediation processes which promote public confidence and uniformity across state lines;

Whereas, since 1979, Annice M. Wagner has been involved with the United Planning Organization, which was established in 1962 to conduct initiatives designed to provide human services in the District of Columbia and she has served as Interim President of the Organization's Board of Trustees;

Whereas, since 1986, Annice M. Wagner has participated as a member of a teaching team for the Trial Advocacy Workshop at Harvard Law School;

Whereas Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, was born in the District of Columbia and attended District of Columbia Public Schools and received her Bachelor's and law degrees from Wayne State University in Detroit, Michigan; and

Whereas Annice M. Wagner's dedication to public service and the citizens of the District of Columbia has contributed to the improvement of the judicial system, increased equal access to justice, and advanced public confidence in the court system: Now, therefore, be it

Resolved, That the Senate commends the Honorable Annice M. Wagner for her commitment and dedication to public service, the judicial system, equal access to justice, and the community.

PUBLIC SERVICE RECOGNITION WEEK

Mr. FRIST. I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged and the Senate proceed to S. Res. 108.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 108) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 2 through 8, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 108

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of men and women who meet the needs of the Nation through work at all levels of government;

Whereas over 18,000,000 individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fire;

(4) deliver the United States mail;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) defend and secure critical infrastructure;

(9) teach and work in our schools and libraries;

(10) improve and secure our transportation systems;

(11) keep the Nation's economy stable; and

(12) defend our freedom and advance United States interests around the world;

Whereas public servants at every level of government are hard-working men and women, committed to doing their jobs regardless of the circumstances;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 2 through 8, 2005, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees;

Whereas the theme for Public Service Recognition Week 2005 is Celebrating Government Workers Nationwide to highlight the important work civil servants perform throughout the Nation; and

Whereas Public Service Recognition Week is celebrating its 21st anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

APPOINTMENT OF SHIRLEY ANN JACKSON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

APPOINTMENT OF ROBERT P. KOGOD AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.J. Res. 19 and H.J. Res. 20 and the Senate proceed to their immediate consideration en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the resolutions by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 19) providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution

A joint resolution (H.J. Res. 20) providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolutions en bloc.

Mr. FRIST. I ask unanimous consent that the joint resolutions be read a third time and passed, the motions to reconsider by laid upon the table en bloc, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 19) and (H.J. Res. 20) were read the third time and passed.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with the first half of the time under the control of the Democratic leader or his designee and the last half under the control of the minority leader or his designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the question before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is currently in a period of morning business, with time equally divided between the majority and minority leader.

Mr. BYRD. Mr. President, how much time might I have under the order?

The ACTING PRESIDENT pro tempore. The minority controls 30 minutes, the first 30 minutes of the period of morning business.

Mr. BYRD. Mr. President, I ask that I may proceed to speak out of order for as long as I need to speak and that it not be over 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. BYRD. Mr. President, from the book of Matthew, chapter 7, verses 25, 26, and 27 of the King James version of the Bible, I read as follows:

> And the rain descended and the floods came and the winds blew and beat upon the house, and it fell not for it was founded upon a rock. And everyone that heareth these sayings of mine, and doeth them not, shall be likened unto a foolish man, which built his house upon the sand. And the rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell; and great was the fall of it.

Mr. President, 70 years ago the Social Security Program was founded upon a rock. It was designed to shelter workers in their old age and to withstand the storms that can wipe away their savings. For 70 years, the Social Security Program has stood as a protector of workers and families. It is their safeguard against economic peril.

Social Security provides the essential support for 405,000 West Virginians. In every county across the State, men and women, workers and retirees, their spouses and their children rely on their monthly Social Security check, and it comes as regularly as the mail man runs.

And so it is with great trepidation that they listen to apocalyptic tales about Social Security's future. It is difficult to understand, and perhaps incomprehensible to comprehend, how workers could spend their lifetime contributing to the Social Security Program only to find that the benefits promised to them may not be available when they retire. Demographic projections show that the next generation of workers cannot support the retirement and disability benefits promised to this generation of workers. The Social Security trustees warned us that this demographic storm would erode the rock upon which the retirement security of workers has been built. Soon the rain will descend. Soon the floods will come. Soon the winds will blow. Our challenge is to keep that house from falling. And our challenge is great.

It is within this context that President Bush has proposed changing the scope of the Social Security Program, adding personal accounts to wean workers from the traditional program. He offers the opportunity for higher returns in the financial markets in exchange for workers relinquishing a portion of their benefits guaranteed under the current system. Be careful.

Needless to say, the outcry to such a proposal has been deafening. In the State of West Virginia, thousands and thousands of constituents are contacting my office—phone calls, e-mails, letters—in opposition to the President's Social Security plan. These people fear that personal accounts are a scheme to take away their Social Security benefits. They fear it is an effort to crack open Social Security and break it apart, piece by piece. I, too, fear such efforts. Feeding that fear is the secret that permeates the administration's plans.

The X factors are multifarious, impacting every worker and every employer who pays into the Social Security Program, every future retiree and every future disabled worker who expects one day to receive Social Security benefits.

My constituents are right to be leery of a scheme to privatize Social Security, particularly when efforts to learn more about Social Security's reforms are being stonewalled. We cannot get that information. If we knew the answers, if we knew for certain the retirement security of our constituents would be protected, that would be one thing, but this proposal for personal accounts seems a lot like the kind of telephone scams we hear about when folks are told they have won a prize and then are asked for their bank account number. Hold on here.

We are all enticed by the idea of ensuring the solvency of Social Security, but what are workers being asked to give up? No one in the administration, no one in the White House is willing to tell. Hear me when I say I will oppose this plan as well as any plan where the costs are undefined and the benefit cuts so uncertain.

Four months of high-publicity tours and photo-ops by President Bush and members of his Cabinet all across America, including stops in West Virginia, have yielded little new information about how the President's plan would affect workers' benefits. We do not know. We have not been told. We cannot get the answers. We ask for the plan, we ask for the details, and nothing happens. What level of benefit cuts is the President advocating? How much of their guaranteed benefits is the President asking workers to relinquish? On this subject the White House has been evasive. The White House has been equivocating.

What about the volatility of the financial markets? Recent news reports serve as a vivid reminder that the stock market has severe ups and downs. What happens when it comes time to retire and a worker discovers that he or she does not have enough saved to ensure a decent, respectable living? What guarantee would the administration support to ensure a minimum benefit from each individual account? The White House will not respond to this question. There is not a sound to be heard by way of answering that question. What are the costs of the President's Social Security plan? The White House Budget Office has $754 billion, but the Vice President says trillions of dollars. How about that? How can this administration reconcile mounting debt and its own warnings about the need to limit the further growth of deficits with a plan that requires borrowing trillions of dollars more? Again, the White House has no response to the question.

This week, the Senate Finance Committee began hearings on the President's plan. I hope these hearings will yield more information. Our senior citizens need answers to these questions.

I sent a letter to this President earlier this year urging him to send a detailed legislative proposal to the Congress. Send it up, a detailed legislative proposal. I have asked questions of the Secretary of the Treasury at Appropriations Committee hearings as recently as this week. The Congress and the people have been patient in waiting for answers, but still no answers come forth. Honesty and candor are now required. We cannot legislate on rumors and guesses. The ducking and the dodging on the part of the administration serve only to fuel speculation that it is hiding something—yes, hiding something—from the public or, worse, seeking to cut benefits surreptitiously.

Fortunately, any legislation submitted by the President to change Social Security will require 60 votes to pass the Senate; that is, as long as the nuclear option has not descended upon the Senate, as long as the filibuster is still around. Any legislation submitted by the President to change Social Security will require 60 votes to pass the Senate. Long live the filibuster. It may be needed to protect Social Security. The danger of the nuclear option becomes crystal clear as we contemplate the momentous debate on Social Security which looms just down the road, just up ahead.

Only the Senate, here in this forum, only the Senate has the ability to insist on its right to unlimited debate. I hope the Senators will stop, look, and listen. Only the Senate, may I repeat, has the ability to insist on its right to unlimited debate. Let's maintain that right. It has been there for 217 years. Its roots go back to the English Bill of Rights to which William III and Mary subscribed on February 13, 1689, 100 years before our own Republic began, the Bill of Rights, enacted on December 16 in Parliament. The Bill of Rights guaranteed freedom of speech in commons, and our own Constitution in section 6, article I, guarantees that right which cannot be questioned in any other place. Retain it, maintain it, keep it, hold it, collapse it to thy breast.

Only the Senate has the ability to insist on its right to unlimited debate. No Social Security legislation will fly through this Senate without thorough scrutiny, unless the nuclear option is employed. Senators can insist and Senators will insist on the time they need to probe the details of the President's plan and to extract answers to their questions. The Senate will have the opportunity to amend, the Senate will have the opportunity to debate, and then, if it desires, the Senate will have the opportunity to amend and debate some more. And then some more. The threat of a filibuster means that no legislation will be enacted into law without bipartisan support in this Senate, which means that no benefits will be cut, no taxes will be increased, and no radical change codified without adequate debate.

The Senate will require a compromise if and when Social Security reforms are ever enacted, fulfilling its role exactly as the Founding Fathers envisioned. Yes, yes, that is why we have a Senate. Thank God for the Great Compromise which was agreed to on July 16, 1787. Praise God for that Great Compromise. But for it, the Presiding Officer would not be sitting at the desk. But for it, I would not be standing here. But for it, this might never have been a Republic. That is why we have a Senate with its rules for unlimited debate—Lord, God, keep it, save it, collapse it to thy heart—to forge compromise and to ensure moderation in the laws enacted.

To those who advocate chipping away at that rule, limiting Senators' right to debate in regard to judicial nominees, hear me when I say the crucial need for keeping those rules strong in order to encourage compromise and moderation is right before us as the Senate proposes to debate changes in Social Security. Hear me out there in the Plains, in the prairies, across the rivers from the Atlantic to the Pacific. We ought to engage in a genuine effort to end the rumors and help the public understand exactly what is being asked of them with regard to their Social Security benefits—your benefits.

I urge this administration to lay its case before the American people. Come on, open up, lay the case before the American people. Tell us what your plan is. Give us the details of your plan. The last thing we need at this late point with the Social Security storm looming on the horizon is to find another house has been built upon the sand.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, how much time remains on the minority side?

The PRESIDING OFFICER. The minority's time is now expired.

Mr. DOMENICI. Madam President, do I understand that the Senator from New Mexico has up to 10 minutes at this point in morning business?

The PRESIDING OFFICER. The Senator has up to 30 minutes, if he would like.

Mr. DOMENICI. Thank you very much.

JUDICIAL NOMINATIONS

Mr. DOMENICI. Madam President and fellow Senators, I want to start by submitting a couple of editorials from papers in the State of New Mexico.

First of all, I want to start with an editorial from a paper in New Mexico called the Santa Fe New Mexican. I do not want to editorialize too much about this paper, but I think it is fair to say this is not a conservative newspaper. I believe it is fair to say it is a pretty liberal paper. It is probably even more than mildly liberal, very liberal. But I was impressed by their grasp of this issue and a statement that was in their editorial.

Madam President, I ask unanimous consent that these editorials be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Santa Fe New Mexican (New Mexico), Feb. 24, 2003]

Bingaman Should Lead Dems' Filibuster Retreat

As legendary prizefighter Joe Louis said of an upcoming opponent reputed to be fast on his feet: "He can run, but he can't hide."

Senate Democrats, along with the Republican majority, fled Washington last week as their way of honoring Presidents' Day. The annual recess suspended their filibuster against a federal judgeship vote. The Dems are making an unwarranted stand, and an unseemly fuss, over the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit.

The filibuster—protracted talking under senatorial privilege—had consumed a week of debate about Estrada before the senators left town. Now they're gravitating back to the Potomac, and the Dems can hide no longer. Resumption of their verbose balking will make them look ridiculous—at a time when the nation needs statesmen to stand up against the White House warmonger and his partisans commanding Capitol Hill.

The Democrats have chosen a particularly poor target: Estrada, who came from Honduras as a boy and went on to lead his law class at Harvard, is better qualified than many a Democratic appointee now holding life tenure on one federal bench or another.

But after confirming so many less-qualified judges while they held power, Estrada's senatorial tormentors now offer "reasons" why he shouldn't be confirmed: too young; too bashful about answering leading questions; appointed only because he's Hispanic—or, to some senators' way of thinking, not Hispanic enough.

What really rankles with the Democrats, though, is Estrada's politics. He's a conservative. Surprise, surprise: we've got a conservative president, and it's the president who makes the appointments to the federal judiciary.

As the party on the outs, the Dems had better get used to like-minded appointments from the president. If their game-playing goes on, a disgusted American public might keep George W. Bush in office for the next six years. The country certainly didn't see any reason to balance Bush against a Democratic Congress when it had a chance just a few months ago. With their spiteful behavior toward Bush appointees, the Dems aren't exactly gaining goodwill.

If they find the Republican so repugnant, let 'em vote against him; at least they'll be putting their ideals—or their party colors—on display. But this is no Mr. Smith against some diabolical establishment; it's a bunch of sore losers making themselves even more so.

To break a filibuster by cloture takes 60 senators. The Senate's 51 Republicans need nine of the 48 Democrats, or eight of them and ex-Republican Jim Jeffords of Vermont.

New Mexico's Jeff Bingaman should lead the Democratic blockade-runners. By all measures, Bingaman is a class act; a lawyer who knows that senators have no business obstructing appointments on purely political grounds. He also knows that Republicans aren't going to hold the White House forever; that sooner or later a Democratic president will be choosing judges. And he realizes that Republicans, like their mascot, have long memories.

The last thing our justice system needs is an ongoing feud over appointments to district and appellate judgeships. Let Judge Estrada's confirmation be a landmark of partisan politics' retreat from the courtroom.

[Albuquerque Journal, Apr. 27, 2005]

FILIBUSTER PUTS BAR TOO HIGH FOR JUDGES

Despite the cumbersome robes, Texas Supreme Court Justice Priscilla Owen has managed to jump some pretty high bars. She garnered 84 percent of the vote in her 2000 campaign for re-election. She received the American Bar Association's highest rating as a nominee for the federal appeals court.

But since 2001, she hasn't been able to get the time of day on the Senate floor because Democrats will filibuster confirmation. That means Owen has to have a super majority of 60 votes—the number it takes to close off a filibuster. That bar is too high.

Democrats like to stress the number of U.S. District Court judges confirmed during the Bush administration. But the higher courts are the battleground, and there, Democrats have been able to hold Bush's confirmation rate (69 percent) well below that of recent presidents.

The Senate minority has used the filibuster or the threat of it on an unprecedented scale to deny Owen and 15 other appeals level nominees what the Constitution envisions, a straight majority vote.

Despite the time-honored Senate rule establishing senators' right to hold the floor and talk until death or until 60 votes can be rounded up, the time-honored norm has been to defer to the president, especially when the president's party holds a Senate majority.

What happens when traditions are trampled in the interest of short-term political goals? Other customs that have worked well become vulnerable to the escalating partisan crossfire over judicial nominees. For example, Judiciary Committee practice has been not to send a nomination to the floor without the accord of the senators from the nominee's state. Now that rule has been broken in the case of Michigan nominees.

The next level of escalation wasn't too hard to see coming: The majority party threatens to remove the filibuster option on judicial nominees. If that sounds radical, consider that 19 Democrats—including Sens. John Kerry, Edward Kennedy, Barbara Boxer and Jeff Bingaman—moved to eliminate the filibuster in 1995 when Democrats wielded majority power.

What they failed to do then, they may goad the Republican majority into accomplishing with regard to judicial nominations now. It would be an action both parties eventually could come to regret. The filibuster has allowed the minority to apply the brakes to majority will over the decades—but it was not intended to be a stone wall.

Senate leaders should keep talking and trying to avert a showdown on the filibuster. Democrats might negotiate for a Bush pledge to forgo recess appointments, to seek more pre-nomination advice along with Senate consent, and for expanded floor debate.

But, after every senator has had his moment on the floor, there should be a straight majority vote on the vast majority of this or any other president's nominees.

Mr. DOMENICI. Madam President, I want to read the operative paragraph from the Santa Fe New Mexican:

> With this spiteful behavior toward Bush appointees, the Dems aren't exactly gaining goodwill.
>
> If they find [these nominees] so repugnant, let 'em vote against [them]; at least they'll be putting their ideals—or their party colors—on display. But this is no Mr. Smith against some diabolical establishment; it's a bunch of sore losers making themselves even more so. . . .

This is not PETE DOMENICI speaking. I am reading from this editorial:

> The last thing our justice system needs is an ongoing feud over appointments to district and appellate judgeships.

Now, yesterday, or maybe a day before, the major paper in the State, the Albuquerque Journal, had an editorial with a very interesting title: "Filibuster Puts Bar [B-A-R] Too High for Judges."

It is a very interesting editorial, with a play on words: "Bar" meaning the bench: and "Bar," with the idea that you have to have 60 votes, is disavowed by this editorial. There is some nice recognition and discussion about the fact that a number of the Senators on the other side who are talking about this issue as if there was a filibuster allowed for judges—which I do not believe there is—the editorial explains that a number of Democrats were for doing away with the filibuster in its entirety about 10 years ago. At a point, that was a very major discussion here, and it was principally motivated by the Democratic Party, to get rid of the filibuster in its entirety. The editorial says how interesting and paradoxical it is that some of those who did not, at the time, want the filibuster around at all are arguing about it existing for judges—this is not conclusive but is interesting.

So I am here because I would like to make my case and explain to the Senate why this Senator from New Mexico thinks we should have an up-or-down vote on the circuit court judicial nominees of the President who are pending.

First, I want to make the point that I am not trying to change anything. So when people say, Republican Senators want to change the filibuster rule, I am for changing nothing.

What does that mean? That means I am for leaving the rule as it is. What does that mean? That means there is no filibuster rule relating to judges now. All the discussion about why should we change the rule is not the issue. The issue is, why are we denying circuit court judges an up-or-down vote—that is, majority rule—when that is what the precedent of the Senate has been for the last 200-plus years?

For anybody who thinks the filibuster rule is absolutely inherent in anything the Senate does, that the rule came down from the Constitution to the Senate as: Thou shalt have a filibuster rule, that is not so. Look in the Constitution. There is no mention of filibusters. As a matter of fact, the document is filled with references to majority rule. And where the Constitution requires that we have more than a majority, it says so. So look to the Constitution to see if there are any times when our Founding Fathers said a two-thirds vote or more than a simple majority are necessary, and you will find there are few occasions and they are mentioned specifically. Therefore, I would assume the Constitution does not require super-majorities for judicial nominees. If we tried to say otherwise, I assume it would be thrown out in a minute.

The question then is, what do we Republicans want? What do—maybe it won't all be Republicans in the end—we want now? We want judges who were nominated by this President for the circuit courts of appeal over a long period of time—and I will cite an example shortly—to have an up-or-down vote. I hope people understand, all these other questions that are asked of them, they beg the issue. The issue is, should a circuit court nominee who is otherwise qualified, meaning the American Bar Association and the people who work with them believe they are qualified, have a vote. That is the issue.

I cannot believe the majority of Americans, given that set of facts, would say no, you need to get two-thirds of the vote under those circumstances. What are those circumstances? Those circumstances are that some in this body don't like the nominees. The Constitution didn't say this is an issue of whether you like the nominees. It said, you are voting advice and consent for the nominee. So the point is, you exercise your right by saying: I don't consent. In advising, I withhold my consent and say no. The Constitution doesn't say two-thirds of you must say you have advised and you consent. That is the issue.

As I see it on television and read about it, we can see people arguing that we shouldn't change. The filibuster is part of the fiber of the Senate. We should not alter it.

I have explained that it isn't part of the fiber of the Senate with regards to judicial nominees. As a matter of fact, even on other issues besides judges, it is not certain that it existed when we were founded. There is a long period of history when we are not even sure the filibuster existed. But I am not here saying the filibuster does not now exist. In fact, I am for the filibuster. I didn't vote in favor of getting rid of the filibuster. Half of my service in this body has been as a minority Senator. So I know what it is to be a minority Member who appreciates the filibuster. But I also don't like the filibuster sometimes. I get upset. I wonder why it holds up so much legislation.

I might add parenthetically that I don't like the way the filibuster is used around here now because it is used all the time for anything. Thirty times a year we have to have cloture filed. We didn't do that for 25 of the 30 years I have been here. It was very rare. In its earliest vintage, it was on matters of monumental importance to Senators, regions, or to Americans. Now every time we have a bill, if a few people say, we don't want to let that pass, you have a filibuster.

I am not for changing the filibuster because of irreverence toward the Senate's right to vote. I don't think I am voting to change it when I talk about judges, because you don't change it if you are trying to say, do what we have been doing. I have tried my best to read, first, what is a filibuster. I have checked and I have read. I understand.

How do you get rid of it? I checked and I understand how you get rid of a filibuster. But I have also tried to find out when are filibusters used, and I have found that in the Senate it is not generally used with reference to voting on a nominee for Federal judgeships in the United States.

I am not in favor of our leadership pursuing a process that gives us an up-or-down vote, if that process gets rid of the filibuster for everything. I have already inquired. I am assured that is not the case. I have been assured we won't be voting on that. It will be only regarding judges.

So have we in the past filibustered judges? By that I mean, had a judge come down to the floor out of committee ready to be voted on and have we killed that judge's chance by filibustering? No, no. Never, never. One case is cited, and it is Abe Fortas.

Abe Fortas was a Lyndon Johnson appointee who was on the bench, already confirmed. The issue was, President Johnson wanted to put him in a vacancy that occurred for Chief Justice which you know we have to vote on. And the Senate got into a debate about whether he should get it, and there was great consternation on the floor of the Senate as to whether he should be confirmed for that. The truth is, he was not killed by filibuster. His name was voluntarily withdrawn. He later even left the Supreme Court. But the record is pretty certain that he was not killed by filibuster. That wasn't a judicial appointment, anyway. But even if you want to tie that in, that did not happen.

What have Senators around here said about this? I understand each can come down here and put it in whatever context they would like. My good friend, Senator KENNEDY from Massachusetts, said on February 3, 1998, page 472 of the CONGRESSIONAL RECORD:

> We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. But give them a vote.

That is not me. That is Senator KENNEDY.

Senator LEAHY said, June 18, 1998, page 12727 of the CONGRESSIONAL RECORD:

> I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported . . .

Interesting. I have seen the distinguished Senator from New York—I haven't heard him personally, but I have seen him and heard him on television with his right fist like this saying: We don't need any right wing judges or we don't need the right wing pushing us to appoint radical judges.

I could as well put up my left hand, but I won't, and say we don't need anybody telling us to appoint liberal judges. But the distinguished Senator from New York said:

> . . . this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo.

That is dated March 7, 2000, page 2131 of the CONGRESSIONAL RECORD. I also told you about the New Mexico editorials.

So people will understand how gross this abuse of the filibuster is and how it is prompted by personal angst, not qualifications, I am going to refer to one judge as an example. Let's take the nominee Priscilla Owen, Fifth Circuit, and let's look at her in comparison with judges who are on that court who have come before the Senate. Let's look at the first one, Patrick Higginbotham, nominated by Ronald Reagan, graduate of the University of Alabama, University of Alabama Law School. How long did it take to get through here? Twenty-six days. Nominee Emilio Garza, President Bush appointee, University of Notre Dame, University of Texas Law School, judicial experience, Bexar County Texas District Court.

I am sure controversial people had a thing to say, but I am also sure this and the previous nominee were recommended or were certified to be qualified by the American Bar which, incidentally, most of the time this Senator has been here, that was the sine qua non. If you didn't have that, you were in trouble. And if you had it, conversely, that was pretty good. You must be qualified. That is what the old rule was. I am sure they had that. Forty-three days for him to be confirmed.

Here we have Fortunato Benavides, nominated by President Clinton, University of Houston, University of Houston Law School, previous experience, 13th Court of Appeals for Texas, Texas Criminal Court of Appeals, 99 days to be confirmed. He got nominated and confirmed in 99 days. There was a lot of commotion about him. He got here for a vote.

Now we have Priscilla Owen, George W. Bush's nominee, Baylor University, Baylor University School of Law, Texas Supreme Court, 1994 to the present. Both of these nominees were qualified, according to the American Bar, both of these, Mr. Benavides, Judge Owen, a lot of letters of commendation from those who know about their judicial temperament, their qualifications. I told you where she came from, where she was educated, where she served. Look at the time she's been waiting for a vote—I know Americans will better understand our dilemma—1,450 days waiting for us to say what the American people I believe would like us to say, and what I think the Constitution says we ought to say, and that is yes or no. Not maybe; not, "well, I don't like their ideals so you need 60 votes." That is a pretty long time to leave a qualified judge hanging here unless you are absolutely certain that person is not qualified to be a judge.

There is a lot more one can say about this, but I believe, as one who has been here a long time—I think right now there are only four people here sitting longer than I in the Senate—we should get this over with.

This is hanging over the Senate in a very damaging way. With the passing of each day, more and more is said, more and more joining sides is taking place, digging in your feet, more and more groups outside are adding to the vitriolic nature of the debate. The talking heads—the news people who talk all the time on TV and speak on radio and write all the time—are choosing sides. They are feeding a frenzy, and we are suffering. But most of all, the American people are suffering because if we keep on, it is going to be hard to get our work done.

I close by saying that our friends on the other side are led by a Senator whom I honestly and sincerely say is a good leader for the minority, Senator HARRY REID, an excellent Senator—I believe he is fair and honest. I believe he would like to get this issue out of his mind and out of here. But he has suggested that if the majority party insists on doing what we are entitled to do—voting for these judges up or down by a majority vote—if we do that, which. I repeat, is not changing anything. the business of America will stop. We will pass nothing here. The Senate will be dead. America's business will go nowhere: it will disappear. That is an extraordinary threat, a threat that those who are making it better clearly understand.

Does that really mean that we won't get a highway bill, an energy bill, an appropriations bill that pays for education, a bill that pays for the operation of our military, that we won't get an appropriations bill through here that pays for our parks, for the Indian schools of our country, and on and on? Have we really reached a point where the minority is saying, we are going to insist on enforcing a rule that doesn't exist, that denies an up-or-down vote on judges who are qualified, and if we don't get our way, Government stops?

You know, I hope everybody understands that. I hope it doesn't happen. I think that editorial I read from suggests that those who do that are not going to come out of this with any accolades—nobody is going to be proud of that. I believe that is almost a minimum way of saying it. I think that will inure to the minority party being considered to be irresponsible on behalf of the people of this country.

I thank the Senate for listening, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I commend Senator DOMENICI for his remarks and for his service and commitment to the Senate and the United States. In some ways—I didn't plan it this way—it is kind of appropriate that he would speak and that I would follow. Senator DOMENICI has served this country in a long and distinguished career. He has been in this Senate for many years. You can tell by his thoughtful remarks he cares passionately about his traditions and about the responsibilities we have. I care deeply, too, but I am a new guy. I just got here. I didn't hear those speeches he quoted. I have read them, and I have heard a lot of speeches. I come from a little bit of a different perspective.

For a few minutes, I would like to tell you my opinion on the question of judicial confirmations and how I arrived at that. For, you see, although I address you as a Senator at this moment, the foundation of my beliefs is grounded in the preceding 2 years when I was a candidate for the Senate.

Beginning in January of 2002, the 108th Congress convened, and I was an announced candidate for this Senate seat. Shortly into that session, something changed in America—or at least changed here—because the holdup of judges for days counted, like Senator DOMENICI just recited, began to take place and the filibuster began to be used in a way it had never been used in the United States before.

As a candidate for the Senate, I was asked by members of the media, constituents, and Rotary and Kiwanis clubs: Mr. ISAKSON, if you were elected, what do you think the Senate ought to do? My answer was instinctively that I think every judge ought to get an up-or-down vote because, the way I understand it, that is the responsibility of the Senate. But as the intensity of the issue grew and as the campaign gained, as campaigns do, and the pressures grew, I did a little studying. I wanted to do my own homework. I didn't have history in the Senate, but I did have a Constitution.

On some of those long nights on the road between campaign stops, I would read about judicial confirmations, the Constitution, the responsibility of the Senate. For a few moments, I want to share, for informational purposes, with the Members here and those who may be watching or listening exactly what the Constitution says about the responsibility of this body.

It is very interesting. If you read the Constitution—I have a few underlined sections here. Everywhere the Constitution requires this body or the House to affirm a position by supermajority vote, it spells it out. A few years ago, we dealt with an impeachment issue, and the Constitution is clear: it takes a two-thirds vote to convict. We have dealt with constitutional amendments on a balanced budget and things of that nature, and the Constitution is quite clear: it takes a two-thirds vote. It is even so clear it says it takes a three-fourths vote of the States to ratify the amendment that it takes a two-thirds vote of the House and Senate to propose.

Then let's talk about advice and consent for a second. I want to read directly from the Constitution the provisions about the responsibilities of this Senate in advice and consent.

> He [referring to the President] shall have the power by and with the advice and consent of the Senate to make treaties provided two-thirds of the Senators present concur.

That is the first part of a compound sentence. It is saying that it is our responsibility to advise and consent on treaties, and it specifically requires two-thirds of us to do so for the treaty to be ratified.

Let me go to the second part of that compound sentence:

> And he [the President] shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministries and councils, judges of the Supreme Court. . . .

Et cetera et cetera, with no requirement for a supermajority.

When I was running for the Senate and I was continually asked the question by opponents in the primary and later in the general and by the media: Mr. ISAKSON, what do you think about this business of judges not getting a vote? And if you are elected, what would you do? I said: It is really kind of simple to me. The Constitution says that it is a Senator's responsibility to advise and consent. The Constitution specifies it every place where it requires a supermajority vote. The Constitution, in the same sentence that it designates the responsibility for us to ratify treaties by a supermajority, confers upon us the responsibility to advise and consent with a majority vote of this body.

Since I have been elected and since I have been on the Senate floor and since I have heard all of the speeches, I have heard all of the adjectives assigned to the process we are debating. I will not get into any of them because they are more marketing than they are substance. But this document is not marketing; this document is substance. It has made the difference in the United States of America and any other country that has ever been formed since the creation of this Earth. While it may not be perfect, it is the best man ever did, and it is specific in what our responsibilities are. In no way does it say "maybe," "sometimes," or "whatever."

There is one point made from time to time which I would like to elaborate on and respond to. There are those who say: Well, but the Constitution, when it establishes the House and the Senate, the legislative branch, it says that both shall establish their rules under which they operate. Therefore, we are just using a rule to prohibit an up-or-down vote on the judges. Well, if you carry that argument to the logical extreme, what if we passed a rule that the Senate could pass by a majority vote the ratification of treaties? Could we contravene the Constitution? I think not, because the Constitution is specific. It is as specific in our responsibility for two-thirds to ratify treaties as it is specific in our responsibility for us to advise and consent on judges. I don't believe we could invalidate, through a rule, that responsibility any more than you can extrapolate that because we have a rule that includes a filibuster, that it applies to a constitutional responsibility and can invalidate our very requirement. It is just not really logical. That is not Republican or Democrat, it is not a marketing phrase or marketing phrase: it is real simple.

When I was sworn into the House of Representatives almost 7 years ago now, I was elected in a special election, and, unusual in the House of Representatives, when you are elected in a special election, you get to make a speech when you are sworn in.

I never worked harder on a speech in all my life because I knew I was going to be the only guy out of 435 down there, and I had 1 minute to say something intelligent. I struggled with what the right thing to do was.

Finally, I went back to my dad, who is not with us anymore, and he went back to a quote he used to tell me as a young man. He loved Mark Twain. When we had one of those difficult decisions to make, he would always say: Son, remember what Mark Twain said. When confronted with a difficult decision, do what's right. You will surprise a few; you will amaze the rest.

A decision that is pretty simple has become very complex for this Senate. In the end, we should peel back the arguments and look back to the foundation under which all of us operate, and that is our Constitution. The question is simple and our responsibility is clear, and every judge nominated by this President, or any President, deserves an up-or-down vote one way or another. It is the responsibility of the Senate. It is the direction of the Constitution.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 567, to provide a complete substitute.

Bayh amendment No. 568 (to Amendment No. 567), to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, we have several pages of amendments that are out there. We repeat our invitation on behalf of myself and Senator JEFFORDS. We want to invite all Democrats and Republicans who have amendments to the highway bill to bring them down. It is going to get crowded later as we go on. Now we have time for adequate consideration, for deliberation, and we encourage Members to bring their amendments to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I rise in support of the SAFETEA bill. Effective transportation is vital to our Nation, and I believe this bill will be an important step in helping to meet the country's transportation needs.

I would like to thank both Senator INHOFE and Senator JEFFORDS for working hard on this bill. The people of Oklahoma are blessed with the hard work Senator INHOFE has put forward, both in the Senate and when I had the opportunity to serve with him in the House.

This bill has required a lot of hard work and a lot of dedication. He has put forward an effort that I think we all appreciate. Sometimes we forget to say thank you for the hard work that goes into a bill such as this, including the hard work of the staff, I might add. The staff on both sides has been helpful in putting this legislation together.

In particular, I express my support for the public transportation title of the bill. While many people erroneously refer to this as the highways bill, it is actually a comprehensive reauthorization of the Nation's surface transportation programs, including transit. A healthy, well-functioning transit network can greatly enhance the effectiveness of other transportation modes, and as chairman of the Subcommittee on Housing and Transportation of the Banking Committee, I have had many opportunities to see the difference reliable public transportation can make for both individuals and communities.

I also express my thanks to the Banking Committee chairman, Chairman SHELBY. For many years he has been one of the leading champions for public transportation in the Senate. I appreciate his dedication. It has been a pleasure to work with him as subcommittee chairman on reauthorization of the mass transit programs.

I also recognize and thank Senator SARBANES, the ranking member of the Banking Committee, and Senator REED, the ranking member of the Housing and Transportation Subcommittee. They have been actively involved in the reauthorization process, and I appreciate the thoughtful perspective they brought to all of our discussions. Together I believe we have been able to accomplish a great deal to improve public transportation in a strong and bipartisan manner.

I thank again Senator INHOFE and all the other Republicans on the Environment and Public Works Committee for their hard work and leadership. I miss not being on the committee. I was on the committee when this bill first moved forward. I very much appreciate working with my colleagues.

Public transportation is a key component of our Nation's transportation infrastructure and provides safe, reliable, efficient, and economic service. Public transportation can create jobs and stimulate economic development, as well as reduce traffic congestion and pollution.

Because I represent the State of Colorado, some people wonder why I care about public transportation. Beyond the national policy concerns, these same people are often surprised when I explain how important public transportation is to my Colorado constituents.

Public transportation encompasses a great deal beyond the stereotype of subways and heavy rail. People in the Denver suburbs can now take light rail to their jobs downtown. Students in Boulder often use the bus system to get around town. Sick people on the eastern plains may rely on demand-responsive transit services to go to chemotherapy or dialysis appointments. Public transportation is important to many different types of people in many different locations. This bill will help ensure that all these people have access to reliable public transportation.

I believe the Senate passed an excellent transportation reauthorization bill this last year, and I was especially pleased with the transit title. I believe it made important progress in a number of areas while building upon the many successes of TEA–21. Fortunately, we come to the floor with substantially the same package, and I am hopeful this approach will speed things along and allow the bill to move forward with a minimal number of amendments.

I am very supportive of the formula changes made in the transit title. These go a long way toward addressing my longstanding concerns with the distribution of transit dollars. As my colleagues may know, one of my top priorities during the consideration of TEA–21 was to bring more equity to the distribution of transit dollars. Senator Rod Grams and I were able to make changes that allowed States such as Colorado to have greater access to this resource.

In drafting the reauthorization bill, greater equity has continued to be my top priority. While the traditional transit cities have many important needs, it is time to update the formulas to include other needs. Today's bill strikes a balance by providing for more traditional transit cities and also providing for new needs by creating several new formulas.

In particular, I strongly support the new growing States formula. Historically, many of the fastest growing areas in Western and Southern States have had a difficult time obtaining transit dollars. Yet their explosive growth makes transit all the more important. Mass transit can help growing areas reduce traffic congestion and air pollution, as well as increase access to jobs. The new growing States formula will help direct additional resources to the high-growth areas with the greatest need.

I also support the new transit-intensive cities formula. This new formula will reward smaller cities that are providing greater than average transit service. In addition to providing an incentive for cities to improve their transit service, I support the formula because it deliberately directs taxpayer dollars to areas that are utilizing them most efficiently.

Finally, I support the new rural low-density formula. This formula will help rural areas provide critically needed service. Rural areas and very small towns generally have older and less affluent citizens, the very people who often rely on public transportation. In fact, rural America has an estimated 30 million nondrivers. The problem is exacerbated for rural-transit-dependent populations, as compared to urban dwellers, because they most often travel great distances, and alternate transportation, such as a taxicab, is generally not available. Yet more than 40 percent of residents in rural America have no access to public transportation and another 25 percent have negligible access.

Because of low-population density and the distances involved, rural populations can be much more difficult and expensive to serve. However, their need is as real as the need in urban centers. This new formula will begin to help rural States meet those needs.

The transit title also places more appropriate emphasis on bus programs. For too long, the mass transit programs have been viewed as rail programs. While we can all agree that rail is vitally important to a select group of cities, the vast majority of Americans rely on bus service. This bill takes a balanced approach, providing resources to expand and improve both bus and rail service.

Another way we can help expand the reach of Federal transit dollars is through bus rapid transit. As compared to rail, bus rapid transit is able to deliver similar capacity for a fraction of the cost. I believe we should find ways to not only allow but to promote the use of bus rapid transit. I support the bus rapid transit provisions and believe we should continue to ease the fixed guideway restrictions. In some areas, such as Colorado's mountains, geography or other factors make a fixed guideway requirement cost prohibitive. We must ensure bus rapid transit has sufficient flexibility to make it a viable option for many areas.

The Federal Government attempts to strike a balance between accountability and easing administrative burdens within its programs. However, the New Starts Program has gotten out of balance. I believe the Small Starts Program, as proposed in this bill, does strike a better, more appropriate balance. Under this program, all projects will be subject to the review process rather than exempting projects under $25 million. This threshold was causing project distortions and poor estimations in an attempt to deem a project under $25 million.

In addition to the incentive to underestimate a project, this approach lacks accountability for the taxpayer dollars at stake. By contrast, the Small Starts Program in the bill will subject all projects to the review process. However, to ease administrative burden, projects under $75 million will be subject to a streamline process. This will ensure that all projects receive scrutiny and will scale the level of scrutiny to be appropriate to the project size. This will also make it easier for smaller cities to add transit to their communities for the first time.

While public transit agencies are important in providing transit service, the private sector is also a key partner in providing effective, efficient service. By making a few modest changes, the transit title ensures they will be able to remain a part of the process. Public-private partnerships can benefit all parties, and our bill will help allow and encourage such partnerships.

Another important feature of this bill is its use of incentives rather than mandates and penalties. Until now, projects have little incentive to use good planning and forecasting or to stay on time and on budget. By offering incentives, we hope to change that. It is absurd that projects such as TREX in Denver have to return money because they did good planning and stayed on time and under budget. Transit agencies should not be punished for doing a good job. Rather, they should be rewarded. I believe they should be able to keep a portion of that money for other transit uses, and the bill before us today will let them do that.

Again I thank Banking Committee Chairman SHELBY and my colleagues on the committee for their work in producing the transit title of the bill that is before us today. I believe that under the SAFETEA bill, America's public transportation system will be able to serve more people more efficiently. I am hopeful the Senate will quickly complete action and enact a transportation reauthorization.

I reemphasize my sincere thanks to the chairman of the Environment and Public Works Committee, Senator INHOFE, for his great work, and the other Republicans and members of the committee working with the ranking member, Senator JEFFORDS. I am pleased this transportation bill, which is badly needed, is now moving forward.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first I say to the Senator from Colorado, we miss him on the committee. He was an excellent member of the committee. However, he was replaced by some excellent freshmen who are as enthusiastic as was the Senator from Colorado. While we miss him on the committee, it is still a great committee, and we certainly appreciate very much the comments he made this morning and the contributions he has made to the Environment and Public Works Committee.

Mr. ALLARD. Mr. President, I thank the chairman.

Mr. INHOFE. Mr. President, it is my understanding the regular order is the amendment offered by the Senator from Indiana. He has agreed to set his amendment aside for the consideration of other amendments as they come to the floor, with the understanding he will regain the floor after those amendments are considered and action taken, if action is taken.

We do have an amendment from the chairman of the Subcommittee on Transportation, Senator BOND, who has worked tirelessly for years on this bill. I am sure he wants to offer it at this time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 592

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 592.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the highway stormwater discharge mitigation program)

Beginning on page 287, strike line 5 and all that follows through the matter following line 25 on page 290.

Mr. BOND. Mr. President, this amendment unties the hands of States which were handcuffed by a provision added in committee last year and is still in the bill, a provision on which debate was cut short last year, but now we can finish the job, and I hope we will. This provision will cost the States nearly $900 million in highway, bridge, and transit construction or rehabilitation funding unless we adopt the amendment.

The provision binding our States, section 1620 of the bill, mandates that every State, regardless of whether it needs it or not, set aside 2 percent, or nearly $900 million, for use for the life of the bill only on storm water mitigation activities. My amendment strikes this mandatory set-aside.

Without the amendment, States will be directed to set aside over $740 million from their Surface Transportation Program funds, funds that otherwise could construct or rehabilitate highways, bridges, or transit systems. Without this amendment, States would be forced to set aside over $125 million from the Equity Bonus Program set up by this bill to help States receive more highway dollars. Without this amendment, the States will be forced to use nearly $900 million only on storm water mitigation, regardless of the need of such activities.

Every State will lose highway dollars under this set-aside. We have tables available. Alabama, the set-aside would cost it $19 million; Alaska, $10 million; Arizona, $17 million; Arkansas, $12 million. I ask Members to look at how much the Federal Government would dictate how their highway funds would have to be spent.

Every office will receive a list, and we will have copies available. I urge every Member to look to see how it affects their State. We are fighting extremely hard on the Senate floor to provide States with more transportation funds. This is something the chairman and the ranking member, my subcommittee ranking member, Senator BAUCUS, and I have done.

We are working with the Finance Committee, Chairman GRASSLEY, and the ranking member, Senator BAUCUS, to get the money. I know we will be inundated by Members wanting transportation projects in this bill. I know in my new role as chairman of the Transportation Appropriations Subcommittee I will be inundated with requests for projects in their State, but a Member voting to take funding from highways, bridges, and transit and set it aside for storm water would seem to indicate that their State has more than enough funding that they can afford to divert highway funds to storm water so the State may not need more highway funds.

Now, do not get me wrong. I support States having the ability to address their storm water needs if they must do so, and if they choose to do so. With my amendment, the States will remain fully authorized to use their highway funds to mitigate storm water problems. Indeed, this bill preserves and actually expands the ability of States to spend highway dollars on storm water mitigation, on a highway project if that is what is needed in their State.

Current law allows States to spend up to 20 percent of a project's cost using STP funds on storm water mitigation. That is unchanged. The bill also expands storm water eligibility by allowing States to spend up to 20 percent of a project's cost under the National Highway System funds on storm water mitigation. That is unchanged by this amendment.

I seek only to strike the mandatory set-aside: the Federal Government big daddy knows better than the States how to spend their funds to assure adequate transportation and protection of the environment.

There is no one in this body who has fought longer and harder than I have, my former colleague, my ranking member, Senator MIKULSKI, for Federal funding for water quality and drinking water. When we served as head of the Senate appropriations subcommittee that funded EPA, we restored hundreds of millions of dollars in proposed cuts to the clean water and safe drinking water funds. Every year we appropriated millions of dollars to protect, sustain, and restore the health of our Nation's water habitats and ecosystems. We spent millions funding water projects for the Chesapeake Bay, the Gulf of Mexico, Lake Champlain, Long Island Sound, and the Great Lakes. Last year, we sent hundreds of millions of dollars more to Members' States for targeted investments and water infrastructure. We do that every year for our colleagues because we believe so much in providing clean and safe drinking water for our families and local communities.

Forcing another arbitrary mandate on States, taking precious highway and transit construction dollars and diverting them for another purpose does not make sense. Decisions should be made by each State on a case-by-case, project-by-project basis, not as a result of another one-size-fits-all Federal mandate sent down from Washington.

Let me repeat, this amendment strikes only the set-aside mandate and leaves fully intact storm water funding eligibility. I urge my colleagues to let States keep $900 million for highway bridge and transit construction and to turn back this new Federal mandate on States. I urge my colleagues to support this amendment.

I ask unanimous consent that letters in support of this amendment from the American Association of State Highway and Transportation Officials; the Transportation Construction Coalition, a coalition of builders and union representatives; the Associated General Contractors of America; the American Road and Transportation Builders Association; and a list of other organizations and unions supporting this amendment be printed in the RECORD after my remarks.

I thank the Chair and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE BOND AMENDMENT TO STRIKE THE STORMWATER SET-ASIDE

American Association of State Highway and Transportation Officials Associated General Contractors of America; American Road & Transportation Builders Association; American Coal Ash Association; American Concrete Pavement Association; American Concrete Pipe Association; American Council of Engineering Companies; American Society of Civil Engineers; American Subcontractors Association; American Traffic Safety Services Association; Asphalt Emulsion Manufacturers Association; Asphalt Recycling & Reclaiming Association; Associated Equipment Distributors; Association of Equipment Manufacturers; International Slurry Surfacing Association; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; International Union of Operating Engineers; Laborers-International Union of North America, AFL-CIO; National Asphalt Pavement Association; National Association of Surety Bond Producers; National Lime Association; National Ready Mixed Concrete Association; National Stone, Sand and Gravel Association; National Utility Contractors Association; Portland Cement Association; Precast/Prestressed Concrete Institute; The Road Information Program; and United Brotherhood of Carpenters and Joiners of America.

APRIL 27, 2005.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: The transportation construction industry, working in partnership with federal, state and local government, recognizes its special responsibility to provide transportation improvements in a manner least disruptive possible to the natural environment. And our members are justifiably proud that they are actually able to provide environmental enhancements in the course of many projects they construct.

It is for these reasons that we support the provisions in the Senate Environment & Public Works Committee's proposed highway/transit program reauthorization bill, H.R. 3, that will give state transportation departments more flexibility in how—and how much—they fund transportation-related storm water mitigation activities.

What we do not support is a provision included in H.R. 3 that would force all states to spend at least two percent of their federal Surface Transportation Program (STP) funds on storm water mitigation. This misguided, if well-intentioned amendment, if left to stand, will divert nearly $900 million from highway construction projects nationwide over the life of the bill.

As mentioned, H.R. 3 takes a number of positive actions to advance and expand state expenditures on storm water mitigation—but it does so by leaving the decision making and choices to the state agencies that know best how much funding is necessary for this activity—in their state. For example, H.R. 3 will allow all states to not only use their STP funds for storm water mitigation, but also, for the first time, their National Highway System Program (NHS) funds as well—if they choose to do so.

H.R. 3 also, for the first time, would give states the option to use their federal funds for storm water mitigation activities on all federally-aided highway projects, not just those, as under current law, that are defined as "reconstruction, rehabilitation, resurfacing, or restoration."

The "add on" two percent mandatory STP set-aside included in H.R. 3 clearly is a federal "command-and-control" mechanism that is not necessary.

The American Road and Transportation Builders Association strongly supports your amendment to eliminate the proposed two percent storm water mitigation set-aside provision from H.R. 3. We urge all senators to join you in this important effort.

Sincerely,

T. PETER RUANE,
President & CEO.

APRIL 27, 2005.

Hon. DANIEL AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to support a Bond amendment to H.R. 3, which would prevent states from losing nearly $900 million in critical highway and transit funding over the next five years. Specifically, the amendment proposes to strike a provision that mandates states to set aside 2 percent of their highway formula funding to be used only on stormwater mitigation activities.

Under current law, states can already choose to use their Surface Transportation Program (STP) funds—up to 20 percent of a project's cost—on stormwater mitigation activities. H.R. 3 already expands that funding eligibility to National Highway System (NHS) Program funds. The Bond amendment would not change this eligibility.

All states have unique needs that far exceed available resources. By striking the mandatory 2 percent set-aside for stormwater mitigation, the Bond amendment simply gives states maximum flexibility to use their federal highway funds as they see fit.

I have attached a table to this letter that shows the amount of funding your state would be forced to set aside from your highway and transit funding for stormwater mitigation if the Bond amendment is not adopted. The amount on the chart is funding that your state would not be able to use to maintain or improve the condition of its highways, bridges, or transit systems. Nationwide, the Bond amendment would give states an additional $900 million over the next five years.

States should be able to make their own decisions on how best to use their limited federal transportation dollars. Please oppose this arbitrary federal mandate by supporting the Bond amendment.

Sincerely,

JEFFREY D. SHOAF,
Senior Executive Director,
Government and Public Affairs.

APRIL 27, 2005.

DEAR SENATOR: During the Senate debate on the Transportation Equity Act: A Legacy for Users, H.R. 3, you will have an opportunity to reject a new, top-down effort for federal management of state highway programs that would force highway funds to be diverted to non-transportation purposes. We urge you to support an amendment by Senate Transportation and Infrastructure Subcommittee Chairman Christopher Bond (R-Mo.) to eliminate a new program that would require a portion of federal highway formula funds to be used for storm water mitigation projects.

H.R. 3 includes a provision that would require states to use two percent of their federal Surface Transportation Program (STP) funds for storm water mitigation activities. Over the measure's life, this provision would result in nearly $900 million in highway formula funds that would not be available for highway, highway safety and bridge improvement activities.

This proposal contradicts the flexibility provided throughout the federal highway program and H.R. 3 that allows states the ability to meet their own unique transportation challenges. Storm water mitigation activities are currently eligible for STP funds—a choice left up to states, not mandated by federal law. In fact, H.R. 3 includes separate provisions that would broaden the eligibility for states to spend not only STP, but also National Highway System program funds on storm water projects.

H.R. 3 would also extend eligibility for federal funds to be used on storm water mitigation related to federal highway projects, not just those projects undergoing reconstruction, rehabilitation, resurfacing or restoration—as is the current law. Consequently, the proposed creation of a mandatory storm water mitigation "set-aside" is unnecessary and undermines the ability of states to make their own decisions about the best use of federal highway formula funds.

The nation has vast unmet surface transportation and water infrastructure needs. Depriving states the ability to address their highway and highway safety needs in order to fund storm water mitigation projects is a false choice. It is far more appropriate to complement state's current flexibility with the enactment of a comprehensive water infrastructure bill. Consequently, we urge you to support the Bond amendment to strike the storm water mitigation program from H.R. 3.

Thank you for your consideration of these views.

Sincerely,

THE TRANSPORTATION CONSTRUCTION COALITION.

APRIL 27, 2005.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: The American Association of State Highway and Transportation Officials (AASHTO) represents the State transportation agencies in the fifty States, the District of Columbia and Puerto Rico. On behalf of our member States, we support your Amendment to strike Section 1620 of SAFETEA, which would mandate that the States set-aside 2% of their Surface Transportation Program (STP) funds and of the STP portion of the Equity Bonus Program. This set-aside would divert $867 million from the core program that provides funding for highway and bridge construction, rehabilitation and repair.

Even if Section 1620 is removed, as you propose, any State could continue to spend up to 20% of a project's cost on storm water activities—but at the discretion of the State. Section 1620 would mandate that each and every State spend a specified amount of highway funds for construction of storm water facilities regardless of a State's funding priorities and needs with respect to transportation and water issues. Moreover, these funds would be set aside for storm water projects not necessarily associated with a particular highway project.

The storm water set-aside would merely divert scarce funds from the federal highway and transit program. It is through the core highway programs, including the STP program, that States and local governments build, maintain and operate a safe and efficient highway system. Erosion of the core programs through set-asides such as storm water diminishes the ability of state and local governments to respond to their needs.

We support your amendment to strike Section 1620 of SAFETEA and appreciate your leadership on this issue.

Sincerely yours,

JOHN HORSLEY,
Executive Director.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Bond amendment to strike section 1620 of the underlying bill, the highway stormwater discharge mitigation program.

This section provides much-needed assistance to our States and local communities to deal with the impacts of highway stormwater discharges.

Without these funds, our Nation's highways are at risk of becoming a conduit for pollutants to reach fragile waterways and ecosystems.

In the last Congress, the Senate recognized the need for this program and adopted this provision as part of the transportation bill.

I urge my colleagues to continue their support for this vital program.

Our Nation is facing a water quality challenge.

Since the enactment of the Clean Water Act in 1970, we have taken steps to reduce pollution coming from point sources such as wastewater treatment plants and industry.

However, according to the EPA's most recent National Water Quality Inventory, 40 percent of our Nation's waterways are still impaired.

Non-point source pollution is the next hurdle for this Nation to overcome if we are to truly make progress and improve our water quality.

EPA states that urban run-off and storm sewers are the number four source of pollution in rivers, number three in lakes, and number two in estuaries.

When it rains or when snow melts, roads serve as conduits for pollutants such as oil and grease, heavy metals, and sediment that flow directly into rivers, streams, and lakes.

Because roads prevent rainfall and snowmelt from soaking into the ground, the physical characteristics of surrounding water bodies are also altered.

Groundwater recharge is reduced, affecting water supplies.

Stream channels erode due to rapid, heavy flows, leading to excessive situation in rivers and streams which severely impacts fish habitat. This is a major part of our stormwater problem in Vermont.

Water temperatures are altered, impacting wildlife.

In addition, flooding can occur which not only damages the environment but also puts human lives and property at risk.

The highway stormwater discharge mitigation program will ensure that communities have at least a portion of the resources to solve their water quality problems stemming from Federal-aid highways.

It authorizes 2 percent of surface transportation program funds to be used for highway stormwater discharge mitigation.

This would provide a total of $867 million over 5 years.

The program would reduce the impacts to watersheds from the development of highways and roads while addressing the goals in the Federal Clean

Water Act by funding projects that improve water quality.

The new program emphasizes nonstructural solutions to managing stormwater runoff, which reduce costs to local communities, protect the natural water cycle, and provide more overall environmental benefits.

In my home State of Vermont, Lake Champlain, which also borders the State of New York, is threatened by pollution from storm water run off.

Although it is one of the cleanest large lakes in the United States, Lake Champlain is polluted with nutrients and sediment.

The fastest growing source of pollution reaching the lake is runoff from developed land, including highways.

Roadway drainage systems carry sediment and nutrients, and the cost of cleaning up existing roadway runoff to Lake Champlain is estimated at more than $500,000 each year for the next 9 years.

Similar problems exist in the Connecticut River basin in Vermont.

Currently, our State is struggling to deal with a backlog of expired storm water permits, extremely limited resources, and statewide storm water discharge water quality issues that threaten the growth of our economy by stalling development.

The two most important road improvement projects in our biggest city have been repeatedly delayed by storm water pollution concerns, slowing the construction schedules by months and even years.

One of our greatest assets in my home State of Vermont is our pristine environment, including Lake Champlain.

We need to ensure that as we improve our roadway network to meet the demands of a growing population we do not sacrifice the quality of our environment that draws people to visit and move to Vermont in the first place.

I have heard some of my colleagues from more arid States question the need for these funds given climatic differences.

However, each and every State in the Nation has critical storm water mitigation needs.

Under new regulations that took effect in March 2003, over 50,000 small communities, counties, and other areas in every State must now manage stormwater runoff to meet Clean Water Act requirements.

The EPA estimated the cost to comply with these regulations to be about $1 billion per year.

Larger cities already manage stormwater pollution in order to meet discharge permits and other Clean Water Act requirements.

Every State in the country has at least one community covered by these regulations.

The arid and semi-arid western United States has receiving waters that are generally smaller than their eastern counterparts.

Therefore, the impacts of urban stormwater are more strongly felt in western waterways.

For example, in the State of Nevada, the Las Vegas Valley Stormwater Management Committee found in its 2003 annual report that zinc and lead concentrations were 10 to 96 times higher in stormwater runoff than in other parts of the Nation, an effect attributed to the fewer number of storms in the arid Southwest.

EPA estimates that Arizona communities will need about $150 million to meet stormwater regulatory requirements, plus an additional $40 million in estimated costs to address urban runoff. Arizona's portion of stormwater funding under section 1620 of the highway bill is about $17 million.

The California Department of Transportation estimates that the cost of stormwater controls on existing highways would range from between $4 million and $7.5 million per mile of highway.

The Chesapeake Bay Commission estimated in January of 2003 that stormwater retrofit costs across the watershed are more than $9 billion.

In demonstration of the nationwide support for this stormwater provision in the highway bill, I ask unanimous consent that multiple letters opposing the Bond amendment and endorsing the underlying provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, Apr. 25, 2005.

Hon. JAMES M. INHOFE,
Chair, Environment & Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Environment & Public Works Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MINORITY MEMBER JEFFORDS: On behalf of The United States Conference of Mayors and the hundreds of cities we represent, I write to convey our strong support for the stormwater provisions of your Committee-approved SAFETEA plan to renew the nation's surface transportation programs.

These provisions, reserving less than ⅓ of a penny on every authorized dollar, is a very modest commitment to an enormous challenge before local governments struggling with contamination of drinking water and cleanup of streams, rivers, lakes and ponds from highway and street stormwater discharge, including oil, grease, lead and mercury. Moreover, we have been assured that these provisions limit funding to actual facilities on the federal aid system, which is a critical factor underlying our support of this program. This is important to the nation's cities since it ensures that users of these systems contribute something to the broader efforts under the Clean Water Act to reduce pollutants from the nation's major highways and roads.

Absent some commitment to retrofitting existing facilities on the federal aid system during this renewal period, stormwater pollution cleanup costs, including loadings attributable to the federal aid system, will be borne largely by local taxpayers through property taxes, other general taxes and wastewater utility user fees.

Finally, we disagree with the claim that this is a diversion of funds from highway construction and highway capacity needs. It is the belief of the nation's mayors that improved performance, whether it is pavement quality, the development of technology, or its stormwater quality features, are priorities for the nation as we work with you to provide a modern and fully functional transportation system for our citizens and their communities and regions.

America's mayors thank you for making these provisions part of your SAFETEA legislation and urge you to preserve this important commitment to stormwater pollution abatement efforts during your conference committee deliberations with the House. If you have any questions, please contact our Assistant Executive Director for Transportation Policy Ron Thaniel at (202) 861–6711 or e-mail at rthaniel@usmayors.org.

Sincerely,

TOM COCHRAN,
Executive Director.

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS,
Washington, DC, April 22, 2005.

DEAR SENATOR: On behalf of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), I urge your support for the Highway Stormwater Discharge Mitigation Program, Section 1620 of the Senate SAFETEA bill, S. 1072, in the 108th Congress. This new and modest program is designed to address stormwater runoff from the nation's existing transportation system. Stormwater runoff is a significant source of water pollution affecting large and small communities, as well as fish, wildlife and the natural environment.

Stormwater pollution results from paving over naturally porous ground, resulting in impervious surfaces that collect pollutants and increase overland stormwater volume and velocity. Stormwater becomes a direct conduit for pollution into the nation's rivers, lakes, and coastal waters. Studies have shown that roads contribute a large number of pollutants to urban runoff—metals, used motor oil, grease, coolants and antifreeze, spilled gasoline, nutrients from vehicle exhaust, and sediment. For example, the stormwater discharge from one square mile of roads and parking lots can contribute about 20,000 gallons of residual oil per year into the nation's drinking water supplies. Highways can increase the annual volume of stormwater discharges by up to 16 times the pre-development rate and reduce groundwater recharge.

Communities throughout the nation, including many smaller towns and counties, are required under the Clean Water Act to obtain discharge (NPDES) permits for their stormwater. Those communities, which have long understood the value of protecting their drinking water sources and recreational waters from stormwater impacts, are hard-pressed to absorb the costs of discharges from highways in addition to their other stormwater management responsibilities. This presents an unfair burden to these communities and we believe it is fair for the transportation funding system to help remedy this problem where existing highways and other roads cause significant runoff problems.

We urge you to continue to demonstrate your leadership in protecting America's waters by supporting the stormwater mitigation provision in SAFETEA. We appreciate your willingness to consider the views of the State and Interstate Water Pollution Program officials responsible for the protection and enhancement of the nation's water quality resources.

Sincerely,

ARTHUR G. BAGGETT, JR.
President.

THE ENVIRONMENTAL
COUNCIL OF THE STATES,
Washington, DC, April 25, 2005.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: On behalf of the environmental Council of the States (ECOS*), I'm writing to request your support for the Highway Stormwater Discharge Mitigation Program, the new provision included in S. 732, the Safe, Accountable, Flexible, and Efficient Transportation Act of 2005 (SAFETEA), section 1620.

EOS strongly supports the provision because stormwater compliance is a serious issues for the states and this provision provides for $867 million over five years, specifically for stormwater mitigation projects associated with the nation's federal-aid highways. The provision would provide states with much needed resources to help meet stormwater and water quality requirements of the Clean Water Act. These funds are particularly critical during this time of budgetary constraints.

Please feel free to contact me if you would like to discuss this matter further. I may be reached at 202–624–3600.

Sincerely,

R. STEVEN BROWN,
Executive Director.

WATER ENVIRONMENT FEDERATION,
Alexandria, VA, February 7, 2005.

Hon. JAMES JEFFORDS,
Ranking Member Environment and Public Works Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR JEFFORDS: The Water Environment Federation (WEF) urges you to support a dedicated funding program to mitigate the negative impacts of stormwater runoff from our nation's highways. The Highway Stormwater Discharge Mitigation Program was included in the Senate Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA) bill, S. 1072, in the 108th Congress. It is critical that this program be included in this year's version of the transportation bill.

According to U.S. EPA, contaminated stormwater is the largest contributor to the impairment of water quality in U.S. coastal waters and the second largest source of impairment in estuaries. Contaminated stormwater is also the single largest factor in beach closures and advisories. The cost to address these problems is large, too. The U.S. EPA estimates at least $8.3 billion over 20 years in local funding needs to address Clean Water Act stormwater requirements, and an additional $142 billion to address stormwater infiltration and other problems in separate and combined sewer systems.

Congress has recognized that contaminated runoff from highways is a significant source of water quality impairment in previous highway bills (ISTEA and TEA-21), but has not succeeded in getting adequate funding directed toward this problem. A dedicated fund to address stormwater impacts from existing federal aid highways will help to prevent further degradation of streams, lakes, and beach waters. This funding will benefit all Americans by helping communities comply with Clean Water Act stormwater requirements and to clean up waters impaired by highway runoff.

On behalf of the members of the Water Environment Federation, who are professionals working to protect water quality around the world, thank you for your support of this important provision that will help to improve the nation's water resources.

Sincerely,

TIM WILLIAMS,
Managing Director, Government Affairs.

ASSOCIATION OF METROPOLITAN
SEWERAGE AGENCIES,
Washington, DC, April 22, 2005.

Re Support for S. 721 and the Highway Stormwater Discharge Mitigation Program.

Hon. JAMES M. INHOFE,
Chair, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. JAMES M. JEFFORDS,
Ranking Member, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE AND SENATOR JEFFORDS: We are writing to express our strong support for the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005 (SAFETEA) (S. 732) as passed March 16 by the Senate Environment and Public Works Committee. The Committee's bill includes a provision to authorize $867.6 million over five years for stormwater mitigation projects, using just 2% of the Surface Transportation Program funds. Such projects include stormwater retrofits, the recharge of groundwater, natural filters, stream restoration, minimization of stream bank erosion, innovative technologies, and others.

According to the U.S. Environmental Protection Agency, polluted stormwater from impervious surfaces such as roads is a leading cause of impairment for nearly 40% of U.S. waterways not meeting water quality standards. Roadways produce some of the highest concentrations of pollutants such as phosphorus, suspended solids, bacteria, and heavy metals.

AMSA represents hundreds of publicly owned treatment works, many of which have municipal stormwater management responsibilities. Your continued support for S. 732, including the Highway Stormwater Discharge Mitigation Program, would provide much-needed support to these communities. Thank you for your leadership and please feel free to contact me at 202/833-4653 if AMSA can provide you with additional information.

Sincerely,

KEN KIRK,
Executive Director.

ASSOCIATION OF METROPOLITAN
WATER AGENCIES,
Washington, DC, April 22, 2005.

DEAR SENATOR: On behalf of the nation's largest publicly owned drinking water systems, I write today to express support for section 1620 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (S. 732), which would provide $870 million over five years for stormwater mitigation projects.

This language makes progress toward addressing the billions of dollars in costs that state and local governments will incur to control stormwater generated by our nation's highways.

Stormwater runoff has a significant effect on thousands of miles of the nation's rivers and streams. The bill acknowledges this impact and assists states and local communities in addressing this growing water quality problem.

Thank you for your consideration.

Sincerely,

DIANE VANDE HEI,
Executive Director.

ASSOCIATION OF STATE FLOODPLAIN
MANAGERS, INC.
Madison, Wisconsin, April 25, 2005.

Hon. JAMES M. INHOFE,
Chairman, Environment & Public Works Committee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR JEFFORDS: The Association of State Floodplain Managers (ASFPM) is very supportive of a provision in the Senate Safe, Accountable, Flexible and Efficient Transportation Equity Act (S. 732) which provides for a Highway Stormwater Discharge Mitigation Program.

The membership of the Association of State Floodplain Managers includes state and local officials all over the country who work with FEMA and other federal agencies to reduce loss of life and property due to flooding. Our membership of almost 7,000 also includes many other professionals in the field.

We are extremely pleased that the Senate Environment and Public Works Committee has recognized the alterations that often occur in floodplains due to construction and modification of highways and roads as well as the effects of runoff pollutants on waterways, lakes, and wetlands. A commitment of 2% of the Surface Transportation Program funds to assist local officials in mitigating the effects of stormwater runoff will be a wise and important element of highway planning and construction. The funds can also be used for retrofit of already built highways to mitigate existing inadvertent adverse impacts.

ASFPM has developed a conceptual framework for alleviating such inadvertent effects on flood risk. The "No Adverse Impact" or "NAI" concept seeks to guide state and local decision makers in evaluating the effects of development and the creation of impervious surfaces. The No Adverse Impact approach focuses on planning for and lessening flood impacts resulting from land use changes. It is essentially a "do no harm" policy that will significantly decrease the creation of new flood damages. Further information on the concept can be found at our website: www.floods.org.

Providing for mitigation of stormwater runoff effects would significantly contribute to implementation of a No Adverse Impact approach to flood loss reduction in our nation. As the full Senate will soon consider S. 732, we would like you to be aware of our very strong support for the stormwater runoff mitigation provision. ASFPM is grateful for your commitment to this provision and urges your continued commitment.

Very sincerely,

CHAD BERGINNIS,
ASFPM Chair.

TROUT UNLIMITED,
March 15, 2005.

Re Support of Highway Stormwater Discharge Mitigation Funding in the Transportation Bill.

Hon. JIM INHOFE,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE: Trout Unlimited, the nation's leading trout and salmon conservation organization, urges you to support funding to mitigate stormwater runoff in this year's transportation bill. A similar provision, Section 1620, the Highway Stormwater Discharge Mitigation Program, was included in last year's Senate transportation bill, S. 1072.

Stormwater runoff is a significant source of pollution for all the nation's waters, and is a major cause of trout and salmon habitat loss. Roads are a major source of stormwater runoff. Road building in the United States has created millions of miles of impervious surfaces that collect water and pollutants. When mixed with rain and melting snow, these pollutants flow unimpeded into nearby streams, undermining water quality and warming water temperatures to the point where trout habitat is damaged. Furthermore, excessive and poorly designed road building through watersheds can turn normal rainstorms into small flash floods that scour stream bottoms and de-stabilize stream banks, leading to poorer quality streams over time.

Congress has recognized that runoff pollution from highways lowers water quality and destroys habitat in receiving waters in previous highway bills (ISTEA and TEA-21), but has not yet succeeded in getting adequate funding directed at curbing this pollution. In 2000, EPA estimated at least $8.3 billion over 20 years in local funding needs to address stormwater requirements. The time to take action is now as you consider the new Highway Bill.

In addition to providing much-needed funding, the bill encourages projects with the least impact on streams and promotes the use of non-structural techniques, such as created wetlands, to mitigate the negative impacts of stormwater. These approaches are generally more cost-effective and do more to protect and improve water quality and protect habitat.

Thank you for your support of this important provision in this year's transportation bill.

Sincerely yours,

STEVE MOYER,
Vice President, Government Affairs and Volunteer Operations.

FEBRUARY 10, 2005

Re Highway Stormwater Discharge Mitigation Funding in the Transportation Bill.

DEAR SENATOR: The undersigned organization dedicated to protecting America's waters urge you to support funding to mitigate stormwater runoff in this year's transportation bill. A similar provision, Section 1620, the Highway Stormwater Discharge Mitigation Program, was included in last year's Senate transportation bill, S. 1072.

Stormwater runoff is a significant source of pollution for all the nation's waters, and roads are a major source of stormwater runoff. When rain falls on a natural landscape, the water is absorbed by plants and soil where it is filtered and released slowly into nearby streams and rivers and replenishes ground water supplies. Road building in the United States has created millions of miles of impervious surfaces that collect water and pollutants, including oil, grease, lead and other heavy metals. When mixed with rain and melting snow, these pollutants flow unimpeded into nearby streams, ditches, rivers and ponds. Excessive and poorly designed road building through watersheds can turn normal rainstorms into small flash floods that damage natural systems and are very costly to local communities. Stormwater runoff also pours into sewers causing overflows of untreated sewage into drinking water supplies and recreational waters.

Congress has recognized that runoff pollution from highways contaminates downstream waters in previous highway bills (ISTEA and TEA-21), but has not yet succeeded in getting adequate funding directed at curbing this pollution. Under the Clean Water Act, thousands of local communities must obtain permits for their stormwater discharges and develop programs to mitigate runoff.

In 2000, U.S. EPA estimated at least $8.3 billion over 20 years in local funding needs to address stormwater requirements, and an additional $92 billion and $50.3 billion to address stormwater infiltration and other problems in separate and combined sewer . . .

Environmental Integrity Project—Michele Merkel, Washington, DC; National Audubon Society—Kasey Gillette, Washington, DC; Natural Resources Defense Council—Nancy Stoner, Washington, DC; The Ocean Conservancy—Catherine Hazlewood, Washington, DC; Sierra Club—Ed Hopkins, Washington, DC; Smart Growth America—Don Chen, Washington, DC; Surface Transportation Policy Project—Ann Canby, Washington, DC; Trust for Public Land—Alan Front, Washington, DC; U.S. Public Interest Research Group—Christy Leavitt, Washington, DC; Delaware Nature Society—Eileen Butler, Hockessin, DE.

Control Growth Now, Inc.—Dan Lobeck, Sarasota, FL; Keep Manatee Beautiful—Ingrid McClellan, Bradenton, FL; Reef Relief—Paul G. Johnson, Crawfordville, FL; South Walton Turtle Watch—Sharon Maxwell, NW Coast, FL; St. Lucie Audubon Society—Harold Philips, Fort Pierce, FL; Munson Area Preservation, Inc.—Margaret Fogg, Tallahassee, FL; Apalachicola Bay & Riverkeeper—Apalachicola, FL/GA; Georgia River Network—April Ingle, Athens, GA; Upper Chatahoochee Riverkeeper—Elizabeth Nicholas, Atlanta, GA.

American Bottom Conservancy—Kathy Andria, East St. Louis, IL; Center for Neighborhood Technology—Jacky Grimshaw, Chicago, IL; Chicagoland Transportation & Air Quality Commission—Melissa Haeffner, Chicago, IL; Environmental Law & Policy Center of the Mid-West—Albert Ettinger, Chicago, IL; Prarie Rivers Network—Jean Flemma, Champaign, IL; Kentucky Waterways Alliance—Judith Peterson, Munfordville, KY; Gulf Restoration Network—Cynthia Sarthou, New Orleans, LA; Save the Illinois River—Ed Brocksmith, Tahlequah, OK; Connecticut River Watershed Council—Tom Miner, Greenfield, MA.

Leominster Land Trust—Peter Angelini, Leonminster, MA; Massachusetts Watershed Coalition—Leominster, MA; North and South Rivers Watershed Association—Samantha Woods, Norwell, MA; Taunton River Watershed Alliance—Bill Fitzgerald, Franklin, MA; American Fisheries Society—Jessica Geubtner, Bethesda, MD; Anacostia Watershed Society—Jim Connolly, Bladensburg, MD; Chesapeake Bay Foundation—Roy Hoagland, Annapolis, MD; Maryland Conservation Council—Mary Marsh, Arnold, MD; Patapsco Riverkeeper—Lee Walker Oxenham, Baltimore, MD.

Missouri Coalition for the Environment—Edward J. Heisel, St. Louis, MO; Environmental Coalition of Mississippi—Jackie Rollins, Madison, MS; American Wildlands—Amy Stix, Bozeman, MT; Citizens for a Better Flathead—Mayre Flowers, Kelispell, MT; Lower Neuse Riverkeeper & Neuse River Foundation—Larry Baldwin, New Bern, NC; New Hampshire Rivers Council—Carl Paulsen, Concord NH; Hackensack Riverkeeper, Inc.—Hugh M. Carola, Hackensack, NJ; New York/New Jersey Baykeeper—Andrew Willner, Keyport, NJ; and Amigos Bravos—Rachel Conn, Taos, NM.

Mr. JEFFORDS. The Bond amendment is opposed by the: U.S. Conference of Mayors, State Water Pollution Control Administrators, Environmental Council of States, Trout, Unlimited, Metropolitan Sewerage Agencies, Metropolitan Water Agencies, American River, and a host of other organizations.

I ask unanimous consent that a letter from the League of Conservation Voters indicating its opposition to the Bond amendment and its intent to score this vote be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, April 26, 2005.

Re: S. 732 Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (SAFETEA). Remove provisions that weaken the Clean Air Act and National Environmental Policy Act (NEPA). Oppose the Bond (D-MO) motion to strike stormwater mitigation funds.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges Congress to pass a balanced transportation bill that protects public health and the environment as it encourages the development of transportation options. SAFETEA, as drafted, will mean increased air pollution from cars and trucks and weakened environmental review of projects.

To keep growth in traffic from undermining regional air pollution control strategies, the Clean Air Act requires that regional transportation plans contribute to the timely attainment of health-based air standards. S. 732 would weaken these requirements, by constraining the analysis of transportation impacts to 10 years, rather than the 20-year planning horizon now used. As a result, the actual impacts of new projects would not be considered, resulting in long-term increases in air pollution, traffic and sprawl, and increased public health impacts.

Signed into law in 1970 by the Nixon administration, NEPA requires the federal government to examine the potential environmental impact of federally funded activities and share its findings with the public. Under NEPA, the Department of Transportation is afforded the opportunity to fix problems with environmental compliance and review before decisions are finalized. The government's own findings demonstrate that environmental reviews are not a significant cause of delays. If, however, this bill includes new, rigid deadlines and review procedures, federal agencies would be forced to cut corners. This could lengthen the process down the line by spurring legal challenges and forcing agencies to make time-consuming revisions.

In addition, LCV urges you to oppose the Bond (R-MO) motion to strike the Highway Stormwater Discharge Mitigation Program, Section 1620. This motion would eliminate a critical program, which would provide up to $867.6 million (only two percent of Surface Transportation Program funds) to mitigate the effects of stormwater runoff from roads and highways. This is especially important since nearly half of the pollution in our waterways is due to runoff from roads and parking lots.

LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2004 Scorecard. If you need more information, please call Tiernan Sittenfeld or Barbara Elkus in my office at (202) 785-8683.

Sincerely,

DEB CALLAHAN.

Mr. JEFFORDS. One of our Nation's most precious resources is our water. Water quality affects the environment, wildlife, our health, and our economy.

Section 1620 of the transportation bill recognizes the significant contribution that roads make to stormwater pollution, and it provides critical funding to help States and local communities mitigate these damages.

I urge my colleagues to oppose the Bond amendment.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished managers of this bill. I had been discussing with Senator BOND options with regard to this amendment. Those discussions as yet have not yielded any course of action. I judge that he took the initiative here; I just was unaware he had taken it.

At this time I am chairing a hearing in the Armed Services Committee on military intelligence. We have finished our open session. We are now proceeding to S. 407 to conclude our hearing with a closed session. I am not able at this juncture to address this important amendment from the perspective of the Senator from Virginia who is the sponsor of the amendment in the committee, which was adopted as part of the markup. So I thank the distinguished chairman. My understanding is he did address the Senate with regard to my unavailability at this time. I will, however, at a time mutually convenient, come to the floor and give my response to the Bond amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Virginia. I serve on the Armed Services Committee under his capable leadership. He chairs that committee. He is also the longest serving member of the committee that I chair, Environment and Public Works. It is very rare that I would oppose something he is in favor of. This might be that exception. But let me give him our assurance that nothing is going to happen to dispose of this amendment until he has adequate time to complete his hearing and come down and be heard on this amendment.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Oklahoma for his usual gracious work with his colleagues here in the Senate. I will return.

Mr. INHOFE. Mr. President, we have talked about this issue several times before. The distinguished Senator from Virginia has very strong beliefs. Those beliefs are shared by the ranking minority member and by several members of our committee. This amendment was added in committee. It is one I voted against at the time. I did oppose it. However, I know there are very strong feelings about it and I want to make sure everybody gets to be heard, and I am sure we will end up with a rollcall vote. I would only make a couple of comments.

There are flexible provisions in the underlying bill that will help States address their storm water needs and maintain their ability to determine how to spend these limited dollars. For that reason I had felt a mandatory 2-percent set-aside in this bill was not necessary.

Currently, States are allowed to use their STP funds for environmental enhancements which include a variety of projects, including storm water mitigation. Our bill gives States the option to use STP and NHS money for storm water mitigation. Our bill allows those States that wish to use highway money to address storm water runoff and help communities comply with phase 1 and 2 on clean water runoff to do so.

I think probably one of the reasons for my opposition to this is I spent 4 terms as mayor of a major city, Tulsa, OK. I have always been a strong believer that the closer you get to home, the better the decisions are. In other words, the idea that somehow Washington knows more about my State of Oklahoma than the people in my State of Oklahoma is something I have disagreed with.

If this amendment should be agreed to and the bill should become law, if we in the State of Oklahoma want to spend 2 percent or even more of our money for this purpose, we can do it. But if we have other priorities that are greater, as determined by those of us in Oklahoma, then I think that should take precedence.

For that reason I will respectfully support this amendment. I am sure there will be more discussion on it later on.

I am sure the ranking minority member will agree with me, we do not want to do anything further other than hear debate until Senator WARNER, whose provision it was that was put in the bill in committee, has ample time to debate it and to come to the floor and try to work out any compromises he may be successful in working out with the author of the amendment, Senator BOND.

With that, let me renew our appeal to Members to come down with their amendments. I am glad we are finally getting some activity here, some amendments coming down. It is very important we move on with this bill. We have several pages of amendments. I know a lot of these amendments are going to be agreed to in a managers' amendment we will be propounding before too long. There are some that will have to be fought out on the floor. It is my desire, and I am sure the desire of the ranking minority member, that we get on with these amendments. I have been here long enough to know what is going to happen. We are going to have all day today to handle amendments, and tomorrow. People are not going to bring them down. Then when something happens or when cloture is filed, everyone is going to get hysterical and say, Why didn't I have time to offer my amendment?

You may not have time. We are serving warning to you right now, that could happen. Now there is time and we encourage you to come down. This amendment under discussion now, which the Senator from Indiana has graciously set aside—it is his amendment—is one that will be controversial and I suspect there will be many members on the minority side of our committee who want to be heard. I think they were unanimous in supporting Senator WARNER in the committee at that time.

We hope those people will come down and get the debate out of the way so we can proceed with this amendment and with any other amendments that come to the floor. Let's keep in mind, as I said yesterday on more than one occasion, what will happen if we are not successful in getting this bill passed. We are on our sixth extension. The extensions do not work. Our money is not well spent. People are dying on the highways. There are things that are happening that will not happen unless we pass this bill. Without an extension there is not going to be any chance to improve the donor status. My State is a donor State. I remember when it was 75 percent as a guarantee to come back to the States for money paid into the highway trust fund, revenues that were collected in my State of Oklahoma. Now it is up to 90.5 percent. If we had been successful with the bill last year, it would have been 95 percent.

Senator JEFFORDS and I did everything we could to get our bill passed. We are going to try to make that happen this time. But for those States that are concerned about their donor status, they better be lining up and supporting this. We do not know in conference what is going to come out in terms of a number, but we do know this: Donor status of 90.5 percent will at least go up to 91 or 92 percent. So they are going to be better off, but not if we operate on an extension. If we operate on an extension, we are not going to have any new safety core programs.

They call this SAFETEA. I know there is an effort by the chairman of the committee in the other body to rename it TEALU. I do not have a real problem with that. But it is a safety bill. We have many safety provisions, core programs that respond to the thousands of deaths each year on our roadways. If we go on extensions, we are not going to make any of these safety provisions a reality.

If we go on extensions instead of a bill, there is not going to be any new streamlining. In fact, some of the current obstacles in helping us to get roads built and bridges improved can be corrected, but they can only be corrected if we are able to pass this bill. If we operate on extensions, there is no increased ability to use innovative financing, thereby giving the States more tools.

This is something that is so important. Ever since the Eisenhower administration, we haven't changed the way we fund our road program. There are a lot of ideas out there where we could use the public-private partnership to build more roads and bridges. In fact, we have in this bill a provision that establishes a commission to study various ways, innovative ways to change the way we finance our roads, highways, bridges, and infrastructure in America. But if we are on an extension, if we do not pass this bill, we are not going to be able to do that.

We have one provision in here, Safe Routes to School, which is one I felt strongly about, but I was not the leader on it. There are several on our committee as well as over on the House side. As I recall, this is one of the programs Congressman OBERSTAR felt very strongly about. If we operate on an extension, we are not going to have the Safe Routes to School Program. We could have deaths of young people as a result of our failure to act. That is why this is so important.

Certainty in planning: On an extension, there is no certainty. You think we are going to get the same amount of money that was already authorized previously, but nothing else has changed. We don't know what is going to happen next year. We don't know whether we are going to have a bill that will be passed a month from now or 2 months from now or a year from now. Therefore, there is no long-range planning that can take place.

I served in the State legislature in Oklahoma many years ago. I know when you start planning for the future you have to plan for your contract season. It is not as severe in Oklahoma as it is in Vermont or some of the Northern States, but certainly these things have to be considered. We have to have our labor supply ready to absorb, to be able to accommodate a heavy schedule of construction, so we need to be able to plan for that.

In this bill we have a border program, Borders and Corridors. It is very important we do these to accommodate the States such as Texas, California, Arizona, and other border States along the northern border, to help them out with that program. Without this bill we are not going to be able to do that.

There are chokepoints. A lot of people think of the highway bill as just highways. This is intermodal transportation. It affects railroad crossings. Our State of Oklahoma is a State that has a channel. It comes all the way to my town of Tulsa, OK. A lot of people don't know that. We know there are chokepoints where barge traffic will come up; it will go to rail traffic; it will go to truck traffic. This bill addresses intermodal transportation and eliminates chokepoints.

Finally, we have the firewalls. What has bothered me more over the years than anything else I can think of is how people will raid trust funds. Politicians in State legislatures—it has happened here in Washington—when no one is looking and there is a large surplus in some trust fund, what do they do with a large surplus, I ask Senator JEFFORDS? They run in there and they raid it. Consequently there are no real protections under an extension. But we do have protections in the bill that is before you.

I have every confidence—I don't want to sound as though I am doubting whether we are going to have a bill. But we need to pass it in time to get it to conference, back from conference, get it voted on, and in law by May 31. That is getting very close.

In the Senate we will be going into a recess next week. We will not be here for 7 days. It is my expectation as soon as we get back, we will be in a position to finish this bill, get it to conference, and meet this deadline.

I know I speak on behalf of our minority member, the ranking member, the Democratic member on the committee, Senator JEFFORDS, in urging people to come down and offer their amendments.

Mr. JEFFORDS. If I may interrupt for a moment, I support what you are saying 100 percent. I warn Members they should not give any thought, right now, anyway, of believing they do not need to be here. We have to get this done. The country needs it.

Mr. INHOFE. The Senator and I know they are up there right now. Come on down.

Mr. JEFFORDS. Mr. President, I join the chairman in urging colleagues to bring amendments to the floor. It is time to get this bill out of the traffic jam it is currently stuck in. If we are going to get the highway bill done before the end of May, the Senate needs to accelerate action and shift into higher gear. Our States, cities, and towns need this bill. The American public needs this bill. We have heard from the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the U.S. Conference of Mayors, and the National League of Cities.

All asking the same thing, get this bill done.

The bill before us will strengthen our nation's transportation system, create hundreds of thousands of jobs, improve the safety of our roads, highways and bridges, and support and improve our transit systems.

We cannot afford to wait any longer to make these much needed investments.

Our transportation system needs help now: 38 percent of our major roads are in poor or fair condition; 28 percent of our bridges are structurally deficient and unsafe for travel; 5.7 billion gallons of fuel are wasted annually while motorists sit in traffic.

Traffic congestion means longer delays, higher costs, increased accidents, more pollution, added frustration and keeps us from spending time with our family and friends.

In 2001, according to the American Public Transportation Association, congestion costs to American motorists were nearly $70 billion.

Each peak-period road user lost approximately $1,200 in wasted fuel and productivity.

It is time to get this bill on the fast track and start making some progress.

Once again I thank Chairman INHOFE, and Senators BOND and BAUCUS for the collaborative process in which we have proceeded on this bill.

We are ready to take up amendments. I urge my colleagues to come to the floor and offer them.

I yield the floor.

Mr. INHOFE. Mr. President, I agree wholeheartedly with the comments made by the ranking member, Senator JEFFORDS. It is interesting when he reads off the list of people anxious for a bill.

In the case of Oklahoma, when I was mayor of the city of Tulsa, we were interested in being able to plan ahead. We have our Council of Governments saying they need to have it. We have our State department of transportation that says they are going to miss their construction season. We have to get it done.

While Senator JEFFORDS and I many times philosophically disagree, the fact we agree so much on getting this bill completed speaks well of what we are trying to do. It demonstrates the broad base of support. I don't have any doubt we will be able to get passage. The problem is if we do not get the amendments for consideration, it will be a logjam when we return from recess and could very well be a problem in meeting our deadline of May 31. That is what we need to focus on.

We are in agreement on most of the provisions. There is some disagreement on the formula. Formulas are always a problem. I have been very happy about the way the Senate has done this. After having spent 8 years in the other body and serving on the Transportation Committee of the House of Representatives. I remember meetings we had. I don't say this in a critical way, but they operate on the basis of projects. We do, too, except the difference is we talk about formulas and try to be as equitable as possible and let the States determine their projects.

It gets back to the argument, who is in a better position to know the needs of my constituents in the State of Oklahoma? Is it Washington or our transportation commissioners responsible to the State legislature and the needs in the State?

Some people say in an expensive bill, there is pork. There is no pork in the bill. There are only two projects in the entire bill. People need to understand that.

This will change to some degree when we get to conference because it has to be agreed to by a majority of the conferees on the House, as well as a majority of the conferees from the Senate. To devise a formula that no one will disagree with is absolutely impossible. The only choice we have if we look for unanimity in approving a formula would be to have Senator JEFFORDS and me go to 60 Senators and say we will take care of you and we will forget about the other 40. We would have a bill and do it and it would be perfectly legitimate and not unethical.

We take into consideration the Interstate Maintenance Program. It varies from State to State. We take into consideration the National Highway System, the lane miles, the principal arteries, excluding the interstate VMT on principal arteries, excluding the interstate diesel fuel used on highways, and total lane miles on principal arteries divided by population. All these things have gone into the formula.

The Surface Transportation Program, which we have talked about, is part of the consideration in terms of total lane miles.

The Highway Bridge Replacement Rehabilitation Program I am particularly sensitive to because Oklahoma ranks last in terms of the condition of bridges. These things have to be considered.

The Recreation Trails Program varies from State to State. There has to be something in a formula that will take into consideration these programs.

Border planning and operations: Since the passage of NAFTA and now they are considering CAFTA, there are unusual situations taking place from State to State. We have low-income States. My State, Oklahoma, is a low-income State. We have low-population States such as Wyoming, Montana, and some of the States where they still have to have roads, but they do not have the number of people so that has to be part of the consideration and part of a formula.

They have low-population density States, high-fatality States. Some States have higher fatalities than other States. That has to be taken into consideration.

All these things—donor status, donee status—all are important. But the bottom line is, I can take all 12 or 14 factors and put them into a formula program. I can find areas where Oklahoma is not considered as well as Texas or as Vermont. I can find factors that treat Vermont worse than they treat Montana or some of the other States. If someone is looking to be ahead on all factors, there is not 1 of 50 States that can say they are.

I ask our Members to consider that. Formulas consider a lot of things. We have done a good job with the approach we have. It is a harder approach to take than the approach the other body uses. It is easier for them to get a bill on and off the floor. Timing is important. There is not a Member of this Senate who does not agree we need to get a bill passed.

Members may not like the bill as it is. Come on down with amendments. We are waiting for you. We invite Members.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Do I understand, Mr. President, that the amendment that would strike the storm water mitigation provisions from the bill that was reported out by the committee is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I rise in strong opposition to this amendment. First, I commend the committee, the chairman, the ranking member, and my colleagues, Senator WARNER and Senator CHAFEE, for including this provision in the legislation before the Senate.

This provides for a set-aside of a State Surface Transportation Program for storm water runoff mitigation. All of our local officials—our mayors, our county commissioners, and others—say this is essential as we address reauthorization of the Surface Transportation Program. It is a very modest amount in the overall context of the bill, less than $900 million nationwide to meet a very important and pressing need that confronts local governments struggling to deal with the contamination of drinking water and the cleanup of streams, rivers, lakes, and ponds from highway and street storm water discharge.

A great deal of the pollution comes from these runoffs off the roadways. We are talking about oil, grease, lead, mercury. In my own State, where we are working so hard on the Chesapeake Bay, we know the runoff from highways contributes very large amounts of nitrogen and phosphorous and sediment to the bay and confronts the State with a very serious clean water program.

Many of our Nation's highways and roads were built before the implementation of storm water regulations. States are required to have pollution reduction from new highways under EPA regulations, but we need to have a mitigation program to deal with pollution from existing Federal highways and associated paved services. Otherwise, we will have great difficulty in meeting federally mandated water quality standards. The standards have been put into place. The question now is, How do we reach the standards?

My colleagues on the committee have done a very skillful job. I, again, commend the chairman, the ranking member, and Senators WARNER and CHAFEE who, of course, are on the committee and try and find ways to provide help to States and localities in fixing this problem.

This is an effort, of course, to make funding available to deal with the storm water impact to water quality and the stream channels. The estimates are quite large in terms of what is needed. This amendment has very strong support from a broad range of groups. It is a relatively small amount out of the total highway budget, but it deals in a very focused way with a significant problem. It is a very wise investment of these moneys in order to achieve a very marked improvement with respect to the mitigation of the pollution impacts of storm water discharge.

I commend the committee for the work they have done on this amendment, for its inclusion in the legislation. I very strongly support the committee bill and very much hope my colleagues will oppose the amendment which would strike a provision that is in the committee bill. This amendment takes out of the committee bill a provision developed within the committee in a very skillful way that addresses a very important problem. I very much hope my colleagues will reject this amendment which strikes the storm water mitigation provisions reported in the committee.

Mr. JEFFORDS. If the Senator will yield, I thank him for his excellent presentation. We assure the Senator we are listening and we will take the Senator's advice.

Mr. SARBANES. I thank the ranking member very much.

What the committee has done is a very important step forward in a very balanced bill. I very much hope we will sustain this provision in the committee-reported bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, while we are again encouraging people to bring amendments down to the floor, I would like to make some comments on a statement that was made yesterday that affects our committee, the Environment and Public Works Committee.

Yesterday evening, the junior Senator from Delaware discussed his hold on Stephen Johnson's nomination to be Administrator of the EPA. His main complaint about Steve Johnson is about a lack of technical data from EPA on Clear Skies. We are talking about the Clear Skies legislation we considered in our committee that the administration has come forth with.

But there has been no lack of technical data. The EPA has provided the Environment and Public Works Committee with over 10,000 pages of modeling on costs, job impacts, fuel switching, air quality, and deaths avoided for the various multi-emissions proposals.

This information provides extensive detail about the impacts on the Nation as a whole, regions, and individual States. Claims that EPA did not supply sufficient information to make an informed decision simply do not have any credibility.

In fact, this is in direct contrast to 2002, when then-Chairman Jeffords—I have been making all kinds of complimentary remarks about the ranking member, Senator JEFFORDS. Back in 2002, Senator JEFFORDS was the chairman and I was the ranking member. He came forth with something he had very strong feelings about, and that was the Clean Power Act. When he marked it up, we had less than 1 week to review a 53-page bill, without any modeling information whatsoever. Let me repeat that: less than 1 week to mark up a 53-page bill, which was substituted for the original 5-page bill. I do not say that critically because we did it. Nonetheless, we did it without the information I believed was necessary at that time. We did not have information.

In addition, the quality of information in 1990—this is back when we considered the Clean Air Act Amendments—paled in comparison to what the executive branch has been able to produce for us using today's more sophisticated models run on powerful supercomputers. The committee had far more information about the impacts of the Clear Skies legislation than the entire Senate had in 1990 during the debate on the Clean Air Act amendments of 1990.

Now, what has been particularly frustrating is that the EPA data request was used as a red herring to vote against Clear Skies. It is now being used as an excuse to oppose Steve Johnson. I do want to talk about Steve Johnson a minute because it is very unusual we have the opportunity to have a Director with the background of Mr. JOHNSON.

When we notified the minority last November 15 of our intentions of marking up the Clear Skies bill in February, they never once raised the issue of needing more data from the EPA until after we delayed the first markup on February 16. Then they mentioned the need to get more data from the EPA almost as an afterthought.

When we offered to delay the markup 2 weeks, in order to negotiate a compromise, we were told they needed data from EPA, which would take 6 months to produce. This, of course, was after our committee already spent 5 years conducting 24 hearings on the topic. We were told, after all this committee work and the 10,000 pages of analysis, that the minority still needed more analysis before they would be willing to even begin negotiating.

Nevertheless, EPA has offered to spend considerable resources to analyze each of the multi-emission proposals using an identical methodology to guarantee that comparisons of the three bills are apples to apples. Yet the charge is being leveled that this offer still is not enough.

Last week, the EPA offered to conduct even more analysis to satisfy Senator CARPER, offering detailed data on S. 131, the President's Clear Skies proposal; secondly, the Clear Skies manager's amendment from March 9, 2005—that was ours: S. 843, Senator CARPER's Clean Air Planning Act; and, fourth, S. 150, Senator JEFFORDS' Clean Power Act.

The data would consist of the cost of each bill; the fuel mix for electricity production; Henry-Hub natural gas prices; average mine mouth coal prices; regional electricity prices; emission allowance prices; national and regional coal production; the response of electric generating facilities—for example, the capacity retrofitted with pollution control equipment; national and State-by-State emission levels for sulfur dioxide, nitrogen oxide, and mercury; the national aggregate CO_2 emissions; public health and environmental provisions benefits of each bill, such as the total monetized health benefits, premature mortality benefits, and visibility benefits; and the effects of each bill on nonattainment areas—for example, for each current nonattainment area, EPA will list the counties in the area and project whether the area comes into attainment with ozone and particulate matter.

This is for all four pieces of legislation, not just one, everything that has been asked for. This was an unprecedented offer of information by the administration to the junior Senator from Delaware and, frankly, it is more information than I believe he needs in order to move forward on Clear Skies. This is in addition to the 10,000 pages of data the committee has already received. This information would take the staff of EPA 6 to 8 weeks to complete.

Unfortunately, even this offer is not enough. The junior Senator from Delaware is insisting on the same level of analysis that the administration conducted for the President's proposal, which would take a half a year. Strangely, he insists this would allow him to negotiate multiemissions legislation this spring.

This is a level of detail that no administration has ever conducted for a legislative proposal at this stage in the process and, quite frankly, a level of detail that is inappropriate to request. If the EPA were requested to conduct this type of analysis for every bill, we would have to double the size of the EPA, and all of their employees would be working full time on congressional requests. To suggest that a congressional committee needs this type of analysis before it can move on legislation is ridiculous.

In the history of the Clean Air Act, we have more and better quality data today than we have ever had in moving legislation, including the amendments of 1990. Those are the amendments that were so significant and have had such a positive effect on air quality. We have more data than we ever had in moving any environmental legislation.

This demand for data was an excuse for delaying the Clear Skies legislation and, quite frankly, it was an excuse to delay or obstruct Steve Johnson's nomination. This appears to be part of a larger strategy to obstruct this President's EPA nominees. Last Congress, Governor Leavitt's nomination hearing was first boycotted by the minority, then delayed for over 50 days. Today, Steve Johnson is also being obstructed.

For just a moment, I wish to say something about the nomination of Steve Johnson to be the next Administrator of the Environmental Protection Agency. It is unfortunate we find ourselves in a position of having that nomination filibustered by the Democratic side. Mr. Johnson is not a partisan politician. In fact, he is neither a partisan nor a politician. I can't tell you right now whether he is a Democrat or Republican. I don't think it makes any difference.

Steve Johnson is a career EPA employee who has risen through the ranks under both Republican and Democratic administrations. He joined the EPA during the Carter administration and was promoted to senior management posts during the Clinton administration. He has also been confirmed twice by the Senate, both times without opposition. Stephen Johnson is not a partisan. He is also a scientist and, if confirmed, would be both the first scientist and first career EPA employee to serve as the head of the agency. We never had someone who has a scientific background as Administrator of the EPA, nor have we had anyone who has gone through the ranks of the EPA. There has never before been a nominee who has known this agency so well prior to becoming Administrator.

One of the big problems we have had with Administrators who are not familiar with the agency is when we have something that needs to be done, it takes them forever to sort through to find out where the bad guys and good guys are and where the reports are coming from. He already knows. He spent 24 years doing this.

He is trained in biology and pathology. After graduating from college, he worked for the Computer Sciences Corporation at the Goddard Space Flight Center and was signed to serve as a junior member of the launch support team for the first Synchronous Meteorological Satellite, SMS-1. He joined EPA during the Carter administration as a health scientist in the Office of Pesticides and Toxic Substances. He left EPA briefly in 1982 to join a private lab and then returned in 1984 to EPA's Office of Prevention, Pesticides and Toxic Substances. Throughout the years Mr. Johnson climbed through the ranks, eventually being appointed to senior management positions by the Clinton administration, including Deputy Director of the Office of Pesticide Programs and the Principal Deputy Assistant Administrator at that time.

I have to say I was there when this happened during the Clinton administration. I asked him a lot of serious questions, and I did not object to his nomination even though it was propounded by the Clinton administration.

In 2001, he was nominated by President Bush to serve as the Assistant Administrator for that program office. He was confirmed without opposition. Just last year when Mike Leavitt became Administrator he was nominated to the No. 2 spot at the agency. Once again, he was confirmed without any opposition.

Steve Johnson's qualifications are beyond question. The question is, why are we here fighting for cloture on not just a qualified nominee but a nominee who has been consistently promoted by both Democratic and Republican Presidents? I believe Jonathan Adler did a good job describing this nomination process when he wrote the following in the National Review:

> President Bush's selection of Steven L. Johnson as administrator of the Environmental Protection Agency was universally praised in Washington, D.C. Democrats and Republicans, environmental activists and industry lobbyists all hailed the pick as a positive step for the troubled agency. Stalwart conservative Sen. James Inhofe . . .

—that's me—

> applauded the choice while the Environmental Working Group's Ken Cook called it a "spectacularly good appointment." The era of good feelings did not last long, however. Once slated for a quick and easy confirmation, Johnson is now the victim of an old-fashioned political obstruction as Senate Democrats again target the administration's environmental policies.

This isn't the first time in recent history that an EPA Administrator has been held up. In fact, that precedent was set the last time someone was nominated by this President. Governor Mike Leavitt was treated with equal courtesy as Steve Johnson. I know some, including the junior Senator from Delaware, are now saying: I supported Mike Leavitt and was there for him. But that is simply not accurate. In fact, when the committee was scheduled to vote on the Leavitt nomination, the vote was boycotted by the Democrats. Not a single committee Democrat showed up, including the Senator from Delaware. It was part of the boycott.

The three Administrators previous to Mike Leavitt took an average of 8 days to confirm. Mike Leavitt's confirmation took 50 days, 50 days to confirm a Cabinet-level position for an individual who clearly is qualified.

So this is nothing new for a qualified EPA Administrator nominated by President Bush. It has been nearly a month that Steve Johnson has awaited confirmation. The time has come to confirm Mr. Johnson.

During the debate we will likely hear some negative comments about the President's record on the environment. What you hear from the Democrats will likely be a very distorted view. The facts are very plain, very easy to understand. By virtually every measure, under this President's stewardship, our air, our water, and our land are cleaner. We have a cleaner and healthier environment than we did prior to George W. Bush taking over as President. That is simply the simple truth.

Just to highlight a few of the actions by the President, he signed into law historic bipartisan legislation that has accelerated the cleanup of brownfields—all of the States are concerned about that—better protecting public health, creating jobs, and revitalizing communities. George W. Bush is the first President ever to require the reduction of mercury emissions by powerplants. I can remember when there were full-page ads during the campaign saying that this President is lowering the emissions. There were no restrictions before he came in. He is the one who made the first reduction in our history. This President has imposed a mandatory 70-percent reduction in mercury emissions from these sources.

Just a year ago, the President announced an aggressive new national goal, moving beyond the policy of no net loss wetlands to a new policy of an actual net increase for wetlands each year. His Great Lakes Legacy Program will help to clean up one of the largest systems of freshwater on Earth, roughly 18 percent of the world's supply. His Clear Skies initiative would have reduced SO_X, NO_X and mercury emissions by 70 percent—the largest mandated reduction of any President in the history of America. It wasn't Bill Clinton. It was George W. Bush.

Despite all the rhetoric to the contrary, the environment and our families are healthier because of George W. Bush. The facts don't lie.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

Mr. INHOFE. Reserving the right to object, let me say to my good friend from Oregon that the leader is coming down to make a statement. Would he withhold his request until the leader gets here and makes his statement?

Mr. WYDEN. If I could engage my colleague in a colloquy, I assume the leader is going to speak relatively briefly as well. If that is the case, I certainly want to be courteous. I ask unanimous consent, then, that I have up to 10 minutes to speak after the majority leader has spoken and that my colleague from Rhode Island, Senator REED, have the opportunity to speak for up to 10 minutes after me.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, again, we find ourselves with an objection to a committee meeting and doing its work. There is objection on the other side of the aisle to the Judiciary Committee meeting. Therefore, we need to recess the Senate to allow the committee to meet.

I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. With that objection, I ask unanimous consent that when the Senate reconvenes at 2 p.m., following the remarks of the two leaders, Senator WYDEN be recognized for up to 10 minutes as in morning business, to be followed by Senator THUNE for up to 10 minutes, to be followed by Senator REED for up to 10, to be followed by Senator SALAZAR for up to 10.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I move that the Senate stand in recess until 2 p.m. today, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—1

Clinton

NOT VOTING—1

Baucus

The motion was agreed to.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:03 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALEXANDER).

The PRESIDING OFFICER. The majority leader.

JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, throughout the judicial obstruction debate, emotions have run high on both sides. This should remind us all, once again, of the need to return to civility in our Nation's Capitol. The American people want their elected leaders to work together to find solutions. To them, doing what is Republican or Democrat matters far less than doing what is right for America.

Let me briefly discuss how we got here. Never, in 214 years—never, in the history of the Senate—has a judicial nominee with majority support been denied an up-or-down vote until 2 years ago. In the last Congress, the President submitted 34 appeals court nominees to the Senate. A minority of Senators denied 10 of those nominations and threatened to deny another 6 up-or-down votes. They would not allow votes because they knew the nominees would be confirmed and become judges. The nominees had the support of a majority of Senators.

Now, in this new Congress, the same minority says it will continue to obstruct votes on judges. Even worse, if they don't get their way, they threaten to shut down the Senate and obstruct Government.

Throughout this debate, we have held firm to a simple principle: Judicial nominees deserve up-or-down votes. Vote for them, vote against them, but give them the courtesy of a vote. Yet judicial nominees have not been given that courtesy. They have gone 2, 3, or even 4 years without a vote. Now, 46 seats on the Federal bench are vacant as case after case and appeal after appeal stack up.

One nominee, Priscilla Owen, has served 10 years as a justice on the Texas Supreme Court. She won reelection with 84 percent of the vote in Texas. Yet she can't get the courtesy of a vote to be confirmed by the Senate.

Judicial nominees are being denied; justice is being denied. The solution is simple. Allow the Senators to do their job and vote.

In a spirit of civility, and with sincere hope for solution, I make an offer. This offer will ensure up-or-down votes on judicial nominees after fair, open, and some might say exhaustive debate. It is a compromise that holds to constitutional principles.

First, never in the history of the Senate had a judicial nominee with majority support been denied an up-or-down vote until 2 years ago. However, it was not unprecedented, either for Republicans or Democrats, to block judicial nominees in committee. Whether on the floor or in committee, judicial obstruction is judicial obstruction. It is time for judicial obstruction to end, no matter which party controls the White House or the Senate.

The Judiciary Committee will continue to play its essential oversight and investigative roles in the confirmation process, but the committee, whether controlled by Republicans or Democrats, will no longer be used to obstruct judicial nominees.

Second, fair and open debate is a hallmark of the Senate. Democrats have expressed their desire for more time to debate judicial nominees. I respect that request and honor it. When a judicial nominee comes to the floor, we will set aside up to 100 hours to debate that nomination. Then the Senate, as a whole, will speak with an up-or-down vote. The Senate operated this way before we began to broadcast debates on television in 1986. This would provide more than enough time for every Senator to speak on a nominee, while guaranteeing that nominee the courtesy of a vote.

Third, these proposals will apply only to appeals court and Supreme Court nominees. Judges who serve on these courts have the awesome responsibilities of interpreting the Constitution. So far, only up-or-down votes on appeals court nominees have been denied. I sincerely hope the Senate minority does not intend to escalate its judicial obstructions to potential Supreme Court nominees. That would be a terrible blow to constitutional principles and to political civility in America. I hope my offer will make it unnecessary for the minority to further escalate its judicial obstruction.

Fourth, the minority of Senators who have denied votes on judicial nominees are concerned that their ability to block bills will be curbed. As majority leader, I guarantee that power will be protected. The filibuster, as it existed before its unprecedented use on judicial nominees in the last Congress, will remain unchanged.

The Democratic leader and I have been talking on this issue almost every day. I am hopeful he will accept my offer as a solution. It may not be a perfect proposal for either side, but it is the right proposal for America. For 70 percent of the 20th century, the same party controlled the White House and the Senate. Yet no minority ever denied a judicial nominee with majority support an up-or-down vote until the last Congress. These minorities showed self-restraint. They treated judicial nominees with fairness, and they respected the Senate's role in the appointments process, as designed by the Framers of the Constitution. Resolving the judicial obstruction debate for me is not about politics. It is about constitutional principles. It is about fairness to nominees. It is about Senators doing their duty and doing what is right for our country.

Arbitrarily voting on just a few judicial nominees, as some have proposed, will fail to restore the Senate's 214-year practice of up-or-down votes for all judicial nominees who come to the Senate. Senators have a duty to vote up or down on judicial nominees. Confirm them or deny them but give them all the courtesy of a vote.

I yield the floor.

The PRESIDING OFFICER. The Democrat leader.

Mr. REID. Mr. President, first, I express my appreciation to the distinguished Republican leader for his proposal. I am happy to see we are working toward a solution to this very difficult issue that now faces the Senate.

I say to my distinguished friend, no matter how many times you say it, if something is wrong, it does not become true. Over the course of this country's history there have been many filibusters of judges from the very beginning of our Republic. Until 1917, there was no way to stop a filibuster, so a number of judges fell by the wayside as a result.

As I said previously, in 1917, the Senate changed its rules, and two-thirds of the Senators elected could stop a filibuster. Then, in 1964 at the height of the civil rights battle, it was changed to 60 on most everything. Only one thing is still different, and that is as it relate to rules where it takes 67. Without getting into the numbers game, there have been a lot of filibusters of judges where a majority of the Senators liked a nominee. Abe Fortas is a good example of that. We do not need to reinvent history. It is simply the way it is. I am not going to get into the individual judges. We can do that, we can go over them one by one, but I don't think that is what the country needs at this stage.

We have heard in the Senate that 69 judges of President Clinton never made it to the Senate. We continually hear my friends on the other side of the aisle say: We need a vote on these judges. They had a vote in keeping with the rules of the Senate.

I agree with my friend, the distinguished Senator from Tennessee, for whom I have so much respect and admiration. He said that the circuit court and Supreme Court are more important than the lower courts. I believe that, in fact, is the case. That being so, we need to focus more attention on them rather than less.

You have to break the rules to change them in this instance because if you follow the rules, you cannot do it with a simple majority. If you can break the rules to change the rules on a judge, then what about the other nominations of the President? We have a matter in the Senate now that is in the newspaper every day, regarding a man by the name of Mr. Bolton. I don't know him. I recognize him because he has a very uncharacteristic mustache, which I kind of like. My point is, that may be something that people will wish to talk a long time on. I don't know that to be the case. The hearings have not been completed. But I do know that the administration really likes this man. The Secretary of State likes him. She has said so. Does that mean the rules will be changed because this is one of the President's fair-haired persons he wants to become his ambassador to the United Nations? We cannot go down that slippery slope.

This proposal of Senator FRIST is not exactly new. We had a proposal like this last Congress by my friend, the distinguished Senator from Georgia, Zell Miller. It was very similar to this proposal. I don't mean to demean the proposal, and I will take a close look at it and see if there is a way we can work with it. I would say, for lack of a better description, it is a big fat wet kiss to the far right. It just is not appropriate. The rules are the rules.

It is unacceptable for a number of reasons. First, this is slow-motion nuclear option. After 100 hours, the rights of the minority are extinguished. This has never been about the length of the debate. This is about constitutional checks and balances.

No. 2, this is probably worse than the nuclear option because it also speeds up the committee's consideration. I am happy to look at that. As the distinguished majority leader knows, I talked to him earlier about trying to do something in the committee system to make it better. I am happy to take a look at that. We will talk in more detail. I don't think this is appropriate.

Third, this deals with only half of the advice and consent. We have to deal with the pesky little document called the Constitution. This is something you take as a whole. This is very short, but we have to stick with this and advise and consent.

We have failed to recognize we have the future ahead of us, not what went on in the past. I am not here to criticize what went on in the Clinton years. I am not here to condone or criticize what went on in the last 4 years. I am here to look forward.

I say to my friends on the other side of the aisle, any proposal I have made said let's look forward. Let's take this nuclear option off the table, and let's work on these judges we have ahead of us. I can never say there will never be a filibuster because I cannot say that, but I don't think this Senate is in the mood for a number of filibusters. I don't think Members feel like it. We should go forward.

I told my distinguished friend, the Senator from Kentucky, I told my distinguished friend—and I say "friend" in the true sense of the word—from Tennessee, if we somehow fail on the good faith, and they think we filibuster too much, talk too much, you always have the next Congress. Let's try to look forward. Let's not look back.

I want to leave here today or tomorrow—whenever we leave—with a good feeling. People get locked in: this is not good enough. I am not going to berate him for this offer he has made. It is an offer. I appreciate that. It is the first offer we have had. I have had one. He has had one. Legislation is the art of compromise.

While this is not truly legislation, it is in keeping with what we do here. We try to build consensus. We try to work toward an end that is satisfactory. I hope we can do that. I hope calmer heads prevail. I say that on my side as well as the other side of the aisle. If we did it right, we would take his suggestion to the Rules Committee, have them come back on it, and we would vote on it here. That is how we change rules.

I had the good fortune—and I say that without hesitation or reservation—to serve for many years on the Ethics Committee. I was chairman; I was vice chair. Senator Bob Smith from New Hampshire and I worked a full year, we worked hard, trying to change the very difficult rules we have in the Ethics Committee, which is part of the Senate Standing Rules. We brought it to the Senate after our staff worked hundreds of hours. Bob Smith and I worked on it many hours. We were rejected. I felt so bad because I personally believe the Senate did the wrong thing. But they did it. We tried to comply with the rules. That is what we should do here. We both tried to make our case to the public. And I will speak for a while this afternoon, not specifically on the leader's proposal but about things in general. In the very worst way, I want to try to work our way through this.

Again, I do not really like the proposal given, but I am not going to throw it away. I am going to work on it and see if I can come back with something that is in keeping with what I think is the "Mr. Smith Goes to Washington" scenario. Because I really do believe that even though we are in the minority now—and I have thought about this a lot. I have thought about this. If someday in the future—and it will happen; I hope I am around to be part of that—I became the majority leader, I would not want this rule. I would not want this rule. I do not know if I would have the integrity, intellectual integrity to change it so that you folks could do what I thought was in keeping with the rules. But I have thought about that.

We are not always going to be in the minority here. I believe very seriously that this is something that every party should have. I say to my friends, and everyone within the sound of my voice, test us. Let's see how we can do in the future. I cannot say there will not be any filibusters, but I think we are going to have a much better situation. People are very concerned about the

Supreme Court, and they should be. They should be. But let's not direct our attention to changing the Senate rules for fear of something that may never happen.

I repeat, what I would like to do is say there is no nuclear option in this Congress, and then move forward on this. And, as I say, they always have the power. I would like to think that a little miracle would happen and we would pick up five seats this time. I guess miracles never cease. But I say, respectfully, to everyone, I think the Republican Senators would have this power next Congress as they do now.

So I appreciate my friend making this offer. We have so much to do. We have the highway bill to work on today and finish when we come back. We have the budget, we have the supplemental appropriations bill. We need good feelings around here.

As we have indicated, there has been some talk about my closing down the Senate. I have recognized since the Newt Gingrich days that does not work very well. But I do think we would be working as much off our agenda as the majority's agenda—a big clash of heads. We would be talking about things we want to talk about and they want to talk about. I would hope we can get past that and go on to do some real legislative work in the months to come.

I would hope that the legacy I leave and that BILL FRIST leaves is that we had two leaders who, in spite of their tremendous political differences—and we have some different political philosophies—I hope people can look back at us and say: Those are two men who worked very hard to try to get this institution to work.

I am saying this in good faith. I want the other side, in good faith, to trust what we are going to do on the judges in the future. That is all I ask.

Mr. President, I ask unanimous consent that after I suggest the absence of a quorum I then be recognized when the quorum call is called off.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the order now before the Senate?

The PRESIDING OFFICER. The Senator has the right to recognition.

Mr. REID. Mr. President, under the order previously entered, it is my understanding when I have completed my remarks, Senator WYDEN will be recognized. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I have finished my remarks.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized for 10 minutes.

Mr. WYDEN. Thank you very much, Mr. President.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 946 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

AMENDMENT NO. 593 TO AMENDMENT NO. 567

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, may I inquire as to the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. THUNE. Mr. President, I have an amendment to offer to the pending bill, H.R. 3, the transportation bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 593.

The amendment is as follows:

(Purpose: To retain current levels of State authority over matters relating to preservation, historic, scenic natural environment, and community values)

On page 230, strike lines 6 through 15 and insert "Section 109 of".

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, the amendment I am offering would remove a substantive grant of authority the U.S. Department of Transportation will be given under the bill as reported by the Environment and Public Works Committee. The House and Senate have been working for the past 2 years to reauthorize TEA–21. I understand one of the underlying goals has been to improve upon the existing process States must follow from project inception to completion. Many of my colleagues would be amazed to learn that on average it takes 8 years to complete a construction project from inception to its completion. Some Members have told me it takes longer than that.

While I applaud Chairman INHOFE and Ranking Member JEFFORDS for their work to make needed improvements in the transportation process, my State Department of Transportation in South Dakota has brought to my attention a problematic provision they believe will further delay and complicate further transportation projects across the country.

To clarify for my colleagues, section 1605(a) of the underlying bill would grant the Federal Highway Administration the authority to "ensure" that a highway facility "will consider the preservation, historic, scenic, natural environment and community values."

I have been unable to get anyone to give me a good explanation as to why this particular provision was included in the bill. Currently each of our respective State Departments of Transportation already follows strict Federal rules when it comes to such things as environmental review, historic preservation, and planning requirements. States also have to follow their own State rules regarding these issues. To give an example, this is the book State DOTs have to follow. This pertains to rules and regulations that apply to highway projects. It seems to me to be quite thick already.

The amendment I am offering does nothing to take away from the existing environmental reviews, historic preservation, and planning requirements each transportation project is subject to. Very simply, it removes the prospect that this provision will result in the Federal Government imposing new requirements on top of those already in law or rule, including in the subjective area of "community values."

I believe many of my colleagues would agree the best decisions are made by individuals at the State and local levels. If this provision were to be signed into law, I fear States will be told by the Federal Government what their community values are. Even more concerning to me and my department of transportation is the risk that there will be varying interpretations of community values from State to State and regional divisions of the Federal Highway Administration. Our current design, planning, and construction processes are difficult enough as it is.

Unless we remove section 1605(a) from this bill, we will effectively be allowing the Federal Highway Administration to tell our States what their respective community values are. Furthermore, unless we remove this provision, I fear one of the major goals in the reauthorization bill, which is project streamlining, will be unachievable. Moreover, while I certainly heard about this from my own State Department of Transportation, I have received letters from the following groups supporting the removal of section 1605(a) of the bill: AASHTO, the American Association of State Highway and Transportation Officials, has written asking that this provision be removed; AGC, the Associated General Contractors of America; ARTBA, the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Council of Engineering Companies; the Transportation Construction Coalition; and the U.S. Chamber-led Americans for Transportation Mobility Coalition. I will submit for the RECORD some of those letters that have been sent to us with respect to this particular provision of the bill.

I want my colleagues to know what the executive director of AASHTO said in his letter:

> States should have the flexibility to determine how they will work with other state agencies and local communities to address these values rather than having them dictated by the federal government.
>
> NEPA and other environmental laws already provide regulatory oversight. Additional requirements will only burden the project delivery process, which we are tying to streamline.

Mr. President, I ask unanimus consent that those letters I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,
April 26, 2005.

Hon. JAMES INHOFE,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: The American Association of State Highway and Transportation Officials (AASHTO) represent the State transportation agencies in the fifty states, the District of Columbia and Puerto Rico. On behalf of our member States, I urge you to maintain the current commitment to simplifying and expediting the highway project delivery process, and to remove Section 1605(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (S. 732) which—contrary to that commitment—would impose additional requirements and standards for each and every highway project.

Specifically, Section 1605(a) of SAFETEA adds language that grants additional authority to the U.S. Department of Transportation to ensure that individual projects on every highway facility are designed to achieve "preservation, historic, scenic, natural environmental and community values." States should have the flexibility to determine how they will work with other state agencies and local communities to address these values rather than have these values dictated by the federal government. In addition, regulatory oversight is already required under the National Environmental Policy Act (NEPA), historic preservation laws and other environmental statutes. Additional requirements will do nothing more than further burden the current project delivery process, which we are trying to streamline.

Sincerely yours,
JOHN HORSLEY,
Executive Director.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
April 26, 2005.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to support a Thune amendment to H.R. 3 that would maintain state and local flexibility over the transportation planning process by striking unnecessary and burdensome requirements contained in Section 1605(a) of the federal highway and transit reauthorization bill.

Section 1605(a) adds language that grants additional authority to the U.S. Department of Transportation to ensure that individual transportation projects are designed to achieve "preservation, historic, scenic, natural environmental, and community values." While environmental and historic impacts are carefully considered when designing transportation improvements, the federal government should not dictate what "values" are important to states and localities.

Current planning requirements establish a highly comprehensive process that effectively enables appropriate agencies and the public to have input on transportation decisions in their communities. Proposals to complicate or add to this process will only add to the length of time that it already takes to deliver transportation projects. We believe Section 1605(a) is contrary to the commitment to streamline the transportation project delivery process, which is critical to addressing the nation's transportation needs.

Again, I urge you to support the Thune amendment.

Sincerely,
JEFFREY D. SHOAF,
Senior Executive Director,
Government and Public Affairs.

AMERICAN ROAD & TRANSPORTATION
BUILDERS ASSOCIATION,
April 28, 2005.

Hon. JOHN THUNE,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR THUNE: On behalf of the 5,000 members of the American Road & Transportation Builders Association, I write in strong support of your amendment to H.R. 3 to reject a new federal directive to states on what they must consider when attempting to meet their own unique transportation challenges.

One of the key objectives of the Transportation Equity Act for the 21st Century (TEA-21) when it was enacted in 1998 was to shorten the amount of time transportation improvement projects spend in the environmental review and approval process. To accomplish this objective, the measure included provisions to facilitate concurrent reviews by involved federal agencies and consolidated the transportation planning process.

Unfortunately, H.R. 3 injects a number of new planning requirements that states and metropolitan planning organizations (MPOs) must consider in the transportation planning process. Specifically, the measure requires the U.S. Department of Transportation (U.S. DOT) to ensure federally-aided highway improvement projects are designed to meet, among other things, the "community values" of an area. In addition, to this objective being entirely subjective and impossible to define, these "value judgment" decisions are best made by transportation planners at the local level—not U.S. DOT officials.

Thank you for your leadership on this amendment to strike the new community values standard for highway improvement projects. We urge all senators to support the Thune Amendment and all efforts to avoid adding new federal requirements on state and local planning authorities.

Sincerely,
T. PETER RUANE,
President & CEO.

Mr. THUNE. Mr. President, in closing, as I have outlined today on the floor—in addition to the views expressed by the leading transportation groups in the country—it is my hope the bill managers will be able to accept this commonsense amendment to ensure that community values are decided at the State level and not in Washington, DC.

Again, I will close by saying this particular document already provides a tremendous amount of paperwork and regulation and rules that State DOTs and those who participate in Federal projects and highway funding issues have to comply with. It certainly seems to me that to add a nebulous and subjective additional requirement of "community values," one, adds additional paperwork burden and redtape to the process that is already extensive and, secondly, it allows the Federal Government to interfere in an area that ought to be decided at a State and local level.

I hope the managers will accept the amendment. In the event they don't, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At this time, there is not a sufficient second.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I request the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 10 minutes.

THE NUCLEAR OPTION

Mr. REED. Mr. President, I will speak on the issue of the so-called nuclear option.

We are at an important crossroads in our Nation's history today. I believe my Republican colleagues should think long and hard about the long-term effects of what they are proposing on the vitality and utility of this institution that we call the U.S. Senate.

As Thomas Paine once stated:

> He that would make his own liberty secure, must guard even his enemy from opposition; for if he violates this duty, he establishes a precedent that will reach himself.

I believe that this so-called crisis is really an artificial crisis. The Senate has confirmed 206 of President Bush's judicial nominees and rejected 10. The Senate has confirmed 95 percent of the President's nominees. We have the lowest court vacancy rate since the administration of Ronald Reagan.

As almost everyone in this body is aware, President Clinton had over 60 judicial nominees and 200 executive branch nominees blocked by the Republicans. Many of these nominees were not even granted the courtesy of a hearing, let alone a vote. We call this "pocket filibustering" in the Senate. It was according to the rules, and we followed the rules and did not attempt to change the rules. That is the difference today. The Republicans are trying, through extralegal means perhaps, to change the rules of the Senate.

Senator FRIST and many of my other Republican colleagues have been involved in both filibustering and pocket filibustering of judicial nominees, and they did not object to their own actions or purport to suggest that their own actions were unconstitutional or in any way violated the spirit or the rules of the Senate.

In 2000, Clinton nominee Richard Paez was filibustered by a number of my colleagues, but Democrats and Republicans defeated the filibuster by finding common ground and, under the rules of the Senate, moved to a vote.

Although almost every Senator in this Chamber believes that bipartisan improvements could and should be made to the nomination process, this President and the majority have not made any such attempts.

For example, returning to the tradition of allowing home State Senators and/or home State advisory boards to make recommendations to the President regarding eminent lawyers and jurists he should consider when nominating men and women for lifetime appointments on Federal courts would be one possible way to make this whole process less partisan.

If we want thoughtful, intelligent men and women to even want to take on the job of Federal judge, we would all benefit from depoliticization of the judicial process.

There are many ways President Bush and the Republicans in the Senate could work with Democrats to make the judicial nomination process work more smoothly. But in light of the rejection of the minority leader's proposal and the subsequent proposal made by the majority leader, it is clear this debate is not really about making the process work better. This whole debate should be seen for what it is—a grab for power.

This is not the first time a President, with the help of his own party, has attempted to grab complete and total power over the judicial nomination process.

In 1937, President Franklin Roosevelt, a Democrat, sent a bill to Congress that would have drastically reorganized the judiciary and added up to six more justices on the Supreme Court. Why? Because he didn't like what the Supreme Court was doing to his legislative proposals. Although the Senate Judiciary Committee rejected the bill, finding it, in their words, "essential to the continuance of our constitutional democracy that the judiciary be completely independent of both the executive and legislative branches of Government," the majority leader, Joseph Robinson, supported the bill and brought it to the floor.

A determined group of Senators, using the filibuster for 8 days, defeated this proposal. It was the right to free and open debate that defeated President Roosevelt's attempt to consolidate his power over the judicial branch of Government. It is that same right we are talking about today. It is the right that allows the Senate to play its unique role in our constitutional democracy.

One of the most basic concepts behind the construction of the Constitution is the concept that absolute power corrupts. After fighting a revolution to escape from the tyranny of an absolute monarch, the Founding Fathers were very focused on coming up with a system of government that would prevent one ruler or one faction of people from controlling all of the mechanisms of power.

James Madison believed that "the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects."

As he stated in Federalist Paper No. 10: "Among the numerous advantages promised by a well-constructed union, none deserves to be more accurately developed than its tendency to break and control the violence of factions." He further goes on to state that "Complaints are everywhere heard from our most considerate and virtuous citizens . . . that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority."

It was the desire of the Founding Fathers to protect the rights of the minority from "the superior force of an interested and overbearing majority" which caused them to create three branches of Government.

Because of the skills and temperament required of a judge, the Founding Fathers decided that judges would not be elected like the other two branches of Government but would be nominated by the President with the advice and consent of the Senate.

Article II, section 2 states that the President:

> . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . . .

In effect, Madison and the Founding Fathers believed that the independence of the judiciary was so important that lifelong judicial appointments needed to be made by consensus between the executive and legislative branches. Alexander Hamilton stated in Federalist Paper No. 78 that:

> This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency in the meantime, to occasion dangerous innovations in the government and serious oppressions of the minor party in the community.

Resonating throughout the Federalist Papers is the notion that the test of this Government is not the success of the majority but the fact that minority rights are protected. Minority rights on this floor could be extinguished if the rules of this Senate are disregarded. This is why I am here today on the floor of the Senate to speak out.

It is important that we do not let another President try to pack the courts. The Senate cannot become merely a rubberstamp for any President. The independence of the courts is critical to protecting the Constitution and the rights of individuals. It is for this reason that preserving the right to open and free debate in the Senate is so important. Indeed, if the Founding Fathers wanted a system of pure majority rule, they would have only created one Chamber.

These decisions should not be made on a political whim. The impact of judicial appointments outlasts party changes in both the executive and legislative branch of Government. Indeed, some Members of the other party have complained about the abuse of power by "activist" judges. Frankly, I cannot think of a better way to protect against activist judges than by protecting the current cloture rule. If two-thirds of the Senate believes a nominee is qualified for the position and will do the job well, that candidate is probably not going to be an activist judge on either the right or the left.

Opponents of the filibuster have questioned its constitutionality. However, time and again, the courts have shown a reluctance to interpret the rules of either House of Congress or to review the application of such rules.

The Founding Fathers stated in article I, section 5, clause 2 of the Constitution:

> Each House may determine the Rules of its Proceedings.

Much of the current debate around the Republican leadership's proposal to change a 200-year-old Senate tradition regarding the right to unlimited debate revolves around rule XXII of the Standing Rules of the Senate. This rule is clearly constitutional. Rule XXII is about the precedence of motions. The relevant part is as follows:

> Is it the sense of the Senate that debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

This rule encapsulates an agreement between the majority and minority that an amendment to the Senate rules is so important that it requires a two-thirds vote—the same number of votes required to vote on treaties, overcome a Presidential veto, and impeach a President—to change the Standing Rules of the Senate. And beyond all the current maneuvers on the floor, the real goal of the Republican majority is to change the rules of the Senate.

In addition to the filibuster, the Senate has adopted other practices to protect minority rights, including unanimous consent rules, holding legislation or nominations in committee, and the blue-slip process. When some of these procedures, in addition to the filibuster, have been challenged, the courts have given deference to the Senate to make its own rules on how to deliberate.

Clearly, if the majority party is arguing that the filibuster is unconstitutional, then certainly all other methods of blocking a nomination, including never holding a hearing or vote in committee, would be as well.

I daresay the same individuals arguing for the end of the filibuster because it is unconstitutional would not state that they acted unconstitutionally in blocking 60 of President Clinton's judicial nominees.

In fact, the Constitution is notably silent on what advice and consent means on a Presidential nomination. The majority are interpreting this to mean that each nominee deserves a vote, but the Constitution is actually silent on this issue. It is left to the Senate to determine what advice and consent really means.

I think we are well served by the current rule and 200 years of checks and balances, and we should not give up our right to debate without realizing the serious consequences this will have on our institution, not just today but for decades, in fact, the history of this country going forward. Finally, let me talk briefly about the claim that unlimited debate or the filibuster has never been used against a judicial nominee. That is simply untrue. The first recorded instance occurred in 1881 when Republicans were unable to end the filibuster of Stanley Matthews to the Supreme Court. There were nine other occasions in the 19th century when the Senate held no floor votes on Supreme Court nominations. More recently, the nomination of Associate Justice Abe Fortas to be Chief Justice of the Supreme Court and Homer Thornberry to be an Associate Justice failed when they were filibustered on the Senate floor by Republican Senator Robert Griffen and others.

Our predecessors also believed that certain judicial nominations were too problematic to be approved. If we are focused on improving the judicial nomination process right now, there is much we can do together to make it work better. This should be the issue before us today, not taking away the voice of the minority in one of the most important decisions we are asked to make as Senators, protecting the independence of the judiciary.

I also think we should be talking about real crises on the Senate floor, such as a $422 billion deficit, a historic trade deficit, the devastating budget the majority will be presenting to us this afternoon, and the need to stabilize a country in the Middle East that we have been engaged in for more than two years and has cost us American lives and billions of dollars. I urge the majority to reconsider this ill-advised abuse of power and work with us to forge some solutions to these real crises and to maintain the balance and integrity of our democratic institutions.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 581 TO AMENDMENT NO. 567

Mr. SALAZAR. Mr. President, I have an amendment at the desk, amendment No. 581, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 581.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To modify the percentage of apportioned funds that may be used to address needs relating to off-system bridges)
>
> In section 144(f)(2)(A) of title 23, United States Code (as amended by section 1807(a)(4)), strike "15 percent" and insert "20 nor more than 35 percent".

Mr. SALAZAR. Mr. President, before discussing my amendment, allow me to commend the work of Senator JEFFORDS and Senator INHOFE and their staffs for their work on this very important bill for the people of America. It is good work, and it is about the people's business. This is a vitally important bill on a vitally important topic. Without their efforts, we would not be where we are today. I look forward to the day when we can have a transportation bill passed that we can send to the President for his signature, hopefully very soon.

I also wish to say that I am glad we are taking this bill up at this time because the last Congress was not able to get it through. We are hopeful this time around that we will be able to succeed. This is an issue which I believe is at the top of the concerns of people throughout the country. In my travels throughout the State of Colorado, county commissioners, mayors, and local people tell me time and time again that moving forward with the reauthorization of the Transportation Act is something we should do and we should do as soon as possible.

The amendment that I have proposed addresses a problem that faces many of our States across our country, particularly those States that have many miles of rural roads and bridges. Ensuring that rural areas receive adequate funding to fix the increasing number of structurally deficient bridges in rural America is a priority. I know it is a challenge in Oklahoma, and I know it is a challenge in Vermont.

In my State of Colorado, 17 percent of our bridges are in disrepair, and many of those bridges are in parts of rural Colorado. Currently, the Federal Bridge Program apportions funds to States for the replacement and fixing of bridges, and for over 25 years the program has directed a minimum of 15 percent of those Federal funds to be used on bridges on those State and local roads that do not receive any Federal aid. We call these bridges off-system bridges.

We need to increase the percentage from 15 percent to 20 percent. It is imperative when addressing the needs of transportation infrastructure in Colorado and across America that we ensure there is adequate funding to address the needs of rural America. Let us make clear the scope of this problem. In this country, there are 307,000 on-system bridges; 23 percent of those bridges are structurally deficient or functionally obsolete—23 percent of those bridges are in bad shape.

There are 286,000 off-system bridges. Of those 286,000 off-system bridges, 30 percent are deficient and in need of repair. And consider this, across this great country of America, over 80 percent of bridges are found on non-Federal-aid highways. We must ensure that these bridges in rural communities have the kind of repair to ensure the safety and quality of life for the residents of those communities.

The House version of this Transportation bill has increased the level of funding out of this fund to 20 percent. I agree with the House of Representatives, and I believe along with the National League of Cities, the National

Association of Counties, the American Public Works Association, and the National Association of County Engineers that we should do the same thing, and my amendment will do that.

Our roads, our bridges, our transit system, our rail lines, and our ports need assistance to ensure that our Nation has a first-class infrastructure needed to reinvigorate our economy and to make our country strong and competitive.

Senator INHOFE, Senator JEFFORDS, and their staffs have worked to ensure that we have a comprehensive bill that addresses these needs. This small fix improves this bill, and I hope my colleagues will join me in ensuring it passes the Senate and gets to the President.

I will take just a second to address an amendment that we will be voting on shortly, and that is the amendment offered by my colleague from Missouri, which would essentially take away the 2 percent that has been allocated in the portion of these funds to deal with the problem of storm water discharge. That is an issue which is a reality that faces communities across our country.

We have 5,000 communities that will be affected if, in fact, that 2-percent allocation is stripped from this particular legislation. It is important for us to make sure that we are protecting the environment, but it is also important for us to make sure we are supporting the local and State governments that will benefit from the money that is currently included in our version of the bill. Therefore, I urge my colleagues to vote against the amendment that has been offered by our good friend from Missouri.

Keeping this provision that we are talking about in this bill is important to the U.S. Conference of Mayors, the Association of State and Interstate Water Pollution Control Administrators, the Association of Metropolitan Water Agencies, the Association of State Floodplain Managers, the Association of Metropolitan Sewerage Agencies, and others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am happy to work with the Senator from Colorado on the needs of his particular State. This measure before us would enable his State to spend more on bridges if that is the need but to require States to spend 5 percent more where in our State for various reasons we only spend a minimum of 15 percent, and other States may be in our same situation. I am very much concerned about a mandate because we have bad bridges, but we kill people on our highways. We kill people on our highways because we have two-lane highways that are carrying heavy truck traffic and passenger traffic that warrant four lanes. Rebuilding bridges is not going to solve that problem. So for our State, this would be a real problem.

As chairman of the subcommittee, I would be happy to work with the Senator to see if we can reach an accommodation, but I am very much concerned about what I think the gist of his amendment is.

I believe the Senator from South Carolina has a brief statement. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEMINT are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see my distinguished colleague from Colorado. I believe I was to follow him. Is that the order? I do want to adhere to the order.

The PRESIDING OFFICER. There is no order in effect.

Mr. WARNER. I want to address the amendment of the distinguished Senator from Missouri, Mr. BOND, which is one of several pending amendments. If the Chair so desires, could we ask our colleague from Colorado, is this a matter related to the bill? We need some orientation so that I can accommodate the Senator from Colorado or he can accommodate me, as the case may be.

Mr. SALAZAR. If the distinguished Senator from Virginia would give me 30 seconds, I will make my point.

Mr. WARNER. The Senator is ever so generous. Let's give him a full minute.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. I thank the distinguished Senator from Virginia.

I say this to my distinguished friend from Missouri: I believe the needs of rural America, especially with respect to transportation, are important. I believe having legislation here that would change the percentage allocation by 5 percent, so we could have the rural bridges of our country have more resources to be able to get the job done, is something that is very important. I accept his offer to work with him, and look forward to seeing how we can address the needs of rural America with respect to the rural bridges we have across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to address the underlying bill which, in markup in the committee on which I am privileged to serve, was a markup of 17 yeas and 1 nay.

I rise in opposition to the Bond amendment. I hasten to point out this body has already disapproved the Bond amendment when they approved the earlier highway bill. This body has acted and approved the current mark that is in the underlying bill, which my good friend from Missouri seeks to strike.

What is this all about? In its simplest form, it is the mayors and the county supervisors and those officials in the State entrusted with the supervision of the construction, modernization, improvements, and renovation of our road system, usually the assistant secretary for transportation or whatever it is designated in the State—it is a whole realm of State officials on one side. I will call it by one name, the mayors. It is the mayors versus my good friend from Missouri, Mr. BOND. The mayors desperately want to keep intact the bill as written by the committee and keep this provision which helps these individuals deal with a mandate from the Congress of the United States under the Clean Water Act, which says you must, in new construction, and as they rehabilitate the existing road system, deal with storm water runoff. That runoff contributes up to 50 percent of the total storm water which is daily worsening our drinking water. That is a quick synopsis.

Now I would like to go into a somewhat more lengthy dissertation. I express my strongest opposition. I should say I urge colleagues to affirm the markup of the committee. Leave the bill as it is. But to do so, we have to oppose the Bond pending amendment.

The program is urgently needed to fund local governments, the mayors and the supervisors, to reduce the runoff of polluted water. As I say, this was already approved by the Senate when they approved the first highway bill. There is no change of the language in the amendment I put in and incorporated in the markup of the bill. It was included and passed by the Senate last year.

The bill in its present form—and this provision, the Warner amendment, is in the bill—will for the first time begin to address the unfunded mandates affecting our local communities. It helps the mayors and the boards of supervisors and others deal with the unfunded mandate placed upon them with regard to the storm water runoff. I regret that my colleague opposes helping our localities with such serious financial burdens as now imposed on them by the Clean Water Act.

The rest of the story is that the Clean Water Act requires all of our communities to obtain permits for their storm water discharge. Along with this requirement comes the mandate that local governments are to fund projects that will control storm water runoff. These can be very expensive projects. Again, our existing highways are up to 50 percent the contributors to the problem associated with storm water runoff affecting our drinking water and other clean water uses.

Look at this debate we are having now as one regarding public health. What is more important to us than our clean drinking water? It is a matter of public health. Local governments that finance and manage our public drinking water systems tell me and they tell you, every one of you, it is becoming more and more difficult and more expensive to filter and treat our drinking water to remove the pollutants, many of which derive from storm water runoff, particularly from our roads. Stop to think of the contamination that exists on the roads that accumulates over the use of the road. Along comes one of our greatest gifts, a rain shower, and it takes those pollutants and runs them off and they find their way into our drinking water.

Many organizations that are on the front lines dealing with the problem strongly support this very modest provision to begin to address pollution for the existing highway structures. I point out that we have already acted in this body in previous legislation to say all new construction will have set aside by the States as required the funds necessary to deal with the storm water runoff from new construction. This measure very modestly is to take care of the existing road structures—when they need to be repaired at times, when they need to be upgraded.

I will bet I could go to dozens of places in my State, and each of you could go to places in your State, where you have new construction going on over here and it is funded to handle the storm water runoff, and not a mile distant is one of the old roads which doesn't have the precautions, and the runoff from both feeds the same stream which then goes into our water supplies. So unless you correct the old system, what is the sense of trying to correct the new system, in many instances? Stop to think about that. We have already exercised our wisdom to make sure the new construction is adequately financed and this is but a modest provision to finance the existing system.

It is a small provision. It is $170 million a year—$170 million a year out of a $284 billion bill. It will help more than 5,000 local communities in each of our States. Most importantly, our States themselves want this program. The Association of State and Interstate Water Pollution Control Administrators, our State officials responsible for improving the water quality of our rivers and lakes and streams, has written to each of us urging that the Senate retain the markup which was approved—again, 17 to 1 in the committee.

I refer my colleagues to a portion of the letter from the State and Interstate Water Pollution Administrators:

> Communities throughout the Nation, including numerous smaller towns and counties, are required under the Clean Water Act to obtain discharge permits for storm water. Even those communities which have long understood the value of protecting their drinking sources and recreational sources from storm water impacts are hard-pressed to absorb the costs of discharges from the highways. This presents an unfair burden to these small communities, and we believe it is fair for the transportation funding system to help remedy this problem where existing highways and other roads cause significant runoff problems.

Storm water runoff is an $8 billion national problem. Yet there is no financial assistance to help our localities with the existing road structure. The storm water program in this bill takes the first step. I am very proud, indeed humbled, to represent these small communities. I urge my colleagues to let this bill remain as is.

The Association of Metropolitan Sewerage Agencies, representing our municipally owned sewage treatment plants, has joined in this debate.

I ask unanimous consent that several letters I have from the various State organizations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. This organization likewise has written in strong support of the committee's storm water provision. They also cite the undisputed fact that polluted storm water from impervious surfaces such as roads is a leading reason why nearly 40 percent of our Nation's waters fail meeting our Nation's water quality standards.

Similar letters of strong support have come from the U.S. Conference of Mayors which emphasize "absent some . . . [other Federal funding] storm water pollution cleanup costs, including loadings attributable to the Federal highway system will be borne largely by local taxpayers through property taxes and other general taxes and wastewater utility fees."

Hear this: These are your mayors reaching out to you for help.

I could go on. I have a great many letters. I am pleased to say our distinguished Governor of Virginia, Mark Warner, states:

> A program such as this could help improve water quality in the Chesapeake Bay, and other watersheds in the Commonwealth.

The Virginia Association of Counties has strongly endorsed this program with the view that these provisions, reserving less than one-third of a penny of every highway dollar, are a very modest commitment to an enormous challenge before local governments struggling with contamination of drinking water from highway/street storm water discharge. The support for the committee's provision is strong because everyone recognizes that storm water runoff from highways is a known impediment to good water quality.

Accordingly, from the Environmental Public Agency, storm water runoff is the leading cause of pollution for nearly half of our rivers, lakes, and streams.

Roads collect pollutants from tailpipe emissions, brake lines, oil, and other sources. During storms, they mix with other contaminants of heavy metals and road salts that wash into our waters, and eventually, regrettably, work their way, in many instances, into our drinking water.

Today, every new highway must include methods to control this runoff. We have already spoken to this issue, spoken to this need, and funded in connection with new construction. I am talking about a very modest amount, one-third penny, to help these existing road systems.

We are here to help our local communities. The mayors have reached out. The chairman of the Board of Supervisors has reached out. Those folks that come to our offices and visit, we slap them on the back, and they leave that office thinking they are going to get help. This is the kind of help they need. It is not much, one-third of one penny of every highway dollar.

The demands of those who are in opposition to this—namely, the road builders, and I am not speaking disrespectfully—have powerful lobbies, unlimited requirements. This is one-third of one penny for the mayors.

EXHIBIT 1

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC., April 25, 2005.

Hon. JAMES M. INHOFE,
Chair, Environment & Public Works,
U.S. Senate, Washington, DC.
Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Environment & Public Works Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE and RANKING MINORITY MEMBER JEFFORDS: On behalf of The United States Conference of Mayors and the hundreds of cities we represent, I write to convey our strong support for the stormwater provisions of your Committee-approved SAFETEA plan to renew the nation's surface transportation programs.

These provisions, reserving less than 1/3 of a penny on every authorized dollar, is a very modest commitment to an enormous challenge before local governments struggling with contamination of drinking water and cleanup of streams, rivers, lakes and ponds and highway and street stormwater discharge, including oil, grease, lead and mercury. Moreover, we have been assured that these provisions limit funding to actual facilities on the federal aid system, which is a critical factor underlying our support of this program. This is important to the nation's cities since it ensures that users of these systems contribute something to the broader efforts under the Clean Water Act to reduce pollutants from the nation's major highways and roads.

Absent some commitment to retrofitting existing facilities on the federal aid system during this renewal period, stormwater pollution cleanup costs, including loadings attributable to the federal aid system will be borne largely by local taxpayers through property taxes, other general taxes and wastewater utility user fees.

Finally, we disagree with the claim that this is a diversion of funds from highway construction and highway capacity needs. It is the belief of the nation's mayors that improved performance, whether it is pavement quality, the deployment of technology, or its stormwater quality features, are priorities for the nation as we work with you to provide a modern and fully functional transportation system for our citizens and their communities and regions.

America's mayors thank you for making these provisions part of your SAFETEA legislation and urge you to preserve this important commitment to stormwater pollution abatement efforts during your conference committee deliberations with the House. If you have any questions, please contact our Assistant Executive Director for Transportation Policy Ron Thaniel.

Sincerely,

TOM COCHRAN,
Executive Director.

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS,
Washington, DC, April 22, 2005.

DEAR SENATOR: On behalf of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), I urge your support for the Highway Stormwater Discharge Mitigation Program, Section 1620 of the Senate SAFETEA bill, S. 1072, in the 108th Congress. This new and modest program is designed to address stormwater runoff from the nation's existing transportation system. Stormwater runoff is a significant source of water pollution affecting large and small communities, as well as fish, wildlife and the natural environment.

Stormwater pollution results from paving over naturally porous ground, resulting in impervious surfaces that collect pollutants and increase overland stormwater volume and velocity. Stormwater becomes a direct conduit for pollution into the nation's rivers, lakes, and coastal waters. Studies have shown that roads contribute a large number of pollutants to urban runoff—metals, used motor oil, grease, coolants and antifreeze, spilled gasoline, nutrients from vehicle exhaust, and sediment. For example, the stormwater discharge from one square mile of roads and parking lots can contribute about 20,000 gallons of residual oil per year into the nation's drinking water supplies. Highways can increase the annual volume of stormwater discharges by up to 16 times the pre-development rate and reduce groundwater recharge.

Communities throughout the nation, including many smaller towns and counties, are required under the Clean Water Act to obtain discharge (NPDES) permits for their stormwater. Those communities, which have long understood the value of protecting their drinking water sources and recreational waters from stormwater impacts, are hard-pressed to absorb the costs of discharges from highways in addition to their other stormwater management responsibilities. This presents an unfair burden to these communities and we believe it is fair for the transportation funding system to help remedy this problem where existing highways and other roads cause significant runoff problems.

We urge you to continue to demonstrate your leadership in protecting America's waters by supporting the stormwater mitigation provision in SAFETEA. We appreciate your willingness to consider the views of the State and Interstate Water Pollution Program officials responsible for the protection and enhancement of the nation's water quality resources.

Sincerely,

ARTHUR G. BAGGETT, Jr.
President.

ASSOCIATION OF METROPOLITAN WATER AGENCIES,
Washington, DC, April 22, 2005.

DEAR SENATOR: On behalf of the nation's largest publicly owned drinking water systems, I write today to express support for section 1620 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, (S. 732), which would provide $870 million over five years for stormwater mitigation projects.

This language makes progress toward addressing the billions of dollars in costs that state and local governments will incur to control stormwater generated by our nation's highways.

Stormwater runoff has a significant effect on thousands of miles of the nation's rivers and streams. The bill acknowledges this impact and assists states and local communities in addressing this growing water quality problem.

Thank you for your consideration.

Sincerely,

DIANE VANDE HEI,
Executive Director.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
April 22, 2005.

Re Support for S. 732 and the Highway Stormwater Discharge Mitigation Program.

Hon. JAMES M. INHOFE,
Chair, Environment and Public Works Committee, U.S. Senate, Washington, DC.
Hon. JAMES M. JEFFORDS,
Ranking Member, Environmental and Public Works Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE AND SENATOR JEFFORDS: We are writing to express our strong support for the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005 (SAFETEA) (S. 732) *as passed* March 16 by the Senate Environment and Public Works Committee. The Committee's bill includes a provision to authorize $867.6 million over five years for stormwater mitigation projects, using just 2% of the Surface Transportation Program funds. Such projects include stormwater retrofits, the recharge of groundwater, natural filters, stream restoration, minimization of stream bank erosion, innovative technologies, and others.

According to the U.S. Environmental Protection Agency, polluted stormwater from impervious surfaces such as roads is a leading cause of impairment for nearly 40% of U.S. waterways not meeting water quality standards. Roadways produce some of the highest concentrations of pollutants such as phosphorus, suspended solids, bacteria, and heavy metals.

AMSA represents hundreds of publicly owned treatment works, many of which have municipal stormwater management responsibilities. Your continued support for S. 732, including the Highway Stormwater Discharge Mitigation Program, would provide much-needed support to these communities. Thank you for your leadership and please feel free to contact me at 202/833-4653 if AMSA can provide you with additional information.

Sincerely,

KEN KIRK,
Executive Director.

TROUT UNLIMITED,
March 15, 2005.

Re Support of Highway Stormwater Discharge Mitigation Funding in the Transportation Bill.

Hon. JIM INHOFE,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE: Trout Unlimited, the nation's leading trout and salmon conservation organization, urges you to support funding to mitigate stormwater runoff in this year's transportation bill. A similar provision, Section 1620, the Highway Stormwater Discharge Mitigation Program, was included in last year's Senate transportation bill, S. 1072.

Stormwater runoff is a significant source of pollution for all the nation's waters, and is a major cause of trout and salmon habitat loss. Roads are a major source of stormwater runoff. Road building in the United States has created millions of miles of impervious surfaces that collect water and pollutants. When mixed with rain and melting snow, these pollutants flow unimpeded into nearby streams, undermining water quality and warming water temperatures to the point where trout habitat is damaged. Furthermore, excessive and poorly designed road building through watersheds can turn normal rainstorms into small flash floods that scour stream bottoms and de-stabilize stream banks, leading to poorer quality streams over time.

Congress has recognized that runoff pollution from highways lowers water quality and destroys habitat in receiving waters in previous highway bills (ISTEA and TEA–21), but has not yet succeeded in getting adequate funding directed at curbing this pollution. In 2000, EPA estimated at least $8.3 billion over 20 years in local funding needs to address stormwater requirements. The time to take action is now as you consider the new Highway Bill.

In addition to providing much-needed funding, the bill encourages projects with the least impact on streams and promotes the use of non-structural techniques, such as created wetlands, to mitigate the negative impacts of storm water. These approaches are generally more cost-effective and do more to protect and improve water quality and protect habitat.

Thank you for your support of this important provision in this year's transportation bill.

Sincerely yours,

STEVE MOYER,
Vice President, Government Affairs and Volunteer Operations.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
April 19, 2004.

The Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: As always, the Commonwealth deeply appreciates your efforts to improve our environment as well as our transportation system. I am writing to provide my strong support for your amendment to the Senate Surface Transportation Reauthorization Bill that provides for a highway stormwater discharge mitigation program.

A program such as this could help to improve water quality in the Chesapeake Bay, and other watersheds in the Commonwealth. Virginia is prepared to work with you and other states to ensure that these funds can be flexibly managed by VDOT to achieve our shared goal of improving stormwater discharge from existing or future federal-aid highways.

I appreciate your continuing support of the many and varied interests across the Commonwealth. I look forward to furthering these interests through the reauthorization of the Surface Transportation Act.

Sincerely,

MARK R. WARNER.

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX,
Fairfax, Virginia, April 27, 2005.

Senator JOHN W. WARNER,
Washington, DC.

DEAR SENATOR WARNER: I am writing to you in my capacity as the President of the Virginia Association of Counties (VACO) to urge your continued support for the stormwater provisions of your Committee-approved SAFETEA plan to renew the nation's surface transportation programs.

These provisions, reserving less than 1/3 of a penny on every authorized dollar, are a very modest commitment to an enormous challenge before local governments struggling with contamination of drinking water and cleanup of streams, rivers, lakes and ponds from highway and street stormwater discharge, including oil, grease, lead and mercury. Moreover, I have received assurances that these provisions limit funding to actual facilities on the federal aid system, which is a critical factor underlying my support of this program. This is important to the local governments since it ensures that users of these systems contribute something to the broader efforts under the Clean Water Act to reduce pollutants from the nation's major highways and roads.

Absent some commitment to retrofitting existing facilities on the federal aid system during this renewal period, stormwater pollution cleanup costs, including loadings attributable to the federal aid system, will be borne largely by local taxpayers through property taxes, other general taxes and wastewater utility user fees.

As Fairfax County and other localities within the Chesapeake Bay watershed work to limit stormwater runoff and improve the Bay's health, I ask that you and your colleagues show your support for this critical component of SAFETEA. It is vital that environmental mitigation efforts are regarded as an integral feature of a safe and efficient national transportation network.

I appreciate your making these provisions part of your SAFETEA legislation and urge you to preserve this important commitment to stormwater pollution abatement efforts during your conference committee deliberations with the House.

Sincerely,

GERRY CONNOLLY.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, obviously, my good friend, the Senator from Virginia, and I view this very differently. I will outline some of the differences we have.

Let me clarify. The Senator from Virginia noted that the bill passed last year in the Senate with the storm water provision included. I ask my colleagues to recall that we did so only with the agreement that I would not raise it in the Senate in order to get it to conference, and we would address it in conference. I did so out of deference to my colleagues to get the bill off the floor and to conference in what turned out to be the vain hope we could get a conference agreement on the bill which we badly needed last year.

I did not want to hold up progress on the bill last year. We did not have time to debate it fully. But this year, we have time to debate it fully. It is appropriate we do so.

First, let me address the concept that this is a modest amendment, a small amendment.

Back home, $900 million is not a small amount. I live in a State where $900 million means a whole lot. Do you know to whom it means a lot? It means a lot to the mayors. The mayors want safety for their citizens. These are community leaders who come to Washington to talk to me about how badly they need the money for their roads.

I don't think $900 million is small. I don't think we should take $900 million from the highway, bridge, transit construction budget.

But if Senators think their State has more than enough highway dollars and can afford to give money away for storm water, I would be glad to know that as we move forward on appropriations matters and other matters dealing with transportation.

With respect to what this underlying bill will do, section 1620, which was sponsored by the Senator from Virginia, mandates States set aside 2 percent of the funds in their main highway accounts—nearly $900 million total over the life of the bill—to be used only, regardless of need, on storm water mitigation activities.

If allowed to remain in the bill, the mandatory set-aside would force all States to divert $740 million from their Surface Transportation Program funds. The mandatory set-aside would also force States to divert over $125 million from the Equity Bonus Program set up to help almost every State receive more transportation. That is where I get the $900 million figure.

However, if this figure is struck, if the State of Virginia or any other State wants to use it, storm water mitigation activities are already eligible for funding. States can spend up to 20 percent of a project's cost using STP funds on storm water mitigation if they choose. The underlying bill also expanded funding eligibility for storm water mitigation by adding it to the eligible activities. The National Highway System program states they will be able to spend up to 20 percent of a project's costs using NHS on storm water mitigation if they choose.

I have already listed what the impact of the mandatory set-aside would be. The occupant of the chair is from Minnesota. That would be a $17.7 million hit on Minnesota. In addition, the State of Virginia would have to set aside $23 million. But I guess they would want to use that money on storm water anyhow.

Mr. WARNER. Will the Senator yield?

If the Senator is reading from the same statistics, give the full information.

The Senator said to our distinguished Presiding officer of Minnesota that indeed $17 million would be taken out of the asphalt and concrete. But I point to the next column: Your State holds $471 million under the mandate by the EPA for clean water. I have calculated that $17 million is helping, in a very modest way, the obligation of your State for $471 million to meet the mandate put on by the Senate and House of Representatives.

I know, as a former Governor, how you——

Mr. BOND. I would like to respond and finish my presentation. Then we can get into a discussion.

Mr. WARNER. I have always admired the Senator for so many reasons. I really regret to be out here so forcefully taking him on with his arm in a sling.

Mr. BOND. You have no conscience.

Mr. WARNER. No conscience.

I ask you—you are out here accusing me of putting in a mandate—how many mandates in this bill are you the author of?

For instance, Safe Walks to Schools—hurray. I am all for it. Very good one.

Mr. BOND. I didn't support that.

Mr. WARNER. I beg your pardon?

Mr. BOND. I didn't vote for that. I will address that at some point.

Mr. WARNER. Do you have a question to put to me?

Mr. BOND. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. WARNER. But I will get it back.

Mr. BOND. All good things come to an end. I appreciate the comments. I was going to address the need for clean water, but my good friend from Virginia is saying we need to make this into a water bill. He said we need to fund local water projects for Governors.

I thought this was a transportation bill. I have already pointed out that the States can use up to 20 percent of STP in the national highway funds on storm water mitigation. But there are lots of unfunded mandates that this body has put, in the past, on our local governments to clean up local water.

Do you know something. For the last dozen years, I have fought as chairman of the VA–HUD Appropriations subcommittee, with my colleague and very good friend, Senator MIKULSKI of Maryland, to provide the funds we need to try to help States and local governments meet their obligations.

There is something called the State revolving funds, and every year the Office of Management and Budget—it does not matter whether it is a Republican or Democrat—cuts it. Those are the most important funds we can provide. We put in over $2 billion each year. It gets cut. We put it back in the next year to go into the State revolving funds. Senator MIKULSKI and I have funded hundreds and hundreds of millions of dollars of water cleanup projects in various States—including Virginia, I am proud to say, a State of which I am very fond—and helping them deal with their clean water needs.

This is a transportation bill. I hear a lot from mayors and local government officials. They need transportation. There are waters needs, yes, but these water needs are about $200 billion—$200 to $250 billion—and unfunded. We could take the entire transportation budget, dump it into water, and still not meet the needs.

He has talked about how important safe drinking water is for health. And I agree. Really, it is one of the best environmental investments we could make. But when you are talking about public health, let's talk about the slaughter on the highways. The whole purpose of this bill is called SAFETEA. The administration says, and I believe, we need to make our highways safer. We kill three people a day or more on Missouri highways. Over 365 of those people die every year because our highways are inadequate. We have narrow two-lane roads that really should be divided four-lane highways, and people get killed on them. Jobs do not come to town when we do not have adequate roads. We contribute to pollution when we tie up traffic on these roads. We need to put these dollars to work.

As I said, the good Senator from Virginia mentioned the mayors support it. Well, my mayors support money for highways and bridges and transportation. But I can tell you, the States strongly support my amendment. They do not want their hands tied by a new Federal mandate. We have too many mandates in this bill, and I would be willing to take a look at some of the others.

But the State departments of transportation want and need the flexibility to spend their own highway dollars. That is why the organization of State highway directors, AASHTO, said: "We need your immediate help." They absolutely want the help of every person in this body to support the Bond amendment to strike section 1620. They say:

> Section 1620 mandates that States set-aside 2%. . . . This will divert $867 million from a core program that provides funding for highway, bridge and transit construction, rehabilitation and repair. If this provision is removed, any State can continue to spend up to 20% of a project's cost on storm water activities—but at the discretion of the State.

So here we are asking this body to be, again, a "daddy knows best." We are going to tell States they have to spend $900 million—which is not much in "Washington speak," but it is an awful lot in my "home State speak"—for storm waters.

I have already submitted the letters of support. Let me give you some more of the organizations, in addition to AASHTO: the United Brotherhood of Carpenters and Joiners of America, Laborers-International Union of North America, the International Union of Operating Engineers, the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, the American Society of Civil Engineers, the American Council of Engineering Companies—and the list goes on. These people understand how badly we need these highway dollars. Anybody who thinks the $284 billion that we were able to get to bring this bill to the floor is adequate has not gone home and listened to the people.

Mr. INHOFE. Will the Senator yield?

Mr. BOND. I am happy to yield.

Mr. INHOFE. This has been a very good debate and lively debate, and you both adequately confused me. I think that we should maybe draw this to an end. In a moment I would like to make a unanimous consent request that would limit the debate on the amendment. I have been checking with you individually. So I ask I be recognized at the conclusion of the Senator's remarks and any remarks the Senator from Virginia may have for that request.

Mr. WARNER. Mr. President, I certainly have no objection. How might we best accommodate the managers of the bill? A few more minutes on my side, a few more minutes I presume from my colleague, and we would be—

Mr. INHOFE. I was going to propound a UC that you have 3 additional minutes, the Senator from Missouri has 3 additional minutes, and Senator JEFFORDS 2 additional minutes, if that is all right.

Mr. BOND. Do you want 2?

Mr. INHOFE. No, I don't want 2. I already had my 2.

Mr. BOND. Go ahead, please.

Mr. INHOFE. Thank you. So if there is no objection—

Mr. WARNER. Reserving the right to object. I wonder if you would ask that I be recognized at the conclusion of the debate for purposes of making a tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Let me go ahead and put this in order, then.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that there be 8 minutes remaining for debate prior to a vote in relation to the Bond amendment No. 592, with Senator WARNER in control of 3 minutes, Senator BOND in control of 3 minutes, Senator JEFFORDS in control of 2 minutes, and that Senator WARNER would be recognized to make a tabling motion; provided further, that following that debate, the Senate proceed to a vote in relation to the amendment, with no amendment in order to the amendment prior to the vote—

Mr. WARNER. Mr. President, the purpose of my recognition is to move to table. Is that clearly understood?

Mr. BOND. Yes.

Mr. INHOFE. Yes, it is clearly understood. Let me finish here.

Further, that following that vote, the Senate proceed to executive session for the consideration en bloc of Calendar No. 67, Calendar No. 68; further, that there then be 30 minutes equally divided between the chairman and ranking member or their designees; provided further, that following that debate the Senate return to legislative session and the votes occur on the confirmation of the two nominations at a time determined by the majority leader, after consultation with the Democrat leader, and that following those votes the President be notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Objection was heard to unanimous consent request.

Is there objection?

Mr. WARNER. No. I withdraw any objection. I thank the Presiding Officer. And I just might add by way of courtesy to the Senators, they can expect a rollcall vote within the next 10 minutes or so. Would that not be correct?

Mr. INHOFE. That would be correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. To conclude my opening comments, I would note that the administration, in its statement of policy, says: The inclusion of a mandatory 2-percent set-aside from the STP program to support a highway storm water mitigation program is opposed. Storm water discharge mitigation costs are already eligible under STP.

I very much appreciate the assistance of the chairman of the committee, Senator INHOFE, who supports my amendment and spoke eloquently earlier on it.

Mr. President, I reserve the remainder of my time and now turn the floor over to——

Mr. WARNER. Mr. President, will the Senator yield for a question?

You have just advised the Senate that the administration has taken a position. I wish to add, is that the current AP or the one that was given last year?

Mr. BOND. April 26, 2005.

Mr. WARNER. Fine.

Mr. BOND. You may find it at the top of page 2.

Mr. WARNER. I accept the proffer.

Mr. President, while the Senator is on his feet, I say to the Senator, you say that this mandate is going to take some money from the bill. I have added up a number of mandates that our committee has put into this bill which are funded out of highways. Two of them. I commend you for. One is the NHS connecters—that is connecting some of our local systems to the interstate—which are valid. That is $900 million. Safe roads and paths to schools—that is a mandate. I commend you for that. That is $312 million. And Railroad diversion of highway funds, $893 million. It goes on and on.

I have to tell you, I think this is a well-crafted bill. It has my support. The chairman knows that. But, please, do not point the finger to me as if I am the only one who put a mandate in to help the little fellows. They are in here, plenty of them.

Thank you for your smile. That is all I wish to say. You agree with me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Bond amendment.

This section provides much-needed assistance to our States and local communities to deal with the impacts of highway storm water discharges.

I urge my colleagues to continue their support for this vital program which the full Senate adopted in the 108th Congress.

My colleague from Missouri argues that this provision takes money away from State highway departments.

That is not the case.

This provision simply ensures that of the funds provided to State highway departments, an extremely small percentage, 2 percent, will be spent on storm water problems caused by Federal aid highways.

Who will benefit?

Local communities will benefit. That is why the U.S. Conference of Mayors is opposed to the Bond amendment.

Without the funds set aside by the storm water program in the highway bill, local communities will be left holding the bill for compliance with storm water regulations in areas where Federal aid highways contribute to storm water pollution.

Our Nation's wildlife will benefit.

One of this section's greatest supporters is Trout Unlimited.

They recognize that storm water runoff presents a huge risk to fish populations all across the Nation.

Other groups opposed to the Bond amendment include the League of Conservation Voters.

A vote against the Bond amendment is a vote for clean water.

A vote against the Bond amendment is a vote for local communities.

I urge my colleagues to oppose the Bond amendment.

I yield the remainder of my time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to point out that as Senators come down to vote, I will put this sheet down for their examination. It shows the current allocation of aggregate Surface Transportation Program funds to their respective States, followed by a column which indicates the amount of money that the current markup with the Warner provision in it takes for the storm water. And then in the right-hand column is what their States owe under the EPA mandate to clean up water.

You will find that I offset by just a small percentage the enormous obligation each Senator's State has with regard to the EPA-mandated cleanup of the water.

I thank the Chair and thank my colleagues for a very good debate. I hope we have fairly and adequately framed it for all Senators.

I move to table Bond amendment No. 592, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes remaining.

Mr. WARNER. I will withhold.

Mr. BOND. Mr. President, I thank my colleagues.

This particular mandate of the good Senator from Virginia is one that I don't like. He put in another mandate to increase funding for metropolitan planning organizations. If we could pass a Clear Skies bill, we wouldn't need to waste all that time on planning activities because we would clean up our air with a heavy restriction on utilities. That is a debate for another time. But just because there are too many mandates in this bill already does not justify keeping $900 million in State budgets out of transportation needs and putting it into storm water.

Don't forget, as we have said, the States now can spend up to 20 percent of their STP and the National Highway System money on storm water cleanups. Granted, there are tremendous needs for cleaning up the water, wastewater and drinking water. We need to address those. I wish we could address them more generously in the water cleanup bills. But this is taking money away from the lifeblood of transportation lifesaving highway construction that we need in our States.

Our mayors—in Missouri, the ones I have talked to—and community leaders are very strongly in favor of it. I guess the good Senator and I will have dueling charts showing how much money is set aside from the State budgets. We know the amounts set aside in the State budgets pale by comparison to the water needs, but the needs for highways go far beyond that in our States. I strongly urge my colleagues to oppose the motion to table because we need better, safer transportation to meet the goals of SAFETEA.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply wish to reply that the amendment that is in the bill provides jobs. The same construction worker who is on the project building the new road comes down and repairs the old road. It requires concrete and asphalt to repair the old road, to divert the water. So it is highway construction. It is jobs. There is no digression of the funds except to provide a safety measure.

Mr. BOND. Mr. President, all of the labor organizations, the State highway officials, all of the groups that provide those funds strongly support my amendment and would oppose the motion to table of the Senator from Virginia.

Mr. WARNER. Mr. President, those organizations have been misinformed.

I move to table the Bond amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—51

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Coleman
Corzine
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Stabenow
Warner
Wyden

NAYS—49

Allard
Allen
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

The motion was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 593

Mr. GREGG. Mr. President, I ask unanimous consent that Senators THOMAS and JOHNSON be added as cosponsors of Thune amendment No. 593.

I further ask unanimous consent that the yeas and nays previously ordered on the amendment be vitiated and that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 593) was agreed to.

AMENDMENT NO. 594 TO AMENDMENT NO. 567

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment at the desk submitted by Senator ISAKSON be considered; provided further that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. ISAKSON, proposes an amendment numbered 594 to amendment No. 567.

Mr. GREGG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 594) was agreed to as follows:

(Purpose: To require the Secretary of Transportation to approve a certain construction project in the State of Georgia, provide for the reservation of Federal funds for the project, and clarify that the project meets certain requirements)

At the end of subtitle H of title I, add the following:

SEC. 18 . APPROVAL AND FUNDING FOR CERTAIN CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transportation for project STP-189-1(15)CT 3 in Gwinnett County, Georgia, the Secretary shall—

(1) approve the project; and

(2) reserve such Federal funds available to the Secretary as are necessary for the project.

(b) CONFORMITY DETERMINATION.—

(1) IN GENERAL.—Approval, funding, and implementation of the project referred to in subsection (a) shall not be subject to the requirements of part 93 of title 40, Code of Federal Regulations (or successor regulations).

(2) REGIONAL EMISSIONS.—Notwithstanding paragraph (1), all subsequent regional emissions analysis required by section 93.118 or 93.119 of title 40, Code of Federal Regulations (or successor regulations), shall include the project.

EXECUTIVE SESSION

NOMINATION OF JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The clerk will report.

The assistant legislative clerk read the nominations of James C. Dever, III, of North Carolina to be United States District Judge for the Eastern District of North Carolina; and Robert J. Conrad, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we now taking up the nominations of Robert J. Conrad and James C. Dever to be U.S. district judges in North Carolina?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I am glad to hear that because I couldn't hear the clerk report it.

Mr. President, I am pleased to report that the Senate Judiciary Committee has recommended to the full Senate on reports filed that Robert J. Conrad, Jr., should become U.S. district court judge for the Western District of North Carolina. Mr. Conrad comes to this position with a very distinguished record. He is a former U.S. attorney for North Carolina. As assistant U.S. attorney, he made a name for himself in the prosecution of terrorism financing cases and campaign finance. Attorney General Ashcroft named Mr. Conrad to the Advisory Committee on Terrorism Financing, and Mr. Conrad testified before the Judiciary Committee on that subject. He was instrumental in prosecuting supporters of the Hezbollah terrorist cell in North Carolina in a very highly celebrated case.

Prior to his appointment as U.S. attorney, he served as an assistant U.S. attorney for 12 years. I can tell you, with some experience in that kind of position, you really learn a lot as assistant prosecuting attorney. Sometimes I am asked what is the best job I ever had, Senator or district attorney, and I say assistant district attorney. That is where there is a great deal of experience.

He has had bipartisan support from Democrats. The North Carolina attorney general, Roy Cooper, and former Attorney General Janet Reno praised him very highly.

I would now like to make a comment about the other nominee, James C. Dever, III, who has been recommended by the Judiciary Committee to be the U.S. district court judge for the Eastern District of North Carolina. Mr. Dever is a U.S. magistrate judge in the Eastern District. He comes to this position as a highly respected attorney, a magistrate judge, recommended to be promoted to the district court by the bipartisan Merit Selection Panel of district court judges of the Eastern District. He has a very distinguished academic record. He served in the Air Force for 4 years, from 1988 to 1992. He was a member of the Air Force General Counsel's Honors Program. He served with great distinction. He has been an adjunct professor at the Norman Adrian Wiggins School of Law at Campbell University since 1997. He clerked for Judge Clifford Wallace on the Court of Appeals for the Ninth Circuit. He is rated in the highest category among lawyers by Martindale-Hubbell. I recommend that my colleagues support both of these meritorious nominees, and I yield the floor.

Mr. LEAHY. Mr. President, these confirmations will be the 207th and 208th of 218 nominees brought before the full Senate for a vote to be confirmed. The Senate will have confirmed four more lifetime appointments to the Federal courts this year. With the year being almost one-third concluded, the Republican majority is gaining on the pace it set in 1999 when Senate Republicans allowed President Clinton to appoint only 17 district court judges and not a single nominee to the circuit courts that entire session.

These 208 judicial confirmations mean that even with the slow start this year because the President has refused to nominate consensus nominees, or anyone for 29 judicial vacancies, we are currently within 37 confirmations of the 6-year total achieved under the Senate Republican majority during the Clinton administration. That means if the Senate confirms another dozen judges this year and 30 next year, we will have equaled the total of which Senate Republicans were so proud during the Clinton years. The year I chaired the Judiciary Committee, the Senate confirmed 72 of President Bush's nominees. If the President and Senate Republicans would work with us rather than foment conflict and confrontation, we could easily surpass their record.

Of the 45 judicial vacancies that will remain after these confirmations, President Bush has not even sent nominees for 29 of those vacancies. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees. The Democratic leader and I sent the President a letter in this regard on April 5, but we have received no response. Indeed, to date the President has only sent the Senate one new judicial nominee all year.

Despite the efforts of the Senate Republicans to create a crisis, the truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The two district court nominees being confirmed today, Robert Conrad and James Dever, are nominees who have raised concerns. When they were first nominated their home-State Senator had serious questions about them. A home-State Senator's views on a Federal court nominee has a long history of importance in the Senate. The Constitution says we should give the President advice on judicial appointments, and the views of home-State Senators have been very important. Candidly, I wish the White House had heeded Senator Edwards' advice and reconsidered these nominations.

After reading some of Mr. Conrad's more inflammatory writings, I do not wonder at Senator Edwards' objections. In particular, I am concerned about what some of the things he has written say about his ability to be a fair judge, and to give all who come before him a fair hearing. Listen to what he wrote about Sister Helen Prejean, one of the bravest and most caring people I have ever met. He calls her book, "Dead Man Walking," "liberal drivel," and shows nothing but contempt for her compassionate work with condemned prisoners. The rhetoric he uses is heated, and his bias for the death penalty is clear. Will any defendant in a capital case who comes before a Judge Conrad feel that they will get a fair hearing from him? Will he feel that a Judge Conrad can put aside personal prejudices and preconceptions? I hope so.

Another example is the not-too-subtly titled article, "Planned Parenthood, A Radical, Pro-Abortion Fringe Group." Mr. Conrad's view of the well-respected family planning organization is that it is a "most radical legal advocate of unfettered abortion on demand," and argues they do nothing to reduce teen pregnancy. The Planned Parenthood organization that I know, both in Vermont and nationally, works hard to reduce crisis pregnancies and to preserve families' rights to plan their own futures. His statements make me wonder whether any person going before a Judge Conrad in a case involving reproductive rights, or indeed any issue related to personal privacy, will feel their arguments have been fairly heard. Will he be able to follow the law as written? Again, for the sake of future litigants and the independence of our judiciary, I hope so.

I have similar concerns about Judge Dever. I see why Senator Edwards wanted better consultation on these district court nominees. Judge Dever's only two Supreme Court briefs argued against State legislative redistricting action designed to comply with the Voting Rights Act of 1965. When I asked Judge Dever to give me some assurance that he would be impartial when called upon to hear a redistricting case, he could only state that he believed he would be fair.

Much of Judge Dever's experience is in the area of representing Republican clients. While employed at a law firm, he provided legal services to several Republican campaigns and has been listed on the Republican National Lawyers Association webpage as an affiliated lawyer. I would like to believe that Judge Dever was nominated based on his own merits, and that his personal relationships will not affect his ability to rule impartially if he is confirmed. I have concerns.

I take seriously the views and support of the current North Carolina Senators. I hope that their support of these nominees is justified and that these nominees will serve in accordance with their oath to treat all who come before them fairly.

Today, again, Senate Democrats are demonstrating their willingness to work with the President and Senate Republicans.

I regret that in spite of all of our actions, the Republican majority seems intent on forcing a confrontation and breaking the Senate Rules in order to change them. The majority leader has apparently cast his lot with those who would alter the role of the Senate as a check and a balance on the choices of a powerful President. The Federal judiciary should not become an extension of the executive or a wholly-owned subsidiary of his political party.

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become knows as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home-state Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms. As we proceed to confirm two more lifetime appointments to the Federal courts, I urge Senate Republicans to reconsider and not to head down the destructive path represented by the nuclear option.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield the remainder of time on this side to the Senators from North Carolina, Senator DOLE and Senator BURR, to be divided equally.

Mrs. DOLE. Mr. President, it is my privilege to support Jim Dever for a seat on the U.S. district court in Eastern North Carolina. This seat has been vacant for 6 years and is considered a judicial emergency by the Judicial Conference. In fact, a vote for Jim Dever will end the longest district court vacancy in the United States. Jim Dever, who is an outstanding editor in chief of the Duke University law Journal, lives in Raleigh and currently serves as U.S. magistrate judge in the Eastern District of North Carolina.

Raleigh, the State's capital and the district's largest city, is without a resident district court judge. Elevating Jim to the district court will end this problem. Not one objection has been raised about Jim Dever's qualifications. He has broad bipartisan support. Robinson Everett, a Duke law professor and former Chief Judge of the Court of Appeals for the Armed Forces, describes Jim Dever as having "all the requisite qualities." "He will be a 'superb jurist.'"

I am also delighted to support Bob Conrad, nominated in April 2003, to be U.S. district judge for the Western District of North Carolina. Bob is sorely needed. As our courts confront the ramifications of the Supreme Court's recent decision on the Federal minimum sentence guidelines, it is reasonable to expect we will have even higher caseloads and need more judges to deal with them.

Bob Conrad is known for his prosecution of the cigarette smuggling ring funding the terrorist group Hezbollah, and in 1999, Bob Conrad was appointed by then-Attorney General Janet Reno to head the U.S. Justice Department's investigation into campaign fundraising abuses.

Bob is a graduate of Clemson and the University of Virginia Law School. He served as a Federal prosecutor in Charlotte, starting in 1989. From 2001 until 2004, he was the U.S. attorney for the Western District of North Carolina. Currently he is in private practice at one of the largest law firms in the world as a partner in its Charlotte office.

Both of these North Carolina nominees come with tremendous credentials, and it is my privilege to give them my strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina

Mr. BURR. Mr. President, I also rise in support of two fine and highly qualified individuals to be confirmed to the Federal bench, Robert Conrad to be a

U.S. District Court Judge for the Western District of North Carolina and James Dever to be U.S. District Court Judge for the Eastern District of North Carolina.

Bob Conrad was nominated by the President on April 28, 2003. Bob Conrad is now a partner at the law firm of Mayer, Brown, Rowe, and Maw in Charlotte, North Carolina. He has served as a U.S. Attorney for the Western District of North Carolina. He is a graduate of Clemson University and the University of Virginia Law School.

Bob Conrad possesses the qualities necessary to serve as a U.S. District Court Judge. He is fairminded, evenhanded, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. Bob is also a devoted husband to his wife Ann, and he is a loving father to his five children.

Today, we consider his nomination for the Western District Court judgeship for the great State of North Carolina. I believe Bob Conrad's integrity, compassion, and intelligence have earned him strong bipartisan support, and he will again serve ably as a representative of our country. I am pleased that almost 2 years since his nomination, Bob Conrad will be confirmed by the Senate.

President Bush has also nominated James Dever to be U.S. District Court Judge for the Eastern District of North Carolina on May 22, 2002. After almost 3 years, James Dever's nomination is now reaching the floor for a vote. He served as U.S. Magistrate Judge on the U.S. District Court for the Eastern District for North Carolina since 2004. Prior to that, the judge was a member of the Raleigh law firm of Maupin Taylor, and Judge Dever graduated with high honors from Notre Dame, where he attended on a 4-year ROTC scholarship. Judge Dever also graduated with high honors from Duke University Law School, where he was editor and chief of the Duke Law Journal. Judge Dever also served his country in the U.S. Air Force.

The Eastern District post to which Judge Dever has been nominated is the longest district court vacancy in the nation. In fact, it has been vacant since 1997. In 1999, the Administrative Office of the Courts declared the district as a judicial emergency, and it has been categorized that way for the last 6 years.

For some time, the State of North Carolina has felt the absence of U.S. District Court Judges. However, the Eastern District in particular, which comprises almost half of the counties in North Carolina and has over 3 million people, has arguably suffered the most.

James Dever will bring to this post the qualities and character that will continue to make North Carolinians proud of him. James Dever is highly regarded by his colleagues and he has a record of public service. He is a bright, accomplished individual with a proven record. His supportive family includes his loving wife Amy and their three children.

Today I urge my colleagues to vote in favor of these two esteemed attorneys. North Carolina, and the United States as a whole, will benefit substantially from the confirmation of these well-respected men to the Federal bench.

I yield back all time and call for the question.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nominations en bloc of James C. Dever, III, to be United States District Judge for the Eastern District of North Carolina, and of Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina.

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

PROVIDING FOR ADJOURNMENT

Mr. McCONNELL. I ask unanimous consent the Senate now proceed to the consideration of S. Con. Res. 29, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. Con. Res. 29

Resolved by the Senate (the House of Representatives concurring): That when the Senate recesses or adjourns at the close of business on Thursday, April 28, 2005, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 9, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate or his designee, after consultation with the Minority Leader, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I rise to discuss a matter of grave importance to our economy and national security. The issue is energy policy and what it will take to put us on a path toward energy diversification and away from our overdependence on foreign oil.

Tonight we will hear from the President about how he plans to lower gas prices. In the State of Washington we have seen a rise of almost 50 cents a gallon in 1 year. I look forward to hearing what the President has to say about lowering those gas prices. I do not believe his plan to drill in the Arctic National Wildlife Refuge will help make any difference in the prices in the near term.

I will address what is a broader energy debate this Senate is about to start. Energy is the lifeblood of our economy. It keeps our cars running, our companies competitive, our citizens safe, and our Nation secure. It is the future source of job growth for America.

The House has passed an energy bill and the Senate will start shortly on its own plan. We need to tell America where we are going on this important journey to set about an energy policy in America that we can be proud of.

We are at a critical juncture. The pain being felt at the gas pump by Americans is a wake-up call to all of us that we need to take action. Now is the moment our Nation must make a conscious choice to tackle the challenges ahead in a straightforward and serious manner, and get to the heart of what is a very enormous problem.

What our country needs is an energy policy that bets on American ingenuity and investment rather than gambling our future on the good will of the Saudi Royal Family or the OPEC cartel. There is no doubt in my mind, and history shows this, when this Nation devotes its tremendous resources and innovative spirit to confronting a threat such as that posed by the high cost of energy and overdependence on foreign supply, we can succeed. History has shown in our country, we have made significant shifts in investment when our national goals were set in the right direction.

Americans are familiar with the ambitious goals set by President John F. Kennedy when he challenged this Nation to put a man on the moon within a decade. But it was not just rhetoric. President Kennedy tripled the budget for the space program between 1961 and 1962. He also asked us to double the number of scientists and engineers working on the project over a 5-year period. President Kennedy recognized the importance of this investment and America won an international race to put a man on the moon.

A less recounted story, but nonetheless significant to our country's history, was the shift in gears this country made when we embarked on the Manhattan Project. In 1942, President

Franklin Roosevelt authorized $85 million for what would become the Manhattan Project. Within 2 years, our entire national budget for atomic research grew from $6.000 to $85 million. In the midst of World War II. the President had decided it was in our Nation's strategic interest to make this investment. Three years later, the Manhattan Project ushered in the nuclear age and the United States won the race to become a superpower. The Manhattan Project changed the course of history. That $2 billion investment also has influenced domestic and international policy ever since that time.

A little less dramatic but no less important for consumers and businesses across America, there is another example of how this country shifted gears and focused on investment and energy policy. In the 1970s we woke up to the fact that our country was defending, in support of, the only democracy in the Middle East. As a result, we ended up with an OPEC oil embargo. Our economy was stalled and we waited in long gas lines to fill up our tanks.

What did Congress do during that crisis? Among many things, we passed the Energy Policy and Conservation Act of 1975 which made our cars more efficient. In 1978, we passed the Public Utility Regulatory Policy Act which led to diversifying our source of electricity generation by lowering the barriers for new generation of cleaner and more efficient power.

In the mid-1970s. oil was used to generate electricity for homes and fuel for our economy; we got 20 percent of our Nation's electricity from oil. But because of our actions during the 1970s, being aggressive, today oil is only 2 percent of our electricity portfolio. During this time, consumers also began making choices to switch from home heating oil to other sources. In fact, since that time period, the number of homes that use home heating oil has dropped about 35 percent.

So we have seen in our history that we can take aggressive steps and shift our investments toward a new strategy. Certainly that is what we need to do now to get this country moving toward a more independent energy future. In other words, we showed the leadership that is lacking today in making the right investments.

We are in an international race because of the economics of oil and where our oil dependence is leading us. First, even if every last deposit geologically present in the United States was tapped, the fact remains that the United States sits on 3 percent of the world's oil reserves. Today, the United States imports about 60 percent of its oil supply. Dependence on oil means dependence on foreign sources of oil. It is a geological and economic fact of life: We cannot drill our way to energy independence.

Where are the prices today? According to DOE's Energy Information Administration. gas prices for this week have reached a national average of $2.24. As I said, in my home State, that is a little higher at $2.48. What we understand is that gas prices for the future are also going to be high if we stay this course. The gas prices that have hovered about $50 a barrel for this year are up from about $30 a barrel in 2004. I don't know if any of my colleagues remember the 1990s, when oil was $15 a barrel.

The real concern is, what is the economic outlook for oil prices in the future? The World Economic Outlook Report issued earlier this month by the International Monetary Fund will have all my colleagues' attention. That is because it is projected that oil could spike to $100 a barrel between now and 2030.

These prices are driven in part by a tripling of demand by China. As the Chinese and Indian economies grow. so will their dependence on petroleum. And rising incomes in China mean they will own more automobiles. According to that same report of the International Monetary Fund, China will be consuming 19 million barrels of oil a day in 2030, more than triple the amount it used last year, and almost as much as the United States uses today.

We know demand for oil is going to increase, and we know the cost is going to go up. In fact, a Wall Street firm, Goldman Sachs, predicted the price of oil could reach $105 a barrel in the next few years and that the energy markets could be in the early stages of a superspike period, where we could see prices fluctuate as we did in the 1970s, when at times they quadrupled. So this is a very important issue, something this body needs to address, not with a Band-Aid, but with a long-term solution that will put our country on the right track.

If we do not think this is impacting other parts of our economy, particularly on the trade front, the Department of Commerce recently, in its monthly report, said the U.S. trade deficit in February worsened to $61 billion, in part because of the surging oil prices. So it is impacting our economy all around. But so long as this Nation fails to make progress on an energy policy that acknowledges the reality of geology and the international marketplace, we are jeopardizing our economic future.

I cannot say I agree with the President's energy proposal and policy goals. But I know he has said he knows this becomes a "foreign tax on the American dream." I do agree with that. The American people want to see a different policy. They have not given the President high marks on his energy proposal.

In an AP poll taken last week, more than 50 percent of people said if gas prices stay as high as they are in the next several months, it will cause financial hardship for them. It is already causing financial hardship in many parts of my State. In fact, 57 percent of people in the same report said they have already cut back on other expenses to cope with rising gas prices.

Here is a telling figure: Sixty-two percent of the people say they disapprove of the handling of our nation's energy policy. I believe they mean they want to see a different approach. Mr. President, 87 percent of the American people say that conservation, fuel efficiency, and alternative energy sources are the best way to reduce America's overdependence on foreign oil. We need to listen to them and get an energy policy that reflects that reality.

The American people know it is time to get serious. They know some of the ideas we talk about here are the alternatives to our overdependence on oil—investment in wind power, wave power, solar power, and the ingenuity of American brainpower. Those ideas need to have their day in the Senate, where we can talk about the issues of alternative energy and modernizing our transmission grid.

Well, I can tell you this, we are going to have some challenging times agreeing to some of the proposals that are being passed over by the House of Representatives as they discuss an energy policy. Here in the Senate, I am encouraged that the chairman of the Senate Energy Committee, Senator DOMENICI, is actually reaching out to Members and trying to discuss the formation of what will be a productive energy debate and discussion, and a bipartisan effort that will merge these ideas about where we need to go for the future into a bill. So I appreciate the chairman's efforts, as he has discussed with Members of both the majority party and minority party some of the ideas the Senate should be considering in an energy strategy.

But if we are going to make dramatic progress, we need to make sure the President of the United States, who is endorsing the House proposal in his administrative statement of support, understands that proposal is a nonstarter. The American people want to see a real plan of diversification, insofar as they think the House proposal has fallen short. In fact, even the President's own economic advisers in the Energy Information Administration have concluded the House Republican energy plan will have a "negligible" impact on energy supply, energy prices, production, and imports—"negligible." In fact, the same economists concluded their proposal will have a 0.1 percent—that is less than 1 percent—impact on oil consumption by 2025.

So, in other words, the House energy plan, which the President is endorsing, is like treading water. It is like standing still, while our economy cannot stay afloat on these high gasoline prices, and while our businesses and consumers continue to be gouged.

Details of what is wrong with the President's plan ought to be front and center as we discuss our Senate proposal so as not to make the same mistakes and so we can move forward.

Because clearly, there is something wrong when we look at the priorities of the legislation the President has endorsed. For example, this proposal continues to provide subsidies in the wrong direction. Last year, this body rejected a proposal that would have given 60 percent of the tax incentives to the traditional industries; that is, oil and gas. You would think turning that proposal down might have sent a message. But, instead, our colleagues in the other body now give 90 percent of the tax incentives to the same traditional industries and devote only 6 percent to new technologies.

If the President is serious about getting a proposal before August, he should start by making clear his opposition to a waiver, letting oil companies off the hook for groundwater-polluting chemicals such as MTBE. I do not believe granting immunity to polluters for groundwater cleanup costs and saying States should pay for it has a single thing to do with getting an energy policy that will put America on the right track.

Americans want to know our energy policy is about the common interest, not special interest. They want to know we are going to get a bill that helps us diversify off of our foreign sources of energy.

There are many other things the President's plan endorses that I think are dead wrong, and we are going to have plenty of time to talk about them. But I would mention them briefly.

For example, this current proposal fails to recognize how our country has been gouged by high energy costs from companies such as Enron. It does nothing to hold the line against what I call the latter-day Ken Lays, and would leave future Enrons with the opportunity to steal from consumers. What we need is a tough bill in relation to market manipulation that includes making sure utilities that continue to be sued by Enron are not the deep pockets for their extreme market manipulation and trading practices that the Federal Energy Regulatory Commission has failed to adequately deal with.

The President's endorsed energy plan also rolls back dozens of environmental rules and laws that were put in place to protect Americans' public health and safety. Many of them were put in by previous Republican administrations. So we are going to have lots of time to discuss this energy plan and proposal when we return and the Senate Energy Committee starts discussing this proposal. But because gas prices are still high, and because we still need to address where we are going as a country, I want to make sure this Senator stands firm on the fact that we cannot continue to tread water or stay in the same place. We need to take the same aggressive actions previous administrations did, as we changed our investment strategy, as we put the Nation on call for an emergent need, and moved forward on a policy.

That is what I call progress. The Europeans already understand this. That is why they are making a significant investment in renewable energy technology. The Japanese understand this. That is why their automakers are making big investments and cornering the market on fuel efficiency technologies and vehicles. And even China understands this because they have put in place higher fuel efficiency standards than in the United States. What we need to do is recognize the energy future by planning for it, not with half-baked policies that dither around the margins of the problem but with real leadership on an energy economy of the future.

I hope that tonight the President will address the American people and tell us what his real plan is to lower gas prices in the future, to give America an independence from our overdependence on foreign oil. I hope he will give this country the kind of boost that previous administrations have, by leading the way with new technology investments and a vision of the future that will give our country the national and economic security it deserves. I think he will find that there are many Americans waiting to hear that plan—there are farmers, environmentalists, businesspeople, certainly a number of us in the Senate and, I would say to the President, even some of the neocons of previous administrations who are ready to hear an energy strategy that gets us off of our overdependence on foreign oil. I look forward to those comments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006—CONFERENCE REPORT

Mr. GREGG. Mr. President, I ask unanimous consent that notwithstanding the receipt of the House message and having the Senate papers at the desk, the Senate begin consideration of the conference report to accompany the budget resolution; provided further that the time from now until the arrival of the ranking member be under the control of the chairman; provided further that when the ranking member arrives, he be recognized to be in control of a like amount of time.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. GREGG. Mr. President, this order allows us to start opening statements on the budget. Senator CONRAD should be available around 6 o'clock this evening, and his side will control the time after he arrives, which will be commensurate with the time we control, which I presume will be approximately an hour that we will use now until 6 o'clock.

Mr. President, we are now turning to the budget of the United States, which is pending in the House and being debated in the House. This obviously is a major item for us as a Congress. It is very hard to take the position that a government that spends $2.6 trillion should not have an outline as to how it is going to spend that money, should not have a proposal and a policy for spending that money. That is why a budget is important.

A budget doesn't get into the specifics of how the dollars are spent, but it does set out a very substantial and important blueprint as to how those dollars will be spent and what the policies are that will affect spending and taxes as we move into the future.

The budget that we bring today is a result of a lot of hard work. I want to especially thank my colleague from North Dakota, the Democratic ranking member of the committee, and his staff, who have been extremely courteous and extraordinarily professional in the way they have approached the process. Senator CONRAD is someone I have enjoyed working with very much. We disagree, obviously, but the disagreements have been on policy, and certainly there has been nothing but a professional, cordial, and friendly relationship between us.

I also thank the majority leader and the assistant majority leader, Senator FRIST and Senator MCCONNELL, for their extraordinary effort. I especially thank members of my committee, all of whom have been very much engaged and who have been very involved in developing the budget.

In addition, I specifically thank Senator SMITH from Oregon, who has been a critical player in developing what is one of the core issues of this budget, which I will get into in a few minutes.

Of course, I especially thank the staffs, both the majority staff and minority staff, and especially the staff on our side, led by Scott Gudes, and our colleagues across the aisle in the House who worked so hard to get us to this point.

The budget we are bringing forward today is the result of what I consider to be some serious public policy problems we confront as a nation, and they involve the amount of spending the Federal Government is doing in relationship to revenues, and specifically the rate of growth of our spending and the fact that we are confronting very significant deficits not only in the short term but in the long term.

I want to go through a few charts to explain the parameters of the problem. I think it is critical that people understand that and understand how this budget was developed. We received testimony in the committee from the Comptroller General of the United States that there are on the books today obligations of the Federal Government that exceed projected revenues of the Federal Government amounting to approximately $44 trillion. Now, a trillion dollars is an incomprehensible amount of money for anybody to understand. I will try to put it into context. This means we already have obligations that we have committed to as a government that we have not figured out how we are going to pay for, which in their total add up to $44 trillion, which amount of money compared, for example, to all of the taxes collected by the United States since we became a nation—all of the taxes collected during that time, over 200 years, total $38 trillion. So we actually have on the books more in obligation than we have collected in taxes in the history of the Nation.

To try to put it in another context, if you take all the net worth of everybody in this country—everybody's car, house, savings account, stock, every asset that everybody has in this country—and add it all together, it adds up to about $47 trillion.

This chart reflects the problem. The chart here is $44 trillion in outstanding obligations of the Federal Government. Over here we have the present net worth of the United States, which is $47 trillion. The amount collected since the beginning of the country is $38 trillion. The larger part of the chart reflects $44 billion, calculated on the actuarial life of these programs. The larger part of the chart is what the cost would be if you projected these programs out into infinity, which would be 100 years, which is about $84 trillion.

So you can see that we are confronting a massive fiscal problem as a nation. The effects of this problem will be that somebody is going to have to pay this bill. Our generation is running up the bill and we are passing it on to our children, and our children will have to bear a huge cost in order to pay off this $44 trillion in debt that we have added up. To pay that off, basically, their quality of life is going to have to be reduced, unless we get started on addressing this problem now.

Where does the $44 trillion come from? What are the obligations that created this huge number? This chart reflects it. It is entirely almost what is known as entitlements, or mandatory spending; it is the orange line. If you look at the mandatory spending, these are programs on the books that say, if you are a citizen and you have certain physical or demographic or income characteristics, you have a right to payment by the Federal Government. The majority of these entitlements, the mandatory spending is Social Security, Medicare, and Medicaid. These three items make up the vast majority of the cost of the $44 trillion, which is unpaid for. In fact, Medicare and Medicaid—the health care items of those three entitlements—represents about $27 trillion of the total of $44 trillion—$27 trillion of unfunded liabilities. That means after taking all of the taxes you pay, your HI tax—the hospital tax which you pay out of your payroll every week—there is still a debt, an obligation on top of those taxes of $27 trillion—a huge amount of money.

Well, now, some would represent that if we raise taxes, we can solve this problem. But we cannot. I want to explain why and the next chart does that.

Historically, the Federal Government has spent about 20 percent of the gross national product. That is what we spend as a Federal Government. We take the gross national product—20 percent of it—and spend it to govern. That has been in our history for quite a while, since the 1960 period. That is the blue line that runs across the chart. If you take the top three—Social Security, Medicare and Medicaid—just the cost of that, as projected out into the future, you will see that by about 2028, 2031—depending on what happens around here—the cost of those three programs to pay the benefits that have been committed under those three programs will exceed 20 percent of the gross national product.

What is the practical effect of that? It is that if that were allowed to occur, you would have no money available to pay for national defense, education, environmental protection, the building of roads, or for anything other than those three programs. It gets worse. The line keeps going straight up—this is where the $44 trillion comes in—as those programs continue to demand more and more in order to support them because of the obligations that are on the books. So you can raise taxes almost endlessly and never catch up with the spending that we have on the books.

That is the point. You cannot tax your way out of this problem. You simply cannot do it. You have to address these major programs and try to control their rate of growth so they are affordable, while still maintaining a benefit structure that is fair, especially to low-income Americans. If you don't do it, the practical effect would be that you will have to double the taxes on our children in the area of withholding in order to keep up with these costs during the period 2020 to 2040. That would mean our children, instead of being able to buy a house, a car, expand their education, or send their kids to college, they will have to pay a radically increased tax burden in order to support our generation. What is causing this huge explosion in costs? It is the fact that the baby boom generation is so large, the demographic shift is so huge, when our generation starts to retire because we go from a generation that has changed the culture of America throughout our lifetime to when we retire we will change the dynamics of the demand on the Federal Government; we shift that so radically that we put all these new costs on our children and our children's children to support our generation when we retire.

People have heard me say this before. These retirement systems—Medicare, Medicaid, Social Security—were structured on the concept that there would always be a pyramid, many more people paying into the system than taking out. In 1950, 16 people were paying into the system for every one person that was taking out. That is the pyramid concept, the genius of Franklin Roosevelt. Today, there are 3½ people paying into the system, and it is still affordable. But as we head into this next century and as this huge baby boom generation of which I am a member retires, there will only be two people paying into the system for every one person taking out. So we go from a pyramid to a rectangle, and you simply cannot support the system as it is structured.

The taxes on our children will far exceed their capacity to pay them in order to support the benefit structure. So how do we address this? Well, one way is to bury our heads in the sand and say it is not a problem and hope our children can handle the tax burden increase. But that is not acceptable. As leaders and as people charged with the responsibility of public policy in this country, we need to get ahead of this issue before we get to the problem. And that is where this budget comes into play.

The President sent us a budget which for the first time in 7 years stepped on the sacred ground of trying to address the entitlement costs of the Federal Government. Independent of the budget, of course, he has tried to address the Social Security issue. By law, the Budget Committee is not allowed to address Social Security. So that one is taken off the table for us as a committee. But we do have the capacity as a Budget Committee to step forward and try to do something about the issue of entitlements beyond Social Security, and that is what we are going to try to do in this budget. We are going to try to begin the process of relieving the pressure that is going to be put on the next generation.

This budget does three basic things. In the short term, it reduces the deficit in half over 4 years. It does this by aggressively controlling the rate of growth of discretionary spending that is nondefense. Specifically, we freeze it for 3 years. That is a very aggressive position. Nondefense discretionary spending is frozen for 3 years. But more importantly, we reestablish enforcement mechanisms known as spending caps. Members can come to the floor, and if a bill exceeds that freeze, they can make a point of order against that bill, and it will take 60 votes in the Senate to pass that bill. That is an important change, a very important change—not a change but a reinstitution of budget discipline.

What happened? Why don't we have caps today? We do, but they are very much at the margin. The problem is that because we did not pass a budget last year and because 2 out of the last 4 years we have not passed a budget, we have lost most of the really effective enforcement mechanisms or are on the verge of losing most of those enforcement mechanisms in the next budget cycle. So it is critical we get a budget to put those enforcement mechanisms back into place so we can control in the short term the rate of growth of a number of accounts but especially the discretionary accounts.

We put in place a budget which moves us toward reducing the deficit in half over 4 years. That is one deficit issue. More importantly, the big issue, which I have just discussed, which is this long-term fiscal catastrophe we are headed toward as a nation unless we do something about it, we begin to address that. We do not do radical steps in that direction. This is going to be a long and arduous process. It is difficult, and it is going to be a bumpy road, but what we do is we take some very significant steps down that road toward reintroducing fiscal restraint into the entitlement accounts that we have under our control and that we are willing to address.

We do this in two specific accounts that are critical: Medicaid and something called the Pension Benefit Guaranty Corporation. We can look at these three accounts—Social Security, Medicare, and Medicaid—as being the primary drivers of our problem, but there are other issues out there that are very significant in driving our fiscal problems, and one of them is the Pension Benefit Guaranty Corporation. It is a corporation that makes sure, if you have a pension, a defined benefit plan, and your company goes under, the Federal Government guarantees that pension.

The taxpayers end up with a bill for doing that, by the way. Mismanagement on a corporation's behalf, excessive benefits structure, poor management in the marketplace, a company goes under, and the taxpayers end up with the bill. That projected liability out there today, the contingent liability of the taxpayers of the United States for the Pension Benefit Guaranty Corporation, is estimated to be $25 billion to $30 billion, and it may be radically higher than that, to be very honest.

So we need to reform that system, and the budget we are addressing today begins that process. We try to address that niche issue of significant fiscal problems we have as a nation, which is correcting the Pension Benefit Guaranty Corporation.

Equally and even more important is we step forward on one of three entitlement accounts. We only have jurisdiction over two of the three, as I mentioned earlier. We step forward on the Medicaid issue, and we put in place—Senator SMITH basically orchestrated this, and he is going to talk about it—a process to move to get substantive reform in the Medicaid accounts so they are affordable and continue to deliver a quality service to kids in need and people who have to go into nursing homes and cannot afford it, but at the same time they are affordable.

What we do is have an advisory committee or a commission set up which will study the issue. It must report by September 1. We have a reconciliation instruction which says the committee of jurisdiction has to come back and reduce the rate of growth of Medicaid by $10 billion. I will get back to that. And we limit that action on the $10 billion reduction, so we delay it a year. So there is a year to get ready to do that.

I want to put this $10 billion in context because this is a major savings item of the budget in the area of entitlement reform. Over the next 5 years, we are going to spend $1.12 trillion, a huge amount of money, on Medicaid. This budget is suggesting that we reduce that rate of spending over the next 5 years by $10 billion: $10 billion on a $1.12 trillion base, approximately 1 percent. One would think we were scorching the Earth when we initially proposed this. Obviously not.

The practical effect of this is we are taking a program that is going to grow at 41 percent over the next 5 years and reducing its rate of growth to 39 percent. We can do that. If we are halfway decent as managers of the tax dollars of Americans, we can do that, reduce 1 percent off a program that is growing so quickly, reduce its rate of growth from 41 percent back to 39 percent.

In fact, we can do that, and we can actually give more services to more kids and more people who are deserving of it. The reason is that Medicaid, unfortunately, has some problems right now in the way it is functioning. There is a fair amount of Medicaid money which is being shifted from the delivery of service to needy children and to people who need help going into nursing homes over to simply the general operation of State government. That should not happen anymore, and we can end that.

Unfortunately, there is a lot of abuse, where people are spending down in order to qualify for Medicaid and hiding assets and transferring over to the taxpayers costs which they should fairly bear.

There are significant savings which can occur in the way we purchase pharmaceuticals under Medicaid. There is a whole list of items which Governors are willing to consider in order to accomplish savings. But what the Governors need is more flexibility. We give the Governors more flexibility and a little less rate of growth in this program, and they are going to deliver more services to more people at less cost. It is that simple. A good Governor will do that, and there are a lot of Governors out there willing to try.

So there has been a compromise we reached on Medicaid which has been orchestrated and energized by Senator SMITH of Oregon. I congratulate him for it. It is a good compromise because it will start us on the path toward looking at public policy which will start to address—it is not going to resolve the problem—will start to address the issue of this element of the entitlement problem, the Medicaid element of this chart, and it is one of the three major items.

In addition, as I mentioned, we have taken up the PBGC issue. This is the first budget in 7 years which has stepped on the sacred ground of entitlements and tried to manage them at least marginally. The total amount of entitlement for reconciliation savings—not all of it is entitlement—but the total amount of reconciliation savings in this bill is approximately $35 billion. That is a very reasonable number. That is a 5-year number. So it is something that can certainly be accomplished.

The third thing that this budget does is it continues to energize economic growth. When the President came into office, he was confronted with a very severe recession as a result of the burst of the Internet bubble. That was compounded, of course, by the attack of 9/11, which caused our economy to stumble severely as a result of the adjustment to what was a new world. Then we had to dramatically expand our commitment to national defense and homeland security in order to participate aggressively in finding the people who were responsible for this horrific act of 9/11 and making sure that we are as well prepared as possible in avoiding another attack.

So the President was confronted with an unfortunate set of facts relative to the economy, and there was a recession. But that recession's severity was significantly reduced because this President had the foresight to reduce the tax burden on America's workers early so that people were allowed to keep their money and there was incentive for entrepreneurship, an incentive to go out and work harder, and an incentive to create jobs. The recession was shallowed out as a result of that. Now we are seeing a dramatic turnaround in the amount of revenues the Federal Government is receiving because of that.

Revenues dropped precipitously, everyone knows that, but they dropped because we were in a recession and because we were attacked. The tax cut that was put in place has essentially helped us recover in the revenues area because people have gone out and they have become more productive as they have been willing to work harder, earn more, and create more jobs because the tax burden has been reduced. The function of that is that more incentive is created to be productive.

We are seeing the results. Last year, tax revenues grew at 9 percent. This year, they are going to grow around 7 percent or maybe even faster. The month of April, which has not been formally reported yet, looks like it is going to be one of the highest collection months as far as revenue goes in the history of the country, a dramatic jump in revenues as a result of the tax cut. For the foreseeable future it is expected under this budget, and I think under all economic assumptions, that tax revenues are going to continue to compound at a rate of about 6 to 6½ percent as a result of a strong economy, driven by a good tax policy.

We continue that tax policy in this bill. This bill does not assume any new tax cuts, but it does assume that tax cuts that are on the books, that are very constructive, and which people use in their day-to-day life will be continued—tax cuts such as the R&D tax cut, the research and experimentation tax cut, the deduction for teachers' classroom expenses, the deduction for qualified education expenses, the deduction for State and local taxes, the welfare-to-work tax credit. These are tax credits that are continued.

We hear a lot of talk from the other side of the aisle that, oh, there are just not enough tax increases in this bill: we have to raise taxes. Which one of these deductions which is about to expire does the other side of the aisle want to allow to expire and put more burden on American workers? I doubt there are very many that would fall into that category that are on this list, and that is what this bill assumes—that we will continue in place tax proposals which encourage people to be more productive, such as the R&D tax cut, or give people a benefit they deserve, such as teachers being allowed to expense classroom costs, and that are popular. So we will continue a tax policy under this bill which will continue to energize economic growth.

As we have brought this budget forward, it puts us on a path to accomplishing positive steps in the area of fiscal responsibility and fiscal restraint. It is a budget which reflects the President's initial budget which was a commitment to trying to begin to address the deficits in the short run and, more importantly, the long-term issue of the fiscal problems we confront because of the demographic boom which I mentioned, which is coming at us. For that reason, it is a very positive budget.

I wish to make one more point about the budget before I yield to the Senator from Oregon, whose thoughts are very important here because he is one of the key players in addressing this critical issue of Medicaid. This budget is critical because it also puts back in place and actually energizes new initiatives in the area of enforcement mechanisms. These are procedural things, yes, and they are arcane things, yes. Most people do not understand what they are, that is true. But it was interesting, when Alan Greenspan testified before the Budget Committee last week, he said the most significant thing that had happened in the area of disciplining Federal spending was that we had budget enforcement mechanisms in place through the late 1990s and early 2000 period and we needed to reinitiate those initiatives. By law, we cannot pick them all up because this is a resolution, not a law. The way this works, we cannot pick them all up. But to the extent that the budget resolution can put back in place and strengthen enforcement mechanisms to allow this Congress to be disciplined in the way it spends money, this resolution does that in an extraordinarily aggressive way.

So this is a good resolution. It is a positive step. It takes us on the right direction toward fiscal discipline. I certainly hope my colleagues will support us in moving it forward.

Now I yield to the Senator from Oregon such time as he may consume.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank the chairman of the Budget Committee, Senator GREGG, for yielding time but much more for his patience with all of his colleagues—and I suppose myself primarily—during what has been a very difficult and grueling period of time for the majority and even some in the minority who are focused on this issue.

I also want to express my appreciation to BILL FRIST, the majority leader, and MITCH MCCONNELL, the whip, who have come at this responsibility of producing a budget with determination and understanding that without a budget, we have considerable chaos in this Chamber. To the general public it probably looks as if we are in chaos all the time, but they have seen nothing until they have seen us without a budget.

As I have approached this budget, two things have been apparent to me. No. 1, that we had to have a budget. I understand the institutional responsibility the majority carries when it comes to advancing the legislative work of the American people. I have also been mindful for some time that Medicaid needs reform, restructuring, and, in my view, restructuring not unlike what the State of Oregon has done with the Oregon health plan, to make sure that those intended to be served and covered, those legitimate and truly eligible, find access to this essential strand in America's safety net.

Each one of us in this Chamber comes from their own perspectives and with their own sense of responsibility, their own history from their States. In my case, I come from a State that prides itself on pioneering in many ways, not the least of which is in the area of health care. One of the crown jewels of that pioneering is the Oregon health plan, which was an effort on the part of one of our former Governors, John Kitzhaber, to find a way, with the resources available through the Federal match with State resources, to cover more people more effectively with preventive medicine and essential services in a way that gets the most bang for the medical buck.

Clearly, America will come to a point when more people of the baby boom generation come on to Medicaid where such a model or something similar will be necessary for our country to both afford it and to provide it. So as I approached this budget, it was with caution, especially caution due to the people who are covered by Medicaid. These are the elderly, the poor, the disabled, the unusually vulnerable in our society, who when they are thrown off of Medicaid are thrown into emergency rooms, where the cost of their medicine is simply shifted over time on to the escalating costs of private plans which many small businesses struggle today to continue to provide to their employees.

When we came to this debate, I was very mindful that the House of Representatives had passed a reconciliation number which, in the case of their Chamber, I believe was $18.5 billion over 5 years to the Ways and Means Committee and $20 billion to the House Commerce Committee, a total of $38.5 billion over 5 years. That is a very large number, and the programs to be affected were not Social Security. It was announced that Medicare would not be touched. That leaves, on the list of programs, very few.

So it was my feeling—despite my high regard for the budget chairman, Senator GREGG—that I needed to engage and, if I could, to take out the Senate number, which was $14 billion. He and others were honest enough to say it was to Medicaid. So the Senate went to zero.

Then comes the clash of institutional responsibility, the ability to do the Nation's business without in any way, in my view, putting such undue pressure upon Medicaid as a class of people that should not be borne in haste, or done in haste, by putting a budget number ahead of sound policy.

I know that the people in the medical community who are counting on us want us to do this right, if we do it at all. I know many of them would have liked a budget with a number that remained at zero. That has not been possible. But the minimum number that I was told, necessary to get a budget, was $10 billion over 5 years, with no cuts required in the first year. That also was coupled with the creation of a commission. You will look through this budget and you will not find a commission in it because that is not the kind of thing you put in a budget. A commission is something that Congress could create, but it can more quickly be created through an executive decision, with resources currently allocated, so that work can begin in a more timely way.

I want to make it also clear that the Secretary of Health and Human Services, the former Governor of Utah, Mike Leavitt, is a person in whom I have implicit confidence. He is a man of integrity. He is a man of his word. He is a man who understands that his reputation and mine are on the line in constructing the kind of commission that is inclusive, that is bipartisan, that is academic in its nature, and is charged with the responsibility to produce a Medicaid program—not just short term but long term—that is a system that we can be proud of and that will serve the people who need its coverage.

It is the strong desire of the Senate, and I do not speak for my Democratic colleagues, but my partner in this effort, Senator JEFF BINGAMAN of New Mexico, he and I and our staffs have been working across the aisle to create the kind of credible structure to recommend to the Secretary. Ideally, and it is my strong urge and plea, this commission will be conducted by the Institute of Medicine. They will be charged to provide to us, by early September, their recommendations of what ways the Senate Finance Committee and the House Commerce Committee can respond to the reconciliation number. I will not prejudge what they will say, but I know they will say it in a way that will be acceptable to Republican and Democratic ears and will give this the kind of academic focus it truly deserves.

But that is a work in progress. Ultimately, you have to trust people to be good, to live up to the public statements they make. The President's administration has made it clear that they approve of the creation of this commission. The majority leader, Senator FRIST, has also assured me of a colloquy that will be part of this budget to the Senate, how we will proceed. Ultimately, the work of the commission will go to the Senate Finance Committee, and there we will take up deciding what should be done under reconciliation.

The Senate Finance Committee is composed of thoughtful people, all of whom, with few exceptions, are anxious to do this right and to serve the people that ought to be served. I hope that everyone will understand this has not been easy, but I think much has been achieved in terms of checks and balances as we proceed.

No one can deny that the awful arithmetic of American demographics confronts future Congresses with a demographic tsunami, and we have to find ways to keep our safety net strong without bankrupting our taxpayers and particularly our children and grandchildren. I think they would want us to do this carefully, to do it right, to do it on the basis of good policy instead of numbers which may, in some cases, be arrived at arbitrarily. But we are going to begin now because this budget should pass. I would say to all of my colleagues who are wondering, as I have, whether to vote for this budget: I have yet to vote for a budget with which I found myself in agreement with everything. I have never voted on a perfect piece of legislation.

But I also remember the time when my party was briefly in the minority and the majority party at the time was unable to come up with a budget at all, and we truly had a chaotic situation. We cannot have that if people are sincere about managing spending and setting this country on a path of promise-keeping, not just to those served, but also to today's and tomorrow's taxpayers.

So I ask my colleagues, particularly those who voted with me to remove the $14 billion, to now vote in good faith for this budget that Senator GREGG has brought to the floor. It has been a difficult process, and again I say I believe our leaders are to be credited. They have dealt in good faith. They have a tough job to do, and each of us in this Chamber has principles that we are trying to defend. But this is not the final number. The final number is done in the authorizing committees—in the House Commerce Committee and in the Senate Finance Committee. There is a long way to go. So to those who care about Medicaid, to those who are served by Medicaid: Be engaged and know that my office, my heart, my mind are open to you in order to do this right and not just to do it fast. But, having said that, it is necessary for us to go beyond where we are now, which is operating without a budget at all, because appropriations need to be made, important legislation has to pass, and a budget is the cornerstone of making all this work begin to proceed.

I thank Chairman GREGG for the time, for his understanding, and for his coming to the Senate and bringing the best budget we can produce under all the competing interests and demands.

This is, while not perfect—and I have a long list of things I would rather not be there—this is a beginning and not an ending. But we do not get to the end until we finish this budget.

I announce my support for it and urge all of my colleagues to join in approving it this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Oregon. His efforts have been immense. Quite honestly, the budget would not be on the floor and we would not have a chance if it were not for the Senator's courtesy and efforts. He had strong points and made them very effectively. As a result, we will make progress here not only on the entire budget but on what I consider to be the core element of this exercise, which is trying to get a reasonable approach to one of the major entitlement accounts.

I congratulate the Senator. He has had a huge impact. The Senator knows how to get things done around here. I appreciate his courtesy to me.

Mr. President, the time until Senator CONRAD arrives will be charged to my account. When Senator CONRAD arrives, he will take an equal amount of time to what we have used. That was the unanimous consent we entered into. After that, I ask unanimous consent time spent in quorum calls during the consideration of the bill be counted equally against both sides, the majority and the minority, for debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, the Senator from Oregon has made the point very well, but what is important is important to the majority, specifically, the essence of governance. You cannot govern unless you are willing to set out the principles by which you govern, especially the blueprint which is going to guide you in the governance activity.

Obviously, one of the most significant things done when you are the majority party and you have the presence, you make the decisions, basic decisions as to how the country's finances will be managed and how moneys will be spent and that they will be shepherded well.

These are tax dollars. People work hard. Every day people are putting in a full day's work and the Federal Government, every day, comes along and says, You worked all day long, we will take "X" percentage of the money you earned. We will take it right out of your pocket and we will spend it on a series of things.

What is important is that the American people first know what we are going to spend it on and how we will spend it—that is where a budget comes into play—and that we be good shepherds of those dollars and use them effectively so people can retain as much money as possible in their pockets to spend on what they know is important in their lives, and the Government does not take it and spend it for them and tell them how their money should be spent, and that we function in a way we get the type of government that delivers the services that are critical to making sure we can defend ourselves and take care of the less fortunate in this Nation, make sure we have strong education, make sure we have good health systems, that we can continue as a nation to have a vibrant and a strong economy.

This all starts with a budget. It is that simple. This is not the end of the product. This is the beginning of the exercise. If you do not have that blueprint in place, it makes the rest of the process extremely complicated and much more difficult.

It is critical we pass this resolution. I strongly believe this resolution is a responsible effort to try to bring our fiscal house in order and to make strides in the area of controlling the rate of growth in spending so it is affordable for our taxpayers, but, more importantly, so it is affordable for the next generations who will have to pay the burden we put on the books today.

It does, for the first time, take that step in the area of entitlement or mandatory spending which has become 59 percent of the Federal Government. A lot of people say, what about the appropriations bills? Appropriations bills are the discretionary side of the budget. They represent less than 30 percent of Federal spending. Half of that is defense, which we have to do today in a very aggressive way because we have been attacked and are at war and people are out there who want to harm us. I held a hearing this morning on terrorists relative to their desire to use biological and chemical weapons against us. It is very sobering, to say the least, but we have to defend ourselves and it will take a lot of money to do that.

Of about 30 percent, half is defense, and the other part goes to nondefense discretionary so it is not the large part of the budget, of the appropriations bills that come through. The most significant part of the budget is the part of the entitlement accounts which never come across the Senate as individual spending items such as appropriations bills do. They simply are on automatic pilot. Absolutely the only way we can address policy effectively in mandatory accounts is through something called the reconciliation process.

To quickly explain, that allows for the committees that have jurisdiction over these entitlement programs that are already in place and that have grown radically over the years to take another look at those programs and see if they are working as well as they could work. Medicaid is a classic example of a program that needs another look, where if we adjust it so Governors have more flexibility, we have a slower rate of growth in dollars, they can probably do a lot more for a lot more people if we give Governors the type of powers they need to accomplish that.

Reconciliation is the only avenue for effectively doing that type of a review of the mandatory side of the ledger which represents 59 percent of Federal spending today. The reason it is the only effective way is because we all know nothing can go through this Congress—we have been shown that in the last few weeks—nothing goes through this Congress that is controversial without 60 votes. We also know any sort of mandatory change is going to be controversial. Reconciliation gives the opportunity to use a majority rather than a supermajority to review these programs and to make progress in restraining their rate of growth and making them more effective in delivering services. That is why this budget is a unique budget.

It is the first budget we have a shot at passing in the last 2 years. The last 4 years we have only passed a budget twice. More importantly, since 1997, there has not been a budget which is a step forward to try to address the very critical element of where the Federal Government stands and how it spends money in the area of mandatory entitlement accounts which represent 59 percent of Federal spending.

With that, I reserve our time, recognizing it is going to run against our side of the aisle, with the understanding the ranking member, Senator CONRAD, will be here probably around 6 o'clock at which time I will yield the floor to Senator CONRAD.

I suggest the absence of a quorum with the understanding the time will run against our side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered. Who yields time to the Senator from Tennessee?

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee such time as he may consume or such time until the Senator from North Dakota gets here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Is it in order for me to take about 7 or 8 minutes to speak on a subject other than the budget?

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN BOLTON

Mr. ALEXANDER. Mr. President, I thank the distinguished chairman. I am here to talk about President Bush's nominee to be our next permanent representative to the United Nations, John Bolton. I am privileged to be a member of the Foreign Relations Committee. A few weeks ago at Mr. Bolton's first day of hearing, I heard what I expected to hear. In fact, I was unusually impressed by what I heard. I listened to a man who has been confirmed four times by the Senate, who in the last 4 years has been Under Secretary of State for Arms Control and International Security, Assistant Secretary for International Organizations under the first President Bush, under whom I served, a person who graduated summa cum laude from Yale, received his JD from Yale, a person who helped repeal resolution 3379 equating Zionism with racism.

I listened very carefully. And while we have had a number of distinguished U.N. ambassadors, I rarely have seen anyone who had such a good grasp of diplomacy, of the United Nations, its resolutions, and its history. And during a period of about 7 hours, he handled himself well, and there were tough questions asked. I was impressed with the fact that he had been endorsed by five former Secretaries of State and by more than 50 former ambassadors. I was with one of those former ambassadors over the weekend, the former majority leader of this body, Howard Baker, with whom I and other Members had lunch Sunday. He remarked about how he had dealt with Secretary Bolton over the last 4 years in Tokyo. He liked him. He was impressed with him. He said he spoke frankly, that he would be a good ambassador.

The second day of hearings was a little different. I was surprised and disappointed by what I heard. There was a man named Carl Ford, who was well respected by members of the committee, who presented evidence that John Bolton had "chewed out," to use colloquial words, intelligence analysts in the State Department. Mr. Ford, to his credit, didn't like that because those persons were down the line.

Mr. Ford was a pretty good witness because he didn't overstate his case. He acknowledged that it wasn't unusual for policy people and intelligence analysts to argue, for policy people to hope for intelligence that supported their positions. He just didn't like the fact that in this case he had heard about—he wasn't there, he had heard about—that Mr. Bolton in effect chewed out one of Mr. Ford's employees and Mr. Ford didn't like it. He told Mr. Bolton so and they exchanged words. That is what he said.

There have been some other things said about Mr. Bolton. I have had the privilege of being confirmed by the Senate and going through a hearing. I am surprised the number of things they can find to say about you when you go through a thing like that. I see the Senator from Massachusetts over there. He was chairman of the committee when I went through the nomination process, and the Democrats were in the majority at that time. So it is a good airing of about anything you can do and anything people can say about you. It serves a purpose.

There were some other things said. It was suggested that Mr. Bolton was misusing intelligence, compromising intelligence. But Mr. Ford himself said:

> In this particular case—

The one he was led there to complain about—

> there wasn't politicization [of the intelligence].

So that wasn't the case.

A little later, someone called up to say that Mr. Bolton had chased a USAID contractor around a Moscow hotel to stop her from damaging his client. This was when he was in the private sector. But then others, including the employer of that complaining person, disputed the complainer's account, and others did as well. So it boils down to the fact that the credible charge of Mr. Ford was that Mr. Bolton was rude to staff members below him in the bureaucracy.

I imagine Mr. Bolton is embarrassed by those charges. I didn't like to hear them. And perhaps he deserves to be embarrassed by the charges and perhaps he has learned a lesson. But what I heard doesn't change my vote, even though I hope it might change some of Mr. Bolton's ways of dealing with people with whom he works.

How significant is this charge that he was rude to people in the bureaucracy? As has been mentioned by others, if that were the standard for remaining in the Senate, we would have a hard time getting a quorum. There are regularly occasions when busy Senators, eager to make their own point, are rude to their staff and even shout at one another. In fact, the shouting was so loud in the Foreign Relations Committee room by some of the Senators, I could barely hear the charges about Mr. Bolton. That is not attractive, and I don't endorse it. It even caused me to think back about times that I may have become angry or impatient or startled in dealing with a staff member or another person, and made me redouble my efforts to make sure I swallow my pride and think about what I say and not do that anymore. It is not good business.

As I heard Senator VOINOVICH, who has a long reputation of caring for civil servants and caring about those things, my guess is that was on his mind as well.

How significant is this? Here is what former Secretary of State Larry Eagleburger had to say about it Sunday in the Washington Post. This deserves special attention. Larry Eagleburger was Secretary of State for the first President Bush, but in a way he was more than that. He had 27 years in the foreign service. We hear about a football player is a football player's player or a man is a man's man or a woman is a woman's woman. Larry Eagleburger is a foreign service officer's Secretary of State. He had and has enormous respect from all those men and women who put their lives on the line around the world and in the United States in support of our diplomacy and foreign policy. Here is what he said:

> As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

That is where I am. I think the benefit of hearing Mr. Ford's testimony might be a little bit of a lesson to Mr. Bolton and a reminder to the rest of us of how unattractive it is to shout at an associate or unnecessarily dress down a staff member. I agree with Secretary Eagleburger. John Bolton has a distinguished background and record. He has dedicated himself to improving our country's foreign policy. His action toward subordinates might have been inappropriate. Perhaps he has learned a lesson, but it doesn't cause me to change my vote. I am glad to support him.

This is a critical time for the United Nations. Even the Secretary General acknowledges it is in need of reform. Billions of dollars filtered from the U.N. coffers to Saddam Hussein's pockets in the oil-for-food scandal. Top human rights abusers such as Sudan sit on the Human Rights Commission. United Nations peacekeepers in Africa have been found to rape and pillage. Just today, the United Nations appointed Zimbabwe to the Human Rights Commission.

Now the United Nations has many important roles in the world. I am glad we have it. I want it to work, but I believe the President is right in his thinking, that we need to take action to help the U.N. reform itself, and that a frank-talking, experienced diplomat named John Bolton is an excellent candidate for that commission. I intend to vote for him in committee and on the floor. It is my hope that when we come back after the recess, we will have the long hearing as we usually do, and all the Senators will have a chance to say what they have to say—hopefully without shouting at one another—and that we will report it to the floor and the Senate will approve Mr. Bolton's nomination and give him a chance to go to work in reforming the U.N.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I rise in strong opposition to this budget. I believe it is a profound mistake for this country to stack additional debt upon already record levels of debt that I believe puts the long-term economic security of our country at risk.

The record is very clear. We now face record budget deficits, and we face them for as far as the eye can see. Those who have assured us repeatedly that deficits are being dealt with have failed the credibility test, and they have absolutely failed the test of fiscal responsibility. This budget bears no relationship to fiscal conservatism or fiscal responsibility, and this vote will be a defining vote on where Members stand with respect to fiscal responsibility for this country.

Here is the record on deficits. Since 2001 the deficits have soared to new records, levels we have never seen in the history of the country—$412 billion in 2004 and very little improvement anywhere in sight.

As we review back to 1980 the relationship between spending, here is what we see. The red line is the spending line of the United States, the green line is the revenue line. We can see spending has been brought down as a share of gross domestic product rather steadily until this administration. In fact, it is interesting, in the entire 8 years of the Clinton administration, spending came down steadily as a share of GDP. We have now had an increase, largely as a result of the attack of September 11 because 91 percent of this increase is defense, homeland security, aid to New York, and aid to the airlines.

Going forward, we see that spending will stay roughly at these levels going forward, with some slight additional increase as we get closer to the time when the baby boomers retire.

Look at the revenue line of the United States. Also during the Clinton administration, revenue rose each and every year so that finally we did away with deficits and, in addition, we actually stopped raiding the Social Security trust fund to use it for other purposes.

President Bush came to office, and the revenue side of the equation has collapsed. Last year, revenue was the lowest it has been as a share of GDP since 1959. The President said when revenue was high as a share of GDP, we must have tax cuts. Now that revenue is at a 50-year low, the President's answer is more tax cuts. The result is a huge ongoing gap between spending and revenue that means ever-increasing debt, and all of it at the worst possible time before the baby boomers retire.

Here is what the Comptroller General of the United States said in a speech to the National Press Club on February 2 of this year. He said:

> The simple truth is that our Nation's financial condition is much worse than advertised.

The Comptroller General of the United States had that exactly right. Our financial condition is far worse than advertised. In fact, my first chart showed the deficit at just over $400 billion in 2004, at $412 billion. But that is not how much was added to the debt that year. It was far more because the deficit understates the seriousness of our financial condition. So, too, does the budget that was sent to us by the President of the United States. The President told the American people that he is cutting the deficit in half over the next 5 years, but the only way he got there is just by leaving out things. He left out any war costs past September 30 of this year. Does anybody believe there is not going to be any war costs past September 30 of this year?

Here is what we have. The President sent up a supplemental. That passed the Senate and is in conference committee now. The supplemental is $82 billion for ongoing military operations in fiscal year 2005 but nothing past September 30. Look what the Congressional Budget Office tells us should be in the budget: $383 billion. That is their estimate of residual war costs.

Mr. SARBANES. Mr. President, will the Senator yield for a question on that chart?

Mr. CONRAD. Yes, I will be happy to.

Mr. SARBANES. As I understand it, the President's budget, and this budget resolution, do not provide anything for the long-term costs of Iraq, Afghanistan, and the continuing war on terror?

Mr. CONRAD. It does not. We have this supplemental, as the Senator knows, that is going through the process. We passed it in the Senate. It is in conference committee now. It is $82 billion. Much of it will be spent this year; some of it will slop over to next year. This is what the Congressional Budget Office says should be in any realistic budget—not $82 billion, but $380 billion, and it is this gap which is part of the unrealistic nature of the budget that is before us and the budget the President sent us.

Mr. SARBANES. So the budget is not really presenting a true picture of what we can anticipate in terms of expenditures; is that correct?

Mr. CONRAD. No, it really is not. I think any objective observer in reading this budget would have to say it is not a realistic picture of our financial condition. It just leaves out things. In fact, when the President's people came to me and told me how they were going to cut the deficit in half, I said to them: Why don't you just leave out some more things and claim you balanced the budget because it would have about as much attachment to reality as this has.

Mr. SARBANES. Are there other items they have left out besides the costs of Iraq and Afghanistan?

Mr. CONRAD. There certainly are other items. One of the items that is left out is the true cost of the President's tax cut proposals because the President switched from 10-year budgeting to 5-year budgeting, and I think here is why. The dotted line shows the end of the 5 years, and this chart shows the cost of the President's tax cut proposals. As we can see, it is very interesting, right after the fifth year of this budget, the cost of the President's tax cut proposals takes off like a scalded cat. None of that is captured by the President's budget because his budget ends right here at this dotted line. But look what happens right past the dotted line. The revenue hemorrhage escalates dramatically, and it is not just there, but it is also with respect to the alternative minute tax, the old millionaire's tax that is rapidly becoming a middle-class tax trap.

Here is the trend line of the cost to fix the alternative minimum tax. It is straight up, and there is no funding in the President's budget to deal with it. So with 3 million people affected by the alternative minimum tax last year, 10 years from now it is going to be 40 million people a year. It costs $774 billion to fix. Last year, the President had 1 year of funding to deal with it. He has no funding in his budget this year to deal with it. And so, again, it is an unrealistic budget because it does not capture items we all know are going to have to be dealt with.

Perhaps most remarkably, the President's budget, as the budget before us, does not contain any money for the Social Security Program the President champions and that is championed by many on the other side of the aisle. There is no money. We know the President's proposal costs money. In fact, in the first 10 years, it costs $754 billion. There is no money in the budget. Over 20 years, the cost of the President's plan is $4.4 trillion—not a dime of it in the budget. This is not really a budget. It is a political statement, perhaps, but it is certainly not a budget.

When we go back and add back the items the President has left out, just the major items—the alternative minimum tax, the ongoing war costs, according to the Congressional Budget Office the cost of the President's privatization plan—instead of this trend line which the President is predicting, instead we see this hashed red line.

Over the next 10 years, this is where we see the deficits going under the President's plan. The budget before us has much the same pattern, exploding deficits for as far as the eye can see and at the worst possible time, right before the baby boomers retire.

Mr. SARBANES. What would the deficits be if all of these things are included?

Mr. CONRAD. As we see these deficits, we go back to this chart, and the President is saying they will be in the $200 billion range at the end of this 5-year period. We do not see that at all. As we can see, they will be in the $350 billion range. Of course, this, too, understates the real magnitude of our problem because it does not capture all that is being added to the debt.

Look where this goes the second 5 years—to deficits of $620 billion. In a moment I will get to how much is being added to the debt under this budget because I think that is critically important for people to understand. Our friends on the other side of the aisle talk a lot about deficits these days. They never talk about the debt. The debt is the accumulation of all the deficits.

Obviously we face a big demographic challenge going forward. I have indicated all of this is happening at a bad time because the baby boomers are about to retire. Here is what we see. We are going to go from about 40 million people eligible for Social Security and Medicare to 81 million eligible. That is a key reason we ought to be running more balanced budgets at this time.

The President told us back in 2002 that:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

That is what he told us. None of the Social Security money would be used to fund other spending initiatives or tax relief. Now we are able to have the benefit of several more years and we are able to look at the record and see what the President's budget will do going forward. The President said none of the Social Security surplus would be used for tax cuts, or other spending initiatives.

Under the budget that is before us from the President and under the budget before us by the majority party, every penny of the Social Security surplus is going to be used under the President's plan for the next 5 years and, by extension, the next 10 years, $2.5 trillion—$2.5 trillion of payroll tax money, which is supposed to be used to support Social Security, being used to pay for other things. In effect, it is being used to subsidize his massive income tax cuts for the wealthiest among us, and being used to pay for other things.

The irony of this is the President says Social Security is $3.7 trillion short over the next 75 years, but in his budget he is taking $2.5 trillion of Social Security money in the next 10 years alone and using it to pay for other things.

I think this whole picture becomes more clear if one puts it all together. This is the reason I so strongly oppose this budget that is on the floor. I say to my colleagues, anybody who votes for this budget should never make another campaign claim that they are fiscally responsible or fiscally conservative because this budget absolutely is a testimony to those who worship at the altar of debt. This budget builds debt on top of debt.

Going forward, this chart shows the Social Security trust fund surpluses, which are the green bars. The blue bars are the Medicare trust fund. The red bars are the President's tax cuts. What one sees is the Social Security and Medicare trust funds go cash negative at that very time the cost of the President's tax cuts explodes, driving us right over the cliff into massive deficit and debt. That is where this is all headed.

The President says Social Security is a problem and, of course, he is correct. The 75-year shortfall in Social Security is $4 trillion. The 75-year shortfall in Medicare is 7 times as much. The 75-year shortfall in Medicare is $29.6 trillion. This is according to the Social Security trustees.

One would say that is a big problem, that the President is not addressing this problem, not addressing these shortfalls. His proposals make it all worse. His proposals take more money out of Social Security. The budget that is before us takes $2.5 trillion of Social Security money over the next 10 years and uses it to pay for other things. Then the President comes with a proposal and says establish private accounts and divert more money out of Social Security, another $700 billion over the next 10 years. Over the next 20 years, he is talking about diverting over $4 trillion out of Social Security. That is real money. It is no wonder Social Security has a shortfall. The President is helping to create the shortfall.

The President told us in 2001:

> . . . (M)y budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. . . .

These are not my words. These are the President's words. The President said:

> . . . Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Those are good words. The President was right to utter them. The problem is if one compares the record to the rhetoric, there is no connection.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. When did the President make that statement?

Mr. CONRAD. That was made in March of 2001, when, the Senator will recall, he was assuring us we could afford to have a massive defense buildup, deep tax cuts, that it would all add up and he would be able to protect Social Security and Medicare, not use the money for other purposes, and he would have maximum paydown of the debt. He was wrong on every single count. He was wrong by a country mile.

Mr. SARBANES. Grievously wrong. I gather we will probably see the true picture of what has happened over the succeeding 4 years, but we continue to run these deficits and we are getting deeper into debt all the time. Is that not correct?

Mr. CONRAD. It is very interesting to compare this statement where the President says he is going to have "the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed," but here is what has actually happened. There is no debt reduction. The debt is exploding. This is just the publicly held debt. The gross debt would be even a worse picture.

I have taken the debt that is the most restrained version of the debt of the United States. The President inherited $3.3 trillion in debt in 2001. Under his plan, we are headed for over $9 trillion of debt by 2015. Increasingly, this money is being borrowed from abroad.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to.

Mr. SARBANES. If the debt keeps running up, then the carrying charge on the debt goes up every year. So more and more of the annual budget is consumed in order to pay the interest charge on the debt that was built up because deficits have been run before, is that correct?

Mr. CONRAD. The Senator is exactly correct. I think one of the things that is so disturbing about this is an increasingly large part of our budget is being consumed by interest costs to service this debt. It is going to do nothing but get worse. Part of the result of that is, not only are we borrowing money from ourselves but increasingly we are borrowing money from abroad. If we look at what we now owe abroad, here is what we see. These are stunning numbers, I might say, but this is the latest information we have on what we owe other countries.

We owe Japan over $700 billion. We owe China, now, almost $200 billion. We owe the United Kingdom over $171 billion. I am reading a book on George Washington. He would be turning in his grave to think our country owes Great Britain $171 billion. We owe the Caribbean Banking Centers over $100 billion. I don't know what the Caribbean Banking Centers constitute, or where they get their money, but we owe them over $100 billion. We owe South Korea over $67 billion.

The pattern that is so clear is the extraordinary increase in foreign holdings of our debt. The foreign holdings of our debt have increased almost 100 percent since President Bush took office. That is an utterly unsustainable course. Foreign holdings of our debt have gone up almost 100 percent since 2001.

Some people look at that and ask, what difference does it make? Isn't that just fine, someone is willing to loan us money? Shouldn't we take Japan's money? Shouldn't we take China's money? What is the difference it makes?

Here is the difference it makes: What happens when they decide to quit loaning us all this money? What happens if they decide they do not like the idea of loaning us this huge amount of money?

This was in the Financial Times in January of this year "Central banks shun U.S. assets." "Shifting reserves to eurozone will deepen Bush's difficulties in funding deficit." "Actions likely to undermine dollar's value further." We can connect the dots.

Here is what has happened to the value of the dollar since 2002. Against the Euro, the dollar has declined 34 percent. If you were one of these countries holding all of these dollars and you see the value of the currency declining, might you get the idea it is time to put your money some other place? We have already seen the warning signs. South Korea, a month or so ago, indicated they might diversify out of dollar-dominated securities and the stock market went down 170 points. Weeks later, the Japanese Premier said they might diversify out of dollar-dominated securities and the dollar took a huge hit. In March of this year, perhaps the most successful American investor of our time, Warren Buffett, said he is going to bet against the American dollar again this year because of this pattern. The currency value is declining, and declining sharply. Warren Buffett tells us a key reason is these massive deficits we are running—trade deficit, budget deficit—are forcing us to borrow more and more money from abroad.

I say to those who might be listening, how does it make America stronger to borrow more and more money from abroad? How does that make us stronger?

Mr. SARBANES. Mr. President, that is the question I wanted to put to my colleague.

As I understand what is happening, we are becoming increasingly dependent economically on countries abroad. We are losing control over our own economic destiny.

They say, well, they are still willing to lend us this money. That may be, but in the course of doing it, we become more and more dependent upon them. They can continue to give us the money, we get deeper and deeper into the hole, which then raises the prospect that if they shift their policy, we can take a very serious hit. There is no commentator I have read who believes we can continue on this path indefinitely. At some time there will be a reckoning.

What has happened is the United States has become dependent on the kindness of strangers. We say we are No. 1, that we have the world's strongest economy. Yet we are in hock to everyone around the world.

The Senator showed the figures of the holdings of other countries. The China figures, which are still well short of Japan, are going up on an ascending trend that is almost breathtaking in terms of how much deeper we get into hock.

I ask the Senator, not only does that have serious economic implications, but doesn't it also reduce our ability to deal on important political and security issues when we are this indebted and this dependent on others in economic terms? They are in a position to give a real jolt to our economy if they choose to do so, which then, it seems to me, restricts our ability to deal on a whole range of other issues we may have with one or another of these countries.

Mr. CONRAD. Here we face these massive trade deficits. The trade deficit was over $600 billion last year. For the most recent month, after the dollar has declined dramatically, it is supposed to improve our trade situation. What happened to the trade deficit? Did it go down? No. In the most recent month, the trade deficit was $61 billion, the biggest ever. That is after the dollar has declined 34 percent. It makes our goods less expensive and makes foreign goods more expensive. That should have improved our trade position, and yet it did not.

We have a problem. The sooner we face up to it, the better. None of this adds up.

You can live beyond your means for a time. A family can do it. An individual can do it. A government can do it a lot longer because governments can print money. But there are consequences to that, as well.

Those who say deficits do not matter, go ask the German people about after World War I. Ask them whether they think deficits matter. We all know what happened in Germany after World War I. The currency collapsed because of their heavy foreign indebtedness after the war.

What did they do? You wanted to buy shoes? You filled a wheelbarrow full of the German currency because that is what it took to buy a pair of shoes.

We are not in that shape, and God forbid we ever get in that shape, but the trend lines are not favorable. They are not good.

Our foreign holdings of our debt have gone up almost 100 percent. In fact, that chart is a little out of date because the truth is, it is already over 100 percent. That is what has really happened. This debt is mushrooming every year, and under the budget that is before the Senate the debt of the United States is going to go up $600 billion a year each and every year of this budget.

They say they have the deficit going down, and yet the debt is going up. What kind of doubletalk is that? The deficit is going down, but the debt is going up. It is going up $600 billion a year, every year. Anyone who votes for this budget is voting for it.

The budget before the Senate leaves out the full 10-year numbers because they know past the 5 years everything gets worse. It leaves out funding for the ongoing war beyond fiscal year 2006. It leaves out the alternative minimum tax reform. It leaves out the cost of Social Security privatization. When you add it all back, you get a very different result than our colleagues are showing the American people.

When you go back and create a real budget, here is what we find. Deficits, massive deficits each and every year going forward, never going below $572 billion. That is not the full increase in the debt. This leaves out things which we will get to in a moment.

Our friends on the other side say, well, we are reducing the deficit. In one meeting we had—in the conference committee Democrats were excluded, absolutely excluded from the negotiations on this budget. Let me repeat that: Democrats were not allowed or permitted to be in the room when these discussions were undertaken.

Mr. SARBANES. Will the ranking member yield on that point?

Mr. CONRAD. I am happy to.

Mr. SARBANES. Would the Senator agree with me that is an outrageous departure from the traditional practice in terms of how conference committees ought to operate? Traditionally, conference committees have met, both parties have been included in the conference committee, debate has taken place, issues have been raised, and decisions made. The majority may be able to impose their decisions because that is how it gets decided, but there is an opportunity to try to shape the debate and have an influence on what is decided.

In this instance, the Democratic members of the conference committee were completely excluded, except for one show-and-tell meeting that was held, a pro forma meeting.

Mr. CONRAD. Required by the rules.

Mr. SARBANES. Yes. Which had to be done; otherwise, presumably, it never would have happened. All these decisions were made by—and only by—the Republican members of the conference committee from the House and the Senate.

Now, it is an abuse of power, in my opinion. It is another reflection of an arrogance of power in terms of how the institution ought to operate. I think it is very important to register the point that this is what transpired. The American people need to understand that this budget resolution was not the consequence of a give-and-take in the normal legislative way. This was done by the majority simply imposing their will.

Mr. CONRAD. That, in fact, is the case. We were excluded in every way. The only time we were included is at the meeting that is required by the rules. There is a requirement there be at least one meeting of the conference committee, and we were there. We made our statements. We were ushered out, and that was the end of the conversation. I said I do not think that is the way our Forefathers intended the process to work. One of our colleagues on the other side said: Well, our Forefathers never envisioned political parties. That is true; they did not envision political parties. But they did envision the abuse of power by a majority. That is one of the things that consumed them in writing the Constitution of the United States. They were deeply concerned that a majority would run roughshod over the rights of a minority. They did not see it in terms of political parties. They did see it in terms of majority power and minority rights. This majority has adopted the view that it is only about majority power. That is a mistake. That is not what the Founding Fathers intended.

Here are the results of that kind of mistake. When you look at the deficits, our colleagues say they are going to improve the deficit. But in fact, here, as shown on this chart, is a comparison of the budget conference report and the deficits it produces compared to what would happen if we put the Government of the United States on autopilot.

If we just used the CBO baseline, we would have lower deficits than is produced by the work of this conference committee and the majority. In fact, they have increased the deficits by $168 billion over 5 years, over the CBO baseline. So they have made the deficits worse by $168 billion in comparison to what would have happened if we would have just put the Government on autopilot. When our friends say they are going to cut the deficit in half over the next 5 years, here is the strongest answer in factual terms I know of. It is right here. This is the fiscal year 2006 budget resolution from the GOP conference report. This is their own document, their own calculation, of what is going to happen to the debt of the United States each and every year under this budget. Here is what it says. It is not my document. This is their document. They say that the debt is going to go up by $683 billion the first year, by $639 billion the next year, by $606 billion the third year, by $610 billion the fourth year, by $605 billion the fifth year.

Where is the deficit cut in half? Where is it? Every year the debt is going up by over $600 billion. Just visually, on this chart, this is what we see. They are building a wall of debt. Here is where the debt stood, debt subject to limit, and where it will stand at the end of this fiscal year in September. If this budget is adopted—and I pray it is not, for the good of this country. For the economic security of America, I hope this budget is not adopted. Why? Because it builds a wall of debt. Each year, each and every year, the debt climbs by another $600 billion under this budget resolution.

Anybody who votes for this budget ought never to again claim they are fiscally responsible or fiscally conservative because they are taking us on a path of deficits and debt and decline unparalleled in American economic history. That is where this is all headed.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. As this wall of debt is built up, I want to come back again to the carrying cost on that debt. It has to be understood, in each annual budget, there is going to be a larger and larger amount to cover the interest charge on this expanding debt that is being built up year to year. Furthermore, if we run a risk that other countries are not going to want to hold our paper, as they are doing, we are probably going to have to raise our interest rates. In fact, interest rates are already on the way up, in any event. If you have to raise them even more, to get others to continue to hold our paper, the carrying charge is going to go up.

So the carrying charge is going to go up because the debt is going up, and it is also going to go up because the interest rates will be going up. So there will be a double blow dealt to the American economy, and a bigger and bigger chunk of each year's budget will be eaten up in paying the interest charges on this enormous debt. Isn't that correct?

Mr. CONRAD. What is stunning here is who is it going to go to? It used to be America financed its own debt; that is, we borrowed the money from ourselves. Increasingly, we are borrowing the money from abroad. Increasingly, we are dependent on the decisions of foreign central bankers to finance our veracious appetite for foreign capital.

The Senator is exactly right. As the debt increases, even if interest rates remained unchanged, the interest cost would go up because of the increasing debt, the increasing borrowing that we are doing as a nation. On top of that, we know the increasing debt will put pressure to increase interest rates because people are going to keep making us these loans, especially when the value of our currency is declining.

The only way to offset that is to increase the interest rates. So then you get hit by a double whammy, the double whammy of increased interest because your debt has increased and also it is increased because interest rates are increasing.

Mr. DORGAN. Mr. President, I wonder if my colleague, the Senator from North Dakota, would yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. DORGAN. Mr. President, I notice on our desks there is something called the conference report. It is what I asked Senator CONRAD about earlier today, whether he was aware of what was in the conference report. I guess that was at about noon or 1 o'clock. I believe the Senator responded that he was not aware at that point because he had not seen it.

But because this is called a conference report, I would ask the Senator—you are the ranking member on the Budget Committee here in the Senate—were you a part of the conference? Were you a conferee?

Mr. CONRAD. Well, I was, in the sense that my colleagues chose me as a conferee, along with the distinguished senior Senator from Maryland, Mr. SARBANES, as well as the senior Senator from Washington, Mrs. MURRAY, but we were not invited to any of the working sessions. We were not invited to any of the negotiations. We were not invited to be any part of any of the discussion, other than the one meeting that is required by rule. It was a public session of the conference committee in which we were permitted to make short statements, but we were not part of any negotiation or any discussion.

(Mr. ALLEN assumed the Chair.)

Mr. DORGAN. Just to further inquire, you were selected by the Senate to be a conferee to this conference but, in fact, were not invited to the conference; is that the fact?

Mr. CONRAD. That would be the fact.

Mr. DORGAN. Let me ask the question: I asked midday whether you knew what was in this conference report, and I well understand now why you could not know if the conferees on this side of the aisle were not welcomed to the conference. In fact, if the conference was held without participation from the minority party, then I understand this report is produced, in whole, by the majority party. It is a big, thick document stuck on our desks maybe midafternoon or late this afternoon.

I was listening to the debate by my colleague, Senator CONRAD, and he was talking about deficits and debt. I thought maybe someone would challenge him on his figures. Wouldn't it be the case that it would be hard to challenge your figures because they come from page 4 and page 5 of the budget prepared by the majority party? In fact, what it says on page 4, which is their conference report—a conference they didn't allow the minority to participate in—is that each and every single year, they are going to have massive amounts of deficit spending. And they start with $7.9 trillion of debt on page 4 and end up with $11.1 trillion. Yet they are out here thumbing their suspenders, boasting about how terrific they are at reducing the Federal deficit.

Can you show me any place in here where they are reducing the Federal deficit? It looks to me, on page 4 or page 5, they are filling the tub with deficits.

Mr. CONRAD. Here it is. This chart shows graphically precisely, according to their numbers—not my numbers; these are their numbers—what they say their budget will do. It says they are going to increase the debt every year by $600 billion. They say they are going to cut the deficit in half over 5 years, but the debt goes up each and every year by over $600 billion. If that isn't doubletalk, I don't know what is. They say the deficit is going down, but the debt is going up. It is their own calculations. They are building a wall of debt that is unprecedented, and they are doing it right before the baby boomers begin to retire, and we all know what that means. They are going to present a future Congress and a future President with the most extraordinarily difficult choices that any Congress or any President has faced in this country's history because this is a complete lack of fiscal responsibility—deficits on top of deficits on top of debt, up, up, and away, no end in sight, and all of it at the worst possible time, before the baby boomers retire.

I say to my Republican colleagues: Any Republican colleague who votes for this budget ought to make a pledge here tonight that they will never again claim the mantle of fiscal responsibility, that they will never again claim to be fiscally conservative, because this is a borrow-and-spend budget of historic proportion. Our friends on the other side of the aisle have decided that the way to win elections is to borrow the money and use it to fund tax cuts and use it to fund spending and don't worry about anything adding up because they will be out of town before the bills come due.

Mr. DORGAN. If I may inquire further, isn't it the case that this budget document is actually a budget document that is wearing makeup? If you take the makeup off this document, what does it look like? Let's assume they put everything in this document that they know is going to happen. Then what does it look like? As bad as it is now, isn't it the case that this becomes a fiscal catastrophe?

Mr. CONRAD. In some ways, it is almost hard to place language on this document. The Senator says it has makeup. This isn't pretty with or without the makeup because the results of this are going to be a country that is deeper and deeper in debt, whose long-term economic security is put at risk, that more and more is dependent upon the decisions of foreign central bankers on our economic well-being. The harsh reality here is that you can live beyond your means for a while, but it catches up with you. And that is what this budget represents.

Our friends on the other side of the aisle want to spend money. Make no mistake about that. The spending is going up under this budget. They just don't want to pay for their spending. They prefer to borrow the money. They don't want to raise the taxes necessary to support their spending.

One could have more respect for their position if they did one of two things: if they either cut their spending to match their willingness to pay for it by raising revenue or if they were willing to raise the revenue to match their spending appetite. But our friends on the other side of the aisle are not willing to do either. They want to spend the money, but they don't want to raise the revenue to pay for it. Instead, their answer is, borrow the money. Borrow the money to fund tax cuts. Take the money from the Social Security trust fund, $2.5 trillion.

They say Social Security is short of money. So what is their answer? Their answer is to take $2.5 trillion out of it to pay for income tax cuts that go primarily to the wealthiest among us.

Here is the evidence of that because buried in this budget are additional tax cuts, dividends, capital gains that will give on average to those who are earning over $1 million a year in our society a $35,000 tax cut per year. For those who earn less than $50,000 a year, the vast majority of Americans, they will get $6 a year. This is our Republican friends' notion of a balanced plan—$35,000 a year for those who earn over $1 million a year, $6 for those who earn less than $50,000 a year. And for those who are fortunate enough to earn $50,000 to $200,000 a year, they would get $112. That is our Republican friends' notion of tax fairness.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. The number of people in this country who earn over $200,000 a year is less than 1 percent of all taxpayers, is it not?

Mr. CONRAD. It is.

Mr. SARBANES. It is a tiny group. So this tiny group under this chart will be receiving the overwhelming proportion of this tax cut that is included in this budget resolution.

Mr. CONRAD. Those who earn from $200,000 to $1 million a year get on average $1,480 under the tax cut plan that is contained here. Again, those who earn more than $1 million a year get, just on these tax provisions—by the way, these are just a couple of the tax provisions. This does not include the estate tax provisions that go overwhelmingly to the wealthiest among us. Just these two tax provisions would give $35,000 a year to those earning $1 million a year and $6 of tax cut to those who earn less than $50,000. It will give $112 to those who earn between $50,000 and $200,000.

I would just say that the priorities of this budget are also out of whack. This budget, in the year 2006, for those fortunate enough to earn over $1 million a year, the tax cuts going to that group of people will cost $32 billion in that year alone. That is the cost of the tax cuts for those earning over $1 million a year in that year alone: $32 billion. But they say there is not the money to restore the education cuts that are contained in this budget which would cost $4.8 billion. They say there is no money to do that. But there is eight times as much money to give tax cuts to those earning over $1 million a year. I guess one could say our Republican friends have said: It is seven times as important to give these tax cuts to those earning over $1 million a year as it is to restore these education cuts.

I don't share those priorities. I believe those are misplaced priorities. I don't think those are the priorities of the American people. They are profoundly wrong for the long-term economic strength of our country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. SARBANES. Is the $32 billion—the cost of the tax cut that goes to those making over a million dollars, is that just for 1 year?

Mr. CONRAD. That is for 1 year.

Mr. SARBANES. So, presumably, in the following year it will cost another $32 billion?

Mr. CONRAD. Actually, even more the next year.

Mr. SARBANES. That gives you a clear picture of what the priorities are in this budget. The priorities are to give $32 billion in tax cuts to millionaires, and yet to cut the education programs to almost below what they were in 2005; is that correct?

Mr. CONRAD. It is very hard to understand this set of priorities. The Senator is exactly correct. This is the amount this budget would need to add to restore education programs to the 2005 level. It would require $4.8 billion. They say, no, they cannot do that because they have to give $32 billion of tax benefits to those earning over a million dollars a year. And it is not just with respect to education, although I argue that education is the clearest priority for our country. What is it that will allow us to compete in this global world economy? What is it that is going to allow us to compete and win? It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You can see we are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It would cost $1.1 billion to maintain funding for law enforcement. But, no, they say you have to cut the COPS Program, shred the COPS Program. The COPS Program put 100,000 police on the street and helped reduce crime in this country. They say that has to go, we cannot afford it; but we can afford 30 times as much to give tax cuts to those earning over a million dollars a year.

A budget is a chance to make choices. That is what it is about. It is about priorities, about what is important. The choices that are being made by our friends on the other side are the choices to add to the debt, add to the deficits, take all the money from Social Security trust fund surpluses—every dime—and use it to pay for other things, including tax cuts that go overwhelmingly to the wealthiest among us.

Are those the priorities of the American people? You know, even wealthy people I talk to say these are not their priorities. I have had so many wealthy people say to me, "I don't need another tax cut." A gentleman stopped me the other day—an enormously wealthy individual—and he said: Look, what matters to me is how my country does. I have been very fortunate. I have done extremely well here. I want others to have the chance I had.

That means they have to have a chance to get a good education, and that means our country has to do well. I don't know of a country anywhere, ever, that has gotten stronger by becoming more dependent on borrowing from other countries. I would like some of our colleagues to come out here and tell me what country became stronger by borrowing more money from foreign countries. Where is it written in history that a country made itself powerful and strong by borrowing more and more money from other countries? You know, so many people have warned us we are on an unsustainable course. The Comptroller General of the United States warned us we are on an unsustainable course of deficits and debt. The Chairman of the Federal Reserve Board has warned us we are on an unsustainable course of deficits and debt. Another thing the Chairman of the Federal Reserve Board told us is, you ought to reinstitute the budget disciplines that helped this country in the past, those budget disciplines that apply to both the spending and the revenue side.

But this budget doesn't do that. This budget has pay-go provisions that apply on the spending side. Here is what Chairman Greenspan said:

> A budget framework along the lines of the one that provided significant and effective discipline in the past needs, in my judgment, to be reinstated without delay. I am concerned that, should the enforcement mechanisms governing the budget process not be restored, the resulting lack of clear direction and constructive goals would allow the inbuilt political bias in favor of growing budget deficits to again become entrenched.

He said that in 2003 before the Senate Banking Committee. The Chairman of the Federal Reserve Board was right about that matter. But that is not what our friends have done here. They have not restored the budget disciplines that worked in the past. No, no. They have taken half of the formula.

The New York Times ran an editorial on Wednesday: "In Search of Budget Moderates." I would write a different headline. My headline would be: In Search of People Who Are Fiscally Responsible.

> If you want to spend the money, raise the revenue to pay for it. If you don't have the stomach for raising the revenue to pay for it, cut your spending. Those are the choices that were put before our Republican colleagues. They chose to do neither. They chose instead to run up the debt of this country, which is already at record levels, and they said: Caution to the wind, let's add to the debt $600 billion a year each and every year of this budget. That is what is here. It is their own estimates. It is their own claims about their own budget. It is not somebody else's calculations; it is theirs and they are responsible. They will be held accountable for their votes tonight.

Mr. DORGAN. Will the Senator yield for a moment?

Mr. CONRAD. Yes, I am happy to.

Mr. DORGAN. The Senator made a very powerful presentation, as usual. This is an embarrassment—this train wreck of a budget that was brought to the floor of the Senate in a manner that excluded the minority party from participating, in a manner that excluded those who were designated as our conferees from participating, brought to the floor the afternoon it is to be considered. The only thing that trumps the bad numbers here is the bad judgment.

A hundred years from now, everybody here will be dead. Historians can look at this and determine what were our priorities, what was important in this country to the policymakers, and how they spent the money. This is an embarrassment, a train wreck. We are going to have a lot of discussion about choices and judgment. That is important, the choices of: What did we decide to invest in? Who got the tax cuts?

That is important. But the bad numbers the Senator has spoken about are staggering. I know nobody is going to come to the floor to respond directly to what he has described because there is no response to it.

As I conclude, I will say that some while ago somebody told me you don't understand the economic strategy that is employed here: Don't worry about the deficits; spend all this money, and give big tax cuts to upper income folks. Katie bar the door. Don't stare problems directly in the eye; don't deal with them. Let me explain it to you. You take three glasses and one apple. Cut the apple in half and put one-half in the first glass, put the other half of the apple in the second glass, and the third half in the third glass. I said: But there are only 2 halves.

He said: You don't understand our economic strategy.

I said: No, I sure don't.

That is exactly the basis on which they create a strategy. It is a mirage, a total myth. This document pretends to do something it doesn't. It is an embarrassment. The minority was not allowed to come to conference, and the majority that is supposed to represent the conservative movement in the United States has become the biggest spenders in the history of this country and the biggest supporters of Federal debt and deficits we have ever seen. And that is in this document. Do not take it from me, it is not my word, it is in black and white on page 4 and page 5. I am very anxious tonight for somebody to come down here and describe why and how they got to this point and how they justify it.

I appreciate the Senator yielding.

Mr. SARBANES. Mr. President, will the Senator yield for a final question?

Mr. CONRAD. Yes, I will.

Mr. SARBANES. The Senator has spoken in a very articulate way about fiscal responsibility. My own understanding is, looking back at history, when we have gone to war, as the President took us to war in Iraq, we have usually raised taxes to help cover the cost of the war or at least cover part of the cost of the war in an effort to be fiscally responsible.

In this administration, we went to war and, if I am not mistaken, at the same time the administration was pushing for tax cuts. So we were again being hit doubly. The cost of the war was being imposed on the budget affecting our deficit and debt situation, and at the same time they were seeking tax cuts—in other words, diminishing revenues—which also affected negatively our deficit and debt situation, and that is contrary to fiscal responsibility and contrary to what has happened in previous war engagements; is that not correct?

Mr. CONRAD. It is correct. Here we have a situation in which we are at war, and we have had very substantial tax cuts already. Last year the revenue was the lowest it has been as a share of gross domestic product since 1959. The deficits are at record levels. And the President's answer is spend more money and cut the tax base further, expanding the deficits, expanding the debt, and doing it all right before the baby boomers start to retire. It is truly a reckless course the President is taking us on. It is a reckless course. I hope at some point colleagues on both sides of the aisle will get serious about the long-term economic security of the country.

The Senator from Massachusetts has been extraordinarily patient. Mr. President, Senator KENNEDY has very graciously offered to wait until the Senator from West Virginia has concluded his remarks. We certainly thank him for his consideration. I yield such time as the Senator from West Virginia may use.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota and I thank the distinguished Senator from Massachusetts. The Senator from Massachusetts has been waiting prior to my arrival on the floor. I have no problem with waiting until he is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator for his generosity, but I look forward to listening to the Senator from West Virginia. I know we are going back and forth. I ask unanimous consent to proceed after the Senator from West Virginia.

The PRESIDING OFFICER. Will the Senator state his request once again? The Chair was unable to hear it.

Mr. KENNEDY. I was asking for recognition after the Senator from West Virginia. I withhold.

The PRESIDING OFFICER. I say to the Senator from Massachusetts, the time is under the control of the Senator from North Dakota.

Mr. CONRAD. How much time would the Senator like?

Mr. KENNEDY. If I could have a half an hour.

Mr. CONRAD. I am pleased to yield 30 minutes to the Senator from Massachusetts after the Senator from West Virginia has concluded.

Mr. KENNEDY. Mr. President, do I have it correct, I will have the opportunity for recognition after the Senator from West Virginia?

The PRESIDING OFFICER. The Senator from Massachusetts is correct, and the time for the Senator from Massachusetts is under the control of the Senator from North Dakota who stated that after the Senator from West Virginia has concluded, the Senator from Massachusetts will have 30 minutes to speak on the measure.

The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair. Mr. President, I thank again my friend from Massachusetts. I will try to be brief so that I do not impose on the Senator from Massachusetts.

Mr. President, in his book, "Profiles in Courage," John F. Kennedy recalls the tale told by Lucius Quintus Cincinnatus Lamar, a U.S. Senator from the State of Mississippi. And I read from John F. Kennedy's book:

> Lamar, in the company of other prominent military and civilian officers of the Confederacy, was on board a blockade runner making for Savannah harbor. Although the high-ranking officers after consultation had decided it was safe to go ahead. Lamar related, the Captain had sent Sailor Billy Summers to the top mast to look for Yankee gunboats in the harbor, and Billy said he had seen ten. That distinguished array of officers knew where the Yankee fleet was, and it was not in Savannah: and they told the Captain that Billy was wrong and the ship must proceed ahead. The Captain refused, insisting that while the officers knew a great deal more about military affairs, Billy Summers on the top mast with a powerful glass had a much better opportunity to judge the immediate situation at hand.

"Profiles" quotes Senator Lamar:

> Thus it is, my countrymen, you have sent me to the topmost mast, and I tell you what I see. If you say I must come down, I will obey without a murmur, for you cannot make me lie to you; but if you return me, I can only say that I will be true to love of country, truth, and God . . .

So ends the quote from John F. Kennedy's book, "Profiles in Courage."

Mr. President, I have been to the topmost mast. As the senior member of the Appropriations Committee that must implement this budget, as a Senator from a State that will suffer under this budget, as a taxpayer who must bear the debt burden of this budget, I see herein calamity, tragedy, and callous indifference.

Budget deficits, we now know, are not short-term aberrations emanating from an economic recession or the attacks of September 11, as some have long maintained. They are the inevitable result—the inevitable result—of structural imbalances embedded deep within this administration's failed fiscal policies.

From $158 billion 3 years ago, to $375 billion 2 years ago, to $413 billion last year, to $427 billion this year, this administration proposes record deficits for today, for tomorrow, and for the indefinite future. So this talk about cutting the deficit in half is fiction, nothing else but fiction. This budget excludes the long-term costs of military operations in Iraq. It excludes the costs of Social Security reform.

It looks no further than 5 years down the road, effectively concealing the consequences of the administration's proposals for more tax cuts. The American people must think Congress is out of its mind to believe that a budget that proposes such enormous deficits, while excluding so much, could serve as an example of tough decisions. Well it "ain't" so. Rising deficits suggest just the opposite—an inability to make tough decisions. For that matter, cheap shots at programs for the elderly and poor and for rural America hardly represent tough choices.

The administration has been clear that despite the deteriorating budget, it will not sacrifice its political priorities. The sacrifice, it insists, must come from others, must come from somebody else, must come from somewhere else: from veterans, who need health care; yes, from families who cannot afford to heat their homes; yes, from students who require Federal loans; oh, yes, from our police and firefighters who need training and equipment to cope with new dangers.

In my State of West Virginia, this budget will result in tens of millions of dollars in cuts for our schools, tens of millions of dollars in cuts in nutritional childcare and family services for lower income families. It will eviscerate economic development programs, likely resulting in half a billion dollars in cuts for the State and its localities over 5 years. Yes, let them suffer the cuts. It requires cuts in Medicaid. It requires cuts in other programs that will deny affordable health care to seniors and to families across the States. All together, the cuts included in this budget amount to nickels and dimes within the context of the $2.5 trillion budget. They do not fix the deficit problem. Talk about cutting the budget deficit in half, they do not fix the deficit problem. Even with these cuts, this budget will worsen the deficit by $33 billion this year. Think about that. The Congress is proposing to cut investments that are essential to the care of our seniors, essential to our veterans, essential to our schoolchildren, and the result is a $33 billion increase in the budget deficit.

Our constituents must wonder for what they are being asked to sacrifice. A few simple phrases describe this budget: High deficits and debt, more tax cuts for the wealthy that we cannot afford, more cuts to programs for the elderly, more cuts to programs for veterans, more cuts to programs for the schoolchildren, and not a dime to ensure the solvency of the Social Security and Medicare Programs.

I think highly of the Senator from New Hampshire. I am very fond of him. I admire him greatly. He has done yeoman's work as chairman of the Budget Committee. I cannot support this budget. I defer to that great Senator's expertise on many budgetary matters. He is absolutely superb as a chairman, but the only right vote that I can see from the topmost masts that I have climbed is a vote against this budget.

I again thank my friend from Massachusetts, Senator KENNEDY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe I have up to 30 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I first want to congratulate the Senator from North Dakota and my two other colleagues, my old friend and colleague from Maryland, Senator SARBANES, and Senator DORGAN, for their excellent presentation in terms of the budgetary impact of this budget.

I think they have explained very clearly, eloquently, and passionately the severe risks that this budget puts in terms of the economic future of this country and its relationships and dependency on other countries throughout the world.

I would like to address another aspect of this budget, and that is with regard to domestic priorities that are front and center for most families in this country. First, I would like to discuss the priority of education, and then, second, the budget cuts in Medicaid, which is a lifeline to millions of children and disabled people and women in our society, and third, the further undermining of our whole pension system, which has been included as part of this budget as well. We are having a great national debate on the issues of Social Security and the integrity of the Social Security fund. Under the provisions of this budget, we are going to find that the availability and the assurance of pensions is going to be seriously undermined and threatened as well.

But as an initial matter, I ask unanimous consent that an excellent statement by the Episcopal Church, the Evangelical Lutheran Church, the Presbyterian Church, the United Church of Christ, and the United Methodist Church, with regard to this budget, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
April 28, 2005.

CONGRESS SHOULD REJECT THIS BUDGET

In response to the FY 2006 Budget Conference Report to be considered by Congress and as a follow-up to a March 8, 2005 press conference calling the President's FY '06 Budget "unjust," five mainline protestant leaders issued the following statement:

On March 8, we as leaders of the Episcopal Church USA, Evangelical Lutheran Church in America, Presbyterian Church (USA), United Church of Christ, and United Methodist Church General Board of Church and Society, issued a joint statement questioning the priorities of President Bush's 2006 Federal Budget. We remembered the Gospel story of Lazarus and the rich man and noted that the 2006 budget had much for the rich man but little for Lazarus. It was our hope that Congress would take action on behalf of "Lazarus." Sadly, all indications are that that has not been the case. Therefore, today we call upon Congress to reject this budget and go back to the drawing boards.

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own

> country who suffer from hunger, lack of education, jobs, housing, and medical care as well as concern for our global community. There are good programs that can help solve all of these problems. We know, we have seen them at work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing opportunities for our fellow women and men to pursue their God given gifts. We commend those who attempted to improve the FY '06 budget by adding funds for Medicaid, education, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and international family planning. We regret that the speed with which this document is being brought to the floor does not allow time for the careful examination such a document requires.
>
> As we view the FY '06 Federal Budget through our lens of faith this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, 45 million without health insurance, or the 13 million hungry children. Worldwide it neither provides sufficient development assistance nor adequately addresses the Global AIDS pandemic. Therefore, we ask Congress to reject this budget and begin anew.
>
> We conclude today, as we did March 8, by asking that together we "pledge ourselves to creating a nation in which economic policies are infused with the spirit of the man who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him "to bring good news to the poor."
>
> THE MOST REVEREND
> FRANK T. GRISWOLD,
> *Presiding Bishop and Primate of the Episcopal Church, USA.*
> THE RIGHT REVEREND
> MARK HANSON,
> *Presiding Bishop of the Evangelical Lutheran Church in America.*
> THE REVEREND DR.
> CLIFTON KIRKPATRICK,
> *Stated Clerk of the General Assembly, Presbyterian Church, (U.S.A.).*
> THE REVEREND JOHN H.
> THOMAS,
> *General Minister and President, United Church of Christ.*
> MR. JAMES WINKLER,
> *General Secretary, General Board of Church and Society, United Methodist Church.*

Mr. **KENNEDY**. I will just read a few lines from this statement.

> We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. . . .
>
> As we view the FY 2006 Federal Budget through our lens of faith, this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, the 45 million without health insurance, or the 13 million hungry children . . . Therefore, we ask Congress to reject this budget and begin anew.

Mr. President, with a budget we have a chance to make a difference. We have a chance to make a difference for working families and for millions of Americans who work hard every day, who care for their families, who want the best for their children, their communities, and their country. This budget should make a difference for them. It should be a budget for America, a fair budget that improves the lives of average Americans. That is not this budget.

President Bush and the Republican Congress had a chance to make a difference and they failed. In this budget, they choose instead to lavish more tax breaks on the wealthy at the expense of poor Americans who rely on Medicaid and at the expense of parents who want to send their children to college. It is Medicaid, strike one; education, strike two; and this budget is strike three. We ought to throw it out.

Here is how this budget harms education in America. Education is the golden door to opportunity for our citizens. Parents know that education makes the American dream possible for their children. Education is essential to our future competitiveness and our strength as a nation. We cannot compete in the world without skilled workers. We cannot maintain a strong defense without a skilled and dedicated military.

The budget proposed by the President and the Republican leadership in Congress fails our future. It fails American families struggling to pay for their children's college education. It fails American workers seeking to improve their skills and secure better jobs to support their families. It fails our companies looking for the best workers. It fails our military looking for the brightest recruits. It weakens America as we strive to compete in the global economy and maintain our security in a dangerous world.

American workers are being battered by the tidal wave of globalization and this budget does nothing for them. Nothing. Since this administration has been in office, 2.8 million manufacturing jobs have been lost. By the year 2015, 3.4 million jobs are at risk of being sent overseas.

This chart demonstrates, according to Forrester Research, one of the most authoritative analytical groups in terms of jobs being outsourced, the job outsourcing projections we are facing. Do you think there was any effort at all in this budget conference to take into consideration this flow line, to be able to take the remedial steps by providing additional skills to our workers, such as training, increasing vocational schools, commitment in terms of adult education, continuing the upgrading of our skills? Absolutely not.

The wages of average workers are going down at a time when the cost of living is going up. At the same time, other nations are producing increased numbers of workers with advanced skills. China, today, is graduating 300,000 engineers; India, 200,000 engineers; the United States of America, 50,000 engineers. Better than half of those foreign nationals who graduate in the sciences from American universities are going back overseas. How are we going to be able to maintain national security? How are we going to be able to maintain our economy with these flow lines?

Look at what has happened since 1975 with regard to American production of scientists and engineers. The United States in 1975 was third in the world. The United States today is 15th in the world and we are in a downward slide.

This Senate said we were going to change that flow line. This Senate went on record by supporting, Republicans and Democrats alike, $5.4 billion to make sure we were going to be able to graduate 50,000 to 60,000 more engineers and scientists a year.

What did this conference do? They said, no, no. Did they say, we will give you 15,000 or 20,000 engineers? No. Or 10,000? No. Or 5,000? No. Or 1,000? No. Zero. Effectively, they zeroed that amendment out that had Democratic and Republican support alike not only with regard to math and science but also with regard to the TRIO Program, the Upward Bound Program, the GEAR UP program, the vocational education program, adult literacy programs, all the programs that provide additional training and help and assistance.

For the first time in a decade, this budget cuts the education budget. Page 34 of this budget, two-thirds of the way down, are the projections of 2005 through 2010. It is cutting our education commitment by some $15 billion over the next 5 years—not increasing it, not even holding its own—cutting education. Rejecting the Senate amendment that added $5.4 billion, the conferees instead cut $15 billion in the discretionary education budget.

If our country is to remain strong in this rapidly changing world, if our economy must work for everyone, every American must have an equal chance at the American dream.

No Child Left Behind is not just a political slogan; it is a solemn pledge to every parent and every child in America. But this budget leaves 3 million children behind. In 2006, 3 million children are left behind. Remember our commitment, that all children were going to reach proficiency over the period of the next 12 years? Under this budget, by 2013, we will be leaving 4.8 million children behind on the projections we have.

This budget cuts student aid, helping young people who would be able to go to college. Where do we find that in this budget? In the reconciliation part, it talks about $13.6 billion in cuts: $7 billion will come from the student aid program and $6.6 billion will come from pensions. That means the companies are going to have an increased tax. Companies will have to pay more into the Pensions Benefit Guaranty Corporation, big companies and small companies. That will discourage companies from maintaining their pension programs. That is what the administration wanted.

We had offsets for our amendment of $5.4 billion. What were the offsets? Closing corporate tax loopholes. Imagine the Republican majority saying all right, Senator KENNEDY, maybe you will close the tax loopholes you have identified, but not ours. But that is not the case. Those tax loophole closure provisions already had passed virtually unanimously in the Senate previously. The Senate voted for them and then did not use them, did not close them completely previously. Corporate tax loopholes to pay for education and training: That was the choice for the Budget Committee. And they said no to education, no to training, and yes to the corporate loopholes.

This budget with regard to education, is important not only for those who are going to college but for those who are trying to make it through K-12. Every child and every parent ought to understand the judgment made at the instigation of the leadership of the Republican Party—and this President—to make a reduction of $15 billion in education for the K-12 education; $13 billion in terms of higher education and the pension program; and the elimination of the $5.4 billion. We could have added funding for education. Instead this budget cuts education.

Money is not everything, but it is a clear indication of a country's priorities. What we are talking about with these investments, we were enhancing the Pell grant which would be available to 5.3 million young Americans who are qualified, are talented, and able to go to school but are having hard times making ends meet, and help and assistance to working families. That is what we were interested in doing. That is what was turned down.

Mr. SARBANES. Would the Senator yield the floor?

Mr. KENNEDY. I yield.

Mr. SARBANES. Wasn't the money in order not to do this to education contained in the Senator's amendment coming from closing corporate tax loopholes that had previously been passed by an overwhelming majority in this Senate?

Mr. KENNEDY. The Senator is absolutely correct. That was passed and accepted by Republicans and Democrats alike on previous legislation and was never incorporated, never utilized, as we say around here. So there had been an agreement that these were the most egregious loopholes and, therefore, we used that as an offset for the increase of the $5.4 billion in education funding.

The conference came back and said, no, we want those loopholes back and we are going to cut education for the neediest children, the TRIO Program, the Upward Bound Program, vocational education, and cut back on scholarship programs for the sons and daughters of working families in middle America. That is what is in this budget in education.

Mr. SARBANES. Isn't it a dramatic demonstration of a choice in priorities, that rather than choosing to fund education, to give young people these opportunities which have been paid for, what they now say is, we had to cut the programs because we have a deficit problem?

The very able Senator from Massachusetts took that into consideration when he proposed his amendment because he wasn't going to add to the deficit. He was going to cover the costs of the amendment by closing these egregious loopholes in corporate taxes. They came along and cut the education programs and allowed the egregious tax loopholes to continue. It is a dramatic demonstration of the priorities of this Republican budget.

Mr. KENNEDY. I was listening to the Senator's comments earlier about the foreign policy implications of debt. He has been active in areas of education. He knows from his own experience in the Foreign Relations Committee, the Banking Committee, the Joint Economic Committee, what is happening in the other countries.

What we saw on the front page of the Washington Post last week was that China was reducing their overall numbers in their military. What they are doing is enhancing their research and development and education and training programs because they are going to go smaller in terms of the total numbers of people in the military and go more into high-tech military equipment which require high level training and high skills.

Would the Senator not agree with me? They are graduating 300,000 engineers, and India is graduating 200,000 engineers. And General Electric has just moved its top research center over to—where? to Maryland or to Massachusetts? no—to India. And DEC, one of the leading, innovative companies in this country, has just opened their new research facility, hiring 3,000 Indian engineers. We are not just exporting jobs, we are seeing the export of research and technology. And what is our response? Cutting back on training young Americans and giving more tax breaks to individuals.

I say to the Senator, who has been here for years as a member of the Foreign Relations Committee, isn't he troubled by these flow lines, not only with regard to our national security but in terms of our ability to be competitive?

Mr. SARBANES. Absolutely. And the Senator from Massachusetts has been sounding this clarion call. I make reference to the chart the Senator showed earlier, which shows what is happening in terms of our young people going into math and science and engineering as a percent of the 24-year-olds who could go into those fields to develop that kind of competence which we need in the so-called global economy.

Now, as I understand this chart, in 1975, the United States was third in the world, as shown over on the left side of the chart; is that correct?

Mr. KENNEDY. The Senator is——

Mr. SARBANES. In 1975, we were third in the world; is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. We are talking now about math, science, and engineering. Everyone talks about technology, the competition we are engaged in, and so forth. How do you compete in that world if you do not train the people and have the professionals with the skills to do it? We went from being third in the world as to the percentage of our young people going into math, science, and engineering, to where now, as of the year 2000, we are 15th in the world, as I read over on the right side of that chart.

We have slipped all the way back; there are 14 countries ahead of us worldwide in terms of the people they are putting into math, science, and engineering.

Mr. KENNEDY. Well, the Senator is exactly correct. If we think we are going to have the technological advantage in another 20 years, either commercially or militarily, with these kinds of flow lines, then we are dreaming dreams that never will exist. This is absolutely preposterous.

We have had an excellent presentation on the overall economic implications of this conference report, but we are talking about the human investment that makes the difference for us to be No. 1 competitively, both militarily and commercially.

The other point I want to mention to the Senator is that the loopholes we closed were the loopholes that were tax incentives for corporations to move jobs overseas. Do we understand? We, as a country, are concerned or should be concerned about outsourcing, sending jobs overseas. Now we are seeing that not only the jobs are going overseas, the research is going overseas, the education advantage is going overseas, the debt control is going overseas. And we are seeing the incentives to move those jobs overseas with the tax loopholes we closed.

But did the Republican budget conference keep the loopholes closed? No. They restored them. They restored them. They are back, now available to companies to go ahead and outsource American jobs. This is a performance that just defies reason—we heard over the course of the campaign, which was not all that long ago, how everyone was talking about—Republicans and Democrats—what we were going to do about outsourcing. They have given their answer, and they have given it to us tonight.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. SARBANES. I want to make sure I understand the Senator on this very point. As I understand it, the tax loopholes, or at least some of the tax loopholes the Senator was closing in order to be able to fund education, were incentives or inducements in the Tax Code to encourage American corporations to move their investment and operations out of the United States and send them overseas. Is that correct?

Mr. KENNEDY. That is correct. It is exactly right. And we had those agreed on, Republican and Democrat alike. I think it was by 76 votes here in the Senate on the FSC-ETI legislation.

So we had the offset of incentives that were moving jobs overseas. We were closing that loophole and investing in able, capable young Americans in higher education, in training teachers for math and science, of which we are in desperate need. No Child Left Behind has the guarantee that we are going to have a well-qualified teacher in every classroom by the year 2006. We are far behind. This would have given us an opportunity to meet that goal.

But most importantly, we would have given the helping hand to many other young people in the TRIO Programs and the Upward Bound Programs and the rest.

Mr. President, over 160 organizations representing students and educators supported our amendment. They generated thousands of calls to their legislators. Just in Massachusetts, I received more than 1,000 letters from adult education students and teachers urging that this amendment be retained, telling their stories about how adult education is changing their lives for the better. We have letters from colleges and universities across the country urging Congress to increase the Pell grants, to save the Perkins Loans Program. We have letters from students, counselors, and young adults urging us to save college preparation programs for first-generation students, such as TRIO and GEAR UP. Over 600,000 students have sought more information about this amendment.

On their own, five Republican Senators wrote the budget conference committee to tell them this President should support this amendment and the conference committee should support this amendment, and that the education and Pell grants needed their support. Yet this conference rejected all those pleas and cut education.

Now, the Republican leadership and the White House decided it was more important to maintain the loopholes to reward corporations that send jobs overseas rather than invest in our own young people here at home.

Our amendment embraced the hopes and dreams of millions of Americans. All parents want their children to have lives of fulfillment and opportunity, to raise strong and healthy families, and afford to live comfortably in safe neighborhoods.

When we first debated this resolution a little over a month ago, a majority in the Senate said no to the President's cuts in education. Today, a majority of the Senate should say no again. We should stop the raid on student aid and pass a budget that strengthens, not weakens, America.

Now, Mr. President, on another subject, just last month the Senate made it clear that cuts to the Medicaid Program were unacceptable. In a bipartisan vote, we agreed to not make any cuts until a bipartisan commission had time to examine the Medicaid Program and recommend possible reforms based on sound policy. Just this week, in an overwhelming, bipartisan vote, the House instructed the budget conferees not to cut Medicaid.

Yet the budget we will be voting on shortly not only cuts Medicaid—despite consensus in both the House and Senate against cuts—its cuts to the program are almost as deep as those we voted down in March. The Senate rejected the $15 billion in cuts to the Finance Committee. Yet this budget report that was drafted in the dark of night behind closed doors forces the Finance Committee to cut $10 billion.

If these cuts were not bad enough, the bipartisan Medicaid Commission has turned into a partisan commission that the administration can stack with members they know will recommend the cuts they have determined. Instead of a real examination of the Medicaid Program so that we can modernize the program with needed reforms, we will have a commission whose agenda will be to recommend cuts.

It is not just Medicaid that is at risk. What does it say about Republican priorities if this Republican budget cuts a program that provides health care for 53 million low-income Americans—children, parents, the elderly, and the disabled—in order to provide large, new tax cuts for the wealthy?

Republicans say they are for a culture of life, but Medicaid sustains that life. One-third of all the births in America are covered by Medicaid. Medicaid sustains life for a third of our mothers and our babies. But this budget says the lives of poor mothers and poor children are not that important after all. Under this budget, tax breaks for the rich are more important than life itself.

I want to show you what has happened with regard to low-income children. Since 1997, 23 percent of children in America were not covered. Now we have reduced that to 15 percent. We are making very important progress in terms of providing some insurance for children. But now with this budget, we are going to see this line go back up because of the following.

If you look at this chart, you will see what is happening to children and also to low-income parents. The total number of low-income children has increased by 6.7 percent and 5.5 percent in terms of low-income parents who have lost their health insurance. We have seen a 1.7-percent growth in the Medicaid Program and an increase of 8 percent to cover low-income children. So we are making some progress, but not with this budget.

This budget takes away those gains for children. Take them away from the elderly. Take them away from the services for expectant mothers who are delivering. That is what this budget does, and that is what is so incredibly wrong in terms of this budget.

We know the harmful consequences of the lack of access to health care. In the early 1960s, President Kennedy commissioned a study to find out why half of our young military draftees were rejected for service. The study, which was released in 1964 and provided the basis for Medicaid coverage policy for children, found these young men had physical and mental developmental problems that were highly treatable if they had had access to health care as children. As a result, the Medicaid program was set up. That is the basis for it. And we have made enormous progress. Now we are going to see the undermining of that program.

Finally, Mr. President, the budget also includes a reserve fund for the Grassley-Kennedy bill to provide health coverage for families with disabled children. The bill is titled the "Family Opportunity Act."

For the last 5 years, Senator GRASSLEY and I have been fighting to get this legislation passed.

The Family Opportunity Act allows families of children with severe disabilities to buy health care coverage under the Medicaid program, without becoming poor, staying poor, or giving up custody of your child. It is legislation cosponsored by more than half of the United States Senate and over 200 disability, health care and other organizations.

Almost one in ten children in America has significant disabilities. But many do not have access to even the most basic health services they need because the private health insurance won't cover them.

In every one of these plans you read numerous exclusions that hurt children with disabilities—no coverage for hearing aids, for special health needs, for assistive technology, for services at school, and on and on and on.

These families aren't looking for a hand-out—just a helping hand. All they want is the opportunity to buy affordable coverage, because the private health insurance market won't offer it to them.

More than any other investment we can make in this budget, we should secure funding for these families who struggle everyday to afford the health care their children need to live healthy and successful lives.

I hope that we can finally see this profamily bill enacted into law this year.

The budget sets up a reserve fund for Senate action to bring the benefits of information technology to our inefficient health care system. Unfortunately, a similar reserve fund is not available for House action.

Information technology has revolutionized virtually every industry in America—only health care lags behind.

IT is critical to our efforts to bring costs down and improve quality. It can provide for more efficient delivery of care, and it can reduce errors and increase quality. HHS estimates that widespread use of IT can save as much as $140 billion a year.

The VA has implemented the most advanced IT system in the country over the past few years. The results have been remarkable. Since 1996, VA costs per patient have actually decreased 7 percent, while private sector costs per patient have increased by 62 percent. During this period, the VA has been widely recognized for improving its quality of care.

Obviously, not all of these successes have been due to information technology—but the VA system thinks that much of it has.

We have a tremendous opportunity to improve the ability of IT to make a real difference in the quality and efficiency of health care—but we have to act now.

I commend Senator GREGG and Senator CONRAD for working with the chairman of our Health Committee, Senator ENZI, and me as well as Senator GRASSLEY and Senator BAUCUS on the Finance Committee—to include this fund in the budget.

The fund is a small step in the right direction, but it will be a wasted step unless Congress enacts legislation to improve the use of health IT in America.

The two key components of any legislation, in my view are incentives for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay.

IT can cut costs in many ways. Our fragmented and uncoordinated health care system imposes high costs in duplication and waste. Patients with multiple chronic illnesses see as many as fourteen doctors a year.

Doctors repeat tests that have already been performed. Residents take histories that have already been taken. Patients show up for doctors' appointments that are essentially a waste of time because tests have been performed but the results have not been delivered.

It has been estimated that one in seven hospitalizations could be avoided if complete medical records were available for the patient. One out of five laboratory tests are duplicative of ones that have already been performed. This adds up to immense amounts of money. IT can reduce this needless duplication.

We as a nation cannot afford to miss this opportunity to make the investments needed to improve health care and cut costs.

My time is about up, but I must comment on how this budget resolution also attacks our defined benefits system. Pensions are more important than ever. We know of the assault that is on the very nature Social Security. Separate from Social Security, the number of secured, defined benefit plans is going down. This particular budget increases the premium tax on employers with a heavy burden on manufacturing companies. It will hurt small businesses. These premium increases will obviously hurt many workers and retirees, and it will also jeopardize long-term retirement stability. Pensions are important. They are a part of the quality of life for working American families. This budget does a disservice for them as well.

I hope this budget will be rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as I understand the Senator from North Dakota, Senator SARBANES wishes to speak for 10 minutes. I would suggest that Senator SARBANES speak for 10 minutes, then we to go Senator GRASSLEY for 15 minutes, then we go to Senator STABENOW; however you want. We will go back to your side for a half or so, and then we will come back over here. The next speaker on our side, after we go from Senator SARBANES to Senator GRASSLEY to—

Mr. CONRAD. Actually, we have Senator AKAKA and then Senator STABENOW.

Mr. GREGG. We may want to put Senator HUTCHISON between Senators AKAKA and STABENOW. But if not, we will go with that sequence.

Mr. CONRAD. Can I suggest that Senator HUTCHISON had indicated to staff she would be more interested in a little later time slot.

Mr. GREGG. Yes, around 9. But I assume we will hit that hour by that time.

Mr. CONRAD. If we went to Senator AKAKA for 10 minutes and then Senator STABENOW for 15, we would then be very close to 9 o'clock.

Mr. GREGG. Why don't we plan to do it that way. Then move to Senator HUTCHISON. With that being the general lay of the land, let's proceed.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend my very able colleague from Massachusetts for a very powerful statement about the priorities in this budget. He is absolutely right.

The budget resolution is the single most important document we deal with in the Congress because it contains within it thousands of decisions that are critical to our national life, all of which reflect our choices about priorities.

As the Senator pointed out, this budget resolution makes it a priority to keep tax loopholes for large corporations, many of which induce them to send jobs overseas, rather than closing those loopholes—which have been overwhelmingly supported by the Senate, both Republicans and Democrats—in order to fund education. It is a clear example of the wrong set of priorities. I thank the Senator, first for his leadership in the Senate which got that amendment adopted, which would have done something for education in this country, and for articulating so well what is at stake here as we move ahead.

The budget presents very fundamental questions to us. What do we establish as priorities? Which programs are important? How do we balance programs with tax cuts, with deficit reduction? In my view, this budget does not reflect the right answers. It contains substantial cuts in a number of important domestic programs, including Medicaid, education, affordable housing—the list goes on and on.

The justification for these cuts is that we have a deficit problem to deal with. If you ask, why are you cutting these programs which we so desperately need, the answer that is given is: Well, we have a big deficit.

But the question that needs to be asked and understood is: Where did this deficit come from to begin with? When President Bush came into office in 2001, he inherited a surplus in the Federal budget. The projection was that we would run a $5.6 trillion surplus over the next 10-year period. Those were the projections.

In his first budget proposal, which included, in my view, an excessive tax cut, primarily for those at the top of the income scale, he said: We can proceed with tax relief without fear of budget deficits. That is what the President said: We can proceed with tax relief without fear of budget deficits.

The following year, with the budget already in deficit, having moved from surplus to deficit, the President advocated for another tax cut while promising, and I quote him:

> Our budget will run a deficit that will be small and short-term.

In fact, the President's budget that year stated that deficits would be so short-term that by today, by now, the Government would be back in surplus. How wrong he was.

Instead of the $5.6 trillion 10-year surplus projected when the President took office, the projections now are for a deficit over the same period of $3.7 trillion. When you factor in, as my able colleague from North Dakota stated earlier in the debate, some of the costs we know are coming, such as the continuing cost of the war in Iraq, the cost of reforming the alternative minimum tax, the cost of some of the President's proposals to make tax cuts permanent, that is a deterioration in our fiscal position of over $9 trillion.

There are a number of reasons for this fiscal reversal. Spending to recover from the attacks of September 11, to pay for operations in Iraq and Afghanistan have played a part. But the deficits are not primarily the result of increased spending by the Congress. By far the greatest factor contributing to the return of deficits and these disastrous projections is on the revenue side, and the primary reason on the revenue side is the President's tax cuts.

We are now living with the consequence of those tax cuts: deficits and debt as far as the eye can see. The architects of this budget claim that to deal with these deficits, we must have serious cuts in domestic programs. At the same time these serious cuts in education, health care, and housing are being made, this budget resolution contains billions of dollars in additional tax cuts for the wealthiest Americans. In fact, as my able colleague from North Dakota, Senator CONRAD, pointed out, in 2006 alone, the President's tax cuts are scheduled to give $32 billion to those making over $1 million a year. So for millionaires, there is going to be $32 billion in tax cuts in 2006.

The New York Times, in an editorial earlier this week, recognized that this budget is skewed toward the wealthy. Let me quote from that editorial:

> Congress is likely to approve a budget blueprint this week that manages to be profligate and mean-spirited at the same time. . . . It calls for generous tax cuts for investors, who hardly need more help, and for harsh spending cuts for the needy, who certainly do.

The Times hoped there would be pressure on the drafters of this budget sufficient to "inject some common sense and human kindness into the process."

Regrettably, that appears to have been a vain hope. This budget resolution contains $70 billion in tax cuts that are given fast-track procedural protection at the same time there are very deep cuts in a number of domestic programs.

There are those who seek to defend the spending cuts by saying that they are necessary in order to rein in the deficit. I want to say to them that these cuts are not about reducing the deficit; these cuts are about making room for tax breaks for wealthy people.

As the Washington Post reported, "the cost of those tax cut extensions would more than nullify the savings from the spending cuts." Let me repeat that. "The cost of those tax cut extensions would more than nullify the savings from the spending cuts."

There are Medicaid cuts—so important to providing health care for our people—and education cuts, which set us back in the effort to fund our schools and undertake educational initiatives, which may well be the best investment America can make in its future strength.

We are failing to face up to the global competition in which we find ourselves, and we are making choices in this budget that are directly contrary to strengthening our economy and strengthening our Nation. Make no mistake about it, the argument that is made that we must cut these programs that are so essential to our people in order to address the deficit misses entirely the point that room is being made in this budget for further tax cuts for very wealthy people.

So the choice of priorities is the tax cuts on the one hand—more tax cuts, excessive tax cuts, for the very top of the income scale on the one hand—and cutting back on education and health care, the environment, and housing. As the Post pointed out and I quoted, the cost of those tax cut extensions would more than nullify the savings from the spending cuts.

These are the wrong priorities, the wrong choices. I urge my colleagues to vote against this disastrous budget resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has been accorded 15 minutes.

Mr. GRASSLEY. Mr. President, I first compliment the chairman of the committee, Senator GREGG, for his outstanding work in getting a budget before the Senate because that didn't happen last year. I am so glad we have a budget because it is discipline for the Congress, and anybody knows, when it comes to spending money, Congress needs discipline. So I urge my colleagues to support this conference report.

Of course, a budget resolution is more or less a blueprint. It sets the overall level of spending and also for revenue of the Federal Government. The budget itself does not change any law. As I said, it is a blueprint, ground rules, for all of the other spending and revenue legislation that will be considered in the Senate yet this year.

Under the Senate rules, any bill that exceeds the level set in the budget may be subject to a point of order that would require a 60-vote supermajority. That is where the discipline comes—when people want to spend more money without raising taxes or taking the money from some other program, then they would be beyond the budget, and consequently a point of order could be raised. It is very difficult to get a 60-vote supermajority in this body. Consequently, it keeps spending within the budget. So it is budget discipline that Congress needs.

By imposing the supermajority requirement, the budget encourages the Senate to stay within these overall limits that are in the document we are going to vote on tonight, while at the same time providing the opportunity to exceed those limits if a supermajority can be gotten. And when there are extenuating circumstances, you have to assume extenuating circumstances get that sort of a vote in the Senate.

The annual budget process is often the subject of much controversy, as I think you can tell from the debate tonight. I want to take a moment and focus on a number of specific provisions as they relate to the committee that I chair, the Senate Finance Committee, which has the responsibility for all of the legislation that affects Medicaid and Medicare, as well as everything dealing with the raising of taxes or the decreasing of taxes involved with the income tax code.

The budget resolution conference report provides reconciliation instruction—in other words, mandating that the Finance Committee, like it mandates other committees to do similar things in their jurisdiction, to achieve $10 billion in program savings and $70 billion in tax relief.

While these instructions do not actually require the Finance Committee to enact any specific policy—that is our option how we meet these goals—there are a number of policies that are assumed and I think realistic within the numbers that are provided in the budget resolution.

The budget provides for $10 billion in savings from the Finance Committee, and I surely and confidently commit the Finance Committee to make every effort to work in a bipartisan fashion where we keep in mind principles that guide us in producing a better Medicaid Program.

The Finance Committee will look at proposed savings that will be shared equally—I should not say equally but shared proportionately between the

Federal Government and the States because the Medicaid Program is a Federal-State partnership.

States are in trouble. We want to help them. We want to emphasize flexibility for the States through voluntary options that States can exercise to get more bang for the Medicaid dollar and even save money in the process, maybe in some instances, through flexibility, even serving a larger population than they now serve but with a more efficient expenditure of that money. The Finance Committee will do this while making a commitment not to eliminate coverage for Medicaid beneficiaries.

I look forward to taking action to improve Medicaid. Doing nothing is far worse for Medicaid. If we do not eliminate wasteful practices, if we do not provide States with this necessary flexibility, if we do not provide States the relief they are asking for, they are simply going to cut whole groups of people off the rolls to make their budget ends meet within their State legislative prerogative.

I recall reading in the paper a couple of months ago, I think it was the State of Mississippi found itself in a position where it could not afford everything the Federal Government mandated on Medicaid, and they just dropped 55,000 people from the rolls. They should not have to do that, they do not want to do that, and we can help them not to do that by giving more flexibility to the States.

That is why I say doing nothing is far worse for Medicaid beneficiaries than what we are going to attempt to do in the next few months through this reconciliation instruction to provide a rational, reasoned approach to protecting and strengthening the Medicaid Program. That is what we will do in meeting our instructions.

I am going to leave Medicaid now and go to the tax relief portions in this budget and comment on two aspects: The amount of relief for the budget period—that is the next 5 years—and the use of reconciliation to bring about the tax relief that a majority of this Senate is going to say we need.

Before I start with the numbers, I want to put in context the revenue side of the budget. Some have argued, and particularly we have heard this even tonight, that bipartisan tax relief has gutted the revenue base permanently, and that is hogwash. They argue that this change is a reason to raise taxes. People want to raise taxes, can you believe that, Mr. President, instead of not extending the tax relief that was voted in 2001, 2003, and I guess some in 2004?

The facts, according to the Congressional Budget Office—and remember, they work for everybody, Republicans and Democrats; they are not Republican or Democrat, they are professionals. Their statistics show otherwise.

I want to put a chart up and have my colleagues concentrate on Congressional Budget Office data, and this covers the period of time from 1960 to 2015, so we get a historical response to people who are saying we have permanently gutted the tax base.

This chart shows the volatility of revenue and its relationship to economic performance. When we suffer economically—and that is the green line on the chart—as related to the ups and downs in the growth of the economy, the gross domestic product, it shows that we suffered economically. You can see the red lines going up and down being revenue coming into the Federal Treasury in relationship to the growth or the sinking of the economy over this historical period of time. Then we also see when the economy grows, revenues go up. When the economy sinks, obviously, revenue coming into the Federal Government goes down.

We have heard so much about what this administration has done to the revenue base of the country. What we see in the first 4 years of the Bush administration—so you have to look at the years 2001 to 2005—you will remember we inherited a recession. I hope people on the other side of the aisle realize that the NASDAQ lost 50 percent of its value in the year 2000. I hope people remember that this economy started in a recession 3 months before President Bush was ever sworn in for the first time. So the bubble broke. We had those corporate scandals that date back to the midnineties becoming public in the year 2001. And then we can see from the chart that the uptick in the economy started late in the Bush administration and continues today.

The Congressional Budget Office shows, as we can see, revenue is coming back. So let's not confuse cause and effect. The tax reduction we voted on in 2001 and 2003 has helped the economy recover and the Federal Treasury is benefiting. So we have to look at what is projected out, starting this year and into the future.

We see the economy fairly stable for the next few years, and we see the revenue base high above the growth of the economy. So let's be clear, undertaxation of the American people is not the source of our budget problems. And all the people over here who think we ought to raise taxes, I wonder when they have their town meetings how many people in their town meetings say: I am undertaxed; I want to pay more taxes. I do not have people coming to my town meeting saying that. I think what the American people are saying is that Congress overspends, and this budget is all about discipline in spending. Undertaxation, I hope my colleagues understand over there, is not the source of our problems.

Now, let's start with a basic number. When the Senate Budget Committee considered the resolution a few weeks ago, Republicans laid out our plan for reconciled tax relief. This plan was a product of discussion with members of the Republican caucus, just like I presume the Democrats have discussions about tax policy among their people.

Our objective now is to preserve current law, levels of tax relief that were voted in 2001 and 2003, and anybody who says you should eliminate the tax cuts of 2001 and 2003, they are not saying eliminate the tax cuts, they are saying raise your taxes. That is what they are saying.

Our plan centers on a seamless extension of tax relief provisions that began in 2001. It is critical that these provisions be rationalized in a commonsense way. Assuring taxpayers of the continuity of promised tax benefits should be one of our highest priorities.

Taxpayers should not face a reversal of the level of tax relief we have delivered. Certainty of tax policy is absolutely necessary for economic growth, and economic growth is absolutely necessary for creating jobs. This objective is critical with respect to the widely applicable provisions dealing with capital gains and dividends, small business expensing, low-income savings, the alternative minimum tax, and college tuition deductibility.

Do those people over there who say we ought to eliminate the tax cuts of 2001 and 2003 think we ought to eliminate the college tuition deductibility? I do not think so. But that is where they would take us. Millions of taxpayers from all walks of life have come to rely upon these tax relief provisions, and they are going to expire if we do not do something about it. They are going to get an automatic tax increase without even a vote of Congress if we do not do something. We should have guts enough to vote for tax increases if we want to, not just sit idly by and let taxes go up.

Some on the other side have been critical of the $70 billion in reconciled tax relief that is in this budget resolution, as was Social Security reform. At my hearing this week we heard a lot of complaining about so-called Social Security reform, but we do not get a lot of answers from the other side on Social Security or on taxes. We do not get problem solving. We do not get any constructive dialogue.

Where is the Democratic plan for tax relief? Has anyone seen it? All we hear are criticisms. How many times have we heard about AMT? Answer: We have heard we ought to be doing something about AMT plenty of times. There is an AMT problem. I have a couple of charts that tell the story. I would like to have my colleagues look at the baseline.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is allotted an additional 5 minutes.

Mr. GRASSLEY. I want my colleagues to look at the baseline. We can see the orange line. That is the individual taxes based on historical average.

The AMT is part of the individual income tax. Historically, individual income taxes have been at about 8 or 9 percent. That is the red line. The AMT and the regular tax balloon proportionately, under current law, over the next 40 years is going to go up very dramatically. This balloon effect is due to the sunset of bipartisan tax relief and AMT.

Now let us focus a little bit closer. Let us look at the next chart. This chart shows that extension of the bipartisan tax relief still leaves individual taxes at record levels. The blue line shows individual taxes are going to be growing very dramatically. The chart also shows that fixing the AMT leaves individual income taxes at record levels, as we can see from the orange line. What we can see is we seriously do have an alternative minimum tax problem and fixing it will not gut the revenue base over the long term. It is common sense that an unfair tax such as the alternative minimum tax, that is out of control, should be fixed without regard to offsets.

Common sense plays out on the budget side as well. We have even heard incorrect assertions that this budget does not address the alternative minimum tax problem. Well, guess what. In this budget, there is room for extending the current patch or hold harmless for millions of families facing an alternative minimum tax.

We hear all about the fact that the budget does not have anything to do with the alternative minimum tax. Well, it does. I just said it does. It is part of it. But where is the Democratic plan for alternative minimum tax relief? Where is the response for even the current period we are talking about in this budget? I have been looking for a Democratic plan and I cannot find it.

This budget contains plans for tax relief. The reconciliation instructions give us the resources to maintain current law tax relief. Put another way, the reconciliation instruction is our best means to protect against the tax hike automatically foisted upon millions of American taxpayers.

Now I turn to the second aspect of the tax relief portion of the budget. We will hear a lot of criticism against the use of reconciliation for tax relief. It was not an easy choice. I prefer regular order in the Senate, but recent tax legislative history in the Senate suggests that the reconciliation option is an important tool to have at our disposal.

With partisan obstructionism on the part of Democratic leadership, many regular order tax relief packages over the last 2 years have been stalled in the Senate. Even tax relief packages that the Democrat leadership claims to support encounter that sort of partisan obstructionism.

Members will recall that several cloture votes were required to get the bipartisan FSC/ETI legislation through the Congress last October. Likewise, we were unable to go to conference with the House on the CARE Act and other popular tax relief packages because of Democratic leadership objections. The situation has only become worse this year. The climate may still be more difficult if the Democratic leadership acts on the threats they have talked about of shutting down the Senate if the controversy over judicial nominations is brought to the forefront. From a practical standpoint, there is a significant risk that reconciled tax relief may be the only tax relief vehicle that can pass the Senate in this environment. I hope that is not the case. It is prudent to consider a possibility. Because of this hostile partisan environment, a reconciliation bill may be the only known path to preserve the tax relief provided during the last 4 years. For this reason, our caucus viewed the reconciliation numbers as a comprehensive blueprint for preserving current law levels of tax relief.

There is $36 billion of tax relief for regular order tax relief we will have to offset. This amount is meant to cover packages such as a comprehensive energy bill.

What it comes down to is this: We need to take care of legislative business. We need to continue the tax relief promised to the American people, but we are better off with a plan that prevents tax hikes. I am pleased we have this plan.

Once again, I urge my colleagues to support the budget resolution.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for a period of 10 minutes.

Mr. AKAKA. Mr. President, I rise to speak in opposition to the conference report for the fiscal year 2006 budget resolution and associate my remarks with those of many of my colleagues. My reasons start with missed opportunities and misplaced priorities, added to fiscal irresponsibility. I could support this measure if it provided enough funding for education, for veterans, for health care, for law enforcement. But it fails in many ways in these areas and, instead, gives priority to tax cuts largely for the well-off. It also masks the full story by leaving out recent war costs, estimated costs for the President's reform plan for Social Security, and costs for fixing the alternative minimum tax that is extending into the middle class.

It is terrible that the conference report includes reconciled tax cuts of $70 billion that will drive our Nation further and further into debt. Moreover, it is dismaying that these tax cuts would be funded at the expense of working families. Health care costs are increasing. Our health care providers are confronted with inadequate reimbursements, rising costs, and an increasing demand to provide care for the uninsured. I have met with many of my own constituents, particularly doctors, nurses, and administrators, who have conveyed to me their deep concerns with their ability to continue to provide treatment for Medicare and Medicaid beneficiaries because the reimbursement costs are so low. The providers are unable to adequately meet their costs of providing care to beneficiaries.

The reductions in Medicaid included in the budget resolution will lead to further cuts in coverage and benefits for people without other health insurance. The cuts will prevent individuals from being able to access health care, which will increase the burden on our public health system. The Medicaid cuts will further erode the ability of hospitals, clinics, physicians, and other medical providers to meet the health care needs of our communities.

Medicaid programs are demanding a larger share of State spending than they have in recent years. Reducing the Federal commitment to Medicaid will push additional costs to the States and increase the number of people who are uninsured or underinsured. Shifting the burden of providing essential health care services to States and to providers is irresponsible. We need to work together to slow health care costs, but not by cutting programs on which so many people depend.

Medicaid is an essential part of the public safety net in my State, where Medicaid and QUEST provided essential health services to nearly 190,000 people in 2002. QUEST is Hawaii's Medicaid expansion program that provides health coverage through managed care plans for eligible lower-income residents. Medicaid is an essential part of the health care safety net in all of our States. Denying treatment to people in need to support more reckless tax cuts for the wealthy is a significant mistake. Cuts in Medicaid and other programs, such as Medicare, will cause real pain to real people.

I am deeply frustrated that we are no longer able to move legislation forward that expands access to health care. Instead, access is being reduced through poorly thought out arbitrary cuts that will have detrimental effects on working families across the country.

The conference report also fails veterans. VA hospitals and clinics are already in difficult financial straits. Hospitals are millions of dollars in the red. Outdated medical equipment cannot be replaced. Nursing home beds are being closed. And large groups of veterans are being denied care. If the level of funding included in the budget resolution comes to fruition, things will continue to deteriorate.

It is abundantly clear that VA needs an additional $2.8 billion more than it was provided last year. The conference report does not include this level of funding. I remind my colleagues that payroll and inflation increases for doctors, nurses, and medications cost more than $1 billion.

Simply maintaining current services may not be enough to ensure that VA can meet the health care needs of veterans. Chronic illnesses of our aging veterans population and newly recognized challenges—such as the need to shape new programs for veterans affected by hepatitis C—will further strain VA's resources. We must anticipate increased and changing demands for treating complex diseases, such as hepatitis C, and ensure that veterans with multiple, overlapping medical problems receive all the treatment that they need. Additionally, we must be certain that VA has the resources it needs to care for those servicemembers returning from Operations Iraqi and Enduring Freedom. This became all the more important when the Senate rejected my amendment to add funding for VA to the war supplemental.

The budget resolution does nothing to provide the resources to rescind the ban on Priority 8 veterans from coming to VA for care. So far, 192,260 veterans have been turned away across the country, including 502 in my home State of Hawaii. We are even starting to see other groups of veterans being denied access to care. This sends the wrong message to our troops overseas.

When you add up payroll and inflation, new workload, and new initiatives, and factor in funding to support rescinding the ban on Priority 8 veterans, it is my view that VA needs at least a $2.8 billion increase in funding for fiscal year 2006. The budget resolution falls short.

Every time we work on a budget resolution I have to ask why education continues to be behind the curve. We tried to fix the anticipated cuts in education funding when the resolution was considered by this body in March, and although we were rebuffed on most amendments offered by my side of the aisle, I was heartened to see several of my colleagues across the aisle vote with us on the Kennedy higher education and workforce amendment.

Unfortunately, although the Senate spoke, conferees did not agree. Rather than sticking with the Senate position on important programs such as career and technical education, GEAR UP, TRIO, and workforce investment, the conference report before us continues to underfund or outright eliminate funding that these programs require to be successful. In addition, the conference report does nothing to cover the funding shortfall for No Child Left Behind compliance or to restore funding to 48 education programs recommended for termination in the President's budget. The list of programs includes the Excellence in Economic Education Act, which I authored to combat economic and financial literacy in grades K through 12.

With regard to cuts in the area of first responders and law enforcement, the conference report slashes certain major programs, including the Office of Community Oriented Policing Services. The package cuts over $1 billion in aid to state and local law enforcement and completely eliminates the COPS hiring program—both universal and school resource officers—in what is the fourth year in a row where such cuts are being made. During consideration of the budget in the Senate, an amendment attempted to restore funding to this vital program. Unfortunately, this, too, was not adopted.

In addition, the budget would deny resources to many of our first responders: firefighters, police, EMS workers and other first responders. The budget creates a shortfall of more than $1.6 billion with cuts to first responder programs, including the State Homeland Security grant program, Urban Area Security Initiative, firefighter assistance grants, the COPS program as I mentioned before, and Byrne Justice Assistance grants. An amendment to restore funding to our first responders was considered when the Senate took up the budget in March; however, we were again unsuccessful in restoring funding to these programs.

It is clear to me that this budget conference report fails families and communities across this country, including in my State of Hawaii. For these many reasons, I am unable to support the conference report. I urge my colleagues to oppose the conference report.

Mr. ROCKEFELLER. Mr. President, our annual budget should be a blueprint of our Nation's priorities. It should be a statement of our collective values and contain positive initiatives for growing our economy and preparing a better future for our children. Unfortunately, this budget does not achieve any of these objectives. This budget makes the Federal deficit worse than if we had done nothing, which means we will pass on an even greater burden of debt to our children and grandchildren. This blueprint also reflects a misguided set of priorities that sends a clear message to the least among us—our poor children, our disabled, and our elderly—that they are not as important as our wealthy.

It is unacceptable—and truly stunning—that Congress is being confronted with a budget resolution that contains $10 billion in cuts to Medicaid, a health care program for our most vulnerable citizens, while simultaneously offering an additional $106 billion in tax breaks, much of which is designated for our Nation's wealthiest citizens. Where is the justice in these numbers?

Last month, a bipartisan majority in the Senate rejected any cuts to Medicaid. Members on both sides of the aisle said no. But the Republican leadership ignored the result. On Tuesday, an overwhelmingly bipartisan majority in the House voted 348 to 72 to strike the Medicaid cuts from the budget. Again, the Republican leadership ignored the result, ignored what a majority of Members said. Now we are being asked once again to vote for these arbitrary cuts, even though we have already made our wishes and those of our constituencies known.

Because of the budget resolution before us, West Virginia could lose more than $84 million in Federal Medicaid funds over the next 5 years. This would put over 350,000 West Virginians who depend on Medicaid at significant risk for benefit reductions, increased cost-sharing, or the loss of health care coverage altogether.

These cuts are on top of the numerous unfunded mandates that the Federal Government has passed down in recent years. Twenty-nine States, including West Virginia, are facing a drop in their Federal medical assistance percentage, FMAP, next year because of a change in the statutory formula used to compute FMAP. This budget means that West Virginia will see a loss of approximately $17 million next year on top of the $36 million in Federal funds the State is already slated to lose under current law. I have said it before, and I will say it again—the hospitals, doctors, nursing homes and clinics in my State simply cannot afford to absorb cuts of this magnitude.

How can we suggest cutting $10 billion from such basic support for vulnerable individuals in the same legislation that is seeking over $100 billion in tax cuts?

This budget reflects the wrong priorities, the wrong principles, and the wrong decisions. These are priorities that I cannot—and refuse to—vote for.

Our most vulnerable citizens should not be a target for budget cuts, especially when we are offering $106 billion in tax breaks in the very same budget, a significant portion of which are directed to wealthy individuals who have been treated to large tax cuts since 2001.

This resolution is wrong for West Virginia and it is wrong for our country. I urge my colleagues to vote "no."

Mr. ENZI. Mr. President, I rise today in support of the 2006 budget resolution conference agreement. I would like to begin my statement by complimenting my colleague from New Hampshire, Chairman GREGG, for his hard work and bringing this conference agreement to the floor. We need this budget resolution to maintain fiscal discipline and control spending. It establishes spending guidelines, and procedural hurdles for the floor when we fail to live by these guidelines. I commend Chairman GREGG today on his first resolution as chairman.

The budget process forces Congress to contemplate legislative and spending priorities each year. Fiscal year 2006 is especially challenging because I think most of us agree that deficit reduction must be a top priority. Under this resolution, we will consider a reconciliation bill later this year that will cut mandatory spending by $34.7 billion over 5 years. This will mark the 20th time that reconciliation has been used since 1980.

I have a long track record in support of deficit reduction, and I am committed to helping President Bush and Chairman GREGG achieve this goal. And $13.6 billion of the reconciled savings will come from programs that I oversee in my role as chairman of the HELP Committee. When we passed the budget out of the Senate, it contained $8.5 billion in reconciled savings. The HELP Committee's instruction increased 60 percent in the conference process. Let me point out that the HELP Committee will be responsible for producing nearly 40 percent of the total cuts of mandatory spending.

For the past month, I have been working with the administration and the Budget Committee to identify a savings number that the HELP Committee could realistically produce, without compromising the effectiveness of the programs under the committee's jurisdiction. Though the conference report exceeds my initial agreement of $8.5 billion in savings with Chairman GREGG, I understand that Congress is a bicameral institution—and that compromise is required to reach a final agreement. This conference agreement assumes reconciled savings of $7 billion on higher education reforms, and $6.6 billion in savings from Pension Benefit Guaranty Corporation premium increases.

I want to assure my colleagues that I will do my best to produce a reconciliation bill that delivers on this very heavy lift—and I want to reiterate, this budget imposes a very heavy lift on the HELP Committee. As chairman of the HELP Committee, I am committed to reviewing and strengthening programs under HELP's jurisdiction to ensure they are cost effective, not duplicative, and that accountability is enforced in order to find responsible savings to reduce our deficit.

That being said, I will not report any legislation from the committee that is either detrimental to the government programs, or their constituencies under my jurisdiction or that I feel compromises the financial health of private industry—even if that means falling short of reaching the $13.6 billion reconciliation instruction. I will move the committee toward the end zone, but my first duty as chairman is to "do no harm," even if that means possibly falling a few yards short on deficit reduction targets.

The two issues that the reconciliation process will require the committee to immediately address are higher education reauthorization and pension reform. During the reauthorization of the Higher Education Act, the HELP Committee will need to find $7 billion in savings to reduce the deficit. My staff has already begun working with the Congressional Budget Office to identify policy options to reach this goal.

We are working to identify additional savings by reforming student loan programs, so that these funds could be used to provide more assistance to enhance low and middle income learners' access to higher education. This is the cornerstone of my "lifelong learning" vision for the higher education reauthorization bill. The availability of quality education is critical for America's long-term competitiveness in the global economy. Congress has an important opportunity to meet these challenges head on with the reauthorization of the Higher Education Act.

The conference agreement also proposes $6.6 billion in reconciled savings associated with changes to the Pension Benefit Guaranty Corporation. I want to inform my colleagues that this is a 230 percent increase from the $2 billion in reconciled savings agreed to under the Senate-passed Resolution. Right now the PBGC has a deficit of $23 billion, and I agree with the administration and Chairman GREGG that reforms are needed to shore up its solvency. Pension reform falls under the jurisdiction of both the HELP and Finance Committees—and Chairman GRASSLEY and I are committed to restoring the financial stability of the defined benefit pension system. The solvency of the PBGC is a critical component of these reforms.

I am pleased that conferees agreed to $70 billion in reconciled tax cuts, and that tax relief remains a priority for congressional Republicans and the administration. I understand that some members wanted a larger tax cut, but this figure will allow Congress to keep in place tax relief that has produced almost 2 years of consecutive job gains. We need to keep the trend going.

The conference agreement will allow the Finance Committee to extend key provisions like the reduction in tax rates on capital gains and dividends, the increase in expensing for small business under Section 179 and the ability of individuals in states without income taxes to deduct their local and State sales tax from their Federal income tax liability.

The resolution also demonstrates a commitment to energy development in Wyoming and in the entire United States. It is the first step towards developing a comprehensive energy policy in the 109th Congress. The energy reserve fund and the reconciliation instructions for an energy tax incentives package will lay the footwork for a policy that will help our Nation meet its energy needs in a fiscally responsible manner. Specifically, I would like to reinforce my support for recognizing the importance of developing clean coal technologies, something that is vital for the economy of Wyoming. I look forward to working so that these technologies receive the funding necessary to become viable.

Also important to the coal miners in my State is an instruction to the Judiciary Committee to reconcile mandatory savings that could presumably be used to increase certain fees on consumers of explosives. Coal companies and other mining entities are large purchasers of these commercial explosives, and I urge the Judiciary Committee to avoid increasing fees on them, as it would hit my State disproportionately hard at a time when no one wants to see higher energy costs.

I again thank and congratulate Chairman GREGG and his staff for their leadership on this resolution.

I also thank Majority Leader FRIST and his staff for their help in moving this important conference agreement across the finish line.

Finally, I commend my fine staff who worked tirelessly on the resolution—Amy Angelier, Kara Calvert, Diann Howland, David Thompson, Beth Buehlmann, and my HELP Committee Staff Director, Katherine McGuire.

Mr. OBAMA. Mr. President, I rise to speak about the budget resolution. I think that the budget process is one of those issues that doesn't translate too well outside of Washington. Most Americans know it involves a lot of fighting over a lot of numbers, but other than that what goes on here is largely obscured from public view.

Sometimes I think that is why Washington gets away with passing a budget like this one.

See, a budget is fundamentally about choices—not just choosing where to allocate funding—but where to place our most important values and priorities. And there are no free lunches here either.

We must choose—do we want to run up our debt with tax cuts and give the bill to our children, or do we want to get our fiscal house back in order? Do we want to hand more corporate tax breaks to companies with record profits while handing our veterans higher health care bills, or do we want to keep our promise to those willing to sacrifice in defense of our freedom?

These are the very real choices a budget asks us to make. And they have equally real consequences on people's lives.

When we cut $10 billion from Medicaid, what does that say to the 53 million Americans—25 million of whom are children—who rely on this program as their only source of health care? The thousands of seniors and kids in Illinois who will be turned away from a doctor's office when they get sick because we chose to end their coverage.

what does that say to those Americans?

When we cut out a proposal to increase Pell grants that will send more kids to college, what does that say to the 220,000 who didn't attend last year for the simple reason that they couldn't afford it? What does it say to our kids who will have to compete with kids in India and China for jobs when we cut out proposals to provide new math and science teachers?

When we cut $351 million in funding for veterans' nursing homes and eliminate $100 million in State grants for VA facilities, what does that say to the veterans who have sacrificed for this Nation but who cannot seem to get this Nation to sacrifice anything for them? What does it say to these veterans when we provide only around 100 new employees to deal with a backlog of 480,000 compensation and pension claims that haven't even been looked at yet? And what does it say to the men and women who are willing to fight and die for this country when we are not doing much about the nearly 300,000 veterans who go to sleep without a roof over their heads every single night? What does that say to them? What do we say to them?

Maybe we tell them that the budget process is complicated; that we are in some tough times and have tough decisions to make; that we are not happy about the choices, but we have a huge deficit and no money left to spend.

Or maybe we tell them that we couldn't afford to do anything about these important problems because we chose to give out over $100 billion in tax breaks. $100 billion on top of the trillions in tax cuts we have already given out most of which have gone to those few who already have so much.

These tax cuts have driven us into the deepest debt in America's history and squandered our opportunity to deal with Social Security, Medicare, Medicaid, and the true costs of the war in Iraq. And yet when we try to do something fiscally responsible like pass an amendment that forces Congress to pay as it goes, we get rejected by those who want to keep borrowing and spending.

Right now, there are millions of middle-class families who are deeply in debt and struggling to pay the bills. This body couldn't wait to pass a bankruptcy bill to make sure they paid every penny of that debt, and yet it has now maxed out the country's credit card many times over. What does this say to Americans about taking responsibility for themselves?

A budget is about choices, and I believe the choices we have made here are just plain wrong.

In this budget, we should be meeting our responsibilities to our fellow Americans while still paying down the debt so we can meet our responsibilities to our children too. It doesn't have to be either-or—we can do both as long as we get our priorities in order. Many of us—Democrats and Republicans—have been trying to do this during the budget process. Unfortunately, the final product does not reflect those efforts. In the future, I hope that both parties can find a way to come together and make sure that America's budget reflects Americans' priorities.

Mr. LEAHY. Mr. President, I am truly frustrated in the failure of the budget resolution conference agreement to include the sense-of-the-Senate provision—which I offered and the Senate accepted by voice vote—that is intended to head off the administration's plans to raid the Crime Victims Fund of over $1.2 billion.

The Crime Victims Fund was created under the Victims of Crime Act of 1984, VOCA, as a "separate account," meaning that the revenues in the fund are intended to be used solely for financial support of victim services. The fund does not depend at all on taxpayer revenues; it is derived from Federal criminal fines, forfeitures, and special assessments. Since its inception, amounts deposited into the fund in a given fiscal year have remained available to support victim services in subsequent fiscal years.

Following a proposal in the President's budget, this budget resolution conference agreement would rescind all amounts remaining in the fund at the end of fiscal year 2006—an estimated $1.267 billion. That would leave the fund with a balance of zero going into fiscal year 2007 to support vital victim services.

This is absolutely shameful and unacceptable. The budget is a statement of our Nation's priorities and with this agreement we say to crime victims, "Sorry, but your suffering is no longer our concern." We are telling crime victims—the victims of child sexual and physical abuse, domestic violence, sexual assault, robbery, assault, DUI/DWI crashes, elder abuse, adults molested as children, and the survivors of homicide victims—that their concerns and suffering do not rise to the level of being a national priority.

The provision that we included in the Senate-passed budget resolution expressed the sense of the Senate that we reject the proposed rescission. It assumes that all amounts that have been and will be deposited into the Crime Victims Fund, including all amounts to be deposited in fiscal year 2006 and thereafter, will remain in the fund for use as authorized by the Victims of Crime Act.

The Crime Victims Fund is the Nation's premier vehicle for the support of victims' services. Nearly 90 percent of the fund is used to award State crime victim compensation and victim assistance formula grants. VOCA-funded victim assistance programs serve nearly 4 million crime victims each year. VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The fund also serves victims of Federal crimes. VOCA funding supports victim assistance services provided by U.S. Attorneys Offices and the FBI, as well as the Federal victim notification system. It is used for child abuse prevention and treatment grants, and it is also used to provide emergency relief to victims of terrorism and mass violence.

Since fiscal year 2000, Congress has set a cap on annual fund obligations expressly for the purpose of ensuring "that a stable level of funding will remain available for these programs in future years." The "rainy day" fund created by this spending cap has been used to make up the difference between annual deposits and distributions three times during the past 6 years.

When Congress began considering caps on fund obligations, I proposed and Congress enacted an amendment to the Victims of Crime Act to clarify our intent to stabilize and preserve the fund for the benefit of victims. The amendment, now codified at section 10601(c) of title 42, requires that " . . . all sums deposited in the fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the fund for obligation in future fiscal years, without fiscal year limitation." Thus, in both the authorization and the appropriations processes, Congress has clearly and emphatically stated its intent to maintain a stable source of Federal support for essential victim services.

Over the past 4 years, the Bush administration and this Republican Congress have squandered record surpluses and racked up $7.6 trillion in Federal debt as a result of reckless spending and budget-busting tax cuts. Now the President and this budget resolution conference agreement propose to reduce the deficit by siphoning off resources that we set aside to assist victims of crime.

The entire crime victims' community—including the National Center for Victims of Crime, the National Network to End Domestic Violence, the National Organization for Parents of Murdered Children, the National Children's Alliance, and Mothers Against Drunk Driving—stands united in opposition to the proposed rescission. These organizations represent the millions of Americans who become victims of crime every year. They have argued that rescinding the fund at the end of fiscal year 2006 would create a "disastrous" situation for victim service providers and their clients.

My friend and colleague, Senator CRAPO, recently joined me to lead a bipartisan group of 29 senators on a letter to the Senate Appropriations Subcommittee on Commerce, Justice and Science requesting that they oppose proposals to rescind all amounts remaining in the fund at the end of fiscal year 2006. Each of those Senators recognized that we bear a responsibility to victims of crime: that it is appropriate that compensation come from convicted criminals and provided to the victim; and that it is entirely inappropriate to expunge this money from the fund and transfer it into the pot of appropriated taxpayer dollars. In the House, a letter with the identical request has 91 bipartisan cosigners. Clearly broad Congressional support for the preservation of the fund exists.

In every State and every community across the country, the Crime Victims Fund plays an essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. It is an embarrassment that this budget resolution agreement fails to preserve the fund—as we promised we would—for the benefit of victims.

The PRESIDING OFFICER (Mr. BURR). The Senator from Michigan is now recognized for 15 minutes.

Ms. STABENOW. Mr. President, I rise this evening to strongly oppose this budget resolution, and I do so regretfully as a Member of the Budget Committee. I appreciate the courtesies of our chairman. I also very much appreciate the leadership of our ranking member, who has been so articulate and so committed throughout this process to a responsible budget resolution.

The individual pages of this budget resolution contain a lot of numbers and complicated legislative language, but, taken as a whole, this budget resolution is our Nation's values document. It is about the values and priorities of the American people, our shared values and priorities.

This budget reflects the wrong values and the wrong priorities for our country. The guiding values in our country are responsibility, opportunity, community, and security.

This budget is not responsible. In fact, it is incredibly irresponsible. It contains the largest deficits in the history of our country. Think about that: the largest deficits in the history of our country. It will add $1.4 trillion to the national debt over the next 5 years.

This budget will force our children and our grandchildren to pay for the misplaced priorities of this President and this Congress. This is reckless, this is wrong, and it does not reflect real American values.

The idea of America is based on optimism, that tomorrow can be better than today. We all want our children to have it better than we did. We all want to leave them with a good economy, not a stagnant one saddled with a large national deficit. We want our children to have great jobs, not a great big debt.

Unfortunately, since 2001, this administration and the Republican majority have turned a surplus of $5.6 trillion, created under the Clinton administration, into a deficit of $5.2 trillion. Back in 2001, I was very pleased to be part of a bipartisan group of Senators, including Senator SNOWE and Senator BAYH, who urged our colleagues to put in place something that would prevent us from sliding into this massive debt. We warned our colleagues and the administration about the possibility that our $5.6 trillion projected surplus may not hold up if we enacted large tax breaks for our wealthiest Americans.

In order to prevent this from happening, Senator SNOWE and Senator BAYH and I offered an amendment that created a trigger to the 2001 budget resolution that would have prevented overspending on either tax cuts or new spending. Despite support from Federal Reserve Chairman Alan Greenspan and a few of our Republican colleagues, our trigger was rejected by the majority.

I might add that, in coming before our Budget Committee, Chairman Greenspan once again talked about some kind of a mechanism that would get us back into balance, something like a trigger that should have been put in place at the time.

Unfortunately, as a result of the administration's reckless economic policies, we now have the highest deficits in the history of the country. We are borrowing money at a record pace, much of it coming from countries such as China and Japan who now hold 50 percent or more of our foreign debt, which has implications economically for us in our ability to bring trade actions and hold them responsible for following the rules. That has implications in our national security policy.

The value of the dollar is weak overseas, and our economy is basically stagnant after record job losses in the last 4 years. Our manufacturing sector, quite literally, is in a depression in my home State of Michigan, despite hard-working businesses and individuals. These large budget deficits and the stagnant economy are ruining opportunity in our country—opportunity, one of the basic values on which America was founded.

Older workers are losing their jobs and their health insurance. Younger workers have less hope for employment in most of our traditional industries that pay well and provide health insurance and other benefits.

There is nothing worse than ruining the American dream for our children. We can do better than this. Unfortunately, this budget undermines our children's chances to succeed by taking away opportunity. This budget saddles them with a massive national debt and a bad economy. It cuts the very programs that help them succeed, such as education and job training and, I might add, over the objections of this Senate, where the majority of people voted against many of these education cuts before the resolution passed the Senate.

This final document underfunds our public schools. It eliminates critical student financial aid programs for college students. As most people know, the cost of a college education is soaring. Now is not the time to be cutting assistance. Now is the time to increase it.

This is about creating opportunity for our children to succeed in a new global economy where skills are more important than ever. I remember Chairman Greenspan coming again before our committee, and in his written statement he expressed great concern about the growing skills gap between those who now have skills and those who do not have the skills they need to compete.

This document does not invest in our future. It takes away opportunity rather than investing in opportunity. When the cost of a college education becomes out of reach for our families, it will be harder and harder for our children to contribute to our economy and live the American dream. That is what this is all about. It needs to be what it is all about, making sure we are making critical investments as an entity together, as a Congress, as a Federal Government, as we do in our own families making investments for the future, as a businessperson would do making investments for the future.

This budget also helps break up our country's sense of community. It does so by undermining the commitments we have made to our veterans, our seniors, as well as our farmers.

When our service men and women risk their lives overseas, we make a promise to them. We make a promise to them that, God willing, they will come back alive and we will provide them the quality health care they need and deserve. In essence, we are saying, as a country: Thank you for your service. We want to help you as you come back and resume a civilian life.

Unfortunately, this budget makes cuts in veterans health care programs. Unbelievably, at a time of war, when more and more people are coming home and changing one cap for another, this conference report does not provide the full funding for veterans health care. Even though more and more of our brave men and women are coming home with extensive medical needs, even though many veterans have to wait up to 6 months to get into certain hospital services, this budget still cuts veterans health care. I believe this is morally wrong.

This budget also makes cuts in Medicaid health care. The Medicaid Program not only provides health care for low-income working families, but the majority of our Medicaid spending goes to pay for long-term care for our seniors and people with disabilities. Again, we stood, a majority of us here in the

Senate, and said no to that proposal when it was in the Senate budget resolution. Now it comes back to us in final form, and we see billions of dollars eliminated from critical health care services.

Many people who are in long-term care facilities are seniors who worked hard their entire lives. They paid their taxes. They provided for their children. And now many of them are living out the twilight of their lives in nursing homes. They deserve to do this with dignity.

As my colleagues know, seniors are not eligible for long-term care under the Medicaid health program until they have spent down almost all of their assets. That means many of these seniors have already spent all of their savings and all of their retirement. They have sold their house, and every month they turn over most of their Social Security check to the nursing home. They are basically broke. All they are asking is to live out their lives in dignity, with the health care they need. We can do better than that.

We can do better than this resolution. These cuts in Medicaid health care jeopardize their nursing home care, especially when States already are faced with major budget problems, making it tougher for them to provide quality care for our seniors.

Right now in my State of Michigan, 26 percent of the budget is Medicaid health care, and now we are going to add more burden to the State and force more cuts in care. The cuts in Medicaid health care in this budget are devastating.

This budget also cuts assistance to our struggling family farmers, many of whom could be forced to give up their homes and their farms. Currently they are struggling with unfair foreign competition and low prices. So these cuts will only make their already bad situation worse. The American people know that farmers are the backbone of our rural economy. They are small town community leaders. They work hard every day and are simply trying to survive in today's harsh economic climate. I know because I grew up in one of those small towns in Clare, and many of my family members have been in farming. Family farmers need our support to help deal with unexpected low prices and natural disasters. Unfortunately, this budget will make it harder for them to pass down their farms to their sons and daughters who could someday become our next community leaders.

Breaking our promise to veterans, taking away health care for our low-income seniors and families, and additional hardships on family farmers who grow our Nation's food is not consistent with our real American values.

This budget also makes cuts in assistance to our first responders. I had an amendment, both in committee and on the floor, that would have stopped these cuts. Unfortunately, there was not the support to do it. But our first responders work hard every day protecting our families. Despite the 2-year-old bipartisan Rudman report that identified our Nation's substantial homeland security unmet needs, we continue to provide $15 billion less than what is needed to adequately defend our Nation with first responders. This is according to a bipartisan report. We are not doing what we need to do to support our police officers and firefighters and emergency responders to keep us safe. What sense does that make? What is the response in this budget? Decreasing funding for first responders. Again, what sense does that make? This makes our Nation less secure. This budget goes against our real American values—responsibility, opportunity, community, security.

Some of my friends on the other side of the aisle will downplay the size of the deficits and provide a myriad of statistics on why these deficits don't matter. But we need to make sure the American people know the reality of the deficits. The reality is that these deficits are massive. We are not going to balance the budget by cutting nondefense, nonhomeland domestic discretionary spending. In fact, only if we eliminated all of our domestic spending, every single penny, eliminating everything from the National Institutes of Health in health research, the Justice Department, all of our transportation spending, veterans health care, education, the list goes on and on, only if we eliminated every penny would we just barely be able to balance the budget. We would have to eliminate all of it except defense in order to balance the budget because the deficit is so huge.

Slashing critical investments in our future, in our American quality of life will not make a dent in the deficit, but at the same time it will take away our opportunities for the future for our children. We can do better than this budget resolution. Americans deserve better than this budget resolution.

I believe our budget should reflect our values and our priorities as a nation. When we do our household budget, we have to make tough decisions and forgo some things to balance the books. We all have to go through that in our daily lives. We do this because we don't want our children to have to pay for our debts. Parents across the country work hard to build up a nest egg for their children so they can have an opportunity to get a good education, the skills they need, and a start in life as adults with a great chance to succeed. That is what we all want for our children.

This budget does exactly the opposite of what we want for our children, for our parents, for our communities. It does nothing to close egregious tax loopholes or ask our wealthiest Americans to pay their fair share of the costs of wars in Iraq or Afghanistan. At the same time, it pushes all of our soaring debt onto the shoulders of our children and grandchildren. This doesn't represent who we are as Americans. We believe we should help make a better country for our children and grandchildren. Because of the reckless budget priorities of the last 4 years, our children and grandchildren will inherit massive debt, high interest rates, and a sluggish economy.

We can do better. We can move toward a balanced budget. We can make critical investments in the future—in opportunity, education, innovation, homeland security, health care. We balanced the budget in the 1990s. We can do it again if we work together. American families deserve better than this budget resolution. I urge a "no" vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes from our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, tonight families in my home State of Washington and across the country are concerned. They are concerned about the security of their jobs, their communities, access to affordable health care, and a quality education. Unfortunately, rather than inspiring confidence, the budget we will vote on tonight leaves too many Americans questioning their future. On issue after issue, this budget falls short of what our communities and our country need to move forward.

I have served on the Budget Committee for 12 years. I have served through recessions. I have served through economic expansion. I have served during periods of record surpluses and record deficits. I know what responsible budgets look like because I have worked with chairmen of both parties to create them. Unfortunately, the budget that is before us tonight, the Republican budget, fails to create jobs, improve security, and meet our country's needs.

I am particularly concerned that this budget agreement, of which I am a conference member, was reached behind closed doors with just one party in the room. The Republicans control Congress, but that does not mean that half the country has lost its voice or that the majority has carte blanche to make decisions that affect our families and communities across the country.

This is becoming an all-too-common tactic of this majority party today. We have seen it with the power grab that seeks to undermine the Constitution and minority rights on our judicial nominations. While simultaneously moving toward breaking Senate rules, the needs of the American people are being ignored by shortchanging them with a pathetic budget that fails to protect our Nation's priorities or to fulfill our commitment to our children, to our seniors, to our veterans.

One powerful example of how this power grab will hurt the most vulnerable is the billions of dollars this budget cuts from Medicaid. At a time when my State of Washington and other States are struggling to meet their health care costs, we should not be in this Chamber playing games with a program that helps ensure coverage to our most vulnerable residents. The guarantee of health insurance that Medicaid provides is a solemn commitment.

In March, a bipartisan majority of the Senate voted to strike the President's dangerous cuts to Medicaid, and just yesterday the House of Representatives too said no to the cuts. But tonight, ignoring the wishes of the majority of Americans and ignoring the wishes of both Houses of Congress, here we are voting on a budget that includes those exact dangerous and shortsighted cuts. As more and more working families struggle to pay for health care without the benefit of insurance, Congress has a responsibility to protect safety nets like Medicaid, not tear them down.

Those cuts—and this budget—are both irresponsible and they are wrong.

This budget offers too little help for families in Washington State. My State has struggled over the past few years to get back on its feet. But this budget doesn't give Washington State families the support they deserve as they work hard to turn our economy around and build for the future.

People in Washington State deserve a real Federal commitment as they work to create jobs, provide health care, and improve security and transportation. On the issues important to my State, this budget comes up short.

Not only is this budget bad for Washington State, it is also bad for our country's economic future. As Senator CONRAD said so eloquently a short time ago, it lines up massive deficits for years to come. I have to say it is astonishing to me that so many people in the majority speak of the need for fiscal discipline. The rhetoric does not match the reality of this budget.

We are currently fighting a war in Iraq and in Afghanistan, and we are paying for it entirely out of deficit spending. We are paying for today's war on the backs of our children and grandchildren, when we should be doing it responsibly as part of this budget. That is only one of the many major spending initiatives this budget chooses to ignore in favor of keeping the consequences on generations to come.

Tonight, the President was on television talking about our grandchildren. The budget before us robs our grandchildren of an education, of health care, an economic future, and hands them a tremendous debt that they will be responsible for paying. I think that is the most fiscally irresponsible action we can take.

Sadly, this budget also shortchanges our veterans. My home State of Washington is home to 700,000 veterans. They rely on the services that were promised when they signed up. Washington State has also sent thousands of brave men and women to serve in Iraq and Afghanistan, and now a large group is returning home, including 4,000 members of the National Guard.

That is why I have tried twice in this budget process to increase funding for veterans health care services. And twice the Republicans have said no. I even tried adding funding for this in the supplemental because caring for our veterans is a cost of war. Again, the majority party turned their backs on them.

I am extremely disappointed that Republicans in the Senate have chosen to turn their backs on the men and women who fought for us, our veterans. By denying the crisis at the VA, they are ignoring our responsibilities to fully provide for the men and women who risk their lives for our freedom.

I have heard the Republicans say we can take care of the needs of our veterans through the appropriations process. I am going to tell you, in the budget that is before us today, there will be not enough money to take care of our veterans through the appropriations alone. They will be competing with our military bases and other critical needs for precious few funds.

Our veterans, our military, and our future recruits deserve better. We send these brave men and women overseas to fight for us. They should not have to fight for the health care they have earned when they return home.

Next, let me turn to education. This budget fails to provide the funding that was promised in the No Child Left Behind Act. This budget comes up short of what our local schools need to fulfill a promise we made to our children.

I am also very concerned that this budget drastically cuts student loan programs and programs which provide critical early intervention and preparation for students to help them graduate from high school and succeed in college. There can be no better investment than those, and our young people are robbed of that in this budget.

Finally, I turn to transportation. When we invest in transportation infrastructure, we create jobs and we create economic growth. In fact, it is estimated that for every $1 billion we spend on transportation infrastructure, we create over 47,000 good-paying, family-wage jobs. We know investing in our transportation priorities today will help us improve our quality of life and provide for future economic growth.

If this Congress truly cared about investing in jobs, we would be here tonight considering a budget that includes the funding necessary to invest in our roads, our highways, and our bridges across this country. Unfortunately, once again, this budget that we are looking at tonight does not provide for our national priorities or for future economic growth.

At the start of the President's second term, this administration promised to restore bipartisanship and they promised to reach across party lines to meet the challenges of governing. I have to tell you, as a member of the joint House-Senate conference committee, I come here to tell my colleagues that we were not invited to the table. We were told our presence wasn't necessary.

This partisan, backroom dealing spells disaster for the entire budget process. Adoption of this budget resolution is only the first step in the lengthy budget process. It is far too early for this process to break down. I am really disappointed in the decision to ignore many of the bipartisan amendments that were adopted in the Senate and, as a member of the Senate Appropriations Committee, I have to say I fear that this kind of partisan tone will make past budget battles on the floor seem mild.

We have heard a lot about fiscal responsibility throughout this budget process. Unfortunately, those lessons are ignored in this budget resolution before us tonight. We are ignoring our priorities and our responsibilities, and we are increasing our deficits.

Mr. President, I urge my colleagues to reject this budget agreement and sit here tonight and agree to work on a budget agreement that does invest in our future and pays off our debts from the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Washington, Mrs. MURRAY. She is one of the most valuable members of the Senate Budget Committee. She is thoughtful, she works extraordinarily hard, she is well informed, and she makes a real contribution to the committee. I thank her publicly for what she has done. I have found her to be an exceptional colleague.

The Senator from Colorado is seeking time. How much time would the Senator need?

Mr. SALAZAR. About 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from Colorado.

Mr. SALAZAR. Mr. President, thank you for the debate we are having on the floor of the Senate this evening. I rise in opposition to the conference report on the budget resolution.

This budget keeps mountains of debt on our children and fails to fund the priorities of our Nation from veterans to children, law enforcement, and rural America. It is a bad budget.

The first problem is that this budget heaps more debt on our children and grandchildren than ever before. Counting what the President wants to borrow to privatize Social Security, this budget will add an additional $600 billion in debt each year for the next 5 years. That is irresponsible. That will amount to over $3 trillion in additional debt—debt which is more and more funded by foreign central banks.

This mountain of red ink ought to alarm the Nation. It has alarmed Fed Chairman Alan Greenspan, who has been warning us to do something about it, and other great Americans like Warren Buffet.

We also know that this budget turns our priorities upside down. We ought to fulfill our commitment to the men and women who have laid their lives on the line for this country. Yet this budget shortchanges our veterans by at least $1.6 billion.

The paltry increase in the veterans health care budget in this conference report will not even cover the cost of inflation. The VA says that increases in its payroll and prescription drug inflation alone will cost $1.4 billion. VA's costs are sure to rise higher than that due to the increasing number of injured and disabled veterans returning home from Iraq and Afghanistan and other increasing pressures on the system.

At a time when we ought to be standing up for the men and women who wear the uniform for our country, we are retreating from this Nation's basic commitment to our soldiers and to our veterans.

The budget does nothing to rescind the ban on new priority 8 veterans enrolling in the system. Since January 2003, when the VA announced suspension of enrollment of new priority 8 veterans, more than 192,000 veterans across this country—that is 192,000 veterans across this country—and 2,000 veterans in my State of Colorado have sought assistance from the VA and they have been turned away. That is absolutely unacceptable and un-American. We ought to remember the forgotten America.

We ought to remember rural America. The budget before us cuts $3 billion from agriculture. That is not remembering the forgotten America. A coalition of Republicans and Democrats added back funding for payment in lieu of taxes programs here in the Senate just a few weeks ago. That was an important amendment to the budget reconciliation measure. Rural counties across the West rely on PILT funding from any number of local priorities, from schools to roads.

The budget this Senate is now considering tells mayors and county commissioners across this country that we cannot afford to invest in them and to invest in America's rural communities. For all of us who are from the West, who live in States that have so many acres that are owned by the Federal Government, this is something that should alarm each and every one of us from the West.

We ought to fund public security. Yet this budget accepts the President's priority for law enforcement and homeland security, and in so doing, the Nation and Colorado will suffer.

The COPS Program has helped put over 1,200 additional officers on the streets in Colorado and, yes, we have done a good job in fighting crime. Yet the COPS Program, as presented in this budget, will not allow the hiring of single additional school resource officer in our State or in the Nation.

By reducing the funding for the COPS Methamphetamine Enforcement and Clean-up Program by 62 percent, this budget would cripple efforts by law enforcement agencies in Colorado to combat meth production and distribution and to remove and dispose of hazardous materials at clandestine methamphetamine labs around our State and around our country.

This budget calls for $215 million, or a 30-percent cut, to the Assistance to Firefighters Grant Program. In 2004, the Assistance to Firefighters Grant Program provided 54 grants in my own State of Colorado, totaling $4.6 million. That program assists rural, urban, and suburban fire departments to increase their effectiveness in firefighting operations, firefighter health and safety programs, new fire apparatus, emergency medical service programs, and fire prevention and safety programs in local departments.

Like the President's proposed budget, this budget calls for the complete elimination of funding for the Edward Byrne Memorial Justice Assistance Grant Program which last year consolidated the old Law Enforcement Block Grant Program and the Byrne Formula Program. Funding under this program has been available for law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and finally, planning, evaluation, and technology improvement programs. This funding has gone a long way toward strengthening the criminal justice system at the State and local levels, but it will be no more.

With regard to these important programs, the effects of this budget on my State are clear. In fiscal year 2004, Colorado received $7.4 million in Byrne grant funding. This budget for fiscal year 2006 eliminates that funding.

Colorado received over $1 million in funding under the Local Law Enforcement Block Grant Program in fiscal year 2004. Several cities received tens of thousands of dollars in needed assistance, including cities such as Denver, Colorado Springs, and Aurora, and 20 other localities in the Colorado Division of Criminal Justice received grants from this program. Colorado cities now will receive nothing under these programs.

We ought not to forget 9/11 and the heroic efforts of the men and women in law enforcement and first responders who responded on that day. Standing with our President and standing with law enforcement around this Nation, we ought to be investing in those personnel who are at the front line of defense for our homeland security.

Finally, we ought to fund health care and education. This budget directs the Senate and House to save $32 million from Medicaid and student loans. I am proud, in my family, each of my brothers and sisters are first-generation college graduates. That is part of the American dream that was made a reality for me. That education has been a success for my family, as it has been a success for generations around America. We got that education because our parents and our faith instilled in us the value of books and ideas. We also got that education because we were able to rely on Federal assistance to go to college.

The price of college increases each year at rates well above inflation. Even so, this budget cuts funding for higher education for the first time in 20 years. I repeat, this budget cuts funding for education for higher education for the first time in 20 years.

Budgets are difficult. Every family in this country knows that. Every family makes its choices on how to invest its resources. Growing up as I did, I understand we cannot have everything we want. In fact, there are too many families in this country that struggle simply for survival every day.

Spending is not restrained in this document. In fact, it has increased and with it so will the deficits. Most importantly, budgets are also a statement of what we believe and what we value.

Why is it that in each and every case in this budget the needy lose and the most powerful win?

Why is it that the neediest among us are not rewarded but punished?

Why is it that every tough decision is taken not in this document but forced onto our children and onto their children?

I can only think of one word to accurately describe the set of priorities outlined in this document. It is wrong, and I will vote against it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The minority controls 2 hours 12 minutes, and the majority controls 3 hours 18 minutes.

Mr. CONRAD. Mr. President, I will take just a few minutes. We have other speakers on the way. I ask the chairman, does he have somebody who wishes to speak?

Mr. GREGG. Mr. President, responding to the Senator's inquiry, Senator HUTCHISON is here, and I think she will be ready to go in 5 to 10 minutes.

Mr. CONRAD. Mr. President, I will take just a few minutes to go back to the central point because I want to make certain that none of our colleagues have missed it tonight, and that is the budget on which we are about to vote dramatically increases the debt of the United States. We have heard a lot of talk about concern for the deficit. We have heard a lot of talk about the deficit being cut in half over the next 5 years. We have heard a lot of talk about the concern of the exploding debt of the United States. It is very important for my colleagues to know what they are about to vote on because those who vote in favor of this budget are voting to dramatically increase the debt of the United States just before the baby boomers begin to retire.

I do not think it can be fairly said that anybody who votes for this budget is fiscally conservative or even fiscally responsible.

Here is why I say that: Right now, the debt of the United States subject to limit is $8 trillion. Under this budget, each and every year, the debt of the United States is going to increase by more than $600 billion, building a wall of debt that is going to hang like a noose around the neck of every citizen of this country. The President is fond of saying it is the people's money, let us give it back to them. Well, it is also the people's debt. When the President says give the people's money back to them, the problem is there is no money to give back. The money is all gone. Instead, what we have is a sea of red ink.

Now, my colleagues do not have to take it from me. This is my chart. I stand by it. But this is not based on my projections or my numbers; this is based on pages 4 and 5 out of this conference report. Here it is. This is the conference report, and if anybody wonders what the effect of this budget is, all they have to do is look on pages 4 and 5. It is right there. What does it say? It says that every year the debt is going to go up by over $600 billion. It says this year $683 billion; next year $639 billion; the next year $606 billion; the next year $610 billion; the next year $605 billion. Where is the cutting of the deficit in half? The debt is going up every year by over $600 billion, and my colleagues say they are cutting the deficit in half over 5 years? Where is it?

These are not my numbers. These are their numbers. These are the numbers provided in this conference report, and it shows exactly where we are headed. If this is where my colleagues believe we ought to go, vote for this budget. If my colleagues believe we ought to add $3 trillion to the national debt, vote for this budget. If my colleagues believe we ought to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, vote for this budget. If my colleagues think these are the priorities of the American people, vote for this budget.

The Senator from Colorado.

Mr. SALAZAR. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SALAZAR. The Senator describes this mountain of debt that we are piling up in this Nation and the trillions of dollars never before done in the country in the way that is happening today and has been happening over the last several years and will happen under this budget. That mountain of red debt is debt that every citizen is going to be responsible for in just the way the Senator described and debt we are going to pass on to our children and a mortgage that we are going to create for our children.

When I hear people such as Warren Buffett talk about this mountain of debt and what it means to this country, I am concerned about what it means with respect to the future strong economy of our country and what it means in terms of the ownership of this debt by foreign countries.

Would the Senator from North Dakota, who has studied these issues and is distinguished on the budget of this country, please let the American people know what it is that this budget means for the future of America if we continue to pile up this debt at this unprecedented pace?

Mr. CONRAD. It is very clear what it means because, as I have indicated, according to their own budget documents, this budget, which they have advertised as one that is fiscally responsible, increases the debt each and every year by more than $600 billion. The thing that is quite stunning is here is what has happened to foreign holdings of U.S. debt just since 2001. According to this chart, it has gone up 97 percent. The truth is this chart is a little bit behind the times. Foreign holdings of our debt have gone up more than 100 percent in just 4 years. The result is we owe Japan over $700 billion. We owe China almost $200 billion. We owe the United Kingdom over $170 billion. We even owe the Caribbean banking centers over $100 billion. Who would ever have believed the powerful, mighty United States owes the Caribbean banking centers over $100 billion? Here we are borrowing money from the Caribbean banking centers. Why, we have even borrowed over $65 billion from South Korea. I have never heard of a country building its strength by borrowing from abroad. I have never heard of a great power that made itself mightier by borrowing hundreds of billions of dollars from countries all over the world.

No, this is not a way to strength. This is a way to weakness. This is a way to dependency on foreign central banks. What happens if all of a sudden they decide they are going to start diversifying out of dollar-denominated securities? Well, we all know what could happen. If they did not show up at the bond market options at the U.S. Treasury Department, if they decided not to show up next Tuesday, interest rates would have to go up dramatically. What would that mean? That would mean higher prices on every mortgage, every car loan, every student loan. Every business in America that has to borrow for its financing would be adversely affected. Our competitive position would be hurt, and American economic strength would be damaged. That is the risk that is being run by this reckless policy of deficits and debt.

Mr. JOHNSON. Will my colleague from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. JOHNSON. Do I understand the ranking member of the Budget Committee correctly to say that what this budget proposes to do is to make room for a massive tax cut for those making over $1 million per year—not just millionaires but people who make $1 million each and every year—at a cost of $32 billion in the coming decade, and that we are going to have to borrow the money to provide for those tax cuts? In order to give multimillionaires a tax cut, we are going to borrow the money from Japan and China and then leave middle-class taxpayers to pay the debt service for the rest of their lives, literally, to cover the cost of that borrowing? That is absolutely astonishing. Is that what the Senator suggests this budget recommends that our Nation do?

Mr. CONRAD. Well, that is the plan. That is what this budget calls for. In 2006, this budget accounts for tax cuts to those who earn on average over $1 million a year, and the tax cuts in the year 2006 alone for those earning over $1 million a year—the cost will be $32 billion for that 1 year alone, and every penny of it borrowed. Where are we borrowing it from? Much of it is being borrowed from Japan, China, and countries all over the world. Does anybody really think that is a good idea?

Mr. JOHNSON. If my friend will yield further, what is further astonishing about this is that budgets have to do with priorities, much as it does with a family budget. One has to decide can they go to Disney World if they cannot yet figure out how to pay for their groceries or their car payment. That is what families do across North and South Dakota and across this country.

To put this in some perspective, this is a $32 billion tax cut next year just for Americans who average $1 million in income. We are being told that there is not enough money to provide full funding for veterans health care. They need about $3 billion to $3.5 billion more next year, we are told by our veterans organizations, in order to honor the service of people who have put their lives on the line and to whom we owe our liberty and freedom, but we are told, no, we cannot afford the $3 billion, $3.5 billion for them, but there is $32 billion for these multimillionaires we are going to borrow.

We are being told in school districts all across my State of South Dakota that No Child Left Behind is going to be underfunded by about $12 billion this year. My school districts are struggling. They are releasing teachers and counselors. They do not know what they are going to do. Yet we do not have that $12 billion, but we have $32 billion for Americans making over $1 million a year. It seems to me that these priorities are standing America's values on its head. This does not make any sense to any South Dakotan, Republican or Democrat, in my State, that this would be our Nation's priorities. And then to borrow the money, to boot? This is breathtaking.

I appreciate the Budget Committee ranking member's elucidation of these issues because the American public needs to understand what is going on in this Chamber this evening. I fear this budget is selling America down the river in terms of our future priorities and our future financial obligations.

When it comes to massive foreign borrowing, does this not even impinge on the very notion of American sovereignty? Are we going to be able to make trade, military, and diplomatic decisions in the future if we are in hock up to our eyeballs to foreign nations, in order to pay off debt to multimillionaires? Does that not have profound long-term consequences for America?

Mr. CONRAD. Let me say what is stunning to me.

Mr. GREGG. I was going to make a point that the Senator would be recognized at 9:30.

Mr. CONRAD. We got into a dialog. We will end that and then we can get back to Senator HUTCHISON, who has been waiting patiently.

What is a little hard to understand about this budget, we are borrowing money at record amounts, much of it from abroad, in part, so we can provide $32 billion next year in tax reductions for the wealthiest among us.

Not only are we doing that in this budget, this budget also contemplates every dime of Social Security surplus—about $160 billion a year and growing every year of the 5 years of this budget—that surplus from Social Security is being taken and used to pay for other things when the President is traveling all over the country saying Social Security is short of money.

Somehow none of this quite adds up. Social Security is short of money, so this budget takes $160 billion a year of Social Security money and uses it to pay for other things? And we are borrowing $32 billion a year to provide tax breaks for those earning over $1 million a year? And much of it we are borrowing from abroad on top of the 100 percent increase we have already seen in the last 4 years in foreign holdings of United States debt? Something is way off track.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this may take a further response—and I know the Senator from Texas wants to go forward—to make clear what the budget does with regard to tax policy. This budget does not do anything outside of a baseline for taxes other than make it possible to extend a series of tax incentives to working Americans that are going to last. These include the research and experimentation tax credit, the deduction for teachers' classroom expenses, deduction for qualified education expenses, deduction for State and local taxes, welfare-to-work credit, work opportunity tax credit, and making sure the alternative minimum tax does not pick up a lot of working Americans which that tax was not supposed to cover.

The representation that this budget has language which initiates tax cuts for other people, whether wealthy or not, is simply wrong. The baseline of the budget for the next 5 years assumes what present tax policy is.

If the other side of the aisle desires to introduce a bill or proposal which raises taxes outside of the present baseline, if they want to raise taxes on wealthy working Americans, if they want to raise taxes on small business, which is what makes up most of the high tax bracket income in our country, they are perfectly within their right to do so, but they should not represent that this budget does anything in that area other than continue the current baseline.

What this budget does in the tax policy area is allow the tax writing committees to extend tax credits and tax deductions that go to working Americans, such as classroom teachers, which are going to lapse and which I suspect a majority of this body would support. That is important.

On the issue of Social Security, there is no other place that Social Security surplus can be invested today than in the Federal Government activity. The Senator from North Dakota knows that. The only thing Social Security surpluses can be used for today is to buy bonds which the U.S. Government issues, and they obviously financed.

So this representation that is being used to finance the operation of the Government, in reciting that as some sort of terrible action, is a reflection of the way the law works. You can invest anywhere else. If you want to invest in something else, as the President suggested, you can put it into personal accounts and let the people invest in stocks or bonds through the Social Security Administration as proposed and give people a real asset that they own outside of Government bonds. That is what the President has suggested. That is what has been rejected by the other side.

They cannot have it both ways. They cannot on the one hand say the law as it works is inappropriate because it funds the Government, and on the other hand say Americans should not be allowed to invest in some sort of activity through the Social Security Administration which would give them private ownership. The policy is inconsistent.

I yield to the Senator from Texas such time as she may consume.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has yielded to the Senator from Texas.

Mr. GREGG. The Senator wants to respond to what I said, I take it?

Mr. CONRAD. Yes.

Mr. GREGG. Obviously, the Senator has been responding to what I have been saying now for 2 hours. I have worked in 30 seconds, and I think we ought to give the Senator from Texas an opportunity.

Mr. CONRAD. I am happy to do that. The Senator from Texas has been very patient. Let's allow her to proceed. I will take a few minutes, and we will go on with the other Members scheduled.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee, the Senator from New Hampshire, as well as the Senator from North Dakota. It has been a lively debate.

I rise to support this budget. The committee has done an outstanding job. I will talk about some parts of the budget and talk about what I hope we will see in appropriations, but in the main, this budget does exactly what the President asked us to do in that it achieves the goal of cutting deficits in half within 5 years from the level he projected in 2004.

I heard the distinguished Senator from South Dakota earlier lament this was a budget that was going to somehow add to the debt service of middle-income Americans. It appears to me it does the opposite; that, in fact, it will cut the deficits in half.

We are cutting the deficits in this country, while at the same time providing for the priorities in spending. We are providing, for the first time since I can remember, a contingency fund for the war on terrorism. The Senate voted in an overwhelming majority to include a contingency fund for the war. In the past, we have had supplementals; and we have seen what happens on supplementals. They become Christmas trees. We are trying to fund the war on Iraq and all of a sudden so many other things turn up as emergencies. This is what busts the budget.

The distinguished committee did, in fact, put aside a $50 billion contingency fund to cover the costs of operations in Iraq. Maybe we will not have to have a supplemental next year; or if we do, it will be later in the year and will be fiscally responsible.

This is a budget that continues to reduce taxes. Every time in the history of our country when we have reduced taxes in a major way, where it could be felt, it has not added to the deficit; it has, in fact, added revenue. We saw our economy start stabilizing when we passed the 15-percent tax on capital gains and dividends, which was a cut in that tax. This budget provides for $105 billion over 5 years in reduced taxes. It assures we have the stability in the Tax Code that lets people know in 2007 we are not going to have an increase in the taxes that have already been cut; that people can count on the 15-percent tax on dividends and capital gains, at least for the next 5 years.

This would also accommodate the sales tax deduction on the Federal income tax for those States that do not have a State income tax. There has been an inequity in the Tax Code for years, where if you have an income tax in your State, you can deduct that income tax from your Federal tax because you should not have to pay tax on taxes. But if you are a sales tax State, you do not have that same opportunity.

This bill will allow—although this bill does not mandate anything because that is a Finance Committee responsibility—the sales tax deduction to be continued.

The budget allows for continuation of the teacher classroom expenses deduction. We know teachers—every one of us in this country knows teachers—who take money out of their own pockets to buy pencils or tablets or Crayons or whatever it is they need in the classroom, or which their pupils need and cannot afford, to make sure they have the tools for teaching. We allow them to deduct from their taxes the money they put into the classroom. We will be able to extend that deduction in this budget. We will have the opportunity to give teachers who are not paid enough a token of appreciation for the job they do.

And finally, it ensures the AMT will not hit the middle class in our country.

In the big picture, this budget is a very good resolution. Thank heavens, we are going to have a budget this year, which we did not have last year, so we will be able to say: Here is what we are going to spend, and we will stick to that spending level.

I want to mention one area where the budget fell short from what the Senate wanted it to do, and that is in the area of the administration of justice function. This function is the area which funds the Border Patrol. The Senate passed $42 billion to cover the cost of more Border Patrol agents and other administration of justice functions. The conference report is $41 billion. It is $1 billion less.

Now, I want to lay down a marker here because it is essential that when this budget goes to the Appropriations Committee, the Appropriations Committee should set aside money for more Border Patrol agents than the 210 that were in the President's budget. This must be done so we can beef up our borders against illegal intruders.

This is not a matter of illegal aliens coming here to work, although that is a major issue in this country. It is a matter of national security. We have seen some very brave people sitting on the border of Arizona and Mexico in the last few weeks. I have to say, these people have shown a commitment and a caring that should be acknowledged in the Senate, that they would care enough to realize that 10,000 people, it is estimated, are coming across the border illegally into our country every day. We are short of Border Patrol agents, and they are going out there and sitting a quarter of a mile apart to try to monitor and tell the Border Patrol when they see illegal activity.

There has been no violence. But it has made a huge impact. It has made an impact on the number of illegal crossings. And it has certainly made an impact on this country to see that many people are volunteering their efforts to care about the integrity of the borders of our country.

But it is not those volunteers' responsibility. It is the responsibility of the U.S. Government to patrol our borders and to assure that Americans are safe from illegal intruders. We are not doing the job. We are not doing the job when the FBI Director tells a congressional committee that people from countries with ties to al-Qaida are crossing into the United States through the border with Mexico. It is a security threat, and it is a homeland security threat.

Now, I do believe the supplemental appropriations that is working its way through Congress right now is going to have some help in the Border Patrol area. I know the chairman of the Homeland Security Subcommittee, the Senator from New Hampshire, is very aware and has visited the border himself to see what the problems are. So I do have confidence that in the Appropriations Committee we will address this issue. And we must. We must control our borders at a time when we know we are in a war against terrorism.

Mr. President, 97 percent of the illegal intruders are coming in through the southwest border. But this is a national issue. These people do not stop in Texas and Arizona and California and New Mexico. They go all through our country. It is estimated by Time magazine that there are 15 million illegal people in our country, and it has been estimated that it is really even more, probably 20 million.

Since 2001, 1,300 agents have been added to the force. But this is not sufficient to patrol 6,900 miles of border between Canada and the United States and Mexico and the United States. The issue that has recently started being observed is the aliens from countries other than Mexico who are crossing the border through Mexico, and because of a lack of resources, we are forced to release them practically immediately. This again, I hope, is going to be addressed in the supplemental appropriations.

The Commissioner of U.S. Customs and Border Protection recently said:

> We do not have enough agents; we don't have enough technology to give us the security we need. We need more agents and we need to do a smarter and better job.

Two groups of Arab males were discovered by patrol guards from Wilcox, AZ. One field agent said:

> These guys didn't speak Spanish, and they were speaking to each other in Arabic. It's ridiculous that we don't take this more seriously. We're told not to say a thing to the media.

We must take this issue seriously. The agent is correct.

I believe that we can address this issue in appropriations, and I believe that with $41 billion in this account, which is in this budget today, we will be able to allocate the resources to increase the number of Border Patrol agents and to increase the number of detention facilities so we will not have to release the illegal intruders, the "other than Mexicans." We can do it if we prioritize it. The reason I am speaking tonight is to say we must prioritize it. We must take this seriously. It is an issue for our whole country, and it is an issue we must take seriously. We have the funds to do it in this budget, but I want to make sure it is a priority.

The Budget Committee has done a very credible job. This Budget Committee has presented a budget that will cut the deficit, over 5 years, in half at the same time that we are funding the war. And we have a contingency so we will not have to do it through supplemental appropriations. I thank the committee for responding to the will of the Senate when we voted overwhelmingly that we did not want to fund the war with supplementals. Fifty billion dollars is exactly the right amount to have in a contingency. That is responsible budgeting.

I appreciate what the Budget Committee has done. They have addressed our priorities. They have cut back in nonpriority areas, and have cut back in discretionary spending. I hope that as we go into the appropriations process, we will remember the need for more Border Patrol agents and more detention facilities to address this critical issue for the security of our homeland. I believe we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, you just heard the Senator from Texas say this budget is going to cut the deficit in half over the next 5 years. I wish that were true. But it is not. Here are the numbers. These are not my numbers. These are the numbers that are in this document, pages 4 and 5. This is what they say is going to happen if this budget is passed. It says the debt is going to go up $683 billion the first year, $639 billion the second, $606 billion the third, $610 billion the fourth, and $605 billion the fifth. Where is the deficit getting cut in half?

The amount that is being added to the debt every year is over $600 billion each and every year. I don't see the difference between revenue and spending, that gap, being cut in half anywhere. No, this is not a budget that is cutting any deficits. This is a budget that is increasing deficits.

The Senator said if we cut taxes, we will get more revenue. I wish that were true. That would be great. Why don't we cut taxes 50 percent and balance the budget, if that is the case?

Here are the facts. Here is what happened to spending and revenue since 1980. The red line is the spending line. The green line is the revenue line. This is spending as a share of gross domestic product in the 1980s. It was up in the 22-23 percent range. Then, in the 1990s, we saw the spending as a share of GDP come down. Revenue went up. Deficits were eliminated.

Then we got a new President in 2001. Look what happened to the revenue. Taxes were cut. Did revenue go up? No. Revenue didn't go up. Revenue went down. Revenue went down dramatically from the highest share of GDP before the tax cuts to the lowest share of GDP since 1959.

This notion that you cut taxes and the revenue goes up is a fanciful notion. It is a wonderful idea. If that really worked, let's go out and cut taxes 50 percent and balance the budget.

That isn't the way it works. If you cut taxes, you get less revenue. That is what has happened—not just a little less, but a lot less under the President's proposals, which have opened up this chasm of deficits and debt.

Earlier, I was pointing out the cost of the existing tax cuts in 2006, for those making over $1 million a year, is $32 billion. That is a fact. The cost of the existing tax cuts in 2006 alone, for those earning over $1 million, is $32 billion. That is in this budget. I wish it wasn't in this budget, but it is. That is a matter of priorities. From where are we getting this money? We are borrowing it because we are in deficit. The President says it is the people's money. Indeed, it is. And it is the people's debt. And this budget is exploding the people's debt.

On the question of Social Security, I have pointed out that over the next 10 years, under the President's plan, $2.5 trillion of payroll taxes used to fund Social Security are being diverted to pay for other things. The Senator from New Hampshire says you have no choice. That is the law. Yes, you have a choice. Absolutely, you have a choice. This budget is a choice. Of course, the choice we could make is to balance the rest of the budget and use this money for the purpose intended, which is either to pay down the debt or prepay the liability of the country. That is a choice we could make. That is a choice I have offered my colleagues repeatedly, to so-called lockbox Social Security funds so they are only used for Social Security. But that is not what this budget does. This budget takes trillions of dollars of payroll taxes and uses it to pay for other things. That is going to come back and haunt us.

The President says Social Security is short $3.7 trillion. His budget over the next 10 years takes $2.5 trillion of Social Security money and uses it to pay for other things. Is that making the situation better or worse? It is pretty clear to me; it is making it worse.

Now this idea some of our friends on the other side have gotten into their heads—I don't know where they got it—that if you cut taxes, you wind up with more revenue. Let's go back. Let's reality test. In 2001, the President said: Massive tax cuts. And he said: If you make these massive tax cuts, it will spur the economy, and we will be able to fund a massive defense buildup, and we will be able to protect Social Security and Medicare. And we will be able to have maximum paydown of the debt.

None of those things happened. Go back to 2001. We were presented with this span chart, possible outcomes of the deficit, this range of outcomes. And the midpoint was chosen as the most likely outcome.

My Republican colleagues said: KENT, don't you understand, when we have these big tax cuts, we will get more revenue, and you will be above the top end of this range of possible outcomes. You are way too conservative.

Look what happened. We had the tax cuts. The red line is what actually happened.

We are way below the range of possible outcomes. After we enacted the tax cuts, they were supposed to give us more revenue. It didn't work.

With that, I will yield 15 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for his leadership on this budget. When there was a break here and another Senator was speaking, I asked Senator CONRAD an obvious question: Have you ever seen a worse budget since you have been in Congress? His answer was no. Well, I have not either. I cannot remember a budget this bad.

When you take a look at the budget deficits of President Bush, and now his Republicans in Congress, it reminds me of a lot of baseball players who were on steroids and in denial. We are seeing these budget deficits mushroom, and the so-called fiscally conservative Republicans are ignoring it. We need to send out an all points bulletin by the Capitol Police to find out if there is one fiscal conservative left on the Republican side of the aisle because each year now under President Bush we have been digging this deficit hole deeper and deeper.

Sadly, the party that used to stand up and say, we want to balance the budget—in fact, amend the Constitution to do it—has now raced away from that value, that principle, and we find ourselves in a terrible predicament. We have a budget that does not accurately reflect the cost of the war in Iraq. It does not reflect the President's proposal to privatize Social Security. It doesn't reflect making permanent all the tax cuts. It doesn't reflect the cost overruns for the President's Medicare prescription drug program. It doesn't reflect the true cost of plugging this tax loophole problem called the alternative minimum tax.

Do you know what BusinessWeek Magazine said? BusinessWeek is not a liberal publication. They said of President Bush's budget that it has become a comedy routine.

Listen to what they said:

> It resembles Swiss cheese, and the holes are more interesting than the substance.

They understand that this budget doesn't reflect the true spending of America. We understand that if this budget is enacted—and I am sure my Republican colleagues will march lockstep to the well to vote for it—we are going to find ourselves in the deepest deficits in the history of the United States of America. The President and his party are making history with the deepest deficits in our history and the fact that they are calling for tax cuts in the midst of a war. Tax cuts in the middle of a war? No President has ever done that. This President does it and does not flinch.

We met in the Appropriations Committee this afternoon with an $81 billion supplemental emergency appropriation because you cannot add it in the real budget. It is not a real budget item; it is an emergency budget item, although we are going into our third year in Iraq. The emergency keeps coming every single year. They won't add it to the real budget because it makes the deficit look a lot worse. That is the reality. Yet, at the same time, as the Senator from North Dakota explains to us, we find ourselves in this deficit hole with the budget that doesn't tell the truth about spending in America.

This President wants to stand up and give tax breaks to the wealthiest people in America. Just next year, as the Senator from North Dakota pointed out, there are $32 billion in tax cuts for Americans making over a million dollars a year. Did you listen to the President tonight on television? He spoke to the American people. This is what he said: We need to index Social Security benefits in a way that will reduce Social Security payments for some and increase them for lower income people. I am not going to object to increasing payments for lower income people. I think that is a fair, just, moral thing to do. But when you take a close look at the President's proposal, it means if you are making the average income—$60,000, let's say, and that is not a lot of money, but an average income—when you retire, the President's Social Security benefit change will take over 40 percent of your benefits away. The President said these higher income people—making $60,000 a year under the President's definition—must be prepared to sacrifice.

The spirit of sacrifice. Where is that spirit of sacrifice when it comes to millionaires next year, millionaires to whom the President's tax cuts will give $32 billion more to spend. If you are making $60,000, you need a spirit of sacrifice; if you make a million dollars, have a tax cut. How about $32 billion worth of tax cuts.

Then look at what this budget cuts: $10 billion in Medicaid cuts that reduce final funding for health care. Today, the Governor of my State and the mayor of the largest city came to talk to us about Medicaid. They talked to us about what that meant. Medicaid, where I live, is a critical program. Medicaid for most States is essential. Two out of three people in nursing homes in America today rely on Medicaid to pay their bills so they can live there from month to month. Medicaid provides health care to children, pregnant women, seniors, and people with disabilities. The budget resolution cuts $10 billion out of Medicaid. We passed an amendment on the floor to restore that money, and I am glad a few Republican Senators stepped up and said we have to, you cannot cut this program. This is for the neediest people in America and, on a bipartisan basis, we restored the money. Sadly, it disappeared when it came to the conference. The conference budget resolution has put $10 billion in cuts right back into the budget. That is unfortunate.

Medicaid funding covers 130,000 new children in Illinois and 135,000 new parents because we worked hard to make sure that more people had health insurance. This cut will endanger that kind of coverage. As I said, Medicaid, the largest insurer in Illinois, covers more than 2 million people. More than 40 percent of the births in my State are covered by Medicaid, and it provides health insurance to almost 1 out of every 3 kids in my State. That is where the President goes to cut, so that he can fund tax cuts for people making over a million dollars.

Senator OBAMA and I have a town meeting every Thursday morning for visitors from Illinois. The question came up this morning about this whole tax cut proposal. I said that I am reminded that when I was with the President last week in Springfield for the opening of the Abraham Lincoln Presidential Center, we were driving out of town in our motorcade and someone had made a homemade sign and put it up right near the airport. The President could not miss it; nobody could miss it. The sign said this: "Whose taxes would Jesus cut?" Interesting, isn't it? If we are going to have justice and compassion in America, how can we cut health insurance for children, health insurance for the elderly in nursing homes, and then turn around and give a tax cut to people making over a million dollars a year?

The President has cited in his budget his affection for community health centers. Yet grants for community health centers will be cut by this budget. We are going to see nursing homes impacted. Providers to Medicaid patients, whether they are hospitals, pharmacists, or doctors, are going to see dramatic cuts in what they receive.

When you get down to the other aspects of this budget that are troubling, I have mentioned to the Senator from North Dakota that we are eventually going to get it right between the eyes with this alternative minimum tax. This was enacted to make sure some of the wealthiest people in this country paid something in taxes, but it has gotten out of hand. It has reached the point where it is affecting more and more middle-income families. If we don't stop it, it is going to create a great economic hardship on these taxpayers. The AMT applied to 3.3 million people in 2004. That number is going to jump to 35 million by 2010.

This budget refuses to acknowledge the obvious. If we are going to have a fair Tax Code, we have to deal with it. Rather than cut taxes on those making over $200,000 and those making over a million dollars a year, this administration and the Republicans in Congress prefer to cut veterans health care, cut No Child Left Behind mandated programs, and cut the health care on which many families and people across America rely.

I believe we can do better. I believe we should be sensible, understanding that fighting a war, as we must—a war on terrorism and a war in Iraq and Afghanistan—requires reality in budgeting; that if we are going to do this, the thought of tax cuts for the wealthiest people in America is off the table.

We may not balance the budget this year because a war is expensive and because the economy is weak and because our gasoline prices do hurt economic growth. But we certainly can see ourselves moving forward if we had a sensible budget resolution. Sadly, this budget resolution does not meet that test.

It is unfortunate that what we are doing today means that more deficits will be heaped on those of previous years. It is hard to imagine that only 5 or 6 years ago, under the previous President, we were generating surpluses in our Treasury, Social Security was stronger, we had an economy moving forward, and sadly since then we have gone into the doldrums. Things are getting progressively worse and more expensive.

As the Senator from North Dakota has pointed out, the mortgage holders for America are Japan, China, and Korea, the OPEC nations, and Caribbean nations, as well as those in Taiwan, Korea, and places such as that. It means we are in debt to them more than our children are in debt to them and that their grip on the American economy will be tighter in this budget resolution.

We are still going to have an all-points bulletin to find a fiscal conservative on the Republican side of the aisle who will vote against this budget. I hope they come to their senses and understand we cannot build a strong nation by these misplaced priorities.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the fiscal year 2006 budget, a budget which does not represent our Nation's priorities. In addition, this budget piles debt upon debt and then passes it on to our children and grandchildren who will have to pay for this irresponsibility.

Perhaps more disturbing, this budget puts tax cuts for the wealthiest Americans ahead of the interests of working families.

Some of my colleagues have consistently talked about the need to curb and cut social programs in healthcare, job training, and community development. However, I want to highlight what these cuts actually mean to people. We should not hide behind titles and statistics. We ought to truly understand how this budget affects the lives of those who have trusted Congress with their well-being.

First and most importantly, this budget resolution cuts Medicaid by $10 billion. Medicaid provides a critical safety net for 53 million Americans including more than 6 million in California. It provides health and long-term care coverage for more individuals than any other program. For most individuals, it is the health insurer of last resort.

I find it ironic that next week is "Cover the Uninsured Week," a week devoted to calling attention to the 45 million uninsured Americans, 20 percent of whom are children, and millions more who are under-insured. Because of this budget resolution, the number of uninsured Americans will increase.

To give a sense of the magnitude of the Medicaid program, consider that Medicaid now provides health care for 1 in every 5 children. It pays for one-third of all births in this country, almost 40 percent of all long-term care expenses, a sixth of all drug costs, and half of the States' mental health services. It also is the largest payer of services for AIDS patients.

And who is at risk in California under this budget resolution?

Children, pregnant mothers, poor elderly, blind and disabled communities, military families, our parents and grandparents in nursing homes, employees working in long-term care facilities, community hospitals, and community clinics and health centers.

And, that is not all. The community hospital structure in the State of California operates based on a delicate balance of funding streams. $10 billion in Medicaid cuts threatens that delicate balance and it will have a ripple effect on many sectors, not just community hospitals.

Public hospitals in California rely on Medicaid as their primary source of funding—sixty-five percent of their patients are either insured through Medicaid or have no health insurance.

Medicaid allows patients to access the health care services they need to stay healthy by providing chronic care management, immunizations, cancer screenings, and outpatient care. These are necessary to keep people from getting their health care in hospital emergency rooms where costs are exponentially higher.

This is coming at a time when our health care system has already faced major reductions. Seven emergency room departments in California have closed over the past 18 months. Six of the seven were in Los Angeles County. This is in large part due to the low Medicaid reimbursement rates and the high number of uninsured and uncompensated care costs.

Last February, the L.A. Times reported that UCLA Healthcare, the largest medical complex in the University of California system, would soon be eliminating about 400 full-time positions, and again, this is due to low Medicaid reimbursement rates and an unexpected increase in the number of indigent patients seeking care at UCLA hospitals.

I fear this situation will only worsen under this budget resolution.

California already ranks dead last among States for Medicaid spending per recipient and I am told it would take more than $1 billion to lift California out of that position.

To make matters worse, California's Federal Medical Assistance Percentage, or FMAP, is at 50 percent. That is the lowest allowable percentage under Federal law.

This budget resolution does not only affect healthcare. In community development, which I personally understand from my experience as a mayor, this budget drastically cuts the Community Development Block Grant, CDBG, program. This program is vital for low-income families and individuals in more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities.

In the last budget, my home state of California received over $526 million in CDBG funds, accounting for 12.8 percent of the total $4.1 billion grant program.

Over the past 5 years, the diverse use of CDBG funds have allowed Los Angeles County to develop almost 9,000 affordable housing units, to create and preserve over 2,000 jobs, to remove over 32 million square feet of graffiti, and to provide loans and technical assistance to over 5,000 businesses among other programs.

This budget is risking over 90,000 jobs and reducing much-needed training for 80,000 people. Basically, it is cutting employment opportunities to motivated people who seek training and want to work. These people are asking for our help and we are shutting the door to their future.

In terms of small businesses, this budget resolution cuts financial assistance to small businesses, the engine of our economic future, which comprises over 90 percent of all businesses in California.

In housing, only half of the 80,000 promised vouchers for low-income families and individuals will be restored under the Section 8 voucher program. These housing vouchers are essential to providing approximately 2 million low-income families, senior citizens and people with disabilities with a safe and affordable place to live.

In sum, this budget asks those communities who are in desperate need of medical services, housing, economic development, and job training, to fund tax cuts for the wealthiest Americans, to pay for the war, and to take the brunt of our budget cuts. This budget resolution will disproportionately affect children, poor working families, the elderly and many others in California. I must object to a budget that protects $70 billion in tax cuts and mandates more than $10 million in needed services. I cannot in good conscience support a budget that continues to ask even more from those who are less able to give.

Mr. FEINGOLD. Mr. President, this resolution is the latest in a string of budgets that continue to set records for fiscal recklessness.

The test of any budget is the bottom line, and any civics teacher looking at the bottom line would have to give this budget an "F." It continues to drive us deeper into the deficit ditch, with little hope that we will ever climb out of it, and it is just as revealing for what it does not include as for what it does.

This budget fails to include a single penny for the President's most important domestic priority, his plan to privatize Social Security. While I strongly oppose such a plan, if the President and congressional leadership are serious about pushing their plan to privatize Social Security, the very least they can do is pay for it.

This budget fails to provide for long-term reform of the alternative minimum tax, something on which there is widespread, bipartisan agreement. But here again, instead of ensuring that this clear priority can move ahead, this budget remains silent.

And perhaps most importantly, this budget fails to restore the common sense pay-go budget rule that helped restrain our collective fiscal appetites, and made us pay for what we wanted to do. That is such a simple, straightforward proposition pay for what you want. It's what every family has to do. It's how the Clinton-Gore administration and Congress finally balanced the Federal books during the 1990s.

We are already in a deep budget hole. The only way we are going to get out is to stop digging. But instead of getting back on track to reducing our deficits, and beginning to pay down our enormous government debt, this budget has Congress digging the hole even deeper.

This budget is deeply flawed in many other ways, but let me discuss just one, the use of expedited budget procedures to impose a controversial and environmentally reckless proposal to drill for oil in the Arctic National Wildlife Refuge. As I noted during the mark-up of the budget resolution in committee, this is a fight that we should have in open debate, not through the abusive use of the reconciliation process that itself relies on the most dubious of budget assumptions.

As one of our colleagues put it, we should not abuse the budget and the budget reconciliation process "in order to be immune from unlimited debate." Allowing oil drilling in this wildlife refuge is an issue that is too important to the public to be passed like this. We should debate it in the open during an energy debate, not further degrade the already adulterated reconciliation process.

This budget aggravates our fiscal problems by adding to the already mountainous Federal debt. It fails to restore desperately needed budget discipline. It corrupts the reconciliation process, originally intended to facilitate deficit reduction, by using it to worsen the bottom line by expediting more unfunded tax cuts, and by using it to shield a controversial attack on an environmental treasure.

In short, this budget is a disaster. The Nation would be better off without any budget resolution than with this one.

Mr. LIEBERMAN. Mr. President, once again we are on the floor of the Senate facing the destructive proposal to drill for oil in the Arctic National Wildlife Refuge. Before the day is out, the Senate will be voting on a budget resolution that, if adopted, will open the way for this destructive action. I cannot support such a proposal, and, as a result, I cannot support the budget resolution. This is what happens when we attempt to make policy decisions—in this case a disastrous one—outside the normal process of deliberation and full, unlimited debate.

I serve on the Senate Environment and Public Works Committee, which has jurisdiction over wildlife refuges. Under the National Wildlife Refuge System Administration Act, the management of the National Wildlife Refuge System, it is the Secretary of the Interior acting—"through the United States Fish and Wildlife Service"—who is to administer refuge lands.

For nearly 30 years, the wisdom of that approach has been borne out in the form of a thriving network of refuges and wilderness areas. Today, however, the Senate, without full deliberation and unlimited debate, is prepared to ignore the true purposes of a wildlife refuge, and run roughshod over them through a back-door budget-process maneuver.

This is clearly the wrong way to make this decision and the wrong decision to make.

Two months ago, more than 1,000 leading U.S. and Canadian scientists called on President Bush to protect the Arctic National Wildlife Refuge from oil drilling. In their letter to the President, dated February 14, 2005, the scientists questioned assertions that oil could be safely extracted from the Refuge and urged President Bush to "support permanent protection of the coastal plain's significant wildlife and wilderness values."

The scientists said oil development could seriously harm caribou, polar bears, muskoxen and snow geese—among other wildlife. They warned it could disrupt the fragile ecosystem of the coastal plain, which they said could lead to even more widespread injury to wildlife and its habitat.

The signers categorically rejected the notion that the impacts of drilling could be confined to a limited footprint, as pro-drilling forces claim, noting that the effects of oil wells, pipelines, roads, airports, housing facilities, processing plants, gravel mines, air pollution, industrial noise, seismic exploration and exploratory drilling would radiate across the entire coastal plain of the Arctic Refuge. What they said adds up to the obvious—that, by definition, opening up the refuge for oil drilling will be the end of the Arctic National Wildlife Refuge as true wilderness.

The scientists who signed the letter are experts in the fields of ecology, wildlife, and conservation biology, natural resources management and cultural anthropology. They include Edward O. Wilson, winner of the National Medal of Science and two Pulitzer Prizes for his landmark books on social biology, and Anne Ehrlich, who is a well known biologist from my home State.

Hundreds of scientists are telling us that throwing the Arctic National Wildlife Refuge open to oil companies will harm wildlife and permanently disrupt the wild nature of this unique place. It simply does not make sense to destroy the Arctic refuge for oil that will not lower prices and will not make a noticeable dent in our dependency on foreign energy.

In particular, according to even the most optimistic projections of the Bush administration's own experts, Arctic refuge oil will only reduce our dependence on oil imports from 62 percent to 60 percent, 10 years from now. Clearly, that falls short of the type of impact needed to influence the price of oil on the world market. The numbers I just cited were projected in 2003, before the current steep climb in oil prices. They are the latest we have, and I doubt that the point changes—that the impact on our country's oil imports would be minimal even with the most optimistic view of Arctic oil. In fact, the recent jump in oil prices makes an even more important point—that drilling the Arctic refuge is a hunt for fool's gold; not only would it do little to change the flow of oil imports into our economy, but it would dangerously distract us from the real challenge our Nation—faces and the real solution our Nation needs—turning away altogether from our rampant usage of oil.

These arguments are well known and well understood. That is why the majority of the Nation opposes this drilling plan and why there are not the votes to authorize drilling were we to follow our regular way of doing our business.

But since there are not close to the votes in this Chamber needed to authorize drilling where the debate belongs—in the Energy bill—we are being forced to debate it in the context of the budget.

Is there anyone in this Chamber who believes that the purpose of this provision is to generate revenue for the budget? That in the context of a $2.6 trillion dollar budget, we must force the opening of a wildlife refuge to get an essential $2 billion of revenue? Of course not!

The real purpose of this provision is to frustrate the rules of the Senate—rules that not only protect the minority but also the very process of judicious deliberation—in order to jam through a provision through reconciliation that its proponents have been unable to pass for years. The generation of revenue? Merely incidental to that purpose.

Mr. President, I therefore ask my colleagues to look not just at the substance of this issue—on which the merits are clear—but to the policy principle at stake. If the procedural sleight of hand in this measure can stymie open and unlimited debate, where will we be drilling next? What other areas can we open for drilling, and incidentally gain revenue from, through the budget? The Great Lakes? The areas off of our coasts?

And what other measures, all across the substantive spectrum, could now be free from unlimited debate? Just ask yourself, how many provisions out there have been debated that incidentally generate revenue or incidentally reduce outlays? Are they all now to be free from unlimited debate?

As we all know, this institution's historic commitment to open and unlimited debate could soon be besieged on another front. Has the mere prospect of this already made us so cavalier about the Senate's long hallowed rule of law for itself?

Early last month, the senior Senator from West Virginia, Mr. BYRD, spoke so eloquently about the need to protect open debate and about the extent to which the Senate honors this tradition. Of course, our practice of open debate goes back to the very way in which our Founders and Framers conceived of the Senate. I have heard the Senator from West Virginia say, and have been moved by it, that the rule of unlimited debate is there to protect the Nation and its values from falling to the passions of the moment that destroy something timeless. I cannot think of a better example of that need than this, where we are threatened with the loss of an irretrievable piece of our natural heritage.

As we consider how to vote on this resolution, I suggest to my colleagues that this is not a time to ignore the basic conservative values of our country that teach us we ought not to look at every available natural resource area in our country as a place to exploit. Our values are stronger than that and longer term than that. Nature, after all, reminds us of our humanity, and provides us with transcendent moments—for tranquility and for gratitude for God's Creation. And that is what conservation and the battle over this provision are all about.

Today's vote asks us to decide whether we truly value, and will stand firm to protect, this great country's natural legacy. One hundred years ago, the great Republican President Teddy Roosevelt first showed us the way to do this, and acting in his spirit, President Eisenhower brought that protection to the Arctic range. Do we join them in valuing this land and protecting it or are we going to break ranks with those two great presidents and desecrate it, diminish it, change it forever for a small amount of oil? Is that really what our energy policy should be about? Does it really offer us any hope of more energy independence which we strive for? The answer of course is, no. It is not worth it.

The mark of greatness in a generation is not just the opportunities it builds for itself, but in the resources it creates and leaves for its children. Not least are wilderness resources.

I urge my colleagues to vote down this conference report.

Mrs. BOXER. Mr. President, I oppose this budget and will vote against it. All of my colleagues should. It sets the wrong priorities. It breaks promises to the American people. And it is the height of fiscal irresponsibility.

Let me begin with the priorities. The priorities of the American people are not the priorities of this budget.

It is quite clear what the priorities of this budget are: tax cuts for the wealthy. In just one year, this budget provides a tax cut for millionaires totaling $32 billion.

Meanwhile, education funding is cut almost $1 billion below the services we are providing now. A total of 48 education programs are eliminated. The promise that was made in the No Child Left Behind Act is broken by $12 billion. We should be increasing our commitment to our children, not cutting it.

Veterans programs—for those brave men and women who served our country and are currently serving our country in Iraq and Afghanistan—are cut $500 million. As more and more veterans return to this country, the demands on the VA system will only grow. This budget ignores them.

This budget provides no funding for additional police officers on the street, and two major programs to help local law enforcement are eliminated.

Medicaid—the health care program for the poor and disabled, a large portion of whom are children—is cut $10 billion.

Funding for the Centers for Disease Control—to prevent diseases and to fight outbreaks—is cut 9 percent.

The promise we made to our farmers in 2002 is broken with cuts of $3 billion.

What is going on here? Our children, our veterans, the safety of our streets, and the health of our people—all are taking a back seat to tax cuts for millionaires. This budget helps the wealthiest 1 percent of Americans at the expense of 99 percent of Americans.

You would think that with all of these cuts in spending for important programs, at least the budget would be balanced—or at least would be more fiscally responsible than it has been in the past 4 years.

You would be wrong. This budget increases our debt by $3.1 trillion over the next 5 years. In 2010, the Federal debt will be over $11 trillion.

That figure is so high, it is nearly incomprehensible. So let me put it another way: $11 trillion is $1 million every day for 30,000 years.

And 11 trillion in debt is not the whole story. This budget does not include the almost $400 billion in costs for the wars in Iraq and Afghanistan. This budget does not include over $700 billion in costs for the President's plan to privatize Social Security. This budget does not include over $700 billion to ensure that middle-class Americans are not hit with the alternative minimum tax.

Why aren't these included? Because it would mean even more debt. Debt upon debt upon debt upon debt. And most of it owed to those from foreign countries. We are borrowing from the Japanese, the Chinese, the British, and others—and sticking the bill to our children and grandchildren.

And speaking of the President's plan to privatize Social Security, I find it ironic that the President again tonight tried to scare the American people by saying that Social Security was going "bankrupt," when at the same time, this budget steals $2.5 trillion over 10 years from the Social Security Trust Fund. Instead of tax cuts for millionaires, we should be paying back the Trust Fund.

Finally, this budget sets the stage for opening up the Arctic National Wildlife Refuge to oil drilling. It has nothing to do with the budget. It has nothing to do with increasing our energy independence. It has everything to do with destroying one of America's most environmentally pristine areas.

This budget has the wrong priorities, bankrupts our country, and destroys our environment. It should be soundly and overwhelmingly rejected.

Mr. BAUCUS. Mr. President, I rise today to oppose the conference report on the budget resolution. This budget moves the country in the wrong direction. This budget resolution would worsen our fiscal situation.

This budget resolution would increase Federal budget deficits rather than decrease them. On its face, this budget resolution would add $168 billion to Federal deficits and almost $1.5 trillion to Federal debt held by the public over the next 5 years. This includes $70 billion in reconciled tax cuts over 5 years that are completely unpaid for, and an additional $36 billion of unreconciled tax cuts over 5 years that are not paid for either. All of these additions to the deficit and debt held by the public are disconcerting on their own.

But that is not the full story. This resolution leaves out enormous budgetary costs in order to make the budget picture look rosier than it is. It provides no money to fix the alternative minimum tax. It assumes levels of nondefense discretionary spending for the next 5 years that are unrealistically way too low. It also leaves out funding that will undoubtedly be needed for our efforts in Iraq, Afghanistan and the war on terror. Furthermore, the budget resolution includes cuts in spending that are targeted to the wrong policy areas: toward low-income families, vital safety net programs, farmers, and ranchers. If the three omitted items were presented honestly, and the wrongly targeted spending cuts were removed, the resolution would increase deficits and debt held by the public by much larger amounts over the next 5 years than it does on its face. And I would hasten to add that not a dime of the nearly $750 billion for the President's Social Security privatization proposal over the next 10 years is included in this budget resolution. Not to mention the trillions of dollars this proposal would cost in later years.

I am particularly disappointed to see that the conference committee includes a reconciliation instruction to the Finance Committee to cut spending in our jurisdiction. Senator GREGG's budget included $15 billion in Medicaid cuts over 5 years. The successful amendment offered by Senators SMITH and BINGAMAN reduced the Medicaid cut to zero. But now, the cut is back up to $10 billion.

There is widespread agreement that Medicaid should not be subject to arbitrary budget cuts. A majority of the Senate voted for the Smith-Bingaman amendment. An overwhelming majority of the House, 348 Members, voted Tuesday to adopt a motion instructing budget conferees not to cut Medicaid.

Four out of five Americans also believe that cutting Medicaid is a bad idea. The Governors are also united in their opposition to having a budget number drive policy in Medicaid reform. And more than 135 advocacy and provider groups have urged Congress to reject the cuts.

But despite the chorus of opposition to cuts in Medicaid, the budget resolution reinstates $10 billion.

Now, some say that the Medicaid number is less than $10 billion, because cuts can be made from other programs within the Finance Committee's jurisdiction. I fail to see how $10 billion represents a victory.

Cuts to important programs like TANF will affect vital work supports, like child care, for low-income working families who are struggling to make ends meet. And I understand that some on the House side are looking to the EITC for additional cuts. Another important program, and cuts here would essentially mean tax increases for hard-working Americans.

Some claim that the cuts to Medicaid are "small" and represent less than 1 percent cut in spending growth over 5 years.

But $10 billion over 5 years probably means that, over 10 years, the cuts range from $25 to $35 billion. That is close to the $39 billion that Congress allocated to coverage for millions of uninsured children during the 10 year lifetime of the Child Health Insurance Program.

And it is impossible to ignore that this $10 billion in cuts represents nearly one-third of the total spending cuts in this budget, putting this burden on our nation's poorest and most vulnerable Americans.

Let's not kid ourselves into thinking that the cuts are minimal or that they won't have an effect.

These cuts would tear the fabric of our Nation's safety net at a time when Medicaid is needed more than ever. They would increase the number of uninsured Americans at a time when we should be working on ways to cover more people not making the problem worse.

When the budget was being debated back in March, I said that it made more sense to establish a bipartisan Medicaid commission like the one recommended in the Smith-Bingaman bill than to have the budget cuts drive our policy discussion on Medicaid. The Smith-Bingaman amendment struck the cuts and recommended a bipartisan commission to study the program and advise Congress on how we can improve and sustain Medicaid well into the future. The majority of the Senate agreed with this approach and we struck the Medicaid cuts from the budget.

Now we are voting on a final budget that appears to promise both cuts and a Medicaid commission. While I do not believe this is the right approach, to the extent that we are considering a Medicaid commission, it must be credible to have any value in this debate.

To be credible, any commission should be independent, bipartisan, and comprised of experts who truly understand Medicaid and its role in our health care system. The scope of the commission's work should be broadly focused on maintaining Medicaid's viability over the long term and should not be limited just to considering cuts to the program. And the commission must be given a reasonable time to consider these weighty matters and should not be rushed. The commission must be above the fray of partisan politics, but it must be responsive to the voices of the many stakeholders affected by this critical program. A commission that does not meet this standard will not have our Nation's trust, and its findings will not carry weight in the halls of Congress.

I want to commend my colleague Senator SMITH for his efforts to ensure the Medicaid commission is fair. I agree with Senator SMITH's view that having an independent research institution, such as the Institute of Medicine, oversee the commission would be a good approach to ensure a fair and balanced outcome. But any commission must look at the whole picture with Medicaid—a short-term focus on cuts is not the right approach.

Reforming Medicaid is an important debate to have. But the debate should be driven by policy, not an arbitrary budget target. Medicaid deserves its own policy debate, just as we did with Medicare.

These cuts are short-sighted.

I predict that Medicare, including changes to the new Medicare law, will be on the table if this budget passes.

We should not be penny wise and pound foolish when it comes to Medicaid—America's most vulnerable citizens deserve better from us.

And we should not be adding to our already large Federal deficits and debt.

That is why I will oppose this budget resolution. And I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, this budget reflects the wrong priorities for America. It is way out of touch with working families in Michigan and across the United States. It does not reflect their needs and goals, such as improved education and increased access to health care, but it burdens them with increasing debt. At the same time, this budget continues to cut taxes mainly for the wealthiest Americans at the expense of our nation's fiscal health.

Fundamentally, this budget continues this administration's policies that have led to the deepest deficit and debt in American history. For that reason alone it should be defeated. This administration's policies have taken us from record surpluses to record deficits. The deficit for this year alone is $427 billion. This budget would increase the deficit next year.

Continued deficits will mean rising long-term interest rates and slower economic growth. Continued deficits will make it more expensive to buy a house, pay for college, or pay off credit card debt. Alan Greenspan recently warned that, if left unchecked, deficits "would cause the economy to stagnate or worse." Continued deficits will also mean the continued use of the Social Security trust fund to cover some of the funding shortfall.

The President's tax cuts are a major cause of the deficits, yet this resolution would add $70 billion more in tax breaks. Three-quarters of those tax breaks are for the wealthiest 3 percent of Americans, who are earning more than $200,000 a year.

Not only is this budget fiscally reckless, it is dishonest. Republicans claim the budget would cut the deficit in half over the next 5 years, but they simply leave out several major expenses, including the essential cost of the wars in Iraq and Afghanistan; the cost of the personnel added to the Army and Marines; and the cost of reforming the Alternative Minimum Tax which otherwise would increase the burden on middle income families.

To conceal further the damage it does to the Nation's fiscal outlook, this budget uses 5-year projections instead of the customary 10-year numbers. Hidden just beyond the 5-year budget window is the exploding cost of the tax cuts and their growing effect on the deficit.

To return to the path of fiscal discipline, we need to reinstate "pay-as-you-go" rules that would require both entitlement spending increases and tax cuts to be fully paid for or face a 60-vote point of order in the Senate. The "pay-as-you-go" rules were successful in the 1990s and would be successful again in restraining the deficit without unduly harming critical public services. The majority has opposed reinstating these rules because they don't want to be forced to pay for new tax cuts.

The budget plan that is before the Congress is a huge missed opportunity. We could be debating a budget today that addresses our Nation's most pressing problems, such as the loss of millions of manufacturing jobs, inadequate education, and the 45 million Americans without health insurance.

Instead, this budget makes some problems worse. In the Senate-passed budget resolution, we were able to defeat proposed cuts to Medicaid, and cuts to the health care program for millions of children, pregnant women, elderly and the disabled. However, this conference report still proposes $10 billion in Medicaid cuts over the next 5 years. It is unconscionable for this administration and this Congress to pay for tax cuts for the wealthiest Americans by cutting health care for the most vulnerable Americans.

This budget also weakens environmental protection by providing for drilling in the Arctic National Wildlife Refuge. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages our protected lands.

In summary, this budget gives massive and fiscally irresponsible tax cuts mainly to the wealthiest Americans while failing to address our real needs. Instead of investing in America, this budget indebts America for years to come. These are the wrong priorities for America, and I cannot support this budget.

Mr. CORZINE. Mr. President, I am disappointed by the budget resolution before us here today.

I am disappointed, but I can't say I am surprised, given the track record of this President and the Republican leadership in Congress.

The process of developing a budget each year provides an opportunity to take stock of our priorities as a Nation.

The President outlines his priorities through his budget, but it is the Congress, with its control of the purse strings, that is ultimately charged with the responsibility of fashioning and enacting legislation.

Regrettably, the priorities reflected in this budget resolution—which mirror those in the administration's budget proposal—are wrong for America and certainly wrong for the people of New Jersey.

In New Jersey, we are particularly sensitive to the choices made by this administration and its allies in Congress, since we provide the greatest contribution of taxes paid relative to what we get back from the Federal Government. Our return on the Federal dollar has fallen from 70 cents to a meager 57 cents under the Bush administration. This budget will only further increase the strain on New Jersey's citizens, especially our most vulnerable: our children, our disabled, and our seniors.

Put plainly, this budget is not about lowering the deficit or making shared sacrifices or addressing the needs we have as a society. It's about making room for more tax breaks for the most fortunate—and it's not even successful at doing that.

How do we, as legislators, look hardworking Americans in the eye and tell them honestly that we can't afford $10 billion for Medicaid, but we can afford $204 billion in tax breaks for the most well-off over the next 5 years? That's how much the president's tax cuts, under this budget, would provide for those with incomes greater than $1 million.

How do I tell parents in New Jersey that the President and the leaders of his party in Congress don't believe we can afford $4.8 billion for education next year, but they do believe we can afford more than 6 times that amount in tax breaks for those making more than $1 million?

What parent thinks education needs a cut? Or first responders? Or community development? Or veterans?

How do I tell the 82,000 commuters who ride New Jersey Transit trains every day or the commuters who ride SEPTA or the millions who rely on Amtrak that the Federal Government would rather pay for tax cuts for the most fortunate than for the infrastructure that literally takes our Nation to work in the morning and brings them home to their families at night?

This choice simply does not reflect our Nation's fundamental values. I don't think it reflects the values of even those benefiting most from it. Nor does it address the real needs of working families in New Jersey and across America.

That reality includes rising health care costs that are driving families into bankruptcy as never before and preventing businesses from creating jobs. It includes growing wage disparity and a labor market that's stayed weaker for longer coming out of a recession than any other time on record.

According to the Tax Policy Center of the Urban Institute and the Brookings Institution, more than 70 percent of the benefits of the President's tax breaks enacted in 2001 and 2003 go to the 20 percent of taxpayers with the highest incomes. More than 25 percent of the tax-cut benefits go to the top 1 percent.

The tradeoff being proposed could not be clearer. The programs this budget proposes to cut are merely a drop in the bucket compared to the cost of the tax cuts.

No amount of spin can obscure the numbers.

Let's remember the context. Since President Bush took office, the Federal budget deficit has deteriorated every year. This year, we are expected to be $427 billion in the hole.

In all, the Bush administration has reduced Federal revenues to their lowest level as a share of the economy since the 1950's. As a consequence, we no longer have the resources to deal with the Nation's priorities.

In light of this record, President Bush and his Congressional allies' recent claims of fiscal responsibility simply are not credible. This budget makes those claims even less credible by achieving much of its purported "cost savings" by passing the buck to State and local governments.

Lowering the numbers here in Washington is not the same thing as fiscal discipline if this is simply an exercise in shifting cost burdens to States and communities. That is hardly a plus for the American people—and certainly not for New Jersey.

Our States are already stretched too thin. In New Jersey, we have a budget shortfall of $4 billion to $5 billion and annual property tax increases of 7 percent. Much of the reality for States in budget and tax policy has been the result of cost burdens and unfunded mandates passed down from this administration and its allies in Congress.

We have heard claims from the other side that their tax cuts for the most fortunate are somehow responsible for providing a boost to our economy.

But as any serious-minded economist not on the Republican payroll will tell you, the real story of our modest growth has been the longest sustained monetary expansion on record by the Federal Reserve.

Claims that the tax cuts are responsible for significant economic growth are reminiscent of a rooster taking credit for the sun coming up.

The more noticeable result of the tax cuts has been an explosion in our Nation's debt, starting with the $1.8 trillion cost over 10 years of making the cuts permanent. If we continue along the path set by this administration, by 2015, each family's share of the national debt will be $73,563. This is simply unacceptable.

I hope that we take a long, hard look at the priorities our Nation has followed under this President because, in my view, those priorities need major changes.

As I said earlier, I am disappointed that the majority party in Congress has chosen to embrace these priorities. That is why I cannot support their budget.

Mr. KERRY. Mr. President, the federal budget should be a reflection of American values. It should be an honest document, it should be responsible, and it should create opportunity. This budget fails that test. It is dishonest because it ignores significant funding obligations. It is irresponsible because it greatly increases our national debt and ignores pressing needs. And it fails to invest in our future and create opportunity for all Americans.

Using an accounting trick that would land a CPA in jail, this budget ignores billions of dollars that the Nation must spend in the coming years. It excludes the cost of ongoing military operations in Iraq and Afghanistan, which may amount to almost $400 billion over the next 10 years. It excludes the cost of the President's Social Security privatization plan, which would cost more than $750 billion over the next 10 years. It excludes the $600 billion it will cost to repeal the alternative minimum tax over the next ten years. It even excludes the interest on the debt. And yet, the Republican leadership continues to mislead the American people by telling them that this budget will cut the deficit by half.

The budget significantly increases our national debt. If you include the expenditures that the budget omits, the operating deficit in 2006 will be $579 billion and rise to $595 billion in 2009. Thus, the budget will add close to $600 billion a year to our national debt, debt that is increasingly financed by foreign countries and businesses. In fact, foreign holdings of our debt have increased 92 percent since this President came into office. By doing so, this President is ceding financial control to foreign interests, and that undermines America's fiscal and economic stability.

The budget calls for substantial new tax cuts while significantly cutting essential domestic programs. The reconciliation instructions call for a $70 billion tax cut, which will likely lead to a 2-year extension of the capital gains and dividends tax cuts enacted in 2003 and slated to expire in 2008. In 2005, slightly more than half of these tax cuts will benefit household with incomes over $1 million, only 0.2 percent of all households.

These tax cuts come at the expense of working Americans. Over the next 5 years, over $121 billion will be cut from education, veterans health care, environmental protection, housing, and other important programs. This budget fails to fully fund No Child Left Behind. It fails to help our troops by insuring that all members of the National Guard and Reserves have health insurance. It fails to help military families meet the inevitable expenses when a loved one is deployed. And, it sets in motion a backdoor legislative process to auction the Arctic Refuge to oil companies, while failing to adequately fund investments in domestic, reliable and renewable energy.

This budget also hurts manufacturers and small businesses by eliminating the bipartisan Snowe-Kerry amendment which restored $78 million to the Small Business Administration, an agency whose budget is a mere 3/100ths of a percent of the total budget, yet which has been cut the most of any agency since this President took office.

This budget makes the wrong choices for Americans. It hides the real costs of this administration's priorities. It significantly increases our national debt, debt held by foreign entities and passed on to our children. It provides tax cuts for the wealthiest Americans while cutting those programs most needed by working families I do not agree with these choices, and I do not support this budget.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DAYTON. Mr. President, this budget proves the old saying that the end justifies the means. In this case the process used to produce this budget was a disgrace, and the budget itself is a disgrace.

The Democratic Senators who were the official members of the conference committee were not even allowed to attend the meetings behind closed doors. That is not only unfair, that is ridiculous. The other side has the votes on the conference committee to pass whatever they want. That is fair. They are the majority caucus. To not even allow Democratic Senators in the room, what are they hiding? What are they ashamed of?

They should be ashamed of this budget, and they should be ashamed of hiding their decisions behind closed doors. In my home State of Minnesota, we have an open meeting law. It applies to every public body from the State legislature to city councils to school boards. Any meeting of three or more members must be a public meeting. There must be a public notice given so that people can watch their elected officials make the decisions that affect their lives and hold them accountable.

This budget fiasco underscores the need for such an open meeting law in Washington to open the doors of these conference committees to Democrats, to the press, and to the people. But if the budget process we have seen here is the reason we need an open meeting law in Washington, this budget product is the reason we will not get one.

If I were responsible for this disgrace, I would want to hide, too. But I am not responsible for it. No Democratic Senator is responsible for it. This budget manages to increase the Federal debt, as the Senator from North Dakota so articulately demonstrated, and I commend him for his vigilance, for his integrity, and for his straightforward honesty.

This budget increases the Federal debt. It preserves the tax favors for the rich and the super rich, and it cuts services for schoolchildren, college students, senior citizens, veterans, and so many others. To use the President's phrase, that is a trifecta. In this case, it is a terrible trifecta.

This budget also uses a backdoor trick to open ANWR to oil and gas drilling, and that makes it a grand scam.

It is a clear picture, this budget of Republican priorities. It contradicts all the fake rhetoric and false promises such as No Child Left Behind, Clear Skies, or Healthy Communities because this budget leaves millions of schoolchildren behind and millions more college students in debt. I know because I offered my sixth amendment to fully fund the Federal commitment to special education, and it failed once again.

This budget leaves the Federal share of the cost for special education still less than half of what was promised 28 years ago. It underfunds veterans services, including health care services for our service men and women who are returning from their heroic service in Iraq and Afghanistan, many with serious wounds and injuries. And this is on top of Republicans' rejection of emergency funding for VA health care and supplemental appropriations for our war efforts. Every Democratic Senator voted for that emergency funding for VA health care, and every Republican Senator, except for Senator SPECTER from Pennsylvania, voted against it.

This budget tonight means that all veterans, young and old, will have longer waits for the health care they need, that they were promised, and that they certainly deserve.

This budget tells the truth about Republican priorities, not the soothing rhetoric, not the misleading slogans, not even the face-saving votes on the Senate budget to spare senior citizens in nursing homes from draconian cuts that the President proposed. Those cuts were put back in this budget once again behind closed doors. And it is certainly not the tricks and gimmicks that were used to disguise how bad the deficits in this budget really are.

This budget takes America in the wrong direction, toward a fiscal Armageddon that will occur much sooner than the much advertised and overdramatized Social Security shortfall that the President's proposal would make much worse.

The continuing deficits in this budget are what the nonpartisan fiscal watchdog, the Concord Coalition, has called "the most reckless fiscal policy in our Nation's history."

The deficit reduction that is pretended to be in this budget is about as likely as finding weapons of mass destruction in Iraq.

As the Republican chairman of the Senate Finance Committee has observed tonight, this budget ignores the rising injustice of the alternative minimum tax which will cause major tax increases for millions of middle-class Americans in the years ahead unless we address it as we should.

As the truth-telling ranking Democrat on the Senate Budget Committee, the Senator from North Dakota, said tonight, this budget hides the rising deficits that begin 6 years from now which will grow and grow until this Nation is so deep in debt that the rest of the world finally refuses to keep loaning us $500 billion or more every year, and when they stop, there will be, for all of us—our children and our grandchildren—real hell to pay.

This budget is wrong. It is wrong for most Americans, wrong for America, and wrong for those who are here tonight to approve it. I will vote against it, and I urge my colleagues to reject it also.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I rise to oppose the budget resolution conference report that is before us this evening. In spite of an expected fiscal year 2006 deficit of $382 billion, this resolution calls for an additional $106 billion of tax cuts over the next 5 years.

Reasonable tax cuts focused on energy incentives or educational incentives would not need special reconciliation instructions to protect them because they enjoy widespread bipartisan support. They would actually help our economy. But this resolution contains

$70 billion of unsound tax cuts that would be protected under reconciliation. They would require only 51 votes without any meaningful amendments or debate to become law.

As part of these cuts, there would be $9 billion to accelerate estate tax relief and $23 billion for additional capital gains and dividend tax cuts. That amounts to $32 billion in tax cuts over the next 5 years that will benefit only the very wealthiest members of our society, and those tax cuts are paid for by cuts in programs that are vital to working men and women and families across this country, such as $10 billion in cuts to Medicaid.

Preliminary analysis of this budget by the Democratic staffs of the Joint Economic Committee and the House Budget Committee finds that well over 90 percent of the benefits from these $32 billion worth of tax cuts would be received by families in the richest fifth of the income distribution, whereas almost half of the Medicaid cuts come at the expense of families in the bottom fifth of the distribution. This is very clear and very disturbing: tax cuts for the wealthiest Americans at the expense of health care for the poorest Americans. That is what is in this budget. It is wrong. It is unfair. It is unjust. Nearly three-quarters of the Medicaid cuts hurt the poorest 40 percent of families, and there are also cuts in discretionary spending that will hit middle-income families.

In addition to these very difficult and unwise cuts, there are special reconciliation instructions to increase the debt limit. This is an attempt to disguise the irresponsible fiscal policy of the Republican administration and this Republican Congress. We understand that this budget, as the Senator from North Dakota pointed out, is going to increase our deficits without limit over the next several years. Increased deficits hurt our economy. They erode investment. They necessitate foreign borrowing from countries such as China and Japan. Eventually, we will have to pay back what we have borrowed and eventually this foreign borrowing and lack of investment will undercut our quality of life and our standard of living.

Large budget deficits are now also forcing us to make the unfair budget cuts I just discussed, cuts to Medicaid and other programs that are essential to families throughout this country. We are asking the most vulnerable people in our country, those least able to afford denial of these benefits, to pay for tax cuts of the very wealthiest.

At a time when the number of uninsured Americans is growing and our health care system is in a crisis, as health care is becoming increasingly more expensive and unaffordable, the Republicans are proposing a $10 billion cut in Medicaid. This will force States to abandon thousands of Americans who currently now depend on these programs for health care. The poor, the sick, and the disabled are paying for tax cuts for wealthy Americans.

These effects are not just on these individuals, but they will affect whole communities. In 2003, the Institute of Medicine prepared a report called A Shared Destiny, and it pointed out as one cuts away at the foundations of health care in this country, the Medicaid system, the public health system, that we pay for it in terms of the declining quality of our overall health care system. We pay for it in terms of our reduced access to care in emergency rooms due to overcrowding, and we pay for it in terms of lost productivity as Americans without health care become sick and do not work because they cannot work.

A recent State-by-State analysis by Families USA found that the impact in my home State of Rhode Island of cutting Medicaid by $10 billion would be 600 fewer seniors served and an $11 million reduction in Medicaid reimbursements.

These reductions will be devastating for my State and other States. It will be unlikely that my State can as easily handle its commitments through innovative programs such as the medical assistance program and its employer subsidy program called RIte Share, which is designed to help small businesses pay for the health care of their workers so that these workers are not exclusively dependent on State and Federal programs.

I have been visited over the last few weeks by hospital administrators, doctors, disability groups, and countless patient advocacy groups. They have one message: Do not cut Medicaid. It is vital to people. It is essential to our States. But that is exactly what this budget does. It does not represent the priorities of the American people. The vast majority of Americans understands we have to provide at least a minimum level of health care for our citizens.

This budget is also going to result in deep cuts to community development programs and housing programs. Although CDBG funds have been restored, it cuts deeply at other programs, over $100 million in cuts from Housing for Persons with Disabilities; $14 million from Housing for Persons with AIDS; $24 million from Rural Housing and Economic Development; $24 million from Brownfields programs; almost $286 million from HOPE VI Programs; $226 million from Section 8 Project-Based Assistance; $252 million from the Public Housing Capital Fund; and on and on.

This budget hurts the most vulnerable members of society to benefit the wealthy. It is not fair, it is not just, and it is not wise policy.

This budget also had a chance to do something positive, to retain the Kennedy amendment to help fund educational programs such as TRIO Upward Bound, TRIO Talent Search, GEAR UP, and LEAP. It did not support the Kennedy amendment and indeed it seeks $7 billion in additional cuts to student loans. This program reflects irresponsible fiscal policies that have been with this administration from the beginning.

When the President took office in 2000, the public debt was $3.4 trillion and falling. If we take this budget resolution and pass it, the face value of public debt will be $6.2 trillion by 2010 and rising. In fact, the more realistic assessment will probably put it higher. We are adding to the burden of our country. We are adding to the burden of the next generation of Americans. These irresponsible fiscal policies are hurting us and this budget contributes to those policies. It jeopardizes our future as it undercuts the safety and security of so many families today.

I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Rhode Island for his remarks. He is one of the most thoughtful Members of the body on economic issues. He is a member of the Joint Economic Committee and I very much value his good counsel.

I note the Senator from New Jersey is present. How much time does the Senator from New Jersey seek?

Mr. LAUTENBERG. I would appreciate having 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from New Jersey and welcome him to the floor as well.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota and commend him for his excellent job in the presentation that he has made.

While we are talking about the budget, one cannot help but think about what is not in the budget but that the country is paying for. We are talking about emergency supplementals, costs attributed to the war in Iraq, help for Afghanistan, $80 billion recently passed. The one thing the public is not fully aware of is we are not paying in the traditional manner for these costs.

It is painful to see how much we are devoting to the war, what the losses are, while our soldiers and other service people conduct themselves bravely in a very difficult situation. I hope what I am going to say is not the condition, but this could go down as one of the most painful of the wars that we have seen. We are not talking about the numbers. What we are talking about is the morass we have gotten ourselves into.

The confusion was confirmed and the failure to do what we were supposed to was confirmed when on April 25, a few days ago. there was a front page story in the New York Times and the headline is, Bloodied Marines Sound Off About Want of Armor and Men. Now, these are brave men. They have been in combat.

I will take the liberty of reading a couple of paragraphs from this article, May 29, 2004, about a year ago.

> A station wagon that Iraqi insurgents had packed with C-4 explosives blew up on a highway in Ramadi, killing four American marines who died for lack of a few inches of steel.
>
> The four were returning to camp in an unarmored Humvee that their unit had rigged with scrap metal, but the makeshift shields rose only as high as their shoulders . . .
>
> There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor.
>
> "The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived had their vehicle been properly armored. "Most of the shrapnel wounds were to their heads."
>
> Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif, whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., had the Marine Corps motto, Semper Fidelis tattooed across his back.

The point of my remarks is a reflection of a trip I and several other Senators took in March of 2004. The soldiers we met with at that time pleaded for three things: One, body armor. One of them said to me: Senator, the vests you are wearing are the best vests that can be purchased. That vest is the most protective, but we don't have those vests, Senator. Members of the coalition have them.

He said, Senator, I will tell you what else we need. We need armor on our humvee. We don't have it, and we pay a terrific price for it.

Another soldier said there is a new rifle, an M-4, a substitute for the M-16. It is the best weapon you can get, and it has electronic sighting and can hit a target 600 feet away. It is light and easy to carry. We don't have them.

We are now with a group of soldiers, Marines, talking about what they experienced in this period. It was painful to read, and yet when one considers the amount of money we have spent on the war effort, the amount of concealment when this money is put in the form of a supplemental—a "supplemental" for the information of those who do not understand the jargon, supplemental is an emergency supplemental. It is money spent that does not have to be paid for by an assignment from regular revenues or other sources of funding. It is kind of a concealed thing.

When I think about what is being concealed from the American public with this war going on, now over 1,500 have lost their lives, thousands of our soldiers, sailors, Marines—I include all of them when I say soldiers—having severe wounds from the dastardly attacks with roadside bombs and grenade launchers.

The subject came up just now that relates to an amendment I introduced last year, an amendment to the defense authorization bill, to permit dignified media coverage of the return of flag-draped coffins to our Nation. I offered this amendment because the administration banned media coverage of the ceremonies at Dover Air Force Base in Delaware when those fallen heroes were brought back to American soil.

In my view, these soldiers deserve to have the honor of public acknowledgment of the price they have paid, of having those families able to look at something that reminds them their son or their daughter paid the price for our democracy. And they were hiding that information.

Unfortunately, my amendment was defeated in the Senate. But that was not the end of the issue. Since the Pentagon was not allowing the press to photograph these ceremonies, a professor of journalism filed, under the Freedom of Information Act, a request to get the Pentagon to hand over the official photos from these ceremonies.

Just this week the Pentagon, under essentially court order, finally handed over hundreds of these photos. These photos were changed. In fact, they were defaced by the Pentagon. The question is, if you look at these photos, and you see the honor guard that was carrying the casket, flag-draped coffin to a place of rest, to a place of honor, they had their faced blacked out. Were they doing something shameful? Picture after picture, there is a whole contingent of service people, all with their faces blocked out.

I wanted to distribute these photos to every Senator's office if they do not already have them. We look at row after row of soldiers with their faces blocked out—heroes. Why are they hiding their faces? Because they don't want the truth told about this war.

A picture of a flag-draped coffin. Shouldn't it be seen by the public?

I have a photo gallery, I call it, in front of my office door, showing proudly the faces of those who paid the supreme price for their loyalty to country. People look at those photos. They see they are young people. They see they are people who come from every State in the country. We want it to be known who these people were and what they did on behalf of their country.

The honor guard, the soldiers at these ceremonies, had black squares covering their face as if they were embarrassed to be there. It is an honor to participate in that ceremony. They would not want their faces hidden.

Frankly, I don't understand the thinking. When I go to the funeral when one of our people have fallen, it is a dignified, beautiful commemoration of the person we were honoring. We should honor those who have fallen in Iraq and Afghanistan. We have now lost over 1,500 troops. They deserve honor.

This is not a political issue. It is an issue of respect. The soldiers we have lost overseas are more than numbers. They are sons, daughters, fathers, mothers, husbands, and wives. Of course, in my service in the Senate, I have had the honor of attending funerals for the fallen from New Jersey, in New Jersey and at Arlington National Cemetery. The honor guard, dignified, looking strong, fit, determined, perfect unity and discipline, perform the same ceremony for every soldier, whether it is in a small town in New Jersey or at the cemetery of our heroes at Arlington.

The Honor Guard meticulously lifts the flag off the coffin, folds it carefully in precise form, and hands that folded flag, folded into a triangle, to the surviving spouse or parent. It is a very somber and powerful experience.

I watched the flag being handed from a top cover on a coffin in Arlington Cemetery, brought over to the mother of this young man, and she hugged it like she was hugging her son.

After the 1983 terror attack in Beirut, Lebanon, 243 flag-draped coffins of fallen marines were met by President Reagan on the tarmac at Dover. The ceremony was open to the press, and the American people had a chance to witness it.

We need to follow that example now. I have a simple message for the President and Secretary Rumsfeld: Honor our soldiers. I urge President Bush to reverse course and allow the American people to join in honoring our fallen troops. Let's not block the cameras. Let's not block the faces. Let's not distort the truth. Let's honor our men and women in uniform together as a country.

Let it be known that there is a sacrifice that touches families across this country. The face of a young man or a young woman who gave their life for their country ought to be recognized and not in any way hidden, whether in life or when the remains are returned to this country. Let the American people see the price that some families have paid for this war.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield 6 minutes to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. BINGAMAN. Mr. President. I thank my colleague and commend him for the good work he has done on this budget and pointing out the flaws in this budget resolution which I agree with him on.

I want to speak for a moment about the provisions related to health care that are in the budget resolution.

There are 53 million of our Nation's most vulnerable children, disabled, and elderly citizens who rely on Medicaid for their well-being and their livelihood. And there are 45 million Americans without health insurance coverage in this country, including over 400,000 in my home State of New Mexico.

The administration offered a budget proposal to us that added $140 billion for health care spending. Even with the proposed reductions in Medicaid spending, which they also recommended, the President was proposing a net increase of $80 billion for health care.

In contrast to that proposal, the budget before us tonight provides no spending for the uninsured and provides a cut in Medicaid of $10 billion over 4 years. This is even more of a cut in Medicaid than what the administration effectively proposed because the administration's budget proposal only got a scored savings of $7.6 billion in Medicaid over 5 years. So it is $140 billion short of the President's proposal on the uninsured, and the cut for Medicaid is scored at greater than the level of cut that the President's budget called for, according to CBO.

In the name of reducing the deficit, this budget actually manages to increase the deficit and still cuts funding for the uninsured and our Nation's most vulnerable children, elderly, and disabled citizens who rely on the Medicaid Program.

It is estimated that a cut of $10 billion in Medicaid, as is in this resolution before us, will translate to almost $100 million in Medicaid cuts to my State of New Mexico over the next 4 years. The Medicaid Program in New Mexico is already more efficient and less expensive than private sector health care, and it has been cut repeatedly over the last few years as the State tried to address declining revenues and growing needs.

There is no doubt that any Federal reductions in Medicaid dollars to my State of New Mexico will translate into a reduction in services, a reduction in benefits, and a reduction in coverage for our State's most vulnerable citizens.

Governor Richardson is a great Governor, but he cannot magically produce the $100 million that the Federal Government would cut from our State under this budget proposal. Despite assertions that cutting $10 billion from Medicaid will have no impact on the health and well-being of our Nation's most vulnerable citizens, even the best circus elephant or donkey cannot pull off such a feat.

Furthermore, Medicaid is far from broken, as some have claimed. The cost per person in Medicaid rose just 4.5 percent from 2000 to 2004. That compares to just over 7 percent in Medicare and 12.6 percent in monthly premiums for employer-sponsored insurance. If that is the comparison, Medicaid seems to be about the most efficient health care program around, even more so than Medicare.

The overall cost of Medicaid is going up largely, not because the program is inefficient, but because more and more people find themselves depending on this safety net program for their health care during a recession. While nearly 5 million people lost employer coverage between 2000 and 2003, Medicaid added nearly 6 million to its program. Costs rose in Medicaid precisely because it is working—and working well—as our Nation's safety net health program.

Consequently, Medicaid now provides care to 53 million low-income Americans, including nearly one-quarter of all New Mexicans.

For these reasons and many others, I cannot support the budget resolution before us today.

I would like to emphasize, however, that things would have been far worse if not for the hard work and leadership of Senator SMITH, with whom I offered an amendment to the Senate budget resolution that completely eliminated the $15 billion in planned cuts to Medicaid.

Senator SMITH has shown a dedication and understanding of the Medicaid program and its importance to the 53 million Americans that it serves that should be applauded.

Due to his dedication, we have a budget before us that has $10 billion in Medicaid cuts. But it is certainly far better than the $15 billion in the original Senate budget resolution or the $20 to $38 billion in the original House budget resolution or the $60 billion originally proposed by the President.

I also commend every single Democratic Senator for, first, signing a letter to President Bush opposing block grants or arbitrary caps or limits on Medicaid spending to the States earlier this year and for voting unanimously to eliminate any Medicaid cuts to the budget resolution.

I also thank the more than 200 national organizations that supported the Smith-Bingaman amendment to the Senate budget resolution and urge them to stay active over the coming months to continue to oppose Medicaid cuts.

Before closing, I would like to strongly express the need to undertake any reform or changes to Medicaid on a bipartisan basis. Senator SMITH and I, along with a majority of the Senate and an overwhelming majority in the House of Representatives, have all voted in favor of the creation of an independent, bipartisan Medicaid Commission.

Why a commission? Just like Social Security, just like the 9/11 Commission which examined the intelligence system, and just like Medicare, we believe that Medicaid deserves a comprehensive and thorough examination of what is working and what is not by all stakeholders—Federal officials, State and local government officials, providers, consumer representatives, and experts.

If the Congress fails to accede to the majority sentiment in both the Senate and House and pass S. 338, the Bipartisan Medicaid Commission Act of 2005, then Senators SMITH and I, on a bipartisan basis, believe that we should have the National Academy of Sciences' Institute of Medicine, or IOM, undertake such a review of Medicaid.

Medicaid is 40 years old this year and deserves a thorough review from top to bottom by an independent, bipartisan, and well-respected group such as the IOM. The purpose of such a commission would be to report on short- and long-range recommendations to improve coverage and access to care, quality, and cost-effectiveness of services for low-income and vulnerable populations served by the Medicaid program by December 2006. The 53 million Americans served by Medicaid deserve nothing less.

I would point out that, in response to questions from Finance Committee Chairman GRASSLEY earlier this year on FDA drug safety issues, Secretary Leavitt referred repeatedly to the "prestigious IOM" and how it was studying FDA drug safety issues and added that "we should move carefully before undertaking any restructuring, and look forward to reviewing the results of the IOM study looking into these matters, as well as working with FDA, Congress and outside stakeholders to ensure an efficient and effective system of drug regulation."

Again, the 53 million Americans served by Medicaid deserve no less than a similar review of the Medicaid program.

If a commission is appointed, instead, that is heavily weighted toward the administration, it will be nothing more than a waste of taxpayer money, as none of the recommendations will have bipartisan buy-in or balance. Once again, we will have missed an important opportunity to improve the Medicaid program.

It is also why I firmly believe we need to make sure that we do whatever we do right rather than quick. Senator COLEMAN said it well when he said we should "measure twice and cut once."

Medicaid is the backstop to Medicare, the backstop to private insurance, and the major funding source for our Nation's safety net providers. Medicaid is, as Health Affairs has called it, "the glue that holds our nation's health care system together." Therefore, we must make sure reform is done right and systematically, rather than quickly and without being thought through.

Finally, during the last Presidential election, the President recognized that 9 million children lacked health care coverage and made a proposal that he called "Cover The Kids."

In the President's own words:

> We'll keep our commitment to American's children by helping them get a healthy start in life. I'll work with governors and community leaders and religious leaders to make sure every eligible child is enrolled in our government's low-income health insurance program. We will not allow a lack of attention, or information, to stand between millions of children and the health care they need.

The President put that proposal into his budget, but I do not see it in this budget. As a nation, we should not be going backwards on children's health, but we will in this budget.

Furthermore, Congress is poised to adopt a Federal budget that provides $70 billion in tax cuts for the wealthiest people while, at the same time, it slashes funding for seniors and children who count on Medicaid for their very survival.

Consequently, I urge a vote against the conference budget resolution.

The votes are going to be here to adopt this budget resolution. I hope this commission we have called for and Senator SMITH has insisted upon will be able to give good direction as to how this could be implemented and how Medicaid can be improved long term.

Mr. President, with that I yield the floor.

Mr. JEFFORDS. Mr. President, I have been in the Congress some 30 years. I have seen a lot of budgets. I have voted for some, and voted against others, but in all my days, I have rarely seen a more irresponsible budget than the one this Congress is about to approve. In a time of rising debt and rising military expenses, we are also absurdly living in a time of rising tax cuts.

Frankly, I am appalled. I am appalled at the fiscal irresponsibility of cutting taxes by $106 billion over the next 5 years, primarily for the wealthiest among us, while our budget and trade deficits go up. It is no wonder the value of the dollar has plunged.

I am also appalled that this budget excludes future costs of the war in Iraq. In the past, we have sometimes raised taxes to pay for war costs. I believe this is the first time this country has ever cut taxes and waged a war at the same time. I am tired of witnessing a shell game where it is claimed that a budget will lead to a reduction in the deficit, while the President requests billions and billions of dollars in so-called "emergency" military spending.

At the same time this budget calls for increasing tax cuts, this budget will mandate cuts in programs that benefit low-income Americans. A Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

This budget puts tax cuts ahead of ensuring that our communities have clean water, safe streets, and good schools.

This budget includes $35 billion in cuts in mandatory programs such as the Food Stamp Program and Medicaid, which serves low-income children and their families, people with disabilities, and the elderly. I have a hard time voting for provisions that will simply increase the burden on States to care for low-income and disadvantaged Americans. There are many other low-income programs that will need to be cut to follow this budget blueprint ranging from affordable housing to economic development and nutritional programs.

In short, this is a Sheriff of Nottingham budget. It takes from the poor and gives to the rich.

This budget assumes that funding for domestic discretionary programs will be cut by 5.9 percent this year below the level enacted for 2005, adjusted for inflation. Over 5 years, these cuts are enormous and will affect practically every area of the domestic budget from veterans' health care to job training to special education.

I was not pleased at the cuts in the discretionary budget contained in the Senate-passed budget. This budget is worse. It will lead the country down the path towards cuts in environmental protection programs, transportation programs such as Amtrak, and education programs. This budget will also, unfortunately, enable those who favor oil and gas exploration in the Arctic National Wildlife Refuge to shield such a provision from full debate in the Senate.

I cannot support this budget resolution conference report because of its misguided priorities. I regret that this budget will lower the quality of life for all Americans by not adequately funding important domestic programs, increasing the deficit, and widening the divide between rich and poor in this country.

Mr. VOINOVICH. Mr. President, I rise to express my opposition to this conference report and explain why I will vote against it.

This is the beginning of my second term in the Senate and one of the reasons Ohio sent me back here is because they know that I am committed to doing something about balancing the budget and paying down the debt— fundamentally sound fiscal principles to which I have been committed throughout my career.

I must say that I have carefully examined this conference report and had hoped to be able to vote in favor of it. And I found a great deal to like in this conference report. This is a very tight budget when it comes to spending and I support that. In fact, I have to commend Senator GREGG and Congressman NUSSLE for producing the one of most fiscally responsible and honest budget resolutions I have seen in 7 years in the Senate. It sets ambitious targets and forces the Congress to make hard choices about our spending priorities. This conference report fully supports the efforts of President Bush to restrain the growth of discretionary spending while defending the nation. Let there be no mistake, this conference report reflects the difficult, even painful, spending policy decisions we have avoided for far too long.

Unfortunately, spending policy is only one half of a budget and I sincerely wish the budget resolution also forced us to make equally difficult choices about tax policy. This conference report contains reconciliation instructions for $70 billion in tax cuts we do not need and cannot afford.

Many of my colleagues insist on these reconciliation instructions because they would like to extend until 2010 all or some of the tax cuts enacted in 2001 and 2003. Moreover, they propose to extend these tax cuts without offsetting the revenues lost to the Federal Government. This is unacceptable.

First let me explain why we cannot afford to cut taxes this year.

According to CBO estimates the national debt increased by $600 billion between October 2003 and October 2004 and will increase by at least the same amount before October 2005. That is a $1.2 trillion increase in Federal debt in just 2 years. And this conference report instructs the Finance Committee to raise the debt ceiling yet again by over $700 billion.

Raising the debt limit has become an annual ritual. And why do we keep raising the debt limit every year. It's because we keep borrowing more and more money for spending instead of restricting the growth in federal programs and/or raising the revenues to pay for those programs.

This is against a backdrop in which most experts agree that by 2030, spending for Social Security, Medicare and Medicaid alone will consume 18 percent or more of GDP, about the same amount we are spending today for all operations of Government combined.

Let me be very clear, borrowing for tax cuts now guarantees larger taxes increases later.

Next, let me explain why we do not need to do any tax cuts at all this year.

In January President Bush established a bipartisan panel to advise on options to reform the tax code to make it simpler, fairer, and more pro-growth to benefit all Americans. In July the Advisory Panel will submit to the Secretary of the Treasury a report containing options for reforming the Federal Internal Revenue Code. These options will help Congress: simplify Federal tax laws to reduce the costs and administrative burdens of compliance with such laws; share the burdens and benefits of the Federal tax structure in an appropriately progressive manner while recognizing the importance of homeownership and charity in American society; and promote long-run economic growth and job creation, and better encourage work effort, saving, and investment, so as to strengthen the competitiveness of the United States in the global marketplace.

Essentially, we will be fundamentally reforming the entire tax code next year, so there is absolutely no reason to tinker with it this year. It would be like remodeling your kitchen the year before you tear down and replace your house.

If for some reason, we do not act on the advisory panel's report, we will still have plenty of time to reconsider extending existing tax cuts. Most of the current tax cut provisions do not expire until 2010 and even the reduced rates on dividends and capital gains do not expire until 2008.

I supported tax cuts in 2001, 2003 and 2004. Nevertheless, we face a different situation today and I will not longer support tax cuts unless they are fully offset. We have to take into consideration that even our current sobering assessment of federal finances may be overly optimistic.

Assuming continued, but declining, spending for the global war on terrorism increases the 10-year deficit by $418 billion.

Assuming that discretionary spending keeps pace with economic growth, rather than inflation, increases the 10-year deficit by $1.4 trillion.

Even assuming that expiring tax cuts are only extended for 5 years increases the deficit by $306 billion.

Assuming continuation of recent adjustments in the alternative minimum tax, AMT, increases the deficit by $642 billion.

Freezing appropriations, including defense, the war on terrorism and homeland security, would save $1.3 trillion. However, if combined with the extension of tax cuts and continued AMT relief, the budget would still remain in deficit every year, totaling $2.2 trillion over the next decade.

We must also remember that current Medicare payment increases for doctors and hospitals expire at the end of 2005. The American Medical Association, AMA, reports that physicians would see a 31 percent decrease in payments from 2006–2013. If we do not act, senior citizens will face serious problems obtaining health care; but it will cost tens of billions to continue reimbursing doctors and hospitals at the current rate.

I have consulted with experts like Federal Reserve Chairman Alan Greenspan, Comptroller General David Walker and financial expert Pete Peterson who share my concern about the federal budget and agree the economy no longer needs the stimulative effect of extended tax cuts. The nations gross domestic product grew by 4 percent in both 2003 and 2004. Unemployment has dropped from 6.6 percent to 5.2 percent and new jobs have been created every month for the last 21 months. The tax cut medicine worked and it is time to stop before we overdose on too much of a good thing.

My basic yardstick for government spending, including tax cuts, has always been "is it necessary and is it affordable". My colleagues who want to cut taxes or increase spending should find the offsets to make their priorities affordable. If they cannot find such offsets, than let them demonstrate the necessity of their initiatives by gaining 60 votes.

I hope this statement explains my reluctant opposition this conference report.

PENSION

Mr. ENZI. Would the Senator yield for a question?

Mr. GREGG. I yield.

Mr. ENZI. I would like to clarify a point with the chairman of the Budget Committee about the timing of substantive legislation and the effect on my Committee's instructions in the FY 2006 Budget Resolution, H. Con. Res. 95. The Health, Education, Labor and Pensions Committee is instructed in this resolution to report $13.6 billion in reconciled savings by September 16. It is contemplated that a significant portion of those savings will come from reforms to the insurance program of the Pension Benefit Guaranty Corporation. While important, legislation producing the anticipated savings is only a part of broader pension reforms that must be enacted this year in order to stabilize the defined benefit system in this country. As the chairman knows, reconciliation is privileged legislation which is narrow in scope. Many provisions that are essential to comprehensive pension reform may not be permitted in reconciliation. Therefore, it may be necessary to act outside of the reconciliation process in order to enact comprehensive pension reform. My question to the chairman is, if we pass legislation that sets the stage for real savings to occur in reconciliation, will you recognize those efforts in scoring our committee's response to the reconciliation instruction?

Mr. GREGG. Our scoring of reconciliation recognizes how your response fits within the overall legislative landscape. The answer to your question is yes.

Mr. ENZI. I thank the Senator.

MEDICAID COMMISSION

Mr. FRIST. Mr. President, I rise today with my colleague from New Hampshire, Senator GREGG, Chairman of the Senate Budget Committee, to discuss the creation of a Medicaid commission to assist Congress and the administration in their task of modernizing Medicaid.

As my colleague knows, the Medicaid program under Title XIX of the Social Security Act provides essential health care and long-term care coverage to low-income children, pregnant women and families, individuals with disabilities, and senior citizens. The program, in fact, provides health and long-term care coverage to approximately one in six Americans. Yet, I think we can all agree that Medicaid now faces financial challenges at both the State and Federal level that, over time, will worsen and threaten the viability of the program. This commission will help us address this challenge.

The members of this independent Medicaid commission will be appointed by the Secretary of Health and Human Services and will represent a broad range of ideas and points of view. It will, for example, include representatives of both the State and Federal governments, individuals who are covered by the program, and those who provide care and coverage under the program. The commission will be a fair and balanced forum to discuss the needs and challenges of the Medicaid system and to make recommendations that can assist policymakers in improving the program.

I ask my colleague, Chairman GREGG, if he would describe the goals and the timeline of the commission.

Mr. GREGG. As the majority leader has described, the independent commission will assist Congress and the administration by making recommendations regarding the modernization of the Medicaid system.

The commission will have two primary tasks and two important deadlines: It will make short-term recommendations on how to implement the requirements of the budget resolution with respect to the Medicaid program. These recommendations will be contained in a report to the Secretary by no later than September 1, 2005. The commission will also make long-term recommendations on how to modernize Medicaid. These recommendations will be contained in a report to the Secretary by December 31, 2006.

I thank my colleague for his work to develop a commission, and I look forward to working with him and my colleagues on the Finance Committee as we consider the recommendations of the commission to help create a viable plan to modernize and strengthen Medicaid.

Mr. FRIST. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are moving toward completion of the debate on this budget resolution. I want to be recognized for a minute, then the Senator from North Dakota is going to be recognized, and then we are going to return to discuss the specifics of the resolution for a brief period of time between myself and the Senator from North Dakota, and then we are going to hear from the leaders, and then, hopefully, we will vote.

But before we proceed further, and in recognition of all the work that has gone into this resolution, I want to acknowledge one person on my staff who is moving on, and she has had a tremendous commitment to the Senate for many years. That is Gayle Osterberg.

Gayle has worked in the Senate for 12 years, starting out as a staff assistant in the office of Senator Don Nickles, and rising her way up to the position of communications director for, first, the HELP Committee, when I was there, and subsequently went to the Budget Committee where she has done an extraordinary job.

Gayle graduated from the University of Kansas in 1992 with a degree in communications and has effectively used her talent and knowledge of the media to rise up the ladder in the Senate.

While she will be missed, Gayle is moving on to greener pastures and exciting times as vice president of communications for the Motion Picture Association of America. That should be a fascinating job and one she will do very well. We will all miss her on the Senate Budget Committee. We congratulate her, however, on her extraordinary years of work and thank her very much and wish her good luck as she moves forward.

In addition, I want to thank my staff. I want to begin specifically by thanking the Senator from North Dakota. His courtesy, his professionalism, his fairness in dealing with us has been extraordinary, as has his staff. And I thank his staff for their exceptional commitment to the process.

The people listening to this debate over the last many hours may conclude we are quite antagonistic. Yes, we may be on some of the policy issues, but, no, we are not, at the personal and professional level. I admire very greatly the professionalism of the Senator and his staff.

I also especially thank my staff. These are folks who have worked endless hours. Very few of them have gotten any sleep for the last week. And there have been other periods during the intensity of marking up and putting the budget together when very little sleep occurred.

They extraordinarily and professionally put together an exceptional product, headed up by Scott Gudes on the Budget Committee and by Vas Christopoulos on my personal staff.

There are a lot of people, too many names to actually mention. I deeply thank them. I know the Senate thanks them because without these folks who commit their lives to making sure the legislation that moves through this body moves through professionally and is done in a way that we can take pride in, we would not be able to function as a Congress. The American people would not be as well served as they are.

I want to recognize two members of the Senate Budget committee staff who exemplify the professionalism and, especially, the esprit de corps that make our committee and this institution such a marvelous place. I know that Senator CONRAD joins me in taking a moment to single out these two special individuals.

Lynne Seymour and George Woodall are two of our senior professional staff members on what we call our "non-designated staff." They lead our bipartisan administrative staff. Day in and day out they give 110 percent on behalf of the members and staff, whether Republican or Democrat. Lynne and George are the people who really manage the committee, who allow the rest of us on the committee payroll to formulate and execute Federal budgets, to hold hearings, to review programs and to communicate with each other and the rest of the world. They are in charge of what some in private industry call "enabling functions." That is an accurate description because Lynne and George's efforts enable the rest of us to move forward the legislative business of this Senate and the Nation.

After taking over as chairman of this committee a few months ago, I understood that Lynne and George work first and foremost for the United States Senate and I quickly realized that Senator Nickles had left us in good hands. Lynne and George eased the transition and ensured that we were able to move the Budget Committee's work forward. We hired and added staff. We installed work stations and moved offices. Due in no small measure to their work ethic and high morale, we were able to move forward when the President's Fiscal Year 2006 budget was transmitted a month after I became Chairman.

Lynne Seymour served on the Budget Committee in the early 1980s and then rejoined us in 1995. She is responsible for all the administrative functions for the committee which, as we all know, is no mean task. Lynne is the manager for all nondesignated staff and serves as a liaison between the committee and other divisions of the Senate, such as the Secretary of Senate, Sergeant-at-Arms, Rules Committee, Ethics Committee and Architect of the Capitol. From the committee's own biennial funding to the development of a Continuity of Operations Plan, COOP, for the committee, Lynne ensures that the committee's activities run as smoothly as possible, especially through all the many transitions and office moves that have occurred over the past few years. Lynne is a dedicated individual that others know they can count on, and we all do count on her. She is a positive, graceful force for the majority and minority committee staffs, a consummate professional.

George Woodall has worked on the Senate Budget Committee for the last 11 years. I have come to value his work a great deal. As the systems administrator for the Senate Budget Committee, he keeps the technology flowing and the lines of communication open. Many of us wonder how we managed before blackberries and other current technology. Well, George makes sure that the capabilities of technology do not become liabilities by keeping the PCs, fax machines, email, scanners, and networks running and keeping people connected whenever and wherever needed.

Some people who work with George may not know he is also an ordained minister, actively involved in men's ministry, addictions ministry, outreach ministry and youth ministry. George's generosity and willingness to share his gifts is part of everything he does, and the Committee is better for it.

The Budget Committee staff is one of the finest I have had the good fortune with which to work. Lynne and George have each given their best to Republicans and Democrats alike and have served on the committee staff for over a decade. I am privileged to recognize them and to express my gratitude.

Mr. President, we all know it is our staff that somehow gets the work done during weeks such as this one where the Senate has dealt with both the highway bill and concluding a conference report on the budget resolution. As the new chairman of the Budget Committee, it was my challenge in January to get the committee up and running immediately given that we had some of the first tasks in the Senate for the year. Therefore, it was necessary to have experienced staff that could step right in and make things work.

But it is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

Elissa Konove came to the Budget Committee in February to be our transportation analyst. In that role as an examiner at the Office of Management and Budget, she had followed the daily track of the highway bill over the last 2 years. When the highway bill laid over to this 109th Congress, Elissa decided to view the dance of legislation from the inside out. I very much appreciate OMB Director Bolten's willingness to share an analyst with such thorough knowledge and a steady hand. I understand Elissa is going back to fight new fires where OMB needs her most, and I know they're happy to have her back. While we will miss her expertise, we thank her for contributions, and we know the executive branch will benefit from her experience in the Congress.

I also would like to recognize another valued addition to the Budget Committee staff who will be leaving us in August, Mara Browne. Mara came over to the Budget Committee from the National Oceanic and Atmospheric Administration, NOAA, where she served in the Satellite Service working on international affairs and private remote sensing issues. Mara began her Federal career as a Presidential Management Fellow and has been an asset to the committee in a number of areas, especially within the general Government function. I thank Mara for her dedication to the efforts of the committee and wish her the best of luck in her future endeavors at NOAA.

Mr. President, I would also like to take a minute or two to recognize just a few of the talented professionals who have helped develop this budget resolution.

First, I would like to acknowledge chairman NUSSLE and his very talented staff. Jim Bates, Dan Kowalski, Paul Restuccia, and their team are simply first rate and the technical accuracy of this resolution and the budget is simply a matter of personal pride.

Second, I want to acknowledge my own staff here on the Budget Committee. I do not have time to recognize all of them but would like to mention a few—professionals like our legal staff, Gail Millar and Allison Parent. Our policy staff, led by Vince Ventimiglia, including Kim Monk, David Fisher, Peggy Binzer, and Richie Weiblinger.

Since taking over the committee in January, I have been extremely grateful to these committee staff who have worked tirelessly on the budget, and in helping me take over as chairman. I just cannot say enough about Jim Hearn, Cheri Reidy, Dave Pappone, Dan Brandt and others. I would be remiss if I did not mention Bill Lucia who we got to come over from the HELP Committee. Bill handles education and income maintenance functions and has done such incredible analysis of pension and student loan reform.

I want to thank our leadership staff for their tireless work on this resolution. I especially want to thank Sharon Soderstrom and Bill Hoagland. They have been there to assist me and the committee on issue after issue. They are true public servants. Through their knowledge, tenacity and interpersonal skills—they bring great credit to our leader and this institution.

Finally, I want to recognize one other special individual. Vasiliki Christopolulos. "Vas" has served with me since I moved from the Governor's Mansion in Concord to join this Senate. Her official title is "administrative assistant" but I doubt that any title could adequately convey all the responsibilities that Vas assumes and carries out. Vas is what in Greek is referred to as "apeeshetehtoh"—that is she is simply "amazing." I doubt there is any member of this Senate who can point to a more dedicated and talented staff person. Vas makes my office work, she makes the larger "team Gregg"—from appropriations to budget to my offices in New Hampshire—work in a seamless, smooth manner. Vas is probably one of the warmest, most decent people that has ever worked in this institution or in any institution. On a daily basis she brightens up the day for everyone she comes in contact with. I cannot say enough to recognize her and express my appreciation.

So, Mr. President, this is an institution that is known by the names of the 100 elected members that serve here. But, I just want to note that there are many other names that are maybe less well known, but who truly make the business of this Senate occur and happen in a way that serves Americans around the great Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the committee for his fairness throughout the process, for his professionalism, and for his good humor. We have spent many long days and nights on this floor debating this budget. We have spent a long period in the Budget Committee. It has been with unfailing good humor on his part and a sense of fairness and bipartisanship that we have moved forward. We certainly don't always agree, but we have never been disagreeable. Perhaps that is a good model for the way we function in the Senate.

I will take a minute to thank Sue Nelson of my staff. This is her last budget resolution. She has been with the Senate Budget Committee for 20 years. She is my deputy staff director. She is the person who is in charge of our numbers and Medicare as well. She at one time worked for Senator DOMENICI. We are going to miss the outstanding professional commitment of Sue Nelson. We are going to miss you very much. Thank you for all you have done for our committee and for the Senate.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked unfailingly for us to make our case on what the budget priorities of this country should be, and to the rest of my staff as well who have worked extraordinarily hard and with a real commitment to fiscal responsibility and to fairness.

They are:

Sue Nelson, Deputy Staff Director;
John Righter, Appropriations;
Shelley Amdur, Education/Appropriations;
Lisa Konwinski, Counsel;
Jim Esquea, Medicaid/TANF;
Jim Klumpner, Economist;
Jamie Morin, Defense;
Rock Cheung, International Affairs;
Sarah Kuehl, Social Security/Transportation;
Steve Bailey, Revenues;
Mike Jones, Homeland Security/Justice;
Cliff Isenberg, Energy/Environment;
Jim Miller, Agriculture;
Stu Nagurka, Communications Director;
Steve Posner, Deputy Communications Director;
David Vandivier, Planning/Outreach;
Kobye Noel, Graphics Production Coordinator;
Matt Havlik, Staff Assistant;
Tyler Haskell, Staff Assistant;
Anne Page, Executive Assistant.

Let me also recognize the staff of the Senator from New Hampshire, especially staff director Scott Gudes and the rest of the members of his staff. This is a good relationship that we have between our two staffs. It is one of respect and fairness, and we deeply appreciate the many courtesies that have been extended to us during this process.

I want to echo the laudatory comments of Senator GREGG regarding the outstanding contributions made by two senior professional staff members of the Senate Budget Committee, Lynne Seymour and George Woodall. Lynne and George are our two most senior administrative staff members who perform their respective duties with great distinction. They are true professionals who serve the members of our committee and our respective staffs with poise, respect and diligence.

I have the utmost appreciation for their service, because they have attended to our committee during some of the most difficult administrative challenges imaginable. For example, in just over 4 years, since the beginning of the 107th Congress, this committee has had four different chairmen: Senators GREGG, NICKLES, DOMENICI and myself. Thanks to the outstanding service of Lynne and George, the transition from one chairman to the next has been flawless. They have arranged for the moving in and out of our different staffs and the literal moving of our offices several times. They made sure our offices were properly equipped and that our computers, printers, phones, faxes and other technical equipment were in good working order—not an easy task, I assure you.

They have also served our committee and this Senate during some of the most difficult times. They were here on the morning of September 11, 2001 when the Pentagon was attacked and when we believed the U.S. Capitol complex was also threatened. They were also serving our committee when anthrax was discovered in the mail system here in the Senate. These have not been easy times for staff members.

Lynne Seymour and George Woodall have not only persevered, but they have excelled at their duties in serving us. I thank them for their service, and want them to know how much we in the Senate appreciate their long hours, their unselfish contributions and their professional service.

With that, I will proceed to wrap up. I will take a few moments and then we will hear from the chairman and then the leaders, and then we will be prepared to vote.

While I have great respect for the chairman, I have great respect for the staffs that have assembled this budget, I deeply do not believe that this budget charts the correct course for the country. I say to my colleagues, if you want to be supporting more debt, vote for this budget. If you want higher deficits, support this budget. If you believe that it is right to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, then support this budget.

This chart sums it all up. I call it "building a wall of debt." That is what this budget is all about. We have heard people say it is going to cut the deficit in half. I don't believe it. Instead, I believe what is going to happen is the debt of the United States is going to go up, up and away. We are starting with $8 trillion, and every year of this budget debt is going to be increased by more than $600 billion. Every year it is going to go up by $600 billion.

Those are not my numbers. Those are the numbers from the budget document itself on pages 4 and 5 of this conference committee report. It shows what is going to happen according to their own analysis and projections to the debt of the United States: $683 billion the first year, $639 billion the second, $606 billion the third, $610 billion the fourth, and $605 billion the fifth year. Anybody who says the deficit is getting cut in half and yet the debt is going up by over $600 billion each and every year is mistaken. This is a mistake for the country. We ought not to support it. I urge my colleagues to defeat this budget resolution. Let's go back to the drawing board. We can do better than this.

I thank the Chair and my colleagues.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the courtesy of the Senator from North Dakota and his staff and again thank my staff for the extremely effective way they have brought this process forward.

This is the only opportunity to get us on a game plan for reducing the debt of the Federal Government, for moving forward in a process that is going to bring fiscal restraint to the Federal Government. My colleagues on the other side of the aisle, for all their talk, have not put a budget on the table. This budget is a real document. It is a strong game plan for moving down the road of establishing fiscal responsibility here at the Federal level. It freezes nondefense discretionary spending for 3 years. That is real savings. For the first time in 7 years, it steps onto the turf of entitlement and mandatory spending and begins the process of addressing two major issues which need to be addressed if we are going to get our fiscal house in order, specifically Medicaid and the Pension Benefit Guaranty Corporation.

In addition, it reduces the deficit in half over the next 4 years and, as a result of stepping onto the issues of Medicare and entitlements, it begins the process of correcting the outyear problems we face as a nation which we should not be passing on to our children but which we will pass on to our children if we don't begin to act now.

There has not been a budget in this Congress for 2 of the last 4 years. It is time to act on a budget. It is our obligation, especially as the majority party, to put forward a game plan for how we as a government are going to function and how we are going to move forward to act in a fiscally responsible way. This budget does that.

In addition, it will continue to energize and activate the very strong economic recovery which we have seen over the last year. Hundreds of thousands of jobs have been added. Revenues have increased dramatically. That is a result of the policies of this President. This budget continues those policies in a manner which will continue that economic expansion, give entrepreneurs the opportunity to be aggressive, and create jobs for Americans.

It is a good budget, and it is a good place to start. It is something we need to do.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Democratic leader.

Mr. REID. Mr. President, I come to the floor to express my opposition to this budget resolution. Before I discuss the budget, I will take a minute or two to acknowledge the hard work of the chairman and ranking member.

I have the greatest respect for the chairman of the committee. We served in the House together. He left the House to become Governor of the State of New Hampshire. He returned as a Member of the Senate. He is a knowledgeable man with knowledge of what goes on in our country. Even though I may disagree with his political ideology, as a person I have the greatest respect for him. He is a person who always tells you how he feels, and I think he adds a great deal to the Senate.

I especially thank our ranking member, Senator KENT CONRAD, for his outstanding leadership for the people of North Dakota, the country, and our caucus. No one understands the budget better than KENT CONRAD. We could not ask for better leader on the budget than KENT CONRAD. He and his staff are exceptional. I told him earlier this evening. I really miss this budget battle. For 5 years I sat with him on this floor and was with him every minute of the way. And I enjoyed that. He is a man of vision and there is no one who knows numbers better than he does.

I oppose this budget for two primary reasons. First, it is fiscally irresponsible. Second, it makes the wrong choices and sets the wrong priorities. Let me talk about both of these problems for a short time. To understand the current state of our Nation's fiscal policy, it is helpful to review history. It always helps.

In 1992, the Federal Government ran a record deficit of $290 billion. In 1993, with the Budget Deficit Reduction Act, without any support in the House or the Senate from a single Republican, we made hard decisions to get the budget under control. In fact, the Presiding Officer on the night we had the vote was Al Gore, and he broke the tie to allow the Budget Deficit Reduction Act to pass. I can remember that night and I will never forget it. George Mitchell assigned Tom Daschle and me to work to see if we could get Bob Kerrey's vote. That is a story in itself. When we started looking for him, he had gone to a movie—just like Bob Kerrey. Anyway, it worked out. Bob Kerrey decided to vote with the President and change history.

Largely because of those decisions made by us in this body, the budget moved from record deficits to record surpluses. That is why in the last 3 years of President Clinton's Presidency we paid down the national debt. We were spending less money than we were taking in. Unheard of, but it happened 3 years in a row.

Unfortunately, one of the first acts of this administration and the Republican-controlled Congress was to reverse the great strides we made in the 1990s. Instead of maintaining fiscal discipline and saving for the future, the Bush administration opted to provide lavish handouts to special interests and to the powerful. The result has been a record run of red ink as far as you can see.

Now, my distinguished friend, the chairman of the committee, said that budget deficit is going to be cut in half. I cannot believe someone I bragged on so much a minute ago believes that. Last year, we ran a deficit of—nobody knows how much because Social Security was used to mask a lot of it, but it was approximately $500 billion, the largest ever. This year, according to the administration, the deficit will even be larger. Running deficits of this size, of course, would always be a concern. But at a time when we badly need to save to prepare for the baby boomers' retirement, such huge deficits are especially irresponsible.

That is why it is so troubling that a budget resolution before us not only fails to reduce the deficits. it makes it worse, much worse. In fact, this budget increases the debt each and every year by more than $600 billion and passes a burden of repaying the debt to my children, my grandchildren, and my great-grandchildren.

What does this mean for Social Security? Under this budget, every dollar of Social Security surpluses would be taken and spent on other Government activities—every dollar. Think about this. We are going to have a $2.5 trillion surplus in Social Security over the next 10 years. I say to all the people listening tonight, that is your money. We are supposed to be saving it so we can pay your Social Security benefits in the future. But does this budget save the surplus for Social Security benefits? No. Every single dollar would be used for other purposes. That is not fiscally responsible and it is not right.

This budget's irresponsibility is the first reason I oppose it. Unfortunately, the flaws go much deeper than that. This budget resolution also makes wrong choices and repeatedly shortchanges the priorities of working Americans. The budget cuts education—I could talk about the budget cuts in education, but let's talk about adult education. This budget cuts adult education by 60 percent. Who are those people who need adult education? It is young men and women who have dropped out of high school, people who, before finishing high school went into the military; it is a lot of people for a lot of different reasons who decide they want to come back and get an education. A 60-percent cut. That is wrong. Health care, Medicaid, homeland security—it targets rural America with cuts in agriculture and other programs. It slashes funding for new police officers. It cuts funding for firefighting programs, and at a time when we are asking hundreds of thousands of our men and women to place their lives on the line, it forces them to pay more for their health care when their service is done. While making deep cuts in priorities such as these, the budget continues the recent pattern of Congress favoring special interests and the powerful.

The budget calls for providing millionaires with additional tax breaks worth over $35,000 a year, while doing nothing to close loopholes that allow huge corporations to avoid paying their fair share—their fair share of paying for our Government responsibilities. It calls for opening a pristine wilderness area in Alaska for the oil and gas industry. It calls for maintaining a large slush fund for HMOs who have had record profits, and it calls for continuing to ban Medicare from negotiating with drug companies to get better prices for prescription drugs. That is hard to comprehend. Medicare cannot negotiate for lower prices. They can go, like I do, to Rite Aid and get their prescriptions there, but no negotiating for prices. These, I am sad to say, are the priorities of the party in power. But the record should be spread: they are not Democratic priorities, they are not the priorities of the American people, and they are certainly not the priorities of my friends and neighbors in Searchlight, NV. You see, in Searchlight, as in other towns and cities all across America, people are working hard and struggling to make ends meet. They are proud people. They are not looking for handouts. They want their Government to be on their side in dealing with gas prices, which in Nevada average $2.70 a gallon. They want Congress looking out for them as they confront skyrocketing health care costs and they want us, the Congress, working to give their children opportunities for a good education, so they can enjoy the promise of America, as all 100 Senators do.

Sadly, though, this budget wasn't designed with the people of Searchlight in mind. It doesn't address their needs. It won't make their lives any better and won't make our Nation stronger. It will make it weaker, more dependent on borrowing huge sums of money from Japan, China, and Saudi Arabia.

For all these reasons, I believe the budget before us deserves to be defeated. It abandons fiscal discipline and leads to an explosion of debt. It takes Social Security dollars and uses them for other purposes, and it abandons middle-class Americans and those in need in order to give billions in breaks to the special interests and the powerful. I want everybody to know I am not the only one who feels this way.

I know that maybe there has been too much religion in the Congress in the minds of some and I have not joined in that, but I am going to tonight. I have here a letter that is from the Episcopal Church of the United States of America, Evangelical Lutheran Church, the Presbyterian Church, United Church of Christ, and the United Methodist Church. I read this:

This was issued today:

> On March 8, we . . . issued a joint statement questioning the priorities of President Bush's 2006 Federal budget. We remembered the Gospel story of Lazarus and the rich man and noted that the 2006 budget had much for the rich man but little for Lazarus. It was our hope that Congress would take action on behalf of "Lazarus." Sadly . . . that has not been the case. . . .
>
> We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. There are good programs that can help solve all these programs. We know, we have seen them work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing opportunities for our fellow women and men to pursue their God given gifts. . . .
>
> As we view the FY '06 Federal Budget through our lens of faith this budget . . . continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, 45 million without health insurance, or the 13 million hungry children. Worldwide it neither provides sufficient development assistance nor adequately addresses the Global AIDS pandemic . . . We ask Congress to reject the budget and begin anew.
>
> We conclude . . . by asking that together we "pledge ourselves to creating a nation in which economic policies are infused with the spirit of the man who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him "to bring good news to the poor."

It is signed by the Most Reverend Frank T. Griswold, Presiding Bishop and Primate of the Episcopal Church of the United States, the Right Reverend Mark Hanson, Presiding Bishop of the Evangelical Lutheran Church in America, the Reverend Dr. Clifton Kirkpatrick, Stated Clerk of the General Assembly, Presbyterian Church, USA, the Reverend John H. Thomas, General Minister and President, United Church of Christ, and Mr. James Winkler, General Secretary, General Board of Church and Society, United Methodist Church.

Mr. President, those are their words, not mine. I quoted it verbatim.

This is not just a bad budget. It is not just an unwise budget. It is an immoral budget. I urge my colleagues to reject it.

The PRESIDING OFFICER (Mr. BURR). The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote on the budget conference report, the cloture vote, with respect to the Portman nomination, be vitiated; provided further, that the Senate resume executive session for the consideration of the nomination and that there be 1 hour for Senator LINCOLN and 10 minutes equally divided for the chairman and ranking member; provided further, that following that time, the Senate vote on the confirmation of the nomination, with no intervening action or debate; provided further, that following that vote, the Senate proceed to the cloture vote with respect to the Johnson nomination, notwithstanding the provisions of rule XXII, with Senator CARPER to speak for 5 minutes and Senator VOINOVICH for 5 minutes before the vote; provided further, that upon the granting of this request, the Bayh amendment No. 568 to the highway bill be withdrawn.

Before the Chair rules, I will state further it is the understanding of Chairman GRASSLEY that with this agreement, Senator BAYH has agreed to not reoffer his amendment or ask for a vote on the standalone measure prior to a review by the Senate Finance Committee at the July hearing.

Mr. REID. Mr. President, reserving the right to object, I would like to speak for a few minutes on the Johnson nomination.

The PRESIDING OFFICER. The unanimous consent request is so amended. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments, we will be voting on the budget resolution. I congratulate the distinguished chairman of the Senate Budget Committee, Senator JUDD GREGG, for bringing before the Senate this evening the conference agreement on the fiscal year 2006 budget. I would be remiss if I did not thank both the ranking member of the committee, Senator CONRAD, and the Democratic leader for their cooperation in allowing us to proceed with the conference report expeditiously.

I know being chairman of the Budget Committee is a thankless task, and I know the chairman of the Budget Committee feels that way tonight as well. It is not the most glamorous of legislative committees in the Capitol, and being chairman of the Budget Committee does not win any popularity contests with any Senators, again, as the Budget chairman will recognize.

Nevertheless, the working of this committee is absolutely essential to completing our fundamental constitutional responsibilities on all matters fiscal. This is the first year the senior Senator from New Hampshire has had this responsibility, and he has carried out his duties in a professional and businesslike manner.

It probably seems like ages ago, but it was only 12 weeks ago that the President submitted his executive budget proposal to the Congress. When we complete work on this conference report shortly, we will have a congressional budget. It is our blueprint for enacting spending and revenue legislation for the remainder of the year, but it follows the goals the President laid out in his budget to fund national security, extend expiring tax provisions, limiting the growth in nondefense spending, begin to address the growth of entitlements, and cut the deficit in half in less than 5 years. While it may have seemed to the chairman and many other Members involved that this day would not arrive, in truth, of the 27 budget resolution conference reports agreed to since the beginning of this congressional budget process in 1976, this is the fifth quickest conference report ever agreed to. I congratulate the chairman and his professional staff for this accomplishment.

Having said this, I think the chairman would agree with me that no budget can meet all the demands and all the goals we have for this country. There are many issues that confront us, and some of those, such as national security, protecting the homeland, supporting education and research, and providing basic benefits to needy Americans require resources. It requires making choices, and it also requires setting those policies in place that will permit the economy to grow. For in the end, the best way of serving the needs of this great country is with a strong and vibrant economy.

Meeting these goals by balancing Federal spending and limiting the burden of taxes on all Americans begins with this budget outline, the outline that is before us this evening. Once adopted, our work will only begin as we fill in the details of the blueprint by passing spending and revenue legislation within the aggregate levels specified in the document.

Enforcing the blueprint means the chairman will not have a chance to rest much before he is back here watching over the building of our fiscal house for next year. Congratulations, again, to Chairman GREGG and his staff director, Scott Gudes, and all the staff who worked so hard to bring us to this point this evening.

To summarize, we will vote in a moment on the budget conference report. Following this vote, we will proceed to the debate on the Portman nomination. We may not need a rollcall vote on that nomination. However, I remind my colleagues that we will have a cloture vote on the Johnson nomination tonight. Senators can, therefore, expect one to two additional rollcall votes this evening following the vote on the budget conference report.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

> The committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of April 28, 2005.)

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NOT VOTING—1

Lieberman

The conference report was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be the cloture vote with respect to the Johnson nomination; and further that following the disposition of that nomination, the Senate proceed to the consideration of the Portman nomination, as provided under the previous order; provided further that prior to the cloture vote on the Johnson nomination, Senator REID be recognized for up to 5 minutes, Senator VOINOVICH for up to 5 minutes, and Senator CARPER for up to 5 minutes. I further ask consent that following this consent, Senator ALLEN be recognized for up to 3 minutes in order to make a statement regarding his colleague, Senator WARNER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I announce to my colleagues, if cloture is invoked on the Johnson nomination, we do not expect a vote on the underlying nomination. Also, we do not have a request for a vote on the Portman nomination. Therefore, this may be the last vote of the evening, if cloture is invoked.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

CONGRATULATING SENATOR WARNER

Mr. ALLEN. Mr. President, as the clock strikes midnight, an historic event will occur for all of us in the Senate, but obviously an important date in the history of Virginia. In all of our history, we have had 51 Senators from the Commonwealth of Virginia, such as John Tyler who became President, and Madison, and many great Senators. A historic achievement is being achieved tonight with my wonderful partner and our colleague, JOHN WARNER, which is a testament to his abilities as a leader and the high esteem in which he is held by the people of Virginia.

Tonight, in fact at this very moment, our wonderful colleague JOHN WARNER surpasses on the all-time list Senator Carter Glass, who served in this body for over 26 years. Senator WARNER's extraordinary term of service is now second to only Harry Byrd in serving in the Senate. He was elected in 1978 and he has spent the last 26 years serving this country.

He is a man who loves his job. He is a man from whom we always learn something new, valuable, insightful, or humorous. He is a unique blend of a military leader, having served in World War II and in Korea.

Mr. WARNER. Mr. President, I ask unanimous consent that the balance of his remarks be printed in the RECORD.

Mr. ALLEN. No, I object. He is a country gentleman, a legal scholar, a historian, a great storyteller, and an esteemed statesman, all with the joy of life of a 12-year-old boy. He loves his job. He loves the Senate. And we love him and congratulate him on this momentous occasion.

(Applause, Senators rising.)

EXECUTIVE SESSION

NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report Calendar No. 61.

The legislative clerk read the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as one who grew up in Danville and Roanoke, VA, as one who served in the U.S. Navy with JOHN WARNER as our Secretary of the Navy, I join my friend GEORGE ALLEN and all of you in saluting him. It has been my privilege to serve under him as a naval flight officer for a number of years. It has been my privilege to serve with him and with all of you for about the last 4 years.

During that time I have worked with a number of you on our side and on the Republican side to try to find common ground with respect to issues such as class action, asbestos litigation reform, bankruptcy, the next step in welfare reform, a comprehensive energy policy, a business model for the Postal Service in the 21st century. The list goes on.

As a former Governor, one who used to nominate people to serve in cabinet posts and judgeships, I have generally voted to confirm the men and women President Bush has nominated to serve on his team. In a number of instances I have gone well beyond just voting for a nominee of the President but advocating for them. I will give some examples. Tommy Thompson was nominated for Secretary of Health and Human Services. I called him and said: Congratulations; how can I help you get confirmed and how can I help get your team confirmed? I did the same thing with Tom Ridge when he was nominated for Secretary of Homeland Security. I did the same thing with Christie Whitman when she was nominated for EPA, and I did the same thing for Mike Leavitt when he was nominated to head EPA.

I stand before you tonight taking a different posture. I have never put a hold on any nominee in any time I have served here. It is not in my modus operandi. But I have done it tonight and with a good man, Stephen Johnson, who has been nominated by this President to lead the EPA. I am convinced if he is confirmed, he would do a good job.

I stand here tonight asking that we not confirm him at this time. I will tell you why. For the last 3 years, I have been asking the Environmental Protection Agency to give us comparative data, comparing the President's Clear Skies proposal, the proposal of Senator JIM JEFFORDS, SUSAN COLLINS, and JOE LIEBERMAN, and a bipartisan bill I have introduced with several of you. We have asked for comparative data, modeling that actually says this is what each of the bills will do on the economic front. This is what they would do on the environmental front, and here is what they would do on the public health front.

I made that request first in 2002, again in 2003, again in 2004, and again in 2005. I am not going to go into the litany of responses. My friends, the response has been ultimately disappointing. We have tried to compromise. The administration offered us a deal. We have come back with a counterproposal. We have not been able to find middle ground.

Tonight we end up with a decision to go for cloture. For those of you who are going to vote no on cloture, I say thank you. For those who are going to vote yes, let me say this: My friends, I don't care who is President. I don't care who is running EPA. I don't care who is in the majority here. When we are voting on issues such as clean air or clean water or these kinds of issues and we need good scientific data, by golly, we ought to get it. We should not have to beg for it. I don't care who is running this place. We should get it. We should be able to make these decisions based on good science. That is what I want.

The real tragedy, if Stephen Johnson is confirmed tonight—and I wish him well if he is—is we have missed an opportunity not only to confirm a good man, but we will have missed an opportunity to provide this side with, frankly, the kind of scientific data we can go forward with and actually do a good bill, adopt a good clean air bill that will do a good job in reducing sulfur dioxide, nitrogen oxide, and mercury, and slowing the growth of carbon dioxide. We have missed an opportunity if we go forward tonight.

For those who are standing with me, I say thank you. For those who are not, I ask you to remember, someday we will have a Democratic President. Someday we will have a Democratic majority in this Senate. Be careful of the bed that you make, because someday you will get to sleep in it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the nomination of Stephen Johnson to be Administrator of the EPA. This Senate should vote for cloture and support this nomination.

As chairman of the Oversight of Government Management Subcommittee, I am very interested in the management of our Federal Government. Finding the right people with the right skills to run our Nation's agencies is very important. And President Bush has found the right person to lead the EPA.

Mr. Johnson will be the first career official to hold the position. He has worked at the EPA for 24 years and for 8 of the 9 EPA Administrators. He knows the inner workings and personnel at the agency which may be exactly what is needed to manage it. He has managed virtually every aspect of the agency's rulemaking process.

One of his strongest qualifications is he will be the first professional scientist to be the director of the Environmental Protection Agency. He has already been confirmed twice by the Senate as assistant administrator in 2001 and deputy administrator in 2004. There is a real need at the EPA to have him confirmed. The agency has had four Administrators in 4 years.

Mr. Johnson is serving as both deputy administrator and acting administrator. The agency has a number of other open positions. It is crying out for leadership. I imagine some of my colleagues are wondering why there is any controversy. I am the chairman of the Clean Air Subcommittee. The controversy over this nomination does not come from the EPW Committee as it overwhelmingly voted 17 to 1 in favor of his nomination.

The ranking member, Senator JEFFORDS, stated, when he was nominated:

> I applaud the decision to nominate Stephen Johnson to head the EPA, and will work to move his nomination through the Senate.

Senator LIEBERMAN also was very complimentary about Mr. Johnson and about the fact that he was qualified and that he was needed at the agency.

I wanted you all to know that we have been working for the last 4, 5 months to pass a bill to reduce powerplant emissions by 70 percent. Senator CARPER and I, who are very good friends, have spent countless hours trying to compromise. He sent a letter to the EPA requesting an analysis that would take several months to complete. Senator CARPER has placed a hold on a nomination because he wants information. Senators have a right to information, but because he wants more analysis performed, here are the facts: EPW has held 24 hearings on multiemissions legislation. EPA has provided Congress with thousands of pages of information. EPA career staff has stated this is the most analyses they can ever remember being performed on a proposal.

Mr. President, I am particularly talking to my colleagues on the other side of the aisle. We have more information than the whole Congress had when it passed the Clean Air Amendments in 1990. In May of 2004, the Energy Information Administration performed an analysis similar to what Senator CARPER is requesting. Last year, the administration went much farther than I would have gone. They agreed to do another comprehensive analysis to provide 12 pieces of information on 4 proposals, including many of the things that we have been talking about.

This is not a small analysis. It is going to take 6 to 8 weeks—did you hear me?—to complete.

To reiterate, we have had four administrators in 4 years, and things are not getting done at the EPA. Unfortunately, Mr. Johnson's nomination is being held hostage because of an issue that pales—this difference of opinion pales when you consider how desperately the EPA needs a Director right now. We have to have somebody there to get the leadership.

As I say, I understand my colleagues on the other side of the aisle have said we are going to vote en masse against cloture. Johnson is a good man. He is desperately needed at EPA, and I urge you to vote for cloture so we can confirm the scientist and the first career official to be administrator of the EPA. Thank you.

I yield the floor.

Mr. REID. Mr. President, I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. The minority leader yields back the time.

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.
>
> Bill Frist, J.M. Inhofe, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN announced that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Leahy
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—37

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Lieberman
Lott

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is, Will the Senate advise and consent to the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The nomination was confirmed.

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NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 74.

The legislative clerk read the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative.

The PRESIDING OFFICER. Under the previous order, the cloture motion on the nomination is vitiated, and there is now 1 hour for debate under the control of the Senator from Arkansas, Mrs. LINCOLN, and 10 minutes equally divided between the chairman and the ranking member.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly do appreciate my colleagues' patience this evening. I know that it is late. I apologize for keeping people here late. I find it quite ironic that I come to the floor this late in the evening under the same purposes as my colleague from Delaware, Senator CARPER. Most of it is out of disappointment in the lack of response from this administration on an issue that I think is absolutely critical to the fabric of this Nation, critical to our families, and critical to our children.

I have asked that the Senate take time tonight to debate the nomination of ROBERT PORTMAN to be the U.S. Trade Representative to highlight some of the issues related particularly to Saudi Arabia that I believe deserve more time and attention than they have been getting. I certainly expect Congressman PORTMAN will become involved with these issues in his new position.

I support the nomination of Congressman PORTMAN to be our country's top trade negotiator. I have met with him. I have served with him. I believe he brings the right skills to the position and that he will do a very good job at representing our Nation and its vital interest in that position.

I look forward to working closely with him on many issues in the years ahead that are important to my constituents, as I did with his predecessor. But today I would like to focus on one issue in particular that is critically important to me, and that is the children of this Nation.

In May of 2004, I wrote a letter to then-Ambassador Robert Zoellick, with four of my Finance Committee colleagues, raising objections to Saudi Arabia's accession to the WTO. Over the past several years, our Government has been negotiating a bilateral trade agreement with Saudi Arabia that I understand is now very close to completion. It is also the only major hurdle which prevents Saudi Arabia from being granted favored trading status with the United States and other WTO member nations.

In our letter, we specifically raised concerns regarding Saudi Arabia's participation in the Arab League boycott of Israel and the appropriateness of our Government supporting its admission as a result, given that current law requires the United States to vigorously oppose states that implement that boycott.

We also highlighted concerns regarding Saudi Arabia's efforts to stop the financing of terrorist activities from sources within Saudi Arabia.

Finally, we objected to Saudi Arabia's continued refusal to respect the rights of American women and girls who may never have a meaningful opportunity to leave the Kingdom even as adults. My concerns about the rights of American citizens is one I feel deeply about on a personal level, as a proud citizen of this great Nation, as a mother, and certainly as a Senator from the great State of Arkansas, with tremendous responsibilities to those I serve.

Needless to say, when I received a response to our letter last week, 11 months after we sent the letter to the administration—we received a response last week from our Acting Trade Representative 2 days before Congressman PORTMAN's confirmation hearing—it only referenced the boycott and did not make one reference to the other two issues. I was deeply troubled, and I hope others will be, too.

I was even more alarmed to read press reports about our trade negotiators working around the clock to finish the agreement prior to the meeting between President Bush and Saudi Crown Prince Abdullah in Crawford, TX, this last Monday.

I want to start at the beginning of this story regarding the rights of American citizens because I think this issue is very important. Over the past several years, I have worked with Congressman DAN BURTON of Indiana and others to highlight our Government's failure to aggressively defend the rights of American women and children in Saudi Arabia. This issue came to my attention because Heidi Al-Omary from Jonesboro, AR, was abducted by her Saudi-born father in 1997. Saudi Arabia continues to invoke its law and religion to detain my constituent in violation of U.S. law and a valid court order.

Heidi was abducted more than 7 years ago, and she has been stuck there ever since because the Saudi Government does not believe Heidi's father, who is a wanted fugitive in our country, has done anything wrong. This man used our legal system to gain access by pressing the judge for unsupervised visitation, knowing full well that the first unsupervised visit and the child would be gone. Her mother knew that. Her mother argued with the judge, and the judge said: I have to give this man the visitation rights. On the first unsupervised visit in the dead of the night, that woman lost her child. She was taken from her. She did not see her child for 5 years. I do not know how we can stand by and let that happen.

I attended a Little League game with my boys recently. I sat in that field and I thought how blessed I am to be a part of these children's lives. Then I thought of this poor woman whose child was taken from her against our laws, and for 5 years she missed those precious years of that child's life.

Earlier tonight, waiting on these votes, I sat in a dark room with my children as they said their prayers. That woman has not had that. She has not experienced that blessing because her child was taken from her. She was only allowed to see that child 2 years ago, under restrictive supervision.

That is not what we are about in this country. We are about standing up for our children and the citizens of this great land. We have an opportunity to do it, and we should.

Heidi's mother Margaret McClain resides in my home State, in Jonesboro, AR. In July of 2002, Ms. McClain was permitted to travel to Saudi Arabia to visit her daughter. She was brought there under the assumption that she would have a visit with her child. When she arrived, the visit had been moved. She traveled through the desert to some unknown place where she finally got to meet with her daughter with people breathing down her neck. After 5 years, when her child was taken from her in the dead of the night, she finally gets to see her. It is unbelievable to me that that child was taken from this country in 1997 and it took us until 2002 to ask for her return.

Ms. McClain spent 6 days traveling to and from Saudi Arabia, yet Mr. Al-Omary permitted her to spend only a few hours with Heidi during that trip. Prior to that visitation, Ms. McClain had not seen or spoken to her child since she was taken from her from the United States 5 years previously.

During Ms. McClain's first trip to Saudi Arabia in July of 2002, Mr. Al-Omary acted in a verbally abusive manner toward her, took steps to disrupt Ms. McClain's planned visit with her daughter and, in addition, officials at United States diplomatic installations in Saudi Arabia reported at the time that Mr. Al-Omary was uncooperative in arranging United States Consular visits with Heidi.

At one point following Ms. McClain's visit to Saudi Arabia, Mr. Al-Omary demanded the United States Government send him a letter of appreciation for allowing Ms. McClain to visit her daughter who he had kidnapped before he would authorize future United States State Department welfare-and-whereabout visits with their daughter Heidi.

Thankfully, our Government did not send Mr. Al-Omary a thank-you note, and a subsequent welfare-and-whereabout visit did occur after pressure was applied by United States and Saudi officials.

In May of 2003, after months of preparation by Ms. McClain, my office, and the Vice President, Ms. McClain and Heidi's two adult siblings were permitted to travel to Saudi Arabia to see Heidi a second time. Ms. McClain was permitted greater access to her daughter compared to the first visit, but Mr. Al-Omary refused to grant a simple request to spend time alone with her daughter. Ms. McClain is now making preparations for a third trip to Saudi Arabia to visit her daughter again this summer.

I believe in communicating. I believe in working hard to get along. Visitation and communication between the left-behind parent and an abducted child is important and should be encouraged. However, after more than 7 years we ought to do a little bit more than just talking about more travel dates and more plane tickets. We should be talking about bringing a young American citizen home.

For too long, it seems, the U.S. Government's goal in difficult cases such as this has been to simply maximize visitation and contact between U.S. parents and their abducted children in an effort to avoid confrontation with foreign governments. We know there are sensitive situations and sensitive relationships with countries all across the globe, but you do not gain respect until you demand respect in the relationships that you hold.

We in no way have acted aggressively enough in demanding the respect for the laws of our land and the citizens, particularly Heidi, who are being held against their will.

It is safe to say that I am not satisfied with the approach of just another plane ticket and just another travel date. I firmly believe our policy should be aggressively to seek recovery of abducted children, especially when they are taken to a country in which women, regardless of their age, never achieve independence—a right we cherish as Americans and we fight for.

In Saudi Arabia, women and girls are under the complete control of their fathers, husbands, or other close male relatives their entire lives. According to the State Department's Country Report on Human Rights Practices most recent edition which was released in February of this year, all women in the country are prohibited from driving and were dependent upon males for transportation. Likewise, women must obtain written permission from a male relative or guardian before the government would allow them to travel abroad. The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens of Saudi Arabia and to the minor and single adult daughters of Saudi fathers.

The report goes on to say that women have few political or social rights and were not treated as equal members of society. Women are restricted in their use of public facilities when men are present. For example, women must enter city buses by separate rear entrances and sit in specially designated sections.

Further, under Saudi law, women may not be admitted to a hospital for medical treatment without the consent of a male relative. However, according to the report, this was not always enforced, thank goodness.

Perhaps most troubling to me is that arranged marriages at an early age are socially acceptable in Saudi Arabia. Heidi is a young lady. She left here as a child, abducted, taken against her will, and against our law. This summer, she turns 13. I am increasingly concerned that she may be deprived of any meaningful choice about who she marries and when she bears a child. Ultimately, Heidi's ability or inability to exercise control over these most personal matters may very well determine if she is ever able to return to her rightful home in the United States.

I recognize the issue of international child abduction is not limited to Saudi Arabia. However, the status of female abductees in the Kingdom is quite unique since, under Saudi law and custom, women have very limited autonomy and may never, ever have a meaningful opportunity to leave, even as adults.

As I mentioned earlier, I focused my attention on this issue because I don't believe our Government is doing everything it can to stand up for the rights of American citizens such as Heidi. After studying the history of Heidi's case and others, I have sadly concluded that our own Government has failed to stand up for Heidi and others such as her. Perhaps most telling in this case is that even though Heidi is a U.S. citizen and was kidnapped in August of 1997, our Government did not formally ask that she be returned until October of 2002. To me, that is inexcusable. It is why I think our Government owes this young girl an extra effort now, when she is most vulnerable, about to turn 13, about to have life-threatening decisions made for her without her consent, and without any of her emotional input.

To bring greater attention to this issue, in June of 2002, all 13 women Senators who were Members at the time sent President Bush a letter, asking him to take up the cause of American women and children held against their will in Saudi Arabia. I received a response to this letter from the then-Secretary of State Colin Powell in November of 2003. And that was 18 months after 13 women Senators wrote to this administration specifically addressed to the President of the United States. I only heard from the Secretary of State after I had placed a hold on the nomination of James Oberwetter to be our Ambassador to Saudi Arabia. In his letter, Secretary Powell stated that the State Department is committed to recovering abducted children and will continue to seek the return of abducted children such as Heidi.

Over the past several years, I have also met with multiple members of the administration, submitted written questions to nominees to the positions in the administration who have jurisdiction over these matters.

In 2002, in 2003, Assistant Secretary of State for Consular Affairs Maura Harty stated in meetings with me, in public testimony, in response to my written questions, that the return of abducted children is a priority and it is the State Department's goal and our Government will continue to press to recover abducted children.

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In April of 2005, USTR nominee ROBERT PORTMAN made a commitment to me at his confirmation hearing this month and in written responses to my written questions to work with me in collaboration with the State Department to address this issue.

It sounds like more plane tickets. It sounds like just more dates and more plans for visitation, eliminating that mother's opportunity to share the kind of time with her child that each one of us has enjoyed.

Finally, last week, I wrote President Bush prior to his meeting on Monday with Crown Prince Abdullah in Crawford, TX, asking him to raise this issue. I do not know who else to write in the administration. I do not know who else to appeal to. I do not know who else to sit around waiting for an answer from on an issue that could not be more important, our children—not just my children, not just your children, Mr. President, not just the children of other Senators, but children of this Nation.

I continue to be in contact with the White House, and I welcome the opportunity to work with them in resolving this matter. But as my colleague from Delaware came to the floor, and having asked for the last 2 or 3 years for a working relationship that might bring about results, I come to the floor tonight with a heavy heart, disappointed in the response I have gotten over the last 3 years but hopeful, because a mother's heart is always hopeful, just as the mother of that child's heart is hopeful every time I talk to her. Every time I talk to her, she never gives up.

I know officers at the State Department who have responsibility for abduction and wrongful retention cases work hard. I know they do. I know they care about the children involved. I am not doubting that. I am not frustrated with them because I know their hands are tied. They take their instructions from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of results in this case and our Government's apparent policy of not rocking the boat when difficult-to-solve cases like Heidi's linger in limbo indefinitely. I know our Government has said repeatedly that the return of abducted children is a priority, but it is just not a big enough priority. I do not think we have done everything we can in this case, which brings me back to the nomination now pending before the Senate.

When countries such as Saudi Arabia ask our Government to grant favored trading status, I think it is only appropriate to step back and consider all facets of our relationship and foreign policy goals before we hand them the cookie jar.

I have already discussed in some detail the letter I wrote to Ambassador Zoellick in May of last year. Since that time, in September of 2004, I think it is important to note that the Secretary of State has designated Saudi Arabia as a country of particular concern in the State Department's annual International Religious Freedom Report. So according to the administration, Saudi

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I have already discussed in some detail the letter I wrote to Ambassador Zoellick in May of last year. Since that time, in September of 2004, I think it is important to note that the Secretary of State has designated Saudi Arabia as a country of particular concern in the State Department's annual International Religious Freedom Report. So according to the administration, Saudi

Arabia's record in this area is getting worse, not better. This status is reserved for a handful of governments that have "engaged in or tolerate particularly severe violations of religious freedom." Respect, Mr. President, respect for our faith and for other faiths—just as we try desperately in our country to respect those.

According to the State Department's report on Saudi Arabia:

> Freedom of religion does not exist. Citizens are denied the freedom to choose or change their religion, and noncitizens practice their beliefs under severe restrictions.

Further, the report states that Saudi custom officials routinely open mail and shipments to search for contraband, which includes the Bible.

As my colleagues may also be aware, under this designation, the President is supposed to choose from a menu of sanctions stipulated by Congress, which raises questions in my mind about why we should be sanctioning Saudi Arabia on one hand while trying to reward them with a trade deal on the other without evidence of meaningful improvement.

When I inquired this week about the status of sanctions on Saudi Arabia under this law, I was told that even though the deadline established in the statute to make a decision passed on March 15, no decision from this administration has been announced.

I truly regret that Congress does not have the opportunity under current law to vote on a bilateral trade agreement relating to Saudi Arabia's accession to the WTO. I think that could make a real difference with a country such as Saudi Arabia, and it would significantly enhance our Nation's ability to make meaningful progress on many of our foreign policy goals.

To put this into a little different context, I point out what I see as a direct contradiction in our trade policy specific to congressional review of certain countries. I will use the country of Ukraine as a good example. Many of you remember the moving address before a joint session of Congress by the brave new President of the Ukraine just a few weeks ago. We heard him. In his address, he asked, pleaded that Congress graduate his country from what is known as Jackson-Vanik—a procedural step taken by Congress before any former Communist country receives the most favored trading relationship with the United States; a procedural step that is proving to at least get the attention of the Vietnamese Government, that is working desperately within the next year, hopefully; a procedural step that Saudi Arabia does not have to overcome; a procedural step unavailable to Members of Congress to have their legitimate concerns addressed.

We will not have a vote when it comes to their being rewarded with membership to the WTO. And sadly, the only votes we really have much of any say over are these nominations, when we put holds on the names of very capable individuals who want to serve this country. But without that vote, our concerns will be left to Congressman PORTMAN and the administration to raise. So that is why I am here in the dead of the night, to put into the RECORD and, hopefully, into the hearts and minds of the few people who are left listening that these nominations are important, and we do believe in these individuals to have great capabilities, but oftentimes they are not allowed the authority to exercise that.

Given all these issues I have highlighted—the Arab boycott of Israel; terrorism financing, which is costing us more and more in Iraq; the lack of religious freedom; and the lack of respect Saudi Arabia has shown for our laws and its citizens—for the life of me, I cannot understand why we are in such a hurry to walk down the aisle on this trade agreement. What is going on?

Most of the Members of this body know me pretty well. I am not trying to be ugly. But I think someone must stand up and tell the truth. Our policy with the Kingdom of Saudi Arabia is go along to get along, even when the rights of American citizens and fundamental principles such as equality and freedom that define what is good about our Nation are sacrificed.

As a proud mother of twin boys, I try hard to make sure they understand that actions in life are based on priorities. They are based on choices that each of us has to make. But without a doubt, the choices we make and the actions we take have real and substantive consequences and can have ramifications far beyond a single issue or event. I try so hard to teach them that friendships are based on mutual trust and respect.

To all of those nations across this globe, who are our neighbors, we want desperately to build on our friendships. But if those friendships are to be long lasting and to be worthwhile, they must absolutely be built on respect.

I do not advocate severing our relationship with Saudi Arabia. Neighbors and friends are important to have. Whether you grew up in rural America, as I did, and depend on them to help you bring your crops in or to raise your children or to just get you through the month, it is important to be a good neighbor, and it is important to have good neighbors. But it is hard to have that relationship if you don't ask of them the kind of respect that allows you to depend on one another.

As I said, I don't advocate in severing our relationship with Saudi Arabia. I hope we can reach out. But until this administration takes those steps, starts to answer our letters and our phone calls, and makes a few attempts in reaching out to Saudi Arabia, the leaders of that nation, to express to them how important our children are to us, we have a problem. I do believe we need to step back and fully consider the values we cherish as Americans as we move forward into the future. This is a very real place where it has to begin.

I appreciate the patience of the Chair, and I yield the floor.

The PRESIDING OFFICER. Are there other Senators seeking to yield time? Does the Senator from Arkansas yield back the remainder of her time under the previous order?

Mrs. LINCOLN. I yield back the remainder of my time.

Mr. GRASSLEY. Mr. President, I rise in strong support of the nomination of ROBERT PORTMAN to be our next United States Trade Representative.

Congress first mandated the appointment of a special representative for trade negotiation in 1962. Since that time, our trade representative has played a vital role in shaping much of our international economic policy. Today, it remains an important position that requires a unique blend of technical and political skills for success.

In that regard, we are fortunate to have ROB PORTMAN as the President's nominee. Congressman PORTMAN has a strong commitment to public service, having served the people of Ohio in the House of Representatives for the past 12 years. His thoughtful consideration of complex issues and his determination to achieve sound public policy have made him an effective leader. He has played major roles in pension, tax, and IRS reform. He is well known for his leadership in the fight against drug abuse. And, as a member of the Ways and Means Subcommittee on Trade, Congressman PORTMAN has been intimately involved in a number of key international trade policy initiatives.

There is strong support for the nominee among the business and agriculture communities. In an open letter sent to Congress on April 18, literally hundreds of companies, associations and Chambers of Commerce expressed their desire to see Congressman PORTMAN confirmed as the next United States Trade Representative, noting that he "is the right person for the job. During his six terms in the U.S. House of Representatives, he has distinguished himself as a thoughtful and respected leader on international trade and investment issues. Moreover, he has demonstrated a spirit of cooperation that will be essential in the months ahead as Congress considers many trade issues on its agenda.

Similar sentiments are expressed by over 60 representatives of the agriculture sector. In a letter dated April 19 they note that "Representative Portman has long championed bipartisan solutions to trade" adding that he "will bring tremendous talent and experience to this important post. We applaud Representative Portman's deep commitment to enforcing trade agreements and believe his desire to achieve meaningful results for American agriculture and agribusiness is precisely the leadership that is needed in the dynamic and sometimes difficult to navigate world of agriculture trade."

There is strong interest in moving this nomination quickly. There are a number of important events coming up over the next few weeks including a meeting of the World Trade Organization ministers in early May. So, I hope we will be able to confirm this nominee quickly.

There is a long tradition of legislative and executive branch cooperation on international economic policy. The importance of working together became most evident following the passage of the Smoot-Hawley Tariff Act of 1930 which helped plunge our economy into the Great Depression. In 1934 President Roosevelt recognized that high tariff barriers were strangling our economy. To spur economic growth, he sought and received legislative authority to negotiate reductions in tariff barriers.

That bill, the Trade Agreements Act, embodied the basic partnership between the legislative and executive branches of Government that we know today as Trade Promotion Authority. It is a partnership that has served this Nation well for the better part of the last century, and hopefully will continue to do so for the next.

But the battle for economic freedom is far from over. We cannot afford to return to the tyranny of tariffs embodied by Smoot-Hawley. Decisions we make in the near future on economic policy will have a significant impact on generations to come. They are decisions we cannot take lightly. Strong leadership at the Office of the United States Trade Representative is key. Congress will soon be considering free trade agreements with Central America, the Dominican Republic and Bahrain.

We also have a number of important bilateral and regional negotiations underway that will bring significant benefits to the U.S. economy. And, perhaps most important, are on-going negotiations at the World Trade Organization. Successfully concluding these negotiations and ensuring their implementation will take a skilled champion of America's interests. I am confident that ROB PORTMAN will effectively fill that role.

I hope my colleagues will join me in strongly supporting Congressman PORTMAN to be our next United States Trade Representative.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 28, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, April 28, 2005.

Hon. EVAN BAYH,
U.S. Senator,
Washington, DC.

DEAR SENATOR BAYH: As you know, the Senate Finance Committee will be holding a hearing on U.S.-China trade relations before July 15th. As a co-sponsor of legislation to apply countervailing duty laws to non-market economies such as China you will be invited to testify at this hearing. I share your concern about China's use of subsidies and their potential impact on manufacturing and other workers in our economy. The hearing will be an important opportunity to fully air this issue and analyze the best possible policy solutions to the problem including statutory application of countervailing duty laws to non-market economies as proposed by S. 593, the "Stopping Overseas Subsidies" Act.

Since we will have a full discussion of the many pressing issues surrounding U.S.–China trade relations prior to July 15th, I appreciate the fact that you agree it will not be necessary to offer an amendment or to seek a stand alone vote on this issue prior to review by the Senate Finance Committee at this hearing.

I appreciate your interest in this issue and look forward to continuing our discussion on this important and timely topic.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

Mr. BUNNING. Mr. President, I rise to urge my colleagues to support the nomination of ROB PORTMAN to fill the post of U.S. Trade Representative. I have been privileged to work with ROB for over 10 years.

As my colleagues know, ROB represents the Cincinnati district which is just over the river from my home in northern Kentucky. Over the years, ROB and I have developed a strong professional relationship as we worked together on issues important to the northern Kentucky-Greater Cincinnati region and the Nation.

But just as importantly, I am honored to be able to call ROB PORTMAN my good friend. My wife Mary and I have come to know ROB, his wife Jane, and their children quite well over the years and we admire and respect them.

So I come to you as someone who knows ROB PORTMAN as well as any other Member of Congress to tell you that President Bush could not have picked a better man for this job. ROB is one of the smartest guys in Washington and he combines that intelligence with sound judgment and a strong moral compass.

We are all aware of ROB's ability to work in a bipartisan manner to accomplish legislative goals. I am confident ROB will bring this ability to build bridges to his job as the U.S. Trade Representative—a job where bridge building is integral to success.

I can't think of anyone that I would rather have representing our country to the world, and I urge my colleagues to act favorably and quickly on his nomination.

Mr. HATCH. Mr. President, I am delighted to take this opportunity to reaffirm my support for Representative PORTMAN's nomination to become the United States Trade Representative. Throughout his professional career, his work his exhibited one common characteristic: excellence.

From his time working as a young lawyer at a prestigious Washington, DC, law firm to his current responsibilities as a member of the House Ways and Means Subcommittee on Trade, Representative PORTMAN has done much to make a difference in peoples' lives, in no small part by supporting legislation designed to open markets and strengthen trade relationships. He believes that if we are to create a truly stable and prosperous world and strengthen our own Nation's economic position, our trade policy must be based on free trade agreements that open markets to American goods and products.

Representative PORTMAN also shares my belief that it as important to enforce free trade agreements as it is to create new agreements. Without vigilant enforcement of these agreements there remains a possibility of creating a disadvantageous environment for our exports. This is especially true in one of our most important areas, intellectual property. Representative PORTMAN and I have discussed this issue, but I wanted to reiterate its importance by stating publicly how concerned I am about the recent reports that I have heard regarding the increase in intellectual piracy in nations such as Russia and China.

Representative PORTMAN will face many challenges in his new assignment as United States Trade Representative. One of the most immediate will be the Dominican Republic—Central American Free Trade Agreement. As many others, I have concerns about what this agreement will mean for U.S. jobs and how effectively the U.S. can compete in this global marketplace. However, after diligently studying the agreement, I have come to the conclusion that U.S. companies and consumers, including Utahns, will benefit exponentially from this agreement with increased exports to our regional trading partners and lower domestic prices for many goods and services.

As Congressman PORTMAN has pointed out to many of us and as Acting Representative Allgeier discussed during his testimony before the Senate Finance Committee 2 weeks ago, there are a number of advantages for the United States to ratify this agreement. Particularly interesting is that it would reverse the United States' policy of unilaterally affording preferences to Central American goods under the Caribbean Basin Initiative and the Generalized System of Preferences. That means that where once U.S. goods faced trade hurdles, barriers would be eliminated.

Utah exported over $6 million worth of information technology products to

CAFTA nations last year. This treaty will eliminate key distribution barriers in those countries, opening markets to Utah companies in the telecommunications and e-commerce arenas. Utah's farmers will also enjoy access to new markets as CAFTA will immediately eliminate tariffs on wheat, barley, oats and rye. However, despite these advantages we must remain on guard that this agreement and previous agreements are adequately enforced to ensure that American products are fairly treated in these markets.

This is only the "tip of the iceberg" of the challenges that Representative PORTMAN will face. I do not believe that the President could have chosen a better person to create and enforce the extraordinary opportunities afforded by new and existing free trade agreements. Representative PORTMAN's nomination has my full support and confidence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mrs. LINCOLN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, Benjamin Franklin once said: He that would fish must venture his bait.

In America, we have millions of creative women and men and even teens who cast their reels every day in the hopes of catching the American dream. And fortunately we have the most vibrant economy in the world and the Small Business Administration to help them.

This week the Small Business Administration is hosting its annual celebration of America's entrepreneurs at the Washington Hilton. President Bush spoke to the group several days ago in recognition of their tremendous contributions. One of the topics that had been discussed over the course of the week is just how important are small business owners. These innovators create 60 to 80 percent of new jobs nationwide. They generate more than 50 percent of the gross domestic product. Small business owners are the heart of the American marketplace, and their contributions to jobs and productivity are its lifeblood.

In my home State of Tennessee, over 97 percent of all businesses are small businesses. Women-owned businesses generate billions of dollars in revenue and employ tens of thousands of workers. Minority-owned firms, the fastest growing small business sector in America, account for nearly 33,000 small businesses in Tennessee. Elisa Comer, CEO of Eagle's Landing Transcription Service over in Johnson City, TN, has been chosen this year as one of the Small Business Administration's 50 small business people of the year. Elisa's company offers cutting edge electronic technology that improves medical recordkeeping.

This happens to be an issue that in my capacity as a Senator I have worked on very closely. Companies that provide up-to-the-minute medical records technology are crucial to improving patient care, to improving patient safety, and improving efficiency in the medical field. Workers and consumers depend on entrepreneurs such as Elisa to generate jobs and to provide higher quality products and services. And with the help of the Small Business Administration, America's entrepreneurs can get their ideas off the ground and into the neighborhood near you.

Take, for example, the restaurant chain Outback Steakhouse. It may come as a surprise to some, but Outback Steakhouse is not headquartered in Australia. It is headquartered right here in America, down in Tampa, FL. In a little over a decade, Outback Steakhouse has grown from a small restaurant operation into a nationwide phenomenon. In February of 1990, the 2½-year-old company employed approximately 300 people and had a net worth of less than $2 million. That year it received a boost from the Small Business Administration. Ten years later, the restaurant chain employs more than 38,000 people and in 1999 posted revenues of a dizzying $1.6 billion. Outback has restaurants in 48 States and 13 countries as far away as Seoul and Rio de Janeiro.

Another dazzling example of the Small Business Administration's catalytic effect is Staples. It started as a single office supply store in Brighton, MA, in 1986. The office supply store is now the country's largest operator of office superstores. Staples employs 58,000 people and has annual gross sales of $11.6 billion. It even offers products and services to up-and-coming small businesses to help them cut costs.

The Small Business Administration has helped more than 22 million Americans start, grow, and expand their businesses. It has become the Government's most effective instrument for economic development. With its help, small companies have grown from a handful of employees into thousands.

The SBA is just one part of our efforts to support job-creating policies. In 2003, the Jobs and Growth Tax Relief Act we passed provided more than 25 million small business owners with tax relief totaling $75 billion. In fact, small businesses received 80 percent of the benefits of the reduction of the top marginal tax rate. The tax relief package quadrupled the amount small businesses can expense for new capital investments, which will lead, and has led, to new investment in technology and machinery and other equipment. It phases out the Federal death tax, ensuring that family business owners are able to leave their businesses to their families or key employees.

These policies are helping to create new jobs and increase productivity and make every consumer's dollar go farther. Remington's electric shaver magnate Victor Kiam once observed:

> Entrepreneurs are simply those who understand there is little difference between obstacle and opportunity and are able to turn both to their advantage.

I commend my fellow citizens who possess this talent to turn obstacles into opportunity, not only to their advantage, but also to the advantage of us all. Their risk-taking and creativity help keep America moving forward.

THE PAST MONTH

Mr. FRIST. Mr. President, there are a few comments I will now make on the past month. Indeed, it has been a productive month in the Senate and I do want to thank all of my colleagues for their hard work and diligence over the course of the last several weeks. It has been an almost unbelievably eventful time on the world stage, first and foremost with the passing of Pope John Paul II. None of us will ever forget hearing the news of his death and feeling that we were in some way fortunate to be witnesses to a moment and to an era that will change and instruct history for generations. Nor will we ever forget our pilgrimage to the Vatican to pay our respects to the Pope and his extraordinary life. Millions of Catholics and non-Catholics alike were touched by this great man. He influenced more lives than kings and Presidents before him.

I believe I speak for all in welcoming his successor, Pope Benedict XVI, the new leader of the Catholic Church. He is a man of great compassion and integrity, and I believe that, like John Paul before him, Pope Benedict will spread God's message of peace and be an inspiration to millions.

We also witnessed on the world stage the historic withdrawal of Syrian troops from Lebanon. Next week, I will be traveling there to see firsthand the changes that are being brought. Democracy is on the march. We are witnessing history in the making. After some months of difficult negotiation, the Iraqis have formed a new transitional government from the fruits of their first true elections. This is tremendous news. Prime Minister al-Jaafari deserves great credit for including a cabinet consisting of the great diversity of Iraq's population.

The Iraqis are a brave and determined people. January 30 proved that truism vividly and beyond a doubt. My heart goes out to the Iraqi people as they give shape to that first true democracy in the heart of Arab Middle East. They are an inspiration to their brethren and to all of us who strive for freedom. These are perilous times, but they are hopeful times. The United States can stand proudly before the world for our efforts to spread freedom, our ideals, our principles, our efforts, and our blood to free millions of people the world over. And this body, the Senate, has been instrumental in advancing America's interests in a myriad of ways, concrete and symbolic, empowering and inspiring.

This week, after 2 weeks of debate, we passed legislation to fund our men and women in uniform who are fighting for freedom, and to fund our humanitarian outreach to the December tsunami victims. We will continue to supply all necessary resources to keep our military strong.

During this session, we also confirmed Ambassador John Negroponte as Director of National Intelligence. Mr. Negroponte will be responsible for overseeing the entire intelligence community. It will be his job to keep America safe by bridging the gap between our 15 intelligence agencies and improving information sharing between agencies. I am confident that, as our new Director of Intelligence, Mr. Negroponte will work hard to make the reforms necessary to help keep America safe.

Tonight, we have approved the final two members of the President's Cabinet, ROBERT PORTMAN to be USTR and Steve Johnson to the EPA. The President's Cabinet, as of a few minutes ago, is now complete.

Of course, tonight we had the budget. I congratulate Chairman JUDD GREGG. This, as I mentioned earlier this evening, is the fifth quickest conference report on the budget in history. The budget addresses spending head on. It is a strict budget from a fiscal standpoint. It addresses the short-term deficit by holding down discretionary spending, cutting the deficit in half in about 4 years. It addresses the outyear deficits driven by entitlements. It reinstitutes the enforcement mechanism that will discipline spending. It is a fully transparent budget that accounts for the true war costs over the next year.

I look forward to returning to our work when we return from the recess. I am confident that with bipartisan determination we will get further work done. It has been an eventful month—a month of global and history-changing events. I am proud that under the leadership of President Bush, America has been at the forefront of freedom.

Over the recess, I will have the opportunity to travel to the Middle East to witness many events and learn firsthand the challenges facing the region—more specifically, the progress of the Israeli and Palestinian peace process. We will meet with key Israeli leaders in Israel and travel to Ramallah in the West Bank to meet with President Abbas and members of his Government.

We will also meet and listen to other voices in order to hear a wide range of views. Our goal is to listen and explore how we can help move the process forward and advance the cause of democracy.

We will also be visiting Jordan and Egypt, two important players in the Middle East peace process. They have endorsed the roadmap to peace and have shown by example that Arab peoples can live side by side with Israelis. They are also close friends of the U.S. and are allies of the global war on terrorism. Both countries are also pursuing much needed reforms. More needs to be done, not just because it is in our national security interest, but because it is in their people's interest. Transparency, continued movement toward democracy, economic freedom, and prosperity should be the goals of all governments in the region.

In all of these stops, we will meet with real, everyday people and see these cities and countries in action, whether it be visiting hospitals in Jerusalem or shopowners and business people in the West Bank.

Finally, we will also travel to Beirut to meet with key opposition leaders and current government leaders. Our goal is to underscore our unwavering position that all Syrian intelligence and military personnel must leave Lebanon. Elections must be held on time and the Lebanese people must determine their own future through free and fair elections. The United States stands firmly behind the Lebanese people.

In closing, I wish my colleagues a safe and productive recess and look forward to resuming our work when we return.

FREEDOM

Mr. FRIST. Mr. President, this past weekend millions of Jews around the world celebrated the beginning of the Passover holiday. Gathered at Seder tables with family and friends, they commemorated the Israelites' exodus from Egypt almost 4,000 years ago.

Jewish law dictates, however, that the Jewish people must do more on Passover than merely remember their ancestors' time in bondage. They must strive to reenact the experience.

Using matzah and bitter herbs, the Seder is an endeavor to recreate the past. To literally taste the bitterness of slavery and the sweetness of freedom.

It is also an opportunity to sharpen awareness of an alarming yet oft-overlooked truth: that millions of men, women and children around the world are still enslaved and have yet to know freedom.

Ultimately the Passover Seder is a modern call to action. It reminds that until all people know the joy of freedom, none of us is truly free.

Many Jews use the Seder not only to celebrate the value of freedom, but to call attention to regions of the world where the spirit of slavery lives on in places like Darfur, Sudan.

For over 2 years now, the Darfur people have been terrorized by violence. Millions have been oppressed by threats of death and destruction. Meanwhile, untold numbers of refugees have fled across the scorched earth, seeking refuge from their taskmasters.

The genocide that rages on in Darfur is a modern derivative of slavery. With the support of the Khartoum Government, Janjaweed militia groups commit mass looting, raping and violence inspired by ethnic hatred.

A recent analysis by the coalition for International Justice indicates that nearly 400,000 civilians have died since the conflict began 2 years ago. Over 140,000 have been killed by Sudanese Government forces. And an estimated 250,000 Darfur civilians have perished from disease and starvation stemming from displacement.

Recently, there has also been a disturbing trend of intimidation directed at aid workers in the region. The Red Cross reports that attacks on aid convoys in Darfur have increased in recent weeks. And last month, a USAID worker was intentionally shot point blank in an attempt to thwart humanitarian efforts and spread fear and intimidation.

Having personally visited the refugee camps on the Chad-Sudan border and met with survivors, I know that millions of our brothers and sisters are still crushed under the yoke of slavery and fear. Millions of them still do not know what it means to be free.

Nobel laureate Elie Wiesel recently commented that "All are entitled to live with dignity and hope. All are entitled to live without fear and pain. Not to assist Sudan's victims today would for me be unworthy of what I have learned from my teachers, my ancestors and my friends, namely that God alone is alone: His creatures must *not* be."

We must reject this form of slavery by oppression. We must stop the killings. The death toll will only rise without immediate, convincing and unified intervention by the international community.

It is our obligation as free people to bring hope and banish repression.

And it is my belief that we should use the message shared by the Passover story, and, indeed, the wisdom of all traditions, to guide us wisely on our Journey.

MOTHER'S DAY

Mr. BYRD. Mr. President, Washington, like most of the Nation, is awash in green. Lawns are lush and verdant. The new leaves on the trees are bright green, soft, and whole—not yet the tough, sun- and insect-scarred veterans of late summer, but as delicate as a baby's skin. The dogwoods and lilacs are blooming, and the azaleas are putting on their magnificent show. In a few days, it will be May. May is a beautiful month in the Nation's capital, just as it is in the hills of West Virginia. It is, perhaps, the most beautiful month. It is a gentle, nurturing month, full of tenderness and promise.

It is fitting that such a month be graced with a day to honor mothers. Sunday, May 8th, is Mother's Day. On this day, tender thoughts of affection and gentle acts of kindness and appreciation are showered upon our mothers, who have sustained us all with their gentle hands, warm hearts, and forgiving natures.

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and science. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices and tantrums. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through problems, but at home, as mothers, we depend on their faith and support to find solutions for our problems.

Next weekend, mothers will be feted with cards, flowers, and Sunday brunches. They will begin to get some of the backlog of hugs that are their due, a down payment on the debt of gratitude we owe them for taking on such a monumental task. The only instruction that women receive on how to be a good mother comes from their own mother. It is a remarkable achievement that so many women learn this complex job so effortlessly, and manage to perform it so well. Women from around the globe, women who will never break a world record, invent a new technology, discover a new fact, will share with those record breakers in the phenomenally important job of motherhood. Society utterly depends on how well mothers and fathers manage the task of parenting. It is a heavy responsibility to lay upon such rank amateurs.

I can well recall the early days of my own marriage. I have been blessed to have been married to the same kind and forgiving woman for almost 68 years. We are now proud great grandparents. But nearly seven decades ago, we were the rankest of amateurs at marriage and parenthood. Erma has always been my touchstone. Her faith in me has never wavered, and she took to mothering me as effortlessly as she took to mothering our daughters. In Erma Ora James Byrd runs the blood of a great line of mothers—fierce in their devotion to their families, vigilant in their care, loving in their manner.

That same fierceness, vigilance, and devotion can be seen in women who bring their mothering skills to the office as well. I am so often impressed at the energy and ability of working mothers. Their ability to focus on their two big jobs—work and family—takes real dedication, precise time management, and grueling endurance. Single mothers require those qualities in even greater measure. They often do not have someone who can help with the homework, share in the driving to school and practices, take turns staying home with sick children, put the children to bed or read them stories, or do any of the so-called "father's jobs" of taking out the trash, mowing the lawn, fixing the car, or even drying the dishes. It takes superhuman strength to keep up that level of effort at home while still earning a living. I do not think that, as a society, we have made it easy for mothers, and especially for single mothers, to do their twin jobs. We need to find better ways to help women balance work and motherhood. We need their skills and talents in the workforce, but we also need their skills and talent at home, building our Nation's future.

I know of some women, in West Virginia and throughout the country, who have found themselves in the single mother category after the tragic loss of their husbands in battles in Afghanistan and Iraq. They have had to deal with their own and their children's grief, the loss of their husband's income, and making a new home for themselves outside of the military, plus the sudden loss of their partner in childrearing. They and their children should not be forgotten after the furled flag is handed to them at a military funeral. We deservedly call their husbands heroes for the sacrifice they made for our Nation, but their families are left to be heroes each and every lonely day thereafter. They need and merit the support and comfort from all of us, on Mother's Day and every day.

Children are sometimes, and rightly, referred to as our greatest national treasure. They are our future, the great hope for the continued success and enduring values of our Nation. But if that statement is true, then it is also true that good mothers are our Nation's greatest national resource. Without mothers dedicated every day to this monumental task, our future would be bleak indeed. Though the Senate will not be in session next week, I am proud to call attention to the coming of Mother's Day. I hope that others will join me in applauding the noble calling of motherhood, and in recognizing the hard work and love that mothers demonstrate day after day.

I would like to close with a poem by Strickland Gillilan, called "The Reading Mother," as it speaks to the simple, lasting gifts that mothers give their children.

THE READING MOTHER

I had a Mother who read to me
Sagas of pirates who scoured the sea,
Cutlasses clenched in their yellow teeth,
"Blackbirds" stowed in the hold beneath.

I had a Mother who read me lays
Of ancient and gallant and golden days;
Stories of Marmion and Ivanhoe,
Which every boy has a right to know.

I had a Mother who read me tales
Of Gelert the hound from the hills of Wales,
True to his trust till his tragic death,
Faithfulness blent with his final breath.

I had a Mother who read me the things
That wholesome life to the boy heart brings—
Stories that stir with an upward touch,
Oh, that each mother of boys were such!

You may have tangible wealth untold;
Caskets of jewels and coffers of gold.
Richer than I you can never be—
I had a Mother who read to me.

MR. GEORGE FUMICH, AN OUTSTANDING WEST VIRGINIAN

Mr. BYRD. Mr. President, I want to take a few minutes to say goodbye to a remarkable friend, and an outstanding West Virginian, Mr. George Fumich, who passed away last week.

George Fumich was born in Pennsylvania, but he grew up in Morgantown, WV, and graduated from the West Virginia School of Law. Like so many who come to our State from elsewhere, he developed a passion for West Virginia that lasted a lifetime.

As an officer in the United States Army during World War II, he served in the Italian campaign. His division was the first to move into Rome and was instrumental in the liberation of that magnificent city from Nazi occupation. He was later captured by the Germans in Northern Italy, but Italian partisans liberated him from his Nazi captors.

For his distinguished military service, George Fumich was awarded two Bronze Stars, a Silver Star, the European African Middle Eastern Service Medal, a POW medal, and as Presidential Unit Citation.

After the war, Mr. Fumich became corporate counsel for the Christopher Coal Company, and then began a successful political career. His political accomplishments included being elected to the West Virginia House of Delegates and serving as Senator John F. Kennedy's campaign manager for northern West Virginia during the historic 1960 West Virginia Democratic primary.

After Kennedy's election, Mr. Fumich began a successful career with the Federal Government. He served as Director of the Office of Mineral Exploration at the Department of Interior, as the first Director of the Office of Coal Research at the Interior Department, and from 1975 to 1977, he was the Director of Fossil Energy at the Energy Research and Development Administration. In 1977, he was appointed Assistant Secretary for Fossil Energy at the U.S. Department of Energy.

After leaving the Federal Government, he was appointed Dean of the College of Mineral and Energy Resources, and then served as president of George Fumich Associates, an energy consulting firm.

His interest in coal, his love of West Virginia, and his devotion to West Virginia University all merged. Over the years, it has been rare to attend any event at which the coal, the State, and the university converge, without seeing George Fumich. He was an enthusiastic booster of anything he set about to promote, yet he had a gentle way about him that earned the trust and respect of others.

I will miss seeing George making the rounds at coal events here in Washington. His was a remarkable career for a remarkable man. This kind, brave and honorable man had been a military officer, a politician, a POW, a dean, an administrator, an attorney, a politician, and a Federal official. But above all else, he was a loving and caring father and husband who will be deeply missed by his multitude of friends, and his wonderful family, of which he was so proud.

West Virginia University alumni have lost an energetic supporter for all things WVU. The people of Clarksburg and Morgantown have lost a good neighbor. The State of West Virginia has lost an outstanding citizen. I have lost a dear friend.

My wife Erma and I extend our deepest heartfelt condolences to his wife of 46 years, Marie Fumich, and their children and grandchildren.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DURBIN. Mr. President, I rise to honor the memory of the victims of the Armenian genocide.

This week marks the 90th anniversary of the beginning of the genocide that ultimately took the lives of one-and-a-half million Armenian men, women and children. On April 24, 1915, 200 Armenian religious, intellectual and political leaders in Constantinople were arrested by the Government of the Ottoman Empire and murdered. It was the beginning of the first genocide of the 20th century, and it continued until 1923. It was a vicious, organized crime against humanity that included murder, deportation, torture and slave labor.

The Armenian genocide was followed by a concerted effort to destroy any record of the Armenians in Asia Minor, including the destruction of religious and cultural monuments, and the changing of place names. I am saddened that there are those who would prefer to forget the Armenian genocide. To ignore it is to desecrate the memory of those who lost their lives. And such denial sends the message that genocide will be tolerated by the world.

To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

As we remember those whose lives were brutally taken during the Armenian genocide, we also pay tribute to the survivors, the living testimony of this historic crime, and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain the wisdom and knowledge necessary to ensure that we can prevent its repetition.

Recognizing the Armenian genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan. As we pause to reflect upon this grievous example of man's inhumanity to man, let us honor the victims of the Armenian genocide and all crimes against humanity by not only acknowledging their suffering, but by acting to halt similar atrocities that are occurring now before our very eyes.

HONORING QUINCY, IL, MAYOR CHARLES W. SCHOLZ

Mr. DURBIN. Mr. President, I would like to take a moment to tell you about a friend of mine.

Chuck Scholz has three great loves in this world: his family, his faith and his community, Quincy, Illinois. On May 2, after 12 years as Quincy's mayor, Chuck Scholz is stepping down.

It was clear from his earliest days as mayor that Chuck Scholz was a leader. Days after he was sworn in, the Great Mississippi River Flood of 1993 deluged Quincy and many other towns up and down the Mississippi. Even when the flood waters made the bridges connecting Quincy to West Quincy, MO, impassable—leaving the region isolated—Chuck Scholz never panicked. He led a relief effort that brought together Federal, State, and local resources. After the flood waters receded, he worked with communities in three States to lay the foundation for cooperative economic development efforts that continue to this day. He turned destruction and despair into focused determination. His influence on Quincy is so positive and so pervasive that today, many of us cannot think of Quincy or western Illinois without thinking of Chuck Scholz.

Chuck is a compassionate public servant and a talented lawyer. He is also an avid Quincy historian. In 1994, he was able to relive an important chapter in Quincy's history when he welcomed President Abraham Lincoln to the city. Actually, it was a very convincing actor who was playing Lincoln in a re-creation of the famous 1860 Lincoln-Douglas Presidential debates in Quincy. The debate was covered live on C-SPAN.

Mayor Scholz also welcomed a living President to Quincy. Hours after President Bill Clinton delivered his final State of the Union Address in 2000, Air Force One touched down at Quincy's Baldwin Field, and President Clinton delivered a speech in Washington Park. That visit and so many other remarkable events—would not have happened without Mayor Scholz's leadership.

The Scholz administration leaves an impressive list of accomplishments, from lowering property taxes to improving city services and enhancing public safety. Working hard and in a bipartisan manner, Chuck Scholz has made the "Gem City" shine even brighter. Quincy is a more prosperous, more vibrant, more beautiful, and more hopeful place than when he first became mayor.

Chuck Scholz is proud of the sister city bonds he helped forge between Quincy and the cities of Hereford, Germany, and Jiaxing, China. He has hosted Presidents, bishops, Supreme killings. The death toll will only rise without immediate, convincing and unified intervention by the international community.

It is our obligation as free people to bring hope and banish repression.

And it is my belief that we should use the message shared by the Passover story, and, indeed, the wisdom of all traditions, to guide us wisely on our Journey.

MOTHER'S DAY

Mr. BYRD. Mr. President, Washington, like most of the Nation, is awash in green. Lawns are lush and verdant. The new leaves on the trees are bright green, soft, and whole—not yet the tough, sun- and insect-scarred veterans of late summer, but as delicate as a baby's skin. The dogwoods and lilacs are blooming, and the azaleas are putting on their magnificent show. In a few days, it will be May. May is a beautiful month in the Nation's capital, just as it is in the hills of West Virginia. It is, perhaps, the most beautiful month. It is a gentle, nurturing month, full of tenderness and promise.

It is fitting that such a month be graced with a day to honor mothers. Sunday, May 8th, is Mother's Day. On this day, tender thoughts of affection and gentle acts of kindness and appreciation are showered upon our mothers, who have sustained us all with their gentle hands, warm hearts, and forgiving natures.

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and science. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices and tantrums. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through problems, but at home, as mothers, we depend on their faith and support to find solutions for our problems.

Next weekend, mothers will be feted with cards, flowers, and Sunday brunches. They will begin to get some of the backlog of hugs that are their due, a down payment on the debt of gratitude we owe them for taking on such a monumental task. The only instruction that women receive on how to be a good mother comes from their own mother. It is a remarkable achievement that so many women learn this complex job so effortlessly, and manage to perform it so well. Women from around the globe, women who will never break a world record, invent a new technology, discover a new fact, will share with those record breakers in the phenomenally important job of motherhood. Society utterly depends on how well mothers and fathers manage the task of parenting. It is a heavy responsibility to lay upon such rank amateurs.

I can well recall the early days of my own marriage. I have been blessed to have been married to the same kind and forgiving woman for almost 68 years. We are now proud great grandparents. But nearly seven decades ago, we were the rankest of amateurs at marriage and parenthood. Erma has always been my touchstone. Her faith in me has never wavered, and she took to mothering me as effortlessly as she took to mothering our daughters. In Erma Ora James Byrd runs the blood of a great line of mothers—fierce in their devotion to their families, vigilant in their care, loving in their manner.

That same fierceness, vigilance, and devotion can be seen in women who bring their mothering skills to the office as well. I am so often impressed at the energy and ability of working mothers. Their ability to focus on their two big jobs—work and family—takes real dedication, precise time management, and grueling endurance. Single mothers require those qualities in even greater measure. They often do not have someone who can help with the homework, share in the driving to school and practices, take turns staying home with sick children, put the children to bed or read them stories, or do any of the so-called "father's jobs" of taking out the trash, mowing the lawn, fixing the car, or even drying the dishes. It takes superhuman strength to keep up that level of effort at home while still earning a living. I do not think that, as a society, we have made it easy for mothers, and especially for single mothers, to do their twin jobs. We need to find better ways to help women balance work and motherhood. We need their skills and talents in the workforce, but we also need their skills and talent at home, building our Nation's future.

I know of some women, in West Virginia and throughout the country, who have found themselves in the single mother category after the tragic loss of their husbands in battles in Afghanistan and Iraq. They have had to deal with their own and their children's grief, the loss of their husband's income, and making a new home for themselves outside of the military, plus the sudden loss of their partner in childrearing. They and their children should not be forgotten after the furled flag is handed to them at a military funeral. We deservedly call their husbands heroes for the sacrifice they made for our Nation, but their families are left to be heroes each and every lonely day thereafter. They need and merit the support and comfort from all of us, on Mother's Day and every day.

Children are sometimes, and rightly, referred to as our greatest national treasure. They are our future, the great hope for the continued success and enduring values of our Nation. But if that statement is true, then it is also true that good mothers are our Nation's greatest national resource. Without mothers dedicated every day to this monumental task, our future would be bleak indeed. Though the Senate will not be in session next week, I am proud to call attention to the coming of Mother's Day. I hope that others will join me in applauding the noble calling of motherhood, and in recognizing the hard work and love that mothers demonstrate day after day.

I would like to close with a poem by Strickland Gillilan, called "The Reading Mother," as it speaks to the simple, lasting gifts that mothers give their children.

THE READING MOTHER

I had a Mother who read to me
Sagas of pirates who scoured the sea,
Cutlasses clenched in their yellow teeth,
"Blackbirds" stowed in the hold beneath.

I had a Mother who read me lays
Of ancient and gallant and golden days;
Stories of Marmion and Ivanhoe,
Which every boy has a right to know.

I had a Mother who read me tales
Of Gelert the hound from the hills of Wales,
True to his trust till his tragic death,
Faithfulness blent with his final breath.

I had a Mother who read me the things
That wholesome life to the boy heart brings—
Stories that stir with an upward touch,
Oh, that each mother of boys were such!

You may have tangible wealth untold;
Caskets of jewels and coffers of gold.
Richer than I you can never be—
I had a Mother who read to me.

MR. GEORGE FUMICH, AN OUTSTANDING WEST VIRGINIAN

Mr. BYRD. Mr. President, I want to take a few minutes to say goodbye to a remarkable friend, and an outstanding West Virginian, Mr. George Fumich, who passed away last week.

George Fumich was born in Pennsylvania, but he grew up in Morgantown, WV, and graduated from the West Virginia School of Law. Like so many who come to our State from elsewhere, he developed a passion for West Virginia that lasted a lifetime.

As an officer in the United States Army during World War II, he served in the Italian campaign. His division was the first to move into Rome and was instrumental in the liberation of that magnificent city from Nazi occupation. He was later captured by the Germans in Northern Italy, but Italian partisans liberated him from his Nazi captors.

For his distinguished military service, George Fumich was awarded two Bronze Stars, a Silver Star, the European African Middle Eastern Service Medal, a POW medal, and as Presidential Unit Citation.

After the war, Mr. Fumich became corporate counsel for the Christopher Coal Company, and then began a successful political career. His political accomplishments included being elected to the West Virginia House of Delegates and serving as Senator John F. Kennedy's campaign manager for northern West Virginia during the historic 1960 West Virginia Democratic primary.

After Kennedy's election, Mr. Fumich began a successful career with the Federal Government. He served as Director of the Office of Mineral Exploration at the Department of Interior, as the first Director of the Office of Coal Research at the Interior Department, and from 1975 to 1977, he was the Director of Fossil Energy at the Energy Research and Development Administration. In 1977, he was appointed Assistant Secretary for Fossil Energy at the U.S. Department of Energy.

After leaving the Federal Government, he was appointed Dean of the College of Mineral and Energy Resources, and then served as president of George Fumich Associates, an energy consulting firm.

His interest in coal, his love of West Virginia, and his devotion to West Virginia University all merged. Over the years, it has been rare to attend any event at which the coal, the State, and the university converge, without seeing George Fumich. He was an enthusiastic booster of anything he set about to promote, yet he had a gentle way about him that earned the trust and respect of others.

I will miss seeing George making the rounds at coal events here in Washington. His was a remarkable career for a remarkable man. This kind, brave and honorable man had been a military officer, a politician, a POW, a dean, an administrator, an attorney, a politician, and a Federal official. But above all else, he was a loving and caring father and husband who will be deeply missed by his multitude of friends, and his wonderful family, of which he was so proud.

West Virginia University alumni have lost an energetic supporter for all things WVU. The people of Clarksburg and Morgantown have lost a good neighbor. The State of West Virginia has lost an outstanding citizen. I have lost a dear friend.

My wife Erma and I extend our deepest heartfelt condolences to his wife of 46 years, Marie Fumich, and their children and grandchildren.

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As we remember those whose lives were brutally taken during the Armenian genocide, we also pay tribute to the survivors, the living testimony of this historic crime, and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain the wisdom and knowledge necessary to ensure that we can prevent its repetition.

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HONORING QUINCY, IL, MAYOR CHARLES W. SCHOLZ

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Chuck Scholz has three great loves in this world: his family, his faith and his community, Quincy, Illinois. On May 2, after 12 years as Quincy's mayor, Chuck Scholz is stepping down.

It was clear from his earliest days as mayor that Chuck Scholz was a leader. Days after he was sworn in, the Great Mississippi River Flood of 1993 deluged Quincy and many other towns up and down the Mississippi. Even when the flood waters made the bridges connecting Quincy to West Quincy, MO, impassable—leaving the region isolated—Chuck Scholz never panicked. He led a relief effort that brought together Federal, State, and local resources. After the flood waters receded, he worked with communities in three States to lay the foundation for cooperative economic development efforts that continue to this day. He turned destruction and despair into focused determination. His influence on Quincy is so positive and so pervasive that today, many of us cannot think of Quincy or western Illinois without thinking of Chuck Scholz.

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Chuck Scholz is proud of the sister city bonds he helped forge between Quincy and the cities of Hereford, Germany, and Jiaxing, China. He has hosted Presidents, bishops, Supreme

Court Justices, and dignitaries from many nations. But his favorite conversations have always been with Quincyans. He loves chatting with local grade school students and rewarding them for good grades with one of his famous red, white, and blue bookmarks.

Retiring as mayor will allow Chuck to spend more time with his wife Becky and his sons Charles and Jake. He will rediscover the law and maybe even spend a bit more time on the golf course or conducting the Quincy Park Band. But I know his service to his hometown will never stop.

As Chuck Scholz prepares to begin this next chapter in his life, I wish him well and I join many others in thanking him for 12 years of remarkable service to his community.

HONORING OUR ARMED FORCES

SERGEANT ROCKY PAYNE

Mr. HATCH. Mr. President, it is with heavy heart that I rise today to honor the life of SGT Rocky Payne, a soldier in the Army's 497th Transportation Group, who bravely gave his life in service to his country. Sergeant Rocky Payne, a native of Howell, UT, was killed on March 16, 2005, in an explosion created by a roadside bomb in the city of Baghdad. Sergeant Payne is a true hero who died defending his Nation and bringing freedom to an oppressed people.

Sergeant Payne's dream of being a soldier was fulfilled when he joined the Marines at the age of 20, serving 4 years. Shortly after the end of his enlistment with the Marines he joined the Army and was again sent to Iraq, this time as a gunner protecting the supply convoys that make our operations in Iraq possible. In honor of his dedication and service he was posthumously advanced to the rank of sergeant.

I have been told that as a young man SGT Payne exhibited an unusual ability to work with his hands. Old bicycles and electronics found new life under his determined resourcefulness. He restored an old rusty truck which hadn't run in years to working condition in only 2 days. Possessing the ability to play piano by ear, SGT Payne apparently could reconstruct a tune he had heard only once and play it on the piano. But it was when his hands were placed in the service of others that they did the most good. "He was a good, good person," his brother is reported as saying. "One of the kindest people you would ever come across." As a soldier SGT Payne fought bravely to ensure that the people of Iraq would one day enjoy freedom from oppression. "He loved serving," said his father in one newspaper story. "He honestly felt like he was helping the Iraqi people."

Sergeant Payne served his country with courage and honor and his loss is one that our entire country will share forever.

RUSSIA'S G-8 PROBLEM

Mr. McCAIN. Mr. President, this summer Russia will assume the rotating leadership position of the Group of Eight nations for the first time. I have expressed my concern repeatedly about the democratic deterioration in Russia and I believe that, unless the Russian leadership makes significant democratic progress, its continued membership in the G-8 should be blocked. Since Senator LIEBERMAN and I first expressed this view in a resolution we submitted in 2003, I have heard similar sentiments from Senate colleagues and individuals outside the Congress. Many observers across the political and ideological spectrum are concerned by Russia's retreat from core democratic principles.

President Vladimir Putin recently delivered an address aimed at reassuring the world that he takes democracy seriously. And while a number of the passages were welcome, others displayed a view of history and of Russia's role in the world that is simply astonishing. I would like to share with my colleagues today's Washington Post editorial that makes this point in detail.

Moscow's commitment to democracy and the rule of law is a vital element of America's relationship with Russia, and with Russia's ties to various multilateral institutions. I hope that the Russian leadership might see that its national interests lie in cooperation, not competition, with democratic countries. I also hope that Russia will change many elements of its policy toward smaller neighbors. Russia has based Russian troops in Georgia and Moldova without the consent of those countries, thereby undermining their sovereignty and violating international law.

If the Kremlin persists in persecuting Mr. Putin's political rivals, cracking down on the free media, and intimidating countries along Russian borders, I believe that Russian chairmanship of the G-8 is entirely inappropriate. Again, I recommend to my colleagues the Washington Post editorial I submit for the RECORD.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 27, 2005]

MR. PUTIN'S VERDICT

What was "the greatest geopolitical catastrophe of the century"? The rise of Nazi Germany? The spread of genocide as a tool of state power? Some might say it was the crushing of a host of nations by the totalitarian Soviet Union, at the cost of millions of lives. But not Russian President Vladimir Putin. For him, the greatest catastrophe was not the Soviet Union's rise but its collapse—an event that freed 14 of those nations, from Latvia to Kyrgyzstan, from Moscow's domination. "The old ideals were destroyed," Mr. Putin lamented during his annual state-of-Russia address on Monday.

Most accounts of Mr. Putin's speech focused on the passages intended for Western consumption: his claim that "the development of Russia as a free and democratic state" is now his highest priority; his assurance to Russian and foreign business executives that their investments will not be seized by rapacious authorities, despite the state's recent confiscation of the country's largest oil company; his announced plans to strengthen political parties and make the state-controlled media more independent.

Yet the former KGB officer's nostalgia for the former Soviet empire seemed as telling as any of his promises. So did his denunciation of the "disintegration" of Russia before he came to power, which he defined as the "capitulation" of granting autonomy to Chechnya and the "unrestricted control over information flows" that allowed private business executives to operate newspapers and television networks. Mr. Putin has reversed both of those liberalizations—in Chechnya's case, by means of an ongoing war that has killed tens of thousands.

The Russian president has a short-term interest in burnishing what even he must recognize as a tarnished image. Early next month he is due to host numerous world leaders, including President Bush, in a celebration of the Soviet victory in World War II. This summer Mr. Putin is due to take over the rotating leadership of the Group of Eight, a club of industrial democracies in which Russia, an increasingly autocratic state that ranks 97th in the world in per capita gross domestic product, is glaringly out of place.

As Mr. Putin acknowledged Monday, his strategy for restoring Russian greatness depends heavily on his ability to attract Western capital and to maintain partnerships with the European Union and the United States.

But Mr. Putin would like to achieve these goals while consolidating the Kremlin's restored diktat and reviving what he called "the Russian nation's civilizing mission in the Eurasian continent." That's why the best measures of Mr. Putin are not speeches but actions. One important test will be his handling of neighbors such as Ukraine, Georgia and Moldova, which have embraced democracy and rejected Mr. Putin's neoimperialism. Will he adjust his approach to those countries, and withdraw unwanted Russian troops from Georgia and Moldova?

Another comes today at the trial of Mikhail Khodorkovsky, the entrepreneur who built the Yukos oil conglomerate and used it to help finance Russia's liberal democratic opposition. For daring to behave as if Russia were the free and capitalist-friendly country that Mr. Putin describes, Mr. Khodorkovsky was arrested and subjected to a show trial, even as his company, Russia's most modern, was broken up.

Today he will receive his verdict; prosecutors have requested a prison sentence of 10 years. The outcome ought to tell the Bush administration and other Western governments something important about a leader who would set the agenda for the world's advanced democracies.

HONORING LAW ENFORCEMENT OFFICERS SLAIN IN THE LINE OF DUTY

Mr. SALAZAR. Mr. President, I am proud to be an original cosponsor of a resolution currently before the Senate commemorating law enforcement officers slain in the line of duty. Every day, men and women all across our nation put their lives on the line to protect our citizens, our families, and our communities. Having served as Attorney General for the State of Colorado, I know first hand how dedicated our law enforcement professionals are, and I strongly believe that one of our Government's most important priorities is supporting these men and women—not only by providing them with the resources they need to get the job done, but by publicly recognizing the truly unparalleled work they do each and every day.

While we frequently commend law enforcement officers for their willingness to put their lives on the line for the safety and security of our citizens, and while we are right to do so, it is still unfathomable when one of these men and women does make the ultimate sacrifice. It is unfathomable that those who volunteer for such noble work, as well as the families who support them, should pay such a price.

Next week, I will be attending a law enforcement memorial event in Colorado. Like the resolution my colleagues and I are submitting today, this annual event commemorates those law enforcement officers slain in the line of duty. This year, we will remember the lives and work of two Colorado law enforcement officers killed in the past year: Deputy Travis Sass of the Larimer County Sheriff's Office, and Deputy William Truesdale of the Jefferson County Sheriff's Office.

In memorializing Deputy Sass, Deputy Truesdale, and others like them across the country, we should remember them not for the tragic way they died, but for the noble way they lived—risking their own lives to protect others. That is why the resolution my colleagues and I are submitting today is so important. As difficult as it is to accept that their lives have been lost, it is imperative that we always remember the contributions they made, and that our dedicated men and women in law enforcement continue to make each and every day.

ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL

Mr. BURNS. Mr. President, today, I join my colleagues Senators CANTWELL, CRAIG, MURRAY, and SMITH, in support of S. 206, the Ice Age Floods National Geologic Trail Designation Act of 2005.

Thousands of years ago, Glacial Lake Missoula broke through its ice dam, releasing cataclysmic floods that forever changed the terrain of Montana, Idaho, Oregon, and Washington. This natural phenomenon is responsible for the unique beauty of western Montana. However, few people know the history behind our rugged landscape.

The Ice Age Floods National Geologic Trail Designation Act of 2005 designates a trail, primarily public roads and highways, from Missoula, Montana to the Pacific Ocean, following the path of the great floods. Through this legislation, the National Park Service is responsible for coordinating public and private sector entities to present the story of the ice age floods to the public.

Many folks in my great State of Montana, including members of the Glacial Lake Missoula Chapter of the Ice Age Floods Institute, look forward to working with the National Park Service in a joint effort to educate the public. Additionally, designation of the Ice Age Floods Trail provides a tremendous opportunity for tourism and economic development in Montana.

I am also pleased S. 206 takes into consideration the concerns of local citizens and private property owners by limiting Federal land acquisition to 25 acres. These acres will be used only for administrative and public information purposes. As always, it is important to me that private property rights are respected and private property owners do not feel threatened by Federal land acquisitions.

I look forward to working with my Senate colleagues to pass this important piece of legislation for not only Montana but the entire Pacific Northwest.

HOSPICE CARE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the following article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tallahassee Democrat, Mar. 28, 2005]

HOSPICE OFFERS PATIENTS EXPERT, COMPASSIONATE CARE

(By Jack D. Gordon)

Watching the Terri Schiavo case unfold, we have gotten an education that many would no doubt rather not get. Through the news media, we've learned the mechanics of feeding tubes, the importance of advance directives and living wills. We've tried to understand the difference between a persistent vegetative state and a coma.

What we haven't really been educated about is the hospice care of Mrs. Schiavo. Lurking dangerously close to the surface of Schiavo controversy, quietly simmering, is the false and dangerous illusion that hospice is a place that hastens death, that it and those who do hospice work are in some way accomplices.

Sure, we have gotten a glimpse of Woodside Hospice in Pinellas Park—we've watched the protestors outside, we've seen photos of the family huddling inside, we've learned that it's where Mrs. Schiavo's feeding tube was removed. But for too many, Woodside Hospice is still one of those mysterious places where people go to die.

Yet hospice isn't "a place" at all. Hospice is a philosophy of care focused on pain relief and symptom management, and hospice is care given mostly in people's homes. It can also be provided in a nursing home, assisted living facility, a hospital, and—or, as in Mrs. Schiavo's case—in an inpatient hospice facility.

No one is ever forced to use hospice care. People either choose hospice care themselves or their health care surrogate, designated as responsible for their best interest, makes the decision. A physician outside of hospice is also involved. He or she must certify that the patient's illness is terminal and that life expectancy is six months or less.

Hospice clinicians are experts at providing comfort in the final months, weeks, days, hours and minutes. In many cases, there is time and opportunity to address family, spiritual and psychological concerns with hospice professionals, who work in teams that include physicians, nurses, social workers, physical therapists, and clergy.

It is not usual for those under hospice care to outlive their life expectancy of six months or less. In a study conducted by the University of South Florida, it was found that persons with cancer who received hospice care lived an average of one day longer than the same patient, by age, gender and diagnosis, who were cared for in acute care facilities such as hospitals.

Our ignorance of hospice isn't so surprising. On our nation's health care timeline, it's a relative newcomer, but it has been gaining in use each year. The first U.S. hospice, an inpatient facility, opened in 1974. In 1978 there were about 1,000 people in the United States who died under hospice care. In 1983, it officially entered the mainstream when it became a Medicare benefit. By 2003, 885,000 people died under hospice care. This year, close to a million people in the United States—or one-third of all who die—will die under hospice care.

Despite its monumental growth, there has been no widespread government outreach effort around publicizing the benefits of hospice care. Hospice physicians and nurses, in the midst of new technologies, therapies, drugs and procedures, march on, quietly accepting what no one to date has successfully escaped—death. They do this by helping the terminally ill die dignified deaths free from artificial life support or ineffective treatments. They employ the latest methods to relieve pain and control symptoms, but their mission is not to cure. Admittedly, in our culture that rejects illness and aging, that's tough medicine for many to swallow.

No matter what your opinion of the Schiavo case, be happy that Mrs. Schiavo is being cared for by people who have helped thousands of people experience a gentle and caring end. And know that the hospice in your community will not be making the decision of whether you will live or die, but if you should become seriously and terminally ill and choose hospice, know that the nation's more than 40,000 hospice workers are committed to the highest quality comfort care under medical guidelines.

JAMES MONROE

Mr. ALLEN. Mr. President, I am pleased today to recognize James Monroe, a Virginian patriot, on the 247th anniversary of his birth and honor his service to our Nation as a soldier, a diplomat, a legislator and as the fifth President of the United States of America. As the Nation draws closer to the celebrations being planned to honor President Monroe's 250th birthday, I rise today to honor his undeniable legacy.

James Monroe, born April 28, 1758, in Westmoreland County, was born, raised and educated in the Commonwealth of Virginia. Foregoing his studies at the College of William and Mary, James Monroe joined the Williamsburg Militia in 1775 in defiance of the British King. He served gallantly in the Continental Army on the battlefield at Harlem Heights, White Plains, Trenton, Brandywine, Germantown, and Monmouth, eventually rising to the rank of lieutenant colonel.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through 50 years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Confederate Congress and in the first U.S. Senate before his first of two terms as Minister to France. He returned to his Virginia, and as many students of Mr. Jefferson have done since, served 4 years as Governor.

During Thomas Jefferson's Presidency, James Monroe returned to France and was essential in the negotiation of the Louisiana Purchase in 1803. His foreign policy experience led James Madison to name him both Secretary of State and Secretary of War as the United States was once again pulled into war with Great Britain in 1812.

Elected President of the United States in 1816, Monroe's Presidency has long been referred to as the Era of Good Feeling. During this time he helped resolve longstanding grievances with the British, acquired Florida from the Spanish in 1819, signed the Missouri Compromise and renounced European intervention or dominion in the Western Hemisphere with one of our Nation's greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive re-election, losing only one electoral vote, reserving the honor of a unanimous election for George Washington alone.

My own family has strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home, Ashlawn-Highland, in Charlottesville where her family has worked for many years. In fact, part of Monroe's property in Albemarle County is now on the grounds of his teacher's great institution of learning, the University of Virginia and is respectfully referred to as Monroe's Hill.

The life of James Monroe is one that embodied virtue, honor and commitment during his accomplished life of public service. It is fitting that he would pass from this Earth on July 4, 1831.

It is with sincere admiration that I respectfully ask my colleagues to recognize James Monroe's 247th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States of America.

DAVID WILKINS NOMINATED AMBASSADOR TO CANADA

Mr. DEMINT. Mr. President, I rise today with bittersweet news for my home State. One of South Carolina's most distinguished native sons, State House Speaker David Wilkins, has been nominated by President George W. Bush to be the United States Ambassador to Canada.

I just spoke with David this morning, and let him know that while we are sad to lose his leadership, we are extremely proud of his appointment.

Both David and I are natives of Greenville, SC, and graduates of Clemson University and have been friends for a long time.

I have long admired his courage and determination to fight for family values and individual freedom. He also possesses a keen understanding of the need to create an economic environment that gives businesses and workers a chance to thrive.

In addition to the talents David brings to this position, his greatest help will come from his lovely wife Susan, who represents the best of South Carolina. Together they have raised two fine sons, James and Robert.

Speaker Wilkins is a legendary public servant. He has served in the South Carolina State House of Representatives since 1981 and led as Speaker for more than a decade.

David is widely respected by all parties for good reason, because he works passionately to better the lives of all South Carolinians. The President could not have chosen a better man, and he will represent our nation well.

I look forward to welcoming David to Washington for his confirmation hearings. I promised him I would work hard to make sure my colleagues know of his exceptional abilities that make him more than qualified for this job

He enjoys the full confidence of the President of the United States, and the support of South Carolinians. I am sure he will have no problem being confirmed quickly, so he can begin working on behalf of all Americans.

AMEND RECA

Mr. BURNS. Mr. President, this day is an important occasion for folks in my State of Montana. This afternoon, at 4 o'clock, the National Academy of Sciences will release an extensive report on health effects resulting from nuclear bomb tests that were carried out at the Nevada test site in the 1950s and 1960s.

For years now, Montanans and their loved ones have experienced the pain of developing various forms of cancer, most commonly, cancer of the thyroid, caused by exposure to this dangerous radiation. These cancers seemed to be a little too common among people living in certain areas of our State. According to the National Academy of Sciences, these innocent victims—mostly children and babies—who were living in Montana, were exposed to the highest dosages of radiation of any State in the Nation as a result ofthis nuclear testing; even more than Nevada, where the tests were actually conducted. You see, the radioactive iodine is the part that is dangerous. It was blasted high up into the atmosphere and the wind carried it north to Montana where it finally settled on the ground, then into the water and food supply.

Thyroid cancer takes around 10 to 40 years to develop. Radiation exposure in the late 1950s might not manifest in cancer until the late 1990s. While the national average for thyroid cancer has remained steady over the past 30 years, the rate of reported thyroid cancer in Montana has increased steadily. In 1980, Montana State had a rate of thyroid cancer 6.2 times the national average. In 1990, that rate had increased to 10.8 times the national average, and in 2000 the rate of reported thyroid cancer in Montana was almost 18 times the national average.

The 1990 Radiation Exposure Compensation Act, RECA, PL 101-426, established the Radiation Exposure Compensation Trust Fund for claims for injuries and death due to exposure from the Nevada testing. Under RECA, folks who were residing in parts of the States of Utah, Nevada, Arizona, Colorado, New Mexico during certain times in the 1950s received a substantial amount of compensation from the U.S. Government along with an apology. Research now proves the State of Montana was hit the hardest by this radiation; yet its victims are not eligible for compensation under RECA.

Not only do these folks deserve an apology from the U.S. Government, but they deserve this compensation. As a cancer survivor, I cannot begin to tell you the mental, emotional, physical and financial hardship these cancer victims have endured—in order to serve the national security interests of the United States.

I strongly recommend that we, as a Congress, apologize to these individuals and amend RECA to compensate folks from my State of Montana as well as other States who have been affected by this tragedy.

AUSTRALIAN PARTICIPATION IN IRAQ

Mr. ALEXANDER. Mr. President, I have spoken here previously about the contribution that one of our closest allies, Australia, has made to support our efforts in Iraq and in the ongoing war against terror. At a time when other members of the international coalition in Iraq are beginning to draw down or remove their forces from the region, Australia continues to do its part.

In fact, over the following weeks, Australia will expand its commitment to Iraq by about 50 percent. This will increase the total Australian military personnel currently working in or around Iraq to 1,370. These additional Australian troops will provide a secure environment—following the withdrawal of Dutch troops—for Japanese engineers who are involved in the reconstruction efforts in the Al Muthanna Province in southern Iraq. The additional troop commitment will also bolster the existing training of Iraqi forces by Australian troops—training which is essential to the successful transformation of Iraq into a secure democracy.

Australia has always been a great friend and ally of ours. It shares a tradition of democracy and a dedication to the values of freedom and respect for life that we hold dear in the United States. Australia is, in fact, the only nation to have sent forces to fight alongside the United States in every major conflict during the 20th century, including Afghanistan, the first gulf war, Vietnam, Korea, and both World Wars.

Sixty-eight years ago, when Americans and Australians fought alongside one another at the Battle of the Coral Sea, during the darkest days of the Second World War, only 12 democracies survived on the face of the earth. The United States and Australia were 2 of the 12. Today, when more people vote for their own governments than ever before, and as fledgling democracies emerge in the Middle East and Eastern Europe, it is important to remember how precious democracy is, and to recognize and thank our allies, such as Australia, who have always stood beside us and fought in the defense of liberty.

Earlier this month, I traveled with Senator REID and six other Senators to Iraq, Israel, the Palestinian Territories, Georgia, and Ukraine. During that trip it was clear that the Iraqi elections—the bravery of the Iraqi people in staring down intimidation and violence to go to the ballot box—had been an inspiration to that part of the world. But, in the short term, democracy in Iraq can only take hold with the continued support of coalition troops—including those from Australia.

So I thank the Australian troops and the Australian people for the crucial help they continue to provide to this important mission in Iraq. Prime Minister Howard and Foreign Minister Downer have shown leadership and courage in standing with us in this difficult time. Their support is important to building on the success of January's elections so that Iraq may continue on its difficult path toward democracy.

* * *

PUBLICATION OF PHOTOGRAPHS OF ABUSE AT ABU GHRAIB PRISON

Mr. LEAHY. Mr. President, one year ago today, the horrific photos of detainee abuse at Abu Ghraib prison shocked the Nation and tarnished our reputation as the world's human rights leader. One year later, we should be able to assure the world that the detainee abuse scandal has been independently and comprehensively investigated and that all those involved, from the people who committed abuses to the officials who set these policies in motion, have been held accountable. Sadly, we cannot give the world this assurance. The administration continues to stonewall on the prisoner abuse scandal and Congress continues to abdicate its oversight responsibility on this issue.

Those of us in the Congress who strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader remain stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib. This Senate refuses to consider an independent commission, relying instead on the piecemeal investigations conducted by the military, none of which address the significant role of the Central Intelligence Agency in interrogations. With the completion of each of the Pentagon investigations, the need for a comprehensive, independent investigation becomes all the more evident.

I am particularly disturbed by recent press reports about the Army Inspector General's investigation into the Abu Ghraib abuse scandal. Although the report has not yet been publicly released, the press accounts state that Lt. Gen. Ricardo Sanchez has been cleared by the Army of all allegations of wrongdoing and likely will not face punishment.

In order to understand why the reported findings of the Army Inspector General are troubling, and why an independent investigation is necessary, we need only consult the reports of prior investigations. The Jones investigation, referring to the Combined Joint Task Force led by Lt. Gen. Sanchez, stated, "Inaction at the CJTF-7 staff level may . . . have contributed to the failure to discover and prevent abuses before January 2004." The Jones report concluded that Lt. Gen. Sanchez "failed to ensure proper staff oversight of detention and interrogation operations."

The Schlesinger investigation is even more critical of Lt. Gen. Sanchez's role in the detainee abuse scandal. The Schlesinger panel described how Lt. Gen. Sanchez relied upon the interrogation policy from Guantanamo Bay to develop interrogation procedures for Iraq. The result of this, as the Schlesinger panel correctly states, was that "policies approved for use on al Qaeda and Taliban detainees who were not afforded the protection of [Enemy Prisoner of War] status under the Geneva Conventions now applied to detainees who did fall under the Geneva Convention protections." The Schlesinger report continued, "Despite lacking specific authorization to operate beyond the confines of the Geneva Conventions, [Lt. Gen. Sanchez] nonetheless determined it was within [his] command discretion to classify, as unlawful combatants, individuals captured during [Operation Iraqi Freedom]." The panel also found that Lt. Gen. Sanchez "was responsible for establishing the confused command relationship at the Abu Ghraib prison" and "the unclear chain of command established by CJTF-7, combined with the poor leadership and lack of supervision, contributed to the atmosphere at Abu Ghraib that allowed the abuses to take place."

The findings of the Jones and the Schlesinger investigations regarding the decisions of Lt. Gen. Sanchez are troubling on their own. Equally troubling is the indication that Lt. Gen. Sanchez gave inaccurate testimony before the Senate Armed Services Committee. In an Armed Services Committee hearing on May 19, 2004, Senator JACK REED asked Lt. Gen. Sanchez if he had approved sleep deprivation, intimidation by guard dogs, excessive noise, and inducing fear as interrogation methods for use in Abu Ghraib prison. Lt. Gen. Sanchez replied that, "I never approved any of those measures to be used within CJTF-7 at any time in the last year." His statement is seemingly contradicted by a document recently released by the Pentagon in response to litigation under the Freedom of Information Act. A September 14, 2003, memo from Lt. Gen. Sanchez authorized specific interrogation methods for use in Iraq, including the use of military working dogs to exploit Arab fear of dogs, the use of sleep management and stress positions, and inducing fear through "yelling, loud music, and light control."

There has been some speculation in the media about whether Gen. Sanchez's actions in Iraq will stand in the way of his promotion and fourth star. But involvement in the prisoner abuse scandal is hardly a career-ending event in this administration. Alberto

Gonzales, the central figure in formulating the administration's interrogation and detention policies, was promoted to Attorney General. Former Assistant Attorney General Jay Bybee, author of the deeply flawed and now-repudiated "torture memo," received a lifetime appointment to the Court of Appeals for the Ninth Circuit. Defense Department General Counsel William J. Haynes insisted that the Pentagon Working Group use the Bybee torture memo, rather than the Geneva Conventions, as the legal foundation for interrogation techniques; he has been nominated to the Court of Appeals for the Fourth Circuit. Former CIA Director George Tenet authorized the "extraordinary rendition" of detainees to countries where they were reported to have been tortured; he was awarded the Presidential Medal of Freedom. Secretary Rumsfeld personally approved objectionable interrogation techniques and admitted to hiding detainees from the International Committee of the Red Cross; he is one of the few cabinet members asked to remain in the second Bush term.

Allowing senior officials and military officers to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican-led Congress, to recognize its constitutional obligation to conduct vigorous oversight. We must send a message that no one in the chain of command—from an enlisted private stationed in Iraq to the Commander-in-Chief—is above the laws of our Nation. Many Republicans argue that another investigation will hurt the morale of our troops serving overseas. On the contrary, I believe that morale is hurt when the only individuals who have been punished for detainee abuse are low-ranking soldiers, while those at the highest levels of power continue to set policy and act with impunity.

Chairman WARNER recently announced that he will hold an Armed Services Committee hearing to examine the adequacy of the various Pentagon and military investigations. I commend the chairman for announcing this hearing, and hope that the supporters of an independent investigation are given the opportunity to testify before the committee. In a letter last September, eight retired generals and admirals asked President Bush to appoint a prisoner abuse commission modeled on the 9/11 Commission. In that letter, the officers stated, "internal investigations by their nature . . . suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself." I hope that members of the Armed Services Committee will consider these words when they evaluate the Pentagon's investigations.

April 28, 2004, will remain a dark day in American history, but the administration's handling of this scandal only adds to our disgrace. There will always be scandals and tragedies in a nation's history. What makes America special is that we do not hide from these issues; we investigate them, learn from our mistakes, and make sure they do not happen again. Unfortunately, one year after the disclosure of the Abu Ghraib photos, we still have much to learn.

ADDITIONAL STATEMENTS

BENEWAH MEDICAL AND WELLNESS CENTER AWARD

• Mr. CRAPO. Mr. President, on May 3, 2005, the Benewah Medical and Wellness Center operated by the Coeur d'Alene Tribe of Idaho will be presented with the 2005 Johnson & Johnson Community Health Care Leadership Award. This award is presented to one facility nationwide that has set itself apart from others in quality and innovation in community health care. The center has distinguished itself over the years in superior service to the Coeur d'Alene Tribe, the community of Plummer, ID, and the medically underserved and indigent in the region. Theirs is a story of successful partnership and innovation over the course of many years. Fifteen years ago, the center collaborated with the city of Plummer and greatly expanded the scope and reach of its service. In addition to acute and preventive health care found at other medical centers, the many programs offered by the center make it a truly comprehensive care institution. These programs include diabetes and cardiovascular disease prevention and education and afterschool and mentoring programs for youth. Furthermore, the center has responded to the cultural sensitivities of the community by employing Native and non-Native staff members. Staff diversity increases the effectiveness of any healthcare institution, a fact which the center has recognized and incorporated into their operating procedures. In January 2004, I had the opportunity to visit the center and was impressed at the level of technology this collaborative effort had been able to bring to this rural community.

I commend the Benewah Medical and Wellness Center on its tremendous achievement in the overall community healthcare and wellness. I look forward to hearing of future successes.•

HONORING CENTURY COUNCIL FOR NATIONAL PROM AND GRADUATION SAFETY MONTH INITIATIVE

• Ms. LANDRIEU. Mr. President, I rise today in honor of Alcohol Awareness Month to recognize The Century Council for its efforts to prevent underage drinking. The Century Council is a national, not for profit organization funded by America's leading distillers to develop and implement programs designed to combat drunk driving and underage drinking. These programs, such as Ready or Not: Talking with Kids About Alcohol, Brandon's Story, and Alcohol 101 Plus, are making great strides in reducing the amount of underage drinking and irresponsible consumption of alcohol.

Right now, The Council is kicking off its sixth annual National Prom and Graduation Safety Months Initiative. Between April and June, The Council has planned a series of events across the country to educate students, parents and the general public about making responsible decisions with regard to beverage alcohol. Over the past two decades, progress has been made in the effort to stop underage drinking through the implementation of effective programs and increased public awareness regarding the negative consequences of underage drinking. According to the most recent figures from the National Highway Traffic Safety Administration, 749 people under the age of 21 were killed in alcohol-related traffic crashes during April, May and June in 2003 as well as countless nonfatal injuries. In Louisiana, alcohol is a factor in 20 percent of all traffic fatalities involving minors, and it is a factor in 15 percent of all traffic accidents involving minors.

It was once said that "holding young people solely responsible for underage drinking is like holding fish responsible for dying in a polluted stream." As a mother of two young children, I know that I will soon have to speak to my own kids about alcohol use. As all of the other parents in this Chamber and across the country can say, the conversation between a parent and a child about alcohol use is not always an easy conversation. However, improved communication between parents and children is essential to preventing underage drinking. According to a recent survey by TRU Omnibuzz in 2003, 65 percent of adolescents identify parents as the leading influence in their decision to drink or not to drink. Unfortunately, 36 percent of adolescents say they had not spoken to either parent about alcohol. This communication gap can be minimized by through programs that increase awareness, educate parents and kids and help facilitate conversations between parents and kids about the dangers of underage drinking.

The role of parents in the efforts to reduce underage drinking is critical. I commend The Century Council for giving parents and children across the Nation the valuable tools to initiate those important discussions regarding alcohol.•

CONGRATULATING JERRY VEREEN AND RIVERSIDE MANUFACTURING COMPANY

• Mr. CHAMBLISS. Mr. President, I congratulate Riverside Manufacturing Company on Riverside being named "Manufacturer of the Year" for the State of Georgia. Riverside is located in my hometown of Moultrie, GA. Riverside was founded in 1911 by William J. Vereen, in Colquitt County, and has maintained its headquarters there to this day. Riverside is known worldwide both for producing business uniforms of superior garment quality and for the dedication of its employees.

Riverside sells uniforms in all 50 States, as well as in over 200 foreign countries. Riverside warehouses products in Atlanta, GA; Dundalk, Ireland; Moultrie, GA; Prichard, WV; and Reno, NV. Riverside won this year's distinction of Georgia's Manufacturer of the Year in the large company category: that is, those with more than 750 employees. Riverside was nominated for the award by Moultrie Technical College.

Governor Sonny Perdue presented this coveted award to my good friend Jerry Vereen, who is president and chief executive officer of Riverside, last Thursday in Atlanta at an annual awards ceremony as part of Georgia Manufacturing Appreciation Week.

Jerry was quoted as saying:

> We were very pleased that the award recognized all the dedication and hard work that Riverside's associates have put forth to look after all our great customers. The only sustainable competitive advantage any company can have is based strictly on its people. You can buy technology, equipment and buildings but it takes the dedication of a lot of people to give Riverside the competitive edge with our customers, especially when all of our competitors have taken their manufacturing offshore. This award recognizes our associates' dedication to exceeding our customers' expectations. It also acknowledges their efforts to contribute significantly to the communities where we are located. We feel that Colquitt County and Georgia are great areas to build a company. We are very appreciative to Jackie Rohosky and her Quick Start team, Tina Anderson and her Moultrie Technical College team, Darrell Moore, Jimmy Jeter and the members of the Moultrie Colquitt County Industrial Development Authority, as well as the Colquitt County Commissioners, Moultrie City Council and the Colquitt County Chamber of Commerce for all the assistance they have given Riverside and our associates over the years.

I am so proud of Jerry, of Riverside, and of all of Riverside's many employees, 600 of which call Georgia home. I extend my deepest and most sincere congratulations on their receipt of this prestigious award in recognition of a job well done.•

HONORING EAST BRUNSWICK HIGH SCHOOL

• Mr. LAUTENBERG. Mr. President, more than 1200 students from across the Nation will be competing in the finals of the "We the People: The Citizen and the Constitution" program here in Washington, DC, from April 30–May 2, 2005. This program is funded by the U.S. Department of Education and is designed specifically to educate our young people about the U.S. Constitution, Bill of Rights, and the importance of civic participation to our political process. Schools are provided with textbooks that offer both historical information and critical-thinking activities, and students compete in the format of a congressional hearing to show their knowledge of our democracy.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, will be returning this year to defend their national title earned in May 2004. East Brunswick High School won my home State's competition again this year and will represent New Jersey in our Nation's Capital this weekend. I wish the following students, and their teacher Alan Brodman, the best of luck in the future and congratulate them on their hard work and inspiring civic advocacy: Rajiv Agarwal, Elliot Chiu, Theresa Cui, Yan Cui, Aditi Eleswarapu, Michael Genson, Stephanie Horwitz, Frances,Huang, Manisha Johary, Michael Kofsky, Kevin Kuo, Sam Lau, Alexandra Palmer, Resham Patel, Mark Pruce, Panwan Punjabi, Caroline Rana, Natalie Rana, Sana Sheikh, Allison Sorkin, Ilana Stern, Eric Struening, and Lauren Volosin.•

CONGRATULATING FRANK DURKAN

• Mrs. CLINTON. Mr. President, I am delighted today to extend congratulations to Mr. Frank Durkan on the 50th anniversary of his admittance to the New York State bar. Born in County Mayo, Ireland, Frank immigrated to the United States in 1947. He is a graduate of Columbia College and New York Law School. Like so many who follow their dreams to this great country, Frank worked hard as a janitor, parking attendant, and office clerk as he pursued his education. Upon graduation, he joined his uncle, the late Paul O'Dwyer, at the law firm of O'Dwyer and Bernstien. As a trial lawyer, Frank has an excellent reputation as an advocate for injured plaintiffs. For half a century he has been a defender of civil rights in Federal courts from New Hampshire to Texas. Frank epitomizes those who come to our shores following the American dream and enrich our institutions through their hard work and dedication.•

TRIBUTE TO KIP JANVRIN

• Mr. HARKIN. Mr. President, I rise today to honor a native Iowan and a remarkable athletic champion, Kip Janvrin. Today marks the beginning of the 96th annual Drake Relays, one of the Nation's most prestigious track and field events, held each spring at Drake Stadium in Des Moines. Kip will take the field for the last time in a sport in which he has dominated at Drake for the last 22 years, the decathlon.

The Relays are aptly called "Americas Athletic Classic." This will be the last year they are held in the old Drake Stadium. This summer, the stadium will get a dramatic face-lift and overhaul in order to conform to national and international standards.

Over the years, the words "Drake Relays and Kip Janvrin" have become virtually synonymous. The Drake Relays are one of America's premier track and field venues, and Kip Janvrin is one of America's premier track and field athletes, competing in what is arguably the most demanding event in all of sports. From Jesse Owens to Wilma Rudolph, Gwen Torrance, Carl Lewis and Michael Johnson, the Drake Relays have seen almost all of the great Olympians in track and field. But one Olympian, Kip Janvrin, has been a dominant presence at the event for more than two decades.

If the cheers are especially loud for Kip, it is because he is a native son of Iowa. Raised in Panora and a graduate of Simpson College in Indianola, Kip has won the decathalon at the Drake Relays a remarkable 14 times. It is fitting that the last year for the original Drake Stadium will also be the last year that this American original competes in the Drake Relays.

Kip is one of the top-ranked decathletes in the world, and he is the oldest active U.S. competitor in this extraordinarily demanding event. The decathlon is a 10-event competition which takes place over two days. It includes the 100 meter dash, long jump, shot put, high jump, 400 meter dash, 110 meter hurdles, discus, pole vault, javelin and 1,500 meter run. Kip began competing in the decathlon in 1983, and quickly excelled in all 10 events.

While attending Simpson College, Kip competed many times in the Drake Relays. His first victory came in 1987 in the decathlon, and he went on to add 13 more titles over the next 18 years. His 14 championships at the Drake Relays are the most by any athlete in the history of that event. In 1998, he was inducted into the Drake Relays Hall of Fame. During his years at Simpson, he earned 3 NCAA titles in the decathlon, and 2 more NCAA titles in individual events. He was inducted into the Simpson Hall of Fame in 1998, and the NCAA Division III Track and Field Hall of Fame in 2004.

Kip's accomplishments are nothing short of amazing. He has completed more than 80 decathlons. He holds the world records in career victories, scores over 7,000 points, and consecutive finishes. He also holds the world record for the double decathlon, a grueling event involving every event in track and field, except for the marathon and walks.

Kip won the decathlon at the 1995 Pan American Games. As a member of the U.S. Olympic team at the 2000 Games in Sydney, Australia, he was the oldest decathlete ever to compete for the United States. In 2001, he won the decathlon at the USA Outdoor Championships. Last year, Kip came in second at the Drake Relays, the first time in 9 years that he did not come in first. However, Kip took the loss in stride, because the victor was his protégé, Travis Goepfert, also a native of Panora, IA.

Kip is currently in his 15th year as co-head coach at Central Missouri State University in Warrensburg. He and his wife, Teresa, have two sons, Jaxon, age 9, and Mason, age 7.

So as Kip Janvrin warms up for his final Drake Relays, I extend my congratulations and best wishes. With his self discipline, his commitment to excellence, and his enormous human decency, he represents Iowa at its very best. I wish him success in this, his final, Drake Relays. Win or lose, he will be a true champion.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

H.R. 902. An act to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

At 8:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 902. To improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1986. A communication from the Executive Vice President for Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2004; to the Committee on Environment and Public Works.

EC-1987. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District" (FRL No. 7900-3) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1988. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL No. 7903-7) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1989. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Plan for the Control of Designated Pollutants; Maine; Total Reduced Sulfur From Existing Kraft Pulp Mills" (FRL No. 7903-9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1990. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Wisconsin" (FRL No. 7901-2) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1991. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wallula, Washington PM10 Nonattainment Area, Serious Area Plan for Attainment of the Annual and 24-Hour PM10 Standards" (FRL No. 7094-7) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1992. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Minor Revisions to the Fugitive Dust and Waiver Requirements" (FRL No. 7905-9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1993. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision Establishing the Western Virginia VOC and NO_X Emissions Control Area, and Providing the Enabling Authority for NO_X RACT Determinations in the Area" (FRL No. 7904-9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1994. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clarification of Visible Emissions Exception Provisions" (FRL No. 7904-2) received on April 27, 2005; to the Committee on Environment and Public Works.

EC-1995. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality

Implementation Plans; Maine: Low Emission Vehicle Program" (FRL No. 7900–6) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1996. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifluralin; Pesticide Tolerance" (FRL No. 7710–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1997. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY–248–FOR) received on April 27, 2005; to the Committee on Energy and Natural Resources.

EC–1998. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Iowa Regulatory Program" (IA–014–FOR) received on April 27, 2005; to the Committee on Energy and Natural Resources.

EC–1999. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis VIP3A Protein and the Genetic Material Necessary for its Production; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 7706–7) received on April 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2000. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–2001. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2002. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC–2003. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–2004. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report concerning the Federal Student Loan Repayment Program for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2005. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995 with respect to significant narcotics traffickers centered in Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2006. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2007. A communication from the Acting Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Truth-in-Billing and Billing Format; National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing" (FCC 05–55) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Legal Advisor, Wireless Telecommunications Bureau—Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Allocations and Service Rules for the 71–76 GHz, 81–86 GHz, and 92–95 GHz Bands" (WT Docket No. 02–146, FCC 05–45) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies" (ET Docket No. 03–108, FCC 05–57) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Wireless Operations in the 3650–3700 MHz Band, ET Docket No. 04–151; Rules for Wireless Broadband Services in the 3650-3700 MHz Band, WT Docket No. 05–96; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02–380; Amendment of the Commission's Rules with Regard to the 3650–3700 MHz Government Transfer Band, ET Docket No. 98–237" (ET Docket No. 04–151, FCC 05–56) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 25 of the Commission's Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05–150.8 MHz, 162–174 MHz, and 406.1–420 MHz Bands that are Allocated for Federal Government Use" (ET Docket No. 04–243, FCC 05–69) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2012. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparta and Morrison, Tennessee)" (MB Docket No. 04–316) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lahaina and Waianae, Hawaii)" (MB Docket No. 02–387) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Daytona Beach Shores, Florida)" (MB Docket No. 04–240) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of: Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004: Procedural Rules" (FCC 05–81) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" (IB Docket No. 00–248, FCC 05–62) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" (IB Docket No. 00–248, FCC 05–63) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany S. 907. An original bill to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation and for other purposes (Rept. No. 109–62).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 136. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area (Rept. No. 109–63).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes (Rept. No. 109–64).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Lt. Gen. William R. Looney III to be General.

Air Force nomination of Lt. Gen. Arthur J. Lichte to be Lieutenant General.

Air Force nomination of Maj. Gen. Robert D. Bishop, Jr. to be Lieutenant General.

Air Force nomination of Maj. Gen. Christopher A. Kelly to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael A. Hamel to be Lieutenant General.

Air Force nomination of Col. John C. Inglis to be Brigadier General.

Army nomination of Maj. Gen. Dell L. Dailey to be Lieutenant General.

Army nomination of Lt. Gen. David W. Barno to be Lieutenant General.

Army nomination of Brig. Gen. Donna L. Dacier to be Major General.

Army nominations beginning with Brigadier General Abner C. Blalock and ending with Colonel Larry W. Triphahn, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brigadier General John P. Basilica, Jr. and ending with Colonel Robert J. Udland, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brigadier General John E. Barnette and ending with Colonel Gregory J. Zanetti, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brig. Gen. Michael R. Eyre and ending with Col. William D. Waff, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nomination of Col. Steven L. Bell to be Brigadier General.

Marine Corps nominations beginning with Col. Mark W. Bircher and ending with Col. Darrell L. Moore, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Adm. Michael G. Mullen to be Admiral.

Navy nomination of Vice Adm. Henry G. Ulrich III to be Admiral.

Navy nomination of Rear Adm. John D. Stufflebeem to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Stephen M. Allen and ending with Theadore L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Rebecca L. Brown and ending with Dawn E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Dennis L. Beatty and ending with Michael G. Schell, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Gary D. Brown and ending with Larry D. Youngner, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Philip A. Barker and ending with Donald R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Joseph J. Aignervaroz and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Calvin N. Anderson and ending with Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nomination of Robert B. Rottschafer to be Lieutenant Colonel.

Air Force nomination of Christine A. Liddle to be Lieutenant Colonel.

Air Force nomination of John J. Kupko II to be Colonel.

Air Force nominations beginning with Gregg W. Allred and ending with Albert C. Oesterle, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Air Force nomination of Stephen E. Vangundy to be Lieutenant Colonel.

Air Force nomination of Brett L. Swain to be Major.

Army nominations beginning with Cecil D. Allen and ending with Wayne E. Kowal, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Thomas E. Beron and ending with Kenneth J. Vega, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Brad K. Blackner and ending with Marvin A. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Michael J. Bouchard and ending with Debra A. Rose, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Gregory L. Daniels and ending with Michael D. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nomination of Cindy W. Baltrun to be Major.

Army nomination of Richard L. Ursone to be Major.

Army nomination of Thanh Minh Do to be Major.

Army nomination of Lorine Lagatta to be Major.

Army nomination of Gary Zeitz to be Major.

Army nominations beginning with Sunny S. Ahn and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Army nominations beginning with Lisa M. Amoroso and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Steven B. Anderson and ending with Colin S. Turnnidge, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Christopher B. Ackerman and ending with Charles D. Zimmerman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Herman A. Allison and ending with Heather L. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Marine Corps nomination of William L. Rumble to be Lieutenant Colonel.

Marine Corps nomination of Amy V. Dunning to be Colonel.

Marine Corps nomination of David J. Wilson to be Lieutenant Colonel.

Marine Corps nomination of Michael Akselrud to be Major.

Marine Corps nominations beginning with Charles R. Baughn and ending with Phillip J. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 933. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself, Mr. CORZINE, and Mr. DURBIN):

S. 935. A bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SUNUNU):

S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. SPECTER):

S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. BOND):

S. 938. A bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services; to the Committee on Armed Services.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 939. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. Wyden):

S. 940. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. Reed):

S. 941. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER:

S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself, Mr. Crapo, Mr. Martinez, Mr. Sarbanes, and Mr. Kohl):

S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. Corzine, Mr. Dodd , Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mrs. Clinton, Mr. Feingold, Mr. Durbin, and Mr. Schumer):

S. 944. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. Kohl, Mr. Bingaman, Mrs. Clinton, Ms. Stabenow, Mr. Kerry, Mr. Leahy, Mr. Levin, Mr. Durbin, Mr. Lieberman, Mr. Kennedy, Mr. Nelson of Nebraska, Ms. Mikulski, Mr. Bayh, Ms. Cantwell, Mrs. Feinstein, Mr. Corzine, Mr. Jeffords, Mr. Rockefeller, Mr. Smith, Mr. Dayton, Mr. Akaka, Mr. Reed, Mr. Harkin, Mrs. Boxer, Ms. Landrieu, Mr. Reid, Mr. Salazar, Mr. Baucus, Mr. Dorgan, Mr. Nelson of Florida, Mr. Schumer, Mr. Dodd, Mr. Specter, Mr. Byrd, Mr. Lautenberg, and Mr. Obama):

S. 945. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 946. A bill to amend the Communications Act of 1934 to require multi-channel video programming distributors to provide a kid-friendly tier of programming; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. Kennedy, Mr. Lautenberg, and Mr. Durbin):

S. 947. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself and Mr. Lautenberg):

S. 948. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mrs. Clinton, and Mr. Kerry):

S. 949. A bill to require the payment of interest on amounts owed by the United states pursuant to the reliquidation of certain entries under the Tariff Suspension and Trade Act of 2000 and the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. Landrieu, and Mr. Inhofe):

S. 950. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOND:

S. 951. A bill to suspend temporarily the duty on titanium dioxide anatase hombitan LC–S; to the Committee on Finance.

By Mr. BOND:

S. 952. A bill to suspend temporarily the duty on diethylsulfate; to the Committee on Finance.

By Mr. BOND:

S. 953. A bill to suspend temporarily the duty on triethylene bis; to the Committee on Finance.

By Mr. DEWINE:

S. 954. A bill to amend title 18, United States Code, to prohibit the sale of a firearm to a person who has been convicted of a felony in a foreign court, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. Alexander):

S. 955. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. Kyl):

S. 956. A bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING (for himself and Ms. Landrieu):

S. 957. A bill to establish a clean coal power initiative, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Ms. Mikulski):

S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Ms. Mikulski, Ms. Landrieu, and Mr. Levin):

S. 959. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. Dorgan, Mr. Johnson, and Mr. Thomas):

S. 960. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 961. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Bunning, Mr. Bingaman, Mr. Conrad, Mr. Hagel, Mr. Coleman, Mr. Johnson, and Mr. Nelson of Nebraska):

S. 962. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Finance.

By Mr. THUNE:

S. 963. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Ms. Landrieu, Mr. Vitter, and Mr. Johnson):

S. 964. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. Lincoln):

S. 965. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 966. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. Kerry, Mrs. Clinton, Mr. Kennedy, Mr. Dorgan, Mrs. Boxer, and Mr. Dayton):

S. 967. A bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. Leahy, and Mr. Corzine):

S. 968. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide that spouses of Federal public safety officers who are killed in the line of duty, may remarry and continue to receive a survivor annuity, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA:

S. 969. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 970. A bill to establish the African Burial Ground National Historic Site and the African Burial Ground International Memorial Museum in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENSIGN, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. SMITH):

S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that Center; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 974. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. BROWNBACK):

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes; read the first time.

By Mr. BURNS:

S. 976. A bill striking the Specific Privatization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Inmarsat and Other Technical Corrections; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI):

S. Res. 128. A resolution designating April 30, 2005, as "Día de los Niños: Celebrating Young Americans", and for other purposes; considered and agreed to.

By Mr. ALLEN:

S. Res. 129. A resolution commending the Virginia Retail Merchants Association on 100 years of service to the community; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY):

S. Res. 130. A resolution designating the week of May 1 through May 7, 2005, as "North American Occupational Safety and Health Week (NAOSH)"; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. KYL, Mr. BIDEN, Mr. DEWINE, Mr. KOHL, Mr. CORNYN, Mr. FEINGOLD, Mr. BROWNBACK, Mr. SCHUMER, Mr. HATCH, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, and Ms. COLLINS):

S. Res. 131. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. VITTER (for himself, Mr. COBURN, and Mr. DEMINT):

S. Res. 132. A resolution expressing support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. REID):

S. Con. Res. 29. A concurrent resolution providing for a conditional adjournment of the Senate; considered and agreed to.

By Mr. DURBIN (for himself, Mr. REID, Ms. STABENOW, Mr. SCHUMER, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. BINGAMAN, Mr. DAYTON, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY):

S. Con. Res. 30. A concurrent resolution to express the sense of Congress concerning the provision of health insurance coverage to all Americans; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 114

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 174

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 174, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 191

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 206

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 347

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. SARBANES), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 390

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 399

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 399, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.

S. 420

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 582

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 678

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 756

At the request of Mr. BENNETT, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 768

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 784

At the request of Mr. THOMAS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 803

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was withdrawn as a cosponsor of S. 803, a bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 803, supra.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 845

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 845, a bill to amend title 10, United States Code, to permit retired servicemembers who have a service-connected disability to receive disability compensation and either retired pay or Combat-Related Special Compensation and to eliminate the phase-in period with respect to such concurrent receipt.

S. 849

At the request of Mr. ALLEN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 849, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 863

At the request of Mr. CONRAD, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. RES. 115

At the request of Mr. SALAZAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 115, a resolution designating May 2005 as "National Cystic Fibrosis Awareness Month".

AMENDMENT NO. 578

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 578 intended to be proposed to H.R. 3, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 933. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I join Senator BROWNBACK in introducing The Rural Community Hospital Assistance Act. This legislation is intended to ensure the future of small rural hospitals by restructuring the way they are reimbursed for Medicare services by basing the reimbursements on actual costs instead of the current pre-set cost structure.

Current law allows for very small hospitals—designated Critical Access Hospitals (CAH) to receive cost-based Medicare reimbursements. To qualify as a CAH the facility must have no more than 25 acute care beds.

In rural communities, hospital facilities that are slightly larger than the 25 bed limit share with Critical Access Hospitals the same economic conditions, the same treatment challenges, the same disparity in coverage area but do not share the same reimbursement arrangement. These rural hospitals have to compete with larger urban-based hospitals that can perform the same services at drastically reduced costs. They are also discouraged from investing in technology and other methods to improve the quality of care in their communities because those investments are not supported by Medicare reimbursement procedures.

The legislation would provide enhanced cost-based Medicare reimbursement by creating a new "rural" designation under the Medicare reimbursement system. This new designation would benefit five Nebraska hospitals. Hospitals in McCook, Beatrice, Columbus, Holdrege and Lexington would fall under this new designation, and would have similar benefits provided to nearly sixty other Nebraska hospitals classified under the CAH system.

The legislation would also improve the hospitals with critical access status. Sixty CAH facilities in Nebraska already receive enhanced cost-based reimbursements for inpatient and outpatient services. The legislation would further assist these existing CAH facilities by extending the enhanced cost-based reimbursement to certain post-acute and ambulance services and eliminating the current 35-mile test.

Rural hospitals cannot continue to provide these services without having Medicare cover the costs. If something is not done, the larger hospitals may be forced to cut back on the number of beds they keep—and the number of people they care for, and others may be forced to close their doors. These hospitals provide jobs, good wages, health care and economic development opportunity for these communities. Without access to these hospitals, these communities would not survive. The Rural Community Hospital Assistance Act will ensure that the community has access to high quality health care that is affordable to the patient and the provider.

Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I am pleased to be joined by the Senator from South Carolina, Mr. GRAHAM, in introducing legislation that requires Congress to act on what may be the most pressing domestic policy issue of our time, namely health care reform.

I travel to each of Wisconsin's 72 counties every year to hold town hall meetings. Year after year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. The frustration I hear, the anger and the desperation, have convinced me that we must change the system.

So many people now come to tell me that they used to think government involvement was a terrible idea, but not anymore. Now they tell me that their businesses are being destroyed by health care costs, and they want the government to step in. These costs are crippling our economy just as the nation is struggling to rebound from the loss of millions of manufacturing jobs.

Our health care system has failed to keep costs in check. Costs are skyrocketing, and there is simply no way we can expect businesses to keep up. So in all too many cases, employers are left to offer sub-par benefits, or to wonder whether they can offer any benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

One option that could help employers, especially small businesses, reduce their health care costs is to have them form health care cooperatives, where employers lower costs by purchasing care as a group. I have introduced a bill in the Senate to make it easier for business to create these cooperatives.

But that legislation certainly isn't the magic bullet that can address the whole problem. We need to come up with more comprehensive ways to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that demand more and more of their monthly income. People tell me that they don't understand how anyone can afford these astronomical premiums, and what can you say to that?

Well, we can say that it's time to move toward universal coverage. I believe we can find a way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is ending a system where approximately 45 million Americans are uninsured, and where too many of those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

We can't tolerate a system that strands so many Americans without the coverage they need. This system costs us dearly: Even though an estimated 45 million Americans are uninsured, the United States devotes more of its economy to health care than other industrial countries.

Leaving this many Americans uninsured affects all of us. Those who are insured pay more because the uninsured can't afford to pay their bills. And those bills are exceptionally high, because the uninsured wait so long to see a doctor. The uninsured often live sicker, and die earlier, than other Americans, so they also need a disproportionate amount of acute care.

In 2001 alone, health care providers provided $35 billion worth of uncompensated care. While providers absorb some of those costs, inevitably some of the burden is shifted to other patients. And of course the process of cost-shifting itself generates additional costs.

We are all paying the price for our broken health care system, and it is time to bring about change.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go.

I don't think we can ignore any of these proposals. We need to consider all of these as we address our broken health care system.

As a former State legislator, I come to this debate knowing that States are coming up with some very innovative solutions to the health care problem. So in addition to the approaches already mentioned, I think we really need to look at what our States are doing, and add to the menu of possibilities an approach under which each State decides the best way to cover its residents.

I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that states have a better idea about what the health care needs of their residents are, and that they understand what types of reform will work best for their State. So I am in favor of a State-based universal health care system, where States, with the Federal Government's help, come up with a plan to make sure that all of their residents have health care coverage.

This approach would achieve universal health care, without the Federal Government dictating to all of the states exactly how to do it. The Federal Government would provide States with the financial help, technical assistance and oversight necessary to accomplish this goal. In return, a State would have to make sure that every resident has coverage at least as good as that offered in the Federal Employee Health Benefits Program (FEHBP)—in other words, at least as good as the health insurance Members of Congress have.

States would have the flexibility to expand coverage in phases, and would be offered a number of Federal "tools" to choose from in order to help them achieve universal coverage. States could use any number of these tools, or none of them, instead opting for a Federal contribution for a State-based "single-payer" system. In addition to designing and implementing a plan to achieve universal care, States would also be required to provide partial funding of these plans. The Federal Government would approve each State plan, and would conduct oversight of the implementation of these plans.

Federal tools that States could choose from to help expand health coverage could include an enhanced Medicaid and SCHIP Federal match for expanding coverage to currently uninsured individuals; refundable and advanceable tax credits for the purchase of health insurance for individuals and/or businesses; the establishment of a community-rated health pool, similar to FEHBP, to provide affordable health coverage and expanded choices for those who enroll; and assistance with catastrophic care costs.

States could be creative in the State resources they use to expand health care coverage. For example, a State could use personal and/or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan.

The approach I have set forth would guarantee universal health care, but still leave room for the flexibility and creativity that I believe is necessary to ensure that everyone has access to affordable, quality health care.

As I have noted, there have been a number of interesting proposals to move us to universal health care coverage. While I will be advocating the State-based approach that I have just outlined, others have proposed alternative approaches that certainly merit consideration and debate.

And this brings us to the legislation Senator GRAHAM and I are introducing today, because, the reason we haven't reformed our health care system isn't because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the tens of millions who are uninsured or underinsured or struggling to pay their premiums, Washington refuses to address the problem in a comprehensive way.

That is why we are introducing this bill. Our legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chairs of the Health, Education, Labor, and Pensions Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the session following enactment of the bill. If a committee chair fails to introduce a bill within the first month, then the ranking minority party member of the respective committee may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committees have 60 calendar days, not including recesses of 3 days or more, to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the Chamber will immediately proceed to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not prejudge what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

It has been over 10 years since we've had any debate on comprehensive health care reform. We cannot afford any further delay, because I believe the cost of inaction is too great. I urge my colleagues to support the Reform Health Care Now Act of 2005.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reform Health Care Now Act".

SEC. 2. SENATE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the Senate Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the title of the bill shall be "To reform the health care system of the United States and to provide insurance coverage for Americans.";

(ii) the bill shall reach the goal of providing health care coverage to 95 percent of Americans within 10 years; and

(iii) the bill shall be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance shall be referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60 calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the chamber's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice shall first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) Consideration.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) Privileged and nondebatable.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) No other business or reconsideration.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) Consideration of Qualified Bill.—

(1) In general.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the Senate until disposed of. A motion to limit debate is in order and is not debatable.

(2) Only business.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

(3) Relevant amendments.—Only relevant amendments may be offered to the bill.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) Introduction.—

(1) In general.—Not later than 30 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the House Committee on Energy and Commerce, the chair of the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) Minority party.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) Qualified bill.—

(A) In general.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall—

(i) reach the goal of providing healthcare coverage to 95 percent of Americans within 10 years; and

(ii) be deficit neutral.

(B) Determination.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Speaker's ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(b) Referral.—

(1) Committee bills.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce shall be referred to that committee and the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60 days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) Leader bills.—The bills introduced by the House Majority Leader and House Minority Leader will, on introduction, be placed directly on the Calendar of the Whole House on the State of the Union.

(c) Motion to Proceed.—

(1) In general.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) Consideration.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) Privileged and nondebatable.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) No other business or reconsideration.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) Consideration of a Qualified Bill.—

(1) In general.—If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) Committee of the whole.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

(3) Limit debate.—A motion to further limit debate is in order and is not debatable.

(4) Relevant amendments.—Only relevant amendments may be offered to the bill.

By Mrs. FEINSTEIN (for herself, Mr. Corzine, and Mr. Durbin):

S. 935. A bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Fifty Caliber Sniper Weapons Regulation Act of 2005. I am joined by Senators Corzine and Durbin.

This bill would add the .50-caliber sniper rifle to the list of "firearms" governed by the National Firearms Act. This means that this weapon would be subject to the tax and registration rules imposed by the Internal Revenue Service under that Act. The practical effect would be that a transfer of such a weapon, by sale or by gift, would require registration pursuant to IRS regulations.

The bill would not ban any guns, and existing .50 caliber owners would be unaffected by this law until, and unless, they sell or give away their weapon.

I believe this is a reasonable compromise, respecting the rights of those who have followed the law, but making future changes in the law to regulate new .50-caliber guns.

.50-caliber sniper rifles, manufactured by a small handful of companies, are deadly, military weapons, designed for combat with wartime enemies. They are capable of piercing light armor at more than four miles. The guns are designed to enable a single soldier to destroy enemy aircraft, HumVees, bunkers, fuel stations, and communication centers, as well as target and kill enemy personnel. As a result, their use by military organizations worldwide has been spreading rapidly.

This is a weapon designed to kill people efficiently, or destroy machinery, at a great distance. But along with the increasing military use of the gun, we have also seen increased use of the weapon by violent criminals and terrorists around the world, and the potential for much worse.

These weapons are deadly accurate up to 6,000 feet. This means that a shooter using a .50-caliber weapon can reliably hit a target more than a mile away. To further illustrate what this means, a shooter standing on the steps of the Jefferson Memorial can kill a person standing on the White House lawn, or shoot down the President's helicopter.

And the gun is effective at more than four miles. Although it may be hard to aim at this distance, the gun will still have its desired destructive effect. That means a shooter in Arlington Cemetery can send a bullet crashing into this building.

This is, of course, is using ordinary ammunition. I had one of my staff members obtain a blank .50-caliber bullet. I was amazed to see what was brought back. Senate rules forbid me from bringing the bullet to the floor, so I will describe it for my colleagues. The casing for this bullet is about five inches in length, and three-quarters-of-an-inch in diameter. The entire round is almost as big as my hand.

But don't just take my word for it. Each one of my colleagues should examine these bullets for themselves. Take a look at the projectile these weapons fire. This is not a recreational gun that can be used for hunting.

This gun can be used by civilians against armored limousines, bunkers, individuals, and aircraft—in fact, one advertisement for the gun promoted the weapon as able to "wreck several million dollars" worth of jet aircraft with one or two dollars worth of cartridges."

A recent CNN news report powerfully illustrates this issue. In one on-camera demonstration, a .50 caliber bullet is fired through the door of a commercial jetliner—it continues to blast through a steel plate. A marksman on the steps of the Capitol could bring down a plane coming into National Airport.

This gun is so powerful that one dealer told undercover General Accountability Office investigators, "You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50-calibers. This gun is just too powerful." In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns.

A study by the GAO revealed some eye-opening facts about how and where this gun is used, and how easily it is obtained. The GAO reports that many of these guns wind up in the hands of domestic and international terrorists, religious cults, outlaw motorcycle gangs, drug traffickers, and violent criminals.

According to a special agent at ATF's Atlanta Field Division, the Barrett .50-caliber rifle is "a tremendous threat" for "those most shocking and horrifying crimes, assassinations, murders, assaults on law enforcement officers."

But these fears are not hypothetical. Recently we have learned that Al Qaeda has received .50-caliber sniper rifles—rifles that were manufactured right here in the United States. Nearly two years ago today, Essam al Ridi, an Al Qaeda associate, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to Al Qaeda members in Afghanistan. We have no way of knowing whether Al Qaeda has obtained more or who has supplied them with these weapons, but we can be sure that any .50-caliber weapon in the hands of Al Qaeda will likely be used against Americans.

In 1998, Federal law enforcement apprehended three men belonging to a radical Michigan militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate then-Governor Engler, Federal judges, and our colleague, Senator LEVIN. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One doomsday cult headquartered in Montana purchased ten of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming, so it is clear that the guns are making their way into the hands of criminals worldwide.

The U.S. Air Force has studied the scenario of a potential terrorist attack with a .50-caliber weapon. According to a November 2001 article in the Air Force's official magazine, Airman, an anti-sniper assessment claimed that planes parked on a fully protected U.S. airbase are as vulnerable as "ducks on a pond" because the weapons can shoot from beyond most airbase perimeters. The Air Force has addressed the issue and the effectiveness of specially-trained countersnipers to respond to a .50-caliber weapon attack on aircraft, fuel tanks, control towers, and personnel.

I am glad to know our military has given some consideration to the threats posed by .50-caliber weapons, but I have real concerns over the threats posed to civilian aviation.

Our Nation's airports in no way match the security measure at Air Force bases. These commercial facilities handle millions of passengers and tons of cargo each day and are especially vulnerable to the threats posed by .50-caliber weapons.

Experts have agreed that .50-caliber weapons aimed at a plane while stationary, or taking off or arriving, could be just as disastrous as a hit from a missile launcher. Gal Luff, Co-Director of the Institute for the Analysis of Global Security, has described .50-caliber weapons as "lethal to slow moving planes."

For further illustration of the potential destruction of these weapons, simply listen to the manufacturers themselves. According to a Barrett Firearms Manufacturing Model 82A1 .50-caliber sniper rifle brochure: "The cost effectiveness of the Model 82A1 cannot be overemphasized when a round of ammunition purchased for less than ten U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area."

The Nordic Ammunition Company is the developer of the Raufoss multipurpose ammunition for .50-caliber weapons that combines armor-piercing, incendiary, and explosive features and was used by U.S. forces during the Gulf War. According to the company, the ammunition can ignite military jet fuel and has "the equivalent firing power of a 20mm projectile to include such targets as helicopters, aircrafts, light armor vehicles, ships, and light fortifications."

Ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Even those categories which are illegal, such as the "armor piercing incendiary" ammunition that explodes on impact can, according to a recent "60 Minutes" news report, be purchased online.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

Current law classifies .50-caliber guns as "long guns," subject to the least government regulation for any firearm. In other words, the law makes no distinction between the .22-caliber target rifle, a .30–06 caliber hunter's weapon, and this large-caliber combat weapon. Simply, I believe the law is wrong and needs to be changed.

This weapon is not in the same class as other rifles. Its power and range are of an order of magnitude higher.

Sawed-off shotguns, machine guns, and even handguns are more highly-regulated than this military sniper rifle. In fact, many States allow possession of .50-caliber guns by those as young as 14-years old, and there is no regulation on second-hand sales.

Just this past year, the RAND Corporation released a report which identified eleven potential terrorist scenarios at Los Angeles International Airport. In one scenario, "a sniper, using a .50 caliber rifle, fires at parked and taxiing aircraft." The report concludes: "we were unable to identify any truly satisfactory solutions" for such an attack.

Last June, a Department of Homeland Security representative told the Dallas Morning News that "we remain concerned about any weapon of choice that could potentially be used by a terrorist, including a .50-caliber rifle." I think the Department's concerns are well founded.

The bottom line is that the .50-caliber sniper weapon represents a national security threat requiring action by Congress.

This is a weapon which should not be available to terrorists and criminals, and should be responsibly controlled through carefully crafted regulation.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fifty Caliber Sniper Weapons Regulation Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Certain firearms originally designed and built for use as long-range .50 caliber

military sniper weapons are increasingly being sold in the United States civilian market.

(2) The intended use of these long-range firearms, and an increasing number of models derived directly from them, is the taking of human life and the destruction of materiel, including armored vehicles and components of the national critical infrastructure, such as radar and microwave transmission devices.

(3) These firearms are neither designed nor used in any significant number for legitimate sporting or hunting purposes and are clearly distinguishable from rifles intended for sporting and hunting use.

(4) Extraordinarily destructive ammunition for these weapons, including armor-piercing and armor-piercing incendiary ammunition, is freely sold in interstate commerce.

(5) The virtually unrestricted availability of these firearms and ammunition, given the uses intended in their design and manufacture, present a serious and substantial threat to the national security.

SEC. 3. COVERAGE OF .50 CALIBER SNIPER WEAPONS UNDER THE NATIONAL FIREARMS ACT.

(a) In General.—Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking "(6) a machine gun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device." and inserting "(6) a .50 caliber sniper weapon; (7) a machine gun; (8) any silencer (as defined in section 921 of title 18, United States Code); and (9) a destructive device.".

(b) Definitions.—

(1) In general.—Section 5845 the Internal Revenue Code of 1986 (defining terms relating to firearms) is amended by adding at the end the following:

"(n) Fifty Caliber Sniper Weapon.—The term '.50 caliber sniper weapon' means a rifle capable of firing a center-fire cartridge in .50 caliber, .50 BMG caliber, any other variant of .50 caliber, or any metric equivalent of such calibers.".

(2) Modification to definition of rifle.—Section 5845(c) of the Internal Revenue Code of 1986 (defining rifle) is amended by inserting "or from a bipod or other support" after "shoulder".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall only apply to a .50 caliber sniper weapon made or transferred after the date of enactment of this Act.

By Mr. LEAHY (for himself and Mr. SUNUNU):

S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce today the Leahy-Sununu E-mail Privacy Act to ensure that last year's decision by the First Circuit Court of Appeals in a case called United States v. Councilman does not undermine the online privacy that Americans expect and cherish. Senator SUNUNU has been a leader on privacy issues, and I appreciate and welcome his support.

In a strained reading of the Electronic Communications Privacy Act (ECPA), the majority in this case effectively concluded that it was permissible for an Internet Service Provider to systematically intercept, copy and read its customers' incoming e-mails for corporate gain. This outcome is an unacceptable privacy intrusion that is inconsistent with Congressional intent and the commonly-held understanding of the protections provided by ECPA, and requires swift Congressional response. I offer the E-mail Privacy Act as a simple, straightforward way to prevent the erosion of the privacy protection Congress granted to e-mail and ensure that this outcome is not repeated.

In 1986 Congress passed ECPA to update the Wiretap Act so that Americans could enjoy the same amount of privacy in their online communications as they do in the offline world. ECPA was a careful, bipartisan and long-planned effort to protect electronic communications in two forms—from real-time monitoring or interception as they were being delivered, and from searches when they were stored in record systems. We recognized these as different functions and set rules for each based on the relevant privacy expectations and threats to privacy implicated by the different forms of surveillance.

The Councilman decision upset this careful distinction. Functionally, the ISP was intercepting e-mails as they were being delivered, yet the majority concluded that the relevant rules were those pertaining to stored communications, which exempt ISPs. Specifically, the majority rejected the argument put forth by the Justice Department that an intercept occurs—and the Wiretap Act—applies when an e-mail is acquired contemporaneously with its transmission, regardless of whether the transmission may be in electronic storage for a nanosecond at the time of acquisition. This majority's conclusion fails to consider the nature of electronic communications systems and belies the reality that such searches are functionally an interception.

The implications of this decision are broad. While many ISPs are responsible online citizens, this does not change the fact that this decision essentially licenses ISPs to snoop. Even more worrisome is that this decision creates the opportunity for the type of Big Brother invasions that understandably make Americans cringe. For practical reasons, law enforcement often installs surveillance devices at these nanosecond storage points, but before doing so, they have obtained the appropriate legal permission to intercept e-mails—a Title III order. Under the majority's interpretation in the Councilman decision, law enforcement would no longer need to obtain a Title III order to conduct such searches, but rather could follow the less rigorous procedures for stored communications. For example, under the rules for stored communication, if law enforcement were to get the consent of a university-operated ISP, such searches could be performed without the knowledge of users. This is Carnivore unleashed if you will, and is simply not the outcome that Congress intended or the American people expect. Searches that occur in nanosecond storage points during the transmission process are in their function "interceptions" and should be treated as such and subject to the wiretap laws.

The E-mail Privacy Act is a simple approach to prevent the erosion of privacy protections and clarifies that the wiretap laws apply to e-mail interceptions like those at issue in the Councilman case. In essence, the Act would amend ECPA to clarify that the definition of intercept is not a narrow, rigid concept, but is broad enough to include actions that are functionally equivalent to an interception. Importantly, these careful and slight changes would simply restore the status quo prior to the Councilman decision without disturbing other areas of ECPA and without raising controversial concerns that may be difficult to resolve in the few remaining days of this term.

This is an important issue to the American people, and fortunately the E-mail Privacy Act provides a straightforward approach that we can all get behind. Again, I thank Senator SUNUNU for his support on this important legislation. I am sure he would join me in urging our colleagues to make e-mail privacy a top priority and support the E-mail Privacy Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "E-Mail Privacy Act of 2005".

SEC. 2. CLARIFICATION OF THE DEFINITION OF INTERCEPT.

Section 2510(4) of title 18, United States Code, is amended by striking "through the use of any electronic, mechanical, or other device." and inserting "contemporaneous with transit, or on an ongoing basis during transit, through the use of any electronic, mechanical, or other device or process, notwithstanding that the communication may simultaneously be in electronic storage;".

By Mr. CORNYN (for himself and Mr. SPECTER):

S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise to introduce legislation to combat the scourge of sex trafficking within our borders, by targeting and reducing demand. The bill is entitled the End Demand for Sex Trafficking Act of 2005.

For the last four years, the President has been a stalwart champion of strengthening efforts to combat the scourge of human trafficking and slavery, not just abroad, but within our very own borders as well. Last July, a Senate Judiciary subcommittee hearing I chaired, highlighted many of the Administration's landmark efforts in this area to date.

Most Americans would be shocked to learn that the institutions of slavery and involuntary servitude—institutions that this Nation fought a bloody war to destroy—continue to persist today—not just around the world, but hidden in communities across America. It has been nearly two centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the Thirteenth Amendment. Yet to this day, men, women and children continue to be trafficked into the United States, and coerced into lives of forced labor and sexual slavery. The stories they tell are tragic, disturbing, and heart-rending. And the acts they endure are not just unconstitutional, not just criminal—they are profoundly evil, immoral, and wrong.

Shortly after the Senate Judiciary subcommittee hearing I chaired, the President made clear that ending the demand for trafficking is a critical component of this effort, in remarks he delivered before the first national training conference on Human Trafficking in the United States: Rescuing Women and Children from Slavery, hosted by the Justice Department in Tampa, Florida, and attended by a representative from my office. As the President stated, "we cannot put [human traffickers] out of business until and unless we deal with the problem of demand."

Moreover, as the State Department's 2004 Trafficking in Persons Report notes, "[c]onsiderable academic, NGO, and scientific research confirms a direct link between prostitution and trafficking. In fact, prostitution and its related activities . . . contribute[] to trafficking in persons by serving as a front behind which traffickers for sexual exploitation operate. . . . [P]rostitution directly contributes to the modern-day slave trade and is inherently demeaning. When law enforcement tolerates . . . prostitution, organized crime groups are freer to traffic in human beings."

So it is appropriate to expand our fight against the most coercive forms of human trafficking and slavery our society has ever witnessed, to include an effort to combat sex trafficking and prostitution as well. And it is appropriate to target the demand for sex trafficking as an essential element of our strategy to eliminating sex trafficking within our borders.

Accordingly, for the past several months, I have been working with various anti-trafficking organizations to craft legislation to focus attention on the demand for sex trafficking within our own country. Last October, Senators SCHUMER and SPECTER and I introduced an earlier version of the legislation I introduce today (S. 2916). Representatives PRYCE and MALONEY introduced a companion bill on the House side that same day. And today, I am introducing a revised version of the bill, designed to achieve precisely the same objective: ending demand for sex trafficking. I am pleased that Senator SPECTER has again agreed to co-sponsor the legislation. Moreover, Senator SCHUMER remains a close partner on this bill. Our offices are still working out some drafting issues with some of the anti-trafficking groups, and I am hopeful that Senator SCHUMER will once again be the lead Democrat cosponsor of the bill. A parallel bill will be introduced in the House later today by Representatives DEBORAH PRYCE, CAROLYN MALONEY, and BOBBY SCOTT.

This legislation is the product of extensive discussions over the last several months between my office, Senator SCHUMER's office, and major anti-trafficking organizations, as well as the offices of Representatives PRYCE and SCOTT. I am pleased to report that, as a result of those discussions, we now have a bill that is supported by a broad coalition of anti-trafficking and human rights organizations—including the Ministerial Alliance of Midland, Texas, Faces of Children, the Coalition Against Trafficking in Women, Concerned Women for America, the Hudson Institute, the Institute on Religion and Democracy, the Institute on Religion and Public Policy, the Leadership Council for Human Rights, the National Association of Evangelicals, the Polaris Project, the Protection Project, the Religious Freedom Coalition, the Salvation Army, Shared Hope International, the Southern Baptist Convention, Standing Against Global Exploitation (SAGE), the Union of Orthodox Jewish Congregations of America, World Vision, and other organizations and advocates. I ask unanimous consent that letters of endorsement from various anti-trafficking organizations be included in the RECORD.

In conclusion, this is important legislation to protect the victims of sex trafficking and to reduce demand. I hope that the Senate will act favorably on the bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN BAPTIST CONVENTION,
Nashville, TN, March 11, 2005.

Mr. JAMES HO,
Chief Counsel, Subcommittee on Border Security, Immigration and Citizenship, Dirksen Senate Office Building, Washington, DC.
Mr. DEREK LINDBLOM,
Counsel, Office of Senator Chuck Schumer, Hart Senate Building, Washington, DC.
Ms. SHILOH ROEHL,
Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, DC.
Mr. BOBBY VASSSAR,
Minority Counsel, House Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR JIM, DEREK, SHILOH, AND BOBBY: I am pleased to notify you that the following members and organizations of the National Coalition for Religious Freedom and Human Rights fully support the End Demand for Sex Trafficking Act of 2005, including myself. Others have already notified you of their support through personal letters. I am also confident that additional organizations from our Coalition, and groups closely aligned with us, will join in supporting this historic legislation.

Best regards,

Barrett Duke, Chairman, National Coalition for Religious Freedom and Human Rights, Vice President for Public Policy and Research, Southern Baptist Ethics and Religious Liberty Commission; Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals; Janice Shaw Crouse, Senior Fellow, The Beverly Lahaye Institute, Concerned Women for America; Lisa Thompson, Initiative Against Sexual Trafficking, Salvation Army; Nathan J. Diament, Director of Public Policy, Union of Orthodox Jewish Congregations of America; Faith McDonnell, Director, Religious Liberty Programs, Institute on Religion and Democracy; Donna M. Hughes, Professor & Carlson Endowed Chair, Women's Studies Program, University of Rhode Island; Kathryn Porter, President, Leadership Council for Human Rights; Peggy Birchfield, Executive Director, Religious Freedom Coalition; Michael Horowitz, Senior Fellow, Hudson Institute; Debbie Fikes, Director, Basic Ministries, International, Midland, TX; Margaret Purvis, Chairwoman, Faces of Children, Midland, Texas; Dr. Jae Joong Nam, President, AEGIS Foundation.

March 15, 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington DC.
Hon. DEBORAH PRYCE,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am writing to express my support for the End Demand for Sex Trafficking Act of 2005.

Though I and several of my colleagues had some serious concerns about earlier versions of the legislation, I appreciate your willingness to address our proposed changes. I believe the bill introduced is greatly improved and will have a positive effect on reducing demand for commercial sex practices in the United States. Reducing demand for commercial sex will help reduce the number of trafficking victims and help prevent the sexual exploitation of women and children.

I commend you for commitment to helping end sex trafficking and your commitment to human rights.

Thank you.

Sincerely,

LINDA SMITH,
Founder and Executive Director,
Shared Hope International.

INSTITUTE ON RELIGION
AND PUBLIC POLICY,
Washington, DC., March 15, 2005.

Hon. John Cornyn,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: I am writing in support of the End Demand for Sex Trafficking Act of 2005. This historic legislation would bring significant attention to the true roots of sexual trafficking: the demand for illegal sexual activity. It would also combat the commercial sexual trade by focusing law enforcement effort on consumers, traffickers, and exploiters, ending the current isolation of the individuals exploited in the illegal activity.

The End Demand for Sexual Trafficking Act of 2005 is the result of many hours of work by lawmakers, religious leaders, and NGOs under your ledership and is a much-needed addition to the United States' sexual trafficking laws. This bill will hopefully focus the attention of sexual trafficking prosecution on the traffickers and the "johns" who pay for the illegal activities, thereby solidifying America's position as the world leader in working to end sexual trafficking and prostitution.

With warm personal regards and best wishes, I am,

Sincerely Yours,

JOSEPH K. GRIEBOSKI,
President.

FACES OF CHILDREN,
MIDLAND, TEXAS,
March 11, 2005.

Re End Demand for Sex Trafficking Act of 2005

Hon. JOHN CORNYN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of Faces of Children an ecumenical prayer ministry under the auspices of First Presbyterian Church, Midland, Texas, we endorse the End Demand for Sex Trafficking Act of 2005.

Faces of Children is a prayer ministry that focuses on and provides prayer support to children in crisis and in distress. We care deeply about providing assistance to victims, especially the youngest and most vulnerable ones, of sex trafficking and about prosecuting those who take advantage of them in the sex trade.

We are most grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS, *Chair,*
Faces of Children, Midland, TX;
CHRIS LAUFER, *Coodinator,*
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING
IN WOMEN,
March 9, 2005.

DEAR SENATOR CORNYN: The Coalition Against Trafficking in Women, an international organization working against sex trafficking and prostitution in many parts of the world, would like to express its support for the proposed "End Demand for Sex Trafficking Act of 2005."

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist States and local governments in their efforts to reduce trafficking and commercial sexual activities.

We hope that this bill will soon be passed by the United States Congress and appreciate your sponsorship of this important legislation.

Sincerely,

JANICE G. RAYMOND,
Co-Executive Director.

[From World Vision, March 10, 2005]

WORLD VISION ENDORSES LEGISLATION TO COMBAT SEX TRAFFICKING AND INCREASE ASSISTANCE TO VICTIMS

WASHINGTON.—World Vision applauds Senator John Cornyn and Representatives Chris Smith and Deborah Pryce for their steadfast work to protect children from exploitation. We support H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005 and the introduction of the End Demand for Sex Trafficking Act of 2005. The combined strengths of these two bills provide for effective measures to help combat sex trafficking by increasing law enforcement efforts, reducing demand and increasing services available to victims.

An estimated two million children currently are enslaved in the global commercial sex trade, which has destroyed the lives of countless women and children throughout history. For children, the most vulnerable victims, the impact is catastrophic, including: long-lasting physical and psychological trauma, disease (including HIV/AIDS), violence/abuse, drug addiction, unwanted pregnancy, malnutrition, social ostracism, a life of poverty and, in the worst cases, death. Notably, this abhorrent abuse is found in nearly every country, including the United States.

The provisions included in the End Demand for Sex Trafficking Act of 2005 will help remedy this problem by increasing U.S. law enforcement action against the abusers, including traffickers, pimps, brothel owners and "customers" (a.k.a., "Johns"), thereby curtailing demand. In addition, the Trafficking Victims Protection Reauthorization Act of 2005 reauthorizes much-needed program funds, provides for increased law enforcement programs and tools and bolsters the TIP office at the Department of State. Both bills measurably increase services available to victims.

World Vision is delighted to support both of these bills and we have full confidence in the U.S. Congress to resolve any differences between the two bills in order to arrive at the most effective legislation possible. We thank Senator Cornyn and Representatives Smith and Pryce for their leadership in addressing this global problem. We stand ready to work with Congress on this important issue.

World Vision is a Christian relief and development organization dedicated to helping children and their communities worldwide reach their full potential by tackling the causes of poverty . World Vision serves the world's poor—regardless of religion, race, ethnicity, or gender. In 2004, World Vision operated in nearly 100 countries around the world.

STANDING AGAINST
GLOBAL EXPLOITATION,
San Francisco, CA, March 8, 2005.

Senator JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

HONORABLE SENATOR JOHN CORNYN: I am writing on behalf of SAGE Project, Inc to strongly and enthusiastically endorse the End Demand for Sex Trafficking Act of 2005, a bill designed to combat commercial activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons and for other purposes.

SAGE has designed and implemented cutting-edge, model restorative justice programs for customers of prostitutes (the demand), trauma and drug recovery, and job training programs for women, young men, and girls who are victims of trafficking, prostitution, sexual exploitation and violence. The personal knowledge and experience possessed by many of the survivor, peer staff enables SAGE to effectively provide support and engender trust without re-traumatizing even the most fragile of clients. Through advocacy, educational programs, and as a direct service provider for over 14 years, SAGE has assisted in raising public awareness concerning the sexual exploitation and trafficking of women and girls. As a result of our interventions, SAGE has assisted over 1500 individuals to exit the criminal justice system, escape traffickers and actively engage in prosecutions, receive emergency housing and victim services, recover from abuse and acquire appropriate services such as medical and mental health care, substance abuse treatment, legal, immigration, case management, educational and vocational training. Because of SAGE's commitment to victims of exploitation and trafficking, a web of prevention education, early intervention and treatment services and a network of survivor, peer led programs throughout the United States has been created. SAGE is the co-founder of the first and largest program for customers of prostitutes in the world. This restorative justice program has been replicated in dozens of other cities and funds a wide range of services for women and girls.

Studies show that most commercially sexually exploited children (CSEC) are integrated into the mainstream sex industry and tend to be concentrated in the cheaper end of the prostitution market where conditions are the worse and the concentration of customers/abusers the highest. Although some children are prostituted by and/or specifically for pedophiles and preferential abusers, the majority of the several million men who annually exploit children are first and foremost prostitute users of adult women who become child sexual abusers through their prostitute use, rather than the other way around. The world of prostitution whether legal or illegal provides an arena where laws and rules which constrain sex with minors can be evaded. Laws and social conventions make it difficult and dangerous for individuals to buy children for sexual purposes in non-commercial contexts, but prostitution potentially provides instant access, often to a selection of children. Men surveyed in San Francisco through SAGE and the First Offenders Prostitution Program respond when asked how a person justifies having sex with an underage prostituted child, "they don't even think." They know that law enforcement efforts are focused on the youth/child as the perpetrator and not on them. The End Demand for Sex Trafficking Act of 2005 is the most historically significant step toward ending the rape and sexual abuse of children through prostitution and holding the true perpetrators accountable.

The End Demand for Sex Trafficking Act of 2005 clearly, strongly, and unambiguously redefines "child prostitution" as sexual abuse on young human beings. This sexual abuse of children through prostitution is made possible by a society that has sanctioned and institutionalized numbers of children for whom routine abuse, torture, rape, trafficking and kidnapping is considered acceptable. In essence, what society is saying and enforcing through laws and inappropriate interventions is that children and youth are consenting to their own sexual abuse and that by consenting to this abuse they are a danger to society. They are subject to arrest, they are viewed as perpetrators, not victims, and they are denied any services for their victimization. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence. For these girls, the average of entry into prostitution is 13–14, an age at which these girls are entering an endless cycle of arrest, drug addiction, and violence. The result is traumatic and profound lack of self-esteem causing disempowered behaviors: dropping out of school, prostitution, addiction, selling of drugs, and violence. Their exploitation is perpetuated by continued reliance on the very people who have physically, emotionally, and sexually assaulted them. As these children age into adults they remain trapped in a system of abuse and exploitation and could not escape even if they wanted to. The legal, mental and medical health, human rights consequences of this abuse remains with the child or woman as she is arrested, prosecuted, jailed, placed on probation and forced into treatment. The End Demand for Sex Trafficking Act of 2005 will send the message that now these severely victimized and neglected children and women can depend on us for protection and care.

SAGE is committed to working with you and your office in passing this historic legislation. Just ask.

Truly,

NORMA HOTALING .
Founder and Director, SAGE.

JOHNS HOPKINS UNIVERSITY, THE PAUL H. HITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES
Washington, DC, March 18, 2005.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, D.C.
Hon. DEBORAH PRYCE,
Cannon House Office Building,
Washington, D.C.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am writing on behalf of The Protection Project at The Johns Hopkins University School of Advanced International Studies (SAIS), to express my full support for the End Demand for Sex Trafficking Act of 2005.

The Protection Project is a legal human rights research institute committed to the eradication of trafficking in persons. The Protection Project strongly believes that reducing demand is the most effective way to successfully combat sex trafficking.

The End Demand for Sex Trafficking Act of 2005 is a significant step forward in the fight against sex trafficking, since it introduces appropriate measures to promote the prosecution of purchasers of commercial sex acts, exploiters of sexual activities and traffickers. In particular, in regard to the prosecution of purchasers, I strongly endorse Section 4(b)(1), which proposes measures such as educational programs for first time purchasers of "unlawful commercial sex," publication of names and addresses, the use of female decoys, statutory rape and felony assaults prosecutions, and other programs enhancing prosecution and reducing demand. I firmly believe that these measures would significantly contribute to discouraging demand.

The Protection Project is committed to working with you and supports the passage of this important legislation.

Best Regards,

MOHAMED Y. MATTAR, S.J.D.,
Adjunct Professor of Law and Executive Director.

POLARIS PROJECT,
Tokyo, Japan, March 10, 2005.

Mr. JAMES HO,
Chief Counsel, Subcommittee on Border Security, Immigration and Citizenship, Dirksen Senate Office Building, Washington, DC.
Mr. DEREK LINDBLOM,
Counsel, Office of Senator Chuck Schumer, Hart Senate Building, Washington, DC.
Ms. SHILOH ROEHL,
Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, DC.

DEAR MR. HO, MR. LINDBLOM, AND MS. ROEHL: On behalf of Polaris Project, we write in support of the End Demand for Sex Trafficking Act of 2005.

We work everyday with women and children in the sex industry who have been beaten, raped, and controlled through threats of death and extreme violence, many of them U.S. nationals who just a few years ago would be viewed as nothing more than criminals. This historic legislation will help change that injustice forever in the United States. The End Demand for Sex Trafficking Act of 2005 generates renewed hope for our clients, for the survivors on our staff, and for the rest of us who work everyday protecting some of the most vulnerable women and children in our country.

Thank you for your work.

Sincerely,

KATHERINE CHON,
Co-Executive Director.
DEREK ELLERMAN,
Co-Executive Director.

[From the Religious Freedom Coalition]

(By Peggy Birchfield)

STATEMENT BY RELIGIOUS FREEDOM COALITION CHAIRMAN, WILLIAM J. MURRAY

Although progress has been made in many areas since the Trafficking Victims Protection Act was passed in 2000, the tragic human degradation of sexual trafficking continues to increase in magnitude. The number of those adversely affected continues to grow, especially among children, the most pathetic victims.

By focusing more on the male customers and on traffickers, this proposed legislation can reduce prostitution by redirecting law enforcement efforts which now disproportionately lead to the arrest of the women involved in prostitution, some of whom are trafficking victims.

The legislators who have wisely recognized that prostitution is not a "victimless crime" and who have taken steps to reduce its prevalence are to be applauded. It has long been realized that prostitution brutalizes and desensitizes men, who come to view women as objects and not as human beings. A new study has shown that prostitution also leads to more criminal behavior in women, and not just in drug related offenses. It was found that 7 out of 10 women who were convicted of felonies of all kinds, first entered the legal system because of an arrest for prostitution.

Sex tourism is a growing industry that targets children in third world countries, and the United States is the home of probably more "sex tourists" than any other single nation. The victims are not American children in this case, but are poor and often abandoned children in foreign countries where there is lax law enforcement. This new effort to stop the victimization of these children should be supported in all possible ways. The men who travel abroad to exploit children and the tour operators who are well aware of the nature of the trips they are providing, should be prosecuted.

This bipartisan effort by members of the Senate and the House to address this serious humanitarian issue is to be highly commended, and I hope it will gain many more supporters and cosponsors in Congress.

By Mr. LEAHY (for himself and Mr. BOND):

S. 938. A bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, it is now fairly common on the Senate Floor to hear the statement that we cannot adequately defend our Nation today without our military reserves. Everybody knows that the activation of members of the National Guard and Reserve since September 11, 2001, represents the largest mobilization of our back-up military personnel since World War II. Everyone knows too that members of the National Guard and Reserve comprise over 50 percent of the forces on the ground in Iraq. And, yes, we all know that we are asking the reserves, particularly the National Guard, to help increase security within the domestic United States, whether at prominent events or along our porous national borders.

It is critical that we go beyond mere statements and take concrete steps to preserve the readiness, morale, and general effectiveness of this force. This imperative extends particularly to redressing harmful policies that give the impression to our reservists that they are not an equally important part of the wider military and the defense of the Nation.

Today Senator BOND and I are introducing legislation that will end one of the most glaring of these inequities. Our legislation, The National Guard and Reserves Housing Equity Act of 2005, effectively terminates a patently unfair low housing allowance provided to reservists when they are called up for a relatively short-term of active service.

This so-called lower allowance level, known officially as the Basic Allowance for Housing II, or B.A.H. II, puts on average almost $400 less per month—per month—in the pockets of our reservists than what they would receive if they were regular, active duty members. To any reservist who leaves his or her community, profession, and family for active service, receiving B.A.H. II says that he or she is a second-class member of the military. You might do the same job as a full-time member of the military and live in the same type of housing, but you do not deserve the same allowance. The allowance creates an unacceptable financial hardship that will decrease the willingness of any reasonable person to continue service.

This is a very real problem. Last year, Congress and the President enacted a piece of legislation—which I sponsored along with my fellow Guard Caucus Co-Chair Senator Kit Bond—that authorized greater use of the National Guard for national homeland security missions. Using this new authority, members of the National Guard from my home State of Vermont were called to active duty late last year to help increase security along the Northern Border. Those members of the Guard worked side-by-side with their active duty counterparts. Yet the Guard personnel received over $300 less per month in housing allowances.

I cannot tell you how many soldiers and airmen who participated in that mission came up to me and made clear how slighted and insulted they felt by that housing allowance. Those comments mirror what I heard from other members of the Guard who received B.A.H. II on a similar mission. This second-tier housing allowance really burns in the saddle of every citizen-soldier, sailor, airman, and marine, and it is having a real effect on morale.

We simply cannot tolerate this inequity to continue, and it is within our power to do something about this. So we have a choice today: Either we can keep this second-tier housing allowance in place and send a signal that we need to save some dollars on the backs of those who have stepped forward to serve, or we can remedy this inequity, making the firm statement that we will take the real steps necessary to support our reservists and provide them the resources so that they can do their jobs and be treated fairly while they serve.

The National Guard and Reserves Housing Equity Act of 2005 specifically provides that any member of the reserves called up for more than 30 days will receive the exact same housing allowance as a regular active duty service-member. The legislation gives the Office of Secretary of Defense some discretion to set the allowance under the 30 days, but it should be done on a prorated basis on the higher regular allowance. The effect of this legislation will be to end the category of Basic Allowance of Housing II.

This legislation has been endorsed unanimously by the 35-military association umbrella group, The Military Coalition. So that all senators may read the specific views of the military associations, I ask that letters from the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, the Reserve Officers Associations, the Reserve Enlisted Association, the Association of the United States Army, and the Fleet Reserve Association be printed in the Record. The Military Officer's Association of America and the Air Force Sergeant's Association have also directly endorsed this legislation.

We often hear statements about supporting our troops, but this is a chance to actually support them. This is an issue that literally affects our troops where they live. I invite our colleagues to join Senator Bond and me in cosponsoring this legislation and in working to end this grossly unfair system. With the National Guard and Reserves Housing Equity Act of 2005, we are backing up our thanks with meaningful action. With this step we are saying that we are ready to provide a strong foundation of policies that will actually encourage our reservists to continue to serve the country superbly. This is the right thing to do, and I look forward to working with my colleagues on both sides of the aisle to enacting this legislation this year.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Guard Association
of the United States,
Washington, DC, April 26, 2005.

Hon. Patrick Leahy,
U.S. Senate,
Washington, DC.

Dear Senator Leahy: I am writing on behalf of the men and women of the National Guard Association of the United States to thank you for introducing legislation which addresses the inequities in housing allowances paid to members of the National Guard.

Your bill, which reduces the threshold for receipt of full BAH from 140 days to 30 days, will have an immediate and positive impact on many of our members who are receiving housing allowances at a rate which is on average $400 less than the regular BAR rate. Because BAH II is not adjusted for location, in some places the loss of income could be as high as $1,000.00, depending on rank.

As you know, when a Guard member is on duty, the mortgage payment or rent is not reduced. Your bill will rectify this injustice and allow National Guard members to receive full BAH when on orders for more than 30 days.

At no other time in recent history have the men and women of the National Guard been asked to sacrifice so much for the good of the Nation. We thank you for recognizing their contribution and sacrifice and working to remove this inequity in their housing allowance.

Please don't hesitate to call on us if there is anything we else we can do to support this worthwhile legislation.

Sincerely,

Stephen M. Koper,
Brigadier General, Retired President.

Enlisted Association of the National Guard of the United States,
Alexandria, VA, April 21, 2005.

Hon. Patrick Leahy,
U.S. Senate,
Washington, DC.

Dear Senator Leahy: On behalf of the Enlisted men and women of the Army and Air National Guard, thank you for introducing legislation to reduce the threshold for the receipt of Basic Allowance for Housing (BAH) to 30 days. This bill will authorize National Guard and Reserve members on active duty for more than 30 days to receive full BAH instead of the lower BAH II they now receive if their orders are for less than 140 days.

Almost all National Guard members must maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn't go away when they are called to active duty.

National Guard and Reserve members who are on active duty for less than 140 days receive BAH II instead of the BAH that every other servicemembers receives. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. it is not adjusted for location. In some places, such as the Washington, DC Metro area, the difference can be $1,000, depending upon the rank of the servicemember.

A significant percentage of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only makes the financial difficulty worse. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

Thank you so much for addressing one of the many needs of our National Guard members. EANGUS will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Working for America's Best!

MSG (Ret) Michael P. Cline AUS,
Executive Director.

Reserve Enlisted Association,
April 21, 2005.

Hon. Patrick J. Leahy,
Hon. Christopher S. "Kit" Bond,
U.S. Senate,
Washington, DC.

Dear Senator Leahy and Senator Bond: The Reserve Officers Association, representing over 75,000 Reserve Component members and the Reserve Enlisted Association supporting all Reserve enlisted members, supports your bill to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services.

This bill tears down a barrier at a time when the services will need to rely on volunteerism as they run out of mobilization authority. The lower Reserve Component housing allowance has been reported by ROA members as a reason why they are not encouraged to volunteer for active duty.

Additionally, it will also help to offset pay differential and positively affect the financial health of our military families. The provisions of your bill meet sound business practices by targeting entitlements and we are encouraged it will receive bipartisan interest. Congressional support for our nation's military men and women in the Guard and Reserve is and always will be appreciated.

Sincerely,

ROBERT A. MCINTOSH.
Major General (Ret), USAFR, ROA Executive Director.
LANI BURNETT.
CMSgt, USAFR (Ret), REA Executive Director.

ASSOCIATION OF THE U.S. ARMY,
Arlington, VA, April 22, 2005.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I thank you for introducing legislation to reduce the threshold for the receipt of Basic Allowance for Housing II (BAH II) to 30 days.

Almost all National Guard members must maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn't go away when they are called to active duty.

National Guard and Reserve members who are on active duty for less than 140 days receive BAH II instead of the Basic Allowance for Housing (BAH) that every other servicemember receives. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. It is not adjusted for location. In some places, such as the Washington, D.C. Metro area, the difference can be $1,000, depending upon the rank of the servicemember.

A significant percentage of mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only makes the financial difficulty worse. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

AUSA will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Sincerely,

GORDON R. SULLIVAN.
General, USA Retired.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, April 22, 2005.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: FRA wholeheartedly endorses your introduction of legislation authorizing National Guard and Reservists called to active duty for a period of more than 30 days to receive a basic allowance for housing (BAH) at the same rate as their active duty counterparts.

Current policy require Reservists serving less than 140 days receive "BAH II," which is generally a flat-rate amount based on pay grade and marital status rather than the market-influenced, geographically-driven allowance that active duty personnel receive.

At the specific request of senior enlisted leaders of the Coast Guard, FRA addressed this inadequacy in Congressional testimony, recommending a policy change authorizing Reservists activated 30 days or more to be eligible for locally based BAH. This measure significantly helps ensure Reservists' compensation reflects the duties our Nation has asked them to perform.

The Association salutes you for your efforts and is committed to working toward enactment of this important legislation.

Sincerely,

JOSEPH L. BARNES,
National Executive Secretary.

By Ms. COLLINS (for herself and Mr. REED):

S. 941. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of undeveloped land in the north to the small woodlots in the south, forest land helps shape the character of our entire State.

While our commitment to stewardship has preserved the forest for generations, there is a threat to Maine's working landscape that requires a fresh approach. This threat is suburban sprawl, which has already consumed tens of thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land.

Sprawl threatens our environment and our quality of life. It destroys ecosystems, increasing the risk of flooding and other environmental hazards. It burdens the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. It leads to the fragmentation of woodlots, reducing the economic viability of the remaining working forests.

No State is immune from the dangers of sprawl. For example, the Virginia State Forester says that since 1992, Virginia has lost 54,000 acres of forest land per year to other uses.

The Southeastern Michigan Council of Government reported that southeastern Michigan saw a 17 percent increase in developed land between 1990 and 2000.

In my State of Maine alone, suburban sprawl has already consumed tens of thousands of acres of forest and farm land. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the "sprawl capital of the Northeast."

I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that have given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

Maine is trying to respond to this challenge. The people of Maine continue to contribute their time and money to preserve important lands and to support our State's 88 land trusts. It is time for the Federal Government to support these State and community-based efforts.

For these reasons, I am introducing the Suburban and Community Forestry and Open Space Program Act. This legislation, which was drafted with the advice of land owners and conservation groups, establishes a $50 million grant program within the U.S. Forest Service to support locally driven land conservation projects that preserve working forests. Local government and nonprofit organizations could compete for funds to purchase land or access to land to protect working landscapes threatened by development.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be matched dollar-for-dollar by state, local, or private resources.

This is a market-driven program that relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working forests, farmland and open spaces by zoning or other government regulation, at the expense of the landowner, with this program we will provide the resources to allow a landowner who wishes to keep his or her land as a working woodlot to do so.

My legislation also protects the rights of property owners with the inclusion of a "willing-seller" provision, which requires the consent of a landowner if a parcel of land is to participate in the program.

The $50 million that would be authorized by my bill would help achieve a number of stewardship objectives: First, this bill would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry.

Second, these resources would be a valuable tool for communities that are struggling to manage growth and prevent sprawl.

Understanding land ownership issues in other parts of the nation, I have included a geographic limitation in this bill. This limitation would exempt any state where the Federal Government owns twenty-five percent or more of that State's land from the Suburban and Community Forestry and Open Space Program. With the twenty-five percent limitation, a figure used in previous bills, the twelve States with the highest percentage of federally owned land would not be eligible to participate in this new program. Those

States, however, who are struggling most with the loss of working landscapes would be authorized to receive Federal assistance in their efforts to combat sprawl.

Currently, if the town of Gorham, ME, or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest and farm land and managing sprawl, while leaving decision-making at the state and local level where it belongs.

In 2002, this legislation was included in the forestry title of the Senate approved version of the Farm Bill. Unfortunately, the forestry title was stripped out of the Farm Bill conference report. Again, in 2003, this legislation passed the Senate. This time, during consideration of the Healthy Forests Restoration Act.

Unfortunately, this provision was removed from the Healthy Forests Restoration Act conference report. This new Congress provides us a further opportunity to consider this legislation and ultimately have this bill enacted.

There is great working being done on the local level to protect working landscapes for the next generation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide an additional avenue of support for these conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

By Mr. WARNER:

S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Ridge and Valley Act of 2005. This bill will add seven new wilderness areas, six additions to existing wilderness areas, and two National Scenic Areas to the Jefferson National Forest. Congressman RICK BOUCHER is introducing companion legislation in the United States House of Representatives.

Throughout my career in the United States Senate, I have strived to preserve Virginia's natural resources and heritage through the designation of wilderness areas and, today, I am proud to say that Virginia boasts approximately 100,434 acres of designated wilderness lands. However, there is still much work to be done. Within the Jefferson National Forest, designated wilderness areas currently account for only 7 percent of the total forest acreage. If enacted, the Virginia Ridge and Valley Act of 2005 will substantially increase this figure by expanding our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 43,000 acres of new wilderness areas and almost 12,000 acres of national scenic areas.

Virginia is blessed with great beauty and natural diversity. From the complex ecosystem of the Chesapeake Bay, to the exquisite vistas, streams, vegetation, and wildlife of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia increases, it becomes incumbent upon Congress to act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their primeval character and influences.

Mr. President, I consider myself an avid outdoorsman, and I enjoy opportunities for recreation like most Americans. Therefore, I want to stress the many joyful outdoor activities that will be enhanced by the wilderness designation in these areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. In addition, the Act is flexible and provides for reasonable local forest management and emergency services in wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease.

I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As a father and a grandfather, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia's immense natural beauty and diversity. This legislation is a crucial step in our quest to preserve these lovely areas for the enjoyment and use of future generations.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. SARBANES, and Mr. KOHL):

S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2005. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL and Maryland, Mr. SARBANES, have joined me as cosponsors of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th and 108th Congresses.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's fifteen species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2006 through Fiscal Year 2010.

In keeping with my belief that we should balance the budget, this bill proposes that the $25 million in authorized spending over five years for the Crane Conservation Act established in this legislation should be offset through the Secretary of Interior's administrative budget.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only

21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the birds' tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. Two new flocks of cranes are currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home state in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique. One of the program's supporters has told me that this program is the conservation equivalent of putting a man on the moon. I think it is quite appropriate then that the Smithsonian announced that one of the ultralight planes from Operation Migration, which leads the migration from Necedah to Chassahowitzka, will be inducted into the National Air and Space Museum. The plane will be on display in the Museum early next year. I cannot think of a better way to showcase this innovative conservation program.

Despite the remarkable conservation efforts taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2005.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crane Conservation Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;

(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—

(A) the Siberian crane (Grus leucogeranus);

(B) the red-crowned crane (Grus japonensis);

(C) the white-naped crane (Grus vipio);

(D) the black-necked crane (Grus nigricollis); and

(E) the hooded crane (Grus monacha);

(3) the Crane Action Plan of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—

(A) the wattled crane (Bugeranus carunculatus);

(B) the blue crane (Anthropoides paradisea);

(C) the grey-crowned crane (Balearica regulorum);

(D) the black-crowned crane (Balearica pavonina); and

(E) the sarus crane (Grus antigone);

(4)(A) the whooping crane (Grus americana) and the Mississippi sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) with approximately 200 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;

(5) conservation resources have not been sufficient to cope with the continued diminution of crane populations from causes that include hunting and the continued loss of habitat;

(6)(A) cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and

(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;

(7) other threats to cranes include—

(A) the collection of eggs and juveniles;

(B) poisoning from pesticides applied to crops;

(C) collisions with power lines;

(D) disturbance from warfare and human settlement; and

(E) the trapping of live birds for sale;

(8) to reduce, remove, and otherwise effectively address those threats to cranes in the wild, the joint commitment and effort of countries in Africa, Asia, and North America, other countries, and the private sector, are required;

(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;

(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and

(11) conservationists in the United States have much to teach and much to learn from colleagues working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened cranes.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, acquisition, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 6(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 6. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681-237; 16 U.S.C. 4246) a separate account to be known as the "Crane Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 8; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 5.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal

year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) INVESTMENTS OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 7. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

SEC. 8. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

Mr. KENNEDY. Mr. President, today, on Workers' Memorial Day, we remember and honor the working men and women here at home who have died or been injured on the job in the past year. We also think of their families and the losses they have suffered. And we pledge to do more to end the unsafe and unhealthy conditions that still plague so many workplaces across America.

Thirty-five years have now passed since the enactment of the Occupational Safety and Health Act in 1970, and that basic law has made an immense difference in the safety of our Nation's workers. The rate of fatalities, injuries, and illnesses dropped year after year—a 78 percent reduction in the rate of workplace deaths and a 52 percent reduction in the rate of workplace-related injuries and illnesses since the law was passed, and the reductions have been even greater in industries that OSHA has targeted in its standards and enforcement activities.

But we still have a long way to go. There are still too many workers being hurt on the job. An average of 15 workers are killed and 12,000 more are injured every single day. That's over 5,500 worker deaths and 4.4 million worker injuries a year. In Massachusetts, 72 workers died from traumatic injuries on the job in 2004 and over 600 died from occupational disease.

These numbers represent real workers and their families. They represent fathers like Jeff Walters. His son Patrick was killed when a trench in Ohio caved in three years ago—at a company with a history of safety violations. They include people like Ron Hayes, who also lost his son in a workplace accident. Since then, he and his wife Dot have made safety their cause and done a great deal to help families whose lives have been hurt by these deaths—including deaths that in many cases could, and should have been prevented.

Ron and Jeff asked us to prevent this from happening to other families. That's why I am introducing this bill—to fight for families like the Walters and the Hayes, and to do everything we can to see that other families don't have to suffer the same grief.

Many companies are doing too little to deal with this challenge. They blatantly ignore the law, but they are rarely held accountable, even when their actions or neglect kill loyal employees who work for them. Offenders never go to jail. Criminal penalties are so low that prosecutors don't pursue these cases. Employers who violate safety laws again and again pay only minimal fines—they treat them as just another cost of doing business.

We cannot allow these shameful practices to continue. These companies are putting millions of workers at risk in factories, construction sites, nursing homes, and many other workplaces every day.

We also need to hold this Administration accountable for improving worker safety and enforcing the safety laws. We should require OSHA to do more to stop serious safety violations before they can hurt or kill workers, instead of sweeping them under the rug. We also need to protect workers with the courage to speak out against health and safety violations in the workplace.

The most glaring flaw in current law is that too many workers are left uncovered. The Protecting America's Workers Act will extend the scope of the Occupational Safety and Health Act to cover 8 million public employees and millions of transportation and other workers.

In addition, the bill imposes jail time—up to ten years, instead of only six months under current law—on those whose blatant violation of safety laws leads to a worker's death. Incredibly, under current law, it is only a misdemeanor—punishable by 6 months in jail—for an employer to cause a worker's death through willfully violating our safety and health laws. In fact, we impose sentences twice that long for acts like harassing a wild burro on federal lands. Our laws should reflect our serious commitment to protecting workers' safety, instead of letting violators off with a slap on the wrist. We also increase civil penalties, to provide additional deterrence against employers.

We require the Occupational Safety and Health Administration to investigate more cases. We give workers and their families more rights in the investigation, and provide stronger protections for workers who report health or safety violations.

I urge my colleagues to join me in fighting for safe workplaces for all of America's workers. The promise of OSHA is waiting to be fulfilled. The best way for Congress to honor the Nation's dedicated working men and women on this Worker's Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

By Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. DURBIN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BAYH, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. CORZINE, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Mr. DAYTON, Mr. AKAKA, Mr. REED, Mr. HARKIN, Mrs. BOXER, Ms. LANDRIEU, Mr. REID, Mr. SALAZAR, Mr. BAUCUS, Mr. DORGAN, Mr. NELSON of Florida, Mr. SCHUMER, Mr. DODD, Mr. SPECTER, Mr. BYRD, Mr. LAUTENBERG, and Mr. OBAMA):

S. 945. A bill to provide reliable officers, technology, education, community prosecutors, and raining in our neighborhoods; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today, I rise to introduce legislation to reauthorize the Department of Justice's Office of Community Oriented Policing Services (COPS). This program has achieved what my colleagues and I hoped for back when we were debating the 1994 Crime Bill. Prior to the final vote, in August of 1994, I stated that "I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals."

Fortunately, with the creation of the COPS program, we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for eight consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes, and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent. Property crimes, including auto thefts also were reduced from historical highs to the lowest levels in decades.

How were we able to achieve such great results? Well, we all know it was a combination of factors, but most law enforcement officials credit the Office of Community Oriented Policing with a pivotal role. Indeed, in the words of Attorney General Ashcroft the Community Oriented Policing program ("COPS") has been "a miraculous success." Just a few months ago, Attorney General Gonzalez reached the same conclusion, stating that "we put additional officers on the street and now we have crime at an all-time low." In addition, this program has been endorsed by every major law enforcement group in the Nation, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations (NAPO), the National Sheriffs Association (NSA), the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials (NOBLE), the International Union of Police Associations (IUPA), the Fraternal Order of Police, and others. The bottom line is that from the Top Cop in the United States to the beat officer patrolling a local community, the impact of this program is clear.

Rather than support this program, the Bush Administration and Republican leadership is set on eliminating it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for State and local law enforcement programs run out of the Department of Justice is down 75.6 percent since fiscal year 2002. This year, funding for State and local law enforcement is at $118 million for the entire Nation, with no funding for hiring.

These cuts are coming at the worst possible time. Local law enforcement is facing what I have called a perfect storm. The FBI is reprogramming its field agents from local crime to terrorism. Undoubtedly, this is necessary given the threats facing our Nation. But, this means that there will be less Federal assistance for drug cases, bank robberies, and violent crime. Local law enforcement will be required to fill the gap left by the FBI in addition to performing more and more homeland security duties. Due to budget restraints at the local level and the unprecedented cuts in Federal assistance they will be less able to do either. Articles in the USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of local budgets woes. In fact, New York City has lost over 3,000 officers in the last few years. Other cities, such as Cleveland, Minnesota, and Houston, TX, are facing similar shortages. As a result, local police chiefs are reluctantly pulling officers from the proactive policing activities that were so successful in the nineties, and they are unable to provide sufficient numbers of officers for Federal task forces. These choices are not made lightly. Police chiefs understand the value of proactive policing and the need to be involved in homeland security task forces; however, they simply don't have the manpower to do it all. Responding to emergency calls must take precedence over proactive programs and task forces, and I fear that we will see the impact in our national crime rates soon. Local chiefs and sheriffs are reporting increased gang activity. And, murder rates and auto thefts—two very accurate indicators of crime trends—have gone up for three consecutive years.

To me, cutting assistance for State and local law enforcement is inexplicable, particularly because the need for Federal assistance remains so pressing. In fact, last month I offered an amendment to restore funding for the COPS program in the sum of $1 billion. This amount would have provided enough funding to eliminate the backlog of pending officer requests of 10,000 from 3,700 jurisdictions throughout the Nation. And, it would have provided funding to support on-going needs this year. Unfortunately, this amendment was voted down on a party-line vote. The Bush Administration's response to these criticisms about its budget is that funding for the Department of Homeland Security is up. Undoubtedly, these are critical, necessary expenditures, and I believe that the Administration has not invested enough for homeland security. We have an obligation to do both. We must fund homeland security and invest in the programs that help reduce traditional crime and prevent terrorism. As terrorism and security experts have pointed out, funding additional officers through the COPS program can help do both.

The legislation that I am introducing today provides $1.5 billion per year for six years for the COPS program. This includes $600 million per year for officer hiring grants, $350 million per year for technology grants, and $200 million per year to help local district attorneys hire community prosecutors. This funding will help keep faith with our State and local law enforcement officers who put their lives on the line every day to keep our communities safe from crime and terrorism. I would ask all of my colleagues to go to their local police chief or sheriff and ask them if they should support this legislation, and I hope that they will, because if they did, it would be passed 100–0.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods Act of 2005" or the "PROTECTION Act".

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies," after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community-oriented policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C), by—

(i) striking ", or pay overtime"; and

(ii) striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2), by striking all that follows "**SUPPORT SYSTEMS**.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7), by inserting ", school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, and to combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, the illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (11), by striking "and" at the end;

(5) in paragraph (12), by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(13) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds available for grants pursuant to subsection (a) in any fiscal year to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds available for grants pursuant to subsections (d), (e), and (f) in any fiscal year for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2), by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by striking "operation of training centers" and inserting "regional community policing institutes, training centers,"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocameras, databases, and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information, including non-criminal justice data, to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community-oriented policing efforts.

"(2) USE OF FUNDS.—Funds made available under this subsection may be used to—

"(A) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun, and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(B) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(C) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

"(3) ALLOCATION.—At least 75 percent of the funds made available under this subsection shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2)(B) and at least 25 percent of the funds shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) to units of local government with a population of less than 50,000.".

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

"(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b).".

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended by inserting after "criminal laws" the following: ", including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community-oriented policing efforts.".

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(4)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;";

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;";

(C) in subparagraph (F) by striking "and" at the end;

(D) in subparagraph (G) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act, which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2006;

"(ii) $1,150,000,000 for fiscal year 2007;

"(iii) $1,150,000,000 for fiscal year 2008;

"(iv) $1,150,000,000 for fiscal year 2009;

"(v) $1,150,000,000 for fiscal year 2010; and

"(vi) $1,150,000,000 for fiscal year 2011."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "1701(f)" and inserting "1701(g)";

(C) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.";

(D) by striking "85 percent" and inserting "$600,000,000"; and

(E) by striking "1701(b)," and all that follows through "of part Q." and inserting the following: "1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).".

Mr. ROCKEFELLER. Mr. President, I am proud today with Senator BIDEN and several of our colleagues to introduce a bill to reauthorize the Community Oriented Police Services (COPS) program, which has been so vitally important to my State of West Virginia. The bill authorizes $1.15 billion to fund operations of the U.S. Department of Justice's COPS Office and to put 50,000 new police officers on the streets of the United States through 2011. I am a cosponsor of this bill because I understood how important this program could be when we passed it originally as part of President Clinton's 1994 Crime bill, because I've seen how important it is to my State of West Virginia, and because I know that there are few government programs that have done more to make the whole country safer and more secure.

President Clinton had a goal of placing 100,000 new police officers on our streets. As hard as it is to believe, there are opponents of the COPS program. In an attempt to defend their desire to end the program, they are quick to point out that the goal has been met, and even exceeded. They would have you believe that the Federal Government should get out of the business of helping local law enforcement do their jobs. In the aftermath of the September 11 attacks, when police departments have taken on seemingly innumerable crucial responsibilities in addition to their roles in fighting crime, plans to close out this program have been included in the President's budget each year since he took office. For the Fiscal Year 2006 budget, funding for hiring new officers was zeroed out, and funds for ongoing projects were slashed by varying degrees.

There is simply no justification for not continuing the successes of this program. The COPS program has allowed State, local, and tribal law enforcement agencies in all 50 States and the District of Columbia to hire 118,000 new officers since 1994. The violent crime rate has dropped 30 percent in the same period. Recently, Attorney General Alberto Gonzales made the connection himself, commenting that these officers were put on the street and crime is at a thirty-year low.

The COPS program has sent more than $40 million to my home State of West Virginia, allowing 166 jurisdictions to hire nearly 700 officers. There is no way that the citizens of my State could afford to hire and train this many officers in this amount of time, and no feasible way to replace the benefits the COPS program produces. Many of these towns had never had their own police officers before this, and I can tell you that the presence of those officers has changed lives for the better throughout my State.

West Virginia has also benefited from some specialized programs administered by the COPS Office. Our schools, which were once refuges from crime and danger, now have safety and security concerns best handled by trained law enforcement professionals. The COPS in Schools (CIS) program has provided $2 million to hire 20 school resource officers (SROs). In 2004 alone we received more than $457,000 to hire four SROs. Law enforcement agencies in my State have also received $4.7 million in COPS technology grants, and were making headway on a burgeoning crisis in methamphetamine production with the COPS METH grant program. This assistance has allowed police in my State to tap into crime-fighting and data-sharing technologies, and helped protect my constituents from a drug problem spreading through rural America like wildfire.

I look forward to enactment of this legislation, and the new assistance it will bring to state and local law enforcement agencies throughout West Virginia. Specifically, this legislation will provide: $600 million per year through 2011 for 50,000 more cops across the country; $350 million per year for law enforcement technologies, including interoperable communications equipment, state-of-the-art DNA analysis, and computer crime mapping; and $200 million annually to hire new prosecutors, to finish the job our new officers have started.

I commend Senator BIDEN for his tireless work on behalf of law enforcement and I pledge to do all that I can to see this bill enacted for the good of the people of West Virginia and for all Americans.

By Mr. WYDEN:

S. 946. A bill to amend the Communications Act of 1934 to require multichannel video programming distributors to provide a kid-friendly tier of programming; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I strongly believe that parents in our country should have more wholesome entertainment choices for their children. To make that possible, I am today introducing legislation to require that cable and satellite owners allow parents to purchase a child-friendly tier of television programming.

For years, the Congress and the Federal Communications Commission have labored, to little avail, to turn off offensive programming with a variety of technologies. My legislation would ensure that America's families, 24/7, could turn on programming that is reliably friendly to our children.

While the legislation ensures that parents have more choices, the entertainment industry is assured that it has choices as well. Under the bill, Congress does not direct how the law is to be implemented. The Congress does not set prices. And the Congress does not take any step that is inconsistent with the first amendment.

About the only part of the legislation that is nonnegotiable is my belief that Congress should not dawdle any longer when the volume of degrading, violent, and antisocial entertainment our children are exposed to continues to grow.

Here is what America's parents deal with now. A recent study found that the average child in America has seen 8,000 murders depicted on television by the time they graduate from elementary school. Kids see about 10,000 television rapes, assaults, and murders each year. And in 2004, Americans filed more than 1 million complaints with the Federal Communications Commission about indecent programming.

Yesterday the National Cable and Telecommunications Association launched a new public service campaign to alert subscribers to parental control features that are already available and to introduce new larger TV rating icons. I haven't studied their proposal, but it certainly sounds constructive and I look forward to hearing more about their efforts.

The legislation I am introducing today is a truly new approach that has teeth. It is going to give parents more kid-friendly entertainment choices that are easy to understand. The legislation would require that all cable and satellite operators within 1 year of enactment offer a kid-friendly tier of programming. It would require monthly billing statements to include information about how customers can use blocking technology to stop offensive programming. And it would impose big-league fines of $500,000 a day on any cable or satellite operator who doesn't comply with the requirement that they give parents the chance to purchase kid-friendly programming. In this tier parents will know that there will be no content and no advertisements of a violent or sexual nature. Parents and adults who are not concerned about the current level of violence and sex on television would, of course, have access to those options with respect to current law.

This proposal is the first to tell cable and satellite operators they must offer a kid-friendly television tier so parents have more choices. The legislation does not dictate how it must be accomplished. It only says this tier of kid-friendly programming must carry a number of channels.

The legislation leaves it up to the operator whether to offer the kids tier as part of a basic or expanded basic package or as a completely separate package.

Certainly there is going to be some opposition. But I believe good quality programming and an option for families could translate to pretty good profits for those cable and satellite providers. Parents are going to find this option very attractive. If children are watching TV 4 hours a day, you can bet mom and dad are not able to stand there the whole time. A kids tier is going to take the guesswork out of TV time for America's parents.

Now there is an awful lot of guesswork. Time magazine found last month 53 percent of respondents said they thought the Federal Communications Commission ought to place stricter controls on broadcast channel shows depicting sex and violence. Sixty-eight percent of those surveyed said the entertainment industry has lost touch with viewers' moral standards. Sixty-six percent said there is too much violence on open air TV. Fifty-eight percent said there is too much cursing. Fifty percent said there is too much sexual content.

I have worked to make sure that this legislation strikes an appropriate balance, offering choices to parents, not taking them away. A recent Pew Research survey found although 60 percent of Americans are very concerned about what kids see and hear on television, about half of those surveyed were more worried about the Government imposing undue restrictions and thought this was essentially the responsibility of the audience.

So what we are doing here shows a balanced kind of approach in line with the kinds of values Americans are expressing. Don't make choices for parents, but help parents make good choices for their children. With 8 out of 10 American households getting their television through cable or satellite programmers, it is time that parents be given the chance to sign up for programming that works for their family.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kid Friendly TV Programming Act of 2005".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) More than a decade ago, the American Psychological Society concluded that "There is absolutely no doubt that higher levels of viewing violence on television are correlated with increased acceptance of aggressive attitudes and increased aggressive behavior."

(2) A study in 2003 found that adults who were "high TV-violence viewers" as children are more than three-to-four times as likely as other adults to be convicted of a crime and to use violence against their spouses and other adults.

(3) Adults who watched more violent programming as children were more likely to be arrested and convicted for spousal and child abuse, murder and aggravated assault.

(4) Ten percent of violent acts committed by youths are attributable to their exposure to violence on television.

(5) Forty percent of parents surveyed in 1999 in Rhode Island reported that at least one symptom of post-traumatic stress disorder occurred after their child viewed a scary event on television, and that this symptom lasted at least 1 month.

(6) The average child who watches 2 hours of cartoons a day will view almost 10,000 violent acts a year.

(7) Teenagers who watched television with the greatest amount of sexual content were twice as likely to initiate sexual intercourse the following year as those who watched television with the least amount of sexual content.

(8) The Kaiser Family Foundation reported in 2002 that 72 percent of teenagers think sex on television influences "somewhat" or "a lot" the sexual behavior of their peers.

(9) The Kaiser Family Foundation reported in 2003 that 64 percent of all television shows have some sexual content, and that in prime time, 71 percent of the top 4 broadcast network shows have some sexual content.

(10) The continued exposure of children to obscene, indecent, sexual, or gratuitous or excessively violent content on television is harmful to the public health and welfare of communities across the country.

(11) Efforts to limit the exposure of children to television programming that contains material with obscene, indecent, violent, or sexual content, or to impose fines and penalties for the broadcast of such content, have not been successful in protecting children from harmful content.

(12) The number of homes in the United States that receive television programming via cable or satellite providers is estimated to have grown to 85 percent of American households, and of that percentage, an estimated 95 percent of the households subscribe to basic or expanded basic programs.

(13) The efforts to limit the exposure of children to harmful television content have not been successful because Federal regulatory agencies have not had the authority to require cable and satellite providers to offer a child-friendly tier of programming.

(14) Parents need more effective ways to limit the exposure of children to television with harmful content through alternative, child-friendly tiers of programs.

SEC. 3. BASIC TIER CONTENT RESTRICTIONS.

Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 631 et seq.) is amended by adding at the end the following:

"SEC. 641. KID-FRIENDLY PROGRAMMING TIER.

"(a) IN GENERAL.—Within 1 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall offer a child-friendly tier of programming consisting of no fewer than 15 channels.

"(b) BLOCKING INSTRUCTIONS.—Beginning 6 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall provide, as part of the monthly statement of charges, instructions for how to block any channel whose content a subscriber may wish to block.

"(c) PENALTIES.—In addition to any other penalty imposed under this Act or title 18, United States Code, failure to comply with the requirements of this section is punishable by a civil penalty of up to $500,000 per day. Each day of such failure shall be considered a separate offense.

"(d) CHILD-FRIENDLY DEFINED.—In this section, the term 'child-friendly tier' means a group of channels that do not carry programming, advertisements, or public service announcements that would be considered inappropriate for children due to obscene, indecent, profane, sexual, or gratuitous and excessively violent content.".

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. DURBIN):

S. 947. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today on Workers Memorial Day to reintroduce the "Workplace Wrongful Death Accountability Act," legislation that would, among other things, increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

Unbelievably, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. This legislation would increase the penalty for this most egregious workplace crime to 10 years—making it a felony. The bill also would increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and would increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent years, the Senators from both sides of the aisle have joined together to focus on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, to name a few. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses can cost lives.

My legislation is based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and some 50,000 more die from work-related illnesses. Many of those deaths—deaths that leave wives without husbands, brothers without sisters, and children without parents—are completely preventable.

In 2003, the New York Times published an eye-opening, multi-part series that documented the failure of the Federal government to prosecute violators of workplace safety laws. The articles were deeply disturbing to anyone concerned about the health and well being of workers in America, detailing one company's pattern of recklessly disregarding basic safety rules. The authors linked at least nine employee deaths in five States—New York, New Jersey, Ohio, Alabama, and Texas—over a 7-year period with the failure of a single company, McWane Foundry, to follow established workplace safety regulations. Three of those deaths were judged to have been caused by deliberate and willful violations of Federal safety rules.

As a result of that article and a subsequent criminal investigation, McWane has begun to clean up its act.

But no one should be deluded. McWane is not the only company with a record of putting employees at risk. Others—although still the clear minority—continue to flout workplace safety rules and jeopardize the health and well being of workers.

During the last Congress, the Bush administration recognized that there was a problem and announced its "enhanced enforcement policy," a small step in the right direction. But this new enforcement policy does not do enough, and my legislation would ensure that employers are deterred from placing their employees at risk by willfully violating safety law. And if they do willfully violate the law, they will pay a price.

While many factors contribute to the unsafe working environment that exists at certain jobsites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but—over time—the deterrence value of these important workplace safety laws has eroded substantially. With the maximum jail sentence a paltry 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

The logic behind this legislation is simple. The bill will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, help ensure that OSHA criminal penalties cannot be safely ignored. This will provide the OSHA criminal statute with sufficient teeth to deter the small percentage of bad actors who knowingly and willfully place their employees at risk.

I am proud to be joined by Senators KENNEDY, LAUTENBERG, and DURBIN in reintroducing the Workplace Wrongful Death Accountability Act and I urge my colleagues to support this important piece of legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Wrongful Death Accountability Act".

SEC. 2. OSHA CRIMINAL PENALTIES.

Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking "fine of not more than $10,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(B) by striking "six months" and inserting "10 years";

(C) by striking "fine of not more than $20,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(D) by striking "one year" and inserting "20 years"; and

(E) by inserting "under this subsection or subsection (i)" after "first conviction of such person";

(2) in subsection (f), by striking "fine of not more than $1,000 or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,"; and

(3) in subsection (g), by striking "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,".

Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 948. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to reintroduce a very important piece of legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I introduced last Congress to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

In late 2003, it came to light that Charles Cullen, a nurse who had practiced for more than a decade in New Jersey and Pennsylvania, had murdered as many as 40 of the patients he cared for during this time. As of today, Mr. Cullen has pleaded guilty to intentionally giving lethal doses of drugs to 24 patients.

This case has highlighted the need for a national reporting system on nurses and other licensed health professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn't know his history. They didn't understand the risk he posed to patients. This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of our legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers. The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse's record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the state licensing board would report the results of its investigations and licensing or disciplinary actions to the databank. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical first step toward improving access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It's time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient's bedside than the patient's physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward to working with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President's desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Health Care Reporting Act of 2005".

SEC. 2. REPORTING OF SANCTIONS.

Section 422 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11132) is amended—

(1) in the section heading by striking "BOARDS OF MEDICAL EXAMINERS" and inserting "STATE LICENSING BOARDS";

(2) in paragraphs (1) and (2) of subsection (a)—

(A) by striking "physician's" each place it appears and inserting "physician's or other health care practitioner's"; and

(B) by striking "physician" each place it appears and inserting "physician or other health care practitioner"; and

(3) in subsections (a) and (b), by striking "Board of Medical Examiners" each place it appears and inserting "State licensing board".

SEC. 3. REPORTING OF CERTAIN PROFESSIONAL REVIEW ACTIONS.

Section 423 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11133) is amended—

(1) by striking "Board of Medical Examiners" each place it appears and inserting "State licensing board";

(2) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

"(2) MANDATORY REPORTING ON OTHER LICENSED HEALTH CARE PRACTITIONERS.—A health care entity shall report to the appropriate State licensing boards and to the agency designated under section 424(b), the information described in paragraph (3) in the case of a licensed health care practitioner who is not a physician, if the entity would be required to report such information under paragraph (1) with respect to the practitioner if the practitioner were a physician.";

(B) by redesignating paragraph (3)(C) as paragraph (3)(D); and

(C) by striking paragraph (3)(B) and inserting the following:

"(B) a description of any adverse action, including dismissal and review action, taken by a hospital or other health care entity against a health care practitioner who is employed by, has privileges at, is under contract with, or otherwise works at the health care entity for conduct that may be construed to violate any Federal or State law, including laws governing licensed health care professional practice standards,

"(C) information on a health care practitioner who voluntarily resigns during, or as a result of, a pending dismissal or review action, and";

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) by inserting after subsection (a), the following:

"(b) STANDARD FOR REPORTING OF ADVERSE ACTIONS.—Adverse actions reported under subsection (a)(2) shall be made in accordance with the rights and procedures afforded to physicians under section 412.";

(5) in subsection (c) (as so redesignated), in the subsection heading, by striking "BOARD OF MEDICAL EXAMINERS" and inserting "STATE LICENSING BOARD";

(6) in subsection (d)(1) (as so redesignated), by striking "subsection (a)(1)" and inserting "paragraphs (1) and (2) of subsection (a) and subsection (b)";

(7) in subsection (d)(2) (as so redesignated), in the paragraph heading, by striking "BOARD OF MEDICAL EXAMINERS" and inserting "STATE LICENSING BOARD";

(8) in subsection (e) (as so redesignated), in the subsection heading, by striking "BOARD OF MEDICAL EXAMINERS" and inserting "STATE LICENSING BOARD"; and

(9) by adding at the end the following:

"(f) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary shall provide for the imposition of no more than $50,000 per violation for health care entities that fail to comply with this section.

"(2) REPEATED VIOLATIONS.—The Secretary shall provide for civil penalties in addition to the amount listed in paragraph (1) for health care entities that establish patterns of repeated violations of this section.".

SEC. 4. CIVIL PENALTIES.

Section 425 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11135) is amended—

(1) in paragraphs (1) and (2) of subsection (a), and subsections (b) and (c), by striking "hospital" each place it appears and inserting "health care entity or agency employing a physician or other licensed health care practitioner";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "each hospital" and inserting "each health care entity and agency employing a physician or other licensed health care practitioner"; and

(ii) by inserting "and from the appropriate State licensing board," after "(or the agency designated under section 424(b)),";

(B) in paragraph (1), by inserting "or employment" after "clinical privileges"; and

(C) in paragraph (2), by inserting "or employed" after "clinical privileges";

(3) in subsection (c), by striking "hospital's" and inserting "the health care entity's or agency's" and

(4) by adding at the end the following:

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary shall provide for the imposition of no more than $50,000 per violation for a health care entity or agency employing a physician or other licensed health care practitioner that fails to comply with this section.

"(2) REPEATED VIOLATIONS.—The Secretary shall provide for civil penalties in addition to the amount listed in paragraph (1) for a health care entity or agency employing a physician or other licensed health care practitioner that establishes patterns of repeated violations of this section.".

SEC. 5. PROFESSIONAL REVIEW.

Section 411 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11111) is amended by adding at the end the following:

"(d) CIVIL LIABILITY IMMUNITY FOR HEALTH CARE ENTITIES.—

"(1) IN GENERAL.—A health care entity that discloses information about a former or current employee pursuant to section 423 is immune from civil liability for such disclosure and its consequences unless it is demonstrated that the employer—

"(A) knowingly disclosed false information; or

"(B) violated any right of the former or current employee that is protected under Federal or State laws.

"(2) APPLICATION.—This subsection applies to any employee, agent, or other representative of the current or former employer who is authorized to provide and who provides information in accordance with section 423.

"(e) PROTECTION OF HEALTH CARE PRACTITIONERS.—A health care entity shall not penalize, discriminate, or retaliate in any manner with respect to employment, including discharge, promotion, compensation, or terms, conditions, or privileges of employment, against an employee who, in good faith, reports conduct that may be construed to violate a Federal or State law, including laws governing licensed health care professional practice standards, to a State authority, licensing authority, peer review organization, or employer.".

SEC. 6. HEALTH CARE ENTITY; SKILLED NURSING FACILITY.

Section 431 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151) is amended—

(1) in paragraph (4)(i), by inserting "or skilled nursing facility" after "hospital";

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following:

"(13) The term 'skilled nursing facility' means an entity described in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).".

SEC. 7. SANCTIONS AGAINST AND BACKGROUND CHECKS OF HEALTH CARE PRACTITIONERS AND PROVIDERS.

Section 1921 of the Social Security Act (42 U.S.C. 1396r-2) is amended—

(1) in the section heading, by inserting "AND CRIMINAL BACKGROUND CHECKS OF" after "AGAINST"; and

(2) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) INFORMATION CONCERNING CRIMINAL BACKGROUND OF LICENSED HEALTH CARE PRACTITIONERS.—The State shall have in effect a system of reporting criminal background information on licensed health care practitioners to the agency designated under section 424(b) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11134(b)).".

SEC. 8. DATE OF IMPLEMENTATION.

The Secretary of Health and Human Services shall, through the promulgation of appropriate regulations, implement the provisions of this Act within 1 year after the date of enactment of this Act.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, and Mr. INHOFE):

S. 950. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I have introduced a bill with my colleagues, the senior Senators from Louisiana and Oklahoma, called the Eliminate Neglected Disease Act of 2005. Neglected diseases are diseases that don't get much attention but nonetheless account for the vast majority of all deaths in the world: malaria, tuberculosis, acute respiratory infections, infectious diarrhea. For most of these diseases, our bilateral foreign assistance agency, USAID, is not funding direct interventions in communities using known, life-saving tools. The need for our bill could not be more urgent.

Given the following, conditions have never been better for the U.S. to apply inexpensive, relatively simple interventions to save lives: 1. We know how to cure and/or prevent these diseases.

2. Interventions, prevention and/or treatment are relatively cheap. Cure for malaria = $2. For TB = $11-15. One year of non-curative treatment for AIDS: $500-1,000.

3. These diseases are responsible for the vast majority of deaths in the developing world, particularly among children and pregnant women. Malaria is the number one killer of kids and pregnant women in Africa, kills between 1-2 million people each year but makes about 500 million sick! Tuberculosis kills about 2 million people each year. Unlike with other diseases, people can not avoid infection with these killers by behavior change.

4. Low-hanging fruit—these diseases are so cheap to control, even the modest budgets we have now could make a huge difference if they were spent wisely.

Our bill focuses on the following programmatic reform: 1. Direct interventions: requires funding of activities that have a direct impact on sick people or people at risk of becoming sick. For some programs, this will require a shift of priority in budgets from indirect support and advice-giving consultants to actually funding medical treatment, commodity procurement, and disease control activities.

2. Accountability: programs must measure performance and prove that they are saving lives. The bill establishes mechanisms to revise or terminate contracts that fail to save lives.

3. Transparency: Every dollar that the agency awards to combat infectious diseases must be accounted for on a public web site, similar to the Global Fund's web site. All signed agreements are posted online, as well as progress reports documenting performance on required deliverables and indicators.

4. Scientific and Clinical Integrity: The bill provides that clinical/medical and public health programs are overseen by the agencies of the Federal Government where the core competencies in clinical medicine and public health reside. For programs where the lack of clinical and scientific expertise has been particularly acute, a group of Federal and non-government medical and academic experts will provide scientific and medical oversight.

5. Coordination and Priority-setting: Up to five Federal agencies are currently involved in international malaria and tuberculosis programs. The bill would provide for clearer lines of authority and coordination for these programs, and require a strategic planning process to ensure that programs operate according to a outcome-focused 5-year plan.

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When we acted in concert, we stopped SARS in its tracks a few years ago. If these diseases were killing our own citizens at the rates they are killing people in poorer countries, we would put an end to it using the inexpensive, known methods, in short order. African children are just as precious as American and European children. To those who have been given much, much is expected. We will be held responsible for how we responded to this crisis. I hope my colleagues will join us in supporting this legislation.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 955. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; to the Committee on Energy and Natural Resources.

Mr. FRIST. Mr. president, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Franklin National Battlefield Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means the cities of Brentwood, Franklin, Triune, Thompson's Station, and Spring Hill, Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of sites in the study area relating to the Battle of Franklin to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on the study area of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System or other federally designated unit in the State of Tennessee.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

SEC. 4. REPORT.

Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 956. A bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce "The Jetseta Gage Prevention and Deterrence of Crimes

Against Children Act of 2005". This is a very important bill that will protect our children from the vilest forms of abuse and murder.

The urgency of passing legislation of this nature has been growing for the past few months. The murders of Jessica Lunsford, Sara Lunde, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent weeks. Each of these murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will give sex offenders tougher penalties for the crimes they commit.

I would like to take a moment to talk about the murder of the Iowa girl this bill is named for, Jetseta Marrie Gage. On March 24 of this year, Jetseta, a beautiful 10-year-old girl from Cedar Rapids, IA, went missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody, a man who had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over one year in prison for his previous sex crime conviction. Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta's body was found stuffed in a cabinet in an abandoned mobile home. She had been sexually molested and suffocated with a plastic bag. I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it's even more disheartening when you know that it might have been prevented with adequate sentencing.

My bill will help change this by protecting children in three ways. It will establish stiff mandatory minimum sentences, increase penalties for certain crimes against children, and reform the habeas corpus system for child murderers. Let me now discuss these provisions in detail.

The first section on mandatory minimums will guarantee punishment for criminals who commit violent crimes against children. I know that some of my colleagues have concerns about mandatory minimums, especially in the context of drug sentences. I understand that concern, but in-light of the recent Supreme Court's decision in the Booker/FanFan case, something must be done to insure that sexual predators receive the types of sentences fitting for their crimes. In the Booker/FanFan case, the Court held that the Federal Sentencing Guidelines are no longer mandatory, thus federal judges have unfettered discretion in sentencing. The bill establishes the following mandatory minimums for violent crimes against children: One, where the crime of violence results in death of a child under 15 years, the offender will receive the death penalty or life in prison; two, where the crime of violence is kidnapping, sexual assault, or maiming or results in serious bodily injury the offender will receive a prison term from 30 years to life; three, where the crime of violence results in bodily injury of a child under 12 years, the offender will serve a prison term from 15 years to life; four, where a criminal uses a dangerous weapon in the commission of a crime against a child, the offender will receive a sentence of 10 years to life; and lastly, five, in any other case of a crime against a child, the offender will receive from 2 years to life.

The second section of the bill increases the penalties for sexual offenses against children. The penalties for these crimes need to be adjusted to adequately reflect the gravity of these crimes and the damage they do to children. The bill increases penalties for the following nine federal crimes: aggravated sexual abuse of children, abusive sexual contact with children, sexual abuse of children resulting in death, sexual exploitation of children, activities relating to material involving the sexual exploitation of children, activities relating to material constituting or containing child pornography, using misleading domain names to direct children to material harmful to minors on the internet, production of sexually explicit depictions of children, and conduct relating to child prostitution.

The third section of the bill will ensure fair and expeditious Federal collateral review of convictions for killing a child. It would do this by reforming the habeas corpus system for this crime. For example, in district court parties will be required to move for an evidentiary hearing within 90 days of the completion of briefing, the court must act on the motion within 30 days, and the hearing must begin 60 days later with completion within 150 days. In addition, this section will require that district-court review be completed within 15 months of the completion of briefing and that appellate review must be completed within 120 days of the completion of briefing. Finally, this provision limits Federal review on cases to those claims that present meaningful evidence that the defendant did not commit the crime.

The provisions of this bill are strictly designed to protect our children. I doubt that the members of this body, many of whom have young children of their own, will have any objections to ensuring that perpetrators of crimes against children receive tougher penalties for their acts. It is unfortunate that it took the recent tragic murders of those 3 beautiful young girls for a law of this nature to be proposed, but I strongly believe that a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005".

SEC. 2. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

"(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 15 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

"(1) if the crime of violence results in the death of a person who has not attained the age of 15 years, be sentenced to death or life in prison;

"(2) if the crime of violence is a kidnaping, sexual assault, or maiming, (or an attempt or conspiracy to commit one of those) or results in serious bodily injury (as defined in section 1365) be imprisoned for life or for any term of years not less than 30;

"(3) if the crime of violence results in bodily injury (as defined in section 1365) to a person who has not attained the age of 12 years, be imprisoned for life or for any term of years not less than 15;

"(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10; and

"(5) in any other case, be imprisoned for life or for any term of years not less than 2.".

SEC. 3. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking ", imprisoned for any term of years or life, or both." and inserting "and imprisoned for not less than 30 years or for life.".

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "(a) or (b)" after "section 2241";

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1) the following:

"(2) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years;"; and

(B) in subsection (c), by inserting "(other than subsection (a)(2))" after "violates this section".

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by striking "A person" and inserting "(a) IN GENERAL.—A person"; and

(B) by adding at the end the following:

"(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking "15 years nor more than 30 years" and inserting "25 years or for life";

(B) by striking "not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life." and inserting "life."; and

(C) by striking "any term of years or for life" and inserting "not less than 30 years or for life.".

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(ii) by striking "not less than 15 years nor more than 40 years." and inserting "life."; and

(B) in paragraph (2)—

(i) by striking "or imprisoned for not more than" and inserting "and imprisoned for";

(ii) by striking ", or both"; and

(iii) by striking "10 years nor more than 20 years." and inserting "30 years or for life.".

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(ii) by striking "not less than 15 years nor more than 40 years" and inserting "life"; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years, or both" and inserting "and imprisoned for 10 years"; and

(ii) by striking "10 years nor more than 20 years" and inserting "30 years or for life".

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking "or imprisoned not more than 4 years, or both" and inserting "imprisoned for 10 years".

(5) PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) shall be fined under this title and imprisoned for 25 years; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title and imprisoned for life.".

(c) CONDUCT RELATING TO CHILD PROSTITUTION.—Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "5 years and not more than 30 years" and inserting "30 years or for life";

(2) in subsection (b), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years";

(3) in subsection (c), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years"; and

(4) in subsection (d), by striking ", imprisoned not more than 30 years, or both" and inserting "and imprisoned for 30 years".

SEC. 4. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) SHORT TITLE.—This section may be cited as the "Christy Ann Fornoff Act".

(b) LIMITS ON CASES.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

"(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a individual who has not attained the age of 18 years.

"(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

"(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

"(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

"(C) Any evidentiary hearing shall be—

"(i) convened not less than 60 days after the order granting such hearing; and

"(ii) completed not more than 150 days after the order granting such hearing.

"(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

"(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

"(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

"(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

"(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

"(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

"(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

"(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

"(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

"(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

"(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

"(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

"(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

"(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.".

(c) RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.—Section 3771(b) of title 18, United States Code, is amended by adding at the end the following: "The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising out of a State conviction to victims of the State offense at issue."

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to cases pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section provide that a time limit runs from an event or time that has occurred prior to such date of enactment, the time limit shall run instead from such date of enactment.

Mr. BUNNING (for himself and Ms. LANDRIEU):

S. 957. A bill to establish a clean coal power initiative, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I am introducing the Clean Coal Power Initiative Act of 2005. I am pleased that Senator LANDRIEU is joining me in introducing this legislation.

The United States needs to have a diverse array of energy sources. It is crucial to our economy and our national security.

Coal is an important resource that is a solution to keeping our economy moving forward and reducing our reliance on foreign energy.

Today, coal fuels 52 percent of the electricity used to heat our homes and schools and run our factories. Coal can play an even greater role in meeting future demand because it constitutes 90 percent of U.S. energy reserves resources, enough to last more than 200 years at current consumption rates.

The Energy Information Administration recently stated that coal is expected to remain the primary fuel for electricity generation over the next 2 decades.

Generations of Kentuckians have made a living and raised families by working in the coal fields. They are proud to do such vital work for our country's energy future.

I believe that coal must be part of our energy plans. It is plentiful and we do not have to go far to get it.

It can help meet our energy needs as the cost of natural gas continues to rise dramatically, and is forecasted to remain at historical highs and as electricity demands continue to increase.

In order for us to take full advantage of coal's benefits, I believe we must balance conservation with the need for increased production.

That is where clean coal comes in.

The bill I am introducing today will help create new clean coal technologies by authorizing the Department of Energy to establish a research and development clean coal program. This will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I urge my colleagues to support this legislation.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. LEVIN):

S. 959. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am introducing two measures to commemorate America's second war of independence—the War of 1812—and aid in the efforts to preserve sites related to this important period in our Nation's history.

Pursuant to legislation that I authored in the 106th Congress, the National Park Service recently completed a study of the feasibility and desirability of designating a Star-Spangled Banner National Historic Trail commemorating the routes used by the British and Americans during the 1814 Chesapeake Campaign of the War of 1812.

The Star-Spangled Banner National Historic Trail Feasibility Study and Environmental Impact Statement, completed in March 2004, determined that five of eight trail segments studied fully met the criteria for National Historic Trails and recommended this designation.

The legislation I am introducing today implements the recommendations of the National Park Service's study. The Star-Spangled Banner National Historic Trail Act amends the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. I am pleased that my colleague Senator MIKULSKI is joining with me as a cosponsor of this bill. A similar companion bill has also been introduced in the House by my colleagues Congressmen CARDIN and GILCHREST.

The sites along the proposed Star-Spangled Banner National Historic Trail would mark some of the most important events of the War of 1812. The trail, commemorating the only combined naval and land attack on the United States, begins with the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County, and ends at Fort McHenry in Baltimore, site of the composition of our national anthem, and the ultimate defeat of the British.

In my view, the designation of this route as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience it. The Star-Spangled Banner National Historic Trail will also give long overdue recognition to those patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

The second measure I am introducing today seeks to ensure that the upcoming bicentennial of the War of 1812 and the poem which became our national anthem will be appropriately observed. I am pleased to be joined by Senators MIKULSKI, LANDRIEU and LEVIN in offering this legislation.

The Star-Spangled Banner and War of 1812 Bicentennial Commission Act implements another recommendation included in the aforementioned National Park Service study by creating a commission, made up in part by citizens from nine states and the District of Columbia, to ensure a suitable national observance of the War of 1812. The commission is tasked with planning, encouraging, developing, executing and coordinating programs commemorating the historic events that preceded and are associated with the War of 1812. Among other things, the commission is charged with facilitating this commemoration throughout the United States and internationally.

As the bicentennial of the War of 1812 rapidly approaches, a plan to mark the lasting contributions that our forebears made during this critical period in our Nation's history is needed. In my view, both of these measures will work to ensure that these patriots' commitment to the principles of liberty and sovereignty will not be forgotten.

I urge my colleagues to join me in supporting their passage.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. THOMAS):

S. 960. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, whenever there is a crisis the media has always served to focus the nation's attention on the problem and who has been affected by it. Then it has been up to us, in the Congress, to review the problem and determine whether or not there was anything we could do to ease the suffering and repair the damage to someone's property and their livelihood.

Most of the time, when the media spots a crisis it is of such a magnitude that the pictures we see of the suffering are devastating and powerful. The images clearly cry out to us to take action and do what we can to restore, as much as possible, the lives of these people to normalcy.

We have all seen the pictures of the devastating tornadoes or other natural disasters that have wreaked havoc wherever they have touched. Story after story has appeared in print and on television showing property destroyed, places of business torn in pieces, jobs in jeopardy and lives forever changed by the fury of a few moments of severe weather. Tornadoes don't last a long time, but they leave a path of devastation in their wake that leaves those affected by it forever changed.

Even as we consider the devastation of tornadoes, earthquakes, or other natural disasters, there are those in my state who have seen their livelihoods drastically affected by weather and federal regulation, but they haven't been so visible to us because we haven't seen their faces on the nightly news or read their stories in the national newspapers. That is because not everyone who has seen their livelihood so drastically affected can be portrayed with quite the same kind of powerful images that depict those who have been touched by the ravages of severe weather patterns. Some problems that destroy livelihoods and weaken industries are far more subtle and more difficult to track.

Instead of being destroyed by a single blow, the industry I am referring to is being slowly put to death by the cruelest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group's advantage.

Right now as I speak to you on the floor of the Senate, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulatory nightmare that must be addressed, and which brings me to the floor today as I offer legislation to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

So, what is this regulation that is destroying the health of our family ranchers? It's a practice called "captive supply," a business practice not well known to those outside of the industry, but a practice that has had a tremendous impact on the ranchers of the West.

If you haven't heard about the problem, I must point out that our ranchers have tried to bring it to our attention, but we haven't fully focused on their needs. Whenever I travel to Wyoming, or hold a Town Meeting, or go over the week's mail that I receive from my constituents, I hear the cries for help from our ranchers in Wyoming, and throughout the West. One by one, and without exception, they are all clamoring for attention and relief so they can continue the work that so many in their family have done for so many years.

I could bring a stack of letters to the Floor that come from people all across my State about the problems they face. But, in the interests of time, I will read a small excerpt from one that will give you an idea of how bad things are in the ranching industry as our ranchers try to deal with captive supply.

A letter I received from a rancher in Lingle said that the issue of captive supply needed to be reviewed and addressed because it was "slowly but surely putting small farmers/feeders out of business." He then added, "until the existing laws are enforced in this area of illegal activities, all other plans or laws will be of very little consequence."

So what is captive supply—and how is it harming our Nation's ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock for their slaughterlines.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and control costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Four companies control approximately 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that haven't aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor during the Farm Bill debate, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee on the Farm Bill. However, the problems caused by captive supplies are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and have cosponsored it again this Congress, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock more than one week before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed base price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

I realize it may be difficult to grasp the seriousness of the situation if you aren't familiar with the cattle market. Most of us haven't signed a contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of the problem, let's explore how you would sell a house using a formula-priced contract in a market structured like the current livestock market.

It is May, and you know you will be selling your home in September. As a wise seller, you want to find a buyer for your home before that time. It turns out that other people don't really buy homes from each other anymore. In fact, four main companies have taken over 80 percent of all real estate transactions. You really have no choice but to deal with one of these companies.

One of them offers you a contract, stating you will receive $10,000 over the average price of what other, similar homes are selling for in your area in September. To manage your risk and ensure a buyer, you have just been practically forced to sign a contract that doesn't specify how much you will receive for your house.

That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes selling in September that aren't contracted to the companies flood the market and the price for homes in your area drops $12.000. By trying to manage your risk, you sold your home for $2.000 below average.

As a homeowner, you would be outraged, wouldn't you? You would want to know why anyone had the ability to legally take advantage of you. Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Captive supply gives packers the ability to discriminate against some producers. And those producers pay for it with their bottom line. At the same time, packers use contracts and marketing agreements to give privileged access and premiums to other producers regardless of the quality of their product. These uses of captive supply should be illegal. In fact, they are.

Section 202 of the Packers and Stockyards Act states in (3) (a) and (b):

"It shall be unlawful for any packer with respect to livestock . . . to: (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or (b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect"

Packers that practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. So what we are left with are unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays the sign any attention unless the driver is sharing the road with an agent of the law who will enforce it like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It doesn't just warn cars to go slower, it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed, base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It prevents packers from changing the base price based on factors that they do control. Contracts that are based on the futures market are also exempted from the bill's requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. Whether they take the opportunity to bid or not is their choice. the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It doesn't limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home state. The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstructions preventing livestock producers from competing formula-priced contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. BUNNING, Mr. BINGAMAN, Mr. CONRAD, Mr. HAGEL, Mr. COLEMAN, Mr. JOHNSON, and Mr. NELSON of Nebraska):

S. 962. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the capital cost to install new renewable generation capacity is three to ten times more expensive than the cost to install conventional gas generation. Given these costs, Federal production tax credits have been available over the past decade to investor-owned utilities and private developers for renewable generation from wind, closed loop biomass and poultry waste. I worked in the JOBs bill last year to extend these tax incentives and expand them to additional resources, such as open loop biomass, animal waste nutrients, landfill gas, municipal solid waste, solar, geothermal and small hydro irrigation systems. I also fought to extend these incentives to electric cooperatives and public power systems, and today am releasing a new proposal, "Clean Energy Bonds," that provides them with an important financing tool.

Tax incentives for renewable and clean coal generation will be an important part of a balanced energy bill that the Senate will soon assemble. Such incentives enhance energy security by providing for diverse fuel choices, provide options in the face of high prices of oil and gas, and are a key component of ensuring that utilities can meet clean air requirements and climate change goals. The Administration has asserted that incentives for renewable generation are necessary for a balanced energy bill. And, all electricity generators recently agreed in a MOU with the Department of Energy on voluntary goals that address climate change and support President Bush in his efforts to reduce the greenhouse gas (GHG) emission intensity of the U.S. economy. As part of the MOU, the Department of Energy and all signatories agreed to promote policies that "provide investment stimulus on an equitable basis to all segments of the power sector in order to accelerate use of existing GHG-reducing technologies. . . ."

As the MOU recognizes, electric cooperatives and public power systems need access to incentives in order to provide the latest clean technologies and renewable generation to their communities, just as the private sector does. Many of these utilities are ideally located to take advantage of opportunities to generate from these primarily rural resources. These utilities cannot, however, offset the high cost of these resources through the conventional tax incentives Congress has provided to the private sector. Without these incentives, such generation is simply unaffordable for the consumers they serve.

Electric cooperatives and public power systems are not-for-profit, and therefore do not pay federal income tax. Not-for-profit utilities do not pay shareholders. Cooperatives return revenues above cost of service to their members, and public power systems use their revenue to reduce rates or reinvest in utility infrastructure. Traditional tax incentives do not work for not-for-profit utilities as they have no federally taxable income to offset. In order for Congress to fully realize the benefits of tax incentives that are designed to make renewable energy economic, an incentive tailored to the unique characteristics of not-for-profit utilities is required. All three utility sectors must be able to participate in incentives in order for emerging technologies to fully realize their potential and become economic.

Clean energy bonds can provide electric cooperatives and public power systems with an incentive comparable to the production tax credits that are available for the private sector. The bill would make technologies that are eligible for the production tax credit under section 45 eligible for the bond.

Under the bill, the electric cooperative, cooperative lender or municipal utility ("issuer") would issue the clean energy bond. With a conventional bond, the issuer must pay interest to the bondholder. But with a clean energy bond, the Federal Government pays a tax credit to the bondholder in lieu of the issuer paying interest to the bondholder. Treasury sets the rate of the credit in an amount that permits the issuance of the tax credit bond without discount and without interest cost to the issuer. The bondholder can deduct the amount of the tax credit from their total income tax liability. The bonds are taxable, so if the credit is worth $100 and the bondholder is in the 35 percent bracket, the bondholder would deduct $65 from their tax liability.

Public power systems have long used bonds to finance projects for infrastructure improvements and upgrades. By creating familiar financial instruments for public power systems and electric cooperatives to use, the bond market will have the faith and understanding to purchase these financial products because of the longstanding success of municipal bonds.

The Clean Energy Bonds Act of 2005 will become an important part of a balanced energy bill. I urge my colleagues to cosponsor this bill that is needed to push renewable generation options further than production tax credits alone.

By Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON):

S. 964. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Americans Outdoors Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES
Sec. 101. Disposition.
TITLE II—COASTAL IMPACT ASSISTANCE
Sec. 201. Coastal Impact Assistance Program.
TITLE III—LAND AND WATER CONSERVATION FUND
Sec. 301. Apportionment of amounts available for State purposes.
Sec. 302. State planning.
Sec. 303. Assistance to States for other projects.
Sec. 304. Conversion of property to other use.
Sec. 305. Water rights.
TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE
Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Wildlife Conservation and Restoration Account.
Sec. 404. Apportionment to Indian tribes.
Sec. 405. No effect on prior appropriations.
TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM
Sec. 501. Expansion of purpose of Urban Park and Recreation Recovery Act of 1978 to include development of new areas and facilities.
Sec. 502. Definitions.
Sec. 503. Eligibility.
Sec. 504. Grants.
Sec. 505. Recovery action programs.
Sec. 506. State action incentives.
Sec. 507. Conversion of recreation property.
Sec. 508. Treatment of transferred amounts.
Sec. 509. Repeal.

TITLE I—DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES

SEC. 101. DISPOSITION.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.

"(a) IN GENERAL.—For each of fiscal years 2006 through 2011, the Secretary of the Treasury shall deposit in the Treasury of the United States all qualified outer continental shelf revenues (as defined in section 31(a)).

"(b) TRANSFER FOR CONSERVATION ROYALTY EXPENDITURES.—For each of fiscal years 2006 through 2011, from amounts deposited for the preceding fiscal year under subsection (a), the Secretary of the Treasury shall transfer—

"(1) to the Secretary to make payments under section 31, $450,000,000;

"(2) to the Land and Water Conservation Fund to provide financial assistance to States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), $450,000,000;

"(3) to the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) for deposit in the Wildlife Conservation and Restoration Account, $350,000,000; and

"(4) to the Secretary to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $125,000,000.".

TITLE II—COASTAL IMPACT ASSISTANCE

SEC. 201. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

"SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State; and

"(B) not more than 200 miles from the geographic center of any leased tract.

"(2) COASTAL POPULATION.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

"(3) COASTAL STATE.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(4) COASTLINE.—The term 'coastline' has the meaning given the term 'coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

"(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

“(7) LEASING MORATORIA.—The term ‘leasing moratoria’ means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in—

“(A) the moratorium statement of the President on June 12, 1998; or

“(B) section 110 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107-63; 115 Stat. 438).

“(8) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

“(9) PRODUCING STATE.—

“(A) IN GENERAL.—The term ‘producing State’ means a coastal State that has a coastal seaward boundary within 200 miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

“(B) EXCLUSION.—The term ‘producing State’ does not include a producing State, a majority of the coastline of which is subject to leasing moratoria.

“(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

“(A) IN GENERAL.—The term ‘qualified Outer Continental Shelf revenues’ means all amounts received by the United States from each leased tract or portion of a leased tract—

“(i) lying—

“(I) seaward of the zone covered by section 8(g); or

“(II) within that zone, but to which section 8(g) does not apply; and

“(ii) the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State.

“(B) INCLUSIONS.—The term ‘qualified Outer Continental Shelf revenues’ includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

“(C) EXCLUSION.—The term ‘qualified Outer Continental Shelf revenues’ does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

“(11) TRANSFERRED AMOUNT.—The term ‘transferred amount’ means the amount transferred to the Secretary under section 9 to make payments to producing States and coastal political subdivisions under this section for a fiscal year.

“(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

“(1) IN GENERAL.—For each of fiscal years 2006 through 2011, the transferred amount shall be allocated by the Secretary among producing States and coastal political subdivisions in accordance with this section.

“(2) DISBURSEMENT.—In each fiscal year, the Secretary shall, without further appropriation, disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

“(3) ALLOCATION AMONG PRODUCING STATES.—

“(A) IN GENERAL.—Except as provided in subparagraph (C) and subject to subparagraph (D), the transferred amount shall be allocated to each producing State based on the ratio that—

“(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

“(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

“(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES.—For purposes of subparagraph (A)—

“(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2006 through 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2005; and

“(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 through 2011 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

“(C) MULTIPLE PRODUCING STATES.—In a case in which more than 1 producing State is located within 200 miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

“(i) the nearest point on the coastline of the producing State; and

“(ii) the geographic center of the leased tract.

“(D) MINIMUM ALLOCATION.—The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the transferred amount.

“(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

“(A) IN GENERAL.—The Secretary shall pay 35 percent of the amount allocated under paragraph (3) to the coastal political subdivisions in the producing State.

“(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

“(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

“(I) the coastal population of the coastal political subdivision; bears to

“(II) the coastal population of all coastal political subdivisions in the producing State;

“(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

“(I) the number of miles of coastline of the coastal political subdivision; bears to

“(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

“(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

“(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all other coastal political subdivisions in the State of Louisiana.

“(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

“(E) EXCLUSION OF CERTAIN LEASED TRACTS.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

“(5) NO APPROVED PLAN.—

“(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (3) or (4) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

“(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

“(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

“(c) COASTAL IMPACT ASSISTANCE PLAN.—

“(1) SUBMISSION OF STATE PLANS.—

“(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

“(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

“(2) APPROVAL.—

“(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

“(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

“(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

“(ii) the plan contains—

“(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

“(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

“(III) for each coastal political subdivision that receives an amount under this section—

“(aa) the name of a contact person; and

“(bb) a description of how the coastal political subdivision will use amounts provided under this section;

“(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

“(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

“(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

“(A) developed in accordance with this subsection; and

“(B) submitted to the Secretary for approval or disapproval under paragraph (4).

“(4) PROCEDURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

"(B) EXCEPTION.—For fiscal year 2006, the Secretary shall approve or disapprove a plan submitted under paragraph (1) not later than December 31, 2006.

"(d) AUTHORIZED USES.—

"(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

"(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

"(B) Mitigation of damage to fish, wildlife, or natural resources.

"(C) Planning assistance and the administrative costs of complying with this section.

"(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

"(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.".

TITLE III—LAND AND WATER CONSERVATION FUND

SEC. 301. APPORTIONMENT OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is amended—

(1) in the second sentence of subsection (a), by inserting "(including facility rehabilitation, but excluding facility maintenance)" after "(3) development"; and

(2) by striking subsection (b) and inserting the following:

"(b) APPORTIONMENT AMONG THE STATES.—

"(1) DEFINITION OF STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'State' means—

"(i) each of the States of the United States;

"(ii) the District of Columbia;

"(iii) the Commonwealth of Puerto Rico;

"(iv) the Commonwealth of the Northern Mariana Islands;

"(v) the United States Virgin Islands;

"(vi) Guam; and

"(vii) American Samoa.

"(B) LIMITATION.—For the purposes of paragraph (3), the States referred to in clauses (iii) through (vii) of subparagraph (A)—

"(i) shall be treated collectively as 1 State; and

"(ii) shall each receive an apportionment under that paragraph based on the ratio that—

"(I) the population of the State; bears to

"(II) the population of all the States referred to in clauses (iii) through (vii) of subparagraph (A).

"(2) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 1 percent of the amounts made available for financial assistance to States for the fiscal year under this Act.

"(3) APPORTIONMENT.—

"(A) IN GENERAL.—Not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

"(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year—

"(i) 60 percent shall be apportioned equally among the States; and

"(ii) 40 percent shall be apportioned among the States based on the ratio that—

"(I) the population of each State (as reported in the most recent decennial census); bears to

"(II) the population of all of the States (as reported in the most recent decennial census).

"(4) LIMITATION.—For any fiscal year, the total apportionment to any 1 State under paragraph (3) shall not exceed 10 percent of the total amount apportioned to all States for the fiscal year.

"(5) STATE NOTIFICATION.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

"(6) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects in accordance with this Act.

"(B) LIMITATION.—Amounts apportioned to a State under paragraph (3) shall not be used for condemnation of land.

"(7) REAPPORTIONMENT.—

"(A) IN GENERAL.—Any portion of an apportionment to a State under this subsection that has not been paid or obligated by the Secretary by the end of the second fiscal year that begins after the date on which notification is provided to the State under paragraph (5) shall be reapportioned by the Secretary in accordance with paragraph (3).

"(B) LIMITATION.—A reapportionment under this paragraph shall be made without regard to the limitation described in paragraph (4).

"(8) APPORTIONMENT TO INDIAN TRIBES.—

"(A) DEFINITION.—In this paragraph, the term 'Indian tribe'—

"(i) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

"(ii) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) APPORTIONMENT.—For the purposes of paragraph (3), each Indian tribe shall be eligible to receive a share of the amount available under paragraph (3) in accordance with a competitive grant program established by the Secretary.

"(C) TOTAL APPORTIONMENT.—The total apportionment available to Indian tribes under subparagraph (B) shall be equal to the amount available to a single State under paragraph (3).

"(D) AMOUNT OF GRANT.—For any fiscal year, the grant to any 1 Indian tribe under this paragraph shall not exceed 10 percent of the total amount made available to Indian tribes under paragraph (3).

"(E) USE OF FUNDS.—Funds received by an Indian tribe under this paragraph may be used for the purposes specified in paragraphs (1) and (3) of subsection (a).

"(9) LOCAL ALLOCATION.—Unless the State demonstrates on an annual basis to the satisfaction of the Secretary that there is a compelling reason not to provide grants under this paragraph, each State (other than the District of Columbia) shall make available, as grants to political subdivisions of the State, not less than 25 percent of the annual State apportionment under this subsection, or an equivalent amount made available from other sources.".

SEC. 302. STATE PLANNING.

(a) IN GENERAL.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is amended by striking subsection (d) and inserting the following:

"(d) SELECTION CRITERIA; STATE ACTION AGENDA.—

"(1) SELECTION CRITERIA.—Each State may develop priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, if—

"(A) the priorities and criteria developed by the State are consistent with this Act;

"(B) the State provides for public participation in the development of the priorities and criteria; and

"(C) the State develops a State action agenda (referred to in this section as a 'State action agenda') that includes the priorities and criteria established under this paragraph.

"(2) STATE ACTION AGENDA.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the State, in partnership with political subdivisions of the State and Federal agencies and in consultation with the public, shall develop a State action agenda.

"(B) REQUIRED ELEMENTS.—A State action agenda shall—

"(i) include strategies to address broad-based and long-term needs while focusing on actions that can be funded during the 5-year period covered by the State action agenda;

"(ii) take into account all providers of conservation and recreation land in each State, including Federal, regional, and local government resources;

"(iii) include the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for the purposes of this Act;

"(iv) describe the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

"(v) include a certification by the Governor of the State that ample opportunity for public participation has been provided in the development of the State action agenda.

"(C) UPDATE.—Each State action agenda shall be updated at least once every 5 years.

"(D) CERTIFICATION.—The Governor shall certify that the public has participated in the development of the State action agenda.

"(E) COORDINATION WITH OTHER PLANS.—

"(i) IN GENERAL.—The State action agenda shall be coordinated, to the maximum extent practicable, with other State, regional, and local plans for parks, recreation, open space, fish and wildlife, and wetland and other habitat conservation.

"(ii) RECOVERY ACTION PROGRAMS.—

"(I) IN GENERAL.—The State shall use recovery action programs developed by urban local governments under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide to the conclusions, priorities, and action schedules contained in the State action agenda.

"(II) REQUIREMENTS FOR LOCAL PLANNING.—To minimize the redundancy of local outdoor conservation and recreation efforts, each State shall provide that, to the maximum extent practicable, the findings, priorities, and implementation schedules of recovery action programs may be used to meet requirements for local outdoor conservation and recreation planning that are conditions for grants under the State action agenda.

"(F) COMPREHENSIVE STATEWIDE OUTDOOR RECREATION PLAN.—A comprehensive statewide outdoor recreation plan developed by a State before the date that is 5 years after the date of enactment of this subparagraph shall remain in effect in the State until a State action agenda is adopted under this paragraph, but not later than 5 years after the date of enactment of that Act.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(e)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or State action agenda" after "State comprehensive plan"; and

(B) in paragraph (1), by inserting "or State action agenda" after "comprehensive plan".

(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended in the last proviso of the first paragraph by striking "existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)".

(3) Section 102(a)(2) of the National Historic Preservation Act (16 U.S.C. 470b(a)(2)) is amended by striking "comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)".

(4) Section 6(a) of the Federal Water Project Recreation Act (16 U.S.C. 4601-17(a)) is amended by striking "State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)" and inserting "comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)".

(5) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended in the first sentence—

(A) by inserting "or State action agendas" after "comprehensive statewide outdoor recreation plans"; and

(B) by inserting "of 1965 (16 U.S.C. 4601-4 et seq.)" after "Fund Act".

(6) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended by striking "(relating to the development of Statewide Comprehensive Outdoor Recreation Plans)" and inserting "(16 U.S.C. 4601-8)".

(7) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)—

(i) by inserting "or State action agendas" after "comprehensive statewide outdoor recreation plans"; and

(ii) by striking "(78 Stat. 897)" and inserting "(16 U.S.C. 4601-4 et seq.)"; and

(B) in subsection (b)(2)(B), by striking "(relating to the development of statewide comprehensive outdoor recreation plans)" and inserting "(16 U.S.C. 4601-8)".

(8) Section 206(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B), by striking "statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)" and inserting "comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)"; and

(B) in paragraph (2)(D)(ii), by striking "statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)" and inserting "comprehensive statewide outdoor recreation plan or State action agenda that is required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)".

(9) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking "statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended" and inserting "comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)".

SEC. 303. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(e)) is amended—

(1) in paragraph (1), by striking ", but not including incidental costs relating to acquisition"; and

(2) in paragraph (2), by inserting before the colon the following: "or to enhance public safety in a designated park or recreation area".

SEC. 304. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)) is amended—

(1) by striking "(3) No property" and inserting the following:

"(3) CONVERSION OF PROPERTY TO OTHER USE.—

"(A) IN GENERAL.—No property"; and

(2) by striking the second sentence and inserting the following:

"(B) REQUIREMENTS FOR APPROVAL.—The Secretary shall approve a conversion under subparagraph (A) if—

"(i) the State demonstrates that there is no other prudent or feasible alternative;

"(ii) the property no longer meets the criteria in the comprehensive statewide outdoor recreation plan or State action agenda for an outdoor conservation and recreation facility because of changes in demographics; or

"(iii) the property must be abandoned because of environmental contamination that endangers public health or safety.

"(C) CONDITIONS.—A conversion under subparagraph (A) shall satisfy any conditions that the Secretary determines to be necessary to ensure the substitution of other conservation or recreation property that is—

"(i) of at least equal fair market value;

"(ii) of reasonably equivalent usefulness and location; and

"(iii) consistent with the comprehensive statewide outdoor recreation plan or State action agenda.".

SEC. 305. WATER RIGHTS.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) is amended by adding at the end the following:

"SEC. 14. WATER RIGHTS.

"Nothing in this title—

"(1) invalidates, preempts, or modifies any Federal or State water law or an interstate compact relating to water, including water quality and disposal;

"(2) alters the rights of any State to an appropriated share of the water of any body of surface water or groundwater, as established by interstate compacts entered into, legislation enacted, or final judicial allocations adjudicated before, on, or after the date of enactment of this Act; or

"(3) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.".

TITLE IV—CONSERVATION AND RESTORATION OF WILDLIFE

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to ensure adequate funding of the program established under the amendments to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) enacted by title IX of H.R. 5548 of the 106th Congress, as enacted by section 1(a)(2) of Public Law 106-553 (114 Stat. 2762, 2762A-118); and

(2) to ensure the conservation and sustainability of fish and wildlife to provide and promote greater hunting, angling, and wildlife viewing opportunities.

SEC. 402. DEFINITIONS.

Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).";

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

"(3) INDIAN TRIBE.—The term 'Indian tribe'—

"(A) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)); and

"(B) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).";

(4) in paragraph (6) (as redesignated by paragraph (1)), by striking "including fish" and inserting "(including, for purposes of section 4(d), fish)"; and

(5) in paragraph (10) (as redesignated by paragraph (1)), by striking "includes the wildlife conservation and restoration program and".

SEC. 403. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking "**SEC.** 3. (a)(1) An" and inserting the following:

"SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

"(a) IN GENERAL.—

"(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An"; and

(2) in subsection (a)—

(A) in paragraph (1), by striking "Federal aid to wildlife restoration fund" and inserting "Federal Aid to Wildlife Restoration Fund"; and

(B) by striking paragraph (2) and inserting the following:

"(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the fund a subaccount to be known as the 'Wildlife Conservation and Restoration Account'.

"(B) FUNDING.—Amounts transferred to the fund for a fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act—

"(i) shall be deposited in the Account; and

"(ii) shall be available, without further appropriation, to carry out State wildlife conservation and restoration programs under section 4(d).".

SEC. 404. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating the first subsection (c) as subsection (e); and

(2) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) APPORTIONMENT TO DISTRICT OF COLUMBIA, PUERTO RICO, TERRITORIES, AND INDIAN TRIBES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, the Secretary shall apportion from amounts available in the Account for the fiscal year—

"(i) to each of the District of Columbia and the Commonwealth of Puerto Rico, an amount equal to not more than ½ of 1 percent of amounts available in the Account;

"(ii) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, a sum equal to not more than ¼ of 1 percent of amounts available in the Account; and

"(iii) to Indian tribes, an amount equal to not more than 2¼ percent of amounts available in the Account, of which—

"(I) ⅓ shall be apportioned based on the ratio that the trust land area of each Indian tribe bears to the total trust land area of all Indian tribes; and

"(II) ⅔ shall be apportioned based on the ratio that the population of each Indian tribe bears to the total population of all Indian tribes.

"(B) MAXIMUM APPORTIONMENT TO INDIAN TRIBES.—For each fiscal year, the amounts apportioned under subparagraph (A)(iii) shall be adjusted proportionately so that no Indian tribe is apportioned a sum that is more than 5 percent of the amount available for apportionment under subparagraph (A)(iii) for the fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking "sections 4(d) and (e) of this Act" and inserting "subsection (c) and (d) of section 4".

(2) Section 4(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(b)) is amended by striking "subsection (c)" and inserting "subsection (e)".

(3) Section 4(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(d)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and indenting the subclauses appropriately;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately; and

(iii) by striking "(1) Any State" and inserting the following:

"(1) REQUIREMENTS.—

"(A) IN GENERAL.—Any State";

(iv) by striking "To apply" and inserting the following:

"(B) PLAN.—To apply";

(v) in subparagraph (A) (as designated by clause (iii))—

(I) by inserting "or Indian tribe" before "may apply"; and

(II) by striking "develop a program" and inserting the following: "develop a program for the conservation and restoration of species of wildlife identified by the State";

(vi) in subparagraph (B) (as designated by clause (iv))—

(I) in the matter preceding clause (i) (as redesignated by clause (ii)), by inserting "or Indian tribe" before "shall submit"; and

(II) in clause (i) (as redesignated by clause (ii)), by inserting "or Indian tribe" after "State";

(vii) by redesignating subparagraph (D) as subparagraph (C); and

(viii) in subparagraph (C) (as redesignated by clause (vii))—

(I) in the matter preceding clause (i), by inserting "a State or Indian tribe shall" before "develop and begin";

(II) in clause (i), by inserting "or Indian tribe" before "deems appropriate";

(III) in clauses (ii), (iii), (iv), and (vii), by striking "paragraph (1)" and inserting "subparagraph (A)";

(IV) in clause (vi)—

(aa) by striking "State wildlife conservation strategy" and inserting "wildlife conservation strategy of the State or Indian tribe"; and

(bb) by striking the semicolon at the end and inserting "; and"; and

(V) in clause (vii), by inserting "by" after "feasible";

(B) in paragraph (2), by inserting "or Indian tribe" after "State";

(C) in paragraph (3), by inserting "or Indian tribe" after "State" each place it appears; and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking "State's wildlife conservation and restoration program" each place it appears and inserting "wildlife conservation and restoration program of a State or Indian tribe"; and

(ii) in subparagraph (B)—

(I) by inserting "or Indian tribe" after "each State"; and

(II) by striking "State's wildlife conservation and restoration program" and inserting "wildlife conservation and restoration program of a State or Indian tribe".

(4) Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended by striking "section 4(c)" and inserting "section 4(e)".

(5) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by inserting "or obligated" after "used"; and

(ii) in subparagraph (B), by inserting "or obligated" after "used"; and

(B) by striking "section 4(c)" each place it appears and inserting "section 4(e)".

SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.

Nothing in this title or any amendment made by this title applies to or otherwise affects the availability or use of any amounts appropriated before the date of enactment of this Act.

TITLE V—URBAN PARK AND RECREATION RECOVERY PROGRAM

SEC. 501. EXPANSION OF PURPOSE OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978 TO INCLUDE DEVELOPMENT OF NEW AREAS AND FACILITIES.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2502) is amended in the first sentence by striking "recreation areas, facilities," and inserting "recreation areas and facilities, the development of new recreation areas and facilities (including acquisition of land for that development),".

SEC. 502. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—

(1) by striking "When used in this title the term—" and inserting "In this title:";

(2) by redesignating paragraphs (1), (2), and (3) of subsection (d) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) as paragraphs (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), and (5), respectively, and moving the paragraphs to appear in numerical order;

(4) in each of paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (12), and (13) (as redesignated by paragraph (3))—

(A)(i) by inserting "__________.—The term" before the first quotation mark; and

(ii) by inserting in the blank the term that is in quotations in each paragraph, respectively; and

(B) by capitalizing the first letter of the term as inserted in the blank under subparagraph (A)(ii);

(5) in each of paragraphs (1), (3), (4), (6), (7), (8), (9), (10), and (12) (as redesignated by paragraph (3)), by striking the semicolon at the end and inserting a period;

(6) in paragraph (13) (as redesignated by paragraph (3)), by striking "; and" at the end and inserting a period;

(7) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:

"(2) DEVELOPMENT GRANT.—

"(A) IN GENERAL.—The term 'development grant' means a matching capital grant made to a unit of local government to cover costs of development, land acquisition, and construction at 1 or more existing or new neighborhood recreation sites (including indoor and outdoor recreational areas and facilities, support facilities, and landscaping).

"(B) EXCLUSIONS.—The term 'development grant' does not include a grant made to pay the costs of routine maintenance or upkeep activities.";

(8) in paragraph (5) (as redesignated by paragraph (3)), by inserting "the Commonwealth of" before "Northern Mariana Islands"; and

(9) by inserting after paragraph (10) (as redesignated by paragraph (3)) the following:

"(11) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.".

SEC. 503. ELIGIBILITY.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:

"(a) ELIGIBILITY FOR ASSISTANCE.—

"(1) DEFINITION OF GENERAL PURPOSE LOCAL GOVERNMENT.—For the purpose of determining eligibility for assistance under this title, the term 'general purpose local government' includes—

"(A) any political subdivision of a metropolitan, primary, or consolidated statistical area, as determined by the most recent decennial census;

"(B) any other city, town, or group of 1 or more cities or towns within a metropolitan statistical area described in subparagraph (A) that has a total population of at least 50,000, as determined by the most recent decennial census; and

"(C) any other county, parish, or township with a total population of at least 250,000, as determined by the most recent decennial census.

"(2) Selection.—The Secretary shall award assistance to general purpose local governments under this title on the basis of need, as determined by the Secretary.".

SEC. 504. GRANTS.

Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—

(1) in the first sentence, by striking "rehabilitation and innovative";

(2) in paragraph (1), by striking "rehabilitation and innovation"; and

(3) in paragraph (2), by striking "rehabilitation or innovative".

SEC. 505. RECOVERY ACTION PROGRAMS.

Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting "development," after "commitments to ongoing planning,"; and

(2) in paragraph (2), by inserting "development and" after "adequate planning for".

SEC. 506. STATE ACTION INCENTIVES.

Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—

(1) in the first sentence, by inserting "(a) **IN GENERAL.**—" before "The Secretary is authorized"; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:

"(b) Coordination With Land and Water Conservation Fund Activities.—

"(1) In general.—The Secretary and general purpose local governments are encouraged to coordinate the preparation of recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes or for other conservation or recreation purposes).

"(2) Considerations.—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)).".

SEC. 507. CONVERSION OF RECREATION PROPERTY.

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:

"SEC. 1010. CONVERSION OF RECREATION PROPERTY.

"(a) In General.—Except as provided in subsection (b), no property developed, acquired, improved, or rehabilitated using funds from a grant under this title shall, without the approval of the Secretary, be converted to any purpose other than a public recreation purpose.

"(b) Approval.—

"(1) In general.—The Secretary shall approve the conversion of property under subsection (a) to a purpose other than a public recreation purpose only if the grant recipient demonstrates that no prudent or feasible alternative exists.

"(2) Applicability.—Paragraph (1) applies to property that—

"(A) is no longer viable for use as a recreation facility because of changes in demographics; or

"(B) must be abandoned because of environmental contamination or any other condition that endangers public health or safety.

"(c) Conditions.—Any conversion of property under this section shall satisfy such conditions as the Secretary considers necessary to ensure the substitution for the property of other recreation property that is—

"(1) at a minimum, equivalent in fair market value, usefulness, and location; and

"(2) subject to the recreation recovery action program of the grant recipient that is in effect as of the date of the conversion of the property.".

SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended to read as follows:

"SEC. 1013. FUNDING.

"(a) Treatment of Amounts Transferred From Get Outdoors Act Fund.—

"(1) In general.—Amounts transferred to the Secretary under section 9(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338(b)(4)) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

"(2) Unpaid and unobligated amounts.—Any amount described in paragraph (1) that is not paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is made available under paragraph (1) shall be reapportioned by the Secretary among grant recipients under this title.

"(b) Deduction for Administrative Expenses.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 4 percent of the amounts made available to the Secretary for the fiscal year under subsection (a).

"(c) Limitations on Annual Grants.—After making the deduction under subsection (b), of the amounts made available for a fiscal year under subsection (a)—

"(1) not more than 10 percent may be used for innovation grants under section 1006;

"(2) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs under subsections (a) and (c) of section 1007; and

"(3) not more than 15 percent, in the aggregate, may be provided in the form of grants for projects in any 1 State.

"(d) Limitation on Use for Grant Administration.—The Secretary shall establish a limit on the percentage, not to exceed 25 percent, of any grant under this title that may be used for grant and program administration.".

SEC. 509. REPEAL.

Sections 1014 and 1015 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513, 2514) are repealed.

Ms. LANDRIEU. Mr. President, today I rise with the Senator from Tennessee, Mr. Alexander, my colleague from Louisiana, Mr. Vitter, and the senior Senator from South Dakota, Mr. Johnson, to introduce legislation which we believe is a new and enhanced version of one of the most significant conservation efforts ever considered by Congress.

The Americans Outdoors Act is a landmark multi-year commitment to conservation programs directly benefitting all 50 States and hundreds of local communities. It creates a conservation royalty earned from the production of oil and gas found on the Outer Continental Shelf, OCS, and directs it towards the restoration of coastal wetlands, preservation of wildlife habitat, and to help build and maintain local and state parks for our children and grandchildren.

By enacting this legislation, we will be making the most significant commitment of resources to conservation ever. It will ensure a positive legacy of protecting, preserving and enhancing critical wildlife habitat, open green spaces and the opportunity for Americans to enjoy their outdoors today and for generations to come. Our legislation builds on an effort made during the 106th Congress that was supported by governors, mayors and a coalition of more than 5,000 organizations from throughout the country.

Unfortunately, despite widespread support, our efforts were cut short before a bill could be signed into law. Instead a commitment was made by those who opposed the legislation to guarantee funding for these programs each year through the appropriation process.

However, as we have painfully witnessed since then, that commitment has not been met. What has happened is exactly what those of us who initiated the effort always anticipated. Each of these significant programs continues to be shortchanged and a number of them have been left out altogether or forced to compete with each other for Federal resources.

The legislation we are introducing today provides reliable, significant and steady funding for the urgent and worthy conservation and outdoor recreation needs of our states and rapidly expanding urban and suburban areas. What makes more sense than to take a portion of revenues from a great but depleting capital asset of the Nation—offshore Federal oil and gas resources—and reinvest them into sustaining our Nation's natural resources: wetlands; parks and recreation areas and wildlife?

The Americans Outdoors Act dedicates assured funding for four distinct programs and honors promises made long ago to the American people. They include:

Coastal Impact Assistance—$450 million to oil and gas producing coastal States to mitigate the various impacts of states that serve as the "platform" for the crucial development of Federal offshore energy resources from the OCS as well as provide for wetland restoration. This program merely acknowledges the impacts to and contribution of States that are providing the energy to run our country's economy.

Since the 1.76 billion acre energy frontier of the OCS was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to our Nation's energy production. In fact, the OCS supplies more oil to our Nation than any other country including Saudi Arabia. Today, the OCS represents more than 25 percent of our Nation's natural gas production and more than 30 percent of our domestic oil production—with the promise of reaching 40 percent by 2008. It is estimated that 60 percent of the oil and natural gas still to be discovered in the U.S. will come from the OCS.

An average of more than $5 billion in revenues from oil and gas production are returned to the Federal treasury each year from the OCS—$145 billion since Production began. That is the second biggest contributor of revenue to the Federal treasury after income taxes.

Our legislation seeks to address a historical inequity. The Mineral Lands Leasing Act of 1920 shares automatically with States 50 percent of revenues from mineral production on Federal lands within that State's boundaries. These funds are distributed to States automatically, outside the budget process and not subject to appropriations. In fiscal year 2004, the State of Wyoming received $564 million as a result of this law and the State of New Mexico received $365 million. But, there is no similar provision in law for coastal producing States to share Federal oil and gas revenues generated on the OCS.

For both onshore and offshore production, the justification for sharing with the State is the same: The State serves as the platform which enables the Federal Government to support a basic element of our daily lives—turning on our lights, heating our homes and running our commuter trains.

In light of the OCS's vital contribution to our Nation's energy needs, economy and national security, it see only fair and logical that we should return a share of these revenues to the few States that are providing this crucial supply of energy. The revenues should be distributed automatically based on what is produced off a State's coastline and a portion of each State's allocation should be shared with coastal counties and parishes. They battle every day with the forces of nature that are steadily undermining our energy security by washing away the barrier islands and marshes that protect critical infrastructure necessary to deliver it.

When Hurricane Ivan struck back in September, it should have been a wake up call to us all. Although the storm did not hit Louisiana directly, its impact on the price and supply of oil and gas in this country could still be felt 4 months later. One can only imagine what the impact would have been had Ivan cut a more Western path in the Gulf. How many more hurricane seasons are we going to spend playing Russian roulette with our oil and gas supply? Returning a portion of OCS revenues to Louisiana and other coastal producing States is crucial to restoring and preserving these vital wetlands and the billions in energy investments they protect.

This bill will provide $450 million for the State side of the Land and Water Conservation Fund, LWCF, to provide stable funding to States for the planning and development of State and local parks and recreation facilities. The allocation to States would be 60 percent equally among all 50 States and 40 percent based on relative population. This program provides greater revenue certainty for State and local governments to help them meet their recreational needs through recreational facility development and resource protection—all under the discretion of State and local authorities while protecting the rights of private property owners.

This bill would provide for Wildlife Conservation, Education and Restoration. A total of $350 million is allocated to all 50 States through the successful program of Pittman-Robertson for the conservation of non-game and game species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act. By taking steps now to prevent species from becoming endangered we are able to not only conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also avoid the substantial costs associated with recovery for endangered species.

Allocations to States would be based on a formula of two-thirds relative population and one-third relative land area and the Urban Parks and Recreation Recovery Program, UPARR—$125 million in the form of matching grants. 70 percent, to provide direct assistance to our cities and towns so that they can focus on the needs of their populations within the more densely inhabited areas around the country where there are fewer green-spaces, playgrounds and soccer fields for our youth.

I would also like to acknowledge our interest in several programs that are not part of this initial package but will be considered as the bill moves through the process. For example, the Federal side of the Land and Water Conservation Fund, which focuses primarily on Federal land acquisition. The goal of the Federal side of the LWCF was to share a significant portion of revenues from offshore development with States to provide for protection and public use of the natural environment. It is our intention to discuss this program with our colleagues on the Senate Energy and Natural Resources Committee with the goal of developing a compromise that will garner broad support. In addition, other worthy programs that are not part of the legislation we are introducing today but ideally would be part of a larger more comprehensive effort include Historic Preservation, Payment in Lieu of Taxes, PILT, and the Forest Legacy program.

While we confront a time of war, budget deficits and a struggling economy, setting aside a portion of oil and gas royalties to our States and localities for initiatives such as outdoor spaces or recreation facilities for our children to play could not be more crucial. Programs such as the State side of the Land and Water Conservation Fund are in fact the economic stimulus that our States and cities need in these times. It is time we take some of the proceeds we extract from our earth and reinvest them into conserving our great outdoors for generations to come. To continue to do otherwise, as we have done for the last 50 years, is not only environmentally and fiscally irresponsible. It ignores our American duty of stewardship to our Nation, our planet and our children.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 965. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased today to introduce the Small Business Growth and Opportunity Act of 2004 along with my Finance Committee colleague, Senator BLANCHE LINCOLN.

This legislation will allow S corporations to liquidate unproductive assets freeing up capital to be used to grow the business and create new jobs.

There are about 2.9 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax period of the corporate "built-in gains" tax.

Under current law, businesses that convert from a C corporation to S corporation status are penalized by a double tax burden for a period of 10 years if they sell assets they owned as a C corporation. This tax penalty is imposed at the corporate level on top of normal shareholder-level taxes, making the sale and reinvestment of these assets prohibitively expensive. In some States, this double-tax burden can exceed 70 percent of the built-in gain.

Clearly this tax penalty is neither justifiable nor sustainable as a reasonable business matter. The built-in gains tax 1. limits cash flow and availability, 2. encourages excess borrowing because the S corporation cannot access the locked-in value of its own assets, and 3. prevents these small businesses from growing and creating jobs.

While I would like to see even more generous relaxation of these rules, for revenue considerations this legislation will reduce the built-in gains recognition period (the holding period) from 10 years to 7 years. And, this three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(7) RECOGNITION PERIOD.—The term 'recognition period' means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS EXCEEDING 7 YEARS.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 966. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation to name the Federal courthouse building now being completed at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence that contributed so much to the Fresno Courthouse project. Judge Coyle has been a leader in the effort to build a new courthouse in Fresno for more than a decade. Indeed, he personally supervises this project. He is often seen with his hard hat in hand, walking from his chambers to the new building to meet project staff.

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle.

In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he has worked, produced a major milestone when the groundbreaking for the new courthouse took place.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from the University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan.

Judge Coyle is very active in the community and has served in many judicial leadership positions, including: Chair of the Space and Security Committee; Chair of the Conference of the Chief District Judges of the Ninth Circuit; President of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California; and President of the Fresno County Bar.

My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mr. OBAMA:

S. 969. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing the Attacking Viral Influenza Across Nations Act of 2005, or the AVIAN Act.

The Nation is becoming increasingly aware of the very serious threat we face from avian flu. This virus is found primarily in chickens, ducks, and other birds. Despite major efforts to eradicate this virus, the virus has become endemic in poultry and birds in some countries and is spreading rapidly in others. Humans can contract the virus when they come into contact with infected birds, and when this happens, the consequences are often deadly. Of the 88 humans infected with avian influenza in Vietnam, Thailand, and Cambodia, only 37 have survived.

Right now, avian flu is thought to only pass from birds to humans. However, doctors and scientists have expressed the very real concern that this virus will mutate into a form that can spread easily from human to human. If this happens, the world could face its next pandemic, which could cause more illness and death than virtually any other natural health threat.

The Nation experienced 3 pandemics in the 20th Century—the Spanish flu pandemic in 1918, the Asian flu pandemic in 1957, and the Hong Kong flu pandemic in 1968. The Spanish flu pandemic was the most severe, causing over 500,000 deaths in the United States and more than 20 million deaths worldwide.

The Centers for Disease Control and Prevention (CDC) has estimated that up to 207,000 Americans could die, and up to 734,000 could be hospitalized during the next pandemic. The costs of the pandemic, including the medical costs and the costs associated with infected Americans being unable to work and dying early, are estimated at between $71 billion and $166.5 billion. These costs do not include the impact of a pandemic on commerce and society. On February 21, 2005, Dr. Julie Gerberding, Director of the CDC, discussed the possibility of a pandemic and stated that "this is a very ominous situation for the globe . . . the most important threat that we are facing right now."

We are in a race against time. The Nation's health officials have made some progress in preparing for pandemic influenza. Yet, we have much work to do. The Department of Health and Human Services has not released its final pandemic preparedness plan nor have about half of the states. A survey by the Association of State and Public Health Laboratory Directors found that 20 percent of States had no

State public health laboratory capacity to isolate viruses. and 25 percent reported no ability to subtype influenza isolates.

We know antivirals can prevent flu infection and treat those already infected. but we have not stockpiled enough doses to cover even the high-risk populations. We need more research to improve the effectiveness and the safety of vaccines against avian flu and other strains. Many of our hospital emergency rooms and clinics are already bursting at the seams. and it is unclear how they would care for a dramatically increased influx of patients during a pandemic.

The AVIAN Act is a comprehensive measure to deal with an influenza pandemic by emphasizing domestic and international cooperation and collaboration. It creates a high-level interagency policy coordinating committee tasked with creating an integrated plan for the nation, with attention to health, agriculture, commerce, transportation, and international relations. Similarly, states are required to finalize pandemic preparedness plans that address surveillance, medical care, workforce, communication, and maintenance of core public functions. Private health providers and hospitals will play a critical role in diagnosing and treating their patients for flu, and this bill provides grants to make sure their efforts and information networks are coordinated with those by the state. Health and veterinary officials are encouraged to work with our international partners on all of these initiatives.

This bill provides for a public education and awareness campaign and health professional training for a pandemic. The CDC is tasked with researching communication strategies, and developing and implementing a public, non-commercial, and non-competitive broadcast system. The NIH is required to expand and intensify its research on vaccines, antivirals, and other protective measures. An economics advisory committee is established to assess and make recommendations on how to finance pandemic preparedness, while minimizing its economic impact.

Finally, the AVIAN Act provides for an Institute of Medicine study to study the legal, ethical, and social implications of pandemic influenza. Americans may be asked to isolate themselves, to stay home from work, to share their medical diagnoses, and to take certain medications. All of these actions may be critical in preventing millions of Americans from getting sick, spreading disease, and dying. Yet, we must make sure that we are fully cognizant of how these decisions will affect the rights of every American.

We face a terrible threat from pandemic avian influenza, and we must not squander the opportunity before us to plan and prepare. In endorsing the AVIAN Act, the Trust for America's Health states: "The avian flu is a real and dangerous threat to the health to our nation and the world. If the virus mutates slightly, we could have a million Americans hit by the first wave of a pandemic."

The time to act is now, and I urge my colleagues to join me and pass the AVIAN Act of 2005.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Attacking Viral Influenza Across Nations Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Department of Health and Human Services reports that an influenza pandemic has a greater potential to cause rapid increases in death and illness than virtually any other natural health threat.

(2) Three pandemics occurred during the 20th century: the Spanish flu pandemic in 1918, the Asian flu pandemic in 1957, and the Hong Kong flu pandemic in 1968. The Spanish flu pandemic was the most severe, causing over 500,000 deaths in the United States and more than 20,000,000 deaths worldwide.

(3) The Centers for Disease Control and Prevention has estimated conservatively that up to 207,000 Americans would die, and up to 734,000 would be hospitalized, during the next pandemic. The costs of the pandemic, including the total direct costs associated with medical care and indirect costs of lost productivity and death, are estimated at between $71,000,000,000 and $166,500,000,000. These costs do not include the economic effects of pandemic on commerce and society.

(4) Recent studies suggest that avian influenza strains, which are endemic in wild birds and poultry populations in some countries, are becoming increasingly capable of causing severe disease in humans and are likely to cause the next pandemic flu.

(5) In 2004, 8 nations—Thailand, Vietnam, Indonesia, Japan, Laos, China, Cambodia, and the Republic of Korea—experienced outbreaks of avian flu (H5N1) among poultry flocks. Cases of human infections were confirmed in Thailand and Vietnam (including a possible human-to-human infection in Thailand).

(6) As of April 15, 2005, 88 confirmed human cases of avian influenza (H5N1) have been reported, 51 of which resulted in death. Of these cases, 68 were in Vietnam, 17 in Thailand, and 3 in Cambodia.

(7) On February 21, 2005, Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention, stated that "this is a very ominous situation for the globe…the most important threat we are facing right now.".

(8) On February 23, 2005, Dr. Shigeru Omi, Asia regional director of the World Health Organization (WHO), stated with respect to the avian flu, "We at WHO believe that the world is now in the gravest possible danger of a pandemic.".

(9) The best defense against influenza pandemics is a heightened global surveillance system. In many of the nations where avian flu (H5N1) has become endemic the early detection capabilities are severely lacking, as is the transparency in the health systems.

(10) In addition to surveillance, pandemic preparedness requires domestic and international coordination and cooperation to ensure an adequate medical response, including communication and information networks, public health measures to prevent spread, use of vaccination and antivirals, provision of health outpatient and inpatient services, and maintenance of core public functions.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end the following:

"Subtitle 3—Pandemic Influenza Preparedness

"SEC. 2141. DEFINITION.

"For purposes of this subtitle, the term 'State' shall have the meaning given such term in section 2(f) and shall include Indian tribes and tribal organizations (as defined in section 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

"SEC. 2142. PROPOSAL FOR INTERNATIONAL FUND TO SUPPORT PANDEMIC INFLUENZA CONTROL.

"(a) IN GENERAL.—The Secretary should submit to the Director of the World Health Organization a proposal to study the feasibility of establishing a fund, (referred to in this section as the 'Pandemic Fund') to support pandemic influenza control and relief activities conducted in countries affected by pandemic influenza, including pandemic avian influenza.

"(b) CONTENT OF PROPOSAL.—The proposal submitted under subsection (a) shall describe, with respect to the Pandemic Fund—

"(1) funding sources;

"(2) administration;

"(3) application process by which a country may apply to receive assistance from such Fund;

"(4) factors used to make a determination regarding a submitted application, which may include—

"(A) the gross domestic product of the applicant country;

"(B) the burden of need, as determined by human morbidity and mortality and economic impact related to pandemic influenza and the existing capacity and resources of the applicant country to control the spread of the disease; and

"(C) the willingness of the country to cooperate with other countries with respect to preventing and controlling the spread of the pandemic influenza; and

"(5) any other information the Secretary determines necessary.

"(c) USE OF FUNDS.—Funds from any Pandemic Fund established as provided for in this section shall be used to complement and augment ongoing bilateral programs and activities from the United States and other donor nations.

"SEC. 2143. POLICY COORDINATING COMMITTEE ON PANDEMIC INFLUENZA PREPAREDNESS.

"(a) IN GENERAL.—There is established the Pandemic Influenza Preparedness Policy Coordinating Committee (referred to in this section as the 'Committee').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall be composed of—

"(A) the Secretary;

"(B) the Secretary of Agriculture;

"(C) the Secretary of State;

"(D) the Secretary of Defense;

"(E) the Secretary of Commerce;

"(F) the Administrator of the Environmental Protection Agency;

"(G) the Secretary of Transportation;

"(H) the Secretary of Homeland Security;

"(I) the Secretary of Veterans Affairs; and

"(J) other representatives as determined appropriate by the Co-Chairs of the Committee.

"(2) CO-CHAIRS.—The Secretary and the Secretary of Agriculture shall serve as the Co-Chairs of the Committee.

"(3) TERM.—The members of the Committee shall serve for the life of the Committee.

"(c) MEETINGS.—

"(1) IN GENERAL.—The Committee shall meet not less often than 2 times per year at the call of the Co-Chairs or as determined necessary by the President.

"(2) REPRESENTATION.—A member of the Committee under subsection (b) may designate a representative to participate in Committee meetings, but such representative shall hold the position of at least an assistant secretary or equivalent position.

"(d) DUTIES OF THE COMMITTEE.—

"(1) PREPAREDNESS PLANS.—Each member of the Committee shall submit to the Committee a pandemic influenza preparedness plan for the agency involved that describes—

"(A) initiatives and proposals by such member to address pandemic influenza (including avian influenza) preparedness; and

"(B) any activities and coordination with international entities related to such initiatives and proposals.

"(2) INTERAGENCY PLAN AND RECOMMENDATIONS.—

"(A) IN GENERAL.—

"(i) PREPAREDNESS PLAN.—Based on the preparedness plans described under paragraph (1), and not later than 90 days after the date of enactment of the Pandemic Influenza Preparedness Act of 2005, the Committee shall develop an Interagency Preparedness Plan that integrates and coordinates such preparedness plans.

"(ii) CONTENT OF PLAN.—The Interagency Preparedness Plan under clause (i) shall include a description of—

"(I) departmental or agency responsibility and accountability for each component of such plan;

"(II) funding requirements and sources;

"(III) international collaboration and coordination efforts; and

"(IV) recommendations and a timeline for implementation of such plan.

"(B) REPORT.—

"(i) IN GENERAL.—The Committee shall submit to the President and Congress, and make available to the public, a report that includes the Interagency Preparedness Plan.

"(ii) UPDATED REPORT.—The Committee shall submit to the President and Congress, and make available to the public, on a biannual basis, an update of the report that includes a description of—

"(I) progress made toward plan implementation, as described under clause (i); and

"(II) progress of the domestic preparedness programs under section 2144 and of the international assistance programs under section 2145.

"(C) CONSULTATION WITH INTERNATIONAL ENTITIES.—In developing the preparedness plans described under subparagraph (A) and the report under subparagraph (B), the Committee may consult with representatives from the World Health Organization, the World Organization for Animal Health, and other international bodies, as appropriate.

"SEC. 2144. DOMESTIC PANDEMIC INFLUENZA PREPAREDNESS ACTIVITIES.

"(a) PANDEMIC PREPAREDNESS ACTIVITIES.—The Secretary shall strengthen, expand, and coordinate domestic pandemic influenza preparedness activities.

"(b) STATE PREPAREDNESS PLAN.—

"(1) IN GENERAL.—As a condition of receiving funds from the Centers for Disease Control and Prevention or the Health Resources and Services Administration related to bioterrorism, a State shall—

"(A) designate an official or office as responsible for pandemic influenza preparedness;

"(B) submit to the Director of the Centers for Disease Control and Prevention a Pandemic Influenza Preparedness Plan described under paragraph (2); and

"(C) have such Preparedness Plan approved in accordance with this subsection.

"(2) PREPAREDNESS PLAN.—

"(A) IN GENERAL.—The Pandemic Influenza Preparedness Plan required under paragraph (1) shall address—

"(i) human and animal surveillance activities, including capacity for epidemiological analysis, isolation and subtyping of influenza viruses year-round, including for avian influenza among domestic poultry, and reporting of information across human and veterinary sectors;

"(ii) methods to ensure surge capacity in hospitals, laboratories, outpatient healthcare provider offices, medical suppliers, and communication networks;

"(iii) assisting the recruitment and coordination of national and State volunteer banks of healthcare professionals;

"(iv) distribution of vaccines, antivirals, and other treatments to priority groups, and monitor effectiveness and adverse events;

"(v) networks that provide alerts and other information for healthcare providers and organizations at the National, State, and regional level;

"(vi) communication with the public with respect to prevention and obtaining care during pandemic influenza;

"(vii) maintenance of core public functions, including public utilities, refuse disposal, mortuary services, transportation, police and firefighter services, and other critical services;

"(viii) provision of security for—

"(I) first responders and other medical personnel and volunteers;

"(II) hospitals, treatment centers, and isolation and quarantine areas;

"(III) transport and delivery of resources, including vaccines, medications and other supplies; and

"(IV) other persons or functions as determined appropriate by the Secretary;

"(ix) the acquisition of necessary legal authority for pandemic activities;

"(x) integration with existing national, State, and regional bioterrorism preparedness activities or infrastructure;

"(xi) coordination among public and private health sectors with respect to healthcare delivery, including mass vaccination and treatment systems, during pandemic influenza; and

"(xii) coordination with Federal pandemic influenza preparedness activities.

"(B) UNDERSERVED POPULATIONS.—The Pandemic Influenza Preparedness Plan required under paragraph (1) shall include a specific focus on surveillance, prevention, and medical care for traditionally underserved populations, including low-income, racial and ethnic minority, immigrant, and uninsured populations.

"(3) APPROVAL OF STATE PLAN.—

"(A) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in collaboration with the Secretary of Agriculture and the Administrator of the Health Resources and Services Administration, shall develop criteria to rate State Pandemic Influenza Preparedness Plans required under paragraph (1) and determine the minimum rating needed for approval.

"(B) TIMING OF APPROVAL.—Not later than 180 days after a State submits a State Pandemic Influenza Preparedness Plan as required under paragraph (1), the Director of the Centers for Disease Control and Prevention shall make a determination regarding approval of such Plan.

"(4) REPORTING OF STATE PLAN.—All Pandemic Influenza Preparedness Plans submitted and approved under this section shall be made available to the public.

"(5) ASSISTANCE TO STATES.—The Centers for Disease Control and Prevention and the Health Resources and Services Administration may provide assistance to States in carrying out this subsection, or implementing an approved State Pandemic Influenza Preparedness Plan, which may include the detail of an officer to approved domestic pandemic sites or the purchase of equipment and supplies.

"(6) WAIVER.—The Secretary may grant a temporary waiver of 1 or more of the requirements under this subsection.

"(c) DOMESTIC SURVEILLANCE.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, shall establish minimum thresholds for States with respect to adequate surveillance for pandemic influenza, including possible pandemic avian influenza.

"(2) ASSISTANCE TO STATES.—

"(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture, shall provide assistance to States and regions to meet the minimum thresholds established under paragraph (1).

"(B) TYPES OF ASSISTANCE.—Assistance provided to States under subparagraph (A) may include—

"(i) the establishment or expansion of State surveillance and alert systems, including the Sentinel Physician Surveillance System and 122 Cities Mortalities Report System;

"(ii) the provision of equipment and supplies;

"(iii) support for epidemiological analysis and investigation of novel strains;

"(iv) the sharing of biological specimens and epidemiological and clinical data within and across States; and

"(v) other activities determined appropriate by the Secretary.

"(3) DETAIL OF OFFICERS.—The Secretary may detail officers to States for technical assistance as needed to carry out this subsection.

"(d) PRIVATE SECTOR INVOLVEMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, and in coordination with private sector entities, shall integrate and coordinate public and private influenza surveillance activities, as appropriate.

"(2) GRANT PROGRAM.—

"(A) IN GENERAL.—In carrying out the activities under paragraph (1), the Secretary may establish a grant program to provide grants to eligible entities to coordinate pandemic preparedness surveillance activities between States and private health sector entities, including health plans and other health systems.

“(B) ELIGIBILITY.—To be eligible to receive a grant under subparagraph (A), an entity shall—

“(i) submit an application at such time, in such manner, and containing such information as the Secretary may require; and

“(ii) be a State with a collaborative relationship with a private health system organization or institution.

“(C) USE OF FUNDS.—Funds under a grant under subparagraph (A) may be used to—

“(i) develop and implement surveillance protocols for patients in outpatient and hospital settings;

“(ii) establish a communication alert plan for patients for reportable signs and symptoms that may suggest influenza;

“(iii) purchase necessary equipment and supplies;

“(iv) increase laboratory testing and networking capacity;

“(v) conduct epidemiological and other analyses; or

“(vi) report and disseminate data.

“(D) DETAIL OF OFFICERS.—The Secretary may detail officers to grantees under subparagraph (A) for technical assistance.

“(E) REQUIREMENT.—As a condition of receiving a grant under subparagraph (A), a State shall have a plan to meet minimum thresholds for State influenza surveillance established by the Director of the Centers for Disease Control and Prevention in coordination with the Secretary of Agriculture under subsection (b).

“(e) TEMPORARY FACILITY.—The Secretary may establish a temporary Federal facility or body to coordinate Federal support and assistance to States and localities, activities across Federal agencies or departments, or direct implementation of Federal authorities and responsibilities when appropriate under Federal law or when State and local actions to address the pandemic or threat of pandemic are deemed insufficient by the Secretary or Director of the Centers for Disease Control and Prevention.

“(f) PROCUREMENT OF ANTIVIRALS FOR THE STRATEGIC NATIONAL STOCKPILE.—The Secretary shall determine the minimum number of doses of antivirals needed to prevent infection or treat infection during pandemic influenza, including possible pandemic avian influenza, for health professionals (including doctors, nurses, mental health professionals, pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility employees, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319F–2.

“(g) PROCUREMENT OF VACCINES FOR THE STRATEGIC NATIONAL STOCKPILE.—Subject to development and testing of potential vaccines for pandemic influenza, including possible pandemic avian influenza, the Secretary shall determine the minimum number of doses of vaccines needed to prevent infection during at least the first wave of pandemic influenza for health professionals (including doctors, nurses, mental health professionals, pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility employees, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319F–2.

“SEC. 2145. INTERNATIONAL PANDEMIC INFLUENZA ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall assist other countries in preparation for, and response to, pandemic influenza, including possible pandemic avian influenza.

“(b) INTERNATIONAL SURVEILLANCE.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in collaboration with the Secretary of Agriculture, in consultation with the World Health Organization and the World Organization for Animal Health, shall establish minimum standards for surveillance capacity for all countries with respect to pandemic influenza, including possible pandemic avian influenza.

“(2) ASSISTANCE.—The Secretary and the Secretary of Agriculture shall assist other countries to meet the standards established in paragraph (1) through—

“(A) the detail of officers to foreign countries for the provision of technical assistance or training;

“(B) laboratory testing, including testing of specimens for viral isolation or subtype analysis;

“(C) epidemiological analysis and investigation of novel strains;

“(D) provision of equipment or supplies;

“(E) coordination of surveillance activities within and among countries;

“(F) the establishment and maintenance of an Internet database that is accessible to health officials domestically and internationally, for the purpose of reporting new cases or clusters of influenza and under information that may help avert the pandemic spread of influenza; and

“(G) other activities as determined necessary by the Secretary.

“(c) INCREASED INTERNATIONAL MEDICAL CAPACITY DURING PANDEMIC INFLUENZA.—The Secretary, in consultation with the Secretary of State, may provide vaccines, antiviral medications, and supplies to foreign countries from the Strategic National Stockpile described under section 319F–2.

“(d) ASSISTANCE TO FOREIGN COUNTRIES.—The Centers for Disease Control and Prevention and the Health Resources and Services Administration may provide assistance to foreign countries in carrying out this section, which may include the detail of an officer to approved international pandemic sites or the purchase of equipment and supplies.

“SEC. 2146. PUBLIC EDUCATION AND AWARENESS CAMPAIGN.

“(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in consultation with the United States Agency for International Development, the World Health Organization, the World Organization for Animal Health, and foreign countries, shall develop an outreach campaign with respect to public education and awareness of influenza and influenza preparedness.

“(b) DETAILS OF CAMPAIGN.—The campaign established under subsection (a) shall—

“(1) be culturally and linguistically appropriate for domestic populations;

“(2) be adaptable for use in foreign countries;

“(3) target high-risk populations (those most likely to contract, transmit, and die from influenza);

“(4) promote personal influenza precautionary measures and knowledge, and the need for general vaccination, as appropriate; and

“(5) describe precautions at the State and local level that could be implemented during pandemic influenza, including quarantine and other measures.

“SEC. 2147. HEALTH PROFESSIONAL TRAINING.

“The Secretary, directly or through contract, and in consultation with professional health and medical societies, shall develop and disseminate pandemic influenza training curricula—

“(1) to educate and train health professionals, including physicians, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health providers, allied health professionals, and paramedics and other first responders;

“(2) to educate and train volunteer, nonmedical personnel whose assistance may be required during a pandemic influenza outbreak; and

“(3) that address prevention, including use of quarantine and other isolation precautions, pandemic influenza diagnosis, medical guidelines for use of antivirals and vaccines, and professional requirements and responsibilities, as appropriate.

“SEC. 2148. RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH.

“The Director of the National Institutes of Health (referred to in this section as the ‘Director of NIH’), in collaboration with the Director of the Centers for Disease Control and Prevention, and other relevant agencies, shall expand and intensify—

“(1) human and animal research, with respect to influenza, on—

“(A) vaccine development and manufacture, including strategies to increase immunological response;

“(B) effectiveness of inducing heterosubtypic immunity;

“(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

“(D) side effects and drug safety of vaccines and antivirals in subpopulations;

“(E) alternative routes of delivery;

“(F) more efficient methods for testing and determining virus subtype;

“(G) protective measures; and

“(H) other areas determined appropriate by the Director of NIH; and

“(2) historical research on prior pandemics to better understand pandemic epidemiology, transmission, protective measures, high-risk groups, and other lessons that may be applicable to future pandemics.

“SEC. 2149. RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

“The Director of the Centers for Disease Control and Prevention, in collaboration with other relevant agencies, shall expand and intensify research, with respect to influenza, on—

“(1) communication strategies for the public during pandemic influenza, taking into consideration age, racial and ethnic background, health literacy, and risk status;

“(2) changing and influencing human behavior as it relates to vaccination; and

“(3) development and implementation of a public, non-commercial and non-competitive broadcast system and person-to-person networks.

“SEC. 2150. INSTITUTE OF MEDICINE STUDY ON THE LEGAL, ETHICAL, AND SOCIAL IMPLICATIONS OF PANDEMIC INFLUENZA.

“(a) IN GENERAL.—The Secretary shall contract with the Institute of Medicine to—

“(1) study the legal, ethical, and social implications of, with respect to pandemic influenza—

“(A) animal/human interchange;

“(B) global surveillance;

“(C) case contact investigations;

“(D) vaccination and medical treatment;

“(E) community hygiene;

"(F) travel and border controls;

"(G) decreased social mixing and increased social distance;

"(H) civil confinement; and

"(I) other topics as determined appropriate by the Secretary.

"(2) not later than 1 year after the date of enactment of the Attacking Viral Influenza Across Nations Act of 2005, submit to the Secretary a report that describes recommendations based on the study conducted under paragraph (1).

"(b) Implementation of Recommendations.—Not later than 180 days after the submission of the report of under subsection (a)(2), the Secretary shall address the recommendations of the Institute of Medicine regarding the domestic and international allocation and distribution of pandemic influenza vaccine and antivirals.

"SEC. 2151. NATIONAL PANDEMIC INFLUENZA ECONOMICS ADVISORY COMMITTEE.

"(a) In General.—There is established the National Pandemic Influenza Economics Advisory Committee (referred to in this section as the 'Committee').

"(b) Membership.—

"(1) In general.—The members of the Committee shall be appointed by the Comptroller General of the United States and shall include domestic and international experts on pandemic influenza, public health, veterinary science, commerce, economics, finance, and international diplomacy.

"(2) Chair.—The Comptroller General of the United States shall select a Chair from among the members of the Committee.

"(c) Duties.—The Committee shall study and make recommendations to Congress and the Secretary on the financial and economic impact of pandemic influenza and possible financial structures for domestic and international pandemic response, relating to—

"(1) the development, storage and distribution of vaccines;

"(2) the storage and distribution of antiviral and other medications and supplies;

"(3) increased surveillance activities;

"(4) provision of preventive and medical care during pandemic;

"(5) reimbursement for health providers and other core public function employees;

"(6) reasonable compensation for farmers and other workers that bear direct or disproportionate loss of revenue; and

"(7) other issues determined appropriate by the Chair.

"(d) Compensation.—

"(1) In general.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) Travel expenses.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

"(e) Staff.—

"(1) In general.—The Chair of the Committee shall provide the Committee with such professional and clerical staff, such information, and the services of such consultants as may be necessary to assist the Committee in carrying out the functions under this section.

"(2) Detail of federal government employees.—

"(A) In general.—An employee of the Federal Government may be detailed to the Committee without reimbursement.

"(B) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(3) Procurement of temporary and intermittent services.—The Chair of the Committee may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.".

SEC. 4. PANDEMIC INFLUENZA AND ANIMAL HEALTH.

(a) In General.—The Secretary of Agriculture shall expand and intensify efforts to prevent pandemic influenza, including possible pandemic avian influenza.

(b) Report.—Not later than 180 days after the date of enactment this Act, the Secretary of Agriculture shall submit to Congress a report that describes the anticipated impact of pandemic influenza on the United States.

(c) Assistance.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, the World Health Organization, and the World Organization for Animal Health, shall provide domestic and international assistance with respect to pandemic influenza preparedness to—

(1) support the eradication of infectious animal diseases and zoonosis;

(2) increase transparency in animal disease states;

(3) collect, analyze, and disseminate veterinary data;

(4) strengthen international coordination and cooperation in the control of animal diseases; and

(5) promote the safety of world trade in animals and animal products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act (and the amendments made by this Act) for each of the fiscal years 2006 through 2010.

By Mr. HATCH (for himself, Mr. Rockefeller, Mr. Ensign, Mr. Chafee, Ms. Collins, Ms. Snowe, Mr. Jeffords, Mr. Lieberman, and Mr. Smith):

S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the CLEAR ACT, the Clean Efficient Automobiles Resulting from Advanced Car Technologies Act of 2005. This bill passed the Senate as part of the omnibus energy bill last year, but unfortunately was not enacted.

Let me begin by thanking those who are cosponsoring this bill, namely Senators Rockefeller, Ensign, Chafee, Collins, Snowe, Jeffords, Lieberman and Smith. And I know that a number of other senators will add their names to this legislation in the near future. I appreciate their previous support and look forward to working with them to promote the CLEAR ACT in this Congress.

The CLEAR ACT addresses two issues of critical national importance: our dependence on foreign oil; and air pollution. Ultimately, two-thirds of our oil use is consumed by the transportation sector, and transportation in the United States is 97 percent dependent on oil. If we are going to address our energy crisis, we have to address our transportation fuels and vehicle use in a serious way.

I was very pleased that President Bush, yesterday, highlighted the need to direct the automotive marketplace toward the widespread use of hybrid and alternative fuel vehicles. The CLEAR ACT provides powerful market incentives to achieve that goal. It promotes the combination of advances we must have in technology, infrastructure, and alternative fuels in order to bring fuel cell vehicles to a future mass market reality. Even if, in the end, hydrogen fuel cell vehicles prove infeasible, the battery electric and alternative fuel technologies promoted by this bill will play a major role in improving our energy security and our air quality. And we do so without any new federal mandates.

Currently, consumers face three basic obstacles to accepting the use of these alternative fueled and advanced technology vehicles. They are the cost of the alternative fuel, the lack of an adequate infrastructure of alternative fueling stations, and the incremental cost of alternative fuel vehicles. The CLEAR ACT attacks each of these obstacles head on, and it is crafted in a way to encourage the greatest social benefit possible for every tax dollar spent.

We need to find a way to lower those barriers to widespread consumer acceptance, which will in turn put the power of mass production to work to lower the incremental cost of these alternative technologies.

In short, our legislation would bring the benefits of cleaner air and energy independence to our citizens sooner.

I have heard one or two senators ask why we need incentives to purchase hybrid vehicles when people are lining up to buy them today. It is true that demand for these vehicles is high in a few areas. However, these high-demand areas tend to have local or state incentives in place for the purchase of the vehicles. Where incentives are not in place. hybrid sales are minimal. This demonstrates that incentives can indeed provide a market breakthrough to consumer acceptance of alternatives vehicles. With the CLEAR ACT we are trying to provide that breakthrough on a national scale.

In 2004, hybrid vehicles made up only 0.48 percent of light weight vehicle sales. That's far short of where we need to be as a nation to make a dent in our energy crisis, but at least it's a start.

Air pollution is an issue of critical concern in my home State of Utah. While Utah has made important strides in improving air quality, it is a fact that each year we increase the number of vehicular miles driven in our State and mobile sources are the main cause of air pollution in Utah.

It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and technologies to reduce vehicle emissions.

The CLEAR ACT will help us do just that.

I am very proud to offer this groundbreaking and bipartisan legislation.

It represents the input and hard work of a very powerful and effective coalition—the CLEAR ACT Coalition. This coalition includes the Union of Concerned Scientists, the Natural Resource Defense Council, Environmental Defense, the Alliance to save Energy, Ford Motor Company, Toyota, Honda, the Natural Gas Vehicle Coalition, the Propane Vehicle Council, the Methanol Institute, the Electric Drive Transportation Association, and others. The CLEAR ACT reflects the untiring effort and expertise of the members of this coalition, and for this we owe them our gratitude.

I urge my colleagues in the Senate to join us in this forward-looking approach to cleaner air and increased energy independence.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join the Senator from Utah, Mr. HATCH, and several of our colleagues in sponsoring the CLEAR ACT, a package of initiatives intended simultaneously to lessen this Nation's dependence on foreign oil and to promote a cleaner environment.

Throughout my time in the Senate, and indeed going back to my time as Governor of West Virginia, I have believed that the United States needed to have a comprehensive and responsible national energy policy, and that a vital part of that policy should be promoting technologies and domestic resources to loosen the grip foreign suppliers of energy have on our economy. Alternative fuels and alternative fuel vehicles (AFVs) that use them must be part of our energy policy. As a Senator, I have been very interested in expanding the availability of alternative fuels and have worked with a number of my colleagues and experts in industry, academia, and in the environmental movement on several initiatives to accelerate their use and availability.

The current high price of gasoline drives home the point that we must diversity our fuel supply. This issue is particularly important in West Virginia. Like many rural States, West Virginia has little public transportation, and most people must drive, often considerable distances, to work, to school, and to seek medical care. With every trip to the gas station and nearly every evening news report, West Virginians are reminded that our country is in the midst of an energy crisis. According to the American Automobile Association, the average price of gasoline has risen 23 percent in the past year. These increases have a serious impact on family budgets and on the economy in general.

Today, more than 60 percent of the petroleum we consume is imported. This adds to our economic problems and raises additional concerns about national security. We must work to reduce the consumption, or at least the growth in consumption, of petroleum-based fuels in the United States. Emissions from gasoline-powered automobiles are a major source of air pollution and of carbon dioxide, which is the major contributor to global climate change. While I believe our energy policy should work in concert with a transportation policy that encourages the use of mass transit, it is unlikely in the short-term that many West Virginians, or a significant number of other Americans, will be able to greatly reduce the amount they drive. The CLEAR ACT will help our Nation lessen its dependence on foreign oil and, because the amount Americans drive is likely to increase, contribute to an overall cleaner environment by substituting cleaner-burning alternatives to gasoline and diesel.

In the development of alternative fuels and AFVs, our Nation has been caught in what I've always thought of as the classic "chicken and egg" problem. Both alternative fuels and AFVs must be commercially available if the potential impact is to be achieved. Without the fueling infrastructure, wide commercial appeal of non-gasoline vehicles will top out before the market has reached its potential. The popularity of gasoline-electric hybrids demonstrates the public's hunger for alternatives to the rapidly rising price of gasoline and increasingly hazardous automobile emission. Appropriate tax incentives can address the equally important challenges of vehicle availability and infrastructure deployment. If consumers routinely see alternative fuels at reasonable prices at their local service stations, while also seeing reasonably-priced vehicles at dealerships, we know they will respond.

The CLEAR ACT provides the tax incentives that we need, and which I believe must be included in the comprehensive energy policy the Senate will soon consider. In closing, let me thank my friends Senator HATCH and Senator JEFFORDS, with whom I've worked on this for many years. I am pleased as well to see that a growing number of my colleagues on both sides of the aisle are joining us in this effort to improve our Nation's energy, transportation, and environmental policy. I commend this bill to the remainder of the Senate, and look forward to its inclusion in the Energy bill we will take up later in the year.

By Mr. BINGAMAN:

S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that Center; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am introducing important legislation to address a crisis in the delivery of health care at the Albuquerque Indian Health Center, or AIHC, which provides critical primary, urgent, and oral health care services to more than 30,000 urban Indians living in the Albuquerque area.

The Albuquerque Indian Health Center serves a large urban population with an inadequate funding base and provides contract health care funding for a significant portion of the urban Indian population. About 50 percent of the base appropriation to the Albuquerque Service Unit goes to Tribes who are delivering their own health care services. However, for AIHC, the demand has not decreased due to the constant underfunding of IHS, and AIHC now receives more than $5 million less than it did just a few years ago.

As a result, AIHC is running a severe deficit and the Indian Health Service, or IHS, has directed AIHC to begin the process of a reduction in force, or RIF, that will result in a significant downsizing of clinical personnel and the closure of the urgent care unit which sees an estimated 120 patients a day.

After the RIF is completed, only two physicians will remain available to provide services for more than 30,000 Native Americans who utilize AIHC as their primary care provider.

To address this problem, I am introducing legislation today that is called the "Albuquerque Indian Health Center Act of 2005" and would designate AIHC as a "critical access facility" for the region with additional funding of $8 million to address the shortfall and allow AIHC to be restored as a comprehensive ambulatory care center for urban Indians in the region.

Prior to the introduction of this legislation, I have individually and jointly with the entire New Mexico congressional delegation made appeals to the Indian Health Service and to Department of Health and Human Services Secretary Mike Leavitt to use any authority they have to transfer funding to AIHC to alleviate this critical problem. Congressman Udall and I also sent a letter to Governor Bill Richardson on ways that we can work together with the State to improve the situation at AIHC.

I ask unanimous consent that these letters be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, December 15, 2004.
Dr. Charles Grim,
Director, Indian Health Services, U.S. Department of Health and Human Services, Rockville, MD.

Dear Dr. Grim: I recently had the opportunity to meet with the CEO of the Albuquerque Indian clinic and other IHS staff. It was alarming to hear that the roughly 23,000–25,000 urban Native Americans that currently access their health care at the Albuquerque Indian Health Center (AIHC) are at risk of losing this access because the AIHC is experiencing significant budget shortfalls. Since 1998, the AIHC has had to significantly reduce services from a 24 hour–7 day a week operation down to Monday through Friday 8:00 am–4:30 pm. Access to services that concentrated on diabetic care, behavior health and eye care has been severely restricted.

The AIHC is projecting a $5 million deficit for fiscal year 2005. The current FY 2005 operations budget (hospital and clinic funds) is about $5.4 million, yet current FY 2005 expenses are estimated at $10 million. Moreover, approximately $4 million of the $5.4 million is still subject to tribal transfer through Public Law 93-638, Indian Self-Determination Act. In an attempt to avoid a large deficit and prepare for future transfers of funds from IHS to tribes, AIHC officials have been forced to make a decision to immediately reduce current services and downsize clinical personnel.

It is my understanding that beginning on January 1, 2005 the AIHC will be closing its urgent care services unit. It is estimated that 100–120 Native American patients are seen on a daily basis through urgent care. With nearly 70% of the 25,000 Native American users of the AIHC uninsured, IHS estimates that this closure will put 17,000 urban Native Americans at risk of losing access to healthcare services. Furthermore, I have been informed that a second phase has been proposed which will be to downsize the number of physicians, nurses, pharmacists, and other allied personnel. The annual 90,000 visits will be cut to 30,000, thus decreasing third party billing by more than two thirds. The AIHC anticipates that once the downsizing is complete, at best, there will be two physicians onsite, Monday through Friday, 8:00 am to 4:30 pm, who absolutely will not have the capacity to provide services to 25,000 urban Native Americans.

I am asking that you consider reprogramming FY 2005 funding increases in the amount of $13 million to the AIHC. $5 million will be needed to first stabilize services and the remaining $8 million will then be used to increase services. The $13 million is based on "Level of Need Funding" criteria established by the IHS in 2002 to address 60% of the needs of Native American population.

I appreciate your time and consideration of this matter. Should you have any questions or require further information please feel free to contact Bruce Lesley in my Washington DC office at 202-224-5527 or Danny Milo in my Albuquerque office at 505-346-6601. I look forward to working on a positive solution to this with you.

Sincerely,
Jeff Bingaman,
U.S. Senator.

Congress of the United States,
Washington, DC, December 22, 2004.
Dr. Charles W. Grim, D.D.S., M.H.S.A.,
Director, Indian Health Service, Rockville, MD.

Dear Dr. Grim: We are writing in support of the request by the Albuquerque Service Unit to shift funding within IHS to the Albuquerque Indian Health Center (AIHC) and to seek funding from other sources within HHS.

The AIHC provides health care services to about 25,000 of the 47,000 urban Indians living in Albuquerque, including primary, urgent, and dental care. Because of a projected deficit of $5 million in Fiscal Year 2005 and substantial deficits in years thereafter, the urgent care center is set to close on February 1, 2005. Without additional funding, urban Indians in the Albuquerque metro area will lose access to the AIHC for urgent care forcing them to visit non-IHS facilities in the community or not seek urgent care when needed. It is estimated that at least 17,000 urban Indians in Albuquerque utilize urgent care services at the AIHC each year.

The current FY 2005 AIHC operations budget is about $5.4 million, yet FY 2005 expenses are estimated at $10 million with the current level of services. About $4 million of the $5.4 million budget is still subject to tribal share transfer through Public Law 93–638, the Indian Self-Determination Act. In an attempt to avoid a large deficit and to prepare for future transfers of funds from IHS to tribes, AIHC officials made the decision to close the urgent care center and downsize clinical personnel beginning February 1.

Since 1998, the AIHC has had to significantly reduce services from a 24-7 operation down to Monday through Friday 8:00 AM to 4:30 PM. Access to services that concentrated on diabetic care, behavioral health, and eye care has been severely restricted. With the recent announcement of the impending closure of the urgent care unit, walk in/same day appointments will no longer be accepted and patients will be required to have an appointment to access outpatient services. Since the positions of 40 physicians, nurses, pharmacists, and staff will be eliminated, the availability of appointments will be restricted due to the limited number of physicians remaining. This will cause delays in treatment and compromise the health of individuals. While we are asking for a short-term influx of available dollars to keep the urgent care center open, the gradual dwindling of services provided at the AIHC is a systemic problem that must be addressed.

The 2000 census showed that about 60% of all Indians live off of tribal land. Urban Indian health, however, only comprises about 1% of the IHS budget. The deficit of the AIHC is indicative of a much larger problem, a general deficiency in funding for urban Indian health. We look forward to working with you to address this larger problem. Our long-term goal is to secure a stable, reliable, and adequate funding stream to the AIHC to fully meet the health care needs of the urban Indian population in Albuquerque. Any suggestions you have to help us meet this goal would be appreciated.

The financial stability of the Albuquerque Indian Health Center and affiliated health clinics are vitally important to providing access to health care for Indians, particularly urban Indians in Albuquerque, and for the broader health care system in our community. We look forward to your response in this urgent matter.

Sincerely,
Pete V. Domenici,
U.S. Senator.
Jeff Bingaman,
U.S. Senator.
Heather Wilson,
Member of Congress.
Tom Udall,
Member of Congress.
Steven Pearce,
Member of Congress.

Department of Health and
Human Services,
Rockville, MD, January 21, 2005.
Hon. Jeff Bingaman,
U.S. Senate,
Washington, DC.

Dear Senator Bingaman: I am responding to your December 15, 2004, letter regarding the Albuquerque Indian Health Center. The Albuquerque Service Unit is in a unique situation. It serves a large urban population with a minimal funding base and provides contract health care funds for approximately 30 percent of the urban population, including eligible Navajo patients. This is compounded by the transfer of approximately 50 percent of the base appropriation to Tribes in the service unit who are administering their own health care delivery programs. To meet these fiscal constraints, the service unit and the Albuquerque Area Indian Health Service (IHS) must deliver care based on the funds available; unfortunately, this requires the downsizing of the health services program and a reduction-in-force.

Reprogramming IHS funds is not viable for two reasons. First, there are no contingent funds available in our Agency. Second, reprogramming appropriations for Tribal health to a largely urban population requires a mechanism to transfer these funds to Title V of Public Law 94-437 for urban Indians. This would necessitate extensive Tribal consultation, which would be very time-consuming and not meet the immediate need.

I have directed the Albuquerque Area Office and Service Unit to: (1) downsize and implement the reduction-in-force; (2) maximize their efforts to increase third-party revenue at the service unit, including developing alternate billable services; (3) work with the State of New Mexico and other agencies and Tribes to develop alternatives to care for the large metropolitan population in Albuquerque; and (4) discuss fiscal support from the Navajo Area IHS. I am confident that the Area Office and the service unit will explore all opportunities to provide the highest quality health care to this population.

Thank you for your concern and your continued support of our efforts to provide quality health care to our Indian people.

Sincerely yours,
Charles W. Grimm,
D.D.S.,
Assistant Surgeon General, Director.

Department of Health and
Human Services,
Rockville, MD, January 21, 2005.
Hon. Heather Wilson,
House of Representatives,
Washington, DC.

Dear Ms. Wilson: I am responding to your December 22, 2004; letter supporting the need for funds to continue services at the Albuquerque Service Unit. I agree that short-term support is needed, but more importantly, a long-term solution to meet the health needs of a rapidly growing "urban" population in the Albuquerque metropolitan area is a more complex issue.

The Albuquerque Indian Hospital has undergone several changes in the scope of services. The number of inpatient beds was reduced. Inpatient services were suspended and evening and weekend clinics were eliminated. We are also planning to limit services to appointments only with a minimal number of hours for non-appointed services ("walk ins") and to initiate a substantial reduction-in-force (RIF). These changes have been the result of the transfer of over 60 percent of the hospital's Federal funds to Tribal programs under Public Law (P.L.) 93-638 and an increase in the number of uninsured patients residing in the Albuquerque metropolitan community.

The hospital needs a minimum of $5 million to maintain services through this fiscal year. Permanently reprogramming the IHS appropriation is not a viable option because of limited funds throughout our system to deliver health care services. The transfer of funds that may be available for Tribal shares under P.L. 93-638 to support services to a largely urban population would require extensive, time-consuming Tribal consultation. The Albuquerque Area Office has presented to the members of the University of New Mexico (NM) Clinical Operations Board, the possibility of a partnership among the University of NM Health Sciences Center, the State of NM, the Tribes, and the IHS Area. This concept is currently being discussed with Tribal and State officials and leaders in the Albuquerque metropolitan Indian community.

Mr. James L. Toya, Director, Albuquerque Area IRS, will continue to explore all opportunities for resource development, plan downsizing services at the Albuquerque Hospital, and implement the RIF. In addition, local partnership agreements are currently being developed.

Thank you for your concern and continued support to our efforts to provide quality health care to our Indian people.

Sincerely yours,

CHARLES W. GRIMM,
D.D.S., Assistant Surgeon General, Director.

U.S. SENATE,
Washington, DC, February 2, 2005.

Mr. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: During our recent meeting in December, I had the opportunity to talk to you about the crisis that the Albuquerque Indian Heath Center (AIHC) is currently facing. The AIHC provides healthcare services to roughly 23,000–25,000 urban Native Americans. Unfortunately, there is a projected $5 million deficit for FY05. I have recently been informed by Dr. Charles Grim that he has directed the Albuquerque Area office and service unit to downsize and implement a reduction in force. (RIF).

Since 1998, the AIHC has had to significantly reduce services from a 24 hour 7-day a week operation to Monday through Friday 8:00 am–4:30 pm. Because of the administration's under funding of IHS, once again, the AIHC is being forced to "downsize" its operations which will have significant effect on the urban Indian population. This downsizing will force the AIHC to close its urgent care unit, which sees an estimated 100–120 Native American patients a day. With nearly 70% of the 25,000 Native American users of the AIHC uninsured, this closure will cause 17,000 urban Indians to lose access to their healthcare services. Furthermore, last week the Indian Health Service took its first steps toward their reduction in force which will result in the elimination of 40 position at the AIHC. There are currently 140 employees at the center of whom only 14 are physicians. It is my understanding that 5 of these 14 physicians will be "RIFed" which will leave the AIHC with only 9 physicians (4 family practice, 2 pediatricians, and 4 specialists) to treat an estimated population of 23,000–25,000 patients.

On December 15, 2004 I sent a letter to Dr. Grim asking him to consider reprogramming FY05 funding in the amount of $13 million. Of this $5 million would be used to stabilize services and the remaining $8 million would be used to increase services. Dr. Grim responded to my letter saying that "reprogramming IHS funding is not viable" due to the fact that "there are no contingent funds available to our Agency." I am now requesting that you consider reprogramming Department of Health and Human Services (HHS) funds to Indian Health Service in the same amount for the specific purpose of treating the urban Indian population through the Albuquerque Indian Health Center.

It is important for Department of Health and Human Services to understand and acknowledge that urban Indians throughout the country are falling through the cracks and that urban Indian clinics are being grossly underfunded. For many years there has been a quiet migration of Indians from reservations to cities. In fact more Native Americans live in cities now, making it important that IHS programs cater to Indian Country which extends beyond borders of the reservations and into urban settings. According to a study done by the Kaiser Family Foundation "about 46% of IHS resources are allocated to IHS facilities, 53% to tribally operated facilities, and only 1% to urban Indian programs". These numbers clearly indicate that urban IHS facilities lack the financial resources necessary to carry out their services.

Nationwide there are an estimated 1.6 million federally-recognized Native Americans through IHS, as well as Tribal and urban Indian health programs. Of this number, the 2000 census data reveals that a little over half this population identify the themselves as living in metropolitan/urban areas, in which Albuquerque has the 7th highest urban Indian population. A recent U.S. Commission on Civil Rights (USCCR) report estimates that the Department of Health and Human Services (HHS) per capita health spending for all Americans is at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is $1,187. The United States Government has historical and legal responsibility to provide adequate healthcare for the Native American population and ensure that access to these services are not lost; with these cuts and drastic under funding the government is shirking its responsibility.

Thank you for your prompt consideration of this matter. Should you have any questions or require further information please feel free to contact Bruce Lesley in my Washington, DC office at 202–224–5527 or Danny Milo in my Albuquerque office at 505–346-6601. I look forward to working with you on finding a solution to this matter. Best wishes.

Sincerely,

JEFF BINGAMAN,
U.S. Senator.

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, March 24, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I enjoyed our discussion a few months ago, and am pleased to respond to your letter regarding the reduction in available funding for the Albuquerque Indian Health Center (AIHC) in Albuquerque, New Mexico.

I share your concerns regarding the impact of reducing staff and services at the AIHC. The AIHC has experienced funding decreases in recent years due to Tribes exercising their rights under the Indian Self-Determination and Education Assistance Act (ISDEAA) to operate their own health programs. Under the ISDEAA, the IHS is required to transfer dollars from services it provides directly to eligible American Indians and Alaska Natives (AI/ANs) to Tribes which apply, and are approved, to compact or contract for services they provide to their members. The Department of Health and Human Services does not have authority to reprogram funds from other appropriation accounts to the Indian Health Services account where the AIHC is funded.

I assure you the IHS continues to partner with other community providers in the Albuquerque area to maximize all resource opportunities for AI/ANs who may still use the center's services. Options being explored include: continued provision of same day appointments, increased collaboration with the University of New Mexico and the Salud managed care organization to enroll more patients in the "University of New Mexico Cares" program, maximizing third party collections by increasing access to individuals who may be eligible for Medicaid or Medicare, and improving transportation options to other IHS funded facilities. Additional options for the Albuquerque Indian community include applying for other HHS grant programs including the Health Resources and Services Administration's (HRSA) Sec. 330 Community Health Center Program grants, and exploring the Substance Abuse and Mental Health Administration's (SAMHSA) grant opportunities. I want to assure you that HHS staff will provide technical assistance in the grant application process to potential grantees.

I am hopeful that these options will result in significant assistance to AI/ANs in the Albuquerque area. Thank you for your concern and continued support of HHS efforts to provide quality care to American Indians and Alaska Natives. Please call me if you have any further thoughts or questions.

Sincerely,

MICHAEL O. LEAVITT.

MARCH 15, 2005.

Hon. BILL RICHARDSON,
Governor of New Mexico,
State Capitol, Santa Fe, NM.

DEAR GOVERNOR RICHARDSON: As you are aware, the Albuquerque Indian Health Center (AIHC) is facing a crisis that threatens the health and well-being of 23,000 urban Indians in Bernalillo County and surrounding areas. Although there have been a number of efforts that we have supported to increase the Indian Health Service (IHS) budget, those efforts have been defeated in the Congress during the past few years. Consequently, funding for the AIHC has dropped from $13 million to just $5 million in recent years.

Although New Mexico's congressional delegation is working together to secure a solution at the federal level, we wanted to encourage you to have your Administration help AIHC in the interim to improve third-party collections.

For example, as an IHS facility, care delivered to Medicaid beneficiaries at AIHC is reimbursed with 100% federal financing. Thus, we would ask that the Human Services Department (HSD) work closely with Maria Rickert, Chief Executive Officer of AIHC, to determine if: (1) Medicaid reimbursement for services delivered by AIHC could be improved; (2) the State Medicaid program can do more with respect to providing for eligibility workers at AIHC; and, (3) there are other options to help AIHC address its funding problem and protect critical health services for the urban Indians in the Albuquerque area.

Sincerely,

JEFF BINGAMAN,
U.S. Senator.
TOM UDALL,
U.S. Representative.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
April 25, 2005.

Hon. PETE V. DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.
Hon. HEATHER WILSON,
Member of Congress, Cannon House Office Building, Washington, DC.
Hon. STEVE PEARCE,
Member of Congress, Longworth House Office Building, Washington, DC.
Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building, Washington, DC.
Hon. TOM UDALL,
Member of Congress, Longworth House Office Building, Washington, DC.

DEAR SENATORS DOMENICI AND BINGAMAN AND REPRESENTATIVES WILSON, UDALL AND PEARCE: Thank you for your recent letters expressing your concerns regarding the Albuquerque Indian Healthcare Center (AIHC). Clearly, we all share the same commitment to improve the delivery of health care services to our Native American constituencies. Therefore, I hope that you will strongly advocate for increased funding for the Indian Health Service (IHS) during the appropriations process.

Providing adequate healthcare services to our Native American citizens is a federal responsibility yet the Indian Health Service (IHS) has only received minimal increases in funding, such as a mere 2 percent increase this year. Properly funding the IHS ensures that the Native American population in New Mexico as well as across the country receives the vital healthcare services to which they are duly entitled.

On the State level, my administration has committed resources to address the healthcare needs of Native Americans. Unfortunately, the New Mexico Legislature did not pass House Bill 521 this past session, letting it sit idle after passage in its first committee. However, I signed into law nearly $2 million in funding for Native American healthcare projects in New Mexico, including the construction of healthcare facilities in Indian Country, the provision of ambulatory services in Albuquerque, and healthcare services at UNM Hospital for Native American patients.

In addition my administration has provided the following support, which includes but is not limited to:

The New Mexico Human Services Department (NMHSD) through the Medical Assistance Division is providing outreach to eligible Native American children to get them enrolled with Medicaid.

NMHSD is providing valuable technical assistance to the AIHC through training and billing resources in order to maximize Medicaid reimbursement. After working with AIHC and reviewing the Medicaid claims, it was determined that there are no outstanding claims and AIHC is receiving reimbursement at the maximum level possible as an outpatient facility.

The State Coverage Initiative has been funded in New Mexico and will be implemented effective July 1, 2006. It may be possible for AIHC to receive payments for services provided to this population.

During the State fiscal year 2004, there were 4,549 American Indian Medicaid recipients in the fee-for-service program who received outpatient services at AHIC for a total reimbursement of about $2 million dollars. Sixty-five percent of those recipients were under 21 years of age.

The Presumptive Eligibility/Medicaid On-Site Application Assistance (PE/MOSAA) program has worked well for Indian communities. PE/MOSAA certified workers are located at IHS and tribal health care facilities, tribal schools, and other tribal health and social services departments and with NMHSD's Income Support Division offices.

As a pilot project, NMHSD recently stationed an eligibility worker at the Gallup Indian Medical Center. As a regional referral center, the Gallup Service Unit (including Tohatchi Health Center, and Ft. Wingate Health Center) provides services to about 800 patients per day.

New Mexico cannot nor should not bear sole responsibility for funding healthcare services that fall within the ambit of the federal trust relationship with Indian tribes and pueblos. To this end, I appreciate your collective efforts to garner support on the federal level to keep AIHC afloat.

I also appreciate Senator Bingaman's efforts to address these issues in his legislation that would fulfill the funding needs for AIHC as well as clarify the 100 percent match in Medicaid for urban Indians. I suggest that you direct your staff to review the Bingaman legislation and strongly consider supporting his efforts to assist the AIHC and urban Indians.

If I can assist the Congressional Delegation in its efforts to advocate for increased federal funding for IHS and specific assistance for AIHC please do not hesitate to call upon me. Again, thank you for your letters and I look forward to working with all of you to improve and expand health care services to our Native American residents in New Mexico.

Sincerely,

BILL RICHARDSON,
Governor.

Mr. BINGAMAN. Included in that is a statement by Governor Richardson expressing his strong support for the legislation I am introducing today.

Unfortunately, the options that Secretary Leavitt outlined in his response will only provide limited help in alleviating this crisis. It is for that reason that I introduce this emergency funding legislation today.

Fundamentally, while AIHC does face a unique situation because the Albuquerque metro area has experienced a significant increase in its urban Indian population from surrounding tribes and individuals from tribes across the Nation, the most significant underlying problem is that the entire Indian Health Service is horribly underfunded.

In fact, funding for Native American health care is a national travesty. Over the years, funding for IHS has not kept pace with medical inflation and population growth As a result, IHS services are seriously underfunded, and patients are routinely denied care. For many critical services, patients are subjected to a literal "life or limb" test; their care is denied unless their life is threatened or they risk immediate loss of a limb. Care is denied or delayed until their condition worsens and treatment is costlier or, all too often, comes too late to be effective. Federal per capita funding for Indian health is only $1,914, about half the allotment of Federal per capita funding for health care for Federal prisoners.

Former HHS Secretary Tommy Thompson traveled to the Navajo Reservation last year and saw this problem first-hand and vowed to fight for increased funding for tribal health care. Unfortunately, the administration has proposed a rather modest increase of less than 2 percent for IHS in fiscal year 2006. Yet again, IHS funding will not come close to keeping pace with medical inflation which is growing at double-digit levels in the private sector.

On a per capita basis, it is even worse because HHS's own budget documents indicate that IHS will have to serve over 29,000 new people. Furthermore, although urban Indians represent around half of all Native Americans in the country, urban Indian health programs receive less than 1 percent of all IHS funding and those funds are literally frozen at $33 million nationwide.

This is both unacceptable and unsustainable.

In addition to supporting budget and appropriations amendments time-and-time again over the years that unfortunately have failed in Senate votes, including an amendment by Senator CONRAD to the budget resolution this year, I successfully offered amendments last session of Congress to the Medicare prescription drug bill to provide Indian Health Service units to get better prices through the contract health services program and to allow IHS to bill for the full array of services in the Medicare program.

In the coming weeks, I will also be introducing two pieces of legislation to both improve health services generally for urban Indians and to also improve the delivery of health care for Native Americans in the Medicaid and State Children's Health Insurance Program, or SCHIP.

In the short-term, however, we need passage of this critical and urgent legislation to save the health services provided by the Albuquerque Indian

Health Center that are being threatened. I urge its immediate passage.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Indian Health Center Act of 2005".

SEC. 2. CRITICAL ACCESS FACILITY FUNDING.

(a) DEFINITION OF CRITICAL ACCESS FACILITY.—In this section, the term "critical access facility" means a comprehensive ambulatory care center that provides services on a regional basis to Native Americans in Albuquerque, New Mexico, and surrounding areas.

(b) DESIGNATION.—The Albuquerque Indian Health Center (also known as the "Albuquerque Indian Hospital") is designated as a critical access facility.

(c) OPERATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall provide funds made available under subsection (d) to the Albuquerque Indian Health Center to carry out the operations of that Health Center.

(2) SELF-DETERMINATION CONTRACTS.—The funds transferred under paragraph (1) shall not be distributed to any Indian tribe under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out this section $8,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to submit legislation along with my colleague, Senator BARACK OBAMA, to establish the Abraham Lincoln National Heritage Area in Illinois.

Illinois has long been known as the "Land of Lincoln." Reminders of the 16th President's legacy can be found throughout the State.

Last week, Senator OBAMA and I attended the dedication of the Abraham Lincoln Presidential Library and Museum in Springfield, IL. This wonderful new facility brings together the entire story of President Lincoln's life in a rich, unified experience.

In the same spirit, our legislation would establish an Abraham Lincoln National Heritage Area, formally tying together the many Illinois natural, historic, cultural and recreational resources that have been touched by the life and influence of the Nation's greatest President. Establishing a Lincoln National Heritage Area will connect these scattered elements to provide a more cohesive experience of Lincoln's legacy for Illinoisans and visitors alike.

The impact of the life and works of Illinois's favorite son extends far beyond the prairies of the Midwest.

Not long ago, I sat in the United States House of Representatives and listened as the new president of Ukraine, the leader of his nation's peaceful Orange Revolution, spoke of his countrymen and women's dreams to live under a "government of the people, for the people."

Just weeks before that, I was in the Green Zone in Baghdad and heard an official of the new Iraqi Government quote President Lincoln on the need for national unity.

In a sense, the Land of Lincoln is anywhere that people dream of freedom and equality and opportunity for all.

So the whole world would benefit, as the people of Illinois work to preserve Lincoln's history. And we invite the world to come to Illinois and learn not just about the history of this great man, but also about what he can teach us today.

The Abraham Lincoln National Heritage Area will help spread that message for generations to come, to Americans, and to students of Abraham Lincoln everywhere on Earth.

This bill is the Senate companion to legislation introduced by Representative RAY LAHOOD and endorsed by every member of the Illinois congressional delegation in the House of Representatives, as well as representatives from every part of the country.

Senator OBAMA and I ask our colleagues to join with us in recognizing the richness of the Lincoln legacy by supporting the passage of this legislation.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. BROWNBACK):

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, Senator HATCH, Senator BROWNBACK and I are pleased to introduce today the Project BioShield II Act of 2005.

This is the fourth bill I have introduced on this subject, and the third with Senator HATCH as my lead cosponsor. We are delighted today to be joined by Senator BROWNBACK, a leading advocate for research to cure deadly tropical diseases.

None of us on the Hill—especially those of us with offices in the Hart Building—will forget October 15, the date of the anthrax attack on Senator Daschle's office. This date is the bioterrorism equivalent of September 11. We also need to remember October 5, the third anniversary of the 2001 anthrax death of Bob Stevens, a photo editor at American Media in Boca Raton, Florida, and November 17, the third anniversary of the discovery of a similar anthrax laced letter mailed to Senator LEAHY. Similar anthrax attacks during these weeks were directed at NBC, ABC, CBS and other news organizations. All told five people died and thousands who might have been exposed were put on Cipro, including many of us and many of our staff.

This attack on civilians with weapons grade anthrax was unprovoked. And unlike the case with the 9/11 attacks, we still don't know who mailed the anthrax letters. As with the 9/11 attacks, we were totally unprepared for the anthrax-laced letters. We are responding forcefully to the 9/11 attacks—the commission that Senator MCCAIN and I proposed has issued a superb report and the Government Affairs Committee, where I serve as the Ranking Democrat, is hard at work translating its recommendations into legislation. Unfortunately our response to the 10/15 anthrax attack has not been as forceful.

Unlike our response to 9/11, we have not seemed to consider the 10/15 attack to be the equivalent of a declaration of war. While we have taken a few constructive steps to strengthen our Bioterror defenses, we remain painfully vulnerable to another Bioterror attack, or a chemical or radiological attack.

Many of us believe that enactment of BioShield I, last July, is a step in the right direction, but we don't believe that BioShield is sufficient. If we listen carefully, we will hear that the biopharma industry—which is hiding on this issue—is saying that BioShield is not enough. So we already have strong warning signs that more needs to be done.

There is no terror threat greater than that of Bioterror. With an attack with a plane, a chemical attack or a radiological dispersion device, dirty bomb, the loss of life can be catastrophic, but the perimeter of the attack is fixed. With an infectious disease, the perimeter of an attack might grow exponentially as the infection spreads. It is possible to kill thousands with a bomb, chemical or radiation, but it is possible to kill millions with a bioterror pathogen.

In the 2001 anthrax attack, the terrorist wrote a note in the letter to Senator Daschle that said, "09-11-01. You can not stop us. We have this anthrax. You die now. Are you afraid? Death to America. Death to Israel. Allah is great." If this note had not been included in the letter, and if the intern who opened the letter hadn't been suspicious, it is possible that some Senators and many Capitol Hill staff from our offices—perhaps hundreds—might have died. We would only have discovered the attack in hospital emergency rooms, where Cipro might have proven to be ineffective. Cipro works as a prophylaxis only when it catches anthrax early, before the toxins are released into the bloodstream, which can happen within 24 hours of an infection. Our current anthrax vaccine is administered in six shots over 18 montns.

The 9/11 Commission report states that al-Qaida "was making advances in its ability to produce anthrax prior to Sept. 11" and cited former CIA Director George Tenet as warning that an anthrax attack is "one of the most immediate threats the U.S. is likely to face." Russia developed dozens of strains of anthrax and the security at these former bioweapons laboratories is suspect. It is estimated that a mason jar of anthrax spores sprayed over an urban area could infect 400,000 residents, and if undetected until they started showing up in emergency rooms, kill half of them. It is also estimated that one hundred anthrax laced letters could cross contaminate thirty million letters and infect 10,000 people with anthrax. Imagine what would happen if our mail system—which processed over 200 billion pieces of mail last year—were closed for a few months. What we need, and don't yet have, is a therapeutic that disarms the anthrax toxins at a late stage of the disease—which is the aim of a pending RFP at the Department of Health and Human Services.

We saw the potential for morbidity and mortality, and massive economic disruption, with SARS. When SARS was rampant, Beijing, Hong Kong and Shanghai closed down. Quarantines were imposed and China authorized the death penalty on anyone who willfully spread the disease. During the epidemic, there were reports that the SARS virus was mutating to become more virulent. In China's countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end SARS spread to thirty countries on five continents, sickening nearly 9,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate it. We may not have seen the last of it.

We can also remember the devastating impact of the 1918 Spanish flu pandemic that killed more than died in the first World War, about 30–40 million people equivalent to 100 million today. In the month of October, 1918, 200,000 Americans died of the disease, 43,000 soldiers died, and 28 percent of our population was infected. The flu's lethality rate was only 2.5 percent the lethality rate of the most common form of smallpox, variola major, is 30 percent and for hemorrhagic smallpox it approaches 100 percent. The lethality rate for SARS was about 15 percent. If the 1918 flu pandemic killed the equivalent of 100 million people, think of how many smallpox or SARS—both of which could be weaponized by terrorists—could kill.

Public health authorities are concerned about the incidence of avian influenza in humans. There is now concrete evidence that this virus can be transmitted human-to-human. When humans contract the pathogen from birds, the death rates are very high; a majority die. Since January 2004, a total of 23 confirmed human cases of avian influenza virus infections have been reported in Vietnam with 19 deaths and 12 cases in Thailand with 9 deaths. These cases were associated with widespread H5N1 poultry outbreaks that occurred at commercial and small backyard poultry farms. Since December 2003, nine countries have reported H5N1 outbreaks among poultry. More than 100 million chickens have been culled in an effort to stop the outbreak. The virus now appears to be able to infect mammalian hosts, including pigs and cats, an unusual prowess for an avian virus. This raises concern as pigs are also hosts of human flu viruses and this could yield a hybrid avian flu strain that can be passed human-to-human. The avian flu virus apparently is now carried by migratory birds so it may be very difficult to eradicate the virus. We have no vaccine for the disease and the one therapeutic Tamiflu—is only effective if given very early after the onset of symptoms. It is feared that the virus might evolve resistance to Tamiflu. Public health officials believe that in theory the avian flu could cause a "pandemic killing millions of people worldwide, and possibly hundreds of millions." Whether H5N1 could be used as a Bioterror weapon against agriculture or humans is not known.

In 1947 there was an outbreak of smallpox in New York City. Eventually two of the twelve who were infected died. But the smallpox vaccination campaign was massive 500,000 New Yorkers received smallpox vaccinations the first day and eventually 6.35 million were vaccinated in less than a month, 85 percent of the city's population. President Truman was vaccinated prior to a trip to New York City.

If we suffered another smallpox outbreak, it is not likely that a vaccination campaign would go so smoothly. It is now estimated that if the current smallpox vaccine were deployed in the United States 350 to 500 individuals might die from complications. The current vaccine is not recommended for patients who have eczema or are immunosuppressed, HIV-positive or are pregnant. Even worse, based on a 1971 accidental release of smallpox from a Soviet bioweapons laboratory, some speculate that the Soviets successfully weaponized a rare and especially lethal form of smallpox, hemorrhagic smallpox, with near 100 percent lethality.

Mother Nature's pathogens are dangerous—smallpox, anthrax, plague, tularemia, glanders, typhus, Q fever, Venezuelan equine encephalitis, brucellosis, botulinum toxin, dengue fever, Lassa fever, Russian spring-summer encephalitis, Marburg, Ebola, Bolivian hemorrhagic fever, Argentinean hemorrhagic fever and fifty other pathogens could kill thousands or even millions. But on the horizon are more exotic and deadly pathogens.

We have reports that the Soviet Union developed genetically modified pathogens such as a hybrid plague producing diphtheria toxin. This manipulation increased virulence and made the plague microbe more resistant to vaccine. Other possibilities include a Venezuelan equine encephalomyelitis-plague hybrid is a combination of the virus and bacteria; we have no idea what symptoms such a pathogen would manifest or how we might diagnose or treat it. Other hybrid pathogens might be developed, including a Venezuelan equine encephalomyelitis-Ebola hybrid.

We have reports that the Soviet Union developed a powdered Marburg, a hemorrhagic fever where every cell and organ of the victim bleeds. Symptom of Marburg include kidney failure, recurrent hepatitis, inflammation of the spinal cord, bone marrow, eyes, testes, and parotid gland, hemorrhaging into the skin, mucous membranes, internal organs, stomach, and intestines, swelling of the spleen, lymph nodes, kidneys, pancreas, and brain, convulsions, coma and amnesia.

Genetically modified pathogens are another possibility. In 2001 the Journal of Virology reported that Australian scientists seeking to create a contraceptive for mice used recombinant DNA technology to introduce Interleukin 4 into mousepox and found that it created an especially virulent virus. In the words of the scientists, "These data therefore suggest that virus-encoded IL–4 not only suppresses primary antiviral cell-mediated immune responses but also can inhibit the expression of immune memory responses." This public research suggests that introducing IL–4 can create an Andromeda stain of a virus, information of potential use to terrorist sociopaths. In addition, published studies describe how to create a recombinant vaccina virus to induce allergic encephalomyelitis in rabbits, and potentially—highly lethal smallpox virus capable of causing paralyses in humans and how to synthesize the polio virus in a biochemical laboratory .

Other possible pathogens--some of which the Soviet worked on—include antibiotic resistant pathogens. The Soviets apparently developed a strain of plague resistant to ten different antibiotics, and a strain of anthrax resistant to seven different antibiotics. Some claim the Soviets developed a strain of anthrax resistant to the current U.S. anthrax vaccine. A part of this research in a hamster model was published in "Vaccine" so this information is available to terrorists.

Other exotic pathogens might include autoimmune peptides, antibiotic induced toxins, and bioregulators and biomodulators. An autoimmune peptide might stimulate an autoimmune attack against the myelin that sheaths the target's nerve cells. Antibiotic induced toxins are hybrid bacteria-viruses where antibiotics administered to treat the bacterial infection stimulate the virus to release a deadly toxin; the greater the doses of antibiotics, the more toxins are released. Bioregulators and biomodulators are synthetic chemical that bond to and disrupt receptors that govern critical functions of the target, including nerve, retinal, liver, kidney, heart, or muscle cells to cause paralysis, blindness, schizophrenia, coma, or memory loss.

Some of these might be available now from the 60 bioterror research laboratories maintained by the Soviet Union. Eventually, terrorists might be able to set up full-blown biotechnology laboratories. Rogue states could do so and they might then transfer bioweapons to terrorists or lose control of them. Over the long term, as the power of modern biotechnology grows, the bioterror threat will grow and increasingly virulent and exotic weapons might become threats.

In November 2003 the CIA's Office of Transnational Issues published "Our Darker Bioweapons Future," which stated that the effect of bioengineered weapons "could be worse than any disease known to man." The rapid evolution of biotechnology makes monitoring development ofbioweapons extremely difficult. Some ofthese weapons might enable the development of "a class of new, more virulent biological agents engineered to attack distinct biochemical pathways and elicit specific effects, claimed panel members. The same science that may cure some of our worst diseases could be used to create the world's most frightening weapons." It specifically mentioned the possibility of "binary BW agents that only become effective when two components are combined (a particularly insidious example would be a mild pathogen that when combined with its antidote becomes virulent)"; "designer" BW agents created to be antibiotic resistant or to evade an immune response; weaponized gene therapy vectors that effect permanent change in the victim's genetic makeup; or a "stealth" virus, which could lie dormant inside the victim for an extended period before being triggered.

Illustrating the speed with which biotechnology is advancing to create new bioterrorism threats is a recent announcement by Craig Venter and his Institute for Biological Energy Alternatives that in fourteen days they had synthetically created working copies of the known existing bacteriophage virus Phi X174. Other researchers had previously synthesised the poliovirus, which is slightly bigger, employing enzymes usually found in cells. But this effort took years to achieve and produced viruses with defects in their code. So the timescale has shifted from years to weeks to make a virus. There are other bigger viruses that would require more time to assemble. Venter asserts that his team could make a bacteria with about 60 times larger genome from scratch within about a year of starting. Does this mean that the debate about whether to destroy smallpox virus stocks is pointless because any virus or bacteria whose DNA sequence is published is eventually going to be easily creatable by labs all around the world?

These pathogens might be deployed by terrorists, sociopaths or rogue states that have no compunctions about killing massive numbers of "infidels" or enemies in the west. They would experience great joy in sowing widespread panic, injury and death in America. Osama Bin Laden's spokesman, Sulaiman Abu Ghaith, bragged that al Qaeda has "the right to kill 4 million Americans" in response to deaths he claims the west has inflicted on Muslims. We are facing sociopaths with no compunction about using whatever weapons of mass destruction they can develop or secure. They would see the potential to unleash a weapon in North America and trust that our borders would be closed so that it would only rage here and not spread to the Muslim world.

The Brookings Institution estimated that a bioterror attack would cause one million casualties and inflict $750 billion in economic damage. An earlier Office of Technology Assessment found that there might be three million casualties. If there are this many casualties, what can we expect in the way of public panic and flight? A 2004 poll finds that "most Americans would not cooperate as officials would expect them to during a terrorism incident." Only 2/5 said that they'd "follow instructions to go to a public vaccination site in a smallpox outbreak" and only 3/5 would "stay in a building other than their own home . . ." A vivid vision of what an attack might look like is found in Albert Camus' The Plague, with its incinerators and quarantine camps. We can review the history of the Black Death, which killed up to one half of Europe's population between 1348 and 1349.

Imagine what would happen if the attack involves a pathogen for which we have no diagnostic, vaccine or therapeutic. If we resorted to quarantines, what would the rules of engagement be for the police and military forces we deploy to enforce it? Would it be possible to establish an effective quarantine if there is mass panic and flight? Would our hospitals be overwhelmed by the "worried well"? Would public health workers continue to serve or also flee? If our hospitals are contaminated, where would Americans receive medical care for non-terror related emergencies?

What would happen if a bioterror, chemical or radiological attack closed Atlanta's Hartsfield International Airport—which handled nearly eighty million passengers last year? Or what would happen if we put a hold on the one hundred and twenty million international airline arrivals and departures we see each year? What would happen if we were forced to close our borders with Mexico and Canada—with 500 million crossings last year? What would happen if we restrained the 2.79 trillion automobile passenger miles driven in the U.S., one billion of which exceeded 100 miles?

What would happen if a terror attack rendered certain types of business activity uninsurable? What will happen if large swaths of residential real estate—none of which is currently insured for acts of terror—were contaminated and rendered worthless with anthrax spores?

We are vulnerable to a bioterror attack in many ways, but one of the most troubling is that we have essentially none of the diagnostics, therapeutics and vaccines we need to treat those who might be exposed or infected. If we don't have these medicines, we are likely to see quarantines and panic, which will amplify the damage and disruption. My office is on the 7th floor of the Hart Building, immediately above Senator Daschle's office. We were told if we immediately started a course of treatment with Cipro we would not die, so there was no panic. Think what would have happened if the government had said, "We don't know what this is, it's deadly, we have no way to tell who has been exposed, and we have no medicines to give you."

In the summer of 2000 the Defense Science Board found that we had only one of the fifty-seven diagnostics, drugs and vaccines we most need to respond to a bioterror attack, we had a therapeutic for chlamydia psittaci, a bacteria. It projected that we'd have twenty of the fifty-seven within 5 years and thirty-four within 20 years. But today we have only two of the fifty-seven countermeasures, we now have a diagnostic for anthrax.

At this rate of developing these medical countermeasures, we won't have twenty of them available until 2076 and we won't have thirty-four until 2132. This list does not include antibiotic resistant pathogens, hybrid pathogens, genetically modified pathogens, and a host of other exotic bioterror pathogens.

The Congress administration have not responded to the anthrax attack with an appropriate sense of urgency. especially with regard to the development of medicines. We have not responded with a crash industrial development program as we did when we developed radar during the Second World War or as we are now undoubtedly undertaking to detect roadside bombs. Reluctantly, I would characterize our national response as lackadaisical.

December 4 is the third anniversary of my introduction of legislation to provide incentives for the development of medical countermeasures—including diagnostics, therapeutics and vaccines—for bioterror pathogens, S. 1764. Chairman HATCH, October 17 is the second anniversary of our introducing our first bill together on this subject, S. 314. and we introduced our current bill on March 19 of last year (S. 666). Twenty months ago President Bush proposed Project BioShield, a bill based on one of the twelve titles in our bills, and it was finally enacted into law on July 21. If we enact one of the titles of our bill every two years, it'll take 22 more years to complete our legislative work.

The critical issue for this hearing is whether Project BioShield. Public Law 108-276, is sufficient or whether we need to supplement it with BioShield II, a bill that you and I intend to introduce this Fall. BioShield is only one title of our proposal—the title that provides that the government will define the size and terms of the market for a Bioterror countermeasure in advance before a biopharma company puts its own capital at risk. This is a necessary first step; companies won't risk their capital to develop a product unless they can assess the possible rate of return, product sale on their investment.

Enacting BioShield is a step in the right direction. If we were to enact only one idea first, this is the right first step. We will now see how the Department of Health and Human Services implements this law. We will see what R&D priorities it sets, whether it projects a market for these products sufficiently large to engage the better biopharma companies in this research. and whether it sets contract terms that company Chief Financial Officers find acceptable.

Unfortunately, we all heard a deafening silence from biopharma industry—the target of this legislation—as BioShield was being considered. The industry did essentially nothing to fix the Administration's draft—which the industry privately stated was laced with dysfunctional provisions. The industry did essentially nothing to pass BioShield. And the industry has said essentially nothing since BioShield was enacted.

It is clear to me that BioShield is not sufficient to secure development of the medical countermeasures we need. indeed, I believe it is woefully insufficient.

The industry is skeptical that the government will be a reliable partner during the development bioterror countermeasures. The basis of its skepticism runs deep.

The industry points to the Cipro procurement as a case in point. In 1999. before the anthrax attack. Bayer. the developer of Cipro, was asked by FDA and CDC to secure a label indication for Cipro for anthrax. The government wanted to have one antibiotic available that was explicitly labeled for anthrax—it understands that patients might be reluctant to take a medicine for anthrax where it is not labeled for this indication. Bayer incurred the expenses to do this with no expectation of ever utilizing the product in this manner, and when the attack occurred. Cipro was the only therapeutic with a label indication for anthrax. Bayer handled this emergency with honor. It immediately donated huge stocks of Cipro, 2 million tablets to the Postal Service and 2 million tablets to the Federal government to be used to protect those who might have been exposed or infected. The government then sought to procure additional stocks of Cipro and demanded that Bayer sell it as one-fourth the market price. Threats were made by Members of Congress that if Bayer would not agree to this price the government might step in to challenge the patent for Cipro. Bayer readily agreed to the deep discount. We can assume that every other purchaser of Cipro then demanded this same price and that this cut Bayer's market return for Cipro. To add insult to injury. Bayer has had to defend itself from lawsuits by those who took Cipro in response to the attack even though it did what was asked. provided more than enough free product to treat all patients and greatly reduced it's stockpile pricing. Bayer also was deeply concerned with employee and plant security risks when it was publicly identified as the sole source of this counter-bioterrorism agent.

The industry view this incident as proving that with regard to bioterrorism research, no good deed will go unpunished. If a large pharmaceutical company can be manhandled this way. what would happen to a small biotechnology company? The industry expects that if there is an attack, and the company has the indispensable medicine we need to respond to it. the government is likely to steal the product. The industry is deeply skeptical of the government already. It has very complex and often contentious relationships with other HHS agencies, including the Center for Medicare Services. the Food and Drug Administration. and the National Institute of Health. It has constant battles with state Medicaid agencies. This is not an industry that trusts government.

Some in Congress have proposed legislation that feed industry fears. In 1994 and 1995 legislation was introduced in the House. H.R. 4370, introduced on May 10. 1994, and H.R. 761, introduced on January 31, 1995, that provided the government with eminent domain power with regard to AIDS to confiscate "all potential curatives and all data . . . regarding their development," including the patents for such compounds. Similarly. in 1999 and 2001 legislation was introduced in the House. H.R. 2927. introduced on September 23. 1999, and H.R. 1708, introduced on May 3, 2001. that provided for the compulsory licensing of "any subject invention related to health" where the government finds it "necessary to alleviate health or safety needs" or the patented material is "priced higher than may be reasonably expected based on criteria developed by the Secretary of Commerce." Legislation has been introduced that would deny the benefits of the R&D tax credit for research by pharmaceutical companies where the products that arise from that research are sold at higher prices abroad than in the United States. See H.R. 3665 introduced on February 15. 2000.

The industry response to these threats to its patents must be seen in light of the events of March 14, 2000. On that day a White House spokesman apparently indicated that the government might move to challenge some biopharma industry patents for genes. The industry lost $40 billion in market capitalization in the panic that ensued on Wall Street. That was not only the beginning of a deep drought in biotech company financing, it was the beginning of the collapse of the entire NASDAQ market. A similar collapse and drought had occurred in 1993–1994 the Clinton Administration proposed that the prices of "breakthrough drugs would be reviewed by a special government panel."

The issue of price controls and patents was recently considered and rejected by NIH in response to a petition for the government to march-in on the patent of Abbott Laboratories for ritonavir, sold under the name of Norvir, an AIDS therapeutic. The petitioner, Essential Inventions, asked that the government cancel the license of this patent to Abbott. which it alleged was charging too much for Norvir. The petitioner had also been involved in the 1994–1995 NIH proceeding.

where NIH reviewed the impact of its 1989 protocol to review whether "reasonable" prices were being charged by companies that had licenses with NIH. NIH found that this price review process was destroying the NIH technology transfer program—companies simply would not enter into agreements with NIH. As a result, NIH repealed the price review process. The new march-in petition raised essentially the same issues and if the petition had been granted, we could have expected that the NIH tech transfer process will be crippled—again, as it was from 1989–1995. In rejecting the petition, NIH did not state, however, that is has no right to march-in based on the price of a product, implying that it could or might assert such power in the future. This can only have a chilling impact on companies considering entering into biodefense procurement and research agreements.

Aside from fears about government actions, we could not have picked a worse time to ask the industry to undertake a whole new portfolio of research. The biotech NASDAQ index stood at 1380 and it now stands at about 725. The Amex biotech index peaked at 801 and it now stands at about 525. The Dow Jones pharmaceutical index peaked at 420 and it now stands at about 275. The biotech industry raised $32 billion in capital in 2000 and only $16 billion last year. In June of this year, 36 percent of the public biotech companies had stock trading at less than $5 per share. There were 67 biotech IPOs in 2000 and only 7 last year. The industry losses each year continue run to $4 billion. The National Venture Capital Association reports that only 2 percent venture money went into biodefense following the October anthrax attack.

Of the 506 drugs publicly disclosed to be under development by the 22 largest pharmaceutical companies, only 32 are for infectious disease and half of these are aimed at HIV/AIDS. In 1967 we had 67 vaccine companies and in 2002 we had 12. World wide sales vaccines is about $6 billion, but the world wide sales of Lipitor are $10 billion.

In addition, it is not clear whether the government is able or willing to provide the industry with the operating margins—profits—it sees for its other products. The operating margin for successful biopharma companies is 2.76 to 3.74 times as great as the operating margins for major defense contractors. This means that the defense contractor model will not work to engage biopharma companies in developing medical countermeasures for bioterror agents. Whether the successful bipharma companies are "too profitable" is a separate issue. The issue addressed here is the operating margin that successful biopharma companies seek and expect as they assess lines of research to undertake. If the operating margin for biodefense research is less, or substantially less than the operating margin for non-biodefense research, it is not likely that these companies will choose to undertake biodefense research. This research is a voluntary undertaking putting their capital at risk; there is no requirement that they do this when the prospects for profits are not competitive with that from other lines of research.

Mostly we are seeing the industry hiding, not commenting on the pending legislation, not participating in the legislative process, and making every effort not to seem to be unpatriotic or greedy. Companies do not say in public that they are disinterested. They will not say what package of incentives would be sufficient to persuade them to take up biodefense work. They fear a debate on patents. They feel besieged by the current drug import debate, pressure from CMS over drug prices, and the debate over generic biologics. While I understand these fears, we simply have to know what it would take in the way of incentives to establish a biodefense industry. If the incentives in BioShield or BioShield II are not sufficient, we need to know what incentives are sufficient. We need to know what reassurances would persuade the industry that what happened to Bayer will never happen again. And only the industry can give us a clear answer to these questions. We cannot have a dialogue on these urgent national questions without the government listening and the industry speaking.

The goal of BioShield II is to shift the risk of countermeasure research and development to the industry. Given the skepticism of the industry about the reliability of the government as a partner, shifting the risk to the industry—with it risking its own capital to fund the R&D—will be difficult. But engaging the industry as entrepreneurs, rather than as defense contractors, is likely to be less expensive for the government and it's much more likely to secure the development of the medicines that we need.

If the Government funds the research, the industry can expect to receive the operating margins that are typically paid to defense contractors—8.5–9 percent. If the industry risks its own capital and funds the failures and cost overruns, the industry believes it would be justified demanding the operating margins that are typically paid in the commercial sector—28–32 percent.

If the Government funds the research, the industry expects that the government will control or own the patents associated with the medicines. If the industry funds the research, it believes it has claims on all the patents.

The only companies that are likely to accept a defense contractor model are companies with no approved products, no revenue from product sales, and no other source of capital to keep the lights on. For them Government funding is "non-dilution" capital, meaning it's a form of capital that does not dilute the ownership shares of its current shareholders. Many biotech companies have stock trading in the low single digits, so they cannot issue another round of stock that would enrage the current shareholders. For them this Government funding might validate the scientific platform of the company, generate some revenue, and hype the stock.

Biotech industry executives state in private that if their capital markets strengthen they will be even less likely to consider bioterror countermeasure research. One CEO whose company has received an NIH grant for bioterror countermeasure research stated in private that his company would never have considered this entanglement with the Government if it had any other options to fund its research.

Our goal with BioShield IT should be to engage the successful biopharma companies in this research—companies that have brought products to the market—and persuade them that the Government will be a reliable partner. Then the risk of failure and cost overruns is shifted to the industry and we've engaged the companies with a track record of bringing products to the market. The Government will need to provide substantial rewards if—and only if—the companies do succeed in developing the medicines we need, but then the Government is only paying for results. When the Government funds the research, it funds a process with no guarantees of any success. Providing the industry with substantial rewards for success is a model that engages the industry as entrepreneurs, drawing on the greatest strength our Nation has in the war on terror.

Our bill addresses a critical question: who is in charge for Government if there's a mass casualty event and how do they lead the multifaceted response. The legislation sets up an interagency board to map out and develop the response to such an event and places a new Assistant Secretary Chief Medical Officer at the Department of Homeland Security as its chair. In addition, the new Assistant Secretary would lead the DHS assets and resources as part of this effort. While this proposal is the result of discussions with some of the experts in this area, we recognize there may be different points of view about the optimal structure for the medical response capabilities within DHS and the proposed structure in this bill is open to further discussion. I look forward to working with the chairman of the Senate Homeland Security and Government Affairs Committee, Senator COLLINS, and others in exploring these complex issues. On these issues, this bill is a discussion draft.

We should not need a 9/11 Commission report to galvanize the administration and the Congress to respond to the unprovoked and deadly bioterror attacks of 3 years ago. The threat could not be more obvious and what we need to do is also obvious. If we don't develop the diagnostics, therapeutics, and vaccines to protect those who might be exposed or infected, we risk public panic and quarantines. We have the world's preeminent biopharma industry and we need to put it to work in the national defense.

BioShield I is a step in the right direction, but it is a small step that does not take us where we need to go. We need to follow the implementation of BioShield very carefully and set clear metrics for determining its effectiveness. We should not wait to begin to review the policy options available to supplement BioShield. Senator HATCH and I will be proposing BioShield II and we will press for its consideration. We should press the biopharma industry to present its views on what it will take to engage it in this research and what it will take to establish a biodefense, research tool, and an infectious disease industry.

The American philosopher, George Santana said, "Those who cannot remember the past are condemned to repeat it." It's only been 3 years since the anthrax attack but I fear our memory of it already has faded. Let this hearing stand as a clear statement that some of us in the Congress remember what happened and are determined not to permit it to happen again. War has been declared on us and we need to act as if we noticed.

Mr. HATCH. Mr. President, more than 3 years ago, our country suffered the most deadly attack ever on our soil. We woke up on the morning of September 11, 2001 to a new reality.

A month later, we again realized the magnitude of the ever-changing threat we were facing when the Senate Hart Office Building was contaminated with anthrax and was closed for three months.

Most Americans were shaken out of their sense of complacency in 2001.

As many will recall, after 9/11, Congress took action to secure our borders, our ports, and our airlines and bolster our public health infrastructure.

Yet, it is important to note that the key steps necessary to protect our country against the continuing threat of bioterrorism are still being carefully reviewed and revised.

And while these steps are being evaluated, time is running out. Even yesterday, we heard news reports that al-Qaida is planning attacks on our country through chemical plants within the next five years.

While Congress took an important step when the Project BioShield Act of 2004 was signed into law last July, I believe that much more still needs to be done.

That is why I am once again joining my good friend and colleague, Senator JOE LIEBERMAN, in introducing this bipartisan bill. I am proud to have been Senator LIEBERMAN's primary partner on this legislation over the past several years.

Indeed, we are pleased that some key concepts contained in our earlier bills, such as the guaranteed market, have been adopted by the administration and our colleagues in Congress.

In the last congress, the Senate Judiciary Committee held a joint hearing with the Senate Health, Education, Labor and Pension Committee to determine what priorities should be included in the follow-on legislation, the Bioshield II bill, and to raise awareness on what else needs to be done in order to combat bioterrorism. It is clear that we do need to continue our efforts, and that is why I will continue to push for action on this legislation until the bill is signed into law by the President.

It is well known that terrorists are specifically interested in using biological weapons, such as those produced in the Soviet Union before its collapse.

Some experts believe that Soviet scientists were able to develop smallpox strains that were universally lethal.

Some believe they developed a strain of Black Plague that is resistant to 10 different antibiotics.

Today, it is unclear where some of these former Soviet scientists are working and, even more disturbing, it is not clear if these bioterror agents are still in the former Soviet Union.

As new varieties of biological weapons are developed, the threat of another attack becomes a very real possibility. Again, that is why Senator LIEBERMAN and I strongly believe that Congress needs to act on the Liberman-Hatch legislation immediately.

Over 4 years ago, Congress instructed the executive branch to perform a bioterrorism exercise to determine our Nation's state of preparedness against a bioterror threat.

In May 2000, a bioterrorism exercise was initiated and the naturally occurring plague bacterium, Yersinia Pestis, was theoretically unleashed in Denver. In that exercise, one antibiotic that is available to the public was used to combat the bioterrorism plot and treat the infected individuals.

I believe that this exercise needs to be conducted again—a more realistic scenario would be one in which no effective treatment is available.

To me, that is the more realistic and threatening scenario.

There are already numerous diseases where no actual cure exists, where all the clinicians can do is to support the patient and hope that they survive. We need to focus our efforts on improving our ability to care for these illnesses, as they are currently very attractive weapons to our enemies.

Even as we continue to invest resources to build up a prepared public health infrastructure, we must also develop medicines to threat those who are exposed or infected. Otherwise, we will be forced to impose quarantines, just as our ancestors did in times of pestilence, and we will surely find it as difficult a proposition as they did. Quarantining hundreds, maybe even hundreds of thousands of people would, obviously, be extremely difficult to manage.

Developing ways to prevent, detect, and treat dangerous pathogens must be a priority for our Nation so that we do not face these dreadful scenarios.

Our best defense against bioterrorism is a full medicine chest. We must develop medicines to treat the naturally occurring biologic agents, and, in addition, we need to develop medicines to treat bacteria and viruses that have been genetically manipulated as weapons to cause death or injury to human beings.

Therefore, the biopharma companies must be engaged in these discussions because they will play an integral role.

Our bill, BioShield II, is the next step in the legislative process to ensure bioterror readiness.

We cannot afford to wait. Every day that we sit idle, we encourage our enemies to move forward.

We must abandon business-as-usual and take vigorous steps to protect our Nation, our communities, our citizens and our industries from future bioterrorist attack, especially given the implication of further attacks on the United States.

BioShield II encourages Congress to take vital steps to protect our Nation through an array of intellectual property, tax, procurement, research, liability, and other incentives to ensure the creation of a robust biodefense industry.

Direct government funding can only go so far.

To be effective, we must also enact incentives so that potential investors will want to fund the research associated with building a strong and flexible defense against potential attacks.

But to accomplish this goal, we must unleash the creative genius of the biopharma industry to work with us on these solutions.

Bioshield II will encourage biopharma companies to take the lead in the development of vaccines, therapeutics and diagnostics to combat bioterrorism. These efforts will also help protect our Nation against naturally occurring diseases. In fact, a major improvement in this bill is that we allow the array of incentives to be employed against infectious diseases and as well as disease prevalent in the developing world.

All research on infectious disease is interrelated. SARS, HIV, malaria, and avian and pandemic flue are chilling reminders that our public health system must be able to take on all comers; it is not just deliberately engineered agents that threaten us.

Our infrastructure—our researchers, our pharmaceutical industry, our hospitals, and our caregivers—must be prepared and equipped to fight illness, wherever and however it occurs. By expanding the scope of covered research under this bill, we may also discover cures for diseases that afflict the world's poorest nations.

The goal of our legislation is to have a safer and better prepared America. But, to do this we must provide researchers and investors with the proper incentives. Forming unprecedented and vigorous partnerships with these companies is the key. Otherwise, this endeavor will never work and the American public will remain at great risk.

The harsh reality is that nearly 4 years after 9/11, we have not developed one significant bioterrorism countermeasure.

Aside from vaccines for smallpox and anthrax—both of which have their own downsides—and a handful of antibiotics and anti-infectives—also with their own array of strengths and weaknesses—the cupboard is bare.

This is simply not acceptable.

As new varieties of bioterror weapons are developed, the threat of another attack comes ever-closer to our shores. For this reason, Senator LIEBERMAN and I are introducing the "Project BioShield II Act of 2005".

We plan to work closely with all interested members of Congress, including Senator BURR, Senators ENZI and KENNEDY, chairman and ranking Democratic member of the HELP Committee respectively, Senators GRASSLEY and BAUCUS, chairman and ranking Democratic member of the Finance Committee, Senators SPECTER and LEAHY, chairman and ranking Democratic member of the Judiciary Committee; and Senator COLLINS, chairman of the Senate Homeland Security and Governmental Affairs Committee.

We will work closely with all the relevant officials in the Bush administration; and we will work with Senate Leadership and with all interested parties in the House.

I urge my colleagues to join me in supporting this very important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 128—DESIGNATING APRIL 30, 2005, AS "DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURKOWSKI) submitted the following resolution; which was submitted and read:

S. RES. 128

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

SENATE RESOLUTION 129—COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION ON 100 YEARS OF SERVICE TO THE COMMUNITY

Mr. ALLEN submitted the following resolution; which was submitted and read:

S. RES. 129

Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association (referred to in this resolution as the "Association");

Whereas on May 12 1905, the Association was formed to encourage, stimulate, extend, and promote the business of retail merchants in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association chartered the South Boston Retail Merchants Association and Charlottesville Retail Merchants Association;

Whereas, in 1978, the Association formed the Virginia Retail Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active proponent of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2005, AS "NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK (NAOSH)"

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY) submitted the following resolution; which was submitted and read:

S. RES. 130

Whereas every year more than 5,500 people die from job-related injuries and millions more suffer occupational injuries and illnesses;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances, in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of "North American Occupational Safety and Health Week (NAOSH)" is to increase the understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, ACHMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employers', employees', and the public's understanding of the importance of occupational safety, health, and the environment in everyone's lives, and to provide valuable information and resources aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as "North American Occupational Safety and Health Week (NAOSH)";

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe "North American Occupational Safety and Health Week (NAOSH)" with appropriate programs and activities.

SENATE RESOLUTION 131—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. SPECTER (for himself, Mr. LEAHY, Mr. BIDEN, Mr. DEWINE, Mr. KOHL, Mr. CORNYN, Mr. FEINGOLD, Mr. BROWNBACK, Mr. SCHUMER, Mr. HATCH, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, and Ms. COLLINS) submitted the following resolution; which was submitted and read:

S. RES. 131

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 850,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 154 peace officers across the United States were killed in the line of duty during 2004, which is below the decade-long average of 169 deaths annually;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 6,000 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2005, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

SENATE RESOLUTION 132—EXPRESSING SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER (for himself, Mr. COBURN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 132

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the First Amendment would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialog;

Whereas in 1983, the United States Supreme Court held in Marsh v. Chambers, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and to invoke divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of this Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults similar to a legislature in that they are elected by the people, act in the public interest, and are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of this Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE CONCURRENT RESOLUTION 29—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 28, 2005, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 9, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate or his designee, after consultation with the Minority Leader, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 30—TO EXPRESS THE SENSE OF CONGRESS CONCERNING THE PROVISION OF HEALTH INSURANCE COVERAGE TO ALL AMERICANS

Mr. DURBIN (for himself, Mr. REID, Ms. STABENOW, Mr. SCHUMER, Mr. FEINGOLD, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. BINGAMAN, Mr. DAYTON, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and pensions:

S. CON. RES. 30

Whereas the United States is the only major industrialized country that does not have universal access to health insurance among its citizens;

Whereas the number of Americans without health insurance has increased steadily over the past decade from 37,000,000 to 45,000,000;

Whereas 7 in 10 people without health insurance live in families where at least one person works full-time;

Whereas 20 percent of uninsured Americans are children;

Whereas members of racial and ethnic minority groups at all income levels are more likely to be uninsured than their White counterparts;

Whereas the percentage of private-sector employers offering health benefits to retirees has declined by more than 40 percent since 1997 to just 13 percent in 2002;

Whereas in 2003, 1,700,000 veterans and 3,900,000 dependents of veterans did not have access to health insurance or veterans medical care;

Whereas uninsured Americans receive less preventive care and are diagnosed at a more advanced stage of disease than Americans with health insurance;

Whereas uninsured adults have mortality rates approximately 25 percent higher than those of privately insured adults;

Whereas the financial consequences of uninsurance can be disastrous for families, as demonstrated by a recent study that found medical problems were a factor in nearly half of all personal bankruptcy filings;

Whereas the increase in average health insurance costs since 2000 was five times the increase in average worker wages;

Whereas the total cost of job-based health insurance has risen 72 percent in the past 5 years;

Whereas employers are struggling to keep up with rising health insurance costs;

Whereas a recent study by the Commonwealth Fund concluded that small employers that provide health insurance to their employees pay more but receive less for their money while suffering faster increases in premiums and steeper jumps in deductibles than large firms;

Whereas the market for individual insurance policies can be prohibitively expensive and allows for discrimination based on health status;

Whereas rising health insurance costs undermine United States competitiveness in the global market;

Whereas despite spending the most per capita on health care ($4,887 compared to Germany which is the next highest at $2,808), the United States ranks 12th out of 13 industrialized nations in 16 top health indicators such as infant mortality; and

Whereas members of Congress and their families have the opportunity to select among many benefit choices and to purchase high quality, group health insurance coverage at reasonable rates: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress should enact legislation that will ensure that all Americans have access to affordable, quality health insurance coverage by 2010, regardless of income, age, employment or health status;

(2) such legislation should utilize private and public sector solutions;

(3) rather than shifting greater costs to consumers, such legislation should constrain underlying health care costs, including by assuring appropriate utilization, and lowering prescription drug costs and administrative expenses; and

(4) such legislation should assure high quality health care by promoting the utilization of information technology, reducing medical errors, providing for care coordination, and through other methods designed to improve quality.

AMENDMENTS SUBMITTED AND PROPOSED

SA 591. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table.

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 593. Mr. THUNE (for himself, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the Eurpoean Union's wide-ranging list of terrorist organizations.

TEXT OF AMENDMENTS

SA 591. Mrs. FEINSTEIN (for herself, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved: which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. ____. ALAMEDA HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by striking paragraph (34) and inserting the following:

"(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow Interstate route 10 from San Bernardino to the Arizona State line.".

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved: as follows:

Beginning on page 287, strike line 5 and all that follows through the matter following line 25 on page 290.

SA 593. Mr. THUNE (for himself, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved: as follows:

On page 230, strike lines 6 through 15 and insert "Section 109 of".

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved: as follows:

At the end of subtitle H of title I, add the following:

SEC. 18___. APPROVAL AND FUNDING FOR CERTAIN CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transportation for project STP-189-1(15)CT 3 in Gwinnett County, Georgia, the Secretary shall—

(1) approve the project; and

(2) reserve such Federal funds available to the Secretary as are necessary for the project.

(b) CONFORMITY DETERMINATION.—

(1) IN GENERAL.—Approval, funding, and implementation of the project referred to in subsection (a) shall not be subject to the requirements of part 93 of title 40, Code of Federal Regulations (or successor regulations).

(2) REGIONAL EMISSIONS.—Notwithstanding paragraph (1), all subsequent regional emissions analysis required by section 93.118 or 93.119 of title 40, Code of Federal Regulations (or successor regulations), shall include the project.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place in title V insert the following:

SEC. ____. INCENTIVES FOR THE INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified alternative fuel vehicle refueling property.

"(b) LIMITATION.—

"(1) IN GENERAL.—The credit allowed under subsection (a)—

"(A) with respect to any retail alternative fuel vehicle refueling property, shall not exceed $30,000, and

"(B) with respect to any residential alternative fuel vehicle refueling property, shall not exceed $1,000.

"(2) PHASEOUT.—

"(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property placed in service after December 31, 2010, the limit otherwise applicable under paragraph (1) shall be reduced by—

"(i) 25 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2011, and

"(ii) 50 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2012.

"(c) YEAR CREDIT ALLOWED.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified alternative fuel vehicle refueling property is placed in service by the taxpayer.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning given for clean-fuel vehicle refueling property by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol.

"(2) RESIDENTIAL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'residential alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

"(3) RETAIL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'retail alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property (other than property described in paragraph (2)) used in a trade or business of the taxpayer.

"(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(2) the tentative minimum tax for the taxable year.

"(f) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(g) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

"(h) REFUELING PROPERTY INSTALLED FOR TAX-EXEMPT ENTITIES.—In the case of qualified alternative fuel vehicle refueling property installed on property owned or used by an entity exempt from tax under this chapter, the person which installs such refueling property for the entity shall be treated as the taxpayer with respect to the refueling property for purposes of this section (and such refueling property shall be treated as retail alternative fuel vehicle refueling property) and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any installation contract the specific amount of the credit allowable under this section.

"(i) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

"(j) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) shall apply.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(l) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) to the extent provided in section 30B(f).".

(2) Section 55(c)(2) is amended by inserting "30B(e)," after "30(b)(3),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Alternative fuel vehicle refueling property credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; as follows:

Strike the preamble and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's complied with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism arid other testimony;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip and Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its "political and military" operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that "Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.";

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled "Hezbollah—the Approach, the Experience, the Future", Qassem writes "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad";

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 11, 2005, at 2 p.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 100, to authorize the exchange of certain land in the State of Colorado; S. 235 and H.R. 816, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, NV; S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108–67; S. 741, to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, and for other purposes; S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morely Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, NM, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2005, at 9:30 a.m., in open and closed session to receive testimony on defense intelligence in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask, unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, April 28, 2005 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP AND THE SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a joint hearing on "Strengthening Border Security Between the Ports of Entry: The Use of Technology To Protect the Borders" on Thursday, April 28, 2005 in Dirksen Room 138 at 3 p.m.

Witness List

Panel I: David Aguilar, Chief of the Border Patrol, Customs and Border Protection, Department of Homeland Security, Washington, DC; Kirk Evans, Ph.D., Director, Mission Support Office, Science & Technology Directorate, Homeland Security Advanced Research Projects Agency, Department of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2005, at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, April 28, 2005, at 2:30 p.m., in room SD–366.

The purpose of the hearing is to receive testimony on the following bills: S. 242, a bill to establish four memorials to the space shuttle *Columbia* in the State of Texas; S. 262, a bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; S. 336, a bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; S. 670, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; S. 777, a bill to designate Catoctin Mountain Park in the State of Maryland as the Catoctin Mountain National Recreation Area, and for other purposes; and H.R. 126, a bill to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, April 28, 2005, at 2 p.m., for a hearing entitled, "Waging War on Waste: An Examination of DoD's Business Practices."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy be authorized to meet during the session on Thursday, April 28, 2005, at 10:30 a.m., to hear testimony on "Building Assets for Low-Income Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Caroline Ahearn, a fellow working in the Environment and Public Works Committee office, as well as Tim Connolly and Cara Cookson, legislative aides to the committee office, be granted the privilege of the floor for the duration of the consideration of H.R. 3 and amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent the staff on the Budget Committee listed below be granted floor privileges for the duration and consideration of the conference report to accompany H. Con. Res. 95:

SENATE BUDGET COMMITTEE FLOOR PRIVILEGES LIST, 109TH CONGRESS

Amdur, Rochelle; Bailey, Stephen; Bargo, Kevin; Binzer, Peggy; Brandt, Dan; Browne, Mara; Cheung, Rock E.; Dempsey, Don; Duckworth, Cara; Esquea, Jim; Eyster, Sarah; Fisher, David; Friesen, Katherine; Green, Vanessa; Gudes, Scott B., (Staff Director, Full Access Pass); Haskell, Tyler; Havlik, Matthew; Hearn, Jim; Howe, Matthew; Isenberg, Cliff.

Jones, Michael; Kermick, Andrew; Klumpner, James; Konove, Elissa; Konwinski, Lisa, (General Counsel, Full Access Pass); Kuehl, Sarah; Lofgren, Michael; Lucia, William; Mashburn, John; Millar, Gail, (General Counsel, Full Access Pass); Miller, Jim; Mittal, Seema; Monk, Kimberly; Morin, Jamie; Myers, David; Nagurka, Stuart; Naylor, Mary (Staff Director: Full Access Pass); Nelson, Sue; Noel, Kobye; O'Keefe, Shannon.

O'Neill, Maureen; Ortega, David A.; Osterberg, K. Gayle; Page, Anne; Pappone, David; Parent, Allison; Phillips, Roy; Pollom, Jennifer; Posner, Steven; Reidy, Cheri; Richardson, Stephen; Righter, John; Seymour, Lynne; Vandivier, David; Ventimiglia, Vincent; Weiblinger, Richard; Woodall, George.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for 2005 Public Financial Disclosure reports is Monday, May 16, 2005. Senators, political fund designees and staff members whose salaries exceed 120 percent of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings.

APPPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to S. Con. Res. 130, 106th Congress, appoints the following individual to the Task Force on Slave Laborers:

Curtis H. Sykes of Arkansas and notes Senator BLANCHE LINCOLN of Arkansas will serve as the designee of the Democratic Leader.

The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appoints the following individuals to the United States Commission on International Religious Freedom:

Most Reverend Ricardo Ramirez, C.S.B. of New Mexico, for a term of 2 years, May 15, 2005–May 14, 2007.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATION DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 75, 77, 78, 79, 80, 81, all nominations reported by the Armed Services Committee today, and all nominations on the Secretary's desk. I further ask unanimous consent that the nomination of Daniel Fried to be an Assistant Secretary of State be discharged from the Committee on Foreign Relations and the Senate proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF VETERANS AFFAIRS

Jonathan Brian Perlin, of Maryland, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

DEPARTMENT OF TRANSPORTATION

Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation.

Joseph H. Baordman, of New York, to be Administrator of the Federal Railroad Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2005.

Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for seven years from October 27, 2005. (Reappointment)

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2010.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William R. Looney, III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Arthur J. Lichte

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert D. Bishop, Jr.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher A. Kelly

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael A. Hamel

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John C. Inglis

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dell L. Dailey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David W. Barno

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Donna L. Dacier

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Abner C. Blalock
Brigadier General Jessica L. Wright

To be brigadier general

Colonel Louis A. Abbenante

To be major general

Brigadier General Bruce E. Davis
Brigadier General Dan M. Colglazier

To be brigadier general

Colonel Peter M. Aylward
Colonel Joseph B. Dibartolomeo
Colonel Edward A. Leacock
Colonel William J. Johnson, Jr.
Colonel Calvin S. Johnson
Colonel David L. Jennette, Jr.
Colonel Dennis E. Jacobson
Colonel Dudley B. Hodges, III
Colonel John S. Harrel
Colonel Bruce C. Frandsen
Colonel Kevin G. Ellsworth
Colonel Larry W. Triphahn
Colonel Randal E. Thomas
Colonel Jackie S. Swope
Colonel John M. Perryman
Colonel Henry C. McCann
Colonel John E. Davoren

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John P. Basilica, Jr.
Brigadier General Lawrence F. LaFrenz
Brigadier General Danny H. Hickman
Brigadier General Richard M. Blunt
Brigadier General Michael B. Pace
Brigadier General Glenn K. Rieth
Brigadier General Antonio J. Vicens-Gonzalez

To be brigadier general

Colonel Lester D. Eisner
Colonel Terry R. Council
Colonel Augustus L. Collins
Colonel Dennis L. Celleti
Colonel Lawrence W. Brock, III
Colonel Frank E. Batts
Colonel Roosevelt Barfield

To be major general

Brigadier General Ronald G. Young
Brigadier General William H. Wade, II

To be brigadier general

Colonel Robert J. Udland
Colonel Fredric D. Sheppard
Colonel Olin O. Oedekoven
Colonel Thomas D. Mills
Colonel Mabry E. Martin
Colonel Jeffrey E. Marshall
Colonel Randy E. Manner
Colonel Michael R. Liechty
Colonel David A. Lewis
Colonel Randall A. Kochersperger
Colonel Thomas H. Katkus
Colonel Federick J. Johnson
Colonel Alberto J. Jimenez
Colonel Gary M. Ishikawa
Colonel Joe L. Harkey
Colonel Francis P. Gonzales

To be major general

Brigadier General Donald C. Storm
Brigadier General Gary A. Quick

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John E. Barnette
Brigadier General Williard C. Broadwater
Brigadier General David P. Burford
Brigadier General Ronald S. Chastain
Brigadier General Dallas W. Fanning
Brigadier General Timothy M. Kennedy

To be brigadier general

Colonel Gregory J. Zanetti
Colonel Charles L. Yriarte
Colonel Eddy M. Spurgin
Colonel Joyce L. Stevens
Colonel Terry W. Saltsman
Colonel Matthew A. McCoy
Colonel Jose S. Mayorga
Colonel Vernon L. Lowrey
Colonel Robert E. Livingston, Jr.
Colonel Gerald E. Lang
Colonel Marcelo R. Bergquist

To be major general

Brigadier General Mark E. Zirkelbach
Brigadier General Edward L. Wright
Brigadier General William D. Wofford
Brigadier General Perry G. Smith
Brigadier General Charles G. Rodriguez
Brigadier General Randall D. Mosley
Brigadier General John W. Libby
Brigadier General Mitchell R. LeClaire

To be brigadier general

Colonel William F. Kuehn
Colonel Matthew L. Kambic
Colonel John L. Gronski
Colonel Brian W. Goodwin
Colonel Robert J. Felderman
Colonel Stephen C. Dabadie
Colonel Robert G. Carmichael, Jr.
Colonel Elizabeth A. Bourbeau
Colonel Barbaranette T. Bolden

To be major general

Brigadier General James E. Fletcher
Brigadier General Stephen D. Collins

The following named officers for appointment in the Reserve of the Army to the Grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael R. Eyre

To be major general

Col. David A. Morris
Col. Jimmy E. Fowler
Col. Sanford E. Holman
Col. William D. Waff

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Steven L. Bell

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mark W. Bircher
Col. John M. Croley
Col. Darrell L. Moore

IN THE NAVY

The following names officer for appointment as Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be admiral

Adm. Michael G. Mullen

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Henry G. Ulrich, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John D. Stufflebeem

IN THE AIR FORCE

PN289 AIR FORCE nominations (17) beginning STEPHEN M.* ALLEN, and ending THEADORE L.* WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN307 AIR FORCE nominations (18) beginning REBECCA L. BROWN, and ending DAWN E. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN308 AIR FORCE nominations (13) beginning DENNIS L. BEATTY, and ending MICHAEL G. SCHELL, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN310 AIR FORCE nominations (19) beginning GARY D. BROWN, and ending LARRY D. YOUNGNER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN312 AIR FORCE nominations (12) beginning PHILIP A. BARKER, and ending DONALD R. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN313 AIR FORCE nominations (23) beginning JOSEPH J. AIGNERVAROZ, and ending DOREEN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN314 AIR FORCE nominations (41) beginning CALVIN N. ANDERSON, and ending MICHELE R. ZELLERS, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN330 AIR FORCE nomination of Robert B. Rottschafer, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN331 AIR FORCE nomination of Christine A. Liddle, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN393 AIR FORCE nomination of John J. Kupko II, which was received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN394 AIR FORCE nominations (5) beginning GREGG W. ALLRED, and ending ALBERT C. OESTERLE, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN395 AIR FORCE nomination of Stephen E. Vangundy, which was received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN396 AIR FORCE nomination of Brett L. Swain, which was received by the Senate and appeared in the Congressional Record of April 6, 2005.

IN THE ARMY

PN332 ARMY nominations (3) beginning CECIL D. ALLEN, and ending WAYNE E. KOWAL., which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN333 ARMY nominations (3) beginning THOMAS E. BERON, and ending KENNETH J. VEGA, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN334 ARMY nominations (5) beginning BRAD K. BLACKNER, and ending MARVIN A. ZERR, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN335 ARMY nominations (5) beginning MICHAEL J. BOUCHARD, and ending DEBRA A. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN336 ARMY nominations (2) beginning GREGORY L. DANIELS, and ending MICHAEL D. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN337 ARMY nomination of Cindy W. Baltrun, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN338 ARMY nomination of Richard L. Ursone, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN339 ARMY nomination of Thanh Minh Do, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN340 ARMY nomination of Lorine Lagatta, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN341 ARMY nomination of Gary Zeitz, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN397 ARMY nominations (67) beginning SUNNY S.* AHN, and ending ERIC W.* YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN425 ARMY nominations (22) beginning LISA M. AMOROSO, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN426 ARMY nominations (43) beginning STEVEN B.* ANDERSON, and ending COLIN S.* TURNNIDGE, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN427 ARMY nominations (130) beginning CHRISTOPHER B.* ACKERMAN, and ending CHARLES D. ZIMMERMAN JR., which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN428 ARMY nominations (134) beginning HERMAN A. ALLISON, and ending HEATHER L. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

IN THE MARINE CORPS

PN316 MARINE CORPS nomination of William L. Rumble, which was received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN342 MARINE CORPS nomination of Amy V. Dunning, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN343 MARINE CORPS nomination of David J. Wilson, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN344 MARINE CORPS nomination of Michael Akselrud, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN345 MARINE CORPS nominations (52) beginning CHARLES R. BAUGHN, and ending PHILLIP J. WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

DEPARTMENT OF STATE

Daniel Fried, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (European Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

COMMEMORATING THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following resolutions submitted earlier today: S. Res. 128, S. Res. 129, S. Res. 130, and S. Res. 131.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Mr. HATCH. Mr. President, I rise today to support an important resolution designating the 30th day of April 2005 as "Día de los Niños: Celebrating Young Americans."

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on their future, articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies and activities.

Joining me as original cosponsors to this resolution are JOHN CORNYN, CHARLES E. GRASSLEY, KAY BAILEY HUTCHISON, MEL MARTINEZ, and LISA MURKOWSKI.

I strongly urge my colleagues to join us in promptly passing this resolution designating April 30, 2005, Día de los Niños: Celebrating Young Americans.

Mr. DURBIN. Mr. President, today I rise, on behalf of myself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY, to support a bipartisan resolution calling on the American people to observe North American Occupational Safety and Health Week, May 1 through May 7, 2005. This week is designed to increase the awareness and importance of preventing injury and illness in the workplace. I introduced a similar resolution in May 2002, and I am proud to sponsor it again.

The focus of this year's North American Occupational Safety and Health Week is on the estimated 5,500 people killed in workplace accidents and the millions who suffer on-the-job injuries and illnesses each year. The week will focus on preventing such tragedies from occurring and draw attention to the positive return on investment for businesses that invest in occupational safety and health.

The Department of Labor recently gave the Monsanto research facility in Waterman, IL, its top safety classification: Star Certification in the Voluntary Protection Program. VPP is a program that goes beyond current workplace regulations to establish cooperative relationships between management and workers to implement a comprehensive health and safety system. It requires rigorous review by the Occupational Safety and Health Administration and involves companies with injury rates which average about 53 percent lower than the average for their industry.

OSHA also recognized three Illinois beef packing companies for their exemplary injury and illness records. Aurora Packing Company, Inc., of North Aurora, New City Packing Company, Inc., of Aurora, and Prairie Packaging Company of Bridgeview were commended by OSHA's VPP. Aurora and New City have achieved Star Conditional status for 11 years now, and Prairie was recognized this year as a Merit Participant. Fewer than 1,000 Federal worksites under Federal jurisdiction share this honor and I am very proud of their accomplishments. The Labor Department says VPP sites are "models for what employers and employees can accomplish by working cooperatively with one another and with OSHA to achieve a level of worker protection that goes beyond compliance with Government regulations." The VPP program is a win-win situation for everyone because workers experience fewer illnesses and injuries, and companies can expect lower workers' compensation costs. While there is more work to be done to improve the health and safety of America's workers, I congratulate these firms for their achievements.

The American Society of Safety Engineers, based in Des Plaines, IL, is a major proponent of North American Occupational Health and Safety Week and has sponsored this awareness week for many years. ASSE is the world's oldest and largest professional safety organization. It is a 90-year-old nonprofit association and has more than 30,000 members. It is committed to protecting people, property, and the environment. Together with OSHA, ASSE will be working to educate employees, employers and the public about the positive benefits of occupational safety and health programs; raise the awareness of the role and contribution of safety, health, and environmental professionals; and reduce workplace injuries and illness by increasing awareness and implementation of safety and health programs.

In addition to ASSE, the Canadian Society of Safety Engineers, the American Association of Occupational Health Nurses, the Academy of Certified Hazardous Materials Managers, the American Industrial Hygiene Association and the American National Standards Institute are all working toward the goal of a safer, healthier, working America and support this resolution.

In support of that goal, I ask my colleagues to join me in supporting this bipartisan resolution.

Mr. LEAHY. Mr. President, I am proud to submit today with my friend and colleague Senator SPECTER a bipartisan resolution to designate May 15, 2005, as National Peace Officers Memorial Day. Joining us in the introduction of this resolution are Senators HATCH, BIDEN, BROWNBACK, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, KENNEDY, KOHL, KYL, and SCHUMER.

This is the ninth year running that I have been involved in the introduction of this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. For 8 years I introduced this resolution with my old friend and our former colleague Senator Campbell, a former deputy sheriff who was a true leader on this issue. Now I have teamed with Senator SPECTER, a former prosecutor who has witnessed first-hand the risks faced by law enforcement officers every day while they serve and protect our communities. His knowledge and experience in this area is a true asset to the American people and I thank him for his leadership on it.

I also want to thank each of our Nation's brave law enforcement officers for their unwavering commitment to the safety and protection of their fellow citizens. They are real-life heroes, too many of whom too often give the ultimate sacrifice, and they remind us of how important it is to support and respect our state and local police officers.

Currently, more than 850,000 men and women who guard our communities do so at great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty in the United States every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country.

In 2004, 154 law enforcement officers died while serving in the line of duty, well below the decade-long average of 169 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training and advanced emergency medical care. And, in total, more than 17,500 men and women have made the ultimate sacrifice—of that number 42 are police officers who have already been killed in 2005 while serving in the line of duty.

In the 108th Congress, we shepherded into law a number of measures to issues to make a difference in the lives of all police officers and the communities they serve. We improved the Justice Department's Public Safety Officers Benefits Program by making law the Hometown Heroes Survivors Benefits Act, P.L. No. 108-182, which allows survivors of public safety officers who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for Federal survivor benefits.

Also becoming law was the Campbell-Leahy Bulletproof Vest Partnership Grant Act, P.L. No. 108-372, which extends through fiscal year 2007 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program that helps State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. I hope that with the help of this program we can make sure that every police officer who needs a bulletproof vest gets one.

Last year, the Law Enforcement Officers Safety Act, which Senator Campbell and I championed in the Senate, was signed into law, P.L. No: 108-277. This measure established national measures of uniformity and consistency to permit trained and certified on-duty, off-duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor the extraordinary service and sacrifice given year after year by our police forces. More than 25,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades. I hope my colleagues will join us in supporting passage of this important bipartisan resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the preambles be agreed to, the resolutions be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 128

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

S. RES. 129

Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association (referred to in this resolution as the "Association");

Whereas on May 12 1905, the Association was formed to encourage, stimulate, extend, and promote the business of retail merchants in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association chartered the South Boston Retail Merchants Association and Charlottesville Retail Merchants Association;

Whereas, in 1978, the Association formed the Virginia Retail Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active proponent of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

S. RES. 130

Whereas every year more than 5,500 people die from job-related injuries and millions more suffer occupational injuries and illnesses;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances, in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of "North American Occupational Safety and Health Week (NAOSH)" is to increase the understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, ACHMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employers', employees', and the public's understanding of the importance of occupational safety, health, and the environment in everyone's lives, and to provide valuable information and resources aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as "North American Occupational Safety and Health Week (NAOSH)";

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe "North American Occupational Safety and Health Week (NAOSH)" with appropriate programs and activities.

S. RES. 131

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 850,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 154 peace officers across the United States were killed in the line of duty during 2004, which is below the decade-long average of 169 deaths annually;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 6,000 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2005, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. FRIST. I ask unanimous consent that the HELP committee be discharged from further consideration of S. Res. 121 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) supporting May 2005 as National Better Hearing and Speech Month and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 28,000,000 people in the United States experience hearing loss or have a hearing impairment;

Whereas 1 out of every 3 people in the United States over the age of 65 have hearing loss;

Whereas the overwhelming majority of people in the United States with hearing loss would benefit from the use of a hearing aid and fewer than 7,000,000 people in the United States use a hearing aid;

Whereas 30 percent of people in the United States suffering from hearing loss cite financial constraints as an impediment to hearing aid use;

Whereas hearing loss is among the most common congenital birth defects;

Whereas a delay in diagnosing the hearing loss of a newborn can affect the social, emotional, and academic development of the child;

Whereas the average age at which newborns with hearing loss are diagnosed is between the ages of 12 to 25 months; and

Whereas May 2005 is "National Better Hearing and Speech Month", providing Federal, State, and local governments, members of the private and nonprofit sectors, hearing and speech professionals, and all people in the United States an opportunity to focus on preventing, mitigating, and treating hearing impairments: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of May 2005 as "National Better Hearing and Speech Month";

(2) commends those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital; and

(3) encourages all people in the United States to have their hearing checked regularly.

NATIONAL HEPATITIS B AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 117 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 117) designating the week of May 9, 2005, as National Hepatitis B Awareness Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORZINE. Mr. President, I express my support today for an important resolution, S. Res. 117, submitted by Senators FEINSTEIN and SANTORUM along with Senator SANTORUM to designate the week of May 9th as National Hepatitis B Awareness Week.

Hepatitis B is an extremely infectious virus that affects more than 12 million Americans, with 100,000 new cases expected this year. Unfortunately, many people don't even know they have this disease. And by the time they do learn about the disease it with Hepatitis B will develop cirrhosis of the liver or liver cancer.

The good news is that we can beat this disease. Scientists have been working for years and have made great strides in the study and treatment of Hepatitis B. As kindergarteners through college students know, there are very effective vaccines available to slow the generational relay of the virus. And just last month the FDA approved a new treatment drug called Baraclude that seeks to alleviate symptoms for those already chronically infected with the virus.

What I surprisingly discovered is that less than 10 percent of people suffering from chronic Hepatitis B infection are receiving treatment. During this week, I strongly urge people to talk to their doctors about Hepatitis B vaccination, testing, and treatment; to become educated about Hepatitis B, the symptoms, treatments and testing available; and to take steps to educate those around about Hepatitis B. I urge people to take part in the discussions about Hepatitis B during this week. I also wish to applaud those working to make sure that communities and families and individuals are aware of this disease, testing and treatments available. Thank you for all of your dedication and caring.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 117

Whereas hepatitis B is the most common serious liver infection in the world;

Whereas chronic hepatitis B infections cause 80 percent of all primary liver cancer cases worldwide;

Whereas 10,000,000 to 30,000,000 people will be infected with the hepatitis B virus worldwide in 2005;

Whereas approximately 100,000 people in the United States will become infected with hepatitis B virus this year alone;

Whereas fewer than 10 percent of diagnosed chronic hepatitis B patients in the United States are currently receiving treatment for their disease;

Whereas healthcare and work loss costs from liver disease and liver cancer-caused hepatitis B infections total more than $700,000,000 annually;

Whereas the Centers for Disease Control and Prevention (CDC) estimates that 1,250,000 Americans are already infected with hepatitis B and nearly 6,000 will die of liver complications each year;

Whereas a person who has become infected with hepatitis B may not have symptoms for up to 40 years after the initial infection has occurred, and there is currently no routine screening in place for early detection;

Whereas the CDC has identified African-Americans, Asian-Americans, and Pacific Islanders, as well as Native Americans and Alaskan Natives, as having higher rates of hepatitis B infection in the United States;

Whereas Asian-Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection in the United States; and

Whereas there is a need for a comprehensive public education and awareness campaign designed to help infected patients and their physicians identify and manage the secondary prevention of the disease and to help increase the length and quality of life for those diagnosed with chronic hepatitis B: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 9, 2005, as "National Hepatitis B Awareness Week";

(2) calls upon the people of the United States to observe the week with appropriate programs and activities; and

(3) supports raising awareness of the consequences of untreated chronic hepatitis B and the urgency to seek appropriate care as a serious public health issue.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 382 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 382) to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 382) was read the third time and passed, as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Fighting Prohibition Enforcement Act of 2005".

SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 49. Animal fighting prohibition

"(a) SPONSORING OR EXHIBITING AN ANIMAL IN AN ANIMAL FIGHTING VENTURE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.

"(2) SPECIAL RULE FOR CERTAIN STATES.—With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

"(b) BUYING, SELLING, DELIVERING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN

ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

"(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech promoting an animal fighting venture except as performed outside the limits of the States of the United States.

"(d) VIOLATION OF STATE LAW.—Notwithstanding subsection (c), the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

"(e) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

"(f) PENALTIES.—Any person who violates subsection (a), (b), (c), or (e) shall be fined under this title or imprisoned for not more than 2 years, or both, for each such violation.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'animal fighting venture' means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term 'animal fighting venture' shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

"(2) the term 'instrumentality of interstate commerce' means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(4) the term 'animal' means any live bird, or any live dog or other mammal, except man.

"(h) CONFLICT WITH STATE LAW.—The provisions of this section do not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this section or any rule, regulation, or standard hereunder.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 18, is amended by inserting after the item relating to section 48 the following:

"49. Animal fighting prohibition".

(c) REPEAL OF CRIMINAL PENALTY IN THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (e).

IN RECOGNITIION OF SECOND CENTURY OF BIG BROTHERS BIG SISTERS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 41, which we received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 41) was agreed to.

The preamble was agreed to.

ADDING HEZBOLLAH TO EUROPEAN UNION TERRORIST ORGANIZATIONS

Mr. FRIST. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 82.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 82) urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 596) was agreed to, as follows:

The resolution (S. Res. 82) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(Purpose: To provide a substitute for the preamble strike the preamble) and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's complied with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism and other testimony;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip and Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its 'political and military' operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that 'Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.';

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled 'Hezbollah—the Approach, the Experience, the Future', Qassem writes 'Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad';

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

STRIKING SPECIFIC PRIVATIZATION CRITERIA IN ORBIT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 976 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 976) striking the specific privatization criteria in ORBIT for Intelsat separated entities (New Skies) and Inmarsat and other technical corrections.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 976) was read the third time and passed, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC._ SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES AND INMARSAT MODIFIED.

(a) AMENDMENT.—The Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) is amended—

(1) by striking section 623 (47 U.S.C. 763b), and

(2) in section 624 (47 U.S.C. 763c), by striking "In securing the privatizations" and all that follows, and inserting "In securing the privatization of Inmarsat required by section 621, and thereafter, the United States shall preserve space segment capacity of the GMDSS."

(3) in section 621(5)(D)(ii) (47 U.S.C. 763), by striking "(I)" and by striking", or (II) have any direct financial interest" and all that follows through the end of the subparagraph, and inserting ";".

(4) in section 621(5)(D)(iv) (47 D.S.C. 763), by striking "(I)" and by striking", or (II) have any direct financial interest" and all that follows through the end of the subparagraph, and inserting".".

(b) SATELLITE SERVICE REPORT.—The Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. Such analysis shall include an identification of the number and market share of competitors in domestic and international satellite markets, including an analysis of whether there is effective competition in the market for domestic and international satellite services, and shall include a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of enactment of this section.

ADJOURNMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO SIGN ENROLLED BILLS

Mr. FRIST. Mr. President, I ask unanimous consent that the majority leader, assistant majority leader, and senior Senator from Virginia be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 975

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 975) to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with a biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, MAY 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. on Monday, May 9. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 3, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, May 9, the Senate will resume consideration of the highway bill. We have made some progress on the bill this week, and we will continue our work when we return. I encourage Senators who wish to offer amendments to contact the bill managers over the next week so they can schedule time for floor consideration. Senators should expect one or more rollcall votes in relation to amendments to begin at 5:30 p.m. on Monday, May 9.

In addition to the highway bill, it is my hope that the conference report to accompany the Iraq-Afghanistan supplemental appropriations bill will be available upon our return. It is my intention to move to this conference report as soon as it becomes ready.

I would also like to congratulate the chairman of the Budget Committee once again on completing work on the fiscal year 2006 budget resolution. It was just a few minutes ago that we were able to adopt the conference report, and Senator GREGG should be complimented for his hard work and his diligence.

ADJOURNMENT UNTIL MONDAY, MAY 9, 2005, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 29.

There being no objection, the Senate, at 1:26 a.m., adjourned until Monday, May 9, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 2005:

DEPARTMENT OF STATE

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE FRANCIS X. TAYLOR, RESIGNED.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE FRANCIS X. TAYLOR, RESIGNED.

JOSEPH A. MUSSOMELI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF HOMELAND SECURITY

RICHARD L. SKINNER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE CLARK KENT ERVIN.

DEPARTMENT OF EDUCATION

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE LAURIE RICH, RESIGNED.

DEPARTMENT OF JUSTICE

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RAYMOND W. GRUENDER, RESIGNED.

DEPARTMENT OF STATE

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE PATRICIA DE STACY HARRISON.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 28, 2005:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF VETERANS AFFAIRS

JONATHAN BRIAN PERLIN, OF MARYLAND, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

DEPARTMENT OF TRANSPORTATION

PHYLLIS F. SCHEINBERG, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

JOSEPH H. BOARDMAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

CONSUMER PRODUCT SAFETY COMMISSION

NANCY ANN NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2005.

NANCY ANN NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2005.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

WILLIAM COBEY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2010.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DANIEL FRIED, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS).

THE JUDICIARY

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM R. LOONEY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ARTHUR J. LICHTE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT D. BISHOP, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER A. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. HAMEL

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN C. INGLIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DELL L. DAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID W. BARNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONNA L. DACIER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ABNER C. BLALOCK
BRIGADIER GENERAL DAN M. COLGLAZIER
BRIGADIER GENERAL BRUCE E. DAVIS
BRIGADIER GENERAL JESSICA L. WRIGHT

To be brigadier general

COLONEL LOUIS A. ABBENANTE
COLONEL PETER M. AYLWARD
COLONEL JOHN E. DAVOREN
COLONEL JOSEPH B. DIBARTOLOMEO
COLONEL KEVIN G. ELLSWORTH
COLONEL BRUCE C. FRANDSEN
COLONEL JOHN S. HARREL
COLONEL DUDLEY B. HODGES III
COLONEL DENNIS E. JACOBSON
COLONEL DAVID L. JENNETTE, JR.
COLONEL CALVIN S. JOHNSON
COLONEL WILLIAM J. JOHNSON, JR.
COLONEL EDWARD A. LEACOCK
COLONEL HENRY C. MCCANN
COLONEL JOHN M. PERRYMAN
COLONEL JACKIE S. SWOPE
COLONEL RANDAL E. THOMAS
COLONEL LARRY W. TRIPHAHN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C.,SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN P. BASILICA, JR.
BRIGADIER GENERAL RICHARD M. BLUNT
BRIGADIER GENERAL DANNY H. HICKMAN
BRIGADIER GENERAL LAWRENCE F. LAFRENZ
BRIGADIER GENERAL MICHAEL B. PACE
BRIGADIER GENERAL GARY A. QUICK
BRIGADIER GENERAL GLENN K. RIETH
BRIGADIER GENERAL DONALD C. STORM
BRIGADIER GENERAL ANTONIO J. VICENS-GONZALEZ
BRIGADIER GENERAL WILLIAM H. WADE II
BRIGADIER GENERAL RONALD G. YOUNG

To be brigadier general

COLONEL ROOSEVELT BARFIELD
COLONEL FRANK E. BATTS
COLONEL LAWRENCE W. BROCK III
COLONEL DENNIS L. CELLETI
COLONEL AUGUSTUS L. COLLINS
COLONEL TERRY R. COUNCIL
COLONEL LESTER D. EISNER
COLONEL FRANCIS P. GONZALES
COLONEL JOE L. HARKEY
COLONEL GARY M. ISHIKAWA
COLONEL ALBERTO J. JIMENEZ
COLONEL FEDERICK J. JOHNSON
COLONEL THOMAS H. KATKUS
COLONEL RANDALL A. KOCHERSPERGER
COLONEL DAVID A. LEWIS
COLONEL MICHAEL R. LIECHTY
COLONEL RANDY E. MANNER
COLONEL JEFFERY E. MARSHALL
COLONEL MABRY E. MARTIN
COLONEL THOMAS D. MILLS
COLONEL OLIN O. OEDEKOVEN
COLONEL FREDRIC D. SHEPPARD
COLONEL ROBERT J. UDLAND

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN E. BARNETTE
BRIGADIER GENERAL WILLIARD C. BROADWATER
BRIGADIER GENERAL DAVID P. BURFORD
BRIGADIER GENERAL RONALD S. CHASTAIN
BRIGADIER GENERAL STEPHEN D. COLLINS
BRIGADIER GENERAL DALLAS W. FANNING
BRIGADIER GENERAL JAMES E. FLETCHER
BRIGADIER GENERAL TIMOTHY M. KENNEDY
BRIGADIER GENERAL MITCHELL R. LECLAIRE
BRIGADIER GENERAL JOHN W. LIBBY
BRIGADIER GENERAL RANDALL D. MOSLEY
BRIGADIER GENERAL CHARLES G. RODRIGUEZ
BRIGADIER GENERAL PERRY G. SMITH
BRIGADIER GENERAL WILLIAM D. WOFFORD
BRIGADIER GENERAL EDWARD L. WRIGHT
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL MARCELO R. BERGQUIST
COLONEL BARBARANETTE T. BOLDEN
COLONEL ELIZABETH A. BOURBEAU
COLONEL ROBERT G. CARMICHAEL, JR.
COLONEL STEPHEN C. DABADIE
COLONEL ROBERT J. FELDERMAN
COLONEL BRIAN W. GOODWIN
COLONEL JOHN L. GRONSKI
COLONEL MATTHEW L. KAMBIC
COLONEL WILLIAM F. KUEHN
COLONEL GERALD E. LANG
COLONEL ROBERT E. LIVINGSTON, JR.
COLONEL VERNON L. LOWREY
COLONEL JOSE S. MAYORGA
COLONEL MATTHEW A. MCCOY
COLONEL TERRY W. SALTSMAN
COLONEL JOYCE L. STEVENS
COLONEL EDDY M. SPURGIN
COLONEL CHARLES L. YRIARTE
COLONEL GREGORY J. ZANETTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL R. EYRE

To be brigadier general

COL. JIMMY E. FOWLER
COL. SANFORD E. HOLMAN
COL. DAVID A. MORRIS
COL. WILLIAM D. WAFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN L. BELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK W. BIRCHER
COL. JOHN M. CROLEY
COL. DARRELL L. MOORE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. MICHAEL G. MULLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. HENRY G. ULRICH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN D. STUFFLEBEEM

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN M. ALLEN AND ENDING WITH THEADORE L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH REBECCA L. BROWN AND ENDING WITH DAWN E. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS L. BEATTY AND ENDING WITH MICHAEL G. SCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GARY D. BROWN AND ENDING WITH LARRY D. YOUNGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH PHILIP A. BARKER AND ENDING WITH DONALD R. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH J. AIGNERVAROZ AND ENDING WITH DOREEN F. WILDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CALVIN N. ANDERSON AND ENDING WITH MICHELE R. ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

AIR FORCE NOMINATION OF ROBERT B. ROTTSCHAFER TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF CHRISTINE A. LIDDLE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JOHN J. KUPKO II TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GREGG W. ALLRED AND ENDING WITH ALBERT C. OESTERLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2005.

AIR FORCE NOMINATION OF STEPHEN E. VANGUNDY TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF BRETT L. SWAIN TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH CECIL D. ALLEN AND ENDING WITH WAYNE E. KOWAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH THOMAS E. BERON AND ENDING WITH KENNETH J. VEGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH BRAD K. BLACKNER AND ENDING WITH MARVIN A. ZERR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. BOUCHARD AND ENDING WITH DEBRA A. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH GREGORY L. DANIELS AND ENDING WITH MICHAEL D. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATION OF CINDY W. BALTRUN TO BE MAJOR.

ARMY NOMINATION OF RICHARD L. URSONE TO BE MAJOR.

ARMY NOMINATION OF THANH MINH DO TO BE MAJOR.

ARMY NOMINATION OF LORINE LAGATTA TO BE MAJOR.

ARMY NOMINATION OF GARY ZEITZ TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SUNNY S. AHN AND ENDING WITH ERIC W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LISA M. AMOROSO AND ENDING WITH SAMUEL L. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH STEVEN B. ANDERSON AND ENDING WITH COLIN S. TURNNIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER B. ACKERMAN AND ENDING WITH CHARLES D. ZIMMERMAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH HERMAN A. ALLISON AND ENDING WITH HEATHER L. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF WILLIAM L. RUMBLE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF AMY V. DUNNING TO BE COLONEL.

MARINE CORPS NOMINATION OF DAVID J. WILSON TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF MICHAEL AKSELRUD TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES R. BAUGHN AND ENDING WITH PHILLIP J. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

HOUSE OF REPRESENTATIVES—*Thursday, April 28, 2005*

The House met at 10 a.m.

Dr. Ivan N. Raley, Pastor, First Baptist Church, Byrdstown, Tennessee, offered the following prayer:

Our heavenly Father, as we gather in this historic and honored hall, with these whom You have chosen and our Nation has elected to serve in their place here in this special city, we come, Lord, humbly and devotedly before You.

Father, we are reminded in Your Word where a man who had been sick for 38 years met Your Son, Jesus, and when He met him and was asked if he would be made whole, he said he had no one.

Father, I believe that across this great Nation of ours there are tens of thousands of people who are looking to the men and women of this great hall and this great body and are saying, as clearly as the layman 2000 years ago, we need someone.

Father, touch each of these who have been elected, ordain them as Your servants and use them gloriously this day. May their voice be Yours. May their decisions be Yours.

Father, God bless this body. God bless America.

In Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IN RECOGNITION OF DR. IVAN RALEY

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today in proud recognition of Dr. Ivan Raley. Dr. Raley is a native Tennessean who has selflessly served the people and the State of Tennessee as a pastor for the last 30 years. My local church, the First Baptist Church in Byrdstown, has been blessed as the home of Dr. Raley for the last 3 years, and today, following in the tradition established by Benjamin Franklin and our Founding Fathers, Dr. Raley delivered the opening prayer to the United States House of Representatives.

In addition to serving as pastor of my local church, Ivan Raley works as regional vice president of the Tennessee Baptist Children's Home, Inc. The Tennessee Baptist Children's Home was founded in Nashville, Tennessee, in 1891 to provide residential care to orphaned, neglected, abandoned and abused children while helping them become whole persons in the name of the Lord.

In my opinion, Dr. Raley is a rare individual who truly believes in serving his fellow man. By tirelessly spreading the message of faith, hope and caring for others, Dr. Raley has been able to help thousands of Tennesseans seek comfort in the Lord's arms. Dr. Raley understands that words like morals, values and faith are not just punch words that should be used shallowly for personal gain, but rather, they should be the foundation and driving force of every human life.

Dr. Raley knows that love lives in the heart of every individual, whether they be friend or stranger, and that when we know and accept this love, we will understand the blessing of life that God has given us.

I thank Dr. Raley for all he as done for me and my family and all he continues to do for the orphaned children in Tennessee.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

PUNTA GORDA POLICE DEPARTMENT STARTS ADOPT-AN-OFFENDER PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the news coming out of Florida is distressing, the brutal murders and abductions of young girls.

Punta Gorda Police Department started a new program yesterday, Adopt-An-Offender, where police officers are placed with sexual offenders in the new program.

In a press conference Tuesday afternoon, Police Chief Chuck Rinehart commended all the officers of his department for 100 percent participation.

After the recent murder, said the chief, of Jessica Lunsford, in Citrus County, the Punta Gorda Police Department decided they were unsatisfied with the way they were handling local sex offenders. The result was this program.

He said, "We will work hand-in-hand with our local probation and parole officers to ensure that offenders and predators are following the lines drawn for them. The bottom line to offenders and predators: Don't cross the line."

St. Lucie County Sheriff Ken Mascara and Under Sheriff Gary Wilson have had a similar program for some time.

I commend both of these agencies for their proactive leadership and urge all cities and counties to follow their lead. It is time we get tough. We should not expect people to register. We should be pursuing them. We should be following them. If they break the law, they should be back in jail.

IT IS TIME TO GET OUT OF IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, yesterday's Washington Post carried two pages of pictures of our brave young men and women who were killed in Iraq.

This war is an abstraction for most Americans, but not for the families of those who made the ultimate sacrifice. The fallen soldiers' contributions will never be diminished. What they stood for is in the highest service to this Nation.

But we must ask questions of those who sent them, of those who would

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

keep our troops there, of those who would send even more troops, of those who say, well, now that we are there, we must stay there. Such logic would have left us still fighting a war in Vietnam.

How can we move on to other matters in this Capitol when we are sending more men and women to die in a war that was based on a lie? This war has forever altered the lives of tens of thousands of families in this country and hundred of thousands in Iraq.

Enough is enough. It is time for an exit strategy. It is time to get out of Iraq.

WASTED PRESCRIPTION DRUGS

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, imagine this: A person in a nursing home receives a prescription for a 90-day supply of medication. A few days later, the physician changes that. What happened with those unused drugs? They are thrown away.

Millions of Federal and State dollars could be saved by restocking unused prescription drugs that are often thrown away by long-term care facilities when a patient changes prescriptions, passes away, is discharged or transfers.

What if these drugs could be restocked and safely used?

It has been estimated that restocking unused medications may save as much as $1 billion among the elderly Americans each year and up to $380 million in long-term care facilities alone.

The FDA issued an informal opinion allowing the restocking of drugs that meet safety guidelines; however, there is still wide disparity between what the States are doing. This confusion is costing the States and the Federal Government money.

Rather than flushing drugs down the drain each month and wasting money, I urge my colleagues to work with me and the States on uniformed standards for restocking drugs and to examine the new savings that can save money, improve lives, and improve health care.

For further information, I ask my colleagues to check out my Web site at murphy.house.gov of ways we can continue to save lives and money.

MEDICAID CUTS IN THE BUDGET

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, 44 Republicans wrote to the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, protesting the Medicaid cuts included in the House budget they had recently voted for. Their letter says, "We strongly urge you to remove these reductions and the reconciliation instructions targeted at Medicaid."

Their letter correctly notes that the policy should drive the budget and not the budget the policy. That is a good idea. Unfortunately, it seems like one that will not be followed in the impending budget deal.

I hope, Mr. Speaker, that if the budget conference report contains Medicaid cuts, these 44 Republican Members will not buckle to the pressure of the Republican leadership.

We all need to stand firm. Just issuing a letter against cuts in a budget you just voted for is not enough. It is important to follow up by not voting for the final bill if it contains the cuts you say you are against.

Cuts to Medicaid of this magnitude are going to have real harm to millions of real people. We should reject any budget that indiscriminately calls for millions of dollars in cuts to Medicaid.

LEGISLATIVE ACHIEVEMENT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, it is hard to tell by reading the front pages of papers across the country, but the House has been racking up legislative accomplishments, one after another after another, most of the times with growing bipartisan support.

Look at just a few of the accomplishments in the first 100 days of this Congress.

Legal reform. The Class Action Fairness Act addresses the most serious lawsuit abuse by allowing larger interstate class action cases to be heard in Federal courts with a Consumer Class Action Bill of Rights.

Border security and immigration reform. The REAL ID Act completes the work of the 9/11 Commission recommendations by implementing reforms to strengthen our border security and better protect our homeland.

The death tax repeal. The permanent repeal of the death tax ends the unjust and unfair tax on millions.

Mr. Speaker, it is a great pleasure and a welcome sight to me to see my colleagues on the other side of the aisle join us to do the people's work. Let us continue that good work and tackle Social Security and tax reform.

THE REPUBLICANS' BUDGET ON AFRICAN AMERICAN AND HISPANIC COMMUNITIES AND CHILDREN

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, the Democratic leadership just released two reports that make clear just how much damage the Republican budget will do to the African American and Hispanic communities, as well as to children.

This budget fails to deliver $12 billion in proposed funding for education. If the President really meant that no child would be left behind, why are 3 million children not getting the help in reading and math that they deserve?

The budget fails to make health care accessible. With more than 20 million African Americans and Hispanics without health insurance, the Bush budget offers health care cuts that will increase the number of the uninsured.

President Bush claimed that his Social Security privatization plan would benefit African Americans because we have shorter life expectancies. The budget makes it clear that the President would rather exploit this issue to sell his privatization scheme than do something to help African Americans live longer.

This budget creates deficits, not jobs, and it favors tax cuts for the rich over making the American dream more accessible to all. Every American deserves better.

□ 1015

FIRST 100 DAYS OF CONGRESS MARKED BY LEGISLATIVE ACHIEVEMENT

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, in a community where overreaching and puffery is a state of art, it is always dangerous to begin to talk about things we have actually accomplished, but I want to join my colleague from Georgia in bragging about what this House has done in its first 100 days.

The leader of this House, the gentleman from Texas (Mr. DELAY), is in no small part responsible for the aggressive legislative agenda that we have accomplished. In addition to those acts that the gentleman from Georgia (Mr. PRICE) mentioned, we have also passed a supplemental appropriations act to provide the necessary funding for the fight in Iraq and Afghanistan and to continue the fight on the war on terrorism.

We have also passed and sent to the Senate a budget resolution, which includes reconciliation for the first time since 1997. We have also passed a highway bill, which will provide needed infrastructure improvements and growth for this country for the next 6 years. Again, sent to the Senate and we are awaiting their action. We have also passed and had the President sign a bankruptcy reform bill as well as the class action lawsuit reform.

So this House, in the first 100 days, has accomplished much and I am proud to be a part of that: and we should thank Leader DELAY for his leadership in that regard.

30TH ANNIVERSARY OF THE FALL OF SAIGON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker. I rise today in support of all the individuals who are taking part in events in this Nation's Capital. in Orange County. California, and all across our Nation to observe the fall of Saigon on April 30.

April 30, 1975, marked the beginning of a journey for many who sought refuge in an unknown land and an uncertain future. These individuals risked everything for a chance to live freely and provide better opportunities for their children and for their families.

In the 30 years since, most Vietnamese Americans have been able to rebuild their lives and to contribute to the diversity of this Nation. The world has changed since that fateful day: but one thing remains constant, Vietnamese Americans work tirelessly to promote freedom and democracy in Vietnam.

As we reflect on the anniversary, please join me and Vietnamese American communities in honoring the memory of those who lost their lives in this conflict and in celebrating the contributions of Vietnamese Americans across our Nation.

NORTH COLLEGE HILL TROJANS CELEBRATE STATE BASKETBALL CHAMPIONSHIP

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker. this year in the State of Ohio's own version of March Madness, one team in my district, the North College Hill Trojans, celebrated the school's first State basketball championship by defeating second-ranked Ironton 71 to 65.

The Trojans left no doubt in people's minds that they were the best Division III basketball team in the State of Ohio, capping off an amazing 27 to 1 record by winning its final 21 games. Something tells me that the State of Ohio is going to be hearing a lot more from North College Hill in the years to come.

Four of the team's five starters were freshmen and sophomores, led by Ohio Mr. Basketball and first team All-USA Today team honoree O.J. Mayo. I want to congratulate head coach Jamie Mahaffey and all the rest of the coaching staff and every member of the North College Hill team on a job well done. I also want to congratulate the parents and the students and the fans for a great season.

Mr. Speaker, I would not at all be surprised if I am up here again next year at this time congratulating North College Hill on winning back-to-back State basketball championships.

SOCIAL SECURITY

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, Social Security is one of the most successful programs ever enacted by Congress. Through its guaranteed benefits and reliability, it has saved tens of millions of seniors from a life of poverty during their most vulnerable years.

To appreciate fully the importance of Social Security, one need only to have our grandparents talk about the tragic lives of many of our seniors prior to the 1935 passage of the Social Security Act. Yet the President's current proposal fails in its protection of our Nation's seniors by sacrificing the reliability of Social Security benefits for the highly risky scheme of private accounts, subject to the unpredictable fluctuations of the stock market. For that reason, it is no accident that seniors across the country are opposed to the President's ill advised and extremely risky Social Security proposal.

Let us reject the President's ideas and instead draft a plan to ensure the long-term solvency of Social Security and again give Americans the safety and confidence they have long enjoyed from the Social Security System.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM. Mr. Speaker. by the direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of April 28, 2005 (1) providing for consideration or disposition of a conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 or (2) establishing a separate order relating to budget enforcement.

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the ranking member of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker. House Resolution 242 is a same-day rule. It waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

H. Res. 242 allows the House to consider the rule and conference report accompanying H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 or establishing a separate order relating to budget enforcement.

Mr. Speaker, it is imperative we pass this same-day rule so that we may consider the congressional budget resolution today. Once the House completes consideration and passes the budget, we can send the budget resolution to the Senate. The Senate will then be in a position to consider, and hopefully pass, the budget resolution on Friday, before they recess next week.

I am pleased and excited at the prospect of the passage of this budget. For the first time since 1997, the budget includes reconciliation instructions to authorizing committees, calling for the reduced rate of growth of mandatory programs. Mandatory spending is the guaranteed spending that grows every year, mostly without reform or review. It currently consumes 55 percent of our budget: and if it continues unchecked, it will reach 61 percent of the total Federal budget by 2015.

More than half of the government's spending today is essentially on automatic pilot. This is neither sound nor sustainable fiscal policy. Congress is on its way to losing control over the spending priorities that the people send us here to debate and review and vote on as entitlements squeeze the budget more and more. Reconciliation instructions are the critical step to beginning the process of getting mandatory spending back to a sustainable rate of growth.

These savings are an excellent precedent. My hope is that reconciliation instructions become a standard practice in this time of deficits. With budget deficits, it is imperative to get a handle on all spending, both discretionary and mandatory. This budget is an inauguration of true fiscal discipline in a period of restrained spending.

I want to commend the Committee on the Budget and its staff for their hard work through the night to get this budget resolution finished so that we may consider it today in preparation for the recess that the Senate intends to take next week. The House will be back to work next week.

The House Committee on Rules will be meeting later today to provide a rule for the consideration of the budget resolution. I am pleased that this same-day rule will help facilitate the timely deliberation of our budget. Mr. Speaker, I urge my colleagues to support this same-day rule so that we can move forward to the rule and eventually on to the conference report on the budget today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM), my good friend, for yielding me the customary 30 minutes; and I yield myself such time as I may consume.

Mr. Speaker, well, here we are doing another martial law rule and we wait and wait for the conference committee to finish its work, the conference committee that, I might add, did not include a single Democrat, which is unusual. Let me say that again. This conference committee we are waiting for did not include a single Democrat.

Whenever we do a rule to waive two-thirds consideration, it means we will be rushing the underlying bill to the floor, giving the Members virtually no time at all to actually read the bill or determine what it is we are voting on. This time, we are waiting for the fiscal year 2006 budget conference, a bill that will spend more than 2 trillion taxpayer dollars.

Why are we rushing something that is so important and impacts virtually every American? Why do we not just follow the regular order of business set forth in the House rules and let the conference finish its work and file its report and give Members a minimum of 3 days, required by House rules, so they can read and understand the blueprint for spending the taxes? Is that too much to ask? After all, we only have a 2½-day workweek in the House, and certainly most Americans would not consider that a heavy workload, not compared to the ones they have anyway.

The situation we are faced with today is one that is all too familiar in the House. Yesterday, after 4 months of stonewalling, the majority finally acquiesced and reinstated the proper ethical standards for the House. But we did not find out about their intentions until the early afternoon. And less than 45 minutes later, we were in the Committee on Rules and asked to vote on a resolution we had never been given an opportunity to read.

When the gentleman from Florida (Mr. HASTINGS) made a motion for a brief adjournment from the Committee on Rules to give members and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, time to read the new rules they were being asked to support, we were defeated on a party-line vote.

The bottom line, the majority, after 4 months, decided the new ethics rules had to be passed on an emergency status, in one day; and as a result, no one in the House was given an opportunity to read the legislation.

Where are these emergencies coming from? It is not an emergency the first week of January or February or March, or the first three weeks in April. And, unfortunately, these tactics and the poor administration of the House are all too common. Today, we are faced with a similar situation on the budget. The situation is sadly all too familiar to the Members of the body: a great crisis has arisen.

The majority expects the House to pass a budget today that no one has seen, and I would like to give a speech right now about what is and is not in that budget, but I am not able to because I have not seen the budget, nor has anyone else, not even the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget. It is truly a remarkable phenomenon that can only be found in Washington.

I guess this majority believes we should take everything they say at face value and we should trust them. However, we have had enough experience to know all too well we cannot do that. In fact, just yesterday on this very floor we discussed how the Committee on the Judiciary's majority staff grossly mischaracterized the work of several Democratic members of that committee. It was truly one of the most offensive acts I have witnessed in my 20 years in Congress and years before that in legislative bodies. And that was just yesterday.

☐ 1030

In fact, early in the term I released a 147-page report about the unethical administration of the Congress by its leadership, filled to the brim with tactics just like the one we witnessed this past week and the one we are suffering under today.

That is why I have said and will continue to say that the manner in which this House is administered is not in keeping with democratic values that we as Americans share. We have a shortage of deliberation, democracy, and debate in the House of Representatives, and there is no relief in sight.

In fact, the leadership is asking this body to pass the congressional budget today, a bill which is probably the most important document we will pass in the entire session of the 109th Congress without even a single sheet of paper, and without even one day to review the hundreds of pages contained in the bill. It is the height of arrogance. This is not democracy under any definition of the word, and that is why I strongly oppose this rule and urge my colleagues to vote "no."

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

To the gentlewoman from New York (Ms. SLAUGHTER), my good friend and distinguished colleague, I can certainly understand the gentlewoman's desire to read the completed conference report. I would just point out that the same-day rule was passed last night in the Committee on Rules as an accommodation to the entire House so we can facilitate the work, enable the budget conference report to be passed out of the House so that it can go to the Senate; because the Senate, apparently in need of a respite from their legislative productivity of the last several weeks, will be taking next week off.

So in order to get the budget process moving and give the Federal Government and the American people a blueprint of our priorities, we wanted to move this as expeditiously as possible and out of consideration for all Members to be able to get home to their districts and have the budget conference report get to the Senate and be passed out as soon as possible.

I certainly understand the gentlewoman's concern. I would like to see the conference report completed as quickly as possible. We fully expect that it will be today. The Committee on Rules will meet again where the gentlewoman and our other colleagues on the Committee on Rules will be able to consider the rule for the consideration of that conference report.

As to the facts and figures in the budget, apparently they are available as we heard during the 1-minute speeches from colleagues on the gentlewoman's side of the aisle. There were a number of challenges and concerns and problems that were discussed in disagreement with the proposed budget, so I assume that some Members have managed to find the facts and figures and statistics that they are using to urge opposition to the budget. Apparently those figures are available.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me respond to the gentleman from Florida (Mr. PUTNAM) by saying his party controls the White House, the House, and the Senate. We should be able to expect a better, smoother process here. We should not have to be going to martial-law rules where we are going to bring up a budget on the same day when Members will not have a chance to go through it and read it.

A lot of us are getting our information from the newspapers because we do not get very much information from the other side of the aisle, and the newspapers tend to know more than we do, unfortunately.

We need to figure out a way, or the Republicans should figure out a way, since they control everything, to work better with themselves so we do not have to have a situation where major pieces of legislation come to the floor like this under same-day martial-law rules.

Mr. Speaker, I yield 7 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this is an outrage. This resolution shows nothing but contempt for the deliberative processes of the House. More than a month has passed since the House passed the Republican budget resolution by a narrow margin on this floor. In the House and in the Senate the budget resolution this year was on a fast track. We had minimal witnesses, fewer than any time I can recall; all, ostensibly, to get the work done by the Easter break.

Well, it has been a case of hurry up and wait. More than a month has passed. Only 2 days ago, after wasting a month, were conferees finally appointed; and yesterday we had our first and only conference committee meeting which essentially was a formality, a gesture taken to bless a done deal, because as we met, a conference report, without a conference committee, had been negotiated over the last 30 days and was coming close to agreement. All we met for was to give some semblance of collaboration to the budget process, but there has been absolutely no collaboration and no transparency.

We have second-hand reports as to what may be in this budget resolution coming here today which provides for the expenditure and the taxing of $2.6 trillion. That is what we are treating with such haste today. We have a little bit of insight into what it may contain, but we will not know until we can examine the budget resolution. And I was told last night by the chairman of the committee that we could not expect the conference report to come to the floor before midday because numerous changes had been negotiated into the agreement. I understand that. I simply would like the opportunity to examine the changes and weigh the bill in its entirety. This is no way to do the people's business. It is not the process that we all agreed upon.

When we laid down the House rules, we said when Members want to bring a conference report of consequence to the floor, it has to lay over for 3 days. That is being waived here today. This is not some inconsequential piece of legislation. We are not naming a Federal building here, we are deciding how we do the people's business with respect to the allocation of $2.6 trillion. It comes to this floor minutes after it has been filed, maybe an hour or two. This is no way to deal with something so consequential.

We have only minutes to flip through this conference report and find out what does it do to Medicaid. We had a very impassioned debate on the House floor just 2 days ago. We showed 44 Republican Members who had written a letter to their leadership saying do not whack into Medicaid. It is the health care of last resort for the neediest among us. If we are going to make changes, be careful.

Mr. Speaker, 44 Republican Members and an overwhelming majority voted that sentiment on the House floor, just as the Senate did when they eliminated the Medicaid cuts that were in the resolution that passed the House. What does it do to Medicaid? My strong suspicion is we will find that the will of this House and Senate has been ignored and that substantial cuts have been made in not just Medicaid but in Medicare, and in student loans and veterans health care, supplemental security income, the earned income tax credit, and other programs for the working poor. We will have minutes to find out what this resolution does.

It will be argued here on the House floor that all of these cuts are necessary because we have such a big deficit. Therefore, we have to cut the spending of this country, including entitlement programs on which people depend, in order to diminish the deficit. But the truth is this budget resolution, I fully expect, will be like the House resolution that passed a month ago and like the Senate resolution and like the President's budget, it will add to the deficit. It will not diminish the deficit. These cuts will not go to the bottom line. They will be used to offset tax cuts that are being proposed, once again knowing full well that these tax cuts will go straight to the bottom line and swell the deficit and make it larger. They want to do some tax cuts that will offset, at least partially, the effects of these tax cuts on the bottom line. But this budget resolution will make the deficit worse, not better. There is no question about it.

We do not have the opportunity to get here on the House floor and examine and explain that to people. I think it is fair to ask, for example, how do we justify a budget with a deficit of $427 billion this year and every year that this budget covers, all 5 years, how do we justify additional tax cuts that add to that deficit? And how do we run the government when we continually cut taxes?

One answer which is adopted and used in this budget resolution and on which we should debate closely on this House floor is you dip into the Social Security trust fund which has a surplus of $160 billion and use payroll taxes to make up for the income taxes that you are cutting and diminishing, and that is exactly what this budget resolution does.

So why is it not coming to the floor in the deliberate processes as prescribed by the House rules? Because they do not want the public or the House to see that this conference report does not reduce the deficit, it adds to the deficit. They do not want the House or the public to see that this conference report raids Social Security once again. It does not make Social Security solvent, it is a step backwards from solvency. They do not want the House to see or the public to see that this conference report will cut help to the working poor, it will cut inner-city and rural hospitals that depend on Medicaid, it will cut students loans and EITC. They do not want them to see that this is a budget resolution in name only. There is no plan and there is no process for reducing the deficit. That is why they are overriding the process of this House and showing such contempt for the deliberative procedures that we have laid down.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I certainly respect the views of the distinguished ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT), who has worked very hard on the blueprint for the Federal Government. He enjoys an exceptional working relationship on the House Committee on the Budget. I think it has worked as well as that committee can possibly work under the gentleman's leadership and the chairmanship of the gentleman from Iowa (Mr. NUSSLE).

I would just say, as a conferee he is probably privy to more information about the status of the blueprint than I am, having been in the meeting and having been one of the three House conferees. Representing a third of our entire representation on that body, he certainly has had access to the information about the differences between the House views on the budget and the Senate views on the budget, and he has articulated them well.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I have not been to a conference meeting where we discussed the contents of this. This is not a collaborative process, this is a unilateral process which makes it all the worse, to bring the conference report to the floor and cram it down, giving us no time to examine its contents.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, I would simply point out the gentleman making up one-third of the entire delegation to the conference committee, the ranking member has certainly been a greater participant in that conference role than members on the majority side, other than the chairman and the gentleman from Wisconsin (Mr. RYAN).

Mr. Speaker, I know there is some interest on the part of both parties about the schedule for today and tomorrow as it relates to consideration of the budget conference report. We are considering the same-day rule now allowing an hour of debate. We will take up the rule, and then of course be able to debate the conference report.

After consulting with the majority leader, I can say with a strong level of confidence that we will not have votes tomorrow. The Committee on the Budget chairman has indicated he will have a conference report ready to file within the next hour or so, and we would hope to consider this conference report later this afternoon and conclude votes for the week by late afternoon or early evening, giving Members an opportunity to return to their districts.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. PUTNAM) for clarifying the schedule, but it just seems to me that a budget resolution that deals with over $2.5 trillion deserves a little bit more attention by each Member in this House than what the leadership on that side of the aisle is giving us.

As the gentleman from South Carolina (Mr. SPRATT) pointed out, we have rules in this House that the other side of the aisle continues to break. One of those rules is that we are supposed to be able to read the legislation before we vote on it. We are supposed to understand what the impacts are. I would think that a concern on not only our side of the aisle, but I would think there are thoughtful Members on the gentleman's side of the aisle who would want to read and understand what the budget conference has decided. We are not going to know until this budget is filed. It is just frustrating. This is a big deal.

The other side of the aisle routinely waives the rules on major pieces of legislation and Members on both sides of the aisle have no idea what they are voting on. There are just the sound bites which the Republicans put on on how they defend this budget.

As the gentleman from South Carolina (Mr. SPRATT) pointed out, we are concerned that the budget resolution conference report is expected to mirror the President's budget by using every penny of the Social Security trust fund surplus to help finance the deficits that the other side has produced. That in our opinion is unacceptable.

This whole process is just bad. I wish this were just the exception to the rule, but it has become a pattern in this House. I know that your party is in control, but for the life of me I cannot understand why you want to undercut a deliberative process. What is wrong with having Members understand what they are voting on, participate in the debate and read the legislation? That should not be too much to ask; and, unfortunately, we are going to be denied that opportunity.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

□ 1045

Ms. SOLIS. Mr. Speaker, I want to thank our ranking member on the Committee on Rules for yielding me this time for the opportunity to speak.

Mr. Speaker, I rise in opposition to the fiscally irresponsible Republican budget that is being presented here today. The Republican-passed budget claims to cut the deficit in half within 5 years, but instead will actually provide for a $150 billion worse deficit over 5 years.

And I hope that the American public is paying attention and will understand that the Bush administration and the Republican majority refuse to finance priorities that matter most to Americans, like jobs, cleaning the environment, and guaranteeing good health care.

The Republican budget will severely damage our Nation's health care system by cutting Medicaid by $10 billion. Medicaid is so important in my district. It helps to provide coverage for millions of low-income and elderly and disabled Americans. Medicaid cuts would shut the neediest individuals out of the public health insurance system and severely impact Latinos across the country.

Latinos have the highest uninsured rates. One out of every three Hispanics is without health insurance. Latinos are already marginalized from our Nation's safety net programs because they have been severely cut back. Despite this national tragedy, the proposed Republican budget would cut billions from Medicaid while doing nothing, or minimally nothing, to help health care to become more affordable for Americans. Medicaid cuts will shift costs to the States, and beneficiaries or health care providers, many of the doctors that serve in my district, will not receive sufficient funds to provide services to the very needy. And I have heard this over and over and over again, and we must stop the hemorrhaging. States will be forced to reduce Medicaid coverage or benefits, increasing the number of low-income Americans, not only Latinos but African Americans, who are uninsured and underinsured.

We must protect Medicaid and maintain the current Federal commitment to the public health insurance system. The low-income families in my district and throughout the country need to know that these programs can be there so that they can depend on them.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important, when we begin to talk about inside-the-ballpark language, why we come to the floor of the House and challenge this process. It is almost like for those who have been in school to be taught a lesson at 9 o'clock in the morning and asked to take a 3-hour exam at 9:30 a.m. Although one may be very bright, it is important to deliberate and study, maybe digest, even, the information that is given.

Tomorrow I will meet with my constituents to talk with them about the devastating pathway that we have taken on Social Security, and now today I have to debate a budget resolution that has not even been given the light of day. No one has had the opportunity to review and find out whether or not this destructive Republican budget resolution undermines the very infrastructure of Social Security that is so very important to the American people.

We already know that after 60 days on the road that the administration has failed to convince anybody that the right way to go is a private savings account rather than finding a way to make Social Security solvent, for whether or not one is 21 years old or 30 years old or 100 years old, if we are granted to live that long, Social Security is necessary. This budget resolution makes the wrong choices. They have made the choice to give out reckless tax cuts, not the kind that help to shore up middle-class Americans; and while they make that choice, they then make another choice to underfund Social Security.

That is what is wrong with this budget resolution: the continuing use of moneys that should be utilized for Social Security. Of course, as we take dollars out, we have got an indebtedness on behalf of the United States of America. The crisis, of course, is that our President has gone to West Virginia and said that does not count. We Democrats believe we can put a budget resolution that provides solvency for Social Security, funds Medicaid, eliminates a $60 billion cut that will throw senior citizens out of nursing homes across America, and we believe that we can fund education and provide the resources that we need for our veterans and stop closing veterans hospitals.

But the choices over here are an insolvent Social Security, a $60 billion cut in Medicaid, and closing the doors on our veterans.

I have not taken a servicemen's oath, but when I listen to a young veteran talk to me about the oath of service or the oath that our soldiers take, willing to give the ultimate sacrifice, then I think today we need a little bit more light on this budget resolution to allow us to give a little bit more dignity to the returning veterans, the injured soldiers coming back as amputees, the widows and widowers who lost their loved ones who deserve to be funded for the rest of their lives.

There are flaws in this conference report; but most importantly, there is a major flaw in this budget. And I would hope that we would have the good sense to turn this back and give us the opportunity to serve the American people.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I just marvel that in this deep dark process that we are engaged in enough light has been cast to find all of the flaws in the budget. So on the one hand, there are tremendous problems with the budget that will be presented in the budget; and on the other hand, we do not know what is in the budget because there has been inadequate time.

I submit that the gentleman from Massachusetts (Mr. McGovern) was right when he said that this is a big deal, it is an important issue. Having a blueprint, having a budget resolution for the Congress is hugely important so that we may avoid the omnibus at the end of the year, which also is open to the criticism that it is difficult to find everything that is in it when we have to pass and manage the government in that way. And the budget resolution lays forth a blueprint that enables the Committee on Appropriations to do their work and enables the American people to know what the priorities of their government are for that fiscal year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

I appreciate the tone of this debate, frankly. We have substantive disagreements. But the point that I was making about the light of day, and there certainly have been hearings. There is a conference report. But I believe that when they come to the floor and ask for a same-day consideration, they leave out the vast numbers of Members of the United States House of Representatives that have not been on the Committee on the Budget and therefore may not have the adequate time.

I hope that we can collegially work together to extend that time the next time we come to the floor on a serious matter.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, I appreciate the sincerity of the gentlewoman from Texas. I would just point out that this is a tool that we are using to enable us to expedite the consideration of the budget conference report so that she can be with her constituents tomorrow to tell them all of her disagréements with our plans to reform Social Security.

Ms. JACKSON-LEE of Texas. Mr. Speaker, would the gentleman further yield?

Mr. PUTNAM. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, his genuine attitude is appreciated. I think the American people would welcome a closer study of this issue: and I thank him for allowing me to go home, however, and wake up the constituents of the 18th Congressional District for a fight to come in the future. And we will continue the fight. I thank the gentleman for yielding to me.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me again just remind my friend from Florida we are relying on press accounts to try to figure out what is in this budget.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, their reliance on the press reports is much more favorable to their side than it would be for ours and a much more reliable source of information than it would be in our case.

Mr. McGOVERN. Mr. Speaker, reclaiming my time, the gentleman's party controls everything. I thought he would be an expert on this budget by now, given the fact that all the decisions are being made in a very one-sided way.

And, again, some of us here are concerned about the potential Medicaid cuts. These cuts would impact real people. We are not going to know for sure what is in that budget until it is filed, and it just seems that we need to fix this process. And, again, I have to believe that there are people on his side of the aisle who feel as we do over here that there is nothing wrong with deliberating, there is nothing wrong with reading the bills before they come to the floor and understanding what, in fact, are in these bills.

And they are giving away tomorrow. We could be here tomorrow. There is no problem on our side about working tomorrow. But the bottom line is they are just kind of giving it away. We spend a lot of our legislative days doing nothing meaningful, quite frankly. It seems to me we could take some of that time, and we are going to be here all next week, to go over this in a very thoughtful way. But we are not going to be given that opportunity.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. Kind).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I do rise in opposition to this martial law rule, and I would encourage my colleagues to vote against it because this budget resolution is a travesty; but what is even worse is the process in which this budget resolution is going to come before this body within the next day or so.

This is a $2.6 trillion document. This is going to establish the priorities and the important investments that we need to make as a Nation for the next fiscal year, and yet it is being written by a handful of people, mainly in the Speaker's office, at 2, 3, 4 o'clock in the morning, drafted by a bunch of staff people, and not one of us in this body will have the chance to thoroughly review it before we are asked to cast a vote on it. And that is a joke.

And what is even worse is that it basically adopts wholesale the budget parameters that the President had submitted earlier this year, which, by the way, was written by a bunch of unknown people in the President's Office of Management and Budget, which in essence now is drafting and writing these budget documents that the Congress is considering.

And I would defy any Member of this body to stand here today and claim with a straight face that they think this House and this Congress is a coequal branch of government today. We have ceded everything to the executive branch. Not only that, but just to a few enlightened individuals, it seems, to make these important decisions for the rest of the Nation. And we do not even have the common decency or courtesy to take the time to allow an important deliberative discussion about these priorities and allow a little bit more input from the various Members who want to be involved in this process for the sake of the people whom they are representing.

The resolution itself, I feel, lacks the vision that we need to deal with the challenges facing our Nation. Instead of the majority party and the President being so eager to dismantle the New Deal, we should be talking about offering the American people a new New Deal to prepare them for the challenges of a global marketplace, because it is here now. And yet the effort that we are making in regards to support for education and job-training programs is a joke, and it is not going to get us there to maintain our technological and scientific edge in the world when it comes to the competition of the jobs that are coming up.

This budget resolution that is coming before us allows the continuation of the exploding budget deficits. It automatically increases the debt ceiling for the fourth time in 4 years, and every Member should understand that, by voting for it, they are increasing the debt ceiling by another half a trillion dollars in this budget resolution.

It fails to adopt budget disciplinary rules such as pay-as-you-go for both the spending and the revenue side, rules that worked effectively in the 1990s that led us on a glidepath to 4 years of budget surpluses. It continues the raid on the Social Security, Medicare trust funds, being used for other purposes, either tax cuts that are primarily benefiting the most wealthy in this country or other spending priorities at a time when they are claiming that Social Security is in dire financial crisis; and there is no effort to try to repay those trust fund moneys.

I think we can offer the American people a more realistic vision of the challenges that I think we all appreciate on both sides of the aisle; and yet this budget that is going to be coming up before us, again mainly drafted in the dark wee hours of the early morning, lacks that vision. And it is not offering enough people in this country the hope or the optimism that we are going to be able to compete in the global marketplace in light of what other countries are doing.

Let us start over. There is no need to rush to get this done within the next day or even the next week. I would rather do it the right way than the wrong way, and there are too many missed opportunities in this budget resolution that is going to be coming up to be able to support it.

So, again, I oppose the process, the martial law rule that we are debating here this morning, and I oppose the substance of this budget resolution and encourage my colleagues to vote "no."

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman is obviously very passionate about the views that he has on the direction this country should take, and I would encourage him to offer his new New Deal concept. But it is clear that his difference of opinion is about the substance of the budget, and this is a rule about the facilitation of consideration of that budget.

There was not a single person from his side of the aisle that voted for this budget in committee. There was not a single person from his side of the aisle who voted for this on the floor of this House. He knows that the Senate version differs greatly from the House version, and he knows that the House version differs greatly from the President's submission.

□ 1100

So there are three distinct visions out there that are being reconciled through this conference process that we will take up later today.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to the gentleman, first of all, he mentioned the three different versions of the budget that have been drafted. What worries me is that in all three versions, Medicare and Medicaid get whacked.

What everybody on our side has been talking about here today, even aside from the substance of what is in the ultimate budget, is the fact that there should be a process where people can read and understand what is in the budget before they vote on it. That should not be a big deal. The House rules say you are supposed to have 3 days, and you routinely waive those rules so that Members on our side, and even Members on your side, do not have a chance to even know what they are actually talking about when they get to the House floor to debate some of these major pieces of legislation. That is wrong.

Why do we have rules, if all you do is waive them all the time? We should be able to have a deliberative process. We should not have to do this. This should not be a controversial point. We should all be able to agree, no matter what we think about the substance of a bill, that we should be able to give Members an opportunity to look at what is in these bills.

Now, you have the votes to do whatever you want and you will ram this thing through, like you ram everything else through, and that is the way it goes. But let me close, and I say this with no disrespect to the gentleman, who I have great admiration for, and I am proud to serve with him on the Committee on Rules, but it is my view that your party is doing a lousy job running this government, and, quite frankly, this process stinks, and I would urge all my colleagues to vote "no" on this martial-law rule.

Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman is entitled to his opinion, and we are here to deliberate it on the floor, a criticism that he has leveled against us. We are deliberating it under the same-day rule. He will be able to make that same charge to me and my party when we debate the rule, and he will be able to, along with the others who have managed to find their facts and figures about all the terrible, awful, horrible, no good things this budget will do that they have expressed on the floor of this House, they will be back to deliberate it when we take up the conference report.

There are very wide differences of opinion between these two parties. The budget is the vision, the blueprint, the spending priorities of this government for the fiscal year. Not one of your party voted for it in committee, not one of your party voted for it on the House floor, and I would dare say not one of you will vote for the conference report. I cannot speak to that, but if I were a betting man, I think it would be a pretty safe bet.

It is a reflection of the difference in philosophy about where we ought to be going as a government, and we are judged by the American people on that philosophy in this body every 2 years.

The gentleman from Wisconsin (Mr. KIND) made reference to a vision of a new New Deal. I am fairly confident there will not be a new New Deal in this budget conference report because that is a difference in philosophy.

We have put together in negotiations with the Senate a spending and budget package that gets our arms around mandatory spending, around discretionary spending, that looks for savings through the reconciliation process and attempts through economic growth and development to put in place an economy that allows everyone to succeed and find their piece of the American dream. Apparently you all disagree, and that is your right, and we have hours of this floor debate to go through these disagreements.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, is the gentleman suggesting that we should have the right to read legislation only if we pledge to support the legislation that comes to the floor? I am trying to understand, when the gentleman was going on about how he did not think any of our side would vote for the budget resolution, that may very well be true, but the point of this martial-law rule is to bring it up on the same day so we will not have an opportunity to fully read the entire budget. The rules of the House say we should have 3 days.

I am asking the gentleman, does he believe the rules should be waived and people should not have an opportunity to be able to read legislation if they will disagree with the gentleman's party?

Mr. PUTNAM. Mr. Speaker, reclaiming my time, as the gentleman knows, I voted for the same-day rule in the Committee on Rules, and, as I said earlier, it is to facilitate Members getting back to their district, like the gentlewoman from Texas (Ms. JACKSON-LEE) and the other Members who have expressed an interest in being back to talk about the issues going on before this Congress, whatever those issues may be, and whatever the individual Members' opinion of the outcome of those votes may also be.

Mr. McGOVERN. Mr Speaker, if the gentleman will yield further, what is wrong with us debating this next week?

Mr. PUTNAM. Mr. Speaker, reclaiming my time, as the gentleman knows, the Senate is taking a respite next week, apparently from their labors of legislative productivity, whereas the House will be in session. Our goal, knowing that April 15 was when we would have liked to have had this budget done. our goal is to facilitate getting this process along and pass the budget conference report out of this body so that the Senate may consider it before they go out for a week, because, as the gentleman knows, we are moving into the appropriations season and it is important that the American people and the Congress have a budget blueprint in place.

This is an important process that we have in place. It is important, as a Committee on the Budget member, to me and to the entire House that we have in place a working budget, something that the government has not had every year, but I believe it is important that we should. I think it is important that we reconcile our differences with the Senate and move this along so that the House and Senate can take it up.

Mr. McGOVERN. If the gentleman will yield one last time to me, I just want to make the point, and obviously it is falling on deaf ears today, but one of the things that concerns many of us is that what is happening today has become a pattern. Again, it impacts not only Members on our side, but also a lot of Members on your side.

Important pieces of legislation are coming to the floor and people have not had an opportunity to even look at them. That is a bad process. That is undermining the process.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, the gentleman in his 30 minutes of debate has made the point that he is opposed to us facilitating consideration of this bill today so that Members can get home, and he has respectfully made his point. We have made ours.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 199, not voting 5, as follows:

[Roll No. 146]

YEAS—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brown, Corrine
Ford
Hyde
Rothman
Stark

□ 1134

Mr. LYNCH changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 23

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on rollcall 144, H.R. 748, final passage, I mistakenly voted "yes." I request the RECORD reflect I intended to vote "no."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 33 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1446

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REHBERG) at 2 o'clock and 46 minutes p.m.)

CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010:

CONFERENCE REPORT (H. REPT. 109-62)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2006.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Adjustment for surface transportation.
Sec. 302. Reserve fund for the Family Opportunity Act.
Sec. 303. Reserve fund for the Federal Pell Grant Program.
Sec. 304. Reserve fund for the uninsured.
Sec. 305. Reserve fund for the disposal of underutilized Federal real property.
Sec. 306. Reserve fund for health information technology and pay-for-performance.
Sec. 307. Reserve fund for Asbestos Injury Trust Fund.
Sec. 308. Reserve fund for energy legislation.
Sec. 309. Reserve fund for the safe importation of prescription drugs.
Sec. 310. Reserve fund for the restoration of SCHIP funds.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Extension of senate enforcement.
Sec. 404. Discretionary spending limits in the Senate.
Sec. 405. Application and effect of changes in allocations and aggregates.
Sec. 406. Adjustments to reflect changes in concepts and definitions.
Sec. 407. Limitation on long-term spending proposals.
Sec. 408. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 409. Exercise of rulemaking powers.
Sec. 410. Treatment of allocations in the House.
Sec. 411. Special procedures to achieve savings in mandatory spending through FY2014.

TITLE V—SENSE OF THE SENATE

Sec. 501. Sense of the Senate regarding unauthorized appropriations.
Sec. 502. Sense of the Senate regarding a commission to review the performance of programs.
Sec. 503. Sense of the Senate regarding TRICARE.
Sec. 504. Sense of the Senate regarding tribal colleges and universities.
Sec. 505. Sense of the Senate regarding social security restructuring.
Sec. 506. Sense of the Senate regarding funding for subsonic and hypersonic aeronautics research by the National Aeronautics and Space Administration.
Sec. 507. Sense of the Senate regarding the acquisition of the next generation destroyer (DDX).

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,658,000,000.
Fiscal year 2006: $1,589,892,000,000.
Fiscal year 2007: $1,693,246,000,000.
Fiscal year 2008: $1,824,274,000,000.
Fiscal year 2009: $1,928,678,000,000.
Fiscal year 2010: $2,043,916,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $366,000,000.
Fiscal year 2006: $17,758,000,000.
Fiscal year 2007: $26,006,000,000.
Fiscal year 2008: $11,935,000,000.
Fiscal year 2009: $27,553,000,000.
Fiscal year 2010: $22,466,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,078,456,000,000.
Fiscal year 2006: $2,144,384,000,000.
Fiscal year 2007: $2,211,308,000,000.
Fiscal year 2008: $2,324,327,000,000.
Fiscal year 2009: $2,428,613,000,000.
Fiscal year 2010: $2,524,958,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,056,006,000,000.
Fiscal year 2006: $2,161,420,000,000.
Fiscal year 2007: $2,215,361,000,000.
Fiscal year 2008: $2,305,908,000,000.
Fiscal year 2009: $2,411,288,000,000.
Fiscal year 2010: $2,514,745,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $572,348,000,000.
Fiscal year 2006: $571,528,000,000.
Fiscal year 2007: $522,115,000,000.
Fiscal year 2008: $481,634,000,000.
Fiscal year 2009: $482,610,000,000.
Fiscal year 2010: $470,829,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $7,962,000,000,000.
Fiscal year 2006: $8,645,000,000,000.
Fiscal year 2007: $9,284,000,000,000.
Fiscal year 2008: $9,890,000,000,000.
Fiscal year 2009: $10,500,000,000,000.
Fiscal year 2010: $11,105,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $4,689,000,000,000.
Fiscal year 2006: $5,082,000,000,000.
Fiscal year 2007: $5,409,000,000,000.
Fiscal year 2008: $5,677,000,000,000.
Fiscal year 2009: $5,927,000,000,000.
Fiscal year 2010: $6,150,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $573,475,000,000.
Fiscal year 2006: $604,777,000,000.
Fiscal year 2007: $637,792,000,000.
Fiscal year 2008: $671,688,000,000.
Fiscal year 2009: $705,849,000,000.
Fiscal year 2010: $740,343,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $398,088,000,000.
Fiscal year 2006: $415,993,000,000.
Fiscal year 2007: $429,254,000,000.
Fiscal year 2008: $443,235,000,000.
Fiscal year 2009: $460,443,000,000.
Fiscal year 2010: $479,412,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2005:
(A) New budget authority, $4,426,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2006:
(A) New budget authority, $4,576,000,000.
(B) Outlays, $4,587,000,000.
Fiscal year 2007:
(A) New budget authority, $4,710,000,000.
(B) Outlays, $4,785,000,000.
Fiscal year 2008:
(A) New budget authority, $4,853,000,000.
(B) Outlays, $4,849,000,000.
Fiscal year 2009:
(A) New budget authority, $5,001,000,000.
(B) Outlays, $4,974,000,000.
Fiscal year 2010:

(A) New budget authority, $5,152,000,000.

(B) Outlays, $5,124,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2010 for each major functional category are:

(1) National Defense (050):

Fiscal year 2005:

(A) New budget authority, $423,446,000,000.

(B) Outlays, $465,709,000,000.

Fiscal year 2006:

(A) New budget authority, $441,562,000,000.

(B) Outlays, $447,020,000,000.

Fiscal year 2007:

(A) New budget authority, $465,260,000,000.

(B) Outlays, $448,508,000,000.

Fiscal year 2008:

(A) New budget authority, $483,730,000,000.

(B) Outlays, $467,840,000,000.

Fiscal year 2009:

(A) New budget authority, $503,763,000,000.

(B) Outlays, $488,307,000,000.

Fiscal year 2010:

(A) New budget authority, $513,904,000,000.

(B) Outlays, $505,531,000,000.

(2) International Affairs (150):

Fiscal year 2005:

(A) New budget authority, $28,413,000,000.

(B) Outlays, $31,620,000,000.

Fiscal year 2006:

(A) New budget authority, $30,913,000,000.

(B) Outlays, $32,692,000,000.

Fiscal year 2007:

(A) New budget authority, $34,338,000,000.

(B) Outlays, $31,804,000,000.

Fiscal year 2008:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $31,322,000,000.

Fiscal year 2009:

(A) New budget authority, $34,739,000,000.

(B) Outlays, $31,313,000,000.

Fiscal year 2010:

(A) New budget authority, $34,430,000,000.

(B) Outlays, $31,033,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2005:

(A) New budget authority, $24,413,000,000.

(B) Outlays, $23,594,000,000.

Fiscal year 2006:

(A) New budget authority, $24,735,000,000.

(B) Outlays, $23,894,000,000.

Fiscal year 2007:

(A) New budget authority, $25,171,000,000.

(B) Outlays, $24,610,000,000.

Fiscal year 2008:

(A) New budget authority, $25,545,000,000.

(B) Outlays, $24,922,000,000.

Fiscal year 2009:

(A) New budget authority, $25,851,000,000.

(B) Outlays, $25,242,000,000.

Fiscal year 2010:

(A) New budget authority, $26,162,000,000.

(B) Outlays, $25,565,000,000.

(4) Energy (270):

Fiscal year 2005:

(A) New budget authority, $2,564,000,000.

(B) Outlays, $794,000,000.

Fiscal year 2006:

(A) New budget authority, $3,247,000,000.

(B) Outlays, $2,127,000,000.

Fiscal year 2007:

(A) New budget authority, $2,837,000,000.

(B) Outlays, $1,687,000,000.

Fiscal year 2008:

(A) New budget authority, $2,920,000,000.

(B) Outlays, $1,026,000,000.

Fiscal year 2009:

(A) New budget authority, $2,531,000,000.

(B) Outlays, $1,127,000,000.

Fiscal year 2010:

(A) New budget authority, $2,229,000,000.

(B) Outlays, $1,018,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2005:

(A) New budget authority, $32,504,000,000.

(B) Outlays, $31,163,000,000.

Fiscal year 2006:

(A) New budget authority, $30,021,000,000.

(B) Outlays, $32,016,000,000.

Fiscal year 2007:

(A) New budget authority, $30,389,000,000.

(B) Outlays, $31,622,000,000.

Fiscal year 2008:

(A) New budget authority, $30,458,000,000.

(B) Outlays, $31,938,000,000.

Fiscal year 2009:

(A) New budget authority, $31,212,000,000.

(B) Outlays, $32,182,000,000.

Fiscal year 2010:

(A) New budget authority, $30,754,000,000.

(B) Outlays, $31,763,000,000.

(6) Agriculture (350):

Fiscal year 2005:

(A) New budget authority, $30,151,000,000.

(B) Outlays, $28,550,000,000.

Fiscal year 2006:

(A) New budget authority, $29,420,000,000.

(B) Outlays, $28,476,000,000.

Fiscal year 2007:

(A) New budget authority, $27,130,000,000.

(B) Outlays, $25,948,000,000.

Fiscal year 2008:

(A) New budget authority, $25,274,000,000.

(B) Outlays, $24,225,000,000.

Fiscal year 2009:

(A) New budget authority, $25,631,000,000.

(B) Outlays, $24,738,000,000.

Fiscal year 2010:

(A) New budget authority, $25,357,000,000.

(B) Outlays, $24,627,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2005:

(A) New budget authority, $16,804,000,000.

(B) Outlays, $11,302,000,000.

Fiscal year 2006:

(A) New budget authority, $10,772,000,000.

(B) Outlays, $5,562,000,000.

Fiscal year 2007:

(A) New budget authority, $10,074,000,000.

(B) Outlays, $4,929,000,000.

Fiscal year 2008:

(A) New budget authority, $10,040,000,000.

(B) Outlays, $4,250,000,000.

Fiscal year 2009:

(A) New budget authority, $10,667,000,000.

(B) Outlays, $3,768,000,000.

Fiscal year 2010:

(A) New budget authority, $14,565,000,000.

(B) Outlays, $6,393,000,000.

(8) Transportation (400):

Fiscal year 2005:

(A) New budget authority, $75,833,000,000.

(B) Outlays, $67,639,000,000.

Fiscal year 2006:

(A) New budget authority, $73,034,000,000.

(B) Outlays, $70,137,000,000.

Fiscal year 2007:

(A) New budget authority, $74,515,000,000.

(B) Outlays, $72,092,000,000.

Fiscal year 2008:

(A) New budget authority, $76,482,000,000.

(B) Outlays, $73,893,000,000.

Fiscal year 2009:

(A) New budget authority, $66,268,000,000.

(B) Outlays, $75,235,000,000.

Fiscal year 2010:

(A) New budget authority, $67,611,000,000.

(B) Outlays, $77,107,000,000.

(9) Community and Regional Development (450):

Fiscal year 2005:

(A) New budget authority, $23,007,000,000.

(B) Outlays, $20,756,000,000.

Fiscal year 2006:

(A) New budget authority, $14,493,000,000.

(B) Outlays, $18,323,000,000.

Fiscal year 2007:

(A) New budget authority, $14,510,000,000.

(B) Outlays, $17,180,000,000.

Fiscal year 2008:

(A) New budget authority, $14,597,000,000.

(B) Outlays, $15,779,000,000.

Fiscal year 2009:

(A) New budget authority, $14,735,000,000.

(B) Outlays, $14,706,000,000.

Fiscal year 2010:

(A) New budget authority, $14,755,000,000.

(B) Outlays, $14,402,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2005:

(A) New budget authority, $94,026,000,000.

(B) Outlays, $92,805,000,000.

Fiscal year 2006:

(A) New budget authority, $97,364,000,000.

(B) Outlays, $91,463,000,000.

Fiscal year 2007:

(A) New budget authority, $90,395,000,000.

(B) Outlays, $91,045,000,000.

Fiscal year 2008:

(A) New budget authority, $90,450,000,000.

(B) Outlays, $89,335,000,000.

Fiscal year 2009:

(A) New budget authority, $90,665,000,000.

(B) Outlays, $88,826,000,000.

Fiscal year 2010:

(A) New budget authority, $90,124,000,000.

(B) Outlays, $88,646,000,000.

(11) Health (550):

Fiscal year 2005:

(A) New budget authority, $257,498,000,000.

(B) Outlays, $252,798,000,000.

Fiscal year 2006:

(A) New budget authority, $262,269,000,000.

(B) Outlays, $262,628,000,000.

Fiscal year 2007:

(A) New budget authority, $275,200,000,000.

(B) Outlays, $274,781,000,000.

Fiscal year 2008:

(A) New budget authority, $294,954,000,000.

(B) Outlays, $293,755,000,000.

Fiscal year 2009:

(A) New budget authority, $317,026,000,000.

(B) Outlays, $313,539,000,000.

Fiscal year 2010:

(A) New budget authority, $336,407,000,000.

(B) Outlays, $335,458,000,000.

(12) Medicare (570):

Fiscal year 2005:

(A) New budget authority, $292,587,000,000.

(B) Outlays, $293,587,000,000.

Fiscal year 2006:

(A) New budget authority, $331,181,000,000.

(B) Outlays, $330,944,000,000.

Fiscal year 2007:

(A) New budget authority, $371,875,000,000.

(B) Outlays, $372,167,000,000.

Fiscal year 2008:

(A) New budget authority, $395,312,000,000.

(B) Outlays, $395,364,000,000.

Fiscal year 2009:

(A) New budget authority, $420,234,000,000.

(B) Outlays, $419,828,000,000.

Fiscal year 2010:

(A) New budget authority, $448,111,000,000.

(B) Outlays, $448,442,000,000.

(13) Income Security (600):

Fiscal year 2005:

(A) New budget authority, $339,658,000,000.

(B) Outlays, $347,855,000,000.

Fiscal year 2006:

(A) New budget authority, $347,606,000,000.

(B) Outlays, $354,415,000,000.

Fiscal year 2007:

(A) New budget authority, $352,843,000,000.

(B) Outlays, $359,969,000,000.

Fiscal year 2008:

(A) New budget authority, $365,782,000,000.

(B) Outlays, $371,374,000,000.

Fiscal year 2009:

(A) New budget authority, $374,984,000,000.

(B) Outlays, $379,241,000,000.

Fiscal year 2010:

(A) New budget authority, $384,088,000,000.

(B) Outlays, $387,610,000,000.

(14) Social Security (650):

Fiscal year 2005:

(A) New budget authority, $15,849,000,000.

(B) Outlays, $15,849,000,000.

Fiscal year 2006:

(A) New budget authority, $15,991,000,000.

(B) Outlays, $15,991,000,000.

Fiscal year 2007:

(A) New budget authority, $17,804,000,000.

(B) Outlays, $17,804,000,000.

Fiscal year 2008:

(A) New budget authority, $19,868,000,000.

(B) Outlays, $19,868,000,000.

Fiscal year 2009:

(A) New budget authority, $21,843,000,000.

(B) Outlays, $21,843,000,000.

Fiscal year 2010:

(A) New budget authority, $24,129,000,000.

(B) Outlays, $24,129,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2005:

(A) New budget authority, $69,448,000,000.

(B) Outlays, $68,873,000,000.

Fiscal year 2006:

(A) New budget authority, $68,994,000,000.

(B) Outlays, $68,365,000,000.

Fiscal year 2007:

(A) New budget authority, $66,434,000,000.

(B) Outlays, $66,168,000,000.

Fiscal year 2008:

(A) New budget authority, $69,561,000,000.

(B) Outlays, $69,387,000,000.

Fiscal year 2009:

(A) New budget authority, $70,074,000,000.

(B) Outlays, $69,791,000,000.

Fiscal year 2010:

(A) New budget authority, $70,172,000,000.

(B) Outlays, $69,900,000,000.

(16) Administration of Justice (750):

Fiscal year 2005:

(A) New budget authority, $39,731,000,000.

(B) Outlays, $39,440,000,000.

Fiscal year 2006:

(A) New budget authority, $40,984,000,000.

(B) Outlays, $42,382,000,000.

Fiscal year 2007:

(A) New budget authority, $41,531,000,000.

(B) Outlays, $42,593,000,000.

Fiscal year 2008:

(A) New budget authority, $42,172,000,000.

(B) Outlays, $42,791,000,000.

Fiscal year 2009:

(A) New budget authority, $42,743,000,000.

(B) Outlays, $42,920,000,000.

Fiscal year 2010:

(A) New budget authority, $43,001,000,000.

(B) Outlays, $42,944,000,000.

(17) General Government (800):

Fiscal year 2005:

(A) New budget authority, $16,765,000,000.

(B) Outlays, $17,673,000,000.

Fiscal year 2006:

(A) New budget authority, $17,909,000,000.

(B) Outlays, $18,398,000,000.

Fiscal year 2007:

(A) New budget authority, $17,829,000,000.

(B) Outlays, $17,758,000,000.

Fiscal year 2008:

(A) New budget authority, $17,285,000,000.

(B) Outlays, $17,289,000,000.

Fiscal year 2009:

(A) New budget authority, $17,140,000,000.

(B) Outlays, $16,956,000,000.

Fiscal year 2010:

(A) New budget authority, $16,733,000,000.

(B) Outlays, $16,580,000,000.

(18) Net Interest (900):

Fiscal year 2005:

(A) New budget authority, $267,982,000,000.

(B) Outlays, $267,982,000,000.

Fiscal year 2006:

(A) New budget authority, $310,774,000,000.

(B) Outlays, $310,774,000,000.

Fiscal year 2007:

(A) New budget authority, $360,512,000,000.

(B) Outlays, $360,512,000,000.

Fiscal year 2008:

(A) New budget authority, $398,347,000,000.

(B) Outlays, $398,347,000,000.

Fiscal year 2009:

(A) New budget authority, $427,735,000,000.

(B) Outlays, $427,735,000,000.

Fiscal year 2010:

(A) New budget authority, $455,167,000,000.

(B) Outlays, $455,167,000,000.

(19) Allowances (920):

Fiscal year 2005:

(A) New budget authority, $81,881,000,000.

(B) Outlays, $32,121,000,000.

Fiscal year 2006:

(A) New budget authority, $48,477,000,000.

(B) Outlays, $60,905,000,000.

Fiscal year 2007:

(A) New budget authority, −$4,076,000,000

(B) Outlays, $18,572,000,000.

Fiscal year 2008:

(A) New budget authority, −$7,670,000,000.

(B) Outlays, −$505,000,000.

Fiscal year 2009:

(A) New budget authority, −$8,352,000,000.

(B) Outlays, −$5,758,000,000.

Fiscal year 2010:

(A) New budget authority, −$9,294,000,000.

(B) Outlays, −$8,748,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2005:

(A) New budget authority, −$54,104,000,000.

(B) Outlays, −$54,104,000,000.

Fiscal year 2006:

(A) New budget authority, −$55,362,000,000.

(B) Outlays, −$55,362,000,000.

Fiscal year 2007:

(A) New budget authority, −$63,263,000,000.

(B) Outlays, −$64,388,000,000.

Fiscal year 2008:

(A) New budget authority, −$65,480,000,000.

(B) Outlays, −$66,292,000,000.

Fiscal year 2009:

(A) New budget authority, −$60,876,000,000.

(B) Outlays, −$60,251,000,000.

Fiscal year 2010:

(A) New budget authority, −$63,447,000,000.

(B) Outlays, −$62,822,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS TO SLOW THE GROWTH IN MANDATORY SPENDING.—(1) Not later than September 16, 2005, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $173,000,000 in outlays for fiscal year 2006 and $3,000,000,000 in outlays for the period of fiscal years 2006 through 2010.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $992,000,000 in outlays for fiscal years 2005 and 2006 and $12,651,000,000 in outlays for the period of fiscal years 2005 through 2010.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,000,000 in outlays for fiscal year 2006 and $14,734,000,000 in outlays for the period of fiscal years 2006 through 2010.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in outlays for fiscal year 2006 and $470,000,000 in outlays for the period of fiscal years 2006 through 2010.

(E) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $60,000,000 in outlays for fiscal year 2006 and $300,000,000 in outlays for the period of fiscal years 2006 through 2010.

(F) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,400,000,000 in outlays for the period of fiscal years 2006 through 2010.

(G) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $12,000,000 in outlays for fiscal year 2006 and $103,000,000 in outlays for the period of fiscal years 2006 through 2010.

(H) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by $250,000,000 for fiscal year 2006 and $1,000,000,000 for the period of fiscal years 2006 through 2010.

(b) SUBMISSION PROVIDING FOR CHANGES IN REVENUE.—The House Committee on Ways and Means shall report to the House a reconciliation bill not later than September 23, 2005, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $11,000,000,000 for fiscal year 2006 and by not more than $70,000,000,000 for the period of fiscal years 2006 through 2010.

(c) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Ways and Means shall report to the House a reconciliation bill not later than September 30, 2005, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $781,000,000,000.

(d)(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

SEC. 202. RECONCILIATION IN THE SENATE.

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by September 16, 2005, *the committees named in this section shall submit their recommendations to the Committee on the Budget. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.*

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to reduce outlays by $173,000,000 in fiscal year 2006, and $3,000,000,000 for the period of fiscal years 2006 through 2010.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce outlays by $30,000,000 in fiscal year 2006, and $470,000,000 for the period of fiscal years 2006 through 2010.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to reduce outlays by $10,000,000 in fiscal year 2006, and $4,810,000,000 for the period of fiscal years 2006 through 2010.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce outlays by $2,400,000,000 for the period of fiscal years 2006 through 2010.

(5) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce outlays by $4,000,000 in fiscal year 2006, and $27,000,000 for the period of fiscal years 2006 through 2010.

(6) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce outlays by $10,000,000,000 for the period of fiscal years 2006 through 2010.

(7) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce outlays by $1,242,000,000 in fiscal years 2005 and 2006, and $13,651,000,000 for the period of fiscal years 2005 through 2010.

(8) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce outlays by $60,000,000 in fiscal year 2006, and $300,000,000 for the period of fiscal years 2006 through 2010.

(b) REVENUE RECONCILIATION INSTRUCTIONS.—The Committee on Finance shall report to the Senate a reconciliation bill not later than September 23, 2005 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $11,000,000,000 for fiscal year 2006, and $70,000,000,000 for the period of fiscal years 2006 through 2010.

(c) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance shall report to the Senate a reconciliation bill not later than September 30, 2005, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $781,000,000,000.

TITLE III—RESERVE FUNDS

SEC. 301. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides new budget authority for the budget accounts or portions thereof, for programs, projects, and activities for highways, highway safety, and transit in excess of—

(1) for fiscal year 2005, $46,094,000,000; or

(2) for fiscal year 2006, $47,008,000,000; or

(3) for fiscal years 2005 through 2009, $230,769,000,000;

the appropriate chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates and increase the allocation of new budget authority to such committees in amounts equal to the program increases proposed by the committee or committees of jurisdiction for fiscal years 2005 and 2006 and for the period of fiscal years 2005 through 2009. Adjustments shall be made only to the extent such excess is offset by a reduction in mandatory outlays from the highway trust fund or an increase in receipts that are appropriated to such fund for the applicable fiscal year caused by such legislation. In the Senate, any increase in receipts shall be reported by the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—In the House and the Senate, for fiscal year 2006, and, as necessary, in subsequent fiscal years, if a bill or joint resolution is reported, or if an amendment is offered thereto or a conference report is submitted thereon, that changes obligation limitations such that the total limitations are in excess of $44,193,000,000 for fiscal year 2006, for programs, projects, and activities for highways, highway safety, and transit, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year, and, as necessary, in subsequent fiscal years, for the committees reporting such measures, by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a). After the adjustment has been made, the Senate Committee on Appropriations shall report new section 302(b) allocations consistent with this section.

SEC. 302. RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that, in the Senate, the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the appropriate chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SEC. 303. RESERVE FUND FOR THE FEDERAL PELL GRANT PROGRAM.

If the appropriate committee of the House or Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that eliminates the accumulated shortfall of budget authority resulting from insufficient appropriations of discretionary new budget authority previously enacted for the Federal Pell Grant Program for awards made through the award year 2005–2006, provided that, in the Senate the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, or in the House the measure would not increase the deficit, the appropriate chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates by the amount provided by that measure for that purpose, but not to exceed $4,300,000,000 in new budget authority for the fiscal year 2006.

SEC. 304. RESERVE FUND FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate or the Committee on Energy and Commerce of the House reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(1) addresses health care costs, coverage, or care for the uninsured;

(2)(A) provides safety net access to integrated and other health care services; or

(B) increases the number of people with health insurance, provided that such increase is not obtained primarily as a result of increasing premiums for the currently insured; and

(3) increases access to coverage through mechanisms that decrease the growth of health care costs, and may include tax- and market-based measures (such as tax credits, deductibility, regulatory reforms, consumer-directed initiatives, and other measures targeted to key segments of the uninsured, such as individuals without employer-sponsored coverage and college students and recent graduates),

provided that, in the Senate, the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SEC. 305. RESERVE FUND FOR THE DISPOSAL OF UNDERUTILIZED FEDERAL REAL PROPERTY.

If the Committee on Government Reform of the House reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that enhances the Government's real property disposal authority and generates discretionary savings, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates by the amount provided by that measure for that purpose, but not to exceed $50,000,000 in new budget authority and outlays flowing therefrom for fiscal year 2006, and $50,000,000 in new budget authority and outlays flowing therefrom for the period of fiscal years 2006 through 2010.

SEC. 306. RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY AND PAY-FOR-PERFORMANCE.

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or if an amendment is offered thereto or if a conference report is submitted thereon, that—

(1) provides incentives or other support for adoption of modern information technology to improve quality in health care; and

(2) provides for performance-based payments that are based on accepted clinical performance measures that improve the quality in health care;

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2006 through 2010.

SEC. 307. RESERVE FUND FOR ASBESTOS INJURY TRUST FUND.

In the Senate, if the Committee on Judiciary reports legislation, or if an amendment is offered *thereto or a conference report is submitted thereon, that--*

(1) provides monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition;

(2) does not provide monetary compensation to the unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition; and

(3) is estimated to remain funded from nontaxpayer sources for the life of the fund; and

assuming the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2006 through 2056.

SEC. 308. RESERVE FUND FOR ENERGY LEGISLATION.

If a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is submitted thereon, within the jurisdiction of the Committee on Energy and Natural Resources of the Senate, that provides for a national energy policy, provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates by the amount provided by that measure for that purpose, but not to exceed $100,000,000 in new budget authority for fiscal year 2006 and the outlays flowing from that budget authority and $2,000,000,000 in new budget authority for the period of fiscal years 2006 through 2010 and the outlays flowing from that budget authority.

SEC. 309. RESERVE FUND FOR THE SAFE IMPORTATION OF PRESCRIPTION DRUGS.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that permits the safe importation of prescription drugs approved by the Food and Drug Administration from specified countries with strong safety laws, and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SEC. 310. RESERVE FUND FOR THE RESTORATION OF SCHIP FUNDS.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides for the restoration of unexpended funds under the State Children's Health Insurance Program that reverted to the Treasury on October 1, 2004, and that may provide for the redistribution of such funds for outreach and enrollment as well as for coverage initiatives and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN THE HOUSE.—(1)(A) In the House, except as provided in paragraph (2), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(B) Managers on the part of the House may not agree to a Senate amendment that would violate subparagraph (A) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(2) In the House, an advance appropriation may be provided for fiscal year 2007 or 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority.

(3) In this subsection, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

(b) IN THE SENATE.—(1) Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) An advance appropriation may be provided for the fiscal years 2007 and 2008 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(3)(A) In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) In this subsection, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2007, that first becomes available for any fiscal year after 2007.

SEC. 402. EMERGENCY LEGISLATION.

(a) IN THE HOUSE.—

(1) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—(A) In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 or fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, as appropriate, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(B) Amounts included in this resolution for the purpose set forth in subparagraph (A) shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this subsection, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, as appropriate, and 401 of the Congressional Budget Act of 1974.

(3) DESIGNATIONS.—In the House, if a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (c). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(b) IN THE SENATE.—

(1) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004, H. Con. Res. 95 (relating to the paygo requirement in the Senate).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (c).

(4) DEFINITIONS.—In this subsection, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(6) WAIVER AND APPEAL.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case

may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(7) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(8) FORM OF THE POINT OF ORDER.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(9) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(10) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations under the defense function (050).

(11) EXEMPTION OF OVERSEAS CONTINGENT OPERATIONS.—

(A) IN GENERAL.—In the Senate, if a bill, joint resolution, amendment, or a conference report makes supplemental appropriations for fiscal year 2006 for overseas contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, and outlays resulting from the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations—

(i) shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974; and

(ii) shall not count for the purpose of section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004, H. Con. Res. 95 (relating to the pay-go requirement).

(B) LIMITATION.—The amounts that are not counted for purposes of this subsection shall not exceed $50,000,000,000 in new budget authority and outlays associated with the budget authority.

(c) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

SEC. 403. EXTENSION OF SENATE ENFORCEMENT.

(a) EXTENSION.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2010.

(b) IN GENERAL.—

(1) UNFUNDED MANDATES.—Section 425(a)(1) and (2) of the Congressional Budget Act of 1974 shall be subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974.

(2) CONSIDERATION OF BUDGET LEGISLATION.—Section 303 of the Congressional Budget Act of 1974 shall be subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974. For the purpose of Section 303, the year covered by the resolution shall be construed as the upcoming fiscal year only.

(3) APPLICATION TO RECONCILIATION.—This subsection shall not apply to any legislation reported pursuant to reconciliation directions contained in a concurrent resolution on the budget.

(4) EFFECTIVE DATE.—This subsection shall remain in effect for purposes of Senate enforcement through September 30, 2010.

SEC. 404. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2006, $842,265,000,000 in new budget authority and $916,081,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, $866,038,000,000 in new budget authority for the discretionary category; and

(3) for fiscal year 2008, $887,005,000,000 in new budget authority for the discretionary category; as adjusted in conformance with the adjustment procedures in subsection (d).

(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $412,000,000 for continuing disability reviews for the Social Security Administration, and provides an additional appropriation of $189,000,000 for continuing disability reviews for the Social Security Administration, then the allocation to the Senate Committee on Appropriations shall be increased by $189,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(2) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $6,447,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, and provides an additional appropriation of $446,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, then the allocation to the Senate Committee on Appropriations shall be increased by $446,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $80,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the allocation to the Senate Committee on Appropriations shall be increased by $80,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(4) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of $40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the allocation to the Senate Committee on Appropriations shall be increased by $40,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(c) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be an amount provided for the fiscal year 2006 pursuant to subsection (b).

(3) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 405. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels, including adjustments necessary, and in the House separate allocations, to reflect the timing of responses to reconciliation directives pursuant to sections 201 and 202 of this resolution.

SEC. 406. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) IN GENERAL.—Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

(b) PELL GRANTS.—

(1) BUDGET AUTHORITY.—If appropriations of discretionary new budget authority enacted for the Federal Pell Grant Program are insufficient to cover the full cost of Pell Grants in the upcoming award year, adjusted for any cumulative funding surplus or shortfall from prior years, the budget authority counted against the bill for the Pell Grant Program shall be equal to the adjusted full cost.

(2) APPLICATION.—This subsection shall apply only to new Pell Grant awards approved in legislation for award year 2006–2007 and subsequent award years and shall not apply to the cumulative shortfall through award year 2005–2006.

(3) ESTIMATES.—The estimate of the budget authority associated with the full cost of Pell Grants shall be based on the maximum award and any changes in eligibility requirements, using current economic and technical assumptions and as determined pursuant to scorekeeping guidelines, if any.

SEC. 407. LIMITATION ON LONG-TERM SPENDING PROPOSALS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), or amendments thereto or conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in fiscal year 2016 through fiscal year 2055.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) APPLICATION TO RECONCILIATION.—This section shall not apply to any legislation reported pursuant to reconciliation directions contained in a concurrent resolution on the budget.

(g) SUNSET.—This section shall expire on September 30, 2010.

SEC. 408. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 409. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 410. TREATMENT OF ALLOCATIONS IN THE HOUSE.

(a) IN GENERAL.—In the House, the Committee on Appropriations may make a separate suballocation for appropriations for the legislative branch for the first fiscal year of this resolution. Such suballocation shall be deemed to be made under section 302(b) of the Congressional Budget Act of 1974 and shall be treated as such a suballocation for all purposes under section 302 of such Act.

(b) DISPLAY OF COMMITTEE ALLOCATIONS.—An allocation to a committee under section 302(a) of the Congressional Budget Act of 1974 may display an amount to reflect a committee's instruction under the reconciliation process, but it shall not constitute an allocation within the meaning of section 302 of such Act. Changes in levels of direct spending achieved in a reconciliation bill submitted pursuant to title II of this resolution shall not be included in current levels of new budget authority and outlays for purposes of enforcing an allocation under 302(a) of such Act.

SEC. 411. SPECIAL PROCEDURES TO ACHIEVE SAVINGS IN MANDATORY SPENDING THROUGH FY2014.

(a) SENSE OF CONGRESS.—The Congress finds that—

(1) the share of the budget consumed by mandatory spending has been growing since the mid-1970s, and now is about 54 percent;

(2) this portion of the budget is continuing to grow, crowding out other priorities and threatening overall budget control;

(3) mandatory spending is intrinsically difficult to control;

(4) these programs are subject to a variety of factors outside the control of Congress, such as demographics, economic conditions, and medical prices;

(5) Congress should make an effort at least every other year, to review mandatory spending;

(6) the reconciliation process set forth in the Congressional Budget Act of 1974 is a viable tool to reduce the rate of growth in mandatory spending; and

(7) concurrent resolutions on the budget for fiscal years 2007 through 2010 should include reconciliation instructions to committees, every other year, pursuant to section 310(a) of the Congressional Budget Act of 1974 to achieve significant savings in mandatory spending.

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE REGARDING UNAUTHORIZED APPROPRIATIONS.

It is the sense of the Senate that Congress should—

(1) preclude consideration of any bill, joint resolution, motion, amendment, or conference report that would provide an appropriation, in whole or in part, for programs not specifically authorized by law or Treaty stipulation, or the amount of which exceeds the amount specifically authorized by law or Treaty stipulation, or that would provide a limited tax benefit as defined by the Line Item Veto Act of 1996 (Public Law 104–130); and

(2) determine a method for effectively containing the extraordinary growth in unauthorized earmarks.

SEC. 502. SENSE OF THE SENATE REGARDING A COMMISSION TO REVIEW THE PERFORMANCE OF PROGRAMS.

It is the sense of the Senate that a commission should be established to review Federal agencies, and programs within such agencies, including an assessment of programs on an accrual basis, and legislation to implement those recommendations, with the express purpose of providing Congress with recommendations, to realign or eliminate Government agencies and programs that are wasteful, duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

SEC. 503. SENSE OF THE SENATE REGARDING TRICARE.

It is the sense of the Senate that Congress should provide sufficient funding to the Department of Defense to offer members of the Reserve Component continuous access to TRICARE, for a premium, regardless of their activation status.

SEC. 504. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges, and universities and assumes that equitable consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act of 1965, and the National Science Foundation, Department of Defense, and Housing and Urban Development Tribal College and University Programs; and

(2) such equitable consideration reflects the intent of Congress to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

SEC. 505. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform must—

(A) protect current and near retirees from any changes to Social Security benefits;

(B) reduce the pressure on future taxpayers and on other budgetary priorities;

(C) provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) preserve and strengthen the safety net for vulnerable populations including the disabled and survivors.

SEC. 506. SENSE OF THE SENATE REGARDING FUNDING FOR SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that—

(1) the level of funding provided for the Aeronautics Mission Directorate within the National Aeronautics and Space Administration should be increased by $1,582,700,000 between fiscal year 2006 and fiscal year 2010; and

(2) the increases provided should be applied to the Vehicle Systems portion of the Aeronautics

Mission Directorate budget for use in subsonic and hypersonic aeronautical research.

SEC. 507. SENSE OF THE SENATE REGARDING THE ACQUISITION OF THE NEXT GENERATION DESTROYER (DDX).

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) the amounts identified in this resolution assume that the Department of Defense will not acquire any destroyer under the next generation destroyer program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

And the Senate agree to the same.

JIM NUSSLE,
JIM RYUN,
Managers on the Part of the House.

JUDD GREGG,
PETE DOMENICI,
CHUCK GRASSLEY,
WAYNE ALLARD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 95), establishing the congressional budget for the United States Government for fiscal year 2006, and setting forth appropriate budgetary levels for each of fiscal years 2007 through 2010, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all out of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

Both the House-passed and Senate-passed budget resolutions, as well as this conference report, retain the conventional budget function structure of past resolutions. These amounts are not binding; they are intended to provide an overall accounting of estimated spending requirements and priorities according to major categories of government activities. The budget resolution is the only legislative vehicle that reflects such a global assessment of the demands on Federal resources.

The treatment of budget function levels in the respective budget resolutions and the conference report is as follows:

HOUSE RESOLUTION

In the House resolution, the discretionary amounts in each function (amounts controlled through the annual appropriations process) are, in general, the President(s recommended functional levels, for the budget year and the outyears, as re-estimated by the Congressional Budget Office [CBO]. In certain functions, the discretionary figures are modified to account for congressional policy judgments.

For mandatory spending—spending not controlled by annual appropriations—the amounts in the function are, in general, current-law levels as estimated by CBO. In some cases, these levels are adjusted to accommodate certain legislative initiatives. In addition, the Allowances function (Function 920) calls for a reduction in total projected mandatory spending of $68 billion over 5 years, to be achieved through the reconciliation process (see title II). Although specific amounts of the total savings are assigned to specific authorizing committees in reconciliation, the savings amounts are not allocated among specific budget functions. The intent is to assure the widest possible discretion among authorizing committees. Although each authorizing committee in reconciliation is assigned a savings amount, nothing in the budget functions constrains any committee(s policy choices to achieve those savings.

The House resolution also adjusts levels for the current year, fiscal year 2005, to accommodate $81.1 billion in supplemental funding for military operations in Iraq and Afghanistan, and other enacted legislation.

SENATE AMENDMENT

The Senate amendment includes all the items required under section 301(a) of the Congressional Budget Act. The Senate amendment sets "first-year" levels for both 2005 and 2006, as the conference report on the 2005 budget resolution was not adopted by the Senate.

CONFERENCE AGREEMENT

In the conference agreement, discretionary spending amounts are generally the President(s recommended levels, for the budget year and the outyears, as re-estimated by CBO. In certain functions, the discretionary figures are modified to account for congressional policy judgments.

For mandatory spending, the functional amounts are generally current-law levels as estimated by CBO. In some cases, these levels are adjusted to accommodate certain legislative initiatives. In addition, the Allowances function (Function 920) calls for a reduction in total projected mandatory spending outlays of $34.7 billion over 5 years, to be achieved through the reconciliation process (see title II). Although specific portions of this savings amount are assigned to specific authorizing committees in reconciliation, the savings amounts are not allocated among budget functions. The intent is to assure the widest possible discretion among authorizing committees. Although each authorizing committee in reconciliation is assigned a savings amount, nothing in the budget functions constrains any committee(s policy choices to achieve those savings.

The conference agreement also adjusts levels for the current year, fiscal year 2005, to accommodate $81.9 billion in supplemental funding for military operations in Iraq and Afghanistan.

AGGREGATE AND FUNCTION LEVELS

The following tables are included in this section:

Conference Report on the Fiscal Year 2006 Budget Resolution: Total Spending and Revenues.
Conference Report on the Fiscal Year 2006 Budget Resolution: Discretionary Spending
Conference Report on the Fiscal Year 2006 Budget Resolution: Mandatory Spending
House-Passed Fiscal Year 2006 Budget Resolution: Total Spending and Revenues
House-Passed Fiscal Year 2006 Budget Resolution: Discretionary Spending
House-Passed Fiscal Year 2006 Budget Resolution: Mandatory Spending
Senate-Passed Fiscal Year 2006 Budget Resolution: Total Spending and Revenues
Senate-Passed Fiscal Year 2006 Budget Resolution: Discretionary Spending
Senate-Passed Fiscal Year 2006 Budget Resolution: Mandatory Spending

FUNCTIONS AND REVENUES

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the Conference Agreement for each major budget function, as well as revenue totals, are discussed in the following section. A summary of the overall budget policy is as follows:

Total spending is $2.562 trillion in budget authority [BA] and $2.577 trillion in outlays in fiscal year 2006, and $13.878 trillion in BA and $13.840 trillion in outlays over 2006–10.

Discretionary spending for fiscal year 2006 totals $843.0 billion in BA and $947.3 billion in outlays. These two aggregate amounts (minus cap adjustments in the Senate) are allocated to the Appropriations Committees to be suballocated among their respective appropriations subcommittees. This sum can accommodate the President's recommendation for $419.5 billion for national defense, $32.5 billion for homeland security, and $391.1 billion for other discretionary spending. The total excludes a sum of $50 billion toward supplemental funding for military operations in Iraq and Afghanistan.

Mandatory spending totals $1.669 trillion in BA and $1.598 trillion in outlays in fiscal year 2006, and $9.401 trillion in BA and $9.068 trillion in outlays over 2006–10. This includes $34.7 billion in reconciled mandatory outlay savings over the 5-year period. The total of these savings is reflected in Function 920, and divided among authorizing committees in the reconciliation directives of this conference report. Specific policies will be determined by the committees of jurisdiction.

Revenue totals $2.195 trillion in fiscal year 2006, and $12.440 trillion over 5 years. The conference agreement includes tax reductions of $17.8 billion in fiscal year 2006, and $105.7 billion over 5 years. Of these amounts, the agreement reconciles $11.0 billion in tax reduction in 2006, and $70.0 billion over 5 years. The conference report assumes that tax rates are not increased (as they would be under current law). Specific tax relief policies will be determined by the Committee on Ways and Means in the House, and the Committee on Finance in the Senate.

The conference report reduces the budget deficit from $382.7 billion (3.0 percent of gross domestic product [GDP]) in fiscal year 2006, to $210.9 billion (1.3 percent of GDP) in 2010.

The following section describes the conference report's revenue and spending levels according to the budget's functional categories.

REVENUE

SUMMARY

The component of the budget resolution designated as revenue reflects all of the Federal Government's various tax receipts that are classified as "on budget." This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. The component of social insurance taxes that is collected for the Social Security system—the Old Age and Survivors and Disability Insurance [OASDI] payroll tax—is "off budget." The remaining social insurance taxes (the Hospital Insurance [HI] payroll tax portion of Medicare, the Federal Unemployment Tax Act [FUTA] payroll tax, railroad retirement and other retirement systems) are all on budget. Customs duties, tariffs, and other miscellaneous receipts also are included in the revenue function. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes, which constitute slightly more than a quarter of all Federal receipts, are not included in the budget resolution.

HOUSE RESOLUTION

The budget resolution calls for $1.590 trillion in on-budget revenue for fiscal year 2006, and $9.080 trillion over 2006–10. Total revenue in the budget resolution is $2.195 trillion for fiscal year 2006 and $12.441 trillion over 2006–10. The resolution assumes tax reductions of $16.623 billion for fiscal year 2006 and $105.715 billion over 2006–10—principally the result of preventing automatic tax increases that otherwise would occur. Of these amounts, the resolution reconciles $16.623 in tax reduction in 2006, and $45.0 billion over 5 years.

For a complete summary of the House-passed revenue levels, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate-passed budget resolution includes $1.589 trillion in on budget revenue for 2006, and $9.057 trillion over 2006–10. Total revenue in the budget resolution is $2.193 trillion for fiscal year 2006 and $12.418 trillion over 2006–10. The resolution assumes policies with a revenue impact of $19.016 billion for fiscal year 2006 and $128.580 billion over 2006–10. The Senate resolution assumes that tax rates are not increased (as they would be under current law). The resolution assumes a modest reduction in revenues, relative to the baseline, that balances the need for fiscal responsibility with the need to continue the modest tax rates necessary for economic growth and job creation.

During Senate consideration of the budget resolution, the Senate adopted the Bunning amendment, which reduced revenues by $63.9 billion over 2006–10, and the Kennedy amendment, which increased revenues by $5.5 billion over 2006–10.

CONFERENCE AGREEMENT

The conference agreement includes $1.6 trillion in on-budget revenue for 2006, and $9.1 trillion over 2006–10. Total revenue is $2.2 trillion for fiscal year 2006 and $12.4 trillion over 2006–10. The agreement includes tax reductions of $17.8 billion for fiscal year 2006 and $105.7 billion over 2006–10. Of these, the agreement reconciles $11.0 billion in revenue reductions in fiscal year 2006, and $70.0 billion over 2006–10.

The conference report assumes that tax rates are not increased (as they would be under current law). Specific tax relief policies will be determined by the Committee on Ways and Means in the House, and the Committee on Finance in the Senate.

National Defense: Function 050

FUNCTION SUMMARY

The National Defense function includes funds to develop, maintain, and equip the military forces of the United States. More than 95 percent of the funding in this function goes to Department of Defense [DOD] military activities; the remaining funding in the function applies to atomic energy defense activities of the Department of Energy, and other defense-related activities.

HOUSE RESOLUTION

The resolution calls for a total of $441.6 billion in BA and $475.6 billion in outlays in fiscal year 2006, and $2,408.2 billion in BA and $2,402.4 in outlays over 5 years. The outlay figures include the fiscal year 2005 supplemental. Elsewhere (in Function 920) the resolution includes $50 billion for fiscal year 2006 in anticipation of additional needs in Afghanistan, Iraq, and the global war on terrorism. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $491.6 billion in BA and $496.1 billion in outlays in fiscal year 2006, and $2,458 billion in BA and $2,450.8 billion in outlays over 5 years. These totals include an anticipated fiscal year 2006 supplemental appropriation.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. These levels accommodate the President's request for national defense. Elsewhere (in Function 920) the agreement includes $50 billion for fiscal year 2006 in anticipation of additional needs in Afghanistan, Iraq, and the global war on terrorism. (The agreement also adjusts the Function 920 levels for the current year, fiscal year 2005, to accommodate $81.9 billion in supplemental funding for military operations in Iraq and Afghanistan, and other enacted legislation.)

The mandatory figures reflect the Congressional Budget Office [CBO] baseline levels.

The conference conferees understand the Navy may review whether advance appropriations can improve its procurement of ships and provide savings as it designs its 2007 budget. In addition, the conferees intend to request the Government Accountability Office [GAO] to assess the implications of using advance appropriations to procure ships.

International Affairs: Function 150

FUNCTION SUMMARY

This function includes international development and humanitarian assistance; international security assistance; the conduct of foreign affairs; foreign information and exchange activities; and international financial programs. The major agencies in this function include the Department of Agriculture, the Department of State, the Department of the Treasury, the United States Agency for International Development, and the Millennium Challenge Corporation.

HOUSE RESOLUTION

The resolution calls for $31.7 billion in BA and $35.2 billion in outlays in fiscal year 2006, and $171.9 billion in BA and $164.6 billion in outlays over 5 years. The function totals are $171.9 billion in BA and $164.6 billion in outlays over 5 years. The discretionary component of these amounts is the President(s recommended level, as re-estimated by the Congressional Budget Office, with the following adjustments: the starting level was reduced by $1.2 billion; and a further reduction was made with the adoption of the Bradley amendment, which shifted $229 million in fiscal year 2006 and $1.15 billion over 5 years to function 700 to provide for an increase in the Department of Veterans Affairs(medical care funding.

For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $32.9 billion in BA and $35.4 billion in outlays in fiscal year 2006, and $180.6 billion in BA and $171.2 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Mandatory spending figures are the CBO baseline levels.

The conference agreement recognizes the importance of the Global Fund and its role in eradicating HIV/AIDS, tuberculosis, and malaria and encourages the Appropriations Committees to ensure the U.S. is able to donate the maximum allowed (a one-to-two ratio for U.S./international contributions) by law (Public Law 108–25).

General Science, Space, and Technology: Function 250

FUNCTION SUMMARY

The largest component of this function—about two-thirds of total spending—is for the space flight, research, and supporting activities of the National Aeronautics and Space Administration. The function also contains general science funding, including the budgets for the National Science Foundation, and the fundamental science programs of the Department of Energy.

HOUSE RESOLUTION

The resolution calls for a total of $24.7 billion in BA and $23.9 billion in outlays in fiscal year 2006, and $127.5 billion in budget authority and $124.2 billion in outlays over 5 years. Within Function 250, the Budget Committee assumes full funding of the President's request for NASA. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $24.7 billion in BA and $23.9 billion in outlays in fiscal year 2006, and $128.3 billion in BA and $124.9 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the out years are the President's recommended levels, as re-estimated by CBO. Mandatory spending reflects the CBO baseline levels.

Energy: Function 270

FUNCTION SUMMARY

This function includes civilian energy and environmental program of the Department of Energy [DOE] (it does not include DOE's national security activities—the National Nuclear Security Administration—which are in Function 050, or its basic research and science activities, which are in Function 250). Function 270 also includes the Rural Utilities Service of the Department of Agriculture, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

HOUSE RESOLUTION

The resolution calls for a total of $3.1 billion in budget authority and $2.0 billion in outlays in fiscal year 2006, and $11.8 billion in budget authority and $5 billion in outlays over 5 years. The resolution could accommodate a comprehensive energy bill. This is reflected in the allocation to the Committee on Energy and Commerce, which is free to determine its own policies within the allocation limits. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $3.2 billion in BA and $2.1 billion in outlays in fiscal year 2006, and $13.8 billion in BA and $7.0 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears are the President's recommended levels, as re-estimated by CBO. The mandatory spending figures reflect the CBO baseline, adjusted to accommodate the spending components of a comprehensive energy bill. The conference agreement also includes a reserve fund in the Senate for such legislation. In addition, the agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

FUNCTION SUMMARY

The Natural Resources and Environment function consists of water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior, including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service; conservation-oriented and land management agencies within the Department of Agriculture including the Forest Service; the National Oceanic and Atmospheric Administration in the Department of Commerce; the Army Corps of Engineers; and the Environmental Protection Agency.

HOUSE RESOLUTION

The resolution calls for a total of $30.5 billion in budget authority and $32.3 billion in outlays in fiscal year 2006, and $155.3 billion in budget authority and $161.6 billion in outlays over 5 years. The discretionary level in this function for fiscal year 2006 is the President's recommended level, as re-estimated by the Congressional Budget Office, with an increase to accommodate additional budget authority. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $30.0 billion in BA and $32.0 billion in outlays in fiscal year 2006, and $152.5 billion in BA and $159.0 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears are the President's recommended levels, as re-estimated by CBO. Mandatory spending reflects the CBO baseline levels, with an adjustment to accommodate several small environmental and resource-related initiatives. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

AGRICULTURE: FUNCTION 350

FUNCTION SUMMARY

The Agriculture function includes funds for direct assistance and loans to food and fiber producers, export assistance, market information, inspection services, and agricultural research. Farm policy is driven by the Farm Security and Rural Investment Act of 2002, which provides producers with continued planting flexibility while protecting them against unique uncertainties such as poor weather conditions and unfavorable market conditions.

Homeland security spending in this function includes funding for the Department of Agriculture and the Department of Homeland Security (including the Agriculture and Plant Health Inspection Service).

HOUSE RESOLUTION

The resolution calls for $29.5 billion in budget authority and $28.5 billion in outlays in fiscal year 2006, and $133.1 billion in budget authority and $128.3 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $29.1 billion in BA and $28.1 billion in outlays in fiscal year 2006, and $129.3 billion in BA and $124.4 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears are the President's recommended levels, as re-estimated by CBO. Mandatory spending reflects the CBO baseline levels. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

FUNCTION SUMMARY

The Commerce and Housing Credit function includes four components: mortgage credit (usually negative budget authority because receipts tend to exceed the losses from defaulted mortgages); the Postal Service (mostly off budget); deposit insurance; and other advancement of commerce (the majority of the discretionary and mandatory spending in this function).

The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Government National Mortgage Association [Ginnie Mae], and rural housing programs of the Department of Agriculture. The function also includes net postal service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Finally, most, but not all, of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census; as well as independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

More than two-thirds of the spending in Function 370 is out of the FCC's Universal Service Fund. This fund collects receipts (which appear in roughly offsetting amounts on the revenue side of the budget) raised by certain telecommunications operators from charges on their customers to promote service to low-income users and high-cost areas, as well as new services.

HOUSE RESOLUTION

For on-budget amounts, the resolution calls for $10.8 billion in budget authority and $5.6 billion in outlays in fiscal year 2006, and $56.1 billion in budget authority and $24.9 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $5.8 billion in BA and $0.5 billion in outlays in fiscal year 2006, and $33.4 billion in BA and $3.2 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears are the President's recommended levels, as re-estimated by CBO. Mandatory spending reflects the CBO baseline levels. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

TRANSPORTATION: FUNCTION 400

FUNCTION SUMMARY

The Transportation function includes ground, air, water and other transportation funding. The major agencies and programs in this function include the Department of Transportation (including the Federal Aviation Administration; the Federal Highway Administration; the Federal Transit Administration; highway, motor carrier, rail and pipeline safety programs; and the Maritime Administration), the aeronautical activities of the National Aeronautics and Space Administration, and the National Railroad Passenger Corporation.

Homeland security spending in this function includes funding for the Department of Homeland Security (including the Federal Air Marshals, the Transportation Security Administration and the U.S. Coast Guard) and the Department of Transportation.

HOUSE RESOLUTION

The resolution calls for $70.0 billion in budget authority and $70.4 billion in outlays in fiscal year 2006, and $353.8 billion in budget authority and $369.8 billion in outlays over 5 years. The mandatory component consists of CBO baseline levels adjusted to accommodate the anticipated reauthorization of TEA-21. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $69.7 billion in BA and $69.8 billion in outlays in fiscal year 2006, and $379.6 billion in BA and $368.6 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The conference agreement reflects funding levels for fiscal years 2005–09 consistent with a $284-billion surface transportation bill. The agreement also includes a contingency procedure should additional resources be made available to the Highway Trust Fund. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

FUNCTION SUMMARY

The Community and Regional Development function includes programs that provide Federal funding for economic and community development in both urban and rural areas, including: Community Development Block Grants [CDBGs]; the non-power activities of the Tennessee Valley Authority; the non-roads activities of the Appalachian Regional Commission; the Economic Development Administration [EDA]; and partial funding for the Bureau of Indian Affairs.

Homeland Security spending in this function includes the State and Local Government grant programs of the Department of Homeland Security.

HOUSE RESOLUTION

The resolution calls for a total of $14.2 billion in budget authority [BA] and $18.5 billion in outlays in fiscal year 2006, and $71.5 billion in BA and $80.2 billion in outlays over 5 years. The discretionary component of these amounts was increased in fiscal year 2006 to accommodate higher appropriations for programs such as the Community Development Block Grant. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $15.2 billion in BA and $18.4 billion in outlays in fiscal year 2006, and $68.4 billion in BA and $78.4 billion in outlays over 5 years, including an amendment adopted on the Senate floor to increase the levels in this function by $1.5 billion above the President's request for the CDBG program, and other related economic and community development programs, in 2006.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The discretionary levels for both the budget year and the outyears are the President's recommended levels, as re-estimated by CBO, with the following adjustment: the levels are $1.5 billion higher than the President's request to maintain economic and community development programs such as CDBG at 2005 levels. Mandatory spending levels reflect the CBO baseline. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES: FUNCTION 500

FUNCTION SUMMARY

The function titled Education, Training, Employment, and Social Services primarily covers Federal spending within the Departments of Education, Labor, and Health and Human Services for programs that directly provide—or assist States and localities in providing—services to young people and adults. Its activities provide developmental services to low-income children; support programs for disadvantaged and other elementary and secondary school students; make grants and loans to post secondary students; and maintain job-training and employment services.

HOUSE RESOLUTION

The resolution calls for $92.0 billion in budget authority and $91.0 billion in outlays in fiscal year 2006, and $451.7 billion in budget authority and $446.7 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109-17.

SENATE AMENDMENT

The Senate amendment reflects a total of $98.4 billion in BA and $88.5 billion in outlays for fiscal year 2006, and $460.0 billion in BA and $450.3 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears reflect the President's recommended levels, as re-estimated by CBO, with the following adjustments: the discretionary levels are increased by $1.04 billion in BA in fiscal year 2006 for Department of Education programs. These increases include $0.6 billion above the President's request to maintain funding for Community Development Block Grants at 2005 levels, and an additional $0.4 billion to accommodate a $100 increase in Pell Grants in 2006. Mandatory spending levels reflect the CBO baseline, adjusted to support state-based abstinence grants. The conference agreement also includes a reserve fund to accommodate potential legislation addressing the shortfall in BA in the Pell Grant Program, and procedures modifying the budgetary treatment of Pell Grant funding. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

Although the Congress strongly supports the Federal student loan programs, it is increasingly concerned that the subsidy estimates for the Ford Direct Loan Program do not reflect the program's true cost to the Federal Government. For example, the President's 2006 budget reveals that although the program was expected to result in a net savings of $2 billion from its inception through fiscal year 2004, the actual experience is that the program resulted in a net cost to taxpayers of $3 billion over the same period. This represents a $5-billion underestimate of the program's actual cost to taxpayers over roughly 10 years. Accordingly, the Congress supports the administration's continuing efforts to direct the Department of Education to refine and improve its cost estimating techniques for this program.

The Congress believes it is important for estimates to be corrected for all known deficiencies so that the decision makers have sufficient information to compare the cost to taxpayers of competing policy options, and large-scale structural reform proposals, in the student loan programs.

HEALTH: FUNCTION 550

FUNCTION SUMMARY

This function consists of health care services, including Medicaid, the Nation's major program covering medical and long-term care costs for low-income persons; the State Children's Health Insurance Program [SCHIP], health research and training, including the National Institutes of Health [NIH] and substance abuse prevention and treatment; and consumer and occupational health and safety, including the Occupational Safety and Health Administration. Medicaid represents 71 percent of the spending in this function.

Homeland security activities and agencies in this category include Project Bioshield, the National Institutes of Health, the National Institute of Allergy and Infectious Diseases, the Food Safety and Inspection Service, and the Food and Drug Administration.

HOUSE RESOLUTION

The resolution calls for a total of $262.2 billion in BA and $262.5 billion in outlays in fiscal year 2006, and $1,486 billion in BA and $1,480.3 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $264.0 billion in BA and $264.3 billion in outlays in fiscal year 2006, and $1,489.3 billion in BA and $1,483.2 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels for both the budget year and the outyears reflect the President's recommended levels, as re-estimated by CBO. Mandatory spending levels reflect the CBO baseline, and the conference agreement contains reserve funds for the Family Opportunity Act and for health coverage for the uninsured. The agreement also contains reserve funds in the Senate for importation of prescription drugs, for the restoration of funds for the State Children's Health Insurance Program, and for health information technology and pay-for-performance. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted. No savings are assumed in fiscal year 2006 in the Medicaid Program.

MEDICARE: FUNCTION 570

FUNCTION SUMMARY

This function consists entirely of the Medicare Program. It reflects the Medicare Part

A Hospital Insurance [HI] Program, Part B Supplementary Medical Insurance [SMI] Program, Part C Medicare Advantage Program, and Part D Prescription Drug Benefit, as well as premiums paid by qualified aged and disabled beneficiaries. On 8 December 2003, Congress and the President enacted the Medicare Prescription Drug, Improvement, and Modernization Act [MMA]. MMA changed Medicare Part C from the Medicare+Choice Program to the Medicare Advantage Program and added the Part D Prescription Drug Benefit to the Medicare Program.

HOUSE RESOLUTION

The resolution calls for $331.2 billion in budget authority and $330.9 billion in outlays in fiscal year 2006, and $1,966.7 billion in budget authority and $1,966.7 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $331.2 billion in BA and $331.0 billion in outlays in fiscal year 2006, and $1,966.9 billion in BA and $1,967.0 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The discretionary spending levels reflect the President's recommended levels, as re-estimated by CBO. The mandatory figures reflect CBO baseline levels.

INCOME SECURITY: FUNCTION 600

FUNCTION SUMMARY

The Income Security function includes most of the Federal Government's income support programs. These include: general retirement and disability insurance (excluding Social Security)—mainly through the Pension Benefit Guaranty Corporation [PBGC]—and benefits to railroad retirees. Other components are Federal employee retirement and disability benefits (including military retirees); unemployment compensation; low-income housing assistance, including section 8 housing; food and nutrition assistance, including food stamps and school lunch subsidies; and other income security programs.

This last category includes: Temporary Assistance to Needy Families [TANF], the Government's principal welfare program; Supplemental Security Income; spending for the refundable portion of the Earned Income Credit; and the Low Income Home Energy Assistance Program.

HOUSE RESOLUTION

The resolution calls for $347.2 billion in budget authority and $354.1 billion in outlays in fiscal year 2006, and $1,823.1 billion in budget authority and $1,850.0 billion in outlays over 5 years. The discretionary component for fiscal year 2006 is the President's recommended level, as re-estimated by the Congressional Budget Office, reduced by $0.1 billion to accommodate increased funding for community and regional development programs in Function 450. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $347.4 billion in BA and $353.4 billion in outlays in fiscal year 2006, and $1,824.9 billion in BA and $1,846.4 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels, for both the budget year and the outyears, reflect the President's recommended levels, as re-estimated by CBO. Mandatory spending reflects the CBO baseline levels, adjusted to accommodate reauthorization of Temporary Assistance for Needy Families. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

SOCIAL SECURITY: FUNCTION 650

FUNCTION SUMMARY

This function consists of the Social Security Program, or Old Age, Survivors, and Disability Insurance [OASDI]. It is the largest budget function in terms of outlays, and provides funds for the Government's largest entitlement program. Under provisions of the Congressional Budget Act and the Budget Enforcement Act, Social Security trust funds are considered to be off budget. But a small portion of spending within Function 650 (including general fund transfers of taxes paid on Social Security benefits (is on budget. The presentations below, therefore, refer to only the on-budget portion of Function 650.

HOUSE RESOLUTION

The resolution calls for $15.9 billion in on-budget budget authority and $15.9 billion in outlays in fiscal year 2006, and $99.1 billion in budget authority and $99.1 billion in outlays over 5 years. (The corresponding unified budget totals would be $547.0 billion and $544.9 billion in outlays in fiscal year 2006, and $3,020.2 billion in BA and $3,007.4 billion in outlays over 5 years.) For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a unified total of $546.8 billion in BA and $544.8 billion in outlays in fiscal year 2006, and $3,021.3 billion in BA and $3,008.4 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The unified discretionary spending levels, for both the budget year and the outyears, are at the CBO baseline levels. The mandatory spending figures reflect the CBO baseline levels.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

FUNCTION SUMMARY

This function includes funding for the Department of Veterans Affairs [VA], which provides benefits to veterans who meet various eligibility rules. Benefits range from income security for veterans, principally disability compensation and pensions; veterans education, training, and rehabilitation services; hospital and medical care for veterans; and other veterans' benefits and services, such as home loan guarantees. There are about 24.8 million veterans.

HOUSE RESOLUTION

The resolution calls for $68.9 billion in budget authority and $68.1 billion in outlays in fiscal year 2006, and $344.7 billion in budget authority and $342.9 billion in outlays over 5 years. The discretionary component reflects an increase over the President's level, as re-estimated by the Congressional Budget Office. Specifically, the Chairman's Mark increased budget authority over the President's recommended levels by $68 million in fiscal year 2006 and $609 million over the period 2006–10. In addition, During markup, the Budget Committee adopted an amendment by Mr. Bradley further increasing budget authority by $229 million for fiscal year 2006 and $1.145 billion over the period 2006–10. As a result, the reported resolution includes an increase in total veterans budget authority of $297 million in fiscal year 2006 over the President's request.

For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $69.0 billion in BA and $68.4 billion in outlays in fiscal year 2006, and $344.7 billion in BA and $343.0 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The discretionary spending levels, for both the budget year and the outyears, reflect the President's recommended levels, as re-estimated by CBO, with the following adjustments: the levels are increased to provide for an additional $410 million in BA Veterans' Medical Care in fiscal year 2006.

Mandatory spending figures reflect the CBO baseline levels.

ADMINISTRATION OF JUSTICE: FUNCTION 750

FUNCTION SUMMARY

This function supports the majority of Federal justice and law enforcement programs and activities. This includes funding for the Department of Justice, as well as the financial law enforcement activities of the Department of the Treasury. Federal courts and prisons, and criminal justice assistance to State and local governments.

Homeland security spending in this function includes funding for the law enforcement and border protection activities of the Department of Homeland Security and the counterterrorism activities of the Department of Justice and the Department of the Treasury.

HOUSE RESOLUTION

The resolution calls for $40.8 billion in budget authority and $42.3 billion in outlays in fiscal year 2006, and $209.7 billion in budget authority and $213 billion in outlays over 5 years. The discretionary component for fiscal year 2006 is the President's recommended level, as re-estimated by the Congressional Budget Office, with an adjustment for the Federal Judiciary to grow at the rate of inflation. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $42.0 billion in BA and $42.9 billion in outlays in fiscal year 2006, and $213.0 billion in BA and $216.0 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels, for both the budget years and the outyears, reflect the President's recommended levels, as re-estimated by CBO. The conference agreement also contains a reserve fund in the Senate for the Asbestos Injury Trust Fund. Mandatory spending figures reflect the CBO baseline. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

General Government: Function 800

FUNCTION SUMMARY

General Government consists of the activities of the Legislative Branch; the Executive Office of the President; general tax collection and fiscal operations of the Department of Treasury (including the Internal Revenue Service); the Office of Personnel Management, and the property and personnel costs of the General Services Administration; general purpose fiscal assistance to States, localities, the District of Columbia, and U.S. territories; and other general Government activities.

HOUSE RESOLUTION

The resolution calls for $18 billion in budget authority and $18.3 billion in outlays in fiscal year 2006, and $88.5 billion in budget authority and $88.5 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $18.1 billion in BA and $18.4 billion in outlays in fiscal year 2006, and $91.8 billion in BA and $91.6 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. Discretionary spending levels, for both the budget year and the outyears, reflect the President's recommended levels, as re-estimated by CBO, with adjustments to accommodate changes in Function 500, Education, Labor, Employment, and Social Services; and in Function 650, Social Security. Mandatory spending figures reflect the CBO baseline, adjusted for several intergovernmental provisions. The conference agreement also contains a reserve fund in the House of Representatives for Federal property disposal. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

Net Interest: Function 900

FUNCTION SUMMARY

This function includes net interest, which is the interest paid on the Federal Government's borrowing less the interest received by the Federal Government from trust fund investments and loans to the public. It is a mandatory payment, with no discretionary components.

HOUSE RESOLUTION

The resolution calls for $214.0 billion in unified budget authority and outlays in fiscal year 2006, and $1,357.9 billion in budget authority and outlays over 5 years. For a complete summary of the House-passed function levels, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of $214.0 billion in BA and $214.0 billion in outlays in fiscal year 2006, and $1,365.5 billion in BA and $1,365.5 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. No mandatory assumptions are reflected in this function.

Allowances: Function 920

FUNCTION SUMMARY

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross various other budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget functions.

HOUSE RESOLUTION

The function totals are $47.903 billion in budget authority and $24.359 billion in outlays in fiscal year 2006; and $9.963 billion in budget authority and −$16.969 billion in outlays for 2006–10. The figures include $50.0 billion in discretionary budget authority and $32.0 billion in outlays in fiscal year 2006 toward likely costs for continuing military operations in Afghanistan and Iraq. The figures also include proposed mandatory savings of $2.097 in budget authority and $7.641 in outlays in fiscal year 2006, and $40.037 billion in budget authority and $66.969 billion in outlays for 2006–10. For a complete summary of the House-passed function totals, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of −$6.1 billion in BA and −$3.2 billion in outlays in fiscal year 2006, and −$6.3 billion in BA and −$6.1 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The agreement calls for a total of $48.5 billion in budget authority and $60.9 billion in outlays in fiscal year 2006, and $19.1 billion in BA and $64.5 billion in outlays over 5 years. The discretionary levels are $50.0 billion in BA and $62.4 billion in outlays in fiscal year 2006, and $50.0 billion in BA and $99.1 billion in outlays over 5 years. Mandatory amounts are −$1.5 billion in BA and −$1.5 billion in outlays in fiscal year 2006, and $30.9 billion in BA and $34.7 billion in outlays over 5 years.

These figures are derived as follows:

The conference report calls for $50.0 billion in discretionary budget authority and $62.4 billion in outlays in fiscal year 2006. This is to anticipate the likelihood of supplemental appropriations for continuing military operations in Afghanistan and Iraq. It is an estimate for anticipated annual costs. It is an attempt not to predetermine the scope or intensity of operations, troop levels, or which weapons and supplies the Department of Defense will need, but rather to make the budget reflect a likely future expenditure. Over 5 years, outlays from the 2006 budget authority total $50.0 billion.

The conference agreement also adjusts levels for the current year, fiscal year 2005, to accommodate $81.9 billion in supplemental funding for military operations in Iraq and Afghanistan.

The function also reflects a net reduction of $34.7 billion in outlays over 5 years in projected mandatory spending called for in the conference report. The budget recognizes the significance and rapid growth of mandatory spending—spending not subject to annual appropriations—which now consumes about 55 percent of total Federal spending (excluding interest). Total mandatory spending (including interest) is growing at a rate of about 6.4 percent per year. At its current rate, net non-interest mandatory spending will consume 61 percent of total spending in just 10 years—increasingly crowding out other priorities. Spending control depends on controlling the rate of mandatory spending growth. Therefore, to slow the growth of total mandatory spending, the conference agreement includes reconciliation directives to a range of authorizing committees (see the Reconciliation discussion in this report), the sum of which is reflected in this function. The committees are free to legislate savings provisions in any of the mandatory programs in their jurisdictions, so long as they achieve their respective reconciliation targets.

Undistributed Offsetting Receipts: Function 950

FUNCTION SUMMARY

This function consists of receipts to the Treasury. Receipts recorded in this function are either intrabudgetary (a payment from one Federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some kind of business transaction with the Government). The main types of receipts recorded in this function are: the payments Federal employees and agencies make to employee retirement trust funds; payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use public property or resources, such as the electromagnetic spectrum. These receipts are treated as negative spending.

HOUSE RESOLUTION

The resolution calls for a total of −$67.1 billion in unified budget authority and −$67.1 billion in outlays in fiscal year 2006 (with the minus signs again indicating receipts into the Treasury.) The function totals are −$375.7 billion in budget authority and −$376.4 billion in outlays over 5 years. For a complete summary of the House-passed function levels, including the discretionary and mandatory spending breakdown, see H. Rept. 109–17.

SENATE AMENDMENT

The Senate amendment reflects a total of −$67.1 billion in BA and −$67.1 billion in outlays in fiscal year 2006, and −$385.1 billion in BA and −$385.8 billion in outlays over 5 years.

CONFERENCE AGREEMENT

The totals for this function appear in the budget resolution conference agreement tables. The discretionary levels, for both the budget year and the outyears, reflect the President's recommended levels, as re-estimated by CBO. Mandatory spending levels reflect the CBO baseline. In addition, the conference agreement includes mandatory levels in Function 920 (Allowances). These levels reflect the sum of the reconciliation savings targets set for authorizing committees to achieve in spending programs under their jurisdictions. How these changes would affect programs in various functions will depend on the actual reconciliation legislation that is enacted.

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT
TOTAL SPENDING AND REVENUES
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	2,479.210	2,562.363	2,642.332	2,771.425	2,893.177	3,008.522	13,877.819
OT	2,454.699	2,577.400	2,644.200	2,750.392	2,872.905	2,995.181	13,840.078
On-Budget:							
BA	2,078.456	2,144.384	2,211.308	2,324.327	2,428.613	2,524.958	11,633.590
OT	2,056.006	2,161.420	2,215.361	2,305.908	2,411.288	2,514.745	11,608.722
Off-Budget:							
BA	400.754	417.979	431.024	447.098	464.564	483.564	2,244.229
OT	398.693	415.980	428.839	444.484	461.617	480.436	2,231.356
Revenues:							
Total	2,057.133	2,194.669	2,331.038	2,495.962	2,634.527	2,784.259	12,440.455
On-Budget	1,483.658	1,589.892	1,693.246	1,824.274	1,928.678	2,043.916	9,080.006
Off-Budget	573.475	604.777	637.792	671.688	705.849	740.343	3,360.449
Surplus/Deficit (−):							
Total	−397.566	−382.731	−313.162	−254.430	−238.378	−210.922	−1,399.623
On-Budget	−572.348	−571.528	−522.115	−481.634	−428.610	−470.829	−2,528.716
Off-Budget	174.782	188.797	208.953	227.204	244.232	259.907	1,129.093
Debt Held by the Public (end of year)	4,689	5,082	5,409	5,677	5,927	6,150	na
Debt Subject to Limit (end of year)	7,962	8,645	9,284	9,890	10,500	11,105	na
By Function							
National Defense (050):							
BA	423.446	441.562	465.260	483.730	503.763	513.904	2,408.219
OT	465.709	447.020	448.508	467.840	488.307	505.531	2,357.206
International Affairs (150):							
BA	28.413	30.913	34.338	34.700	34.739	34.430	169.120
OT	31.620	32.962	31.804	31.322	31.313	31.033	158.434
General Science, Space, and Technology (250):							
BA	24.413	24.735	25.171	25.545	25.851	26.162	127.464
OT	23.594	23.894	24.610	24.922	25.242	25.565	124.233
Energy (270):							
BA	2.564	3.247	2.837	2.920	2.531	2.229	13.764
OT	0.794	2.127	1.687	1.026	1.127	1.018	6.985
Natural Resources and Environment (300):							
BA	32.504	30.021	30.389	30.458	31.212	30.754	152.834
OT	31.163	32.016	31.622	31.938	32.182	31.763	159.521
Agriculture (350):							
BA	30.151	29.420	27.130	25.274	25.631	25.357	132.812
OT	28.550	28.476	25.948	24.225	24.738	24.627	128.014
Commerce and Housing Credit (370):							
BA	13.004	6.172	4.874	6.440	6.867	10.465	34.818
OT	7.502	0.962	−0.271	0.650	−0.032	2.293	3.602
On-budget:							
BA	16.804	10.772	10.074	10.040	10.667	14.565	56.118
OT	11.302	5.562	4.929	4.250	3.768	6.393	24.902
Off-budget:							
BA	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
OT	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
Transportation (400):							
BA	75.833	73.034	74.515	76.482	66.268	67.611	357.910
OT	67.639	70.137	72.092	73.893	75.235	77.107	368.464
Community and Regional Development (450):							
BA	23.007	14.493	14.510	14.597	14.735	14.755	73.090
OT	20.756	18.323	17.180	15.779	14.706	14.402	80.390
Education, Training, Employment and Social Services (500):							
BA	94.026	97.364	90.395	90.450	90.665	90.124	458.998
OT	92.805	91.463	91.045	89.335	88.826	88.646	449.315
Health (550):							
BA	257.498	262.269	275.200	294.954	317.026	336.407	1,485.856
OT	252.798	262.628	274.781	293.755	313.539	335.458	1,480.161
Medicare (570):							
BA	292.587	331.181	371.875	395.312	420.234	448.111	1,966.713
OT	293.587	330.944	372.167	395.364	419.828	448.442	1,966.745
Income Security (600):							
BA	339.658	347.606	352.843	365.782	374.984	384.088	1,825.303
OT	347.855	354.415	359.969	371.374	379.241	387.610	1,852.609
Social Security (650):							
BA	522.557	546.809	572.203	600.483	633.133	668.691	3,021.319
OT	520.496	544.810	570.018	597.869	630.186	665.563	3,008.446
On-budget:							
BA	15.849	15.991	17.804	19.868	21.843	24.129	99.635
OT	15.849	15.991	17.804	19.868	21.843	24.129	99.635
Off-budget:							
BA	506.708	530.818	554.399	580.615	611.290	644.562	2,921.684
OT	504.647	528.819	552.214	578.001	608.343	641.434	2,908.811
Veterans Benefits and Services (700):							
BA	69.448	68.994	66.434	69.561	70.074	70.172	345.235
OT	68.873	68.365	66.168	69.387	69.791	69.900	343.611
Administration of Justice (750):							
BA	39.731	40.984	41.531	42.172	42.743	43.001	210.431
OT	39.440	42.382	42.593	42.791	42.920	42.944	213.630
General Government (800):							
BA	16.765	17.909	17.829	17.285	17.140	16.733	86.896
OT	17.673	18.398	17.758	17.289	16.956	16.580	86.981
Net Interest (900):							
BA	176.982	214.274	254.812	281.847	299.135	313.567	1,363.635
OT	176.982	214.274	254.812	281.847	299.135	313.567	1,363.635
On-budget:							
BA	267.982	310.774	360.512	398.347	427.725	455.167	1,952.535
OT	267.982	310.774	360.512	398.347	427.725	455.167	1,952.535
Off-budget:							
BA	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
OT	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
Allowances (920):							
BA	81.881	48.477	−4.076	−7.670	−8.352	−9.294	19.085
OT	32.121	60.905	18.572	−0.505	−5.758	−8.748	64.466
Undistributed Offsetting Receipts (950):							
BA	−65.258	−67.101	−75.738	−78.897	−75.202	−78.745	−375.683
OT	−65.258	−67.101	−76.863	−79.709	−74.577	−78.120	−376.370
On-budget:							
BA	−54.104	−55.362	−63.263	−65.480	−60.876	−63.447	−308.428
OT	−54.104	−55.362	−64.388	−66.292	−60.251	−62.822	−309.115
Off-budget:							
BA	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT
TOTAL SPENDING AND REVENUES—Continued
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
OT	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT
DISCRETIONARY SPENDING
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	921.917	893.020	866.038	887.005	910.515	920.227	4,476.805
OT	961.641	979.260	937.599	936.596	951.089	967.365	4,771.909
Defense:							
BA	421.642	438.973	462.597	481.043	500.969	511.018	2,394.600
OT	463.887	444.398	445.816	465.130	485.494	502.628	2,343.466
Nondefense:							
BA	500.275	454.047	403.441	405.962	409.546	409.209	2,082.205
OT	497.754	534.862	491.783	471.466	465.595	464.737	2,428.443
By Function							
National Defense (050):							
BA	421.642	438.973	462.597	481.043	500.969	511.018	2,394.600
OT	463.887	444.398	445.816	465.130	485.494	502.628	2,343.466
International Affairs (150):							
BA	30.019	31.369	33.526	33.873	33.898	33.573	166.239
OT	36.182	35.794	34.392	33.868	33.882	33.620	171.556
General Science, Space, and Technology (250):							
BA	24.295	24.605	25.058	25.426	25.732	26.042	126.863
OT	23.516	23.815	24.523	24.829	25.142	25.462	123.771
Energy (270):							
BA	3.807	4.536	3.756	3.873	3.803	3.664	19.632
OT	3.785	4.742	4.150	3.864	3.841	3.740	20.337
Natural Resources and Environment (300):							
BA	31.306	27.975	27.945	27.968	27.903	27.484	139.275
OT	31.035	30.339	29.296	28.954	28.658	27.988	145.235
Agriculture (350):							
BA	5.725	5.365	5.663	5.705	5.717	5.661	28.111
OT	5.754	5.817	5.586	5.613	5.625	5.640	28.281
Commerce and Housing Credit (370):							
BA	1.849	0.864	0.991	1.050	1.500	5.206	9.611
OT	1.543	1.099	1.332	1.066	1.273	4.123	8.893
On-budget:							
BA	1.849	0.864	0.991	1.050	1.500	5.206	9.611
OT	1.543	1.099	1.332	1.066	1.273	4.123	8.893
Off-budget:							
BA							
OT							
Transportation (400):							
BA	25.305	21.607	21.668	22.075	22.469	23.805	111.624
OT	65.517	67.949	69.939	71.644	73.078	74.999	357.609
Community and Regional Development (450):							
BA	22.676	14.009	14.365	14.532	14.671	14.688	72.265
OT	20.314	18.564	17.313	15.863	14.892	14.584	81.216
Education, Training, Employment and Social Services (500):							
BA	79.556	79.139	76.214	76.173	76.023	75.218	382.767
OT	79.217	79.961	78.691	76.769	75.884	75.389	386.694
Health (550):							
BA	54.368	50.912	50.268	50.558	52.862	50.265	254.865
OT	51.012	51.730	51.138	50.608	50.551	50.577	254.604
Medicare (570):							
BA	4.000	5.061	4.987	4.991	4.975	4.895	24.909
OT	3.989	4.855	4.991	5.002	4.978	4.912	24.738
Income Security (600):							
BA	46.056	47.256	46.436	46.465	46.319	45.630	232.106
OT	54.294	54.275	53.535	52.143	50.891	49.356	260.200
Social Security (650):							
BA	4.426	4.576	4.710	4.853	5.001	5.152	24.292
OT	4.405	4.587	4.785	4.849	4.974	5.124	24.319
On-budget:							
BA							
OT							
Off-budget:							
BA	4.426	4.576	4.710	4.853	5.001	5.152	24.292
OT	4.405	4.587	4.785	4.849	4.974	5.124	24.319
Veterans Benefits and Services (700):							
BA	30.861	31.851	30.957	30.893	30.691	30.068	154.460
OT	30.327	31.252	30.775	30.822	30.526	29.922	153.297
Administration of Justice (750):							
BA	38.733	38.848	40.758	41.494	42.151	42.502	205.753
OT	38.363	41.076	41.295	41.837	42.378	42.501	209.087
General Government (800):							
BA	15.412	16.085	16.149	16.042	15.839	15.363	79.478
OT	16.380	16.594	16.070	15.901	15.699	15.263	79.527
Allowances (920):							
BA	81.881	50.000					50.000
OT	32.121	62.424	23.982	7.843	3.331	1.544	99.124
Undistributed Offsetting Receipts (950):							
BA		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
OT		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
On-budget:							
BA		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
OT		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
Off-budget:							
BA							
OT							

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT
MANDATORY SPENDING
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	1,557.293	1,669.343	1,776.294	1,884.420	1,982.662	2,088.295	9,401.014
OT	1,493.058	1,598.140	1,706.601	1,813.796	1,921.816	2,027.816	9,068.169
On-Budget:							
BA	1,160.965	1,255.940	1,349.980	1,442.175	1,523.099	1,609.883	7,181.077
OT	1,098.770	1,186.747	1,282.547	1,374.161	1,465.173	1,552.504	6,861.132
Off-Budget:							
BA	396.328	413.403	426.314	442.245	459.563	478.412	2,219.937
OT	394.288	411.393	424.054	439.635	456.643	475.312	2,207.037
By Function							
National Defense (050):							
BA	1.804	2.589	2.663	2.687	2.794	2.886	13.619
OT	1.822	2.622	2.692	2.710	2.813	2.903	13.740
International Affairs (150):							
BA	−1.606	−0.456	0.812	0.827	0.841	0.857	2.881
OT	−4.562	−2.832	−2.588	−2.546	−2.569	−2.587	−13.122
General Science, Space, and Technology (250):							
BA	0.118	0.130	0.113	0.119	0.119	0.120	0.601
OT	0.078	0.079	0.087	0.093	0.100	0.103	0.462
Energy (270):							
BA	−1.243	−1.289	−0.919	−0.953	−1.272	−1.435	−5.868
OT	−2.991	−2.615	−2.463	−2.838	−2.714	−2.722	−13.352
Natural Resources and Environment (300):							
BA	1.198	2.046	2.444	2.490	3.309	3.270	13.559
OT	0.128	1.677	2.326	2.984	3.524	3.775	14.286
Agriculture (350):							
BA	24.426	24.055	21.467	19.569	19.914	19.696	104.701
OT	22.796	22.659	20.362	18.612	19.113	18.987	99.733
Commerce and Housing Credit (370):							
BA	11.155	5.308	3.883	5.390	5.367	5.259	25.207
OT	5.959	−0.137	−1.603	−0.416	−1.305	−1.830	−5.291
On-budget:							
BA	14.955	9.908	9.083	8.990	9.167	9.359	46.507
OT	9.759	4.463	3.597	3.184	2.495	2.270	16.009
Off-budget:							
BA	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
OT	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
Transportation (400):							
BA	50.528	51.427	52.847	54.407	43.799	43.806	246.286
OT	2.122	2.188	2.153	2.249	2.157	2.108	10.855
Community and Regional Development (450):							
BA	0.331	0.484	0.145	0.065	0.064	0.067	0.825
OT	0.442	−0.241	−0.133	−0.084	−0.186	−0.182	−0.826
Education, Training, Employment and Social Services (500):							
BA	14.470	18.225	14.181	14.277	14.642	14.906	76.231
OT	13.588	11.502	12.354	12.566	12.942	13.257	62.621
Health (550):							
BA	203.130	211.357	224.932	244.396	264.164	286.142	1,230.991
OT	201.786	210.898	223.643	243.147	262.988	284.881	1,225.557
Medicare (570):							
BA	288.587	326.120	366.888	390.321	415.259	443.216	1,941.804
OT	289.598	326.089	367.176	390.362	414.850	443.530	1,942.007
Income Security (600):							
BA	293.602	300.350	306.407	319.317	328.665	338.458	1,593.197
OT	293.561	300.140	306.434	319.231	328.350	338.254	1,592.409
Social Security (650):							
BA	518.131	542.233	567.493	595.630	628.132	663.539	2,997.027
OT	516.091	540.223	565.233	593.020	625.212	660.439	2,984.127
On-budget:							
BA	15.849	15.991	17.804	19.868	21.843	24.129	99.635
OT	15.849	15.991	17.804	19.868	21.843	24.129	99.635
Off-budget:							
BA	502.282	526.242	549.689	575.762	606.289	639.410	2,897.392
OT	500.242	524.232	547.429	573.152	603.369	636.310	2,884.492
Veterans Benefits and Services (700):							
BA	38.587	37.143	35.477	38.668	39.383	40.104	190.775
OT	38.546	37.113	35.393	38.565	39.265	39.978	190.314
Administration of Justice (750):							
BA	0.998	2.136	0.773	0.678	0.592	0.499	4.678
OT	1.077	1.306	1.298	0.954	0.542	0.443	4.543
General Government (800):							
BA	1.353	1.824	1.680	1.243	1.301	1.370	7.418
OT	1.293	1.804	1.688	1.388	1.257	1.317	7.454
Net Interest (900):							
BA	176.982	214.274	254.812	281.847	299.135	313.567	1,363.635
OT	176.982	214.274	254.812	281.847	299.135	313.567	1,363.635
On-budget:							
BA	267.982	310.774	360.512	398.347	427.735	455.167	1,952.535
OT	267.982	310.774	360.512	398.347	427.735	455.167	1,952.535
Off-budget:							
BA	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
OT	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
Allowances (920):							
BA		−1.523	−4.076	−7.670	−8.352	−9.294	−30.915
OT		−1.519	−5.410	−8.348	−9.089	−10.292	−34.658
Undistributed Offsetting Receipts (950):							
BA	−65.258	−67.090	−75.728	−78.888	−75.194	−78.738	−375.638
OT	−65.258	−67.090	−76.853	−79.700	−74.569	−78.113	−376.325
On-budget:							
BA	−54.104	−55.351	−63.253	−65.471	−60.868	−63.440	−308.383
OT	−54.104	−55.351	−64.378	−66.283	−60.243	−62.815	−309.070
Off-budget:							
BA	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255
OT	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION AS PASSED BY THE HOUSE
TOTAL SPENDJNG AND REVENUES
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	2,471.111	2,553.527	2,630.115	2,761.537	2,894.637	3,010.943	13,850.759
OT	2,451.244	2,570.621	2,635.179	2,742.732	2,864.079	2,987.327	13,799.938
On-Budget:							
BA	2,070.357	2,135.290	2,199.074	2,314.562	2,430.359	2,527.892	11,607.177
OT	2,052.551	2,154.404	2,206.300	2,298.338	2,402.719	2,507.365	11,569.126
Off-Budget:							
BA	400.754	418.237	431.041	446.975	464.278	483.051	2,243.582
OT	398.693	416.217	428.879	444.394	461.360	479.962	2,230.812
Revenues:							
Total	2,057.446	2,194.781	2,331.157	2,496.038	2,634.611	2,784.345	12,440.932
On-Budget	1,483.971	1,589.905	1,693.266	1,824.251	1,928.663	2,043.903	9,079.988
Off-Budget	573.475	604.876	637.891	671.787	705.948	740.442	3,360.944
Surplus/Deficit (−):							
Total	−393.798	−375.840	−304.022	−246.694	−229.468	−202.982	−1,359.006
On-Budget	−568.580	−564.499	−513.034	−474.087	−474.056	−463.462	−2,489.138
Off-Budget	174.782	188.659	209.012	227.393	244.588	260.480	1,130.132
Debt Held by the Public (end of year)	4,685	5,071	5,389	5,649	5,891	6,105	na
Debt Subject to Limit (end of year)	7,958	8,635	9,264	9,862	10,464	11,060	na
By Function							
National Defense (050):							
BA	500.621	441.562	465.260	483.730	503.763	513.904	2,408.219
OT	497.196	475.603	460.673	471.003	489.220	505.908	2,402.407
International Affairs (150):							
BA	32.085	31.718	34.835	35.197	35.237	34.928	171.915
OT	32.166	35.097	33.359	32.397	32.115	31.643	164.611
General Science, Space, and Technology (250):							
BA	24.413	24.735	25.171	25.545	25.851	26.162	127.464
OT	23.594	23.894	24.610	24.922	25.242	25.565	124.233
Energy (270):							
BA	2.564	3.147	2.362	2.445	2.056	1.754	11.764
OT	0.794	2.027	1.212	0.551	0.652	0.543	4.985
Natural Resources and Environment (300):							
BA	32.527	30.513	30.883	30.952	31.706	31.248	155.302
OT	31.168	32.276	32.046	32.402	32.663	32.254	161.641
Agriculture (350):							
BA	30.151	29.480	27.190	25.334	25.691	25.417	133.112
OT	28.550	28.507	25.999	24.281	24.796	24.687	128.270
Commerce and Housing Credit (370):							
BA	13.004	6.172	4.874	6.440	6.867	10.465	34.818
OT	7.502	0.962	−0.271	0.650	−0.032	2.293	3.602
On-Budget:							
BA	16.804	10.772	10.074	10.040	10.667	14.565	56.118
OT	11.302	5.562	4.929	4.250	3.768	6.393	24.902
Off-Budget:							
BA	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
OT	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
Transportation (400):							
BA	72.506	70.007	70.130	70.501	70.911	72.254	353.803
OT	67.703	70.393	72.421	74.167	75.500	77.356	369.837
Community and Regional Development (450):							
BA	23.007	14.179	14.196	14.283	14.421	14.441	71.520
OT	20.756	18.461	17.413	15.727	14.491	14.140	80.232
Education, Training, Employment and Social Services (500):							
BA	94.001	91.978	89.925	89.980	90.194	89.652	451.729
OT	92.798	90.981	90.360	88.864	88.363	88.181	446.749
Health (550):							
BA	257.469	262.151	275.220	295.010	317.113	336.523	1,486.017
OT	252.770	262.513	274.801	293.810	313.625	335.574	1,480.323
Medicare (570):							
BA	292.587	331.181	371.875	395.312	420.234	448.111	1,966.713
OT	293.587	330.944	372.167	395.364	419.828	448.442	1,966.745
Income Security (600):							
BA	339.057	347.218	352.416	365.343	374.529	383.590	1,823.096
OT	347.754	354.055	359.566	370.830	378.609	386.978	1,850.038
Social Security (650):							
BA	522.557	546.967	572.120	600.260	632.747	668.078	3,020.172
OT	520.496	544.947	569.958	597.679	629.829	664.989	3,007.402
On-Budget:							
BA	15.849	15.891	17.704	19.768	21.743	24.029	99.135
OT	15.849	15.891	17.704	19.768	21.743	24.029	99.135
Off-Budget:							
BA	506.708	531.076	554.416	580.492	611.004	644.049	2,921.037
OT	504.647	529.056	552.254	577.911	608.086	640.960	2,908.267
Veterans Benefits and Services (700):							
BA	69.448	68.881	66.321	69.448	69.961	70.059	344.670
OT	68.873	68.148	66.014	69.258	69.672	69.787	342.879
Administration of Justice (750):							
BA	39.817	40.840	41.390	42.031	42.602	42.860	209.723
OT	39.501	42.268	42.463	42.650	42.779	42.803	212.963
General Government (800):							
BA	16.748	18.017	17.956	17.570	17.587	17.408	88.538
OT	17.656	18.308	17.999	17.555	17.378	17.216	88.456
Net Interest (900):							
BA	176.942	213.979	254.097	280.694	297.562	311.572	1,357.904
OT	176.942	213.979	254.097	280.694	297.562	311.572	1,357.904
On-Budget:							
BA	267.942	310.479	359.797	397.194	426.162	453.172	1,946.804
OT	267.942	310.479	359.797	397.194	426.162	453.172	1,946.804
Off-Budget:							
BA	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
OT	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
Allowances (920):							
BA	−3.135	47.903	−10.368	−9.641	−9.193	−8.738	9.963
OT	−3.304	24.359	−2.845	−10.363	−13.636	−14.484	−16.969
Undistributed Offsetting Receipts (950):							
BA	−65.258	−67.101	−75.738	−78.897	−75.202	−78.745	−375.683
OT	−65.258	−67.101	−76.863	−79.709	−74.577	−78.120	−376.370
On-Budget:							
BA	−54.104	−55.362	−63.263	−65.480	−60.876	−63.447	−308.428
OT	−54.104	−55.362	−64.388	−66.292	−60.251	−62.822	−309.115
Off-Budget:							
BA	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION AS PASSED BY THE HOUSE
TOTAL SPENDING AND REVENUES—Continued
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
OT	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION AS PASSED BY THE HOUSE
DISCRETIONARY SPENDING
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	921.153	893.020	866.038	887.005	910.515	920.227	4,476.805
OT	961.683	979.549	938.535	936.992	951.327	967.610	4,774.013
Defense:							
BA	498.817	438.973	462.597	481.043	500.969	511.018	2,394.600
OT	495.374	472.981	457.981	468.293	486.407	503.005	2,388.667
Nondefense:							
BA	422.336	454.047	403.441	405.962	409.546	409.209	2,082.205
OT	466.309	506.568	480.554	468.699	464.920	464.605	2,385.346
By Function							
National Defense (050):							
BA	498.817	438.973	462.597	481.043	500.969	511.018	2,394.600
OT	495.374	472.981	457.981	468.293	486.407	503.005	2,388.667
International Affairs (150):							
BA	33.691	32.174	34.023	34.370	34.396	34.071	169.034
OT	36.728	37.929	35.947	34.943	34.684	34.230	177.733
General Science, Space, and Technology (250):							
BA	24.295	24.605	25.058	25.426	25.732	26.042	126.863
OT	23.516	23.815	24.523	24.829	25.142	25.462	123.771
Energy (270):							
BA	3.807	4.536	3.756	3.873	3.803	3.664	19.632
OT	3.785	4.742	4.150	3.864	3.841	3.740	20.337
Natural Resources and Environment (300):							
BA	31.329	28.475	28.445	28.468	28.403	27.984	141.775
OT	31.040	30.607	29.726	29.424	29.145	28.485	147.387
Agriculture (350):							
BA	5.725	5.425	5.723	5.765	5.777	5.721	28.411
OT	5.754	5.848	5.637	5.669	5.683	5.700	28.537
Commerce and Housing Credit (370):							
BA	1.849	0.864	0.991	1.050	1.500	5.206	9.611
OT	1.543	1.099	1.332	1.066	1.273	4.123	8.893
On-budget:							
BA	1.849	0.864	0.991	1.050	1.500	5.206	9.611
OT	1.543	1.099	1.332	1.066	1.273	4.123	8.893
Off-budget:							
BA							
OT							
Transportation (400):							
BA	25.466	21.607	21.668	22.075	22.469	23.805	111.624
OT	65.581	68.205	70.268	71.918	73.343	75.248	358.982
Community and Regional Development (450):							
BA	22.676	13.695	14.051	14.218	14.357	14.374	70.695
OT	20.314	18.702	17.546	15.811	14.677	14.322	81.058
Education, Training, Employment and Social Services (500):							
BA	79.556	78.103	75.794	75.753	75.602	74.796	380.048
OT	79.217	79.502	78.041	76.338	75.464	74.968	384.313
Health (550):							
BA	54.368	50.912	50.268	50.558	52.862	50.265	254.865
OT	51.012	51.730	51.138	50.608	50.551	50.577	254.604
Medicare (570):							
BA	4.000	5.061	4.987	4.991	4.975	4.895	24.909
OT	3.989	4.855	4.991	5.002	4.978	4.912	24.738
Income Security (600):							
BA	46.056	47.115	46.295	46.324	46.178	45.489	231.401
OT	54.294	54.203	53.416	52.011	50.754	49.216	259.600
Social Security (650):							
BA	4.426	4.734	4.627	4.630	4.615	4.539	23.145
OT	4.405	4.724	4.725	4.659	4.617	4.550	23.275
On-budget:							
BA							
OT							
Off-budget:							
BA	4.426	4.734	4.627	4.630	4.615	4.539	23.145
OT	4.405	4.724	4.725	4.659	4.617	4.550	23.275
Veterans Benefits and Services (700):							
BA	30.861	31.738	30.844	30.780	30.578	29.955	153.895
OT	30.327	31.035	30.621	30.693	30.407	29.809	152.565
Administration of Justice (750):							
BA	38.819	38.713	40.623	41.359	42.016	42.367	205.078
OT	38.424	40.971	41.170	41.702	42.243	42.366	208.452
General Government (800):							
BA	15.412	16.301	16.298	16.331	16.291	16.043	81.264
OT	16.380	16.612	16.333	16.171	16.126	15.904	81.146
Allowances (920):							
BA		50.000					50.000
OT		32.000	11.000	4.000	2.000	1.000	50.000
Undistributed Offsetting Receipts (950):							
BA		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
OT		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
On-budget:							
BA		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
OT		−0.011	−0.010	−0.009	−0.008	−0.007	−0.045
Off-budget:							
BA							
OT							

FISCAL YEAR 2006 BUDGET RESOLUTION AS PASSED BY THE HOUSE
MANDATORY SPENDING
[In billions of dollars]

Fiscal year	2005	2006	2007	2008	2009	2010	2006–2010
Summary							
Total Spending:							
BA	1,549.958	1,660.507	1,764.077	1,874.532	1,984.122	2,090.716	9,373.954
OT	1,489.561	1,591.072	1,696.644	1,805.740	1,912.752	2,019.717	9,025.925
On-Budget:							
BA	1,153.630	1,247.004	1,337.663	1,432.187	1,524.459	1,612.204	7,153.517
OT	1,095.273	1,179.579	1,272.490	1,366.005	1,456.009	1,544.305	6,818.388
Off-Budget:							
BA	396.328	413.503	426.414	442.345	459.663	478.512	2,220.437
OT	394.288	411.493	424.154	439.735	456.743	475.412	2,207.537
By Function							
National Defense (050):							
BA	1.804	2.589	2.663	2.687	2.794	2.886	13.619
OT	1.822	2.622	2.692	2.710	2.813	2.903	13.740
International Affairs (150):							
BA	−1.606	−0.456	0.812	0.827	0.841	0.857	2.881
OT	−4.562	−2.832	−2.588	−2.546	−2.569	−2.587	−13.122
General Science, Space, and Technology (250):							
BA	0.118	0.130	0.113	0.119	0.119	0.120	0.601
OT	0.078	0.079	0.087	0.093	0.100	0.103	0.462
Energy (270):							
BA	−1.243	−1.389	−1.394	−1.428	−1.747	−1.910	−7.868
OT	−2.991	−2.715	−2.938	−3.313	−3.189	−3.197	−15.352
Natural Resources and Environment (300):							
BA	1.198	2.038	2.438	2.484	3.303	3.264	13.527
OT	0.128	1.669	2.320	2.978	3.518	3.769	14.254
Agriculture (350):							
BA	24.426	24.055	21.467	19.569	19.914	19.696	104.701
OT	22.796	22.659	20.362	18.612	19.113	18.987	99.733
Commerce and Housing Credit (370):							
BA	11.155	5.308	3.883	5.390	5.367	5.259	25.207
OT	5.959	−0.137	−1.603	−0.416	−1.305	−1.830	−5.291
On-budget:							
BA	14.955	9.908	9.083	8.990	9.167	9.359	46.507
OT	9.759	4.463	3.597	3.184	2.495	2.270	16.009
Off-budget:							
BA	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
OT	−3.800	−4.600	−5.200	−3.600	−3.800	−4.100	−21.300
Transportation (400):							
BA	47.040	48.400	48.462	48.426	48.442	48.449	242.179
OT	2.122	2.188	2.153	2.249	2.157	2.108	10.855
Community and Regional Development (450):							
BA	0.331	0.484	0.145	0.065	0.064	0.067	0.825
OT	0.442	−0.241	−0.133	−0.084	−0.186	−0.182	−0.826
Education, Training, Employment and Social Services (500):							
BA	14.445	13.875	14.131	14.227	14.592	14.856	71.681
OT	13.581	11.479	12.319	12.526	12.899	13.213	62.436
Health (550):							
BA	203.101	211.239	224.952	244.452	264.251	286.258	1,231.152
OT	201.758	210.783	223.663	243.202	263.074	284.997	1,225.719
Medicare (570):							
BA	288.587	326.120	366.888	390.321	415.259	443.216	1,941.804
OT	289.598	326.089	367.176	390.362	414.850	443.530	1,942.007
Income Security (600):							
BA	293.001	300.103	306.121	319.019	328.351	338.101	1,591.695
OT	293.460	299.852	306.150	318.819	327.855	337.762	1,590.438
Social Security (650):							
BA	518.131	542.233	567.493	595.630	628.132	663.539	2,997.027
OT	516.091	540.223	565.233	593.020	625.212	660.439	2,984.127
On-budget:							
BA	15.849	15.891	17.704	19.768	21.743	24.029	99.135
OT	15.849	15.891	17.704	19.768	21.743	24.029	99.135
Off-budget:							
BA	502.282	526.342	549.789	575.862	606.389	639.510	2,897.892
OT	500.242	524.332	547.529	573.252	603.469	636.410	2,884.992
Veterans Benefits and Services (700):							
BA	38.587	37.143	35.477	38.668	39.383	40.104	190.775
OT	38.546	37.113	35.393	38.565	39.265	39.978	190.314
Administration of Justice (750):							
BA	0.998	2.127	0.767	0.672	0.586	0.493	4.645
OT	1.077	1.297	1.293	0.948	0.536	0.437	4.511
General Government (800):							
BA	1.336	1.716	1.658	1.239	1.296	1.365	7.274
OT	1.276	1.696	1.666	1.384	1.252	1.312	7.310
Net Interest (900):							
BA	176.942	213.979	254.097	280.694	297.562	311.572	1,357.904
OT	176.942	213.979	254.097	280.694	297.562	311.572	1,357.904
On-budget:							
BA	267.942	310.479	359.797	397.194	426.162	453.172	1,946.804
OT	267.942	310.479	359.797	397.194	426.162	453.172	1,946.804
Off-budget:							
BA	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
OT	−91.000	−96.500	−105.700	−116.500	−128.600	−141.600	−588.900
Allowances (920):							
BA	−3.135	−2.097	−10.368	−9.641	−9.193	−8.738	−40.037
OT	−3.304	−7.641	−13.845	−14.363	−15.636	−15.484	−66.969
Undistributed Offsetting Receipts (950):							
BA	−65.258	−67.090	−75.728	−78.888	−75.194	−78.738	−375.638
OT	−65.258	−67.090	−76.853	−79.700	−74.569	−78.113	−376.325
On-budget:							
BA	−54.104	−55.351	−63.253	−65.471	−60.868	−63.440	−308.383
OT	−54.104	−55.351	−64.378	−66.283	−60.243	−62.815	−309.070
Off-budget:							
BA	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255
OT	−11.154	−11.739	−12.475	−13.417	−14.326	−15.298	−67.255

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Total Spending and Revenues

(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
Summary									
Spending	Total	BA	2,475.713	2,559.780	2,641.632	2,776.347	2,917.629	3,034.882	13,930.270
		OT	2,454.687	2,561.664	2,658.130	2,760.037	2,880.404	3,006.929	13,867.164
	On-Budget	BA	2,074.959	2,141.801	2,210.608	2,329.249	2,453.065	2,551.318	11,686.041
		OT	2,055.994	2,145.684	2,229.291	2,315.553	2,418.787	2,526.493	11,635.808
	Off-Budget	BA	400.754	417.979	431.024	447.098	464.564	483.564	2,244.229
		OT	398.693	415.980	428.839	444.484	461.617	480.436	2,231.356
Revenues	Total		2,057.383	2,193.423	2,343.482	2,482.973	2,623.089	2,774.603	12,417.570
	On-budget		1,483.908	1,588.646	1,705.690	1,811.285	1,917.240	2,034.260	9,057.121
	Off-budget		573.475	604.777	637.792	671.688	705.849	740.343	3,360.449
Deficit (-)	**Total**		**-397.304**	**-368.241**	**-314.648**	**-277.064**	**-257.315**	**-232.326**	**-1,449.594**
	On-budget		-572.086	-557.038	-523.601	-504.268	-501.547	-492.233	-2,578.687
	Off-budget		174.782	188.797	208.953	227.204	244.232	259.907	1,129.093
Debt Held by the Public (end of year)			4,688.918	5,067.403	5,395.305	5,686.105	5,955.749	6,199.346	
Debt Subject to Limit (end of year)			7,961.738	8,637.186	9,288.652	9,931.410	10,574.984	11,210.426	
By Function									
National Defense (050)		BA	498.761	491.562	465.260	483.730	503.763	513.904	2,458.219
		OT	496.928	496.117	479.984	479.730	489.146	505.872	2,450.849
International Affairs (150)		BA	34.707	32.885	36.580	37.131	37.171	36.862	180.629
		OT	32.425	35.388	34.556	33.972	33.847	33.436	171.199
General Science, Space, and Technology (250)		BA	24.413	24.735	25.294	25.796	26.102	26.413	128.340
		OT	23.594	23.894	24.672	25.095	25.472	25.808	124.941
Energy (270)		BA	2.564	3.247	2.859	2.923	2.534	2.232	13.795
		OT	0.794	2.127	1.698	1.035	1.132	1.022	7.014
Natural Resources and Environment (300)		BA	32.527	30.005	30.373	30.446	31.115	30.609	152.548
		OT	31.168	31.973	31.556	31.846	32.051	31.604	159.030
Agriculture (350)		BA	30.151	29.087	26.245	24.492	24.845	24.584	129.253
		OT	28.550	28.143	25.057	23.434	23.950	23.854	124.438
Commerce and Housing Credit (370)	Total	BA	13.004	5.763	4.666	6.215	6.613	10.170	33.427
		OT	7.502	0.517	-0.436	0.467	0.322	2.299	3.169
	On-budget	BA	16.804	10.363	9.866	9.815	10.413	14.270	54.727
		OT	11.302	5.117	4.764	4.067	4.122	6.399	24.469
	Off-budget	BA	-3.800	-4.600	-5.200	-3.600	-3.800	-4.100	-21.300
		OT	-3.800	-4.600	-5.200	-3.600	-3.800	-4.100	-21.300
Transportation (400)		BA	72.506	69.683	71.030	74.489	81.524	82.867	379.593
		OT	67.663	69.789	71.013	72.755	75.693	79.335	368.585
Community and Regional Development (450)		BA	23.007	15.208	13.118	13.272	13.410	13.430	68.438
		OT	20.756	18.425	17.416	15.546	13.816	13.198	78.401
Education, Training, Employment and Social Services (500)		BA	94.026	98.387	89.909	90.600	90.762	90.369	460.027
		OT	92.805	88.496	94.077	89.917	89.173	88.679	450.342
Health (550)		BA	257.498	263.962	275.711	295.315	317.433	336.858	1,489.279
		OT	252.799	264.301	275.158	293.927	313.894	335.893	1,483.173
Medicare (570)		BA	292.587	331.240	371.899	395.362	420.284	448.161	1,966.946
		OT	293.587	331.003	372.186	395.408	419.877	448.492	1,966.966
Income Security (600)		BA	339.651	347.395	352.633	365.775	374.946	384.137	1,824.886
		OT	347.850	353.429	358.674	370.107	377.951	386.269	1,846.430
Social Security (650)	Total	BA	522.557	546.809	572.203	600.483	633.133	668.691	3,021.319
		OT	520.496	544.810	570.018	597.869	630.186	665.563	3,008.446
	On-budget	BA	15.849	15.991	17.804	19.868	21.843	24.129	99.635
		OT	15.849	15.991	17.804	19.868	21.843	24.129	99.635
	Off-budget	BA	506.708	530.818	554.399	580.615	611.290	644.562	2,921.684
		OT	504.647	528.819	552.214	578.001	608.343	641.434	2,908.811
Veterans Benefits and Services (700)		BA	69.448	68.994	66.181	69.458	69.971	70.069	344.673
		OT	68.873	68.365	65.931	69.257	69.680	69.794	343.027
Administration of Justice (750)		BA	39.819	42.024	41.751	42.607	43.178	43.436	212.996
		OT	39.502	42.889	42.952	43.287	43.428	43.448	216.004

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Total Spending and Revenues
(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
General Government (800)		BA	16.765	18.074	18.074	19.753	17.772	18.092	91.765
		OT	17.673	18.381	18.048	19.693	17.545	17.894	91.561
Net Interest (900)	Total	BA	176.980	213.951	254.166	281.779	300.089	315.525	1,365.510
		OT	176.980	213.951	254.166	281.779	300.089	315.525	1,365.510
	On-budget	BA	267.980	310.451	359.866	398.279	428.689	457.125	1,954.410
		OT	267.980	310.451	359.866	398.279	428.689	457.125	1,954.410
	Off-budget	BA	-91.000	-96.500	-105.700	-116.500	-128.600	-141.600	-588.900
		OT	-91.000	-96.500	-105.700	-116.500	-128.600	-141.600	-588.900
Allowances (920)		BA	--	-6.130	-0.032	-0.032	-0.032	-0.032	-6.258
		OT	--	-3.233	-1.183	-1.028	-0.489	-0.186	-6.119
Undistributed Offsetting Receipts (950)	Total	BA	-65.258	-67.101	-76.288	-83.247	-76.984	-81.495	-385.115
		OT	-65.258	-67.101	-77.413	-84.059	-76.359	-80.870	-385.802
	On-budget	BA	-54.104	-55.362	-63.813	-69.830	-62.658	-66.197	-317.860
		OT	-54.104	-55.362	-64.938	-70.642	-62.033	-65.572	-318.547
	Off-budget	BA	-11.154	-11.739	-12.475	-13.417	-14.326	-15.298	-67.255
		OT	-11.154	-11.739	-12.475	-13.417	-14.326	-15.298	-67.255

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Discretionary Spending

(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
Summary									
Total Spending		BA	921.917	898.818	868.473	891.445	914.956	925.009	4,498.701
		OT	961.635	968.577	950.818	943.993	953.426	972.571	4,789.385
Defense		BA	496.957	488.973	462.597	481.043	500.969	511.018	2,444.600
		OT	495.106	493.495	477.292	477.020	486.333	502.969	2,437.109
Non-defense		BA	424.960	409.845	405.876	410.402	413.987	413.991	2,054.101
		OT	466.529	475.082	473.526	466.973	467.093	469.602	2,352.276
By Function									
National Defense (050)		BA	496.957	488.973	462.597	481.043	500.969	511.018	2,444.600
		OT	495.106	493.495	477.292	477.020	486.333	502.969	2,437.109
International Affairs (150)		BA	36.313	33.341	35.768	36.304	36.330	36.005	177.748
		OT	36.987	38.220	37.144	36.518	36.416	36.023	184.321
General Science, Space, and Technology (250)		BA	24.295	24.605	25.181	25.677	25.983	26.293	127.739
		OT	23.516	23.815	24.585	25.002	25.372	25.705	124.479
Energy (270)		BA	3.807	4.536	3.778	3.876	3.806	3.667	19.663
		OT	3.785	4.742	4.161	3.873	3.846	3.744	20.366
Natural Resources and Environment (300)		BA	31.329	28.105	28.214	28.378	28.313	27.894	140.904
		OT	31.040	30.442	29.515	29.285	29.035	28.385	146.662
Agriculture (350)		BA	5.725	5.365	5.689	5.761	5.773	5.717	28.305
		OT	5.754	5.817	5.606	5.660	5.679	5.696	28.458
Commerce and Housing Credit (370)	Total	BA	1.849	1.007	0.995	1.059	1.509	5.215	9.785
		OT	1.543	1.170	1.379	1.117	1.290	4.133	9.089
	On-budget	BA	1.849	1.007	0.995	1.059	1.509	5.215	9.785
		OT	1.543	1.170	1.379	1.117	1.290	4.133	9.089
	Off-budget	BA	--	--	--	--	--	--	--
		OT	--	--	--	--	--	--	--
Transportation (400)		BA	25.466	21.607	21.776	22.292	22.686	24.022	112.383
		OT	65.541	67.609	68.877	70.523	73.553	77.244	357.806
Community and Regional Development (450)		BA	22.676	14.724	12.973	13.207	13.346	13.363	67.613
		OT	20.314	18.666	17.549	15.630	14.002	13.380	79.227
Education, Training, Employment and Social Services (500)		BA	79.556	85.207	76.546	76.766	76.453	75.761	390.733
		OT	79.217	81.314	82.621	77.764	76.484	75.630	393.813
Health (550)		BA	54.368	52.548	50.522	51.063	53.367	50.770	258.270
		OT	51.012	53.343	51.258	50.925	51.005	51.066	257.597
Medicare (570)		BA	4.000	5.061	5.012	5.041	5.025	4.945	25.084
		OT	3.989	4.855	5.011	5.046	5.027	4.962	24.901
Income Security (600)		BA	46.056	47.256	46.672	46.931	46.785	46.096	233.740
		OT	54.294	54.275	53.671	52.482	51.313	49.799	261.540
Social Security (650)	Total	BA	4.426	4.576	4.710	4.853	5.001	5.152	24.292
		OT	4.405	4.587	4.785	4.849	4.974	5.124	24.319
	On-budget	BA	--	--	--	--	--	--	--
		OT	--	--	--	--	--	--	--
	Off-budget	BA	4.426	4.576	4.710	4.853	5.001	5.152	24.292
		OT	4.405	4.587	4.785	4.849	4.974	5.124	24.319

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Discretionary Spending

(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
Veterans Benefits and Services (700)		BA	30.861	31.851	30.704	30.790	30.588	29.965	153.898
		OT	30.327	31.252	30.538	30.692	30.415	29.816	152.713
Administration of Justice (750)		BA	38.821	39.897	40.984	41.935	42.592	42.943	208.351
		OT	38.425	41.592	41.659	42.339	42.892	43.011	211.493
General Government (800)		BA	15.412	16.300	16.394	16.510	16.470	16.222	81.896
		OT	16.380	16.627	16.360	16.305	16.287	16.077	81.656
Allowances (920)		BA	--	-6.130	-0.032	-0.032	-0.032	-0.032	-6.258
		OT	--	-3.233	-1.183	-1.028	-0.489	-0.186	-6.119
Undistributed Offsetting Receipts (950)	Total	BA	--	-0.011	-0.010	-0.009	-0.008	-0.007	-0.045
		OT	--	-0.011	-0.010	-0.009	-0.008	-0.007	-0.045
	On-budget	BA	--	-0.011	-0.010	-0.009	-0.008	-0.007	-0.045
		OT	--	-0.011	-0.010	-0.009	-0.008	-0.007	-0.045
	Off-budget	BA	--	--	--	--	--	--	--
		OT	--	--	--	--	--	--	--

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Mandatory Spending
(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
Summary									
Spending	Total	BA	1,553.796	1,660.962	1,773.159	1,884.902	2,002.673	2,109.873	9,431.569
		OT	1,493.052	1,593.087	1,707.312	1,816.044	1,926.978	2,034.358	9,077.779
	On-budget	BA	1,157.468	1,247.559	1,346.845	1,442.657	1,543.110	1,631.461	7,211.632
		OT	1,098.764	1,181.694	1,283.258	1,376.409	1,470.335	1,559.046	6,870.742
	Off-budget	BA	396.328	413.403	426.314	442.245	459.563	478.412	2,219.937
		OT	394.288	411.393	424.054	439.635	456.643	475.312	2.207.037
By Function									
National Defense (050)		BA	1.804	2.589	2.663	2.687	2.794	2.886	13.619
		OT	1.822	2.622	2.692	2.710	2.813	2.903	13.740
International Affairs (150)		BA	-1.606	-0.456	0.812	0.827	0.841	0.857	2.881
		OT	-4.562	-2.832	-2.588	-2.546	-2.569	-2.587	-13.122
General Science, Space, and Technology (250)		BA	0.118	0.130	0.113	0.119	0.119	0.120	0.601
		OT	0.078	0.079	0.087	0.093	0.100	0.103	0.462
Energy (270)		BA	-1.243	-1.289	-0.919	-0.953	-1.272	-1.435	-5.868
		OT	-2.991	-2.615	-2.463	-2.838	-2.714	-2.722	-13.352
Natural Resources and Environment (300)		BA	1.198	1.900	2.159	2.068	2.802	2.715	11.644
		OT	0.128	1.531	2.041	2.561	3.016	3.219	12.368
Agriculture (350)		BA	24.426	23.722	20.556	18.731	19.072	18.867	100.948
		OT	22.796	22.326	19.451	17.774	18.271	18.158	95.980
Commerce and Housing Credit (370)	Total	BA	11.155	4.756	3.671	5.156	5.104	4.955	23.642
		OT	5.959	-0.653	-1.815	-0.650	-0.968	-1.834	-5.920
	On-budget	BA	14.955	9.356	8.871	8.756	8.904	9.055	44.942
		OT	9.759	3.947	3.385	2.950	2.832	2.266	15.380
	Off-budget	BA	-3.800	-4.600	-5.200	-3.600	-3.800	-4.100	-21.300
		OT	-3.800	-4.600	-5.200	-3.600	-3.800	-4.100	-21.300
Transportation (400)		BA	47.040	48.076	49.254	52.197	58.838	58.845	267.210
		OT	2.122	2.180	2.136	2.232	2.140	2.091	10.779
Community and Regional Development (450)		BA	0.331	0.484	0.145	0.065	0.064	0.067	0.825
		OT	0.442	-0.241	-0.133	-0.084	-0.186	-0.182	-0.826
Education, Training, Employment and Social Services (500)		BA	14.470	13.180	13.363	13.834	14.309	14.608	69.294
		OT	13.588	7.182	11.456	12.153	12.689	13.049	56.529
Health (550)		BA	203.130	211.414	225.189	244.252	264.066	286.088	1,231.009
		OT	201.787	210.958	223.900	243.002	262.889	284.827	1.225.576
Medicare (570)		BA	288.587	326.179	366.887	390.321	415.259	443.216	1,941.862
		OT	289.598	326.148	367.175	390.362	414.850	443.530	1,942.065
Income Security (600)		BA	293.595	300.139	305.961	318.844	328.161	338.041	1,591.146
		OT	293.556	299.154	305.003	317.625	326.638	336.470	1,584.890
Social Security (650)	Total	BA	518.131	542.233	567.493	595.630	628.132	663.539	2,997.027
		OT	516.091	540.223	565.233	593.020	625.212	660.439	2,984.127
	On-budget	BA	15.849	15.991	17.804	19.868	21.843	24.129	99.635
		OT	15.849	15.991	17.804	19.868	21.843	24.129	99.635
	Off-budget	BA	502.282	526.242	549.689	575.762	606.289	639.410	2.897.392
		OT	500.242	524.232	547.429	573.152	603.369	636.310	2,884.492
Veterans Benefits and Services (700)		BA	38.587	37.143	35.477	38.668	39.383	40.104	190.775
		OT	38.546	37.113	35.393	38.565	39.265	39.978	190.314
Administration of Justice (750)		BA	0.998	2.127	0.767	0.672	0.586	0.493	4.645
		OT	1.077	1.297	1.293	0.948	0.536	0.437	4.511

FISCAL YEAR 2006 BUDGET RESOLUTION
SENATE PASSED RESOLUTION
Mandatory Spending

(In billions of dollars)

Fiscal year			2005	2006	2007	2008	2009	2010	2006-10
General Government (800)		BA	1.353	1.774	1.680	3.243	1.302	1.870	9.869
		OT	1.293	1.754	1.688	3.388	1.258	1.817	9.905
Net Interest (900)	Total	BA	176.980	213.951	254.166	281.779	300.089	315.525	1,365.510
		OT	176.980	213.951	254.166	281.779	300.089	315.525	1,365.510
	On-budget	BA	267.980	310.451	359.866	398.279	428.689	457.125	1,954.410
		OT	267.980	310.451	359.866	398.279	428.689	457.125	1,954.410
	Off-budget	BA	-91.000	-96.500	-105.700	-116.500	-128.600	-141.600	-588.900
		OT	-91.000	-96.500	-105.700	-116.500	-128.600	-141.600	-588.900
Allowances (920)		BA	--	--	--	--	--	--	--
		OT	--	--	--	--	--	--	--
Undistributed Offsetting Receipts (950)	Total	BA	-65.258	-67.090	-76.278	-83.238	-76.976	-81.488	-385.070
		OT	-65.258	-67.090	-77.403	-84.050	-76.351	-80.863	-385.757
	On-budget	BA	-54.104	-55.351	-63.803	-69.821	-62.650	-66.190	-317.815
		OT	-54.104	-55.351	-64.928	-70.633	-62.025	-65.565	-318.502
	Off-budget	BA	-11.154	-11.739	-12.475	-13.417	-14.326	-15.298	-67.255
		OT	-11.154	-11.739	-12.475	-13.417	-14.326	-15.298	-67.255

RECONCILIATION INSTRUCTIONS

The reconciliation process set forth in section 310 of the Congressional Budget Act of 1974 provides Congress with expedited procedures to achieve changes in spending and revenues. Using the reconciliation procedures, Congress directs its committees to submit legislation to achieve specified changes in laws within their respective jurisdictions to their respective Budget Committees or, if only one committee is so reconciled, to report the changes directly to the House or Senate by a date certain.

HOUSE RESOLUTION

Section 201: Reconciliation in the House

The House amendment provides instructions for two reconciliation bills. The first instructs nine authorizing committees to achieve specified savings in direct spending; the second provides for a reduction in revenue.

The committees may make whatever changes in law they deem appropriate to meet the specified amount of savings for fiscal year 2006 and for the period of fiscal years 2006 through 2010. (1) The Agriculture Committee is instructed to reduce direct spending from current law levels by $797 million in 2006 and $5.278 billion for fiscal years 2006-2010; (2) the Education and Workforce Committee is instructed to reduce direct spending from current law levels by $2.097 billion in fiscal year 2006 and $21.410 billion for fiscal years 2006–2010; (3) the Energy and Commerce Committee is instructed to reduce direct spending from current law levels by $630 million in fiscal year 2006 and $20.002 billion for fiscal years 2006–2010; (4) the Financial Services Committee is instructed to reduce direct spending from current law levels by $30 million in fiscal year 2006 and $270 million for fiscal years 2006-2010; (5) the Judiciary Committee is instructed to reduce direct spending from current law levels by $123 million in fiscal year 2006 and $603 million for fiscal years 2006-2010; (6) the Resources Committee is instructed to reduce direct spending from current law levels by $96 million in fiscal year 2006 and $1.413 billion for fiscal years 2006–2010; (7) the Transportation and Infrastructure Committee is instructed to reduce direct spending from current law levels by $12 million in fiscal year 2006 and $103 million for fiscal years 2006–2010; (8) the Veterans' Affairs Committee is instructed to reduce direct spending from current law levels by $155 million in fiscal year 2006 and $798 million for fiscal years 2006-2010; and, (9) the Committee on Ways and Means is instructed to reduce the deficit by $3.907 billion in fiscal year 2006 and by $18.680 billion for fiscal years 2006-2010.

In the House-passed budget resolution, the first reconciliation submissions must be transmitted to the Budget Committee by September 16, 2005.

The second reconciliation instruction directs the Committee on Ways and Means to report a measure to reduce taxes by $16.623 billion in 2006 and by $45.000 billion for fiscal years 2006–2010. These amounts are sufficient to accommodate an extension of certain expiring tax provisions from the 2001 Economic Growth and Tax Relief Reconciliation Act and the 2003 Jobs and Growth Tax Relief Reconciliation Act, and certain other tax relief.

The second reconciliation bill must be reported by the Ways and Means Committee to the House floor by June 24, 2005.

SENATE AMENDMENT

Section 201: Reconciliation in the Senate

The Senate amendment contains instructions for three separate bills. The first instruction directs six authorizing committees to submit to the Senate Committee on the Budget, changes in laws by June 6, 2005, sufficient to reduce outlays by $2.46 billion in fiscal year 2006, and $17 billion for the period of fiscal years 2006 through 2010.

[In billions of dollars]

Outlay reduction targets	*Fiscal Years 2006–2010*
Agriculture, Nutrition and Forestry	2.8
Banking, Housing, and Urban Affairs	0.27
Commerce, Science, and Transportation	2.6
Energy and Natural Resources	2.7
Environment and Public Works	0.1
Health, Education, Labor, and Pensions	8.6
Total Outlay Target	17

The second instruction directs the Senate Committee on Finance to report to the Senate changes in law to reduce the total level of revenues by not more than $19.016 billion for fiscal year 2006, and $128.580 billion for the period of fiscal years 2006 through 2010, no later than September 7, 2005.

The third instruction directs the Senate Committee on Finance to report to the Senate a bill to increase the statutory limit on the debt by $446.464 billion no later than September 16, 2005.

CONFERENCE AGREEMENT

Section 201: Reconciliation in the House

The conference agreement provides for three reconciliation bills, and provides instructions to House committees to make changes in programs within their jurisdiction to achieve the levels provided for in the budget resolution.

Section 201(a) directs eight committees to slow the growth of mandatory spending in programs within their jurisdiction. (1) The Agriculture Committee is instructed to reduce direct spending from current law levels by $173 million in 2006 and $3 billion for fiscal years 2006–2010; (2) the Education and Workforce Committee is instructed to reduce direct spending from current law levels by $992 million in fiscal year 2005 and 2006, and $12.651 billion for fiscal years 2005-2010; (3) the Energy and Commerce Committee is instructed to reduce direct spending from current law levels by $2 million in fiscal year 2006 and $14.734 billion for fiscal years 2006–2010; (4) the Financial Services Committee is instructed to reduce direct spending from current law levels by $30 million in fiscal year 2006 and $470 million for fiscal years 2006-2010; (5) the Judiciary Committee is instructed to reduce direct spending from current law levels by $60 million in fiscal year 2006 and $300 million for fiscal years 2006–2010; (6) the Resources Committee is instructed to reduce direct spending from current law levels by $2.4 billion for fiscal years 2006-2010; (7) the Transportation and Infrastructure Committee is instructed to reduce direct spending from current law levels by $12 million in fiscal year 2006 and $103 million for fiscal years 2006–2010; (8) the Committee on Ways and Means is instructed to reduce the deficit by $250 million in fiscal year 2006 and by $1 billion for fiscal years 2006–2010. These changes are to be submitted to the House Budget Committee by September 16, 2005.

Section 201(b) instructs the House Committee on Ways and Means to report a reconciliation bill to the House floor by September 23, 2005; this measure is to reduce the level of revenue collected by the Federal government by $11 billion in fiscal year 2006 and by $70 billion for fiscal years 2006–2010.

Section 201(c) instructs the House Committee on Ways and Means to report a reconciliation bill to change the public debt limit to $8.965 trillion by September 30, 2005.

Section 201(d) gives the Chairman of the House Committee on the Budget authority similar to that afforded to the Chairman of the Senate Budget Committee under the Congressional Budget Act, to make adjustments in the allocations and aggregates subsequent to the enactment of reconciliation if the effect of complying with reconciliation instructions resulted in a mix of outlay and revenue levels not contemplated by the budget resolution, but nevertheless deficit-neutral.

Section 202: Reconciliation in the Senate

The conference agreement adopts the form of the Senate-passed resolution and provides for three reconciliation bills. The first instruction directs eight authorizing committees to report to the Senate Committee on the Budget, changes in laws by September 16, 2005 sufficient to reduce outlays by $1.5 billion in fiscal year 2006, and $34.7 billion for the period of fiscal years 2006 through 2010.

[In billions of dollars]

Outlay reduction targets	*Fiscal Years 2006–2010*
Agriculture, Nutrition, and Forestry	3.0
Banking, Housing, and Urban Affairs	0.5
Commerce, Science, and Transportation	4.8
Energy and Natural Resources	2.4
Environment and Public Works	0.03
Finance	10.0
Health, Education, Labor, and Pensions	13.7
Judiciary	0.3
Total Outlay Target	34.7

The second instruction directs the Senate Committee on Finance to report to the Senate changes in law to reduce the total level of revenues by not more than $11.0 billion for fiscal year 2006, and $70.0 billion for the period of fiscal years 2006 through 2010, not later than September 23, 2005.

The third instruction directs the Senate Committee on Finance to report to the Senate a bill to increase the statutory limit on the debt by $781 billion not later than September 30, 2005.

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT—RECONCILIATION INSTRUCTIONS BY HOUSE AUTHORIZING COMMITTEE

	2006	2006–2010
Submissions to Slow the Growth in Mandatory Spending and to Achieve Deficit Reduction (Due September 16, 2005) [By fiscal year in millions of dollars of outlays]		
Committee on Agriculture	−173	−3.000
Committee on Education and the Workforce	−992	−12.651
Committee on Energy and Commerce	−2	−14,734
Committee on Financial Services	−30	−470
Committee on the Judiciary	−60	−300

FISCAL YEAR 2006 BUDGET RESOLUTION CONFERENCE AGREEMENT—RECONCILIATION INSTRUCTIONS BY HOUSE AUTHORIZING COMMITTEE—Continued

	2006	2006–2010
Committee on Resources	--	– 2,400
Committee on Transportation and Infrastructure	– 12	– 103
Committee on Ways and Means	– 250	– 1,000
Total	– 1,519	– 34,658
Submission Providing for Changes in Revenue (Due September 23, 2005)[By fiscal year in millions of dollars]		
Ways and Means	– 11,000	– 70,000
Increase in Statutory Debt Limit (Due September 30, 2005)[By fiscal year in millions of dollars]		
Ways and Means	781,000	

SENATE RECONCILIATION INSTRUCTIONS

[In billions of dollars]

Committee	2006	2006–2010
Agriculture	– 0.173	– 3.000
Banking	– 0.030	– 0.470
Commerce	– 0.010	– 4.810
Energy	0.000	– 2.400
Environment	– 0.004	– 0.027
Finance	0.000	– 10.000
Judiciary	– 0.060	– 0.300
HELP	– 1.242	– 13.651
Total	– 1.519	– 34.658

RESERVE FUNDS

A budget resolution does not become law and cannot amend law. However, pursuant to section 301(b)(4) of the Congressional Budget Act, some provisions in the resolution may affect the consideration of legislation in order to implement and enforce the underlying policy assumptions, if any. The conference agreement contains a number of provisions which implement policies assumed in this resolution.

In general, a reserve fund (or discretionary adjustment) permits the Chairman of the Committee on the Budget to increase the section 302 allocations and other appropriate levels set out in this resolution, including, in the Senate, the discretionary spending limits, once certain conditions have been met. The authority to make these adjustments is solely within the discretion of the Chairman and may be made when the committee of jurisdiction reports a measure that satisfies the conditions set out in the reserve fund.

HOUSE RESOLUTION

Section 301: Contingency procedure for surface transportation

This section of the House resolution permits the Chairman of the Committee on the Budget to adjust the appropriate levels in the budget resolution to accommodate legislation increasing spending for highway and transit programs above the levels in the budget resolution to the extent there are offsets for the additional spending.

Subsection (a) permits the Chairman of the Committee on the Budget to increase the Committee on Transportation and Infrastructure?s allocation for legislation that increases mandatory contract authority for highway and transit programs financed out of the Highway Trust Fund. In order to make the adjustment, the additional spending must be offset by a reduction in mandatory outlays out of the Fund or receipts appropriated to the Fund.

Because any additional contract authority provided pursuant to subsection (a) would be made available for obligation through a change in obligation limitations, subsection (b) permits the Chairman of the Committee on the Budget to increase the Appropriations Committee?s allocation of discretionary outlays to the extent legislation increases the obligation limits for highway programs above the levels assumed in the budget resolution. In order to make the adjustment, legislation must first be enacted in compliance with subsection (a).

SENATE AMENDMENT

Section 301: Reserve Fund for Health Information Technology and Pay-for-Performance

The Senate amendment includes a deficit-neutral reserve fund for health information technology.

To qualify for the reserve fund, legislation from the Health, Education, Labor and Pensions Committee or the Finance Committee must include language that provides incentives or other support for adoption of information technology to improve quality in health care; and provides for performance-based payments that are based on accepted clinical performance measures and improve the quality in healthcare.

The reserve fund permits the Budget Chairman to adjust allocation levels and would assist the HELP and Finance Committees to work together to craft legislation.

The Committee intends to enforce five-year budget neutrality in the evaluation of legislation that would qualify for this reserve fund.

Section 302: Reserve Fund for Asbestos Injury Trust Fund

The Senate amendment includes a deficit-neutral reserve fund for asbestos injury compensation legislation. The committee recognizes the urgent need for litigation reform for victims of asbestos exposure. The committee intends any asbestos compensation fund to protect the budget and taxpayers from a financial obligation associated with outstanding claims, debt of the fund and interest on such debt.

Section 303: Reserve Fund for the Uninsured

The Senate amendment includes a deficit-neutral reserve fund for legislation that would addresses health care costs, coverage, or care for the uninsured. The legislation could improve the safety net by providing the uninsured with access to integrated and other health care services. The legislation could also increase the number of people who have health insurance directly or through reform mechanisms that are designed to reduce the growth of health care costs. Such mechanisms may include tax- and market-based measures, such as tax credits, deductibility, regulatory reforms, consumer-directed initiatives, and other measures targeted to key segments of the uninsured, such as individuals without employer-sponsored coverage and college students and recent graduates. However, the resolution provides that any measure designed to increase coverage for certain populations not achieve this result primarily by increasing premiums for the currently insured, as might result from a measure that permits preferential regulation for select groups and results in adverse selection.

The reserve fund allows the Chairman to adjust applicable allocations and aggregates to accommodate this legislation if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill that meets the standards of this reserve fund.

Section 304: Reserve Fund for Land and Water Conservation Fund

The Senate amendment includes a reserve fund stipulating that if legislation is enacted that opens ANWR to drilling, an amount equal to $1.05 billion of the associated receipts will be devoted to appropriations for the Land and Water Conservation Programs, the Forest Legacy Program, and the Coastal and Estuarine Land Protection Program ($350 million per year in 2008, 2009, and 2010).

Section 305: Reserve Fund for the Federal Pell Grant Program

The Senate amendment includes a reserve fund for $4.3 billion in budget authority only for legislation that retires the existing shortfall in budget authority for Pell Grant funding.

Section 306: Reserve Fund for Higher Education

The Senate amendment includes a reserve fund ($5.510 billion in budget authority and $5.006 billion in outlays over the 2006–2010 period) to cover the new costs of initiatives in the reauthorization of the Higher Education Act to provide increased access to college for low- and middle-income students.

Section 307: Reserve Fund for Energy Legislation

The Senate amendment includes a reserve fund for energy policy legislation, which totals $0.1 billion in budget authority for 2006 and $2.0 billion in budget authority for the 2006–2010 period (and associated outlays).

Section 308: Reserve Fund for Safe Importation of Prescription Drugs

The Senate amendment includes a reserve fund in relation to the importation of FDA-approved prescription drugs from specified foreign countries. If the Committee on

Health, Education, Labor, and Pensions produces legislation that allows for the safe importation of prescription drugs, the Budget Committee Chairman may revise the Committee on Health, Education, Labor, and Pension's allocations to reflect the savings associated with this legislation.

Section 309: Adjustment for Surface Transportation

The Senate amendment includes a mechanism to increase allocations of contract authority and outlays for the relevant committees that report legislation relating to the reauthorization of and appropriation for surface transportation programs, provided that the reauthorization (by virtue of a title reported by the Committee on Finance) makes available new net resources for the highway trust fund that offset the resulting outlays—without increasing the deficit.

Section 310: Reserve fund for the bipartisan Medicaid commission

The Senate amendment includes a reserve fund for legislation that creates a bipartisan commission charged with reviewing and recommending long term goals for the effective operation of Medicaid.

Section 311: Deficit neutral reserve fund for patriotic employers of national guardsmen and reservists

The Senate amendment includes a reserve fund for deficit-neutral legislation that provides a 50-percent tax credit to employees who are on active duty status as members of the Guard or Reserve to make up the difference between the employee's civilian pay and military pay and/or for compensation paid to a worker hired to replace an active duty Guard or Reserve employee.

Section 312: Deficit neutral reserve fund for the Family Opportunity Act

The Senate amendment includes a reserve fund for deficit-neutral legislation that provides families of disabled children with the opportunity to purchase Medicaid coverage.

Section 313: Deficit neutral reserve fund for the restoration of SCHIP funds

The Senate amendment includes a reserve fund for deficit-neutral legislation that provides for the restoration of unexpended funds under the State Children's Health Insurance Program that reverted to the Treasury on October 1, 2004 and that may provide for the redistribution of such funds for outreach and enrollment as well as for coverage initiatives.

Section 314: Reserve fund for funding of Hope credit

The Senate amendment includes a reserve fund for deficit-neutral legislation that increases the Hope credit to $4,000 and makes the credit available for 4 years.

Section 315: Deficit neutral reserve fund for influenza vaccine shortage prevention

The Senate amendment includes a reserve fund for deficit-neutral legislation that increases the participation of manufacturers in the production of influenza vaccine, and bioterror countermeasures, increase research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of the United States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts.

Section 316: Reserve fund for extension of treatment of combat pay for earned income and child tax credits

The Senate amendment includes a reserve fund for deficit neutral legislation that makes permanent the taxpayer election to treat combat pay otherwise excluded from gross income under section 112 of Internal Revenue Code as earned income for purposes of the earned income credit and makes the permanent the treatment of such combat pay as earned income for purposes of the child tax credit.

CONFERENCE AGREEMENT

Section 301: Adjustment for Surface Transportation

Section 301 of the conference agreement is similar to section 301 of the House resolution and section 309 of the Senate amendment and allows for adjustments to committee allocations for changes in surface transportation policy to the extent that amounts in excess of those assumed in this resolution must be offset by new revenues or a reduction in trust fund mandatory outlays.

Section 302: Reserve fund for the Family Opportunity Act

Section 302 of the conference agreement retains the language of section 312 of the Senate amendment which provides for a reserve fund for legislation to enable the expansion of Medicaid coverage for children with special needs to permit their parents to purchase such coverage—with a modification. The conference agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation that is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee, or the House Committee on Energy and Commerce, if the committees report legislation that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. In order for the adjustments to be made, the Senate Finance Committee must be within its 302 allocation, and the legislation reported by committees in both Houses must be deficit neutral in fiscal year 2006 and for the period of fiscal years 2006 through 2010.

Section 303: Reserve fund for the Federal Pell Grant Program

Section 303 retains the language of section 305 of the Senate amendment which establishes a reserve fund for a measure that provides appropriations for the shortfall within the Federal Pell Grant program, with certain modifications. The reserve fund in the conference agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations by up to $4.3 billion in budget authority for the purpose of repaying the Pell shortfall. It may apply to a measure reported by the Appropriations Committee of either House, or by the relevant authorizing committee, though it is intended that the spending associated with this reserve fund be classified as mandatory. In order for the adjustments to be made, the committee in the Senate must be within its 302 allocations, and the legislation reported by a committee in the House must be deficit-neutral in fiscal year 2006 and the period of fiscal years 2006 through 2010.

A change in the way new Pell Grant spending is estimated is included in the "Budget Enforcement" of this conference agreement.

Guidelines for estimating a bill, joint resolution, amendment or conference report providing budget authority for the shortfall in the Federal Pell Grant Program:

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report No. 105-217, the provisions of any bill or joint resolution, amendment offered thereto or conference report submitted thereon, that provides budget authority for the shortfall in the Federal Pell Grant program, shall be treated as direct spending, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, by the Congressional Budget Office, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

Section 304: Reserve fund for the uninsured

The conference agreement retains the Senate (section 303) reserve fund for legislation relating to health insurance for the uninsured. The reserve fund is deficit-neutral. The reserve fund in the conference agreement applies in both the House of Representatives and the Senate.

Section 305: Reserve fund for the disposal of underutilized Federal real property

Section 304 establishes a reserve fund in the House of Representatives for Federal real property disposal. If the House Committee on Government Reform reports a bill designed to enhance the ability of the Federal government to dispose of unused and underutilized Federal real property assets, then the House Budget Committee Chairman may increase the allocation to that committee by $50 million in fiscal year 2006, and by the same amount over five years.

The Federal government is one of the world's largest real property owners with a real estate portfolio of over 3.2 billion square feet consisting of nearly 525,000 buildings valued at over $328 billion. The proposed reserve fund would facilitate the consideration of legislation to remove barriers that discourage the disposal of unneeded property and create incentives to encourage agencies to dispose of such property at fair market value, thereby increasing receipts to the Federal treasury.

Section 306: Reserve fund for health information technology and pay-for-performance

The conference agreement retains the language of section 301 of the Senate amendment, which establishes a reserve fund for health information technology and pay-for-performance, with a modification. The reserve fund in the conference agreement applies to the Senate and permits the Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for such purpose, except that the legislation must be deficit-neutral for the period of fiscal years 2006 through 2010.

Section 307: Reserve fund for Asbestos Injury Trust Fund

The conference agreement retains with modification the Senate reserve fund (section 302) for legislation relating to the asbestos injury trust fund, which provides for monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition, does not compensate unimpaired claimants or those suffering from a disease who cannot establish asbestos exposure was a substantial factor causing their disease and is estimated to remain funded from non-taxpayer sources for the life of the fund. Assuming the Committee is within its allocation as provided under section 302(a) of the Congressional

Budget Act of 1974 the Chairman of the Budget Committee may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2006–2056.

Section 308: Reserve fund for energy legislation

The conference agreement retains the Senate (section 307) reserve fund for legislation relating to national energy policy.

Section 309: Reserve fund for the safe importation of prescription drugs

The conference agreement retains the Senate (section 308) reserve fund for legislation relating to the safe importation of prescription drugs. The reserve fund is deficit-neutral.

Section 310: Reserve fund for the restoration of SCHIP funds

The conference agreement retains the Senate (section 309) reserve fund for legislation relating to the restoration of SCHIP funds. The reserve fund is deficit-neutral.

BUDGET ENFORCEMENT

Under section 301 of the Budget Act, the budget resolution may include special procedures to enforce the spending and revenue levels contained in the resolution and the allocations found in the accompanying joint statement of managers.

HOUSE RESOLUTION

Section 401: Emergency legislation

Section 401 provides Congress with the authority to designate spending provisions as "emergencies." It adopts criteria for evaluating emergency spending. It also exempts from budget controls supplemental appropriations for the Department of Defense for contingency operations related to the global war on terrorism.

Section 401(a) provides a special exemption from budget controls for a supplemental spending measure for the Department of Defense for "contingency operations related to the global war on terrorism." Though $50 billion has been budgeted for fiscal year 2006 in the budget resolution for this purpose, the final amount has yet to be determined. The final level of the supplemental will depend on the President's request and the response of the Appropriations committees of the House and the Senate.

Subsection (b) exempts spending designated as an emergency from points of order and other provisions of the Congressional Budget Act.

Section 402: Compliance with section 13301 of the Budget Enforcement Act of 1990

This section provides authority to include the administrative expenses related to Social Security in the allocation to the Appropriations Committee. This language is necessary to ensure that the Appropriations Committee retains control of administrative expenses through the Congressional budget process.

Section 403: Application and effect of changes in allocations and aggregates

This section sets forth the procedures for making adjustments for the reserve funds included in this resolution. Subsection (a)(1) and (2) provide that the adjustments may only be made during the interval that the legislation is under consideration and do not take effect until the legislation is actually enacted. This is approximately consistent with the procedures for making adjustments for various initiatives under section 314 of the Congressional Budget Act.

Subsection (a)(3) provides that in order to make the adjustments provided for in the reserve funds, the Chairman of the House Budget Committee is directed to insert these adjustments in the Congressional Record.

Subsection (b) clarifies that any adjustments made under any of the reserve funds in the resolution have the same effect as if they were part of the original levels set forth in section 101.

Subsection (c) clarifies that the House Budget Committee determines the levels and estimates used to enforce points of order, as is the case for enforcing budget-related points of order.

Section 404: Restrictions on advance appropriations

The section includes a general restriction that limits the programs that may receive an advance appropriation and the total level of such appropriations. Advance appropriations may be provided for the accounts in appropriation bills identified under the section "Accounts Identified Advanced Appropriations" in this Joint Statement of Managers on the Conference Report on the Budget Resolution in the section detailing the conference agreement. The amount in the House resolution was limited for these accounts to $23.568 billion in budget authority. The amount is essentially the same as provided in previous budget resolutions, but it was adjusted to reflect advance appropriations provided for any year.

The section defines an "advance appropriation" as any new discretionary budget authority making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

Section 405: Special rule in the house for certain 302(b) suballocations

Under section 302(b) of the Congressional Budget Act of 1974, the Appropriations Committee suballocates its section 302(a) allocation among its various subcommittees. The recent reorganization of the House Appropriations subcommittees, however, eliminated the subcommittee responsible for legislative branch appropriations. To allow the House Appropriations Committee to report a bill providing legislative branch appropriations and then go to conference with the Senate on that bill, a special rule was required that allows the House Appropriations Committee to make a section 302(b) suballocation for legislative branch operations.

Section 406: Special procedures to achieve savings in mandatory spending through fiscal year 2014

Section 406 describes the sense of Congress that during the four fiscal years following the budget year, at least every other concurrent resolution on the budget should include reconciliation instructions to authorizing committees to achieve significant savings in mandatory spending.

SENATE AMENDMENT

Section 401: Restrictions on advance appropriations

The Senate amendment includes language limiting the use of advance appropriations. This restriction was first included in the fiscal year 2001 budget resolution and was included and revised in the conference agreements for the 2002, 2004, and 2005 resolutions as well. The Senate amendment restricts advance appropriations to an annual limit of $23.393 billion to both the fiscal years 2006 and 2007 appropriation bills and limits permissible advance appropriations to those programs that are listed in the statement of managers accompanying the conference report on the budget resolution.

The list of permissible advances in the respective appropriations bill is as follows:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS

Interior: Elk Hills
Labor, HHS:
Corporation for Public Broadcasting
Employment and Training Administration
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Vocational and Adult Education
Transportation, Treasury:
Payment to Postal Service
Section 8 Renewals

Section 402: Emergency legislation

In general, the Senate's emergency rule addresses three issues with respect to emergency spending: the ability to designate spending as an emergency, the restatement of the Senate point of order with respect to the use of that designation, and the exemption of defense appropriations and overseas contingent operations from that point of order.

Section 403: Supermajority Enforcement

Section 403 of the Senate amendment extends the 60-vote requirement for points of order, waivers and appeals with respect to those budget-related points of order for which this requirement would have expired on September 30, 2008 for an additional two years (until September 30, 2010).

Section 403 also extends the supermajority enforcement of waivers and appeals to the unfunded mandates points of order (section 425(a)(1) and (2) of the Congressional Budget Act of 1974) for five years (until September 30, 2010). For the past 10 years, these points of order could have been waived by a simple majority vote.

Section 404: Discretionary spending limits in the Senate

Section 404 of the Senate amendment sets out congressional discretionary spending limits for the first three years covered by the 2006 budget resolution (fiscal years 2006, 2007 and 2008) with respect to both budget authority and outlays for the first year, and budget authority for the second and third years. Since the advent of statutory discretionary spending limits in 1990, a majority of budget resolution conference reports have included language dealing with 'congressional caps.'

Section 404 of the Senate amendment sets the following amounts as the discretionary spending limits:

For fiscal year 2006: $848.1 billion in new budget authority and $916.4 billion in outlays for the discretionary category.

For fiscal year 2007: $868.5 billion in new budget authority for the discretionary category.

For fiscal year 2008: $891.4 billion in new budget authority for the discretionary category.

The Senate amendment also provides for a number of cap adjustments. The cap adjustments permit the chairman of the Committee on the Budget to increase the discretionary spending limit, the section 302(a) allocation to the Committee on Appropriations, and any other appropriate levels in the resolution if an appropriations bill provides additional resources for the programs specified in the adjustment. The resolution allows for adjustments to discretionary spending limits for four program integrity programs: continuing disability reviews, internal revenue service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payments.

Section 405: Application and effect of changes in allocations and aggregates

The Senate amendment also provides for a number of cap adjustments. The cap adjustments permit resolution retains language from previous resolutions clarifying the process for implementing any adjustment made pursuant to the reserve funds and discretionary adjustments and the status of these adjusted levels. It also clarifies that the Budget Committee determines scoring for purposes of points of order.

Section 406: Adjustments to reflect changes in concepts and definitions

Section 406(a) of the Senate amendment also allows adjustments for changes in budgetary concepts. It provides that upon enactment of legislation that changes funding of an existing program from discretionary to mandatory (or vice versa) the chairman of the Committee on the Budget will adjust the levels in this budget resolution (including the discretionary spending limits) to reflect such a change.

Section 406(b) sets forth a change in the way the Federal Pell Grant Program should be estimated upon the adoption of the FY 2006 budget resolution.

Section 407: Limitation on long-term spending proposals

Section 407 creates a new point of order against legislation that would cause a net increase in direct spending in excess of $5,000,000,000 in any of the four ten-year periods beginning in 2016 through 2055, as measured against current out-year estimates prepared by the Congressional Budget Office.

The point of order may be waived by 60 votes. An appeal of the ruling of the chair also requires 60 votes. The section will remain in effect until September 30, 2010.

Section 408: Exercise of rulemaking powers.

The Senate amendment restates the Congress? authority to legislate its rules of procedure.

CONFERENCE AGREEMENT

Section 401: Restrictions on advance appropriations

Section 401 reflects an overall limit on advance appropriations of $23.158 billion in fiscal year 2007, which is the same limit on advance appropriations as has been included in all previous limitations on advance appropriations in past budget resolutions.

The list of permissible advances is as follows:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE SENATE

Defense: Shipbuilding and Conversion, Navy
Interior: Elk Hills.
Labor, HHS:
Corporation for Public Broadcasting
Employment and Training Administration
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Vocational and Adult Education
Transportation, Treasury: Payment to Postal Service
Veterans, HUD: Section 8 Renewals

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE HOUSE

PART A: ADVANCE APPROPRIATIONS FOR FISCAL YEAR 2007

Elk Hills
Employment and Training Administration
Education for the Disadvantaged
School Improvement
Child and Family Services [Head Start]
Special Education
Vocational and Adult Education
Payment to Postal Service
Section 8 Renewals
Shipbuilding and Conversion, Navy

PART B: ADVANCE APPROPRIATIONS FOR FISCAL YEAR 2008

Corporation for Public Broadcasting

Section 402: Emergency legislation

Section 402(a) of the conference agreement largely follows section 401 of the House resolution with respect to the rule on emergency spending and the designation for contingency operations related to the global war on terrorism.

Section 402(b) follows the Senate amendment with regard to emergency spending and its exemption for overseas contingent operations.

Section 402(c) of the conference agreement sets forth common criteria for both Houses of Congress for spending that may be properly defined as an emergency requirement. In order to trigger the exemptions included in this section in either the House of Representatives or the Senate, spending must be 'designated by the Congress to be emergency legislation pursuant to section 402 of H. Con. Res. 95.'

Section 403: Extension of Senate enforcement

Section 403 of the conference agreement contains language similar to section 403 of the Senate amendment. It extends voting requirements applicable to Senate budget enforcement procedures.

Section 404: Discretionary spending limits in the Senate

Section 404 of the conference agreement retains the language of section 404 of the Senate amendment, with adjusted figures to reflect the conference agreement.

Section 405: Application and effect of changes in allocations and aggregates

Section 405 of the conference agreement retains the language of section 403 of the House resolution (which is identical to section 405 of the Senate amendment) clarifying both the process for making adjustments under the reserve funds and the status of the adjusted levels. It also determines scoring for purposes of enforcing budget related points of order.

Section 406: Adjustments to reflect changes in concepts and definitions

The House recedes to the Senate on section 406 of the Senate amendment with an amendment. Subsection 406(a) authorizes the chairmen of the Committees on the Budget of the House and the Senate to adjust the resolution to take into account changes in budgetary concepts and definitions upon enactment of such legislation.

Subsection 406(b) retains the language from section 406 of the Senate amendment regarding a change in the rules used to estimate the annual cost of the Federal Pell Grant program, and made it applicable in both the House of Representatives and the Senate.

Section 407: Limitation on long-term spending proposals.

Section 407(a) requires that the Director of the Congressional Budget Office prepare for the House and Senate, an analysis of measures that would cause a net increase in direct spending in excess of $5,000,000,000 in any of the four ten-year periods beginning in 2016 through 2055.

Section 407(b) creates a new point of order in the Senate against any legislation that exceeds the threshold specified in subsection (a). The point of order may be waived and the rulings of the chair may be appealed by 60 votes.

The section remains in effect until September 30, 2010.

Section 408: Compliance with section 13301 of the Budget Enforcement Act of 1990

Section 408 of the conference agreement retains the language of section 402 of the House resolution, and applies it to the Senate. That section provides for the budgetary treatment of discretionary spending for the Social Security Administration.

Section 409: Exercise of rulemaking powers

In section 409, the House recedes to section 408 of the Senate amendment, which affirms that the budget resolution is an act of congressional rulemaking and subject to revisions by either House. Section 409 of the conference agreement states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the budget resolution.

Section 410: Treatment of allocations in the House

This section is identical to section 405 of the House-passed budget resolution, and applies only in the House of Representatives, and adds a clarification on the display of allocations to authorizing committees made pursuant to section 302(a) of the Congressional Budget Act of 1974.

Section 411: Special procedures to achieve savings in mandatory spending through 2014

This section is identical to section 406 of the House-passed budget resolution, and applies only in the House of Representatives.

SENSES OF THE HOUSE AND SENATE

HOUSE RESOLUTION

The House resolution contains one section (in title IV of that resolution) that included a 'Sense of the House.'

SENATE AMENDMENT

The Senate amendment contains twenty-eight sections dealing with 'Sense of the Senate' provisions that were adopted either during the committee consideration of the resolution or during consideration on the Senate floor:

Section 501: Sense of the Senate regarding unauthorized appropriations

Section 502: Sense of the Senate regarding a commission to review the performance of programs

Section 503: Sense of the Senate regarding Tricare

Section 504: Sense of the Senate regarding restraining Medicaid growth

Section 505: Sense of the Senate regarding tribal colleges and universities

Section 506: Sense of the Senate regarding support for the President's request to concentrate Federal funds for State and local homeland security assistance programs on the highest threats, vulnerabilities, and needs

Section 507: Sense of the Senate rejecting proposed elimination of per diem reimbursement to State nursing homes in the President's budget

Section 508: Sense of the Senate regarding Impact Aid

Section 509: Sense of the Senate regarding mandatory agricultural programs

Section 510: Sense of the Senate regarding social security restructuring

Section 511: Sense of the Senate that failing to address social security will result in massive debt, deep benefit cuts and tax increases

Section 512: Sense of the Senate regarding the State Criminal Alien Assistance Program

Section 513: Sense of the Senate regarding funding for subsonic and hypersonic aeronautics research by the National Aeronautics and Space Administration

Section 514: Sense of the Senate concerning children with HIV/AIDS

Section 515: Sense of the Senate regarding the acquisition of the next generation destroyer (DDX)

Section 516: Sense of the Senate on reducing the tax on social security benefits

Section 517: Sense of the Senate on the crime victims fund

Section 518: Sense of the Senate supporting funding for HIDTAS

Section 519: Sense of the Senate regarding the need for a comprehensive, coordinated, and integrated national ocean policy

Section 520. United States response to global HIV/AIDS, tuberculosis, and malaria

Section 521. Offset for increases in funding for the Cops Methamphetamine Enforcement and Clean Up Program

Section 522: Sense of the Senate regarding foreign-owned debt

Section 523: Sense of the Senate regarding tax relief to encourage charitable giving

Section 524: Sense of the Senate regarding water infrastructure

Section 525: Sense of the Senate regarding funding of administrative costs of Social Security Administration

Section 526: Sense of the Senate concerning comparative effectiveness studies

Section 527: Sense of the Senate regarding the Advanced Technology Program

Section 528: Sense of the Senate with respect to pension reform

CONFERENCE AGREEMENT

The conference agreement contains the following provisions:

Section 501: Sense of the Senate regarding unauthorized appropriations

Section 502: Sense of the Senate regarding a commission to review the performance of programs

Section 503: Sense of the Senate regarding Tricare

Section 504: Sense of the Senate regarding tribal colleges and universities

Section 505: Sense of the Senate regarding social security restructuring

Section 506: Sense of the Senate regarding funding for subsonic and hypersonic aeronautics research by the National Aeronautics and Space Administration

Section 507: Sense of the Senate regarding the acquisition of the next generation destroyer (DDX)

ALLOCATIONS

As required in section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follow:

ALLOCATION OF SPENDING AUTHORITY TO HOUSE APPROPRIATIONS COMMITTEE

[In millions of dollars]

	2005	2006
Discretionary Action:		
BA	840,036	843,020
OT	929,520	916,836
Current Law Mandatory:		
BA	483,881	528,504
OT	460,908	510,843

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

[In millions of dollars]

	2005	Total 2005–2009	2006	Total 2006–2010
Agriculture Committee				
Current Law:				
BA	25,410	101,716	25,882	82,931
OT	25,320	101,173	25,244	82,359
Reconciliation:				
BA	....	....	−173	−3,000
OT	....	....	−173	−3,000
Reauthorizations:				
BA	....	82,160	....	131,495
OT	....	80,586	....	129,886
Armed Services Committee				
Current Law:				
BA	85,355	473,465	91,209	494,600
OT	85,245	473,045	91,129	494,215
Committee on Education and the Workforce				
Current Law:				
BA	9,726	47,046	9,080	47,155
OT	9,564	46,462	8,215	47,512
Discretionary Action:				
BA	....	400	100	500
OT	....	400	100	500
Reconciliation:				
BA	....	....	−966	−8,971
OT	....	....	−992	−12,651
Reauthorizations:				
BA	....	11,219	2,720	14,657
OT	....	8,797	1,088	12,061
Energy and Commerce Committee				
Current Law:				
BA	161,936	1,155,178	207,337	1,293,242
OT	161,946	1,157,483	207,955	1,295,935
Discretionary Action:				
BA	....	1,525	100	2,000
OT	....	1,525	100	2,000
Reconciliation:				
BA	....	....	−2	−14,844
OT	....	....	−2	−14,734
Reauthorizations:				
BA	....	10,080	....	15,120
OT	....	5,985	....	10,845
Financial Services Committee				
Current Law:				
BA	5,364	17,669	3,193	15,258
OT	3,218	−2,737	−116	−8,873
Reconciliation:				
BA	....	....	−60	−300
OT	....	....	−30	−470
Government Reform Committee				
Current Law:				
BA	70,524	382,713	75,531	398,024
OT	69,395	369,316	70,624	382,349
Discretionary Action:				
BA	....	50	50	50

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[In millions of dollars]

	2005	Total 2005–2009	2006	Total 2006–2010
OT	....	50	50	50
Committee on House Administration				
Current Law:				
BA	77	370	72	366
OT	20	325	15	323
Committee on Homeland Security				
Current Law:				
BA	1,217	6,054	1.262	6 051
OT	1.109	6.057	1.157	6.205
International Relations Committee				
Current Law:				
BA	10,782	61 081	11,532	63,726
OT	11,051	59,403	11.939	60,966
Judiciary Committee				
Current Law:				
BA	5,192	27.222	6,519	27.264
OT	5,159	27.013	5,664	29.983
Discretionary Action:				
BA	....	6	6	6
OT	....	6	6	6
Reconciliation:				
BA	....	....	−60	−300
OT	....	....	−60	−300
Resources Committee				
Current Law:				
BA	5,612	24,776	5.245	22,912
OT	4.354	22,534	4.699	22.350
Discretionary Action:				
BA	6	45	8	50
OT	6	45	8	50
Reconciliation:				
BA	....	....	....	−2,400
Ot	....	....	....	−2,400
Science Committee				
Current Law:				
BA	119	604	131	606
OT	79	442	80	467
Small Business Committee				
Current Law:				
BA	1,702	1,702	....	....
OT	1,702	1,702	....	....
Transportation and Infrastructure Committee				
Current Law:				
BA	41,675	104.284	17,141	77,176
Ot	11,526	67,912	14,097	71,000
Discretionary Action:				
BA	3,488	12,238	3.027	4,107
OT	....	....	....	....
Reconciliation:				
BA	....	....	−12	−100
OT	....	....	−12	−103
Reauthorizations:				
BA	14,449	195.237	43,347	227,835
OT	58	1,955	262	2,515
Veterans' Affairs Committee				
Current Law:				
BA	2,162	7.265	1,293	6.327
OT	2.191	7,438	1,353	6,498
Reauthorizations:				
BA	....	5,890	558	9,011
OT	....	5,726	538	8,796
Ways and Means Committee				
Current Law:				
BA	653.873	3,796,797	690,460	4,066,577
OT	656.155	3.803.436	692.761	4,071,184
Discretionary Action:				
BA	554	1,800	350	1,537
OT	64	1.558	346	1.914
Reconciliation:				
BA	....	....	−250	−1,000
OT	....	....	−250	−1,000
Reauthorizations:				
BA	7.954	89.139	19,622	102.030
OT	5,681	84,462	17.299	99.617

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2005

[in billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriaitons acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	840.036	929.520		
Memo:				
on-budget	835.610	925.115		
off-budget	4.426	4.405		
Agriculture, Nutrition, and Forestry	25.258	25.148	71.954	49.563
Armed Services	85.351	85.240	0.041	0.061
Banking, Housing and Urban Affairs	14.779	6.052	0.000	−0.047
Commerce, Science, and Transportation	13.635	8.218	1.082	0.889
Energy and Natural Resources	5.124	3.922	0.004	0.005
Environment and Public Works	39.395	2.056	0.000	0.000
Finance	820.963	821.355	350.443	350.266

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 2005—Continued

[in billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriaitons acts	
	Budget authority	Outlays	Budget authority	Outlays
Foreign Relations	10.785	11.054	0.172	0.172
Governmental Affairs	71.750	70.621	18.219	18.219
Judiciary	6.009	6.076	0.578	0.564
Health, Education, Labor, and Pensions	13.952	13.946	3.988	3.889
Rules and Administration	0.076	0.019	0.113	0.112
Intelligence	0.000	0.000	0.239	0.239
Veterans' Affairs	2.161	2.190	36.996	36.924
Indian Affairs	0.555	0.562	0.000	0.000
Small Business	1.702	1.702	0.000	0.000
Unassigned to Committee	−434.360	−420.248	0.000	0.000
Total	677.135	637.913	483.829	460.856

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2006

[In billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	842.265	916.081	....	....
Memo:				
on-budget	837.689	911.494	....	....
off-budget	4.576	4.587	....	....
Agriculture, Nutrition, and Forestry	25.721	25.061	69.535	50.456
Armed Services	91.206	91.125	0.040	0.060
Banking, Housing and Urban Affairs	13.507	2.957	0.000	−0.014
Commerce, Science, and Transportation	13.078	7.575	0.928	0.921
Energy and Natural Resources	4.600	4.135	0.054	0.060
Environment and Public Works	39.389	2.154	0.000	0.000
Finance	921.381	923.335	401.199	401.160
Foreign Relations	11.532	11.939	0.174	0.174
Governmental Affairs	74.698	71.791	18.611	18.611
Judiciary	7.387	6.528	0.580	0.592
Health, Education, Labor, and Pensions	13.180	11.578	4.100	3.979
Rules and Administration	0.072	0.015	0.118	0.117
Intelligence	0.000	0.000	0.245	0.245
Veterans' Affairs	1.293	1.353	36.198	36.108
Indian Affairs	0.559	0.547	0.000	0.000
Small Business	0.000	0.000	0.000	0.000
Unassigned to Committee	−496.329	−484.403	0.000	0.000
TOTAL	721.274	675.690	531.782	512.469

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 2006–2010

[in billions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	111.747	111.108	341.876	260.136
Armed Services	494.585	494.199	0.200	0.270
Banking, Housing and Urban Affairs	74.258	9.668	0.000	−0.028
Commerce, Science, and Transportation	68.875	40.886	5.076	5.054
Energy and Natural Resources	19.461	18.898	0.268	0.277
Environment and Public Works	180.812	9.994	0.000	0.000
Finance	5505.551	5517.365	2424.576	2423.728
Foreign Relations	63.726	60.966	0.794	0.794
Governmental Affairs	402.936	387.261	99.879	99.879
Judiciary	32.071	31.766	2.941	2.979
Health, Education, Labor, and Pensions	68.205	62.245	21.289	20.734
Rules and Administration	0.366	0.323	0.640	0.639
Intelligence	0.000	0.000	1.314	1.314
Veterans' Affairs	6.327	6.498	185.814	185.182
Indian Affairs	2.555	2.682	0.000	0.000
Small Business	0.000	0.000	0.000	0.000

Pay-as-You-Go Scorecard for the Senate Reflecting Levels for the Conference Agreement:

[In billions of dollars, fiscal years]

2005	0.436
2006	16.849
2006–2010	75.580
2011–2015	274.999

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The Conference Agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's 'The Budget and Economic Outlook: Fiscal Years 2006–2015' (January 2005).

HOUSE RESOLUTION

CBO's economic assumptions were used.

SENATE AMENDMENT

CBO's economic assumptions were used.

CONFERENCE AGREEMENT

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[Calendar years 2005–2010]

	2005	2006	2007	2008	2009	2010
Real GDP (percentage change year over year)	3.8	3.7	3.7	3.4	3.1	2.9

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION—Continued

[Calendar years 2005–2010]

	2005	2006	2007	2008	2009	2010
GDP Price Index (percentage change year over year)	1.8	1.5	1.7	1.8	1.8	1.8
Consumer Price Index (percentage change year over year)	2.4	1.9	2.1	2.2	2.2	2.2
Unemployment Rate (percent, annual average)	5.2	5.2	5.2	5.2	5.2	5.2
3-month Treasury Bill Rate (percent, annual average)	2.8	4.0	4.6	4.6	4.6	4.6
10-year Treasury Note Yield (percent, annual average)	4.8	5.4	5.5	5.5	5.5	5.5

PUBLIC DEBT: AMENDING THE STATUTORY LIMIT PURSUANT TO HOUSE RULE XXVII

The adoption of this conference agreement by the two Houses would result in the engrossment of a House Joint Resolution adjusting the level of the statutory limit on the public debt pursuant to House Rule XXVII. In consonance with clause 3 of that rule, the conferees contemplate a joint resolution of the following form:

Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $8,965,000,000,000.

If the joint resolution is enacted to raise the debt limit to the level contemplated by this conference agreement, the limit will be increased from $8.184 trillion to $8.965 trillion, an increase of $781 billion.

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

Jim Nussle,
Jim Ryun,
Managers on the Part of the House.

Judd Gregg,
Pete Domenici,
Chuck Grassley,
Wayne Allard,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1651

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaHood) at 4 o'clock and 51 minutes p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–63) on the resolution (H. Res. 248) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 248

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Sec. 2. (a) During the One Hundred Ninth Congress, except as provided in subsection (c), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(b) If a point of order under subsection (a) is sustained, the Chair shall put the question: "Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?" Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be divided without intervening motion.

(c) Subsection (a) shall not apply—

(1) to a motion offered under clause 2(d) of rule XXI; or

(2) after disposition of a question under subsection (b) on a given bill.

(d) If a question under subsection (b) is decided in the negative, no further amendment shall be in order except—

(1) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(2) pro forma amendments, if offered by the chairman or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

The SPEAKER pro tempore. The gentleman from Florida (Mr. Putnam) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. Slaughter), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, it is a great day in this House and a great day for our Nation and an honor to kick off the debate about the fiscal blueprint, that our conference of the House and the Senate has come together to set forth the priorities for our Nation.

House Resolution 248 is a closed rule that provides for consideration of the conference report on House Concurrent Resolution 95, establishing the congressional budget for the United States Government for fiscal year 2006 and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

As a member of both the Committee on Rules and the Committee on the Budget, I am pleased to bring this resolution to the floor for its consideration. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule waives all points of order against the conference report and against its consideration. It provides that the conference report shall be considered as read.

Importantly, section 2 of the resolution is a valuable addition to the rules and process of the House. I appreciate the work that a number of Members in the House have put into this effort. Specifically, the gentleman from Texas (Mr. Hensarling), the gentleman from Indiana (Mr. Pence), and the gentleman from Illinois (Mr. Kirk) particularly have fought for budget process reform and, with the leadership of the gentleman from California (Chairman Dreier) and the gentleman from Iowa (Chairman Nussle), have included it. Congress in this resolution makes a strong commitment to enforcing fiscal responsibility with the addition of a separate order for the 109th Congress. The resolution creates a point of order in the Committee of the Whole against a motion to rise and report a general appropriations bill if that legislation, as amended, is in breach of its 302(b) budget allocation. Any Member of either side of the aisle, on the Committee on the Budget or not, on the Committee on Rules or not, may raise this point of order.

A breach in allocation will be determined by the Chair, based on estimates provided by the Committee on the Budget as is currently prescribed in the Budget Act.

If the Chair sustains the point of order, the Chair would put the question to the Committee, and there would then follow 10 minutes of debate on the question, equally divided.

At the conclusion of the debate, the Chair would put the question to the whole Committee. If the motion to rise and report were defeated, then no further amendment shall be in order except one proper amendment equally divided and debated and multiple pro forma amendments, if offered by the chairman and ranking minority member of the Committee on Appropriations, for the purpose of debate.

This point of order is only applicable once for a given bill and does not apply to a motion offered under clause 2(d) of rule XXI.

The congressional budget is the ultimate enforcement tool, allowing Congress to clearly identify its priorities, to lay out that fiscal blueprint and vision for the coming fiscal year. It lays out the plan for how America's tax dollars will be spent. It allows us at a time of war to ensure that our Nation's soldiers, Guardsmen, Reservists, sailors, Marines, Coast Guardsmen are equipped and trained and supported, prioritizing guarantees that our economy continues to expand, providing jobs and opportunities for more Americans to achieve their piece of the American Dream each and every day. It is a tool that allows us to make certain that our government acts in a fiscally responsible manner to ensure opportunities and safety for future generations of Americans.

This added point of order gives one more enforcement mechanism to ensure that Congress spends responsibly and follows the priorities set forth in the congressional budget. Just as small businesses and large businesses, families and individuals sit down on a regular basis and review their budget and, despite the pressure, have to stick to it, so should Congress.

Mr. Speaker, I am proud to be a member of the Committee on the Budget that this year reported out a historic blueprint that sets in motion a path to cutting the deficit both in dollars and as a percentage of our gross domestic product, a percentage of our economy. This budget wisely targets both discretionary and mandatory spending in an effort to do that and in establishing priorities.

□ 1700

The Committee on the Budget calls for a reduction in total nondefense, non-homeland security discretionary spending. That has not been done since President Reagan was in the White House. And for the first time since 1997, the budget includes reconciliation instructions to authorizing committees calling for a reduction in the rate of growth in mandatory programs.

Mandatory spending is the guaranteed spending, the entitlement spending, if you will, that grows each and every year, largely without congressional reform or review. Today it consumes 55 percent of the budget, and if it continues unchecked, it will reach nearly two-thirds of the entire Federal budget by 2015.

It is unacceptable that more than half of the government's spending today is largely on automatic pilot. This is neither sound policy nor sustainable fiscal policy, and Congress is on its way to losing control over spending priorities as entitlements squeeze the budget more and more.

These reconciliation instructions embodied in this conference report are the vital step to begin the process of getting mandatory spending back to growth at a sustainable rate and continuing to lead us on that path toward cutting the deficit in half in 5 years.

I am hopeful that while the authorizing committees are reviewing their programs, they would also conclude that a number of these mandatory programs would be better suited as discretionary, and therefore subject to continued oversight by the Congress.

I am proud of the work the Committee on the Budget has done this year. I thank the gentleman from Iowa (Mr. NUSSLE) for his tremendous, steadfast, fair, balanced and honorable leadership of that committee and for driving us forward with a fiscal discipline that brings us to this point of consideration of the conference report on the budget.

I urge Members to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and yield myself such time as I may consume.

Mr. Speaker, every Republican Congress has its winners and its losers, and no where is that more apparent than in the budget. Looking at this budget, we could clearly see that those losing far outnumber those winning. The winners are millionaires and billionaires who will benefit from repeal of the estate tax, the credit card companies who make billions off of bankruptcy legislation, and oil and gas companies given subsidies by the energy bill while oil is at $55 a barrel.

The losers in the budget are anyone who relies on Medicare, Medicaid or Social Security, and our Nation's veterans desperately needing health care funding, families with seniors who depend on Social Security, and any family that might have a child in need of a student loan.

Those are the winners and losers chosen by this budget, and each and every one of America's hardworking men and women are in one of these two categories.

I would ask my fellow Americans, which category do you fall into? If you are a millionaire, a billionaire or a senior executive at a major credit card company, insurance company or pharmaceutical company, chances are very high you are a winner. Likewise, if you are a foreign financial institution, you are likely a winner, because you will be granted even more opportunities to buy your own piece of America's skyrocketing debt.

On the other hand, if you are part of the hardworking American middle-class, you are likely one of the many who will lose out. The debt your children will have to pay likely exceeds the amount of money you have saved for their college education. Gas prices will continue to rise as your tax dollars go to fund incentives for oil companies. And the benefits and programs that your parents and relatives depend on to make ends meet, as well as the resources that your children will depend on to get funding for a college education, are being slashed in order to give more of your money to the winners, a group which should be easy to recognize at this point.

Now, if you are a member of the working class or the working poor, or if you are a single mother, there should be no doubt in your mind; of course, you are a loser in this budget. And, likewise, if you are a senior citizen, you depend on Social Security, middle aged, a young person counting on Social Security to be there when you retire, you lose out more than anyone in this budget.

In fact, just as Republicans scheme to privatize Social Security and decry that financial crisis with the right hand, they have been raiding the Social Security surplus since Bush took office with the left. I believe that as of this budget, all of the Social Security surplus will be gone.

Remember all that talk about the lockbox? Well, I guess the lock has been broken. We do not need a security camera to see who has been getting away with all the loot. On this President's watch, fiscal year 2002, 2003, 2004, 2005, every penny of the Social Security trust fund has been spent to finance deficits for a 4-year total of $635 billion. That is billion with a B. That is a staggering betrayal of the trust given by the American people.

And what about the new budget resolution that we consider today? It spends 100 percent of the Social Security surplus. This budget, when projected over the next 10 years, spends a total of $2.6 trillion from the Social Security surplus. That is the retirement security of America's middle class. And they have the gall to wonder why so many fiscally responsible Democrats have objected to these irresponsible tax cuts that benefit the rich.

I think it is time that we slowed things down and explain to our friends across the aisle what fiscal responsibility is and what it is not. Fiscal responsibility does not include giving away the store, regardless of whether the consequences will be in 5 years or 10 years or 20 years. It means to look and plan for the future so there is an opportunity available for generations yet to come.

Being fiscally responsible does not mean mortgaging the future of this country on the backs of our children and grandchildren. It means providing adequate funding for schools and health care and retirement security.

It does not include asking the American people to pay for the tax cuts given to the millionaires and billionaires. It means giving a break to folks who work hard day in and day out to put food on the table for themselves and their children.

And, most of all, being fiscally responsible does not include robbing the Social Security trust fund blind.

So, as I am sure everyone can see with this budget, the people who need our help the most lose out.

It does not have to be this way. There was a choice. The Democratic alternative offered by the gentleman from South Carolina (Mr. SPRATT) would have made us proud and protected the core principles that we say we fight for in this institution, such as great schools, good jobs, secure retirements and quality health care.

It would have brought the budget back into balance by 2012 and reinstated the budget enforcement rules to protect Social Security and increased our commitment to education, protected our Nation's veterans and eliminated the cuts to Medicare and Medicaid. That is the kind of budget I wish we were considering. That is the kind of budget that the hardworking men and women of America want from their Congress. They want a fair approach that gets us back to fiscal sanity.

Much like the President's Social Security proposal, this budget is the wrong bill at the wrong time and will hurt a vast majority of our Americans, and I urge all my colleagues to defeat this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to a distinguished physician, the gentleman from Georgia (Mr. GINGREY), a member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the fiscal 2006 budget conference report. I would also like to take this opportunity to express my support for permanent budget reform that will enable us to further restrain the growth of the Federal Government and Federal spending.

Like many of my colleagues, I believe that streamlining the budget and eliminating the deficit are absolutely necessary and essential to the continued growth of our economy. While I might not agree with every detail of this conference report, and I even believe that a few more dollars could be saved, we must accept this compromise between the House and the Senate as a solid step in the right direction.

Failure to pass a budget should not and cannot be an option. Only with the passage of this budget can we move forward with a blueprint to advance further fundamental reforms and save more of the people's money. Therefore, this budgetary blueprint will enable us to strengthen fiscal discipline, without endangering the current opportunity for budget reconciliation.

Mr. Speaker, I am amazed by some of my colleagues who continue their steady drumbeat of support for increased taxes and increased spending. This is a dangerous philosophy, and will only destroy jobs and opportunities for working Americans. We cannot tax and spend the deficit away, Mr. Speaker. We cannot strengthen the economy with a tax-and-spend mentality.

Mr. Speaker, we in the majority will never, let me repeat, never accept tax-and-spend policies as fiscally sound and fundamentally fair for the American taxpayer.

The other side tries to hide their intentions for increased taxes by using phrases like "rolling back the tax cuts." But, Mr. Speaker, they cannot fool the American people, because when they say "rolling back," they mean increasing taxes for working Americans and small businesses.

"Rolling back" means killing the almost 2.5 million jobs created over the past year. "Rolling back" means reversing the economic growth that has helped improve the lives of all Americans. "Rolling back" the tax cuts means rolling over the American taxpayer, and, Mr. Speaker, that would be simply unacceptable.

Like the President, I reject any attempt to raise taxes. This budget does not raise taxes. It does, however, provide for continued tax relief. From tax cuts on capital gains and dividends, to relief to the alternative minimum tax, this budget puts money back into the pockets of American workers while funding our Nation's priorities and cutting the budget deficit.

This budget also ensures the continued strength of our Armed Forces and homeland security through providing an increase in defense and homeland spending.

Mr. Speaker, for the first time since 1997, this budget will include instructions for the Congress to find savings and mandatory spending this year, and additional savings over the next 5 years.

This budget makes dramatic strides to reduce spending, and it forces Congress to tighten its belt and to eliminate waste, fraud and abuse.

Again, Mr. Speaker, I want to express my support and encourage my colleagues to support this budget conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, the Rules Committee, or should I say the Break-the-Rules Committee, is at it again. Here we are taking up a bill that adds to the deficit and cuts billions of dollars from the safety net that protects the most vulnerable people in our country. We are considering this bill under a martial-law rule and without the 3 days required by the House rules so that Members can actually read and analyze this bill for themselves.

What is the big hurry, Mr. Speaker? The House is in session all next week. We do not need to ram this important bill through like this.

I have an idea. Let us take the weekend and actually read the budget. Let us figure out what it really means. Let us listen to our constituents before we vote on this conference report.

Perhaps the Republican leadership is concerned that the more the American people learn about what is in this budget, the less they will like it. We know that this budget resolution includes upwards of $40 billion, maybe more, worth of budget cuts, and we know that the people affected by these cuts are those who can least afford it.

With passage of this budget, the Republican leadership will deny school breakfasts and school lunches to hungry children. They will deny health care to people who cannot afford health insurance. They will deny poor, pregnant women and infant children food and nutrition advice through the WIC program. Of course, they will deny the wealthiest few in this country their huge tax cuts.

To make matters worse, this is not a balanced budget. It is not even close. It continues to burden our children and grandchildren with record debt.

Mr. Speaker, the Reverend Jim Wallis recently issued a statement in reaction to this budget entitled "Budgets Are Moral Documents . . . and There is Still Time to Speak."

He writes, "Poverty reduction should be a moral imperative in politics. A budget that scapegoats the poor, fattens the rich and asks for sacrifice mostly from those who can least afford it, is a moral outrage. These budget priorities would cause the prophets to rise up in righteous indignation, as should we. Our Nation deserves better vision."

Mr. Speaker, this budget creates a government without a conscience, and we must do better. I urge my colleagues to reject the rule and reject this budget conference report.

Mr. Speaker, I include Reverend Wallis' article for the RECORD.

[From Convener of Call to Renewal, Apr. 27, 2005]

BUDGETS ARE MORAL DOCUMENTS . . . AND THERE IS STILL TIME TO SPEAK

(By Jim Wallis)

The biblical prophets frequently spoke to rulers and kings, and usually spoke for the dispossessed, widows and orphans, the hungry, the homeless, the helpless, the least, last, and lost. People of faith are called to speak in the same ways.

Budgets are moral documents that reflect the values and priorities of a family, church, organization, city, state, or nation. Examining budget priorities is a moral and religious concern. According to press accounts, the final budget resolution could include cuts to Medicaid of $10 billion; cuts of $6 billion to programs that empower the poor, disabled, abused and neglected—the least, last and lost; and billions in cuts to food stamps. These are misguided priorities. Cutting pro-work and pro-family supports for the less fortunate jeopardizes the common good. This approach is not value-based and does not square with our moral and religious convictions.

To add what some reports say could be $70 billion more in tax cuts for the wealthy at the same time shows that this budget has not received enough moral scrutiny. Our political leadership's tax cut mentality ignores "the least of these"—leaving them with crumbs from the feast of the comfortable. And it does nothing to help our deficit problems. Religious communities spoke clearly in the past years about the perils of a domestic policy based primarily on tax cuts for the rich, program cuts for low-income people, and an expectation of faith-based charity. We speak clearly now against budget proposals asking that the cost of the deficit be borne by the poor, who are not to blame and can least afford it.

Poverty reduction should be a moral imperative in politics. A budget that scapegoats the poor, fattens the rich, and asks for sacrifice mostly from those who can least afford it is a moral outrage. These budget priorities would cause the prophets to rise up in righteous indignation, as should we. Our nation deserves better vision.

People of faith will continue to speak for the least, the last and the lost. We urge congressional leaders to join us by opposing budget resolutions that place basic human needs at risk. Will leaders who can positively impact the budget debate do so? It's not too late to "Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and needy." (Proverbs 31:8–9).

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from Florida for yielding.

Mr. Speaker, I rise in support of the rule for the budget for fiscal year 2006 and stand firmly behind our effort to exercise fiscal responsibility when it comes to spending taxpayers' hard-earned dollars.

I came to Congress in part because I believed Federal spending had gotten out of hand. The Federal Government was growing by leaps and bounds, and as government grew larger, it was crowding out the private sector, the engine that drives our Nation's growth and prosperity. I was concerned about that, and I still am.

We have done a lot of good things since the American people put a new majority in charge in 1994. We have repeatedly reduced the tax burden on families and entrepreneurs, we have reformed the welfare system, we have reformed elementary and secondary education. The government has continued to grow, and this budget is a chance for us to renew America's confidence and prove that we still have the courage to lead.

□ 1715

I want to recognize my colleague, the chairman of the House Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), for taking a firm stand against out-of-control Federal spending by crafting the resolution we have before us. He and the leadership on both sides have worked hard to bring us to this point.

There is no question that this budget is going to require us to make some difficult choices. We are going to look closely at how we are spending taxpayers' money and how we can do better. I applaud the gentleman from Iowa (Mr. NUSSLE) for putting us on this path. It is time for us to get serious about fiscal discipline.

Under this budget resolution, my committee is being asked to play a large role in reining in spending; and my response is that we want to be a part of the solution, and we will be part of the solution. The time has come to make the tough choices, because there is a bigger picture that we cannot afford to ignore. We are going to look at each program in our jurisdiction with a skeptical eye. Instead of asking why should we not spend more on this program, I think we are going to ask, why should we not spend less.

Our committee has undertaken a bold agenda for reform in the last 4 years, and we will continue down that path into the future. We will be working to improve education from early childhood programs under Head Start, to helping students pursue a college education under the Higher Education Act, and we will continue to fight for secure access to health care and retirement security in a changing economy.

However, we cannot allow ourselves to believe that our commitment to reform is measured by how much money we throw at the problems facing our Nation. Instead, we will judge our success by what we demand in return for our investment, which has always been about achieving results for American taxpayers.

Mr. Speaker, I am proud to support a responsible budget that shows our resolve to rein in Federal spending. The budget is about setting priorities, and it is about showing leadership. I support this bill, and I urge my colleagues to do the same.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me this time; and before the chairman of the Committee on Education and the Workforce leaves, when he says that his committee is being asked to play a large role, the amount of that large role over the next 6 years is $12.7 billion. Now, that has to come out of the education budget somewhere. I cannot identify where it may come from, but the fact of the matter is it is going to be a cut.

Expressing their concern that the other body is not in session next week, our colleagues on the other side are forcing Members to consider a budget that was just filed at 2:45 this afternoon. I am curious how my colleagues expect the Members to educate themselves on this budget, and do not tell me, well, it has been in conference, because all of us know the mishmash that takes place there. Are they supposed to educate themselves by reading the titles and the tables of contents? If that is how I lived my life, then I would still think that J.D. Salinger's "Catcher in the Rye" is about a baseball player who loves to eat deli.

The truth of the matter is, our colleagues may not want us to know all that is in this particular budget.

Typically, the Committee on Rules reports a closed rule for conference reports, but the House and Senate Republicans have settled on a $2.6 trillion budget that increases the deficit, includes spending cuts that fall the hardest on those with the least in our society, and provides for more tax cuts that this country cannot afford. I do not know what part of not having guns and butter all of us do not understand in this body.

Regarding the deficit, the fiscal year 2006 Republican budget makes no attempt to rein in the nearly $400 billion projected deficit for this year. I maintain that the deficit is exactingly the largest problem that this Nation has and is the most difficult for Republicans and Democrats, liberals and conservatives, to explain to the American people. But without PAYGO in this budget, without some consideration being given in a serious way to the deficit, we can all expect that there are going to be real problems.

I believe this budget neglects America's children, neglects our seniors and veterans. I believe it underfunds our domestic priorities by billions, including veterans benefits; our education system; and perhaps most importantly during this dangerous time in history, homeland security.

Finally, the process by which we are bringing this to the floor is skewered in favor of Members not having sufficient time. America's budget problems are not going to go away, no matter how quickly we ram budgets through here in the House of Representatives.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to my colleague on the Committee on the Budget, the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I rise, Mr. Speaker, to support the budget because it is good for our country. I also rise to commend the hard work, the determination, the integrity of our chairman, the gentleman from Iowa (Chairman NUSSLE); and I also want to salute the fine work and the honesty and the integrity of the Senate budget Chair, the Senator from my State, Senator GREGG.

Why is this budget so important to our Nation? We need to reduce our budget deficit: and our budget, this budget, puts us on a path to do that. We need to establish fiscal restraint, and this budget actually cuts nondefense discretionary spending for the first time in years. It also slows the rate of growth of entitlement spending. Let me repeat this, because it is being portrayed as a cut. It is not a cut. It is slowing the rate of growth of entitlement spending, and allowing us, through the Commission on Medicaid, to do a better job of delivering services, better health care to those people who need it the most.

Very importantly, this budget allows our economy to grow. Since we instituted the tax cuts in this very Chamber, 3 million new jobs have been created in our country. We need to continue down this path of growing jobs.

Perhaps most importantly, this budget provides for our national security. It increases defense spending; it honors our troops and the commitments of our Nation's veterans by spending nearly $1 billion more on veterans benefits, without a copayment and without an enrollment fee.

Mr. Speaker, this is an excellent job. I commend it to my colleagues, and I urge their support for this budget.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise in opposition to this rule and the underlying budget conference agreement.

More than a month ago, the House passed a concurrent budget resolution that left average Americans out in the cold. The budget slashed domestic programs for education, health care, and veterans health benefits in order to make room for more tax cuts for the wealthiest Americans. I voted against it because I thought it left out the needs of the middle class and working families and would hurt my constituents in my hometown of Sacramento.

Today we are considering the conference agreement to that budget which has been negotiated in secret over the past several weeks and rushed to the floor without time for Members to even read through it. But it appears that these several weeks have not yielded many improvements. The cuts to the most vulnerable are still there. The cuts to education are still there. And it still favors big oil companies at the expense of our natural treasures by allowing drilling in ANWR.

More fundamentally, Mr. Speaker, this is a budget agreement without courage. During President Clinton's administration, Congress took up the hard work involved in weighing our Nation's competing priorities, and it meant that we were able to create a Social Security surplus for future generations in a very responsible manner. But it has been just the opposite under this Republican majority. They are spending every dollar of the Social Security surplus in order to finance their deficits and their tax breaks for the wealthiest of Americans.

Just as irresponsibly, this budget is trying to hide the President's plan to privatize Social Security. The President wants to divert Social Security payroll taxes out of the Social Security system and into private accounts. Replacing a guaranteed benefit with the risks of Wall Street is bad public policy. It would mean an average benefit reduction of $152,000. It is not surprising that the American people have rejected it. We should be strengthening Social Security's fundamental commitment made from one generation to another instead of weakening it.

Conveniently, the budget agreement before us ducks responsibility for this reckless plan. We know that privatizing Social Security would require borrowing $2 trillion over the next 10 years, debt borrowed against our children and our grandchildren. Not surprisingly, this inconvenient reality is left out of the conference report.

Mr. Speaker, the budget is our Federal Government's statement of priorities. Crafting it involves tough choices among many competing and worthwhile programs. Nonetheless, Democratic priorities are clear: making health care more affordable, strengthening Social Security, investing in our local communities. I do not believe this budget has these priorities in mind, and I urge my colleagues to vote against this misguided agreement.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to another aged and crusty Member of the House, a leader on fiscal policy, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the elderly gentleman from Florida for yielding me this time.

Mr. Speaker, I wish to speak in favor of this rule and in favor of this budget. It all comes down to priorities, Mr. Speaker: how are we going to balance the budget. There are different ways of doing it. We believe the way to balance the budget is grow the economy and create more jobs and control spending. What the other side has said they want to do is raise taxes. You can raise taxes, but you will hurt jobs.

What we have done in the last year is remarkable, Mr. Speaker. The budget deficit has gone down from a projected $521 billion, down by 20 percent over the last year, to $412 billion, largely because of increased jobs and economic activity.

Now, what we want to do to ensure that we cut the deficit in half over 5 years and, hopefully, exceed that goal is control spending. For the first time since the Reagan administration, we are actually going to reduce nonsecurity discretionary spending, an actual reduction in expenditures on nonsecurity discretionary spending. That is a great step in the right direction.

For the first time since 1997, we are actually going to address entitlement reform. Fifty-four percent of the Federal budget, Mr. Speaker, is on auto pilot, our entitlements. We are finally going to be trying to control the growth of entitlements. Is it Draconian? Hardly. We are growing entitlements at 5.6 percent instead of 5.7 percent over the next 10 years. In fact, those who say that this bill cuts Medicaid are simply missing the mark. Medicaid is going to grow at 7.3 percent instead of 7.6 percent. So for the next 5 years, Medicaid will spend $1,112,808,000,000. That is $1,112,800,000. Instead, Medicaid will now spend $1,102,800,000,000. We are talking about growing Medicaid at 7.3 percent instead of 7.6 percent. We are talking about getting a handle on out-of-control spending so we can control spending to reduce the deficit.

It is all about priorities, Mr. Speaker. We believe that the money that is made in America, the money that comes to the Federal Government through revenues is not our money, it is our constituents' money, it is the taxpayers' money. We believe we have an obligation to be good stewards of taxpayers' dollars. We believe that there is waste, fraud, and abuse in the Federal Government; and we believe that everything the Federal Government is doing is not being done exactly right, that we can reform, get better use of our tax dollars, and get better savings so that we can get rid of this budget deficit. We have already reduced the deficit by 20 percent.

We need to keep good jobs, keep the economy growing, and control spending. That is exactly what this budget does. It has unprecedented advances. The first time we are actually getting some spending control on mandatory spending since 1997; the first time we are actually reducing nonsecurity spending and discretionary since the Reagan administration.

It is a good budget, and I urge its support.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, it has been more than a month since the House and Senate both passed budget resolutions on a fast track, but it was only Tuesday of this week that the House finally got around to appointing conferees. We had the first and only meeting of the conference yesterday amid reports that a conference report was almost a done deal.

□ 1730

The meeting was a formality, to give some semblance of collaboration to the budget process. But there has been no collaboration. There has been no transparency. This conference report was prepared by Republicans and their staff behind closed doors, at times and places unknown to me, even though I am a conferee. So not surprisingly, this conference report does not reflect the resolution that we would have passed had we been full partners in this process.

Let me tell you what this conference report is not. This is not a budget that follows the will of the House as expressed 2 days ago in the motion to instruct conferees. Two days ago, 348 Members of the House voted emphatically against Medicaid cuts. The conferees disdained the instruction and whacked Medicaid anyway for $10 billion.

So this is a budget with spending cuts, and the Republicans will tell you that these are necessary to reduce the deficit. But in this budget, the spending cuts do not go to the bottom line and reduce the deficit dollar for dollar. They will be used to offset tax cuts so that they will at least partially offset their impact on the bottom line of the budget, because, you see, this budget does not make the bottom line better. It does not make the deficit better. It makes it worse.

The government faces a deficit this year of $427 billion. Now, you would think that with deficits of this size, that the budget would be used to make the bottom line smaller not larger, but not this budget. It does just the opposite. This will make the budget $167 billion worse on the bottom line over the next 5 years than the CBO baseline budget.

I have right here what we could put together as quickly as possible, given the short amount of time we have had, a back-of-the-envelope analysis. Let me go through it bullet by bullet. The House-passed budget produced deficits of $127 billion above the deficit in CBO's current services baseline forecast.

This report, this conference report produces deficits that are $40 billion greater than the House-passed budget; $167 billion above the CBO baseline. This does not improve the deficit problem. It makes it worse.

The conference report calls for $35 billion in reconciled spending cuts, compared with $69 billion in reconciled spending cuts in the House budget resolution. That $35 billion difference accounts for most of the $40 billion difference in total deficits.

In the conference report, there are cuts in nondiscretionary spending, big cuts, $150 billion over 5 years. But they are virtually offset with defense discretionary spending increases, so these two accounts in discretionary spending are basically a wash. And as for the tax cuts, they remain at $106 billion.

So what we have here is a budget that does not help the situation. This is a budget that hurts the situation. And let me mention one particular aspect where harm is done that is wholly unnecessary.

Everybody knows that we have a problem with Social Security, looming insolvency. Call it a crisis, call it a problem. You would think that a budget of this kind would at least, if it did not have a grand solution, would at least do no further harm. But instead, this budget, in order to pay for the reduction in income taxes, reaches into the Social Security trust fund, takes out $160 billion and spends that entire trust fund surplus for the operation of the government, not for Social Security benefits.

This is not a step forward for Social Security. This is a step backward. And it is just another reason that we should all, all of us, oppose this bill. It is bad in substance. It's bad process.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. HENSARLING) who has been a leader in budget process reform and in fiscal discipline.

Mr. HENSARLING. Mr. Speaker, I rise today in very strong support of this conference report. And I also want to congratulate the gentleman from Iowa (Mr. NUSSLE), the chairman of the Budget Committee, who I know is on the floor now.

Mr. Speaker, I believe he probably has the most difficult job that one has in the United States House of Representatives: and that is, each one of us, 435 of us, have opinions about how much money we should take from American families and spend in government, and once we get that money what should we spend it on.

And certainly I have my opinions. I believe we need to do more to protect the family budget from the Federal budget. And at the same time there are some categories of government I wish we could spend more money on. I believe that there is still more we could do in policing our border, more we can do in veterans health care.

But I strongly support this budget for several reasons. Number one, a budget is a whole lot more than just numbers. It is more than just an accounting green eye-shade function. It is about priorities. It is about vision.

This is a budget that provides for the common defense. This is a budget that helps us fight and win this war on terror. It is a budget that promotes economic growth.

Under this Republican administration's economic policies, we have come out of the recession. We have created 3 million jobs. We are giving Americans jobs and growth and hope and opportunity. And this budget protects that.

And perhaps also, very important and very historic, this budget provides for something we call reconciliation. Now, in Washington terms, that is kind of an insider baseball term. But what it means is we start the process to reform our entitlement spending.

Now, why is that important?

Our friends on the other side of the aisle are always talking about how, for some reason, their budget is fiscally responsible and ours is not. But right now we have Medicare: over the next decade it is growing to grow at 9 percent a year. Medicaid is going to grow at almost 8 percent a year. Social Security is growing at 5½ percent a year. The General Accounting Office tells us that if we do not reform these programs, that we are on a glide path to where our children and our grandchildren will have to see their taxes increased 2½ times. This is fiscally responsible?

Sure. We can balance the budget in 2040. All we do is we leave spending on automatic pilot, and we raise taxes on our children and grandchildren 2½ times.

Mr. Speaker, I see nothing fiscally responsible in that approach. And this is why I am a strong supporter of this. And I believe we must start the process of reform. Our children and grandchildren are facing this legacy, this sea, this tsunami of red ink. There is a question of generational fairness here.

And Mr. Speaker, many of us in this Chamber know that we can get better retirement security at a lesser cost. We can get better health care at a lesser cost if we just have different policies. I mean, right now we know, we know that if we will embrace real Social Security personal accounts with real assets that owners can work and have a nest egg, that they can get more, greater retirement security than what present Social Security is promising and cannot deliver.

Now, our friends on the other side of the aisle will find fault in this budget in a couple of ways. And I have been listening to the debate. They say tax relief is why we have these massive budget deficits.

Well, unfortunately, they have not looked at the latest Treasury reports. We have actually cut marginal rates. And guess what? We have more tax revenue because people have incentives to go out and create new small businesses and to expand and to hire new people. Again, look at the facts. The facts are indisputable. We have cut marginal tax rates, and we increase more tax revenue.

But say that we believe in their theory, that tax relief is actually part of the problem. Say tax relief was just a line item that said the office of widget control.

Well, if you look very closely at what this budget does, it provides $16.6 billion in tax relief versus $2.5 trillion in spending. That is less than 1 percent. So somehow less than 1 percent of the Federal budget supposed to cause all these problems? I do not think so. In this case, tax relief has proven to be part of the deficit solution, not the deficit problem.

And when it comes to the deficit, the deficit is really a symptom. It is spending that is the disease. And without real reform, without real reconciliation, we do not get it, Mr. Speaker, and this is why I am so strongly in favor of this budget resolution.

And once again I congratulate our great chairman, the gentleman from Iowa (Mr. NUSSLE) for the work he has done.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT) for a response.

Mr. SPRATT. Mr. Speaker, let me respond to the gentleman's contention about taxes. When the Bush administration presented its tax package, they told us that the revenues produced by the individual income tax in 2004 would be $1,118,000,000,000. In fact, in 2004 revenues produced by the individual income tax were just over $810 billion. There was a $300 billion shortfall in revenues beneath the projection of the Bush administration, which accounts for three-fourths of the deficit, $412 billion deficit in 2004.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, once again, the Republican majority has written a budget that uses every penny, every penny of the Social Security surplus. I went back and read what the President said March 22, 2001. "The budget I set up says the payroll taxes are only going to be spent on one thing, and that is Social Security." Once again, the President is not keeping that commitment.

The budget, this budget of yours, raids Social Security in 2006, 2007, 2008, 2009, 2010. That is reform? That is regression. And for every year covered by this budget, every penny comes out of the Social Security surplus, every penny.

Now, it was not many weeks ago the President went to West Virginia. And we all read about it. He went to the bureau that holds the trust fund documents of the Social Security, and he said, "There is no trust fund, just IOUs."

I could not disagree with the President more. Those bonds held by the trust fund are backed by the full faith and credit of the United States. So the problem is not with Social Security or the trust fund, it is with the fiscal irresponsibility of this administration.

I remember 1993, when many of us joined to put this country on the path of fiscal responsibility. And we faced not deficits, but surpluses, not using Social Security.

But then the Republican majority comes here, and the Bush administration, and they push through a number of measures, including the irresponsible tax cuts, with the results that the gentleman from South Carolina (Mr. SPRATT) has just indicated. And we warned you, more red ink. And you did not listen.

So last year, we have a deficit of $412 billion. But if you do not include Social Security, it is $567 billion. That is reform?

This same lack of fiscal discipline will result in an even larger deficit this year. This has to stop. It has to stop. And we can do that tonight.

I urge the House to reject this irresponsible budget, defeat the previous question and demand a budget that does not raid the Social Security trust fund.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman that the Social Security bonds are still backed by the full faith and credit of the United States. And unlike the other side of the aisle, this side of the aisle is concerned not just about Social Security for today's seniors, who are perfectly cared for if you are 50 and older, but for tomorrow's seniors as well, those students who are graduating from college today who will retire 15 years after the system has gone bust if action is not taken.

One side has plans, competing plans even, a variety of plans. The other side is in denial.

Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished member of the Committee on Ways and Means, the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, the full faith and credit of the United States Government. Of course the question is, who is the government? Well, the government would be the taxpayers of the United States. They are the ones who have to back up all the spending that goes on here in Washington, D.C.

For 40 years the Democrats controlled Congress. They did not mind spending Social Security, every dime of it, in any way they wanted to. In fact, the Democrats, for 40 years, set us on a path of an unlimited credit card without the assets to back it up.

Just recently, before the Ways and Means Committee, we had the Comptroller General of the General Accountability Office, David Walker. And David Walker testified that right now the United States needs $43 trillion to meet the unfunded liabilities and debt. That is four times the size of the American economy. That is scary.

☐ 1745

Now, David Walker was appointed by Bill Clinton. David Walker is a nonpartisan independent, and he says that we have got to get control of mandated spending, entitlements. This budget is starting to get real. Because if we do not face this challenge, then our children and our grandchildren are going to face, as was described a little earlier, an economic tsunami. I can see the ocean going out now if we are talking about $43 trillion of unfunded liabilities and debts. The question is when will the wave come back in.

We have got to get serious. We have got to be nonpartisan and work together to solve some of these issues, or we are going to have a terrible, terrible tragedy in this country. So it is time to get real. We have to get control of spending in this country. And by the year 2020, Mr. Walker says that all the funds coming into the general Treasury will be consumed by entitlements and interest on the debt. There will be nothing left over for discretionary spending and for Congress to make decisions.

By the year 2040 all the money coming into the Federal Treasury will be consumed by the interest. We will lose Medicare, Medicaid, Social Security, period, if we do not get real and reform the process.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

It is curious to me, each speaker that has come to the Republican side in the last half hour since we have debated the rule is introduced as an expert on fiscal policy, an expert on fiscal policy.

Look at the deficit that they have run up. Look at where we find ourselves today, two wars and five tax cuts; and they present themselves to the people as an expert on fiscal policy.

Mr. Speaker, in the election of the year 2000, there was a lot of mocking about the term the "lockbox." It made great play even on "Saturday Night Live."

Let me tell you what they have done. Over the next 10 years Social Security will raise $2.6 trillion for the trust fund. This Republican budget spends every cent of that surplus. That means that we need this money to provide benefits to retirees, and guess how we are going to do it? We are going to borrow the money. And we are going to do just what we have been doing since they have been in charge, and then we are going to increase our indebtedness to the Chinese and to the Japanese.

Everybody knows this for what it is. It is unsound policy. The first Bush budget promised that "none of the Social Security surpluses will be used to fund other spending initiatives or tax relief."

That is what they said. Let us give you the record. It is the polar opposite. After acknowledging the importance of keeping the trust fund secure, they have raided every single cent of the trust fund in the fiscal year 2002 budget to pay for their tax cuts that, by the way, went to the top 1 percent of wage earners in America.

Well, let us have another refresher here in recent history. In fiscal year 2003 the same thing happened. The Republicans spent every cent of the Social Security trust fund surplus. In 2004 they spent every cent of the Social Security trust fund surplus. And in 2005 they intend to spend every cent of the Social Security trust fund surplus. So over these last 4 years the Republicans' budgets have spent $635 billion of the Social Security trust fund on huge tax cuts for the wealthiest among us.

Only in Washington could you lop $2 trillion off the Federal budget with tax cuts for the wealthiest Americans and then in the next breath say Social Security is in danger.

We have got to do something to fix Social Security after they have raided the trust fund. Now, after draining the Social Security trust fund, the President then says, Social Security is going bankrupt. His strategy is failing on every front. It is failing his fiscal policy with record deficits. By the way, this is from a Republican Party that at one time spoke to fiscal rectitude.

It is failing politically because the American people who are paying attention, and they all are, are rejecting the Social Security trust fund because they know the trust fund account has been raided by the majority party.

We know we will have to do some adjustments to Social Security to strengthen it, but look what their answer is: raid the trust fund. We have offered a budget alternative that would begin to shore up Social Security. Our plan offers tough budget rules that would force Congress to pay for new spending or tax cuts that would pull money out of the Social Security trust funds.

I want to say something, Mr. Speaker. In the 17 years that I have been in this House, this is absolutely the worst budget that has been presented. There is not even competition for how bad this budget proposal is, and they do it on the backs of the Social Security trust fund.

So let me close on the basis on which I began, and I would like to have them answer this question: two wars, and five tax cuts.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the House of what this budget is since we have heard what it is not. It accommodates the tax relief that was passed by this House on a bipartisan basis. It fully supports national defense with an increase of nearly 5 percent. Homeland security expenses are dealt with with an increase of 2.3 percent, and an overall nonsecurity, nondefense discretionary spending reduction of less than 1 point, something that, if you only heard the other side, you would believe would lead to massive chaos in the streets, the sky falling and ruin of biblical proportions.

I only wonder what will be said next year. What type of analogy or metaphor will top that of this year? This is a budget that is responsible, that lays out priorities for a Nation and is one that gives a vision, a direction for the country towards cutting the deficit in half in 5 years, by dealing not just with discretionary spending but with mandatory as well, and in doing so by reducing the rate of growth.

Something that is lost in this debate is that it is not even a net cut. It is only a Washington, D.C. cut when you are going up 7.3 percent instead of 7.5 percent and accused of making cuts. This is a budget that meets the needs of our national defense. It creates a climate of opportunity and growth for small businesses and individuals who are working every day to be a part of the American Dream and to achieve their goals that they have set out to achieve and take risks and seek capital and take on new employees and buy equipment. It allows them to continue to do that.

It has an eye towards future generations. It is not a budget about today or about the selfishness of one generation over another, but looking ahead multiple generations and saying, how do we deal with problems that we know nonpartisan experts in these areas, the comptroller general, think tanks of all shapes and sizes and stripes say in 2040, you have a major problem in Social Security. What are you going to do for that first year, teacher? What are you going to do for that student who is graduating from high school this year who will retire years after the system has become insolvent if we fail to act?

On this side you see a variety of opinions, in fact, even clashing ideas about ways to address the problem. And on the other side there is silence. The party that gave us a pillar of domestic policy is in denial about a problem that will affect future generations, and I believe that is a tragedy.

This budget is a budget for today, tomorrow, and decades to come.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman for yielding me time.

What our friends on the majority side are doing would be downright funny if it were not so downright tragic. The motion that we are here taking a $2.6 trillion budget with less than 3 hours to look at it is not laughable. It is disgusting.

We tried at the beginning of this year to enforce the 3-day rule except for cases where a supermajority could be obtained. You denied that. I challenge you to go home to your rotary clubs, your town halls, your citizens groups and say, friends, the United States Congress led by the Republican majority passed a $2.6 trillion budget and the Members had 3 hours to look at it. Be honest with your constituents. Say, I read that entire budget in those 3 hours we had. Be honest with your constituents and tell them how much of that Social Security trust fund you are borrowing to disguise your spending and to disguise the cost of your deficit.

You folks ran on a platform back in 1993 where you said if legislation cannot pass 3 days of scrutiny, it should not be enacted into law. That is the case today with this budget.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. PUTNAM) has 1½ minutes remaining.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 3½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

The Republicans have a view that is unstated, if you repeat something that is untrue over and over again, people will believe it to be true.

And take the signature line of my friends on the majority, this budget will cut the deficit in half in 5 years. It is not true. There is no year-to-year deficit that ever gets to that point, and this budget does not do it. What they did is they puffed up the deficit number, the projection, a year and a half ago. They puffed up that number and now they are talking about a reduction from that puffed up number. It simply is not true.

But what I really want to talk about is Medicaid, what you are doing to Medicaid with this budget. We now know that the Medicaid cuts in this House reconciliation bill could be as high as the entire Energy and Commerce instruction to reduce $14.7 billion over 5 years.

Two days ago this body passed a motion to protect Medicaid by an overwhelming vote of 348 to 72, 152 Republicans joined all Democrats to oppose cuts to Medicaid. And so what do we get? We get a budget that is going to reduce Medicaid by a substantial amount of money, $10 billion, $14 billion, we do not know. Any cut to Medicaid is a significant hit on our States.

But the bottom line is Republicans today with no notice, with a few hours notice of this budget, will troop down here and they will vote for a budget resolution that cuts Medicaid, and two days ago they all stood up and said, oh, no, no, no, we are opposed to Medicaid cuts. That is what we have got here.

If this budget could stand the light of day, an extended light of day, frankly, we would see more time than 3 hours to review it. But the bottom line is cuts to Medicaid will have a devastating effect on our society. They will make the system less viable for health care providers. They will have an impact on seniors and impoverished children.

This budget is an outrage and should be rejected.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 1½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close this debate by urging Members to vote "no" on the previous question so I can modify the rule to allow the House to reject this flawed budget conference report and require the House Committee on the Budget to produce a new Federal budget that does not raid the Social Security trust fund.

Mr. Speaker, since President Bush took office, Republican budgets have spent every penny of Social Security trust surplus in order to finance the deficits and pay for their tax cuts.

While the President travels the country trying and failing to convince Americans that privatizing Social Security is a good idea, his tax cuts continue to pile up the IOUs in the Social Security trust fund.

We need a budget that will bring back budget enforcement, to protect the Social Security surplus and return the budget to balance by 2012.

The Spratt budget would put us back on the path to fiscal solvency and that is the kind of budget America needs and deserves, not the budget before us today.

Please vote "no" on the previous question so we can protect Social Security and begin restoring some fiscal sanity to the Nation.

□ 1800

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. PUTNAM. Mr. Speaker, I yield the remaining time to the gentleman from California (Mr. DREIER), my distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and congratulate him on the fine job that he has done on this and as a member of the Committee on the Budget, as well as the Committee on Rules.

This a great day, Mr. Speaker. We are at the point where, once again, we are continuing to do the work of the American people. We have spent weeks and months focused on this very important budget issue. We have now seen both houses of Congress address these questions, and we have come together with a conference agreement.

It is a conference agreement which is going to allow us to focus on a number of priorities of the Federal Government, that is, our national defense and our homeland security, but at the same time we are focused on very important societal needs that are out there, as well as the fiscal responsibility.

We know that economic growth is a very important part of that, and as I listen to my colleagues decry this issue of spending and deficits and all, we know that the single most important thing we can do to deal with this deficit issue is to continue to see the economy grow, and that is exactly what the tax cuts in this measure will do, as they have done. In fact, in last year's budget, we saw the deficit $109 billion lower than anticipated. Why? Because of the economic growth that followed our tax cuts.

Mr. Speaker, this is a very fair rule allowing a conference agreement. Members have had a great deal of time over the past several weeks and months to focus on this issue. Let us continue to do what we have done throughout this great 109th Congress: Get the work of the American people done.

I thank my friend for yielding me time.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. CON. RES. 95—CONFERENCE REPORT ON THE FY2006 CONCURRENT BUDGET RESOLUTION

Strike all after the resolved clause and insert:

That the House finds the following:

(1) From 2002 through 2005, the Republicans in Congress have spent every dollar of the $637 billion of Social Security trust fund surpluses on tax cuts and other purposes unrelated to Social Security.

(2) The 2006 Republican Congressional budget resolution conference agreement spends every dollar of the projected $1.1 trillion Social Security surpluses over the next five years on tax cuts and other purposes unrelated to Social Security.

Sec. 2. That upon adoption of this resolution the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 is hereby rejected.

Sec. 3. The Committee on the Budget is directed to report a new concurrent resolution on the budget pursuant to section 301 of the Congressional Budget Act of 1974 that does not raid Social Security surpluses by diverting these funds for purposes other than Social Security, and stipulates that Social Security payroll contributions will be used solely for the purpose of providing retirement, disability and survivor benefits.

Ms. SLAUGHTER. Mr. Speaker, I want to close this debate by urging members to vote no on the previous question so I can will modify this rule to allow the House to reject this flawed budget conference report and at the same time require the House Budget Committee to produce a new federal budget that does not raid the Social Security trust funds.

Mr. Speaker, since President Bush took office, Republican budgets have spent every penny of the Social Security Trust Fund surplus in order to finance their deficits and pay for their tax cuts. While the President travels the country trying, and failing, to convince Americans that privatizing Social Security is a good idea, his tax cuts continue to pile up the IOU's in the Social Security trust funds.

We need a budget that will bring back budget enforcement to protect the Social Security surplus and return the federal budget to balance by 2012. Mr. Spratt's budget would put us back on the path to fiscal solvency, and that is the kind of budget America needs, not the budget that is before us today.

Vote "no" the previous question so that we can protect Social Security and begin restoring some fiscal sanity to this nation.

Mr. PUTNAM. Mr. Speaker, all time on our side having expired, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 248 will be followed by 5-minute votes, as ordered, on adopting the resolution and approving the Journal.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 10, as follows:

[Roll No. 147]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Clyburn
Cunningham
Doggett
Filner
Flake
Ford
Meeks (NY)
Moran (VA)
Paul
Rothman

□ 1827

Mr. DAVIS of Illinois changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 147, I was in my Congressional District on official business. Had I been present, I would voted "nay."

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 147, I was detained and missed the vote. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PUTNAM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 75, answered "present" 1, not voting 14, as follows:

[Roll No. 148]

AYES—345

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Gutierrez
Hall
Harman
Harris
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre

McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—75

Baird
Baldwin
Becerra
Berry
Brady (PA)
Capuano
Costello
Crowley
DeFazio
English (PA)
Fitzpatrick (PA)
Fossella
Gibbons
Graves
Green, Gene
Grijalva
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Hulshof
Issa
Jackson-Lee (TX)
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
Kucinich
Larsen (WA)
Larson (CT)
Latham
Levin
LoBiondo
Markey
Marshall
McCarthy
McCotter
McDermott
McGovern
McNulty
Moore (KS)
Moore (WI)
Nadler
Neal (MA)
Norwood
Oberstar
Olver
Otter
Peterson (MN)
Platts
Pryce (OH)
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Scott (VA)
Slaughter
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Visclosky
Waters
Weiner
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—14

Berkley
Boehner
Bonilla
Clyburn
Cunningham
Doggett
Filner
Flake
Ford
Jefferson
King (NY)
Paul
Rothman
Sullivan

☐ 1837

Mr. MARCHANT changed his vote from "no" to "aye."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 148, I was in my Congressional District on official business. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. MURPHY. Mr. Speaker, during rollcall vote No. 144 on H.R. 748, my vote was incorrectly recorded as a "no" vote when it should have been recorded as a "yes" vote.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONYERS. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan (Mr. CONYERS) will appear in the RECORD at this point.

The form of the resolution is as follows:

H. RES. —

Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the "Child Interstate Abortion Notification Act," on Wednesday, April 13, 2005 and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109-51;

Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109-51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109–51 by captioning these five amendments with inflammatory, inaccurate captions implying that these three Members of Congress condoned the criminal behavior of "sexual predators";

Whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler's amendments would read, "exempts a grandparent or adult sibling from the criminal and civil provisions of the bill," and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109-51 was instead, "Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor." (Similar problems occured in describing amendments offered by Representatives Scott and Jackson-Lee);

Whereas, when Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109–51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas the vote captions published in House Report 109–51 appear to be purposefully inaccurate and misleading, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House; and

Whereas this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions.

The SPEAKER pro tempore. The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 513

Mr. BECERRA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 513.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Mr. Speaker, I was unavoidably detained and was unable to return to Washington to vote on April 26, 2005 through April 28, 2005.

Had I been present, I would have voted as follows:

Roll No. 133, "yes";

Roll No. 134, "yes";
Roll No. 135, "yes";
Roll No. 136, "yes";
Roll No. 137, "yes";
Roll No. 138, "no";
Roll No. 139, "no";
Roll No. 140, "yes";
Roll No. 141, "yes";
Roll No. 142, "yes";
Roll No. 143, "yes";
Roll No. 144, "no";
Roll No. 145, "yes";
Roll No. 146, "no".

CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 248, I call up the conference report on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 248, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, before I begin with the opening, let me just thank our staff. We have to make a lot of decisions around here, and we put together the policy and make the votes, but the staff makes it all come together in the document that we review today, as well as the work of the Committee on the Budget. I thank Jim Bates who is the majority staff director, who has done an excellent job this year, and Tom Kahn on the minority side who has done an excellent job. Both their staffs do a great job on behalf of the budget, the Senate staff in putting this together working with Chairman GREGG and the Senate Budget Committee, and our leadership staff that is here that works the floor and helps us put this all together. They do an excellent job. It is a big job putting together a budget.

But if there was ever a time that we needed a plan and we need a budget, this is the time. We have seen what it is like in years past when we do not have budgets, when we are not able to come together. And yes, the House has been able to manage the process. We have been able to keep the line on discretionary spending, but we need to do more this year. We need a fiscal blueprint. We have enormous and quickly growing sets of challenges, and we do not have infinite resources with which to meet them. We can and will meet those challenges with a fiscal blueprint, with a budget.

But in order to do that, we have to make some tough choices. We cannot say yes to everything. There is going to be a lot of debate today where Members say you did not say yes to this, you did not say yes to that, you did not give enough here, you did not give enough there, or you gave too much over here. That is the whole budget in a nutshell, is that no one is going to be perfectly satisfied with either how much you spend on one side or how much or how little you take from the other side of the ledger. No one will be satisfied, but it needs to be put in writing. It needs to be a fence around our process. We need a plan.

I am extremely pleased that we have brought our plan and our conference report here today. It was not easy to get to this position. I thank the gentleman from Illinois (Mr. HASTERT); the gentleman from Texas (Mr. DELAY), the majority leader; the members of my committee; the gentleman from Wisconsin (Mr. RYAN), a member of the conference. I thank the gentleman from South Carolina (Mr. SPRATT), my friend and colleague. He will remind us that he was not a party to this conference in the way that either one of us would have liked, but I would like to thank his partnership and the way we run the committee.

Mr. Speaker, we have work to do, and I believe it can continue in a very positive way today if we pass this resolution.

Last year we were able to reduce the deficit 20 percent. We need to continue that work. We need to continue the strength of this country. We need to continue the growth of our economy. We need to continue the restraint of spending for deficit reduction. These are our highest national priorities, and if these priorities are not met, none of the rest of the priorities will be met.

All of the programs, all of the areas of government, none of them can happen if our economy is not strong, if our Nation is not strong, if our freedom is not protected, and if we do not have a fiscal blueprint to surround us. These are our fiscal priorities as we move forward.

Let me talk about the conference report that we are bringing today. First, the budget fully accommodates the President's request for defense and homeland security. That is our number one job. None of the rest of the discussion matters if we do not protect the country. In addition, it provides for $50 billion in emergency supplementals looking forward, recognizing that we have a continuing obligation in our global war on terror.

Second, the budget continues our successful economic policies, including tax relief, spending restraint, and deficit reduction to ensure a strong, sustained economic growth and job creation dynamic. This is why we are doing it, so that people can continue to find the opportunities to earn the money to take care of themselves and their families and their communities first before the IRS and the Federal Government takes a portion of that out here for the national priorities. People have an obligation to manage their affairs first, and we allow that here.

Finally, the budget takes a critical, I think, next step, because we made the first step last year in reducing the unsustainable rate of Federal spending and our deficit. We take the next step this year to reduce that deficit.

Last year we wrote and passed in this House and actually stuck to a budget that for the first time in a long time called for a little restraint in our discretionary spending. When the books were closed at the end of the year, we saw the deficit go down. The deficit went down. In fact, the reduction of the deficit last year alone was 20 percent, still way too high, a deficit still way too high by my count, by the count of my colleagues, by the President, and by the other body. But during a war, during a time of new national priorities such as homeland security, it is not unusual that we made a determination to borrow some money in the short term to shore that up.

□ 1845

But we also have to continue the work that we started last year on reducing that deficit.

This year this budget takes the necessary steps to get our spending back on a sustainable path and to continue to reduce that deficit. On the discretionary side, this budget will actually reduce the overall amount of nonsecurity discretionary spending. The nondefense discretionary spending will actually be reduced, something we have not seen done on this floor or in this government since Ronald Reagan was in town, the last time that we had an actual reduction in the nondefense discretionary.

But more important than that, this budget begins the process of addressing the growth in the automatic spending, what we call mandatory spending, the spending that continues year after year unless we reform the programs that underlie that spending. And this year this is a reform budget. This is a budget that allows us to continue on the path that we need to head. Mandatory spending is growing out of control. We know it, Governors know it, the President knows it, the other body knows it, our committees know it. What we have not had is the mechanism to do something about it.

Let me show how mandatory spending is growing. If we look at this chart, we will see that back in 1995, the automatic spending was almost half of the budget. Now it is over half, about 55 percent of the budget. And if we do nothing, it will eventually take two thirds of the budget by 2015 alone, meaning mandatory spending will crowd out things like national defense, homeland security, education, transportation, the environment, health care. A number of important issues that we need to be focusing on will be enveloped by the mandatory spending side of the ledger without reform. And these programs in many instances are plainly not working.

I think of a senior citizen sitting in a hallway of a nursing home in Iowa and wondering whether or not that senior is getting the best quality care for the huge increases and the unsustainable growth that we find in Medicaid. And I do not see that being the case. Is the quality there? Is the program being delivered in the best possible way? And for that one instance and thousands of others that are out there we need to focus programs on doing a better job for the money that is put forth in order to meet the needs of some of our most vulnerable citizens; children who are poor, people with disabilities, seniors who are either locked in poverty or unable to meet their needs. We have got to handle the mandatory growth in this budget and do so in a way that provides the reform to make sure that the needs of the people that these programs were intended to meet, that those needs are met. And that is the reason that we bring this budget forth.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 5 minutes and 15 seconds.

Mr. Speaker, basically, the budget before us is the President's budget sent to us a couple of months ago, subject to a few puts and takes. Unfortunately, neither the President nor the Republicans in the House nor the Republicans in the Senate have done what was done for years in good budget practice, and that is run their numbers out for 10 years. They simply give us a 5-year display of their numbers and that conveniently avoids showing the effect, the enormous effect, on the budget of having the renewal of the tax cuts after the year 2010.

But if Members want to see basically where this budget will take us, they can look in CBO's analysis done in the early part of March required by law of the President's budget because it basically is the same as the President's budget. They do not have to read past Page 2 in this analysis of the President's budget. And when they do, they will see that if we follow the path that the President is proposing, we will add $5.135 trillion to the national debt to the United States between now and 2015, over the next 10 years.

But that calculation does not include anything for fixing the AMT, which CBO tells us will cost $642 billion in revenues; and it includes nothing for deployment of our troops in Iraq and Afghanistan after 2005, which CBO calculates at $384 billion; and it includes nothing for partial privatization of Social Security even though the President estimates it will cost $774 billion.

When we add all of those things in and calculate their effect on the budget, here is what happens. I have sat here for the last hour, heard Member after Member on the other side saying we have got a budget that will cut the deficit in half over the next 5 years. Here is what happens: take it from CBO, make these two or three noncontroversial adjustments to their number, and see what happens. The deficit never gets below $362 billion. At the end of the time frame, it is $621 billion, $7 trillion of additional debt. That is where we are headed. That is where this train will take us if we adopt this budget resolution today.

Do the Members believe me?

Let me show which side should be regarded as credible. Let us just look back at the recent past. When Bill Clinton came to office, the deficit was $290 billion. Awaiting him was the biggest deficit in our Nation's peacetime history. We passed the Clinton budget, and every year thereafter the bottom line of the budget got better for 8 straight years until in the year 2000 we had a surplus, 5 years ago, of $236 billion. Every year since, the bottom line of the budget has gotten worse.

And I have got a much simpler, more emphatic way to describe the effects of it. This chart right here shows us how much we have had to raise the statutory ceiling on the permissible amount of debt that the United States can incur, the debt ceiling, over the first Bush administration. And guess what. In this budget resolution too. Over the first Bush administration, in 4 years there were three increases in the debt ceiling that totaled $2.234 trillion. It is a matter of record. That is where the budget took us over the last 4 years. And this budget, vote for this budget resolution and buried in it is a provision which will increase the debt ceiling of the United States by another $781 billion. Members are voting for that if they vote for this resolution tonight, a total over 5 years of $3.015 trillion increase in the national debt of the United States. Incredible.

But as I said, that is not all. Read chart two, Page 2 in the CBO report, and they will see it goes on and on and on. We stack debt on top of debt.

I have heard people come out here and say we are flush with revenues in the aftermath of these tax cuts, we have had a rejuvenation of revenues. Here is the truth if Members want a very simple back-of-the-envelope form: this is where the Bush administration told us we would be if we passed their tax cuts. We would have, in the year 2004, $1.118 trillion in individual income taxes. And here is what the actual take was last year: $811 billion. That $300 billion shortfall in revenues accounts for three-fourths of the $412 billion deficit last year.

People may ask, and I think it is fair for all of us to ask, how do we run a $427 billion deficit and still have room for additional tax cuts which the Republicans are pushing in this budget resolution, another $106 billion of tax cuts pushed in this budget resolution? There is one short answer, a simple step: when we do not have the income taxes because we cut these taxes, we go to the Social Security trust fund, and there is a surplus there of $160 billion. We reach into the surplus not this year but next year and every year for 10 years to come as far as the horizon can see, and this is what happens: every year this budget resolution will result in the consumption of the Social Security surplus. With the problems we have got in Social Security, surely we should have one rule until we finally find the grand solution, that is, do no harm. This bill does harm year after year after year because it raids the Social Security trust fund.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, which has jurisdiction over the Medicaid program.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the budget resolution that we are going to vote on here in about 30 or 45 minutes because we are a body about solutions. If we do not pass the budget, we have no opportunity to solve some of the problems that face our great Nation.

The committee that I chair does have jurisdiction over the Medicaid program and a large portion of the Medicare program, as well as telecommunications and energy. And in the instructions for reconciliation in this budget, we are asked to try to find savings of approximately $20 billion over the next 5 years.

For those who are not familiar with the arcane process of reconciliation, it is very similar to what happens when a husband and wife have a spat and they get mad and they do not talk to each other for a while. Eventually they reconcile. They come back together. That is what we do here in this body. We do it between the Committee on Appropriations and the authorizing committees, and we also do it between the House and the Senate. We fight all year, but at the end of the year, we are going to have a reconciliation. We are going to come forward, hopefully on a bipartisan basis; and we are going to say we want some solutions to some of these problems.

The Medicaid program is a $300 billion-a-year program. It is about 60 percent funded by the Federal taxpayers and about 40 percent funded by State taxpayers. Twenty-nine States in the last 3 years have frozen their Medicaid populations. The State of Tennessee, for example, has kicked 323,000 people off their Medicaid rolls because they just did not have the money.

There are a lot of good ideas out there in terms of things we could do to reform Medicaid. We are not talking about trying to do things to kick people off the rolls. We are talking about things like letting people stay at home instead of having to go to a nursing home to get long-term care. We are talking about giving the States the flexibility perhaps to decide how to price some of their pharmaceuticals. We are talking about commonsense things like people that have some assets, getting them to use reverse mortgages on their homes so they can stay and live at home and not have to hide that or sell that home and then go into a nursing home.

So I know it is difficult, but this is a budget about solutions. And I hope that we will pass it so that we can begin the reconciliation process at the appropriate time with the other body.

Mr. Speaker, I rise today in support of this budget resolution. On March 17, this House voted 218 to 214 in support of a budget that instructed the Committee on Energy and Commerce to find $20 billion in savings. Members at that time recognized the importance of reducing the rapid rate of growth in entitlement programs like Medicaid. As the House and Senate reconcile our two budgets, we need to continue to be diligent and stay on the path of fiscal responsibility.

Opponents of this resolution argue that any budget resolution that allows for Medicaid reforms will cause untold suffering for Medicaid beneficiaries. This argument ignores the fundamental truth that these beneficiaries are already suffering. In Tennessee and Missouri, over three hundred thousand beneficiaries are going to lose their health coverage, due to the out-of-control growth in Medicaid costs. Other States are imposing restrictions on benefits, including limits on the total number of prescriptions a beneficiary can receive per month and restricting access to other basic services.

Without Congressional action, these problems are just going to get worse. Mississippi's Medicaid program ran out of money last year, and they were almost unable to pay their providers. Unfortunately, the current Medicaid program traps beneficiaries in a second rate health program, where too often they cannot get access to quality care or manage their chronic conditions.

These problems stem in large part from the explosive growth in Medicaid spending. From 2000 to 2003 alone, Medicaid spending grew at an average rate of 10 percent each year. Neither the States nor the Federal Government can sustain these rates of spending growth. That is why Governor Mark Warner (D–VA) recently warned that "we are on our way to a meltdown" on Medicaid.

By including Medicaid reforms in the budget, we're attempting to save this important program. Our efforts will not cut Medicaid, but only slow its rate of growth. In 1993, Medicaid spending was approximately $132 billion. By 2003, the program had more than doubled, and it is expected to cost $5 trillion over the next 10 years. The Office of Management and Budget (OMB) projects that Medicaid will "grow more rapidly than the economy over the next several decades and . . . add substantially to the overall budget deficit."

I take Medicaid reform extremely seriously. There are 46 million people out there who depend on the Medicaid program, and I don't want to let them down. That is why I have been working with members of Congress, Secretary Mike Leavitt, and several key Governors to identify solutions to the problems that face Medicaid. Over the next few months, my Committee will hold several additional hearings on different aspects of Medicaid reform. Yesterday, we held our first Medicaid hearing this year on long-term care. These hearings and the additional work we are doing will lead to a reform proposal that can strengthen and improve the Medicaid program. The Energy & Commerce Committee is doing its job. I would urge Members of Congress to do theirs and vote against this budget.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the House Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, the Nation's $2.6 trillion budget was filed just over 3 hours ago, and we have not even had a chance to review it. But from press reports this budget adds more than $4 trillion to the deficit in the next 10 years without even including the enormous costs that have been left out of the budget such as funding for continued military operations in Iraq and Afghanistan.

So let us be clear that when Members come to the floor representing their constituencies, they should understand that a vote for this budget resolution is a vote to increase the debt ceiling of the United States to $8.6 trillion. This will ensure that our tax dollars do not go to Social Security and Medicare or to investing in our people, but to simply paying interest on this debt that Republicans continue to raise without any concern about future generations.

By not restoring the budget enforcement rules, the rules that say we have to pay for the expenditures of the Nation as we go, they continue to spend wildly, making tax cuts for the wealthy permanent, and driving us and the deficit into deeper debt, a debt that will not educate one child, provide lifesaving health care to someone who needs it, or treat and care for those veterans that are returning from war.

This budget only guarantees that the middle class will be further squeezed. It does nothing to help these families provide quality affordable health care for them and their children nor make a college education more affordable nor ensure a secure retirement nor lower the prices of gasoline that have reached an all-time high. These are not the values we share.

Republican priorities are making the wealthy tax cuts permanent regardless of the damage that will be caused not only to the citizens and families of this country but to the Nation's economic well-being.

I urge my colleagues to vote against this conference report. It may be the last opportunity to preserve America's future and the intergenerational responsibility this Republican majority cares nothing about.

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Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN), a conferee and a member of the Committee on the Budget.

Mr. RYUN of Kansas. Mr. Speaker, I thank the chairman for yielding and for all his hard work on this budget.

Mr. Speaker, there is no greater priority in this budget than ensuring America's strength and security. As became painfully clear when we were attacked on September 11, our Nation had severe defense and homeland security deficits that had to be addressed immediately.

Since that day, Congress has shown that we are more than willing to spend whatever is needed to protect and defend our Nation and support the needs of our troops. We have invested nearly $2 trillion for the critical building, rebuilding and across-the-board updating necessary to provide for the defense and for homeland security, and this year's budget builds on the substantial progress we have already made.

Our national defense base budget continues the multiyear plan to enable the military both to fight the war against terrorism now and to transform our military to counter unconventional threats in the future.

This budget fully accommodates the President's request for the Department of Defense and increases discretionary spending by 4.8 percent. It also proposes a sustained average increase of 3 percent over the next 5 years, not including supplementals, following on the heels of a 35 percent increase between 2001 and 2005.

We have also included in our budget $50 billion to provide for the ongoing war against terrorism. We provide for an increase of 8.6 percent in homeland security funding. About 55 percent of that will go to the Department of Homeland Security, with other homeland security-related funding going to the Department of Defense with 19 percent, Department of Health And Human Services with 9 percent, the Department of Justice with 6 percent, and the remaining being spread throughout the government.

These funds will work to meet the needs in three key strategic areas of our homeland security, including preventing attacks, reducing vulnerabilities and ensuring preparedness.

An increase in this year's budget, rather large, at the same time follows on the heels of truly massive increases in the past few years. Since 2001, we have increased homeland security spending an average of about 20 percent per year to get us to where we are now. And we have invested more than $50 billion to create the Department of Homeland Security, reorganized 22 agencies consisting of 180,000 employees and their missions, and invested heavily to protect homeland security against threats such as bioterrorism.

Again, there is no higher priority in this budget, or certainly in the budgets of the past years, than providing what is needed to protect and defend our Nation and support our troops.

I urge my colleagues to support this budget.

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. Very frankly, I listened to the Republican comments about this budget, and I cannot decide whether it is George Orwell or Lewis Carroll who is writing their stuff: Up is down; down is up; black is white; huge deficits are really savings. My, my, my.

Mr. Speaker, it is very tempting to come to the House floor today and to focus solely on the numbers; to focus on the fact that in just 4 short years the Republican Party has turned a projected 10-year budget surplus of $5.6 trillion in surplus into a projected deficit of $4 trillion; to focus on the fact that this year OMB projects a record budget deficit of $427 billion, and it will actually be over half a trillion dollars, the third record deficit in a row; to focus on the fact that since 2001, this Republican Party has added more than $2.2 trillion to the national debt, now $8.2 trillion, and that Republicans will increase the debt ceiling by another $780 billion this year in this budget.

It is tempting, Mr. Speaker, to let this important debate revolve around numbers, but I think the American people want the big picture, and here is the unvarnished truth: This budget conference report is the absolute epitome of unfairness and irresponsibility.

At a time of exploding deficits and debt, this conference report calls for another $70 billion in tax cuts, with nearly 75 percent of those tax breaks going to the wealthiest 3 percent of Americans. At the very same time, it calls for $10 billion cut to Medicaid. I would presume that the 43 people plus the gentlewoman from New Mexico (Mrs. WILSON) who signed this letter and said "don't cut Medicaid." I would presume all 44 of those Republicans will vote "no" on this budget. We will see.

It also calls for cuts to student loans, food stamps, pension benefits and other national priorities. I suggest to my friend the majority leader, who was concerned rightfully about the vulnerable, those, Mr. Leader, are the vulnerable. They are let down in this budget.

Furthermore, this conference report not only fails to arrest our exploding deficit, it makes it worse, increasing the deficit by some $168 billion over the next 5 years. And while the Republican Party tries to convince the American people that Social Security faces an imminent crisis, the Republican conference report would spend every last nickel of the Social Security trust fund; every last nickel.

Now, let me refer the gentleman from Iowa (Mr. NUSSLE) to comments I am sure that are emblazoned upon his brain: "The Congress will protect 100 percent of the Social Security and Medicare trust funds. Period. No speculation. No supposition. No projections. Jim Nussle, July 11, 2001."

Mr. Speaker, let me remind my friends that the other side of the aisle on seven different times between 1999 and 2001, House Republicans voted to protect our Social Security surplus. They could do it because of the Clinton surpluses. They could do it because of the Clinton surpluses.

But over the last 4 years, when you controlled this House, the Presidency, and the Senate, you could not do it. You have not done it. You have spent every nickel and decimated the lockbox.

The chairman of the Committee on the Budget boldly proclaimed in 2001 again, "We will not touch a nickel of Social Security." He touches every nickel tonight.

What the Nation has seen over the last 4 years is nothing short of full-scale retreat from fiscal responsibility and the imposition of Republican policies that will immorally force our children to pay our bills, because we are not paying for what we propose buying tonight. This conference report is the latest example of that irresponsibility.

I urge my colleagues in all good conscience, vote "no."

Mr. NUSSLE. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. DELAY), our distinguished majority leader.

Mr. DELAY. Mr. Speaker, first I want to congratulate the chairman of the Committee on the Budget and every member of Committee on the Budget for doing a fantastic job under very difficult circumstances. Also I want to say it is a day of small miracles.

First, we hear that the Democrats all of a sudden have become fiscally responsible. I have been here 20 years. I have lived through their fiscal responsibility. On the one hand, they do not like tax relief to grow the economy; on the other hand, they do not like spending cuts. So, how in the world are you going to balance the budget?

Secondly, in eastern Arkansas, ornithologists are confirming the rediscovery of the Ivory-Billed Woodpecker, a species of birds long feared extinct. Meanwhile, here in Washington, the House and Senate have agreed on a resolution that will provide for reforms in Federal entitlement programs, a fiscal strategy whose prospects for survival critics said were not much better than the survival of the Ivory-Billed Woodpecker.

Now that the final details of the budget conference report have been negotiated, we can say for sure that this budget before us today is the best since the historic Balanced Budget Act of 1997.

I mentioned the mandatory spending reforms before, Mr. Speaker, but they merit further explanation. These entitlement programs deserve reform. The Medicaid system is antiquated and the quality of care is not being brought to the people that need it. It needs to be reformed so that we can get that health care to them. These reforms are necessary in other programs that are at the same time popular but rife with waste. It is time to implement these reforms. These reforms are therefore necessary if we are going to get our arms around the deficit.

The needed belt-tightening this year will help build momentum toward more savings in the future as we slow the overall rate of growth of the Federal Government. That is how we balanced the budget in the 1990s, by holding down spending and growing the economy.

Just this week, we received more evidence of the fruit of our strategy. New home sales last month increased by 12.2 percent over last year, and the Commerce Department reports that the United States gross domestic product grew at 3.1 percent for the first quarter of 2005, marking the 14th consecutive quarter of real growth and the 8th straight above 3 percent.

Meanwhile, the budget agreement holds overall discretionary spending growth to 2 percent, that is including the war spending, and provides for a real cut, a real cut, in nonsecurity discretionary spending. That is what makes them squawk, because we are trying to hold down spending. And at the same time, it provides for continued pro-growth tax policies over the next 5 years.

The bottom line, Mr. Speaker, is that this budget meets all of our current needs, makes realistic assumptions about emerging challenges, takes real aim at waste and fraud and will cut the deficit in half in 5 years, all in a time of war.

This is the budget that the American people voted for when they returned a Republican House, a Republican Senate and a Republican White House last November. It is the next step in our long-term plan to reform government at every level to better serve the American people.

For 10 years, this Republican majority has built an historic record of economic and fiscal accomplishments, and the proof is in the pudding: 17 million new jobs, 14 million new homeowners, low inflation, a 24 percent increase in the GDP, the first balanced budget in a generation, smaller welfare rolls and fewer families living in poverty.

So looking at today's budget, Mr. Speaker, some might say that fiscal accountability is back in the Republican Congress, but as the evidence bears out, like that rediscovered woodpecker, it never left.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader of the House.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me time, and also, more importantly, for his very distinguished service to our country through his leadership on issues relating to our budget and other matters of concern to working families in America. I thank him for his great leadership.

Mr. Speaker, I rise in opposition to this misguided budget resolution because it is a missed opportunity. Instead of strengthening Social Security, this budget spends 100 percent of the Social Security surplus, $160 billion for this year alone, on tax cuts to the wealthiest Americans. Instead of being an engine of growth, this budget and its deficits will put the brake on job creation.

Do not take it from me. Chairman Greenspan said just recently, "The Federal budget deficit is on an unsustainable path in which large deficits result in rising interest rates and ever-growing interest payments that augment deficits in future years. Unless this trend is reversed, at some point these deficits would cause the economy to stagnate, or worse."

A missed opportunity, because instead of being a blueprint of positive initiatives for the future, this budget is an assault on our values. The budget calls for $10 billion in Medicaid cuts, maybe more, despite the fact that both this House and the other body explicitly rejected such cuts. That is a cut that is deeper than was even originally proposed by the President.

Republicans must explain to the American people, who oppose Medicaid cuts by 4 to 1, why they insist on slashing funds for sick children, seniors in nursing homes and the disabled. Governors across the country, both Democrat and Republican, oppose these cuts, because they know the devastating impact they will have on Americans, more than 1 million of whom will likely lose their health coverage.

The reckless Republican budget does not stop with cuts in Medicaid and Social Security.

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Its wrong priorities mean cuts in education, medicare, student loans, and changes in the pension guarantee program which will cause American workers to lose their pensions.

Democrats have a better idea. During the last years of President Clinton's administration, the entire Social Security trust fund surplus was saved, and we were on a budget path to continue saving that money. We were on a path of $5.6 trillion in surplus. America would have been debt-free by 2008. Think of it: our country would have been debt-free by 2008. No more spending a big chunk of our budget on debt service interest payments which soon will be bigger than all of our domestic discretionary spending. But the Republicans have turned that $5.6 trillion surplus into a $4 trillion deficit; a $10 trillion. I repeat, a $10 trillion failure of leadership on the part of the Republicans.

This budget we are passing today will pass mountains of debt on to our children and grandchildren, jeopardizing economic security by increasing our debt to China and Japan and other foreign investors. The Republican budget does not do justice, it does great harm, to our country. Instead of being a statement of our values, the Republican budget is an assault on our values.

I urge my colleagues to return to fiscal discipline, to honor our values, and to oppose this disgraceful Republican budget.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me this time. I also want to congratulate him on the great work he has done on this budget. The budget is always a hard thing for us to do because you can always find something in the budget that is not exactly what you would have wanted there. But, Mr. Speaker, I think the gentleman from Iowa and his committee and the conference committee have done a great job of bringing a budget that really reflects the values of our country.

We provide the resources for our men and women in uniform and for homeland security to protect America at this dangerous time. We do the things that grow the economy and create jobs by ensuring that taxes on job creation and on American families are not automatically raised over the next 5 years. We restrain government spending, and we reduce the deficit with the first reduction in nonsecurity discretionary spending since Reagan was President, and the first proposal for mandatory savings in 8 years. This budget sets the framework for the spending and tax policies we pursue this year.

For our friends on the other side who oppose this budget, really, what is the plan that they would have? Do we want fewer funds for the armed services and homeland security? Do we want tax increases on businesses and families, particularly on small businesses and families who have that 10 percent bracket, and other things we have added? Do we want even more government spending that will only increase the deficit?

This is a good budget, I say to my colleagues, for our country. We need to adopt this budget and set these priorities for America: create jobs, control spending, and support our Armed Forces.

Mr. Speaker, I encourage support of this conference report.

Mr. SPRATT. Mr. Speaker, I yield 1 minute and 15 seconds to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, a minute is not a long time, but I want to spend it for thanking the gentleman from South Carolina (Mr. SPRATT) for building unanimity on this side of the House. I make that observation because, frankly, this is only the second time on a major vote this year that this side of the House will have been united, and that is in large tribute to the gentleman's good work, but it speaks to something else.

To everyone in this caucus, to everyone in every corner of America who styles himself or herself as progressive, if you want to know if Democrats still stand together, if you want to know if we still have a common ground, I submit that you see it in the debate over this budget. The common ground that we occupy is in defense of 46,000 families in Mississippi who have been cut from the Medicaid rolls; 300,000 families in Tennessee who have been cut from the Medicaid rolls; 13.5 million children in this country who live below the poverty line who cannot stand to see subsistence programs cut further; millions of veterans who cannot stand to see their premiums rise; and it is a common ground for everyone who believes in a more generous, more responsible, more inclusive America.

So I thank the gentleman for building that unanimity, and I hope it stands for the whole country to see. As it is so often said by the leader on the other side, there are profound differences between these two parties. We stand for a fairer country. They stand for a narrower country and a narrower vision, and I hope the people will take note of that.

Mr. NUSSLE. Mr. Speaker, we stand for growing the economy; and to speak about that, let me yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW), a member of the committee.

Mr. CRENSHAW. Mr. Speaker, let me just say, over the last 4 years our economy has faced some pretty serious challenges; but, today, the consensus of both the private and public forecasters is that our economy is in a sustained expansion, with solid growth of real GDP and payroll jobs, unemployment rate at its lowest point in 4 years, and inflation remaining relatively in check.

Let me give some highlights of this economic success. Real GDP has increased for 14 consecutive quarters, including the first quarter of 2005 when it grew at 3.1 percent and, last year, the average growth was 4.4 percent, and that is the best it has done in 5 years. As my colleagues know, homeownership has continued to be at an all-time high, 69 percent. Housing construction continues at record paces. New home sales are up again in March, over 12 percent, another record high, and the unemployment rate is down to 5.2 percent. That is lower than the decade average in the 1970s, the 1980s, and the 1990s.

These figures are not just abstractions. They represent something real that is happening in our economy: real growth, real job creation. And this budget that we are going to pass today ensures that we are doing everything that we can do to support the sustained growth in job creation which is so critical to our Nation and its people.

This year's budget is not an easy budget, but the steps it takes to keep taxes and spending down are critical to a strong economy and a better life for all Americans.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, on the floor of the House a couple of days ago, the gentleman from Iowa (Chairman NUSSLE) said the Nation's Governors support cuts in Medicaid funding. In fact, the Nation's Governors wrote a letter to all of us as House Members opposing those cuts.

Then 2 days ago, 348 House Members instructed House negotiators to keep Medicaid cuts out of the final budget resolution. The gentleman from Iowa (Chairman NUSSLE), one of the House negotiators, joined the chorus and actually instructed himself to say no to the Medicaid cuts. Apparently, the gentleman from Iowa (Chairman NUSSLE) changed his mind; he flip flopped and ignored our, his, all of our instructions, because he agreed to a budget resolution that includes at least $10 billion, maybe as much as $14 billion, in Medicaid cuts, significantly more than the President and a whole lot more than the Senate made a decision about.

Now it is time for the other 347 Members in this body to decide if they too will reverse their positions and flip flop and endorse the Medicaid cuts. After all, Mr. Speaker, no one really likes a flip flopper.

Now, the budget, Mr. Speaker, is a moral document which illustrates our values and demonstrates our priorities. Tonight, this House is about to cut medical services for 50 million of the most vulnerable Americans, at the same time giving multinational corporations and billionaires another $106 billion in tax cuts. How can any Member of this body go home and tell our constituents, I took health care away from impoverished children and home care away from impoverished seniors, but do not worry, I gave Ken Lay another tax cut.

Mr. Speaker, we should begin this process by voting overwhelmingly to protect Medicaid, as we did 2 days ago.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), a member of the committee.

Mr. PUTNAM. Mr. Speaker, as we are all aware, we have spent a great deal these past few years to secure our Nation in the wake of the September 11 terrorist attacks. On 9/11, our priorities shifted because they had to, but we in Congress failed to make up for our enormous new fiscal responsibilities by reining in the growth in other parts of the budget. Over the last decade, we have increased our discretionary domestic spending programs almost across the board at double, triple, or even quadruple the rate of inflation. Even without 9/11, these rates were unsustainable.

Look at this chart. Overall discretionary spending growth since 1994, not including emergency spending, a very steep line. On average, we have increased discretionary spending by just over 6 percent per year for a decade.

Let us look at two areas of specific discretionary spending. Education: in the past 5 years, the Republican Congress has increased education funding by an average of 9.1 percent per year. Over this same period, spending for the Department of Education has increased almost 60 percent. In fact, aside from the Department of Homeland Security, the Department of Education has grown faster than any other agency during this period. Despite the rhetoric about irreparable harm to children, the Education Department is well funded.

Veterans: since 1995, when the Republicans took control of the Congress, total spending on veterans has increased from $38 billion to almost $68 billion. That is a 77 percent increase, compared with a 40 percent increase over the previous 10-year period. Since 1995, we have increased payments per individual veteran by an average of 103 percent.

The discretionary portion of this budget continues to recognize and fund our nonsecurity domestic priorities, but does so in a way by reducing domestic nonsecurity spending by eight-tenths of a percent. It recognizes the need to get our deficit under control. That is the right thing to do. We have to stop judging success by the amount of dollars going into the program. We have to pass this responsible budget.

Mr. SPRATT. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman.

This chart clearly shows, Mr. Speaker, where the increases in spending have come. They have been supported by the Bush administration and supported by both sides of the aisle because they have gone to national defense, homeland defense, and response to 9/11. Ninety to 95 percent of the spending increases in the discretionary accounts over and above current services have gone to these programs in these 4 fiscal years. You supported it, the President sought it, and we have done it because we had to do it.

Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from South Carolina for yielding me this time. I rise in opposition to this economic blueprint which, for 3 years in a row, adds over $400 billion each year to the Nation's deficit, running a structural, basically putting in place structural deficits that added up to $2 trillion in over 4 years to our Nation's debt. All the while that we have added $2 trillion to the Nation's debt, we have taken every penny out of the Social Security surplus; $700 billion in 4 years. We have not left a single dime in there. Every penny we have taken out of Social Security.

And while we have taken that $700 billion out of the Social Security surplus and have run up $2 trillion to the Nation's economy, to the debt, we have lost 2.7 million manufacturing jobs in 4 years; 43 million Americans are now without health care; and incomes are falling behind, in the last few years, behind inflation.

That is the economic record of this budget; and rather than change directions, rather than launching in a new way to help Americans, what are we doing? The same old same old that will get the same results. The one thing that will always be said about this economic blueprint and this economic strategy is that we will forever be in your debt, and that will be the record of this economic strategy. That is what you will leave us.

So while you produce a $2.7 trillion budget, you did not even meet the President's request for college assistance and Pell grants for $5.4 billion.

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You cut $10 billion from health care. And your economic strategy has left people without jobs, without health care, without the ability to pay for higher education, and their incomes are falling.

Mr. NUSSLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. WICKER) and a member of the committee.

Mr. WICKER. Mr. Speaker, I support this budget because it represents at least a small step in coming to grips with mandatory spending. As a member of the Budget Committee and the Appropriations Committee, I have seen firsthand that we spend the vast majority of our time fighting over discretionary spending, those 11 appropriations bills which we must pass each year. But that type of spending makes up only one-third of our total spending.

Entitlement spending continues to grow with no restraint. We have allowed mandatory spending to be on autopilot, and now it consumes 55 percent of our total budget. It is time we wake up and take control of this spending.

Today our mandatory spending not only is growing at a rate far beyond what any of us could have imagined, it is also growing at a rate far beyond our means to sustain it.

Left unchecked, over 62 percent of our total budget will be mandatory spending by the year 2015 as this chart explains. This will place an unsustainable burden on our economy and eventually crowd out other priorities like education, transportation, and veterans programs.

This trend can easily be seen in some of our larger mandatory programs. Student loan growth is more than 10 percent a year. During the past decade, Medicare has grown by 88 percent. Medicaid has more than doubled.

These are popular and valuable programs, Mr. Speaker, but these growth rates cannot be sustained. We need to slow the growth rate so that we can save the programs.

Despite what Members have said tonight, this budget does not contain cuts in mandatory spending. We are enacting commonsense reforms that slow the growth rate and improve care. Mandatory spending will continue to grow every year of this budget.

We cannot put off this program any longer. It is becoming more serious and difficult to control with each passing year. There is nothing more irresponsible than doing nothing.

Our budget makes the tough choice to begin dealing with this problem now. It takes the critical step in slowing the growth of spending by including reconciliation instructions to the authorizing committees to find a specified amount of savings in the mandatory programs under their jurisdiction. In total, these savings would slow the growth of our mandatory spending by about one-tenth of 1 percent over 5 years. That is all. And while that may not sound like much, it is a critical first step.

Mr. SPRATT. Mr. Speaker, I yield a minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in rejection of this budget resolution because it continues to mortgage our children's future. A vote for this budget resolution tonight is a vote to continue the record budget deficits that we have seen over the last 4 years. A vote for this budget tonight is a vote that continuously raises the national debt automatically by a half a trillion dollars in this budget resolution for the fourth year in a row.

A vote for this budget continues the raid on the Social Security trust funds. And a vote for this budget continues our reliance on Japan and China being the largest purchaser of our government deficits today.

It also fails to invest in our students and our work force who need to compete in a 21st century global economy by cutting the education workforce by $12.7 billion.

Mr. Speaker, I believe we can do better for our children, for our students, for the workers of this country. Reject this budget resolution.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, President Bush sent to Capitol Hill earlier this year a strong conservative budget that represented a good start down the road toward fiscal discipline. And the House Budget Committee, under the skillful leadership of the gentleman from Iowa (Mr. NUSSLE), began a process not so much of writing a Federal budget, as of truly changing the way we spend the people's money.

Now, I would agree with my colleague who spoke just before me, that we can do better and we will do better. But this budget that we will adopt today is a good start. And most especially, from our perspective, it is important that we pass this budget because it includes not only new restraints, actual cuts in nondefense spending, actual savings in entitlements, but it gives Members of Congress the power to put our fiscal house in order by bringing with it today the new protection known as "point-of-order protection," that any Member of Congress can now go to the floor for major spending bills and raise a procedural point to enforce the budget that we are adopting today.

This budget is a good start, however modest, down the road toward fiscal discipline. And with the power to enforce it we are changing the way we spend the people's money.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, sadly, this partisan, fiscally irresponsible budget does not reflect the values of the American people. It locks in place massive deficits for as far as the eye can see, thus hurting our Nation's economic growth and harming Social Security.

This budget is neither compassionate nor conservative. And it is certainly not a faith-based initiative. No major religious faith would ask the most from those who have the least, while asking the least from those who have the most. Yet, that is what this budget does.

This budget will deny nursing home care to seniors and health care to children and the disabled. And this budget makes a mockery of the American principle of shared sacrifice during a time of war. How? By cutting veterans benefits by $13.5 billion over the next 5 years.

Yet, at the same time it says to those making a million dollars a year in dividend income, you can still keep every dime of your $220,000 a year tax break. Where is the fairness in that?

I guess we can welcome home our Iraqi war veterans with two signs. One says welcome home, and thanks for serving our country. The other says, by the way, we are going to be cutting your veterans health care benefits by $13.5 billion over the next 5 years. What a welcome home.

This budget does not reflect the decency of American family values. Americans deserve better.

Mr. NUSSLE. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. BUYER), the distinguished chairman of the Veterans Affairs Committee.

Mr. BUYER. Mr. Speaker, this budget reflects our military values to ensure that health care for our service disabled, special needs and indigent veterans remain the highest priority of our Nation. With an increase of nearly $1 billion in discretionary spending, this budget will fund care for our veterans, including those now serving from service in the war on terror.

Mr. Speaker, you asked us to examine the system that serves America's veterans. We are doing so. Yet, it is not timely to carry out the mandatory savings that you originally had asked. There will be no increase in copays and no enrollment fees at this time. We must work with Secretary Nicholson and Senator CRAIG to develop a clear picture and craft a good legislative product to eliminate inefficiencies, waste and fraud in the VA for discretionary savings. And we will produce that product for you.

I am hopeful that the veterans service organizations will take part in this endeavor. After all, it was the VFW Commander in Chief John Furgess who told Congress last month that the VA must "start acting like a business and create a corporate culture of accountability that rewards success and penalizes failure."

With $3 billion in uncollected debt in the VA, he is right. To ensure sustainable quality health care, we must make the best use of every technology enhancement, every sound management practice, every dollar entrusted to us by the taxpayer, and utilize every good example to find elsewhere in the health care and business sectors.

Mr. Speaker, we have a strong veterans budget from the President, and we have further strengthened that budget, and we have increased it over time.

If you can see this, since 1995, over 77 percent increase. And I am really proud of the work of the Budget Committee.

Mr. SPRATT. Mr. Speaker, before yielding to the gentlewoman from California (Mrs. CAPPS), I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS) to respond to the last speaker.

Mr. EDWARDS. Mr. Speaker, I have great respect for the last speaker, the gentleman from Indiana (Mr. BUYER), the chairman of the Committee on Veterans' Affairs. But the gentleman failed to point out this budget cuts veterans benefits by $13.5 billion over the next 5 years.

Perhaps the Republicans and the Republican leadership in this House think that is a fair deal for veterans. I would be willing to bet that America's veterans would say it is a bad deal. It is an unfair deal for America's veterans.

Mr. BUYER. Mr. Speaker, will the gentleman yield? Where does the gentleman get that number?

Mr. EDWARDS. It is in your budget.

Mr. BUYER. Where does the gentleman find the number?

Mr. EDWARDS. If the leadership had given us more than 3 hours to look at the bill before voting on it, perhaps we all could have seen that fact.

Mr. BUYER. The gentleman from Texas cannot make up numbers.

Mr. SPRATT. Mr. Speaker, I yield a minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this conference report. The budget is a clear demonstration of misplaced priorities.

I believe the budget will cut taxes by some 70 to $100 billion. Most of those tax cuts will go to the extremely wealthy in our society.

At the same time, the budget will cut Medicaid, which provides health care for the poorest in our society. And just who are the poor people that Medicaid helps: 28 million poor children, 16 million working parents, 6 million elderly, 9 million disabled.

Each of us represents a share of these people in our community. Their faces should be before us as we cast our vote this evening. This budget vote gives us a moral choice. We can keep cutting taxes that help mostly the well-off in our society, or we can ensure that the most vulnerable are provided with adequate health care. I urge my colleagues to vote "no" on this unfair budget.

Mr. NUSSLE. Mr. Speaker, I yield myself 15 seconds to just point out, because there has been some question, so let us get the facts. The budget calls for veterans increases; fiscal year 2005 will be $30 billion; fiscal year 2006, $31.8 billion. It is an increase of almost a billion dollars, or a 3.2 percent increase. That is an increase. So there may be some other facts on the floor, but let us look at the facts in the budget.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, before yielding to the ranking member of the Committee on Agriculture, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS) to respond.

Mr. EDWARDS. Mr. Speaker, the people who wrote this budget may not like it. I know America's veterans will not like it. But the fact is, the truth is that this budget cuts veterans health care benefits compared to today's benefits by $13.5 billion once you take into account inflation. That is a reality. That is the truth. And that number does not even count the increasing number of veterans that need VA health care, which is 300,000 veterans this year, 300,000 veterans next year, so the real story is even worse than 13.5 billion in cuts.

Mr. NUSSLE. Mr. Speaker, I yield myself 15 seconds. This is veterans medical care before and after 1995, and that is what we are going to increase that beyond. I can understand when you want to put, you know, some kind of magical inflation number that you have just pulled out of the air and then make up a number. That is a different issue.

The budget has an increase for veterans. They deserve it, and that is what we are going to pass.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, as a member of the Committee on Energy and Commerce, the Committee that has jurisdiction over the issue of Medicaid, I would like to talk about that subject for just a minute, the most expensive health care program we have in this country, costing over $300 billion last year alone.

The question is, where are the Governors on this issue? Sure, every Governor would like to have more Federal dollars. But the truth is that they are telling us they cannot really afford, in a matching program as Medicaid, the money that we are providing in many instances now. That is why a Democratic Governor of Tennessee is having to cut over 323,000 recipients off the Medicaid rolls. That is why the same pattern is being repeated in other States.

What would they rather have more than more money or a normal growth pattern? They want reform. The only way we are going to get reform of the Medicaid system is to pass this budget resolution.

Why does it need reform? Every State is now spending more on their contribution to Medicaid than they are spending on elementary education and on secondary education. It is on a road to disaster. The Comptroller General tells us that. Governors say it is something that is going to melt down and take all of their State budgets unless we have reform.

If you want to go home and explain to your Governor and to your people why you voted against an opportunity to reform the most expensive part of their State budget, then vote against the budget resolution.

If you want to vote for reforms that will include increasing personal responsibility which, when your hospitals tell you that over half of their emergency room visits are for nonemergency reasons, and that the majority of those are Medicaid recipients, simply because there is no personal responsibility built in the program, and you want that to be the status quo, then vote against the budget resolution.

If you want what every Governor is saying, on a Democrat and Republican basis together, if you want reform of this program, vote for the budget resolution.

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Mr. NUSSLE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 9¼ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 15 seconds to myself.

Mr. Speaker, the numbers that the gentleman from Texas (Mr. EDWARDS) was citing come from a document that we have prepared that compares the conference report with the Congressional Budget Office's current services baseline. And by that comparison, this conference report falls $13.504 billion below current services over the next 5 years.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON), the ranking Democrat on the Committee on Agriculture.

Mr. PETERSON of Minnesota. Mr. Speaker, in 2002 we passed a bipartisan farm bill that has been successful. In the first 3 years of the bill, we saved 40 percent below what we spent the 3 years of the last farm bill. We saved $15 billion below what was projected to be in the farm bill. Yet, unbelievably, they are asking us to open this bill up and cut another $3 billion out of the bill.

I do not think anybody can tell me any other part of the government that saves money during this period of time, and we were promised during that conference that we were not going to change this bill. Farmers made decisions based on the fact that the farm bill was going to be there for 5 years. So this is absolutely the wrong thing for us to do.

The Committee on Appropriations has already capped some of the programs in the farm bill in the last 2 go-arounds. We think this is unfair. This breaks a contract that we have with the American farmers. For those of you who represent farm country, I can tell you most of your farm groups are opposed to making these cuts to the farm program that are being proposed in this budget.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, since coming to Congress, I have been struck by the majority party's spending policies. Under their watch, the Nation's debt has grown by $2.2 trillion over the last 4 years. The annual deficit is averaging more than $200 billion and this year's budget is no different, spending more than we are bringing in and increasing the Nation's debt. In fact, this budget will allow for $412 billion in deficit spending, increasing the interest that we are paying on our Nation's debts, interest that already totals more than we are spending on education, the environment and veterans.

I was proud to join my Democratic colleagues in putting forward better ways to refocus our spending and investments on the priorities that matter to everyday lives of Americans: keeping and creating new jobs, lowering the cost of health care, and providing for a safe and secure homeland.

We put forward an alternative budget that would have balanced the Federal Government's checkbook by 2012, something the Republican budget fails to do, while meeting our basic obligations to hardworking Americans. These efforts were, unfortunately, rejected along party lines.

Mr. Speaker, the time has come for us to lead not just with words, but in deeds. This means enacting a spending plan that will meet basic budgetary principles of meeting our obligations, working within our resources, and making smart investments. I urge a "no" vote on this resolution so we can return to negotiations and return to fiscal discipline.

Mr. Speaker, I rise in strong opposition to the resolution.

Two weeks ago, the House passed legislation aimed at promoting and encouraging personal financial responsibility. Yet, we are on the cusp of enacting a fiscal year 2006 budget that is fiscally-unsound.

It is a budget that prioritizes tax cuts to the wealthiest Americans and largest corporations at the expense of creating opportunities for hard-working Americans and helping people meet their responsibilities. It is a budget that puts political expediency over honest budgeting by failing to acknowledge future increases in the deficit and neglecting to live within available revenues. It is a budget that will allow the government to increase spending and implement new tax cuts without finding a way to pay for the associated costs.

Mr. Speaker, I supported the bankruptcy bill because I believe people who have the means available have an obligation to meet their financial obligations. However, just as we are asking individual Americans to take responsibility for their spending decisions, so must the Federal Government.

Since coming to Congress, I've been struck by the majority party's spending policies. Under their watch, the nation's debt has grown by $2.2 trillion over the last four years, with annual deficits averaging more than $200 billion. And this year's budget is no different; spending more that we are bringing in and increasing the Nation's debt. In fact, this budget will allow for $412 billion in deficit spending. Increasing the interest we are paying on our Nation's debt; interest that already totals more than we are spending on education, the environment or our veterans.

My colleagues, our decisions have consequences, and the consequences of this budget will be felt by every American. Our first-responders will go without equipment needed to keep communities, and themselves, safe from harm. Our veterans will be subjected to health care fees or reduced benefits. Our best and brightest will continue to struggle to afford a college degree. And some of our Nation's disabled and sickest citizens will continue to go without needed medical care and services unless our State and local governments pick up the costs.

During committee consideration of the budget resolution, I was proud to join my Democratic colleagues in putting forward better ways to re-focus our spending and investments on the priorities that matter to the everyday lives of Americans—keeping and creating new jobs, lowering the costs of health care and providing for a safe and secure homeland. We put forward an alternative budget, one that would have balanced the Federal Government's checkbook by 2012—something the Republican budget fails to do—while better meeting our obligations to hardworking Americans. These efforts were, unfortunately, rejected along party lines.

Mr. Speaker, the time has come for us to lead not just in words, but in deeds. That means enacting a spending plan that meets basic budgetary principles of meeting one's obligations, working within the resources you have and making smart investments that will ensure the Nation's current and future fiscal well-being.

I urge a "no" vote on this resolution so that we can return to the negotiating table and find a better way; one that represents a true commitment to sound budgetary principles and fiscal responsibility. One that funds the right priorities, makes the right investments and in so doing builds a Nation that is strengthened rather than weakened by the decisions we make today.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time and for his leadership.

I rise to oppose this budget conference report and support and remind you of the budget priorities which were identified in the Congressional Black Caucus budget alternative.

At a time when 48 million Americans, 7.5 million of these Americans are African Americans, mind you, they have no health insurance. The health care cuts in this budget will increase the number of the uninsured. At a time now when our inner cities are crumbling, and they are truly crumbling, this budget cuts funding for community and small business development.

At a time when we face the real threat of terrorism, this budget wastes billions of dollars on an unnecessary missile defense system while leaving likely targets like our Nation's ports defenseless.

The Congressional Black Caucus, if you remember, offered a fiscally responsible alternative. It addressed the health care disparities in our Nation. It provided funding for community and for small business development, and it provided for real national security that included economic security.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this is a big day. Gas is at $2.50 a gallon. The President's Social Security road show is a shambles. His numbers are falling in the polls. Iraq has more violence. The Japanese are loaning us $450 billion to cover our loans on our deficit. And the Rubber Stamp Congress is back in shape. They are all here with their stamp to give the President exactly what he needs.

Now, in about 40 minutes he is going to come on TV. This tells you how bad it is. The President is in such terrible shape he has got to go on TV and start his magic act. He has got to try to convince the people that the gasoline is not $2.50 a gallon or that we are not borrowing $450 billion from the Japanese.

That is the problem you have got with this budget. And what are you doing? You are rubber-stamping cutting the safety net in shreds. You are going after the poor, the sick, the elderly, anybody who cannot fight back.

Mr. SPRATT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Speaker, I rise today to convey my disappointment with the decision of the conferees to ignore the clear and bipartisan wishes of the vast majority of the Members of this body to restore crucial Medicaid funding to this budget.

Tuesday night I offered a motion that passed overwhelmingly to instruct the conferees to restore cuts to Medicaid and include a $1.5 million reserve fund for the creation of a bipartisan Medicaid commission.

We know that Governors across the country are opposed to Medicaid cuts because these cuts will pass the burden directly on to States, to providers, and to the millions of Americans whose health care depends on Medicaid.

In a statement released this morning, the National Governors Association made clear its position has not changed. It states: "Medicaid reform must be driven by good policy and not the Federal budget process."

I want to be clear. No one is saying that we do not need to reform Medicaid. No one is saying we should not be trying to find savings or to make Medicaid more efficient. And, yes, let us find proposals to improve the program. But let us not let arbitrary budget cuts drive the reform. Let us not just cut the budget and call it reform. And let us not rashly and substantially decrease funding without adequate time to deliberate meaningful reform measures and without some time to implement those measures.

A majority of this body agrees, a majority of the Senate agrees, a majority of the Governors agree, and a majority of Americans agree. That is a pretty clear mandate. And for the conferees to ignore these clear majorities it is irresponsible.

I urge the 348 Members who voted in favor of the motion on Tuesday to vote against this conference report tonight.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, not that long ago, my colleague came to the House floor wearing a paper bag on his head because he was ashamed that House Members were spending more money than they had in their accounts down here in the House bank.

I would remind my colleague that since the President's budget of May 9, 2001, our Nation has spent $2.135 trillion that we do not have.

I would also remind my colleagues that buried in this bill, on the very last page of the bill, the second to last paragraph reads: "If the joint resolution is enacted to raise the debt limit to the level contemplated by this conference agreement, the limit will be increased from $8 trillion 184 billion to $8 trillion 965 billion." An increase of $781 billion of new debt.

Now, you have heard a lot of talk about cutting the budget. If we are cutting the budget and cutting the deficit, why does the chairman seek an increase in the debt limit?

I would welcome the chairman to respond to my question because I think it is something that is in the bill and it deserves answering.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, one of the reasons the majority does not allow us or Americans to read this bill before we vote on it is because there is some little nasty surprises in it. One of those little nasty surprises buried on page 30 is a provision that allows through congressional skullduggery getting around the rules to try to drill in the Arctic that could not pass the other Chamber on an up-or-down vote.

On page 30, they essentially try to work around on a midnight deal the right for checks and balances and a filibuster in the other Chamber that could not pass under regular rules in the United States Senate.

Those who believe that we have better options than drilling in the Arctic and destroying a provision set up by Ike Eisenhower and defended by every President since should vote "no" on this budget. No matter what you think of the fiscal issue, vote "no" tonight.

Take out this legislative flea on the back of this bill and preserve the Arctic. Vote "no."

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 1½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is not a budget that follows the will of the House. That is the first problem with it.

The will was expressed 2 days ago. Two days ago, 348 Members voted emphatically against any Medicaid cuts. The conferees disdained that instruction and whacked $10 billion out of Medicaid.

This is a budget that does contain spending cuts, but in this budget the spending cuts do not go to the bottom line and reduce the deficit dollar for dollar. Basically, what they do is offset partially the tax cuts that are also called for. Consequently, this budget is not a budget that will bring the deficit into balance. We have a deficit of $427 billion this year.

I said earlier, do not take it from me. Take it from CBO. Read their analysis of the President's budget. This is basically the President's budget with some puts and takes. They project that over the next 10 years, if you follow that budget, we will incur $5.130 trillion.

This budget resolution, if Members vote for it, includes an increase in the statutory debt ceiling of almost $800 billion. That is the course we are on, stacking debt on top of debt.

Now, one would think with all the problems we have got we would do something about the deficit in this budget, but this budget does not make the deficit better. It adds $167 billion to the CBO baseline deficit over the next 5 years and worse in the second 5 years. We are just kicking the can down the road, and this budget very conveniently avoids the huge mountains just over the crest of the horizon.

So if you want to vote for a balanced budget, vote down this budget resolution. If you want to vote against accumulating debt on debt and leaving our children with mountains of debt, vote against this budget resolution. Send the budget conferees back to work with something that is respectable and deserving of our vote.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining.

Mr. NUSSLE. Mr. Speaker, I yield the balance of my time to the gentlewoman from New Mexico (Mrs. WILSON), a real leader on our side when it comes to Medicaid reform.

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Mrs. WILSON of New Mexico. Mr. Speaker, I thank the chairman for the time.

We have heard references tonight to the financial condition of this country in the summer of 2001 and the fact that we have bigger deficits today. Most of us in this chamber were here on a cool September morning when the world changed. Any other country in the world would still be on its knees, but America is back on its feet, in part because of the leadership of this body, and all of us should be proud of that.

All of my colleagues in this chamber know that I was very concerned about Medicaid. It is the safety net for people in this country who are very vulnerable, and it is very important to the Americans who depend upon it. We have worked together, and I wanted to thank the chairman for allowing a budget that will put us on the path to reform which can drive the budget. Let policy drive the budget and not the other way around.

There are no reductions in the projected growth of Medicaid in fiscal year 2006, and this budget funds a commission, a bipartisan commission, to put us on the path for reform.

Annual increases in Medicaid are 7.1 percent over the next 5 years. But why does all this matter? All of us have stories from the people we have met who have touched our lives.

I was at a rehab hospital not too long ago in New Mexico and a doctor came up to me. He had been treating a patient that morning who was a diabetic, who was eligible for Medicaid. He had had both of his legs amputated, and he said: Mrs. Wilson, this morning I taught my patient how to use a glucometer to monitor his disease. Can you tell me why is it that we have a Federal Medicaid program that will pay $28,000 to a hospital to cut a guy's legs off but I need a waiver from the Federal rules to help him learn to monitor his disease? Today I am teaching how to go back home and live on his own, even though he is in a wheelchair.

We deserve Medicaid reform for the people who depend upon it. We deserve a system that is not prejudiced toward institutional care for our parents when we all know that they want to stay in their own homes for as long as they can.

We deserve a Medicaid system that does not encourage States to take foster children and put them into residential treatment centers and define them as mentally ill and that allows States to use that money to recruit and support foster parents, so that teenagers can have families, real forever families, instead of learning the new rules on the wall of their latest institutional placement.

That is why we need Medicaid reform. Our chairman has brought us a budget bill that protects our country, that supports our troops and puts us on the path toward real reform, and I would ask my colleagues to vote for it.

Mr. HASTERT. Mr. Speaker, I want to thank Chairman NUSSLE and all the members of the Budget Committee for their tireless work. This budget agreement is a major accomplishment made possible by them.

Our nation is at a pivotal point. We are at war around the globe as our brave armed forces continue to root out unscrupulous terrorists. We have an economy, stymied after the September 11th attacks, now recovering and gaining strength, as long as we continue our pro-growth agenda. And we have decades-old entitlement programs that are overdue for some much-needed improvements and reforms.

House Republicans have demonstrated fiscal discipline and leadership, keeping America on course towards a strong economy. This budget agreement commits the Congress and the federal government to spend less while still addressing our nation's priorities. It ensures a safe and secure future for America's families by reforming and improving important programs like Medicaid, fully supporting our military at home and overseas, and protecting our homeland. It keeps our promise to reduce the deficit by half while providing tax relief for American families.

We should do everything within our power to make certain that the terrorist attacks of 2001 never happen again in this country. This budget keeps that commitment, but it also rightly calls for spending restraint in the rest of the budget. We no longer live in an era of surpluses. Our efforts to fight terrorism have left us with a big deficit. We need to spend less money, and this budget spends less money.

My colleagues on the other side of the aisle, by tradition, would argue that the solution is to tax families more so that the government has more to spend. I could not disagree more. Higher taxes kill jobs, hurt families and stifle growth. Those who would be hit hardest by the flawed policy of the other side are our small businesses. They make up 99 percent of all businesses in America. They're the mom and pop stores, the family business started out of the garage. They would suffer if this House picked up the tax-and-spend banner of the other side.

My friends, America's future growth depends on its ability to be stable, secure and economically prosperous. The budget agreement on the floor firmly places our nation on that path. Any other proposals move us backwards, towards bigger government, bigger tax burdens and a bigger fiscal mess.

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this conference report.

It not only is no better than the version of the budget resolution previously passed by the House, it is significantly worse in several ways.

In my opinion, it reflects only the priorities of the Republican leadership, not the right priorities for our country.

Over the last five years the federal budget has reversed a decade of progress that saw the budget go from the $290 billion deficit when President Clinton took office to a surplus of $236 billion in 2000, which was where things stood when the current President Bush came to office.

Since then, we have gone from projected surpluses to undeniable deficits. The toxic combination of recession, necessary spending for defense and homeland security, and excessive and unbalanced tax cuts have taken us to the largest deficits in our Nation's history—a $375 billion deficit two years ago, a deficit of $412 billion last year, and for this year, according to the Bush Administration itself, a deficit of $427 billion.

That is three record-setting years in a row. And, regrettably, this conference report reflects neither a serious effort to reduce deficits nor an attempt to increase fairness.

According to the nonpartisan Congressional Budget Office, following the path suggested by the Bush Administration and this budget resolution will add $5.135 trillion to our national debt over the next 10 years.

It is true that the Republican leadership claims this conference report will put us on the path to cut the deficit in half by 2009. But this bit of Enron bookkeeping rests on omitting enormous predictable costs—including the $200 billion five-year cost of fixing the Alternative Minimum Tax and realistic five-year costs for military activities in Iraq.

And this conference report not only fails to recognize the deficit as a problem, it sets the stage for new tax cuts for selected beneficiaries. In all, these could amount to as much as $106 billion over the next five years, and the tax-writing committees are instructed to report bills worth $70 billion in the next few months.

Further, the conference report sets the stage for reducing the ability of States, local governments, and charities to provide essential services to the many thousands of families who are struggling to stay above water in this time of a sluggish recovery from recession. I do not think this is the right way to go.

I also have very serious concerns about other aspects of this conference report.

For one thing, it continues the pattern of spending 100 percent of the Social Security surplus—a total of $2.6 trillion over the next 10 years. We cannot continue on this reckless and irresponsible fiscal path. That is why I supported an effort to require the Budget Committee to instead bring forward a conference report that would ensure that the Social Security surplus would not be spent for any purpose other than Social Security. Unfortunately, the Republican leadership opposed that effort, and it was not successful.

In addition, the conference report calls for $34.7 billion in mandatory spending reductions, including $10 billion in Medicaid cuts and billions in other cuts that could affect pension programs, student loans, and food stamps.

And further, on top of the cuts in social services, the conference report cuts discretionary spending on environmental and natural resource programs to the extent that over the next five years funding for these programs would be cut 21 percent below the level needed to maintain current status.

These punitive cuts threaten a wide range of programs that ensure the health of our communities and protect our natural resources. Among the programs that could be most severely affected are clean water infrastructure investments, the Land and Water Conservation Fund, oceans and coastal protection, and agricultural conservation.

Finally, the budget resolution clearly will pave the way for legislation as a part of the reconciliation process to open the coastal plain of the Arctic National Wildlife Refuge for oil drilling. I cannot support this.

When the House first debated this budget resolution, I supported an alternative that would have provided more resources for important priorities and would have laid the basis for more responsible tax policy. It was better fiscally and better in terms of the education of our children, the health care of our veterans, the development of our communities, and the quality of our environment.

Unfortunately, that alternative was not adopted—and this conference report not only does not resemble that alternative, in several respects it is even worse than the House-passed resolution. As a result, I must vote against it.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to the 2006 budget conference report. I believe that the federal budget is a reflection of values and priorities, and that the spending choices made in the 2006 budget bring into focus where this administration and House of Representatives leadership's priorities lie. Frankly, this budget is a travesty, and it's going to cost the American people dearly, and seriously imperil our nation's economic and national security.

The budget makes tax cuts for the most affluent members of our society a top priority. By contrast, it shortchanges investments in our future and fails to honor past commitments to our veterans, seniors, and those in need.

Mr. Speaker, this budget is surely not what the American people bargained for. Given what we know about our America's financial situation—a national debt approaching $8 trillion, interest payments of $280 billion, weakening economy, growing health care needs, a weak dollar, and weakening economy—why would the Republican leadership continue to cut taxes for the wealthy? The House voted two weeks ago to eliminate the estate tax.

The conference report will take $40 billion from programs for the poor, much of it in from Medicaid, yet it protects $70 billion in new tax cuts for the wealthy. After the five year budget window, these tax cuts will balloon, costing $1.5 trillion over the next 10 years. It's sad that we're debating how much to cut from Medicaid, TANF and other programs for the poor, yet few of my colleagues on the other side of the isle are criticizing the additional tax cuts in this budget.

According to the Congressional Budget Office, independent CBO projections show that the proposed budget would add another $5.135 trillion to the national debt over the next 10 years, a more than 50 percent increase over the current total. If Congress passes the President's Social Security plan, then you can add several trillion more to that figure.

The Administration has cleverly (and dishonestly) hidden both the projected cost of the war in Iraq and the plan to take money out of Social Security from its budget documents. They have to know that the costs, in the long run, will be exceedingly high. Yet they stubbornly continue to cut taxes for high income tier individuals, shifting the burden on the already squeezed middle class and poor. These fiscal policies, I contend, are without precedent in their level of irresponsibility.

In an attempt to hide the full ramification of the budget, documents submitted by the White House and the resolution adopted by the House purposely withheld cost estimates of the war in Iraq and the President's Social Security privatization plan. According to the Congressional Budget Office (CBO), when you combine the cost of the war with that of the plan to privatize Social Security and other unstated expenses such as relief from the Alternative Minimum Tax, you get a deficit that moves from $427 billion in fiscal 2006 to $621 billion in 2015.

When President Bush assumed office in 2001 we had a projected budget surplus of $236 billion. Not only do I oppose these fiscally irresponsible policies that will produce growing deficits and debt, I object to the false claim that non-defense discretionary spending programs are responsible for the budget deficits. While these programs ate the principal target of the proposed spending cuts, the total non-defense discretionary budget is at the lowest level in the past 30 years.

I urge a "no" vote on this sham conference report.

Mr. BLUMENAUER. Mr. Speaker, the fiscal 2006 budget resolution is based on false economies and false promises. This budget provides tax cuts for the rich while adding to our national deficit, cutting billions from critical programs such as Medicare and short-changing national priorities such as community development and housing, education, and environmental protection.

Cutting vital programs does nothing to solve our problems. Congressional leadership and the administration are simply not owning up to their responsibilities to the American public. I will not support any budget framework that pretends that we have more funding than we do while at the same time cutting programs that help our families and communities.

The administration's tax cuts give over $70 million in benefits to those who need them the least. Yet nothing is being done to address the long-term costs of fixing the Alternative Minimum Tax—a tax that continues to force middle-income families to pay higher taxes. This budget will put our country deeper into debt, mortgaging the future for our children and grandchildren. This is wrong.

This budget resolution also sets the stage for drilling in the Arctic National Wildlife Refuge, which would be a travesty. Not only is this policy incredibly shortsighted in terms of the real energy needs of this country, it is unconscionable that Congress is making a decision of this magnitude in a budget resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today being very disturbed with the direction that the Republican Party and this administration is taking our great Nation. The reason for my concern is the Budget Conference Report which stands before this body today. Sadly, this body has just now received a copy of the Budget Conference Report. It's truly tragic to think that this piece of legislation actually affects every single American and yet here we are in the 'people's house' and there is no real deliberation on this monumental bill. The Budget Conference Report clearly does not improve upon the severely flawed Republican budget, which barely passed in the House a little more than a month ago. The needs of average Americans are still ignored. The interests of a wealthy few outweigh the needs of an entire Nation in this budget. I say this not out of partisanship, but from a statement of the facts. I want to highlight a few areas in this Budget Conference Report that are particularly egregious.

This President and the majority party in this body have spent so much time talking about their record on education and as hard as I try I can not see what they have to be proud of. It is one thing to address areas of critical need with rhetoric, but to advocate a policy and then not fund it sufficiently is plain irresponsible. This Budget Conference Report eliminates 48 education programs that receive $4.3 billion this year. These eliminations include wiping out $1.3 billion for all vocational education programs, $522 million for all education technology programs, and $29 million for all civic education programs. The budget eliminates other large programs including the Even Start family literacy program ($225 million) and State grants for safe and drug-free schools and communities ($437 million). The President's budget cuts 2006 funding for the Department of Education by $1.3 billion below the amount needed to maintain purchasing power at the current level, and by $530 million below the 2005 enacted level of $56.6 billion. This is the first time since 1989 that an administration has submitted a budget that cuts the Department's funding. This administration and the majority in this Congress promised to leave no child behind, but clearly they have reneged on their promise.

Our brave American veterans are another group who were outraged by the President's budget and will unfortunately be disappointed with the Budget Conference Report. I hear so much in this body from the majority party about the greatness of our Armed Forces, and their rights, but again it's just empty rhetoric on their part. Those brave men and women fighting on the front lines in our War Against Terror will come back home and find that the Republican Party looks at them differently once they become veterans. Almost all veterans need some form of health care, some will need drastic care for the rest of their lives because of the sacrifice they made in war, but the Republican Party continues to turn a blind eye to their needs. The fact is that $3.2 billion more than the current budget proposal is needed just to maintain the current level of health care programs for veterans.

The entire Department of Veteran's Affairs is going to suffer because of the Republican agenda. I have heard from veterans groups throughout my district in Houston and I am sure each Member of this body has heard from groups in their own district because veterans are one group that come from all parts of this Nation. These brave veterans have told me their stories of how they are suffering now with the current state of Veterans Affairs, I am going to have trouble telling them that not only will things continue to stay bad but if this Budget Conference Report passes this body things will only continue to get worse. That is not what our returning soldiers from Iraq and Afghanistan should have to look forward to, a future where their needs are not only unprovided for, but are in fact ignored.

Education and Veterans Affairs make up only two areas where the Budget Conference Report fails Americans. The truth is there are many other programs and services vital to our Nation that are at risk because of the Republican agenda. At this point, an average American may be asking why the Republican Party finds it necessary to cut so many fundamental programs. The answer is simple, yet disturbing; the majority party is cutting important programs in order to finance all their irresponsible tax cuts. They will continue to make the argument that tax cuts provide stimulus for our economy, but millions of unemployed Americans will tell you otherwise. In fact the Congressional Budget Office itself said "tax legislation will probably have a net negative effect on saving, investment, and capital accumulation over the next 10 years."

While the Republican Party continues its offensive for irresponsible tax policies they allow our national deficit to grow increasingly larger. When President Bush came into office he inherited a budget surplus of $236 billion in 2000. Now, however, this administration has raided those surpluses and its fiscally irresponsible tax policies have driven the country ever deeper into debt. A $5.6 trillion 10-year projected surplus for the period 2002–2011 has been converted into a projected deficit for the same period of $3.9 trillion—a reversal of $9.5 trillion. Much like the President's budget, the Budget Conference Report before us omits the longer-term costs of either the war in Iraq or fixing the AMT, yet still tries to make claims of reducing the deficit. It is clear that the Republican Party is hiding from the American people. This President and this majority in Congress have yet to advocate a fiscal policy that helps average Americans. Special interests have become king in this Budget Conference Report at the price of sound fiscal policies.

This body was made to stand for the will of all Americans; if we allow this budget proposal to take effect we will have failed our mandate. I for one will not stand by silently; I have a duty to my constituents and indeed to all Americans to work for their well being and I will continue to honor that duty.

Mr. LANGEVIN. Mr. Speaker, tonight I rise in strong opposition to H. Con. Res. 95, the Republican Budget Conference Report. During

House consideration of the budget last month, we had the opportunity to pass the Spratt Substitute, which contained thoughtful policies to balance the budget by 2012 without individual tax rate increases or harmful cuts to security, health care, education, veterans' benefits, and other programs that improve the quality of life for Rhode Island's working families. Unfortunately, these responsible ideas were cast aside in favor of the Republican values we have before us today: tax cuts for the wealthy paid for by slashing programs that Rhode Islanders depend on.

While the Republicans claim that budget cuts are needed to return to fiscal discipline, they forget their own policies caused today's financial problems. Without the tax cuts for the wealthiest 1 percent of Americans enacted since 2001, our nation's fiscal health would be much rosier, and the neediest and most vulnerable Americans would not be forced to sacrifice. Their fiscal year 2006 budget proposal continues to move in the wrong direction, and next year's deficit will likely be the largest in history, with more than $400 billion added to the national credit card.

Unfortunately, the budget before us today lacks the vision needed to move our country forward. In addition to driving us further into debt, H. Con. Res. 95 also contains vast cuts to programs that benefit the working class. Most troubling is a $10 billion cut to Medicaid, which will place an enormous burden on Rhode Island. My state has successfully leveraged federal Medicaid dollars and currently offers health care coverage to many vulnerable, low-income pregnant women, parents of young children, and other groups not included in the federal mandate. Without sufficient Medicaid funding, these people would likely join the increasing ranks of the uninsured.

In addition, this budget implements a multitude of other cuts proposed by the President. These cuts include reductions in law enforcement and firefighter funding, the elimination of 48 education programs, and new fees for veterans' health care. Clearly, these reductions are not the priorities of the American people.

The Republican blueprint does not make us safer or healthier, prepare children for the future, or honor veterans. By continuing failed tax policies while cutting effective programs that Rhode Islanders depend on, their proposal is a misguided and unjust starting point. As Democrats show, it is possible to create a realistic blueprint that is fiscally responsible and is built around the needs of the American people. I urge my colleagues to reject the Conference Report on H. Con. Res. 95.

Mr. MARKEY. Mr. Speaker, I rise today in opposition to the Republican Budget Conference Report.

The Republican budget makes huge cuts to critical programs for the poor and the most vulnerable in our country in order to give away $106 billion in tax cuts to the wealthiest in our society.

The Republican budget instructs the Energy and Commerce committee to cut $14.7 billion, of which at least $10 billion is supposed to be cut from the Medicaid program that serves nearly 50 million Americans. Medicaid provides health care not only to poor moms and kids, but also to the elderly and the disabled.

The Republicans will tell you that they have to cut Medicaid because we are in state of fiscal crisis. And it's true we are in the midst of crisis. But it is a manufactured crisis.

If you add up all the spending that Congress has approved since 2001, you will see that: 48 percent of all the spending has gone to tax cuts, 37 percent has gone to Defense and Homeland Security, and only 15% has gone to Domestic programs.

It is clear when you look at these numbers that the deficit did not balloon upward due to social programs, or even the war in Iraq. The deficit came from the Republican's irresponsible tax giveaways to help their fat cat friends get fatter and fatter and fatter.

This Republican budget asks the mothers and grandmothers in the nursing home, the disabled children, the poor, those with Alzheimer's and Parkinson's disease, to sacrifice their health and dignity in order to finance the tax cuts of the wealthiest 1 percent in this country.

It asks those who have nothing to sacrifice everything, and those who have everything to sacrifice nothing.

This budget is about giving $106 billion away in tax cuts, cutting up to $14.7 billion from the Medicaid program.

I urge my colleagues to vote "no" on this shortsighted, fiscally irresponsible, and immoral budget.

Mr. MARKEY. Mr. Speaker, I rise today in opposition to the Republican Budget Conference Report.

One of the most egregious offenses committed in the Republican Budget is the proposal to open the Arctic National Wildlife Refuge to oil and gas drilling.

Although a budget should have nothing to do with controversial environmental policy decisions, this budget would open the Arctic National Wildlife Refuge through backdoor budget chicanery. In poll after poll, the American people have expressed their disapproval of using the budget to decide such a contentious issue. The Republican Majority knows that it cannot pass this measure as standalone legislation. By shoehorning the Arctic Refuge into the budget, they are making an end-run around the legislative process, knowing that it cannot pass in the Senate any other way.

While the budget claims that oil leases from the Arctic Refuge will generate $2.4 billion in revenue, this appears to be a case of gross deception and misinformation.

When the President's Office of Management and Budget was asked why it is assuming that the oil leases in the Refuge will sell for amounts that are hundreds of times greater than the average North Slope lease over the last 15 years, OMB passed the buck—they said, "Go ask Interior; we don't know."

Ladies and gentleman, we deserve more than such dodges and lame excuses. This Republican budget will destroy forever the wilderness quality of one of God's most magnificent ecological systems on the basis of illusory economic projections.

I urge my colleagues to vote "no" on this shortsighted, fiscally irresponsible, and immoral budget.

Ms. KILPATRICK of Michigan. I rise in opposition to the resolution. It is punitive to low-income families. The conference agreement proposes cuts totaling $10 billion in Medicaid. It also calls for significant cuts in domestic programs.

In addition to cuts in Medicaid services, the resolution also calls for cuts in education, including student loans, the Earned Income Tax Credit, and large tax cuts. At a time when we need to add jobs to the economy, the budget agreement cuts back on funding for adult and vocational education. Finally, the budget resolution conference report requires drastic increases in the premiums paid by employers to the Pension Benefit Guaranty Corporation (PBGC). These premium increases will drive many employers to exit the defined benefit pension system, thereby undermining the retirement security for millions of workers and retirees and ultimately weakening the PBGC.

The tax cuts called for in the resolution total $100 billion over five years, but will balloon to $1.4 trillion when stretched out over a 10-year period through 2015. Despite all the domestic program cuts, the tax cuts will make the budget deficit picture worse, not better.

The $2.56 trillion budget agreement cuts domestic spending below Fiscal Year 2005 levels. It does this without making any progress on reducing record level budget deficits. Supporters of the budget resolution, spin this document as a vehicle for bringing the budget deficit into check, but do not be persuaded by that argument. The Republican leadership have made the same argument in the last three budget cycles and look at their performance: more record budget deficits.

It took this country 204 years to run up a public debt of $1 trillion. Under this administration, under this Republican Congress, we are adding $l trillion to the public debt every 18 months. Over the last four years, we have added $2.2 trillion to the national debt.

What concerns me most about this budget is that it signals the call of retreat. It is a blue print for disinvesting in the programs that make our economy and our people competitive in the global marketplace. We cannot build a stronger economy and create good paying jobs if we cut programs for worker education and job training—critical programs that invest in our human capital resources—the future American workforce.

This budget does not represent the values of my district, nor does it represent the priorities of the American people. Is there any wonder that poll after poll has registered declining public confidence in the direction of our economy and the nation's spending priorities. The real test of this budget resolution will come when we attempt to pass the 10 appropriations bills later this year. I predict a tough time ahead because it will be difficult to obtain the consensus needed to pass the spending bills that will keep the government running.

For these reasons, I urge my colleagues to vote against this conference report.

Mr. EVANS. Mr. Speaker, I rise in opposition to H. Con. Res. 95.

The GOP budget resolution will leave Department of Veterans Affairs programs $2 billion short of meeting the needs of our veterans. VA will not be able to make critical program enhancements for servicemembers returning from Iraq and Afghanistan and it is even deficient to maintain current services.

The Bush Administration's budget submission for FY 2006 requested less than half of a one-percent increase for its health care services. This budget offers us about a one to two-percent increase. VA has testified that it requires a 13- to 14-percent increase just to adjust for the growth in VA enrollment partly due to the rising tide of uninsured and underinsured Americans and medical inflation rates often approaching eight percent.

Mr. Speaker, I joined every Democrat on the Veterans Affairs Committee in asking our Budget Committee to add $3.2 billion to our budget for America's veterans. Earlier measures offered by Mr. OBEY and Mr. SPRATT on the floor of this House would have supported increased amounts of funding for our veterans, but these efforts have been soundly rejected by Republicans in favor of tax cuts and the funding we must provide to our troops in Afghanistan and Iraq. Ironically, when the troops return from these deployments, they will find a health care system that is not adequately funded to address their needs.

The President's budget has proposals that are anathema to many veterans. In addition to the increased copayments, new enrollment fees, and draconian reductions in long-term care programs, it would force VA to shoulder even greater "management efficiencies"—a myth which many in this Congress continue to believe. At this point, "management efficiencies" must be viewed as what they truly are—cuts in services to veterans, longer queues for care, and fewer points of access for care than veterans have been promised or deserve.

Republicans seem to have bought into many of these fantasies. Democrats have not been involved in the preparation of the conference package and are being forced to vote with little review of it. An $872 million increase over the President's budget is a minimal increase in the total amount of funding available for veterans programs. This may only be enough to compensate VA for once again rejecting the proposals the President has sent up to increase copayments for pharmaceutical drugs and charge new enrollment fees.

It is not enough to restore long-term care services, to bolster mental health programs for our returning troops, or to better ensure that veterans' claims can be administered on a timely basis. It will not fill the deficits created from unspecified management efficiencies. It will not be adequate to allow for growth in medical inflation or veterans enrollment. It will not allow VA to make critical investments in its aging medical infrastructure.

The Senate has at least rejected House budget reconciliation instructions that would have forced Congress to make $155 million in cuts to veterans' benefits in fiscal year 2006 and almost $800 million in cuts by fiscal year 2011.

America's veterans deserve our eternal support and gratitude, and we should reflect this gratitude by providing adequate funds for the programs that serve them and help them readjust to their lives as civilians. This budget resolution fails our Nation's heroes and we should be ashamed if we pass it.

Mr. KIRK. Mr. Speaker, as Congress moves toward passing the fiscal year (FY) 2006 budget, I would like to address my thoughts and concerns on two aspects of this proposal.

First, this budget will reduce the deficit. The resolution caps discretionary spending at $843 billion and cuts the deficit in half over the next 5 years. We will reach our deficit reduction goals through a combination of policies that encourage economic growth and fiscal discipline that slows the growth of mandatory spending by 0.1 percent over five years. Without this restraint, the federal deficit would continue to grow.

I am very disappointed with one aspect of the budget agreement. The original House passed budget did not include language to open the Arctic National Wildlife Refuge (ANWR) for oil and gas exploration, while the Senate's budget did. The Concurrent Budget Resolution deleted the Senate language. Several weeks ago we debated the Energy Bill (H.R. 6). On April 20, 2005, the House considered the Markey amendment that would have protected ANWR from oil and gas drilling. I voted for the Markey amendment to protect the wilderness. When the amendment failed, I voted against the House Energy Bill. I will continue to oppose proposals to open the Refuge to drilling.

This Budget Resolution includes reconciliation instructions for the House Resources Committee to find $2.4 billion in savings from programs under their jurisdiction. The Resources Committee should find savings from programs outside the ANWR. They can do this and should not rely on the speculative revenues of oil yet to be discovered.

Since my election to Congress, I have voted consistently to protect ANWR from oil and gas exploration. I have voted to protect ANWR for two main reasons. First, ANWR is among the last untouched natural landscapes in the entire United States. Once ANWR is open for exploration, its natural landscape will be changed forever. Second, any oil found in ANWR will not put the United States on a path to energy independence or lower gas prices one cent. The United States Geological Survey estimates that the supply of oil in ANWR is totally inadequate to meet our nation's growing energy needs. More importantly for the current energy debate, oil from ANWR is more than 10 years away from hitting domestic markets. ANWR will not solve our domestic energy issues.

Mr. Speaker, the budget is not the forum for a debate on ANWR—its main purpose is to cut the deficit.

I will support the budget because it moves us toward a balanced budget by reducing spending by 1 percent. And I will continue to oppose legislation that opens ANWR to drilling.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong opposition to this misguided resolution that represents a missed opportunity to address some of America's most pressing problems in a fair and equitable manner.

The budget is much more than just a government document; it is a statement of our nation's priorities and values. This budget fails the test of moral leadership by increasing the burdens on the poor, the middle class and those families struggling to get into the middle class. The American people deserve better.

I am tremendously proud that in my first term as the Second District's Representative, Congress and the President balanced the budget for the first time in a generation. Until just a few years ago, the budget remained balanced and the surpluses we produced were being used to pay down the national debt and strengthen the solvency of Social Security. But this Administration and its allies the Republican Congressional Leadership have squandered the budget surpluses on wasteful tax policies and are running record budget deficits as far as the eye can see. That's just plain wrong.

This budget resolution contains deep cuts in services to the most vulnerable in our society, including Medicaid, which provides medical care to 870,000 poor children in North Carolina. This budget resolution continues to shortchange the No Child Left Behind education reform law, which is now $39 billion below budget. This budget spends more than three times in taxpayer funds on interest on the national debt as we are investing in education on the federal level. Folks, cutting our investments in education is like eating our seedcorn. This budget resolution eliminates proven programs and cuts essential services like law enforcement and Border Patrol. And this budget resolution makes the deficit bigger not smaller while automatically raising the limit on the national debt which is increasingly held by foreign countries.

Instead of this wrongheaded budget resolution, Congress and the White House should work together to balance the budget with real PAYGO enforcement rules, provide middle class families tax relief and make real investments in our nation's future through science, technology, agriculture and health care.

Mr. Speaker, I urge my colleagues to join me in rejecting this budget resolution.

Mr. MACK. Mr. Speaker, I rise today to express my strong support for the Conference Report for the Concurrent Resolution on the Budget for Fiscal Year 2006.

When I was elected to Congress last year I pledged to the people of Southwest Florida that I would work to help reduce the size and cost of the Federal Government while preserving the services that people need.

For years Congress allowed spending to grow uncontrollably—25 percent since 2001—creating a deficit of almost $500 billion. That's wrong.

If our children and grandchildren are to inherit a free, secure, and prosperous Nation, we must restore fiscal discipline and responsibility.

As a member of the Budget Committee, I am proud to have had a seat at the table as we took a first step forward in this critical effort.

This budget begins to exercise fiscal restraint by slowing the growth of both mandatory and discretionary spending while allowing room to fund our national priorities.

It is the first budget since 1997 to include reconciliation instructions so that we can slow the rate of growth in rapidly expanding mandatory programs. It roughly freezes non-defense, non-homeland security discretionary spending. At the same time, it provides ample resources for our defense abroad and security at home.

I congratulate the Chairman and the Conference Committee for ensuring these elements remain in the budget, and I look forward to working with my colleagues to achieve a balanced budget that funds our national priorities without raising taxes.

Mr. Speaker, I urge my colleagues to vote for this resolution.

Mr. DINGELL. Mr. Speaker, I rise today to speak out against this budget resolution. This budget provides $105.7 billion in tax cuts to the wealthiest Americans, above the $1.9 trillion already bestowed upon them since 2001. This additional fiscal irresponsibility in the face of huge deficits is ample reason to oppose the resolution.

But this resolution goes further—it takes from the poor to give to the rich by shredding our healthcare safety net. This resolution will result in $10 billion in cuts to Medicaid, and possibly more because the instruction to the Committee on Energy and Commerce is for $14.7 billion, and the Committee might cut even more.

I agree with many of my colleagues that we need to consider every dollar we spend in these times of high deficits. This is exactly why our scarce resources should go to the most vulnerable among us. Medicaid provides healthcare to more than 52 million of the sickest and poorest Americans, including 25 million children, 14 million low-income adults (the majority of whom work), five million low-income seniors, and eight million individuals with disabilities.

A bipartisan majority of both the House and Senate have called for no cuts to Medicaid. The National Governors Association opposes the cuts. And nearly 1,000 state organizations and more than 800 national organizations have voiced opposition to these cuts.

Medicaid is not the problem. It has done a better job at holding down costs than private insurance by almost half. And Medicaid is absorbing the costs of care not covered by Medicare.

These reconciliation instructions will increase the number of uninsured, create job losses in the healthcare sector, and result in payment reductions to doctors and other healthcare providers who care for Medicaid patients. Such cuts will also undermine community health centers that depend so much on Medicaid to survive.

We must get our priorities straight. This budget resolution fails to do that. Two days ago, 348 Members said "no" to Medicaid cuts in a non-binding motion to instruct. I urge my colleagues to stick to their guns, and vote "no" on this budget resolution.

Mr. BACA. Mr. Speaker, I rise in opposition to the budget before us today.

In a time when our schools are struggling to keep up with increasing Federal standards, this budget actually cuts funding to our schools.

It cuts funding for programs that promote equal education opportunities for low-income students, such as programs in my district in California.

It also eliminates funding for school violence and drug prevention programs.

It freezes bilingual education funding. Twenty-four percent of the students in my county of San Bernardino are English learners and depend on these programs. We should not hold back children by preventing them from learning English.

The budget will endanger the health of millions of Americans, by cutting funding to food stamps, the nation's number one investment in nutrition and defense against hunger.

Families will be forced to make hard choices between buying groceries and paying their bills.

It will also cut funding to Medicaid by $10 billion.

These cuts will be devasting to low-income families.

This budget also falls millions short of what is needed for Veterans' medical care. Veterans hospitals will either have to cut health care services or require local veterans to pay more for services.

Our men and women in uniform are dying in Iraq and Afghanistan to protect us, and we aren't providing the funding to protect them when they come home!

This budget also slashes funding to COPS program. The program has funded 15,801 additional police officers and 504 school resource officers in California.

It completely eliminates funding for the $301 million State Criminal Alien Assistance Program, leaving state and local governments to pay for the jailing of undocumented immigrants convicted of crimes. San Bernardino County received more than $1 million in these funds in 2003.

The President and Republicans in Congress talk about conservative compassion, but where's the compassion in this budget?

Instead of funding the programs that working families depend on, the President has offered tax cuts totaling over $100 billion over five years. Most of these cuts will benefit the richest one percent of all Americans.

This budget also spends every last penny in the Social Security trust fund, $2.6 trillion over the next 10 years.

The President entered his term with a budget surplus he inherited from President Clinton, and now he has created the largest deficit in our nation's history .

My colleagues, I urge you to vote "no" on this resolution.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the conference report on House Concurrent Resolution 95 will be followed by a 5-minute vote ordered on H. Res. 210.

The vote was taken by electronic device, and there were—yeas 214, nays 211, not voting 10, as follows:

[Roll No. 149]

YEAS—214

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach

Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Clyburn
Cunningham
Doggett
Filner
Flake
Ford
Jefferson
Paul
Rothman
Towns

□ 2035

So the conference report was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall, No. 149, on H. Con Res. 95, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

SUPPORTING GOALS OF WORLD INTELLECTUAL PROPERTY DAY

The SPEAKER pro tempore (Mr. THORNBERRY). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 210.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 210, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 315, nays 0, not voting 119, as follows:

[Roll No. 150]

YEAS—315

Abercrombie
Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Calvert
Camp
Cantor
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Napolitano
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—119

Ackerman
Allen
Baca
Baker
Barrett (SC)
Bass
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boehlert
Bonner
Boyd
Brown (OH)
Brown (SC)
Burton (IN)
Butterfield
Buyer
Cannon
Capito
Capps
Capuano
Chandler
Clay
Clyburn
Cooper
Cox
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dicks
Doggett
Doyle
Emanuel
Etheridge
Everett
Filner
Flake
Ford
Gallegly
Gingrey
Goode
Gordon
Graves
Hayes
Hinchey
Honda
Inglis (SC)
Israel
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
King (NY)
LaHood
Larsen (WA)
Larson (CT)
Lewis (GA)
Linder
Lowey
Lynch
Maloney
Marshall
McHugh
McKeon
Meehan
Menendez
Millender-McDonald
Miller, Gary
Murphy
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Olver
Oxley
Paul
Pearce
Pelosi
Peterson (PA)
Price (NC)
Putnam
Radanovich
Rangel
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Shadegg
Shaw
Shays
Simmons
Slaughter
Stark
Strickland
Taylor (NC)
Tiberi
Tierney
Towns
Turner
Velázquez
Walsh
Wamp
Watt
Weldon (FL)
Weller

□ 2042

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 150, on H.R. 210, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote No. 150.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 95, the conference report on the budget just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested.

S. Con. Res. 29. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the deputy majority whip the schedule for the coming week.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as two bills under a rule, H.R. 1185, the Federal Deposit Insurance Reform Act, and H.R. 366, the Vocational and Technical Education For the Future Act.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information.

Does the gentleman know which day we will consider the vocational education bill?

Mr. CANTOR. We plan to consider the vocational education bill on Wednesday, and the deposit insurance reform bill on Thursday.

Mr. HOYER. Can the gentleman tell me what type of rule is anticipated? Will it be open or modified open rules on these two bills?

Mr. CANTOR. Mr. Speaker, I would defer that decision to the Committee on Rules, but believe they will make a number of amendments in order on each bill.

Mr. HOYER. I thank the gentleman for that information.

I note, Mr. Deputy Whip, that the supplemental is not on the announcement, is apparently not on the calendar for next week. Obviously this is a very important bill. It is a very important bill to our country and our troops. We passed this bill some time ago. Can the gentleman tell us when that bill might be before us?

Mr. CANTOR. Mr. Speaker, I tell the gentleman from Maryland, the minority whip, that the conference committee has met a number of times this week and I believe they are narrowing in on agreement. The gentleman from California (Chairman LEWIS) has informed us that his goal is to reach an agreement with the Senate in time to file a conference report on Monday which would allow the House to consider it as early as Wednesday.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Before we conclude, I would like to ask a couple of questions. I understand the gentleman may not know the answers.

Our side, as you probably know, is very concerned about what transpired this week on the Child Interstate Abortion Notification Act. We are very concerned because three Members on our side offered amendments. Those amendments were pretty straightforward, subject to, obviously, an up-or-down vote. They were allowed by the Committee on Rules. But the report of the Committee on the Judiciary starkly mischaracterized those amendments. As the gentleman knows, a motion has been filed on those. A ruling was not made in order as to whether or not that filing will be in order Tuesday or the next day. We raised this issue at the time of the consideration of the bill. We raised it again, the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary raised it.

Has the gentleman had an opportunity to discuss this, and does the gentleman know whether or not there is a possibility or probability that what we believe to be egregious language that was substituted for a straight definition, which, by the way, the Committee on Rules did correctly, but which the Committee on the Judiciary did not, does the gentleman know whether that is being corrected?

□ 2045

Mr. CANTOR. Mr. Speaker, I tell the gentleman from Maryland that the chairman of the Committee on the Judiciary takes a position that everything was done correctly and in order and is looking forward to a debate on the floor on the resolution late Tuesday afternoon.

Mr. HOYER. Late Tuesday afternoon?

Mr. CANTOR. Yes, Mr. Speaker.

Mr. HOYER. Mr. Speaker, does the gentleman know how late that will be? Of course, votes will not be scheduled until 6:30, so most Members will not be back.

Mr. CANTOR. Mr. Speaker, I think we can work that out, but I believe around 5 or 5:30 the debate will take place.

Mr. HOYER. I appreciate that information, Mr. Speaker. I will certainly notify the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT), one of the sponsors; the gentleman from New York (Mr. NADLER), another one of the sponsors; and the gentlewoman from Texas (Ms. JACKSON-LEE), another one of the sponsors. I regret that we need to go ahead with the issue of the privileges of the House. I will tell the gentleman I do not know that I have seen an amendment as mischaracterized as this amendment was, and I was hopeful that we could simply resolve it. But if that cannot be done, then we will have to have it subject to debate.

I thank the gentleman for his information.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding to me. I will tell the gentleman, again, that the chairman feels that all was in order and we will debate the question on the floor Tuesday afternoon.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

CONGRATULATIONS TO THE HONORABLE ROB PORTMAN

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, it is with great pride and a little bit of sorrow that I rise this evening to recognize the fact that this may very well be one of the last nights for one of our very esteemed colleagues to serve on the floor of this great House.

I have gotten to know the gentleman from Ohio (Mr. PORTMAN) over the last several years. I have had the privilege of serving with him on the Committee on Ways and Means and at the Republican leadership table. I do not believe that there is a finer or more dedicated public servant to serve in this House. There is no question that he has the respect of all of our colleagues on both sides of the aisle for his seriousness of purpose, for his understanding of the issues, and mastery of the legislative process. It will truly be a loss for us in the House, but we are also fortunate as Americans that the gentleman from Ohio (Mr. PORTMAN) will go on to serve this great country and serve our President hopefully in the very near future.

So it is with a bittersweet good-bye that I do say and congratulate the gentleman from Ohio (Mr. PORTMAN).

Mr. EHLERS. Mr. Speaker, will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding to me.

I would just like to add my voice, and I know the Chamber is not as full as it should be for this occasion, but I have served in public office for approximately 30 years. I am relatively quiet, but I do a lot of observation. And I have noticed over the years that there are some people who are simply very outstanding by making a lot of noise but not doing much.

The people I prefer, whom I have observed also, are those who do a great deal but do not make a lot of noise about it. And the gentleman from Ohio (Mr. PORTMAN) is in the latter category. I have watched him over the years I have been here. An outstanding person, very hard worker, always behind the scenes, not asking for credit or bragging about what he has done. This is what makes the government work. This is what made the House work. And I want to express my appreciation to the gentleman from Ohio (Mr. PORTMAN) and wish him the best of everything in his new position. I am sure he will do equally well in that position and will continue to serve this country well.

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY), another fellow member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding to me.

I too want to commend the gentleman from Ohio (Mr. PORTMAN), particularly his family for willingly sacrificing him both to the service in this Congress as well as the endeavor he is about to undertake.

The President chose wisely. The gentleman from Ohio (Mr. PORTMAN) has been one of the most intellectually honest, sincere members of our committee. He has tackled the tough issues. He has faced them head on. He comes from a very important State. He understands the dynamics of trade. It is good to have a friend at Trade. I am particularly delighted.

But I honestly and sincerely wish him God's blessing as he proceeds to help our Nation, strengthen our economy, deal with our allies, create new opportunities. We are blessed with the fact that when trade is done mutually and satisfactorily, we open up democracies. We change patterns of behavior. We bring down the walls of communism by opening the hearts, the minds, and the wallets of the oppressed.

So his job is significant, it is important, and he is not only suitable to the task, but he is genuinely one of the best representatives our President could have chosen. And I wish him God speed.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. SESSIONS. Madam Speaker, the Committee on Rules may meet the week of May 2 to grant a rule which could limit the amendment process for floor consideration of H.R. 1185, the Federal Deposit Insurance Reform Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by noon on Tuesday, May 3, 2005. Members should draft their amendments to the bill as reported by the Committee on Financial Services on April 27, 2005. Members are advised that the report of the Committee on Financial Services is expected to be filed tomorrow, Friday, April 29. And Members are also advised that the text of the reported bill should be available for their review on the Web sites of the Committee on Financial Services and the Committee on Rules by Friday, April 29, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 366, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. SESSIONS. Madam Speaker, the Committee on Rules may meet the week of May 2 to grant a rule which could limit the amendment process for floor consideration of H.R. 366, the Vocational and Technical Education for the Future Act. The Committee on Education and the Workforce ordered the bill reported on May 9 and filed its report with the House on March 17.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by noon on Tuesday, May 3. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce.

Members should use the official Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ADJOURNMENT TO MONDAY, MAY 2, 2005, AND HOUR OF MEETING ON TUESDAY, MAY 3, 2005

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 3, 2005, for morning hour debate.

The SPEAKER pro tempore (Miss McMORRIS). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 29) providing for a conditional adjournment or recess of the Senate.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 28, 2005, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 9, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate or his designee, after consultation with the Minority Leader, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b–19), I hereby appoint Ms. Loretta Goff of New York to the Ticket to Work and Work Incentives Advisory Panel.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House a communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (2 U.S.C. 88b–3), I hereby appoint Rep. Dale E. Kildee of Michigan to the House of Representatives Page Board.

Best regards,

NANCY PELOSI.

HONORING OUR SERVICEMEN AND WOMEN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, this has been quite a week here in the House. And I think that so many of my colleagues have noted how we hear from constituents about how feistily we come to the floor and how we debate and how we discuss the issues and the policies of the day and even tonight as we have stood to honor one of our colleagues who is taking on a new challenge. And I think it is so appropriate, Madam Speaker, that we recognize the fact that we do this because we are free. We are a free people. And we do it because we live in a Nation where men and women choose to sacrifice their lives, their time, their talent to preserve that freedom.

I noticed in The Washington Post today there is a great article about the Iraqi Army, now over 150,000 strong, being trained by American men and women in uniform who have chosen, who have chosen, to serve their Nation.

Madam Speaker, in Tennessee we have the 278th regiment that is on the Iraq-Iran border training many of these new Iraqi military men. And I want to honor them in their service and all of our men and women and say "thank you" and God speed for the good work they do in preserving freedom.

LET US PASS A BUDGET THAT WORKS FOR ALL OF AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we had quite a trying week.

Many of us see things from a different perspective. I am hoping that we will be able to correct some of the flaws that we found in the debate this week. And particularly I thought it was important to reflect on what kind of budget was just passed in a very close vote, 211 to 214, clearly a divided Congress on whether or not this budget helps any of the Americans that we try to uplift.

This is a budget that cuts Medicaid by $10 billion. This is a budget that protects over $70 billion in tax cuts. This is a budget that will see many veterans hospitals and their services cut. One of the more moving experiences I had was to hear a veteran ask the question, "Do you not care?"

□ 2100

Are we not concerned about the veterans coming back, many of them traumatized, many of them amputees, many of them who have experienced other soldiers or veterans in Afghanistan or Iraq that committed suicide?

We have a chance to do this over again. This conference report, frankly, does not answer the concerns of the American people. I am glad to have voted no. I hope we find it in our hearts to really stand up for the American people who count and pass a budget in the future that works for all of America.

DAVID WILKINS NOMINATED AMBASSADOR TO CANADA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last night President Bush nominated his long time friend South Carolina Speaker of the House David Wilkins as America's new Ambassador to Canada. While I have mixed feelings of the loss of Speaker Wilkins from public service in South Carolina, I am thrilled he will now serve all Americans as the representative to our sister nation, which is America's largest trading partner in the world.

David Wilkins and his wife Susan are the perfect team to represent America. Susan is competent and gracious and will establish the Ambassador's residence as a center of warm, Southern hospitality.

All South Carolinians are proud of David Wilkins making history by becoming an ambassador to our appreciated northern neighbor. In 1994, he made history to become the first Republican Speaker of the House of a Southern legislature in the 20th century, followed by many speakers, from Austin to Richmond.

Godspeed, David and Susan.

In conclusion, God bless our troops, and we will never forget September 11.

THANKS FOR ADDRESSING THE VITAL ISSUE OF SOCIAL SECURITY

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, tonight our President addressed the Nation on the issue of Social Security reform, a vital issue not just for current retirees, but for generations to come. I want to praise what the President had to say tonight.

This is one of the most major issues that we can take on as a Congress, the largest single issue we can take on here in the United States House of Representatives, so I think it is important that we say thank you to the President for taking on this important and vital issue that generations of Americans have relied upon.

Social Security is important. We do not want to break it, we want to improve it and make sure it is a lasting institution, not just for those retirees today and those that are close to retirement, but for those of my generation, the Generation X-ers, who believe that Social Security will not be around for them. Also, we need to have personal private personal retirement accounts as part of Social Security.

Thank you, Mr. President, for addressing this vital issue.

SPECIAL ORDERS

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND MISSION UNACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, over the last few months, the Iraqi people have been making strides toward democracy by holding elections, nominating ministers and working on a draft constitution. I congratulate the people of Iraq for their very brave efforts, efforts that I am certain were intended to take Iraq back for the people of Iraq.

Though admirable, none of Iraq's recent advances validate the false pretenses that caused the United States to fight a war in a country that never threatened us, never attacked us and never posed a threat to our way of life. But, sadly, despite the false pretenses under which this war was fought, President Bush and his administration have continued to insist that Iraq is close to becoming a stable and viable democracy. The President claims that the war in Iraq is going well and that our military is succeeding.

Madam Speaker, I do not know about you, but I do not consider the deaths of over 1,500 American soldiers and countless tens of thousands of innocent Iraqi civilians and no end in sight as a military success.

Yet, declaring success in the very face of chaos is nothing new for this President. May 2 is the second anniversary of his speech declaring "an end to major combat operations" under a banner declaring "mission accomplished." Mission accomplished.

One year later, many experts have different opinions. In fact, earlier today I participated in an event with Daniel Ellsberg, the author of the Pentagon Papers, which revealed that President Richard Nixon was deceiving the American people about the role America played in the Vietnam War. From his past experience, Mr. Ellsberg believes that Iraq will not be safe for years to come and that the Bush administration seems eager to maintain high troop levels in the country for the foreseeable future. To what end, he and I both ask?

I question that if there are 150,000 fully-trained Iraqi soldiers, as the President claims, then why are America's 150,000 troops still in Iraq? Why do they remain there as sitting ducks for drive-by shootings and car bombings?

Unfortunately, I believe that the reason is the Bush administration is gearing up for a sustained military occupation of Iraq, with access to oil having more to do with that occupation than our government admits.

Evidence certainly points to an occupation that will not end any time soon. The Bush administration has specifically sought funds for 14 military bases in Iraq, claiming they are not permanent. The very idea of funding American military bases in Iraq more than suggests that President Bush is not serious about turning Iraq over to the Iraqis any time soon. In fact, Daniel Ellsberg believes that the U.S. occupation of Iraq could last longer than the U.S. occupation of Vietnam in the 1970s, which persisted for a total of 16 years. This should scare everyone who values peace, who values democracy and fiscal sanity.

The possibility that the United States could maintain a military presence in Iraq for years to come is dangerous; dangerous to our foreign policy and inconsistent with the values that most Americans hold dear.

Fortunately, however, the continued occupation of Iraq has the American people talking seriously about a withdrawal. That is why I introduced H. Con. Res. 35 in January of this year, legislation calling for the withdrawal of U.S. military forces from Iraq. By removing American troops, we will remove the main focus of the insurgents' rage. Bringing our troops home is the only way to keep them safe and out of harm's way.

Everyone likes to talk about supporting the troops. Well, it is time to truly support our troops, by bringing them home, and we should begin that effort today.

THE CLEAR ACT OF 2005 AND THE MINUTEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Madam Speaker, this month the Minuteman Project has accomplished with just a few hundred citizen volunteers what the Federal Government has been unable to do and actually told us was impossible to do, and that is stopping illegal immigrants crossing our borders.

In the process of focusing the Nation's attention on the insecurity of our borders, they have succeeded in bringing new information to the debate on the overall immigration crisis in this Nation. The new information is critical to this body's consideration of a specific policy area, probably and frankly the one area in which all Americans should be in 100 percent agreement, and that is protecting Americans from criminal illegal immigrants.

U.S. Border Patrol Sector Chief Michael Nicely is head of the entire 260 mile long Tucson Sector of our border, the worst in the Nation for illegal immigration, and the same sector where the Minutemen shutdown a 23 mile portion of that sector.

What should be horrifying to all Americans is what Chief Nicely told Government Executive Magazine just last week. He says that since November, the Border Patrol agents have caught 17,000 criminal illegal aliens trying to enter our country through just through this one 260 mile sector; 17,000 criminal illegal aliens. That is not total illegal aliens now, just the criminals. Overall, Chief Nicely's sector has arrested more than a quarter of a million people trying to enter this country illegally just since Thanksgiving.

Last year, I introduced legislation specifically targeting against criminal illegal aliens. The Clear Law Enforcement For Criminal Aliens Removal Act, or we call it the CLEAR Act, gained the support of some 125 Members. Our purpose is fairly simple: State and local law enforcement personnel would be fully authorized to investigate, apprehend, and, if necessary, remove criminal aliens in the United States.

Already this year our Justice Department has asked for help from local law enforcement on this issue. According to Reuters News, the Bush administration now recognizes that, "The United States has freed numerous illegal aliens into the community who are dangerous murderers, rapists and child molesters under a legal loophole created by Supreme Court decisions, and that "Congress should urgently pass legislation to close this loophole, which has already resulted in the release of several extremely violent offenders, with others scheduled to be released soon."

According to the report, U.S. Justice Department Deputy Assistant Attorney General Jonathan Cohn made this request of the Committee on the Judiciary of the House of Representatives on March 14.

We have the legislative draft to do just what they want, this year's pending version of the CLEAR Act. We plan to introduce the 2005 version within the next few weeks. We do welcome constructive input from the administration, from Members of both parties and members of both houses. But from what we have learned thus far from the Minuteman Project, the CLEAR Act cannot be a stand-alone remedy for stopping the hordes of vicious foreign criminals invading our country to murder, rape and molest Americans.

My one bill will not do it, not by itself. We can provide local and State law enforcement with the tools to remove these criminal elements through guaranteed deportation. We can help Homeland Security do their job. But it does little if they can simply pour back across unsecured borders. You have gotten nothing done.

The CLEAR Act, therefore, will become a critical component of overall immigration and border reform. I urge every Member in this body to join in this effort with the CLEAR Act. In return, I pledge to support whatever legislative measures that are necessary to secure our borders. That includes a total military closing, if necessary, to stop these criminals. I fully understand the meaning of "closing," even if it is a temporary closing. It is a time we in this body are going to be able to declare whose side are we on.

□ 2115

Are we on the side of fellow Americans, or are we on the side of those of the new world order who want no borders? It is that simple. The vote will come down to just that.

ORDER OF BUSINESS

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is the third day of the Article 32 hearing for Second Lieutenant Ilario Pantano, a Marine who I have talked about here on the floor at great length and who has served our Nation bravely in both gulf wars.

In an action of self-defense a year ago in Iraq, Lieutenant Pantano made a split-second, battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two and a half months later, a sergeant under his command, who never even saw the shooting and who was earlier demoted for his lack of leadership abilities, accused him of murder. Because of that, Lieutenant Pantano today continues to face an Article 32 hearing where a hearing officer will determine whether he will face a court martial for two counts of premeditated murder.

Last night I described how yesterday's hearing came to a halt when it became apparent that Lieutenant Pantano's accuser, Sergeant Coburn, had recently violated his superior's orders not to give an interview on this case. The defense showed that he was interviewed for various media outlets, including last week's New York Magazine cover story on the case.

In fact, Sergeant Coburn may now face charges for disobeying orders, and he left the stand yesterday after the hearing officer recommended he get an attorney.

Madam Speaker, it seems obvious that this man's testimony cannot be considered credible. How can these charges move forward when the primary witness is someone who did not actually see the shooting and who may now face charges for disobeying serious orders about the case?

Let me also quote from Navy Medical Corpsman George Gobles, the only other person present at the time of the shooting, and the prosecution's other main witness who took the stand yesterday. He called Pantano "a damn good leader." He continued to testify: "I felt the safest with, you know, this platoon because more than anything, because of Lieutenant Pantano, because of his leadership."

Madam Speaker, as I have said many times before, Lieutenant Pantano is by all accounts an exceptional Marine. I hope that yesterday's proceedings have finally begun to bring out the truth in this case. I pray that the end is near so that Pantano's family can put this behind them and move forward with their lives. I hope that in the next day or two, as this hearing ends, the hearing officer comes to the same conclusion that I and many like me have come to, that Lieutenant Pantano should never have been charged in the first place, and that all charges against him are dropped. I hope and I pray that the truth will prevail.

Madam Speaker, in conclusion, I continue to ask my colleagues to research the case and consider supporting House Resolution 167, my bill to help support Lieutenant Pantano as he faces this battle. I encourage them to visit his mother's Web site at www.defendthedefenders.org and learn more about this fine young Marine, and I would be proud to call him my son or my son-in-law.

I close by asking the good Lord in heaven to please bless Lieutenant Pantano and his family, and by asking the good Lord in heaven to please continue to bless our men and women in uniform, and I ask the good Lord in heaven to continue to bless America.

A LITTLE ENGINE THAT COULD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, it has been one interesting week here: and if my colleagues read the media and listened to the noise and the clatter, one would think that nothing is ever getting done in this building.

I opened the Washington Times today and I found a very thoughtful article that I will enter into the RECORD written by Gary Andres. Let me read the headline: "The Little Engine That Could. Hill Bipartisanship Helps Pass Important Legislation."

I will read the article: "The noisy rub of grinding partisanship drowns out most other sounds on Capitol Hill these days. Controversies about congressional ethics and confirming judges not only threaten to jam the legislative gears, but also fuel the media's motor. Yet, a closer peek under the lawmaking hood reveals a quietly humming bipartisan engine. Despite roaring hyperbole from some Democratic congressional leadership offices, a significant number of rank-in-file minority party members are joining Republicans to pass an impressive list of significant accomplishments."

This is maybe why they fear the gentleman from Texas (Mr. DELAY) and tried to characterize him in some of the meanest ways.

Listen to the scorecard:

"So far this year in the House," thanks to the leadership of the gentleman from Texas (Mr. DELAY), "50 Democrats helped pass class action reform, 112 Democrats voted for congressional continuity, 42 Democrats joined in legislation repealing the death tax, 73 supported the bankruptcy bill, 42 Democrats broke ranks on the Real ID bill" dealing with immigration and driver's licenses, "and last week, 41 Democrats joined the Republicans on the final version of the energy bill."

That is legislative accomplishment. That is legislative leadership, and that is provided by this majority.

I continue: "This bipartisan 'little engine that could' is gaining so much momentum that it is causing certain Democrats to wrap common sense around their rhetorical axles. Nancy Pelosi's spokesperson was quoted in this newspaper last week saying, Republicans were trying to 'distract' people by passing bipartisan legislation, a novel interpretation of what others might consider laudable accomplishments."

In fact, these are my words, every time we have a bill, people say, if they would only work in a bipartisan manner, we would be able to help the Republicans pass these important bills.

I continue with Gary's analysis: "Being 'shut out of the process' or Republicans 'abusing power,' promoting an 'extremist agenda' have been central lines in this year's Democratic leadership political prose. Yet, if the process is hopelessly flawed and ideologically unbalanced, why are so many Democrats voting for this growing agenda of success? Part of the explanation is what political scientists call 'hyper-pluralism.' A growing number of liberal interest groups join together and making rigid, uncompromising demands on lawmakers. These demands are not about supporting an alternative agenda; it's all about opposition, all the time.

"Hyper-pluralism begets extreme partisanship, meaning Democrat leaders get stuck in 'just say no' speed. No matter what the issue, they oppose. And when they try to shift gears, like Democratic whip Steny Hoyer recently did by supporting the final passage of the bankruptcy bill, torrents of vitriol rain down upon them from interest groups, making breaking out of the opposition lock-step even more difficult next time."

Let me go on, and I will miss this, but it will be entered into the RECORD:

"The major pieces of legislation passed in the House so far this year on legal reform, energy, taxes, and congressional continuity are not, as some of the Democrat leadership argues, part of an 'extreme right-wing agenda.' An average of 62 Democrats joined with the Republicans to pass the six referenced bills.

"Rank-and-file Democrats with reasonable ideas aimed at improving the legislative product, as opposed to bogging down the process or embarrassing Republicans, will have numerous opportunities to play a constructive role. Reasonable Democrats should not miss the chance to put their mark on public policy."

Now, this demonstrates dramatically that we have been able to construct bipartisan legislation to the credit of the majority leader, the gentleman from Texas (Mr. DELAY). He is so successful that the only way to beat him is to demean him and to pillorize him, and I can tell you one thing about the man that I know. He is a kind, decent, God-fearing man. And when he is able to construct these kinds of victories, it is a result of leading this Congress in the direction that most Americans agree with.

We just heard from the gentleman from Georgia (Mr. NORWOOD) talking about immigration. That is an issue America cares about. That is one we should tackle. I think Americans care about Social Security too. but instead of talking constructively about fixing Social Security. we demonize the President, we demonize the plan. They are not even sure what is in the plan, but they are going to continue to demote and demean the plan.

Now, I believe in my heart that a lot of people came here to do the right thing. I know a lot of Democrats and a lot of Republicans want to make America better and stronger. We have to get out of the mindset of beating. berating. destroying individuals in order to succeed at our game. We should not sacrifice any Member of this Congress on the alter of personal destruction. We will not allow this process to be bogged down by them using one individual to characterize this Chamber or this process. The gentleman from Texas (Mr. DELAY) is a fine, fine gentleman. We may disagree on some issues. but he is a fine gentleman; and I can suggest to my colleagues. looking at this scorecard where so many Democrats joined us on so many bills to reform this process, that this is, in fact, a bipartisan body that is working. This is a bipartisan body that is producing real product on behalf of the American people. and this is a Chamber that has decided to work on behalf of the American people to get things done for the American people.

So I salute our leadership. I welcome the opportunity to continue to participate in meaningful debates. and I urge everyone to open up the Washington Times, read Gary Andres' important observation about this process. And when my colleagues read it in totality, and when they get the full. rich meaning of the words on this page. they will see exactly why we are on the right track to helping grow this economy.

A "LITTLE ENGINE THAT COULD"

(By Gary Andres)

The noisy rub of grinding partisanship drowns out most other sounds on Capitol Hill these days. Controversies about congressional ethics and confirming judges not only threaten to jam the legislative gears but also fuel the media's motor. Yet a closer peek under the lawmaking hood reveals a quietly humming bipartisan engine. Despite roaring hyperbole from some Democratic congressional leadership offices, a significant number of rank-in-file minority party members are joining Republicans to pass an impressive list of significant accomplishments.

So far this year in the House, 50 Democrats helped pass class action reform. 122 voted for congressional continuity. 42 joined in legislation repealing the death tax. 73 supported the bankruptcy bill. 42 Democrats broke ranks on the Real ID bill. and last week, 41 joined the Republicans on the final version of the energy bill.

This bipartisan "little engine that could" is gaining so much momentum that it's causing certain Democrats to wrap common sense around their rhetorical axles. Nancy Pelosi's spokesperson was quoted in this newspaper last week saying Republicans were trying to "distract" people by passing bipartisan bills—a novel interpretation of what others might consider laudable accomplishments.

Being "shut out of the process" or Republicans "abusing power" promoting an "extremist agenda" have been central lines in this year's Democratic leadership's political prose. Yet if the process is hopelessly flawed and ideologically unbalanced why are so many Democrats voting for this growing agenda of success? Part of the explanation is what political scientists call "hyper-pluralism." A growing number of liberal interest groups join together and make rigid. uncompromising demands on lawmakers. These "demands" are not about supporting an alternative agenda. it's all about opposition—all the time.

Hyper-pluralism begets extreme partisanship, meaning Democratic leaders get stuck in "just say no" speed. No matter what the issue, they oppose. And when they try to shift gears. like Democratic Whip Steny Hoyer of Maryland recently did by supporting final passage of the bankruptcy bill. torrents of vitriol rain down upon them from interest groups, making breaking out of the opposition lock-step even more difficult next time.

Compromise may be the mother's milk of the lawmaking process. but today's opposition leaders believe it curdles fundraising appeals and sours the party base's energy. Today's Democratic leaders take their opposition role quite literally. They do what they think opposition leaders should do—"oppose," always. And evidently the media thinks this continuing saga whets public interest.

But focusing exclusively on the rhetoric and voting patterns of Democratic leaders—as the media often does in writing the conflict story dujour—misses another significant development. For those not charged with daily maintenance of fanning the conflict flames, there are tremendous opportunities to shape public policy. Democratic rank-in-file lawmakers are not politically tone-deaf to their constituents' aversion to constant bickering: their leadership's one-note sonata is beginning to grate. That's why the list of bipartisan accomplishments in the House is expanding.

The major pieces of legislation passed in the House so far this year on legal reform, energy. taxes and congressional continuity are not—as some in the Democratic leadership argue—part of an "extreme right wing agenda." An average of 62 Democrats joined with the Republicans to pass the six bills referenced above.

Rank-in-file Democrats with reasonable ideas aimed at improving the legislative product, as opposed to bogging down the process or embarrassing Republicans, will have numerous opportunities to play a constructive role. Reasonable Democrats should not miss this chance to put their mark on public policy.

The next big test is the Central American Free Trade Agreement. The question is: Will the "little engine that could" continue to hum along and will a significant number of Democrats support this legislation promoting economic growth and open markets? Or will they succumb to the fear tactics and threats of leaders more interested in party discipline and consolidating power?

Clearly. Republicans will be open to accommodate reasonable Democrat amendments and ideas. After all. passing. legislation with 40-60 Democrats is in Republicans' long-term political interest as well. The question is how many Democrats will reject mere nay saying and seize the opportunity to lubricate the engine of bipartisan success.

THE PLIGHT OF THE TEXAS RICE FARMER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4. 2005. the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Madam Speaker. on Friday night. April 15. I had a meeting with local rice farmers in my. southeast Texas district. We met out in the country in the lowland plains of east Texas on Aggie Drive in Beaumont. Texas. Really. it was closer to China. Texas. Many of these men had finished a 16-hour day and came to the meeting after working all that time in the fields. They drove up in their standard work vehicles: Texas pickup trucks. Their appearances would fool you. however. They are highly intelligent, some very well educated. They know more about farming. farming machinery. nature, conservation. irrigation. water resources. meteorology. pesticides. insecticides. fertilizer, trade, global competition, foreign governments. and efficiency than many who have a string of degrees behind their names. especially those near this House.

As we sat around and ate fried catfish made out of rice flour, I talked to them for several hours about their plight. One rice farmer said this was his last year in farming. He was finally just going to sell off his equipment and sell the land. They painted for me. Madam Speaker. the extremely bleak picture of the present and future in rice farming. And while one could argue that economic decline plagues all rural America across the board on account of the death tax and high tax levels. too many government regulations. the rice farming industry has been hit particularly hard.

Consider the following: in 1997. 8 years ago. there were about 10.000 rice farms in the United States. By 2002. that number had dropped to about 8.000. The State of Texas in 1972 had more than 600.000 acres of rice farming. That is about the size of Rhode Island. Last year. it was less than 200.000 acres. a two-thirds loss of the land to something else. Unfortunately, rice farmers. those in southeast Texas. for example, cannot change to alternative crops because other crops do not thrive in this environment. the marshy. unique wetlands and humid climate of southeast Texas.

In addition. the farmers have to contend with the whims of the Lone Star weather, ranging from sun to hail. too much rain to not enough rain. or none at all. Natural disasters like hurricanes, they come and go and ravage the land where we live. According to the United States Department of Agriculture's Economic Research Service, in 2002, the average American rice farmer made about $1,700 from farming, or about 82 cents an hour for a 40-hour work week. I will repeat that. That is 82 cents an hour for a 40-hour work week, and that was with government support. This harsh reality forces most farmers to rely on nonfarming income to support their households.

☐ 2130

Rice farmers work their own land, Madam Speaker. They do not hire day laborers or seasonal workers. They cannot afford it. The farmer and his kids, they work the land. Rice farmers can barely support themselves financially, let alone make needed contributions to the industry to keep it afloat.

At one time the American Rice Growers Cooperative Association in Dayton, Texas, that is in my district, they owned an irrigation system using the Trinity River to irrigate between 5,000 and 6,000 acres of rice land. It has not run in 3 years because not enough farmers could financially commit to pay $25,000 to run the pumps to irrigate the land.

Now, get this, Madam Speaker. The water rights have been sold to the city of Houston, and the land is being used for trailer parks which, as one farmer put it, once the land is gone, it is over for the rice farmers. You see, rice land takes years to develop. If it remains unused for extended periods of time, like 3 years, the land becomes useless for rice farming.

Moreover, industry representatives are dwindling. Farm machines, the John Deere stores, they are disappearing. Each year, older farmers quit or retire. Each year, less acreage is being used for crops. Each year, fewer young men go into farming because the cost versus the return on this investment is not sufficient for any type of lifestyle. What is the incentive for the young to enter the farming industry?

This meeting we had on April 15, most of the farmers there were at least 50 or older. Farming, rice farming is a very labor- and energy-intensive business. It requires electricity to run the pumps to irrigate the crops, diesel fuel to run the combines, and fuel for the crop dusters, pesticides to control insect problems. And we have a lot of insects in southeast Texas.

In addition to the labor from early morning to dark, from February to November, it is about 8:30 now, Madam Speaker, in southeast Texas, most of the rice farmers are coming in from working all day.

All the costs have increased, yet the price that the farmer receives for selling his crop remains the same or has dropped. It also takes an enormous amount of time to fill out Federal forms, which has tripled, according to the farmers.

These farmers are required just to sell the rice they grow. Due to government regulations, sanctions have prohibited farmers from making sales of their crops in an open market. They are even told by this government, our government, how much they can plant.

Back in the 1970s, in what was called the rural renaissance, an average of 300 farmers or so would attend the American Rice Growers annual dinner. Last year at the dinner, 14 rice farmers showed up.

Once the experienced rice farmers leave the industry, we cannot restore this lost knowledge. No government program can do that. Not to mention that the present farm program constitutes only four-tenths of 1 percent of the national budget.

Madam Speaker, I would like to take some time to recount the personal stories of two of the countless Texas rice farmers, to give this body an idea just who these folks are.

Ray Stoesser, he is a friend of mine. He is also a third-generation rice farmer in southeast Texas. He has a true appreciation for the value of research, education, and he loves the land. One of the most successful and consistent producers, he brings an exceptional crop each year to the rice market.

Ray is quick to point out there is no secret to rice farming. He says, "I believe that God could give me the talent and the strength to become a good farmer."

Ray's grandfather, Emil Joseph Stoesser, immigrated from Germany around the turn of the country and settled in Illinois. He learned about rice farming through a friend, decided to move his family to Texas, southeast Texas.

He had a different type of farming apparatus. He brought with him two Clydesdale horses, probably the first two Clydesdale horses ever in the State of Texas. They came with the farming community and he hoped to use them to plow his rice fields. Soon after moving to Texas, however, the Clydesdales succumbed to the heat and the humidity and mosquitoes common in our area. After that, they used mules to pull the plow.

Ray remembers how, as a boy, he worked long hours to clear the new property and get ready for rice production. He said, "Dad had 3,000 acres that was completely unimproved. We had to clear the trees, pull up the roots, build the canals, dig the wells just to get it ready."

Ray's dad was a dedicated and talented farmer. And Ray attributes his strong work ethic and teachings to his dad. Every day after school Ray would meet his dad on the farm and work until well after dark.

Ray also had a son that followed him into the rice farming industry. Neal Stoesser is 26 and has been farming since his senior year in high school. Although he works in partnership with Ray, Neal also farms 1,000 acres of rice and soybeans independently of his dad.

In 2002, Ray and Neal had 2,000 acres of rice, all in Cocodrie, 5,000 acres of milo, 650 acres of soybeans. This was a father and son team that farmed from one end of Liberty County to the other, about 60 miles from one end of their farming community to the other end.

In good years the Stoessers average about 7,300 pounds an acre on this main crop of rice. They sell to the Beaumont Rice Mill and the Gulf Rice Mill. Ray has considered joining the Riceland Coop out of Arkansas, but he prefers to have his rice sold and milled in Texas. He says, "declining infrastructure is a real problem for our Texas rice industry, and we want to do what we can to support our local mills."

But Ray feels that the government policies regarding food exports have really hurt American farmers. He recalls the years when Iran and Iraq were two of our best export markets. They would buy the lion's share of U.S. rice. Not surprisingly, Ray feels the Cuban market should be open to U.S. farmers, as export embargoes only serve to hurt American farmers. They hurt farmers here at home. And they are not effective in dealing with political problem governments.

Ray's younger son, Grant, is also very involved in the family farming operation as well as promoting the rice industry.

And of course, there is Mom, Eileen Stoesser, very proud of all of her boys. She includes Ray as one of her boys, and has had many happy stories to tell about their life on the farm as the wife of a rice farmer. She remembers making a trip with her family and driving past endless fields of green. Eileen thought this was the most beautiful sight she had ever seen, and asked her parents what is growing on these flooded fields? Little did she know how important that beautiful crop would be, how it would come to shape her life. It was rice growing in southeast Texas.

Ray and Eileen, they are humble folks. They believe that all their success comes from the good Lord. Ray said, "I can plant the crop, but I cannot make it grow, only the good Lord can do that. I have been blessed with a wonderful upbringing, a beautiful family, and the talent to serve God by producing food for the American people."

That is Ray's story. He is still farming in southeast Texas.

Jack Wendt is also a third-generation rice farmer. He just planted his 62nd rice crop. Jack, he is not a young guy. Some would call him a senior. He is in his eighties. But you would be hard-pressed to keep up with the pace that he sets each day. Jack and his wife Billie, they live in Richmond, Texas, and the house outside of Kendleton is used for social gatherings, receptions, weddings, church functions and rice meetings. That is what they do in the country, Madam Speaker.

Much of the furniture in the house is from their parents. There are several door frames dating back to 1868 from the original homestead of Billie's grandparents in Fulshear. That farm had been continuously operated by her family for over 100 years and was designated as a Texas Century Farm by the Texas Department of Agriculture. There are old photographs of Billie's and Jack's ancestors around the house, kitchenware and tools that date back to the 1800s.

Jack takes pride in their family heritage. The man Jack called Grandpa Wendt came to America, like many other rice farmers, from Germany. He came in 1856, and he settled in this town called Sweet Home, Texas. That is right, Madam Speaker. It is Sweet Home, Texas.

His father, William George, born in August of 1886, served in World War I, fighting for the United States. In 1936 his family moved to Stowell, Texas and started farming rice.

Jack Wendt is an activist, and he has written our President, President Bush, and a number of Members of Congress, letters about the issue of rice. This is one of the letters he has written President Bush recently. I will read part of it because it is lengthy.

He starts, "Dear President Bush. I am a third-generation rice producer. I have spent my entire life, except for 3 years in service to the United States during World War II, being involved in agriculture; rice, cattle, cotton, and grain. I will be 83 years old this year, so I have seen a lot of changes, changes from horses and mules to 400 horsepower tractors, threshing machines to combines. This statement is coming from a farmer who is still actively engaged in the production of agricultural products.

"All of us who are engaged in production of agriculture commodities that are subsidized by the USDA are very concerned about the proposed cuts the administration is considering in the 2006 budget. Some commodities will not survive if these cuts are a reality.

The subsidies that we now get for our crops are just enough to keep us in business. Other developed countries are supporting their rice production 3 to 10 times more than we are in the United States. The reason: These countries do not ever want to be without an adequate food supply.

Three of our most lucrative markets we have ever had were Iran, Iraq and Cuba. The seed money to develop these markets came from our check-off funds. Now our government has curtailed sales to these countries by putting sanctions on the countries. Other rice-producing countries are supplying most of their needs. That should not surprise us. If we do not sell food to some country, they will buy it somewhere else. When and if these sanctions are ever lifted, it would be hard to reestablish these markets.

American agriculture is known by some to be the envy of the world because of its quality and high production per acre. Since we are losing prime farmland to urban development, it is very important we maintain and support American agriculture and research so we can continue to produce our needs on less acreage. You know and I know we do not want to depend on our food supply coming from foreign countries. Although we in the United States, in the American agriculture, represent less than 2 percent of the American population, we play a vital role in the balance of trade with other countries. Agriculture is America's number one export. It totals $53 billion a year."

He goes on to say, Madam Speaker, "Keeping a strong agricultural system in our country is as important as keeping an updated and strong army. The old saying goes; 'you cannot fight or work on an empty stomach.' Once you lose the desire of the American farmer to produce, and he is forced to leave the farm, it will be hard to replace him or get him back on the farmland. American agriculture was built on individual initiative, private investment and incentives to produce. Once destroyed, agriculture will not be restored overnight by some government program or some government bureaucrat.

"If there is one thing Americans do not worry about these days, it is running out of food. We worry a lot about health care, jobs, the environment, crime. But food miraculously shows up on our supermarket shelves every day. There is plenty of it. It is not priced that bad, and it tastes pretty darn good. The truth of the matter is our food supply is the best and safest in the world. Let us face it, Americans are complacent about food and where it comes from, not realizing that most of our food is homegrown.

"Restrictions and regulations are putting a noose around the farmers' necks and tightening. Most of the farmers are top-notch stewards of the land. They care about the environment and want to do the right thing, but regulations that are being talked about in Washington, DC are punitive and would curtail farming.

"Here are a few of the facts. Today, each American farmer produces food and fiber for 144 people.

"American farmers produce 18 percent of the world's food on 10 percent of the world's land.

"American farmers account for 25 percent of the world's beef and veal production, 40 percent of the world's corn production.

"Food is most affordable in the United States where consumers spend less than 10 percent of their income on it.

"Farm programs that we now have represent only four-tenths of 1 percent of our national budget.

"However, as it is with most Federal legislation, the cost of our farm program is misleading. Our farmers will not receive all the money earmarked in the farm bill. In fact, they will receive only 30 percent of the funds. The remaining 70 percent in this fund, in this bill, provides support for the Food Stamp Program, the Children's Nutritional Programs, the Women, Infant and Children Care Program, and a range of other USDA programs. The bottom line is that funding provided to producers through the farm bill costs $0.17 a day per family in the United States."

□ 2145

He goes on, Madam Speaker, to point out, it takes 440,000 people to process, package, market, finance, and ship agricultural exports. Thanks to our farming families, more and more Americans in related businesses are working.

The United States is one of few families in the world that has never known wide-spread hunger. Not relying on other countries for food is key to national security. The vast majority of food America eats is grown by U.S. farmers. The question is not whether food price support is necessary, but one of determining how much price support is needed to protect our food producers and our food supply from unfair competition brought about by unequal agricultural trade restrictions on the American rice farmer.

Like other businesses in our country, U.S. agriculture products have shown they can compete with the very best from any country, sometimes even when the playing field is leveled against them. So we must keep our agricultural system strong so Americans can never be dependent on foreign food imports to feed our people. If the American consumers want to keep adequate food supplies, the safest and cheapest cost per capita of food in the world, then our government should maintain a support level on agricultural commodities that is necessary to keep us in business until free trade supply and demand will return as it was in the past.

In conclusion, Madam Speaker, with two comments in quotations from former Presidents. One is from President Dwight David Eisenhower when he said: "Our farmers are the most efficient in the world. In no country do so few people produce so much food to feed so many at such reasonable prices."

He also quotes President Bush 41, when he said: "Our Nation owes a debt of gratitude to our farmers and to our ranchers to help ensure the stability of our economy, for providing food products that amply meet our citizens' needs and for representing what is best about America and its people."

He concludes in his letter, Madam Speaker: "Therefore, Mr. President, I urge you pose proposals to reopen the farm bill and single out farming families. Please give us new markets for our rice."

Madam Speaker, these figures and personal accounts all point to the two main obstacles faced by rice farmers. The fact that the land that the farmers work in many times is not land that they own, but they are tenants on the land. Yet the owners of the land are the ones who receive the subsidies. Also, the United States Government has shut off several of the key markets to which our rice farmers used to sell.

The rice farmers that I have talked to, Madam Speaker, they do not want to be dependent on the government. Most believe they are forced to sell their land and become tenants to land owners because of the government. The land owners receive the subsidies. Maybe the farmers who work the land should receive the subsidies.

But with all this talk about free trade, the real issue is, Madam Speaker, is we prohibit free rice trade. It is unjust to further cut subsidies unless we expand the scope of the rice trade. During the 80s, Iraq was the number one rice market for American rice producers, producing 80 percent of Iraq's rice imports.

American rice sales to this country alone peaked at 500,000 metric tons. But from 1991 to 2003, because of Saddam Hussein and the Iraq sanctions, the U.S.A. Federation and the U.S. Rice Producers Association estimate that the United States lost $1.9 billion in rice export sales to Iraq.

As a result of loss of these sales to Iraq, other countries have stepped in to sell rice to Iraq. Two of them are Thailand and Vietnam. We have perfectly good rice in the United States, perfectly good rice in Texas and the five other States that grow rice. Not every State grows rice in the United States, Madam Speaker. The States that grow rice are Texas, California, Louisiana, Arkansas, Missouri, and Mississippi.

Here we are rebuilding Iraq with American money, and yet rice is bought from Vietnam to restore Iraq. I ask the question, why. Charity begins at home if we wish to have charity, and maybe we should think about some of the other foreign giveaway programs that this country is involved in before we cut subsidies to our rice farmers, remembering, of course, that they really do not want the subsidies as much as they want market for their rice.

In January I had the opportunity to go to Iraq. I met with James Smith. He was a counselor for the Office of Agricultural Affairs at the United States Embassy in Baghdad. That is a long title, but he is the person that is responsible for helping American farmers get rice to Iraq.

He is a good individual. He understands rice economics 101. I congratulate him on his efforts to make sure that we get rice, especially Texas rice and rice from the southeast United States to Iraq.

Upon returning to the United States, I was later invited by the gentleman from Texas (Mr. BONILLA), chairman of the House Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations to join him and other congressional leaders to discuss with the Iraqi grain board the further expansion of United States rice trade to Iraq.

We learned in that meeting that the Iraqis, through the Iraqi grain board, had purchased 60,000 metric tons of U.S. rice and another 360,000 metric tons will be purchased soon. The Iraqis wish to buy all the rice that they can. It is estimated that Iraq will need 1.3 million metric tons of rice every year. We want that rice to come from the United States, and we need to make sure that it is American rice that is on the Iraqi supper table and not rice from Vietnam.

And while, Madam Speaker, this is a great historic first step, we cannot stop there. We need to reopen trade, not only with Iraq but also with Cuba on the issue of agriculture products, specifically rice. These two countries along with Iran were countries that we used to send our rice to before trade embargoes and sanctions were set.

So these are some issues that are before the House and before our country. It is called food and food supply. I am working along with many others to facilitate rice trade with Cuba. I believe that our sanctions against Castro's regime, which have been in place since 1963, should not prevent our Nation from selling our farm products to the people there.

Madam Speaker, the Cuban people will eat rice just like the Iraqi people will; and if we do not sell it to them, they will get it somewhere else. Why are we economically hindering ourselves, our farmers, and our industries? The Cuban market remained closed until this body passed the Trade Sanctions Reform and Export Enhancement Act of 2000. With the reopening mandated by this law, rice sales to Cuba have grown to $64 million a year. But now we hear that some want to slash back this trade for political reasons.

On February 22 through the Treasury Department's Office of Foreign Assets Control, it announced it was redefining what Congress had put into law, that being the definition of payment of cash in advance. To most folks, payment of cash in advance is not a complicated issue. It means what it means. This bureaucracy is getting in the way of congressional intent. So Cubans are beginning to look to other nations, not surprisingly, Vietnam and Thailand and other sources for their rice. So I encourage other Members of this House to co-sign on to H.R. 1339 to further explain in simple terms to government bureaucrats that farmers should be allowed to trade with Cuba on a cash for crop basis.

I continue to hear from rice farmers in my district that if U.S. political leaders would open world markets to American farmers, price supports would not be necessary. The modest price support provided by the U.S. Government and the greater efficiency of the U.S. agriculture production simply are not enough to provide a level international playing field and prevent erosion of U.S. agricultural infrastructure. We just want markets, Madam Speaker.

America's food supply is the safest, it is the best quality, it is the most abundant and the cheapest in the world. As the agricultural society of the United States declines, we will become more and more dependent on other countries for our food. This could lead to a national security problem.

It is one thing for this country to become more and more dependent on other countries for energy, but we should never get in the position, Madam Speaker, that this country becomes dependent on any country for our food. We cannot let that happen. It is a national security issue.

Maybe we should also consider using Texas rice as an alternative fuel like Nebraska is doing with corn and Hawaii is doing with sugar. In devising a long overdue energy plan, we should capitalize on rice's potential. We should be openminded, be innovative, and not depend on foreign nations for not only our food but our energy as well. And this has great possibilities, Madam Speaker.

This week is Small Business Week. Farms, the American farmer, the American farm family are the best examples of small business in the United States. So tonight and tomorrow morning when we push ourselves away from our tables, we need to thank the American farmer. We need to thank the folks like Ray Stoesser and Jack Wendt. We need to thank their families for what they have done to America and for America. They are our natural resources, for there is nothing quite like the American farmer.

Madam Speaker, that is just the way it is.

KEEPING COURTS SAFE

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, I want to thank the gentleman from Texas (Mr. POE). That was very inspirational. I was not sure rice farming could be that inspirational; but after the gentleman from Texas talked about it, I feel better already.

Madam Speaker, it is a pleasure to be before this body tonight and to address a number of things on a number of different issues. I have got to say, for those who have never been on this floor, it is a humbling experience. And I know that when on January 4, I sat right over there in that chair on the aisle and when the Speaker, the gentleman from Illinois (Mr. HASTERT), said, "Raise your right hand," and he repeated the oath that we were going to take, and I raised my right hand, for some reason, though I have been in here a few times before, I had never looked above the Speaker's head. And as I looked above his head, it kind of choked me up. Because above the Speaker's head are the words "In God We Trust." And that goes back to the beginning of this Nation and to the fact that God has truly blessed America.

Now, in that context I have a number of things I want to talk about, a number of things that people within my district there in east Texas, the first district of Texas, the historical district where the great American Sam Rayburn was Congressman, later Speaker. I realize that nowadays that will not happen to this Congressman from the First District of Texas, but it is humbling to follow those great footsteps of a great American.

Wright Patman was my Congressman. He served in the first district. He was followed by a number of folks, like Sam Hall. He became a Federal judge after serving in Congress, just a great American. He made Marshall, Texas and all of us in east Texas proud.

So as I began about filling this time as Congressman, these 2 years that the voters have so graciously allowed me, there are a number of things that we have undertaken and one of the things I want to mention is the bill that we filed last week. It is entitled The Secure Access to Justice and Court Protection Act of 2005.

It does a number of things. We had looked around, and with my background of having been a district judge, having been a chief justice of a court of appeals, I have a great deal of sensitivity. And as we saw that the Federal judge's husband and mother in Illinois were killed as a result of her efforts and her duties as a judge, we realized something needed to be done, that it was rather tragic. As we saw what happened in Atlanta, Georgia, as we saw what happened in Tyler, Texas around the Smith County Courthouse where I served so many years as a judge. We realized something has to be done to make people realize that they can not be threatening the system that has come to mean so much. It is one of the few things that other countries do not have and that is a fair, equitable justice system.

Madam Speaker, you have heard me, I am sure, get after the Supreme Court. I have been rather upset about some of the things and some of the reasoning that they have used in arriving at some of their decisions.

□ 2200

I will criticize judges with whom I disagree. I will criticize the Supreme Court. It is our American right to do that. Many have fought and died to give us that right, to secure that right, but when it comes to threats or violence, they have no place whatsoever in this country.

Our justice system needs to be, if nothing else, the last bastion of civility, where people can come together. No matter what has occurred outside the courthouse, they can come together and know that we will take turns. We will sit down. We will talk in order. We will not talk over each other. We will give people the opportunity to have a fair trial, to have due process fulfilled. We will give people the right to have a speedy trial.

All of these things are so critical, and that is why I am proud to have filed this bill, and we even had people talking about bipartisan support. I have the gentleman from New York (Mr. WEINER), a bipartisan cosponsor, staunch Democrat, but I am proud to have him as a cosponsor on this bill because this is serious, and there are a number of things that this bill does, and I wanted to briefly touch on some of those.

For one thing, it creates stiffer penalties for individuals who harm or threaten to physically harm a Federal judge, their families, jurors, witnesses, victims or informants. And to give you an illustration of what we are looking at, currently if you were to assault or threaten someone who was a Federal judge, for example, you would be looking at zero years to 8 years prison time. Now, if it is a simple assault, it would be a maximum of 1 year, a misdemeanor; but assault resulting in any bodily injury at all would get you 5 years in prison or up to 20 years in prison. Assault with a dangerous weapon, this is serious stuff, that could be anywhere, currently, zero to 20 years. However, if it was a dangerous weapon, under the bill that we filed, it would mean a minimum of 15 years in prison, a minimum of 15 years.

I know there are some people that are against mandatory minimums. I never cared much for the Federal guidelines when they were imposed. They do have some purpose, but whatever the crime is, we have always had minimum punishments. We have always had maximum punishments. If it is a misdemeanor, the minimum would be a zero or the maximum up to a year, but we go from there and we try to set a range based on the severity of the penalty. This is what this bill does.

If you threaten any of the items I have mentioned, then you would be looking currently at a maximum of 10 years. Well, now, you would be looking, if you threaten kidnapping, with a minimum of 30 years. If it is some other type of threat, then you would be looking at 5 to 20 years, but we need to get the message out.

One of the things I ran into as a judge was sometimes you have people in the State penitentiary who thought it might be a cute idea to threaten a judge or make some threat through the mail, which would invoke Federal jurisdiction, and therefore, maybe they could get moved from a State prison. They did not like to be in a Federal facility.

Having been there, done that, knowing how some of those folks think, we want to address that, and that is addressed in this bill. Because if there is a threat and you were in prison at the time you make such a threat, you do not get moved immediately to a Federal facility. Nope, that is not the way it works.

The way it works is, you will be tried, and if convicted, you will get a sentence, and it will be mandatorily stacked on top of the State sentence. It will not begin to run until the State sentence is complete. That is fair.

We got a good suggestion from one of the Federal judge friends of mine with whom I consulted recently. He said one of the problems is people do not always know the consequences of what they are doing. He made the suggestion that if this bill passes, as I hope and urge my colleagues to help me do, if it passes, then he suggested we ought to put warnings in the State penitentiaries so that they understand, if they send out a letter that has got a threat in it, it is going to be stacked. There are so many urban legends that float around our State penitentiaries, and we need to get that straight by warning them exactly what will be the consequences of what they do.

One of the problems we have had in this country, and I addressed it as a judge and I hope that this body will be more consistent in what it does, what it recommends and what it passes. But we have had trouble convincing people we are going to keep our word. If a person or a body has no word, has no integrity, then you have got nothing, there is no believability. And I have already experienced it. There are just a tiny few people here in this body who have no credibility with their peers. That is tragic. That is tragic. A good name is critical.

So I think this, if it is passed, would let criminals know these are the consequences, and then we follow up and make sure that, by golly, they are the consequences.

There are some other things that are addressed in here as well. We would have protection for Federal judges and

Federal attorneys, participants in Federal proceedings, from the filing of false and fictitious liens. In Texas, we had a problem with that. A number of us, some of my close friends, our State Supreme Court chief justice had liens that were filed.

We had a renegade group there who set up a storefront operation, and they manufactured their own summons, their own type of court system. They claimed that Texas was still an independent Nation, that they were not truly a State, and therefore, they were claiming jurisdiction. So they would send out some notice that you were being sued in their court, and obviously, people would not show up. So they would secure a default judgment for millions of dollars, take this actually fair-looking judgment down and file it with the county clerk. Well, now, it has asserted a lien, a cloud upon the title of anyone such as the chief justice there in Texas.

So the good legislators in Texas addressed that, and the way they did it was by making it a crime to file a false or fictitious lien. That needs to be done in the Federal system. We have Federal judges who are now having that very thing done to them, and it needs to be addressed, and this bill will do that.

We would also make it a Federal crime to publicly distribute certain Federal officials' personal information over the Internet. There are apparently Web sites that encourage the killing of judges, the killing of court officials, the killing of lawyers. This is just unconscionable, and as Americans and as Members of Congress, we should not give in or look the other way. We need to take it head-on and let people know this will not stand; we will fight it.

It also ensures the coordination, on a continuing basis, between the U.S. Marshal Service and the Administrative Office of the United States Courts regarding the judicial branch's security requirements. There have been problems, and we need to have better coordination between some U.S. marshals. We have got a very good U.S. marshal in the eastern district. John Moore is doing a good job. He coordinates with the Federal courts, but that needs to be done better around the country, and this bill will require that.

Another problem that has never been addressed, and it has come to light as a result of the Oklahoma City bombing, of 9/11, there was no provision that would allow, in the event of an emergency, a Federal judge to transfer venue based on just an emergency, and so that needs to be addressed. We have addressed it in this bill. In the event of an emergency situation, rather than having an Oklahoma City bombing stop all trials,because they cannot be moved beyond the jurisdiction, or a New York City bombing where the city perhaps it could have been where they were under a greater threat still, so much unknown, would allow judges to move to another district, even another State if necessary, whatever is necessary in order to secure a fair and impartial conclusion to the trial that is before the court. So this would also address that as well.

There was a provision that was added at the request of others regarding the appointment of U.S. marshals. I am getting a lot of flack from the Sheriffs Association, and we may need to look at that, but we will do that and we will take a look.

We have had a hearing on this already. We should be looking at a markup next week. So things are looking good, and I appreciate the leadership allowing us to do that.

UNITED NATIONS ACCOUNTABILITY ACT

Mr. GOHMERT. Madam Speaker, I do have another bill that has not yet been filed. We are in the process of gathering sponsors for this bill, and I have simply entitled it the United Nations Accountability Act. It is high time we did have some accountability from the U.N.

So what this bill does, it just simply says, and I can just read the first prohibition. It says simply, United States assistance may not be provided to a country that opposed the position of the United States in the United Nations. It goes on to define that as meaning that, opposed the position of the United States means that the country's votes in the United Nations General Assembly during the most recent session of the General Assembly, and in the case of a country which is a member of the United Nations Security Council, the country's votes in the Security Council during the most recent session were the same as the position of the United States less than 50 percent of the time, using for this purpose the overall percentage of voting coincidences set forth in the annual report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991. That is just the date of the act.

Each year, on March 31, there is a requirement for a new report to be filed, and in that report, it sets out the votes of all the member nations. And from that, Madam Speaker, you would be shocked, I imagine, to know but from that we have gleaned the following information. We have also gone through and pulled information, most recent we could find, as to how much U.S. aid is being given to other country.

I want to make this clear. I believe with all my heart every nation is a sovereign nation. Every nation has the right to make its own decisions. In the event a nation becomes a threat and threatens those around it, as Nazi Germany did, as Mussolini's Italy did, as Saddam Hussein's Iraq did, then it becomes necessary for self-defense. In Texas, it is just plain old self-defense. In the event it is reasonably necessary to protect yourself, it is self-defense. We have defended this world and our country, and we have done it well, and that is a different matter.

Barring the situation like that, every country gets to make their own decisions. However, this is the United States of America. We do not have to pay people to hate us. We do not have to pay people to vote against us at every turn in the U.N. They want to do that; that is fine. What this bill says is you want to vote against us all the time in the U.N., you want to be a constant burr in our saddle, you want to cause trouble for this country, fine, but we do not have to pay you to do it.

Running down some of the countries, do you know, Madam Speaker, the nation of Egypt, great rich history in that nation. Egypt; apparently U.S. aid is around $1.86 billion and the percentage of the time that Egypt has voted with the United States in this last session that we just got the report from in March, 8.5 percent of the time. They are voting against us 91.5 percent of the time and we are paying them $1.86 billion.

Let me mention also before I go through some of the other highlights of nations that were on this list, another thing about this assistance is defined in my bill. The term "United States assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 that relates to the Economic Support Fund. Under chapter 5 of part II of that act, it relates to international military education and training and also the foreign military financing program account under section 23 of the Arms Export Control Act.

In other words, we are not going to send you money, we are not going to take your people and teach them how to fight and how to fight us while you are voting against us and actually showing yourself to be a threat to the very things that we hold dear.

☐ 2215

You want to be just a pain, you want to be a threat, that is your business, but we are not going to pay you to do that. We are not going to train your military people, we are not going to train your pilots, you are just going to get cut off.

Now, I also want to point out that under this bill, if it were passed and signed into law as is, it would not take effect until after the March 31, 2006, report comes out from the U.N. By that, it would give countries plenty of time to understand the consequences of their acts. Just as I talked about in the prior bill, there are consequences to our actions. There need to be. And people need to know what those consequences are. So with this bill, we will give them plenty of time. They are going to know every time they take a vote that it is going to cost them. It is their choice, but we do not have to pay them to be disruptive to what we believe in.

Colombia, for example, they get $574 million. They voted with us 10.6 percent of the time in the U.N. in this last year. Jordan, $559 million we have sent to them. They are much more supportive than Colombia. They voted with us 16 percent of the time in the last session. Sudan, $435 million. Actually closer to $346 million. They voted with us 13.3 percent of the time. We have Pakistan. They vote with us less than 10 percent of the time, and we have provided $400 million in aid, just in financial assistance alone. Ethiopia, $354 million. They vote with us 13.8 percent of the time. Liberia. We give them $224 million, and 13.6 percent of the time they vote with us. Uganda, $182 million.

I mean, this really testifies to the generosity of the soul of America. Generosity is one thing, and I am proud we live in a generous Nation; but stupidity when coupled with generosity is not necessarily a real asset. In fact, I was struck. The dean of one of the schools at Yale, just a delightful, brilliant man, was telling about being in a cab. I believe it was in Chicago, and the cab driver was a foreigner. And they got to talking, and since this dean was not originally from the United States they got to talking about the attributes of America or the problems in America. And as they discussed America's strengths and weaknesses, the cab driver made this comment, and I love it, and I hope that my fellow Members will remember this. It is a great observation from someone from another country. He said, America is particularly lacking in the singular vice of jealousy.

We are a generous country, but we are not a jealous country. Is that not a great observation from someone who is not from this country? When you really get to know the heart and soul of America, we are not a jealous country. When we see another country do well, when we see another country obtaining freedom and stretching their wings to fly, this country rushes to their support. We applaud them. We help them however we can. And it makes me so proud to be a part of a Nation that is like that, a Nation that is particularly lacking in the singular vice of jealousy. That is America.

Even so, though we are not a jealous Nation, we do not have to pay people to hate us. We are paying people to do that very thing. Madam Speaker, one of the things I ran on and one of the things that drove me off the bench was that I got sick and tired of seeing case after case where we were paying people to do what was bad for the country. On the other hand, we were penalizing people for doing what was good for the country.

A good example: the marriage penalty. I have heard people talk for so long about we need to fix the marriage penalty. Well, you know what, it is real easy. You want to fix the marriage penalties? Even under the existing code, all you would have to do is say if you are married and both are working, instead of having thousands of dollars in penalties because you did the wonderful thing of becoming married, you can file married jointly or you can file as two single individuals. And in that case, hey, it is whichever one is better for you. Boom, there goes the marriage penalty; it is not a problem any more. We do not have to keep adjusting formulas, it is just fixed, and we no longer penalize people for doing the right thing.

I have heard elderly couples talk before about they wish they could get married. They always felt like it was living in sin to be living together and not married, but they could not afford to get married because the government would cut some of their Social Security if they ended up coming together as husband and wife. Well, how tragic is that? We are paying people to violate their own sense of morals, and this country should not be about doing that. Likewise, we should not be about paying countries to do what hurts us.

Going down the list a little more, Peru. We give Peru $180 million-plus. They vote with us 25 percent of the time. We have Bolivia here, $155 million-plus. They vote with us 23 percent of the time. And if somebody is listening and I touch on one of your favorite countries, or maybe your homeland, and you think, gee, I do not like the way he is talking about my country, it is like Sergeant Friday used to say, "It is just the facts, ma'am. Just the facts."

We have Kenya. We give them $142 million. They vote with us 12.5 percent of the time. Serbia, Montenegro, $134 million. Now, they do much better. They are with us, looks like 42.6 percent of the time. Haiti. We have sent our troops, we have sent people to fight on their behalf, we have given them money, $132 million most recently; and they vote with us 18 percent of the time. They really appreciate all we have done for them, obviously.

India, $128 million, 20 percent of the time. And this is just the U.S. aid. This is just the direct aid. There are probably all other kinds of other sources we would have to look into. This is just the direct financial aid that my staff has been able to dig up. And I do appreciate Mike and Ashley and Brian doing such hard work on this.

We have Indonesia, $125, right at $126 million. Boy, they appreciate so much our generosity. They vote with us 8.3 percent of the time in the U.N. We have Ukraine. I really think the world of Ukraine. These are independent-minded people. When I was on an exchange program over in Ukraine back in 1973, they struck me a lot like being Texans. They are very independent-minded. They just had a can-do attitude. We can make things happen. Ukraine, I am shocked to say, this great nation of Ukraine, it voted with us 28.6 percent of the time and we gave them $113 million.

Now, at this point I would like to point out there is an exception in here in this bill, because we know a country can have a change of regime. And if they have a change of regime, and the new regime is friendly to us, then we ought to be able to help them at that point. So there is a provision here that says that if the Secretary of State determines that since the beginning of the most recent session of the General Assembly there has been a fundamental change in the leadership and the policies of the government of a country to which the prohibition in section A applies, and the Secretary believes that because of that change the government of that country will no longer oppose the position of the United States in the U.N., then the Secretary may exempt that country from the prohibition that is in this act.

So that song Santana did, "You Have Got to Change Your Evil Ways," of course it talked about "Jean and Joan and who knows who," but this is talking about these countries. They have to change their evil ways. And if they do, then we will start helping them again. We see a regime change, the Secretary of State certifies that they are going to be on our side now, we want to help them all we can. The fact is, we want to help all these countries. All these countries should be great to help, but as long as they are doing what they can to undermine all the good, the truth, the liberty, the freedom, the things that we hold dear, as long as they are trying to undermine those things, we should not be paying the billions of dollars that we are to help them do that, to undermine our great ideas of freedom and democracy.

I do not know if you can see, but, Madam Speaker, this is a two-page list, fine print going down here of all the people we are giving money to that vote with us less than 50 percent of the time. You have the Philippines, $111 million, 13 percent of the time they vote with us.

Russia, $107 million we have given them. And some people think Russia is the whole big former Soviet Union. Russia was one of 15 states. I was intrigued when I was in the former Soviet Union back in 1973. Most people in America knew so little about the Soviet Union. They knew all about us, and that was most interesting. They knew we had 50 States; they could talk about George Washington. You talk to Americans, they did not know much of anything about the Soviet Union.

We also have South Africa. Most folks felt like South Africa was now on our side. Freedom-loving people in

America went to bat for South Africa. It was so unfair with the disparity and the treatment between the races. Under God's plan, as the Declaration of Independence said, under the Creator's plan all people should be equal. They were created that way, and by his grace should be that way. But, unfortunately, in this world of sorrow, it requires people fighting and dying to secure that right that God gave us. But here is South Africa. We give them nearly $100 million. They vote with us 11.4 percent of the time.

Bangladesh. Of course, we remember how generous not just the American Government was in times of suffering, of flood, our people poured out their hearts, they poured out their finances. And Bangladesh, they vote with us 8.6 percent of the time.

Angola, $91.75 million in aid we have given to Angola, and they vote with us 17 percent of the time.

I realize if there is anybody left watching C-SPAN that they maybe dozed off. I have been a very restful thing for them to have happen tonight, and I am pleased I could do that. The trouble is, this is serious stuff. This is our hard-earned tax dollars that are getting poured down the drain, because some of these countries have shown their contempt for freedom, for liberty, again for the things we hold dear. They are taking our money and pouring it down the drain, and feeding the egos of dictators and people that should not even be touching the money. Our taxpayers deserve this money. It is their money, and they should not have their money paid to countries that are going to stick it in our face.

So, Madam Speaker, if you do not mind, I am just going to continue down this list. We have Georgia, the great state of Georgia. I remember when I was in Ukraine, somebody told me about the fellow walking along the street in Georgia. And the Georgians like to use their hands all the time when they talk. So this guy was walking along carrying a watermelon, and a tourist came up to the Georgian, and this is in the Asian Georgia, not our U.S. Georgia, but he came up to the fellow carrying the watermelon and asked him, can you tell me how to get to the town square?

□ 2230

The Georgian said, "Will you hold my watermelon?"

The tourist said, "Sure."

He gave the watermelon to the tourist and said, "I do not know." He takes his watermelon and goes on. They like to use their hands. They have a great sense of humor. We have given them $90 million at least in aid. They have done a little better. They voted with us 36.7 percent of the time. Under this bill if it is passed, they will have to do a little better. If they want to keep having us contribute, because it is what it is. It is a contribution to a country that has nothing,but disdain for us.

I am not talking about the people. I admire the people in the former Soviet Union, but you cannot admire or feed a government that does not believe in freedom and only believes in taking the freedoms of its people. Now Georgia has made great strides, but there is more to be done. We do not have to contribute to a government that can not stand us.

Zambia, we have given them huge amounts of aid, and 12.7 percent of the time they vote with us.

Nigeria, $80 million, and they vote with us 14.9 percent of the time.

Armenia, $79 million, nearly $80 million just in direct foreign aid, 26.9 percent of the time they vote with us.

Mozambique, right at $80 million, and 10 percent of the time they vote with us.

Tanzania, $77 million, 11.9 percent of the time they vote with us.

Eritrea, $72 million, 10.6 percent of the time is all they vote with us.

Here is a shocker. Here is a real shocker. We hear so much talk about our friends, our neighbors, that we should be supporting each other and helping each other and I agree with that, we should be good neighbors; but that neighbor thing is a two-sided thing when it comes to national policy. I believe in the teachings of Jesus, the golden rule is critical. We should be loving our neighbor, but I love my children. I love my three daughters, Katy, Caroline and Sarah with all my heart. But when they acted up, I was not going to reward that, I was not going to give positive reinforcement to negative activity. That is just ridiculous. Simply loving and caring about your neighbor does not necessarily mean you contribute to their delinquency.

Here the shocker: We give in direct financial aid alone, no telling how much else, Mexico, $76.8 million and they vote with us 23 percent of the time in the United Nations. Unbelievable.

According to the most recent report from the U.N., 23 percent of the time is all that Mexico sees fit to support our positions for freedom, for liberty, to avoiding suppression, supporting human rights, 23 percent of the time. It is incredible, just amazing. And the thing is many of us know many Mexican citizens. These are good people. They love families.

I was recently near where a Hispanic family reunion was taking place and it was under a big park pavilion, and I thought this is the way America used to be, families came together for family reunions. I see great hope for America with Hispanics in America with strong religious convictions. These things bode well for America, but it does not matter when you are looking at a country that votes against us so much. That is not a very friendly thing to do.

The Congo, $71 million, they vote against us 27 percent of the time.

Here with Bosnia we have done so much. So many of our American soldiers under the Clinton administration went over there to help out. We are still giving them millions of dollars in financial aid. Bosnia, they see fit to vote with us 42 percent oi tne time.

For the record, I have my laptop sitting here and I have not used it for the entire time I have been speaking.

Ghana, $59 million and they voted with us 14.5 percent of the time.

Ecuador, $55 million, they voted with us 15.7 percent of the time.

Cambodia, $53 million, 11.8 percent of the time they vote with us.

Honduras, $50 million, they voted with us 23.9 percent of the time.

Turkey, we did such a favor for Turkey of eliminating such a threat on their southern border, they would not allow us to utilize their facilities to come in from the north. Our friends in Turkey, we still give them millions of dollars in direct financial assistance, they vote with us 34.8 percent of the time.

Guatemala, $50 million plus, they vote with us 23.9 percent of the time.

Rwanda, $50 million plus, and they vote with us 11.3 percent of the time.

Macedonia, $49.67 million, and they vote with us 42.4 percent of the time.

Azerbaijan, $49 million plus, they vote with us 11.5 percent of the time.

Here is an amazing statistic. With all of the sacrifices that we have made, DPR of Korea, $45.7 million we are still giving in direct financial aid, they vote with us 3.3 percent of the time. And we are still giving them $45.7 million. This is DPR of Korea, but still, we are giving them $45 million to vote with us 3 percent of the time.

Nepal, $45.31 million, they vote with us 12.7 percent of the time.

Nicaragua, $45 million and they vote with us 26 percent of the time.

El Salvador, $44 million, they vote with us 24.3 percent of the time.

Let me see. We have Mali, $43 million, and 14 percent of the time they vote with us.

We do a little better with Bulgaria and Romania. We give them each over $42 million, and they vote with us 44.1 percent of the time. They can step that up if they want to continue, if we can get this bill passed.

Kazakhstan, nearly $42 million, and they vote with us 10.9 percent of the time.

Cyprus, we give them millions, and 40 percent of the time they vote with us.

Uzbekistan, $38-plus million, and 12.5 percent of the time they vote with us.

Lebanon, $36.7 million, and they vote with us 8.7 percent of the time.

Madagascar, nearly $36 million, they vote with us 12.7 percent of the time.

Poland, we have had such camaraderie with Poland. We were so proud of their efforts, once again going back to what the foreign cab driver said, never an ounce of jealousy. We were so proud of what they accomplished, the way they threw off the shackles that bound them and grabbed onto freedom. Poland, we are still contributing direct financial aid, $35 million, basically, and 45.7 percent of the time they vote with us.

Senegal, $44.3 million, and they vote with us 13.3 percent of the time.

The Dominican Republic, we give them $34 million in direct aid, and they vote with us 23.5 percent of the time.

Yemen, $33 million, and they vote with us 8.6 percent of the time.

Brazil, $28 million, they vote with us 14.9 percent of the time.

Republic of Moldova, $27.65 million, they vote with us 36.7 percent of the time.

Namibia, right at $27 million, 15.1 percent of the time they vote with us.

Burundi, $26 million, 9.8 percent of the time they vote with us.

Oman, $26 million we give them, and they vote with us 9.9 percent of the time.

Sri Lanka, $26 million, they vote with us 12.9 percent of the time.

Croatia, $25.7 million in direct financial aid, they vote with us 42.6 percent of the time.

Skipping down, Jamaica, $24 million we give them in direct aid, 12.5 percent.

Some people go that is not that much, $24 million, $25 million, we are talking about taxpayer after taxpayer, hard working hours, factory workers, people working outside and earning a living by the sweat of their brow. We are talking about so many of those type people having their entire taxation going to a nation that cannot stand us and what we stand for.

Vietnam, we are still giving them $22 million, and they vote with us 6 percent of the time.

Ireland. This was surprising to me, good friend, but they only vote with us 42.1 percent of the time.

Cuba, apparently we are somehow giving $21.37 million to Cuba. They vote with us 7.4 percent of the time.

Chad, $21 million, and they vote with us 22.7 percent of the time.

Morocco, right at $21 million, and they vote with us 11.4 percent of the time.

Panama, $18 million, and they vote with us 23 percent of the time.

Zimbabwe, $15 million, and they vote with us 7.2 percent of the time.

Down to Mongolia, $14 million, they vote with us 14.5 percent of the time.

The old Burma, we give $13 million and they vote with us 11.8 percent of the time.

Paraguay, $12 million, they vote with us 24.7 percent of the time.

Tunisia, $12 million, and they vote with us 10 percent of the time.

Botswana, $11.66 million, and they vote with us 12.5 percent of the time.

You know, I hold in my heart nothing but hope that these countries will support the same ideals and the same abstract notions of love and freedom and liberty and help for others that the United States does, but I am telling Members, we do not need to pay them to be a thorn in our side and disrupt the things that we hold so dear. It has been such a great privilege to serve in this Chamber and to learn a little more about this Capitol Building as I have been here. So many people come up from back home, whether it is Marshall or Hallsville or Gilmer or Jefferson or Center, Carthage, Hemphill, we have had them come from all over my district. St. Augustine, Henderson, and from all of the towns around those, Nacogdoches, folks have been up here in numbers. It has been great and it has been wonderful taking them around this great Capitol of ours.

But I have learned a lot of things, Madam Speaker. I have learned just a little more about how wonderfully God has blessed this country, this Nation from its beginning. Going through the Capitol, I was reading this in National Geographic and some other sources.

□ 2245

I knew about the War of 1812, learned about it from great teachers I had back in Mount Pleasant, Texas. And I just assumed that at some point our forces rallied together and drove the British troops out back in 1814 after they had taken the Capitol.

As it turned out, in the War of 1812, when British troops came in here, there is one story about troops coming up the spiral staircase and coming into the House Chamber and the commander coming to the Speaker's chair. Obviously, Madam Speaker, it was not this chair, but it was back in Statuary Hall, what we call Statuary Hall now. Back at that time it was not Statuary Hall. It was the House of Representatives Chamber.

Legend had it he got up there and said, What shall we do with this den of Yankee democracy? And the British soldiers screamed, Burn it. So they pulled the chairs and the desks into the middle of the floor. They set them on fire. They did so at the other end of the Capitol in the Senate Chamber, and they burned. But as the information that I had gleaned indicated, all of the public buildings, virtually all of them, had been burned except for one, and that later became the temporary House of Congress while they were rebuilding.

But the only reason that what is now Statuary Hall and the other side of the rotunda where the Senate met did not burn and collapse like most of the buildings had was because a rainstorm came up that night and it put out the fire.

Like I said, I assumed that American forces eventually regathered their strength, came through Washington, and drove out the British troops. But according to the history that I could find since I have been here, indication was that the day after the rain, a huge windstorm came like nobody there had experienced before. It was blowing British cannon off their mounts. It was given credit for killing as many as 30 British soldiers. There was an explosion of the British gunpowder stored. The British fled Washington, D.C. of their own.

Insurance companies these days have a provision in their policies that would say these types of things were probably acts of God, and I would have to agree. It was by these acts of God that the British troops were driven from Washington, D.C. It was because of these acts of God that we secured this Capitol, we rebuilt it and made it even better.

I love the Capitol dome. That was not the original design. The dome designed before, I think, was not nearly as beautiful. It was lower. It was not nearly as artful as this one. It is a design that now has really become the symbol of freedom and democracy around the world, and I am proud to be part of that.

It is interesting that in the center, in the rotunda, that area was originally wood, as I understood it; and the wood part had burned. Apparently, fortunately for me and fortunately for my colleagues if they like the new dome, the wooden part burned and they had to reconstruct that. And when they did that after that fire in 1814, there were those who wanted to do like some of the European buildings and have a great icon of grace and dignity for that country buried in the middle, have their remains in the middle. They wanted to do that with George Washington's remains. He had been buried at Mt. Vernon. That was in his will. They wanted to finish with a hole in the floor out there in the middle of the Capitol so people could file by and look down below and see where the remains of George Washington were. But as it turned out, they eventually supposedly convinced Martha Washington to let them move his remains but she passed away before his remains were moved, and so a great nephew that took over as administrator said, George Washington said in his will he wanted to be buried in Mt. Vernon; you are not moving him. They eventually filled in the floor, and so George Washington's remains are not buried there. We have a solid floor across the center of the Capitol.

George Washington, what a man he was. I heard a speaker recently, a college professor, say so many of the third world countries really are right where we were in the early days of this Nation. And I asked him to show me their George Washingtons, to show me the men who had power that were willing to walk away from it for the sake of liberty of the whole Nation. Some, like South Africa, had such leaders. Most have not. That is what has separated this Nation and made it great.

George Washington did not really want to leave the Army. He really did not want to preside over the Constitutional Convention. Each time he was convinced to do that because he was the man for such a time as that. And had he not been there and not served and not sacrificed, then we would not have had this Nation.

He really did not want to be President, but his fellow citizens pled with him. He served as President. But there is a picture in the rotunda of him giving up his commission, giving up the power. That just did not happen back in the 1700s. A man who led the military and won a great military battle turns in his saber, turns in the power, and walks away and goes back to being a farmer. It is extraordinary when we think about it for the time. Too many have come to accept such grace.

When we think about the selflessness during those times of other people like Governor Thomas Nelson, Governor of the great State of Virginia, he had a beautiful estate, a mansion there in Yorktown. The war took its toll on his health and his estate. In the final battle there at Yorktown, high-ranking enemy officers were staying in his mansion, and he noticed that his soldiers were firing at Yorktown, but they were avoiding his mansion. And he asked them, Why are you avoiding firing at the mansion? You know there are enemy troops there in my home.

They said, Sir, it is out of respect for you basically. It is your home. We did not want to do that.

He said, There are enemy troops in there. Fire on my home.

They did. They killed many of the enemy. It helped them win the battle. But that is the kind of selflessness that has allowed us to win our independence and gain the Nation that we all have come to know and love.

As I go through some of the people in my life that taught me, like B.J. McDowell, who was a high school teacher, I built a pole barn with him one summer. A great American who had been a Marine in the Pacific. At one point he had shrapnel that ripped off his entire calf, and I saw the scar where they later sewed it back on. But he is a brilliant man, tough as a bulldog. He went out and the hospital ship was out in the water, and they were taking boatloads of people. But when he saw how terribly wounded others were, he could not take a position, he said, on those boats to go to the hospital ship. Even though he was in the horrible pain, he just waded out in the water so the flies would stay off. He had the rest of his calf in his hand, and he waited until all of the more serious people had been taken. The guy loved his fellow man. He loved America. He was a great American.

There was a guy from Winedale, Texas, who was telling me about landing at Sicily in the early morning hours. The lights were bright; he could have read a book if he had one in his landing craft. And as they got closer to the shore, bullets started bouncing back and forth across the front of the landing craft ramp. And all the men looked at each other because they figured, when the ramp goes down, we all die. They had been trained to come out, run abreast toward the beach as quickly as possible. The guy in the front of the landing craft said, Look guys, it sounds like from the way those bullets are going across here, if we run out abreast, we are all dead men. So why do we not try something different. Every man line up behind the man in front of him, grab the belt of the man in front of him, let us try going out single file, and I will go out first.

He went first. He was killed. But most of the men in his landing craft made it. That is the kind of selflessness that people exhibited to make this country great.

One of my classmates, Eddie Johnson, a singing cadet there at Texas A&M, a great guy, he was flying a jet down in the panhandle of Florida. His plane malfunctioned. He was told to eject, to punch out, save himself. He said, If I do, this plane is going to kill a lot of civilians down below me. I am going to try to get this plane to the beach.

He did. He saved a lot of lives but lost his own. That kind of selflessness, again, is what made America great.

On September 11, Madam Speaker, there was an act of mean hatred by people possessed with evil intentions. But I am telling my colleagues there is one thing that is stronger than that evil hatred for so many innocent people, and that is love. That is love. And Americans have had it. We have had love for our fellow man. We want to help those who need help, and it is an honor and a privilege to have built on that.

Madam Speaker, it has been an honor and privilege to be here and to speak about these things.

ORDER OF BUSINESS

Mr. PORTMAN. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Miss McMORRIS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAREWELL ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Madam Speaker, I want to start by thanking the gentleman from Texas (Mr. GOHMERT), who just gave us a wonderful presentation. He is a dear friend. And as I am about to say, there are a number of people in this Chamber I am going to miss, and the gentleman from Texas is certainly one of them.

Madam Speaker, last month I was asked by President Bush to join his Cabinet as the next United States Trade Representative. And tonight I am told that it is likely that the Senate will take up that nomination. If I am confirmed, I am told this will be my last opportunity to speak on the House floor. It is kind of awkward not having the confirmation fully completed, but I do not want to miss this opportunity to say a couple of things to my colleagues.

First, I rise tonight with very mixed feelings. If confirmed, I am very much looking forward to the opportunity to serve our country on the important trade issues that we face. But this was not an easy decision. I am going to miss serving the people of the seven counties in southern Ohio's Second Congressional District. It has been the greatest honor of my life, and I will be forever grateful to the people of the second district for giving me the privilege to serve in this great House.

I ran for Congress 12 years ago to try to make a positive difference in the lives of people and to take the commonsense values and the common sense of the people of southern Ohio to Washington, D.C. To do that, I needed the help of my constituents, who stretch from downtown Cincinnati about 150 miles east through beautiful rural Ohio, all the way to Portsmouth, Ohio. Over the years that has happened.

So many people welcomed me into their homes, into their schools, their businesses, on their farms, into their hospitals, into their places of worship. Others have attended my town meetings, visited with me at parades, county fairs and festivals and invited me to speak at their meetings.

I will miss these sessions, and I will miss the valuable input that I have received. The people of the second district have helped me get a better sense through these meetings of the needs and concerns of the small business owners, the parents, the teachers, the veterans, our seniors, our young people.

Madam Speaker, one thing I am really going to miss is going into the classrooms and reading the children's book called "House Mouse, Senate Mouse," which I would recommend to my colleagues if they do not know about it.

□ 2300

It is a great way to try to explain to kids what we do here and the important work of our legislative branch.

These experiences throughout the district have also made me more hopeful, Madam Speaker, about our future, as a region, but also as a country. I have met so many people and been so encouraged by the dedication of those people, who work hard every day to make our communities a better place to live and to work, and make our communities safer, stronger.

In particular, I will be forever impressed by those who selflessly volunteer their time and their knowledge to help others. And, of course, all of us must be forever grateful to those men and women in uniform who serve us and who put their lives on the line every day for the people.

Together, my constituents and I were able to achieve some great things for our people in the district and across the Nation. We successfully worked together on a wide variety of projects back home, ranging from providing needed funds for the construction of a world-class National Underground Railroad Freedom Center on the banks of the Ohio River, to saving and creating jobs at the Portsmouth Uranium Enrichment Plant in Piketon, an important part of our national energy strategy.

As a member of the Committee on Ways and Means, I am the vice-chair of the Committee on the Budget and a member of leadership, I have also had the opportunity to play a role in some important accomplishments here in Congress; welfare reform, lowering tax rates to improve the economy, responding to the attacks of 9/11 and strengthening our military.

I was also able to take some specific legislation that I authored across the finish line to be signed into law. Often my legislative partner in that was my friend from across the aisle, a good friend and a thoughtful legislator, Congress BEN CARDIN of Maryland.

Some of our legislative successes included laws to stop unfunded Federal mandates; the first comprehensive reform of the Internal Revenue Service in more than 50 years, including adding more than 50 new taxpayer rights; four new laws that have helped reduce substance abuse and its consequences through prevention and education; and, of course, three laws that today allow people to save more for their own retirement. All these accomplishments help people.

I could not have done it without incredible staff, and I want to thank my dedicated staff, both past and present. I am so proud of them, so grateful for their professionalism, their skill, their commitment to and compassion for the people of Ohio's Second Congressional District. Without their expertise, their hard work, these accomplishments that I mentioned would not have been possible.

And I want to thank those in the office of the House Clerk who are here tonight, late, and who are always here for us, those in the cloakroom, those in the Doorkeeper's Office, the Capitol police officers and so many others who have become my friends here and who serve us so well as Members and serve our country well.

Madam Speaker, I am very proud of my time here in Congress, and I am proud to have served with a lot of great men and women who are here for the right reasons and who serve honorably. They are good public servants and many have become good friends.

There are too many Members, both Republican and Democrat, for me to mention here tonight, but there is one Member I would like to single out, and that is DENNIS HASTERT, the Congressman from Illinois's Fourteenth Congressional District. He is known by a lot of different names. He is the Speaker to all of us, he is Coach to a lot of us, he is a loving father, grandfather and husband. But to me, DENNY HASTERT is a good friend and he has been a mentor. I will be forever grateful to him for the opportunities he has given me to serve in leadership and for the many things that he has taught me.

Thank you, Mr. Speaker.

I will wrap up tonight now with a plug for the Central American-Dominican Republic Free Trade Agreement, which I do feel strongly about, but with a few words about the most important people in my life.

I would not be here today without the strong and constant support of my family. My inspiration for serving and for giving back to the community comes from my parents. I was blessed with two great parents, they have been tremendous role models, and I cannot put into words the gratitude I feel for them.

I am also very fortunate to have the best partner I can imagine in my wife, Jane. She does a lot for our community and she is the best mother I can imagine.

I could not be prouder of my three kids, Jed, Will and Sally for their many accomplishments. I himself also thankful for their willingness to allow me to serve, to have allowed me to serve here with my colleagues, to allow me to serve the people of Southern Ohio, and to have given their blessing to this new responsibility I will be undertaking, which will require me to travel more than I would like and to be away from them more than I would like.

I mentioned at my announcement that my 10-year-old daughter Sally had to admit to me that she had never heard of the U.S. Trade Representative, she joins a lot of other people in that, but she said it sounded like a really neat job. And it is. And it is a really important job. Trade affects every one of us. It affects our economic future in very fundamental ways. It also is fundamental to freedom and prosperity around the world.

Fortunately for me, the trade issues are also important to the U.S. Congress, and the House and the Senate are actively involved in so many issues that will come across the desk of the U.S. Trade Representative. As a result, if I am confirmed tonight, I will have the opportunity to work very closely with Democrats and Republicans alike on both sides of the Capitol.

This makes it a little easier, Madam Speaker, to leave the Congress. I want to thank you for allowing me to take the time tonight to express my mixed emotions as I contemplate leaving this, the People's House.

Good night, and Godspeed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 5.

Mr. DENT, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. PORTMAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 2, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1740. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Exemption of Chemical Mixtures [Docket No. DEA-137F2] (RIN: 1117-AA31) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1741. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-67, "Closing, Dedication, and Designation of Public Streets and Alleys in Squares 5246, 5272, 5273, 5276, 5277, 5279, 5280, and 5281, S.O. 02-4088 Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

1742. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-68, "Fiscal Year 2005 Operating Case Reserve Allocation Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

1743. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-69, "Finance and Revenue Technical Corrections Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

1744. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-70, "Carver 2000 Low-Income and Senior Housing Project Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

1745. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule—Filing Documents by Priority Mail, Express Mail, and Overnight Delivery Service [Notice 2005-9] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1746. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule—Political Party Committees Donating Funds to Certain Tax-Exempt Organizations and Political Organizations [Notice 2005-8] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1747. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Reduction of the Yellowtail Flounder Trip Limit for the U.S./Canada Management Area [Docket No. 040112010-4114-02; I.D. 020705A] received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1748. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D. 021105B] received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1749. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AC28) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 (Rept. 109-62). Ordered to be printed.

Mr. PUTNAM: Committee on Rules. House Resolution 248. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and for other purposes (Rept. 109-63). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1036. A bill to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges (Rept. 109-64). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Committee on Homeland Security. H.R. 1544. A bill to provide faster and smarter funding for first responders, and for other purposes; with an amendment (Rept. 109-65). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 22. A bill to reform the postal laws of the United States, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 27, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109-66, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. FOXX:

H.R. 1950. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mr. Baker, Mr. Kuhl of New York, Mr. Allen, Mr. Lynch, Mr. Stupak, Mr. Foley, Mr. Neal of Massachusetts, Mrs. McCarthy, Ms. Harris, Mr. English of Pennsylvania, Mr. Green of Wisconsin, Mr. Jones of North Carolina, Ms. Herseth, Mr. McDermott, Mr. Filner, Mr. Conaway, Mr. Kucinich, Mr. Kennedy of Minnesota, Mr. Alexander, Mr. Salazar, Mr. Bachus, Mr. Wolf, Mr. Gordon, Mr. Bishop of Georgia, Mr. Lipinski, Mr. Ryan of Ohio, and Mr. Smith of Washington):

H.R. 1951. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Financial Services.

By Mrs. KELLY (for herself, Ms. Berkley, Mr. Royce, and Mr. Feeney):

H.R. 1952. A bill to require that certain measures be taken with respect to countries of concern regarding terrorist financing; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself and Mr. Castle):

H.R. 1953. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady", and for other purposes; to the Committee on Financial Services.

By Mr. McGOVERN (for himself and Mrs. Emerson):

H.R. 1954. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. Cooper, Mr. Wu, Mr. Emanuel, Mr. Kennedy of Rhode Island, Mr. Smith of Washington, Mr. McDermott, Mr. Andrews, Mr. Van Hollen, Mr. Davis of Alabama, Mr. Ford, Mr. Dicks, Mr. Allen, and Mr. Price of North Carolina):

H.R. 1955. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. Boucher, Mr. Crowley, Mr. Forbes, Mr. Meeks of New York, Mr. Chabot, Mr. Bachus, Mr. Boehner, Mrs. Drake, Mr. Tiberi, Mr. Cantor, Mr. Moran of Virginia, and Mr. Smith of Texas):

H.R. 1956. A bill to regulate certain State taxation of interstate commerce; and for other purposes; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. Pence, Mr. Flake, Mr. Bishop of Utah, Mr. Hensarling, Mr. McHenry, Mr. King of Iowa, Mr. Bartlett of Maryland, Mr. Feeney, Mrs. Myrick, Mr. Herger, Mrs. Cubin, Mr. Bachus, Mr. Gohmert, Mr. Sam Johnson of Texas, Mr. Pitts, Mr. Kirk, Mr. Keller, Mr. Chabot, Mr. Sessions, Mr. Linder, Mr. Hostettler, Mr. Tom Davis of Virginia, Mr. Carter, Mr. Burgess, Mr. Pearce, Ms. Hart, Mr. Smith of Texas, Mr. Souder, Mr. Otter, Mr. Schwarz of Michigan, Mr. Weldon of Florida, Mr. Goodlatte, Mrs. Blackburn, Mr. Cole of Oklahoma, Mr. English of Pennsylvania, Mr. Simmons, Mr. Tiberi, Mr. Baker, Mr. Manzullo, and Mr. Conaway):

H.R. 1957. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos or silica exposure, to ensure that individuals who suffer impairment, now or in the future, from illnesses caused by exposure to asbestos or silica receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1958. A bill to phase out the incineration of solid waste, and for other purposes;

to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 1959. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. Larsen of Washington):

H.R. 1960. A bill to amend the Internal Revenue Code of 1986 to expand pension coverage and savings opportunities and to provide other pension reforms; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 1961. A bill to amend the Internal Revenue Code of 1986 to expand pension coverage and savings opportunities and to provide other pension reforms; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 1962. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1963. A bill to reduce temporarily the duty on Mesotrione Technical; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1964. A bill to suspend temporarily the duty on Malonic Acid-Dinitrile 50% NMP; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1965. A bill to suspend temporarily the duty on formulations of NOA 466510; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1966. A bill to suspend temporarily the duty on DEMBB Distilled-ISO Tank; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1967. A bill to extend the suspension of duty on Acid black 172; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1968. A bill to extend the suspension of duty on a certain chemical mixture; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1969. A bill to suspend temporarily the duty on N,N'-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenyl opionamide)); to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1970. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 7,7" - [(2-methyl-1,5-pentanediyl) bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl) imino]] bis[4-hydroxy-3-[(4-methoxy sulfophenyl) azo]-, potassium sodium salt; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 1971. A bill to suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid,5-[[4-chloro-6-[[3-[[8-[4-fluoro-6-(methylphenylamino)-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6- disulfo-2-naphthalenyl]azo]-4-sulfophenyl],amino]-1,3,5-tria in-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo]-sodium salt; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself and Mr. Davis of Tennessee):

H.R. 1972. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; to the Committee on Resources.

By Mr. BLUMENAUER (for himself, Mr. Shaw, Mr. Lantos, Mr. Leach, Mr. George Miller of California, and Mr. Tancredo):

H.R. 1973. A bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes; to the Committee on International Relations.

By Mr. BOUCHER (for himself and Mr. Schiff):

H.R. 1974. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. Moran of Virginia, Mr. Wolf, Mr. Tom Davis of Virginia, and Mr. Scott of Virginia):

H.R. 1975. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 1976. A bill to suspend temporarily the duty on Gamma Methyl Ionone; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mrs. Christensen, Mr. Owens, Mr. Payne, Ms. Kilpatrick of Michigan, Ms. McKinney, Mr. Hastings of Florida, Ms. Lee, Mr. Lewis of Georgia, Mr. Cleaver, Mr. Rangel, Mr. Conyers, Mr. Jackson of Illinois, and Mr. Cummings):

H.R. 1977. A bill to establish a commission to investigate the expulsion of African-American residents of the Missouri cities of Aurora, Monett, Newburg, Pierce City, Cassville, and Webb City from their homes that occurred between August 1894 and August 1901, and make recommendations regarding the feasibility and appropriateness of providing reparations to such residents; to the Committee on the Judiciary.

By Mrs. CUBIN:

H.R. 1978. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 1979. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself, Mr. Gingrey, and Mr. Norwood):

H.R. 1980. A bill to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. Andrews, Mr. Baca, Mr. Becerra, Mr. Brown of Ohio, Mr. Cardin, Mr. Cardoza, Mr. Conyers, Mr. Cuellar, Mr. Delahunt, Ms. DeLauro, Mr. Evans, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hinchey, Mr. Hinojosa, Mr. Honda, Mr. Inslee, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick of Michigan, Mr. Lewis of Georgia, Mr. Lynch, Mr. McDermott, Mr. McGovern, Mr. George Miller of California, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Olver, Mr. Ortiz, Mr. Pastor, Mr. Rangel, Mr. Reyes, Ms. Roybal-Allard, Mr. Rush, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sanders, Ms. Solis, Mr. Stark, Mr. Thompson of Mississippi, Mr. Tierney, Mrs. Jones of Ohio, Ms. Watson, and Mr. Waxman):

H.R. 1981. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of substitute adult day care services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. Murtha, Mr. Ryan of Ohio, Ms. DeLauro, Mr. McGovern, Mr. Kildee, Mrs. Capps, Mr. Hinchey, Ms. Slaughter, Mr. Frank of Massachusetts, Mr. Owens, Mr. Higgins, Mr. Pallone, Mrs. McCarthy, Mr. Grijalva, Mr. Rangel, Mr. Brown of Ohio, Mr. Sanders, Mrs. Maloney, Ms. Carson, Ms. Hooley, and Mr. Honda):

H.R. 1982. A bill to amend titles 10 and 38, United States Code, to increase benefits for members of the Armed Forces who, after September 11, 2001, serve on active duty outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or a combat operation; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. Dent, Mrs. Kelly, Mr. Menendez, Mr. Smith of New Jersey, Mr. Hinchey, and Mr. Holt):

H.R. 1983. A bill to direct the Secretary of the Army to review a report of the Chief of Engineers regarding flooding in the Delaware River; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH:

H.R. 1984. A bill to amend the Internal Revenue Code of 1986 to extend the low-income housing credit for certain buildings in high cost areas; to the Committee on Ways and Means.

By Mr. GERLACH (for himself, Mr. Holden, and Ms. Granger):

H.R. 1985. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as damages and attorneys fees and costs under Federal whistleblower protection laws and to allow income averaging for amounts received as lost income; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. SESSIONS, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. CULBERSON, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. PRICE of Georgia, Mr. SULLIVAN, Mr. FORBES, Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. HAYES, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, Mr. SHIMKUS, Ms. FOXX, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. GOODLATTE, Mr. SHUSTER, Mr. WAMP, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. HOSTETTLER, Mr. TAYLOR of North Carolina, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. SENSENBRENNER, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADY of Texas, and Mr. COBLE):

H.R. 1986. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions; to the Committee on Armed Services, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 1987. A bill to amend the Public Health Service Act to provide for an increase in the number of political subdivisions directly receiving awards under the program for improving State and local preparedness for bioterrorism and other public health emergencies; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 1988. A bill to amend section 1369 of title 18, United States Code, to extend Federal jurisdiction over destruction of veterans' memorials on State or local government property; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 1989. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 1990. A bill to suspend temporarily the duty on MKH 6561 Isocyanate; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 1991. A bill to extend the temporary suspension of duty with respect to Diclofop methyl; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 1992. A bill to suspend temporarily the duty on endosulfan; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. EHLERS, Mr. LYNCH, Mr. PAYNE, Mr. KILDEE, Mr. HINCHEY, Mr. HOLT, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. DINGELL, Mr. OWENS, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. MEEHAN, Mr. RANGEL, Ms. KAPTUR, and Mr. TIERNEY):

H.R. 1993. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio (for herself, Ms. DELAURO, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. JEFFERSON, and Mr. JACKSON of Illinois):

H.R. 1994. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mrs. JONES of Ohio:

H.R. 1995. A bill to direct the Secretary of Transportation to prescribe rules requiring car dealerships to verify ownership before providing replacement keys; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. HASTINGS of Florida, Mr. SAXTON, Ms. BORDALLO, Mr. EHLERS, Mr. MEEKS of New York, Mr. WELLER, and Mr. OWENS):

H.R. 1996. A bill to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries that take action to protect critical coral reef habitats; to the Committee on International Relations.

By Mr. MANZULLO:

H.R. 1997. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the article description relating to certain monochrome glass envelopes, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself and Mr. JINDAL):

H.R. 1998. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused benefits in health flexible spending arrangements; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mrs. NORTHUP, Mr. RENZI, Mr. WELDON of Florida, Ms. HARRIS, Mr. KING of New York, and Mr. FEENEY):

H.R. 1999. A bill to better assist low-income families to obtain decent, safe, and affordable housing as a means of increasing their economic and personal well-being through the conversion of the existing section 8 housing choice voucher program into a flexible voucher program, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. PLATTS, Mr. KILDEE, Ms. DELAURO, Mr. PAYNE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. STARK, Mr. KUCINICH, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. SANDERS, Mr. OWENS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. PALLONE, Mr. MCDERMOTT, Mr. BROWN of Ohio, and Mr. WEINER):

H.R. 2000. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas (for himself, Mr. ROSS, Mr. BOYD, Mrs. TAUSCHER, Mr. SCHIFF, and Mr. HOLDEN):

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas:

H.R. 2002. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 2003. A bill to amend the Harmonized Tariff Schedule of the United States to remove the 100 percent tariff imposed on Roquefort cheese; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. LYNCH, Ms. DELAURO, and Mr. MICHAUD):

H.R. 2004. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 2005. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2006. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself and Mr. GUTKNECHT):

H.R. 2007. A bill to amend the Internal Revenue Code of 1986 to allow the $25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 2008. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for donations for vocational educational purposes; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 2009. A bill to suspend temporarily the duty on Tetraconazole; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 2010. A bill to reduce temporarily the duty on M-Alcohol; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SPRATT, Mr. SNYDER, and Mr. CRAMER):

H.R. 2011. A bill to require accountability for personnel performing private security functions under Federal contracts; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. MALONEY, Mr. SCOTT of Virginia, Ms. GRANGER, Ms. HARRIS, and Mrs. DRAKE):

H.R. 2012. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. INSLEE):

H.R. 2013. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the air transportation tax for certain transportation by seaplanes; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. ALLEN, Mr. PICKERING, Mr. OBERSTAR, Mr. TAYLOR of Mississippi, Mr. DICKS, Mr. REYES, Mr. PAYNE, Mr. McNULTY, Mr. HINCHEY, Mr. PLATTS, Mr. KOLBE, Mr. McHUGH, Mr. BOUSTANY, Mr. KILDEE, Mr. DAVIS of Alabama, Mr. RENZI, and Mr. HOLDEN):

H.R. 2014. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost or furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Ms. MOORE of Wisconsin):

H.R. 2015. A bill to suspend temporarily the duty on certain machines for use in the assembly of motorcycle wheels; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2016. A bill to suspend temporarily the duty on glass bulbs, designed for sprinkler systems and other release devices, filled with liquid that expands and breaks the bulb at a release temperature predetermined by the manufacturer; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. CARDIN, Mr. BURTON of Indiana, Mr. BERMAN, Mr. PITTS, Ms. KAPTUR, Mr. RAMSTAD, Mr. OBERSTAR, Mr. SHAYS, Ms. SLAUGHTER, Mr. KIRK, Mr. ACKERMAN, Ms. McCOLLUM of Minnesota, Mr. WAXMAN, Mr. PALLONE, Mr. LEVIN, Mr. ENGEL, Mr. TERRY, Mr. SABO, Mr. EVANS, Mr. OLVER, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. ALLEN, Mr. McNULTY, Mr. GUTIERREZ, Mr. BECERRA, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. FILNER, Mr. VAN HOLLEN, Mr. SNYDER, Mr. McGOVERN, Mr. CUMMINGS, Ms. LEE, Mr. KUCINICH, Mr. MICHAUD, Mr. GRIJALVA, and Mr. KENNEDY of Minnesota):

H.R. 2017. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN:

H.R. 2018. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Resources.

By Mrs. TAUSCHER:

H.R. 2019. A bill to suspend temporarily the duty on Pyriproxyfen; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2020. A bill to suspend temporarily the duty on Uniconazole; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2021. A bill to suspend temporarily the duty on Acephate; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2022. A bill to suspend temporarily the duty on Bispyribac-sodium; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2023. A bill to suspend temporarily the duty on Dinotefuran; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2024. A bill to suspend temporarily the duty on Etoxazole; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2025. A bill to extend the suspension of duty on Fenpropathrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2026. A bill to suspend temporarily the duty on Bioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2027. A bill to suspend temporarily the duty on Deltamethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2028. A bill to suspend temporarily the duty on Esbioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2029. A bill to suspend temporarily the duty on Resmethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2030. A bill to suspend temporarily the duty on Tetramethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2031. A bill to suspend temporarily the duty on Tralemethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2032. A bill to suspend temporarily the duty on flumiclorac pentyl ester; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 2033. A bill to suspend temporarily the duty on Flumioxazin; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. POMEROY, Mr. PENCE, Mr. HINOJOSA, Mr. PAUL, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. GRAVES, Mr. MARSHALL, Mr. SIMPSON, Mr. KIND, Mr. SCOTT of Georgia, Mr. KENNEDY of Minnesota, Mr. BARTLETT of Maryland, Mr. McHUGH, Mr. KING of Iowa, Mr. CANNON, and Mr. SOUDER):

H.R. 2034. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. DELAURO, Ms. HARMAN, Ms. ZOE LOFGREN of California, Mr. PASCRELL, Mr. DICKS, Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Ms. NORTON, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. ETHERIDGE, Ms. SOLIS, Mr. KILDEE, Mr. CARNAHAN, Mr. SALAZAR, Ms. KILPATRICK of Michigan, Ms. MATSUI, Mr. BOSWELL, Mr. CONYERS, Mr. LARSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. EMANUEL):

H.R. 2035. A bill to direct the President to submit a report to Congress explaining the President's funding requests for certain homeland security programs authorized by Public Law 108-458 which implemented the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Homeland Security.

By Mr. WEINER (for himself, Mr. NORWOOD, and Mr. BURTON of Indiana):

H.R. 2036. A bill to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization (PLO); to the Committee on International Relations.

By Mr. WEINER (for himself, Mr. FERGUSON, Mr. ANDREWS, Mr. BAKER, Ms. BERKLEY, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. CROWLEY, Mr. GARRETT of New Jersey, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. ISRAEL, Mrs. JO ANN DAVIS of Virginia, Mrs. LOWEY, Mrs. MALONEY, Mrs. McCARTHY, Ms. McCOLLUM of Minnesota, Mr. McNULTY, Mr. MEEHAN, Mr. NADLER, Mr. ROTHMAN, and Mrs. TAUSCHER):

H.R. 2037. A bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H.R. 2038. A bill to prevent the retroactive application of changes to Trans-Alaska Pipeline Quality Bank valuation methodologies; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 2039. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself and Mr. ALEXANDER):

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who owe permanent allegiance to the United States; to the Committee on the Judiciary.

By Mr. TANCREDO (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 141. Concurrent resolution calling on the International Olympic Committee (IOC) to change the venue of the 2008 Olympic Games unless the People's Republic of China makes significant progress in ending human rights abuses; to the Committee on International Relations.

By Mr. BERRY (for himself, Mr. BOOZMAN, Mr. SNYDER, and Mr. ROSS):

H. Res. 249. A resolution celebrating the recent discovery of the Ivory-Billed Woodpecker in Eastern Arkansas; to the Committee on Resources.

By Mr. MURPHY (for himself and Mr. HONDA):

H. Res. 250. A resolution supporting the goals and ideals of National Hepatitis B Awareness Week; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself, Mr. EHLERS, Mr. BOEHLERT, Mr. GORDON, Mr. BARTLETT of Maryland, Mr. MCDERMOTT, and Mr. RUPPERSBERGER):

H. Res. 251. A resolution congratulating all of the individuals and organizations on the 15th anniversary of the launch of the Hubble Space Telescope that have helped make Hubble one of the most important astronomical instruments in history; to the Committee on Science.

By Mr. WELDON of Pennsylvania (for himself, Mr. SHIMKUS, Mr. FITZPATRICK of Pennsylvania, Mrs. JONES of Ohio, Ms. HARMAN, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. HOYER, Mr. MCNULTY, Mr. LANGEVIN, Mr. BOEHLERT, Mr. DUNCAN, Mr. GORDON, Mr. RUPPERSBERGER, Mr. PASCRELL, Mr. ALEXANDER, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. PALLONE, Mr. CLEAVER, Mr. UPTON, Mr. MARKEY, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. ANDREWS, Mr. GERLACH, Mr. GONZALEZ, Mrs. MCCARTHY, Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Mr. SCHWARZ of Michigan, Ms. JACKSON-LEE of Texas, and Mr. KING of New York):

H. Res. 252. A resolution supporting the goals of National Arson Awareness Week; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. VAN HOLLEN introduced a bill (H.R. 2040) for the relief of Malik Jarno; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CRENSHAW, Mr. BOEHNER, and Mr. SMITH of New Jersey.

H.R. 22: Mr. LIPINSKI and Mrs. NORTHUP.

H.R. 34: Mr. DAVIS of Illinois and Ms. HARRIS.

H.R. 36: Mr. KENNEDY of Minnesota, Mr. CARNAHAN, Mr. COSTELLO, Mr. FORD, Mr. OSBORNE, Mr. LAHOOD, and Mr. PETERSON of Minnesota.

H.R. 66: Mr. CHABOT.

H.R. 136: Mr. MANZULLO.

H.R. 147: Ms. MATSUI, Ms. CARSON, Mr. BEAUPREZ, Mr. BOUSTANY, Mr. COSTA, and Mr. CARDIN.

H.R. 176: Mr. CAPUANO.

H.R. 188: Mr. CUMMINGS.

H.R. 196: Mr. SOUDER.

H.R. 198: Mr. MEEHAN, Ms. DELAURO, and Mr. PRICE of North Carolina.

H.R. 208: Mr. KUCINICH.

H.R. 209: Mr. KUCINICH.

H.R. 282: Mrs. LOWEY, Mr. CULBERSON, Ms. ESHOO, Mr. HOLT, Mr. LEWIS of California, and Mr. BOSWELL.

H.R. 297: Ms. DELAURO, Mr. EVANS, and Mr. SPRATT.

H.R. 302: Mr. JACKSON of Illinois and Mr. CUMMINGS.

H.R. 311: Mr. HINCHEY, Mr. RUSH, Mr. SMITH of Washington, and Mr. DAVIS of Illinois.

H.R. 312: Ms. ESHOO, Mr. MILLER of North Carolina, Mr. DENT, and Ms. BERKLEY.

H.R. 328: Mr. MANZULLO, Mr. CUELLAR, Mr. BISHOP of New York, and Mr. LIPINSKI.

H.R. 339: Mr. WELDON of Florida.

H.R. 376: Mr. JONES of North Carolina.

H.R. 389: Mr. BURTON of Indiana.

H.R. 454: Mr. ISTOOK.

H.R. 475: Mr. SHERMAN.

H.R. 503: Mr. EVANS and Mr. MICHAUD.

H.R. 515: Mr. BOUCHER and Mr. PLATTS.

H.R. 542: Mr. PORTER and Ms. BERKLEY.

H.R. 554: Ms. HARRIS and Mr. BURGESS.

H.R. 558: Mr. WAMP.

H.R. 559: Mr. GRIJALVA.

H.R. 575: Mr. LIPINSKI.

H.R. 581: Mr. BRADY of Texas and Ms. NORTON.

H.R. 586: Mr. ROSS and Mr. BISHOP of Utah.

H.R. 595: Mr. ALLEN, Mr. DEFAZIO, and Mr. BROWN of Ohio.

H.R. 601: Mr. CUMMINGS.

H.R. 630: Mr. FRANKS of Arizona.

H.R. 669: Mrs. NAPOLITANO, Mr. CLYBURN, and Mr. LEWIS of Kentucky.

H.R. 699: Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. BOOZMAN, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. FOLEY, Ms. DELAURO, Mr. SHAW, and Mr. MCINTYRE.

H.R. 700: Mr. GENE GREEN of Texas.

H.R. 737: Mr. THOMPSON of Mississippi, Mr. WEXLER, and Mr. ABERCROMBIE.

H.R. 765: Mr. SMITH of New Jersey.

H.R. 791: Mr. WEINER and Mr. MILLER of North Carolina.

H.R. 793: Mr. LANGEVIN.

H.R. 800: Mr. SKELTON.

H.R. 808: Mr. BEAUPREZ, Mr. CARDOZA, Mr. COSTELLO, Mr. DAVIS of Tennessee, Mrs. DRAKE, Mr. FALEOMAVAEGA, Ms. HART, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. KUHL of New York, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. MELANCON, Mr. MORAN of Kansas, Mr. NUNES, Mr. OBERSTAR, Mr. RENZI, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, and Mr. DOYLE.

H.R. 809: Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. BOEHNER, and Mr. KING of New York.

H.R. 815: Mr. HAYWORTH.

H.R. 819: Mr. LATHAM, Mr. MCINTYRE, Mr. MCKEON, and Mr. ISRAEL.

H.R. 838: Mr. TERRY, Mr. SOUDER, and Mr. UDALL of Colorado.

H.R. 839: Mr. OLVER and Mr. EVANS.

H.R. 864: Ms. LEE and Mr. WEXLER.

H.R. 869: Mr. LYNCH.

H.R. 877: Mr. MEEKS of New York.

H.R. 887: Mr. WEXLER, Mr. CLEAVER, Mrs. MCCARTHY, and Mr. DAVIS of Illinois.

H.R. 898: Mrs. CHRISTENSEN, Mr. PAYNE, Mr. TANNER, Mr. RAMSTAD, Mr. MCDERMOTT, Mr. HALL, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. KIND, Mr. KILDEE, Ms. BORDALLO, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. RYAN of Ohio, Mr. SPRATT, Mr. CLEAVER, Mr. SANDERS, Mr. DAVIS of Alabama, Mr. PRICE of North Carolina, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. TERRY, Mr. BOOZMAN, Mr. PLATTS, Mr. DUNCAN, Mr. MENENDEZ, Mr. CUNNINGHAM, Mr. MCGOVERN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHIMKUS, Mr. CAPUANO, Mr. PETERSON of Minnesota, Mr. BISHOP of New York, Mr. SKELTON, Mr. PASCRELL, Mr. WHITFIELD, Mr. HOLT, Mr. BRADY of Pennsylvania, Mr. WALDEN of Oregon, Ms. MATSUI, Mrs. KELLY, Mr. NORWOOD, and Mr. BOREN.

H.R. 916: Mr. CARDOZA, Ms. SCHWARTZ of Pennsylvania, Mr. BARTLETT of Maryland, Mr. GRIJALVA, Mr. JINDAL, Mr. RENZI, Mr. MOORE of Kansas, Mr. RAHALL, Mr. EMANUEL, Mr. MURPHY, Ms. BALDWIN, Mr. BOEHNER, Mr. MILLER of North Carolina, and Ms. MCCOLLUM of Minnesota.

H.R. 923: Mr. BURTON of Indiana.

H.R. 925: Ms. HARRIS, Mr. LINDER, and Mr. PRICE of Georgia.

H.R. 939: Ms. MCCOLLUM of Minnesota.

H.R. 945: Mr. FRANK of Massachusetts.

H.R. 946: Mr. RUSH and Ms. CARSON.

H.R. 947: Mr. GUTIERREZ and Mr. SALAZAR.

H.R. 968: Ms. KILPATRICK of Michigan and Ms. ZOE LOFGREN of California.

H.R. 970: Mr. CUELLAR.

H.R. 972: Mr. TERRY and Mr. WEINER.

H.R. 976: Mr. WESTMORELAND, Mr. BARRETT of South Carolina, and Mr. FEENEY.

H.R. 983: Mr. LANTOS.

H.R. 985: Mrs. KELLY, Mr. DELAHUNT, Mr. ALEXANDER, Mr. BOYD, Mr. JOHNSON of Illinois, Ms. ROYBAL-ALLARD, and Mrs. DAVIS of California.

H.R. 988: Mr. RENZI, Mr. REHBERG, and Mr. STARK.

H.R. 994: Mr. PETERSON of Pennsylvania, Ms. CARSON, Mrs. CHRISTENSEN, Mr. BOOZMAN, Mr. CARDOZA, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mrs. DRAKE, Mr. SIMMONS, Mr. GILLMOR, Mr. GERLACH, Mr. CARTER, Mr. TERRY, Mr. GOODE, Mr. SHUSTER, Mr. FORBES, Mr. CONAWAY, Mr. KUHL of New York, Mr. HALL, Mr. SHERMAN, Mr. WHITFIELD, and Mr. DOYLE.

H.R. 997: Mr. LUCAS and Mr. HALL.

H.R. 998: Mr. NUSSLE, Mr. OSBORNE, and Mr. FERGUSON.

H.R. 1016: Mr. WALDEN of Oregon.

H.R. 1049: Mr. RYAN of Wisconsin and Mr. HAYWORTH.

H.R. 1055: Mr. DEFAZIO.

H.R. 1056: Mr. DEFAZIO.

H.R. 1059: Mr. MEEK of Florida.

H.R. 1071: Mr. SHAW and Mr. DOOLITTLE.

H.R. 1080: Mr. PLATTS.

H.R. 1106: Mr. WAMP.

H.R. 1117: Mr. HALL.

H.R. 1120: Mrs. KELLY, Mr. EHLERS, and Mr. UPTON.

H.R. 1124: Mr. GERLACH.

H.R. 1125: Mr. PRICE of North Carolina.

H.R. 1130: Mr. CROWLEY, Ms. MCKINNEY, Ms. CORRINE BROWN of Florida, and Mr. MORAN of Virginia.

H.R. 1132: Mr. HALL and Mr. PASCRELL.
H.R. 1139: Mr. WOLF.
H.R. 1140: Mr. BEAUPREZ.
H.R. 1145: Mr. CLYBURN.
H.R. 1175: Mrs. JO ANN DAVIS of Virginia, Mr. PETERSON of Minnesota, and Mr. HOLDEN.
H.R. 1182: Mr. AL GREEN of Texas, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Ms. NORTON, and Mr. DAVIS of Illinois.
H.R. 1184: Mr. BLUMENAUER.
H.R. 1186: Mr. OTTER and Mr. HERGER.
H.R. 1214: Ms. ZOE LOFGREN of California and Mr. SMITH of Washington.
H.R. 1216: Mr. MANZULLO.
H.R. 1217: Mr. CROWLEY.
H.R. 1218: Ms. NORTON and Mr. EVANS.
H.R. 1219: Mr. LINDER and Mr. GOODE.
H.R. 1222: Mr. GRIJALVA, Mr. LANTOS, Mr. PALLONE, and Mr. CUMMINGS.
H.R. 1227: Mr. MCHUGH and Mr. BROWN of South Carolina.
H.R. 1240: Mr. KUHL of New York and Mr. MICHAUD.
H.R. 1245: Mr. CUELLAR, Mr. WELLER, Mr. LEWIS of Kentucky, and Mr. MARCHANT.
H.R. 1258: Mr. HINCHEY.
H.R. 1264: Mr. LAHOOD, Mr. OSBORNE, and Mr. RAHALL.
H.R. 1272: Mr. MCGOVERN and Mr. FORD.
H.R. 1279: Mr. KING of New York.
H.R. 1282: Mr. ETHERIDGE.
H.R. 1288: Mr. CULBERSON, Mr. BURTON of Indiana, Mr. HOLDEN, Mr. OTTER, Mr. HERGER, Mr. BOUCHER, Mr. KUHL of New York, Mr. SKELTON, Mr. ISTOOK, Mrs. DAVIS of California, Mr. LINDER, Mr. PETERSON of Pennsylvania, Mr. TIBERI, Mr. STEARNS, Mr. BONILLA, Mr. BACHUS, Mr. LUCAS, and Ms. FOXX.
H.R. 1290: Mr. HINCHEY and Mr. CUMMINGS.
H.R. 1295: Mr. MCHENRY, Mr. LATOURETTE, Mr. BOYD, Mr. BARRETT of South Carolina, Mr. OXLEY, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. RENZI, and Ms. HARRIS.
H.R. 1298: Mr. HINCHEY.
H.R. 1306: Ms. PRYCE of Ohio, Mr. BOUSTANY, Mr. HOLT, Mr. ROGERS of Michigan, Mr. BACA, Mr. BEAUPREZ, Mr. HOLDEN, Mr. VISCLOSKY, and Mr. CAPUANO.
H.R. 1308: Mr. PASTOR.
H.R. 1312: Mr. BLUMENAUER, Mr. CASE, Ms. DELAURO, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. PAYNE, and Mr. PRICE of North Carolina.
H.R. 1316: Mr. CULBERSON, Mr. RADANOVICH, and Mr. FEENEY.
H.R. 1329: Mr. WU and Mr. GRIJALVA.
H.R. 1333: Mr. BACHUS, Mr. MURPHY, Mr. EMANUEL, Ms. FOXX, Mr. DEFAZIO, Mr. BUTTERFIELD, Mr. WALDEN of Oregon, Mr. RAHALL, and Mr. RENZI.
H.R. 1352: Ms. DELAURO.
H.R. 1356: Ms. BALDWIN.
H.R. 1357: Mr. HOEKSTRA.
H.R. 1365: Mr. DELAHUNT, Mr. LANGEVIN, Mr. RUSH, Mr. CARNAHAN, Mr. MEEK of Florida, Mr. ABERCROMBIE, Ms. MATSUI, Ms. SCHWARTZ of Pennsylvania, Mr. MCNULTY, Mr. SABO, Ms. BALDWIN, and Mr. DOYLE.
H.R. 1370: Mr. SOUDER, Mr. ADERHOLT, and Mr. BISHOP of Utah.
H.R. 1376: Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. HOLT, Mr. MCGOVERN, and Mr. SMITH of Washington.
H.R. 1380: Mr. CAMP and Mr. MOORE of Kansas.
H.R. 1386: Mr. WU.
H.R. 1390: Ms. ESHOO and Mr. WEXLER.
H.R. 1400: Mr. COBLE.
H.R. 1401: Mr. RANGEL and Mr. CLYBURN.
H.R 1402: Mr. WAXMAN.
H.R. 1409: Mr. LARSEN of Washington.
H.R. 1410: Mr. BISHOP of Georgia.
H.R. 1415: Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, and Mr. MCDERMOTT.
H.R. 1417: Mr. HAYWORTH and Mr. CHOCOLA.
H.R. 1431: Mr. HEFLEY, Mr. PLATTS, Mr. SHAW, Mr. BERMAN, Ms. WOOLSEY, and Mr. NADLER.
H.R. 1435: Mr. AL GREEN of Texas.
H.R. 1440: Mr. DEFAZIO and Mr. CLAY.
H.R. 1445: Mr. AKIN.
H.R. 1447: Mr. LAHOOD, Ms. DELAURO, and Mr. LEWIS of Georgia.
H.R. 1449: Mr. BUTTERFIELD, Mr. PAUL, and Mr. BARRETT of South Carolina.
H.R. 1461: Mr. GARRETT of New Jersey, Mr. WOLF, Mr. GILLMOR, Mr. FEENEY, and Mr. BARRETT of South Carolina.
H.R. 1471: Mrs. DAVIS of California.
H.R. 1474: Mr. SCHWARZ of Michigan and Mr. SHAYS.
H.R. 1493: Mr. CALVERT, Mr. BURTON of Indiana, and Mr. HAYWORTH.
H.R. 1498: Mr. MEEK of Florida, Mr. STUPAK, Mr. CARNAHAN, Ms. BORDALLO, Mr. ANDREWS, Mr. GOHMERT, and Mr. FEENEY.
H.R. 1502: Mr. CONYERS and Ms. SCHAKOWSKY.
H.R. 1505: Mr. GINGREY and Mr. BOSWELL.
H.R. 1526: Mr. SMITH of Washington, Mr. MORAN of Virginia, and Mr. JINDAL.
H.R. 1544: Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. BERMAN, and Mr. WEXLER.
H.R. 1549: Ms. SOLIS, Ms. ESHOO, Mr. MCHUGH, Mr. ROGERS of Kentucky, Mr. HINOJOSA, Ms. BERKLEY, and Mr. CAMP.
H.R. 1554: Ms. ZOE LOFGREN of California.
H.R. 1558: Mr. FARR.
H.R. 1563: Mr. BACA.
H.R. 1575: Mr. LIPINSKI.
H.R. 1578: Mr. HIGGINS.
H.R. 1582: Mr. DOGGETT, Mr. GORDON, Mr. UDALL of New Mexico, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. POMEROY, and Mr. MILLER of North Carolina.
H.R. 1588: Mr. MOORE of Kansas, Ms. KAPTUR, and Ms. KILPATRICK of Michigan.
H.R. 1589: Mr. CUMMINGS.
H.R. 1591: Ms. KILPATRICK of Michigan.
H.R. 1602: Mr. MCDERMOTT.
H.R. 1607: Mr. ENGLISH of Pennsylvania.
H.R. 1618: Mr. BASS.
H.R. 1619: Mr. COSTELLO.
H.R. 1630: Mr. KUHL of New York, Mr. PLATTS, Mr. REHBERG, Mr. WELLER, Mr. GERLACH, Mr. NEY, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, Mr. HOLT, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. ABERCROMBIE, Mr. RAHALL, Ms. BALDWIN, Mr. REYES, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. DEFAZIO, Mrs. JONES of Ohio, Mr. PAYNE, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. CARNAHAN, and Mrs. MCCARTHY.
H.R. 1631: Mr. KUHL of New York, Mr. PLATTS, Mr. WELLER, Mr. GERLACH, Mr. NEY, Mr. MCHUGH, Mr. DAVIS of Illinois, Mr. HOLT, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. ABERCROMBIE, Mr. RAHALL, Ms. BALDWIN, Mr. REYES, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. DEFAZIO, Mr. JONES of Ohio, Mr. PAYNE, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. CARNAHAN, and Mrs. MCCARTHY.
H.R. 1632: Mr. GORDON, Mr. NORWOOD, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Mr. VAN HOLLEN, and Mr. OWENS.
H.R. 1634: Mr. LAHOOD, Mr. BOOZMAN, Mr. SHAYS, Mr. CAPUANO, and Mr. CARTER.
H.R. 1636: Mr. LEVIN and Mr. LIPINSKI.
H.R. 1637: Mr. OWENS.
H.R. 1639: Ms. KAPTUR and Mr. CARDOZA.
H.R. 1648: Mr. LEWIS of Georgia and Mr. GEORGE MILLER of California.
H.R. 1651: Mr. CUELLAR.
H.R. 1654: Mr. REHBERG.
H.R. 1663: Mr. TERRY, Mr. CARNAHAN, Mrs. DRAKE, and Mr. SALAZAR.
H.R. 1664: Mr. KILDEE and Mr. FITZPATRICK of Pennsylvania.
H.R. 1672: Mr. OWENS and Mr. SANDERS.
H.R. 1688: Mr. BERMAN and Ms. ESHOO.
H.R. 1692: Mr. OWENS.
H.R. 1696: Mr. PASTOR, Mr. DELAHUNT, Mr. COSTA, Mr. GUTIERREZ, Mr. PALLONE, Mr. LARSEN of Washington, Mr. BISHOP of Georgia, Ms. CARSON, Mr. SALAZAR, and Mr. UDALL of New Mexico.
H.R. 1704: Ms. KILPATRICK of Michigan and Mr. MCCOTTER.
H.R. 1736: Ms. ESHOO.
H.R. 1749: Mr. HAYWORTH.
H.R. 1764: Mr. CLAY.
H.R. 1770: Mr. ROHRABACHER, Mr. TANCREDO, Mr. GOODE, Mr. CALVERT, Mr. INGLIS of South Carolina, and Mr. SMITH of Texas.
H.R. 1816: Mrs. MUSGRAVE.
H.R. 1835: Mr. GRIJALVA.
H.R. 1870: Mr. STEARNS.
H.R. 1872: Mr. FLAKE and Mr. RENZI.
H.R. 1898: Mr. BILIRAKIS, Mr. RAMSTAD, and Mr. ISTOOK.
H.R. 1912: Mr. TANCREDO.
H.R. 1930: Mr. CONAWAY and Mr. BOREN.
H.R. 1946: Ms. KAPTUR.
H.J. Res. 10: Mr. CHABOT, Mr. WELDON of Florida, Mr. LUCAS, and Mr. BURTON of Indiana.
H.J. Res. 23: Mr. RENZI.
H.J. Res. 36: Mr. STARK.
H.J. Res. 38: Mr. YOUNG of Florida and Mr. MCNULTY.
H.J. Res. 43: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 24: Mr. CUELLAR, Mr. COSTELLO, and Mr. ALLEN.
H. Con. Res. 31: Mr. EVANS.
H. Con. Res. 35: Mr. MICHAUD, Mr. FRANK of Massachusetts, and Mr. DELAHUNT.
H. Con. Res. 38: Ms. ROS-LEHTINEN.
H. Con. Res. 44: Mr. COSTA, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. CUELLAR, Ms. LORETTA SANCHEZ of California, Ms. VELÁZQUEZ, Mr. BECERRA, Mr. SALAZAR, Mr. REYES, Mr. MEEK of Florida, Mr. MCDERMOTT, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. TOWNS, Ms. SOLIS, Mr. EMANUEL, and Mr. DAVIS of Illinois.
H. Con. Res. 57: Mr. DAVIS of Illinois.
H. Con. Res. 59: Mr. BISHOP of Georgia, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Ms. CARSON, and Mr. BRADY of Pennsylvania.
H. Con. Res. 71: Mr. FALEOMAVAEGA and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 80: Mr. OWENS, Mr. SANDERS, and Mr. PALLONE.
H. Con. Res. 83: Mr. HUNTER and Mr. EVANS.
H. Con. Res. 90: Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. LIPINSKI, Mr. ALLEN, and Mr. ISSA.
H. Con. Res. 99: Mr. TANNER.
H. Con. Res. 104: Mr. BRADLEY of New Hampshire.
H. Con. Res. 128: Mr. LIPINSKI and Mr. ISSA.
H. Con. Res. 140: Ms. KILPATRICK of Michigan.
H. Res. 67: Ms. MATSUI, Mr. SCOTT of Georgia, Mrs. JOHNSON of Connecticut, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. MCKINNEY, and Mr. ISRAEL.
H. Res. 84: Mr. JEFFERSON.
H. Res. 123: Mr. MICHAUD and Mr. KENNEDY of Minnesota.

H. Res. 167: Ms. BORDALLO.

H. Res. 169: Mr. HINCHEY.

H. Res. 175: Ms. LEE.

H. Res. 200: Mr. MCNULTY and Mr. SALAZAR.

H. Res. 215: Mr. LINDER, Mr. NORWOOD, Mr. CANTOR, Mr. CANNON, Mr. KING of Iowa, Mr. HENSARLING, Mr. SHADEGG, Mr. RADANOVICH, Mr. WELDON of Florida, and Mr. BURTON of Indiana.

H. Res. 220: Ms. WOOLSEY, Mr. MILLER of Florida, and Mr. PRICE of Georgia.

H. Res. 223: Mr. LANTOS.

H. Res. 245: Mr. ALLEN, Mr. HINCHEY, Mr. WOLF, Mr. WAXMAN, Mr. KUHL of New York, Mr. SMITH of Washington, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. BOSWELL, Mrs. DAVIS of California, Mr. REYES, and Mr. CUMMINGS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 513: Mr. BECERRA.

H.J. Res. 23: Mr. HASTINGS of Florida.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO THE NEXT UNITED STATES TRADE REPRESENTATIVE, ROB PORTMAN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HASTERT. Mr. Speaker, I want to congratulate my good friend from Ohio, Rep. ROB PORTMAN. As you all know, ROB is likely to be confirmed by the Senate to be the next United States Trade Representative. His confirmation means that American companies and their products have a tireless advocate in the global marketplace.

While we all wish ROB the best, it's a sad day for the House of Representatives and the Republican Leadership team.

ROB PORTMAN is a true "people's legislator." From the moment he was elected from Ohio's Second Congressional District 12 years ago, ROB has worked tirelessly for the people of Ohio. He is a member of the Ways and Means Committee and serves as Vice-Chairman of the Budget Committee. His congressional work has done much to benefit the American people.

ROB authored or coauthored more than a dozen bills that passed both Houses and eventually became law. His accomplishments include improving our nation's pension laws, eliminating capital gains taxes on the sale of most homes, restructuring the IRS with significant new taxpayer rights, and in an area that is close to my heart, ROB helped enact legislation that supports community anti-drug efforts. Most recently, he assisted in drafting landmark legislation to create what we now know as the Department of Homeland Security, one of the largest and most significant reorganizations of the Federal government in our nation's history.

Since January 2001, ROB has served as the Chairman of the Elected Leadership for House Republicans. He has been an outstanding and invaluable member of our team in the House.

The list of ROB PORTMAN's contributions to the House of Representatives and the American people could go on and on. The Nation is fortunate to have had his service in the House of Representatives.

I am especially privileged to have had ROB PORTMAN's friendship as well. His character and integrity are unquestionable. His dedication to our country and his constituents is surpassed only by his devotion to his wife Jane and their three children.

It is my pleasure to congratulate the next United States Trade Representative, ROB PORTMAN. I wish him the very best.

IN HONOR AND RECOGNITION OF MR. JAMES PATRICK NEWMAN AND ELIZABETH A. WADDEN IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY: MAY 7, 2005

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Jim and Betty Newman, as they celebrate fifty years of devotion to each other, to their family, extended family and many close friends. This unbreakable union represents a deep and abiding love, not only for each other, but also for their children, grandchildren and for their community.

Jim Newman and Betty Wadden were both born and raised on Cleveland's Westside. They were married at St. Colman's Catholic Church on May 7, 1955. They moved a few miles west to Lakewood, where together they raised six children: Barbara, Timothy, Dennis, William, Daniel and James. They remain a loving, guiding force in the lives of their children, and also in the lives of their eighteen grandchildren, all of whom remain in the Cleveland area. Jim and Betty instilled a strong sense of kindness, humor and integrity into the hearts and minds of their children. They taught by example, interspersed by Jim's quick wit and Betty's caring nature, offering lessons that reflected their own lives—lives framed by hard work, patience, laughter and enduring strength during difficult moments. Besides commitment to family and community, both Jim and Betty share concern for our country and our world. Jim is a United States Veteran, having honorably served in the United States Army during the Korean War.

Jim and Betty were able to effectively balance the demands of family, work and community, with family as the main focus. Jim is now retired from CEI, following more than thirty years of service. Betty is also retired after working for many years as a member of the Baker's Union with Fisher-Fazio and Rini-Rego's. Today, they remain active within the lives of their family, parish and community. When winter finally breaks, Jim and Betty spend peaceful summer days along the shores of Lake Erie, where they gather with family and friends at their Marblehead cottage.

Mr. Speaker and Colleagues, please join me in honor and recognition of Jim and Betty Newman, as we join them in celebration of this joyous occasion—their 50th wedding anniversary. Jim and Betty continue to inspire those around them to live life with love, caring and humor, to give back to the community, and to hold family closest to their hearts.

IN SUPPORT OF HARLEY-DAVIDSON INC.

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to introduce legislation on behalf of Harley-Davidson Inc., the only major U.S.-based motorcycle manufacturer and the world's leading seller of large displacement motorcycles. Harley-Davidson was founded in Milwaukee, Wisconsin in 1903, and has become a significant part of the social, economic, and cultural heritage of the United States. Over the years, Harley has provided thousands of jobs to the people of Wisconsin, with 4,000 Harley employees working in the state today. In addition, Buell Motorcycle Company, a subsidiary of Harley-Davidson, Inc., employs another 200 workers in East Troy, Wisconsin.

We must help manufacturers like Harley-Davidson remain competitive in the global marketplace so that good, high-paying manufacturing jobs are retained in Wisconsin and throughout the United States. Although our nation has seen strong economic growth over the past two years, our manufacturing sector has not fully recovered all of the jobs that it lost as a result of the 2001 recession. In fact, the State of Wisconsin is still down 77,200 net manufacturing jobs since January 2001. The most effective way to address this problem is to bring down the costs of domestic manufacturing so that all companies like Harley are more competitive, more profitable, and can employ more hard-working Americans.

The machines included in this legislation are a vital part of Harley's manufacturing process, but they are not produced domestically. Thus, Harley is forced to pay a 4.4% tariff rate on the equipment they require to manufacture their products in the United States. This bill, which temporarily eliminates the tariff, will bring down Harley's production costs, improve their international competitiveness, and help them keep high-paying manufacturing jobs at home.

I look forward to working with my colleagues in Congress to pass this legislation.

DEEPEST SYMPATHY FOR THE FAMILIES OF LILIBETH GOMEZ AND HARRISON OROSCO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express my deep sorrow and heartfelt sympathy for the families of Lilibeth Gomez and Harrison Orosco, two beautiful children

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who lost their lives last week in a school bus accident in Arlington County, Virginia. As a parent, I understand that losing a child produces immeasurable grief that words cannot adequately express. I can only hope that during this difficult time these families and the communities that embrace them will find strength and joy in fond memories of Lilibeth and Harrison.

In newspapers and on television we have been witness to the images of scared parents, forlorn classmates, and the devastation a single accident can cause. These scenes are heartbreaking for everyone. What hasn't been widely exposed, but serves as an equally powerful statement, is the effort of the community to support the Gomez and Orosco families in their time of need. Parents, teachers, students, local officials and other residents in Arlington County and Northern Virginia have demonstrated their love and goodwill by offering sympathy letters and cards, a needed friend for survivors, and thoughtful financial support. The collective strength and love of this community, many of whom didn't know any of the families affected but still wanted to help, serves as a beacon for those struggling with the loss. I have never been more proud to represent this wonderfully caring and diverse community.

Throughout this tragedy, the Parents and Teachers Association of Boston-Hoffman Elementary School has been centrally involved. Providing an outlet for the community to share in their collective grief and express their support, Boston-Hoffman PTA has established a donation fund, extra counseling for students, and a place to send flowers, cards and letters that respects these families' wishes to grieve privately. I greatly admire their noble actions and commend the Boston-Hoffman PTA for filling a needed void during such challenging circumstances.

Mr. Speaker, I hope you will join me in expressing this body's condolences to these families who may never fully recuperate following the losses of Lilibeth and Harrison. In the midst of this tragedy though, we have experienced the Arlington community at its most caring best. This effort, along with the shared memories of these two children, will never be forgotten.

RESPONSIBILITY EVADED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, it is deeply discouraging that no high-ranking military or civilian defense officials are being held accountable for the terrible abuses of basic human rights that occurred at the prison in Abu Ghraib. The editorial from the Washington Post, which I hereby insert into the RECORD, makes the point very well. The failure of the Bush Administration to hold any high-ranking official in any way accountable for this grave lapse is in itself a deeply regrettable example of dereliction of duty.

[From the washingtonpost.com, Apr. 23, 2005]

TOP OFFICERS IN ABU GHRAIB CASE CLEARED

(By Robert Burns)

WASHINGTON.—Lt. Gen. Ricardo Sanchez, faulted by some for leadership failures in the Abu Ghraib prisoner abuse scandal, has been cleared by the Army of all allegations of wrongdoing and will not be punished, officials said.

Three officers who were among Sanchez's top deputies during the period of the prisoner abuse in the fall of 2003 also have been cleared. An Army Reserve one-star general has been reprimanded, and the outcome of seven other senior Army officer cases could not be learned Friday.

Sanchez, who became the senior U.S. commander in Iraq in June 2003, two months after the fall of Baghdad, has not been accused of criminal violations. It is unclear, however, whether the controversy surrounding his role in Iraq will stand in the way of his earning a fourth star. He is nearing the end of his tenure as commander of the Army's 5th Corps, based in Germany.

After assessing the allegations against Sanchez and taking sworn statements from 37 people, the Army's inspector general, Lt. Gen. Stanley E. Green, concluded that the allegations were unsubstantiated, according to officials familiar with the details of Green's probe.

Green reached the same conclusion in the cases of two generals and a colonel who worked on Sanchez's staff.

The 'officials who disclosed the findings spoke only on condition of anonymity because the results on Sanchez and 11 other officers who were the subject of Green's scrutiny have not yet been publicly released and Congress has not been fully briefed.

The question of accountability among senior Army and Defense Department officials who were in positions of responsibility on Iraq detention and interrogation policy has been hotly debated in Congress. Some Democrats accuse the Pentagon of foisting all the blame onto low-ranking soldiers.

In a statement issued Friday that did not mention Sanchez or other specific cases, Sen. John Warner, chairman of the Senate Armed Services Committee, said that as soon as all Pentagon assessments of accountability are complete he will hold a committee hearing "to examine the adequacy of those reviews" and to hear senior civilian and military officials address the issue.

Warner, R-Va., said he strongly agrees with one investigation report that concluded last year that commanders should be held accountable for their action or inaction and that military as well as civilian leaders in the Pentagon "share this burden of responsibility."

The office of Michigan Sen. Carl Levin, the ranking Democrat on the Senate Armed Services Committee, declined to comment on the matter.

Asked about public expectations of punishment for senior officers associated with Abu Ghraib, the Army's chief public affairs officer, Brig. Gen. Vincent Brooks, said the Army went to great lengths to make its investigations thorough and fair.

In addition to clearing Sanchez, the Army inspector general has determined that there should be no punishment given to Sanchez's former top deputy, Maj. Gen. Walter Wojdakowski; to Maj. Gen. Barbara Fast, who was Sanchez's intelligence chief in Baghdad; or to Col. Mark Warren, Sanchez's top legal adviser at the time.

In an interview Friday, three senior defense officials associated with the Green investigations cited mitigating circumstances in the Sanchez case, including the fact that his organization in Iraq, known as Combined Joint Task Force 7, initially was short of the senior officers it required. They also cited the upsurge in insurgent violence shortly after Sanchez took command and the intense pressure the military faced in hunting down Saddam Hussein.

The three officials spoke on condition of anonymity.

A separate investigation by a panel headed for former Defense Secretary James Schlesinger concluded that Sanchez should have taken stronger action in November 2003 when he realized the extent of problems among the military intelligence and military police units running Abu Ghraib.

A subsequent Army investigation, made public last summer in what was called the Kern-Fay-Jones report, concluded that although Sanchez and his most senior deputies were not directly involved in the bases at Abu Ghraib, their "action and inaction did indirectly contribute" to some abuses.

Sanhez and Wojdakowski were cited in the Kern-Fay-Jones report for failure to "ensure proper staff oversight of detention and interrogation operations" in Iraq, specifically at the Abu Ghraib prison where Iraqi detainees were physically abused and sexually humiliated by military police and intelligence soldiers in fall 2003.

IN HONOR AND REMEMBRANCE OF OTTILIE MARKHOLT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Ottilie Markholt, loving mother, grandmother, author, dedicated union advocate, community activist, and dear friend to many. Her passing marks a great loss for her family and friends, and also for every member of our American workforce. It was Ms. Markholt's focus, drive and vision, directed at improving and securing worker's rights that brought the plight of the American worker and the labor movement into the light of day.

Ms. Markholt was born and raised in the great northwest, an only child of modest beginnings. As a young child, her family moved from the wild frontier of Alaska to Seattle, Washington. Ms. Markholt, exceptionally intelligent and well-read, rejected the socially conservative ideology present in higher education at the time, opting to quit college and focus on changing the world for the better—especially for the working class. Armed with a passion for social justice, an agile mind, a gift for writing and an unwavering commitment to the cause, Ms. Markholt set off on a lifetime journey of advocating for the struggling working class of America.

Ms. Markholt was no stranger to struggle herself. As a single mother of two young boys, Ms. Markholt survived on meager office wages by becoming an expert gardener and seamstress. She kept her boys well-fed and well-clothed by baking homemade bread, canning fruits and vegetables, making her own butter and cottage cheese, and making their own clothes. Despite adversity, she remained emotionally and physically strong, and her energy and focus served to propel the labor movement forward. From writing critically acclaimed books and articles, to knocking on doors and soliciting membership, to organizing strikes, Ms. Markholt's energy and commitment helped set the labor movement ablaze in the Pacific Northwest.

Mr. Speaker and Colleagues, please join me in honor and remembrance of the remarkable and exceptional life of Ottilie Markholt. The infinite measure of her heart, combined with her courage, vision and integrity, defined her life and served to lift the lives of countless individuals and families throughout our community, especially those who serve as the foundation of our nation—the American laborer. Her kindness, energy, compassion and unwavering focus on making our world a better place—one union member at a time, will be remembered always. I extend my deepest condolences to her friends and family members, and especially to her sons, Bob and Lee; her grandchildren, great-grandchildren and great-great-grandchild.

Ottilie Markholt lived her life with joy, energy and in complete harmony with her principals and values. Her eternal faith in humanity and in the notion that together, we can make a positive difference, will continue to serve as an unending force of hope and possibility for every member of America's labor force, and her memory and legacy will forever live on within the hearts of all who knew and loved her well.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, yesterday, I was unavoidably delayed and missed rollcall vote No. 140. Had I been present, I would have voted "nay".

NATIONAL SMALL BUSINESS WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to take this opportunity today to honor all those who own and work for small businesses as part of National Small Business Week. These men and women should be recognized for their spirit of entrepreneurship, determination, persistence, and contribution to our economic prosperity.

Small businesses represent 95 percent of all employers, create half of our economic growth, and create three out of four new jobs throughout the nation. As leaders in innovation and new technology, they produce up to fourteen more patents per employee than large corporations. Nearly half of these small businesses are owned by women entrepreneurs.

Owners of small businesses are risk takers who aren't afraid to take an idea they have and make it a reality. Because of their positive impact on our country, we should not make the risks they take any more difficult. The Bush Administration and Congress should cultivate small businesses by advancing policies that enable small businesses to start and flourish, not placing impediments that stunt their growth.

Under President Bush's budget, small business assistance programs are some of the hardest hit with cuts. Reductions to these assistance programs are much greater than the program cuts elsewhere in the budget he submitted to Congress. Half of all government small business assistance programs are for elimination or for severe cuts, with the average cut at nearly 80 percent. Among the programs cut or eliminated are the Community Development Financial Institutions which helps small businesses in underprivileged communities receive capital, the Microloan program which provides loans to people who would not normally be eligible to receive one; the Minority Business Development Agency which focuses only on the establishment and growth of minority owned businesses; and the Women's Business Centers which help aspiring female entrepreneurs.

These cuts are unacceptable, and I am hopeful that through the appropriations process we can restore the funding to these programs. The government should not be in the business of making it more difficult to receive start-up capital. We should also be encouraging minorities and women to begin businesses, especially in communities in need of thriving companies, not cutting the programs that make it easier to succeed.

Small business owners are the backbone of our economy. They deserve the respect and assistance of the federal government. Instead, they have seen the government cut the programs that help them become successes. I am looking forward to the day when the government is there to help every person who has ever dreamt of owning their own business and seeing those stores, restaurants and companies thrive.

CITIZENS FOR CITIZENS HEAD START PROGRAM WINS AWARD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, nothing that we do is more important than trying to provide a fair start in life for young people born into difficult economic circumstances. The Head Start and Early Head Start programs are therefore among the most valued that we have. I was pleased but not surprised to be informed that the version of these programs run by the Fall River Community Action Group, Citizens For Citizens, received the Excellence Award from the Department of Health and Human Services. Citizens For Citizens is an extraordinarily creative organization, run by dedicated people with a deep commitment to helping others. This recognition of the Head Start program is just an example of the generally excellent work that Citizens For Citizens does, and on the occasion of this, I want to congratulate Director Neil Lynch and all of those who work with him in this important endeavor.

Mr. Speaker, the Fall River Herald News last month ran an article about this program and the good work that it does. It is important for people to see examples of successful federal programs, and I therefore ask that this article from the Fall River Herald News be printed here.

[From the Herald News, Mar. 24, 2005]

CFC HEAD START PROGRAM RECEIVES PROGRAM OF EXCELLENCE AWARD

FALL RIVER.—Citizens for Citizens' Head Start and Early Head Start program has once again received the U.S. Department of Health's Program of Excellence Award following an extensive study of all aspects of the operation by a team of 12 federal reviewers.

Neil Lynch, CFC Head Start director, said that only two other programs in Massachusetts received the Program of Excellence Award. The award was presented at a regional conference in Nashua, N.H.

The reviews are conducted every three years and the highest rating is a repeat of the study results in 2001. The federal reviewers determined that CFC Head Start meets and surpasses every federal performance standard.

"The team from the U.S. Department of Health and Human Services closely scrutinized us in how effectively we were performing in the areas of education, quality health and nutrition, disabilities, social services, transportation and parent involvement," said Lynch.

He noted that the federal reviewers also met with community partners, including the public schools, social service agencies, parents, policy council members and the CFC board.

"I am very proud of our staff for receiving the Program of Excellence Award for the second consecutive time," said Lynch.

"The staff and the parents of Head Start children devote a great deal of effort into the programs we provide in order to ensure the highest quality of early childhood education possible," he added.

CFC operates 21 Head Start classes in Greater Fall River and an Early Head Start and home-based program on Second Street.

The federal reviewers determined CFC Head Start and Early Head Start accomplished the following:

—All curricula in place are based upon sound child development principles and presented in creative learning methods.

—Parents are actively involved in curriculum planning through a policy council, which is informed of current decisions affecting service delivery, program policies and procedures.

—Successful family partnership built.

—Rapport between staff and parents created trust and helped identify individual needs.

—Collaboration is excellent between area health and dental providers, schools, colleges and pediatric specialists.

—General layout of classrooms are safe, confortable and fully accessible.

Mark A. Sullivan Jr., executive director of CFC, said Head Start is a valuable learning resource for children and that since its inception it has successfully prepared millions of children to enter school on a level playing field.

"I am very proud of the administrators of CFC's Head Start, the staff and especially the parents who are closely involved with the program to ensure their children get a quality learning experience," said Sullivan.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND AND THE THIRTIETH ANNIVERSARY OF THE FALL OF SAIGON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance and recognition of the 30th Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Three decades later, I rise to honor the memory and sacrifice of the hundreds of thousands of South Vietnamese soldiers, American soldiers and civilians who made the ultimate sacrifice in the name of liberty and democracy.

Despite the takeover, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the communist takeover of Saigon, thousands of Vietnamese, determined to rebuild their lives, began their treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their back and the hope for freedom in their hearts.

Mr. Speaker and Colleagues, please join me to honor and remember the hundreds of thousands of men and women who sacrificed their lives in the name of freedom. Today, we also honor agencies and churches such as The Vietnamese Community of Greater Cleveland and St. Helena Catholic Church, that continue to offer a haven of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in America, yet remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders—from Vietnam to America.

PERSONAL EXPLANATION

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. OLVER. Mr. Speaker, for rollcall vote No. 141 on the Scott of Virginia amendment to H.R. 748, had I been present, I would have voted in the affirmative.

HONORING JAMES BERRY, PRESIDENT OF LOCKHEED MARTIN MISSILES AND FIRE CONTROL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MARCHANT. Mr. Speaker, in accordance with the celebration of Small Business Week, I would like to recognize Mr. James Berry, President of Lockheed Martin Missiles and Fire Control, in Grand Prairie, Texas, for receiving the Dwight D. Eisenhower Award for Excellence. This award was given by the Small Business Administration. It honors large contractors that have excelled in utilizing small businesses as suppliers and subcontractors. Mr. Berry and the entire company deserve this high merit for their support of small businesses.

Small businesses are the backbone of the American economy. They are vital to innovation and major job providers for American workers. In 2003, 99.7 percent of all businesses in the United States were small firms.

Congratulations to Mr. Berry and the Lockheed Martin team in Grand Prairie for receiving this high distinction. I thank them for recognizing the importance of small businesses, and establishing an outstanding small business subcontracting program. I wish Mr. Berry and Lockheed Martin Missiles and Fire Control continued success.

IN CELEBRATION OF NATIONAL SMALL BUSINESS WEEK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. WILSON of South Carolina. Mr. Speaker, small businesses represent more than 99 percent of all businesses in America and 85 percent of jobs created in the Second District of South Carolina.

As we celebrate National Small Business Week, I'm proud to congratulate Mr. Bill Head of Hilton Head Island on receiving the "2005 S.C. Small Business Person of the Year" award. Bill and his wife Vicky opened an auto center 10 years ago with only $7,000, with tools, and a dream of owning a business. Today, they employ 14 people and their business is worth over $2 million. Bill's vision and hard work made him one of the millions of small business owners who support our country's economy.

The 109th Congress is already helping small business owners like Bill by acting to permanently repeal the death tax, allow small businesses to band together to purchase health insurance, and protect small businesses against junk lawsuits. As a former small business owner, I am dedicated to making sure that small business owners have the tools they need to grow their businesses and create new jobs.

In conclusion, God bless our troops and we will never forget September 11th.

RECOGNIZING FOUR SAMARITANS

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to honor four Samaritans that put their lives at risk to save a young man who was badly electrocuted after a car accident in rural Forest County, Pennsylvania, on February 12th of this year.

On that snowy Saturday, Eric Wallace was driving on Blue Jay Road through the Allegheny National Forest, when he lost control of his pickup truck. The vehicle crossed the roadway and rolled over an embankment, landing on the driver's side. Mr. Wallace climbed out of his vehicle, but came into contact with live power lines buried in the snow. Mr. Wallace went down 50 feet from his wrecked truck, his face in the snow and a hand and foot aflame from the current passing though his body.

Thankfully for Mr. Wallace, four men happened to be on this rural two-lane road on that winter Saturday. One man, Ron Weisenstein of nearby Sheffield was the first to happen by the accident scene, which he saw from his vehicle. Mr. Weisenstein pulled his vehicle over and ran to the injured passenger. Seeing the power lines across Mr. Wallace's body, Mr. Weisnesten instinctually pulled the victim away from the lines, only to receive powerful shock himself.

Michael Brunner was working at his parent's house down the road from the accident when he heard the crash. After having his parents call 911, Mr. Brunner ran down the road to join Mr. Weisenstein. Shortly thereafter, Brian Marshall came upon the accident. Appraising the situation, Mr. Marshall told the two others that he had a rope in his vehicle. Mr. Weisenstein took the rope and wrapped it around Mr. Wallace's left foot, finally pulling him off the downed power lines.

The three men found Mr. Wallace to be without a heartbeat and not breathing. Mr. Brunner remembered the CPR training he had received as a Boy Scout in his youth and with the assistance of Mr. Weisenstein was able to get the injured man breathing again. Soon after Mr. Wallace started to breath on his own, Paul Hebert came across the accident. Mr. Hebert, an Emergency Medical Technician visiting the area from Manassas, Virginia, cleared Mr. Wallace's airways and helped stabilize the man until personnel from the Sheffield Volunteer Fire Department arrived. Mr. Wallace was taken by helicopter to the Intensive Care Burn Unit at Mercy Hospital in Pittsburgh, Pennsylvania, and is now on the road to recovery.

Mr. Speaker, without the assistance of these four gentlemen who happened to be on this quiet road through the forest on a winter's day, Eric Wallace would have likely died either from electrocution or exposure to the cold. We should all applaud their quick thinking, teamwork, and selflessness to help a fellow man, and I am honored to have the opportunity to highlight their actions.

RECOGNITION OF AMSA ON THE OCCASION OF ITS 35TH ANNIVERSARY AND NAME CHANGE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. DUNCAN. Mr. Speaker, I wish to take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies (AMSA) on the occasion of its 35th Anniversary and on its name change to the National Association of Clean Water Agencies, or NACWA. Its 35 year record of advocacy and leadership in meeting the goals of the Clean Water Act has helped guarantee the chemical, biological, and physical health of our Nation's rivers, lakes, streams, bays, and coasts.

NACWA's members serve the majority of the sewered population in our Country and treat and reclaim over 18 billion gallons of wastewater a day. Simply stated, NACWA and its members deserve to be celebrated for their ongoing role in the remarkable revitalization of America's waterways.

Despite the improvements made so far to our Nation's waters, NACWA understands that significant work remains to be done to achieve the goals of the Clean Water Act. From the Transportation and Infrastructure Committee's close working relationship with the Association, we know NACWA is well-positioned to continue building on our Nation's water quality gains.

The Transportation and Infrastructure Committee has looked to AMSA and will continue to look to NACWA as a valued informational resource and advocate on behalf of sound water quality policy. The Association has always been willing to share its expertise and to provide leadership in challenging times. For example, in the wake of the attacks of September 11, 2001, the Association responded immediately with creative ideas and vital leadership in developing tools and resources to help further secure our Nation's critical water infrastructure. The Association has been a vital resource on a host of clean water issues from wet weather control, nonpoint source pollution prevention, and the critical need for a sustainable, Federal-State-local partnership to meet our Nation's clean water challenges.

I have worked closely with the Association and know that NACWA will build on its tradition as a trusted resource for Congress and the U.S. Environmental Protection Agency. I also am confident that NACWA will meet its strategic objectives and the goals of AMSA's original founders. Most importantly, NACWA's success is a direct result of its broad membership. NACWA (then AMSA) was established in 1970 by representatives of 22 municipal wastewater treatment agencies. Since then, AMSA has grown into an organization of nearly 300 municipal agency members and a total membership of nearly 400 organizations poised to ensure that the 21st Century will enjoy continued water quality improvement.

The Association's public agency members not only represent what is best about public service; they exemplify what it means to be environmental practitioners. Their daily work enables us to enjoy our Nation's rivers, lakes, streams, bays, and coasts—something we, as a Nation, must never take for granted.

Once again, I congratulate NACWA on this important milestone as an organization and applaud its members for their outstanding service.

HONORING JAMES MONROE

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today on the birthday of an incredible American Statesman, and native of Virginia's First District, that I have the privilege to represent in Congress.

Serving during the "Era of Good Feelings," and as the last of the Virginia Dynasty of Presidents, James Monroe was a man devoted to Virginia, and to his grateful Nation. Born in Westmoreland County, a graduate of the College of William and Mary, and a longtime resident of Fredericksburg, James Monroe was truly a son of America's First District.

During Monroe's Presidency, our young Nation underwent many important changes. Under his leadership, the United States purchased Florida, and his Presidency saw the decline of European colonial influence in the New World.

Perhaps fitting for an early American patriot, James Monroe passed away on Independence Day, 1831. He will forever be remembered in the hearts and minds of all Americans, but his ties to Virginia will always leave him to be fondly remembered in the Commonwealth.

INTRODUCTION OF LEGISLATION TO AMEND THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO CLARIFY THE ARTICLE DESCRIPTION RELATING TO CERTAIN MONOCHROME GLASS ENVELOPES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MANZULLO. Mr. Speaker, I rise today to offer legislation that would amend the Harmonized Tariff Schedule of the United States and clarify the article description relating to certain monochrome glass envelopes. These components are incorporated into monochrome cathode ray tubes used in computer monitors, terminals, medical imaging monitors, and avionic displays. A company in the 16th Congressional District of Illinois, which I am proud to represent, manufactures these monochrome cathode ray tubes.

There are no remaining manufacturers of monochrome glass envelopes in the United States; and therefore, no rationale of retaining the current 5.2 percent duty on these components. The small manufacturer who needs this component in their final product is unnecessarily harmed by the import duty. U.S. manufacturers are struggling to survive, and we must end policies that make it more difficult for our manufacturers to compete and succeed in the international market.

Once again, I anticipate no adverse impact on any domestic producer or industry should this legislation be enacted. I know the permanent removal of this duty would be beneficial to some good, hard working people in Loves Park, Illinois. I urge my colleagues to support inclusion of this legislation into the Miscellaneous Tariff Correction bill to be moved later this year.

TRIBUTE TO JACKSON STREET SCHOOL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great joy to extend my congratulations to the second grade "Peace Class" at the Jackson Street School in Northampton, Massachusetts. This class is the recipient of the League of Women Voters Award in conjunction with the National Student/Parent Mock Election. The award is presented to schools and organizations that contribute to increasing parent and community participation in the Mock Election and/or in the actual election process.

During the recent elections, the class organized a voter registration drive and registered about thirty-six new voters. On the eve of Election Day, the students held a candlelight vigil at City Hall encouraging people to vote by singing and holding handmade signs reading "Vote For Me Until I Can" and "Voting Is Your Right."

As a former educator, I am pleased to learn of young people going above and beyond the call to enhance their civic duties. I am honored to represent such outstanding individuals and I join with the citizens of the Second Congressional District in offering a most heartfelt congratulation to the second grade "Peace Class" at the Jackson Street School for being the recipient of this prestigious award.

INTRODUCTION OF TORTURE VICTIMS RELIEF ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SMITH of New Jersey. Mr. Speaker, in 1998, Congress first passed the Torture Victims Relief Act. Today, I am introducing the Torture Victims Relief Reauthorization Act. America's commitment to and compassion for the survivors of torture remains undiminished. That commitment should be manifested in concrete action, including support for torture treatment programs that can help these victims rebuild the lives that others have sought to destroy.

Nationwide, there are an estimated 400,000 survivors of torture, most of whom came to this country seeking refuge from persecution.

Worldwide, it is impossible to count the numbers. Often, torture victims have been targeted by repressive regimes because of their independent political, religious or organized labor activities. Torture sends a message of fear throughout the network of a leader's family and community. As one African religious leader has said, "If they'll do this to me, what will they do to my flock?"

The Torture Victims Relief Act authorizes money for the Department of Health and Human Services to assist torture survivors in the United States; assists victims of torture through treatment centers in countries abroad; and authorizes a contribution to the United Nations Voluntary Fund for the Victims of Torture.

U.S. leadership in this area is truly consequential. I recently met with Brita Sydhoff, the new Executive Director of the International Rehabilitation Center for the Victims of Torture, based in Denmark. Her organization has challenged European governments to match the generosity of our country. Because of U.S. leadership, Spain and Italy have dramatically increased their contribution to the UN Fund for the Victims of Torture. I was also deeply heartened to learn that the Danish center, along with the Chicago-based Kovlar Center, is helping to establish treatment centers in Iraq, so that the many victims of Saddam Hussein's torturous regime can receive help.

The work that torture treatment centers undertake is profoundly challenging. In 2003, Canadian journalist Zahra Kazemi was brutally tortured and killed by Iranian authorities. A few weeks ago, an Iranian doctor who examined her body released new details about the brutality Ms. Kazemi suffered before she died. These revelations have been especially painful for Ezat Mossallanejad, a counselor for the Canadian Center for the Victims of Torture: two decades ago, he was also tortured in Iran, as punishment for his human rights work. In Canada, as a counselor, he has helped treat many other refugees who were tortured at the same prison where Zahra Kazemi was killed. Last year, his center treated 76 Iranian torture survivors; 26 were children.

Mr. Speaker, we cannot turn our backs on people like this. With medical, psychological and social services, torture survivors have the potential to become contributing members of their communities. I hope my colleagues will join me in supporting this bill.

RECOGNIZING EL DÍA DE LOS NIÑOS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of El Día de Los Niños, also known as Day of the Children. Since 1925, Día de Los Niños has expanded into a global event, celebrated every year on the 30th day of April. This day pays homage to the importance of children in our society and endorses the need for their well-being. A traditional Latin American holiday, Día de Los Niños has been observed nationally since the passage of Senate Resolution 278 on April 30, 1998.

On El Día de Los Niños, all Americans are provided an opportunity to pay tribute to those who will assume the reins of this great country—our nation's youth. Among those being honored, Latino children represent the fastest growing child population in the United States. Around the world and across this nation, community organizations, libraries, schools, and other family-serving institutions will coordinate activities and events that celebrate children in observation of this holiday. One such organization is the Mattie Rhodes Center, located in Missouri's Fifth Congressional District.

For over 110 years, the Mattie Rhodes Center has been serving residents of Kansas City's urban core that have few resources to access even the most basic of services. The Mattie Rhodes Center has a rich history of caring for children and supporting families by providing a comprehensive network of family and youth services. By providing social services, mental health counseling and art experiences in a bilingual, culturally sensitive environment, the Mattie Rhodes Center has assisted many Kansas Citians in becoming self-reliant, productive members of the community.

As a proud father of four, I happily celebrate El Día de Los Niños and the contributions of the Mattie Rhodes Center. I urge my fellow colleagues to please join me in celebrating young Americans and to use this day to renew our commitment to the future of our children in the Latino and broader communities, so that we can ensure that all children have an equal opportunity to achieve their hopes and dreams.

THE 100TH ANNIVERSARY OF LIGHTHOUSE INTERNATIONAL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. WEINER. Mr. Speaker, I rise today in honor of the 100th anniversary of Lighthouse International. They are a leading organization that helps vision impaired individuals of all ages lead independent and productive lives.

Founded in 1905, Lighthouse International is a not-for-profit organization dedicated to helping prevent the disabling effects of impaired vision. Their rehabilitation program teaches the visually impaired new skills to cope with their vision loss and accomplish the goals they have set for themselves. Lighthouse International has served approximately 5,000 residents in the New York City metropolitan area.

Lighthouse International is New York State's foremost provider of comprehensive vision rehabilitation services for people of all ages. Their services include infant and toddler programs, a child development center, counseling, career services, low vision care, a music school, computer training, and instruction in independent living.

The Lighthouse collaborates with the World Health Organization (WHO) and the International Agency for the Prevention of Blindness (IAPB) to develop strategic plans that address and prevent vision impairment. They are a participant in the IAPB's "Vision 2020: The Right to Sight" campaign to eliminate avoidable blindness.

There are 180 million people with vision impairment worldwide. Lighthouse International deserves recognition for its tireless work on their behalf. Their programs give hope to people who had once lost their faith in accomplishing everyday activities.

NATIONAL SMALL BUSINESS WEEK

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. KELLY. Mr. Speaker, I rise today to recognize the Small Business Administration and celebrate and applaud the dedication of America's small business men and women during "National Small Business Week."

Small businesses are vital to our nation's economic growth and prosperity. America's 23 million small businesses represent more than 99 percent of all employers, account for more than half of all private sector workers and generate 3 out of every 4 new jobs. Additionally, small businesses account for one-third of U.S. exports and more than half of the gross domestic product. These people are the risk-takers, innovators and creators of tomorrow.

We've all heard that U.S. small businesses are the growth engine of our economy. As such, U.S. small technology businesses contribute significantly to our nation's economic security. The technological innovation and entrepreneurial spirit of small businesses such as HGI Skydyne ensure that the military, aerospace and electronics industries have access to a constant flow of unique technologies to create world class products.

HGI Skydne, a small business in my district, dates back to 1938 when it began manufacturing and selling lightweight, protective cases. Over the years it became a regular supplier of state-of-the-art fiberglass and composite-material cases. Among the company's many achievements were a patented composite-material wing for the Corsair airplane, the design and production of the transportation container for NASA's Lunar Landing Module, and the design and manufacture of the cases that brought moon rocks home to earth. Despite those successes, Skydyne's owners were ready to shut its doors in 2002. However, Hornet Group, Inc., a small, six-employee product development company decided to acquire Skydyne. Thanks to the Small Business Administration's 7(a) Loan Program, Hornet Group was able to keep Skydyne afloat and also enabled them to hire additional employees—now totaling 80. Under their collective stewardship, a second round of SBA and Key Bank financing was recently completed in order to accommodate the company's astronomical growth—sales orders that have grown to $3 million from $200,000 in just two years! Now that's a real small business success story and there are many others with similar accomplishments.

Entrepreneurship will continue to be the backbone of the American economy. Our future depends on the successful creation and expansion of small business. It is our job to increase our efforts on behalf of small business to ensure we have an environment where they can thrive. During "National Small Business Week" let us recognize and reflect on the hard work and dedication of all our small businesses who overcome financial and regulatory hurdles in order to help our economy run smoothly.

INTRODUCING A BILL TO ESTABLISH A COMMISSION TO MAKE RECOMMENDATIONS ON THE APPROPRIATE SIZE OF MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES AND THE METHOD BY WHICH MEMBERS ARE ELECTED

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation that addresses an important issue I have pursued through several Congresses. This bill forms a commission to examine how we, the people, may be best served by our representational democracy. This commission would analyze the current size of the membership of the House of Representatives and examine alternatives to the current method of electing Representatives.

Mr. Speaker, this legislation encapsulates an important idea whose time has come. We are one of the most underrepresentative democracies in the world. As a country that holds itself up as the standard bearer for the democratic process, we must continue to ensure our democracy gives all citizens an equal and meaningful voice in our government.

As events of the past few years have made clear, we are facing an electoral crisis. Voter turnout continues to fall as people lose more and more faith in the democratic process. We owe it to our constituents and each American citizen to closely examine all available options for ensuring maximum participation in this great democracy of ours.

Mr. Speaker, I urge my colleagues to support this legislation. As Members of Congress, we have all taken an oath to protect and defend the Constitution. Part of our duty is to keep the promise of a true representational democracy as envisioned by our forefathers. This legislation furthers that goal. That is why I look forward to working with my colleagues and moving this legislation forward.

TRIBUTE TO MAJOR GENERAL KATHRYN G. FROST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SKELTON. Mr. Speaker, it has come to my attention that Major General Kathryn G. Frost is retiring after a long and exceptionally distinguished career.

General Frost's outstanding service to the nation has been marked by meritorious service in increasingly demanding command positions, culminating as the Commanding General of the United States Army and Air Force Exchange.

General Frost is a 1970 Phi Beta Kappa graduate of the University of South Carolina where she received a degree in Administrative Education. She also received a Master's degree in Counseling from Wayne State University.

Her distinguished career has spanned three decades, and her duties have included tours as Chief, Military Personnel Office/Deputy Adjutant General, Berlin Brigade/United States Army, Berlin, Germany; Commander, Eastern Sector, United States Military Entrance Processing Command, Great Lakes, Illinois; Adjutant General/Commanding General, Physical Disability Agency/Executive Director of Military Postal Service Agency, Alexandria, Virginia; and Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff, Washington, DC.

General Frost's awards and decorations include the Distinguished Service Medal with Oak Leaf Clusters, Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, and Joint Chiefs of Staff Identification Badge. She also was named one of USC's Distinguished Alumni in 2002.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Major General Kathryn G. Frost, for her outstanding commitment to the United States Army and the United States of America.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN'S SAKE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. PLATTS, Ms. DELAURO, Mr. PAYNE, Mr. HINOJOSA, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. STARK, Ms. TUBBS JONES, Mr. SANDERS, Mr. OWENS, Mrs. CAROLYN MCCARTHY, Mr. GRIJALVA, Mr. PALLONE, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. BROWN, Mr. WEINER, Mr. KUCINICH, Mr. KILDEE, and Mr. DANNY DAVIS in introducing the FOCUS Act. This bill would increase the overall quality of child care by elevating the skills and pay of early childhood education providers. This is a proven successful model, first developed in North Carolina, and critical to helping all children reach kindergarten ready to succeed.

Between 1970 and 2001, the percentage of mothers in the workforce rose from 38 to 67 percent. The change for mothers of young children has been even more dramatic. According to the New America Foundation, the labor force participation of women with children under age 6 has more than doubled—from 24 percent in 1960 to 65 percent in 2000. Over 9 million children between the ages of birth and 5 are in child care in this country. With so many of our children in early care and education settings, it is more important than ever that child care can support the developmental needs of children.

High quality child care plays an important role in healthy child development and school readiness. Research on brain development demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their development and learning. Unfortunately, child care program evaluations indicate that the quality of most care ranges from mediocre to poor. This country must make changes in its child care system.

Just as it is the parents who matter at home, it is the teachers who matter in child care—a stable, educated and qualified teaching staff is one of the most critical components of quality child care. Staff training and experience are the most important components of child care quality. Research shows that children learning from more highly educated teachers perform better on tests of verbal and math achievement.

Studies repeatedly show that one of the leading causes of poor quality child care is low pay and high turnover among child care staff, who on average make just over $17,000 annually. FOCUS improves the quality of child care by boosting training, reducing turnover, and attracting qualified staff by providing stipends of $1,000 to $3,000 to qualified child care providers based on their level of education. FOCUS also would grant funds for scholarships in early childhood development and education so providers can continue to improve their knowledge and skills. FOCUS also provides grants to States to provide better access to health coverage for child care workers since lack of health benefits also impedes retention of qualified early education teachers.

We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer than what it should be in a country as wealthy and committed to our children's future as is ours. It is time we work to make quality child care for all children a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.

IN RECOGNITION OF CLIFFORD J. MERRILL FOR HIS 21 YEARS OF SERVICE TO SOLANO COUNTY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Clifford Merrill for his 21 years of service to the people of Solano County. Mr. Merrill began his employment with Solano County on February 22, 1984, as an entry level Deputy Probation Officer in the Probation Department, and has since held positions ranging from Probation Services Manager to Interim Chief of the Probation Department.

Mr. Merrill has provided valuable intensive services to many probationers. His effective management of the Repeat Offender Prevention Program Grant, the Targeted Truancy Grant, and the Fouts Springs Aftercare Grant are just a few examples of his responsible stewardship of public services.

Furthermore, Mr. Merrill demonstrated exemplary leadership, both as Chief Deputy Probation Officer and as Interim Chief of the Probation Department. Mr. Merrill developed and implemented a comprehensive Administrative Policy Manual for the Solano County Probation Department, and was instrumental in coordinating the development of the departments "Task and Standards" Manual for Adult and Juvenile divisions.

Clearly, Clifford has been an exceptional and loyal employee of the Solano County Probation Department and has distinguished himself by providing outstanding, professional service and leadership to Solano County.

Again, I am proud to honor Clifford J. Merrill for his twenty-one years of dedicated service to the citizens of Solano County. I thank Clifford for his career contributions to the Solano County Probation Department, and I wish him a well-deserved retirement in the community he has done so much to improve.

HONORING NANCY CROSS OF FOREST HILLS ELEMENTARY SCHOOL UPON HER RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of Ms. Nancy Cross in recognition for her commitment and dedication to the youth of School District 101 in Illinois. For over 30 years, Ms. Cross has devoted her time to students and families of the Third Congressional District. Now, as she prepares for retirement, we would like to thank her for her countless years of fine service.

For the last thirty-six years, Ms. Cross has spent her life educating the residents of Illinois School District 101, first at the John Laidlaw Elementary School, and for the past twenty-four years at Forest Hills Elementary School, both located in Western Springs. At Forest Hills, Ms. Cross not only serves in a teaching capacity for the fifth grade, but also as the Head Teacher, who is second in command. In this position, she has been willing to help her principal in any capacity, especially by running the school in the principal's absence.

However, Ms. Cross's main contribution has been to her students, helping them learn how to enjoy reading. A bibliophile herself, Ms. Cross has shown through her own dedication to the written word and the imaginative world of books, that reading can be not only productive but enjoyable and engaging. She is often found reading to her students, and this exercise has left an indelible mark on many of them who still remember those class times spent listening to Ms. Cross.

Because of Ms. Cross's undeniable love for books and her ability to shape the minds of her young students, she has been an outstanding teacher for over thirty years, expanding and encouraging all of her students to reach as far as they can. It is a certainty that our entire community will feel a loss left by the retirement of Ms. Cross.

The parents and children of School District 101 are fortunate to have had such an energetic and devoted teacher like Ms. Cross. Through her dedication and love of educating the young minds of this country, Ms. Cross has made a difference and should be recognized for her outstanding and selfless contributions to our nation's youth and their families, especially the students and families of Western Springs.

Today, I ask my colleagues to join me in honoring Ms. Nancy Cross as an outstanding educator who has had a distinguished career. She has done nothing less than an extraordinary job preparing America's future generations. We thank and congratulate her for an extraordinary career, and we wish her well in retirement.

HONORING THE ACCOMPLISHMENTS OF NICHOLAS SCOTT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the accomplishments of a man that embodies many core principles of our country: hard work, opportunity, selfless service, integrity and dedication. Nicholas Scott, now a middle school math teacher in the Brentwood School District, serves as a role model for the students in his classroom and the community as a whole.

Nicholas Scott was born to immigrant parents, his father having fled Cuba prior to the beginning of the Fidel Castro regime. At the age of eight his parents divorced and Nick moved with his mother to Deer Park, New York. Although the family had limited resources, Nick's mother instilled in him the values of hard work and perseverance, and she insisted that he attend college to seek the opportunities available in America.

Nick graduated high school in 1987 and lacking the resources to attend private college, he enrolled at Suffolk County Community College. For two years, Nick pursued his studies while still working four days a week. His persistence paid off, as he earned his Associate Degree in the Applied Sciences and was rewarded with an academic scholarship to Hofstra University, where he earned a Bachelors Degree in Political Science. Nick's thirst for knowledge and devotion to self-improvement led him to Villanova University Law School, where he earned a Juris Doctorate degree. Nick was then admitted to the New York State Bar Association, becoming not only his family's first college graduate, but also its first lawyer.

Throughout his education, Nick sought out opportunities to give back to the community. While studying for the bar exam, Nick enlisted in the U.S. Army. Although he was eligible to enter as an officer, Nick chose to start at the bottom and work his way up, an experience with which he was familiar. Nick quickly earned his Sergeant's stripes and soon after won a commission as an officer.

Nick left the active army to return to New York where he began legal practice. Once more, Nick chose others over himself. Rather then enter private practice, Nick went to serve the most vulnerable members of society as a lawyer for the Suffolk County Legal Aid Society.

After several years in practice, Nick decided that he wanted to further serve his community by teaching. He earned his teaching certificate and returned to Brentwood to teach middle school math.

Nick's service to our country has not ended in the classroom. Having joined the U.S. Army Reserve as a member of the Judge Advocate General Corps, Nick volunteered for duty in Iraq. In December of 2002, he was deployed along with the 101st Airborne Division to Kuwait and subsequently into Iraq, where he adjudicated local disputes, providing compensation to Iraqis that suffered property and other losses due to the war. Nick's dedication to improving the lives of newly freed Iraqi civilians earned him a Bronze Star and the title of Captain.

The day before his deployment to Iraq, Nick married fellow Brentwood teacher Nadine P. Kroner, and they are now the proud parents of a six-month old son, Ethan Hunter.

Nick Scott is an inspiration to me, to each student in the Brentwood school system and to our entire community. He is a living testament to the greatness of America, a land where opportunity matched with hard work can trump any hardship. But Nick Scott is a true role model because he has channeled his opportunity and hard work into a lifetime of service to others. I commend Nick for his dedication to service, for his remarkable accomplishments, for his strong work ethic, and his contributions to his family, community and country.

CONGRATULATING JIM FOGLESONG

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. BLACKBURN. Mr. Speaker, I rise today to congratulate Jim Foglesong on his induction into the Country Music Hall of Fame.

Jim grew up singing with his family and then after serving in the U.S. Armed Forces used his G.I. Bill to attend Eastman School of Music.

Later Jim Foglesong not only developed talent but also mentored legendary music performers. He nurtured the careers of Country Music superstars Garth Brooks, Barbara Mandrell, Reba McEntire, The Oak Ridge Boys, George Strait, and Tanya Tucker, among others.

Now at age 82, Jim remains an important part of the Nashville music community.

His induction is the most prestigious honor in all of Country Music. I thank Jim for the tremendous contributions he has given to the business, the artists, and the fans of country music.

METALDYNE NEW CASTLE—A CELEBRATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PENCE. Mr. Speaker, I very pleased to announce that Metaldyne Corporation is holding an official ribbon cutting ceremony at their New Castle, Indiana, facility on May 21, 2005. This will be a wonderful celebration for the company, its employees and their families, and the entire New Castle community.

Metaldyne is vital to New Castle, and the state of Indiana. It is the largest employer in Henry County, with over 1,000 employees producing more than 28 million chassis components, modules and assemblies each year.

Mr. Speaker, I deeply regret that I cannot attend the gathering, but I do look forward to working with Metaldyne to create jobs and strengthen the economy in East-Central Indiana. I congratulate Metaldyne New Castle, and wish them the best in the coming years.

INTRODUCING THE "AMERICAN CITIZENSHIP AMENDMENT"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the American Citizenship Amendment. Currently, any person born on American soil can claim American citizenship, regardless of the citizenship of that child's parents. This means that any alien who happens to give birth in the United States has just given birth to an American citizen, eligible for all the benefits and privileges afforded to citizens.

Thus far the U.S. courts have asserted authority by interpreting the 14th Amendment to include the concept of birthright citizenship. However it is up to the U.S. Congress—and not the U.S. Supreme Court—to define American citizenship. That is why, I am introducing this Constitutional Amendment clarifying that the happenstance of birth on U.S. soil does not a U.S. citizen make.

This proposed Constitutional amendment restores the concept of American citizenship to that of our Founders. This legislation simply states that no child born in the United States whose mother and father do not possess citizenship or owe permanent allegiance to the United States shall be a citizen of the United States. It is essential to the future of our constitutional republic that citizenship be something of value, something to be cherished. It cannot be viewed as merely an express train into the welfare state.

FREEDOM FOR PRÓSPERO GAÍNZA AGÜERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Próspero Gaínza Agüero, a political prisoner in totalitarian Cuba.

Mr. Gaínza Agüero is a member of the Pedro Luis Boitel National Civic Resistance Movement. He has committed himself to peacefully bringing democracy to the men and women of Cuba and ending the nightmare that is the Castro regime. Because of his steadfast belief in freedom, democracy and the Rule of Law, Mr. Gaínza Agüero has been targeted by the dictatorship.

According to Amnesty International, Mr. Gaínza Agüero was detained by the regime for participating in a protest to demand the release of a pro-democracy activist charged with "public disorder." Despite continued harassment, Mr. Gaínza Agüero remained bravely committed to opposing the dictatorship and advocating for freedom. On March 18, 2003, as part of Castro's heinous crackdown on peaceful, pro-democracy activists, he was arrested by the dictatorship. In a sham trial, Mr. Gaínza Agüero was sentenced to 25 years in the totalitarian gulag.

According to Amnesty International, while locked up in the inhuman gulag for his belief in freedom, Mr. Gaínza Agüero participated in a hunger strike to call attention to the abhorrent condition in the gulag, the lack of food, and the grossly inadequate medical care. Despite being imprisoned for his belief in human rights, despite the horrors of the totalitarian gulag, Mr. Gaínza Agüero has not stopped working to bring change to a nation enslaved by Castro's despotic machinery of repression.

Próspero Gaínza Agüero is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny.

Let me be very clear, Mr. Gaínza Agüero is imprisoned because he refuses to accept the dictatorship in Cuba today. Mr. Speaker, we must speak out and act against the abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Próspero Gaínza Agüero and every political prisoner in totalitarian Cuba.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF PORTLAND, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the 100th anniversary of the city of Portland, Tennessee, which I have the honor of representing in this esteemed body. The Middle Tennessee community will celebrate this milestone on Sunday, May 1.

The area around Portland was first settled in 1792 by the James Gwin family, according to local historians. Land speculation, as well as a soil and a climate conducive to dark air-cured tobacco, lured settlers from the Carolinas and Virginia to the area. Nearly 70 years later, the L&N Railroad also opened a train depot in Portland for its Nashville-to-Bowling Green route.

As the community grew and prospered, local leaders finally decided to incorporate. And on May 2, 1905, the city of Portland held its first election. Since then, Portland has been through many changes. But it has never lost its charm or its allure. Today the community has an outstanding quality of life and a commitment from its local leaders and officials that is second to none.

Mayor Jim Calloway and the Board of Aldermen will lead the city of Portland's celebration on Sunday. They have done an outstanding job in organizing this event and leading the community into the 21st Century. I wish those city leaders well and hope the next 100 years are as prosperous and progressive as the first 100 years.

RECOGNIZING WORKERS' MEMORIAL DAY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. HOOLEY. Mr. Speaker, on April 28, 1989, the world observed the first Workers Memorial Day in honor of the 2 million people who die each year as a result of workplace injury or illness. Fifteen years later, we remember the Americans who died on the job this past year and recall the hard work that still needs to be done in the United States to keep our working men and women safe.

The date of April 28th was chosen in recognition of the anniversary of the Occupational Safety and Health Act of 1971. Since its creation, OSHA has helped reduce the rate of workplace death and injury through the work of the National Institute for Occupational Safety and Health and the Occupational Health and Safety Administration. But over 6 million workers in the United States still become sick or injured each year as a result of their work.

To maintain a strong and healthy economy, America needs a safe and healthy workforce. Federal safety and health standards are vital, as is funding for job safety research.

Last year in Oregon, dozens of workers gave the ultimate sacrifice to their professions: their lives. I would like to honor their memory now by recognizing them:

Wendell S. Alden, Joshua I. Allen, Michael W. Barton, Camilo U. Becerra-Corona, Daniel R. Becker, Joyce D. Boothe, William R. Bronco, Daniel J. Buckley, Harriet T. Burk, Curtis Claflin, Dean I. Corliss, Jaime M. Diaz, David L. Dunn, Daniel W. Ealy, Paul D. Ferbrache II, Vernon L. Fraley, Robert A. Friedman, Larry R. Fry, and Gary Fullerton.

Obdulia Garcia, George R. Green, Robert T. Green, Paul W. Haley, David P. Henning, Carl B. Hestmark, Charles T. Hickey, Hugh

C. Holdt, John F. Janzen, Cody Jones, Aryck J. Kalinsky, Cory R. Kepple, James Ladd, Paul Linck, Terence D. Little, Bin Lui, John T. Lumsden, Steven J. Maine, Patricia M. McVicker, Donald L. McCready, Douig K. McKay, Donald R. Mobley, and Bret D. Montgomery.

Ronald A. Nissen, Mile Obredovic, Ernest Oleman, Grant Overlock, Susanna Parish, Ilaben D. Patel, Skip Perry, Robert L. Peterson, Drew M. Pierson, Herbert O. Pishion Jr., Rita R. Pratt, Gary Richey, Teresa L. Rines, Juan C. Rios, Kenneth W. Robinson, Ralph E. Robinson, Gerardo Robles-Tejeda, Jeffrey L. Ross, and Billy J. Rucker.

Manfred Schiller, Russell H. Simpson, Ivan D. Smith, Robert G. Smith, Angelica Solis-Molina, Kevin M. Southwick, Jeffrey M. Stark, Allen L. Stephens, Jerald C. Stewart, Gen Stewart, Terry D. Sutton, Brian T. Tiller, John R. Timmons, John A. Ussing, Leobarto Velazquez, Wendell L. West, John B. Whitten, Roger F. Woodworth, Scott Wriggelsworth, Abel Ybanez, and Roger V. Zemke.

COMMEMORATING THE 40TH ANNIVERSARY OF MOORE'S LAW

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to pay tribute to a great American mind, who forty years ago this month made a prediction about integrated circuits that has driven the pace of innovation, helped make the U.S. the world's technological leader and brought endless benefits to consumers, businesses and economies in my district and around the world.

In April of 1965, Gordon Moore, a young engineer with Fairchild Semiconductor, postulated that the number of transistors on a chip would double at a regular interval without any additional cost increase. Essentially, he predicted that computer chips would double in power every 18 months. Forty years later, Moore's Law, as it has come to be known, has helped drive innovation at leading American companies like Intel Corporation, which Gordon helped found.

Even the most enterprising minds of 1965 could not have imagined that computers the size of a refrigerator would one day fit in the palm of our hands. Or that a children's toy would pack four times as much processing power as an Apollo moon lander.

These mind-blowing developments have led to advances in virtually every industry and aspect of our lives. Consider that families and friends can now send messages and share photos instantly, even from thousands of miles away. Doctors can now diagnose patients in other countries and get instantaneous access to the latest treatment options.

The drive towards maintaining Moore's law has kept Intel and the rest of the U.S. technology industry at the forefront of this innovation. The premise of Moore's Law dictates that computer power essentially improves for free, bringing increases in productivity unprecedented since the Industrial Revolution.

As a result, consumers get more for less and our economy benefits. Since 1995, information technology industries have accounted for 25 percent of overall U.S. economic growth while making up only 3 percent of the gross domestic product. This means that technological advances are the key to growing our economy.

In my home of Silicon Valley, we are proud to be part of the drive to keep pace with Moore's Law. I rise today to commemorate Gordon's contributions to our economy and to our world.

TRIBUTE TO THE MORRIS HEIGHTS HEALTH CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise to pay tribute to the Morris Heights Health Center as they celebrate 25 years of providing quality health care in the Bronx. On May 5, 2005 the Morris Heights Health Center Foundation will hold its Silver Anniversary Benefit Gala.

For twenty-five years the Morris Heights Health Center has been providing affordable, quality health care to the Bronx Community. Founded by Morris Heights Neighborhood Improvement Association, Morris Heights Health Center obtained a small federal planning grant in 1980 to address the medical abandonment of the community. In 1981 the Health Center opened a modest facility of 7,000 square feet with a staff of 6 and treated just under 3000 patients in its first year. Under the leadership of Founding President and CEO Verona Greenland and the Center Board of Directors the Morris Heights Health Center has developed into a comprehensive health care organization with a staff of 400 providing primary and specialty care, dental, mental health, and supportive services to 50,000 patients annually at 5 facilities and in 4 public schools.

The Morris Heights Health Center has accomplished many feats throughout its quarter century in the Bronx. In 1988, the Center sponsored the first free standing birthing center in a low income neighborhood in the country (The Women's Health and Birthing Pavilion of Morris Heights Health Center). In 1989 the Center's model HIV Treatment and Prevention Program was selected by the federal government for replication throughout the country as a part of the Ryan White Title III HIV Program. In their efforts to serve more people, the Center plans to build a new $29 million, 116,585 square foot, 6-story mixed use facility that will include low-income, senior citizen housing, commercial services and an expansion of medical services. This program, which is being constructed in partnership with the Mount Hope Housing Company, shows an increased understanding that healthcare and housing issues are intertwined.

Mr. Speaker, Morris Heights Health Center has served as a strong voice for the medically underserved in my community. They have helped thousands of Bronx residents address their healthcare needs without mortgaging their futures. In a district in which impoverished families struggle to make ends meet, it is comforting to know that such a dedicated organization is working to ensure residents receive quality health services. I am glad to count organizations such as Morris Heights Health Center Foundation as allies in the effort to improve the neighborhoods and communities in the Bronx. I want to thank Morris Heights Health Center for their twenty five years of service to the people of the Bronx and I ask my colleagues to join me in paying tribute to this fine organization.

A PROCLAMATION IN MEMORY OF PRIVATE FIRST CLASS GAVIN J. COLBURN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of PFC Gavin J. Colburn upon the death of this outstanding soldier.

PFC Colburn was a member of the Army Reserve's 656th Transportation Company of Springfield, Ohio serving his great nation in the country of Iraq. He was a loving son to his parents, Tony and Tina, a caring brother to Matthew, and a loving fiancée to Sarah Kern. PFC Colburn was an active citizen in his community and did his best to make his neighborhood a better place to live.

PFC Colburn will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of PFC Gavin J. Colburn. His service has made us proud.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. COSTA. Mr. Speaker, on Wednesday April 27, 2005 on rollcall vote No. 140 I was recorded as "no" I intended to vote "yes." In addition, on Wednesday April 27, 2005 on rollcall vote No. 144 I was recorded as "yes." I intended to vote "no."

INTRODUCING THE WATER FOR THE POOR ACT OF 2005

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing the Water for the Poor Act of 2005, with Representatives CLAY SHAW, TOM LANTOS, JIM LEACH, GEORGE MILLER, and TOM TANCREDO as original cosponsors. The Water for the Poor Act complements legislation introduced by Senate Majority Leader Bill Frist, S. 492, the "Safe Water: Currency for Peace Act."

This bill highlights a pressing issue: up to 5 million people die each year from lack of access to clean water and sanitation, including 1 child every 15 seconds. One in six people in the world—over 1.1 billion people—lack access to clean water and one in three people—over 2.3 billion people—don't have access to adequate sanitation. As half of the people in the developing world are sick at any given time from a water-related disease, water and sanitation access is a major barrier to fighting poverty and increasing economic productivity.

The Water for the Poor Act focuses American efforts to meet President Bush's commitment to cut in half the percentage of people without access to water and sanitation by 2015. This bill makes expanding access to clean water and sanitation a major objective for U.S. development efforts. It highlights innovative funding methods to increase the amount of public and private resources available and requires USAID to develop a strategy and measurable goals for increasing water access in an affordable and equitable way.

A TRIBUTE TO MADAME FAUSTA DELBEAU ON HER 100TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Fausta Delbeau in honor of her 100th birthday which she will celebrate on April 30.

Fausta was born in Jacmel, Haiti on April 30, 1905. She was married to Jeannel Delbeau. They had seven children: Nirva, Paulette, Yves, Marie-Theresa, Jean Claude, Claudette and Adeline. She moved to Cuba in the 1940's before Fidel Castro's rise to power. Fausta left in the 1960's, just a little while after Castro took over, migrating to the United States of America where she has permanently resided since then.

Mrs. Fausta Delbeau has been a U.S. citizen for more than 20 years. She has worked very hard, through difficult and trying times and circumstances, to educate and provide for her immediate and extended family members.

A devout Christian believer in the Seventh-Day Adventist message, Mrs. Delbeau has been an active and fervent member of the Hebron S.D.A. Church in Brooklyn, NY. She is now a member of Maranatha! French & Creole Speaking S.D.A. Church in Queens, NY. She has always devoted her heart to the work of charity and community service both with the church and in her personal life.

Mr. Speaker, Madame Fausta Delbeau has lived a long and fruitful life in three different countries. She has remained true to her Christian beliefs throughout her 100 years and as such is worthy of our recognition today.

HONORING PINE FORGE ATHLETIC ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Pine Forge Athletic Association on the occasion of its 35th anniversary.

In 1970, the Pine Forge Athletic Association was founded by Merle Harner and Robert "Skip" Trainer. Both men had young children who wanted to be involved in youth sports, but the neighboring area sports programs were overcrowded. Mr. Harner and Mr. Trainer took it upon themselves to create the Pine Forge Athletic Association in order to give the youth of the community an opportunity to play baseball and softball with their friends and neighbors.

The Association started with a philosophy and a mission to provide insightful instruction on the basic fundamentals of baseball and softball, while at the same time instilling the players with moral values and good sportsmanship. The Association also emphasized giving each team member an opportunity to play in each game.

The first team in 1970 had approximately 12–15 players and played at a small field at the Pine Forge Elementary School. Since the early 1970s, the Pine Forge Athletic Association has grown tremendously in size. Today, there are nine different divisions in the Association that accommodate players from the ages of five to nineteen. To accommodate the large number of participants, the Association utilizes at least fifteen different locations that host Little League, t-ball, softball, and a rookie league.

Mr. Speaker, I ask that my colleagues join me in honoring not only the Pine Forge Athletic Association for the positive contributions it has made to the citizens of Berks County, Pennsylvania, but also Merle Harner and Robert "Skip" Trainer for helping with the positive development of the moral, physical, and emotional well-being of the young men and women who have participated in the Pine Forge Athletic Association over the past 35 years.

HONORING THE CONTRIBUTIONS OF CONNIE HEADRICK. RAHE BULVERDE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Connie Headrick, Rahe Bulverde Elementary School Teacher of the Year.

Connie Headrick holds a Bachelor's degree from Dakota State College in Madison, South Dakota, and a Master's degree from the National Louis University, European Region. She has 30 years of experience as an educator. Today, she is a Resource Special Education teacher at Rahe Bulverde Elementary School, in the Comal Independent School District.

Ms. Headrick believes that the best results are achieved by treating each child as an individual. She summarizes her teaching philosophy by saying, "each student has needs, and addressing these needs with respect gives the child value." Once children learn to value themselves, Ms. Headrick says, they can begin to accomplish their goals.

Connie Headrick is a valuable and dedicated educator. Her 30 years of experience have made her an effective teacher and a tremendous resource for her students, and for the families of the Comal Independent School District. By teaching her students how to value themselves and see their own potential, she opens up a brighter future for them. She is truly a credit to her profession, and I am proud to have the chance to recognize her here.

CONGRATULATING THE TRINITY VALLEY COMMUNITY COLLEGE CARDINAL CHEERLEADERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the Trinity Valley Community College (TVCC) Cardinal Cheerleaders for their recent victory in the National Cheerleaders Association Junior College Division Championship in Daytona Beach, Florida. The Cardinal Cheerleaders posted an impressive score of 9.04 in the final round, earning TVCC their eighth national cheerleading title, the team's third since 2001.

On behalf of the Fifth Congressional District of Texas, I would like to extend my congratulations to all of the members of the TVCC Cheerleading team including: Kolan Lynch, Amber Trahan, Dreekus Burton, Eric Mahame, Loren Taylor, Kynan Downs, Jacqueline Vogel, Andy Cessac, Erica Weems, Charles Gilbert, Kyle McCall, Courtney Pike, Danny Ogura, Jennifer Tacker, Adam Yeatts, Lindsey Gonzales, Jesse Salas, Drew Clements, Megan Centeno, Dion Bagby, Wendy Hall, Kyle Fowler, Roxann Wylie, and Greg Smalley. I would also like to congratulate their coach, Lucy Strom, on their tremendous victory.

The Cardinal Cheerleaders exemplify the hard work and team spirit of TVCC's student body and the institution's continuing commitment to excellence.

TRI-CAUCUS MINORITY HEALTH BILL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. LEE. Mr. Speaker, the Tri-Caucus commemorates and closes Minority Health Month by offering the "The Healthcare Equality and Accountability Act of 2005".

I join my colleagues in calling for bipartisan support and immediate consideration of the Tri-Caucus minority health disparities bill which will provide long-needed resources to combat the growing racial and ethnic health disparities in minority communities across the country.

The tri-caucus bill re-prioritizes and funds efforts for prevention, education and data-collection; all essentials to reduce the overall cost of treatment and reduce disproportionately high rates of emergency health services in minority communities.

Equality in health service is still a distant and difficult goal. Until the United States makes health care a basic human and civil right we will never close the disparities gap.

Mr. Speaker, I believe it is criminal that in the United States the color of your skin and the languages that you speak can make you more likely to die of HIV/AIDS, heart disease or diabetes, as a result of our broken and culturally insensitive health care system.

The numbers are staggering: Cancer: African Americans are 23 percent more likely to die from all types of cancer than Whites. African American men die twice as often from prostate cancer than Whites.

Cancer: Breast cancer is diagnosed 13 percent less frequently in African American women than White women; however African American women die more often.

Heart Disease: African Americans suffer the most from the disease. Around 40 percent of African American men and women have some form of heart disease, compared to 30 percent of White men and 24 percent of White women. African Americans are also 29 percent more likely to die from the disease than Whites.

Diabetes: African Americans are twice as likely to have diabetes as Whites. African Americans with diabetes are more likely to experience complications of diabetes.

Diabetes: Diabetes related eye disease, is 40 to 50 percent more common in African Americans than Whites. Kidney failure is about 4 times more common in African Americans with diabetes than in Whites with diabetes. Amputations of lower extremities (legs and feet) are also more common in African Americans with diabetes.

Diabetes: As of 2002, two million Hispanic adults, about 8.2 percent of the population, have diabetes. About one-third of Hispanics with diabetes are undiagnosed. Hispanics are 1.5 times as likely to have diabetes as Whites. And, in 2001 the death rate from diabetes in Hispanics was 40 percent higher than the death rate of Whites.

I could go on and on, but I'll just end this list of statistics by giving you a quick overview of HIV/AIDS in our communities. HIV/AIDS has had a devastating impact on minorities in the United States.

HIV/AIDS: Racial and ethnic minorities accounted for almost 70 percent of the newly diagnosed cases of HIV and AIDS in 2002. More than 90 percent of babies born with HIV belong to minority groups.

HIV/AIDS: More than 54 percent (14,398) of HIV/AIDS diagnoses in 2002 were in African Americans. African Americans are ten times more likely to die of AIDS than Whites.

HIV/AIDS: AIDS is the leading cause of death in African American women aged 25–34 and the third leading cause of death in African American men in the same age group. More than 64 percent of HIV positive infants are African American.

HIV/AIDS: HIV/AIDS is spreading at a rapid rate in the Hispanic community. Hispanics accounted for around 20 percent of AIDS cases in 2002, despite making up only 14 percent of the U.S. population. Hispanics are 60 percent more likely to be diagnosed with AIDS than Whites. Hispanics were also almost three times more likely to die of AIDS than their White counterparts in 2001.

The Congressional Black Caucus, Hispanic Caucus and Asian Pacific Islander Caucuses have came together because we see the need to offer solutions for the inclusion and the prioritizing of minorities in the health care system which today is sorely inadequate.

Our goal, like that of the American public, is the complete elimination of racial and ethnic health disparities.

I believe that with this bill we have provided a good first step toward that goal.

In this bill, we have diagnosed the major health care shortfalls and provided sound and culturally-conscious solutions.

The goal of this bill is nothing short of the complete elimination of these racial and ethnic disparities. In this bill, we have assessed the foremost health care shortfalls of our current system, and provided sound and culturally conscious solutions.

1. We have called for an expansion of the health care safety net, which will increase access to quality health care coverage.

2. We state that health care be should be considered not only a human right but a civil right, and as such must be protected under the 1964 Civil Rights Act.

3. We ask for the widespread, comprehensive, collection and dissemination of health data on minorities to become a top priority for the health care community.

4. In order to appropriately target the diseases that are plaguing minority peoples, we must first make sure that we have an accurate picture of the challenge we are facing. And we must use this information to make sure that everyone is aware of these statistics, so they know the risks.

5. We ask for a complete assault on HIV/AIDS and other diseases that are disproportionately killing the minority community.

6. By enacting this bill, we correct a major problem in America: ending minority health disparities and diversify health care workforce.

Mr. Speaker, the issue here is that millions of Americans, half of whom are minorities, go undiagnosed and uncared for because they lack adequate health care.

Instead of privatizing social security and cutting Medicaid, our President should help African Americans, Latinos, Asian and Pacific Islanders and Native Americans live longer, healthier lives.

The President should not rely on the shorter life expectancy of African Americans or other minorities—he should fix the root of the problem—fix our health care system.

Mr. Speaker, it is our priority to stop the dangerous cycle of shorter life spans and poor quality, inaccessible health care for minorities in this country.

We stand committed because we cannot stand for continued rates of prostate and breast cancer, diabetes, and high blood pressure to take the lives of minority peoples around this country.

If we are to ensure that we are all equal, then we cannot ignore the inequalities inherent in our current heath care system.

And finally, we cannot stand in the halls of this Congress and allow a prescription drug bill, an HIV/AIDS bill, or any other health bill pass that doesn't have a focus on African Americans, Latinos, Native Americans, or our Asian and Pacific Island communities.

Today, we are united for all minorities across this country, and we will win the battle against ethnic and racial health disparities.

WORKPLACE WRONGFUL DEATH ACCOUNTABILITY ACT OF 2005

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. OWENS. Mr. Speaker, it is altogether fitting and appropriate to commemorate Workers' Memorial Day this year by introducing the "Workplace Wrongful Death Accountability Act of 2005." I am very pleased to join my colleague from New Jersey, Senator JON CORZINE, in introducing this bill aimed at saving workers lives. Senator CORZINE and I sponsored identical legislation in the 108th Congress. The bill would amend the Occupational Safety and Health (OSH) Act in 3 simple ways. First, it would stiffen sanctions for worker deaths caused by an employer's willful violations of basic safety standards. Under current law, the sanction is a mere misdemeanor which carries a fine of no more than $10,000 and a prison sentence of no more than 6 months. As the first librarian to become a Member of the U.S. House of Representatives, I can vouch for the fact that some local jurisdictions seek harsher penalties for failure to return a library book.

This bill would make corporate manslaughter a felony offense, with the possibility of sentences that might range from no time behind bars to up to 10 years in prison. Upon a second offense, the maximum sentence could be doubled. Second, this bill would double the penalty for illicitly warning of an OSHA inspection, from a maximum of 6 months to up to 2 years in prison. Third, my bill would increase the penalty for lying to or misleading OSHA, from a 6 months maximum to 1 year's imprisonment. In all three instances, fines would be decided upon in accordance with title 18 of the U.S. code, which is standard criminal law and longstanding criminal procedure.

The reason we need this bill is very clear: the Federal Government is itself guilty of gross negligence in efforts to deter corporate manslaughter. As David Barstow of the New York Times noted last year in his remarkable investigative series on worker deaths in this country, OSHA has an astonishing 20 year track record of failure to seek criminal prosecution when an employer's willful and flagrant safety violations lead to worker deaths. It isn't that the Department of Labor (DOL) doesn't know how to seek criminal sanctions. Anyone who visits the DOL website will see an exhaustive list of prosecutions undertaken by staff in the Office of Labor Management Standards

(OLMS). From 2002 to 2005, the prosecutions sought by OLMS fill up 111 pages, typewritten with a very small font. The difference is that these are prosecutions against union officials for a vast array of minor offenses. Contrast that with OSHA's failure to seek criminal prosecution in a staggering 93 percent of worker death cases, investigated by the agency over the past 2 decades. These deaths were caused by an employer's gross negligence or willful safety violations. In other words, the employer placed a profit motive far, far above any concern over peoples' lives. In some instances, the same unscrupulous employer's pattern of egregious safety violations has caused multiple worker deaths over several years. In such cases, a misdemeanor penalty has no deterrent value whatsoever.

Holding certain local union officials criminally liable for minor instances of alleged record falsification versus handing employers who commit corporate manslaughter an automatic "get out of jail free" pass is a real statement of values and priorities. We hear a great deal from this Republican Administration about the importance of affirming a "culture of life." Well, American workers deserve a "culture" of workplace safety that ensures they will live to go home at night and return to their jobs the following morning. When Congressman TOM DELAY was asked by an Associated Press (AP) reporter last year about the "Workplace Wrongful Death Accountability Act," he replied: "The worst thing you could do—telling a small business person that they could go to prison over an OSHA violation." But such ridicule and exaggeration offends any surviving relative of a victim of corporate manslaughter.

Every year, between 5000 and 6000 workers are killed-on-the-job, often in gruesome circumstances due to inexcusable safety violations. This bill is aimed at holding such grossly negligent employers accountable. It will not result in either wanton or reckless prosecutions of hapless employers. My bill is NOT a radical departure from current law by any stretch of the imagination. This bill simply corrects a glaring oversight in federal law and policy: the inability to pursue a felony conviction of an employer who willfully causes the deaths of workers. It is a moderate adjustment that is long overdue.

Review of a recent case in my own Congressional district illuminates the reasons why this bill needs to be enacted. Less than a week ago, the contractor and owner of Big Apple Development and Construction (Big Apple) pleaded guilty to causing the death of a worker by failing to comply with OSHA regulations requiring employers to provide employees with fall protection equipment. The death of one worker, Angel Segovia, and serious injury of two others occurred, when a building collapsed on Fort Hamilton Parkway in May of 2004. Big Apple was a repeat safety violator, having already received OSHA citations in 2001 for failing to provide its workers with fall protection equipment. When Big Apple's owner and contractor, Kang Yeon Lee, is sentenced for causing the death of Angel Segovia, he faces a maximum of 6 months in prison under the current OSHA statute. But Mr. Lee also pleaded guilty to mail fraud in connection with concealing his failure to pay workers the prevailing wage on a federally funded, U.S. Postal Service construction project. And for mail fraud, Mr. Lee faces a maximum sentence of 20 years in prison and a maximum fine of $250,000 for each count of conviction. The contrast between a six month prison term for killing a worker and a twenty-year prison term for mail fraud could not be starker. Enactment of the "Workplace Wrongful Death Accountability Act of 2005" would value workers" lives and correct such a disgraceful discrepancy.

In closing, Mr. Speaker, I would like to note for the record that the "Wrongful Workplace Accountability Act of 2005" is included in its entirety in a broader bill I am also introducing today, the "Protecting America's Workers Act." I urge my colleagues to respect the lives of all American workers and ask them to join me in sponsoring both these bills. Millions of hardworking Americans and their families deserve nothing less than such essential protection.

HONORING THE CONTRIBUTIONS OF MELANIE TAYLOR, DEDICATED SPANISH TEACHER OF COMAL ISD

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Melanie Taylor for her outstanding contributions to education in the Comal Independent School District of Texas.

Ms. Taylor earned her Bachelor's degree in music from Texas State University in San Marcos. But having fallen in love with the Spanish language and culture at an early age, Melanie Taylor began teaching elementary Spanish in Mexico. Ever since then, Melanie has passed on her passion for Spanish and her appreciation of the Hispanic culture to every student she teaches.

Melanie Taylor has been teaching for 18 years and is now a Spanish teacher for seventh and eighth-graders at the Spring Branch Middle School in Comal ISD. She loves the "middle school attitude," and understands how to connect with her students during their crucial preteen years.

Melanie Taylor summarizes her teaching philosophy this way: "I work hard to teach them [students] not to settle for mediocrity and I try to lead them to become caring and kind individuals who will treat each other with respect and dignity. I try to be a good listener and to help them look for the best solutions to their problems using strong moral values." She has also been dedicated to helping Hispanic students gain a greater sense of pride in their heritage, and their roots. In her efforts, she has helped students understand the advantage and necessity of being multilingual in an increasingly competitive world.

Besides teaching Spanish, Taylor also is the sponsor of Spring Branch Middle School's Fellowship of Christian Athletes (FCA). Through FCA, she and more than 100 student leaders plan socials and conduct community service projects. For her many achievements as an educator, Taylor received the Comal ISD's 2004 KENS5 TV Station ExCEL Teacher of the Year Award.

I am honored to have had the opportunity to recognize such a dedicated teacher and community leader in Comal ISD.

EXPRESSING CONDOLENCES TO THE FAMILY AND FRIENDS OF MERLIN ROSEMEIER

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to offer condolences to the family and friends of Merlin Rosemeier, who passed away April 10, 2005. Merlin was a close family friend and served as best man in my father's wedding. He is survived by his wife, Ramona, nine children, 26 grandchildren, three great-grandchildren and one sister.

Merlin was born in Dublin Township in 1928. He attended school in Murdock and at the University of Minnesota. He married Ramona Traxler on August 29, 1953, and settled into the family farm. He was a hard working dairy farmer and in 2002, his family celebrated owning a century farm.

He was also a very faithful man. As a member of Sacred Heart Catholic Church, he served as the choir director and I fondly remember him using his deep, rich voice to sing "Ave Maria," at church services. He said Grace before every meal and always added a Hail Mary for the crops.

Mr. Speaker, Merlin was a family man whose positive, friendly spirit resonated to those around him. Nothing ever broke his kind and gentle soul. He will be dearly missed by all those that knew and loved him and his memory will live on in their hearts.

IN HONOR OF LAUREL MIDDLE SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Laurel Middle School located in Laurel, Delaware. Founded in 1683, Laurel is a small town in southwestern Delaware that is home to over 800 buildings listed on the National Historic Record. Named for the trees that run along the town's Broad Creek, Laurel is now home to over 3,800 Delawareans. In addition to many historic buildings and beautiful recreation areas, the town is also home to a public school that has proven itself as one of the best in the United States: Laurel Middle School.

I would like to personally thank Dawn Williams, a 7th grade science teacher at Laurel Middle School. Ms. Williams has made me aware of the strides taken by the school. As a benchmark for public education in Delaware, Laurel Middle School has been recognized with a Delaware State Testing Program rating of "superior." This recognition was made possible through the hard work of students, teachers and school officials. While it was the students who scored exceptionally on the test, it is the support system, led by Principal Julie Bradley along with parents, teachers, and administrators, who make it possible to achieve a superior rating.

Most notably, this achievement occurred in a poverty area school, showing that hard work and strong community support can yield outstanding results, regardless of income level. I am grateful for the work of everyone involved and am excited to see the youth of Laurel grow up to become the leaders of tomorrow. Once again Mr. Speaker, I commend the efforts of Laurel Middle School and look forward to following their future achievements.

RECOGNIZING THE 100TH ANNIVERSARY OF THE INGHAM COUNTY COURTHOUSE

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the 100th anniversary of the dedication of the Ingham County Courthouse. Construction of the courthouse began in April 1902 and the cornerstone was laid May 5, 1903. The original structure was finally completed in late 1904 at a cost of $96,678.00 and was dedicated on May 9, 1905. In 1971, the courthouse was placed on the National Register of Historic Places.

The Ingham County Courthouse is a monument to the mechanical and architectural knowhow of the people of Michigan. Designed by a Lansing architect and constructed by Michigan contractors, the century-old Ingham County Courthouse stands tall as a testament to quality of Michigan workmanship.

Mr. Speaker, our Nation's historic places are a vital link to our past and mark the progress of our Nation. I ask my colleagues to join me in recognizing the importance of these historic buildings and to celebrate the 100th anniversary of the Ingham County Courthouse.

PAYING TRIBUTE TO MARY LOU FRENCH, INGHAM COUNTY COMMUNITY NEWS 2005 VOLUNTEER OF THE YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Mary Lou French, the Ingham County, Michigan Community News 2005 Volunteer of the Year. Mary Lou French retired as a teacher, but still teaches about 700 school children every year about life on a farm. Mary Lou, who has maintained her active community involvement even into retirement, is best described in an article in the Ingham County Community News, written by Editor Rachel S. Greco:

MASON, MI—She isn't at the head of a classroom anymore but Mary Lou French, retired after 28 years with Mason schools, still finds solace when teaching.

At her 40-acre farm, French plays hostess to nearly 700 school children from Ingham County every fall. They take a trip there to learn a first-hand lesson in farm life. The pre-school through second grade groups are introduced to pumpkins, animals and hayrides.

"I had a hard time leaving teaching," said French, of her decision to invite students to her property. "It's just another way I get back to teaching.'

In truth, French has been just as active in the community in retirement as she was before it. Her volunteer efforts are evident at the First Presbyterian Church of Mason—where she serves as a Women's Association leader and helps to organize various events and dinners.

But those efforts also extend out into the community, where French has served on the Mason Relay for Life committee since the event's local start, and in the schools where she volunteers to tutor young students in reading and writing.

All this activity is the sum of French's retirement, and she wouldn't have it any other way.

"I've been gone from home all my life," she explained. "I don't like staying at home so this fills the time."

This year, French will become the sixth recipient of the Agnes Comer Volunteer of the Year award, given annually by the staff of the Ingham County Community News.

Residents of Mason flooded the newspaper office with letters about French's good works, after the staff solicited nominations from the community this spring.

"All of Mary Lou's work in this community bears out her legacy," wrote Rex Hauser.

Others cited her willingness to reach out and help whenever it's needed.

"She is well known in the community and a person who people look to when no one else would take on a job," stated Cherie Mitchell. "Someone could say, 'Oh, let Mary Lou do it!' and it would get done."

Rachel Tear, office manager at the Presbyterian Church wrote that French's volunteer work within the congregation propels many activities forward. 'Our church activities would come to a grinding halt if Mary Lou ever quit, so we would like your help in showing her how much we appreciate all that she does."

Among French's work with the church is her involvement in Sunday School, Vacation Bible School, and Thanksgiving and spring pie sales aimed at raising money for the annual Relay for Life efforts.

French is also a member of the unofficial 'Flower Power Group' that maintains flower beds at the Ingham County Fairgrounds. When the fair is open, French is often in charge of exhibits.

Mary Lou extends herself to the limit,' wrote Marie Wingo. 'If you ever needed anything she would be the first to step up and help.'

But French said volunteering as been as good to her as it has to the community.

"It's just personally very satisfying and I've gained a lot of good friends and people I've learned to love because of it," she said.

On Tuesday, May 10, newspaper staff and community members will honor French with a luncheon at Mason City Hall.

Still, those who know her understand that French isn't accustomed to or comfortable with the spotlight.

"The only 'down side' to this nomination may be Mary Lou's humble acceptance that she has not been honored before," wrote Hauser. "Her reward has been precisely only in the 'doing for others,' I am sure, from her point of view."

French said she is grateful for the recognition but would rather not accept it.

"There are so many other people who do so much work,' she said. "I feel very honored that I am getting it but that's not why I volunteer."

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in congratulating Mary Lou French for her commitment to serving the community. We are honored to support her efforts and extend appreciation for her tireless community volunteer outreach. Mary Lou French is truly deserving of our respect and admiration.

HONORING THE CONTRIBUTIONS OF SUSAN DAWSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the accomplishments of Susan Dawson, who teaches at Specht Elementary School in the Comal Independent School District.

Today's teachers not only serve as educators but also as friends and sometimes even role-models to their students. Susan Dawson is one of those teachers. Not only does she present the mere "textbook" information but she treats her students as if they were family. Ms. Dawson realizes that students are unique and because of this they require different approaches to being taught. This methodology of universal teaching has made Ms. Dawson the successful teacher she is today.

Receiving her Bachelor's and Master's degrees from Texas State University in San Marcos, Ms. Dawson has accompanied her degrees with 9 years of experience in the classroom to establish a greater understanding of what students need from their teachers.

It is for this commitment that she has proved herself to be an invaluable asset to the students of Comal County, and it is with great honor that I recognize her here today.

TRIBUTE TO JAMES BORTHWICK AND EDWARD BOYLE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to join with the Kansas City Metropolitan Bar Association in paying tribute to two of the Kansas City metropolitan area attorneys of distinction, James Borthwick and Edward Boyle. Today the Bar Association is presenting them with its Deans of the Trial Bar Award at their Bench-Bar & Boardroom Conference at the Lake of the Ozarks. Both of these gentlemen are longtime leaders of both the Kansas City metropolitan area's bar and of their home communities.

James (Jim) Borthwick is a partner with the firm of Blackwell Sanders Peper Martin LLP, of Kansas City, Missouri. A magna cum laude graduate of Central College with a J.D. from the University of Michigan, he joined the Blackwell firm as an associate in 1964. With a practice focused on litigation in the areas of business and commercial activity, insurance and intellectual property, Jim defended accounting firms against claims of professional liability and manufacturers against products liability claims. He has handled more than 75 accountant and lawyer malpractice cases to conclusion over the last 20 years and was lead trial counsel in defense of a suit by the Resolution Trust Corporation/Federal Deposit Insurance Corporation against the former directors of Franklin Savings Association; the jury verdict for the defendant was described as one of the biggest defense wins of 1996 by the National Law Journal.

Just as importantly, Jim Borthwick has been active in a wide variety of community and charitable organizations, including: the Greater Kansas City Chamber of Commerce, the Friends of Art, the Friends of the Zoo, the Johnson County Democratic Party, the State Committee of the Kansas Democratic Party, Kansas City Consensus, United Community Services of Johnson County, and the Village Presbyterian Church. Professionally, he is affiliated with: the American Bar Association and its Tort and Insurance Practice Section, the Defense Research Institute, the Kansas City Metropolitan Bar Association, the Missouri Bar Association, and the Lawyers Association of Kansas City, where he has served on the Board of Directors and as President.

Edward Boyle is of counsel with the firm of McCormick, Adam & Long, of Overland Park, Kansas. A magna cum laude graduate of the University of Notre Dame and an Order of the Coif graduate of the University of Kansas School of Law, where he was editor in chief of the University of Kansas Law Review, Edward Boyle also served as LTJG in the United States Navy from 1960–62. His practice areas include: complex litigation, land use and zoning, medical malpractice, medical products and devices, wrongful death and motor vehicle accidents. Prior to entering private practice, he served as Special Assistant Attorney General of Kansas for Antitrust from 1971–74.

Edward Boyle also has been actively involved in professional activities, serving as secretary of the Kansas State Board of Discipline for Attorneys from 1978–80, member of the Johnson County, Kansas and American Bar Associations (including as secretary of the Johnson County Bar in 1967), the Kansas Trial Lawyers Association and the Kansas Inns of Court.

Mr. Speaker, both of these distinguished gentlemen reflect creditably upon their profession and their communities. I am pleased to take note of the honors they are being awarded by the Kansas City Metropolitan Bar Association and I commend them to you and to our colleagues in the House of Representatives.

HONORING THE SESQUICENTENNIAL OF THE CITY OF MALAKOFF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the citizens of Malakoff, Texas, on their Sesquicentennial celebration on April 30, 2005. For the last 150 years, Malakoff has been home to fine families and a wonderful community rich in the traditions of East Texas.

According to the Handbook of Texas, the area we now know as Malakoff was first settled by Jane Irvine, a widow from Alabama, who immigrated with her family to the area before 1835. Once settled in Texas, they built a gristmill on Caney Creek, and a small community grew up around the mill. In 1852 the name was changed to Mitcham Chapel after a Methodist church of the same name organized by the Rev. Hezekiah Mitcham.

Around 1855 the city fathers applied for a post office under the suggested names of Mitcham or Purdon. Both names had already been used. The Postmaster, who had been reading about the Crimean War, suggested the name Malakoff, after a Russian town that had gained prominence during the war.

Since that time, Malakoff has grown, but it is has always maintained its small town East Texas roots. Lying at the gateway of East Texas, Malakoff boasts award-winning schools and plays host to the annual Malakoff Cornbread Festival.

During their Sesquicentennial celebration this year, the citizens of Malakoff can be proud of their past and optimistic about their future. As Congressman for the Fifth District of Texas, it is a privilege to represent them in the United States House of Representatives. On this important occasion, I would like to extend my best wishes to the citizens of Malakoff and offer my heartfelt prayers for continued prosperity and success over the next 150 years.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. LEE. Mr. Speaker, on April 27, 2005, in order to attend to a family matter, I was unable to vote on rollcall no. 145. Had I been present, I would have voted "aye" on H. Res. 241, a resolution to reverse the harmful and inappropriate changes that were made to House ethics rules by H. Res. 5. I voted against H. Res. 5 which changed House ethics rules when it came to the Floor on January 4, 2005 and the overwhelming approval of H. Res. 241 only underscores that the changes in H. Res. 5 were overreaching by the majority party.

PROTECTING AMERICA'S WORKERS ACT OF 2005

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. OWENS. Mr. Speaker, April 28th is Worker Memorial Day, designated as a time to honor the thousands of American workers killed on the job every year by willful or negligent safety violations on the part of errant employers. The surviving family members of workers killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate Congressional attention and action. Today, I am very pleased to join with Senator EDWARD M. KENNEDY in introducing legislation that promises such essential action by strengthening provisions of the Occupational Safety and Health (OSH) Act. The bill—"Protecting America's Workers Act"—would hold those who commit corporate manslaughter accountable at the same time that it reinforces critical health and safety protections for workers nationwide.

Even by conservative estimates, an American worker is killed on the job every 96 minutes. We read about these deaths in newspapers from the District of Columbia to Washington state. Only last month, for example, 15 workers were killed by a fiery explosion in a British Petroleum (BP) oil refinery in Texas City, Texas. Every year in New York City, construction workers are killed by free-falls from buildings and collapses of faulty scaffolds and concrete walls. Near Toledo, Ohio last year, 4 ironworkers died in the collapse of a massive bridge crane and 4 others were injured. And almost 6 months ago in Walnut Creek, California, a gas pipeline explosion killed 5 workers and badly injured 4 others.

In the words of a New York State Supreme Court Justice, these worker deaths were not simply "random accidents" but rather "tragic certainties." The workers died as the direct result of some employer's willful safety violations or serious negligence. All too often—and in the worker death cases listed above—employers responsible for these fatalities are repeat safety violators. In some cases, multiple workers in the same firm may die in identical circumstances over a period of years, without the responsible employer ever facing stiff criminal penalties or any prison sentence.

Under the current OSH Act, the maximum penalty any employer can receive for causing the death of a worker is 6 months in prison and a $10,000 fine. Unlike surviving relatives of other crime victims, family members of workers killed on the job are left without any victims' services or assistance under current law. They even lack a voice in any Occupational Safety and Health Agency (OSHA) investigations of their loved ones' deaths as well as subsequent negotiations with culpable employers over any downgrading of initial citations and fines tied to the worker fatalities.

By stiffening criminal penalties for those found guilty of blatant safety violations that result in worker deaths, this bill will make other employers think twice about ignoring basic health and safety rules that risk workers' lives. It incorporates in its entirety the provisions of my bill, the "Workplace Wrongful Death Accountability Act," which makes it a felony offense to kill a worker and provides for a term of up to 10 years in prison. For a second offense, the maximum term for a culpable employer would be 20 years in prison. Likewise, maximum penalties for illicitly warning of an OSHA inspection or lying to OSHA would be set appropriately to serve a deterrent purpose. Under this bill, civil penalties are also set in accordance with the time-honored principle of deterrence.

The "Protecting America's Workers Act" would also extend OSHA coverage to millions of workers who currently lack the protection of workplace safety and health laws. Among others, these include public employees in a number of states and localities, certain transportation workers such as flight attendants, and a number of federal workers as well as those in public/private entities such as the Nuclear Regulatory Commission. Moreover, it provides stronger protections for any worker who reports the safety and health violations of an errant employer.

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the hospitalization of 2 or more employees. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA's workplace investigation and "penalty negotiation" process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities to "unclassified" ones. Last but not least, the bill strengthens workplace prevention efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on Safety and Health (NYCOSH), joined by like committees in the other 49 states, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers' very health and lives.

As senior Democrat on the Subcommittee on Workforce Protections, I want to recognize a number of my colleagues, including Representatives MILLER, ANDREWS, LYNCH, DELAURO, and MICHAUD who have joined me as original cosponsors of the "Protecting America's Workers Act." Representative MILLER's 30-year track record of support for workers, as well as his role as senior Democrat on the Education and Workforce Committee is well known. Representative ANDREWS, senior Democrat on the Employer-Employee Relations Subcommittee is also author of a separate bill to extend OSHA protections to those state and local government workers who lack coverage by workplace safety laws. His bill is included in its entirety as a provision in the comprehensive bill we are sponsoring today. As a co-chair of the Labor Caucus in the House, Representative LYNCH is dedicated to protecting workers across the country. Through her actions on the House Appropriations Committee, Representative DELAURO has demonstrated her commitment to ensuring worker health and safety. And, by serving as a co-chair of the House Labor Caucus, Representative MICHAUD has also shown his dedication to workers' well-being. I thank them all for their cosponsorship and urge other members of the House to join with us in endorsing this legislation, critical to the well-being of America's working families.

In closing, Mr. Speaker, the time for the "Protecting America's Workers Act" is now. Although we have made substantial progress in protecting health and safety in American workplaces since the OSH Act was first passed in 1970, that progress has stalled precipitously under the current Bush Administration and the Republican Congress. We must reverse this setback to workplace safety and enact this bill without delay.

HONORING THE CONTRIBUTIONS OF THE NAVARRO INDEPENDENT SCHOOL DISTRICT TEACHERS OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the accomplishments of Regina Neely, Kate Russey, and Charles Sanford, the Navarro Independent School District Teachers of the Year.

Charles Sanford is the librarian at Navarro Elementary School. He holds both a Bachelors of Arts from Texas State University and a Master of Science from the University of North Texas. He has previously taught third grade reading at Navarro Elementary, and is committed to childhood literacy and to introducing all of his students to the joy of reading.

Kate Russey is the choir teacher and band director at Navarro Middle School. She graduated from Texas Lutheran University, and has been teaching at Navarro for three years. She is a critical part of Navarro's music program, and goes above and beyond her work at the middle school to serve as assistant band director for Navarro High School.

Regina Neely is an English teacher at Navarro High School. She holds a Bachelors of Art from Texas Lutheran University, and previously taught in the Seguin, Hayes, and San Marcos School Districts. She has been at Navarro for four years, and has been a tremendous resource for her 2 students, giving them the language skills they will need to succeed in later life.

All three of these educators are a credit to the Navarro Independent School District. Teachers like them make our communities stronger and ensure a brighter future for our children. I am proud to have the chance to honor them here today.

HONORING COLLEEN CONWAY AS A ST. PAUL AREA ATHENA AWARD WINNER FOR 2005

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor Colleen Conway, of Woodbury, Minnesota, as a St. Paul Area Athena Award winner for 2005. She is one of 33 female athletes to receive this award, which stands for character, longevity and durability. It is given for outstanding athletic achievement.

Colleen is a three-sport standout at Hill-Murray, a Catholic school she has attended since 7th grade. She plays soccer, hockey and softball, earning 14 varsity letters in total. She was an all-state shortstop as a junior softball player, has been named all-conference twice in softball and led the hockey team in scoring this past year. In soccer, she has played every position and once even played them all in the same game. She has earned a softball scholarship to the University of Minnesota for the fall.

A typical summer day would find her playing all three sports, morning until night. Even with all this activity, she maintains a 3.8 grade point average in school. In her spare time, she also helps out at her family-owned bakery in Woodbury.

Mr. Speaker, it is my honor to represent such a motivated and talented young woman. I join with her family, teachers, coaches and teammates in celebrating Colleen's outstanding accomplishments.

IN HONOR OF LA RED HEALTH CENTER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the La Red Health Center, located in Georgetown, Delaware. La Red is an important and effective health care provider for the residents of Sussex County. The center provides bilingual high-quality and cost-effective primary and preventive medical care to over 5,000 Sussex County residents who are uninsured, underinsured or face other barriers to medical care. La Red's importance is highlighted by the fact that the United States Census Bureau finds Sussex County to possess the fastest growing Latino and African American populations in Delaware. With such growth, there are limited medical resources to meet the unique needs of these populations. For this reason, La Red's recent attainment of federally qualified health center status by the U.S Department of Health and Human Services is so important and exciting.

The center will receive $650,000 in federal funding each year for the next three years. La Red will also receive $200,000 a year for the next three years through the Rural Health Outreach Program, to support La Red's Prenatal

Program. La Red has faced many hurdles on the path to receiving this distinction, facing challenges to secure funding and reach out to underserved populations.

In addition to the Congressional Delegation of Delaware, the staff at La Red deserve our highest praise. Over the past few years, they have managed to improve and expand services, while simultaneously reaching out to the Sussex community. By qualifying for health center status, La Red will continue to improve its services with such federal privileges as: the 340 B Federal Discount Drug program, which allows La Red to get discount rates on prescription drugs; applying for federal tort claims, which provides insurance to the center; and receiving federally funded technical assistance.

This is a very exciting time for La Red, but even more so for the growing number of patients in Sussex County—they have a reliable and quality health center they can turn to in times of need.

HONORING THE ECLC SCHOOL OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the ECLC School of New Jersey, in the Borough of Chatham, in Morris County, a vibrant community I am proud to represent! On May 5, 2005, the ECLC School is celebrating its Thirty-Fifth Anniversary.

For 35 years, the ECLC has been an accredited nonprofit school, providing special education for children. The children have severe learning and/or language disabilities, autism, or multiple disabilities. Students go to the ECLC School when their local public school determines that an out of district placement is needed. The school also serves an additional 110 young adults with Community Personnel Services (CPS), their supported employment program.

The ECLC School's mission is to help each child develop socially, emotionally, academically and physically. The program integrates academics with speech, language, physical and occupational therapies, counseling, social skills development, vocational preparation, activities of daily living and real job experiences. The goal is to prepare their students to face the world of work and to prepare them to integrate into the communities in which they live.

At the ECLC School, administrators, teachers and parents believe that maintaining student individuality is paramount to success. Because children's needs are always changing, the program is designed with flexibility in mind. Students work at their own pace, using a variety of creative and motivating materials. Students are measured by their own successes, of which there are many!

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of the ECLC School of NJ on the celebration of its thirty-five years serving Morris County and Central New Jersey! And special praise is due to their dedicated administration, wonderful teachers, support staff, volunteers and active parents who work tirelessly on behalf of the disabled community.

CELEBRATING EL DÍA DE LOS NIÑOS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise in recognition of El Día de Los Niños. This event, held in Laredo every year on April 30, celebrates our children, the architects of our nation's future.

El Día de Los Niños celebrates family values, and encourages children to develop the skills and habits that will help them in later life. This holiday is celebrated in over 75 cities throughout the United States and Latin America. The Laredo celebration has grown explosively, from a few hundred in 1999 to 14,000 adults and children in 2004.

This year's celebration will be organized by Mary Capello and the Texas Migrant Council, and will include an essay contest which asks: "How is honoring books the key to my future?" In addition, El Día de Los Niños in Laredo will include workshops in book appreciation, classical music, and art, to help spark the imaginations of the city's children and to inspire them to explore their potential.

I encourage you to join me in celebrating all of our children on this April 30th. Our children genuinely are the architects of our future, and we should all work together to do what we can do to support strong families, better education, and a brighter future for the next generation.

HONORING DR. JOYCE GIFFORD, RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Dr. Joyce Gifford, a veterinarian from Cumberland, RI, who was recently named 2005 Rhode Island Small Business Person of the Year by the Small Business Administration (SBA). Dr. Gifford is the owner of Abbot Valley Veterinary Center, a successful practice that employs a number of Rhode Islanders and provides extraordinary care for family pets.

Dr. Gifford possessed remarkable professional qualifications, having graduating at the top of her class from the Tufts University School of Veterinary Medicine and worked in some of the nation's most renowned veterinary hospitals. Dr. Gifford had always dreamed of starting her own veterinary practice, but her aspirations were put on hold when she had trouble securing the initial financing. Seeking advice, Dr. Gifford turned to the SBA and SCORE for assistance. These agencies helped Dr. Gifford improve her business plan and provided the loan assistance she needed to open her own veterinary center in 1995.

The Abbot Valley Veterinary Center quickly garnered widespread popularity. Dr. Gifford earned a reputation as a compassionate, dedicated, and experienced professional. Today her business has grown to serve more than 2,000 patients.

As her business began to take off, Dr. Gifford was diagnosed with cancer. Drawing on the courage and resolve that had come to define her professional career, and with the help of family, friends, and clients, Dr. Gifford successfully overcame the disease and today is cancer-free.

Over the years, Dr. Gifford has made many significant technological additions to her business to better serve her patients, and her clientele and staff continue to grow. In addition to being an accomplished entrepreneur, Dr. Gifford is also a philanthropist, and she supports a variety of local animal shelters and community organizations, such as the Cumberland Boys and Girls Club.

Dr. Gifford embodies the professional and personal character necessary to operate a successful business, and she now joins the list of distinguished Rhode Islanders who have been named Small Business Person of the Year.

I congratulate Dr. Gifford for her successful practice and dedication to her community. Small businesses are key to economic growth in my home state, and I wish Dr. Gifford and the 32,000 other small business owners in Rhode Island great success in the future.

INTRODUCTION OF QUALITY BANK VALUATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation to eliminate endless litigation—and the associated economic hazard to Alaska—over the valuation of oil that is shipped through the Trans-Alaska Oil Pipeline System, TAPS.

The current litigation over this issue concerns valuations used in connection with the "TAPS Quality Bank," which shippers make payments into or receive payments from depending on the quality of the crude oil they inject into the pipeline. This litigation has been ongoing since 1989, and there is no end in sight. Unfortunately, the incentive of parties to litigate is compounded because the Federal Energy Regulatory Commission, FERC, apparently has authority in these cases to impose changes in oil valuations on a retroactive basis.

My bill provides that, after December 31, 2005, the FERC will no longer have authority to apply changes to Quality Bank valuations on a retroactive basis. In other words, if FERC makes changes in the method by which oil shipped through the pipeline is valued, they must do so only on a prospective basis. This will impose a strong incentive for parties to the existing litigation to settle before the end of this year, and ensure, with respect to any future changes to valuations, that no TAPS shipper is exposed to the kind of retroactive liability that could accrue in the existing dispute.

Since its opening in June 1977, the Trans-Alaska Pipeline System, TAPS, has carried crude oil from Alaska's North Slope to Valdez where the oil is shipped to market. The pipeline carries crude oil from various sources and of varying quality. The oil is injected into the line before the pipeline's Pump Station One near Deadhorse, Alaska and commingled as the blended stream of oil travels south to Valdez. The TAPS Quality Bank was established to compensate producers of higher quality crude oil for the difference in the value of the crude injected at the North Slope and that of the lower-quality commingled stream received in Valdez, since each shipper receives a quantity of the blended stream in Valdez equivalent to the amount it injected into the line.

Companies injecting low-quality crude oil pay into the Quality Bank, while companies injecting high quality crude receive a payment from the Quality Bank. In addition, between the North Slope and Valdez, two refineries, Flint Hills and Petro Star, withdraw a portion of the common stream from TAPS, partially refine the crude oil into products such as gasoline, diesel and jet fuel, and reinject into TAPS the other components of crude left over after their refinery processes. Each fuel extracted from the crude is called a "cut." To compensate other shippers for the lower relative value of the oil the refineries return to TAPS, refiners also pay into the Quality Bank. The objective of the Quality Bank is to make monetary adjustments so that each shipper is in the same economic position it would enjoy if it received the same oil in Valdez that it delivered to TAPS on the state's North Slope.

The methodology used to determine Quality Bank payments has been a subject of controversy since the Quality Bank's creation. The problem arises because there is no independent market for the crude injected on the North Slope and thus no way to objectively determine its value. The methodology is set by the Federal Energy Regulatory Commission. Since the early 1980s, FERC-approved methodologies have been challenged in court and revised multiple times. In 1993, the majority of North Slope shippers proposed and FERC approved a settlement calling for the use of a "distillation" methodology, which would value crude oil based on the market price of various cuts created when the components are separated based on different boiling points—the distillation process. This methodology replaced the former "gravity" methodology where oil was valued based on its relative gravity.

Since 1993, disputes have focused largely on the valuation of cuts at the highest boiling points—the "Heavy Distillate" cut that evaporates at temperatures between 450 and 650 degrees F. And the "Resid" (residual) cut, which includes the portion remaining after distillation of all other cuts at boiling points up to 1050 degrees F. Two additional cuts are also at issue, the VGO and Naphtha cuts.

In 1997, responding to a DC Circuit Court of Appeals ruling, FERC approved a settlement with a revised valuation methodology for Distillate and Resid. Under the FERC order, the new valuation methodologies were to be applied on a prospective basis only. Later, the DC Circuit in 1999 told FERC to revise some particular details of the Resid valuation and also held that FERC had "failed to provide an adequate explanation" as to why the new methodology should not be made retroactive to 1993.

Responding to the ruling, the Administrative Law Judge, who in 1997 had decided that all changes should only apply prospectively, reversed his position and released a decision in August 2004 calling for changes in the Resid and Heavy Distillate cuts to be applied retroactively, in the case of Resid to as far back as 1993. In addition, the administrative law judge decided to apply new valuations for VGO and Naphtha, prospectively. Currently, the judge's decision is awaiting a final decision by the FERC on whether to impose the Initial Decision or alter it.

There are clearly major public policy implications resulting from this Quality Bank issue. While the bank is a "zero sum" game as far as money paid in and out of the bank is concerned, the impacts on the parties and thus on the citizens of Alaska are anything but equal.

For decades Alaskans suffered from the effects of having to import all refined fuel products into the state from West Coast refineries. Besides higher prices caused by transportation, that left the state wholly dependent on fuel supplies that needed to travel at least 2,000 miles on average to reach Alaska consumers—sometimes through bad weather and difficult sea conditions. With the construction of in-state refineries, Alaskans finally saw greater security of supply, less dependence upon weather for shipment arrivals, and the possibility of lower fuel prices because of potentially reduced transportation costs. The greater dependability of fuel supplies improved aviation freight shipments at the Anchorage and Fairbanks international airports, helping create jobs in air freight and related industries.

The recent decision of the FERC Administrative Law Judge to apply new Quality Bank methodology assessments retroactively, however, places the economics of in-state refineries at risk. That in turn not only impacts the job security for the roughly 400 Alaskans who work at the refineries, but also threatens the state's energy and economic security.

The problem is that both of the refineries must make long- and short-term business decisions based on crude costs when they process crude oil into product. Refineries optimize their production slates based on current market realities. It is difficult for them to operate, given low profit margins, if oil values can change years later as a result of Quality Bank decisions. They simply have no way to make rational business decisions when the cost of their products can be determined retroactively long after they can protect themselves for perceived mistakes in FERC-approved valuation methodologies. This certainly threatens the ability of the refineries to attract capital, money needed for them to modernize and meet new ultra-low sulfur diesel "clean fuel" requirements soon to go into effect.

My Delegation last fall in report language added to the federal budget expressed its concern with the equity of long retroactive Quality Bank valuation adjustments. Last autumn we urged FERC to look carefully at the justice of the Initial Decision of the Administrative Law Judge in this case and we encouraged all of the eight parties—including the State of Alaska—to reach an out-of-court settlement of the 1993 case to bring finality to this complex case before it harms in-state refinery capabilities. We wanted to avoid a legislative solution to this purely Alaskan case. We renewed our pleas for action in a letter sent to FERC on April 5th.

In the intervening six months, while two mediation sessions have occurred, the parties report little or no progress toward reaching a mutually agreeable settlement. While opinions may differ on whether Congress should intervene to settle the on-going case, there is little doubt that Congress should step forward to prevent such an arcane dispute from ever again threatening Alaska's energy industry.

For this reason, I am introducing today legislation identical to S. 822, already introduced by Senators STEVENS and MURKOWSKI, to limit the ability of FERC in the future to make retroactive the impacts of future Quality Bank valuation methodology changes. I plan to push for inclusion of this provision in the energy legislation being considered by Congress this year.

By this legislation, after Dec. 31, 2005, FERC still will be able to change the methodology for determining the value of oil flowing through the pipeline but will not be permitted to apply changes to Quality Bank valuation methodologies on anything other than a prospective basis

I have proposed this provision to prevent this legal nightmare from happening again. This provision will first eliminate the perverse current incentive for all sides to promote further litigation regarding Quality Bank valuations based on the expectation of a retroactive application of changes that would result in a large economic windfall. The retroactive application of valuation methodology changes encourages the sides in a dispute to sue in hopes of gaining a larger benefit in the future. This is a "lottery," however, that Alaskans are guaranteed to lose.

By setting Dec. 31, 2005 as the date that FERC can no longer apply Quality Bank valuation methodologies on a retroactive basis, the legislation will put the FERC and the litigants on notice that the current dispute must be resolved by the end of this year.

Requiring FERC to apply valuation methodology changes in connection with any future disputes on a prospective basis only will eliminate the risk and uncertainty associated with the prospect of nearly unlimited retroactive application of Quality Bank payment methodology changes. That will allow all Quality Bank participants to be able to conduct business with the certainty of knowing that prices received and paid for oil today cannot be altered years down the road. In addition, this will eliminate the strong incentive that currently exists for some parties to engage in endless litigation, in hopes of gaining windfall benefits from retroactive application changes.

While I, along with Senators STEVENS and MURKOWSKI, continue to call on all sides in the current dispute to compromise and settle this case now, this bill will discourage if not eliminate this type of dispute in the future—a benefit for all Alaskans.

HONORING CHRIST MEMORIAL CHURCH WORSHIP AND MUSIC LEADER JOHN BRIGHT UPON HIS RETIREMENT ON MAY 15, 2005

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Christ Memorial Church Music and Worship Leader John Bright upon his retirement. John Bright, who with the enduring support of his wife Marylin, has faithfully ministered for 40 years, including 23 years at Hope Reformed Church in South Haven, Michigan and 17 years at Christ Memorial Church in Holland, Michigan.

John Bright is a true minister of the Word through his music. He turned Wednesday evening choir rehearsals into a worship experience. He evoked passionate singing in all of the choir's music by asking each member of the choir to personalize the message. He faithfully taught the Christ Memorial Sanctuary Choir the power of communal prayer. His choirs will always be remembered for excellence in singing, bringing clarity to the message and praise to the Lord. John consistently sought to coordinate the message of the music with the message of the Word. He used his God-given gifts and talents to provide a worship atmosphere for everyone who attended his choral-led services. Every performance by John's choirs, be it in a worship or concert setting, was conducted in the context of Psalm 115:1, "Not to us, O Lord, not to us, but to your name be the glory, because of your love and faithfulness."

His smiling personality refreshed the hearts of the saints as described in Philemon 1:7. John Bright emptied himself so that he could serve all. John's life and music always provide encouragement to those most in need. He brought joy to patients in nursing homes throughout the year, leading them in worship and giving them cards and gifts. He tirelessly accepted the many requests to minister with music at countless weddings, funerals and other events.

Let it be known to all on the 15th day of May, in the year of our Lord 2005, that the members of Christ Memorial Church and the Sanctuary Choir do affirm the above and ask for God's fullest blessings on John Bright as he and Marylin move to the next season of their lives.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. MYRICK. Mr. Speaker, I was unable to participate in the following vote on April 27, 2005. If I had been present, I would have voted as follows:

Rollcall vote 140, on Motion to Recommit H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, I would have voted "no."

HONORING THE CONTRIBUTIONS OF MELINDA RIOS, ARLON SEAY INTERMEDIATE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the extraordinary accomplishments of Melinda Rios, Arlon Seay Intermediate School Teacher of the Year.

Melinda Rios holds a Bachelor's degree from the University of Texas at San Antonio. She has accumulated an impressive record of accomplishment in her 19 years of teaching.

Today, Ms. Rios teaches Science and Social Studies to sixth-graders at Arlon Seay Intermediate School in the Comal Independent School District.

Ms. Rios believes that teaching is an interactive process that requires adjustments and alterations to fit each individual student. She sees herself as a resource that students can call on as they work to achieve their life goals.

Ms. Rios' commitment to service, and her willingness to learn and grow in her chosen profession, have made her one of her district's most valuable teachers. She is a tremendously valuable resource for her students, and for all of the families of her community. Her hard work prepares her students for future success, and helps to make them well-rounded citizens.

She is a credit to the Arlon Seay Intermediate School, and I am happy to have had the chance to honor her here today.

TRIBUTE TO MIDAMERICA NAZARENE UNIVERSITY PRESIDENT RICHARD SPINDLE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to a distinguished leader in the fields of higher education and community service who soon will be stepping down after 15 years of valuable service as president of MidAmerica Nazarene University, which is located in the Third Congressional District.

Dr. Richard Spindle is a visionary leader who oversaw significant expansion of MidAmerica Nazarene University during his tenure as president, including a major enrollment increase, construction of two new dormitories, the Cook Center and the Bell Family Arena. Founded in 1966, MidAmerica Nazarene University is a private, liberal arts university offering undergraduate and selected professional and graduate degrees. Since the initial semester of operation, enrollment has increased dramatically and now totals approximately 1,400. A Christian community in the Wesleyan-Holiness tradition, MidAmerica Nazarene University seeks to transform the individual through intellectual, spiritual and personal development for a life of service to God, the church, the Nation and the world.

During the past 2 years, I have been privileged to work with Dr. Spindle in a successful effort to obtain federal funding for MidAmerica Nazarene's criminal justice instruction program. He has been a major force for positive change and advancement in the Olathe community and throughout the Kansas City metropolitan area. I join with many of our neighbors in wishing Richard and Billy Spindle all the best as they prepare to move to Brazil in August in order to consult with Brazilian Nazarene College.

Mr. Speaker, I am placing in the RECORD a recent news article from the Olathe News, which details a celebration that was held in Dr. Spindle's honor at MidAmerica Nazarene, highlighting many of the personal qualities which made him a popular and effective administrator. I commend him to you, Mr. Speaker, and to our colleagues in the House of Representatives.

[From the Olathe News, Apr. 24, 2005]

SPINDLE PREPS FOR HIS 'TRANSITION'

(By Arley Hoskin)

Leaders don't retire, they transition. And that's the way MidAmerica Nazarene University president Richard Spindle views his departure in May. The community gathered Thursday at the university's Cook Center to celebrate Spindle's transition. As leaders in the community spoke of Spindle during the gathering, it became clear that Spindle had both their respect and admiration. "We've been fortunate here to have a leader like Dr. Spindle," Olathe Mayor Michael Copeland said. In Spindle's honor, Copeland deemed the day "Richard Spindle celebration day."

MNU experienced extraordinary growth during Spindle's 15 years as president. But the focus of the evening was not on MNU's all-time high enrollment, the development of Cook Center, the ground breaking for the new dormitory or the plans for a new cultural arts center.

When people spoke of Spindle, they spoke not just of a man with many accomplishments, they spoke of a friend. "Some people you feel good about and relate to," said Ron Wimmer, Olathe school district superintendent. Spindle was that kind of man, Wimmer said, and he also brought credibility to the university.

Many of the school districts new employees graduate from MNU, but Spindle contributed more to the community than a pool of employees.

Wimmer enjoyed his presence at the Olathe Chamber of Commerce meetings and Spindle is someone whom Wimmer considers a friend. Wimmer is not alone.

A video shown during the celebration was filled with accolades from faculty, staff and alum. Spindle is the kind of leader who knows students by their first names, MNU alum Bryan Beaver said. Others agreed. "I really did not expect to be able to call the president a friend. I feel like I can say that," said Allison Bartholomew a 2002 graduate.

Students were not the only ones who noticed Spindle's caring personality. A person's handshake says a lot and Spindle's spoke of confidence and care. Frank Devocelle, CEO of Olathe Medical Center recalled the first time that Spindle shook his hand. Both men extended their right hands, and Spindle reached out and cupped Devocelle's hand with his left hand. "It left (me) with a feeling of warmth, a feeling of caring and a feeling of concern for others," Devocelle said.

Spindle was known for his concern for others. "He was a role model of servant leadership," said MNU chaplain Randy Beckum. "Not by power, (but) by integrity."

Spindle took pride in beautifying the campus—he not only helped developed plans for campus renovations, but participated in some of those ventures.

Alumni president Jill Kenney remembers planting trees along Mur-Len Road with Spindle and his wife, Billy. It was cold and the trees were puny she said, but the Spindle's had a vision.

The trees were just part of the Spindle's vision. Spindle developed a 100-year plan during his time as president and he was able to see the two new dorms, and the Cook Center and Bell Family Arena built.

More importantly he saw the lives of students change. "These 25 years have been filled with joyous opportunities," Spindle said. The students were always his main concern, said academic dean Frank Moore. He was the same man inside the office as he was outside, Moore added.

Billy, who shared her husband's passion for students, was also honored at the celebration. Billy served on the women's auxiliary and generated more than $150.000 worth of scholarships through the sale of birthday cakes and the MNU country store, now MNU mercantile and diner. Billy also is known for leading by example. "She is a part of everything, heart and soul," said Kathy Smith, who served with Billy on the women's auxiliary.

The Spindles plan to move to Brazil in August where Richard Spindle will serve as a consultant for Brazilian Nazarene College.

COSTS REDUCED IN HALL ULTRA-DEEP AND UNCONVENTIONAL ONSHORE NATURAL GAS PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HALL. Mr. Speaker, I know you share my concern about the need to increase domestic natural gas supply—the cleanest of the fossil fuels. One sure way to do that is by developing the technologies that are necessary to produce our 1400 trillion cubic feet of technically recoverable natural gas.

As the original sponsor, I want to commend Chairman BARTON, Chairman DREIER and Chairman BOEHLERT for their hard work to develop my ultra-deepwater and unconventional natural gas research and development provision that was passed by the House last week. It was a challenge to reconcile the different versions of the provisions that were reported from the Energy and Commerce Committee and the Science Committee. This natural gas research and development provision will increase domestic natural gas supply and lower the cost of energy to consumers.

The Science Committee, on which I am proud to serve, passed its provisions for the comprehensive energy bill in early February. Those provisions included a program in ultra-deepwater and unconventional onshore natural gas supply R&D that tracked the language in the conference agreement on H.R. 6 in the previous Congress. The provisions funded this program through $1.5 billion in mandatory spending over 10 years. In the last Congress much good work was done to improve this legislation. That good work was reflected in the legislation reported from the Science Committee and I appreciate the hard work.

Several weeks later, the Energy and Commerce Committee, on which I am also pleased to serve, reported its version of the energy legislation which included a similar provision for the ultra-deepwater and unconventional onshore natural gas research and development program that complied with the $500 million ten year mandatory spending limit contained in the House Budget Resolution. However, this provision was also problematic because the score in the first year was $100 million.

The House Rules Committee was responsible for reconciling the differences between various energy provisions reported by several House Committees prior to consideration on the floor of the House of Representatives, as well as to ensure that the final version of comprehensive energy legislation complied with the House Budget Resolution. The ultra-deepwater and unconventional onshore research and development provisions that were sent to the floor and passed by the House are a skillful combination of the work of the Science and the Energy and Commerce Committees. The combined provisions provide the opportunity for implementation of a robust program of research and development, which the DOE Energy Information Administration says would both increase supply and pay for itself in the form of increased royalties, to help develop new technologies to find and produce more of our domestic gas.

It is my understanding that the gas supply R&D provision that was passed by the House was scored by the Congressional Budget Office at $500 million over 10 years or $1 billion less than the provision passed by the Science Committee. I believe that the return to America consumers—according to EIA, a rapid technology scenario could save up to $7 billion in the year 2025 alone—is worth a $50 million per year investment over 10 years. This provision would establish a rapid technology scenario for natural gas production in this country. It is responsive to both budget constraints and is good public policy.

I also commend the Chairman and Chairman POMBO and Chairman NUSSLE for their hard work to ensure that mandatory funding was made available for these vital natural gas supply research and development provisions and other measures in the bill. There are three other provisions in the energy bill that were also granted $500 million in mandatory spending by the Budget Resolution. The energy savings performance contracts will improve the energy efficiency of federal buildings and help mitigate the environmental consequences of power generation. The domestic offshore energy reinvestment program will provide funds to Coastal Energy States from federal oil and gas royalties. The electric reliability standards enforcement measure will improve the reliability of the Nation's electricity transmission system. Each of these provisions addresses specific problems associated with energy production and consumption. And each, for different reasons, need to be funded outside of the appropriation process. I thank the Chairman for his time.

INTRODUCTION OF THE CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2005

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. KIRK. Mr. Speaker, today I am reintroducing the Coral Reef and Coastal Marine Conservation Act of 2005. This bill will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation. This bill builds on the model of the Tropical Forest Conservation Act, expanding it to include coral reefs.

I want to thank the gentleman from Florida (Mr. ALCEE HASTINGS) for being the lead cosponsor of this bill. This very same bill passed the House of Representatives by a vote of 382–32 on October 16, 2001.

It is said that coral reefs are the rainforests of the ocean. Although they occupy less than one-quarter of 1 percent of the marine environment, coral reefs are home to more than one-quarter of all known marine fish species.

Coral reefs are among the most biologically rich ecosystems on Earth. About 4,000 species of fish and 800 species of reef-building corals have already been identified. However, scientists have barely begun to catalogue the total number of species found within these habitats. Their scientific value cannot be underestimated. Yet, they are disappearing at an alarming rate.

According to a 1998 study conducted by the United Nations and various international environmental organizations, 58 percent of the world's reefs are potentially threatened by human activity. These activities include coastal development, overfishing, marine pollution, and runoff from inland deforestation and farming.

More than one-quarter of the world's reefs are at risk. Predictions made in 1992 were that 10 to 20 years from now, another 30 percent of the world's coral reefs could be effectively destroyed, adding to the 10 percent that already were destroyed.

While these numbers sound alarmist, figures today show that they are conservative. Most Caribbean and South Pacific mangroves have disappeared, while India, Southeast Asia, and West Africa have each lost about one-half of their mangroves.

Almost a half a billion people, 8 percent of the world's population, live within 100 kilometers of a coral reef. A decline in the health of coral reefs has implications for the lives of millions of people who depend upon them. Coral Reefs are the basis of subsistence for the local-market fisheries in 100 countries, providing the protein for more than one billion people worldwide.

The burden of foreign debt falls especially hard on the smallest nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. At least 40 countries lack any marine protected areas for their coral reef systems.

This legislation will make available resources for environmental stewardship that would otherwise be the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

The Tropical Forest Conservation Act has set a path for debt-for-nature swaps, and the United States has an important role to play in assisting in the protection of the world's natural resources. This bill extends the support from forests to the oceans, and critical countries like Jamaica, Belize, Dominican Republic, the Philippines, and Thailand could benefit from this legislation.

Under President Bush's Enterprise for the Americas Act, the United States sponsored many debt-for-nature swaps to protect rainforests. It is now time to expand these successful programs to cover critical coral reef habitats.

HONORING THE CONTRIBUTIONS OF WENDY McCUISTON, SMITHSON VALLEY HIGH SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Wendy McCuiston, Smithson Valley High School Teacher of the Year.

Wendy McCuiston holds a B.A. from New Mexico State University at Las Cruces, and a Master's degree from Texas A&M University. She has had an outstanding career in education, with more than 27 years of teaching experience.

Ms. McCuiston teaches 9th through 12th grade Family and Consumer Science at Smithson Valley High School in the Comal Independent School District. She is committed to teaching her students the practical skills that will stand them in good stead in later life.

She has distinguished herself as a warm and supportive presence in the classroom. Asked about her teaching philosophy, she summarizes it this way: "Treat people with respect, let them know you value them as an individual, and most of all show them you care."

Wendy McCuiston is an outstanding teacher, and her career has been filled with countless accomplishments, of which this award is only the most recent. She is a credit and a blessing to her community, and I am proud to have the opportunity to honor her here today.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. WICKER. Mr. Speaker, on rollcall votes Nos. 133–145, I was unavoidably absent. Had I been present, I would have voted as follows: On Nos. 133–139, "yea"; on No. 140, "nay"; on Nos. 141–142, "no"; on No. 143, "nay"; on No. 144, "aye"; on No. 145, "yea".

RECOGNIZING WORLD WAR II VETERANS OF THE PLAINVILLE CHAPTER, DISABLED AMERICAN VETERANS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. McGOVERN. Mr. Speaker, I am honored today to pay tribute to several World War II veterans in my district.

These heroic men, through their sacrifice and bravery, literally helped save the world from tyranny. They left their homes and families behind to fight on distant shores, and they returned home to help make this country the most successful democracy the world has ever seen. In many cases, they left as boys and returned as men, with a sense of pride for what they had accomplished, but also with painful memories of those who never made it home.

On Sunday May 1st in Plainville, the newly elected Commander and Officers of the Disabled American Veterans, Chapter 5 Memorial of Wrentham will pay tribute to 11 of these men. They are: Owen W. Emery Sr, Alvin L. Berman, Caster Salemi, Charles Guinn, Army; Donald J. Calvey; Edmund F. Stoddard, Donald R. Flynn, Evan Gilmore, Joseph Goff, William Fermano, and Father Valentine Chepeleff.

This year, of course, marks the 60th anniversary of the end of World War II. And this recognition ceremony represents just a small token of the great gratitude we owe these veterans.

I look forward to participating in this important ceremony. I know that all of my colleagues here in the House of Representatives join me in paying tribute to these extraordinary men and their families.

REMOVING NAME AS CO-SPONSOR ON H.R. 513

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. BECERRA. Mr. Speaker, I have always supported meaningful efforts to curtail the increasing influence of money in the political process, and I will continue to do so. As our existing campaign reform laws continue to evolve in the real world, I find myself with a growing discomfort that H.R. 513, the 527 Reform Act of 2005, though altruistic in principle, may actually limit voices too dramatically without offering other alternatives as it attempts to rein in the disproportionate effect of large contributions. Because of these misgivings, I am at this time removing my name as a co-sponsor of this legislation. I reserve a final decision on whether I would sponsor H.R. 513 in the future or eventually support its passage to a later date.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, for the week of April 25th through the 29th, I was unable to make it to the House Floor to vote because I was unintentionally detained in the African nation of Togo. I have traveled to Africa on numerous occasions in the past, both as an election observer and as a human rights ombudsman and advocate. Most recently, I was in Nigeria (in April, 2003) during the momentous election which underlined that nation's continual transition to democracy. Many Members of the CBC, including myself, attended, and we were more than pleased to see that the outcome was just, and that popular, fair elections instead of a violent military coup decided who would run the government. Africa is a continent that is very near and dear to my heart, and is an area of the world that is too often overlooked and ignored.

The recent presidential election that took place in Togo was the first election the country has witnessed in the last 38 years. As an invited election observer, I viewed with cautious optimism how people nationwide went to the polls and cast their vote for the next President of Togo. From what I saw, a position which was supported by 160 ECOWAS (Economic Countries of West African States) observers and hundreds of independent observers, the election appeared to be "credible." Again, in my view, the election was a success overall, and I will be filing a complete report on my observations of the election in the near future. I would also like to thank the United States State Department for all of their help and support. Certainly, when a citizen of the United States leaves our country's borders, the Department of State takes over as the guardian and protector of U.S. citizens. Oftentimes, they do not get the credit they deserve for their hard work, dedication and service to our nation. I would like to particularly thank the United States Ambassador to Togo, Charles H. Twining, and United States Ambassador to Benin, Wayne Neill, as well as their staffs for all of their attention and assistance to me while I was in Africa.

Again, I was unintentionally detained out of the country while serving as an Election Observer for the Presidential Election in Togo. The airport in the capital, Lome, was closed, and the borders out of the country were sealed.

HONORING THE CONTRIBUTIONS OF STEVE FOSTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Steve Foster, who teaches at Smithson Valley Middle

School in the Comal Independent School District.

"In order to understand where you are going, you must first understand where you have been." This proverb teaches us a great lesson; we must understand the heritage and history of our nation before we can begin to understand ourselves. American history teachers help our nation's children get a better understanding of who they are by letting them know where they came from. Steve Foster teaches eighth-grade American History and is a great example of a teacher who finds new and innovative ways to engage students in learning about their nation's history. By captivating students about their own history, Mr. Foster lets his students get a better understanding of themselves. He describes the environment promoted in his classroom as one where "all students can learn about history while they learn to develop." Through his great commitment to his students, Mr. Foster has reached out to students not only as a teacher but also as a friend.

Steve Foster received his Bachelor's degree from Texas Lutheran College in Seguin, Texas. He has taught at Valley Middle School for eight years now and has been an irreplaceable asset to the school and the community. It is with great honor that I recognize him for his commitment.

CONGRESSIONAL HISPANIC CAUCUS SOCIAL SECURITY AND LATINOS FORUM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. SOLIS. Mr. Speaker, on Monday, April 25, 2005, the Congressional Hispanic Caucus organized a Social Security and Latinos Forum to address the Bush Administration's disturbing proposal to privatize Social Security. This forum was very important because as Chair of the Congressional Hispanic Caucus' Health Task Force and Democratic Chair of the Women's Caucus, I believe we must discuss the impact of the proposed privatization to our Latino community.

The President's privatization plan will not help Latino families and will especially hurt Latinas in the future. Right now, Social Security gives people with lower earnings a greater return on what they pay into Social Security. Latinas will be especially hurt by the Bush Administration's plan because they are more likely to be employed in lower-wage jobs and have fewer years in the workforce. Latinas are already facing disproportionate pay gaps—they earn only 55 cents for every dollar that men earn, which is much less than national wage gap which averages 76 cents per dollar earned by a man. As a result, Latinas are less likely to have pensions or retirement savings to supplement their Social Security checks and money to invest in risky private accounts.

Let's look at the facts: About 46 percent of older Latinas depend entirely on Social Security in retirement; only 33 percent of Latinas have retirement income from savings or assets; and 60 percent of Latinas over the age of 65 would live in poverty without Social Security. If the President's plan to privatize Social Security moves forward, young Latinas in their 20s and 30s will see their benefits cut by at least 30 percent.

I am also very worried about how Latina mothers will be affected by the privatization plan. Latina moms rely heavily on their Social Security monthly benefits to provide for their families, especially if their husbands become injured or die. Latinos have higher rates of disability, and, consequently, are more likely to receive benefits from the Social Security Disability Insurance Program. The work injury rate for Latinos in 2000 was 16.7 percent compared to 11 percent overall. In 2003, the rate of fatalities for Latino workers was 13 percent higher than the rate for all workers. Many Latinas rely on disability and survivor checks to keep their families fed and clothed.

Congress needs to start talking about real solutions for Social Security that will help hardworking Latino families. We have and will continue to save, strengthen, and secure Social Security for our community. Once again, I thank the Congressional Hispanic Caucus for organizing on the Social Security and Latinos Forum.

IN COMMEMORATION OF THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the one and a half million Armenians who perished in the Armenian Genocide that began 90 years ago on April 24, 1915. This is a sacred obligation that we undertake each April—to ensure that future generations of Americans remember the first genocide of the 20th century and to ensure that the men, women and children who perished at the hands of the Ottoman Empire are not lost to history.

Mr. Speaker, there is no dispute that what happened to the Armenian people is genocide. Thousands of pages of documents sit in our National Archives. One of these documents is a report from the American Consul in Trebizond, Oscar Heizer. On July 28, 1915, Heizer cabled the U.S. Embassy in Constantinople to report on the massacre of 180 Armenian road workers, who were shot and stripped of their clothes before being buried in the woods.

Newspapers of the day were replete with stories about the murder of Armenians. "Appeal to Turkey to Stop Massacres" headlined the New York Times on April 28, 1915, just as the killing began. On October 7 of that year, the Times reported that 800,000 Armenians had "been slain in cold blood in Asia Minor." In mid-December of 1915, the Times spoke of a "Million Armenians Killed or in Exile."

Prominent citizens of the day, including America's Ambassador to the Ottoman Empire, Henry Morgenthau, and Britain's Lord Bryce reported on the massacres in great detail. Morgenthau was appalled at what he would later call the "sadistic orgies" of rape, torture and murder. Lord Bryce, a former British Ambassador to the United States, worked to raise awareness of and money for the victims of what he called "the most colossal crime in the history of the world." In October 1915 the Rockefeller Foundation contributed $30,000—a sum worth more than half a million dollars today—to a relief fund for Armenia.

Last week at the annual commemoration of the genocide here on the Hill, I had the honor to meet, Henry Morgenthau, the grandson of Ambassador Morgenthau. He is still carrying on his grandfather's mission to make America and the world aware of what happened.

The generation of Armenians with direct memory of the genocide is almost gone; their children are aging. Much of the rest of the world has moved on, reluctant to dredge up "unpleasant" memories and risk the ire of modern Turkey.

But even now, almost a century after the start of the genocide, some survivors are still with us. One of them, Ghazaros Kademian, is a constituent of mine. He is 96 now, but his mind is sharp and he remembers clearly the day when, as a six-year-old boy he and his family were forced from their house. He was from the village of Zaitoun, located southeast of present day Turkey. Kademian's father stayed behind to defend his homeland and was murdered. His mother took his hand and ran away.

Kademian and his mother had no shoes, coats, food, or money. They had to leave everything behind for the Turks. He does not remember all the details of their long journey, except it was harsh, cold, and dangerous, because they had no idea where they were going.

The boy and his mother ended their flight in Kirkuk, in what is now northern Iraq. He remembers very vividly that the first night in Kirkuk they hugged each other for warmth and slept in front of a church for protection. In the morning he woke up; but his mother did not move, she was frozen and dead. He was left alone, homeless, in a town where he did not speak the same language.

What happened to Ghazaros Kademian's family was terrible and tragic, but not uncommon. All over the Ottoman Empire Armenian children and their parents fled from their homes with only the clothes on their backs. But for those of us who care deeply about this issue, Kadmian's story is a reminder that we must redouble our efforts to ensure that our nation, which has championed liberty and human rights throughout its history, is not complicit in Ankara's effort to obfuscate what happened between 1915 and 1923. Worse still, by tacitly siding with those who deny the Armenian Genocide, we have rendered hollow our commitment to "never again" let genocide occur.

Within the next few days, several of my colleagues and I will be introducing a resolution commemorating the Armenian genocide. This should be an easy resolution for all of us—Republicans and Democrats—to support.

The reason that we have yet to succeed in passing a resolution honoring the murdered Armenians is simple: The government of Turkey refuses to acknowledge the genocide and has spent millions of dollars and expended countless hours of diplomatic effort to prevent us from commemorating the suffering of the Armenian people. Turkey's opposition has always centered on its assertion that acknowledging the victims of its Ottoman forebears would cause an irreparable rift between the United States and an important ally.

Last summer, during consideration of the fiscal year 2005 Foreign Operations Appropriations bill, I offered an amendment to prohibit the Government of Turkey from using U.S. foreign aid to lobby against H. Res. 193, a resolution introduced by Representatives RADANOVICH, SCHIFF and the co-chairs of the Armenian Caucus, Representatives KNOLLENBERG and PALLONE, that officially recognizes the Armenian Genocide. H. Res. 193 had been cosponsored by 110 of our colleagues on both sides of the aisle.

My amendment touched off a flurry of activity by Turkey's lobbyists. According to a Foreign Agents Registration Act filing, lobbyists for the Government of Turkey made at least 32 separate contacts with U.S. Government officials over a 3-day period in an attempt to kill my amendment. These included telephone calls to the Speaker of the House, other Members, numerous congressional staff, an Assistant Secretary of Defense, National Security Council staff, the Office of the Vice President, and other State and Defense Department staff.

While Ankara's agents did not succeed in blocking adoption of the amendment by the House, it was stripped in conference and the full House never did vote on the Genocide Resolution.

In the name of Ghazaros Kademian and those no longer with us, I call upon the distinguished Speaker of the House to allow us to vote on a Genocide resolution this year. We must do it soon, for with each year the events of 1915–1923 recede a bit more into the dark of history.

HONORING CAPTAIN JAMES C. CRONIN, USAF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to U.S. Air Force Captain James C. Cronin of Elk Grove Village, Illinois. Captain Cronin, serving as navigator, and eight other Air Force servicemembers were killed in the crash of a C–130 on March 31, 2005 during a night training mission in Albania. Captain Cronin was stationed at Royal Air Force Station Mildenhall, England with the 7th Special Operations Squadron of the 352nd Special Operations Group.

Upon graduation from Elk Grove High School in 1991, he joined the Air Force, graduated from Officers Training School, and became a navigator. He rose to the rank of Captain in 1998, and during his career, he was awarded the Meritorious Service Medal for outstanding service to the United States.

Captain James C. Cronin, was a young man of32 years when he made the ultimate sacrifice in the service of his country. Our deepest sympathies go to his beloved family, his mother Roxanne Galli, his father, James E.T. Cronin and his brother, Christopher T. Cronin, grandparents, and other family members and many friends.

We honor the memory of U.S. Air Force Captain James. C. Cronin and the dedication and bravery with which he served our Nation.

IN SUPPORT OF NATIONAL MINORITY HEALTH MONTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to speak about the critical need for racial equality in health and healthcare.

America takes pride in its diversity, defining itself as a melting pot of ethnicities and cultural backgrounds. We are a Nation founded on a commitment to provide equal opportunity for all. Though we have made great strides in the last century, we have not yet accomplished that goal, particularly with regard to health care.

The health and health care problems facing minority Americans are shocking. Numerous studies have shown minorities experience far higher rates than Caucasians of suffering and death from many diseases.

Statistics from 2000 show that American Indians and Alaska Natives were 2.6 times more likely to have diagnosed diabetes compared with Caucasians; African American and Hispanic populations were each 2 times more likely.

Furthermore, African Americans are 40 percent more likely to suffer from eye disease, 4 times more likely to experience kidney failure, and almost 3 times more likely to be hospitalized for lower limb amputations, all serious diabetes-related complications.

Heart disease and stroke are the leading causes of death for all racial and ethnic groups in the United States. However, rates of death from diseases of the heart are 29 percent higher among African American adults than among white adults, and death rates from stroke are 40 percent higher.

Although African-Americans and Hispanics represent one-quarter of the nation's population, they represent more than half of new AIDS cases reported to the Centers for Disease Control. Among children, the disparities are even more dramatic, with African-American and Hispanic children representing more than 80 percent of pediatric AIDS cases in 2000.

There are many more statistics I could give you, which demonstrate more disparities in obesity, mental health, cancer, emergency care and kidney disease. But they all point to one fact: racial and ethnic minorities are living sicker lives and dying younger.

In fact, according to the American Journal of Public Health, over 886,000 deaths could have been prevented from 1991–2000, if African-American minorities had received the same care as White Americans. Of course this number increases when you add in other minority communities, indicating the sheer numbers of American families affected. These numbers mean that someone loses a mother, brother, father, sister, husband, wife or other loved one too early—unnecessarily.

Mr. Speaker, we have invested a great deal in medical research, and have seen huge advances in scientific knowledge and technology to develop preventative treatments and cures. However, it is clear that the benefits of our investment and knowledge are not reaching all segments of the population equally.

The dramatic differences in health among minority populations are caused by many factors, including the lack of access to quality health care. Communities of color are disproportionately represented among the ranks of the uninsured. One third of Americans are minorities, but they account for more than half of the 45 million Americans lacking health insurance.

Additionally, it has been shown that racial and ethnic minorities often receive inferior health care compared to their white counterparts. There are many contributing factors, including cultural and linguistic barriers, a lack of trust between patients and health care providers, and prejudice.

The well-known Unequal Treatment study conducted by the Institute of Medicine, shows that, given equal income, insurance, and education levels, minorities are still less likely to receive adequate health care than Caucasians. Despite all of our efforts, and however subtle or unconscious it may be, prejudice still exists within our health care system.

Mr. Speaker, one-third of Americans are minorities. As such, one-third of our citizens live with a threat of inferior health and inadequate health care. For underprivileged minorities, this amounts to a death sentence.

We are at a critical juncture. The color of your skin, or the language you speak, should not decree that you are more likely to die from cancer, from heart disease, from AIDS, from diabetes. It is time to make a reality of our vision of an America in which all populations have equal opportunity to live long and healthy lives.

The Federal government has recognized this serious problem, and we have set a goal of eliminating health disparities by the end of the decade. We have taken some important first steps, including establishing a new National Center on Minority Health and Health Disparities within the National Institutes of Health. But we are halfway through the decade, and there is still much to do to prove this is not a hollow promise.

We need legislation that will clearly establish a base for building effective communication strategies and increasing awareness of health care providers and minority patients. Clinical studies should be redesigned to include more minorities. Health insurance coverage must become accessible for everyone. Our funding priorities must show our moral commitment to eradicating health and healthcare disparities.

We cannot place all the responsibility for a solution on minority Americans. Disparities are the result of problems inherent in our health care system that prevent quality care and allow disparities to persist. There are a number of factors that contribute including the lack of knowledge about how diseases can affect different races in different ways; insufficient training in medical schools; and, lack of diversity in the medical field.

Mr. Speaker, Congress and the Administration must assume the lead responsibility to achieve equality in health care. I urge you, and all of our colleagues, to join with me in supporting the Minority Health bill—soon to be reintroduced in the House and Senate and other critical initiatives to end minority health and healthcare disparities.

HONORING THE CONTRIBUTIONS OF STACEY ROBINETT, REBECCA CREEK ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Stacey Robinett, Rebecca Creek Elementary School Teacher of the Year.

Stacey Robinett holds both Bachelor's and Master's degrees from Texas Wesleyan University. In her 11 years of teaching, she has established herself as one of her district's leading educators.

Ms. Robinett enjoys the challenge of teaching her young students a subject which will be crucial for their future success. This is why Ms. Robinett teaches fifth-grade math for the Comal Independent School District.

Ms. Robinett says that she is motivated by belief in what she is doing, and a constant desire to improve her methods. She sees teaching as a position of trust, and is proud to be responsible for the growth and happiness of her young students.

Stacey Robinett is an exemplary educator. Her energy and commitment to her students are an example for teachers everywhere, and a credit to the Comal Independent School District. She has accomplished a great deal already, and she has a bright future in education ahead of her. I am pleased to have the chance to recognize her accomplishments here today.

THE PENSION PRESERVATION AND SAVINGS ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CARDIN. Mr. Speaker, I have greatly enjoyed working with my good friend from Ohio, Representative Rob Portman, on pension legislation for almost a decade. We have gotten good, bipartisan—even nonpartisan—legislation passed into law that has helped, and will continue to help, all Americans save for a better future.

I am very happy with the President's choice to promote (or at least move) Rob to U.S. Trade Representative, where I know he will provide an intelligent, thoughtful voice on trade. I look forward to working with him in his new capacity to provide a level playing field for U.S. workers and freer international markets for U.S. goods.

Today we introduce legislation that represents our progress on creating the next generation of Portman/Cardin pension legislation. These bills demonstrate the progress we have made and the goals we would like to pursue. I look forward to continuing this process that Congressman Portman and I have started as I continue to serve here in the U.S. House of Representatives.

The bills we introduce today include a refundable, permanent savers' credit to give lower-income and younger workers more money to work with in saving for their future. We include incentives for employers to provide automatic enrollment in retirement plans to make saving easier for younger workers. We include incentives for choosing lifetime annuitant retirement, to ensure that retirement savings last a lifetime. This legislation makes permanent all of the pension improvements we made in 2001, including the availability of catch-up contributions, increased contribution limits, and increased portability of retirement savings.

The major difference between the two bills filed today is that the legislation that I have authored does not include increases to the income caps for Roth IRAs.

Once the Joint Tax Committee has scored this legislation, I intend to work with my colleagues to offer revenue offsets to mitigate any effect the enactment of this legislation could have on our budget deficit.

I want to thank my friend, Rob, for being such a good, steadfast partner in helping Americans to plan for their futures. His commitment, intelligence, and willingness to put aside politics to create the best policy have been a credit to him and have made a difference in the lives of countless Americans.

CONGRATULATING MR. AND MRS. ALAN AND JOAN HURST ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to honor my dear friends, Alan and Joan Hurst of Hinsdale, Illinois, on the occasion of their 50th wedding anniversary. In June, the Hursts will celebrate 50 years of marriage, and I would like to take a moment to congratulate them on this special event.

My husband Rody and I have known Alan and Joan for almost 35 years—as neighbors and as friends. When we first moved to our home town of Hinsdale, Illinois, they welcomed us into the community with open arms and open hearts. Together, we have enjoyed many years of friendship, including countless dinners, celebrations and family vacations.

The Hursts have been blessed with three children and eight beautiful grandchildren. Avid world travelers, Alan and Joan have a wonderful zest for life and have always demonstrated incredible generosity, friendship and love of family.

Mr. Speaker, as a longtime friend, I wish to extend my congratulations to Alan and Joan and wish them many more years of love and happiness.

INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF MALIK JARNO

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. VAN HOLLEN. Mr. Speaker, today I am introducing a private bill to make Malik Jarno a permanent resident of the United States and to end the protracted ordeal of immigration removal proceedings that have spanned almost one-quarter of this young man's life.

Malik is a mentally disabled teenage orphan from Guinea whose compelling plight has attracted the concern and involvement of more than 70 members of Congress, countless citizens, the international media and dozens of national, state and local organizations working with the mentally disabled, children and immigrants and refugees.

Deporting Malik to Guinea to face life-threatening circumstances would run contrary to the standard of human rights and decency this country maintains. Members of Malik's family were killed and his home was destroyed in the midst of ethnically and politically motivated violence in Guinea. Immigration authorities have received overwhelming evidence of Malik's shattered life and the serious risk of harm he faces, given his father's status as a prominent political dissident, at the hands of Guinean authorities. The heightened threat associated with Malik's deportation places a special responsibility on this country to consider the well-being and livelihood of this young man.

In addition, as a mentally disabled homeless orphan the potential risks of a life in Guinea are aggravated. With no known family or friends to care for Malik, he faces the reality of being relegated to the fringes of a society that has no infrastructure or services to support this young man's special needs. According to information from USAID, UNICEF, UNHCR, WHO and other agencies, there are no government or non-profit programs or legal protections for mentally disabled individuals in Guinea. Given his disability, he will face ostracism and severe discrimination and be extremely vulnerable to physical abuse, oppressive conditions and hostile treatment.

In an act of desperation, family friends that were looking after Malik put him on a plane bound for the United States. Upon his arrival at Dulles International Airport in 2001, Malik was detained by immigration officials and held in adult jails, where his special needs as a mentally disabled child were neglected in the company of adult convicts, for eight months, before he was allowed to appear before a judge to apply for asylum. Only after another two years of detention was Malik transferred from a maximum security prison to a refugee shelter in York, Pennsylvania.

On December 29, 2004, despite strong evidence supporting Malik, an immigration judge denied Malik asylum. An appeal was filed with the Board of Immigration Appeals (BIA) on January 28, 2005. DHS possesses a travel document for Malik's removal to Guinea which can be used as soon as the BIA dismisses his appeal.

This ordeal has dragged on for too many years and the perpetual uncertainty has left Malik anxious and unsettled. He continues to study, make friends, and go to school in York, Pennsylvania, but with the constant threat of being torn away from his life in the United States. Malik has a promising future in the United States and this bill will provide Malik with a permanent immigration status and the path to becoming a productive and contributing citizen.

In these troubled times, where our reputation as a beacon for human rights has been challenged by the situation in Iraq, the United States has a heightened responsibility to guarantee justice and humane treatment to the most vulnerable in society instead of relegating a mentally disabled orphan to such a horrific fate.

HONORING THE CONTRIBUTIONS OF BECKY STICH, COMAL ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the outstanding dedication of Becky Stich, Comal Elementary School Teacher of the Year.

After earning a Bachelor's degree from Texas State University in San Marcos, Becky Stich began a committed career in helping children. She has been teaching special education in Comal ISD for 14 years. Currently, she is a Behavior Resource teacher for all grades, kindergarten through 6th grade, at the Comal Elementary School.

As a Behavior Resource teacher, Stich helps manage behavioral problems at school and provides a safe nurturing environment for the children. She also helps the administration identify and implement appropriate behavior management ideas at school.

She summarizes her teaching philosophy this way: "One belief that I now hold is that teaching (and behavioral management) requires doing things with kids, and not to them." Stich understands that students need to have a voice in their own education. As an educator, she realizes the importance in watching, observing, and taking cues directly from the children. It is this philosophy that has allowed Becky Stich to become such a welcoming and great resource for children and educators alike.

Her attitude and dedication to children is an inspiration to the rest of the community. I am honored today to have had the opportunity to recognize her many contributions as an educator in the Comal ISD.

NATIONAL CHILD ABUSE PREVENTION MONTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. LOWEY. Mr. Speaker, as National Child Abuse Prevention Month draws to a close, I would like to recognize the organizations and individuals who work so hard to break the cycle of violence within families. I urge my colleagues to continue to make eradicating child abuse a top priority, not just during the month of April, but all year long.

Throughout this month we have had many reminders of the tragic events that occur daily in the lives of children throughout the nation. We've heard speeches with startling statistics, stories about families torn apart by unthinkable violence, and we've worn blue ribbons to remember victims.

Sadly, child abuse continues throughout the year, and we all must recognize that child abuse and neglect is not just a family problem—it is a societal problem that requires the attention and efforts of each of our communities.

Effective child abuse programs succeed because of partnerships between social service agencies, schools, faith communities, civic organizations, law enforcements agencies, government, and the business community.

The Exchange Club of Yonkers and the Westchester Child Abuse Prevention Center in my district are just two examples of groups that are making a difference both locally and nationally to eliminate the abuse of children. Both of these organizations work with families in a variety of ways to help break the cycle of abuse and educate the public about ways to help children who are victims of abuse.

Mr. Speaker, I urge my colleagues to work with organizations nationally and locally to show children that they are a priority and to take a stand against the tragedy of child abuse and neglect.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. TIERNEY. Mr. Speaker, I rise with my fellow members of the Congressional Caucus on Armenian Issues to commemorate the Armenian Genocide. Today, I stand with them and with Armenian-Americans in the 6th District of Massachusetts as we rightfully recognize and renounce the unpardonable horror that occurred 90 years ago.

What began in 1915 when Ottoman Empire officials forcibly led Armenians to their brutal death lasted until 1923. Those 8 long years saw the deaths of 1.5 million innocent victims, who were unsuspectingly led from their homes, their schools, their places of work and worship only to be systematically slaughtered at the hands of Turkish guards.

All the while, the world stood silent, failing to act despite the fact the number of unmarked graves multiplied exponentially throughout Armenia. The tremendous magnitude of this genocide did not move prominent nations or their people to act. This is why, today, as we remember the victims of the Armenian genocide, we must also reject our collective unresponsiveness to this mass murder.

Regrettably, this pattern continued throughout the 20th century—in Germany in the 1930s and 1940s, in Rwanda in the 1990s, and elsewhere throughout the world. Another such tragic example has emerged in Sudan. It is estimated that 300,000 or more people have been massacred in Darfur. One million people have been displaced from their homes, and more than 200,000 refugees have been forced to flee to neighboring Chad. We must not continue to ignore the dire situation in Darfur. In fact, the lessons of the Armenian Genocide, among others, should teach us that we must take further action in Sudan.

Today, I honor the 90th anniversary of the Armenian Genocide, offer my respects to those who were killed, and pay tribute to the commitment and perseverance of the Armenian-Americans who have tirelessly struggled to ensure that the great sorrow of their people becomes known to all people.

PRAISE FOR SOLVAY ADVANCED POLYMERS

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. STRICKLAND. Mr. Speaker, I rise today to praise a company located in my Congressional district. Solvay Advanced Polymers is a company in Washington County, Ohio that is on the cutting edge. But despite its success, Solvay hasn't lost its connection and commitment to our southeastern Ohio communities. Just a few months ago, we had a very big reminder of Solvay's commitment to the community of Marietta, Ohio.

As many in this House know, in January most of the state of Ohio was hit by a brutal snowstorm and torrential rain. In Washington County, the storm produced 40-year high flooding levels for the second time in five months. As you can imagine, the resources of community groups were already stretched thin from the previous flood. The Washington Morgan Community Action Agency was faced with the dual challenge of taking care of its own flood damage while helping its low-income clients through their devastating flood losses.

It was in this trying time that Solvay stepped in and offered assistance and support that went well beyond what anyone could expect. The employees and management of the local Solvay plant put their own personal needs aside to serve the neediest in their community at a time when many of them were likely suffering from the flood themselves.

As the board of the Washington-Morgan Community Action Agency said to the company in a recent letter:

"Solvay Advanced Polymers was one of the first businesses to respond to our request for flood relief supplies. Going beyond that you offered both people and transportation to help deliver the supplies we received. For two days your maintenance department employees took supplies throughout the area going door to door and business to business delivering cleaning supplies and water. Without you, getting needed items to the community would have taken much more time, slowing down the recovery period.

In January our health clinic was inundated by flood water for the second time in four months. Solvay Advanced Polymers volunteered to provide the needed construction supplies and labor to restore the dry wall and carpeting to better than the original condition. Without your assistance we would have been much delayed in returning the building to a condition in which we could provide health services to the low and moderate income women that depend on the clinic's services.

While a number of Solvay employees were responsible for the wonderful assistance described above we wish to especially thank Max Blake, Maintenance Superintendent, Bob Bagley Maintenance Supervisor, Mark Martin, Maintenance Foreman and Grover Wallace, Human Resources Director. The contribution to this agency and the community made possible by your caring efforts cannot be over emphasized."

Mr. Speaker, on behalf of all in southeastern Ohio, I would like to thank Solvay and its Washington County employees for their selflessness and service during last January's flooding. Thank you, Mr. Speaker, for the opportunity to share the story of Solvay and to give this company a recognition they most certainly deserve.

IN REMEMBRANCE OF MR. RICHARD (DICK) BURDETTE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PORTER. Mr. Speaker, I rise today with a heavy heart to announce the passing of a great Nevadan, Mr. Richard (Dick) Burdette.

Born on October 25, 1943, Dick Burdette lived his life in service to the American people. During the 61 years he spent on this earth, he accomplished many things, such as serving in the Navy, working as a Legislative Assistant in the U.S. Senate, and continuing his government work as a public affairs officer and deputy assistant secretary for the Department of Transportation. Dick also served as a consultant to public utility companies and several regulated industries before becoming Governor Kenny Guinn's top energy advisor, where he did the yeoman's job of helping to create Nevada's energy policy—a legacy that will benefit Nevadans for many generations.

Dick has done many great things for Nevada. However, what I would like to express here today is what a great human being Dick was. Everyone who came into contact with Dick could attest to the thoughtful and caring presence he eluded. He was always willing to help. As a matter of a fact, when I held a hearing last year in Henderson, Nevada, on the rising prices of gasoline, Dick went out of his way to come to Southern Nevada to testify, and I thank him for that.

Dick leaves behind his wife, Julie; Megan, his daughter; and Ian and Richard III, his sons. He also leaves behind all Nevadans, whom will certainly miss his wisdom, expertise, and love for public service.

Dick Burdette, you will be sorely missed.

BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2005

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend Mr. BOUCHER, the Business Activity Tax Simplification Act of 2005. This important legislation provides a "bright line" that clarifies state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the taxing jurisdiction and even though the Supreme Court has ruled that the Constitution prohibits a state from imposing taxes on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In order for businesses to continue to become more efficient and expand the scope of their goods and services, it is imperative that clear and easily navigable rules be set forth regarding when an out-of-state business is obliged to pay business activity taxes to a state. Otherwise, the confusion surrounding these taxes will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Previous actions by the Supreme Court and Congress have laid the groundwork for a clear, concise and modern "bright line" rule in this area. In the landmark case of Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a "substantial nexus" with the taxing state. However, the Court did not define what constituted a "substantial nexus" for purposes of imposing business activity taxes.

In addition, over forty years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose in-state presence was nominal. Public Law 86–272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses' activities involved the solicitation of orders for sales. However, like the economy of its time, the scope of Public Law 86–272 was limited to tangible personal property. Our Nation's economy has changed dramatically over the past forty years, and this outdated statute needs to be modernized.

That is why we are introducing this important legislation today. The Business Activity Tax Simplification Act both modernizes and provides clarity in an outdated and ambiguous tax environment. First, the legislation updates the protections in PL 86–272. Our legislation reflects the changing nature of our economy by expanding the scope of the protections in PL 86–272 from just tangible personal property to include intangible property and all types of services.

In addition, our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Specifically, the legislation establishes a "physical presence" test such that an out-of-state company must have a physical presence in a state before the state can impose franchise taxes, business license taxes, and other business activity taxes.

The clarity that the Business Activity Tax Simplification Act will bring will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate that encourages businesses to make investments, expand interstate commerce, grow the economy and create new jobs. At the same time, this legislation will ensure that states and localities are fairly compensated when they provide services to businesses with a physical presence in the state.

I urge each of my colleagues to support this very important bipartisan legislation.

SALUTING ANTHONY DEION BRANCH

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PICKERING. Mr. Speaker, Mississippi's community and junior college system produces some of the top football players in the Nation. They are always targets of recruitment from universities around the country seeking to bolster their football programs. From time to time, we produce a truly great player who can compete at the highest level with the leadership and poise necessary to be the top player in the top game. Anthony Deion Branch from Jones County Junior College—in my home county—was named Super Bowl XXXIX Most

Valuable Player. Today I'd like to salute that achievement and speak a little about his road to that success.

Deion's career began in Albany, Georgia where he excelled in track, football and enjoyed soccer in high school. After graduating he made the long drive to Ellisville, Mississippi where he competed and earned a spot on the Jones County Junior College football team. There he grabbed 37 passes for 639 yards and five touchdowns as a freshman on the Bobcat squad. The following year he took 69 receptions for 1,012 yards and nine touchdowns, earning second-team All-American honors and leading JCJC to a 12–0 mark and a victory at the Golden Isles Bowl to bring home the junior college national championship.

The University of Louisville recruited Deion who hauled in 143 passes for 2,204 yards and 18 touchdowns in his two years there. He became only the second player in school history to record multiple 1,000 yard seasons and is listed fourth and sixth respectively in the school records for career touchdown catches and receptions with the Cardinals—and that in just two years.

The New England Patriots used their Number 65 pick in the 2002 Draft to bring in Deion to what many are now describing as a dynasty—three Super Bowl Victories in four years, two with Deion on the team.

Deion's first Super Bowl ring came without the MVP award; his colleague and football legend Tom Brady won it that year. But while many of us fans thought he should be considered, we didn't have to wait long to be satisfied. The following year, despite an injury in his second game which kept him on the sidelines for the next seven matches, Deion finished the season with 35 receptions for 454 yards and four touchdowns.

Deion had trained and focused and coming into the end of the season from an injury, he was still ready for the premier football event in the world. Finishing the night with an NFL record-tying 11 receptions for 133 yards in the Super Bowl, he became just the fourth receiver in NFL history to receive the MVP award and is already being listed with greats like Jerry Rice and Dan Ross.

Mr. Speaker, Deion's team-first attitude and strong work ethic has paid off and we in Mississippi are proud of him and salute his continuing achievements. I know we will continue to see him excel in the future and all of us from Jones County, Mississippi will remember him for his years with us and salute his determination, skill and triumphs.

SERGEANT KEVIN BENDERMAN

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. McKINNEY. Mr. Speaker, I speak with you today about one of America's heroes, Sgt. Kevin Benderman. Sgt. Benderman is not a hero because he served a tour of duty in the Occupation of Iraq, though he did. He is not a hero because of the medals he was awarded, nor his ten years of honorable service in the U.S. Army.

No, Sgt. Kevin Benderman is a hero because when all around him are pressing forward to prosecute a violent war against the people of Iraq, Kevin Benderman had the courage to stand up and assert his heartfelt opposition to war.

Sgt. Benderman's opposition is not the theoretical if sincere opposition of a student peace activist. Kevin Benderman has seen things that none of God's children should have to endure. He was present when his superior ordered his unit to open fire on small children who were throwing rocks at the soldiers of his unit. He chased the hungry dogs from an open mass grave filled with the bodies of young children, old men and women. Kevin saw the burned child, crying in pain, while all around her ignored her injuries.

As he reflected on what he had experienced, he chose to not re-enlist, to not participate in a war and an institution that he could no longer square with his evolving yet sincerely held beliefs. But stretched by an immoral war, based on lies, beyond the limits of the resources afforded them, our military adopted a "stop loss order" policy to arbitrarily breech the contracts our nation made with those who serve in its military services.

So Kevin did what was necessary. He applied for Conscientious Objector status. His officers up the chain of command refused their duty to accept his application. His commander called him a coward. His unit chaplain refused to meet with him, writing by email that he was "ashamed" of Kevin. He was charged with "Desertion with Intent to Avoid Hazardous Duty" and "Missing Movement by Design". His preliminary hearings methodically violated every precept of substantive due process. He now faces a Court Martial on May 11 and the possibility of seven years in the stockade.

Every member of our Armed Forces raises their hands, as do we, and take an oath, as do we, to "defend the Constitution of the United States". That Constitution protects the "Right of Conscience", including the right to conscientiously object to war as an instrument of public policy. But given the climate we face right now, asserting such a right takes real courage. And it is the exercise of that courage which makes Sgt. Benderman a hero in my book.

It is a crime and a shame that while we are so busy working to expand freedom to other nations, we can't slow down to protect our precious freedoms among ourselves.

[From the Savannah Morning News, March 28, 2005]

DEFENSE LAWYER, INVESTIGATOR SQUARE OFF OVER BENDERMAN'S CONSCIENTIOUS OBJECTOR APPLICATION

(By John Carrington)

Filings and e-mails show that a 'non-adversarial' hearing over Sgt. Kevin Benderman's conscientious objector status was anything but cordial.

Sgt. Kevin Benderman poses with his wife Monica following Article 32 proceedings, a military court process similar to a preliminary hearing. Benderman, who has applied for conscientious objector status, has been charged with desertion for not deploying to Iraq with his unit.

The defense lawyer and the investigating officer for Sgt. Kevin Benderman's conscientious objector application apparently attended different hearings last month.

Both sides maintain they kept their cool during the hearing, saying the other side lost theirs, according to written recommendations and rebuttals released to the Savannah Morning News.

One thing is clear: a hearing that was, according to Army regulations, supposed to be a "non-adversarial" proceeding was anything but that.

Capt. Victor Aqueche, the Fort Stewart-appointed investigating officer, wrote in a recommendation memo following the hearing that Benderman was "argumentative" at times, and his demeanor "untactful" at others.

In his rebuttal, Maj. S. Scot Sikes, Benderman's military lawyer, said Aqueche at times became "agitated, snide and hostile" toward Benderman.

Sikes argued that Aqueche's "incestuous appointment" as investigating officer set the tone for this type of ill-willed ping-pong.

"(Aqueche) is assigned to the same battalion command," and consequently "was placed in the position of making a critical determination regarding a soldier assigned to one of his colleague captain's own units," Sikes wrote.

In an interview Monday, Sikes said, "That bothered me. You know they're buds."

Aqueche did not respond to requests for comment.

Sikes also said Monday he knew the command looked at the timing of Benderman's request—just before he was scheduled to deploy—with suspicion. "But it should have not been so hostilely received."

That goes against the "non-adversarial" tone and tenor the application review is supposed to have, he said.

Sikes asked for a new hearing, a request he says was denied. He now has until Friday to file another rebuttal to Aqueche's response to the defense's initial rebuttal.

In early February, Sikes and Aqueche squared off almost immediately over the hearing's timing. It was scheduled the day after an Article 32 hearing to determine whether Benderman would face a general court-martial on charges he deserted and missed the January movement of his troops as they deployed to Iraq.

Sikes wanted a delay of a "mere" week. "Sgt. Benderman is very concerned that he cannot be adequately prepared for a hearing," Sikes wrote in a Feb. 3 e-mail attached to the rebuttal. "Preparations for the Article 32 cannot be overstated: it's very important."

Aqueche shot down the request with the following e-mail: "Sgt. Benderman made a conscious decision to take 14 days of leave prior to his Article 32 . . . A delay as such could be considered 'insincerity' on the part of Sgt. Benderman."

The investigation officer also said, "There is no preparation needed on Sgt. Benderman's behalf in order to answer questions regarding this application."

Yet Aqueche, in his March 23 recommendation memo, wrote, "I firmly believe Sgt. Benderman was not prepared for the in-depth questions presented during the CO hearing."

Aqueche's memo also said that, during the hearing, Benderman would consult with Sikes and then either refuse to answer questions—and question their relevancy to the application—or offer "vague" or delayed answers.

Sikes pointed out that, as Benderman's lawyer for both the court-martial charges and the conscientious objector application, he had to keep the sergeant from saying anything that could create more legal problems in the criminal case.

"And Aqueche made that out to be a negative thing," Sikes said Monday. "Anything Benderman says can be used against him in the court-martial. That puts me in a precarious position. There are some things I just could not let him answer."

The court-martial is scheduled for May 12. Sikes likes Benderman's chances on the desertion charges.

"It seems kind of silly to say he deserted over a weekend," the lawyer said Monday. "He was right there at his house, only 2 to 3 miles from the post."

Despite Aqueche's characterization of Benderman's demeanor during the hearing—and the captain's recommendation to deny the sergeant's application—Sikes also thinks Benderman will have better luck higher up the chain of command.

WHAT'S NEXT

Maj. S. Scot Sikes, Benderman's military lawyer, asked for a new hearing, a request he says was denied. He now has until Friday to file another rebuttal to Capt. Victor Aqueche's response to the defense's initial rebuttal.

INTRODUCTION OF A RESOLUTION CELEBRATING THE 15TH ANNIVERSARY OF THE LAUNCH OF THE HUBBLE SPACE TELESCOPE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce a resolution with my colleagues Mr. EHLERS, Chairman BOEHLERT, Ranking Member GORDON, Mr. ROSCOE BARTLETT, Mr. MCDERMOTT, and Mr. RUPPERSBERGER recognizing the contributions to science resulting from the Hubble Space Telescope and congratulating all those who have helped make Hubble one of the most important astronomical instruments in history.

On April 25, 1990, the Hubble Space Telescope was launched into orbit. In the years since the launch, Hubble has sent back images that have expanded our understanding of the universe beyond anyone's expectation. For the last fifteen years, school children, scientists, and interested citizens around the world have eagerly welcomed new images from Hubble—images that have provided an exciting keyhole into the wonders of our universe.

Hubble's scientific contributions have amazed us all for fifteen years. Just this week, NASA and the European Space Agency released images taken by Hubble of the largest and sharpest images of the Eagle Nebula and the Whirlpool Galaxy. Last year Hubble detected oxygen and carbon in the atmosphere of a distant planet, the first time the elements have been found at a world outside our solar system. Hubble also contributed to the finding of new evidence about recently discovered "dark energy." Hubble measured properties of light from 16 exploding stars, or supernovas, to find that the dark energy that pervades the universe might be what Einstein originally called the "cosmological constant." This discovery supports the theory that instead of ripping apart, the cosmos will continue expanding very slowly for at least the next 30 billion years.

These are just recent discoveries. Hubble remains one of the most productive scientific instruments in history, and certainly NASA's most productive scientific mission, accounting for 35 percent of all its discoveries in the last 20 years. The Hubble has provided proof of black holes, insights into the birth and death of stars, spectacular views of Comet Shoemaker-Levy 9's collision with Jupiter, the age of the universe, and evidence that the expansion of the universe is accelerating. In short, Hubble has become a symbol of scientific excellence.

In addition to its past and potentially future scientific discoveries, Hubble provides information used by approximately one million teachers per year across the U.S. Hubble has also opened up the wonders of space to our youth and to all our citizens. As we struggle to keep our students interested in the sciences, images from Hubble inspire our youth to continue to believe that they can become astronauts and astronomers. Hubble images have brought the wonders of space down to the level of the classroom.

Of course, Hubble could not have been the success it has been without the countless scientists, engineers, civil servants, contractors and other individuals and organizations that built and launched Hubble and then utilized its images to great effect. They have all contributed to making Hubble the national treasure it is today. So this resolution is intended to honor them and their commitment to science and the benefits it brings to our country and our world.

The Hubble has provided inspiration worldwide to young and old, scientists and non-scientists alike. I hope my colleagues will join me in celebrating the 15th anniversary of the launch of the Hubble Space Telescope and the knowledge we have gained about our universe from this important astronomical instrument.

RECOGNIZING JULIUS HARPER DAVIS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PICKERING. Mr. Speaker, recently, Millsaps College in Jackson, Mississippi dedicated Harper Davis Field to a man who coached there for 25 years, and who has built a lifetime legacy of service to sport and his fellow man across the state. Coach Harper Davis called the rededication of Millsaps' Alumni Field to him the "greatest honor of my life." And while leading the Millsaps Majors he built a record of 138–79–4 including an undefeated season in 1980, his life has much more to honor.

At age 17, Harper Davis left his Delta home in Clarksdale, Mississippi and enlisted in the U.S. Marines Air Corps as a pilot to serve his Nation in World War II. After the War was over, he was met at Texas Grand Prairie Air Station by Mississippi State University assistant coach Phil Dickens who had the Bulldogs' playbook in hand. Two days later they arrived in Starkville for two practices before his first game where Davis scored two touchdowns as MSU defeated Auburn 20–0. Two days of study and 2 days of practice were followed by 2 touchdowns. In addition, during those 2 days, Harper Davis met Camille, his future wife. He would go on to be named to the All-SEC team while at State where he also ran on the school's track team. He was co-captain of the football team, voted Best Athlete, President of the "M" Club and named "Mr. Mississippi State University." Additionally he was a member of the Kappa Sigma Fraternity, Omicron Delta Kappa, Blue Key and the Colonels Club.

He graduated from Mississippi State with a bachelor of science degree in business finance and mathematics in 1948, in 1962 earned a master's degree in education administration.

After leaving Mississippi State University, Harper Davis was a first-round draft choice of both the Chicago Bears of the National Football League and the Los Angeles Dons of the All-American League. Harper Davis played one year with the Dons before the league folded and then went on to play with the Bears as well as the Green Bay Packers. Many considered him the fastest man in the NFL.

Over the years, Harper Davis has coached the backfield at his alma mater as well as head coach at West Point High School, and Columbus High School before arriving at Millsaps College. He has been inducted into the Mississippi State Sports Hall of Fame and the Mississippi Sports Hall of Fame and was named Mississippi Sportsman of the Year in 1976. He has been honored nationally for his contributions to the sport of football and his work with the Cystic Fibrosis Foundation.

Harper Davis is a member of Christ United Methodist Church and with his now departed wife, the former Camille Hogan of Starkville, has 3 sons, Michael, Andrew and Patrick with 4 grandchildren, Morgan, Drew, Paul and Brad.

Mr. Speaker, Harper Davis has now been coaching football for over 50 years and he continues today at Jackson Academy, where 4 of my sons attend. His gentle firmness and wise lessons continue to build young men in Mississippi. I am glad to recognize him today and honor a lifetime of service.

REMEMBERING SAMUEL WEBB SCALES

SPEECH OF

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2005

Mr. PICKERING. Mr. Speaker, last month, Starkville, Mississippi lost a native son and a civic leader with the passing of Samuel Webb Scales. He served his family, our nation's military, and achieved greatness in the world of international business.

After graduating from Starkville High School, Sam Scales went on to further education at the University of the South, Mississippi State College and the Vanderbilt Law School. For the past twelve years he has served as the Civilian Aide to the Secretary of the Army, and was bestowed with the title of Civilian Aide to the Secretary of the Army Emeritus two years ago, which has the equivalent military rank of Lieutenant General.

Sam Scales served in the U.S. Marine Corps from 1941 until 1945 and attained the rank of Sergeant Major. He served in the U.S. Army Reserve from 1948 to 1972 and retired at the rank of Lieutenant Colonel. During his military career, he served in various assignments including Troop Commander (Calvary); Aide de Camp to Commanding General (Armored Division); General Staff Officer, Joint General Staff (Thailand); General Staff Officer (Australian Army).

Sam Scales served as Vice President of the Harlington National Bank (Texas); Chairman of the Board of Starr Associates (Bangkok, Thailand); Liaison Officer of Phoenix Assurance (Sidney, Australia); Chairman of the Board of Service Y Comisiones S.A. de C.V. (Mexico City); Senior Vice President of Continental Insurance Company and Regional Vice President for Latin America (Panama) as well as fourteen other US corporations located throughout Latin America.

He was a member of the Association of the U.S. Army (AUSA), the Navy League and Sigma Chi Fraternity at Mississippi State University. He was a member of the Episcopal Church of the Resurrection in Starkville.

Mr. Speaker, Starkville mourns the passing of Sam Scales. Our prayers go with his wife Bette, his children Hunter, Twila, Bette, Walton, John and Jennifer as well as his five grandchildren and one great-grandchild. His accomplishments, like so many of his generation, can hardly be measured in words, but I am proud to have been able to take this opportunity to note his life's achievements and to remember this young boy from Starkville who grew to be a great man and leader around the world.

HOUSE OF REPRESENTATIVES—*Monday, May 2, 2005*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 2, 2005.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, when the American people visit Capitol Hill, You often stir within them a deeper sentiment of patriotism. Foreign visitors too are impressed with our history and the activities of a free society. Today we pray for all of our visitors.

May Your strong hand guide and protect them in their travels. We commend to You, Lord, all of those who accompany or assist our visitors while they are here. Bless the guides, staffers, and the Capitol Police in their daily work. Create among them bonds of friendliness and unity which will foster lasting impressions of our Nation's respect for the dignity of every person and the mutual respect which guides strong character and leads to a beloved community.

Lord, You teach all of us that patriotism is a love for everything that has to do with our Nation's land, its history, traditions, writings, natural features, as well as lasting memorials. For growth in patriotism extends also to the work of all of our compatriots and all the benefits their contributions make to establish this Nation we love.

To You be all honor and thanks now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 382. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 976. An act striking the Specific Privitization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Immarsat and Other Technical Corrections

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader appoints the following individual to the United States Commission on International Religious Freedom:

Most Reverend Ricardo Ramirez, C.S.B. of New Mexico, for a term of two years (May 15, 2005–May 14, 2007).

The message also announced that pursuant to S. Con. Res. 130 (106th Congress) the Chair on behalf of the President pro tempore appoints the following individual to the Task Force on Slave Laborers.

Curtis H. Sykes of Arkansas and notes the Senator from Arkansas (Mrs. LINCOLN) will serve as the designee of the Democratic Leader.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade Representative. Therefore, I have submitted my resignation as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

Mr. Speaker, it has been a high honor to represent the Second Congressional District of Ohio for the past twelve years, and to serve with the distinguished men and women of the House of Representatives. I look forward to working with the Members of the House and serving the Nation in my new position.

Sincerely,

ROB PORTMAN,
Representative.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. ROBERT TAFT,
Governor, State of Ohio,
Columbus, Ohio.

DEAR GOVERNOR TAFT: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade Representative. Therefore, I hereby resign as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005.

It has been a honor to represent the Second Congressional District of Ohio for the past twelve years, and an honor to work with you and the Ohio delegation. I look forward to working with you and serving Ohio and the Nation in my new position.

Sincerely,

ROB PORTMAN,
Representative.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Ohio (Mr. PORTMAN), the whole number of the House is adjusted to 434.

APPOINTMENT AS HISTORIAN OF THE UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to clause 7 of rule II and the order of the House of January 4, 2005, the Chair announces that on Thursday, April 28, 2005, the Speaker appointed Dr. Robert V. Remeni as Historian of the United States House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OFFICE OF THE CLERK,
U. S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2005 at 11:38 a.m.:

That the Senate agreed to without amendment H. Con. Res. 41.

That the Senate agreed to conference report H. Con. Res. 95.

That the Senate agreed to without amendment H. J. Res. 19.

That the Senate agreed to without amendment H. J. Res. 20.

With best wishes. I am.

Sincerely,

JEFF TRANDAHL.
Clerk.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 382. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary and in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 976. An act striking the Specific Privatization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Inmarsat and Other Technical Corrections; to the Committee on Energy and Commerce.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, May 3, 2005, for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 3, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1750. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting Evaluation and report on Tricare Program effectiveness for FY 2005, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

1751. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2004 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

1752. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Supporting Democracy and Human Rights: The U.S. Record 2004-2005," pursuant to Public Law 107-228, section 665; to the Committee on International Relations.

1753. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fifth Annual Report to Congress on the Inter-American Convention Against Corruption; to the Committee on International Relations.

1754. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's Federal Employee Antidiscrimination Retaliation Act of 2002 (No FEAR Act) Report for FY 2004; to the Committee on Government Reform.

1755. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2004, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Government Reform.

1756. A letter from the Assistant Secretary for Human Resources and Administration, Department of Veterans Affairs, transmitting an annual report regarding discrimination and whistleblower cases, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

1757. A letter from the Chairman, Federal Housing Finance Board, transmitting a copy of the Board's No Fear Act Report for FY 2004, pursuant to Public Law 107-174; to the Committee on Government Reform.

1758. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-01; Introduction — received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1759. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Improvements in Contracting for Architect-Engineer Services [FAC 2005-01; FAR Case 2004-001; Item I] (RIN: 9000-AK15) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1760. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Increased Justification and Approval Threshold for DoD, NASA, and Coast Guard [FAC 2005-01; FAR Case 2004-037; Item II] (RIN: 9000-AK12) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1761. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, Test Program [FAC 2005-01; FAR Case 2004-034; Item III] (RIN: 9000-AK11) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1762. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Addition of Landscaping and Pest Control Services to the Small Business Competitiveness Demonstration Program [FAC 2005-01; FAR Case 2004-036; Item IV] (RIN; 9000-AK14) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1763. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Nonavailable Articles — Policy [FAC 2005-01; FAR Case 2003-021; Item V] (RIN: 9000-AJ95) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1764. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Cost Accounting Standards Administration [FAC 2005-01; FAR Case 1999-025; Item VI] (RIN: 9000-AI70) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1765. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Elimination of Certain Subcontract Notification Requirements [FAC 2005-01; FAR Case 2003-024: Item VII] (RIN: 9000-AK10) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1766. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Use of FAR Clause 52.244-6, Subcontracts for Commercial Items [FAC 2005-01; FAR Case 2002-021; Item VIII] (RIN: 9000-AJ75) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1767. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Technical Amendments [FAC 2005-01; Item IX] received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1768. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Small Entity Compliance Guide — received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1769. A letter from the General Counsel, Government Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (NoFear), Pub. L. 107-174; to the Committee on Government Reform.

1770. A letter from the Chairman, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2004 to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Government Reform.

1771. A letter from the Inspector General, Department of Defense, transmitting consistent with the requirements of Public Law 106-65, "National Defense Authorization Act for Fiscal Year 2000," section 1402, "Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern," October 5, 1999, a report on the assessment of policies and procedures related to the export of technologies and technical information to countries and entities of concern; jointly to the Committees on Armed Services, International Relations, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule III, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on April 29, 2005]

Mr. OXLEY: Committee on Financial Services. H.R. 1185. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 109–67). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE (for himself, Mr. Bass, and Mr. Bachus):

H.R. 2041. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY:

H.R. 2042. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as "Gold Star parents") of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

H.J. Res. 47. A joint resolution increasing the statutory limit on the public debt.

By Ms. LORETTA SANCHEZ of California (for herself, Mrs. Napolitano, Mr. Berman, Ms. Waters, Mr. Moran of Virginia, Ms. Linda T. Sánchez of California, Mr. Becerra, Ms. Roybal-Allard, Mr. Grijalva, Mr. Gallegly, Ms. Watson, Mr. Filner, Mr. Engel, Mr. Meeks of New York, Mr. Towns, Mrs. Davis of California, Mr. Gingrey, Mr. Spratt, Mr. Edwards, Mr. Larson of Connecticut, Mr. Cardin, Mr. Honda, Mr. Hinchey, Mr. Owens, Mr. Tierney, Mr. Meehan, Ms. McKinney, Ms. Kaptur, Ms. Solis, Ms. Millender-McDonald, Mr. Farr, Mr. Capuano, Mr. Pascrell, Mr. Ford, Mr. Davis of Florida, Mr. Weiner, Mr. Ryan of Ohio, Mr. Strickland, Mr. Al Green of Texas, Mr. Cleaver, Ms. Woolsey, Mrs. Maloney, Mr. Baird, Mr. Levin, Mrs. Capps, Ms. DeLauro, Mr. Van Hollen, Mr. Langevin, Mr. Cuellar, Mr. Butterfield, Mr. Taylor of Mississippi, and Mr. Keller):

H. Con. Res. 142. Concurrent resolution congratulating Disneyland and the Walt Disney Company on the 50th Anniversary of the opening of Disneyland; to the Committee on Government Reform.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 354: Mr. Gallegly.

H.R. 363: Mr. Filner.

H.R. 531: Ms. Kilpatrick of Michigan.

H.R. 716: Mr. Cardoza.

H.R. 745: Mr. Lipinski.

H.R. 923: Mr. Paul.

H.R. 1191: Mr. Gilchrest and Mr. Serrano.

H.R. 1262: Mr. Clay and Mr. Menendez.

H.R. 1282: Mr. Lipinski.

H.R. 1522: Mr. Bishop of Georgia and Ms. Eddie Bernice Johnson of Texas.

H.R. 1678: Mr. Goode, Mr. McHugh, Mr. Sodrel, and Mrs. Kelly.

H. Res. 180: Ms. Woolsey.

H. Res. 195: Mrs. Blackburn.

EXTENSIONS OF REMARKS

HONORING JIM LEHENY UPON HIS RETIREMENT FROM A DISTINGUISHED CAREER AT THE UNIVERSITY OF MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to congratulate Professor Jim Leheny on his retirement from the position of Associate Chancellor of the University of Massachusetts, Amherst. This is a position he held at the University for the past twenty two years.

Jim Leheny will certainly be missed. In addition to his many academic and administrative duties, Jim has served as the University's federal lobbyist for many years. After retiring from his current position, Jim will continue to consult part-time for the University and direct its English Department's Oxford Summer Seminar.

Jim earned his M.A. from Washington University in St. Louis and his Ph.D. at Washington University. Jim's interest was specifically in "Politics and the Arts."

The University of Massachusetts in Amherst, the flagship campus of the state's system of public higher education, has at the helm, Chancellor John Lombardi. Under his guidance, and to the benefit of many of my constituents, the University has prospered immensely. Jim Leheny has been part of that important success. I wish him health and happiness in his retirement.

RECOGNIZING SARAH GORODEZKY OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Sarah Gorodezky of Napa, California as she retires from 22 years of distinguished public service.

Since 1983, Sarah has selflessly dedicated her life to improving the lives of others through her work at various Hospices and organizations throughout Northern California. She began her career as the Executive Director for the Northern California Hospice Association. From 1985 until 1991 she directed the Oakland Hospice Program at Kaiser Permanente. In 1991 she joined Alive Hospice as the Executive Director where she worked for the next six years.

Mr. Speaker, Sarah has served the past 8 years as Executive Director for the Hospice of Napa Valley, commonly referred to as HNV. Under her leadership, the HNV earned independent non-profit status and established the Adult Day Services of Napa Valley. She also helped spearhead the campaign to raise $7 million for a new HNV facility.

Mr. Speaker, Sarah, has played an active role on numerous boards and commissions throughout California including the California Hospice Foundation, the California Association of Adult Day Services, Napa County Coalition of Non-Profit Agencies, and the Napa County Commission on Aging. While working at the HNV, Sarah served on the Board of Directors and Council of State's Leaders for the National Hospice and Palliative Care Organization.

Throughout her career Sarah has been recognized for her compassion, devotion, and outstanding public service. The National Hospice and Palliative Care Organization awarded her with the 1995 Heart of the Hospice Award and the 2003 Founders Award. In 2000, she was the recipient of the California Hospice and Palliative Care Association's Pierce Salmon Award.

Sarah graduated from the University of California Berkeley with a Bachelor of Arts degree in Social Sciences and earned her Masters in Adult Continuing Education from the University of Michigan.

I am sure Sarah is looking forward to spending more time with her husband Michael, two daughters, and three grandchildren.

Mr. Speaker, Sarah Gorodezky's work has touched many lives throughout our community and it is appropriate that we take this time to thank Sarah for her 22 years of public service. I wish her the best as she begins her retirement.

HONORING THE LIFE OF REVEREND ANGEL VILLARONGA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor the late Reverend Angel Villaronga.

A selfless leader in our South Florida community, Reverend Villaronga touched the lives of innumerable people through his service to the St. Robert Bellarmine, Centro Hispano Católico and Movimiento Familiar Cristiano.

Host of a daily radio program called Conflictos Humanos, Reverend Villaronga was one of the first religious leaders in the South Florida community to broadcast religious programming.

Those who were fortunate enough to know him will always remember his dedication to his work and passion for others.

Reverend Villaronga was a true and sincere symbol of generosity and compassion. I am certain that in his passing, he has left a legacy that will not be forgotten.

I urge my colleagues to join me as we remember and honor a man whose faith undoubtedly strengthened and empowered all who crossed his path.

May the memories of Reverend Villaronga serve to benefit others as his benevolence clearly did throughout his 80 years of life.

HONORING WANDA B. RYAN ON HER RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor Wanda B. Ryan for her 41 years of outstanding service to the youth of Camden, New Jersey. She has shown tremendous dedication to our community, serving and living in Camden throughout her entire career.

Ms. Ryan has an amazing track record at the Washington School: she has not missed a day of school in her entire 41 year career! Since September of 1964, she has been there every day for her elementary school students, who have certainly benefited from Ms. Ryan's lessons, and have gone on to live more enlightened, fruitful lives. Her efforts have certainly benefited not only the students, but all those involved in the Washington School and its community.

Mr. Speaker, I celebrate the outstanding career of Wanda Ryan. She has certainly accomplished much throughout her time at the Washington School, and I applaud her steadfast commitment to her community and students. I wish her all the best in her retirement.

HONORING FATHER ART

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Ms. HARMAN. Mr. Speaker, there are those who make their mark on the community with great fanfare, a need for recognition, or in service of a particular agenda. And there are those who serve the community quietly, with grace and humility—like Reverend Arthur R. Bartlett, a man whose life has been marked by love for his country and remarkable concern for others.

Most in the sea-side community of San Pedro, in the southern part of my Congressional district, know him as "Father Art," a testament to the Reverend's lifelong dedication to a community that is a gateway to the Pacific, home to generations of seafarers, and has twice been the hub of a world-wide war effort. As a young man, Father Art built ships, worked the docks, supplied countless Navy

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sailors and taught U.S. Army soldiers to fly B–17 bombers.

But Father Art is best known for the aid and support he has given to merchant seafarers of all nations, creeds and faiths. As Program Director for the Seamen's Center in San Pedro for the past 47 years, he has provided the stabilizing influences of church, home and community to many who passed through San Pedro Harbor. Through training programs, counseling and hospital visits, he has provided hope to those who had none or nowhere else to turn.

Father Art has also touched the lives of many who settled in San Pedro and fell victim to the ravages of alcoholism. He is the founder of Beacon House, the only recovery facility for male alcoholics in San Pedro and a true ray of hope for the entire community.

The respect and admiration that he earned from local residents and the concern that he demonstrated for San Pedro Harbor led Mayor Tom Bradley to appoint Father Art to the Los Angeles Board of Harbor Commissioners in 1981.

Mr. Speaker, it is with enormous pride and gratitude that I recognize The Reverend Arthur R. Bartlett's life achievements and commend him on receiving the Seamen's Church Institute's 2005 Guiding Angel Award.

S. 256, THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in opposition to S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. This bill would negatively affect millions of hard-working Americans, particularly veterans and victims of identity theft.

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 is a bad bill because it favors credit card companies at the expense of hard-working Americans, veterans, and victims of identity theft. It creates a means test which would make it impossible for families to be protected even when they have suffered debt due to illness or unemployment, preventing them from being able to start over in life. While the bill makes it harder for these individuals to eliminate their debt, it unnecessarily strengthens the hands of creditors. For example, this bill does not guarantee that hard-working parents can make child support payments over credit card debt payments.

Another concern is that this bill would leave veterans and victims of identity theft vulnerable to credit card companies.

An example is our brave citizen soldiers of the National Guard and the Reserve who are serving our country in Iraq and Afghanistan. Having left their civilian jobs to serve and protect our great Nation for extended periods of time, many will return to face significant debt, because their military wages are less than their regular wages. Yet this bill does not spare them from the means test, leaving them vulnerable to credit card companies.

Furthermore, many brave men and women return from duty with injuries that alter their lives, often resulting in debt. Although there are some exemptions, this bill still leaves some of those disabled veterans subject to the means test, even when their debt resulted from a disability acquired from their service to our country.

I am disappointed that efforts made by my Democratic colleagues to better protect our veterans were rejected by the majority. The Republicans defeated an amendment that would have provided complimentary credit counseling to those veterans of our armed forces who found themselves with credit problems.

Finally Mr. Speaker, in its current form, this bill leaves our Nation's victims of identity theft vulnerable to debt for which they had no responsibility.

According to a recent survey by the Better Business Bureau, in 2004, 9.3 million Americans were victims of identity theft. It is clear that every day the number of Americans at risk of suffering identity theft is increasing, as more and more companies disclose that criminals have gained access to their massive databases of sensitive consumer information. A perfect example is the recent reporting of identity theft by DWS of thousands of its customers.

Yet this bill does nothing to address the very real problem of identity theft. Under this legislation, victims of identity theft would, in many cases, be held accountable for the debt accrued by someone else.

In short, the bill favors credit card companies at the expense of hard-working Americans, veterans, and victims of identity theft. For all these reasons, I urge my colleagues to join me in opposing this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 3, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine data broker services, and the treatment of such services under existing State and Federal privacy laws.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.
SD–366

MAY 11

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Federal recognition of Indian tribes.
SR–485

Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.
SD–226

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.
SD–366

2 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 100, to authorize the exchange of certain land in the State of Colorado, S. 235 and H.R. 816, bills to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108–67, S. 741, to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.
SD–366

MAY 12

9:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

HOUSE OF REPRESENTATIVES—*Tuesday, May 3, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

SOCIAL SECURITY WILL NOT GO BANKRUPT

Mr. DEFAZIO. Mr. Speaker, well, last week the President finally revealed a few more specifics about the direction he wants to take to deal with the potential, possible, future funding shortfalls in Social Security. He used some unfortunate verbiage. He said Social Security will be bankrupt in 2041. It will not be bankrupt; it will pay 75 percent of promised benefits under very conservative economic assumptions into the indefinite future, or 2053 if we use the estimates of the Republican Congressional Budget Office. So it would not be bankrupt in any sense.

But he did talk about the possibility there could be a shortfall in Social Security starting 40 or 50 years from today. That is progress that he is beginning to talk about that problem. He actually offered a solution, for once. His privatization plan he has admitted would in fact make Social Security's finances worse, has nothing to do with dealing with the future possible potential shortfalls in the Social Security trust fund, the program as we know it today. He said, finally, let us talk about how we might get there.

He cloaked benefit cuts in a veneer in high-falutin rhetoric. He called it progressive indexing of wages. What he is talking about is benefit cuts. Who would pay the benefit cuts? Let us take someone who is 22 years old, graduated from college last year. They are a public schoolteacher. They are going to work the next 40 years as a public schoolteacher and hope to retire in their 60s with a Social Security benefit. If they earn $36,000 average over their lifetime, their benefits would be cut by 16 percent, $3,000 a year. Their proposed benefit would go from $19,800 down to $16,500. These are calculations of the Social Security actuaries of the President's proposed cuts.

Now let us say that young person graduating from college is going to become an entrepreneur, small business person and do pretty well with a truly small business, and they average $58,000 a year throughout their lifetime. What would the President do to them? He would cut their Social Security benefit from $26,000 to $19,800 which would be a 25-percent cut which they could get if Social Security went, under the President's words, bankrupt. That is if Congress did nothing and Social Security had a shortfall starting 40 or 50 years from today. Under the worst-case scenario, that person would get the same. But the President wants to guarantee a cut in that person's benefits. Remember, this does not have anything to do with the President's privatization plan which would further undermine the finances of Social Security and accelerate the date of what the President calls bankruptcy, others call trust fund exhaustion, I call benefit reductions.

The funny thing is that half of the American people pay more in taxes to Social Security than Federal income taxes. They have a lot invested in this program, and they would like to see the benefits when they retire.

Now, it is a little different for rich people. Let us take the President on his modest $400,000 which is a lot less than he earns from his private investments. Let us just take his salary and pretend that is all he has. He stopped paying Social Security taxes on the morning of March 24. That American that earns $36,000 or $58,000 or even $90,000 pays Social Security tax every day of the year, this year, with the expectation they will get a benefit; but not so for people who earn more, $90,000, including Members of Congress. When income hits $90,000, the tax goes away. The President stopped paying on March 24, and he wants to cut the benefits of people who pay that tax every day this year, many of them a bigger tax than they pay to the Federal Government under income taxes, particularly low-income people.

Let us take some other friends of the President. The heads of Viacom, Tom Freston and Les Moonves, they stopped paying the Social Security tax at 4 a.m. on January 2 because they earn $77,000 a day. So at 4 a.m. on January 2, their obligations to Social Security went away. Despite their huge $20 million salary, they will pay one one-thousandth of 1 percent of their salary to Social Security, but working Americans are going to pay 6.2 percent of every paycheck and self-employed will pay 12.4 percent of every paycheck, and the President wants to cut their benefits. But he does not want to cut the tax cuts for Mr. Moonves or Mr. Freston, and he does not want to cut the tax cuts for himself.

There is a better way to solve the Social Security problem, and I will talk about that another day.

CONSTITUTION OPTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. CHABOT) is recognized during morning hour debates for 5 minutes.

Mr. CHABOT. Mr. Speaker, for several years now, President Bush's judicial nominees have been filibustered, including those who would fill four vacancies in the Sixth Circuit Court of Appeals located in my district in Cincinnati, Ohio. This is unprecedented.

Some would have us believe blocking judicial nominations is a long and revered tradition. Nothing could be further from the truth. Never before have judicial nominees with clear majority support been denied the courtesy of an up-or-down vote. Not once.

The filibuster is not part of the Constitution. It is not even part of the old Senate rules. While it is a useful tool when considering legislation, and should remain as such, we cannot allow filibustering of judicial nominations. Each time a nominee is denied an up-or-down vote, the impact is vast. Not only is our Federal judiciary weakened, but our Constitution becomes more vulnerable; and as chairman of the Subcommittee on the Constitution, let me emphasize that these actions are unprecedented and should be abhorrent

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to those of us who are bound by oath to uphold our country's most sacred document, the United States Constitution.

ASTHMA AWARENESS DAY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, tomorrow is Asthma Awareness Day. I rise to celebrate the October 2003 enacted Asthmatic Students Treatment and Health Management Act, ASTHMA. It is now Public Law 108–377 and was H.R. 2023 in the House and the Senate bill was S. 2815. I introduced this with the gentleman from Rhode Island (Mr. KENNEDY), and Senator ENZI and Senator KENNEDY carried the mantle there.

Mr. Speaker, this law provides incentives for States to pass favorable laws that guarantee that students can carry and use prescribed medicine and anaphylaxis medications while in school. It is not a mandate, and incurs no new spending. The idea has been germinating since the early 1990s and has been building momentum since.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in our United States. Even more limiting, of these 20, only nine extended that protection even further to anaphylaxis medication like epinephrine auto-injectors. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, we have a strong number of 41 States protecting for asthma, 26 for asthma plus anaphylaxis, and four have legislation pending for both conditions. Four that have asthma laws have legislation pending for anaphylaxis, and there is one State just getting started and has legislation that is pending for asthma anaphylaxis-carrying students.

Mr. Speaker, this is a dramatic upswing for our children. I am especially proud to report what is going on in Florida. Florida has been an inhaler-friendly State for years, but now there is legislation pending to include epinephrine auto-injectors.

My friend and constituent, Dr. Karl Altenberger, an allergist in Ocala, Florida, has been active in advancing this for his patients in the Florida State legislature. He is to be commended. This bill passed last week and is ready for the Governor's signature.

Just yesterday, the Orlando Sentinel reported "Girl fights for allergy law as lives depend on it." In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. "Severely allergic to peanuts, she has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in classrooms, on field trips, and during school activities. Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida school children with life-threatening allergies the same access to this EpiPen.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors urging them to pass the bill. We might call Kelsey a true respiration inspiration. She shares a quote, "My mom told me in some schools, there are children like myself who need the EpiPen with them, but it is locked far away in the clinic." She told the committee that if someone needed their EpiPen, it might not get to them in time.

Kelsey's charisma and dedication led legislators in Tallahassee to rename H.B. 279 the Kelsey Ryan Act. More than 60 State legislators cosponsored the bill which the House passed earlier this month 114 to 0. The Senate passed it last week, and it is on the desk of Governor Jeb Bush.

Brenda Olson, director of governmental affairs for the American Lung Association of Florida points out that "most schools in Florida do not allow students to carry the EpiPen." As we have been saying for years, "Moments count when these reactions start."

Kelsey's mother, Blair Ryan, emphasized another point we made in our bill, H.R. 2023, that this is a team effort between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student.

Currently, school districts across Florida have different policies on this matter, and some may well not serve a student who just accidentally got stung by a bee or ate a cookie with an unknown walnut. Officials in Volusia and Orange counties said the majority of EpiPen are kept locked in school clinics. This is disastrous for the student's health and potentially a lawsuit on the school.

In conclusion, I am pleased with the strong progress on this issue here in our Nation's Capitol and in the State houses. I invite everyone to join us in the Cannon Caucus Room tomorrow at 11:30 a.m. for a congressional briefing followed by free asthma screenings and asthma health clinics and exhibits from 1 to 3:30 p.m. This year, Asthma Awareness Day is truly a breath of fresh air.

Mr. Speaker, tomorrow, is Asthma Awareness Day and I rise to celebrate the October 2003-enacted Asthmatic Students Treatment and Health Management Act (ASTHMA). What is now P.l. 108–377, and was H.R. 2023 in the House and S. 2815 in the Senate, I had introduced on 2003's Asthma Awareness Day with my friend Representative PATRICK KENNEDY from Rhode Island. In the Senate, Senator ENZI and Senator KENNEDY carried the mantel.

This law provides incentives for States to pass favorable laws guaranteeing that students can carry and use prescribed asthma and anaphylaxis (anna full AXE iss) medications while at school. It is not a mandate, and it incurs no new spending. This idea has been germinating since the late 1990s, and has been building momentum since. On Asthma Awareness Day, May 7, 2003, there were only 20 "asthma-friendly" States. Even more limiting, of these 20 only 9 extended that protection even further to anaphylaxis (anna full AXE iss) medication, like epinephrine auto-injectors. Today, according to the Allergy and Asthma Network, Mothers of Asthmatics, a grand-slam of 41 States protect for asthma, 26 for asthma plus anaphylaxis, 4 have legislation pending for both conditions, 4 that already have asthma laws have legislation pending for anaphylaxis, and 1 State is just getting started and has legislation pending for asthma. This is a dramatic upswing for our children.

I am especially proud to report what is going on in Florida. Florida has been inhaler-friendly for years, but now there is legislation pending to include epinephrine auto-injectors. My friend and constituent Karl Altenberger, MD, an allergist in Ocala, FL has been active on advancing this for his patients for years in the Florida State legislature. The bill passed last week and is ready for the Governor.

Just yesterday (May 2nd), the Orlando Sentinel reported that "Girl fights for allergy law as if lives depend on it." In Celebration, a central Florida town, lives 9-year-old Kelsey Ryan. "Severely allergic to peanuts, (she) has never known life without her EpiPen. The dose of adrenaline inside could save her life and is with her at all times: in her classroom, on field trips and during after-school activities.

Now Kelsey has been urging Tallahassee lawmakers to pass a bill that would allow the estimated 100,000 Florida schoolchildren with life-threatening allergies the same access to their EpiPens—also known as epinephrine auto-injectors.

Kelsey has testified before four Tallahassee committees since February, meeting lawmakers and passing out practice injectors with tags urging them to pass the bill." We might call Kelsey a true respiration inspiration. She shares that "My mom told me that in some other schools there's children like myself who need their EpiPen with them, but it's locked up far away in the clinic," Kelsey told one committee. "If they somehow needed their EpiPen, it might not get to them in time."

Kelsey's "charisma and dedication led legislators in Tallahassee to rename H.B. 279 the "Kelsey Ryan Act." More than 60 State representatives co-sponsored the bill, which the House passed earlier this month 114–0. The Senate passed it last week and it is on the desk of Governor Jeb Bush.

Brenda Olsen, director of governmental affairs for the American Lung Association of Florida, points out that "Most schools in the State of Florida do not allow students to carry their EpiPens," and, as we have been saying for years, "Moments count when these reactions start."

Kelsey's mother, Blair Ryan, emphasizes another point we made in H.R. 2003: This is a "team effort" between the student, the parents, the physician, and the school. If a parent and physician believe that a student is mature and competent to treat him or herself, a school should not impede this medical regimen, but help it work for the student. Currently, school districts across Florida vary on their policies, and some may not well-serve a student who just accidentally got stung by a bee, or ate a cookie with an unknown walnut. In the Sentinel article, officials in Volusia and Orange counties said the majority of EpiPens are kept locked in school clinics. This could prove to be just disastrous, for the student's health, and potentially as a lawsuit to the school.

I am pleased with the strong momentous progress of this issue here in our Nation's capital and in our statehouses. I invite everyone to join us in the Cannon Caucus room tomorrow at 11:30 a.m. for a Congressional Briefing, followed by free asthma screenings and asthma health exhibits from 1–2:30 p.m. This year's Asthma Awareness Day is truly a breath of fresh air.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, tomorrow in the Committee on Rules and on Thursday on the House floor under the able leadership of the gentleman from California (Mr. LEWIS), chairman of the Committee on Appropriations, we will be considering and voting with, I am sure, strong bipartisan support, we will be voting out the conference report on the supplemental appropriations bill focused on providing very important assistance to our effort in Iraq, the men and women there, and also aid to the victims of the tragic tsunami that we saw take place last year.

We also are very pleased that included in that legislation is an item which the gentleman from Illinois (Mr. HASTERT) made a commitment to last fall that would be there when we were working on implementations of the recommendations from the 9/11 Commission, the intelligence conference report.

To refresh the memories of our colleagues, there were many of us, Republican conferees on the House side especially, who were pushing to include very important border security provisions.

☐ 1245

Unfortunately, our colleagues in the other body refused to include those. We went ahead and passed out, again with strong bipartisan support, the legislation that implemented the recommendations of the 9/11 Commission, including the establishment of a new Director of National Intelligence and very important measures to increase the size of our border patrol as well as other important items dealing with the issue of intelligence. We were unable, because, as I said, our colleagues in the other body would not include it, to have the border security issues which we are going to be including in this supplemental appropriation bill. Again, Speaker HASTERT made a very good commitment that we would have it on the first must-pass piece of legislation.

Those provisions, Mr. Speaker, are very, very important. They are designed to ensure that driver's licenses do not get into the hands of people who are here illegally. It also is designed to complete the 3½-mile gap in the border fence which exists along the border between Mexico and the United States, between San Diego and Tijuana. We, I believe, are going to be much better off with these items that are included.

But as we move beyond this issue, it is important for us to also focus on other priorities that we have legislatively to deal with the border security issue. Next week we are scheduled to have a hearing in the Judiciary Committee's Subcommittee on Immigration on H.R. 98, a measure which enjoys bipartisan support. I am proud that the lead cosponsor of the legislation is the gentleman from Texas (Mr. REYES), former chairman of the Hispanic Caucus, and we have support from a wide range of Members.

H.R. 98, Mr. Speaker, establishes a counterfeit-proof Social Security card. We know that there are employers out there who are required under the employer sanctions provisions of the 1986 Immigration Reform and Control Act to ask for documents when they are hiring people, a birth certificate, driver's licenses, other things. The existence of a counterfeit-proof Social Security card will make it easier for the employer with a card like this, and they will simply take and swipe this card or call a toll-free number and be able to determine whether or not someone is an American citizen, here on a work permit or what their status is. If they do not have this card, they will not be able to get a job; and if employers hire them, we have increased by 400 percent the penalty for those employers and we call for the establishment in H.R. 98 of 10,000 enforcement agents who will make sure that employers are actually complying with the law and not hiring people here illegally.

The bill is called H.R. 98, Mr. Speaker, because according to T.J. Bonner, the president of the National Border Patrol Council, it will reduce by 98 percent the number of illegal border crossings. So we believe very strongly that implementation of a national counterfeit-proof Social Security card, which is not a national identification card, only required for people who are looking for a new job, is one of the most important ways that we can deal with our very, very important border security issue.

We look forward to the passage of the supplemental appropriations bill here on the floor on Thursday. We also look forward to what we hope to be very, very growing support for passage of H.R. 98.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this last weekend I held a town hall meeting on Social Security in my hometown of Martinez. I must say that the audience was quite stunned to learn that not only was President Bush continuing his drive for the privatization of Social Security, which would borrow trillions of dollars from the Social Security trust fund and drive it deeper into debt and imperil its opportunities to achieve solvency, but now he was offering something called progressive indexing, which would be a substantial cut in benefits under Social Security to middle-class recipients.

They were quite stunned to learn that those individuals who pay into Social Security every week from their paychecks, every month from their paychecks and all year long from their paychecks, that the President was now suggesting that they should take a cut in their benefits as a way of restoring solvency. They were not just stunned that the President was suggesting this one-two assault on Social Security, but they were also quite alarmed to learn that the President apparently has no intention of paying back the some $700 billion that his administration has borrowed from the Social Security trust fund, that the trust fund is, in fact, not being honored, the people that pay into that trust fund every year to the tune of some $160 billion, that that money is now being taken out to use for other functions of the government, whether it is the war in Iraq or whether it is the general spending of the government.

It is very clear that they want that trust fund restored. It is a trust fund. They are paying into it because they believe that that money is going to be put there, loaned to the government, replaced by Treasury bills, but it will be there for their use, for their annuities that they are buying every week when they pay into the Social Security fund.

But that is not what the President is suggesting. The President is suggesting, as he does in the budget that this House passed last week, that he will continue to borrow $160 billion out of the trust fund and, as he said when he went to West Virginia, it is really not a trust fund, there is no trust there, so apparently he is the first President since we started Social Security who has suggested that he may not pay the trust fund back.

That is just unacceptable to my constituents at the town hall in Martinez. I think it is unacceptable to the overwhelming number of the American public who believe that the reason they are paying into Social Security is so that they can have some level of financial security upon their retirement.

Social Security, for the current retirees, supplies over half of their retirement income. Sure, we all want to make it easier and better and more likely that Americans will save for their retirement. But that has not happened. Hopefully it will happen in the future. But Social Security is a very important part of people's retirements. When they look at the efforts by corporations to get rid of their retirement plans, when they look at the difficulty they are having as middle-class families to save not only for their child's education but for their retirement, they recognize how important it is that the Social Security trust fund be maintained.

But now this President comes along and suggests that that is not the case, that he is going to put an assault on that trust fund with the privatization of Social Security and then he is going to come along and cut the benefits to middle-class Social Security recipients who have paid into that trust fund throughout their entire working life. I think it is very clear that not only is this plan unacceptable to the vast numbers of Americans who have had a chance to take a look at it, but hopefully it will become unacceptable to this Congress as stewards of that trust fund.

But first and foremost, what the American people want us to do is to stop taking the money out of the trust fund to fund the rest of the government. We have got to honor what we set out to do in 1983 under the bipartisan agreement of Speaker Tip O'Neill, an icon of the Democratic Party, President Ronald Reagan, an icon of the Republican Party, when they sat down and hammered out a bipartisan agreement.

Part of that agreement was to create a trust fund, not some honey pot that any Member of Congress could go into and take out for whatever purpose they want but a trust fund for the retirement of millions and millions of Americans and their families.

It is important that we honor that, Mr. Speaker.

LOWELL STOUT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized during morning hour debates for 5 minutes.

Mr. PEARCE. Mr. Speaker, I rise today to salute Lowell Stout, a good friend who recently passed away in Hobbs, New Mexico.

Lowell was an attorney there. He moved to the area from Oklahoma after the Dust Bowl days in the 1930s. He always called himself a proud son of a sharecropper from Blaine Bottom, Oklahoma.

Lowell worked his way through school as a roughneck on drilling rigs. He also worked as an oil field roustabout. During the Korean War, he served in the Army. After his time in the service, he returned to Hobbs to practice law defending a variety of civil litigation matters. Later he began to specialize, representing the small guy in personal injury, plaintiff-related matters.

Lowell became a fellow of the American College of Trial Lawyers in 1981. He was selected to be included among the "Best Lawyers in America." He was an early inductee into the Joe Roehl Circle of Honor which honors the finest trial lawyers in New Mexico.

I never asked Lowell if he was a Democrat or Republican. I suspect he was a Democrat. We never talked much about politics because we shared a common belief that the family was paramount. Lowell was the parent of Mark and Georgiann. Georgiann and I went to school together and graduated. She went on to San Francisco and lives there today. Son Mark stays in Hobbs. He and his wife Cindy have raised their family there.

The abiding memory of Mr. Stout is that he was always with his wife Liliane. They raised their family in Hobbs. He was a dedicated family man. In these days of partisan politics, I know that many times Mr. Stout disagreed with my opinions, but he frankly encouraged me to do the best that I could. He did the best that he could. I think that we ought to learn by his example: dedication and commitment to family, dedication and commitment to a wife.

Again, I salute Lowell Stout, a great lawyer, a fine human being, a friend and the father of friends of mine and the husband of a friend of mine.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, You are ever present to Your people, especially the young and the most vulnerable of society. As we pray for the Members of the United States House of Representatives today, we strain with eyes of faith to peer into the future. We know, Lord, that even now, You are preparing us for an uncertain age to come. By blessing this country with energetic and intelligent young people who have a clear vision of just what is right and a vibrant awareness of those suffering in the world, You are already providing our Nation with young leaders for tomorrow.

By Your grace, strengthen family life, that our young people mature in love and in freedom. Steeped in religious values, may they embrace the self-discipline and study necessary to achieve personal goals and realize their full potential.

May many young people be open to Your call to serve fellow Americans in public service, raise ethical standards in business, bring greater integrity and civility to politics, and become ambassadors of peace, reconciliation and liberty in a world community.

We praise You and thank You, for Your hopeful dreams You are now planting in the hearts of America's youth, both now and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMBAT MEDIC BADGE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the combat medic badge was first awarded in 1945 to medics who served in combat while in or attached to a combat unit. As times changed, the role of the medic changed with them. In Vietnam, medics served in units, but some also flew in helicopter medical evacuation ambulance units, called medivacs.

DUSTOFF was the call sign that we gave this mission, and they saved nearly a million people during the Vietnam war by flying unarmed onto the battlefield to treat and save our wounded soldiers, most often under fire.

The average DUSTOFF medic treated nearly 2,000 troops in a 1-year tour. Currently, there is no unique way to honor these brave men and women. Although they flew in and out of combat every day, they are not eligible for the combat medic badge, because they were not attached to a combat unit; often the medivac unit was another unit.

And my friend and colleague, the gentleman from Pennsylvania (Mr. HOLDEN), has legislation to correct this by directing the Army, Navy, Air Force, and Marines to develop the combat medivac badge. The badge will be awarded to anyone who has served in combat as a pilot or crew member of a helicopter medical evacuation ambulance since 1950.

I urge the body to pass this, give the DUSTOFF veterans the honor they deserve.

UNINSURED AMERICANS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, almost a quarter of Texans do not have health insurance, and this is the highest rate of uninsured in the United States.

In Dallas alone, the uninsured rate is 25 percent. We all know someone who is living without health insurance. There is a perception that if someone does not have health insurance, it is because they do not work or they are on public assistance.

Over 80 percent of the uninsured workers are workers, and 50 percent of them are full-time workers. Americans who work hard for a living should not have to live without health insurance. These uninsured often face the difficult decision of either ignoring their medical problems or being able to afford food and rent.

Mr. Speaker, the sad truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or an accident away from being uninsured. It is time for this Congress to address this problem with innovative ideas and actions.

GIVING CYNICAL PLOYS A BAD NAME

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, as much as we may hate to admit it, there is no denying that the bald-face, cynical ploy can be as much a part of American politics as shaking hands and kissing babies.

Though cynical ploys are occasionally effective, they are almost never pretty. But, Mr. Speaker, the refusal of the national Democratic leaders to offer constructive proposals to strengthen and preserve the Social Security system is starting to give even cynical ploys a bad name.

After all, the stakes of this debate are not a mere election or two, but are instead a looming fiscal crisis and the retirement security of a generation of American seniors.

President Bush and some Republican congressional candidates ran in 2004 on the issue of retirement security. And the President made Social Security the focus of his first State of the Union after his reelection.

From that day on, Democrat leaders have rejected any effort to begin bipartisan dialogue on reform and have threatened any of their rank-and-file Members from so much as discussing the issue with members of the AARP, let alone Republican Members.

From the outset of this debate, Republicans, led by President Bush, have held a seat at the table open for congressional Democrats. And despite this sincere desire among many Democrats to help, their leaders have demanded unquestioned obedience to their obstructionism.

Just last week, President Bush ended a 60-day tour of our Nation explaining to the American people the problems facing Social Security and his ideas to help solve those problems. Indeed, he has left open for debate, as we have, any productive reform idea to address the system's funding and benefit structure, personal retirement accounts, and other options.

President Bush and his party are trying to preserve and strengthen Social Security for generations to come, to keep the promise the program originally made to the American people 7 decades ago. And since January, we Republicans have identified the problems and begun this crucial debate by proposing several solution alternatives.

Meanwhile, the Democrats have ignored problems, offered no solutions, and attacked anyone with courage to help. As I said, Mr. Speaker, some cynical ploys work and some do not. But as the retirement security of a generation of future retirees depends on the honest, sincere work we do this year, I think we owe it to them to be a little bit better than that.

So even as Republicans continue our work this month to develop the long-term solutions to Social Security troubles, I once again remind Democrats willing to work with us that their seat at the table will be kept open.

SOCIAL SECURITY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. With all due respect to my good friend, the gentleman from Texas (Mr. DELAY), Mr. Speaker, the Democrats have been doing right for the American people on social security. We have been holding town hall meetings all over this country. We know and the American people ought to know that Social Security is not going bankrupt, that the President misspoke when he said that there is no Social Security trust fund.

As a matter of fact, the Social Security trustees released a report recently that says that right now the Social Security trust fund has $1.68 trillion in it; that trust fund will grow to $6 trillion by the year 2028 without any changes whatsoever; that Social Security is rock solid through the year 2041, according to the Social Security Administration's own actuaries; that Social Security is rock solid through the year 2052, according to the bipartisan Congressional Budget Office.

Yes, both parties ought to come together; but we ought to come together in truth, and we ought to have the President let go about this masquerade about social Security going bankrupt.

What is going bankrupt is a legislative process that fails to stand up for the retirement security of the American people. Forty-seven million Americans rely on Social Security. They have a right to expect that the money is going to be there, and we Democrats will make sure that money will be there for them for generations to come.

IN HONOR OF PRIVATE FIRST CLASS STEVEN SIRKO

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it is with the heaviest heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Private First Class Steven Frederick Sirko, who passed away on April 17 while serving in Iraq.

Steven served our country as a U.S. Army battalion medic. He was scheduled to return to his home in Statesville, North Carolina, in August. Steven was a loving husband, son, and brother. He leaves behind his wife, Virginia Downs Sirko; his mother, Summer Lipford; and stepfather, Steven Lipford; his father, Rick Sirko; and stepmother, Rose Sirko; his sisters; and his brother.

May good bless them and comfort them during this very difficult time. We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our Nation could not maintain its freedom and security without heroes like Steven who make the ultimate sacrifice.

Americans, as well as Iraqis, owe their liberty to Steven and his comrades who came before him. Mr. Speaker, please join me in honoring PFC Steven Sirko.

CRISIS IN THE FEDERAL PRISON SYSTEM

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, I rise today to highlight a serious security risk to our communities. Our Federal prison system faces a crisis that we can no longer ignore.

The inmate population continues to reach record highs; yet the administration and Congress failed to provide the funding to keep our prisons secure. This has caused overcrowding and a shortage in correctional staff.

Our prisons are now more dangerous and our communities are being put in jeopardy. For example, last July, Lexington, Kentucky, an inmate escaped from the Lexington Federal Medical Center because there were fewer than 20 staff members supervising almost 2,000 inmates.

He was eventually caught. Thankfully, no one in the community was seriously injured. However, if we do not start funding our Federal prison systems at a level that provides adequate staff, we may not be as fortunate next time.

I urge my colleagues and the administration to provide sufficient funding to the Federal prison system.

SOLVING THE CHALLENGES FACING SOCIAL SECURITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the past 70 years, Congress has tried repeatedly to fix the Social Security program. The payroll tax has been raised 22 times, and the amount of Social Security benefits taxed has increased from zero to 85 percent.

Unfortunately, these changes did not solve the real challenges threatening the retirement of millions of Americans. Raising payroll taxes simply postpones the bankruptcy and would not be a permanent solution for Social Security.

On Thursday, President Bush further outlined his proposal to provide a lasting solution for Social Security. Today, the Washington Times reported that the Heritage Foundation and the CATO Institute strongly support President Bush's proposal. The gentleman from Texas (Mr. DELAY) is correct. Unfortunately, Democrats have yet to offer any positive suggestions that would fix Social Security.

Procrastination will not solve the problem. We must act now to protect benefits for today's retirees and strengthen benefits for future generations.

In conclusion, God bless our troops. We will never forget September 11.

□ 1415

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 513

Mr. McNULTY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 513.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from New York?

There was no objection.

SOCIAL SECURITY SOLUTIONS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, last Thursday our President told the Nation that he was willing to listen to any ideas from anyone and was willing to share the credit for a solution to Social Security problems.

Finding a solution requires more than just complaining and my colleagues on the other side would like you to believe that they have a plan, but plans require more than just complaints.

A recent national poll by Harvard University found that 7 out of 10 college students do not believe that Social Security will be there for them. Younger workers know that the government has used their Social Security money for other programs. They also understand voluntary personal accounts offer a better way to provide security for them.

And it is only fair. In past years, retirees received a return of 10 percent and more from Social Security. Today that return is barely 1.5 percent and that is not fair to younger Americans. Younger workers today are much more familiar with investments through 401(k) plans offered which employers, workers know the power of compound interest and how their contributions to these accounts grow steady.

Mr. Speaker, I challenge Members of the House and Senate to have a vision for Social Security one of fairness for all Americans.

ASSOCIATION HEALTH PLANS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this is National Uninsured Week. In my home State of Texas, there are a significant number of people who are uninsured.

The number of uninsured has increased for the third year in a row and that is largely because of the drop of the employer based coverage.

Mr. Speaker, there is a tool, there is a lever we can pull to help stop the drop off in employer based coverage. That lever is called association health plans. In fact, this House passed association health plans several times during the 108th Congress. The problem is it has never been taken up by the other body.

What are association health plans? This is the ability for small businesses of a similar business model to band together and get the purchasing power of a large corporation in order to hold the cost down of providing insurance to their members.

Now, nearly 63 percent of all uninsured workers are employed by small businesses with fewer than 100 employees. It is estimated that association health plans would enable some 8 million currently uninsured individuals to receive coverage.

Mr. Speaker, I was so encouraged because the chairman of the relevant Senate committee said this year they were going to seriously take up association health plans. In fact, he has charged people on both sides of this question to come together and find solutions to finally allow association health plans to be available in this country.

END FILIBUSTERS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, since 2003 Senate Democrats have filibustered or threatened to filibuster ten of the President's circuit court nominees. This is unprecedented.

Some believe that applying the filibuster to judicial nominations is a long and revered Senate tradition. Not so. Never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

Not until Miguel Estrada's nomination in 2003 has a judicial nominee with clear majority support been blocked by a filibuster.

Fairness in the justice system begins with the confirmation of capable judges. Each time a nominee is denied a vote, the American people are denied justice. The American people deserve better. It is time for every judicial nominee to receive an up or down vote.

Remember, never before has a judicial nominee with clear majority support been denied an up or down vote on the Senate floor.

PENSION FUND BLACKMAIL FROM LABOR UNIONS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, recently the Wall Street Journal highlighted a disturbing trend among labor union boards. They are engaging in pension fund blackmail to bully corporations into agreeing with their partisan political agenda. A top AFL-CIO lobbyist was referring to financial services funds backing the President's personal retirement account proposal and he said, "We have no intention of letting any of these companies get away with this while they manage our workers' funds."

And 3 trustees representing the New York City Employees Retirement System sent a letter to several investment banking companies demanding to know their Social Security stance.

These union boards should be ensuring their members' pensions are being wisely invested in qualified ethical companies.

How can we say that Sarbanes-Oxley has strengthened corporate responsibility if labor unions are investing in and managing corporate boards based on their political interest rather than their fiduciary responsibilities to their members and the corporations for which they represent?

APPOINTMENT AS MEMBER TO COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Pursuant to Section 2 of the Civil Rights Commission Amendments Act of 1994 (42 USC 1975 NOTE), the order of the House of January 4, 2005, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on Civil Rights for a 6-year term expiring May 3, 2011:

Mr. Michael Yaki, San Francisco, California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 218) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 218

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of our families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and are promoting the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and are serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities' financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001, and contained in the Elementary and Secondary Education Act of 1965, in the same manner as traditional public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 to 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 218. This resolution honors our Nation's charter schools and the students, parents, teachers, administrators and other individuals involved for their hard work and dedication to providing a quality public education.

This week, May 1 through May 7, has been designated National Charter Schools Week. During this week, charter school organizations and others around the United States recognize these schools for their continued contributions to education. The Nation's charter schools deliver high-quality education and challenge students to reach their potential.

Forty-one States, the District of Columbia and Puerto Rico, have passed laws authorizing charter schools. Since the first charter school law was passed in 1991, almost 3,300 charter schools now serve nearly 900,000 students in 40 States, the District of Columbia and Puerto Rico.

Specifically, I am pleased to honor the 19 charter schools in the State of Nevada that serve nearly 4,500 students. Nevada first passed charter school legislation in 1997. As a co-sponsor of that legislation, our first charter school opened in 1998 and in 1999 school year.

The State charter school legislation was revised in 1999, lending teachers more room for creativity and allowing charter schools the ability to offer an extended school day as well as an extended school year.

In my own community, the Andre Agassi College Prepatory Academy serves as a model for other charter schools across the Nation. Designed to enhance a child's character, respect, motivation and self-discipline, Agassi Prep, as the school has been nicknamed, was created specifically to improve skill levels and combat lowered academic expectations among the community's most challenged children.

Advanced technology, smaller class sizes, and extended school hours are just some of practices that Agassi Prep utilizes to achieve a higher standard of education.

I commend the charter schools in the State of Nevada and across this great Nation for recognizing the immense need for improved education and for their commitment to improving student achievement for students who attend these schools.

At charter schools nationwide, almost half of the students are considered at-risk or are former dropouts. Charter schools serve a significant number of minority students, students with disabilities, and students from lower income families.

These schools give opportunity and freedom to students and parents who otherwise not might not have had the chance to receive a quality education.

Nearly 40 percent of charter schools report having a waiting list. And the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools. By allowing parents and students to choose their public schools, charter schools can stimulate change and benefit all public students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration.

Charter schools respond to the needs of America's communities families and students while promoting the principles of quality, choice, and innovation.

Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are all high quality and truly accountable to the public.

According to the Center for Education Reform, as many as 15 studies find that students who frequently enter charters significantly are below the normal grade level. These students then achieve the same or even higher gains as compared to their surrounding district's demographically-compared schools, or even the State average.

A report from America's Charter School Finance Corporation called "Take Me on a Reading Adventure," cites research from several States that shows greater gains and/or higher scores in reading for charter schools as compared to their traditional school peers.

Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State governors and legislators, educators and parents across the Nation. The Sixth Annual National Charter School Week held this week, May 1 through May 7, 2005, recognizes the significant impacts, achievements and innovations of our Nation's charter schools.

Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools' students, teachers, parents, and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation's public schools.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 218 discusses the impact which charter schools are having on our educational system. Charter schools, while relatively new, like all public schools, have continued to garner both accolades and criticism for role they play.

Recent studies by the American Federation of Teachers and the Economic Policy Institute have raised questions about whether charter schools are outperforming traditional public schools. These studies have generated a great deal of debate from both detractors and supporters of charter schools.

The one thing that does seem clear is that charter schools on the aggregate are not performing on the level most hoped they would. Regardless of whether you are a supporter of charter schools, we can all agree on the importance of a strong public school system. This system, including charter schools, continues to educate ninety percent of American students. Our public schools must have the resources and the focus on quality to ensure that our children get the best education possible regardless of race, ethnicity, disability, status or whether they can speak English.

It is our public school system that I rise to support today.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER) and chairman of the committee.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of House Resolution 218, to recognize charter schools and their students, parents, teachers and administrators across the United States for their ongoing contributions to education.

This week is the Sixth Annual National Charter Schools Week and a great opportunity for Congress to honor charter schools and those involved in the role they play in reforming and improving our Nation's public education system.

☐ 1430

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations, in exchange for increased flexibility and independence. Greater autonomy allows charter schools to focus on increasing academic achievement for individual students, rather than complying with bureaucratic paperwork.

Charter schools are subject to all the same No Child Left Behind achievement goals as other public schools, but with greater flexibility in how they improve student success. Increased flexibility allows charter schools to use varied educational methods and techniques while accounting for results.

Almost 3,300 charter schools serve around 900,000 students in 40 States, Washington, D.C., and Puerto Rico; and nearly 40 percent of these charter schools have waiting lists.

Charter schools are adept at meeting the specific needs of the local communities in which they are located and are particularly devoted to serving low-income communities. Nationwide, almost half of charter schools serve students considered at-risk or who have previously dropped out of school. Charter school students share similar demographic characteristics with students in all public schools, and charter schools serve significant numbers of students from low-income families, minority students, and students with disabilities.

Because charter schools often serve students with limited access to educational options, these innovative public schools allow many parents and students freedom of choice that otherwise would not be available. And studies show that the increase in educational options, including access to charter schools, is improving outcomes for students.

According to the Center for Education Reform, 15 studies show that students frequently enter charter schools significantly below grade level. These students will then progress at or above the gains being made in surrounding districts, demographically comparable schools, or at the State average.

In December, Harvard University released a comprehensive, long-term study comparing student academic achievement at charter schools and traditional public schools, and I will enter the executive summary of that report in the RECORD at this point and share just one of the most compelling facts.

ACHIEVEMENT IN CHARTER SCHOOLS AND REGULAR PUBLIC SCHOOLS IN THE UNITED STATES: UNDERSTANDING THE DIFFERENCES

(By Caroline M. Hoxby)

ABSTRACT

This study compares the reading and mathematics proficiency of charter school students to that of their fellow students in neighboring public schools. Ninety-nine percent of all elementary students in charter schools are included in the study. The charter schools are compared to the schools that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the "matched" school). Compared to students in the matched regular public school, charter students are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math on their state's exams. Students in charter schools that have been in operation longer are more likely to have a proficiency advantage over their peers in the matched regular public school. In reading, the advantage is 2.5 percent for a charter school that has been operating 1 to 4 years. 5.2 percent for a school operating 5 to 8 years, and 10.1 percent for a school operating 9 to 11 years. Also, charter school students are more likely to have a proficiency advantage if their school has funding that is at least forty percent of that enjoyed by regular public schools. The results suggest that charter schools are especially likely to raise the achievement of students who are poor or Hispanic.

EXECUTIVE SECRETARY

This study compares the reading and mathematics proficiency of charter school students in the United States to that of their fellow students in neighboring public schools. Because charter schools are public entities, their students take state exams. Thus, this study is based on schools that enroll approximately 99 percent of elementary students who attend charter schools. The charter schools are compared to the schools that their students would most likely otherwise attend: the nearest regular public school with a similar racial composition (the "matched" school).

Compared to students in the matched public school, charter students are 5.2 percent more likely to be proficient in reading and 3.2 percent more likely to be proficient in math on their state's exams. Charter schools that have been in operation longer have a greater proficiency advantage over the matched public schools. For example, in reading, the advantage is 2.5 percent for a charter school that has been operating 1 to 4 years, 5.2 percent for a school operating 5 to 8 years, and 10.1 percent for a school operating 9 to 11 years.

The results show that charter schools are especially likely to raise the achievement of students who are poor or Hispanic. This is a useful finding because charter schools serve students who are disproportionately likely to be minorities or poor.

Charter school students are more likely to have a proficiency advantage if their state has a strong charter school law that gives the schools autonomy and that ensures that charter schools get funding equal to at least 40 percent of the total per-pupil funding of regular public schools.

In states where charter schools are well-established, charter school students' advantage in proficiency tends to be greater. For instance, in Arizona, fourth grade charter students are about 10 percent more likely to be proficient in reading and math than students in the matched regular public schools. In California, the corresponding proficiency advantages are 9 percent in reading and 5 percent in math. In Colorado, the corresponding proficiency advantages are 12 percent in reading and 14 percent in math.

North Carolina is the only state in which charter students' proficiency is statistically significantly lower, by 4 percent, in both reading and math, compared to students in the nearest public school. In addition, Texas' charter students appear to be statistically significantly less proficient in math (not reading).

By adjusting for schools that serve at-risk students, the study focuses on regular charter schools that are expected to meet the same standards as traditional public schools. The study's "matching" method compares charter schools to public schools that are likely to share the same neighborhood, same economic conditions, and the same population of students and parents. The selection of a neighboring public school as the point of comparison ensures that the groups of students being compared are as similar as possible. It is also likely that the public school selected for comparison was the school that most of the charter school students would have attended, had there been no charter school.

A national study like this one is useful because it is comprehensive. Nevertheless, it is useful to complement studies like this one with studies based on randomization. Because many charter schools have more applicants than places, they routinely hold lotteries, which allow scientific, random assignment studies to be conducted. The key advantage of randomization-based studies is that the charter school students and regular public school students are comparable not only in terms of race, ethnicity, and income, but also on subtle dimensions like motivation and aptitude. Multiple studies based on randomization are underway. The first such study (Hoxby and Rockoff 2004) finds that a large system of Chicago charter schools raised math and reading scores by about 6 percentiles among students who entered in grade 5 or below.

Because charter schools enroll only 1.5 percent of students, it is important to include nearly all of them in a study. Results based on only a small sample of charter school students (for instance, studies that rely on the 3 percent sample of the National Assessment of Educational Progress) cannot be used to draw conclusions about states' charter school policies. A study that relies on a 3 percent sample of 1.5 percent of American students is a study based on only 0.045 percent of students. In contrast, this study uses data that are sufficient for detailed investigations of charter school students' proficiency, nationwide.

The study, completed by Harvard economics professor Caroline Hoxby, found charter schools overall are more likely to raise the academic achievement of students who are poor or minority, and show a larger effect on reading and math proficiency when they operate in areas that have a high percentage of students who are poor, African American, or Hispanic. Charter schools serve the very students who need help the most, and they are getting results.

Charter schools have benefited from a strong degree of bipartisan support at the local, State, and national levels. This was evidenced in 2001 by the efforts of both Republicans and Democrats in Congress to expand access to charter schools through the bipartisan No Child Left Behind Act. In the last 10 years, Congress has provided $1.5 billion to support charter schools through facilities' financing assistance and grants for planning, startup, implementation, and dissemination.

Through this resolution honoring National Charter Schools Week, Congress is recognizing the continued success demonstrated by charter schools and acknowledging the benefits that charter schools provide to our local communities. Charter schools provide parents with a wider variety of educational choices. This not only helps the students who attend those charter schools but also helps to take some of the pressure off traditional public schools that might be struggling to improve.

I want to thank my colleague, the gentleman from Nevada (Mr. PORTER), for introducing this resolution and urge my colleagues to join me in strong support for our Nation's charter schools.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Michigan for yielding me time, and I thank him and I thank the gentleman from Nevada for bringing this resolution in support of charter schools to the floor.

Mr. Speaker, charter schools are one of the most innovative developments in the history of public education in our country, and they came from the bottom up. They have not developed out of State governments or the like. They have come from searches within jurisdictions for all alternative public schools, and this is what they are.

In the District of Columbia, we think of the charter schools as an alternative public school system because there are so many of them. We have 43 charter schools in this one city alone, and that is the largest number of charter schools per capita in the United States.

Why are there so many charter schools? We feel strongly in the District of Columbia that public money must go to public schools, and it is understood that here and throughout the United States public schools which have to take every child are often overcrowded and underfunded, have had a very tough time making up for what particularly the most disadvantaged children do not bring to school. As a result, public schools in many jurisdictions show low scores for children in those schools.

What is a parent to do? What parents increasingly do is look for a public alternative to their public schools. They want better schools, but the public is very clear that it wants public money for public schools. If we have any doubt about that, remember that even this House has never voted a voucher bill for, nor has the Senate, anywhere except for the District of Columbia where you can undemocratically do anything you want to do, but for everybody else they have listened to what people say and that is, yeah, we will punish you if one dime goes to anything but a publicly accountable public school.

Looking for a way to deal with the fact that, yes, many public schools do not show the progress they should, it seems to me we have to look to the paradigm that the public itself has created, and those are charter schools.

There is no better place to begin than in the District of Columbia where people have simply voted with their feet. When they did not like their school, they have gone to a nearby charter school.

They have advantages. They are not the advantage discussed in this resolution, where it says, whereas charter schools improve students' achievement. That is very controversial. I do not know whether they do or not. All I know is that there are studies that say that they do and studies that say they do not.

I want to say to my goods friends on the other side who are with me in support of charter schools, our case does not rest on that. If my colleagues understood how difficult it was to deal with education in the inner city, they would understand that the fact that they come so close ought to be enough; that parents want them as an alternative; that they are small; that they are flexible; that they are in their neighborhoods; that sometimes they are specialized. That is enough.

We have got a long way to go before we find the elixir for bringing particularly disadvantaged children to where they should be; but if we just look at what some of these schools in the District of Columbia, like just by some of their names, District of Columbia Bilingual School, that is totally a bilingual charter school.

The SEED school, this is the first public live-in school in the District of Columbia. These children do not go home during the week. They do not go home at night. So they have money from us per capita from the school budget, and they raise other money; and these children actually live in a public charter school like a boarding school.

There is the Marriott Hospitality Public Charter High School, where children, besides learning the general high school curriculum, also prepare themselves to go into the hospitality field, which is the most important industry in this region.

Here is another one, the Washington Mathematics, Science and Technology School. And these are some of the reasons that parents have, in fact, sometimes chosen alternative schools here in the District of Columbia: the public school test scores are better. They are better and systematically better, but my colleagues do not see me here saying public schools are better because their scores are better.

The fact is that each kind of school has broad benefits that parents have chosen and both kinds of schools are accountable to parents and to the public for the dollars spent.

I do believe that they stimulate competition, unlike private schools which do not stimulate any competition at all. Private schools in the District of Columbia, which can take whatever children they want to or not, are no competition for the District of Columbia; but if there is a charter school in one's neighborhood, the principal will look to see what that charter school is doing.

The superintendent today has announced a plan because there are a few charter schools that are very good and they must take every child, but there are a few charter schools that are very good about actually pairing those charter schools with some charter schools in their neighborhood which are not doing as well.

With No Child Left Behind we have a problem we are seeing all over the country. You have got to find yourself a better school. Well, guess what. Those schools are all full so there is no place to transfer now. Everybody ought to wish for charter schools because there is a publicly accountable school with a public dollar that perhaps one can transfer to. They are opening fast, but not fast enough for us here.

There is no real substitute in any civilized society for a public school system; but particularly when parents are not satisfied with their public schools, it does seem to me that charter schools offer the alternative and the only alternative we ought to fund.

The District received the first Federal funds, first funds from this Congress for charter schools. That was when Speaker Gingrich was here. He knew that he profoundly opposed school vouchers. He worked with me on charter school funding for the District of Columbia. That paved the way for charter school funding which is now available to every State in the Union.

We had mothers who went to schools with private school vouchers. The vouchers that this Congress mandated be paid for in the District of Columbia were fully paid for by private funds, but we said you do not have to pay for them. You have been raising money every year; we will pay for them. So we simply transferred public funds for the private funds which have been sending these same children to school.

Well, the mothers came to me who had been going to school on the private funds, and I said you are my folks and I understand why you are looking for alternative schools. Tell me more. I wanted them to know why I opposed vouchers from public funds for private schools; and I was amazed at how many of them said, Congresswoman, we wanted to go to a charter school, but they were all full. So, look, we wanted a better school, and that is why they chose and were pleased to get these vouchers.

Well, of course, I argued since charter schools are what the people of District of Columbia want, if you have got any extra money, Congress, please give it to us for charter schools. We said, oh, no, you are the District of Columbia; we can experiment on you. We can do anything undemocratically to do what we want to do, and we will do some undemocratic things to you that our people would punish us for doing if we did it to them.

So now our folks are still hungry for even more charter schools, and we have got people going to private schools as well.

I am going to put in the RECORD what our charter schools have done because each year we have a climbing up. This is how people vote. They vote with their feet. This is what a market system is about. Ask people what they want. This is what democracy is. Ask people what they want, and they will choose what they want. Do not impose on them what you want.

In our city, since most of our Catholic schools which would be the alternative schools in the Northwest and most of our most deprived children are in the Southeast, the first year of the vouchers, we had most of the children in middle class and better schools, thank you very much. Then there was an outcry, which I can see, whether they can do any better this time. I can tell my colleagues it is very much harder to do better if you are from a very disadvantaged neighborhood in far Southeast and there is a Catholic school over here in this part of town and you have got a voucher to go there. That is not going to work in the District.

What will work in the District is what the people in the District have embraced, and that is, if there is to be an alternative, let it be a publicly accountable school.

The District of Columbia, unlike many jurisdictions, has absolutely eliminated charter schools that were not doing what they were supposed to do.

□ 1445

So we know what to do when they work. We know what to do when they do not work.

I am pleased to see the spread of charter schools. I believe that every district has to decide for itself. In this region, for example, in Maryland and Virginia, where Republicans have the majority of the Congress, they cannot even get charter schools, and yet there are hundreds of thousands of poor Hispanic and black children who might decide that was a good alternative for them, not to mention the children elsewhere in those States, but they cannot even get charter schools, which are publicly accountable charter schools to be embraced in their districts. That is how much people in their districts want every public dollar to go to the public school system.

When I argued that on this floor, they said, who do you think you are, somebody voted by the people or the District of Columbia? Well, we were not, but we are going to tell you what to do with your schools. Well, we have led the way on what to do if your schools do not work. Designed, publicly accountable schools, which parents agree should be the alternative that they want.

This is still America. This is still a democracy. Nothing is felt more deeply than who decides how a person's child will be educated. It was wrong for this Congress to decide for us rather than to decide on the alternative you now come to the floor to embrace.

Mr. Speaker, I very much thank the gentleman for yielding me this time.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman once again yielding me this time, and I am glad that our friend from D.C. was here to honor the contributions of charter schools, because clearly here in D.C. charter schools have had a significant impact on providing educational opportunities for children who, in many cases, are stuck in some very, very bad schools.

Now, I appreciate the support of the charter schools week resolution by my friend from D.C., but let me try to answer part of the charges that were outlined in terms of her opposition to other forms of school choice.

We know that in our large urban centers, we have a difficult time educating low-income children who need our help the most. No place is more evident than right here in the District of Columbia, where we spend over $13,000 per student and have some of the worst schools in all of America. We have similar problems in other large urban districts and, clearly, charter schools have been an opportunity for some students to escape these dreadful schools and have a chance.

All of us know that without a chance at a decent education, none of us would be here, but without a decent education, many of those children will never ever have a chance at the American dream. I have always believed if we are to reform education in America, if we are going to give every child and every parent of a child a chance at a good education, the way to do that is to provide more choices and more options for parents around the country so that they can choose schools that they believe are in their best interest.

In some communities, charter schools might be the answer. Here in the District of Columbia, clearly they are growing. Dayton, Ohio, part of my congressional district, probably has more charter schools per capita than any large urban center in America. And it is providing a very good opportunity for students to escape the Dayton public schools and enter the charter school of their choice.

But it should not be the only choice. There are a lot of parochial schools, private schools, Christian schools all over America that parents want to choose. We all know that if you have money, you have choice. Middle income, higher income, you have all the choice you want because you can get your child into the school you think is best for them. But if you are poor and you cannot move, you have no choice. And if there is not a charter school in your particular neighborhood, you do not have any choice. You are stuck, stuck and condemned to an education that will never help lift you out of poverty and never give you a chance at the American dream.

That is why other forms of choice, I think, are important. That is why I and others were involved in helping the mayor here in the District of Columbia and other parents here in the District who wanted a scholarship program. We provided $15 million to help some low-income children get into a private school and it has helped. It has helped about 1,100 children here in the District in giving them another option. I think, frankly, it is a good option.

I was at two of those schools this morning. I was at St. Francis DeSalles Elementary School, and I was at St. Anthony's Elementary School, both over in the northeast part of town; and both schools, part of the 13 schools that make up the city's Center Consortium. These are 13 very poor Catholic schools here in the District, who I have been involved with over the last few years to help raise them private money to help provide scholarships, to help keep those schools open in those very poor neighborhoods. Last week, I visited four schools in the southeast part of town, in Anacostia. I did not realize Anacostia was as large as it is, but it is very large and it is very poor.

And the fact that those schools are there provide more children more choices, more opportunities to have a chance. I saw kindergartners this morning reading at a first-grade level at both of these Catholic elementary schools. Yes, they have some students that are there because they get D.C. scholarships; others are there because of the generosity of an awful lot of people who want to keep these schools open and provide a choice for those parents and those students.

It is this competition from the public schools, the charter schools, the private schools that I believe will make our school system better and will help all of them. Growing up in sports and growing up in a large family, I know a little about competition, and competition makes all of us better. I believe that the increased competition we are seeing in the provision of an education, especially in the K through 12 arena, has in fact made all of education better.

Do we have a long way to go? We certainly do, but I believe that charter schools are playing an integral role in providing that competition. I think parochial schools, private schools, and Christian schools play a role in that competition as well. The more we can do to encourage parents to have more choice about where their kids can go to school, I think the better off those children will be and the better off our society will be.

Mr. KILDEE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I want to also thank the gentleman from Michigan (Mr. KILDEE) for his years of service and commitment to education, not only of the children in his district but those in America.

Mr. Speaker, I was moved by the accounting and recounting by the gentlewoman from the District of Columbia, particularly because of her leadership on these issues regarding the educating of the children in this district, but I rise to speak of the climate in Texas. And I might say that my children have been in both private and public schools.

As I listened to the distinguished chairman of the Committee on Education and the Workforce, I would simply say that much of what he has said I agree with, and that is that all of us would want to emphasize the excellence of education for our children and no one is condemning private schools. The simple statement is, however, that the public school system was the underpinnings of the founding of this Nation and has made us the great Nation that we are today; that private schools, obviously, welcome and deserve our private funding and our support and encouragement. But charter schools, which we congratulate today, and public schools, stand as entities which we can account for and which can be accountable to the taxpayers.

I want to congratulate charter schools in my district, the KIPP School, the Knowledge is Power Program; the 3D Academy, a school that emphasizes the "Yes I Can" innovative approach to education, which has been making a significant impact on education across the Nation. The Dominion Academy, which teaches children from first to eighth grade about business and capitalism and other ways of financing and investing in America; and then the WALIPP Boys Academy that focuses on young men, African-American men, to teach them confidence and character and integrity. But yet the charter schools in our community in Texas are accountable.

And, frankly, that is the difference and the distinction between the question of vouchers and charter schools and public schools. In my district right now, Mr. Speaker, we have the leadership of our school district, the Houston Independent School District, suggesting that three schools need to be closed, three schools with enormous history, two of them happen to be Kashmir High School and Yates High School. These are two of our oldest schools in the African-American community.

How unfortunate that the school district, rather than investing in those schools, with all the richness of history, all the outstanding alumni, all those individuals who are doctors and lawyers and teachers and leaders of the community, and business persons who would want to invest back into the public school that they graduated from, and yet our district is talking of closing them or privatizing them.

That is why we need to speak about excellence and congratulate today the charter schools, because they have taken the resources and they are accountable and they teach in a unique way, each of them with their own definition and character, and they are educating our children and they are accountable. Likewise, the public school system must be accountable as well.

Our independent school district in Houston must be accountable to these historic schools. I visited one of these schools yesterday. I had two of the schools with me on Friday afternoon. They have school pride. They are wearing their uniform. They have band uniforms. It may not be perfect, but these kids want to succeed. And it is important to note, Mr. Speaker, that these children I met with, Kashmir High School and Yates High School and Sam Houston that is in the District of my good friend and colleague, the gentleman from Texas (Mr. GREEN), that these youngsters have the desire to learn and they have applauded those who are working with them, their teachers and principals. So I am asking for an opportunity to be given to them to learn. That is a public school.

But today, I stand on the House floor congratulating charter schools because they work simultaneously and parallel with our public schools. They are a wonderful fit and they give parents the opportunity to increase the excellence of their children. I believe that our only challenge is to reaffirm excellence in education in America and to educate our children, because they are not only our future, they are our todays.

Mr. Speaker, I am pleased to be here today to speak about the benefits of charter schools and their ability to deliver high-quality education and challenge our students to reach their potential. Charter schools provide thousands of our families with diverse and innovative educational options for their children.

I have had the pleasure to visit a charter school in my district, KIPP 3D Academy. KIPP stands for Knowledge is Power Program, and this is an innovative approach to education which has been making a significant impact all over the country. Charter Schools are a unique opportunity for students to access other methods of education, and after visiting with the 3D Academy students, I can see how excited they are for learning. Charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation.

In exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations. During my visit to KIPP 3D Academy, I was able to see their substantial progress with their students, and how their strict curriculum embodied their slogan that Knowledge is Power.

Nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students.

Charter schools improve their students' achievement and stimulate improvement in traditional public schools. They also give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system. These schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States.

The sixth annual National Charter Schools Week is this week. This event is sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools. I am pleased to join my colleagues in the House of Representatives to acknowledge and commend charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 218, supporting the sixth annual National Charter Schools Week and honoring the outstanding achievements charter schools have made.

As a former educator, I understand the importance of charter schools. These schools are educational laboratories, as they allow students to learn and grow in a non-traditional sense. Charter schools are an alternative to public schools that allow for trial, experimentation and development. With a freedom to employ innovative techniques, charter schools, year after year, continue to provide academic excellence and prepare our youth for higher education, the workforce and their future.

The State of New Jersey has 52 approved charter schools. These schools serve nearly 14,000 students statewide in pre-kindergarten through 12th grade. In 2004, 16 applications were filed in New Jersey for new charter schools with hopes of openings in 2005 and 2006. Many of these applications are for schools in some of New Jersey largest cities, including Newark, Camden and Jersey City.

My district is fortunate enough to have eight exceptional charter schools that offer students a diverse educational opportunity, rigorous curricula, and an outstanding learning environment.

One of these schools, the Princeton Charter School in Mercer County became the first charter school accredited by the American Academy of Liberal Education in April of 2002. In addition to this esteemed recognition, the Princeton Charter School was also recently named a No Child Left Behind Blue Ribbon school. This award is given to schools that meet the national goals and high standards of educational excellence.

Another school in my district, the Greater Brunswick Charter School in Middlesex County will be the subject of a documentary film that will feature the middle school students who have worked hard to develop a class project based on the Buck Institute's model for project based learning. This documentary will be produced in conjunction with the Buck Institute for Education, the Rutgers University Center for Media Studies, and the George Lucas Education Foundation. The documentary will be available online through the George Lucas Education Foundation website.

I applaud the students, teachers, administrators and parents of charter schools for all of their hard work and commitment to the educational community of charter schools. Charter schools continue to grow in number in New Jersey and across the country, offering students an exceptional educational opportunity with room for innovation and development.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LATE PLAYWRIGHT ARTHUR MILLER AND THE UNIVERSITY OF MICHIGAN ON ITS INTENTION TO BUILD A THEATRE IN HIS NAME

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 216) to honor the late playwright Arthur Miller and the University of Michigan for its intention of building a theater in his name, as amended.

The Clerk read as follows:

H. RES. 216

Whereas Arthur Miller was considered a legend during the vaunted period known as Broadway's Golden Age, earning him a celebrity status that few playwrights would ever realize;

Whereas, as noted upon his death by The Michigan Daily, the student newspaper where Arthur Miller honed his writing, Miller was twice denied admission to the University of Michigan, and gained admittance only after appealing directly to the Dean;

Whereas in 1949, at the age of 33, with his play "The Death of a Salesman", Arthur Miller seized all major drama awards for the year—the Pulitzer Prize, the Tony, and the New York Drama Critics Award;

Whereas Arthur Miller's plays, books, essays, and articles touched the moral fabric of a nation;

Whereas, according to Robert Falls, Artistic Director of Chicago's Goodman Theatre, "Probably not a day goes by that, somewhere in the world, one of Miller's plays isn't being performed.";

Whereas during his extraordinary life and career, Arthur Miller tapped a social conscience that will see his work live as long as there is an American Theatre;

Whereas his courageous response to the McCarthy era witch-hunts of the 1950's was "The Crucible", where his carefully tailored character John Proctor refused to name names and ultimately died for his convictions;

Whereas Arthur Miller's success did not come easy and was born of hard work and an uncanny ability to translate the human condition on to the American stage; and

Whereas Arthur Miller's first plays were written at the University of Michigan and earned him two Avery Hopwood awards which enabled him to complete his education, that same University now prepares to honor his memory with the Arthur Miller Theatre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary contributions to American literature and American theatre of Arthur Miller;

(2) honors Arthur Miller as a great American and pioneer in the annals of American history; and

(3) commends the University of Michigan for its commitment to build the Arthur Miller Theatre, a fitting monument to one of its most distinguished alumna.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 216, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 216, which honors the great American playwright Arthur Miller, and also honors the University of Michigan for building a theater in his name. I thank the gentleman from Michigan (Mr. SCHWARZ) for his work on this resolution, and I recognize his contributions to the University of Michigan and its alumni association.

As a talented and brilliant playwright, Arthur Miller was a legend of his time. Most widely known for his work "Death of a Salesman," Miller enjoyed a successful career and earned great celebrity status. Miller's significant contribution to theater and society at large can be felt even today. According to Robert Falls, director of Chicago's Goodman Theater, "Not a day goes by that, somewhere around the world, one of Miller's plays is not being performed."

Miller's fame, however, did not come without hard work and an ability to translate the human condition onto the American stage. Throughout his life, he overcame much adversity, and this struggle played out through his many works.

After graduating from high school in 1932, Miller worked in an auto-parts warehouse to earn money for college. Reading great novels by world-famous authors, Miller decided to become a writer. In order to follow this passion, he applied to the University of Michigan in 1934 to study journalism. Ironically, the university initially denied admission to Miller because of his less-than-stellar high school career. He failed algebra three times in high school. (And, of course, that stabs me right in the heart as a scientist!) He gained admittance only after appeal to the dean. After being accepted, however, Miller thrived at the university and won two of the university's prestigious Hopwood Awards for his playwriting.

After graduating in 1938, Mr. MILLER returned to New York and launched his career. His first successful play was in 1947 when "All My Sons" ran for 328 performances on Broadway. In 1949, Miller won international recognition and a Pulitzer Prize by producing his most famous work, "Death of a Salesman," which is known as one of the major achievements of modern-day theater. The story portrays the tragedy of Willy Loman, a salesman living around the time of World War II, who fails in pursuit of the American Dream. The powerful story is still well known and read today.

Throughout his successful career, Miller maintained his connection to the University of Michigan. He often visited to meet and work with students in the theater program. The university awarded him an honorary Doctor of Humane Letters in 1956, and Miller worked with the Alumni Club of New York to establish the Arthur Miller Award for aspiring writers. In 2000, Miller sent a simple postcard to the university allowing it to name a theater after him.

Therefore, it is fitting that Arthur Miller's lasting contributions as a playwright and author will be forever remembered through the Arthur Miller Theater. It is my pleasure to commend the University of Michigan for honoring his memory and impressive accomplishments. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 216 celebrates the life of one of the greatest playwrights of all time. In addition, this resolution rightly recognizes the University of Michigan for naming a theater after this great American.

Arthur Miller was a Pulitzer Prize winner; a recipient of the New York Drama Critics Circle Award; the Nation's most distinguished recognition for the arts, the Kennedy Center Honors. He enriched our country through his great works, including "Death of a Salesman," "The Crucible" and "A View From the Bridge."

This remarkable man and his remarkable work really took root at the University of Michigan. At age 19 when he came to Michigan, he began to realize his dream was to become a writer. Miller won two of the University of Michigan's prestigious Avery Hopwood Awards while attending the University. Michigan and the entire university were happy to call Arthur Miller one of our most distinguished citizens and alumni.

Madam Speaker, I wanted to thank the gentleman from Michigan (Mr. SCHWARZ) for introducing this resolution. The University of Michigan deserves recognition for naming a theater after this great American. We would be remiss, however, if we did not also recognize the contributions Arthur Miller made to our country and to the world. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SCHWARZ), my distinguished colleague.

Mr. SCHWARZ of Michigan. Madam Speaker, I commend my colleague from Flint, a fellow University of Michigan graduate, and also another gentleman from Michigan (Mr. EHLERS).

"After the Fall," "All My Sons," "Death of a Salesman," "The Crucible," "Anatomy of the People," "A View From the Bridge," "The Misfits," "Incident at Vichy," "The Archbishop's Ceiling," "Two-Way Mirror," "The Last Yankee" and innumerable other works by Arthur Miller, a distinguished graduate of the University of Michigan.

As an individual in the House whose district almost comes up to Ann Arbor, I think I can safely say I represent also the sentiments of the dean of House, the gentleman from Michigan (Mr. DINGELL), who represents Ann Arbor, in supporting this resolution.

Arthur Miller was like many students who come to University of Michigan, especially in that era. They came from the eastern part of the United States, came from families that did not have a great deal of wealth, and were extremely hard workers. As alluded to by the gentleman from Michigan (Mr. KILDEE) and the gentleman from Michigan (Mr. EHLERS). Arthur Miller had an extremely successful career at the university winning the Hopwood Award, an award given to students for the best writing, two times at the university. He graduated and wrote for the Federal Theater Project; and after World War II, he wrote and his magna opus was performed on Broadway, "Death of a Salesman."

Subsequent to that, Miller wrote many plays, some made into moving pictures, some performed on Broadway. It is indeed, as the gentleman from Michigan (Mr. EHLERS) indicated, a very rare day when somewhere in the world an Arthur Miller play is not performed.

As a means of saluting Mr. Miller, then-president of the University of Michigan, now president of Columbia University, Lee Bollinger, had the idea that we should build a theater on the University of Michigan campus and name it after Arthur Miller. And as the gentleman from Michigan (Mr. EHLERS) indicated, Arthur Miller, by a postcard to the university, said yes, that would be okay.

So in March 2005, following Mr. Miller's death at the age of 88, the regents of the University of Michigan approved plans to build the Arthur Miller Theater, a 250-seat performing venue on the campus of the University of Michigan; and this resolution honors the late Arthur Miller and the University of Michigan, Mr. Miller for his contributions to American theater, and the University of Michigan, I think, for playing a part in educating Mr. Miller and in recognizing the fact that he indeed was America's greater playwright of the 20th century.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to make a few closing comments. I was struck by the fact that Mr. Miller spent some time working in an auto-parts warehouse. There must be some relationship between that and the University of Michigan because my youngest son also spent some time working at an auto-parts warehouse because he did not intend to go to college or a university. After a short time, he decided to go to college and today is a faculty member in geophysics at the University of Michigan. So for those wishing to succeed at the University of Michigan, they may consider starting to work at an auto-parts warehouse.

I also want to recognize the importance of the preeminent play that Mr. Miller wrote, "Death of a Salesman." Very few works of the theater or cinema have affected me as much as that, simply because it struck me as someone who is a generation removed from the time of that particular play. I was just astounded at the generosity of Willy Loman's neighbor who recognized that Willy was in trouble, tried to help him, and every once in awhile would slip him $20 and say, "Do not worry about repaying it. Whenever you get it, just give it back to me."

What struck me about that was there was no widespread social network in those days, and people depended on their neighbors. This is something we have lost today. Handing a neighbor $20 in the 1930s and early 1940s is equivalent to handing them more than $100 today; and how many of us would casually slip $100 to a neighbor and say, Here, do not worry about it, just pay it back when you can. I think that encapsulates the spirit of that era. It was very tough times in the 1930s after the Great Depression, yet everyone helped each other, and that is how we as a Nation survived and became the great Nation we are today.

I have many personal differences with Mr. Miller and his stance and position on various issues, but I think it is appropriate to recognize genius when and where it exists, and it is certainly appropriate for us to honor him today. Therefore, I urge my colleagues to adopt this resolution honoring Mr. Miller and the University of Michigan for its role in naming a theater after him.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 216, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

OBSERVING 30TH ANNIVERSARY OF FALL OF THE REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

Mr. FORTENBERRY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 228) observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist Forces of North Vietnam, as amended.

The Clerk read as follows:

H. RES. 228

Whereas the Vietnamese who resettled in the United States after the events of April 1975 have, through perseverance and hard work, been able to rebuild their lives and form a vibrant community across the United States, nearly a million and a half strong, which contributes in many significant ways to the richness and diversity of American society;

Whereas the large flow of refugees to the United States and elsewhere was caused by the fall of the Republic of Vietnam to the Communist forces of North Vietnam in April 1975, resulting in a world refugee crisis of historic proportions, the exodus of millions of Vietnamese, and hundreds of thousands of deaths at sea;

Whereas since 1975, Vietnamese Americans have worked tirelessly to promote freedom and democracy in Vietnam;

Whereas the United States honors all members of the United States Armed Forces and members of the South Vietnamese forces who fought in the Vietnam conflict, including those individuals who gave the ultimate sacrifice, their lives, for the cause of freedom during such conflict; and

Whereas the interests of the United States with respect to the Socialist Republic of Vietnam will be best served when the Vietnamese people fully enjoy the exercise of their basic human rights regardless of politics, religion, gender, or ethnic origin: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society;

(2) observes the 30th anniversary of the large exodus of refugees from Vietnam when the Republic of Vietnam fell to the Communist forces of North Vietnam;

(3) supports all individuals taking part in events in Washington, D.C. and across the United States to commemorate these momentous events in world history;

(4) honors the memory of those Vietnamese who lost their lives in that refugee exodus; and

(5) urges all citizens of the United States to share in remembering these events and working toward the full realization of freedom, democracy, and equality for all the people of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. FORTENBERRY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY).

GENERAL LEAVE

Mr. FORTENBERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. FORTENBERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to first start by thanking the gentleman from Virginia (Mr. TOM DAVIS) for introducing this timely resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades.

This past week marked the 30th anniversary of the fall of Saigon, a tragic anniversary on many levels. Those events signified the fall of the Republic of Vietnam to the Communist forces of

North Vietnam, and also marked the start of several successive waves of people fleeing their homeland in a refugee exodus that ultimately involved millions of Vietnamese. Of those who fled as boat people in the late 1970s, countless thousands died at sea.

The resolution before us honors the memory of those victims as well as the many sacrifices made by the Armed Forces of the United States and of South Vietnam during the Vietnam Conflict. But more centrally, the resolution honors the significant contributions of Vietnamese Americans to the richness, diversity, and success of American society.

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Adversity reveals the mettle of a people. The hundreds of thousands of Vietnamese who braved those circumstances to relocate in the United States have since grown into a vibrant American community nearly 1.5 million strong. In addition to thriving in their newfound homeland, Vietnamese Americans have also worked tirelessly in their attempts to realize freedom and equality for all people in Vietnam, an ideal that remains a work in progress.

This week, many Americans are gathering in Washington, D.C., and elsewhere to commemorate the events of 30 years ago. Thus, it is a particularly fitting time for all Americans to join them in remembering the hardships and accomplishments of the past as well as our shared hopes for the future. For these reasons, House Resolution 228 deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. At the outset, I would like to commend the gentleman from Virginia (Mr. TOM DAVIS) for introducing this important resolution and the gentleman from Nebraska (Mr. FORTENBERRY) for ably managing it on the floor.

Madam Speaker, 30 years ago, the fall of South Vietnam caused a refugee crisis of enormous proportions. Three million Vietnamese fled their homeland, with more than 1.5 million ultimately arriving in the United States. While a few left from the top of the U.S. Embassy in helicopters in the hurried rush at the end of the war, millions were loaded with their families onto rickety, overcrowded boats to flee Vietnam for freedom.

The resolution before us observes the 30th anniversary of this huge exodus of refugees from Vietnam and honors the significant contributions made by Vietnamese Americans after their arrival in the United States.

Madam Speaker, we are a Nation of immigrants, and Vietnamese Americans have warmly embraced the values and ethics of previous immigrant generations: hard work, education, an emphasis on family, and a strong embrace of our democratic system. Many Vietnamese Americans arrived with little more than the clothes on their back and have made new, prosperous lives for themselves here in the United States. Vietnamese Americans have become astronauts, television anchors, NFL football players, attorneys general and software entrepreneurs. They have made significant contributions to our society and to our culture, and their positive influence on our Nation will continue to grow.

Vietnamese Americans have also made the ultimate sacrifice for their newly adopted Nation. On March 22, 2004, Marine Lance Corporal Andrew Dang was killed by enemy fire while on patrol near Ramadi in Iraq. Andrew joined the Marines about a month after the start of the war in Iraq and was assigned to Camp Pendleton in my home State of California. After his death, a fellow Marine wrote about Andrew, and I quote, "Everyone could count on him and no one questioned his loyalty. He believed in what the United States was doing against terror and so do we. None of us who knew Andrew will ever forget him."

Madam Speaker, our condolences go out to Andrew's family as does our great appreciation for his willingness to serve our Nation.

Vietnamese Americans are increasingly part of the fabric of American society, working hard, caring for their families, and giving back to their adopted homeland. Our resolution recognizes the evolution of the Vietnamese-American community and their lasting contributions to our entire Nation.

Madam Speaker, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank the gentleman from California for yielding me this time.

I rise today in support of House Resolution 228, which marks the 30th anniversary of the fall of Saigon. Last weekend, thousands of Vietnamese Americans from across the country came to Washington for the Vietnam Freedom March. This event celebrated the freedom and the heritage of the Vietnamese-American community, honored the sacrifices of American and Vietnamese veterans, and highlighted the desperate need for freedom and basic human rights in Vietnam today. I am proud to have been an honorary cohost of this event, along with over 20 of my House colleagues, and I look forward to the support of this entire body for the resolution in today's vote. As the congressional representative of the largest Vietnamese community outside of Vietnam, it is a great privilege to bring this legislation to the floor today on their behalf.

Madam Speaker, the gentleman from California is right. The Vietnamese community here in America has done an incredible job. They are hard workers, they are business owners, they are in the top universities, they are getting educated, they are beginning the political process, having now been elected in many of the areas, in Orange County and also in Texas, and, I believe, in Virginia.

It is great to see the strides that they have made as an immigrant community here in the United States. But the truth of the matter is that the people, especially people back in Orange County and around here that are Vietnamese Americans, are still worried about the situation in Vietnam. We know that the people of Vietnam awaken every day under a very harsh and repressive regime, and events such as the Vietnam Freedom March remind those of us here in Washington that even 30 years after the fall of Saigon, there remains much to be done before the Vietnamese people can enjoy the freedom and the liberty that we here in America often take for granted.

I hope that my colleagues will work with me and with the Vietnamese community of the United States to work on the human rights issues still left there in Vietnam. They came here because they were seeking freedom and liberty. We fought and we lost 58,000 Americans in that war trying to find freedom and liberty. I hope we will continue as Americans to fight for freedom and liberty.

Mr. FORTENBERRY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I rise in support of this resolution honoring the contributions of Vietnamese Americans to American society over the past 3 decades. After the events of April 1975, many brave Vietnamese migrated to the United States. Through perseverance and hard work, they rebuilt their lives to form a vibrant community across this country.

I take great pride in representing a part of Orange County's thriving Vietnamese-American community, and I have witnessed the community's growth over the years. There are now more than 3,500 Vietnamese-American-owned businesses straddling the cities of Garden Grove, Santa Ana and Westminster. Little Saigon is no longer "little." It is the cultural and commercial capital for close to 300,000 Vietnamese Americans, the largest concentration outside Vietnam.

I have seen the community grow not only economically but politically as well. Van Tran, who used to work for me in the State senate, has now been elected to the State assembly, the highest Vietnamese American elected to public office. Rightly, these Vietnamese Americans are focused on promoting democratic ideals in Vietnam. The U.S. must be a strong advocate of human rights, particularly when basic freedoms are being wantonly disregarded as they are in Vietnam. We must continue to shine a light on repression in that country.

I am sorry to say that in the 30 years, not much has changed in Vietnam. Not much has changed since the Communists launched their disastrous Socialist Republic of Vietnam because political, religious and economic freedoms have been systematically squashed. This is a government that continues to deny citizens of Vietnam the right to change their government. When I visited Vietnam, I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decided to peacefully set forth dissenting political and religious views. When I met with the venerable Thich Quang Do and Le Quang Liem, I was immediately denounced by that Communist government.

But I must share with you that there is a strategy that is working to bring information to Vietnam. Radio Free Asia is an effective tool listened to across the country. I have carried legislation to expand those broadcasts. But I would share with you in my conversations with Vietnamese that in the same way that Lech Walesa in Poland listened to those radio broadcasts and in the same way the members of solidarity had a chance to have their story told across Poland, in the same way that Vaclav Havel used to tune into Radio Free Europe, Radio Liberty broadcasts, today people across Southeast Asia, in Burma and in Vietnam have that same opportunity to listen to the news not only about what is happening in the world but what is happening inside their own country, and that is shaping the values and the attitudes and the knowledge of a new generation of young Vietnamese.

The Vietnamese-American community has not lost sight of the struggle in their original homeland for freedom, for religious freedom, for freedom of speech, even for the right of young people to sit down in an Internet cafe and have a dialogue without censorship. They are a part of this effort to make certain that those ideals stay alive so that in the same way that eastern Europe came to evolve into a democratic, market-oriented, tolerant society, that there will be that opportunity in the future for Vietnam.

In the meantime, this resolution commends the success of the Vietnamese-American community. I thank the gentleman from Virginia (Mr. TOM DAVIS) and the other cosponsors of this resolution and urge its passage.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the ranking member very much for yielding me this time and the sponsor of this legislation and my colleagues, because I believe that we come unanimous to the floor to acknowledge the 30th anniversary of the fall of the Republic of Vietnam to, unfortunately, the Communist forces, but to stand tall with the resolved in Vietnam that fought steadfastly against those forces and to applaud the Vietnamese community which I have the opportunity of interacting with and, of course, working with in my own community of Houston.

I am proud to be an original cosponsor of this legislation and to have supported the recent event this past weekend commemorating the contributions and, of course, the commitment of the Vietnamese people and their longstanding commitment to Vietnam. Truly, the Vietnam War has had a lasting impact on our Nation and, indeed, the world in the 30 years since it has ended. The nation of Vietnam today is showing signs of economic revival. Much like China, Vietnam is realizing that market reforms that are more open and free can yield a greater fiscal growth and development.

However, again like China, Vietnam must also take the same approach in respecting opposition and, of course, freedom and civil liberties. Unfortunately, the citizens of Vietnam must still endure arbitrary arrests, detentions without trial and the censorship of peaceful expressions of political and religious beliefs. These practices are not uncommon because they are written into the national constitution. Specifically, article 4 of the constitution of the Socialist Republic of Vietnam ensures the supremacy of the Vietnamese Community Party as the only political party in the country. At the same time, the government continues to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to 2 years, without trial, under the pretext of endangering national security.

That is why, Madam Speaker, I have been concerned about establishing trade relations that has not answered the question of the freedom of people in parts of Vietnam and particularly in the Communist areas. I also believe it is important to stand up to demand that those who have been incarcerated and detained are released and to say to those who are here, the Vietnamese community, that we stand with them in order to ensure the reuniting of their family members, many of them separated now for decades.

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But that has not stopped the Vietnamese community in Houston, in Texas, and around the Nation from being strong advocates and supporters of their individual communities. They are business persons, they are artists, they are teachers, they are community leaders.

I want to thank the community in Houston for raising over $100,000 and coming to the aid of the victims of the tsunami by working with Houston's Solution for Tsunami Relief. I would like to acknowledge their artistic activities by saluting the Vietnamese Dance Company, saluting the first Vietnamese who was elected to the State legislature in the last election, and of course to salute those individuals who befriend and take care of their senior citizens. They have one of the best citizens programs for many of these elderly Vietnamese citizens who do not speak the language because they came to this country way after the prime of their life, but there is no more group that loves freedom as much as the Vietnamese community. And my senior citizens, who may not be able to speak English very well, I can assure Members that freedom is in their hearts, that they love this Nation, that they realize that they are in a country that is free and respects them.

So I am proud to recognize the achievements of Vietnamese Americans in 3 decades since the end of the Vietnam War. And I am proud to say that the city of Houston is home to about 160,000 Vietnamese who maintain an active and vibrant community. They live at Bellaire. They have a Vietnam town there. One can find Vietnamese shops and restaurants, places of worship, but I will say they are very welcoming. 900 AM is Radio Saigon in Houston. They believe in being part of this Nation.

On April 30, 1975, the Republic of Vietnam fell to the Communist forces; but now we are standing to say that even as it fell, it yielded 3 million refugees, at least 500,000 individuals who died at sea trying to escape from danger, but they came to the United States and they stand together as free and united.

I congratulate the community, and I thank the distinguished ranking member for his leadership also.

I rise today as a cosponsor of H. Res. 228, which observes the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam. In addition, this resolution honors the contributions of Vietnamese Americans to American Society over the past three decades. Truly, the Vietnam War has had a lasting impact on our Nation and indeed the world in the 30 years since it ended.

The nation of Vietnam today is showing signs of economic revival. Much like China, Vietnam is realizing that market reforms that are more open and free can yield greater fiscal growth and development. However, much like China, Vietnam must also take the same approach of open opposition and freedom for its civil liberties. Unfortunately, the citizens of

Vietnam must still endure arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs. these practices are not uncommon because they are written into the nation Constitution. Specifically, Article 4 of the Constitution of the Socialist Republic of Vietnam ensures the supremacy of the Vietnamese Communist Party as the only political party in the country. At the same time the government continues to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to 2 years, without trail, under the pretext of "endangering national security." As a Member of Congress I have always stood for human rights and these practices go against all tenants of good governance. Truly, any nation in this era that hopes to have its place in the international community must maintain proper standards in human rights.

I am proud to recognize the achievements of Vietnamese Americans in the 3 decades since the end of the Vietnam War. I am proud to say that the City of Houston is home to about 160,000 Vietnamese, who have maintained an active and vibrant community. In the Southwest Houston Area at Bellaire Street, there is an area the community refers to as Vietnam Town, where you can find many of the Vietnamese shops, restaurants, and places of worship. In addition, the Vietnamese community in Houston has established their own radio stations including 900 AM Radio Saigon Houston.

On April 30, 1975, the Republic of Vietnam fell to the Communist forces of North Vietnam, resulting in a world refuge crisis of historic proportions, and yielding approximately 3,000,000 refugees around the world and at least 500,000 individuals who died at sea trying to escape from danger. One million five hundred thousand of those Vietnamese resettled in the United States and like the Vietnamese community in Houston they have contributed to the diversity and vibrancy of our Nation.

As we commemorate the thirtieth anniversary of the end of the Vietnam War we should take this time to reflect on our current war in Iraq. Much like the final years of Vietnam we are confronted with the question of how do we end this war and when can we bring our fighting men and women home to be with their families and loved ones? There have been 1,763 coalition troop deaths in Iraq, 1,585 of which have been Americans. At least 12,243 U.S. troops have been wounded in action and their lives will be changed forever because of this war. In addition, the latest attacks in Iraq by insurgents have killed hundreds of innocent Iraqi civilians. We must work vigorously to ensure that we have a proper exit strategy in Iraq. We can not allow more American troops to die without doing all we can to extract them from this danger. We must work to bring the current state of chaos in Iraq to be under control.

Can I thank the good people of Vietnam who came but to this Nation or refugee, who now serve us well. I believe we must likewise find resolve to fix the problem in Iraq.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORTENBERRY. Madam Speaker, I yield myself such time as I may consume.

I wish to thank the distinguished gentleman from California (Mr. LANTOS) for his profound remarks today.

Madam Speaker, this resolution honors the accomplishments of the Vietnamese Americans who have proudly contributed in so many ways to American society, and I am personally grateful for so many friends in eastern Nebraska, including Loan Vu, Bich and Brian Bui, Tha and Cuong Nguyen, and Phi Huynh, who have opened their homes to me, sharing personal stories of hardship and escape, of hope in seeking to rebuild their lives in America, and gratitude for the blessings of our country.

I am grateful for the opportunity to offer this resolution, which I hope my colleagues will support.

Mr. HONDA. Madam Speaker, I rise today to thank my colleague, the co-chairs of the Congressional Caucus on Vietnam, Representatives TOM DAVIS, ZOE LOFGREN, CHRIS SMITH and LORETTA SANCHEZ for their leadership in bringing H. Res. 228 to the floor. This resolution honors the contributions to the United States made by the Vietnamese Americans since their arrival nearly 30 years ago.

Today, there are 1.2 million Vietnamese Americans living in the U.S. More than 484,000 Vietnamese live in my home state of California, giving us the largest Vietnamese American community outside of Vietnam; my hometown of San Jose the largest Vietnamese population of any city outside of Vietnam. The Vietnamese community makes up the largest population of Southeast Asian refugees to have settled in the United States.

When Saigon fell to the communists 30 years ago, the first wave of Vietnamese fled Vietnam. Approximately 135,000 Vietnamese refugees fled to the U.S.; a majority of them were ex-military and government officials who were our allies during the Vietnam War.

The second migration of refugees came from the southern portion of the newly reunified nation of Vietnam. Of the countless thousands who tried to flee the country in makeshift boats, as many as half perished at sea. Those who succeeded found refugee camps in Thailand, Malaysia, Indonesia, the Philippines, and Hong Kong.

In the late 1970s, the United Nations High Commissioner for Refugees (UNHCR) negotiated an agreement under which the government of Vietnam would allow an orderly departure for those with relatives who had resettled abroad. From 1975 to 2002, a total of 759,000 Vietnamese refugees fled Vietnam and resettled in the United States.

The Vietnamese American community has made and continues to make positive contributions to the U.S. Vietnamese Americans can be found in any profession, becoming doctors, lawyers, actors, politicians, scientists, professional athletes, and entrepreneurs.

In 1992, Tony Quang Lam became the first Vietnamese American elected to public office; he served as a City Council Member in Westminster, CA until 2002. Eugene Trinh became the first Vietnamese American Astronaut for the Space Shuttle *Columbia* in 1992. Recently in the 2004 elections, Hubert Vo became the first Vietnamese American to win a Texas State Legislature seat, representing District 149 of Texas.

Madam Speaker, the list of accomplished Vietnamese Americans goes on, and these are just some examples of the vibrant Vietnamese American community. As we move forward and honor the accomplishments of this community, we must also address the disparities that still exist in this community, such as college graduation rates and the number of those living below the poverty level.

As we recognize the history and contributions of Vietnamese Americans, we continue to honor their stories of hardship; their noble struggles, and their extraordinary accomplishments.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H. Res. 228 which recognizes the 30th anniversary of the tragic fall of the Republic of Vietnam and honors the 1.5 million Vietnamese-Americans who have settled in the U.S. and worked to promote democracy and prosperity in the U.S. as well as back in their homeland.

As this Congress is aware, the tragedy of the fall of the Republic of Vietnam displaced approximately 3 million Vietnamese. Many of these individuals sought refuge in the United States. The people of Guam have a special relationship with these Vietnamese-Americans, 150,000 of whom arrived in Guam as refugees after the fall of Saigon in April 1975. To give you some perspective on the impact of this refugee crisis and the magnitude of Operation New Life, the current population of Guam today is 157,000. At the time of Operation New Life, Guam grew by 150 percent in a matter of days.

My late husband Ricardo J. Bordallo was Governor of Guam at the time of Operation New Life, and I remember how the Guam community came together in solidarity with the Vietnamese people and worked hard to help comfort these brave individuals who had left all their worldly possessions behind in the name of freedom. The people of Guam empathized with the Vietnamese refugees, and we opened our hearts as well as our island home to them. Schools were closed because the buses and classrooms were needed to respond to this human emergency. The Asian refugee camp became our largest village overnight. One of my assignments as First Lady was to organize the care for the hundreds of orphan babies that arrived in Operation Baby Lift. This was a moving experience that has remained one of my fondest memories of my husband's first term as Governor of Guam.

Today, many of the Vietnamese refugees who landed in Guam continue to live and prosper in the Guam community and throughout the United States. They have had families, opened businesses and contributed to our national life. They represent the finest ideals of political freedom.

Many of the Vietnamese refugees have used their skills to create new businesses and to improve their lives and the lives of their fellow refugees. I am proud to call attention to one example of how Vietnamese-Americans have become an American success story. I recently learned of a new business venture in southern California called the First Vietnamese American Bank, which, when fully operational, will serve the Vietnamese-American community as well as prime the economic pumps for business relationships between Vietnam and the United States. The visionary board of the First Vietnamese American Bank gives us all hope that economic ties will lead the way towards stronger relationships between the Vietnamese people and the American people. I congratulate them on this bold endeavor and I wish them success in serving their community as well as building bridges to their former homeland. I commend the Chairman of the Board, Dr. Chan Q. Kieu, and the Directors, Mr. Pedro (Sonny) P. Ada, Mr. Arthur B. Birtcher, Mr.Walter L. Hannen Sr., Mr. Alex L. Hoang, Mr. Joe Keleman, Dr. Hieu T. Nguyen, Ms. Loan (Lynn) T. Nguyen, and Mr. Masao Tsuzura. I also commend the President and Chief Executive Officer Dr. Hieu T. Nguyen, and senior managers Mr. Binh S. Hoang, Mr. John A. Podlesni and Mr. Douglas M. Shearer.

We reflect today on the long road from the fall of Saigon to a new world that seeks peace and prosperity. The Vietnamese-Americans who inspire us also remind us of the cost of the freedom we enjoy. We hope that Vietnam will continue on its own political journey so that one day the freedom that Vietnamese-Americans enjoy in America can be shared by their families in Vietnam. That is a vision worth pursuing and in supporting H. Res. 228, Congress can express its solidarity with all those who share this vision for Vietnam.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H. Res. 228, which I introduced to observe the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

As you know, the Republic of Vietnam succumbed to North Vietnamese Communist troops on April 30, 1975. This dark day was a great tragedy not only for Vietnamese people, but for all democratic governments and free people in the world. America reacted quickly by opening its hearts and borders to over one million Vietnamese refugees. Another one million people fled to Europe, Australia, and Canada, and almost one million died en route to freedom.

Many came here by surviving incredible hardships. They risked their lives on rickety boats facing pirates, starvation, and the perils of being at sea on open boats for weeks and months on end. Others escaped through dangerous mountainous and jungle terrain and those who were not so lucky were forced into so called "Re-education Camps" which were nothing more than concentration camps designed to torture and kill people who opposed the community regime. Soldiers, writers, journalists, members of the clergy and other religious leaders all suffered the same fate in these camps: humiliation, torture, and often, death.

We owe all those who gave the ultimate sacrifice during the Vietnam War, both American and Vietnamese, a debt of gratitude that can never be repaid. While we pay homage to these fallen heroes with resolutions and commemorations, the most fitting tribute is the enduring memory of their lives.

Madam Speaker, in 1994 the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

I have traveled to Vietnam many times to learn about these issues first-hand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in my congressional district continues to keep me apprised of the situation. As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

Madam Speaker, I urge every citizen of the United States to share in remembering this dark chapter in history. We must strive to have a greater understanding of the role these events had in hollowing the Vietnamese people of their liberty to provide the necessary leadership so that one day the Vietnamese people may enjoy freedom, democracy, and equality.

I am hopeful H. Res. 228 will serve as a sensible voice of reason and help move the Vietnamese people one step closer toward ultimate liberation and freedom. At the least, however, I believe it will help shed much needed light on the atrocities committed by the Socialist Republic of Vietnam everyday on its own citizens. I would like to thank the other co-chairs of the Vietnam Caucus, LORETTA SANCHEZ, CHRIS SMITH, and ZOE LOFGREN, for their support and urge my colleagues to join me in the passage of this resolution.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise as a coauthor in strong support of H. Res. 228, a resolution that marks the 30th anniversary of the fall of the Republic of Vietnam and that honors the contributions of Vietnamese-Americans to American society over the past three decades.

April 30, 1975 marked a very somber day for millions of people when the Republic of Vietnam fell to Communist forces from North Vietnam. Instantly, the world was faced with millions of refugees, many who resettled in the United States, but also hundreds of thousands who perished at sea in their attempt to escape Communist forces. Those who remained in Vietnam were forced to re-education camps and detention as their punishment.

Unfortunately, to this day, the Vietnamese Communist government continues to violate basic human rights of its own citizens. As it has been documented by various States Department reports, the U.S. Commission on International Religious Freedom, Amnesty International and various Vietnamese-American groups, the Vietnamese government has been an egregious violator of religious freedom, human rights, and free speech. The government in Vietnam has continuously imprisoned religious figures who simply want to practice their faith, journalists attempting to print basic information about the actions of their government, and democratic activists in Vietnam. Vietnamese-Americans are playing a vital role to ensure that the Vietnamese government improves its human rights record, but much work remains to be done.

Even though April 30th, 2005 marks the 30th anniversary of a very sad day for millions of Vietnamese and American families whose sons and daughters gave the ultimate sacrifice during the Vietnam War, it is also a day to enthusiastically commend countless contributions that millions of Vietnamese-Americans have made in the United States. In just 30 years, 1.5 million Vietnamese refugees rebuilt their lives to become leaders in education, business, and government in the United Sates and have greatly enriched the cultural diversity of our country.

So today I rise to remember the sacrifice of American and Vietnamese soldiers who fought for democracy in Vietnam and for their families who suffered their loss and injury. But I also rise to commend millions of courageous Vietnamese-Americans who have successfully rebuilt their lives in the United States while fighting to improve the human rights situation for their brothers and sisters left in Vietnam.

Mr. FORTENBERRY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. FORTENBERRY) that the House suspend the rules and agree to the resolution, H. Res. 228, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING ON GOVERNMENT OF NIGERIA TO TRANSFER CHARLES GHANKAY TAYLOR TO SPECIAL COURT FOR SIERRA LEONE

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The Clerk read as follows:

H. CON. RES. 127

Whereas on January 16, 2002, as requested by United Nations Security Council Resolution 1315 (2000), an agreement was signed by the Government of the Republic of Sierra Leone and the United Nations to establish the Special Court for Sierra Leone;

Whereas the Special Court for Sierra Leone was given the power to prosecute persons who have committed and "bear the greatest responsibility" for war crimes, crimes against humanity, other serious violations of international humanitarian law, and certain crimes under Sierra Leonean law committed within the territory of Sierra Leone during that country's brutal civil war during the period after November 30, 1996;

Whereas on June 4, 2003, the Special Court for Sierra Leone unsealed an indictment issued on March 3, 2003, against Charles Ghankay Taylor, former President of the Republic of Liberia, charging him with seventeen counts of war crimes, crimes against humanity, and other violations of international humanitarian law relating to his role in directly supporting and materially, logistically, and politically abetting the rebel Revolutionary United Front (RUF) and its actions, including its notorious, widespread, and systematic attacks upon the civilian population of Sierra Leone;

Whereas the indictment of Charles Taylor includes charges of terrorizing civilians and subjecting civilians to collective punishment, mass murder, sexual slavery and rape, abduction and hostage taking, severe mutilation, including the cutting off of limbs and other physical violence and inhumane acts, enslavement, forced labor, forced military conscription, including forced conscription of children, theft, arson, looting, and pillage, and widespread attacks upon the United Nations Mission in Sierra Leone (UNAMSIL) and humanitarian workers by the Revolutionary United Front combatants;

Whereas the Revolutionary United Front was notorious for brutally murdering and torturing civilians, including the amputation of limbs with machetes, and by carving "RUF" onto the bodies of thousands of victims, including women and children;

Whereas the Revolutionary United Front made widespread use of abducted children as laborers and soldiers and forced many of the abducted children to perform severe human rights abuses, constituting a serious crime under the jurisdiction of the Special Court for Sierra Leone;

Whereas on August 11, 2003, Charles Taylor departed Liberia for Calabar, Nigeria, where he was granted asylum and, according to press reports, agreed to end his involvement in Liberian politics;

Whereas in September 2003 the Government of the Federal Republic of Nigeria warned Taylor that it would "not tolerate any breach of this condition and others which forbid him from engaging in active communications with anyone engaged in political, illegal or governmental activities in Liberia":

Whereas the United States, Nigeria, and other concerned nations have contributed extensive political, human, military, financial, and material resources toward the building of peace and stability in Liberia and Sierra Leone;

Whereas the Special Court for Sierra Leone has contributed to developing the rule of law in Sierra Leone and is deserving of support;

Whereas on March 17, 2005, the United Nations Secretary-General reported to the United Nations Security Council that Charles Taylor's "former military commanders and business associates, as well as members of his political party, maintain regular contact with him and are planning to undermine the peace process" in Liberia;

Whereas David Crane, Chief Prosecutor at the Special Court for Sierra Leone, stated: "Unless and until Charles Taylor is brought to justice, there will be no peace. Charles Taylor is a big cloud hanging over Liberia. He is still ruling the country from his house arrest in Calabar. His agents remain influential in the country.";

Whereas on March 22, 2005, Jacques Klein, the United Nations Special Representative of the Secretary-General to Liberia, stated: "Charles Taylor is a psychopath and a killer . . . He's still very much involved [in and is . . .] intrusive in Liberian politics."; and

Whereas Charles Taylor remains a serious present and continuing threat to Liberian and West African subregional political stability, security, and peace, and to United States interests in the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges the Government of the Federal Republic of Nigeria to expeditiously transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the jurisdiction of the Special Court for Sierra Leone to undergo a fair and open trial for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as she may consume to the distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I rise today in strong support of H. Con. Res. 127, a resolution calling on Nigeria to turn over the former Liberian President Charles Taylor to the Special Court for Sierra Leone. The Special Court has indicted Taylor, who is allegedly responsible for the murder, rape, and mutilation of 1.2 million people during the war in Sierra Leone in the late 1990s.

It has now come to the surface that the al Qaeda operatives both before and after September 11 have viewed West Africa as an effective sanctuary and as a place to launder money. Evidence suggests that Taylor himself was personally involved in serving as a middleman between al Qaeda and West Africa's multimillion dollar diamond trade. The illicit international trade in so-called blood diamonds, an asset that is virtually untraceable and easily convertible into cash, helped fund many of West Africa's wars in the 1990s and clearly is a suspected means of finance for terrorists.

The United States estimates that between $70 million and $100 million is still smuggled out of Sierra Leone each year, despite the coming of peace and the international accords to block illicit trafficking. Taylor was a top conduit for smuggling West Africa diamonds which helped bankroll the insurgency that brought him to power in Liberia. Even though he is under house arrest, Taylor is able to use his financial resources and contacts to ensure that he has the protection of whoever wins the October election. The new government will make sure that Taylor can return home, never to face the court and allow him to continue to pose a great threat to the region.

This is a man who has been indicted on 17 counts of war crimes and crimes against humanity. We must take action to ensure justice and accountability. We can no longer allow Taylor to evade responsibility for his unconscionable actions. Taylor poses a clear and present danger to West Africa and U.S. interests. With the mandate of the court set to expire at the end of this year, we must act quickly to turn him over to the SCSL.

Removing the potential for his return to power in the region will aid us significantly in learning better the extent of his activities. This information may be of great relevance to our national security.

As a cosponsor of this resolution, I am very hopeful that with its agreement this administration will speak out actively and support Taylor's immediate extradition.

I want to thank the gentleman from California (Mr. ROYCE), the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. LANTOS), and the gentleman from Arkansas (Mr. SNYDER) who worked especially hard on this issue; and I certainly do thank the gentleman from New Jersey (Mr. SMITH), the chairman of the committee.

I encourage support of everyone for this very important measure.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. I first would like to commend the gentleman from California (Mr. ROYCE) for introducing this timely and important resolution, which calls on the Nigerian Government to hand over former Liberian President Charles Taylor to the Special Court for Sierra Leone.

Madam Speaker, the stability of West Africa and many innocent lives may be in jeopardy if Charles Taylor is allowed to avoid justice for the horrendous crimes he committed during the Sierra Leone civil war.

There is no doubt that the Nigerian Government stepped in and helped end that civil war and brought peace to Liberia by offering Taylor exile. The terms of that exile stated, however, that he was not to interfere in the internal affairs of Liberia.

According to the U.N. Secretary General, Charles Taylor is in regular contact with former military commanders, business associates, and members of his political party. Ominously, his departing statement when forced into exile, that he would return to Liberia, remains his goal.

Madam Speaker, Charles Taylor is an international criminal of the worst order. He was singularly responsible for using conflict diamonds to fund armed terrorist groups to destabilize Sierra Leone. He financed the notorious Revolutionary United Front terrorists, who in turn recruited children and used them to terrorize their own communities. And he is responsible for innocent civilians having their limbs and other body parts chopped off.

I am baffled by the reluctance of the Government of Nigeria to transfer this criminal Charles Taylor to the Special Court where he belongs. Not only is there strong evidence that he was a brutal dictator and a warmonger as president of Liberia; he has violated the very conditions his host government laid down for him to remain in their custody.

I see absolutely no reason, Madam Speaker, why Nigeria should continue to offer Charles Taylor undeserved sanctuary so that he can once again pull together a criminal network to terrorize the people of West Africa.

The relationship between the United States and Nigeria is strong, and Nigeria remains an important ally of ours in Africa. They should not jeopardize this relationship for the likes of Charles Taylor.

I urge all of my colleagues to support H. Con. Res. 127.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman, also the author of this resolution.

Mr. ROYCE. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time.

I rise in support of House Concurrent Resolution 127. This resolution calls on the Government of Nigeria to transfer Charles Taylor, the former president of Nigeria, to the Special Court for Sierra Leone so that he can be tried for war crimes. And I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, and the gentleman from New Jersey (Chairman SMITH) for their support of this resolution and also for their support over the years for the establishment of a Special Court.

Madam Speaker, Charles Taylor has been indicted on 17 counts. 17 counts of war crimes and crimes against humanity by the Special Court for the role that he played during Sierra Leone's brutal war. This hybrid court, which has been given jurisdiction over, in the terms of that agreement, "those who bear the greatest responsibility" for the atrocities and human rights violations in this now-past war. Charles Taylor is at the top of that list.

During the late 1990s, then-President Taylor of Liberia supported the Revolutionary United Front, or RUF as it is commonly known, which was designated by the State Department as a terrorist organization. He supported it in neighboring Sierra Leone in West Africa, and the RUF was notorious for hacking the limbs off their political opponents, even young children. When I chaired the Africa Subcommittee, we hosted some of these victims on Capitol Hill. We held numerous hearings dating back to 1998, examining the chaos in West Africa caused, orchestrated by Charles Taylor.

Employed by the RUF were child soldiers. Investigative reporter Doug Farah described what life was like for child soldiers in his book "Blood from Stones." And in his book he said: "One thing the children do remember vividly is the preparation for what they called 'mayhem days,' sprees of killing and raping that lasted until the participants collapsed from exhaustion. They said they were given colored pills, most likely amphetamines, and razor blade slits near their temples, where cocaine was put directly into their bloodstreams. The ensuing days would be a blur. The children often remembered only the feeling of being invincible before the drugs wore off."

This was Charles Taylor's view of West Africa. Yet today Charles Taylor safely resides in exile in Nigeria.

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In August 2003, some believe that removing Taylor from Liberia and giving him exile would prevent Liberia and West Africa from destabilization. Instead of facing justice at the Special Court in Freetown, Sierra Leone, Taylor was given a seaside villa in Calabar, Nigeria. In exchange, Taylor would refrain from engaging in political activity.

Nearly 2 years after the exile deal, Taylor is still very much involved in Liberian politics as that Nation prepares for elections in the fall. According to the United Nations reports, his "former military commanders and business associates, as well as members of his political party, maintain regular contact with him and are planning to undermine the peace process in Liberia." Now, this peace process, incidentally, has been supported by the United States and Congress with hundreds of millions of dollars.

As the resolution points out, David Crane, Chief Prosecutor at the Court, has stated, "Unless and until Charles Taylor is brought to justice, there will be no peace in Liberia." The U.N. Secretary General's Special Representative to Liberia is Jacques Klein. Jacques Klein has said, "Charles Taylor is a psychopath and a killer. He is still very much involved in and is intrusive in Liberian politics."

Madam Speaker, Charles Taylor remains a serious and continuing threat to West African peace and security, which is counter to U.S. interests as well.

I am hopeful that Nigerian President Obasanjo does the right thing and hands Taylor over to the Special Court. Among others, the Nigerian Union of Journalists and the Nigerian Bar Association have criticized the exile deal. President Obasanjo is in Washington this week. By passing this resolution, there will be no question where the U.S. House of Representatives stands.

Madam Speaker, I urge the government of Nigeria to transfer Charles Taylor to the Special Court for Sierra Leone so that he can be tried for war crimes and that justice can be served. It is time for Charles Taylor to face up to his crimes. This resolution deserves the strong support of the House.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to thank my good friend and colleague for authoring this resolution, which calls on the government of Nigeria to transfer the former President of Liberia, Charles Taylor, to the Special Court for Sierra Leone, and for bringing it before us today.

In August of 2003, as a vicious war engulfed the Liberian capital of Monrovia, the government of Nigeria made a bold offer. In the interest of peace, they would offer asylum to Liberia's pariah President, Charles Taylor. The decision to host an indicted war criminal that had terrorized his people and fomented conflict throughout West Africa could not have been an easy one. I shudder to think of the countless lives which surely would have been lost had Charles Taylor been allowed to remain in Liberia and continue his reign of terror. Thanks in no small part to Nigeria, the war in Liberia now has ended, a transitional government is preparing for historic elections, and Liberians, at long last, may have the opportunity to live in peace.

But Taylor's asylum deal did not come without conditions. Under the terms of the agreement, Taylor reportedly is prohibited from communicating with anyone engaged in political, illegal, or governmental activities in Liberia. By all accounts, he repeatedly and unabashedly has violated that agreement.

Further, the asylum did not grant Taylor amnesty for his past crimes. This warlord-turned-President-turned-war criminal has worked long and hard to earn the reputation of "the cancer of West Africa." He is alleged to be cooperating with international terrorist organizations. He has engaged in the illicit trade in blood diamonds in violation of U.S. sanctions. He is linked to the proliferation of small arms throughout the region. He has fomented conflict not only in Liberia, but also in neighboring Guinea, Sierra Leone, and Cote d'Ivoire. In sum, Charles Taylor has destabilized the entire sub-region of West Africa, leaving thousands dead and millions displaced in his wake.

But it was Taylor's active support for the Revolutionary United Front, or the

RUF, of Sierra Leone, a rebel group notorious, as my colleague pointed out just a moment ago, for hacking off the limbs of innocent civilians, including women and children, which earned him an indictment by the Special Court for Sierra Leone. That indictment, which included 17 counts of war crimes and crimes against humanity, reads like a grotesque horror novel.

The Special Court for Sierra Leone, a court which this Congress actively supports, is expected to conclude its work this year. That cannot be done, however, if Taylor is not transferred from Freetown immediately. Furthermore, there can be no peace in Liberia or in West Africa so long as Taylor is allowed to maintain influence and act as a menace to his neighbors. The clock is ticking, Madam Speaker, while the legitimacy of the Special Court and the stability of West Africa hang in the balance. The time to transfer Charles Taylor to the Special Court for prosecution is now.

Charles Taylor, Madam Speaker, has repeatedly violated the terms of his asylum in Nigeria, as the government of Nigeria itself has acknowledged. Consequently, the government of Nigeria would be justified in ending that asylum and turning Taylor over to the Special Court, as we now are urging him to do.

This bipartisan resolution, which has been given due consideration by the Committee on International Relations, deserves every Member's support and, hopefully, we will pass it unanimously on the floor today.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, before yielding back my time, let me just observe that our cooperation across party lines on this issue is emblematic of the many, many problems and areas and countries where the House Committee on International Relations functions in a uniquely bipartisan fashion for the national interest.

Madam Speaker, we have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLF. Madam Speaker, I rise in support of H. Con. Res. 127 calling on the government of the Federal Republic of Nigeria to transfer Charles Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity and other serious violations of international law. I urge my colleagues to vote in favor of this important resolution.

We must do everything possible to see that Charles Taylor, a fugitive from justice, is held accountable for his heinous crimes and brought before the Special Court for Sierra Leone. There should be no safe harbor for tyrants like Charles Taylor.

The legacy of Charles Taylor's human rights abuses and corruption in Liberia is deplorable. Charles Taylor sponsored a 10-year civil war in neighboring Sierra Leone and has inflicted suffering on innocent men, women and children in unprecedented acts of cruelty, all done to satisfy the avarice of a cruel despot.

The UN-backed war crimes court unsealed an indictment on Charles Taylor in 2003. He is accused of bearing the greatest responsibility for war crimes, crimes against humanity and serious violations of international humanitarian law. It is well known that he provided financial support, military training, personnel, arms and other form of assistance to the Revolutionary United Front to destabilize Sierra Leone and thereby gain access to her diamond wealth.

Charles Taylor organized and ordered armed attacks throughout Sierra Leone to terrorize the civilian population and ultimately punish them for failing to provide sufficient support to the RUF, or for supporting the legitimate government. The attacks routinely included unlawful killings, abductions, forced labor, physical and sexual violence, the use of child soldiers and looting.

I remain concerned that two years have passed and he has not been brought to justice before the Special Court for Sierra Leone. The United States must call on the Nigerian government to hand Charles Taylor over to stand trial. Charles Taylor has stated his plans to return to Liberia one day and is accused of meddling in the current affairs of West Africa.

If we fail to bring him to justice he may someday return to power in Liberia. Time is running out for the Special Court for Sierra Leone. Charles Taylor's crimes can not go unpunished. There must be justice for the victims.

Mr. ENGEL. Madam Speaker, I rise in support of H. Con. Res. 127.

Charles Ghankay Taylor is a ruthless war criminal who has been indicted by the Special Court for Sierra Leone (SCSL) on 17 counts of war crimes and crimes against humanity. Taylor, the former president of the Republic of Liberia, has supported atrocities including mass murder, rape, torture, mutilation, and the use of children as militants during Sierra Leone's brutal civil war.

Charles Taylor also supported the Revolutionary United Front (RUF), deemed a terrorist organization by the State Department. He therefore, should be held accountable for the inhumane barbarism the RUF committed within Sierra Leone's borders. Furthermore, this Special Court that indicted Taylor has contributed to the rule of law in Sierra Leone and deserves our support.

In August 2003, Charles Taylor was granted asylum in Nigeria and agreed to end involvement in Liberian politics. The Nigerian government also warned Taylor not to communicate with anyone involved in illegal or political activities in Liberia. However, the UN Secretary General has reported to the Security Council that Taylor has breached this agreement and maintains contacts in Liberia with those planning to undermine the peace process in Liberia.

Today, Charles Taylor remains in Nigeria. Taylor is a threat to peace and stability in West Africa and should not be granted any freedom in Nigeria. I call on the government of Nigeria to immediately turn over Charles Taylor to the Special Court for Sierra Leone. Only with the proceedings of a fair and open trial for the crimes against humanity, will justice be served, and I urge my colleagues to support this legislation.

Mr. PAUL. Madam Speaker, I rise in strong opposition to this resolution. The idea that the United States Congress should demand that Nigeria deport a former president of Liberia to stand trial in a United Nations court in Liberia is absurd!

I do not object to this legislation because I dispute the charges against Charles Taylor. Frankly, as a United States Congressman my authority does not extend to deciding whether a foreign leader has committed crimes in his own country. The charges may well be true. I do, however, dispute our authority as the United States Congress to demand that a foreign country transfer a former leader of a third country back to that country to stand trial before a United Nations kangaroo court.

As the resolution itself cites, one top U.N. official, Jaques Klein, has already pronounced Taylor guilty, stating "Charles Taylor is a psychopath and a killer." But the resolution concludes that "Congress urges the Government of the Federal Republic of Nigeria to expeditiously transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the jurisdiction of the Special Court for Sierra Leone to undergo a fair and open trial. . . ." So it is probably safe to guess what kind of "trial" this will be—a Soviet-style show trial. The United Nations has no business conducting trials for anyone, regardless of the individual or the crime. It is the business of Liberia and Nigeria to determine the fate of Charles Taylor.

If we in the United States wish to retain our own Constitutional protections, we must be steadfast in rejecting the idea that a one-world court has jurisdiction over anyone, anywhere, regardless of how heinous the accusations. The sovereignty we undermine will eventually be our own.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (VE) DAY AND THE LIBERATION OF WESTERN BOHEMIA

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia.

The Clerk read as follows:

H. RES. 195

Whereas the final major offensive in the European theater of operations during World War II, known as the Liberation of Western Bohemia, was fought from April 25, 1945, to May 8, 1945, with Victory in Europe (VE) Day declared on May 8, 1945;

Whereas the Liberation of Western Bohemia was the closing offensive of World War II, which decisively contributed to the ultimate capitulation of the German Third Reich;

Whereas on May 4, 1945, General George S. Patton gave the order for the American Third Army, consisting of 18 divisions and 500,000 men, to resume the Allied offensive into Western Bohemia;

Whereas on May 5, 1945, the Third Army liberated the city of Plzen (Pilsen), the western-most city in then-Czechoslovakia;

Whereas on May 6, 1945, as Americans entered Pilsen, flowers were strewn along the paths and into the vehicles of the troops, while young girls and old men and women ran to kiss the soldiers;

Whereas during the communist era, Czechs celebrated their liberation from Nazi Germany on May 9 of each year in commemoration of the Soviet liberation of Prague; however, after the 1989 "Velvet Revolution", the date of commemoration was moved to May 8 of each year;

Whereas thousands of American veterans of the Liberation of Western Bohemia have traveled to Pilsen in the years since the liberation to honor their fallen comrades;

Whereas the people of the Czech Republic, symbolizing their friendship and gratitude toward the American soldiers who fought to secure their freedom, have graciously hosted countless veterans groups over the years;

Whereas between April 25 and May 9, 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by United States, Czech, and Belgian soldiers under the command of General Patton;

Whereas the citizens of Pilsen will dedicate a statue of General Patton which will be unveiled on the town square on the 60th anniversary of the liberation of Pilsen, commemorating the Liberation of Western Bohemia by United States Armed Forces during World War II; and

Whereas the friendship between the United States and the Czech Republic is strong today in part because of the Liberation of Western Bohemia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the Liberation of Western Bohemia in the European theater of operations during World War II which culminated in an Allied victory that assured the defeat of Nazi Germany and ended the War in Europe two weeks later;

(2) honors those individuals who gave their lives during the Liberation of Western Bohemia;

(3) encourages the President to issue a proclamation calling upon the people of the United States to honor the veterans of the Liberation of Western Bohemia with appropriate programs, ceremonies, and activities;

(4) reaffirms the bonds of friendship between the United States and the brave citizens of the Czech Republic; and

(5) seeks to continue building a great future between our countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 195 is a resolution introduced by the gentleman from Georgia (Mr. KINGSTON) which recognizes the 60th anniversary of the liberation of Western Bohemia by American forces.

I strongly support the resolution which recognizes the extraordinary sacrifice by American soldiers to free Western Bohemia from Nazi control. This was the last major offensive undertaken in Europe during World War II. The campaign was led by General George Patton and involved 18 divisions and approximately 500,000 men. It resulted in the liberation of Pilsen, which was then located in what was known as Czechoslovakia on May 5, 1945.

The liberation of Western Bohemia was decisive in leading to the ultimate surrender of Nazi forces and a quick end to World War II in Europe.

The resolution also recognizes the continued friendship between the people of the United States and the people of the Czech Republic. In fact, in honor of the liberation of their city, the citizens of Pilsen will be dedicating a statue of General Patton on the 60th anniversary of the liberation of their city and all of Western Bohemia.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in just a few days, we will celebrate the 60th anniversary of the victorious end of World War II in Europe, and the President will mark this important historic anniversary by visiting Holland and Russia for special commemorative events. It is very appropriate, Madam Speaker, that in addition to recognizing that all-important date, we recognize the liberation of the Czech people who have gone through so much in their search for liberty.

Our resolution calls attention to the role of American military forces in the liberation of Bohemia and the city of Pilsen in the very last days of the Second World War.

Madam Speaker, 10 years ago, on the 50th anniversary of this event, it was my privilege to represent the United States in Bohemia commemorating this historic occasion, and I sensed firsthand the warm friendship and gratitude the people of the Czech Republic have for the United States and for our role in liberating them. The strong friendship and the good relations between the United States and the Czech Republic were profoundly strengthened by the liberation of western Bohemia in May of 1949 under the leadership of General Patton and the Third Army he led, which included not only American, but also free Belgian and Czech troops.

Our resolution reaffirms the bonds of friendship between the American and the Czech people, which go back to the strong and enthusiastic support President Woodrow Wilson and the American people displayed for the establishment of Czechoslovakia at the end of the First World War.

In the last decade and a half, those ties have been further strengthened as we have welcomed the end of the Communist era in Central Europe. Eight years ago, it was my pleasure to fly to Independence, Missouri with the Foreign Minister of the Czech Republic, as well as the Foreign Ministers of Poland and Hungary, to witness the signing of Czechoslovakia's ascension to the North Atlantic Alliance.

The Czech people have faced domination by foreign rulers for centuries. The liberation of western Bohemia by the United States created the possibility of a new future for the Czech people, which they attempted to seize first in 1968 in the famous Prague spring which Soviet forces brutally suppressed, and then in 1989 when the Czech people prevailed. Our resolution honors not only their liberation, but their resilience and their commitment to free, open, and democratic societies.

I urge all of my colleagues to support this resolution as we send our best greetings to the free people of a free Czech Republic.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the author of the resolution.

Mr. KINGSTON. Madam Speaker, I am proud to have been a part of this resolution as we recognize the 60th anniversary of the victory in Europe and, really, the liberation of Western Bohemia as it signaled the end of the war in Europe and the defeat of the Third Reich.

On May 4, 1945, General George Patton gave the order for the American Third Army, consisting of 18 divisions and 500,000 men, to resume the allied offensive in Western Bohemia. The following day, Patton's Third Army liberated the city of Pilsen in the westernmost section of then Czechoslovakia. As the Americans entered Pilsen, flowers were strewn in their path and into vehicles for the troops. Young girls and old men and women ran out to kiss the soldiers. People who had been oppressed for all of the Nazi occupation and people who had had an underground resistance came out to welcome these soldiers.

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Even today, thousands of American veterans of the liberation of Western Bohemia will travel to Pilsen to honor their fallen comrades.

The people of the Czech Republic symbolize their friendship and gratitude toward the American soldiers who fought to secure their freedom, having graciously hosted thousands and countless veteran groups over the many years.

Between April 25 and May 9. 2005, some 50 communities across the western part of the Czech Republic will be celebrating the 60th anniversary of their liberation by the United States, Czech and Belgium soldiers under the command of General Patton.

The citizens of Pilsen will dedicate a statue of General Patton to be unveiled on the town square on the 60th anniversary of the liberation, commemorating the liberation. One footnote that is very significant for all of us, though, is that while America liberated Pilsen and the Czech Republic in 1945, in 1948, the Iron Curtain fell upon it.

And at that point, the historians and the photographers and the people who knew that America had played such a major role in their liberation, those people were sometimes arrested, often intimidated, and even the photographs of the liberation were destroyed. So for 3 years, the people of Czech Republic in Pilsen enjoyed the fresh air of liberation and freedom; and then from 1945 to 1948, that ended with the Iron Curtain.

And the Soviet Government came in and wiped out all traces of the American liberation, even to the extent of tearing down statues and changing the history books. And yet through the dark period, the many years and decades that followed, the people of the Czech Republic still remembered that day.

Maybe it was not in their textbooks, maybe they did not have access to the photographs anymore, and maybe the stories were held down to whispers; yet they still remember what happened. The Czech people, and Czechoslovakia, have had a great role in the development of the United States of America.

Czech immigrants are all over our country. Our country is better because of the Czech influence that we have. And because we were so significant in their liberation in 1945, they never let the Soviet Union wipe out the memory of our contribution to their country either.

I am proud to be going there on Thursday with a bipartisan delegation to present this resolution. And I am proud that Congress and this subcommittee is passing this bill, because it makes a very significant statement on what we feel and how we feel, what we feel about what happened in 1945, in 1948, and in 1989, and today as we celebrate this important anniversary with our Czech brothers and sisters.

Mr. LANTOS. Madam Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I want to commend the gentleman from Georgia (Mr. KINGSTON) for his outstanding and very eloquent statement.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 195.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (V-E) DAY DURING WORLD WAR II

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 233) recognizing the 60th Anniversary of Victory in Europe (V-E) Day During World War II, as amended.

The Clerk read as follows:

H. RES. 233

Whereas on May 7, 1945, at General Dwight Eisenhower's headquarters in Reims, France, a representative of the German High command signed the document of surrender, unconditionally surrendering all air, land and sea forces to the Allies on May 8, ending the war in Europe;

Whereas Western Europe and the United States have traditionally celebrated May 8 as the day of the Allied "Victory in Europe" over Germany, or "V-E Day";

Whereas May 8, 2005, marks the 60th anniversary of V-E Day;

Whereas V-E Day was a day for which millions had worked and fought and prayed and died during that terrible war;

Whereas this day marked the end of six years of misery, suffering, courage, and endurance across the world;

Whereas the United States Armed Forces fought with their Allies to free occupied nations and their victory in Europe represented the triumph of good over unspeakable evil, and the promise of a peaceful future for a Europe ravaged by the bloodiest war in its history;

Whereas V-E Day marked the culmination of the efforts of many different nations in the Allied forces who were united by the common quest for peace and justice and who fought valiantly to liberate occupied countries and to prevent Hitler's onslaught;

Whereas the more than 4,000,000 members of the United States Armed Forces deployed in Europe, the largest United States military force ever committed to any theater of operation, were joined by millions of members of the armed forces of other Allied nations, and together provided the essential strength and made innumerable sacrifices to end the war in Europe;

Whereas almost 200,000 members of the United States Armed Forces gave their lives in battle and hundreds of thousands were wounded in the European theater during World War II;

Whereas European countries have erected many monuments and plaques commemorating their liberation by the United States and its Allies during World War II;

Whereas the 60th anniversary of V-E Day in 2005 will be marked by many commemorative events by citizens of the United States and many other nations; and

Whereas the courage and sacrifice of the members of the United States Armed Forces and of many other nations who served with distinction to save the world from tyranny and aggression should always be remembered: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 60th anniversary of the end of World War II in Europe, joins with a grateful Nation in expressing respect and appreciation to the men and women who served in the European theater during World War II, and remembers and pays tribute to those Americans who made the ultimate sacrifice and gave their life for their country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

H. Res. 233. Madam Speaker, as the Clerk just pointed out, is a resolution that recognizes the 60th anniversary of victory in Europe during World War II.

This resolution, Madam Speaker, reiterates a simple but powerful message that our Nation honors and deeply appreciates the men and women who served in the European Theatre during World War II and that we especially remember and pay tribute to those Americans who made the ultimate sacrifice for our country.

Madam Speaker, 60 years ago, at General Eisenhower's headquarters in Reims, France, a representative of the German high command unconditionally surrendered all land, air, and sea forces to the allies ending the war in Europe.

General Eisenhower, in his order of the day to the troops on May 8, 1945, V–E Day, declared, and I quote him in part: "The crusade on which we embarked in early summer of 1944 has reached its glorious conclusion. It is my special privilege, in the name of all nations represented in this theatre of war, to commend each of you for the valiant performance of duty. Though these words are feeble," General Eisenhower went on to say, "they come from the bottom of a heart overflowing with pride in our loyal service and admiration for you as warriors. Your accomplishments at sea, in the air and on the ground, and in the field of supply, have astonished the world. Even before the final week of the conflict, you had put 5 million of the enemy permanently out of the war. You have taken in stride military tasks so difficult as to be classified by many doubters as impossible.

"You have confused and defeated and destroyed your savagely fighting foe. On the road to victory you have endured every discomfort and privation and have surmounted every obstacle, ingenuity and desperation could throw in your path. Full victory in Europe has been attained," he concluded.

President Truman in his radio address to the Nation that same day declared: "Much remains to be done. The victory won in the West must now be won in the East. The whole world must be cleansed of the evil from which half the world has been freed.

General Truman went on to say: "For the triumph of spirit and of arms, which we have won, and for the promise of the peoples everywhere to join us in the love of freedom, it is fitting that we as a Nation give thanks to Almighty God, who has strengthened us and given us the victory."

He then went on to say that May 13, 1945, would be a day of prayer. And he called upon the people of the United States, whatever their faith, to unite, offering joyful thanks to God for the victory that we have won and to pray, to quote him again: "That He will support us to the end of our present struggle and guide us into the way of peace."

How fitting, Madam Speaker, that we continue to commemorate a national day of prayer this Thursday, May 5, as we bring before God our thanks for the many blessings He has bestowed upon this great Nation and petition for help in the ongoing challenges we face.

H. Res. 233, Madam Speaker, recognizes the enormous sacrifice of the young men and women who fought in the European theatre. During World War II, more than 4 million members of the United States Armed Forces fought in Europe. This is the largest military force ever committed by the United States in any theatre of operation.

And almost 200,000 American troops were killed in the European theater. In addition, H. Res. 233 recognizes the sacrifice of the millions of members of the armed forces of allied nations in defeating Nazi Germany, liberating Europe, and putting to an end an unspeakable crime and crimes perpetrated by the Nazi regime.

H. Res. 233 was approved by the European Emerging Threats Subcommittee, and I hope that every Member of the House will support its passage this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I welcome this resolution marking the 60th anniversary of the allied victory in Europe at the end of World War II, which was introduced by the chairman of the Europe Subcommittee, the gentleman from California (Mr. GALLEGLY).

I also want to thank our chairman, my good friend, the gentleman from Illinois (Mr. HYDE), for moving it so quickly through the committee and to the consideration by this House.

In just a few days, Mr. Speaker, the President will mark this important historic anniversary by visiting Holland and Russia for special events commemorating the end of the Second World War in Europe.

I remember well the events that we are commemorating. I was a teenager in Budapest, Hungary. And as a 16-year-old, I witnessed the military occupation of Hungary by Nazi troops in March 1944.

For part of that year, Mr. Speaker, I was in and out of Hungarian labor camps forced to repair a rail bridge on the main railroad line between Budapest and Vienna, across one of the tributaries of the Danube River. We cheered as American aircraft from bases in Italy bombed the bridge, although we knew that as soon as those planes were gone we would be forced rebuild it.

But we cheered because we knew that American participation in the war, and the heroic deeds of the American military, would ultimately bring about the defeat of the monstrous Nazi war machine. Ultimately, German forces retreated into Austria, the Soviet Army arrived liberating Budapest.

Mr. Speaker, in a more direct and perhaps more personal sense than some of my colleagues here in the House, I have the greatest respect and admiration for the sacrifices of American soldiers and American pilots, many of whom give their lives in this epic battle against the evil forces of Adolph Hitler. In many ways, Mr. Speaker, victory in Europe in May 1945 marked more a beginning than an end.

It marked the end of the Nazi threat to freedom, but marked the beginning of a new United States involvement in Europe. As the Cold War began even before the guns of the Second World War became silent, the United States worked with our European allies to defend freedom from the Soviet Union with the Berlin airlift, the establishment of NATO, and strong American support for European cooperation which finally led to the establishment of the European Union.

As we look back on May 1945, at the exhilaration and camaraderie that we all shared at that time, I regret that some of that unity and cooperation has vanished. I regret that some of the countries that were liberated by the shedding of American blood in Normandy, and hundreds of other battlefields across the continent, are now cynically critical of our actions and obstructive of our efforts.

Our fight against terrorism is no less a struggle for our common freedom and democratic way of live than was the fight against Nazi Germany.

Mr. Speaker, I owe my life to the American military, and to the military forces of the other allied countries who liberated Europe at an enormous cost. I am honored to join in paying tribute to the men and women who served in Europe during World War II and in remembering them on this 60th anniversary of the liberation of Europe.

This was truly the Greatest Generation. And I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back, I just want to thank the gentleman from California (Mr. LANTOS) again for his eloquent statement. He truly, he and his wife, Annette, are the personification of liberation. They are survivors of the Holocaust; and he just has been a great champion for human rights.

And so many Members of this body have served in World War II as well, including the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on International Relations, who served in the Pacific theatre and was very active in the liberation, obviously, against Imperial Japan.

But, again, I want to thank the gentleman from California (Mr. LANTOS) for his leadership and his very eloquent statement.

Mr. NADLER. Mr. Speaker, 60 years ago the guns and bombs in Europe fell silent, and President Truman announced victory over Europe to a proud and free world.

I rise today to commemorate the 60th anniversary of this great and very important day, and to recognize the sacrifices and accomplishments of the men and women who so bravely served to defeat hate and aggression.

I join millions of people participating in thousands of events, in New York City, all across the United States, and around the world, in observing and honoring the courage of American service-members, allied soldiers, and homefront workers.

During April 1945, allied forces led by the United States overran Nazi Germany from the west while Russian forces advanced from the east. On April 25, American and Russian troops met at the Elbe River. After 6 years of war, suffering, and devastation, Nazi Germany was formally defeated a few days later on May 8, 1945.

It was a bittersweet victory. Over 400,000 American soldiers died in World War II; 350,000 British soldiers gave their lives; and a staggering 20 million Russian soldiers and civilians perished in the war fighting German aggression on their home soil. The war also brought about the most horrendous systematic murder which humanity has ever known, the Holocaust.

In memory of all the victims of World War II, it is our duty to raise our voices as one and say to the present and future generations that no one has the right to remain indifferent to anti-Semitism, xenophobia and racial or religious intolerance.

This is an occasion to remember and commemorate. We must remember why the war was fought, remember the victims and heroes, and thank those who fought so hard and sacrificed so much.

V–E Day marked the promise of a peaceful future for a Europe ravaged by unspeakable horror and war. Although freedom did not come to every European nation following the defeat of Nazi Germany, today we stand at the threshold of a very hopeful future based on sovereignty, democracy, freedom and cooperation.

Mr. Speaker, I take this opportunity to honor those individuals who gave their lives during the liberation of Europe, to thank the veterans of World War II, and to commemorate the defeat of Nazism and Fascism by freedom-loving people.

Mr. BUYER. Mr. Speaker, today the Congress recognized the 60th anniversary of Victory in Europe Day. World War II was a defining moment in the lives of our Nation's Greatest Generation. Men and women whose early youth was shaped in the ordeal of the Great Depression showed the values formed in that crucible when tyranny threatened a world. More than 4 million Americans served in our armed forces in the cauldron of Europe. Nearly 200,000 of them made the ultimate sacrifice there serving the cause of freedom. Today, as we must every day, we recognize and honor the service and sacrifices made by them and by our allies fighting by their side. Their legacy—and the legacy of their generation—is a freer world of opportunity and equality, which we inherit with gratitude and serve with humility.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 233, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 31 minutes p.m.

AUTHORIZING SPEAKER TO POSTPONE FURTHER PROCEEDINGS ON MOTION TO TABLE HOUSE RESOLUTION 253

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Chair be authorized to postpone further proceedings on a motion to lay on the table the Conyers resolution to a time designated by the Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. CONYERS. Mr. Speaker, in accordance with my request of last Thursday, I offer a privileged resolution (H. Res. 253) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 253

Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the "Child Interstate Abortion Notification Act," on Wednesday, April 13, 2005 and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109-51;

Whereas, during the markup of H.R. 748, Representatives Nadler, Scott, and Jackson-Lee offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives Nadler, Scott, and Jackson-Lee called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109-51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109–51 by captioning these five amendments with inflammatory, inaccurate captions implying that these three Members of Congress condoned the criminal behavior of "sexual predators";

Whereas, as one example, while an objective, nonargumentative description of one of Representative Nadler's amendments would read, "exempts a grandparent or adult sibling from the criminal and civil provisions of the bill," and is in fact the language the Committee on the Judiciary used to caption this amendment in past reports on this legislation, the caption in House Report 109-51 was instead, "Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor." (Similar problems occured in describing amendments offered by Representatives Scott and Jackson-Lee);

Whereas, when Representative Sensenbrenner, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee on Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109-51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas the vote captions published in House Report 109–51 appear to be purposefully inaccurate and misleading, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House; and

Whereas this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Under rule IX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as the designee of the majority leader, each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise to offer a resolution concerning the privileges of the House.

The deliberate misrepresentation of Members of the House of Representatives' amendments is unprecedented.

And I do this because the Committee on the Judiciary report on H.R. 748 mischaracterized amendments offered by Members in a way that distorted both the effect of the amendments and the intentions of the Members.

I offer this resolution to protect the rights of every Member in this body. None of us wants to see our amendments mischaracterized in a way that undermines our good faith. None of us wants to see our legislative work distorted in a way that diminishes our motives. I am not eager to bring this matter to the floor of the House, but I do so as a last resort to achieve a resolution that is fair and just.

There is little doubt in my mind that the amendment characterizations included in the committee report were distorting and damaging. Taking an amendment written to exclude grandparents and describing it as one protecting sexual predators crosses a line of good faith and comity so essential to the operation of this House.

Descriptions this pejorative are not only inappropriate; they are without precedent. This has never happened before in my memory. If we look at the RECORD, we will see that the three previous committee reports describing these amendments use neutral and objective terms. The same is true of the amendment descriptions prepared by the majority staff on the Committee on Rules as well as the majority staff on the Republican Conference.

I cannot agree with the contention that the obligation should have been on the Members to draft these amendments more narrowly. The amendments were drafted in a careful and straightforward manner as they have been for each of the last four Congresses. The duty should not be on us to exclude categories of persons who have nothing to do with the underlying amendment.

Let me close by stating that the majority will not control this body forever. There will come a time when members of another party are the ones interpreting the rules, writing the committee reports, and explaining the amendments. Whoever controls this body tomorrow or next year, we will all be better off today if we do not rewrite each other's words or disparage each other's intentions.

I support this privileged resolution and urge the rest of my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I would like to ask if the distinguished chairman wishes to repeat his tactic of last week of waiting until everybody else has spoken and then mischaracterize what we have said so that we cannot reply to him.

Is that his intent today? Is that why he is reserving his time now so that he can speak after everybody else has spoken?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. That is not my intent, Mr. Speaker.

Mr. NADLER. Mr. Speaker, is it his intent to let anybody on this side speak after he has spoken even if he closes?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, his side has the right to close as the proponents of the resolution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for his answer.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) stated the point of this resolution pretty accurately and I think completely.

I want to deal with some misstatements that have been made or have been reported to have been made in defense of this unconscionable, lying report of the committee. It was said on the floor of the House last week that the question is one of intent versus effect. My amendment was very simple. It said that grandparents and adult siblings of the person getting the abortion should not be subject to the provisions of the bill. It was reported as: "Mr. NADLER offered an amendment to provide sexual predators an exemption from the provisions of the bill if they were adult siblings or grandparents."

The fact is in the entire debate over that amendment, in fact, in the entire debate over all of the amendments, all of which were characterized as dealing with sexual predators, in the debate in the committee over those five amendments, no one, no one in the majority, no one in the minority mentioned the words "sexual predators." No one in the committee debate said this amendment might protect sexual predators. It did not occur to anybody. So on that level the report is dishonest, and the chairman or whoever else had anything to do with it owes this body an apology.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would refer the gentleman to the statement made by the gentleman from Ohio (Mr. CHABOT) that is on the bottom of page 84 which talks about the potential of sexual predators.

Mr. NADLER. Mr. Speaker, reclaiming my time, that is not with respect to my amendment. That was with respect to another amendment. That was with respect to a different amendment.

In respect to my amendment, which was characterized as dealing with sexual predators, nobody mentioned the words "sexual predators" or raised that.

It has also been said that the intent may have been not with sexual predators; the intent may have been grandparents and siblings, but could a grandparent or a sibling be a sexual predator? In that eventuality this would protect sexual predators.

Yes, in that eventuality the amendment would protect sexual predators. But, of course, the bill itself said that the parents could sue, the parents could sue the doctor who performs the abortion or the person who transports the minor. But the parent could be a sexual predator. The pregnancy could have been caused by rape or incest. This would give the sexual predator the right to profit from his own predation.

I, in fact, offered a motion to recommit to correct that defect in the bill, but the majority voted it down. Why, I do not know. But they voted it down because apparently they wanted sexual predators, in the unlikely event that the parent was a sexual predator, to be able to sue. There is no other interpretation possible.

But, as I said last week, if someone wanted to say on the floor of the House or in the committee, as no one did in the committee, that one has not anticipated the rare eventuality that a grandparent would be a sexual predator and maybe they should amend the amendment, that would have been a fair comment. Fair comment in a debate. It is not a fair characterization of the amendment.

There is a clear difference between expressing views in a debate and saying that one's amendment could be used by a sexual predator under certain circumstances, which might be a fair comment. It would be fair comment to say those circumstances are so rare that we do not have to worry about them or they are right or whatever. It is different. It is different. It is dishonest, it is a disgusting rape of the rules of this House to characterize the amendment in a one-sentence report that this was an amendment dealing with sexual predators. No, it was not. It would be just as dishonest as if we reported the bill and said this was a bill to allow sexual predators to sue doctors.

□ 1745

The gentleman from Wisconsin (Mr. SENSENBRENNER) and everybody associated with this owes an apology to the House and a correction to the American people.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, can we inquire of the distinguished chairman of the Committee on the Judiciary, who has not used any of his time yet, how many speakers he has?

Mr. SENSENBRENNER. Mr. Speaker, we have five speakers.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, the House overwhelmingly passed H.R. 748, the Child Interstate Abortion Notification Act, by a bipartisan vote of 270 to 157. One of the primary purposes of that common sense legislation is to prevent sexual abusers from taking vulnerable young girls across State lines for an abortion without telling the girl's parents.

At the Committee on the Judiciary markup on this bill, some Members offered amendments that would have created blanket exclusions from the criminal prohibitions in the legislation without any exceptions for those who would commit statutory rape or incest. The loopholes those amendments would have created could be exploited by the very sexual predators; that is, those who would exploit vulnerable young girls and commit statutory rape or incest whose conduct the bill is designed to bring to light. Those amendments were accurately described in the committee report. All of the amendments offered would have carved out exceptions that could be exploited by sexual predators who sought to destroy evidence of their crimes by secretly taking a minor without her parent's knowledge to another State to have an abortion.

The amendments offered by the minority would have created those blanket exclusions for certain large classes of people who are not a minor's parents. Those classes of people were "taxicab drivers, bus drivers, or others in the business of professional transport;" "clergy, Godparents, aunts, uncles, or first cousins of a minor;" and "grandparents or adult siblings."

If any of the people described in the amendments offered became involved with a minor in a sexually abusive way, they would have been flatly excluded from the criminal prohibitions of H.R. 748, one of the primary purposes of which is to prevent sexual predators from continuing to abuse minors undetected. That purpose is reviewed extensively in the committee report in an entire section entitled "CIANA Protects Minor Girls From Sexual Assault." The amendments offered at the Committee on the Judiciary markup were directly contrary to a primary purpose of the legislation. If the proponents of this resolution only understood that preventing sexual abusers from continuing to abuse a minor girl without a parent's knowledge is a primary purpose of H.R. 748, they would understand why the descriptions of their amendments are what they are.

If an amendment were offered to a bill that would make it a Federal crime to commit terrorist acts and an offered amendment would exclude conduct by, for example, taxi drivers, then that amendment would allow a taxicab driver to commit terrorist acts without being prosecuted. That would be an accurate description of such an amendment. In the very same way, those who happen to drive taxi cabs or work in the business of professional transportation should not be free to commit statutory rape and transport a minor across State lines to get an abortion without telling one of the girl's parents. And brothers, uncles, or Godparents should not be allowed to commit incest and then transport a young girl across State lines to get an abortion so evidence of their crimes are destroyed without telling one of the girl's parents about the abortion. There is nothing inaccurate with describing amendments that would do just that in just that way.

The incidence of statutory rape in this country is shocking. As a recent presentation given at a U.S. Department of Health and Human Services Conference on the Sexual Exploitation of Teens showed, of minor girls' first sexual experiences, 13 percent constitute statutory rape. Further, the younger a sexually experienced teen is, the more likely they are to experience statutory rape. Of sexually experienced teens age 13 or younger, 65 percent experienced statutory rape. Of those age 14, 53 percent experienced statutory rape. Of those age 15, 41 percent experienced statutory rape. And also, blacks and Hispanics are much more likely to experience statutory rape. Creating blanket exclusions in the bill for large categories of people would create a huge loophole in the legislation that statutory rapists could exploit.

Regarding family incest, one recent Law Review article summarized the research regarding the prevalence of sexual conduct among siblings as follows: "Brother-sister sexual contact may be five times as common as father-daughter incest." A survey of 796 New England college students revealed that 15 percent of females had a sexual experience with a sibling. Further, among those reporting sexual abuse, the incidence of abuse by cousins ranges from 10 percent to 40 percent among various studies; and 4.9 percent of women report an incestuous experience with an uncle before age 18; and 16 percent of rape victims are raped by relatives other than their father.

Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, cousins, and uncles would not protect young girls who are made victims of incest by their adult siblings, cousins, or uncles.

Further, pregnancy as a result of all these crimes is all too common. As one Pennsylvania court has pointed out, "25 percent of incest victims become pregnant. The ratio is greater among victims of incest than those of rape because incestuous conduct is usually long-term and progressive, whereas rape is usually a one-time occurrence."

Another amendment offered at the Committee on the Judiciary markup of H.R. 748 accurately described the amendment as "creating an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill." That statement is true. That amendment would have created an opportunity for a sexual predator to escape conviction if they could make a showing to a Federal court that the judicial bypass provisions of the State law were somehow ineffective or somehow violated confidential information related to a minor's pregnancy.

If a sexual predator made a showing to the court of either of these issues, neither of which would expose the predator's crimes, then that sexual predator would completely evade the requirements of H.R. 748, which are designed to expose sexual predators and prevent future sexual abuse.

The final amendment offered was again accurately described in the committee report as an amendment that would have exempted from prosecution under the bill "those who aid the criminals who could be prosecuted under the bill." That is true as well. That amendment would have excluded from the bill anyone who did not commit an offense in the first degree. The consequences of adopting that amendment would have been to allow anyone who aided or abetted a criminal who ran afoul of the criminal prohibitions of H.R. 748 to instead get off scot-free.

In sum, the effect of the amendments offered as described in the committee report would have been to exempt cab drivers, other professional transporters, and certain relatives who are not parents, from the criminal prohibitions of H.R. 748, and that would have prevented the parents from knowing when those perpetrators of statutory rape or incest were secretly taking their children across State lines for an abortion to destroy evidence of their crimes.

Now, to be clear, all of the descriptions of the amendments in the committee report are descriptions of the amendments and not of the intent of anyone offering the amendments. These brief descriptions do not impugn the integrity or motivation of any Member offering the amendment; they simply describe the consequences, regardless of intention, of the amendments. The description of the amendments in the committee report were all phrased in the conditional; that is, they make it clear that the loopholes created by the amendments as written could be used by sexual abusers of vulnerable minors, and could be exploited by certain people if those people sexually abused vulnerable minors.

The text of the privileged resolution before us is patently false. The resolution states that the chairman of the Committee on the Judiciary "Explained that it was his purpose and intention to include derogatory and inaccurate captions in House report 109-51." I have done nothing of the sort, of course, and that statement is entirely false, as I have explained already. The text of the resolution also claims that "the Committee on the Judiciary purposefully and deliberately mischaracterized the votes" at the Committee on the Judiciary markup. That too is false. Indeed, the tallies of the votes cast are accurately set out in simple table form in the committee report for all to see.

Further, the resolution contains no allegation whatsoever that any Rules of the House of Representatives were violated, even in spirit, because such is obviously not the case, even to the authors of the resolution.

Finally, I offered to amend the text of the descriptions of the amendments offered in the sections of the committee report entitled "vote of the committee," provided that those who offered the amendments acknowledged that, due to the way they were drafted, they opened the bill up to the harmful consequences of allowing sexual predators to exploit the loopholes such amendments would create in the bill.

Instead of admitting the obvious, and having the committee report amended to their liking, and moving on, they refused to do that because, for some reason, they felt they could benefit from extending the debate on this issue.

The minority had ample time to include dissenting views in the committee report, and they did so. For example, the minority views state that the Child Interstate Abortion Notification Act is "overtly hostile to families." The minority views in the committee report also describe the legislation as "antiphysician and antifamily." Further, the gentleman from New York (Mr. NADLER), over the years during which this bill has been debated, including this year, has gone so far as to claim that H.R. 748 is akin to the Fugitive Slave Act of 1850, which required the return of slaves to their owners in other States.

As the committee report describes, the gentleman from New York (Mr. NADLER) stated, "It seems to me what this bill is, is really akin to the Fugitive Slave Act of the 1850s where you are enabling one State in the south, which had slavery, to reach over into another State and say, we want our slave back." And that is at page 56 of the committee report. And, at the Committee on the Judiciary markup of H.R. 748 on April 13, 2005, the gentleman from New York (Mr. NADLER) stated, "This bill is the only situation that I can think of since the Fugitive Slave Act of the 1850s where we have a young person carry the law of one State on his back like a cross to another State, to enforce the law of the first State in the second State where it is not the law." That is at page 81.

The statement of the gentleman from New York (Mr. NADLER) directly equates parents with slaveholders. But parental rights, which H.R. 748 protects, are not the rights of the slave owner. They are rights of loving and caring people: parents, who deserve a chance to work with their children through difficult times and express their love to their children in their children's moments of greatest need.

The Fugitive Slave Act was a catalyst for the Civil War, whereas the Child Interstate Abortion Notification Act passed with overwhelming bipartisan support in the 109th Congress by a vote of 270 to 157, including 54 Democrats who voted for the legislation. America's parents should not be considered slave owners and their children slaves. America's parents are caring, loving mothers and fathers who simply want to know when someone else, anyone else is taking their own daughter across State lines for an abortion.

Now, when I hear statements that equate America's parents with slave owners and statements that equate America's children to slaves, I will tell it as it is.

□ 1800

And when an amendment is offered that would allow a sexual predator to exploit a loophole in the bill directly contrary to that bill's purpose, I will also tell it as it is.

Now, with all of these facts, I would suggest we put this issue to rest and be thankful that the House passed, in an overwhelmingly bipartisan fashion, a bill that would protect the fundamental rights of parents and the safety of our minor daughters everywhere.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is amazing to me that the chairman of the committee continues to smear other Members of the House on this floor. The bill says nothing about sexual predators. The words sexual predator or abusers do not appear in the bill, number 1.

Number 2, by the chairman's logic any bill on the floor of the House that gives veterans benefits or gives educational benefits, gives benefits to sexual predators as long as it does not specifically exclude them; and any such bill could be fairly described as a bill to give benefits to sexual predators.

Number 3, I did use that language that the chairman quoted about the Fugitive Slave Act, but I was not comparing parents to slave owners. I was saying that the two bills were similar in that both would use, and that was in the quote, both would use the power of the Federal Government to export the laws of one State into another, and all of these things are opinions. Opinions are fine in the views. They are not fine in the reports of the amendment. That is where the smear is.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), a senior Member in the House.

Mr. OBEY. Mr. Speaker, I very much respect the gentleman from Wisconsin (Mr. SENSENBRENNER); we are friends and have been for 30 years.

I voted for the bill that precipitated this debate. I voted with the gentleman for that bill. But this debate is not about that bill, and it is not about the issue of sexual predators. It is about whether or not we can trust each other to deal with each other with fairness and with accuracy. It is about whether or not the majority will use its power to unilaterally mischaracterize any effort by any Member of the minority.

I served a long time ago, and so did the gentleman from Wisconsin (Mr. SENSENBRENNER), with a fellow by the name of Bill Steiger. He was one of the great Members in the history of this House.

He spent a great deal of time trying to ensure that the CONGRESSIONAL RECORD accurately reflected what each and every Member said and did on this House floor. I think we owe it to his memory and the memory of others who fought the same battle, to remember, as this resolution says, that it is the long and established practice in the House for reports to describe recorded votes with objective, nonargumentative captions.

I agree with this resolution that the committee majority departed from that practice by captioning these five amendments with inflammatory captions. There is enough skill on the part of the majority staff of the Judiciary Committee to describe any amendment offered by any Member in a non-pejorative, non-argumentative way.

It is difficult to avoid the conclusion that the language used was intended to hurt the Member who offered it, not to provide an accurate description; and I do think the committee owes the minority an apology.

Mr. SENSENBRENNER. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 15 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 19 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the resolution. H.R. 748, the Child Interstate Abortion Notification Act, makes it illegal to transport a minor across State lines for the purposes of getting an abortion. Now, transport is not defined in the bill.

When the Judiciary Committee marked up the bill, I offered an amendment which said simply that we should exempt taxicab drivers and others in the business of professional transport from the transportation provisions of the bill, because as written, it would be a Federal crime for a taxicab driver to take a young woman who gets in a cab and says, take me to the abortion clinic so I can get an abortion.

If the taxicab driver complied with that task, he would be committing a Federal crime. Now, even if he were not prosecuted, there is a civil liability provision in the bill which exposes the cab driver and through the principles of agency, the entire cab company, to civil liability by the parents of the young woman who find out how she got to the clinic.

So let me read my amendment: "The prohibitions of this section shall not apply with respect to conduct of taxicab drivers, bus drivers or others in the business of professional transport."

However, the report in the markup filed by the majority described the amendment thusly: "Mr. SCOTT offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers or others in the business of professional transport."

Now, I will let the public decide whether or not that is a distortion. I believe that it is. But I would just say that if a prosecutor has evidence that a person is a sexual predator, the last thing they would do would be to go to this provision of the code, which is a misdemeanor, rather than the various felonies that they could prosecute the person for.

The amendment does not immunize a sexual predator from the crimes of being a sexual predator, just the provisions of this transportation provision which is just a misdemeanor.

Now, Mr. Speaker, let me just say, in any event, whatever you think of the bill, this distortion obviously speaks to character; but in my view, the descriptions in the committee report and the distortion of those amendments, particularly the one I just described, say more about the character of the person responsible for describing the amendment that way and the character of those trying to defend the distortion, than it does about my amendment.

I would therefore, Mr. Speaker, hope that we would pass the resolution so that the House will not be on record as condoning such misrepresentations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman on the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time.

Last Wednesday this House passed H.R. 748, the Child Interstate Abortion Notification Act, CIANA. It was a bipartisan vote. It was 270 to 156; 63 percent of this House voted for this bill. And as was mentioned before, 54 Democrats, almost two-thirds of this House voted for this bill.

Now, enacting CIANA was critical. It is very, very important to better protect young girls from falling prey to abusive boyfriends and older men and ensuring that parents have the opportunity to be involved in their daughters' medical decisions.

CIANA accomplished this, both these purposes, first by making it a criminal offense to transport a minor across State lines in order to obtain an abortion in another State and avoiding a parental notification law in that State.

The second purpose is accomplished by requiring that a parent or legal guardian is notified that an abortion is going to be performed on their daughter. The bill was carefully crafted to prevent those who do not have the minor's best interests, and more than likely they have already committed statutory rape or incest, from being able to destroy critical evidence through an abortion.

Statistics demonstrate that the incident of statutory rape is occurring with increasing frequency. Moreover, the number of incest cases is becoming all too prevalent. The amendments that are at issue here that were offered during the full Judiciary Committee markup would have broadened the categories of individuals who could be exempted from the bill's reach, thus increasing the likelihood that these provisions could be exploited.

For example, the amendments offered to exempt taxicab drivers, as has been mentioned, bus drivers, and others in the business of public transport, clergy, godparents, aunts, uncles, first cousins of the minor, grandparents or adult siblings, it would have given any of those individuals who may be sexually abusing a young girl, in essence, a safe harbor, thus defeating the primary purpose of CIANA.

The characterizations of the amendments, as reflected in the committee report, accurately describe the safe harbor that would be afforded to abusive men through the amendments offered.

Now, was that the intention of the proponents of the amendments? Certainly not. But could it be the result, if the amendments had passed? Yes, it could. The American people overwhelmingly support laws that require parents to be notified before a minor has an abortion.

In March 2005, 75 percent of 1,500 registered voters indicated their support for parental notification laws. The fundamental rights of parents in parental notification laws are supported by Supreme Court precedent. Amendments that alter and allow these laws to be exploited should have been defeated, and they were.

I urge my colleagues to defeat this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I particularly want to thank the distinguished gentleman from Michigan (Mr. CONYERS) for allowing us to debate today, really, the integrity of the House.

This debate is not about the underlying bill, H.R. 748. That is not what it is about. It simply is about those in power abusing power, taking advantage of the minority, and not telling the truth.

Frankly, the amendments that were offered, there is no language whatsoever that would equate to the description that was in the final report or the report of the particular committee.

In fact, as the resolution reads, although it is the long and established practice on House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from the practice in House Report 109–51 by captioning those five amendments with inflammatory, inaccurate captions, implying that these three Members of Congress were engaging in criminal behavior.

Let me tell you that my constituents said to me, we are glad that you are concerned about grandparents and clergy. That is what the amendment was about. And the inaccuracy subjected the Members, the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER), and myself, to ridicule, and, of course, disparaging remarks in newspaper articles around the Nation.

Now, in the course of debate, we welcome the ability to debate passionately about these issues. We welcome the media's criticism about the accuracy of the work that we do in this body. But what we do not welcome is a direct mischaracterization of these actual words that were being written and put forward in the debate in the Judiciary Committee.

And so I would ask my colleagues to support this resolution, because, again, as you get up time after time to debate the underlying bill, Mr. Speaker, this is not the issue. The issue is, in the report, you mischaracterized three Members of Congress whose language did not say anything about what you represented it to be: Nothing about criminal behavior, simply to protect the rights of grandparents and clergy, simply to protect the rights of those who innocently might be carrying individuals across State lines.

I cannot imagine, in the history of this Congress, why an amendment offered by JACKSON-LEE that had to do with a GAO study turned out to be criminal behavior, or an amendment that had to do with clergy and grandparents turned out to be criminal behavior.

Mr. SENSENBRENNER, I would simply ask, in the sense of comity, collegiality, respect, that this be clarified and you ask your colleagues to support this privileged resolution, because the members of the Judiciary Committee must go back to Room 2141 in Rayburn and sit down and address the laws of this land and the Constitution of the United States of America.

We should not be divided on upholding the laws of this land because of the lack of judiciousness of the writing of a report that could be solved today.

Mr. Speaker, I ask my colleagues to support the privileged resolution to clarify the record and to make this right by the American people and the Members of the House.

Mr. Speaker, I rise in strong support of the resolution introduced by the Gentleman from Michigan, the distinguished Ranking Member of the Committee on the Judiciary, from where the underlying legislation was initially reported. In introducing this resolution, he has attempted to "set the record straight" with respect to House Report 109–51 and the way that it has been patently malreported and maligned the authors of amendments to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

Rule IX, paragraph (1) of the House Rules states that:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.

This resolution was properly and justifiably introduced because, in this case, the privileges of "dignity" and "the integrity of [the House's] proceedings" have been patently violated. To purposefully misreport the good-faith amendments that have been offered by Members of this venerable House debases the nature and trustworthiness of the House Report. After this debacle, Members will have to scan committee reports with a fine-toothed comb—not for substantive value, but for accuracy and veracity of their reporting value. This is the diminution of the dignity of the process. This is the diminution of the integrity of the House.

My distinguished colleagues have joined to introduce this resolution in order to make it clear to the American people that we do not associate ourselves with the misreported portions of House Report 109–51. I plan to offer a similar resolution that speaks specifically to the nature of the misreporting of amendments that I offered during the Committee markup of H.R. 748.

One point that my resolution will make is that House Report 109–51 not only improperly made negative inferences as to the import and intent of my amendments, but it combined two distinct and separately-offered amendments into one.

In terms of the personal privileges violated by the report, the misreporting—and the malreporting of the amendments offered by my colleagues Mr. SCOTT, Mr. NADLER, and me affected our rights, reputation, and conduct. As founder and Chair of the Congressional Children's Caucus, a report that cites an amendment offered by me that would exempt sexual predators from liability is at the very least offensive.

My constituents and the constituents of my colleagues do read House Reports, and the nefarious language that the Chairman avers as representative of his true intentions should be highlighted as contrary to the ideals on which this House, this government, and this nation were established.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to please address their comments to the Chair and not to individual Members.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY.)

□ 1815

Mr. FEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am really disappointed that we have descended to this level because I have some great friends that I admire on the other side. The ranking member from Michigan is somebody who has had a distinguished career and I appreciate him. I appreciate the other Members who have spoken tonight and I respect them. I have enormous respect for the gentleman from Wisconsin (Mr. SENSENBRENNER).

We serve on a committee which is not a fluff committee. It often has, as the gentleman from Michigan (Mr. CONYERS) knows, some very controversial issues. And we typically deal with these issues as ladies and gentlemen with the highest respect for one another, even though we often vehemently disagree.

One thing we know is that last week, the United States House of Representatives overwhelmingly, on a bipartisan basis, passed House Resolution 748, the Child Interstate Abortion Notification Act.

One thing we know is that the purpose of this bill was to prevent sexual abusers from taking vulnerable young girls across State lines for the purpose of abortion without telling that young lady's, young woman's mom or dad.

Support for parental notification as we know is widely supported amongst the American public. As a matter of fact, in the State of Florida, which I respect, the people of Florida, amended our Constitution in 2004 and overwhelmingly passed an amendment to our Constitution that provides as follows, "The legislature is authorized to require by general law for notification to a parent or guardian of a minor before termination of the minor's pregnancy."

Now, Mr. Speaker, the Judiciary, during its mark-up which I participated in considered several amendments. I have to say that the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. NADLER) who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE) are people that I respect enormously for their passion for their beliefs. They offered amendments. There is nothing in the committee report that disparages any of the intentions of these Members. The committee report does describe the effect of some of the amendments that are offered.

There is a huge difference between accurately describing the effect of an amendment and ascribing ill motives to the people who offered the amendments. These are people of great will, of great determination, of great passion, of great belief but we disagree. And as the chairman said, there is no exception provided for grandparents who happen to molest a child, for taxicab drivers, for uncles, for nieces in any of the amendments that were offered.

And I did not speak on the amendments. As the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member said, there was not a whole lot of discussion about some of these amendments and that is try. Not because we did not understand the ramifications. We understood the effect. I did not speak at all because if every one of the members of the Committee on the Judiciary spoke for 5 minutes on each amendment as we are entitled, we would never get through our business protecting children who are impregnated by people that molest them.

And so we knew what we were voting on and the job of the committee staff is to describe the effect of the amendment, not the debate. That is what the CONGRESSIONAL RECORD does. That is what our ability when we insert language into the RECORD does. It is not the job of the committee staff.

As the chairman said, my friend from New York (Mr. NADLER) has frequently compared this bill to the Slave Holders Protection Bill in the 1850s. It is a very different story to protect parents and minor children that have been abused, sexually and molested and impregnated than comparing that to the rights of slave holders.

Comparing the rights of parents is something that Americans are for. Protecting the rights of slave holders is something Americans are against. And to compare that I think is very unfair.

I will say that the gentleman from New York (Mr. NADLER) is somebody I respect a great deal, but the effect of his amendment did not shield anybody that might have been an abuser or a molester of these children.

With that, I ask respectfully that the gentleman withdraw this motion. We can get back together and agree when we can. But, by golly, we would ask the gentleman from Michigan (Mr. CONYERS) to withdraw this privileged motion.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds. I want my friend, a member of the Committee on the Judiciary, the gentleman from Florida (Mr. FEENEY) to understand it is not about anything in the debate that took place to which we were objecting. It is about the entitlement of the amendments which were totally misconstrued.

Mr. Speaker, I yield 3 minutes the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to defend the integrity of the House this evening. The established practice of the House regarding committee reports is to accurately and objectively describe the proceedings when a bill is considered in committee. These reports are historical products that are used to understand and determine the intent of a bill, opposition to a bill, and to provide any additional information to understand the context of a bill reported by committees of the House.

In committee we argue and we disagree and we offer amendments and we vote. We may vote and disagree in committee, but when the report is issued it is supposed to be objective. This institution must uphold this established practice of describing a committee mark-up in an accurate and objective manner so that history is accurately documented and reported for generations to come. Unfortunately, that is not what happened last week when the Committee on the Judiciary reported H.R. 748 to the House floor with the committee report, House Report 109–51.

Republicans that ruled the Committee on the Judiciary mischaracterized five Democratic amendments in an extremely disparaging and distorting manner. When alerted to the misleading and inaccurate description of the amendment in the committee report, they refused to correct the mischaracterization.

Here is something I can say that would be true about H.R. 748. The bill could permit a father who raped his daughter to profit in a lawsuit against his minister. That is a true thing about that bill. It is an argument against the bill. But no one expects that argument against the bill to substitute for the name of the bill in the committee report.

In prior Congresses, Democratic amendments like these were described in neutral terms. The vote last week was about H.R. 748. The vote this week is about arrogance and abuse of power and ignoring the rules.

The Republicans changed the ethics rules when they were afraid they might not work for them at the beginning of this Congress, and we are all watching the other body looking about changing the rules relative to filibuster because it suits their purpose and now this.

We, including the chairman of the committee, each have a duty to uphold the integrity of this institution. We must not play politics with the records of history. The majority should live by the rules and precedents of the House. The House cannot function if the majority uses its raw power to corrupt the record of the proceedings.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN), a member of the House Committee on the Judiciary.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me time.

I see the logic of the majority. If they were commenting on the Bill of Rights, the fourth amendment is an amendment designed to quash evidence coming from an unlawful search and seizure that could allow the conviction of sexual predators. The fifth amendment gives sexual predators the right to protect themselves from self-incrimination. The sixth amendment allows wily and cunning lawyers to use cross examination and technical rules to keep sexual predators from getting convicted.

This is how the majority chooses to interpret, in this particular case, the substance and the intent of a series of amendments made to the bill we voted on last week.

I have great respect for the chairman of the committee. He is a fair and honest man, and he has worked hard to defend the jurisdiction of the committee. And what has been done here with this majority report in that context is a tremendous disappointment to me. It essentially left us with no recourse but to bring a motion like this to the floor of the House.

To create the absurd situation and then characterize the result of a particular amendment by that absurd situation does not do any justice or any service to this process, to this institution, or to our committee.

We depend, we in the minority depend on a process that relies on honesty and good faith and the duties and those duties, I truly believe, were breached in the case of this report.

The minority has regarded to file its dissenting views without the benefit of having to have seen the report which they are dissenting. That is inherently an illogical system, but we have gone along with it, but when something like this happens, it raises serious questions about the legitimacy of that particular process.

I think a great wrong has been done to several Members of this body by virtue of the way the majority has characterized this amendment. I think those characterizations should be withdrawn. I think an apology should be made to them, and I urge the passage of this motion.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

The stated purpose of the Child Interstate Abortion Notification Act is to protect the health and safety of young girls by allowing parental involvement when their home States have thought it appropriate to require such involvement.

As a general rule, no one has a young girl's best interest at heart more than her parents. Where this rule is not the case, the law allows for judicial bypass of the parental involvement requirements. Therefore, the amendments introduced by the Democrats in the Committee on the Judiciary are unnecessary. Moreover, these amendments are dangerous.

As my distinguished Committee on the Judiciary colleagues have explained, the health and safety of these young girls is not protected by providing a blank exemption for those who may have sexually abused them. That is precisely what these amendments did. They provided blanket exclusions with open doors for sexual predators to exploit to cover up their crimes.

Far too often, the adults transporting these minors across State lines to circumvent their home State's parental involvement laws are grown men who have sexually preyed upon the girls. We have heard those statistics delivered by the chairman.

To exempt certain classes which characteristics show are highly likely to be sexual predators would gut the intent of this bill, to protect the health and safety of young girls. The descriptions of the amendments in the committee report only describe the potential effects of the amendments if they had been adopted. They do not describe the motives of those offering the amendments as has been stated.

The minority had the opportunity to include dissenting views in the committee report and they did. And those dissenting views do characterize the motives of those who supported this legislation.

It has already been spoken to as the remarks by the gentleman from New York (Mr. NADLER) with regard to the Fugitive Slave Act, and so I would just say this, that I am amazed that this subject was brought up. I am amazed that the minority wants to have a national debate over this subject matter. When I look at these exemptions and exclusions, this open door, cabdrivers, bus drivers, professional transport people, clergy, godparents, grandparents, adult siblings, aunts, uncles, brothers, sisters, not the family cat, not the family dog, but everything else you can imagine including the pizza delivery boy are exemptions from this bill.

If those amendments had all gone on the bill, it would have been gutted in the bill and it would have gone down because I would have voted against it and so would the rest of us in the majority.

I think it is clear the result of the position that is taken here. What is not clear is the motive as to why we would want to have a national debate to talk this over again when we clearly understand that we are trying to protect the rights of parents, not the rights of grandparents, aunts, uncles, brothers, sisters and siblings.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I tell my dear friend who just left the well, we are not here to debate the bill. We debated the bill in committee. We debated it on the floor. We are talking about the titles in the section that were mislabeled.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, let me begin by quoting from Section 1001, Title 18 of the United States Code that also applies to the legislative branch.

"Anyone knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact; 2, makes any materially false, fictitious or fraudulent statement or representation; or, 3, makes or uses any false writing or document, knowing the same to contain any materially false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years or both."

□ 1830

The Committee on Rules discovered last week that the Committee on the Judiciary report on the Child Interstate Abortion Notification Act, authored by the majority staff, in conflict obviously to the United States Code, contained amendment summaries that had been rewritten by the staff for the sole purpose of distorting the original intent of the authors. I have to admit I was livid.

I was certain it must have been an oversight because I could not imagine that the Committee on the Judiciary, of all things, or the Committee on the Judiciary chairman, whom I have known for 18 years, would stand by a committee report that would so deeply mischaracterize and falsify the intent of several amendments offered by Democrat members of the committee.

At least five amendments to the bill, designed to protect the rights of family members and innocent bystanders from prosecution, were completely rewritten to make as though it was the original intent of the authors. This is a shocking abuse of power, and it must not stand.

The fact is that the Republican majority must do the right thing here today. They must give us a new committee report containing the proper captions so that it accurately reflects the intentions of the authors. Furthermore, I think the chairman of the committee owes those Members an apology for soiling their reputation in the names of partisan politics.

To falsely rewrite the intent of amendments submitted by another Member, to intentionally distort its description is unacceptable. No Member should go through what our colleagues have had to go through. None of us should have our reputations dragged through the mud.

It is absolutely arrogant of this majority to believe that they can tamper with official congressional documents for political purposes. It is absolutely arrogant, and the American people will not be pleased with it. It is an affront not only to those of us in the House but to the American people and to history, Mr. Speaker; and unless it is amended, I am sure that we will see these again in the form of campaign attack mail pieces, and honorable, hardworking Members of this Congress will be forever branded. No wonder we have a lack of civility in this House.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Michigan (Mr. CONYERS) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT. Mr. Speaker, I am really saddened today, and I am not sure whether I am more disappointed because of the mischaracterization of the amendments in the committee report or whether I am more saddened by the fact that the members of a committee on which I have served now for 13 years would be here on the floor defending the characterization that was put in the committee's report.

I would just hope that we can get the committee to file an amended report that clears this up and we can put this behind us and go on. This is saddening, and if we cannot get that, I think it would be a really, really sad commentary on this institution and what our committee has sunk to in this Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, while I am not an attorney, it is my understanding that the perfect defense for a charge of libel is the truth.

We have heard no discussions today about the substance of the descriptions in the committee report, and that is because the descriptions of the effects of the amendments in the committee report were accurate.

Contrast that with the dissenting views the minority attached to the committee report. For example, the minority views state that the Child Interstate Abortion Notification Act is "overtly hostile to families." The minority dissenting views in the committee report also describe the legislation as "anti-physician and anti-family."

Now, 270 Members of the House voted for legislation that the minority views stated was "overtly hostile to families." Fifty-four Members of the other side of the aisle, the Democrat Party, voted for that bill. Surely there is no comparison between stating that broadly supported legislation, designed to protect parental rights and the health and safety of young women, is "overtly hostile to families" and accurately describing the consequences of poorly drafted amendments to the legislation.

Further, the gentlewoman from New York (Ms. SLAUGHTER) who we heard from earlier in her press release last week referred to a conspiracy to "falsely rewrite the intent of an amendment."

First, there was no rewriting. The majority of the committee, in describing offered amendments, do not cut and paste any description of an amendment into a committee report. The majority describes the amendment offered as it understands it.

Second, the purpose of describing an amendment is not to describe its intent. Its purpose is to describe its meaning and effect. What matters is not what is in the mind of a Member offering an amendment. It is what the text of the amendment offered would mean if it were made a part of the bill. Describing the effects of an amendment as it where is not the same as describing the subjective intent of the person offering the amendment.

A committee report should do the former, not the latter, because what matters at the end of the day are the actual words on the page of a bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, in my 16 years in office, I have seldom seen such a blatant disregard for the truth. What occurred in this body last week during the consideration of the bill should be an embarrassment to every Member of this Congress. To purposely mischaracterize amendments offered during committee consideration of a bill is simply outrageous, and quite frankly, it sets a dangerous precedent.

Many of us have different views and even deep disagreements about the important issues we consider in this institution, but we should be using the power of debate to resolve those differences. Instead, the majority is using parliamentary gimmicks and deliberate mischaracterizations to misrepresent the intentions of other Members of this body.

The official record exists to record the views and actions of the participants of the debate, not to editorialize and inflame the debate. To go so far as to change the descriptions of amendments, to use an official document to mislead the American people about alternatives suggested by the minority is a gross abuse of power by the majority, and it is just not honest. If we allowed this or similar action by either party to go unchecked, if we let this happen now, it will almost certainly happen again.

The Congress can do better. The American people certainly deserve better, and I urge my colleagues on both sides of the aisle to support this important resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for the time.

Mr. Speaker, my comments prepared for now had essentially to do with the point that has been made already here many times. Carving out exceptions to the criminal prohibitions of H.R. 748 for adult siblings, for cousins and uncles would not protect young girls who are made victims of incest by those very adult siblings, cousins or uncles; and it would be a terrible idea to add that to a bill whose primary purpose is to protect the rights of parents and their children.

But I had a chance just to kind of step back here for a moment, Mr. Speaker, and ask myself why the intensity of this debate. I would have to step back and say that respectfully I would submit that maybe it is about the foundational issue here of abortion because if we were not talking about the surgery of abortion, there would be no debate here. No one would say it is not all right to take a young girl across the State line for an appendectomy. That would be an outrageous discussion.

It really is about this whole notion of abortion, and I do not understand the intensity completely, but I believe it has something to do with the conscience in all of us collectively that we are beginning to realize that somehow, as Americans, we are bigger than abortion on demand; that 40 million dead children is enough; and that somehow we need to start asking the real question. The real questions is, does abortion take the life of a child? If it does not, it is a nonissue. If it does, then we are in the midst of the greatest human holocaust in the history of humanity.

I think somehow we collectively in our hearts understand that, and therefore, it creates all this acrimony on the finer points; but the real abuse of power is that this body has the power to protect these little babies, and instead, we are debating the finer points in a committee report, and I am ashamed of that.

I pray that somehow we can get to the point where we can come together and not have to look back. The Fugitive Slave Act was a perfect example. We looked back and said how did we let that happen. That was an acrimonious debate, too. There was a little thing called the Civil War over it.

We do not need to proceed down that line. Somehow may compassion and the simple truth prevail here.

Mr. CONYERS. Mr. Speaker, may I ask the chairman of the committee how many speakers he has remaining.

Mr. SENSENBRENNER. If the gentleman will yield, just me to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member, the lead Democrat on the Committee on the Judiciary, for yielding me time, and for his great leadership to protect and defend the Constitution of the United States, the oath of office that we all take.

I, too, want to express my respect for the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the committee. I know that all the members of the Committee on the Judiciary have a difficult task. I commend all of the members of the Committee on the Judiciary for the very important responsibility that they have in protecting the civil liberties of our country. There are so many complicated issues where there are differences of opinion but, hopefully, respect for that diversity of opinion, which is intrinsic to our democracy.

Mr. Speaker, I am very sad that it is necessary to come to the floor to speak on a resolution offered by the gentleman from Michigan (Mr. CONYERS), again the distinguished ranking member on the Committee on the Judiciary.

I think it is important to note why we are here. I understand why our Republican colleagues want to talk about the bill and not talk about this privileged resolution, because this resolution strikes right directly to the heart of our democracy and our right of freedom of speech on this floor and how our words are interpreted.

Questions of privilege, according to the House rules and manual, Mr. Speaker, as I am sure the Speaker well knows, questions of privilege shall be those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. It is that last point, the integrity of our proceedings, which is what is under assault by the Republicans in this action that they took last week. Truth and trust, they are the fundamentals of our work. We must speak truth so that we will be trusted.

I view what the Committee on the Judiciary leadership did on this bill as just another extension of the abuse of power of the Republican majority in the Congress of the United States, both in the House and in the Senate.

In both bodies, and let us just speak to our own, there is an attempt to limit the opportunity for Members to speak on the floor, to have substitutes, alternative amendments, that can come to the floor; and on the occasions when they do allow an amendment, they decide to misrepresent the amendment. Just when we think we have seen it all on the part of curbing debate in this House, the Republicans not only curb the debate; they decide what it is that we said and what it is that we wrote in our amendments that we were putting forth.

The disgusting misrepresentations that were advanced by the Republicans demand an apology by the chairman of the committee and a pledge by the Republican leadership in this House that this will never happen again; that this will never happen again.

☐ 1845

We must be mindful of a standard we must uphold, not only for ourselves, but for the American people, to conduct ourselves at all times in a manner which shall reflect credibly on the House of Representatives. In doing so, the House must maintain the integrity of all of its proceedings, as the rules of the House dictate in the House Rules and Manual.

What happened last week to the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from Texas (Ms. JACKSON-LEE) was an outrage. An official report that the majority of the Committee on the Judiciary prepared to the legislation at hand deliberately and purposely mischaracterized their amendments in a manner that was insulting and derogatory.

Again, no wonder the Republicans do not want to talk about what is on the floor right now, which is a privileged resolution addressing the gross abuse of power of the Republicans. We had tried to say at meetings, and the gentleman from Michigan (Mr. CONYERS) tried to get an agreement with the majority that they would change the record and apologize; to admit that there was something wrong with what happened last week, and that would have made a difference in bringing this resolution to the floor. But, no, there was no admission that there was anything wrong with misrepresenting, not telling the truth about what was contained in those amendments.

Administrative functions, such as reporting of amendments and descriptions of these amendments, relate to the integrity, again, of the proceedings of the House and must be fairly described. If there is a controversy, then you go to the maker of the amendment and say, what is it, how would you characterize your amendment, you who are the maker of the amendment? But no, we had placed our trust that the majority would fairly describe something as administrative as an amendment offered by a Member.

In short, this should not even be an issue we need to be reviewing and scrutinizing. If this were to pass without discussion, think of the precedent that it would create; that the majority, on a regular and repeated basis, could use their power and abuse their power to write any characterization of any amendment that anyone made. Its simply wrong.

The behavior exhibited by the Republican majority with the Committee on the Judiciary report flies in the face of the comity and civility and honesty that we should all strive for. It is a further reflection, again, of the abuse of power we have seen here. It is an embarrassment to the House.

I was deeply disappointed to learn that the chairman of the Committee on the Judiciary has refused to apologize on his own accord. Our rules, Mr. Speaker, are our best defense. They are what make the debate and the democracy work. As I said, Mr. Speaker, you even see in this close on this important debate that there is an interest in stopping the conversation. I hope that the Speaker and the Republican leadership will reflect on their obligations to the House, and indeed, to all the Members of both parties, and that they will ask the chairman of the Committee on the Judiciary to apologize for the affront to this House and the blatant abuse of position as the chairman of the Committee on the Judiciary.

This is, in my view, an aberration for the gentleman from Wisconsin (Mr. SENSENBRENNER). As I said, many of us, while we may disagree on issues, have held him in great esteem and respect. He is an articulate spokesperson for his point of view. But his point of view is not necessarily the point of view of everyone in this body, and his point of view should not be the description of the amendments that Members in the minority are presenting to the Congress. The leadership has a responsibility to ensure that this will not happen again.

I want to commend all the Members of the Committee on the Judiciary once again, Republicans and Democrats alike. I think you have a very challenging task. I want to particularly commend the gentleman from Michigan (Mr. CONYERS), and the people who were offended by this, though all of us were, but particularly in terms of the retelling of their amendments, the gentleman from New York (Mr. NADLER), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, I will conclude by thanking the gentleman from Michigan (Mr. CONYERS) for his courage, because it takes a degree of courage to bring a privileged resolution to this floor when you know there will be a continuation of a misrepresentation of what happened last week. We are doing this not because of this bill, we are doing this because it is our responsibility to have an honest reflection of the proceedings of the House. I urge our colleagues to support the resolution of the gentleman from Michigan (Mr. CONYERS).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, contrary to what the distinguished minority leader said, I offered to file a supplemental committee report. However, in order to do so, I asked that the authors of the amendment admit that the amendment did not specifically exclude the sexual predators from the exemptions they proposed. That offer was refused by the minority side of the aisle.

The committee report does accurately state that sexual predators are not carved out of the exemptions that were proposed. It is not a misrepresentation. It accurately shows that the authors of the amendment did not draft those amendments as narrowly as they should have. And when we vote on legislation, we vote on what is on the plain text of the piece of paper, not on what the author of an amendment intended to do.

I do not like to see this resolution come before us, but what I will say is that we were accurate, and if you do not want this to happen again, draft your amendments properly.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have been called here today to raise a question of the privileges of the House. A very serious matter. A prerogative rarely used by the Members of the House of Representatives. But we have to deal with the mischaracterizations of the titles of the amendments, which is what this debate is about.

It is incredible to me that the case of the other side is so weak that all they can do is continue to talk about the bill itself. We are not here to debate H.R. 748, we are here to talk about the power and the abuses of the majority party that sets the agenda, that writes the reports, and that entitles the amendments submitted to the members of the Committee on the Judiciary. The amendment titles of three members were twisted and distorted and their meaning was rendered so that the entitlement of the amendment was not, indeed, accurate. I believe the majority has failed the Congress but, more importantly, the American people.

Now, what we are doing here right now is hoping to raise this question of the privileges of the House regarding the blatant abuse of power; Republicans' mischaracterizing the description of numerous Democratic amendments, when some of the amendments had been considered in previous Congresses. These are the same amendments that were properly entitled in other Congresses.

So it is with great reluctance that I come before you to ask that we make sure this never happens again; that this deliberate mischaracterization of amendments be stopped here and now; that it does not happen and that the chairman of the Committee on the Judiciary issue a supplemental report and apologize to the House of Representatives. Support the resolution.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay the resolution on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling H. Res. 253 will be followed by a 15-minute vote on suspending the rules and adopting H. Res. 228.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 151]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Biggert
Brown (OH)
Clay
Culberson
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Hoyer
Johnson (CT)
Larson (CT)
Otter
Shays
Simpson
Walsh
Weldon (FL)

□ 1919

Ms. WOOLSEY and Messrs. RUPPERSBERGER, SERRANO, SMITH of Washington and BUTTERFIELD changed their vote from "yea" to "nay."

Mr. WELLER changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file the conference report to accompany the bill, H.R. 1268.

The SPEAKER pro tempore (Mr. KLINE). Is there objection to the request of the gentleman from California?

There was no objection.

OBSERVING 30TH ANNIVERSARY OF FALL OF THE REPUBLIC OF VIETNAM TO THE COMMUNIST FORCES OF NORTH VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 228, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. FORTENBERRY) that the House suspend the rules and agree to the resolution, H. Res. 228, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 152]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson

Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Brown (OH)
Clay
Culberson
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Hoyer
Larson (CT)
Murtha
Otter
Simpson
Sullivan
Walsh
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1937

So (two thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution honoring the contributions of Vietnamese Americans to American society over the past three decades.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 3, 2005 to vote on rollcall vote Nos. 151 and 152 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 151 on the motion to table H. Res. 253, the Conyers Resolution Raising a Question of the Privileges of the House; "yea" on rollcall vote No. 152 on H. Res. 228—Observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER pro tempore. The gentleman may give notice.

Mr. NADLER. Mr. Speaker, I give notice of this resolution and that it will be brought up as soon as the rules permit.

The SPEAKER pro tempore. The gentleman must read the form of the resolution and then ask for unanimous consent.

Mr. NADLER. Mr. Speaker, by the form, does the Speaker mean the text?

The SPEAKER pro tempore. The gentleman may ask unanimous consent to dispense with the reading.

Mr. NADLER. Mr. Speaker, I do not ask that unanimous consent.

Will the Clerk read the resolution?

The SPEAKER pro tempore. The gentleman must read the resolution.

Mr. NADLER. "Whereas the Committee on the Judiciary conducted a markup of the bill H.R. 748, the "Child Interstate Abortion Notification Act," on Wednesday, April 13, 2005, and ordered the bill reported on that same day;

Whereas the Committee on the Judiciary subsequently reported H.R. 748 to the House on Thursday, April 21, 2005, with an accompanying report designated House Report 109–51;

Whereas, during the markup of H.R. 748, Representatives NADLER, SCOTT, and JACKSON-LEE offered in good faith a total of five amendments to the bill, all of which failed on party-line votes;

Whereas, because Representatives NADLER, SCOTT, and JACKSON-LEE called for recorded votes on their amendments, under section 3(b) of Rule XIII, the votes were published in House Report 109–51;

Whereas, although it is the long and established practice in House reports to describe recorded votes with objective, nonargumentative captions, the Committee on the Judiciary majority departed from this practice in House Report 109–51 by captioning these five amendments with inflammatory, inaccurate captions;

Whereas, when Representative SENSENBRENNER, the Chairman of the Committee on the Judiciary, was asked about this language and given the opportunity to correct it, both in the Committee Rules and on the House floor, he instead explained that it was his purpose and intention to include these derogatory and inaccurate captions in House Report 109–51;

Whereas, committee reports are official congressional documents to which American citizens will refer when seeking to interpret the bills they accompany;

Whereas, although the committee markup and reporting process gives Members ample opportunity to debate, characterize, and criticize each other's views, committees have a ministerial, institutional responsibility to accurately report the proceedings of committee activities;

Whereas, under the procedures of the Committee on the Judiciary, the minority must submit its dissenting views to the majority without having the opportunity to review the report;

Whereas, the majority has the opportunity to review the minority's dissent before filing its report;

Whereas, earlier versions of H.R. 748 were reported by the Committee on the Judiciary on three separate occasions and in each case, these amendments, or similar amendments, were described in these earlier committee reports with objective, nonargumentative captions;

Whereas, this unprecedented manipulation of a traditionally nonpartisan portion of a committee report constitutes an abuse of power by the majority of the Committee on the Judiciary;

Whereas, a report of a committee offers the majority and minority the opportunity to provide their views and interpretations of the legislation, amendments, and issues;

Whereas, the section of a committee report required by clause 3(b) of Rule XIII was purposely misused as an opportunity to comment on, or characterize, the amendments; and

Whereas the vote captions published in House Report 109-51 appear to be purposefully inaccurate and misleading, and reflect negatively on the integrity of the Members offering the amendments, and therefore belittle the dignity of the House and undermine the integrity of the proceedings of the House:

Now, therefore, be it:

Resolved, That the House of Representatives

(1) finds that the Committee on the Judiciary purposefully and deliberately mischaracterized the above-mentioned votes in House Report 109-51; and

(2) directs the chairman of such committee to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions."

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York (Mr. NADLER) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 366, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-69) on the resolution (H. Res. 254) providing for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-70) on the resolution (H. Res. 255) providing for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER OF ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 United States Code 2702, and the order of the House of January 4, 2005, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnetonka, Minnesota.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby appoint Dr. Joseph Cooper of Maryland, to the Advisory Committee on Records of Congress.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, May 3, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, IL.

With best wishes, Sincerely,

JEFF TRANDAHL,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings on the three remaining motions to suspend the rules will resume tomorrow.

TRIBUTE TO KATHRYN LEHMAN

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I rise to honor my departing chief of staff, Kathryn Lehman. Kathryn has faithfully served at the House Republican Conference for the last 2 years. She came well-equipped, having worked for the gentleman from Illinois (Speaker HASTERT) and Speaker Gingrich, the gentleman from Texas (Mr. DELAY), and the gentleman from Wisconsin (Chairman SENSENBRENNER).

Kathryn is truly an American success story. Born and raised in Pittsburgh, she attended Oral Roberts University and then put herself through law school. Kathryn came to the House Committee on the Judiciary and quickly found a home crafting some of the best legislation of the first 100 days of this majority in 1994.

While a rock-solid Republican, Kathryn has enjoyed the friendship and respect of many people across the political spectrum. She has helped bridge the gap between ideological differences for the good of the conference and, therefore, for the good of our country.

She has helped us deal with some of the most challenging issues facing America in the last 15 years: the Republican takeover of the House, the impeachment of a President, the passage of the largest tax cut in history, and the Medicare prescription drug bill.

As Kathryn turns the page and starts the next chapter of her life, I wish her well. I am grateful for the time she has given us, and I look forward to enjoying her friendship for many years to come. With her departure, the House loses one of its most dedicated and finest public servants.

Fare thee well to Kathryn.

NATIONAL TEACHER DAY

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, today on National Teacher Day, I want to encourage all my constituents and my colleagues to take just a minute to thank those teachers who helped us get where we are today, sometimes despite ourselves.

For me those teachers included Ms. Moseley, Ms. Goodwyn, Ms. Rapley, Ms. Hughes, and a host of others. But the teacher I want to single out is Ms. Bertha Musick. She just celebrated her 96th birthday, and she is still going strong.

She was my 11th grade English teacher, and she was tough as nails. Every day it was her job to hammer an understanding and an appreciation of good English into the heads of an 11th grade class full of thick-skulled teenagers.

Ms. Musick meant business. And while she had a reputation for being tough, every one of her students came to realize that her toughness was driven by her devotion. Many of us understood that at the time. All of us came to understand it over time.

☐ 1945

I cannot tell my colleagues how many times I have heard her describe how former students, who used to think of her as the enemy, came back to her, sometimes many years later, to thank her for being caring enough to be tough. Not just caring enough about her work, but caring enough about her students; and they were right.

Someone once defined an education as what you remember after you forget 99 percent of what you learned in school. What Ms. Musick taught me, and hundreds of other impressionable youngsters, is the value of not giving in and not giving up.

That is what defined a good teacher in Ms. Musick's day, and that is what defines good teachers today, who are overworked, underpaid, and underappreciated.

So to Ms. Musick, at 99 years strong, I just want to say "thank you very much."

THE HOUSE WILL MISS KATHRYN LEHMAN

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I want to join my colleague and good friend, our conference chairman, the gentlewoman from Ohio (Ms. PRYCE), in recognizing Kathryn Lehman as she leaves her work here after 15 years.

We are dramatically benefited by the people who help us do these jobs, and no one has been more involved in more places over those 15 years than Kathryn has, working, as has already been said, in the Speaker's office, in the Conference office, in the whip's office. During the 4 years that I was the chief deputy whip, it was never quite clear to me whether Kathryn was working for me or I was working for her, but I always knew that we were all working to get our job done.

She is leaving now to go to Holland. We recently lost a great former Member of the Congress, our good friend Tiller Fowler, and Tillie would be pleased, I think, that Kathryn is filling some of the gap that is left there by Tillie's passing.

I am sure that our conference chairman will miss Kathryn. I know that our conference will miss Kathryn on a daily basis. I really do deeply and truly know that we will miss Kathryn's wise counsel, her good judgment and, maybe most of all, her reliable sense of humor. When things are the toughest and the challenges are the greatest, Kathryn always had an understanding of how fortunate we all really were to be involved in that challenging moment, to be making those decisions on the House Floor, to be part of this great process in the greatest country in the world.

Kathryn, we will miss you.

IRAQ IS ANOTHER VIETNAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we acknowledge the 30th anniversary of the conflict in Vietnam, it is important to be reminded of the crisis in Iraq: 12,000 wounded soldiers, 1,500 dead, 143 Iraqis and others killed over this past weekend; no stated policy from this administration, and the continuous flow of injured and fallen soldiers coming home to loved ones.

Iraq is another Vietnam. Iraq deserves the attention of this Congress and of this administration. It is time now to address the fact that there were no weapons of mass destruction. Whether or not we are liberators, no one seems to care. This government is in conflict. The Shiite government is refusing to seek Sunnis. The insurgents will continue, the bloodshed will continue, the hostages will continue.

We must, we must have a solution to this terrible tragedy in Iraq. We are not creating freedom; we are creating terrorists.

REAL ECONOMIC GROWTH FOR AMERICA

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, America is on a really great economic track right now. Since 2000, Congress and this great Nation both have had to contend with a recession, with terrorism, but we have dealt with this by enacting tax relief and working to decrease regulatory burdens on America's workers. What we are seeing is real growth.

Now, the first quarter of this year we have seen a 3.1 percent growth in the GDP. It is good and solid. To put it all in perspective, going back to October and December of 2004, the fourth quarter of last year, look at what we had going on here. Germany, 1.5 percent growth, Italy and Japan both at eight-tenths of one percent growth. During that time, America had 3.9 percent GDP growth. Do we know why? It is because we have fought to lower taxes and reduce burdensome regulation both together, while other nations have kept raising their taxes and imposing more regulation.

What does this show? It tells us that if we want more of something, we tax it less, we regulate it less.

CONGRATULATIONS TO KATHRYN LEHMAN

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute.)

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to join the House Republican Conference chairman, the whip, and shortly the chief deputy whip and the vice chairman of our conference in congratulating Kathryn Lehman on an outstanding career here in the Congress and to wish her Godspeed as she leaves this great institution and goes out into the wide world to seek other challenges and opportunities.

Kathryn has served the House of Representatives longer than the vast majority of the Members who serve here today. She has an incisive legal mind, and I came to know that many years ago when I was first elected to serve here and had the privilege of being appointed to serve on the House Committee on the Judiciary, where Kathryn was serving as a counsel for the then senior member of the committee, the gentleman from Illinois (Mr. HYDE) and shortly thereafter became chairman of the committee.

Kathryn was the staff director and chief counsel for the Subcommittee on the Constitution. She advised the gentleman from Illinois (Chairman HYDE) and subsequently Speaker Gingrich, with regard to the procedures that the House needed to follow with regard to the very somber process of impeachment of a President of the United States. Since then, she has gone on to serve in our leadership. A number of Members who we can see here today recognize that she has not only the great sense of humor that has been recognized already, but a great ability to step back and see the big picture at a time when many of us get tied up in the heat of the moment. That is something that is a valuable, valuable asset for this Congress and this Republican Conference.

Kathryn, we thank you, and we wish you the very best.

FAREWELL TO KATHRYN LEHMAN

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, I, too, rise this evening to bid farewell to an individual that I have come to know over the last 4 years since I first started serving in this House. She is not only a friend, she is a neighbor. She is an individual that I look to as a colleague and counsel.

As has been mentioned before. Kathryn Lehman has been a critical asset to this institution over the length of her career here. She has worked for the majority leader when he was majority whip. That is where I came to know her, and it is then that I began to see the incredible addition she was to the leadership team of this House.

She has provided tremendous insight into not only the history of this institution, but also to the intricacies of the legislative process, and her ability to really grasp how to get things done in this town, and certainly in this building.

So it is with much sentiment. I think, that I say goodbye. I know it will not be a permanent goodbye. Kathryn is one who is a true believer, and I could tell that when I first met her, that she has the common sense and conservative values that are really what make this country great.

I guess we could claim her as an adopted Virginian. She lives in the legacy of those great public servants of the 18th century that founded this Nation and that left us such a legacy to contribute to our democracy, to stand up for the principles that we believe in.

So Kathryn, I want to thank you for all of your wise counsel. I will continue to seek that counsel. We will miss you here in the House, but we wish you all the best, and Godspeed.

KATHRYN LEHMAN: A BEHIND-THE-SCENES PROFESSIONAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, several years ago, I went to a ribbon-cutting on a new road and the road had taken many, many years to build, yet all the politicians who participated in the ribbon-cutting were newly-elected. But in great political fashion, we all stood up there and took the bows for it. That is the rules of the game.

Another part about that is you do not see the staff up there cutting the ribbon, taking the bows, getting the applause. Kathryn Lehman is one of those staff members who has not been in the forefront of the limelight and yet, should. She has worked for every significant Republican leader in this House of Representatives for the last 10 years or more. Every critical decision of this House, every major piece of legislation was worked on on a team in which she was a staff member, anything from the gentleman from Illinois (Chairman HENRY HYDE) to the Speaker of the House, Newt Gingrich, and, most recently, our conference Chair, the gentlewoman from Ohio (Ms. PRYCE). The legislation that we moved all had the invisible fingerprint of Kathryn Lehman.

I, as vice chairman of the Republican Conference, have had a chance to work with her. I can tell my colleagues she is intelligent, she is well versed, she is in the background, and she is a pro. One thing I will say, though, that is also significant about her, she works hard and, at times, when she has that rare opportunity to play and relax, she plays hard. I remember one occasion with her, getting the chance to see her shoot skeet. We were with some people who were pretty hotshot skeet shooters, and I looked over there and she was shooting a 28 gauge, which means you have to shoot a clay pigeon practically with a BB gun. It is impossible to do. I think out of 25 she hit 24 of them, and maybe I bumped her on that 25th.

But she is kind of a true renaissance person of today, somebody who knows how to enjoy life, get out and relax and mix and mingle with different types of people; yet, when it comes time to work, she is a hard-core, very straightforward professional.

We will miss her, Democrats and Republicans alike. She has been an institutionalist, somebody who has made this place better because of her presence.

Kathryn, we wish you the best. Have fun over across the street or whatever street you are going to be on.

□ 2000

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today and pretty much every day for most Americans of this year, they will see 6.2 percent taken out of their paycheck to pay for their Social Security retirement. If they are self-employed, they will see 12.4 percent taken out. That is everyone who earns up to $90,000 every paycheck, day in day out they are paying that tax.

And in paying that tax, they will create a $170 billion surplus to pay for future retirement benefits for themselves. But, now, the President has revealed his true agenda. After talking about privatization for months, something which would, in fact, worsen the financial condition of Social Security, he has now changed the debate to talking about how he is going to reduce the retirement benefits of middle-class Americans.

Now, things are a little bit different from the President. I mean, we will disregard all of his unearned income and all of the things that he has been given and all of those earnings. Let us just talk about his salary, $400,000 as President of the United States. So that means that the President of the United States pays Social Security tax until 3 a.m. on March 24.

Now, that does not seem quite fair. Other working Americans are going to pay that tax all year long. But, let us look at some of Mr. Bush's friends. Tom Freston and Les Moonves of Viacom. They stop paying Social Security tax at 4 a.m. on January 2, because they earn $77,000 a day.

Now, it really is not going to matter or even be noticed by George Bush when they are reduced or Mr. Freston or Mr. Moonves at Viacom, you know, not even their accountants will notice it, but it is certainly going to be noticed by those middle-class Americans.

The President's cuts, which he cast as being fair and progressive, will fall most heavily on middle-income working families in this country. You know, a median, what they call a median earner, $36,000, say a public school teacher, will see, if they retired 40 years from now, a young teacher, they will see a reduction of 16 percent in their Social Security benefits, from $19,000 down to $16,000. I think they are going to notice that: it is going to hurt a lot.

What the President's folk call a high earner, $58,400 a year, well they will see a 25 percent reduction. In fact, the reduction for people who earn $58,000 a year will be equal to or worse than if Congress did nothing about Social Security, because it is not going to be bankrupt like the President says. Social Security will never be bankrupt. Stop saying that.

It will have to, if nothing is done and we have a very bad economy, reduce benefits by, say, 20 percent according to the Republican Congressional Budget Office or 25 percent, so they can pay benefits into the indefinite future, starting 40 or 50 years from now. That is not a crisis. That is not bankruptcy.

But the President would guarantee reductions, at least that big, for many working families to save the program. But that is not all. That is not all the President has in mind. Because, he said, this is based on the Pozen plan, some financial guru out there who he says is a Democrat. Who cares if he is a Democrat or Republican. He is some rich guy, financial guy. And what Mr. Pozen proposed is you not only reduce retirement benefits, you reduce survivor's benefits, and you reduce disability benefits.

That is what the President said he endorses last week during his speech. He is going to reduce middle-income retirees' Social Security benefits 25 percent. And if they should be so unlucky as to become totally disabled, incapable of working, he is going to reduce their disability benefits by 25 percent; or should they have even more misfortune and die, their survivors will get a reduced benefit of 25 percent to, quote, save the program.

The President is not done there, though. He is not only reducing survivors benefits, retirement benefits, disability benefits. He wants to push these people into so-called voluntarily private plans after he has reduced their benefits; and the so-called private plans, the President's privatization has a little something called a claw-back, which is the government is allowing you to divert your Social Security money, but it is considered to be a loan, which will be repaid at the time of your retirement, death, or disability at the rate of 3 percent plus inflation.

Now, if your investments did not do too well, your survivors are going to be writing the government a check; or if you get to retirement and you did not do too well, well, you are going to see your Social Security benefits reduce up to 97 percent under the President's privatization plan.

There are better ways to secure the financial future of Social Security, which I will talk about on another evening.

ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I be allowed to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

FAREWELL TO KATHRYN LEHMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, as we have heard from our House Republican leadership team, this week the House will lose one of its most faithful servants to the private sector, when my good friend Kathryn Lehman leaves her post as chief of staff of the House Republican Conference after more than 15 years of service here in the House on Capitol Hill.

After graduating from Catholic University with a law degree, Kathryn came to the Hill in 1989 to serve then-ranking member, the gentleman from Wisconsin (Mr. SENSENBRENNER), as his only staffer on the Judiciary Subcommittee on Civil and Constitutional Rights.

After the gentleman from Illinois (Mr. HYDE) became the subcommittee's ranking member, Kathryn continued her work and learned much from his example in leadership.

When the Republicans took over control of the House in 1994, Kathryn became the subcommittee's chief counsel and helped usher in some of the most important reforms of the first 100 days of our Congress. In 1997, Karen began working for Speaker Gingrich, playing an important part in many of the most memorable events in Congress's history. She also advised Speaker Gingrich on oversight issues involving the committees on Judiciary, Education and the Workforce, House Administration, and Government Reform.

In 1998, she took the helm as policy director for then-majority whip, the gentleman from Texas (Mr. DELAY). There, she made her mark on some of the most impressive legislative accomplishments of the Congress. Kathryn's talents then took her to the Speaker's office, the gentleman from Illinois (Mr. HASTERT).

Obviously, she had a hard time keeping a job at any one time, but she oversaw his coalitions and outreach efforts. In 2002, Kathryn became chief of staff for the House Republican Conference under the leadership of my great friend, the gentlewoman from Ohio (Ms. PRYCE). There she effectively crafted our message and led us to new levels of accomplishment and unity.

Kathryn now leaves the House for Holland & Knight where she will continue to be what she has always been, a bold woman who is not afraid to speak her mind. At Holland & Knight, she will follow in the tradition of her and another great mind, the late Congresswoman Tillie Fowler, my friend from Florida.

And Kathryn's long and impressive career is an example of what we can all achieve if we stick to our principles and never quit until the fight is over. Kathryn has learned much during her tenure, but she has taught others much more.

It is not surprising that Kathryn has so many friends. Through her sheer force of character and great personality, Kathryn has forged friendships with Republican and Democrat Members and staff alike. The gentleman from Michigan (Mr. DINGELL) for example, the dean of the House, is one such friend; and I know that the gentleman from Michigan (Mr. DINGELL) shares in my best wishes for Kathryn's future successes.

Kathryn deserves the thanks of so many Members on an individual level, but also deserves the thanks of the House of Representatives as a body.

Few have done more to protect its integrity and its efficacy, as Kathryn Lehman; and I know that she will be missed. She is more than just a staffer, she is more than just the Chair of so many important positions, she is more specially important, my friend, mi amiga, and always will be.

Mr. HASTERT. Mr. Speaker, I rise today to offer my best wishes and a fond farewell to Kathryn Lehman who is leaving Capitol Hill after 15 years of service. Kathryn has been like few others: effective, universally admired, and respected. And she has always offered blunt advice.

During her Hill career, Kathryn has served two Judiciary Committee Chairmen, one Majority Whip, one Conference Chairman, and two Speakers of the House—including myself.

Kathryn cut her teeth on the House Judiciary Committee working for then-Ranking Member SENSENBRENNER on the Civil and Constitutional Rights Subcommittee and, following that, then-Ranking Member HYDE. Those tough days in the minority prepared Kathryn for the responsibility of her role as Chief Counsel following the Republican victory in 1994. She went on to serve as Special Assistant to Speaker Newt Gingrich, Policy Director for then-Majority Whip TOM DELAY, my Director of Coalitions and Outreach, and finally Chief of Staff for the House Republican Conference.

Kathryn has not only been in the room when some of the most important decisions of this House were made, but she also helped to make them. From habeas corpus reform to tax reform, Kathryn has touched it all. She has impacted more legislation during her career than she'd probably care to admit, and each time she acted with strength and conviction.

Many staffers have a laundry list of legislative achievements and career highlights, but Kathryn is more than the sum of her accomplishments. Her tenure is marked just as surely by the friendships she has made—on both sides of the aisle—than by the laws she helped to craft or the bills she ushered through to passage.

But perhaps Kathryn's most astonishing—and admirable—characteristic is her unwavering idealism. Throughout her time on Capitol Hill, she has never lost her way and has been guided by her beliefs and values. In good times and bad, Kathryn always spoke her mind and kept us all on the right track. I will miss her loyalty, her ability to make you laugh, and her sound judgment.

I wish Kathryn the very best and know that she will continue to be a standard bearer for what is right in Washington.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that our colleagues have 5 legislative days in which to revise and extend their remarks on the subject of Kathryn Lehman's departure and tenure in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

REFLECTING ON THE 2-YEAR ANNIVERSARY OF THE PRESIDENT'S "MISSION ACCOMPLISHED" SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last Sunday, May 1, marked the 2-year anniversary of President Bush's speech abroad the USS *Lincoln*, the "mission accomplished" speech.

So what have we accomplished in the last 2 years? Saddam Hussein's regime has fallen. Yet today we find ourselves mired in an endless occupation.

This past January witnessed a successful election, yet progress on developing a functioning government has been slow at best. The terror and the insurgency remain as strong as ever and seems to be growing at certain points. Explosions killed more than 100 people last week alone.

The economy is stalled, the civil society is unable to come together, and millions of Iraqis remain without regular electrical services and basic services from their government. The brave men and women of the United States Armed Forces continue to fight a very vigorous fight, but the battle has taken its toll. We have lost 1,600 fellow citizens in the last 2 years, 2½ years, and more than 12,000 have been wounded.

The strain has been so great that recruiters cannot meet their enlistment goals. Through the first 5 months of fiscal year 2005, the Army is short of their recruitment goal by 15 percent. The Pentagon now says that they are stretched so thin it would be difficult for the military to meet other obligations should they need to do so.

Mr. Speaker, Operation Iraqi Freedom was a war of choice. And as President Kennedy once said, to govern is to choose. One can only hope that the war in Iraq was the right choice. This week we will appropriate an additional $81 billion, bringing the total cost of the war in dollar sense, to $300 billion: $300 billion, 1,600 American lives, 12,000 citizens wounded.

And yet the insurgency continues and the war goes on. The $300 billion we have added to the structural deficit is on top of a $2 trillion new debt created since President Bush originally took office in 2001.

And what have we done while we have added $300 billion to Iraq? Every President when they have taken the battle and taken the war, has thought about how to build America post that war.

President Lincoln finished the transcontinental railroad, the land grant colleges. Roosevelt not only had the Great Depression that he dealt with for the Great Society, and rather the New Deal. He also thought after the war of a GI bill.

Universal health care with Harry S Truman. Eisenhower talked of the interstate highway. President Kennedy in the middle of his days of Vietnam thought of putting a man on the Moon. What do we think about at the end of the Iraq war, as we think maybe we will see a point on the horizon? We cut Medicaid by $10 billion. We eliminate vocational training. We eliminate the COPS program that puts 100,000 cops on the American streets.

Every President and every Congress thought about America after the war, thought about what it could do, how do we build that future; not only what we did overseas, but what are we going to do for Americans here at home. We, unlike our predecessors, do not think of a vision in the future. We have thought about how to limit America's horizon and not think forward.

This President made an attempt once to talk about putting a space ship on Mars, but we cancelled that. We have cancelled our review of the stem cells. We are not investing in America's future like we are investing in Iraq's future.

$300 billion in Iraq. Sixteen hundred American lives. Twelve thousand wounded. $10 billion cut from our health care programs. Vocational training programs eliminated. Is this the tradition when Roosevelt thought of the GI bill after World War II, President Kennedy in the early days of Vietnam thought of a man on the Moon? Lincoln, in the days of the Civil War thought of reconstruction, the land grant colleges, and the transatlantic railroad system.

This is not in the tradition of America to think less of our future than the one we are building overseas. We can do better than we are thinking of today. And all of the while that we are not investing in America and we are investing in Iraq, and we have put ourselves in line in Iraq, and everything of America is on the line there. North Korea has crossed the red zone, and now has the ability of nuclear capability.

A senior military strategist testified in the Senate last week that North Korea can mount a nuclear weapon on their missiles. While we have been bogged down in Iraq, Iran is developing their capability. The fact is, if there is one area where the United States should be acting unilaterally, it is North Korea; the one place we should be acting in coalition is Iraq. We got it mixed up.

But it is high time we invest in America and stop thinking less about our future and stop putting our dollars like we have in Iraq, start putting them here in America and follow the tradition that Presidents Lincoln and Kennedy and Johnson and Roosevelt did by thinking about the future for America.

□ 2015

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. MCHENRY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

DANGERS OF METHAMPHETAMINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to spend some time this evening talking about something that I think should concern all of us on both sides of the aisle here, something that sometimes flies under the radar screen in our country, and that is the epidemic of methamphetamine abuse.

Methamphetamines first came into prominence during World War II. It was often given to kamikaze pilots, Japanese military, before they took off, never to return. Some of the German military units going on almost certain deaths missions also used it.

It is the most highly addictive drug that has been discovered. It often causes addiction after one usage; and hardly any other drug that is known to man will do that to you. It releases huge amounts of dopamine, thousands of times the amount of dopamine that a normal pleasurable experience that is not drug-induced might cause a person to experience. It creates euphoria that last between 6 and 8 hours, and an increased sense of well-being and confidence.

Increased energy, many times soccer moms, people who are working two jobs will fall prey to methamphetamine abuse. And of course, it also provides the ability to remain awake for long periods of time, sometimes as much as 6 or 7 days so truck drivers, people in those types of professions, oftentimes begin to use it.

It often results in weight loss and it is relatively inexpensive. So there are many attractive elements to it. But the long term effects are disastrous. Whatever comes up must come down, and you come down really hard off of methamphetamine. It produces anxiety, depression, hallucinations, many times psychoses. Violent behavior is often a side effect.

It usually rots teeth very rapidly. Crank bugs, the feeling that bugs are crawling on your skin and, therefore, people try to pick them out so there are usually huge skin lesions on the arms and legs of those addicted to methamphetamines. Early death and stroke.

It always causes brain damage. Every time you use methamphetamines it destroys brain tissue. It is not long before a person who maybe is a young person who has been on meth for 6 months or a year will have a brain scan almost identical to a 70- or 80-year old Alzheimer's patient because of the brain lesions in the brain.

It is very common in rural areas. It is often manufactured in the country side because of the odor and toxic chemicals that are used. It is made from pseudophedrine, a common cold medicine which all of us have had some experience with. But there are some other additives that are a little less innocuous, lithium batteries, drain cleaner, starter fluid, anhydrous ammonia, and iodine so it is a tremendously toxic mix.

It costs roughly 5 to $6,000 to clean up a meth lab. Some areas in middle America have had as many as 1,500 to 2,000 meth labs a year being cleaned up, so it is a huge expense and it is a real blight on the countryside.

The average meth addiction and addict in my State, Nebraska, will commit roughly 60 crimes a year to support their habit. So if you have a small community with 10 meth addicts, you have got 600 crimes being committed. It has changed the whole tenor of small towns in many areas because of this increased crime.

Many counties in these areas spend 70 to 80 percent of their law enforcement dollars and their manpower on meth prevention and meth treatment. The majority of jail and prison cells are occupied by those who are addicted by meth. And most of the child abuse in these areas, most of the child neglect and most of the deaths that children experience are as a result of parents and others who are addicted to methamphetamine.

So the question is what can Congress do?

First of all, the Byrne grants that we are somewhat familiar with are what fund the meth lab clean-ups. And the Byrne grants absolutely have to be funded so this is critical. Also the COPS program is critical to the interdiction and the disruption of meth traffic.

The gentleman from Missouri (Mr. BLUNT), and also the gentleman from Indiana (Mr. SOUDER), have introduced legislation that regulates the sale of pseudophedrine that is necessary to manufacture methamphetamine, and provide funds for meth lab cleanup, law enforcement and child protection.

So I hope that my colleagues both sides of the aisle will join in this fight. This is a real blight on our country and is creating a devastation throughout our country, but particularly in the rural area.

GUT PUNCH TO THE MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to talk tonight for 5 minutes about the President's latest proposal on Social Security, which I refer to as means testing.

I have to say that from the very beginning, when I heard the President's privatization plan and the other statements he has been making about Social Security, I have very much opposed to what he has put forth, but this latest effort at means testing I think is, in many ways, the worst of all, the worst of his proposals.

I just want to review some of the concerns that I have about his privatization plan, about his means testing in a few minutes here tonight. First of all, from the very beginning, I think, the President gave essentially misinformation because he kept talking about how Social Security was essentially going insolvent and yet we know that it is very solid, if you will, for the next 30 or 40 years. In fact, we have heard different figures from maybe 2030 or 2035, may be the date when we would begin to see less money available for Social Security. But until that time, the Social Security trust fund is very solvent and benefits would continue to be paid on a guaranteed basis the way they have for the last 60 or 70 years.

So from the very beginning, he talked about Social Security in an inaccurate way because he talked about insolvency that does not exist for at least another generation or two. Worst of all, he never indicated that any proposal he had put forth would effectively deal with the eventual insolvency of Social Security.

In other words, Democrats historically back in the early 1980s, for example, when there was a threat of insolvency or that money would not be there in the trust fund, basically sat down with Republicans on a bipartisan basis, back in the days when Speaker O'Neill was the Speaker of the House, a Democrat, and President Reagan, a Republican, was President. And they put forward a commission and they came up with a way of dealing the payroll tax, essentially, so that money would be available to keep Social Security solvent and so that benefits would continue to be guaranteed.

But what the President proposed from the beginning was a very risky privatization plan that essentially would not do anything to help with the potential insolvency. In fact, it would make the situation even worse because we knew that he would be taking money out of the trust fund with his privatization plan and putting money in private accounts. And the consequence of that would be that there would be less money in the trust fund and the solvency problem would be aggravated all the more.

At the same time, the people who put their money in these privates accounts, if they made a bad investment, ran the risk of gambling with their Social Security money and not having any money when the time came for them to retire.

The bottom line is we could have gone back, if you adopted this, to the days before Social Security when people were on the street or were in an old age home because they did not have any retirement security. That is what Democrats are afraid of with the President's risky privatization plan.

It gambles with your Social Security. It may essentially leave you broke with nothing, and even beyond that because you are taking money out of the trust fund, the solvency problem is aggravated and the potential looms for severe benefits because if you take the money out and you do not replace it with anything, the only thing you can do ultimately is cut benefits.

Now, what we hear from the President, he was on the road for about 60 days talking about that. At the end of the 60 days period he realized, as did his Republican colleagues, that this was not working. People did not want to hear it. They did not like his risky privatization plan.

So what does he come up with last week in this proposal that he made on nationwide TV? He talks about means testing. What that essentially means is that people, as their income gets higher, would get less and less Social Security benefits. And he made it sound, once again, like this was a great thing because poor people would still get their money and rich people did not need it. But what he fails to point out is reality is who is really being targeted here is the middle class.

It is the middle class person who will have their benefits cut and it is the middle class person who relies the most on that Social Security, much more so than the wealthy person.

I want to point out, I saw an editorial yesterday, Mr. Speaker, by Paul Krugman in The New York Times, and he vividly points this out. He talks about the Center on Budget and Policy Priorities and a Jason Furman, who he asked about what the President had in mind.

What he said is that the average worker now pays about $37,000 and retiring in 2075 would face a cut equal to 10 percent preretirement income. Workers earning 60 percent more than average, the equivalent of $58,000 today would see benefit cuts equal to almost 13 percent of their income before retirement.

But above that level, the cuts would become less and less significant. Workers earning three times the average wage would face cuts equal to only 9 percent of their income before retirement. Someone earning the equivalent of $1 million today would see benefit cuts equal to only 1 percent of preretirement income. So in short, this would be a gut punch to the middle class. It is the middle class that would suffer and is targeted in the President's proposal.

It is a terrible proposal. It is no better than the previous one.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to honor a man who spoke on this floor and wandered these historic hallowed hallways over a decade ago.

Craig Washington, a former Democratic Congressman from Texas, made a name for himself in this place of Washington and in the Lone Star State of Texas.

At home in the great State of Texas, he is best known for his courtroom mesmerizing oratory, his remarkable victories as a criminal defense lawyer and his persistent passion for helping out the little guy.

Eleven years ago, he left Congress and headed back to Texas. Now Washington is back in the spotlight again defending one of Texas' high profile clients and doing what he does best, arguing for constitutional rights, helping the downtrodden. Those are the people who need him the most.

He is gracing the front pages of the Houston Chronicle yet again, but if you ask his daughter, Chival, she claims that her dad is just a regular guy and that is one of the reasons she admires him so much.

Craig Washington was born in deep east Texas, a town called Longview. He grew up in Houston and after high school he enrolled in Prairie View A&M University at the age of 16 with the hopes of becoming a dentist. Eight years later he finally graduated with a grade point average too low to complete his plans of dentistry. He was tremendously intelligent but could not be bothered with attending classes.

In 1966 Craig Washington was introduced to the Dean of the Texas Southern University Law School. Washington had charisma and determination even at a young age, and he managed to talk the dean into accepting him into the law school program and then transferring to dentistry. But instead he was hooked on the law and looked on it for the rest of his life.

Four years later, he would graduate with honors and become the assistant dean and assistant professor of law at his alma mater.

Then in 1970, he left the university to enter private law practice, and in 1972, he was elected to the Texas State Legislature. In 1982, he was elected to the Texas States Senate. It was there he made a name for himself as the second African American to serve in the Texas State Senate since reconstruction. It seems, Mr. Speaker, the war between the States died real hard in Texas.

In 1989, his good friend, Congressman Mickey Leland, was killed in a tragic plane crash representing this body in Ethiopia. Washington was determined to continue the work that Leland started and he ran for Leland's seat and was sworn in as Leland's replacement in Congress in 1990.

His years in Congress were spent on national issues and advocating for those who had no voice. Some in Texas did not agree with the way he voted and carried himself, but inside this beltway he was seen as a star on the rise. He was a maverick. He wooed his colleagues on many issues and upset more than one organization when he voted against big issues like NAFTA and even NASA.

One particular evening on this House floor he argued against amending our Constitution to protect the flag. He said, "I prefer a man who will burn the flag and then wrap himself in the Constitution to a man who will burn the Constitution and then wrap himself in the flag."

That is typical Craig Washington. Although Craig Washington and I disagree on many political issues, I admire him because he never made a decision based on politics.

Eleven years ago, Washington left this Congress to return to his roots, Texas.

□ 2030

He has a home in Bastrop, Texas, a small German town near Austin, and today Washington devotes most of his time to fighting for those who have no advocate in our courts.

When I was a prosecutor, we tried cases against each other, and I found his word and handshake were his bond, as it is today. When I became a judge, I had the opportunity to see him represent people in the most serious of accusations. In court, he spoke with the oratory of Daniel Webster and often uses his words with such power, he could put the jury in a hypnotic trance.

Like Spartacus of the ancients, Mr. Washington goes into the pit of the courtroom arena armed with the sword of righteous indignation, the shield of the Constitution, and the breastplate of impeccable honor to fight for those broken of spirit. When Craig Washington does his final summation, I am convinced the angels from above get a seat in the rafters of the courtroom just to listen to his voice, a voice from heaven advocating persistently and passionately for the poor and persecuted.

Craig Washington may be quiet, but he is a hell fire and brimstone lawyer from East Texas that argues a case with such intelligence, intensity, and logic that juries are forever mesmerized. He has the courtroom demeanor and dignity the law deserves and a hallowed respect for the Constitution that is waning today among many lawyers and even some Supreme Court Justices who see the Constitution as an inconvenience to result-oriented agendas.

Politically, Craig Washington, I think, is a populist and an honorable gentleman from the Old South from an era when honor was important. He serves his clients with distinction and compassion and tremendous energy. He is a tremendous criminal defense lawyer as well as a right-thinking American, and I stand today on this floor where he stood 11 years ago to salute Mr. Washington. I am proud to call him my friend; and if I ever leave Congress, I hope to return to the courtroom to join him in trial, to do battle together against the forces of evil, tyranny, and injustice.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, this week marks Cover the Uninsured Week, running from Sunday May 1 through Sunday May 8. I rise today in support of the goals of Cover the Uninsured Week.

Cover the Uninsured Week will mobilize thousands of business owners, union members, educators, students, patients, hospital staff, physicians, nurses, faith leaders, and many others to call attention to the health care crisis in our country.

In hundreds of our communities across the country, events will highlight the fact that too many Americans are living without health care coverage.

Today, 45 million Americans live without health care coverage, including 8 million children.

As a Californian, I am troubled to learn that California leads the Nation in the number of uninsured people, with 6.5 million people who do not have any form of health care insurance. That is about 18 percent of our population; and additionally, one out of every 5 of our uninsured population in California is a child under the age of 18 years.

Uninsured numbers are even worse for the Latino community, which is disproportionately affected by the lack of health care coverage. As a Latina, I am saddened to see that Latinos have the highest uninsured rate of any racial group; and here in this figure, I would like to point out that back in the year 2003, as my colleagues can see, Hispanics represent 34.3 percent of those individuals that are uninsured. When we look at the different racial and ethnic groups, Latinos are the highest numbers that are uninsured.

The latest census figures indicate that 13 million Latinos are uninsured. That is more than one-third of our total Latino population in the country. This is despite the fact that Latinos constitute the second largest ethnic minority group in the country and have the largest labor force representation. Latinos hold the majority of low-wage jobs in the U.S., these positions mostly do not offer health care benefits.

I want to make a special note of the fact that nearly 80 percent of those without health insurance are employed. Listen, they are employed, but they have no health care coverage. So we have to stop the myth that the uninsured problem is only about people that are unemployed.

In fact, this is a picture here depicting a family in our district that shows people who are working. They are working, but unavailable to them is health care insurance; and in a country that prides itself on equality, it is evident that our health care system is broken when people suffer from a lack of access to health insurance and quality of care.

More disconcerting, Latino children, the most vulnerable group in our society, are 21 percent more likely to be uninsured than non-Latino children. In fact, almost one in three Latino children receives health care through Medicaid or what we know as the State Children's Health Insurance Program, the S-CHIP program. While plenty of Americans live without health insurance, programs like Medicaid and the S-CHIP program are often the only means of providing families like this with health care coverage.

Medicaid is vital for many Latinos, with 9 million Latinos receiving health care through Medicaid alone. Unfortunately, it is sad to say that President Bush's fiscal year 2006 budget proposal would cut funding for Medicaid by $45 billion, a drastic cut in funding that is a valuable service for health insurance for those who cannot afford it.

We should not play with the lives of families like this and the future of our children by denying them access to critical health care services. Affordable and accessible health care not only decreases the expenses due to last minute emergency care; it allows for a healthier workforce and improves the overall quality of care for all.

Last week, I had the opportunity as Chair of the Congressional Hispanic Task Force on Health, and I was joined by other Members of our Democratic leadership, to highlight our commitment to eliminate racial and ethnic disparities in health care. Our health care system is not meeting the needs of all people. For racial and ethnic minorities and even for Asian Pacific Islanders, for all of our communities, we are sorely underserved by the services that should be adequately provided to all of us.

Democrats are committed to working towards expanding health care insurance coverage for all, and I am committed to addressing the health care needs of all of our communities. The uninsured problem affects every single one of us. Whether it is expanding our Federal safety net, programs like Medicaid, or working to eliminate racial and ethnic health care disparities or providing incentives for our small businesses to offer health care insurance, it is time that we take action now.

I urge my colleagues to make a Federal commitment to help provide coverage for the 45 million Americans across the country who deserve a guaranteed health insurance system because one in three Americans without health insurance is one too many, and these are the families that are out there looking for leadership in the House of Representatives.

PRESIDENTIAL VOTE FOR RESIDENTS OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. FORTUÑO) is recognized for 5 minutes.

Mr. FORTUÑO. Mr. Speaker, tomorrow the United States Court of Appeals for the First Circuit will hear the case of Gregorio Igartua-de la Rosa, et al., vs. United States of America. This landmark case deals with the right of U.S. citizens who reside in Puerto Rico to vote for the President and Vice President of the United States.

The right to vote for those who govern us is a hallmark of the democratic principles on which our Nation was founded. Universal and equal suffrage is not only a core value of this Nation's political system, but has been recognized by the international community as a fundamental civil right. Despite this broad consensus in favor of the right to vote, U.S. citizens who reside in Puerto Rico have for 88 years been denied the right to vote for the U.S. Government officials who make and administer the Federal laws to which they are subject.

Take special heed of the fact that this discriminatory and undemocratic state of affairs does not just apply to Puerto Ricans, who are U.S. citizens by virtue of having been born in a U.S. territory, but to any U.S. citizen who becomes a resident of Puerto Rico.

To clearly illustrate this point, if President George Herbert Bush, our 41st President, had chosen to retire in Puerto Rico instead of Texas, he would not have been able to vote for his son, our current President, George W. Bush. If any of my colleagues who are listening to me today and who are my colleagues in the 109th Congress elected to move to Puerto Rico after they retire from Congress, they would not be able to vote for the President of the United States.

This separate and less-than-equal class of U.S. citizenship for residents of Puerto Rico has placed the 4 million U.S. citizens who are residents of Puerto Rico in an indefinite denial of equal national citizenship, particularly at a time of national sacrifice in the cause of global democracy and freedom, where Puerto Ricans have contributed equally, many even making the ultimate sacrifice.

It is not my intention to dictate what the Court of Appeals for the First Circuit will decide. As a lawyer, I have always been respectful of the separation between the legislative and judicial branches of government, but I trust that the court will do us justice.

I invite all of my fellow Members of this 109th Congress to monitor the court's decision because, in so doing, they will be exposed to the fact that the central problem facing the citizens of Puerto Rico is that they have been denied their most basic rights of self-determination, not by court decisions, but by congressional inaction.

In 1899, the United States first entered into a treaty which provided that the civil rights and political status of the residents of Puerto Rico shall be determined by the Congress. A full century has passed, but Congress still has not implemented any political resolution procedure that will enable residents of Puerto Rico to determine their form of self-government under a non-colonial, non-territorial alternative.

As most of my colleagues know, I am a firm believer in statehood for Puerto Rico, but I fully respect the right of my countrymen to freely choose the status choice of their preference, be it as a State of the Union, an independent Republic, or as a Republic associated with the United States.

The important element has to be that all viable alternatives be non-colonial and non-territorial in nature. Until this process of free self-determination is completed, Congress will not have fully discharged its responsibility.

HONORING CRAIG WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I am going to rise tonight to talk about a pressing problem of health care, but before I do, I want to associate my remarks with the gentleman from Texas (Mr. POE), my colleague and neighbor, on Craig Washington.

Congressman Washington replaced Mickey Leland, if anybody could replace Mickey Leland, in this House; and I served as a State house member and State senator with Craig. I can only say and echo what the gentleman from Texas (Mr. POE) said, who I know saw him across from his bench many times, as he was both a brilliant lawyer and statesman, but also one of the most intelligent people I have known.

Again, I want to associate myself with those remarks and thank the gentleman from Texas (Mr. POE) for doing that for Craig.

COVER THE UNINSURED WEEK

Mr. GENE GREEN of Texas. Mr. Speaker, I rise tonight to talk about one of the most pressing problems facing the health care system in our country, the growing number of uninsured. Every year since 2000, an additional million Americans have joined the ranks of the uninsured.

The Robert Wood Johnson Foundation recently reported that the number of individuals without any health insurance in our country rose to 45 million this year. This is a problem that we literally cannot afford not to address.

In my hometown of Houston, we are proud to have the world-famed, world-class Texas Medical Center. Some of the most innovative and life-saving research and treatment developments are being discovered in our own backyard. The problem is that too many of our neighbors cannot access these live-saving treatments because they lack health insurance.

My State of Texas ranks number one in uninsured adults, with 31 percent of adult Texans living without health insurance. The statistics for the Houston area are just as troubling with more than 31 percent of our Harris County residents living without health insurance.

When a third of the State and county's population is without health insurance, I think it is safe to say this problem has reached crisis proportions. The increase in the number of uninsured is due, in part, to the changing nature of health care in our country.

Gone are the days when we could count on our employers to provide comprehensive health insurance for us and our families. With health insurance costs reaching $10,000 per year, low-wage workers cannot fend for themselves.

With full-time minimum-wage workers bringing home roughly that much each year, they cannot spend the bulk of their earnings on health insurance, and many small businesses are finding that they simply cannot afford to purchase health insurance for their employees.

As a sideline, not only small businesses, but some of our larger businesses, whether it be General Motors or Shell Oil, talk about the disparities and how much they pay in industrialized countries like Europe and Japan for health insurance, and Canada, as compared to how much more they pay in our country.

It is no little surprise that today 80 percent of the uninsured in this country are gainfully employed. Unfortunately, my State of Texas also ranks number one in the percentage of uninsured working adults, with 27 percent of working Texans currently without health insurance.

□ 2045

This is a problem for all Americans as the uninsured often use emergency rooms as their primary source of medical care. In fact, a study of emergency room use in Harris County found that 57 percent of the diagnoses made in safety net hospital emergency rooms could have been treated in a physician's office or clinic. This increases health care costs for all Americans.

The uninsured are less likely to seek preventive health care and only get care once their problems reach emergency proportions. In fact, nearly 50 percent of uninsured adults have postponed seeking health care because they cannot afford it. Only 15 percent of those individuals with health insurance have postponed care for this reason.

It is no surprise that the uninsured and underinsured are generally more expensive to treat because they fall through the cracks in our health care system. Unfortunately, the policies that this Congress has supported only serve to widen those cracks.

Despite being faced with record levels of uninsured individuals, this Congress has put Medicaid cuts at the top of the budget agenda. Medicaid is the health insurer of last resort in this country, and subjecting this critical program to budget cuts will only serve to further increase the number of Americans without health insurance.

Where does Congress think these folks will go once they are dropped from the Medicaid rolls? The answer is simple: They will join the ranks of the uninsured, and in doing so, they will be three times more likely to postpone health care, three times more likely to forego filling a prescription, and three times as likely to be hounded by collection agents for payments on medical care they do seek out. This is not the way to ensure that our citizens are healthy, productive members of our society.

The Federal Government needs to renew its commitment to the most vulnerable members of our society. Faced with record levels of uninsured, we should be adding people to the Medicaid and SCHIP rolls, not dropping them. We should expand the SCHIP program to include parents of these CHIP children. That policy option alone would provide health insurance to 67 percent of CHIP parents in Texas.

We should restore funding for the HCAP program, which in my community, has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from ERs and toward an appropriate health care home. These are programs that work.

What does not work is picking a budget number out of thin air and forcing Members to chop away at a program until it fits that number. It is shameful that Congress is balancing the budget on the backs of low-income families. If we are going to get this country's health care system out of the ditch, we must stop digging that ditch.

HEALTH RISKS ASSOCIATED WITH INHALED COMPOUNDED DRUGS USED IN NEBULIZERS

The SPEAKER pro tempore (Mr. REICHERT). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today, Americans with asthma, emphysema, and other respiratory diseases are being exposed, without their knowledge or consent, to serious and unnecessary health risks associated with inhaled compounded drugs used in their nebulizers.

Mr. Speaker, to my left are FDA-approved generic and brand medications proven to be safe, effective, and manufactured in a sterile manner. I would ask Members to notice that critical information, such as lot number, expiration date, manufacturer, drug name, and dose are embossed on the plastic vial.

These, Mr. Speaker, on this next board, are not FDA-approved medications. They were compounded or mixed in a pharmacy under conditions that may or may not be sterile. They are not clinically proven to be safe or effective. Notice there is no lot number, no expiration date, no manufacturer or sterility notice. Absence of this critical information in labeling and advertisements to patients and prescribers is, at best, misleading.

In addition, notice here the glue-affixed paper labels. The FDA, Mr. Speaker, does not approve of these types of paper labels because they are known to leach carcinogenic ink and glue chemicals into the medication in the vials the patient inhales into their lungs.

Mr. Speaker, physicians write their prescriptions for FDA-approved brand names and generic medications. Patients think that what the doctor prescribes is what they are going to receive. But through a sleight of hand, some compounding pharmacists are having the prescriptions switched to these types of unapproved and unproven drugs.

What happens is that the patient gets a phone call or sees a TV ad or something on the Web saying that this seemingly benign and reputable company will deliver their nebulizer drugs right to their door if they just sign a form. By signing, they essentially agree to a substitution of the medication from what the doctor prescribed to whatever substance the compounding pharmacist is whipping up in his back room or factory.

Oftentimes, the original prescribing physician does not even know the substitution or switch has occurred. Patients and physicians do not know until something goes tragically wrong, and wrong in this case can be a worsening symptom, or even death.

You might ask how this is happening, Mr. Speaker. Well, a new industry has emerged in recent years: Mass pharmacy manufacturing under the guise of traditional pharmacy compounding. Relying on lax State standards and arguing that Federal standards do not apply, these companies manufacture and distribute millions of doses of compounded nebulizer medications each year. Mass pharmacy manufacturing is not to be confused with traditional pharmacy compounding, a public health service when a patient has a medical condition for which no proven commercially available medication exists.

Normally, the patient, prescriber and compounding pharmacist discuss the risks and benefits together and monitor the patient carefully throughout the illness. In many cases, however, this is not happening. Medical experts agree that the risk of using these unproven drugs, mass manufactured outside the parameters of FDA regulation, are unacceptable, especially when FDA-approved medications are available.

These drugs, Mr. Speaker, are not FDA-approved. They are not established generic equivalents of FDA-approved brand name medications. They are not proven to be safe or effective and do not meet FDA standards for sterility. The origin and quality of raw ingredients are not disclosed.

The absence of disclosure and drug labeling in advertisements is indeed misleading, and I am concerned. So are patient and clinician organizations, led by the Allergy and Asthma Network/Mothers of Asthmatics. It is time for Congress to get to the bottom of this issue and find out why these products are allowed to be sold with misleading labeling and without FDA approval. And, further, why in many cases Medicare and Medicaid are reimbursing for these unproven and unapproved mass manufactured products.

PROPOSED INDIAN GAMBLING CASINO IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA IN OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, tonight I rise to express my deepest concern about a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

On April 6, 2005, Oregon Governor, Ted Kulongoski and the Confederated Tribes of the Warm Springs signed a Tribal-State compact. The compact would allow a off-reservation Indian gambling casino in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is the crown jewel of Oregon's many natural wonders, a spectacular and unique sea-level cut through the Cascade Mountain Range. It is 80 miles long and up to 4,000 feet deep. The Columbia River flows between the Gorge's north walls in Washington State and its south walls in Oregon. It is a natural wonder and a National Scenic Area.

The proposed 500,000 square foot gambling casino would dramatically alter the Columbia River Gorge and have a significant negative effect on the environment by increasing traffic, congestion, and air pollution. Specifically, the proposed casino would draw an estimated 3 million visitors per year for non-Gorge related reasons, resulting in perhaps a million additional vehicle trips per year. This increased traffic would exacerbate existing air pollution problems in the Columbia River Gorge. State and Federal agencies have already determined that air quality in the Columbia River Gorge is significantly degraded and that visibility is impaired 95 percent of the time in this National Scenic Area.

Also, according to Federal sources, this area suffers acid rain as severe as what falls in industrial cities such as Washington, D.C., Baltimore, Pittsburgh, and New York City. It is crucial that this proposal be thoroughly vetted to take into account the environmental impact on the Columbia River Gorge National Scenic Area, its habitat, and the surrounding communities. I note that there are six endangered or threatened species in the Gorge, and over 40 sensitive species in the Columbia River Gorge.

Placing a casino in the Columbia River Gorge has been presented as a choice between Hood River and Cascade Locks, two communities on the Oregon side of the Columbia River Gorge. I emphatically reject this Hobson's choice. The Hood River casino site is a red herring, neither physically buildable nor legally available for tribal gambling purposes. The argument that unless a casino is permitted in Cascade Locks, it would inevitably be built in Hood River is a smoke screen used to hide other appropriate non-Columbia River Gorge sites.

Also, allowing this casino in the heart of the Columbia River Gorge, on land far removed from the Tribe's existing reservation, would set a precedent encouraging other Oregon tribes to demand off-reservation casinos closer to the lucrative Portland market. Allowing for an off-reservation casino in this situation also could set an adverse precedent at the national level.

Until now, Oregon's policy, set by former Governor John Kitzhaber, has been to limit each tribe to one casino on reservation land held in trust. The Kitzhaber policy has been stable over the years and has prevented an arms race to get closer to the lucrative Portland metro market. Breaking the Kitzhaber policy would inevitably lead to more off-reservation casinos throughout Oregon and potentially also in neighboring States. Indeed, once this is allowed, there is no logical stopping point. All tribes would have their interests affected adversely both by an arms race to the Portland metro area and by a potential general public backlash against all Indian gaming.

This is more than a mere compact to govern gambling. The compact is a blueprint for the development of a specific large-scale commercial casino complex within one of Oregon's most scenic and ecologically sensitive areas. This compact should be disapproved so that we can protect the Columbia River Gorge National Scenic Area, limit off-reservation Indian casino proliferation, protect the long-term interests of all federally recognized tribes in Oregon, and act in the best interests of the surrounding communities, ranging from Hood River to Corbett to Portland to Beaverton.

The earliest Oregon pioneers, Indian and white alike, came down the Columbia River Gorge to find an Eden of the west. They traveled through the Gorge, a marvel then and a marvel today, to seek new hope. We betray their hopes and dreams if we despoil the crown jewel of Oregon's natural heritage in order to maximize short-term gambling projects.

ON CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Bloomberg News reported today, and I read the quote, "CAFTA," the expansion of NAFTA to all of Latin America, "will fail in Congress." And Peter Morici, a University of Maryland professor and former chief economist for the International Trade Commission, comments: "CAFTA is in trouble because of frustration with Bush administration inaction on the trade deficit and the Chinese yuan," which means that we are not dealing with the difficulties of the exchange rate between not just China and the United States but several other nations.

One and a half years ago, a 7-member Congressional delegation traveled to Mexico to examine the modern template for all of these trade agreements that is called NAFTA, the North American, I like to call it "failed" Trade Agreement, and the impact it has had on working families and farmers on both sides of that border.

□ 2100

The delegation included the gentleman from Illinois (Mr. COSTELLO), the gentleman from Arizona (Mr. GRIJALVA), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Ohio

(Mr. STRICKLAND), and myself. Our delegation produced a final report entitled "NAFTA at Ten: Journey to Mexico." It is included on the Web site, www.kaptur.house.gov.

Mr. Speaker, at the end of my Special Order, I include for the RECORD a summary of recommendations that our delegation made to fix NAFTA. In that vein, during our trip we met other parliamentarians, including the Honorable Victor Suarez Carrera of Mexico, during that journey. Representative Victor Suarez Carrera is currently serving as a federal representative for the 16th District of Mexico City in the Mexican Chamber of Deputies, so he would be our counterpart.

He made an eloquent speech saying, I plead with you, Congress of the United States, we the people of Mexico want good trade, not just free trade. He expressed a deep desire to visit our country to tell the American people how NAFTA was not just negatively impacting the people of our country but also the people of Mexico.

And so as this Congress considers an expansion of NAFTA to Central America, the CAFTA agreement, to Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and the Dominican Republic, we are honored to welcome Deputy Suarez to the United States. He will be arriving tomorrow with his delegation of Mexican parliamentarians. They will be here Wednesday and Thursday and participate in extensive talks here in Congress on U.S.-Canadian and Mexico Interparliamentary cooperation on NAFTA and CAFTA. They will also travel to other places in the United States.

I want to put up a chart to show the difficulty from the United States standpoint. Every single year since NAFTA was signed, rather than the job creation we were promised, the United States has exacted larger and larger trade deficits with both Mexico and Canada. Those numbers were supposed to be exactly the reverse.

In Mexico, wages have been lowered. And Mr. Suarez comes from an area called Scala in Mexico, the southeastern region of Mexico, and we were literally in these fields with him talking to the farmers who have been displaced from their land in the nation of Mexico. It was so tragic to hear their stories. The American people need to hear the stories from the people of Mexico. It is not just our workers and farmers that are being hurt; they are being hurt as well.

Mr. Suarez is currently president of the Committee for the Center for Studies of Sustainable Rural Development and Food Sovereignty within the Chamber of Deputies. It is important to note he has been a leader and promoter of a movement in Mexico called The Countryside Cannot Take It Any More. He is also active in international peasant movements and in an inner-American network called Agriculture and Democracy.

The objectives of our trinational meeting among parliamentarians are to create an intercontinental space for reflection, exchange of ideas and collaboration related to alternative forms of economic integration and trinational development that helps people better their lives rather than reduce their livelihoods and looks ahead to what happens next after NAFTA as we stop CAFTA in its tracks.

Our effort is to foster dialogue and exchange between legislators and civil society organizations to further develop ideas for alternatives to the current framework surrounding the flawed free-trade model and to find better ways to achieve trinational development.

Another goal is to identify some of the more critical impacts of the 11 years of NAFTA, focusing on an analysis of both national level and sector-specific effects. And finally, we seek consensus among our parliaments on possible future actions that could be taken trinationally among legislators and between organizations and civil society to directly address some of the critical impacts of NAFTA and look ahead to negotiation of a NAFTA-plus agreement.

One of the border towns that we visited, and I put up this particular picture, was of women and men living in these tiny shacks who have been displaced from the countryside.

Mr. Speaker, we welcome Mr. Suarez Carrera with his colleagues and look forward to the launching of a continental effort to speak out on behalf of farmers and working people of the Americas.

NAFTA AT TEN: JOURNEY TO MEXICO

[From the Report of the U.S. Congressional Delegation, Nov. 14, 2003]

EXECUTIVE SUMMARY: NAFTA AND THE FUTURE OF GLOBAL TRADE

The North American Free Trade Agreement (NAFTA) is now ten years old. At its heart, it embodies the new heroic struggle of working men and women to gain a foothold in the rough and tumble global economy dominated by multinational corporate giants. Unfortunately, it pits local workers and farmers against global investors. It pits Neustro Maiz, a peasant tortilla co-op in southern Mexico, against ADM, the US grain trade giant. It pits Norma McFadden of Sandusky, Ohio, who lost her middle class job with benefits at Dixon Ticonderoga, against Ana Luisa Cruz of Cuidad Juarez, who earns $7 a day with no benefits. For NAFTA to be credible as a model for future trade agreements, it must be amended. People should be more important than goods. A human face to trade must be negotiated. Without it, the global divide between poverty and wealth will exacerbate. More popular unrest will result from unfair trade, and the social compact so necessary for global cooperation will be shattered.

NAFTA is important because it serves as the major template for a new global economic order integrating rich and poor nations through trade and investment. Mexico, Canada and the U.S. were to integrate their economies and, as a result, be better positioned to compete globally. It was touted as the neo-liberal model that would lift the economic condition of all people. All ships, no matter how small, were to be brought forward. But NAFTA worked exactly in the reverse. Affected workers in all three nations saw their wages and working conditions lowered. As capital moved across borders with no social policies in place, NAFTA has triggered an international race to the bottom as even Mexico has lost 218,000 jobs to China, a lower wage environment with a notorious record of human rights abuses.

Capital and wealth have become more concentrated in all three nations. The middle class in the U.S. is experiencing a growing squeeze on benefits and job quality. In Mexico, an endless supply of "starvation wage" workers was unleashed. Now the Bush Administration is trying to spread the same model to Central America using Central American Free Trade Agreement (CAFTA), and throughout the rest of the Western Hemisphere with the Free Trade Area of the Americas (FTAA). If these agreements are passed, it is clear that only the same can be expected, that is, expanding job washout, underemployment, and trade deficits in the U.S. without improved living standards in the poor countries with whom it trades.

A reformed trade model among trading nations is needed that yields rising standards of living for workers and farmers. This must be based on transparent and enforceable rules of law concerning labor, environment and business. Continental sustainable wage and labor standards should be adopted. Trade accords must also incorporate industrial and agricultural adjustment provisions, and currency alignment. An infrastructure investment plan should be negotiated as a core provision of any trade agreement. Complementary systems for education and safe, reliable medical care for all citizens, including the over 9 million immigrants traveling as itinerant labor to the U.S. every year, must be addressed as central concerns of integrated economies.

RECOMMENDATIONS

Policy reforms are essential to amend NAFTA and other trade agreements that have yielded such huge U.S. trade deficits, job washout, and lowered standards of living.

A CONTINENTAL ASSESSMENT OF NAFTA SHOULD BE LAUNCHED TO ADDRESS ITS SHORTCOMINGS

An intracontinental parliamentary Working Group on Trade and Working Life in America, comprised of U.S., Mexican, and Canadian members, should be established with the goal of amending NAFTA to address its shortcomings. Such a working group should analyze the results of NAFTA and its impact on workers, farmers, and communities. The Working Group should define a sustainable wage standard for workers in each country and a continental labor registration system along with enforceable labor and environmental standards. It would identify the massive continental labor displacements that are occurring, often with no social safety net in place. It would explore options to deal with divergence in education and health as well as currency fluctuations and impact of trade on infrastructure, investment, and migration. It would harmonize inequitable tax systems and augment credit systems for the safe and non-usurious continental transfer of remittances by mobile workers. It would also propose funds in the form of adjustment assistance to cushion continental economic integration. The organization would include as a key component an intracontinental Agricultural Working Committee to address the hardships faced by farmers and farm labor in all three countries.

TRADE AGREEMENTS SHOULD YIELD TRADE BALANCES

If NAFTA were working in the interest of the U.S., there would be a trade surplus with Canada and Mexico, as the U.S. exported more than it imported. Exactly the reverse is true. In 2003 the NAFTA trade gap equaled 100 billion—$42 billion with Mexico and $85 billion with Canada. This represents a serious drag on U.S. gross domestic product and a loss of wealth. Indeed the U.S.-NAFTA trade balance with low-wage Mexico as well as Canada has turned decidedly more negative, and worsened each year, contrary to NAFTA's stated aims. When a trade agreement yields major and growing deficits for more than three years, it ought to be renegotiated.

DEVELOP AN ALTERNATE TRADE BLOCK PARADIGM

Trade agreements must be structured to achieve rising standards of living for a broad middle class not just the capital class. The current NAFTA model fails to address the root causes of market dysfunction and growing U.S. trade deficits i.e., the managed market and regulated trade approaches being employed by its European and Asian competitors. With NAFTA, the U.S. chose a low wage strategy to meet this real competition from trading counterparts that were gaining global edge. The U.S. must counter the managed market and regulated trade approaches of its major competitors.

HARMONIZE QUALITY OF LIFE UP, NOT DOWN

Rather than allowing transnational companies to set the rules of engagement, democratic nations first should forge international trade agreements with the world's developed democracies and then invite in developing nations to participate in this "free world" Global Trade Organization. Such an effort holds the potential to transition these nations upward to the same democratic, legal, and environmental systems of the free world. Instead, the trade relationships that have been forged link the economic systems of first world democratic nations to Third World, undemocratic, non-transparent systems. Social concerns like education, environment, infrastructure, labor conditions, and health have been ignored. The downward "race to the bottom" push of NAFTA continues to be felt in the U.S. as well as Mexico and Canada.

TRADE ACCORDS SHOULD PRODUCE LIVING WAGE JOBS, LESS POVERTY AND AN IMPROVED ENVIRONMENT

If NAFTA were working, more good U.S. jobs would be created, outnumbering job losses. In Mexico, workers would experience a rising standard of living. Exactly the opposite is true. Conservative estimates indicate the U.S. has lost 880,000 jobs due to NAFTA. These jobs are largely in U.S. companies that merely relocate to Mexico paying "hunger wages." Wages in Mexico have been cut by a third. If NAFTA were working in the interest of Mexicans, there would be a reduction in poverty, a growing middle class, and environmental improvement. Instead there is a rollback in wages, deplorable working conditions, and growing economic concentration of wealth in a few hands, forcing huge social dislocation.

As U.S. jobs are sucked into Mexico, not only do more people vanish from the middle class but also U.S. schools lose property taxes. In a state like Ohio that has lost nearly 200,000 jobs to Mexico, the economic decline is visible. Ohio's income growth is declining. In 1999, according to Ohio Department of Development statistics, citizens in Ohio lost $30.7 billion in total income compared to the past year. The state itself lost $15 billion. As a result, college tuition has increased with average student undergraduate debt rising to record levels of $18,900. Nursing homes are understaffed with low paid workers, and the ranks of uninsured Ohioans has risen to 1.3 million. The State is raising taxes on everything from sales, to gas and to property to try to fill the gap of a fleeing private sector. Quality of life is sliding backwards. NAFTA-related environmental enforcement remains largely nonexistent. If NAFTA were working, environmental improvement in Mexico would be upgrading; it is sliding backward.

TRANSITION U.S./CANADIAN DISPLACED WORKERS TO COMPARABLE EMPLOYMENT AND MEXICO'S WORKERS AND PEASANTS TO LAND HOLDING AND LIVING WAGE STANDARD

NAFTA-displaced workers in the U.S. largely have been abandoned in their efforts to reposition to new employment. Unemployment benefits expire, training is inadequate, and health benefits expire or are unaffordable. Experienced workers rarely find jobs with comparable payor benefits. Mexico's vast underclass, underpaid, and exploited, lacks a living wage, affordable elementary education, basic health care, and systems to gain property ownership and affordable credit even for basic purchases. In order to move forward with any future trade agreements, NAFTA must acknowledge its human toll and respond accordingly. NAFTA provisions have led to the displacement of thousands of small business, industrial and agricultural workers throughout the U.S., Mexico and Canada. Little provision has been made to assist these workers, farmers, and communities with any transitional adjustment assistance. In Mexico, this has caused masses of people to stream toward the border and the maquiladora zones in search for jobs.

The North American Development Bank, which was established to help local communities build their human and physical infrastructures, has been an abject failure. It should promote economic investment in those regions of Mexico and the United States where jobs have been hollowed out due to NAFTA, or infrastructure is needed. Bank assets could be enhanced by financial contributions that flow from trade-related transactions.

CREATE NEW CONTINENTAL LAW ENFORCEMENT BODY TO COMBAT GROWING CRIME ALONG U.S.-MEXICO BORDER REGION RELATED TO BORDER WORKERS, DRUGS, AND UNSOLVED MURDERS OF HUNDREDS OF MEXICAN WOMEN

The United States Departments of Labor and Homeland Security should be tasked not only with stopping the trafficking of bonded laborers but devising a continental labor identification card. Along with mass migration, the border has seen an explosion in the illicit drug trade. Law enforcement officers on both sides of the border must battle smuggling in narcotics and persons. A continental working group should be directed to recommend a new solution for combating crimes that result from the illegal drug and bonded worker trade that spans the border.

NAFTA AT TEN (1993–2003)

Congress narrowly passed the North American Free Trade Agreement (NAFTA) in November 1993, after an emotional and protracted political struggle that engaged the entire nation. (Final Vote: 234–200—Republican: 132 ayes; 43 noes. Democrats: 102 ayes; 156 noes. Independent: 1 no)

Wall Street confronted Main Street. The full weight of the legislative battle was best reflected in House deliberations (http://thomas.loc.gov). Never had a trade fight garnered this type of attention from the general public. Multinational corporations, many displaying their products on the White House lawn and using offices in the U.S. Capitol itself, lobbied hard to change the laws and relationships that govern wages and working conditions for the majority of America's workers.

The workers and people of U.S., Canada, and Mexico all would be affected in major ways. Their livelihoods, communities, and the standard of living on the continent were at stake. Congress became the only venue in which their concerns were given some voice.

The evaluation of America's ten-year experience with this agreement is crucial. In 2004, debates loom over expansion of NAFTA into other poor and middle-income countries in Latin America through the Central American Free Trade Agreement (CAFTA) and the Free Trade Area of the Americas (FTAA).

Is the "NAFTA trade model" worthy of expansion? Or does it need to be fixed?

NAFTA was a precedent-setting economic agreement. At the time of its passage "free trade" was relatively a new concept. It had been employed in rare circumstances, only recently in U.S. history, just since 1985, when the U.S. signed a "Free Trade" agreement with Israel to eliminate all duties on trade between the two countries over a six year period. Certain non-tariff barriers remained for agricultural products. But Israel was a small country with a middle class population of six million. Its integration with the U.S. market of over 250 million consumers at the time was accomplished with minimal disruption. Unfortunately, NAFTA's flawed, untested architecture has served as the "model" for successive trade agreements negotiated by the U.S. with developing nations which have huge impoverished populations, such as China. As a result, the U.S. has amassed trade deficits with most nations in the world and, a loss of U.S. jobs and growing stress on middle class living standards.

The NAFTA "agreement" should actually have been negotiated as a "treaty" due to its wide-ranging impact—socially, economically, environmentally, and politically. Yet, its authors cagily used the legislative vehicle of an "agreement" to stifle debate since Congress cannot amend trade agreements. A "treaty" would have allowed much closer scrutiny allowing time for amendment and full debate. A treaty would have been a more appropriate approach in view of the collateral damage NAFTA has caused especially to poor and working people across our continent. NAFTA is very imperfect legal basis on which to forge the terms of engagement for the people of the American continent.

REFORMING THE TRADING BLOCK PARADIGM

One of NAFTA's central aims was to stimulate a North American trading bloc that could compete with anticipated competition from a unified European Union. As well, Japanese-Asian integration had been already eating into global market share the U.S. had dominated, particularly automotive production. But rather than addressing root causes of market dysfunction and growing U.S. trade deficits—the managed market and regulated trade approaches being employed by European and Asian competitors to gain global edge—with NAFTA, the U.S. chose a low wage strategy. This has had real consequences.

Mexico's workers have been dispossessed by a global economic system that preys on their weakness rather than securing for them the rights and opportunities won by first world workers over the last two centuries. There has been no improvement in economic conditions for the vast majority of workers of Mexico since NAFTA. Moreover, U.S. workers continue to lose middle class jobs. A similar plight afflicts the European Union as it struggles to integrate the corruption-ridden, emerging states of the former Soviet Union. In Asia, Japan—the second largest market in the world—remains a closed and a formidable economic powerhouse having surpassed the U.S. in 1985 as the world's premier auto producer. Its protected internal market and bold manipulation of Chinese, Korean, and other Asian labor-intensive operations has allowed it to gain growing market strength. It secures its internal production, exploits cheap labor elsewhere, and exports those goods to first world markets or invests in them.

NAFTA aimed at continental "free trade", i.e., tariff elimination, between U.S., Mexico and Canada. Yet by the early 1990's, most tariffs already had been reduced between the three nations, with an effective overall tariff rate of about two percent. Indeed, NAFTA concerned something else. Its unstated aim was to provide a government sanctioned insurance scheme for rising investments by transnational corporations in low wage nations starting with Mexico, which was close to the U.S. market, and where subsistence labor was plentiful. NAFTA accelerated the shipping out of U.S. jobs. For unlike tiny Israel, the populations of Mexico and Canada totaled over 125 million persons: Mexico's largely poor population equals over 100 million and its workers fearful about organizing trade unions to gain living wages. The low wage pull was irresistible.

By the early 1990's, the U.S. was already falling behind Europe and Asia as its global trade deficit in goods rose with each passing year. With NAFTA's passage, the export of U.S. jobs to Mexico exploded. Mexico started to import vast quantities of Chinese products that then backdoored their way into the U.S. The U.S. job market began to shift millions of jobs to third world environments as reflected in rising global trade deficits. Outsourcing of production and services, even of American icon products like Amana, Brach's, Hoover, and the PT Cruiser, became commonplace and accelerated.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander community and to commemorate Asian Pacific American Heritage Month.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, I feel privileged to be here tonight to speak of the history and accomplishments of the Asian American and Pacific Islander, AAPI, community.

Additionally, I will be highlighting those issues affecting our community that are also priorities for CAPAC.

Mr. Speaker, I would like to take a moment to acknowledge and remember extraordinary community activists, advocates, leaders, and long-time friends of the AAPI community that we have lost this year, such as Fred Korematsu, Dr. John B. Tsu, K. Patrick Okura, Iris Chang, and my colleague and friend, Congressman Bob Matsui.

Thanks to the late Representative Frank Horton from New York and my good friend, Secretary Norman Mineta, along with Senators DANIEL INOUYE and Spark Matsunaga, May is designated as Asian Pacific American Heritage Month to celebrate and honor the contributions of the Asian and Pacific Islander community.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the United States; and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed the law that officially designated May of each year as Asian Pacific American Heritage Month.

The first AAPI settlement in this country dates to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans. Today, that AAPI community is one of the fastest growing populations in the country, with over 12 million AAPIs living in the U.S. and representing 4.5 percent of the total U.S. population.

My home State of California has both the largest AAPI population, 4.6 million folks, and the largest numerical increase of AAPIs since April of 2000.

Mr. Speaker, this year's theme for Asian Pacific American Heritage Month is "Liberty and Freedom For All."

As we honor the AAPI community's contributions to this great Nation, I would also like to note the very social injustices the AAPI community still face. For example, the New York Times today reported a recent study commissioned by the National Asian Pacific American Legal Consortium, a Washington-based civil rights organization.

The study showed that AAPIs portray only 2.7 percent of the regular characters on prime time national network television. Our community is still misrepresented in all areas of society, especially in the media and on prime time television even though we make up 5 percent of the total population.

Although we are often misperceived as monolithic, our community is extremely diverse in our languages, ethnicities, and culture. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities and subgroups such as the Southeast Asian Americans who are refugees who fled their home countries during the late 1970s and the early 1980s.

As a country, we need to better adjust the needs of the AAPI community when we discuss immigration, health, and education issues.

Mr. Speaker, I yield to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, as the congressional representative from Guam, it is my honor to join my colleagues in commemorating Asian Pacific American Heritage Month. I want to thank our chairman, the gentleman from California (Mr. HONDA), the chairman of the Congressional Asian Pacific American Caucus, for his outstanding leadership and for organizing this Special Order to recognize the contributions of Asians and Pacific Islander Americans to our Nation.

Today as we celebrate "Liberty and Freedom For All," and as thousands of American servicemen and -women continue to fight the global war on terrorism in Iraq and Afghanistan, we are reminded of the sacrifices made to ensure our freedom. We reflect on the thousands of Asian and Pacific Islanders who are serving this country with honor and distinction in very dangerous circumstances.

Mr. Speaker, I especially want to honor those who have given their lives to protect our freedom, including Guam's Army Specialist Christopher Wesley, Lieutenant Michael Vega, Sergeant Eddie Chan, Corporal Jaygee Meluat, and Specialist Jonathan Santoes, all servicemen from Guam who were killed in Iraq.

I mention these heroes as a reminder that Americans in the territories stand shoulder to shoulder with their citizens when our Nation calls, and that we willing share the burdens and the sacrifices to preserve our freedom.

We remember prominent Asian and Pacific Islander Americans who dedicated their lives to public service, doing their part to promote justice, not just for Asian and Pacific Islander Americans, but for all Americans. Tonight I would like to make special mention of two of our colleagues, the late Congressman Robert Matsui of California who was a staunch advocate for the cause of the disadvantaged, the elderly, and young Americans; and the late Congresswoman Patsy Mink of Hawaii, who was a champion of women's rights and for the poor. Each has left a legacy that lives on in those whose lives they have touched and improved.

Asian Pacific American Heritage Month is an opportunity to educate our fellow citizens about the history and culture of Asian Pacific Island Americans. Their contribution to America is not just the diverse cultures that they have introduced to this land; it is also their stories of incredible journeys to freedom.

Historically, Asians and Pacific Islanders have known war and strife. They have survived and thrived to the benefit of America. They have a powerful story to tell, and they have a love for this Nation that many of us today take for granted.

This year, the people of Guam will commemorate the 61st anniversary of our islands's liberation by the United States Armed Forces during World War II. As the only American territory with a civilian population occupied by the enemy during World War II, Guamanians risked their lives due to their loyalty to America, and endured great hardship and brutality. During this dark period in Guam's history, our people experienced beheadings, executions, massacres, beatings, torture, rape, forced labor, forced marches, and internment in concentration camps. I want to recognize the survivors of the occupation of Guam for their courage, their sacrifice and steadfast loyalty to our great Nation.

Mr. Speaker, 2 years ago, a Federal commission was tasked by Congress to examine whether the people of Guam received equal treatment in the handling of war claims as compared to their fellow citizens.

□ 2115

The Guam War Claims Review Commission reported in June 2004 that there was indeed a lack of parity and that Congress should enact legislation to remedy this injustice. The report stated, "The Review Commission affirms that there is a moral obligation on the part of our national government to pay compensation for war damages, in order to ensure that to the extent possible, that no single individual or group of individuals bears more than a just part of the overall burden of war."

With the support of the Congressional Asian Pacific American Caucus, I have introduced legislation, H.R. 1595, the Guam World War II Loyalty Recognition Act, with 75 sponsors, to implement the recommendations of the Review Commission. I urge my colleagues to help us bring closure to this issue for the people of Guam. Let us finally grant recognition to some of the finest patriots America has ever produced, and let us commend the people of Guam for their sacrifices for our Nation during the wartime occupation of our island.

As we commend Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans. Let us celebrate the cultural diversity, the patriotism, and the Asian and Pacific Islander communities that make America so great.

Mr. HONDA. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am honored tonight to have this opportunity to pay tribute to Asian and Pacific Islander Americans during this month when we honor their great heritage.

Asian and Pacific Islander Americans constitute one of the fastest growing minority communities in the United States, and I am proud to say that they are a significant part of my constituency in southern California while they represent over 13 million Asian and Pacific Islander Americans who live in this United States. It is estimated by the year 2050, they will comprise about 33.4 million, or 8 percent of our total population.

Asian and Pacific Islander Americans have made tremendous contributions to our society. They are government leaders, scientists, lawyers, athletes, business men and women, artists, soldiers, advocates for civil rights and champions for the underrepresented. As we celebrate this glorious month, let us remember some of the notable Asian and Pacific Islander Americans who have served our Nation with honor and distinction:

Kalpana Chawla, who became the first Indian-American woman astronaut, who, while pursuing her dreams, perished in the Columbia shuttle disaster;

Fred Korematsu, a Japanese American who, for decades, fought tirelessly for civil rights;

Yuan T. Lee, a Taiwanese American who shared the Nobel peace prize in 1986 for his work in chemistry;

And, of course, my dear friend, the Honorable Patsy Mink, the first Asian-American woman and first woman to grace this august body. She has left an indelible mark that gave her the honor of distinguished;

Haing Ngor, the first Cambodian American to win an academy award for his role in the film "The Killing Fields."

And let us acknowledge the great Members of Congress who make up this august body who are Asian American and Pacific Islanders:

The Honorable MIKE HONDA, who is the caucus chair of our caucus;

The Honorable DAVID WU;

The Honorable BOBBY SCOTT;

And, newly, the Honorable DORIS MATSUI.

And let us not forget and pay tribute to our dear friend and colleague, the late Congressman Robert Matsui who recently passed away. He was an extraordinary man, Mr. Speaker, who overcame challenges and obstacles and became a great Member of this body. He will be remembered as a national champion of all Americans, particularly our seniors and Social Security.

Despite hardships and discrimination, Asian and Pacific Islander Americans have maintained an abiding and unwavering belief in the promise of our country and they have moved forward to make remarkable contributions to our Nation. I am proud to stand with them tonight as a member of the Asian Pacific Islander Caucus.

This time of tribute is also a time of celebration and reflection upon where we have been and where we are going as a Nation, ever mindful that liberty and freedom for all must be our collective national goal.

Finally, tomorrow I will be introducing a resolution honoring the victims of the Cambodian genocide. I am proud that the largest Cambodian population in the United States resides in my district. Their culture and contribution, along with all Asian and Pacific Americans, have enriched our community and this American landscape. We are a better country because of their contributions.

Mr. HONDA. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I rise today as a proud member of the Congressional Asian Pacific American Caucus so ably led by the gentleman from California (Mr. HONDA) to join my colleagues in commemorating our Asian Pacific American community at the outset of APA Heritage Month.

And I do so with deep respect, great pride, humble appreciation and eager anticipation. Respect, for the great challenges generations of Asians and Pacific Americans have faced in our country and overcome and still face and will overcome. Pride, for the profound role my own Hawaii, has played in the nurturance and maturation of our APA communities throughout our country. Appreciation, for the rich tapestry APAs have woven in the fabric of our national identity. And anticipation, for what certainly lies ahead for our APA communities in writing the next great chapters in the ongoing narrative of this great country.

Mr. Speaker, nowhere in our country is the story of Americans of Asian and Pacific Island descent better illustrated than my own Hawaii, where well over 50 percent of our population is Asian and Pacific American, where our Asian and Pacific American community has achieved the pinnacle of success in all facets of local, statewide, national and international life, and where a majority of all marriages and a majority of all children share more now than one ethnicity, more likely than not an ethnicity of the Asian and Pacific Americans.

And the story of APAs in Hawaii is a rich and compelling story which acts as a microcosm of the story of our very country. Of course, it started millennia ago when the ancestors of our indigenous peoples, the native Hawaiians, came to Hawaii from their ancestral homelands to the south, joining other indigenous peoples in the U.S. mainland and Alaska in the original settlement of our country. And it continued in the last 200 years with the great migrations from Japan and China. And in the last 100-plus years, with still further great migrations from Korea and the Philippines. And then in the last half century from the Pacific islands such as Samoa, Tonga, Fiji and Guam. And amazingly it continues since to this day, in the last quarter century, from Vietnam and Cambodia and Laos and the other nations of Micronesia, Melanesia and Polynesia. And throughout, of course, many, many other immigrants from other Asian and Pacific countries, India and Pakistan and Sri Lanka and Bangladesh, Thailand and Indonesia and Malaysia and much more.

So when we pause to honor the rich and diverse heritage of our APA communities, we honor the capital of the APA world, my Hawaii, a beacon to the world of what can be.

Yet what is throughout our country is not where it can and should be, for there remain challenges aplenty. There is always the specter of racism and discrimination. Yes, less than there was, less overt, less on the surface than it has been, but insidious enough and there enough to flare up with very little warning, a specter against which constant vigilance is required.

And there are still unique challenges in economic and social advancement for the APA community and unique conditions to be addressed in health care and education and other areas. And there are still goals of fundamental fairness to be accomplished with many of our APA communities, most notably, in my case, Federal recognition for our native Hawaiians.

But while we must remember tonight these challenges and what we must do, we also remember all that is good and great in our APA community. Let me give you just one great example, because we remember tonight that hard on us is the centennial of sustained immigration from the Philippines to our country, the 1906 exodus from the mother country to the sugar plantations of Hawaii, an exodus that accelerated in 1946 and on and now has yielded fully 2.4 million citizens of our country of Philippine descent.

Yes, it will be a great year for the Filipino community of celebration, with barrio fiestas and song and dance and remembrances of the pioneers and those who succeeded on their broad shoulders. But in many ways, what we celebrate tonight is the recognition that for the Filipino-American community, the celebration of their centennial will be a celebration in miniature of the Asian and Pacific American experience in our country, for the story of our APA community is the story of our America, from its earliest beginnings to its latest arrivals, a story still unfolding as, for example, is happening right on the floor of this U.S. House of Representatives, with my congressional page appointment, Awapuhi Dancil of Makawa, Maui, a junior at Kamehameha Schools and undoubtedly, no doubt about it, a leader in the making for the APA community and for our country in the future.

And so this is a story worth telling over and over again as we do here again tonight.

Mahalo and aloha.

Mr. HONDA. Mahalo.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Americans and Pacific Islanders in U.S. history. I want to thank the gentleman from California (Mr. HONDA), Chair of the Congressional Asian Pacific American Caucus for organizing this special order. I thank the gentleman very much.

Mr. Speaker, I represent one of the most diverse congressional districts in our Nation, with African Americans, Hispanic Americans and Anglo Americans, each making up about 30 percent of my Los Angeles-based district. Los Angeles' Korea Town, also in my congressional district, is home to 80,000 Asian Americans, who make up roughly 13 percent of my constituency. My congressional district includes Sony Studios, Capital Records, American Film Institute and Raleigh Studios. It is the home of our Nation's and a great deal of the world's entertainment industry. Today, I want to address the need for adequate and accurate representation of Asian Americans in film and television.

Many of my colleagues speaking today have already mentioned the fact that there are over 13 million Asian and Pacific Islanders living in the United States and that by the year 2050, there will be an estimated 33.4 million self-identified Asian Americans in the United States. However, while the Asian American and Pacific Islander communities continue to grow, our Nation's entertainment sector continues to fall behind in recognizing their presence through film and television and their influence in shaping the course of our Nation.

Just last week, the National Asian Pacific American Legal Consortium released a report called "Lights, Camera, and Little Action," detailing the shortage of Asian-American characters on prime time network television. The report finds that while Asian Americans and Pacific Islanders make up 5 percent of the United States population, they represent only 2.7 percent of regular characters on prime time television. The report also finds that virtually no Asian actors are cast in situation comedies, and the characters they play in dramas tend to have less depth and development than most regulars, with minimal on-screen time and few romantic roles.

For example, programs such as "King of Queens," set in a New York City borough, features no regular Asian characters despite the fact that almost one in five residents of the city are Asian Americans. The show "Charmed" on the network WB also includes no Asian actors, despite being set in San Francisco where a third of the population is Asian American. Such whitewashing of prime time television not only fails to reflect reality, it also denies viewers the opportunity to learn about other cultures and the chance to further cross-cultural understanding and communication.

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And, finally, I think an equally disturbing trend is the study's finding that when AAPIs are depicted on a television show, they are placed in roles that reinforce stereotypes. Let me give the Members an example. While the 2000 U.S. census showed that half of AAPI adults do not have college degrees, all of the Asian American characters on prime time television have professional jobs that often require advanced degrees. These are admittedly very positive portrayals, and many ethnic groups have railed against their negative portrayals in the media as gang members, pimps, drug dealers, and prostitutes. Nonetheless, any ethnic stereotyping by media, even positive stereotyping, tends to eliminate the larger public's understanding of the real conditions of the ethnic group.

Mr. Speaker, the contributions of Asian Pacific Americans to the growth and success of this Nation cannot be overstated. The history of their struggle and triumph in the United States must be captured and remembered. One of the most effective means of commemoration is through the accurate portrayal of AAPI characters in film and television that illuminates their hopes, dreams, and struggles. The AAPI communities have played instrumental roles in advancing the freedom and equality of all Americans; yet we do not see their achievements adequately documented and reflected by the media.

Mr. Speaker, in commemorating this year's Asian Pacific American Heritage Month, I call on the entertainment industry to further improve their depiction of the AAPI communities and urge everyone to remain vigilant about the roles the media play in capturing the shared heritage of Asian and Pacific Islander communities in our Nation.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from California (Ms. WATSON) for her presentation, and I will reiterate her admonition to the media in terms of being able to depict Asian American communities.

Mr. Speaker, I would like to speak on a couple of points before I yield to the gentleman from Oregon. On the issue of immigration, Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty and who sought to be free from persecution from a tyrant government. Families fled from their home countries to seek refuge in this great Nation because they too believed in liberty, justice, and freedom for all.

AAPI families who seek to be reunited with their families overseas have not seen their dreams come true because of our broken immigration system. Over 1.5 million Asians are caught in the family immigration backlog and immediate family members from overseas wait as long as 10 years to reunite with their families in the U.S.; and if they are a young teenager, by the time they reach 18, they get switched to another line. Mothers and fathers wait to reunite with their children; but due to the long years of waiting, their children may have already reached the age of 18 and their families will have to start the process over again.

As we honor the 40th anniversary of the Immigration Nationality Act of 1965 and the 30th anniversary of the Refugee Act of 1975, we need to remember that our country was founded and created to protect our freedom and civil liberties.

As Chair of CAPAC, we have worked closely with the Congressional Hispanic Caucus to speak out against the REAL ID Act. For the AAPI community, the REAL ID will make it harder for those seeking asylum to prove their case. This will prevent legitimate asylum seekers from obtaining relief in the United States. The REAL ID Act requires asylum applicants to prove that the central motive for their persecution was race, religion, nationality, membership in a particular social group, or political opinion. The REAL ID Act ignores the fact that those who flee brutal human rights abuses often escape from situations that preclude gathering of documentation to present "corroborating evidence." Applicants may be denied based on any inconsistencies or inaccuracies in their stories. An escapee from the Darfur region cannot go back and track evidence of their persecution without facing a life threatening situation.

Therefore, I believe we need comprehensive immigration reform to fix our broken immigration system, not a national ID that continues the problem.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from California for his leadership in organizing this Special Order tonight and for his leadership in chairing the Congressional Asian Pacific American Caucus.

Mr. Speaker, it is with great honor and pleasure that I join with my fellow members of the Asian Pacific American Caucus in celebration of Asian Pacific American Heritage Month. This month marks the 27th time America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Our country was founded as a Nation of immigrants. America has reached its greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to American life, including the arts, education, science, technology, politics, and athletics. Asian Pacific Americans were here to help build the transcontinental railroad, to serve in the Civil War, and most recently to develop the latest in Internet technology. Asian Pacific Americans have played an active and crucial role in the development of this country from knitting it together, as I mentioned, with the transcontinental railroad, to bringing us closer to the rest of the world through the technologies of the Worldwide Web.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our Nation. Asian Pacific American civic participation and engagement will help define our collective future. By working together, we can bridge and build upon our great Nation's diverse communities and move forward with determination and unity.

I encourage Congress and the American people to spend part of May absorbing the legacy, culture, and achievements of the Asian Pacific American community.

Mr. HONDA. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I would like to touch on a couple more subjects, if I may.

As Americans, we need to ensure that our children receive a quality education by providing adequate teacher training, funds for after-school and extracurricular activities, and ensuring that college is affordable for every student that desires to receive a higher education.

According to the U.S. census, 50 percent of Asians age 25 or over have a bachelor's degree or higher level of education. However, I would like to emphasize that when we disaggregate the data for AAPI subgroups, we find that the "model minority" stereotype is, in fact, a myth.

Only 9.1 percent of Cambodian Americans, 7.4 percent Hmong Americans, 7.6 percent Lao Americans, and 19.5 percent Vietnamese Americans and 16 percent of native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's degree.

These numbers show that we must do a better job of disaggregating data and information about our communities to assess the needs of those hard-working Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we need Congress to pass the Asian American and Pacific Islander Serving Institutions bill, which the gentleman from Oregon (Mr. WU) will be introducing later this month. This legislation will provide Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and at least 50 percent of its degree-seeking students receive financial assistance.

As a caucus, we will work to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind Act; to support English language learners; and to support full funding of minority outreach programs for access to higher education such as the TRIO programs to expand services to serve AAPI students.

In health, Mr. Speaker, a common misperception of AAPIs is that as a group we face fewer health problems than other racial and ethnic groups. In fact, AAPIs as a group and specific populations within this group do experience disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the U.S.

Last week, I, along with the gentleman from Pennsylvania (Mr. MURPHY), introduced a resolution to support the goals and ideals of National Hepatitis B Awareness Week.

AAPIs are also five times more likely to develop cervical and liver cancer than any other ethnic and racial group. According to the Census Bureau, 18 percent of AAPIs went without insurance for the entire year in 2000. This means that the uninsured are not only more likely to go without care for serious medical conditions; they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventative services, and have fewer visits per year.

At the same time, without appropriate language translation services or properly translated materials, limited English-proficient immigrants cannot receive adequate care, as well as State and Federal benefits for which they may be eligible. In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 52 percent of Korean Americans, and 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services, and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Healthcare Equality and Accountability Act to eliminate ethnic and racial health disparities for all of our community. I will be introducing the Healthcare Equality and Accountability Act, which will address expanding the health care safety net, diversifying the health care workforce, combating diseases that disproportionately affect racial and ethnic minorities, emphasizing prevention and behavioral health; and promoting the collection and dissemination of data and enhance medical research, provide interpreters and translation services in the delivery of health care.

Mr. Speaker, in California a Hmong man was going to the hospital to have his right leg amputated in surgery. And the doctor, in order to confirm whether he had the right leg pointed out, spoke to the gentleman before surgery and asked him if this is the correct leg, and the gentleman did not understand. He just nodded. When he came to from anesthesia after the surgery, he found that his good leg was amputated. And because of lack of translations and lack of linguistic services, this man became more disabled than he should have been.

Mr. Speaker, I now yield to the gentleman from Washington (Mr. INSLEE), a great friend and advocate.

Mr. INSLEE. Mr. Speaker, I have enjoyed listening to this story of the tapestry of the Asian American Pacific Islander community in America; and that tapestry, of course, consists of quite a number of threads. I would like to add one thread to this great story of this important part of the American tapestry.

And that story began on March 30, 1942, on Bainbridge Island, Washington, actually the island where I live. On that day, a young 2½-year-old named Frank became one of the first Americans of Japanese descent to be rounded up by our military and forced to leave his home. We have a picture here. Actually, it is a pretty historic picture. These were the first Japanese Americans to be interned during World War II. They left the dock on Bainbridge Island en masse, surrounded back up here, though we do not see them in the picture, of soldiers with bayonets; and they were marched down into a boat and taken to Seattle and eventually to Manzanar.

□ 2145

Obviously, at that time, after the Japanese bombing of Pearl Harbor, our Nation was really living under a cloud of uncertainty when, along with Frank, 226 other men and women, families left the dock at Bainbridge Island, and they were the first imprisoned at Manzanar. Eventually, 120,000 Americans of Japanese descent were stripped of their very basic rights and freedoms guaranteed to every American under the Constitution, and most spent the duration of the war in these camps.

It took a long time for Americans to come to grips with this, come to grips with these injustices as part of our history. But it is important to remember them lest we forget and allow fear and anxiety that is understandable ever to push us over the edge again to darkness that occurred to those people in those years.

Frank is now known as Dr. Kitamoto, a great dentist on Bainbridge Island. Frank is a grown man. He carries the story of this internment with a very quiet strength and courage. And he knows that while we regret those decisions that were made 63 years ago, he does not cast blame. Instead, Dr. Kitamoto has transferred his personal experience into a living history to try to share the wisdom that comes with such a searing experience. He shares his story so that others can learn from this mistake so that we are reminded not to let that happen again.

Frank has a 45-minute slide presentation that he presents to schools throughout the State of Washington, and California, Oklahoma, Connecticut and Idaho, wherever he is invited, and he makes the trip on his own dime. Frank wants to make sure this story is told and told by someone who knows the story.

For over 20 years he has lead the Bainbridge Island Japanese American community as President, and he has worked to create a memorial, a remembrance to this event in our community's history. The Bainbridge Island community put a lot of effort into selecting a name for this memorial and, with care and deliberation, selected a Japanese phrase, "Nidoto Nai Yoni" or "let it not happen again."

I am proud that the history of Dr. Kitamoto has become part of the American story, and I was proud to sponsor legislation that will hopefully make the "Nidoto Nai Yoni" memorial at Pritchard Park an officially recognized part of our national heritage. That bill passed this Chamber last year, we are in the planning phases now, to make this a national memorial. Most of this dock is not here now, but we have just a beautiful memorial planned so that this story can remain part of our national tapestry.

It is my honor to join efforts with Dr. Kitamoto and sit beside him at the dedication ceremony for the memorial. It is my honor now to remember and share this story of a group of Americans whose quiet strength and sacrifice and courage and patriotism of the many sons who served in World War II while their families were in these camps. Their story really is an inspiration for everyone everywhere, and I want to thank the gentleman from California (Mr. HONDA) for convening this important discussion.

Mr. HONDA. Mr. Speaker, I would like to thank the gentleman from Washington for his great work and also for making sure that the lessons of internment is not only academic, but also personal, and for dedicating sites that will be a hands-on experience for generations to come.

Mr. Speaker, I would like to continue on Social Security and, as we continue this debate on Social Security, I want to emphasize the fact that privatizing Social Security will impact the Asian-Americans and Pacific Islanders just as it will impact all Americans. We need to protect and secure Social Security for the AAPI community, because Social Security provides retirement security to AAPI families. More than 785,000 AAPIs receive Social Security benefits, and the average monthly benefit for AAPIs is $716.

Social Security needs a solid source of funding, not a plan that makes the problem worse by draining trillions of dollars away from Social Security. Social Security is a generational promise to honor our parents and Americans who have paid into Social Security for years, and we need to fight to protect and secure the promise of benefits.

On a personal note, my mother, who is 88, has worked all her life. She has worked in the fields, she has worked with my father as a sharecropper in strawberries and, later, she was a domestic worker, taking care of other people's homes and cleaning their homes. All of this work has dignity to it. It provided sufficient revenues to put food on our table. However, she did not have a pension plan. She did not have other plans that would sustain her in her retirement years. She is one of those 90 percent of widows who depend upon Social Security for 90 percent of their income on a monthly basis. It is for those women, for children who have survived family tragedies and became orphans, for those who are disabled, that we submit that Social Security should not be deformed, but perhaps reformed and have a sense of solvency into the future.

Mr. Speaker, I would also like to extend my gratitude to the patriotic men and women serving our country in the military, including 60,813 AAPIs serving on active duty in the U.S. armed services, as well as the 28,066 in the Reserves and the National Guard. I also commend and thank the 351,000 AAPI veterans who fought for this country.

I would like to highlight and honor the Filipino veterans who have not been compensated and recognized for their service, which I believe is a national disservice to these brave veterans. As a country, it is our duty to ensure that these veterans have equal access to all of the benefits and treatment that other veterans receive. We believe that our troops should be taken care of when we send them into battle and that they should be given the respect when they return home.

With regard to the Filipino veterans, I stand with my colleagues, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. FILNER) to support their bipartisan legislation, H.R. 302, to restore full benefits to those veterans who fought for our Nation in World War II when they were asked and recruited to become our allies in fighting the Japanese military during World War II. However, this effort has been stalled and frustrated over the years. It is not an issue of who is in the administration, it is an issue of the State Department. I would also ask my colleagues in Congress on both sides of the aisle to take note of this bill that is being sponsored by the gentlemen from California (Mr. CUNNINGHAM) and (Mr. FILNER), to study it and understand that a promise made should not be a promise broken as it was in 1946, but a promise kept. We have an opportunity in this session to keep that promise, and to make good our word to those veterans who fought alongside of our veterans and soldiers in World War II.

Mr. Speaker, I would like to discuss a few firsts in our community. I am proud of our community's accomplishments, and I would like to recognize many of the AAPI firsts in the areas of art, film, sports, sciences, academia, and politics.

In 1846, Yung Wing, the first Chinese American graduated from Yale University and the first AAPI to graduate from a U.S. college.

In 1863, William Ah Hang, who was a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1944, An Wang, a Chinese American who invented the magnetic core memory, which revolutionized computing and served as the standard method for memory retrieval and storage.

In 1946, Wing F. Ong, a Chinese American from Arizona, became the first AAPI to be elected to a statewide office.

In 1948, Victoria Manalo Draves, a Filipino American diver, the first woman to win Olympic Gold Medals in both the ten-meter platform and three-meter springboard events.

In 1956, Dalip Singh Saud, the first Indian American to be elected to Congress. That only became possible after the anti-Asian law that prohibited Asians to become U.S. citizens to become naturalized; after that law was rescinded, Asian Americans were able to participate in the government and the democracy of this country who were not born in this country.

In 1965, Patsy Takemoto Mink, the first Japanese American woman and woman of color elected to Congress who championed Title IX.

In 1985, Haing Ngor, a Cambodian American, became the first AAPI to win an academy award for his role in "The Killing Fields" movie.

In 1985, Ellison Onizuka, a Japanese American, became the first Asian American Pacific Islander astronaut in space.

I would like to close, Mr. Speaker, by saying that the Asian American Pacific Island community continues to fight for our civil rights as Americans. Even after the internment of the Japanese Americans during World War II, we, as a community, did not grow embittered or cowed by discrimination; instead, we progressed and moved forward. I am proud to be a member of the AAPI community, because we continue to serve as positive contributors to our many communities by investing, investing in education, in business, and cultural opportunities for all Americans.

In closing, this Asian Pacific American Heritage Month, we take pride in our history, our accomplishments, and the promise of our future as we continue to pave the way for a better tomorrow to form a more perfect union in the name of liberty and freedom for all.

Ms. PELOSI. Mr. Speaker, I rise today to recognize the month of May as Asian Pacific American Heritage Month and to pay tribute to the contributions of the Asian American and Pacific Islander community, including immigrants, refugees, and natives.

As the Representative of California's 8th District, it is my privilege to represent a strong Asian American and Pacific Islander community that is a vital part of San Francisco's world-renowned diversity.

As the Democratic Leader in Congress, I am proud to join my colleagues in honoring more than 13 million Asian Americans and Pacific Islanders (AAPIs), representing a diverse community of backgrounds, cultures, and experiences, who make their homes in the United States. Their unique contributions enhance the moral fabric and character of our great country.

As we celebrate the significant progress made by Asian Americans and Pacific Islanders, it is right for us to honor the memory of great leaders of the AAPI community who have recently passed away—including Fred Korematsu, who dared to challenge the U.S. government over the Japanese internment camps, John Tsu, former chair for the White House Initiative on AAPIs and longtime community activist, Patrick Okura, a great civil rights leader and Japanese American internee, and Magdaleno Duenas, a Filipino veteran and community leader.

Mr. Speaker, let us remember our former colleague and my dear friend Congressman Robert Matsui, who despite imprisonment in an internment camp during World War II, never lost faith in our country. He went on to become a national champion for all of America's seniors, and the first Asian-American to serve in the leadership of the House of Representatives.

Their legacies are part of the ongoing struggle of all Asian American and Pacific Islanders, who, in spite of having to overcome great hardship and discrimination, maintain an abiding and unbreakable belief in the promise of our country, and move forward to make remarkable contributions to our country.

In memory of these great figures in the history of our Nation, it is only fitting that this year's theme for Asian Pacific American Heritage Month is 'Liberty and Freedom for All.' Each of these individuals leaves us with a legacy that still burns to be fulfilled. For despite the great progress that we have made, we still have a long way to go to ensuring equality and expanding opportunities so that all Americans have a chance to achieve their full potential. Their work will continue on in all of us.

This year we also commemorate the 40th anniversary of the Immigration Act of 1965, and the 30th Anniversary of the Refugee Assistance Act of 1975. These laws demonstrate our national commitment to serving as a beacon of hope for all those in search of the opportunity and freedom that are the promises of America. In the three decades since the signing of the Refugee Assistance Act, the United States has provided shelter to millions of refugees escaping persecution, tyranny, and often, unspeakable tragedies. Each time we look into the face of diversity, we see great heroism and personal dignity.

Mr. Speaker, as we celebrate Asian Pacific American Heritage month, let us rededicate ourselves to answer their enduring call to service, and fight for justice in our country.

Mr. HOYER. Mr. Speaker, I rise in celebration of Asian Pacific American Heritage Month. It is during this month that we commemorate the significant contributions that the Asian American and Pacific Islander (AAPI) community has made to our country.

I would like to join my colleagues on the Congressional Asian Pacific American Caucus, of which I am a member, and which is chaired by my colleague, Mr. HONDA of California. This bipartisan and bicameral caucus has been active in raising awareness about the concerns and issues that face the Asian American and Pacific Islander community today.

There are more than 12 million Asian American and Pacific Islanders in the United States, including about 275,000 in my home state of Maryland. Asian Pacific Americans also have the most diverse background of any minority population, tracing their roots to almost fifty different countries and ethnic groups.

Today, Asian Pacific Americans play an important role in every aspect of American life—as authors and artists, as business leaders, as political leaders, as military leaders, as scientists and innovators, as athletes, and in virtually every other aspect of American society.

In addition to recognizing the important role that Asian Pacific Americans play in our country, this month's celebration is also a time to remember significant historical contributions that Asian Pacific Americans have made in our Nation's history. From the building of our transcontinental railroads to fighting on behalf of our Nation, Asian Pacific Americans have contributed greatly to the American tapestry.

This year's theme for Asian Pacific American Heritage Month is "Liberty and Freedom for All." This spirit was embodied in Representative Robert Matsui, who passed away in December, and to whom I wish to pay tribute. The House of Representatives and the country as a whole suffered a great loss with the passing of Bob Matsui, a dedicated leader who served with distinction for 13 terms in the House and was chairman of the Democratic Congressional Campaign Committee.

During his career, Bob Matsui was an active member of the Asian Pacific American community, working to achieve redress for Japanese Americans who were placed in internment camps after the bombing of Pearl Harbor. Congressman Matsui himself was placed in the Tule Lake internment camp along with his family in 1942. He was later instrumental in securing the passage of the Japanese-American Redress Act as well as in ensuring a monument to Japanese-American patriotism during World War II.

Representative Matsui's experience demonstrates the determination and perseverance that characterized Asian Pacific Americans during their time here in the United States, oftentimes overcoming discrimination, language and cultural barriers.

I am pleased Americans have so much to benefit from as a result of our diverse society. We continue to learn from each other and share each other's traditions, history, and culture.

That is why it gives me great pleasure today to recognize the significant advances and contributions made by the Asian Pacific American Community to our country during Asian Pacific Heritage month.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in recognition of Asian Pacific Heritage Week.

I am especially proud to do so because I am privileged to represent some of the most important Asian Pacific American communities in Los Angeles, California, including Chinatown, Little Tokyo, Filipinotown, and a portion of the Korean-American community. These historic California communities are constant reminders of the vibrancy and vitality of Asian Pacific Islanders and their significant contributions to our nation.

Secretary of Transportation, former Representative Norman Y. Mineta from California, was one of the first to work towards establishing a time of national recognition of the accomplishments of Asian Pacific Islander Americans. In June of 1977, he and his colleague, Representative Frank Horton of New York, introduced the first House resolution that called upon the President to proclaim the first 10 days of May as Asian Pacific American Heritage Week. In 1979, President Jimmy Carter signed a joint resolution declaring May 4–10 as National Asian Pacific American Heritage Week. And in 1990, President George H. W. Bush expanded the celebration to the entire month of May. The month of May was chosen for this special commemoration since it corresponds with the arrival of the first Japanese immigrants to the United States in May of 1843.

"Asian Pacific American" is a political appellation that encompasses the many ethnic groups that exist in the API community. The term helps give expression to this historically, culturally, linguistically, and ethnically diverse group while at the same time recognizing common experiences in American history.

Mr. Speaker, let me take a few minutes to highlight a few of the important events in the lives of my Asian Pacific American constituents. In Little Tokyo, one event was the celebration of the 25th anniversary of the Little Tokyo Service Center, in which I had the honor to participate. For 25 years, the Little Tokyo Service Center, a nonprofit charitable organization serving Asian and Pacific Islanders throughout Los Angeles County, has been an important resource for the residents of this diverse community. Currently, Little Tokyo Service Center sponsors over a dozen community and social service programs, with over 40 paid staff and hundreds of volunteers who provide competent and compassionate services in seven different languages. The services provided by Little Tokyo Service Center include individual and family counseling, support groups, transportation and translation services, an emergency caregiver program, crisis hotlines, and consumer education.

Little Tokyo Service Center is also the sponsor of several major community development projects in the Los Angeles area, including the construction and management of Casa Heiwa, a 100-unit affordable housing project for individuals and families; the rehabilitation of one of our city's historical landmarks into the Union Center for the Arts; and the development of Pacific Bridge, a housing complex for adults with developmental challenges.

Another noteworthy event took place last year when I was honored to recognize the 100th anniversary of The Rafu Shimpo. The success of this bilingual English-Japanese newspaper, founded in Los Angeles and published, distributed, and read avidly in my congressional district, is another milestone in the rich history of the Japanese-American community.

The history of The Rafu Shimpo is an important part of both American and Japanese American history and heritage. In April 1903, three young men, Rippo Iijima, Masaharu Yamaguchi, and Seijiro Shibuya produced in Los Angeles the first mimeographed news bulletin for the Japanese-speaking community. In 1914, under the new management of Henry Toyosaku (H.T.) Komai, the newspaper began to grow. In 1926, an English language section was added with the help of a 20-year-old UCLA education major, Louise Suski. By 1932, the English section became a daily feature.

On April 4, 1942, The Rafu Shimpo ceased publication as Americans of Japanese descent were forcibly and shamefully removed to desert internment camps. At the end of the war in 1945, while other Japanese Americans were released, H.T. Komai continued to be detained in Santa Fe, New Mexico. Nevertheless, the Komai family's dedication to publishing The Rafu Shimpo persevered. H.T.'s son, Akira Komai, with a $1,500 loan from three staff members, rebuilt the newspaper.

The newspaper grew rapidly from a circulation of 500 in 1946, to 20,000 over the next 30 years. Today, H.T.'s grandson, Michael Komai, serves as the third generation publisher, a position he has held since 1983. The award-winning daily has over 45,000 readers and prevails as the premier news source for the Los Angeles area Japanese American community.

Two years ago, I was also honored to recognize the 100th anniversary of Fugetsu-Do, a family-run bakery in my congressional district. Starting in 1903, Seiichi Kito and his family, later including Roy Kito, began working in a small shop to produce batches of mochi, maju, and other Japanese sweets. In 1942, when the Kito family was forced to relocate to the Heart Mountain, Wyoming internment camp, the family business was closed. At the end of the war, the Kito family returned to Los Angeles and reopened the doors of Fugetsu-Do. Today, Brian Kito, the grandson of Seiichi Kito and the son of Roy Kito, continues the legacy of Fugetsu-Do and continues to serve the Little Tokyo community.

And, of course, there is the wonderful celebration of Japanese culture and tradition during Nisei Week, culminating with the annual parade.

I am also very proud to represent many members of the Korean-American community and to work with this important constituency that greatly contributes to the Los Angeles area and our nation as a whole.

In 1903, Korean immigrants began arriving in the U.S. in 3 distinct waves. The first wave was recruited for back-breaking work on the sugar plantations of Hawaii. The second wave of Koreans arrived after World War II and again after the Korean War. In the 1960's, more Korean immigrants came to the U.S. seeking increased educational opportunities. Many in this last group were medical professionals who came to fill the shortage of health care workers in our inner cities. These immigrants have helped revitalize declining neighborhoods and have been an economic stimulus through small business entrepreneurship. Korean Americans have also made their influence felt in international trade, the fashion industry, and other community businesses such as restaurants. Still others make significant contributions in professions ranging from the arts to medicine and the sciences. Last year I was proud to help honor the 100th anniversary of Korean-American immigration to the United States with a statement on the floor of the House of Representatives and to participate in their annual Harvest Moon Festival parade in Los Angeles.

And, of course, I am privileged to represent Los Angeles's Chinatown, perhaps the Asian Pacific American group with the oldest and best known story in American history.

Immigrants from China first came to southern California in the late 1850's to help build wagon roads and lay railroad tracks across the west. Initially barred from owning property, many Chinese eventually settled near Olvera Street in rented homes and storefronts used for hand laundries, herb shops and markets in downtown Los Angeles. In the 1930's, this neighborhood of approximately 3000 Chinese was uprooted to make way for the construction of Union Station on Alameda Street.

Chinese families and merchants banded together as the Los Angeles Chinatown Corporation to create a "new Chinatown" on Broadway. Since second-generation Chinese could own property, American-born Peter Soo

Hoo led the group in purchasing a railroad storage yard they turned into a traditional Chinese-looking, tile-fringed pedestrian plaza. This "New Chinatown" became one of America's first shopping malls and was an immediate success. Restaurants and shops abounded, and at night the neighborhood came to life with colorful lights, music and street entertainers.

In the 1970's, waves of new Chinese immigrants led an ethnic population shift eastward to the San Gabriel Valley. The original Chinatown, however, retains its historical significance and vitality. To help stimulate its renewal and make this historic area accessible to more southern Californians, the Los Angeles delegation is working to bring the Gold Line through Chinatown.

Among the many other exciting things happening in Chinatown is the Chinese American Museum. In December of 2003, I was pleased to join the Chinese community to celebrate the Grand Opening of the museum, located at Olvera Street, the birthplace of Los Angeles. The Chinese American Museum is in the Garnier Building, which was erected in the 1890's for the exclusive use of the Chinese community. During those early years, the Garnier building housed schools, temples, churches and businesses. And, of course, the annual Chinese New Year parade and dragon dance culminates a week of celebration of Chinese culture and history.

And finally, in 2003, with other Members of Congress, I was pleased to attend a recognition ceremony in honor of Asian American and Pacific Islander veterans and current service members who are defending our country in the armed services. Among those being honored were members of the legendary 442nd Infantry Army Regiment, which sustained a higher rate of casualties during World War II than any other unit.

This ceremony was one more reminder of the enormous contributions and sacrifices made to this country by the members of our Asian Pacific American communities.

It is truly an honor to join my colleagues during Asian Pacific Heritage Month to recognize the many heroic and positive contributions of the API community to our American society.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, I am proud to join our nation in celebrating Asian Pacific American Heritage Month. This is a time to recognize the enormous contributions of Asian Pacific Americans to our society. The United States is a country of immigrants, known for its diversity. Asian Pacific Americans have increased that diversity, adding their unique experiences to our culture. I am proud that my home state of California has a larger population of Asian-Americans than anyplace else in the country.

It is important to renew our commitment to serving the specific needs of this community. Congress must not only reflect and acknowledge the past, but also look forward to meeting the future needs of a growing population. We need to work together to make the American dream a reality. Improving access to educational opportunities, enacting comprehensive immigration reform, and reducing health disparities should be priority initiatives. The theme of this year's Asian Pacific American Heritage Month is "Liberty and Freedom for All". This month serves as a reminder that we should all strive to make this theme a reality for every American.

We should also acknowledge the contributions of Asian Pacific Americans. My district in particular has benefited from their service and leadership. There are several prominent Asian Pacific Americans who dedicate themselves to improving our communities in southern California. They are a source of strength and inspiration to all of us. I would like to recognize someone who has provided invaluable service.

Laura Lee, of Cerritos, is committed to improving her community by helping those around her. She was elected to the Cerritos City Council in March 2003. However, this barely acknowledges the extent of her public service. She has made Cerritos her home since 1979, and in that time, has built an extensive list of accomplishments. Laura has provided her service and expertise to the American Red Cross, the ABC School District Legislative/Policy Advisory Committee, the Su Casa Domestic Abuse Network, and the Southern California Chinese Woman's League.

Additionally, she is very active professionally as a real estate broker. She has used this experience to take on leadership roles with the California Association of Realtors, the Rancho Southeast Association of Realtors, and the Cerritos College Real Estate Department. Laura Lee has contributed greatly to the growth or our economy, the diversity of our culture, and the quality of our education. She is someone we can all look to as a role model.

This month is a wonderful opportunity to celebrate the Asian Pacific American community. They are a valuable asset to our diverse culture that should be recognized.

Ms. SOLIS. Mr. Speaker, I rise today to join the Nation in celebrating Asian Pacific Islander American Heritage Month. The month of May is a time to celebrate the achievements of Asian American men and women who have made remarkable contributions to our country.

As a member of the Congressional Asian Pacific Islander American Caucus, I am proud to pay tribute to the 120,000 individuals of Asian descent I represent in California's 32nd Congressional District. Rosemead, Monterey Park and other cities throughout my district have experienced first hand the economic and cultural contributions of the Asian and Pacific Islander communities.

Since the earliest days of this country, people from all cultures have immigrated to our Nation seeking the promise of freedom, opportunity, and the American dream. As an integral part of our society, Asian and Pacific Islander Americans are leaders in public service, government, science, law, education, athletics, and the arts. As business entrepreneurs, Asian and Pacific Islander are helping to strengthen our economy and our communities through their hard work and ingenuity. As patriots, Asian and Pacific Islander Americans continue to risk their lives defending liberty. We are grateful for the service and sacrifice of our men and women in uniform and for their families who love and support them.

The commitment of Asian and Pacific Islanders to family, community and hard work has helped to shape our Nation for many generations. This year the country suffered a great loss at the death of Congressman Robert Matsui, who exemplified these qualities. A fellow Californian, Congressman Matsui served his district and the Nation 26 years in Congress with great distinction and honor. Formerly a Japanese-American prisoner during World War II, Congressman Matsui was a great advocate and champion of the Asian American and Pacific Islander community. His work effort, faith, and determination were a constant source of inspiration for me.

I join with all Americans in celebrating the Asian and Pacific Islander American culture, and I encourage every citizen to recognize the many contributions of Asian and Pacific Islander Americans to the diversity of the Nation.

Mr. ABERCROMBIE. Mr. Speaker, I rise today with my colleagues of the Congressional Asian Pacific American Caucus (CAPAC) to recognize May as Asian Pacific American Heritage Month. As a member of the caucus' executive committee and the chairman of its Immigration Task Force, I want to honor the many achievements and contributions of the more than thirteen million Americans of Asian and Pacific Islander descent in our country.

Back in 1978, my friends and colleagues, Senator DANIEL K. INOUYE, former Senator Spark Matsunaga, former Representative Frank Horton and former Representative Norm Mineta helped establish the first 10 days of May as Asian Pacific American Heritage Week. Subsequent efforts were made to extend the week-long celebration to a month-long event. In the 102nd Congress, I was an original cosponsor of legislation signed into law that designated May of each year as Asian Pacific American Heritage Month.

I am blessed to serve the First Congressional District of Hawaii which is comprised primarily of Asian Pacific Americans (APA). It's an inspiring and empowering sight for other APAs from around the country to see. I know I say this every year, but I feel that it needs to be repeated. There is a special strength and resilience embodied in Hawaii's unique cultural mix: we have chosen to be defined by our diversity rather than divided by our differences. That resolve to work together with Aloha can serve as an example to the rest of the country.

While we can look at APA Heritage Month as a time to recognize and celebrate many individual accomplishments, we must also take action. My colleagues and I are committed to improving the lives of all APAs by working on issues of importance to our community, such as fighting to eliminate racial and ethnic health disparities, defending civil liberties, protecting Social Security, and ensuring educational opportunities for our children. These are the principles that reflect this year's theme, "Liberty and Freedom for All."

This year's theme represents the past and ongoing contributions of APAs, such as Congresswoman Patsy T. Mink who dedicated her life to economic and social justice, Congressman Robert Matsui, who's internment experience during World War II helped shape his belief that every American is entitled to basic civil rights despite their ethnicity, and Japanese American soldiers who fought during World War II, such as Senator DANIEL K. INOUYE.

Throughout our nation's history, APAs have made and continue to make major contributions in areas such as business, civil liberties, culture and arts, education, medicine, technology and politics. By the year 2050, there will be an estimated 33.4 million U.S. residents who will identify themselves as Asian alone, which will comprise 8 percent of the total population. This is a projected 213 percent increase of APAs between 2000 and 2050. These statistics reflect the growing significance of the APA community, its growing role in the development of public policy, and its cultural contributions that helps us to celebrate our diversities. I extend my heartfelt aloha to the APA community and look forward to celebrating APA Heritage Month.

Ms. LEE. Mr. Speaker, I rise today to celebrate Asian Pacific American Heritage Month, which commemorates the significant contributions of Asian Pacific Americans throughout our country's history. America draws its strength from its tremendous diversity. The contributions to our country—to the American culture and experience—by Asian Pacific Americans are numerous, and we are a much better country as a result.

I thank the gentleman for yielding and for his leadership in the Asian Pacific American Caucus and our Tri-Caucus, the Asian Pacific American Caucus, the Hispanic Caucus, and the Congressional Black Caucus. It is a privilege to be part of the Tri-Caucus.

Today, I want to recognize the contributions of Asian Pacific Americans in my district, the Ninth Congressional District of California, the East Bay of Northern California, and commend them for their dedicated service and vision in making life better for those in our community and our Nation. Asian Pacific Americans have long played a crucial role in the life and history of the East Bay. The region's identity has been profoundly shaped by its place in the Pacific Rim.

However, today Asian Americans face a wide variety of challenges, including access to educational opportunities and community resources. I specifically want to highlight the work being done in my own district by the East Bay Asian Youth Center (EBAYC) and the East Bay Asian Local Development Corporation (EBALDC), in their efforts to empower the Asian American community and improve their standard of living.

The East Bay Asian Youth Center inspires Asian American youth and families by providing leadership and educational opportunities. Everyday EBAYC (ee-BAY-cee) demonstrates that cultural diversity is a powerful agent for progress. They run a youth sports program, have founded a health center, and coordinate a video productions program that was awarded Honorable Mention at the Oakland International Film Festival. EBAYC also facilitates partnerships to provide health, social, security improvements, and after-school services at schools. Moreover, EBAYC engages families through the creation of Parent Action Committees (PACs). Over 500 Asian, Latino, and African-American parents are involved in these PACs in schools where no parent organization had previously existed. These PACs have been enormously effective, fomenting positive change in local schools. For example, one PAC was able to decrease truancy by 40 percent at a middle school that was known for its major gang-related and racial violence.

I also want to mention the East Bay Asian Local Development Corporation. EBALDC (ee-BALD-cee) has created a national model to promote affordable housing. Since its inception, it has created over 700 units of affordable apartments for low income families and seniors. It is one of the Bay Area's—and the Nation's—most respected community developers. EBALDC has developed nearly 200,000 square feet of retail, office and childcare space, two of which I want to highlight: (1) the Asian Resource Center, a facility that provides key community services to the APA community in Oakland Chinatown and, (2) Preservation Park, a beautifully restored Victorian neighborhood block that is home to a countless number of non-profit organizations and small businesses. In addition, EBALDC spearheads an Individual Development Account (IDA) savings program, by which more than 10 percent of the IDA participants have used their savings to buy their first homes. Given that the Bay Area's real estate market makes it one of the least affordable cities in the Nation, it has made a huge impact within our community, EBALDC helps individuals discover and develop the resources to realize their dreams—of owning affordable homes and starting new businesses.

Immigrants face many obstacles today, and organizations like EBALDC and EBALYC help their clients to conquer their problems. These are just a few specific examples of the impact that APAs have had in my district. I want to salute the achievements of these two organizations tonight.

I believe that it is also very important to celebrate the accomplishments of a hero for many of us, someone who has tirelessly devoted her life to make our Nation better, Lillian Galedo. Ms. Galedo is the Executive Director for Filipinos for Affirmative Action (FAA). This year she will be celebrating her "Silver Anniversary" with the organization, having served 25 years with FAA.

During her tenure, Ms. Galedo has spearheaded several initiatives to advocate on behalf of the Filipino American community, especially in the East Bay. Today, Filipinos continue to be among the top three groups immigrating to the U.S., constituting one of the largest Asian populations in California. FAA runs several youth programs, offers services to new immigrants and engages in several community campaigns, working for the rights of immigrants, Filipino-American airport screeners and WWII veterans. FAA is truly an exemplary grassroots organization, and Ms. Galedo has been at the forefront of encouraging civic participation and fighting for the civil rights of the community. Ms. Galedo is a woman warrior—passionate and articulate—and an inspiration for many Asian Americans.

I also want to recognize the contributions of those who have left us, but who have left an indelible mark in our Nation's history.

Tonight I honor the memory and the legacy of a very good friend, my dear colleague Congressman Robert Matsui. He made such a great impact in this body, and tonight as we celebrate APA Heritage Month, I want to remind everyone of Bob's great legacy. Bob's passing is a bitter blow to all of us. But his life and the things he achieved for all of us will live forever as a testament to a life well-lived. I also want to recognize his wife, DORIS, who has done an incredible job in the past few months, in carrying on his legacy and reflecting the view and the future that Bob would have for the country.

I also want to highlight the achievements of Fred Korematsu, a courageous champion of the civil rights movement and a role model for Asian Americans. During his life, Mr. Korematsu touched the lives of countless people, shedding light on a past injustice that was forgotten and ignored. Mr. Korematsu was a central figure within the controversy of Japanese internment during World War II, during which he was arrested for demanding no more than what every American is entitled to—his basic human rights. Mr. Korematsu defied the order to go to the Japanese-American internment camps because he believed it wasn't right. His case changed legal history and resulted in an apology by the U.S. for its wrongdoings, as well as reparations to 120,000 living Japanese-Americans.

Mr. Speaker, as a Nation, we must embrace the cultures that have worked to advance the needs of all Americans and have helped to define what it means to be American. So as a proud member of the Congressional Asian Pacific American Caucus, I am privileged to join the gentleman from California tonight to make sure that our entire country understands why we are celebrating APA Heritage Month. Let us make sure that we represent Asian Pacific Americans every month, each and every day as we develop our policies and our legislation that ensure liberty and justice for all.

Mr. LANTOS. Mr. Speaker, I rise today to celebrate, with my colleagues, the extraordinary accomplishments of the Asian Pacific American (APA) community and to recognize the sacrifices they have endured. Their struggle to find a place in America without prejudice and repression is a story that all Americans should know, and I am pleased that the month of May has been set aside for Asian Pacific American Heritage Month.

I am so proud to represent the 12th Congressional District of California because its amazingly diverse population includes a large APA community, as well as the largest population of Filipinos outside of the Philippines.

Looking back over our history, it is heartening to see the advances that the APA community has made as a whole, in spite of setbacks and sometimes horrific treatment in our government's name. One of the most compelling stories came to an end earlier this year with the passing of my good friend Congressman Robert Matsui, with whom I served for 24 years. His tragic and unexpected death struck a chord deep in the hearts of all those who served with him. His success story is quintessentially American, despite the fact that when he was young, the U.S. government denied him the freedom bestowed to him under the Constitution.

Mr. Speaker, even though his family had been in the United States for two generations, Bob and his family, like 114,000 other Americans of Japanese descent, were rounded up and sent to detention camps. The courage it took, not only to survive and to prosper from this slap in the face to all Americans, but to go on to become part of the government in the hope of changing the government's policies and working atmosphere is extremely commendable. And change the atmosphere he did, passing the Japanese-American Redress Act, which produced an official apology from the Federal Government. He became one of the highest-ranking Asian Pacific Americans in Congress during the 108th while serving as the Chairman of the Democratic Congressional Campaign Committee. He exemplified the fight for freedom and liberty and he is sorely missed. We welcome Bob's wife, and my friend DORIS, as she begins her Congressional service.

Many other Congressional colleagues of APA heritage have served our country with distinction. Currently there are over 300,000 veterans of Asian or Pacific Islander decent, and while many served our country with distinction, no unit in the armed forces deserves more credit than the 442nd Regimental Combat Team. Comprised solely of persons of Japanese background, this band of brothers was the most decorated unit for its size in U.S. history. My good friend and colleague, Senator DANIEL INOUYE earned the Medal of Honor fighting in the 442nd.

As a group, the people of the APA communities are fighters, throwing off the second class citizenship that was foisted upon them during immigration battles throughout the 19th and 20th centuries to become among the highest achieving Americans. Half of all members of the APA adult community have college degrees, compared with one quarter of the adult U.S. population is but one mark of excellence.

Mr. Speaker, although it is important to recognize the achievements made, this month will also allow us to renew our focus on the problems that face the APA community, problems like affordable housing, racial profiling, language barriers and unfair immigration laws. One of the largest problems facing the Asian Pacific Community is the perception that the community is thriving without exception. With a record amount of those in the APA community going to college, one would tend to think that way, but in reality there are large sections of the APA populations who have very little education, and who experience financial depths that no American should have to face. There remains a problem that must be addressed when language barriers contribute to leaving one out of ten Asian Pacific Americans in poverty.

I continue to work with other members of the Congressional Asian Pacific American Caucus to create a better environment for Asian Pacific Americans in my Congressional District. I wrote H.R. 139, which helps to alleviate the nursing shortage seen throughout California and the nation by allowing Filipino nurses to use some of the unused employment-based immigrant visas. I am an original cosponsor of a bill that would authorize grants for institutions of higher education that serve disproportionately low income and underserved Asian American and Pacific Islander students. During the 108th Congress, I was a cosponsor of a bill that would give Filipino Americans residing as legal aliens or citizens of the U.S. the same health and pension benefits that all other veterans of World War II receive, as well as many other bills that support the APA community.

The Bay Area is lucky to be home to one of the largest populations of Asian Pacific Americans in the United States, particularly San Francisco and San Mateo County. For centuries it has been one of the great gateways to America, just like St. Louis for those coming west. I thank San Francisco Mayor Gavin Newsome and the members of the Board of Supervisors for their proclamation officially dedicating the month of May in San Francisco as Asian Pacific Heritage month.

Mr. Speaker, I believe that we have come full circle as a nation in our attitudes toward Asian Americans and Pacific Islanders. This vibrant part of our community offers an array of perspectives that are firmly woven into the fabric of America, and I am extremely proud to serve as a representative of the community. I invite my colleagues of all backgrounds to join me in observing this wonderful month and recognizing the contributions that they have made in fighting for liberty and freedom for this great nation.

ACCOMPLISHMENTS OF THE 109TH CONGRESS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONAWAY. Mr. Speaker, I rise tonight to take what will be a brief look back at the first 100 or so days of activity in this House of Representatives. While each new session of Congress holds great promise, it is the actions that that Congress takes that determines whether or not that Congress has been successful. Our success has been as a result, in my mind, of the leadership of the gentleman from Texas (Mr. TOM DELAY), the majority leader, whose responsibility it is to shepherd legislation through this body.

In a community and a town where exaggeration and hyperbole, overreaching and puffery has been elevated to a state of art, you have to be very careful to not indulge in those tendencies, although some in this Chamber have on occasion, rare occasions, I suspect, done that. But if you are looking at facts, if you are talking about things that have been accomplished, then you are less likely to be accused of puffing and of exaggeration.

So during this next 60 minutes, my colleagues and I who have joined me tonight will spend this hour talking about things that we have accomplished, the things that we have done, the good we have done, how it will impact America and Americans, if the bulk of this legislation does, in fact, reach the President's desk. So to start us off tonight, I have asked my good colleague and fellow freshman, the gentlewoman from North Carolina (Ms. FOXX), to share with us what is on her mind. So I yield to the gentlewoman.

Ms. FOXX. Mr. Speaker, I appreciate the gentleman yielding to me. It is a real honor to be a Member of this freshman class. Folks keep telling us we are a good group, and we know that from ourselves.

I rise this evening to support our majority leader, the gentleman from Texas (Mr. DELAY). Congressman DELAY has done a remarkable job in providing strong leadership and guiding the Congress to make many positive changes for our country. It is a shame that Democratic party leaders are playing partisan games in order to distract the American people from what is important, all of the progress that is being made in this session of Congress. But rest assured, they will not distract my colleagues and me from getting the job done. It is time for the Democratic leaders to put partisan politics aside and work together on the issues that really matter to the American people.

Mr. Speaker, I am proud to report that the first 100 days of the 109th Congress have been a tremendous success. We have been working hard in a bipartisan fashion to make many positive changes for America.

Mr. Speaker, I get up lots of mornings 5 o'clock, 6 o'clock and leave home, and I am always astonished at how many people there are on the highways of western North Carolina going out to do their jobs, and I think those people expect us to do the same thing. I say to the gentleman. That is what they want us to be doing, and that is what we are doing.

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I am proud of that. In the past 4 months, we have fought to reduce taxes and the burdensome rules and regulations that plague hard-working Americans. When those people get up every morning and go to work, they do not want to be burdened with taxes and rules and regulations.

And just last week, the House passed a budget resolution conference report that will implement $106 billion in tax cuts over the next 5 years. Our fiscally responsible budget funds our top priorities, such as national security and defense, while stimulating our economy and creating jobs.

It also reins in spending and reduces the Federal deficit. You know, with the loss of sense of history and civics, many people have forgotten that the number one role of Federal Government is to provide for the defense of our Nation. If we do not provide for the defense of our Nation, nobody else can or will, no other level of government can. So that has got to be our top priority.

We have also acted to repeal permanently the death tax, which is an unfair burden on thousands of American families, small businesses, and family farms. The death tax has caused many of these small businesses and farms to go out of business. I am happy that we have acted to bury this unreasonable burden.

We have strengthened our national security by passing the REAL ID Act. This bill will require rigorous proof of identity and strong security requirements for all applicants for driver's licenses and State-issued identity cards. The vast majority of the States have recognized the privilege that a driver's license brings.

However, 10 States, and regrettably including my home State of North Carolina, issue valid driver's licenses and identification cards without requiring proof of legal status. And according to the 9/11 Commission report, these travel documents are just as important as weapons are to terrorists. I am pleased that the REAL ID Act will help solve this problem.

We have passed an $81.4 billion wartime supplemental bill that provides the funds necessary to continue fighting the war on terror, while providing our men and women in uniform with vital equipment and training. I am proud we are supporting our troops who are performing magnificently under difficult conditions.

Just last week, a young man who was injured in Iraq came to see me. He lost both of his legs above the knees. He has the most wonderful spirit and most wonderful attitude about this country, and about keeping the faith that this country has given him. And it is an inspiration to me to meet people like him.

I am proud that we are supporting him and others. They are helping to spread freedom and democracy throughout the Middle East and the rest of the world. Without their sacrifice, Americans would not be able to continue to enjoy the freedom we cherish. We have hosted Ukrainian President Victor Yushchenko who has become a leading symbol for the promotion of democracy in his part of the world. How wonderful it is that the values of freedom are being adopted across the world.

We fought to support the Boy Scouts of America, by encouraging the Department of Defense to stand up to the liberal extremists and continue to permit the Scouts to use their facilities. The Boy Scouts is an outstanding organization that teaches young boys time-honored values such as loyalty, preparedness, citizenship, and character. We must do everything we can to support them.

We voted for a responsible transportation bill that will improve our roads, increase driver safety, and create many new jobs. We have passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which will encourage personal responsibility and ensure that bankruptcy in America is available for all who truly need it and not abused by those looking to game the system.

We have all been affected by high gas prices. To forge a long-term solution, we have passed a comprehensive energy bill that will lower energy prices, strengthen the economy, generate hundreds of thousands of new jobs, and encourage greater energy conservation and efficiency. This bill will also reduce our dependency on foreign oil and encourage investment in alternative energy sources.

These are just a few of the many positive changes that we have made. We have seen changes in vocational education. We are going to be dealing with more of that in the next few days. But rest assured we are going to continue to work very hard, and we have a lot left to do.

I look forward to working with my colleagues in a bipartisan way to make more positive changes in the next quarter of the 109th Congress.

Mr. CONAWAY. I want to thank the gentlewoman for her comments tonight. She has done an excellent job of reviewing many of the terrific accomplishments that this 109th Congress has done so far.

Accomplishments are gauged by the legislation that is passed and sent to the Senate, or that comes from the Senate and is passed and sent on to the President of the United States. Much of that success ought to be bipartisan.

This may sound a bit heretical to some of my Republican colleagues, but we Republicans do not necessarily have all of the good answers, all the right answers; and by the same token, the Democrats do not have all of the right answers as well. So what we ought to be about crafting are those solutions and those answers to the problems that face Americans that do have bipartisan support.

And later on this evening, I will run through a litany of the legislation that has been passed through this body, which from 41 to 122 Democrats have joined their Republican colleagues in the passage of this legislation, clear evidence that the work coming out of this body can be bipartisan and that we can have a meeting of the minds among folks with different philosophies.

I have also been joined tonight by the gentleman from Georgia (Mr. GINGREY). I find a great pleasure to yield to him as much time as he may consume to continue this discussion.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding the time, the gentleman from Texas (Mr. CONAWAY), and of course before him the gentlewoman from North Carolina (Ms. FOXX).

The gentleman mentioned the spirit of bipartisanship. In that vein, let me just commend our colleagues on the other side of the aisle, the gentleman from California (Mr. HONDA) and the gentleman from Oregon (Mr. WU), who in the previous hour talked about the contribution of Asian Americans and Pacific Islanders, people like themselves who have contributed so much to this country. And I commend them for that. I found it to be a very interesting and compelling hour.

And we, Mr. Speaker, can be bipartisan and need to be. We need to take every opportunity. There are so many issues, as my colleague from Texas just mentioned, that, I mean, things like health care and public education. These should not be partisan issues. Social Security modernization and saving that program for our children and grandchildren. It does not make sense that that will get involved in partisan bickering, but it does.

But I think we need to understand and make sure that, as our colleagues know, that we can still make progress despite the fact that we have to run every 2 years and everybody is always kind of thinking about the next election and who is in control. Well, that is what a lot of this partisanship is about. But the way, Mr. Speaker and my fellow colleagues, that we make progress despite that tension is with great leadership, with great leadership.

And I can think of none greater than the Speaker of this House, the gentleman from Illinois (Mr. HASTERT), and our great majority leader, the gentleman from Texas (Mr. DELAY) who is a colleague from Texas of my friend, Representative CONAWAY.

We have done so much, as he pointed out, the gentlewoman from North Carolina (Ms. FOXX) also, in discussing the progress that we have made in these first 100 days of this 109th Congress. It is truly amazing. And I think a lot of these things have already been mentioned, that we have accomplished, despite the fact that our leader, the gentleman from Texas (Mr. DELAY), has struggled because of unrelenting attacks from the other side, mainly for political reasons, quite frankly.

It is a situation where if you go after the leader, if you are able to shoot the leader, then the rest of the troops might cower down a little bit. Thank God that has not happened. We have a very strong caucus on our side of the aisle. And, you know, we may have a Member or two that gets a little squishy and nervous, and that is regrettable.

But I think the important thing is that the vast majority of us are very supportive, we are team players. When the going gets tough, as they know in Texas and as they know in my great home State of Georgia, the tough get going. That is what we have seen from our leader.

There is a country song, if you want to play in Texas you got to have a fiddle in the band. The gentleman from Texas (Mr. DELAY) has a fiddle in the band; and not just in Texas but in this great country of ours, he is the straw that stirs the drink.

And the courage that he has shown, the leadership, that is the reason why in these first 100 days of the 109th Congress that we have been able to accomplish so much. As has already been mentioned by the gentleman from Texas (Mr. CONAWAY) and the gentlewoman from North Carolina (Ms. FOXX), we have passed the emergency supplemental, $81 billion, to support our troops in Iraq as they continue this battle to democratize the Middle East.

And we are succeeding. We had great bipartisan support on that bill. Just last week, we passed the House budget resolution, which for the first time in, I think, over 10 or 12 years, we actually cut discretionary spending by a full percentage point; and we limited the growth of mandatory spending.

It has been mentioned, of course, the permanent elimination of the death tax, which just passed this Chamber a couple of weeks ago. Class action reform, bankruptcy reform, the energy bill just last week, and all of these really remarkable pieces of legislation.

There was an article, I think, Mr. Speaker, in the Hill or Roll Call this week talking about the 20 most important pieces of legislation that have come through this Congress in the last 40 or 50 years. I think they are going to need to revise that list, because quite honestly in these first 100 days we are beginning to do some historic things, and hopefully the other body will follow suit.

But it is because of the leadership of people like the gentleman from Illinois (Mr. HASTERT), the Speaker of this great House; and our majority leader. And I really commend him. He is a strong Christian man who has committed his life to family values. You know, Mr. Speaker, he was attacked relentlessly, and this quote may not be exact, but in regard to the Terri Schiavo case, and not just that case but a lot of decisions that are made, particularly coming from Federal Courts in the 9th Circuit out on the left coast, when they wanted to take God out of the pledge of allegiance, and make sure that the 10 Commandments are never shown in any public places, and that you cannot celebrate Christmas any more, it has to be winter holidays. And our leader said, the time will come for the men responsible for this to answer for their behavior. Now, a lot of people, Mr. Speaker, want to say, well, Mr. DELAY is threatening our Federal judiciary, I do not think so. I do not think that is at all what he meant.

TOM DELAY is a well-known born-again Christian. When he made that comment, I assumed he was referring to God, that that is who men and women of the Federal judiciary will have to answer to when they forget from whence we came. And I commend him for that. It was no threat, no personal threat on the part of our leader.

So to have an opportunity, Mr. Speaker, to be here tonight, to join with my colleagues, with the gentleman from Texas (Mr. CONAWAY) who is managing the time tonight, I commend him for that. And I just want to tell you how much confidence I have in leader TOM DELAY. He is someone that has the courage of his convictions, and they are not going to bring him down.

They, those on the other side who want to get overly partisan and forget about what the people in this country really want, they want bipartisanship, they want good laws passed, they want tax relief, they want regulatory relief, they want good health care and good public education, and they want a balanced budget.

And these are the kind of things that we are working toward under the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY).

Mr. CONAWAY. I appreciate and thank the gentleman from Georgia (Mr. GINGREY) for coming over tonight and spending his time with us to point out to us, Mr. Speaker, that some of the great things that we have, in fact, accomplished during this first 100 days, as I mentioned, if it is a fact, it is not over-reaching, it is not puffing, it is not exaggerating. And these are facts that we lay on the record, facts that most often have wide Democratic support for the initiatives that have been brought forward on the Republican side.

For that I am thankful for my colleagues on the other side of the aisle who have looked at the issues, looked at what is best for America, looked at the solutions that are being presented and voted their conscience as opposed to being obstructionist or just simply taking the party line on issues that are of importance to our great country.

□ 2215

Mr. Speaker, I have also been joined tonight by another colleague, the gentleman from Georgia (Mr. KINGSTON) and I yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY) and I would like to make a few remarks on Social Security. Before doing so I wanted to thank the gentleman from Georgia (Mr. GINGREY), the doctor, I should say, for the good work he is doing on health care reform, making health care more affordable and accessible to the American people and working through the private sector rather than going through a Canadian or English style of government-sponsored health care. We do have a great health care system but also one that needs improvement.

Mr. Speaker, I want to thank Members of Congress who are working on immigration reform. We have 8 million illegal aliens in the United States of America. That is about the size of the State of Georgia which is about 8 million people. A big issue.

I am very pleased that the gentleman from Wisconsin's (Mr. SENSENBRENNER) language will be in the supplemental appropriations bill which we will vote on on Thursday. It is a major victory for those of us who are pushing for immigration reform.

Mr. Speaker, I will speak on Social Security reform as well. The last time Social Security was taken up by this Congress was in 1983. At that time, the Members of Congress thought that they had fixed Social Security for another 75 years, but unfortunately that is not the case.

In less than a decade, Social Security will begin to spend out more money than it brings in. Insolvency is not the only issue, although it is a major one. We know that in the year 2018, when the baby boomers start to retire, more money will go out than is coming in. And we know by 2041, if we do not cut benefits by 27 percent, Social Security will be bankrupt. The math is simple to follow.

In 1937, when Social Security was started, we had 60 workers for every one retiree. And by 1950, it was 16 workers to every retiree, and today it is 3.3 to 1. And during that period-of-time life span, life expectancy has increased. In 1937 folks lived to be 59 year old. Today they live to be 77 years old. The math is even easy for a Democrat to follow, Mr. Speaker. You can see why we are having solvency problems.

There is also an issue of generational fairness. As my friends know, if you retired in the year 1980, you got all your money out of Social Security in 12.8 years. But if you retire in 2003, it will take you 17 years to get your money out. Most Americans do not mind. They do not need to have every dime accounted for, every penny accounted for, but generally people expect to get at least the money they put into the system out of it. But that is not going to be the case for today's 20- and 30-year-olds who, in addition to having to live longer, past the retirement to get their money back, they are also going to have this great benefit cut. So we have a great challenge. And to the Republican party, the choice is simple.

We need to do it together. We need Democrats and Republicans to come to the House Chamber with the best of their ideas, put them on the table and let us cobble out something that does not focus on the next election, but on the next generation. Something that is fair at the kitchen table where mom and dad and the kids and the grandparents can sit down and agree on it. Because if we can get the agreement square on the kitchen table, it will not be any problem to get it passed in the House Chamber.

Last week under the gentleman from Texas' (Mr. CONAWAY) leadership a number of House Republicans and Democrats sat down together with Bill Novelli, the chairman and CEO of the AARP which is the largest older Americans advocacy group in the United States of America. We sat down, Democrats and Republicans, together with the AARP, to talk about core principles, talk about what could be a solution and what could not. And we knew at the time we were not going to walk out of the room with hands held and all kinds of bipartisan unity. We knew that this was just the first step.

I have got to say that I have a lot of appreciation for those Members who showed up from the Democrat side. But unfortunately, the Democrat leader, the gentlewoman from California (Ms. PELOSI) decided that this meeting for some reason was off limits, for some reason it is a bad thing for Democrats to sit down with Republicans. And yet publicly she calls for bipartisanship, but here in the House Chamber when the gentleman from Texas (Mr. CONAWAY) tried to get this meeting together, of the five original Members only two actually came. The other three were intimidated by Democrat leadership. Do not come because we can talk publicly about bipartisanship but behind lines, behind the scene we really do not want this.

It is further revealed this week, the gentlewoman from California (Ms. PELOSI), the Democrat leader was on the ABC "This Week" show with George Stephanopoulus, actually one of her fellow Democrats, a former Clinton advisor. And yet in this role he was being an interviewer, and he asked the gentlewoman from California (Ms. PELOSI) why the Democrats have not put forth their plan. And he asked her a number of times and she would not say. And finally he got so tired of it he said, Why should the American people trust the Democrats if they do not have a specific plan of their own on Social Security? To which the Democrat leader said, "The American people should trust the Democrats because we originated Social Security."

I guess the Democrats have gone from the Franklin Roosevelt New Deal to the Pelosi No Deal. Because if we need to go back to 1937 to be the last time we could trust a Democrat, then maybe Ronald Reagan was right. The party left him, he did not leave the party. And I guess that is true with many of us. Because I know in the great State of Texas and in the State of Georgia, they were majority Democrat States until recent years, when the Democrat party refused to come to the table with mainstream ideas and to put politics aside and say, let us sit down and come up with some solutions.

I strongly believe that there are a lot of good Democrats across this country. There are a lot of good Democrats in this House Chamber. I am sad to see so many following lockstep with the radical fringe leadership of their party.

I am sad to see that they are intimidated to the extent they do not even offer a plan. But I would also call on them and their Democrat constituents back home to say, you know what, I am 23 years old; and I know I am faced with a benefit cut; and I know the President has offered me an opportunity to voluntarily enroll in a personal savings account in which I will have a lot more money than I will if I pay 40 years into Social Security. I am interested. At 23 years old I have got a lot at stake.

And I might say, I do not know if I like what the President has offered, and I am hearing a lot of bad things about it from the Democrats, but what is it that they are offering to me as a 23-year-old new worker into this system?

And I look and I search the papers and I turn the pages and I look at the bloggers and I look on the Internet and I check my emails, and I find out the only things the Democrats are offering is that there is no problem with Social Security. Tell that to the 23-year-old new worker because they are not buying it.

Mr. GINGREY. Mr. Speaker, I found it very interesting that the Pelosi No Deal, my colleague, the gentleman from Georgia (Mr. GINGREY) mentioned and I watched a little press conference that they had over the weekend or yesterday in regard to what the President had to say at his press conference Thursday night talking about progressive indexing. And the gentleman from Maryland (Mr. HOYER) the minority whip at that press conference said, "Other than individual personal account options, there are at least a dozen other things that we can do to save Social Security."

I would challenge him to name four. Name two. Give us one rather than this "no deal" that my colleague from Georgia was talking about because they do not want to talk about any of these dozen other approaches to solving the solvency problem of Social Security. Because some of those could be raising payroll taxes, cutting benefits, raising the age at full retirement. I could go on, but I think that is the reason, and I think my colleague from Georgia would agree, that they basically have a no deal and a hokey pokey plan, if you will, to save Social Security.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for pointing it out. But again, I want to emphasize, we have a lot of solutions that Members of Congress are promoting. And they are doing this on their own. They have not officially trolling out in the name of the Republican public. The gentleman from Arizona (Mr. KOLBE) being one, the gentleman from Texas (Mr. SAM JOHNSON) being one, the gentleman from Wisconsin (Mr. RYAN), the gentleman from Florida (Mr. SHAW). They are coming up with solutions.

But to my knowledge, there is not one Democrat who has offered a Social Security plan since I have been a Member of Congress over 10 years, except for Mr. Charlie Stenholm, who is now on the President's bipartisan commission to save Social Security, and Patrick Moynihan, who many years ago as a liberal Democrat from New York, a Senator, said that we have got to act to protect and preserve Social Security because it is going bankrupt.

It is time to do something. Even President Clinton said that. And yet the current membership of the Democrat Senate and House are afraid to offer one plan. And doggone it, if you want to raise taxes, and that is one thing the Democrats are good at, put the plan on the table. It is okay. Let us look at it. A bad plan is better than no plan.

But if you want to be the party that used to proudly say we are the party of the new deal, to now be the party shamelessly of the no deal, then continue on the current leadership path because that is what we are getting from the Democrats.

Mr. CONAWAY. Mr. Speaker, I, too, am concerned about Social Security. Probably the single heaviest lift, as that phrase is used in these Chambers, that we have ahead of us. It will look like a walk in the park when we begin to consider Medicaid and Medicare and overall health care spending and costs in this Chamber. So we need to get it done now.

As we address the issue of Social Security we have got more options today than we will as each year passes. If we do not act, if we continue to keep our heads in the sand, which if you think about the posture that you are in with your head in the sand it is not particularly flattering. If we continue that posture, we have add a $600 billion increase to the unfunded liabilities that are Social Security for each year that we fail to act, for each year that we do not consider those 23-years-old as they enter the workforce.

Our oldest son is 32 years old, and he will be retiring about the point in time where benefits look like they are going to cut under current conditions, about 27 percent. And that is not something I am particularly excited about.

I am also not excited about the opportunity of taking our six wonderful grandchildren, of which we are very proud, I am not particularly interested in taking those six down to my local banker, convincing him to draw up a major huge loan packet, in which I will get the proceeds and I will make those six little critters sign on that note and they have to pay it off.

That is a plan that is not particularly attractive to this grandfather. I do not imagine it is particularly attractive to any grandfather in this body that would consider that. But that is what we are doing as we continue to delay and delay and delay and not address the bad math problem we have with Social Security.

Mr. KINGSTON. Mr. Speaker, one of the things that I think is so important of the Republican model of sitting down at the kitchen table with you as a grandparent, with your children and with your grandchildren to work out something that is fair. That is the approach we need across America. That is the approach that we need in the United States Congress.

But the thing that is important to remember as we look at this, in 1937, the tax on Social Security was 1 percent employer, one percent employee. A 1 percent 1 percent match. In 1960 it was 3 percent and 3 percent. In 1978, 5 percent and 5 percent. Today it is 6.2 and 6.2 percent. We have raised the taxes on Social Security twenty different times since 1937.

Now, there are those on the other side, there is no bill, but they do talk a little bit around the edges, well, they just need to increase taxes.

If you increase taxes 1 percent for you, and you are under 65, I do not know how old the gentleman is. The gentleman is in great shape. I do not know the gentleman had six grandchildren. Let us say he is 45 years old. Let us say he is 50 years old. That means his taxes might go from 6.2 to 7.2 percent. One percent. But think about a 23-year-old entering the workplace, how much that 1 percent means year after year in paying into it.

□ 2230

Okay. Let us just say that is tough, that might just be the way some people think they do not have any sympathy, but one of the things that we have to understand is that if you are an employer and you have 1,000 employees, every time it gets more expensive to hire an employee, you are going to look for ways to reduce your workforce.

So, if we decide, well, this is the only way out of here is to increase taxes on the workers, which is matched by the employer, then it is going to be a job killer. I do not know how many jobs would be reduced, but we do know from standard economics that the more expensive it gets to hire somebody, the least likely an employer is to hire somebody. They are going to look for ways to reduce the workforce, not to increase it.

One of the things this Republican party has worked very hard on is creating more jobs, and so it is counterintuitive to us to increase taxes on employers and employees.

Mr. CONAWAY. Well, I spent 30-plus years as a CPA working for a variety of clients and situations, and it has been my experience with those clients that, as Congress has reduced taxes, as tax bills have gone down, that most employers use that money to invest in new employees and invest in new equipment, in new process, to expand their businesses, and as the gentleman pointed out, when taxes go up, somebody loses a job.

I would also like to point out one other thing while we are talking about Social Security and, that is, current beneficiaries and near-term beneficiaries.

Every chance I have gotten, every chance I hear of anyone talking about a plan, it includes a clear, unequivocal statement that if you are on Social Security benefits, if you are a near-term beneficiary, those benefits will continue; you will continue to get your checks. So whatever it is, whatever solutions we come up with, I will be able to look at my mom and dad, who are current beneficiaries, and tell them that on the 3rd of every month, that direct deposit is going to hit the bank, just like it did last month and the month before that. You will not, Mom and Dad, be able to outlive your Social Security benefits because, in my mind, Social Security is a contract with ourselves.

We are not going to breach Social Security. It is a public policy issue that I think has served this country well for 75 years. It is a great concept to have a floor, a level of lifetime annuity that you know will be there for the rest of your life. We have got that for the current generation of beneficiaries. I think it is a good idea that we ought to have it for my grandchildren, that they also would have a plan in place, funded over their work life, that would allow them to have a lifetime annuity, that would provide them and their families, at a modest level, of course, because Social Security was never intended to be a robust retirement. It was always intended to be a safety net, a bare minimum, a modest lifestyle that you would lead, but nevertheless, one that would allow you to exist in your retirement age.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman yielding.

I was talking a little bit earlier, Mr. Speaker, about this press conference that the gentlewoman from California (Ms. PELOSI), the minority leader, and others had today or maybe it was the end of last week. It included, of course, the minority whip, and they kept talking about the President, President Bush ought to be ashamed of himself for raiding the Social Security trust fund. Now, that is so disingenuous. The mendacity of that is appalling.

The $1.7 trillion in the trust fund is gone and we all know, and I think the American people, Mr. Speaker, know, as we have tried to explain, the President explained, that money has been spent on other governmental functions. I am not saying that it was inappropriately spent. You spend a little bit more money on the veterans and on defense of this country. If you spend a little bit of money on agriculture, our farmers, education or K–12 and higher ed, these are legitimate costs of government. But this has been going on for 70 years, the trust fund has been raided, and during at least 50 of those 70 years, who has been in control of this Congress? I think we all know that, the Democrats.

Then, for the gentlewoman from California (Ms. PELOSI), the minority leader, and the gentleman from Maryland, the minority whip, to suggest that this President has been raiding the trust fund is appalling. They know better. They know absolutely better that we have had deficit spending since 2001 and 9/11 and the dot.com bubble burst and having to stand up the Department of Homeland Security and go and fight the terrorists, not on our shores, and to prevent them from coming again and striking us here on our home land. Yeah, we have had some deficit spending. These are emergency times. We are in a shooting war, but this President has in no way, shape or form raided the trust fund.

I think the Democrats ought to apologize for their leader, to give that kind of press conference knowing that that is not truth.

Mr. KINGSTON. Mr. Speaker, I want to speak to that point, though, because I do think it is something on a bipartisan basis we could probably come up with something.

I have been working on a lock box bill which was originally the idea of the gentleman from California (Mr. HERGER), a Republican Congressman, and we passed it off the floor of this House, but what a lock box really would do is take that Social Security surplus and keep Congress from spending it. The reason why it is spent now is because the surplus goes out, buys Treasury bills, pays about 4.1 percent on the average right now to the Social Security trust fund, but the revenues that come in from it, do go into general revenue, and then Congress does spend it on veterans and education and health care and so forth.

But I think it is a concept we could work on together on a bipartisan basis to come up with a lock box to discontinue that bipartisan practice which has been the practice for decades and decades.

Yet, to date, I do not have any Democrats who want to work with me on this bill, and again, I am asking the Democrats, just come down here and let us talk, let us engage. That is what they are paid to do, come up with ideas. It is not good enough to come in here and vote in and have a little whining press conference and saying we do not like this or that.

If you look at the Democratic agenda for the year, they have established two major issues. One is we do not want to do anything on Social Security, period. They have gone from New Deal to the no deal, and this is their position; they are not going to offer, they are not going to help on Social Security.

Their second issue was we hate the gentleman from Texas (Mr. DELAY). It is not we want to punish somebody who may have an ethics issue. It is, we hate the gentleman from Texas (Mr. DELAY). It is the politics of hatred and personal attack, and beyond that, you say to yourself, okay, all right, let us move on.

Transportation: Republicans, here; Democrats, silence in the chamber.

We go on to energy. Republicans, here; Democrats, silence in the chamber.

We go to health care, and the gentleman is chairman of the Health Care Task Force. Health care: Republicans, here; Democrats, nothing.

It goes on down the line, with Iraq and terrorism and issue after issue. Tort reform. None of the leadership have voted for civil liability reform. They have not cosponsored it. On bankruptcy reform, they have not been there. Class action reform, they have not been there. Two things on their agenda and they are both negative noes.

Mr. CONAWAY. Mr. Speaker, I thank both the gentlemen from the great State of Georgia for joining me tonight.

We have been joined in the chamber by another freshman colleague of mine from North Carolina (Mr. MCHENRY) and I would be pleased to yield to him.

Mr. MCHENRY. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY) and I certainly appreciate my good friend from Texas yielding me a moment to speak about this.

It has been significant, the achievements this Republican Congress, in fact this Republican President, have had in the first 100 days of this new Congress.

It is rather significant that with narrow margins, very small margins here in the House, small margins in the Senate and with a Republican President, we have been able to pass wonderful proposals into law, and just by having a narrow margin here in the U.S. House of Representatives, with Republican control, we have reached out to the Democrats.

Those reasonable Democrats on the other side have said we will join you, we think there is too much lawsuit abuse and we should rein in these class action lawsuits. They have said, We need to have a comprehensive energy policy for the United States, and it is a wonderful thing that so many good Democrats on the other side have joined us.

What we are beginning to see is they have complaints in the Democrat leadership. The gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER) certainly are leading the Democrats with their policy proposals. I say policy proposals, but it is really process proposals. They cannot beat us when it comes to policy, and so they have to sit on the sidelines and complain about the procedures, complain about the process.

The reason why they are complaining about these things is, quite frankly, they do not have any real substantive proposals. All they can do is sit on the sidelines and complain and complain and complain.

What the Democrat leaders are seeing is that their rank-and-file Democrats see that the Republicans actually have ideas. We have proposals in order to move America forward, and it is substantial that we have had so many Democrats join with us on these bills that we have passed here in the U.S. House of Representatives.

It is a wonderful thing to see Democrats leaving their leadership behind and saying, you know what, we see you do not have any ideas, so we are going to join the party that has ideas, that is moving America forward, and we are going to vote with them.

So I encourage those on the other side of the aisle to come join us, join with the wonderful proposals that we are offering America.

It is wonderful that the gentleman from Texas (Mr. CONAWAY) has had this hour to discuss our first 100 days, the enormous impact that this Congress has had on America in a short amount of time. It is a wonderful thing, as a fellow freshman lawmaker, to join the gentleman from Texas (Mr. CONAWAY) in talking about our successes because, as a freshman lawmaker, we have tried very hard these first 100 days to have a significant impact not only on America but for our constituents back at home and, in my case, the people of the 10th District of North Carolina, Western North Carolina; for the gentleman from Texas (Mr. CONAWAY), the people of West Texas.

We have worked very hard on policies that help our constituents and lift votes at home, lift all votes at home, while at the same time doing what is right for the people of America and, in fact, proposals that make the world a more secure place.

So I thank the gentleman from Texas (Mr. CONAWAY) for hosting this hour. I certainly appreciate him yielding me time to be here.

In fact, I just spent a few moments with one of my former colleagues in the North Carolina State House, Tim Moore, a good friend of mine when I was in the State House, and we were talking about the things that Congress has actually done to move things forward, to move a conservative agenda forward and do what is right for America. It is wonderful that I was able to come here and participate in this wonderful opportunity that we have had. I say it is wonderful for me to be able to participate. It is wonderful that the gentleman hosted this hour, and I am thankful that he opened this time for me.

Mr. CONAWAY. Mr. Speaker, I thank my friend from North Carolina. He also is cutting a wide swath through the activities around here, and he has done a good job for the folks of Western North Carolina.

I would like to amplify a theme that he has talked about, and that is the strong bipartisan support we have had on six major pieces of legislation. As I walk through these and explain kind of what the legislation did, I will also point out the number of Democrats who joined the Republicans in passage of these bills.

One of the early pieces of legislation was the class action lawsuit reform, the Class Action Fairness Act, in which 50 Democrats joined their Republican colleagues in passing this bill that addresses some very serious problems facing our courts with respect to the large interstate class action cases that are being heard. This legislation moves those cases into Federal courts and allows for the defendants in those cases to have a fair chance of having their rights not abused in forum shopping in State courts.

We also passed the REAL ID Border Security Act. There again 42 Democrats joined the Republican colleagues in passage of this very important first step. As my colleague, the gentleman from Georgia (Mr. KINGSTON) mentioned about immigration reform, which is something that this body ought to be taking up in serious ways, but this is a great first step in that instance by requiring that States, if they want their citizens to use their driver's license to get on to airplanes and get into Federal facilities, that they will have to have certain standards by which they issue those driver's licenses to their citizens and to others in their State.

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It also closes some loopholes in the asylum laws as well as strengthening our deportation laws.

We have an interesting, odd fact; that if a person were on a terrorist watch list and attempted to get into this country, we have every right to not let them in. We can simply refuse to let them in. But if we come across this same person already in this country who had these terrorist ties and connections, those are not grounds for deportation. So this REAL ID Act will address that inconsistency.

We also go about finishing an important physical border problem that we have in Southern California and about a 3-mile stretch of a long-needed fence and barrier between Mexico and Southern California.

We have also passed and sent to the Senate the death tax repeal. This is something all good Republicans, of course, have campaigned on every time they have run for office and run for election. This is an important repeal of, in my mind, a bad public policy. We tax every single thing we do in life: We tax our incomes, we tax our sales, we tax purchases, we have excise taxes on everything. We ought to be able to get out of this life tax free. Taxing death seems to me on its face a bad public policy, and this Congress in 2001 and 2003 began the process of repealing the death tax over a 10-year period so that in 2010 it goes away fully.

The bad news is that in 2011 it comes back in, fully, with a 55 percent partner in the Federal Government. The repeal of the death tax will make that repeal in 2011 permanent so that families can be about passing on their inheritances to their families and children and their heirs and their charities in ways they choose and that they are not forced to do this in ways that has Uncle Sam as a 55 percent partner in that deal.

Did I mention that 42 Democrats joined the Republicans in passing that bill and sending it to the Senate?

We also passed a bankruptcy abuse bill in this Congress, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which closed many of the loopholes being taken advantage of by folks who really should not have been taking advantage of them. The bankruptcy laws, for those truly bankrupt, are there and in place, but it provides for a review of their cases to make sure that if they can, in fact, pay something back to their creditors, that they are required to do that. We had 73 Democrats join us in the passage of that bill.

Mr. GINGREY. If the gentleman will yield for just a second, and I appreciate the gentleman yielding, because when he mentioned the Bankruptcy Reform Act and the fact that declaring bankruptcy was never meant to be part of someone's financial planning, it made me think of the gentleman's comments a little earlier in regard to the heavy lift, relatively speaking, of the Social Security modernization, but not nearly as heavy a lift as trying to do something about Medicare and Medicaid, and I just wanted to speak to that just briefly.

First of all, our friends on the other side of the aisle want to suggest to the American people, Mr. Speaker, that we, the Republican majority, have done nothing about Medicare, when in fact we passed the Medicare Modernization and Prescription Drug Act in December of 2003, and we had the interim Medicare Discount Drug Card, which for our neediest seniors, gave a $600 credit per year for 2 years. That is $1,200 worth of free, much-needed prescription drugs for our neediest seniors. And the relief that we bring to them we have not yet seen but we will see it as 2006 begins, January, when part D, the Prescription Drug Act, starts.

But in regard to the Medicaid system, our colleagues on the other side of the aisle also say, well, why do we spend so much money on Social Security when what we really need to do is address the Medicaid problem. Let me just say this, Mr. Speaker. We have a Medicaid problem. There is no question about it. But that Medicaid problem is primarily because of three things: Waste, fraud, and abuse. And I can put it in one phrase: Gaming the system.

In fact, there are States in this great Nation that have figured out a way to leverage the system and draw down more Federal dollars and that sort of thing, and then use the money to cover other expenses that have nothing to do with health care, and that is gaming the system. We need to fix it, and we will.

But these seniors and our children and our grandchildren that need Social Security, that problem exists not because they have gamed the system. And I think my colleague from Texas understands that so well, Mr. Speaker. These people, through no fault of their own, are not going to have something that they have paid into with their money. They had no choice. It was almost confiscated from their paycheck. So we have to solve that first.

And I applaud the leadership for sticking to their guns on this. Not just the President, but, as I said earlier, our great majority leader, the gentleman from Texas (Mr. DELAY), and our Speaker of the House. They are right, we need to address this problem, do the heavy lifting, and worry more about the next generation than the next election.

With that, I yield back to my colleague from Texas.

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Georgia.

There are two other reported bills we have passed in this first hundred days of the 109th Congress that have gained broad Democratic support. The first was the Continuity of Government Act. This would provide set procedures for holding elections should 100 or more of our colleagues be killed in some sort of an event. That bill enjoyed 122 Democrats joining with their Republican colleagues in the passage of that bill.

The final one I want to talk about which the Democrats showed support for is the Energy Policy Act of 2005. We have all had, those of us who drive automobiles, have had the wonderful opportunity of pulling up to the pump and paying prices for gasoline that are the highest we have ever paid, in our minds. I am not speaking to whether that is right or wrong, but it is certainly an expensive process to drive an automobile these days.

We passed the Energy Policy Act, which, unfortunately, is not designed and does not have the capacity to have an immediate impact on gasoline prices. That is a long-term problem, it has been a long time coming, and there is no silver bullet. There is no immediate solution to that. It is simply supply and demand.

As more of us continue to drive, as China continues to go from a bicycle economy to a moped economy to a 4-cylinder engine economy, to a 6-cylinder engine economy, their demands for crude oil and gasoline continues to grow much faster than anywhere else. India, likewise, has significant growth in their demand for the use of gasoline and crude oil. So it is a supply-and-demand issue that the Energy Policy Act we have just passed and sent over to the Senate just cannot address.

However, it can address opportunities to reduce our dependency on crude oil imported and natural gas imported from other countries. Each barrel of oil and each MCF of natural gas that we need to import from other sources makes us more dependent on those sources. Now, while we will never wean ourselves, or certainly not in our lifetimes, from imported crude oil and natural gas, we can take the necessary steps and the rational well-thought-out steps to reduce our dependency on that imported crude oil and imported natural gas through a variety of opportunities.

These opportunities include encouraging renewable energy sources, like wind generation for creating electricity. We have to know how to learn to burn coal cleanly. We currently capture sulfur properly, but we do not capture the CO^2 that is emitted when coal is burned. India and China will dwarf our coal consumption in their own capacity, in their usage of coal to generate electricity. We have to develop technologies that will capture that CO^2 and dispose of it properly. Because whether you believe in greenhouse gases or global warming or not, the evidence is pretty clear there is more carbon dioxide in the air today than certainly in any of our lifetimes. So capturing that CO^2 that is created when coal is burned is an essential part of this. This energy bill would provide dollars for the research for that technology.

It also creates jobs. Because as we continue to develop new ways to provide energy for this country, jobs are created when that happens.

We have a litany of other things I want to quickly run through in the final 5 minutes I have to brag on this House for the first 109 days. We passed a Supplemental Appropriations Act that will provide for the global war on terror funding in Iraq and Afghanistan, as well as some modest tsunami relief and other funding. This has gone to the Senate, is in a conference now, and will be back to us later this week.

We passed a budget resolution last week that for the first time since Ronald Reagan we cut nondefense, non-Homeland Security discretionary spending, and it provides for reconciliation for the first time since 1997. This is another real accomplishment given the circumstances that we find ourselves in.

We have also passed the Transportation Equity Act of 2005. This provides for $284 billion in transportation spending on the needed infrastructure improvements for our highways and bridges and other transportation infrastructure needs that will be spent over the next 6 years. We need that legislation to pass in the Senate so that the President can sign that bill and we can get on with the process of building a transportation infrastructure that will allow our economy to continue to grow and expand.

We have also passed the Job Training Improvement Act earlier in this session, which simplifies and combines some of the job training programs that are in our community colleges and colleges.

Mr. Speaker, we have had a terrific first hundred days. As a freshman, it is my first term here and it has been an exciting hundred days. I suspect the next hundred days will be as exciting as well, as we take up hopefully some specific plans on Social Security, and I look forward to joining with my Democrat colleagues, as we have done on six of these bills that I mentioned, in passing solutions to problems that face this country.

HEALTH INSURANCE CRISIS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for half the time until midnight.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Mr. Speaker, for the third consecutive year, this week our country has designated Cover the Uninsured Week. Led by former Presidents Ford and Carter, hundreds of national and local organizations, as well as thousands of Americans in all 50 States, are participating in week-long activities to highlight the national health care crisis. This is one of those annual events that I wish we did not need to observe.

Cover The Uninsured Week should be unnecessary. Moreover, millions of Americans who are underinsured should not be paying such a high price both emotionally and financially. There is simply no justifiable reason why the United States is the only industrialized country in the world that does not guarantee health care for all. So, Mr. Speaker, I rise tonight to draw attention to the 45 million Americans who do not have health insurance and the millions more who are underinsured.

Our Nation is in the midst of an escalating health care crisis. As health care costs soar, it becomes increasingly difficult for Americans to obtain comprehensive and affordable health care. Our current health care system is failing not only the 45 million Americans who are uninsured, but also millions more who do not receive comprehensive health care. We can no longer turn our backs while millions more lose access to health care.

Additionally, health care is becoming increasingly expensive even for those who are fully insured. Rising premiums, increasing deductibles, and the increasingly high cost of prescription drugs are making health care more and more unaffordable for those who have insurance. The lack of comprehensive and affordable health care affects every single Congressional district in this Nation. To highlight this issue and the real impact that being uninsured has on the lives of Americans, I have decided to read to my colleagues from some of the people that I represent in their own words. Often the people most affected tell the story of our uninsurance crisis more eloquently than many policymakers.

I would like to begin with a few letters from my district in Wisconsin that express real people's struggles as part of our Nation's 45 million uninsured. Starting with Kimberly from Madison, Wisconsin. Kimberly writes "I am writing you today because of my family's frustration and anxiety over health care. My husband recently quit his job to launch his new company. Obviously, it will take some time for his new company to see any profit, much less income. In the meantime, we are without health insurance." She writes, "I am 5 months pregnant, and we have a 2-year-old son. Because of my preexisting condition, we cannot buy affordable health insurance. COBRA would cost us $1,200 a month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous."

☐ 2300

"As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horror stories about having fewer choices and doctors, longer waiting lists for procedures, and less incentive among doctors and researchers to develop new techniques. What is most frightening for me is the chance that my son might get sick or my baby might be born with expensive complications and we are uninsured."

Janet from Portage, Wisconsin writes to me: "I have a 53-year-old brother who has psoriasis all over his body and arthritis caused by this. Three weeks ago he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to help him get his shoulder fixed, but after it heals wrong and he is disabled because of it, then there are programs to help him. They will not help him get it fixed so he can find a job. Instead, they would rather support him for the rest of his life instead of trying to help him now."

Gail from Janesville, Wisconsin writes: "My husband lost his job in October 2003. He has applied for over 100 positions only to be told that he lacks a college degree or he is overqualified or they can only pay $8 an hour." Gail writes: "I was diagnosed with breast cancer in June 1989 and again in 2003. I have gone through breast cancer twice, and have undergone a mastectomy and reconstructive surgery. COBRA has run out and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 years old and I am 58 years old. We have no medical coverage. I have looked in every insurance company and get turned down because of my medical history. All our lives we paid into these insurance companies only to be turned away when we need that coverage the most."

Lisa from Madison writes: "I write to tell you and let you know that I understand why most people would not think there is a health care crisis. Most middle-class employed people never have to do an insurance questionnaire. We just sign on the dotted line and get into a group policy with our employer." Lisa writes: "I am a very healthy person and my husband and children are very healthy. We cannot get insurance. I think everyone should attempt to get an individual health insurance policy to see just how impossible it is. I am not a risk, really I am not. I am terrified right now because we are uninsured. The insurance companies are not concerned with our health. They are concerned with profits. That is sad and that is wrong."

Countless studies, including that of the Institute on Medicine has confirmed over and over again that uninsured has real consequences. One of those most serious and troubling consequences of being uninsured or underinsured is having to postpone or skip needed health care. Families USA reports that one out of five Americans has postponed needed medical care due to lack of coverage. And of those, more than one in three said the delay brought about significant pain or suffering. This is happening every single day all over America.

Another letter I received from Carol from Madison says: "As someone who has had no health insurance at all for 3 years, I can tell you that it was pretty miserable being one of the 45 million people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance."

Darla from Fitchburg, Wisconsin writes: "I lost my job because of unpredictable attendance due to my health issues. Upon losing my job, I signed up for COBRA. Last week I received a letter indicating my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week. My physicians believe that would do me more harm than good relating to my health issues. If I do not get some kind of health insurance, I will need to stop all treatments as I have no money to pay for doctors' services. My prescription drugs will have to stop as I will not be able to pay for them either. What can I do?"

Heather from Waterloo, Wisconsin writes: "I am married. Together with my husband, I own a home. We live a modest, middle-class life, managing always to have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by the plan, we would need to pay nearly $400 per month. That is two-thirds as much as our mortgage. Through school, I have worked less and less. In order to maintain health care coverage, I have only been able to afford short-term, major medical coverage. I am grateful that we can afford this, but it does make a difference. However, even now if I have a sore throat, I will wait for several days and see how I feel. I will wait because if I do not need to go, I will save money." She writes: "This is disturbing to me as a nursing student because I know about the importance of early treatment and prevention. It is upsetting to me as a person because I value my health, and it is unacceptable to me as a citizen because I know there are people just like me who wait and get sicker, or cannot even get the medications that they need."

These are heart-breaking stories, but perhaps what is more heart breaking is they are just not unique. Millions of American families are confronted with these impossible decisions regarding their health care every single day. According to a recent Kaiser Family Foundation poll, more Americans are personally worried about their health care costs than they are about losing their jobs, paying their rent or mortgage, losing money in the stock market, or being the victim of a terrorist attack.

I will give an example. Roberta from Janesville, Wisconsin writes: "I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches with us owing more money that needs to be paid. As a result, I will not get a needed medical procedure done. Something drastically needs to change in the United States of America where hard-working families and individuals can get the treatment they need without going broke."

David from Cross Plains, Wisconsin, writes: "My wife and I have been self-employed for over 18 years and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach. In fact, it is nuts. Now that I am 50 years old, it is not a matter of if I will ever have health problems, it is when. Tammy, we will lose everything we have ever worked for. So much for the American Dream. Now we look forward to dying, broke and possibly homeless."

□ 2310

Mr. Speaker, part of the reason why I find these letters so compelling and why I make a point to share them with my colleagues and the American public is that finding and affording health care is a challenge faced by all types of Americans, young and old, those living in Wisconsin and those living in Texas, those who have jobs and those who do not. Put simply, this is a national crisis.

I have been especially troubled lately that instead of working hard to find a solution to the health care crisis, the majority party here in the House seems to be making the crisis worse for Americans in need. The House recently passed a bankruptcy bill which makes it more difficult for people to cope with the massive costs brought on by health care crises. This is ridiculous, especially since we know that nearly half of all personal bankruptcies filed in the United States are due to medical reasons, be it medical debt or an illness or injury that keeps somebody from the workforce and earning a living.

We are now poised to enact cuts to Medicaid, the Nation's health care safety net. On that note, I would like to share a few additional stories before I get a chance to call on my colleague from Missouri to make a few statements.

First I share the letter of Chris from Monona, Wisconsin. She writes, "I'm writing because I'm concerned that the fiscal 2006 budget resolution may include drastic funding cuts to Medicaid. I have lived with multiple sclerosis for 12 years, and I know that significant decreases in funding would be devastating to people like me who have chronic conditions. I'm still able to work, but other folks with MS depend on Medicaid to access critical health programs. I need you to stick up for me and the thousands of Americans with MS."

And then there is Mary from Madison, Wisconsin, who came to meet with me in my office to talk about Medicaid. Mary is a nurse and while she was certainly familiar with the Medicaid program, she never thought she would have to rely on Medicaid. But then her daughter had a child who was born with a heart defect. The child had to have heart surgery almost immediately after he was born and was in the hospital for a very long time. During this time, Mary's insurance for her daughter and her grandson expired, but they were very fortunate to have Medicaid to fall back on. Mary is incredibly thankful that she had Medicaid. Otherwise, her grandson's health would have suffered and she would literally be hundreds of thousands of dollars in debt.

And lastly, there is the story of Silvia from Fitchburg, Wisconsin. Silvia was uninsured when she was hospitalized with a need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes bill collectors call her home five times a day. Silvia chips away at this bill, sending $20 to $50 a month.

Mr. Speaker, before I continue, I yield to the gentleman from Missouri (Mr. CARNAHAN) who has some words to share about Cover the Uninsured Week.

Mr. CARNAHAN. I thank the gentlewoman from Wisconsin for yielding.

Mr. Speaker, this week is Cover the Uninsured Week in our country. I rise tonight to voice my concern for the 45 million Americans, including 8 million children and over 600,000 citizens in my home State of Missouri who are currently living without health insurance. I want to encourage all Americans to get involved in this week-long observance in their communities or on the Web at www.covertheuninsuredweek.org and to dedicate ourselves to getting America covered. This is a broad and diverse coalition of individuals and organizations throughout our country, including the U.S. Chamber of Commerce, the AFL–CIO, Health Care Leadership

Council. AARP and many other organizations in our country that have the common goal of getting America insured. Uninsured Americans come from many age groups and backgrounds. In fact, eight out of 10 people who do not have insurance live in families with at least one person working full-time. Yet either their employer does not provide health insurance or they cannot afford the premiums that continue to escalate out of control. These Americans live day to day, dreading the slightest cold, praying for their children, that they stay healthy. This can no longer continue in our country.

I understand these concerns all too well. When my wife and I owned our small business many years ago, we did not have insurance for the birth of our youngest son. We were fortunate that there were no serious complications and that we were able to obtain insurance eventually. But many American people are not so fortunate. This is a grave and serious problem that affects all Americans, not just those without insurance. Even those who currently have health insurance are impacted by this. When people do not have the protection of quality health insurance coverage, they often put off seeing a doctor until their condition worsens to the point that they must go to the emergency room. If they cannot pay for the large hospital bill, the costs are passed on to other patients who are insured through higher premiums and oftentimes overcrowded emergency rooms.

There is a better way. I am proud to stand here with the gentlewoman from Wisconsin and many other Members of this Congress to recognize Cover the Uninsured Week and to advocate for real solutions to this nationwide crisis. The problem of the uninsured is not something that we can put off solving anymore. I urge Congress to act and improve the lives of millions of hard-working and uninsured Americans by ensuring accessible and affordable health care.

Ms. BALDWIN. I thank the gentleman for his words. As I was earlier sharing some of the letters written to me by my constituents, I recognized how powerful those stories are. I thank the gentleman also for sharing his own and his own experience with this issue. I am sure it strengthens his advocacy on behalf of all of his constituents and all Americans.

Mr. Speaker, when I first announced that I was going to seek a seat in Congress several years ago, I chose the location of the football stadium in my hometown, the stadium where the UW Badgers play their football games. It is a stadium with a capacity of just under 60,000 people. The reason I chose that location was to bring to light the fact that if you filled that stadium, every seat, with people who are uninsured from that congressional district, there would still be a line to get in. That is how many people there are. In other congressional districts around the country, you could fill multiple football stadiums of that same size.

It is staggering. It is hard for us to get a grip on what it really means that there are 45 million Americans with no health insurance at all. And these are people who have had longtime uninsurance. In fact, the Census Bureau, who puts out that number, bases it on being uninsured for a full year. If you count the people who are only uninsured for a month or two, some estimates go as high as 70 million Americans who experience some time without insurance. Forty-five million is a staggering number. And add to that some of the people I referenced earlier who have some type of insurance but are still facing exorbitant expenses, whether it is rising premiums, enormous deductibles, copays. It is a system in crisis.

I hope as we observe Cover the Uninsured Week and as we think about our responsibilities as Members of Congress representing many people who are uninsured and underinsured that we take serious aim at this crisis in our country. I hope that in a few years, maybe even next year, that there will be no need to commemorate and observe Cover the Uninsured Week. This is a problem that screams out for our response. I invite my colleagues to join me in working to provide health care for every American.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, we all know someone who is living without health insurance. The perception is that the uninsured don't work. Over 80 percent of the uninsured have jobs. Most work in retail and service industries, but many are small business owners and employees. They are the individuals who care for our children, check our groceries, or run the local pharmacy. Americans who work hard for a living, should have health insurance.

Often times, the uninsured ignore their medical problems and delaying doctors visits. Children go without vaccines because visiting the doctor is just too expensive. They are gambling that they won't get seriously ill. But those who lose face staggering medical bills. Millions of dollars and many lives can be saved with timely medical attention.

Almost one quarter of Texans are uninsured. This is the highest rate of uninsured in the United States. In Dallas, 25 percent of the population is uninsured.

Despite the number of Texans who are uninsured, medical assistance programs continue to be cut. In 2003, the Texas Health and Human Services Commission implemented budget cuts to the Children's Health Insurance Program. CHIP was designed to help families who earn too much to qualify for Medicaid, but not enough to afford private medical insurance. These budget cuts made it more difficult for families to qualify for CHIP. It also imposed higher premiums and co-payments. In addition, there is now a 90 day waiting period before coverage begins. There is no longer any coverage for dental care, vision, or mental health. And families are now required to reapply for CHIP every 6 months.

Since the budget cuts, over 175 thousand children have been dropped from CHIP. Less than half of those children were able to find another form of medical insurance.

For weeks now this Congress has dealt with legislation that harms some of our most vulnerable citizens. Many of whom are dealing with serious medical difficulties.

Staggering medical bills and considerable debt is a problem for many uninsured Americans. Many of these individuals are forced to file bankruptcy. Last month the House passed the Bankruptcy Reform Bill. With these changes, those with moderate or higher incomes are now required to pay back most, if not all, of their debt.

For example, under these reforms an uninsured family who has a child to cancer will now be saddled with those medical bills indefinitely.

Mr. Speaker, last month the House also passed the Energy Bill. This was NOT a positive bill for Americans whose health depends on clean air and clean water.

Under the Clean Air Act, areas that have unhealthy air were required to reduce ozone-forming pollution by strict deadlines. The Energy Bill extends these deadlines allowing polluters more time to continue polluting. This means more asthma attacks, hospital visits, and premature deaths for residents in highly polluted areas.

Today, 45 million American are uninsured. Even those families that do have health insurance today, fear they may not have coverage tomorrow. The truth is that no American family is more than one job change, one corporate cost cut, or one serious illness or accident away from being uninsured.

This country faces an uphill battle in solving this health crisis. Now is the time for this Congress to address this problem with innovative ideas and actions.

Mr. LANGEVIN. Mr. Speaker, I rise to acknowledge "Cover the Uninsured Week." Many of us have heard from our constituents this week, asking that we make health insurance coverage a top priority in the 109th Congress. America's families are living in fear that someone they love might develop a health problem they can't afford. We must begin a meaningful dialogue about this problem that will continue until every American has access to quality, affordable health insurance.

This national disgrace has reached crisis proportions. Forty-five million Americans—more than 8 million of whom are children, and more than 80 percent of whom live in working families—are one ambulance trip away from financial devastation.

I was pleased to join Leader PELOSI and other Democrats in cosponsoring three bills introduced this week as part of the Democrats' plan to build on programs that already work. Together, the Family Care Act, the Medicare Early Access Act and the Small Business Health Insurance Promotion Act would cover over half of all uninsured Americans. I have also been proud to be a part of other initiatives, both nationally and in my home state of Rhode Island to preserve and expand existing health insurance programs for retirees, children with disabilities, and adults attempting to return to the workforce. These are all important aspects to addressing the health care crisis, and I am honored to be part of building momentum around a solution.

Our small business owners know we are in a crisis. Rising health care costs are undermining their ability to purchase coverage for their employees. They are frustrated with the increasing burden of negotiating and administering health care plans, and they are taking on extra costs or passing them on to employees just to maintain level coverage. Without systemic change, these problems will continue to threaten the health security of all Americans.

What frustrates me most about the health insurance crisis is what little attention it receives. But I believe that with the proper amount of consideration and planning, the health care system in America can be saved. An enormous amount of money circulates through our health care system—we spend $35 billion on uncompensated care for individuals who don't have health insurance, with federal, state and local governments covering as much as 85 percent. Wouldn't it be better for American families, and also more cost effective, to transfer a large share of these funds to a new program to subsidize the cost of covering the uninsured? We spend millions treating illnesses diagnosed at later stages, thus requiring more costly treatments, because we didn't offer people the screenings to catch these problems earlier. This is the least efficient way possible to treat people. While we may not be in the best of economic times, if we made this issue a priority and committed ourselves to spending our health care dollars more wisely, we could offer all Americans access to quality, affordable care.

With these principles of efficiency and inclusion in mind, I have developed a model for universal health insurance. Introduced last year as the American Health Benefits Plan. This bill is modeled after the Federal Employees Health Benefits Program—which everyone in this chamber is familiar with, as it offers coverage to Members of Congress, their families and staffs.

Under my proposal, private companies will compete to offer health insurance, attracting enrollees on the basis of benefits as well as efficiency, service, and lower premiums. The government should make a substantial contribution to every American's premium, and for those for whom paying a portion of the premium would be a hardship, the government should offer subsidies—as we currently do under Medicaid. Employers should continue to contribute to the health care system, and they can do so through a payroll tax, which would fund the government contribution—but the burden of negotiating and administering health care plans should be taken on by the government.

A national template for this model already exists. FEHBP manages health insurance for more than 8 million federal employees, annuitants and dependents. This program is administered by the Office of Personnel Management, which assumes responsibility for approving or disapproving carriers, negotiating benefit and rate changes, and auditing carriers' operations under the law. With administrative costs of less than 1 percent, OPM has managed to offer a wide variety of health care choices and protections to federal employees.

Mr. Speaker, I believe that the federal government should offer this kind of coverage and oversight to all Americans. I sincerely hope to continue this dialogue with my colleagues, beyond "Cover the Uninsured Week," but this is an important place to start.

Mr. McGOVERN. Mr. Speaker, I would like to take time today to recognize "Cover the Uninsured Week," a project of the Robert Wood Johnson Foundation designed to raise awareness of the issue of access to health care.

It may be hard to believe, but more than a decade has passed since the Clinton Administration's health care plan died in Congress. In survey after survey, Americans consistently rate access to health insurance as one of their top concerns. But unfortunately, our nation's political leaders have failed to lead on this critical issue.

The facts reveal a startling truth—as a Nation, we are facing a crisis of the uninsured. In just the last four years, the number of uninsured Americans has ballooned to 45 million, an increase of more than 5 million people. If the millions that go without health insurance for some period during the year are included, the number of uninsured dramatically increases to more than 85 million people.

To dispel one myth: This rise in the number of uninsured is not the result of people deciding not to work. Rather, an overwhelming majority of the uninsured—80 percent—are working families, many employed by businesses that have become less able to provide health coverage for their employees.

And if things weren't bad enough, the Administration has proposed broad cuts to Medicaid, essentially gutting the healthcare system of last resort for poor Americans, by at least $10 billion. In these worsening times, how can we justify pulling the rug out from underneath our community's most vulnerable?

In my home state of Massachusetts, we have been fortunate; we are among those states with the lowest percentage of uninsured. But, even there we have a lot more work to do. According to a recent Urban Institute report, there are currently 532,000 uninsured people in Massachusetts, and most of the health care available to these people is provided by local hospitals.

And like many other states, since 2000, Massachusetts workers have seen their health premiums rise three times faster than their wages. If these trends continue, fewer individuals and families will be able to afford to pay for coverage, and fewer small businesses will be able to provide this vital benefit to employees.

As we all know, we often tend to ignore that, which does not directly affect us, but we can no longer afford to do so; there are clear consequences to all of us for ignoring the plight of the uninsured. According to a recent Institute of Medicine report, the United States loses $65–$130 billion each year as a result of the poor health and early deaths of uninsured adults. Should things continue to worsen, we will all be forced to bare the financial burden of the uninsured.

But this problem extends beyond the dollars and cents. As citizens, we have a moral responsibility to our communities, and we cannot stand by in good conscience as millions are denied access to basic health care.

So, as we take this time to recognize "Cover the Uninsured Week," I hope that my colleagues will join me in raising awareness about the reality facing the millions of uninsured. We must not allow this issue to remain on the back burner of the national political debate. Health care is a right, not a privilege, and all of us must work to extend that right to every single American.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in the hopes that this day might mark a turning point for our nation's health care. I'm proud to join my friend from Pennsylvania and my co-chairman of the House 21st Century Health Care Caucus, Mr. Murphy, in introducing the 21st Century Health Information Act.

Mr. Speaker, we politicians love to say that we have the best health care system in the world. It's true that we have the best medicine in the world, practiced by the best people in the best facilities. But the system we have makes it harder rather than easier to deliver the best care at the lowest cost.

The status quo is not sustainable. Hundreds, of Americans die every day as a result of preventable errors or health care-acquired infections. Nearly half the time, patients aren't given recommended care. Doctors and other providers face extraordinary bureaucratic demand that, coupled with tightening reimbursement rates, leave them with less time to—treat patients. Administrative costs consume 30 cents on the health care dollar. Duplication, inefficiencies, and unnecessary care result in some regions of the country spending 60% more than others on Medicare, on a risk-adjusted basis, with worse health outcomes and patient satisfaction.

Whether you're worried about Medicaid, access to prescription drugs, malpractice premiums, the uninsured—you name it—the trend lines are going in the wrong direction because we aren't set up to get the best possible health outcomes at the lowest possible cost.

We are living in the information age, and information technology is the underpinning of any effort to improve the long-term quality, safety, and efficiency of health care. And that's why I'm hopeful that the legislation we introduce today will begin the much needed transformation of health care.

Today can be the beginning of the end of us having to fill out that confounded clipboard every time we go to the doctor.

Today can be the beginning of the end of the 150 million calls pharmacists make to doctors every year to clarify handwriting on prescriptions.

Today can be the beginning of the end of the bureaucratization of the practice of medicine, letting physicians get back to what they love, and what we need them to do: take care of patients.

And today can be the beginning of the end of seeing hundreds of thousands of Americans die unnecessarily because our system isn't set up to deliver the safest, most effective care despite the best efforts of doctors and nurses.

This bill is the first bipartisan legislation that addresses some of the systemic obstacles that have hindered the movement of health care into the information age. It is based on a regional approach, catalyzing a process that will bring together providers, patients, health plans, employers—all stakeholders—locally to do three crucial things: first, figure out how to collaborate on getting IT into physicians' hands; second, build a secure, confidential health information network to allow information to be shared as appropriate and authorized; and third, begin coming up with strategies to use the new information capabilities to make sure we get the right care to the right people at the right time as efficiently as possible.

This bill will make sure that the federal government, in addition to getting the process rolling with grants, carries its own weight as a stakeholder in every community. And it takes down existing barriers by accelerating the process of standards adoption to ensure that information can be exchanged across platforms and creating narrow safe harbors in the Stark Act and anti-kickback law.

A key to making this work, Mr. Speaker, is ensuring that privacy is a key priority as we move into an electronic medium. Electronic health records can be significantly more secure than paper records. Unlike with paper, we can create audit trails so we know whenever someone accessed a record. We can set up authentication systems to ensure that people are only able to access the parts of records that they need to see. While people understandably worry about security breaches and hackers, it's a lot easier to limit unauthorized access to electronic records than paper records that are passing through countless hands as they are filed, copied, faxed, transcribed, or simply left lying around. We can and must ensure that privacy and security are paramount as these systems are designed.

It is also important to note that under this bill, no physician will be required to implement anything unless he or she wants to. Physicians will have a key decisionmaking role in deciding how networks will be structured and what information will be shared. The bill does not require the use of a common platform or product but accelerates the development of interoperable electronic medical records and other products so physicians can choose products that are right for them. Well-designed systems should simplify physicians' compliance with HIPAA, not expand their potential liability, and should given doctors new tools to streamline billing, eligibility checks, patient tracking and notification, and public health and quality reporting.

We received a vast amount of help an input on this legislation from too many quarters to mention individually. I would like to single out, however, a distinguished former colleague of ours, Speaker Newt Gingrich. He has been a terrific supporter of this legislation, and I know both the gentleman from Pennsylvania and I are grateful for his help and that of his staff.

Mr. Speaker, with the President's support for health IT, with David Brailer and Secretary Leavitt laying out a vision that's very similar to this bill, with our colleagues in both the House and Senate increasingly interested in health IT, we are poised to finally begin the belated transformation of our health care system.

Each of us, whether as patient, provider, taxpayer, or health care bill-payer, desperately needs to see our health care system to produce better value for the dollar. The stakes are enormous and I look forward to working with my colleagues to see that we meet this challenge, starting today. Thank you.

□ 2320

PEAK OIL

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized until midnight.

Mr. BARTLETT of Maryland. Mr. Speaker, several weeks ago I read a treatise written by Matt Savinar, and I was galvanized by his introduction. Let me read it.

"Dear reader," he begins, "civilization as we know it is coming to an end soon. This is not the whacky proclamation of a doomsday cult, apocalypse Bible prophesy sect, or conspiracy theory society. Rather, it is the scientific conclusion of the best-paid, most widely respected geologists, physicists, and investment bankers in the world. These are rational, professional, conservative individuals who are absolutely terrified by a phenomenon known as global peak oil."

Mr. Speaker, in the weeks since I read this, I have checked with a large number of experts in this area across the country and indeed around the world. He could be right. He will be right unless we appropriately address this big challenge which faces the world and particularly faces the United States, and that is what we will be talking about in our Special Order this evening.

I have been joined by the gentleman from the eastern shore of Maryland (Mr. GILCHREST), one of my colleagues who shares a concern in this area of energy, and I yield to the gentleman.

Mr. GILCHREST. Mr. Speaker, I am only going to speak for just a couple of minutes because the gentleman from Maryland (Mr. BARTLETT) has a fascinating story to tell, one that richly deserves everybody's attention.

But, just briefly, I want to thank the gentleman for yielding to me.

The gentleman from Maryland (Mr. BARTLETT) will talk about energy, peak oil. As the demand increases enormously, the supply of the fossil fuel that we are using continues to decrease. We know that energy is power, and energy is what drives the Nation's economy. And we have assumed for a long time, for decades anyway, that energy supplies have a bottomless well. And that is correct. The energy source at the bottom of the well is bottomless. It is endless. But what is at the bottom of that well is not oil. It is not even natural gas. It is not coal. What lies at the bottom of the bottomless well is our intellect, our logic, our knowledge, our know-how.

We used to light our homes with whale oil. They did not stop lighting homes because we ran out of whales, thank goodness; but we transitioned to a number of other things. We used to use just wood all over the world, and thank goodness we transitioned from wood to coal because we were tearing our forests down, and there are a lot better uses for wood than to burn that wood.

We transitioned for our transportation needs and many other needs from coal to oil, and oil is a lot cleaner and it is a lot more efficient. Then we went from oil and we found that natural gas is cleaner yet and more efficient than oil. We also began to realize that coal has more hydrogen than wood. Oil has more hydrogen in its content than coal. Natural gas has more hydrogen than oil. The transition through our energy sources has not come about because we ran out of those energy sources. It has come about because we got a little smarter. Our intellect, our quest for knowledge, our curiosity about something that is better overtook the status quo.

And when the gentleman from Maryland (Mr. BARTLETT) talks about peak oil, not only do we need to move away from the status quo when we hear his words about fossil fuel; it is essential. There is a sense of urgency to move away. In all our measurements of oil or natural gas, whenever one looks at a heater in their home, whether it is their oil furnace, a Carison heater or whatever it is, it is measured in Btus.

I want to show a number. This is a 1 with 15 zeros. That is 1 quadrillion. In 1910 we used 7 quadrillion Btus in the United States. In 1954 we used 35 quadrillion Btus, energy demand increase. Right now we use 100 quadrillion Btus, and that is not slowing down.

What we need in this country is logic and intellect to move us away from an energy source that has now lost its usefulness for a number of reasons. It is putting carbon dioxide into our atmosphere faster than we have seen that infusion of carbon dioxide in the last 400,000 years, and our supply is diminishing quickly as our demand is increasing even faster.

There are a number of energy sources. The gentleman from Maryland (Mr. BARTLETT) will talk about some of them. We will have these on a number of occasions. We are looking at nuclear. We are looking at solar. We are looking at wind. We are looking at hydrogen. We are looking at a number of alternatives. But before we have the technology to move into those alternatives for energy security, which means energy independence, the transition has got to be vastly improved efficiency for oil, for natural gas, to move into biofuels, and I am not talking about ethanol, which is corn which will feed the world. I am not talking about biodiesel, which is soy beans, which is used to feed the world. What I am talking about are other sources like certain grass or poplar trees, which farmers can grow, which they can use to produce.

So peak oil, the transition to a new energy source, has got to come now. We cannot wait a decade. It is vastly important.

I want to thank the gentleman from Maryland (Mr. BARTLETT) for yielding to me and I urge the Speaker to listen to the words of the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, the gentleman from Maryland (Mr. GILCHREST) was talking about growth in the use of energy; and I have here some curves, some exponential curves. Ordinarily, when people think about growth, they may think about a straight line. And on the bottom here it shows the extrapolation of 2 percent growth starting at this point. If it is a straight line, it would look like that. But that is not 2 percent growth because every year we are growing something less than 2 percent. To be 2 percent growth, one has got to grow 2 percent more than they were the last year, and that is called exponential growth, and this is a 2 percent growth curve for exponential growth, just 2 percent.

The next curve here is a 4 percent exponential growth curve and then 5 percent. And I put on here the growth curve that China has been following, and that is a 10 percent growth curve. In just 7 years, if they are growing at 10 percent, they double. They double again in the next 7 years; so in just 14 years, they are four times bigger. They double again in the next 7 years so that at 21 years it is eight times bigger. That is why this curve is so sharp.

China is now following this growth curve. It is very difficult for one's economy to grow at 10 percent without their energy use growing at somewhere near 10 percent. So we need to keep that in mind as we go through the charts that are going to follow this, that China is growing at this rate. The world, by the way, grew last year at 5 percent. We grew probably a bit over 2 percent in this country. Of course, we were way ahead to start with; so with our 2 percent growth, we are still way out in front of everybody else in terms of the amount of energy we use.

□ 2330

As a matter of fact, the next chart shows some figures which alarmed 30 of the leading figures in our country: Jim Woolsey and McFarland and Frank Gaffney and 27 others who wrote a letter to the President just a few weeks ago, and they noted to the President that we have only two percent of the world's oil reserves. By the way, from that two percent, we are generating eight percent of the world's oil. And what that means, of course, is that we are getting four times as much oil relatively out of each of our wells as the world gets out of their average wells, so we are really good at pumping oil. In fact, we are so good at pumping oil that just recently, the Saudis came here to find out how we do it, how we get out those last dribs and drabs from our oil reservoirs, because we have been doing this for a very long time. We represent a bit less than 5 percent of the world's population, one person in 22 in the world, but we consume 25 percent of the world's energy, and we are importing about two-thirds of that. And, as the President himself said, a lot of that oil comes from countries that do not even like us.

These 30 people, about half of them were retired generals and admirals. There were several retired secretaries of previous administrations. These were really the leaders in America that wrote to the President: Mr. President, this is an unacceptable national security risk that we have only two percent of the world's oil reserves and we use 25 percent of the world's oil, and we import two-thirds of that. By the way, that is up from about one-third that we imported during the Arab oil embargo. We peaked in 1970. As a matter of fact, the next chart shows when we peaked and we can get a better idea of this.

To explain how this curve got here, I have to go back about six decades. It was in the 1940s and 1950s, a scientist at the Shell Oil Company named M. King Hubbert was watching the exploitation and exhaustion of oil fields, and he noted that each of those fields followed a bell curve. The oil came out very rapidly at first and then, when it reached a peak, at which time he noted about half of the field had been pumped, and then it stands to reason the last oil out of the field is going to be harder to get, so there was now a downslope. So in 1956 he kind of guessed at the additional fields that we were going to find in this country, and he mathematically calculated when we should peak, and he thought that would be in the early 1970s, and he made this prediction in 1956. As a matter of fact, we did peak in 1970.

Now, his curve is the smooth curve here, his projected curve, and he did that back in 1956, and the data points here, the rougher curve, the actual data points which fall remarkably near his curve. Prudhoe Bay, the Alaska oil, that occurred after we were already on the down slope of what is called Hubbert's Peak here, and we see what Prudhoe Bay did. And then we are going to go to a chart just after this that shows the different places we get oil from in our country.

The red curve here shows Russia, and when the Soviet Union was falling apart, they had more oil than we, so they peaked higher. When the Soviet Union was falling apart, they did very poorly and, as a matter of fact, there is now a little secondary peak, here is a recovered one, but it is on down; the first peak was considerably higher than the second peak.

The second chart shows where we get our oil from. A great deal of it came from Texas. I saw some early photographs of some of the oil fields in Texas, and I will tell my colleagues, the oil derricks were about as close together as trees in a forest, just an incredible bonanza of derricks down there getting this oil out of the ground. The rest of the United States is the big area here, natural gas liquids, we have learned how to liquefy natural gas, and now that is supplementing the petroleum.

There are two parts of this curve that I want to pay special attention to. One of them is Alaska here, that is Prudhoe Bay. And notice that it was just a little blip in the downslope here from Prudhoe Bay, we are still going down. It delayed it just a little; it never got back to the peak production in 1970. By the way, we are now sliding down this curve and we produce about half as much oil now as we did in 1970.

Mr. Speaker, I am sure that my colleagues can remember all of the hullabaloo about the enormous finds of oil in the Gulf of Mexico. That was going to solve our energy problems for the foreseeable future. What that turned out to be is this little yellow here. That is all there was to it. And again, it did not bring us back to where we were in 1970; we are still sliding down Hubbert's Peak.

I would like to come back to the Alaska oil for just a moment. We are now talking about going into ANWR. It really does not matter whether one is for going into ANWR or one thinks that is a pristine wilderness that we should not drill in, because the amount of oil in ANWR is probably not more than half of this. Even if it were that much, it is not going to come on line; the chairman of the Committee on Transportation, the gentleman from Alaska (Mr. YOUNG) says it may be 10 years before it comes on line, and it is really not going to make enough difference to matter. My concern is that if we drill in ANWR, Americans will think, gee, we have solved our energy problem, we are drilling in ANWR. It will be little more than a nit in terms of the enormous amounts of oil that we use. That kind of helps us put ANWR in perspective, because this is Prudhoe Bay, which may be twice as large as ANWR. So it kind of gives us a picture of what we can expect from ANWR.

The next chart is a generic chart which kind of shows us where we are, very probably where we are, and we have here only a two percent growth. Remember those curves I showed earlier? This is only the two percent growth curve. But notice what happens: it gets steeper and steeper as we go out. That is the interesting thing about exponential growth. The blue curve here is the available oil. Now, obviously, the use of oil and the production of oil paralleled each other going up the slope because nobody was storing it in large reservoirs anywhere. The yellow area between the amount of oil that can be produced and the oil that we would like to use represents the deficit. We do not even have to get to peak oil to have a problem, as the curve shows here, because we start deviating from this curve before we get to the peak of the curve. So we might expect, if we are at this point where the arrow points here, we might expect it for the next couple of years or so that it will be marginally greater increases in the production of oil, but they will not begin to keep up with the increased demand for oil.

Last year, for instance, China increased their oil imports about 25 percent. They now are the number two importer in the world. They have replaced Japan as the number two importer in the world. Of course, we are number one. We import more oil than anyone else in the world. India is following closely behind China. The Third World is now industrializing and probably, one of the things that we could most productively do would be to help India and help China and help the Third World countries who are industrializing to do it more efficiently. They are not only industrializing 30, 40 years after we did; they are kind of following the same path that we followed and using very inefficient techniques. So we could help alleviate the world's energy problem by helping these countries, which are now following us by 30 years or more in industrialization, to use techniques that are more efficient, which would make more oil available for everyone.

The next chart shows the discovery of oil, and the discovery of oil, if my colleagues see, that peaked for the world back here before 1970, and it peaked for the United States considerably before that. So discoveries peak a long time before consumption, and they are down, down, down now. I just had a paper sent to me that says that there is a whole lot more oil out there that we have not found.

□ 2340

I hope that is true. But whether it is true or not for the moment is not going to make much difference, because it is not going to come on line, as Chairman YOUNG says, for maybe 10 years. And in 10 years we are going to be sliding down Hubbert's Peak. So if there is a lot more oil out there, the most it will do is kind of slow our descent down Hubbert's Peak. We cannot escape the reality that the world production of oil will peak, many believe that it has peaked, and the demand for oil is certainly not going to peak. That is going to keep on going up.

The next chart shows something very interesting, that is, that drilling more will not help. And this is an interesting chart, because what it shows, the green shows the discoveries above use by the United States, and the red shows when we started to run a deficit.

What you see is in the 1980ish time zone, the yellow here shows the wells that we drilled. And notice this big spike in the number of wells we drilled. This was early in the Reagan administration.

Now, President Reagan recognized that we had a problem. We were already sliding down Hubbert's Peak. And he thought that the reason that we did not have more oil was simply because they did not have enough incentive to drill for more oil. And so he gave them incentives to drill for oil, and these incentives did work, they did drill for oil; but notice the increased drilling for oil simply followed an ever-decreasing discovery of oil with increased use, so now we have been operating in the red for a long time.

Notice that in spite of enormously increased profits, the industry is not drilling very many more wells. Why are they not drilling many more wells? It quite obviously is because they have done a lot of exploration, we are really pretty good at that today, and we use seismic and 3–D and computers. And if they thought there was a whole lot more oil out there to be found, they would be drilling more wells, because they certainly have the capital to do that now.

There is another dimension in this story that our next chart shows for us. And this is what is happening around the world. And I want to pay particular attention to China. China is now, remember, the number two importer in the world, 1.3 billion people, with an economy growing, remember that 10 percent curve, very sharp growth in their economy. And they are now scouring the world for oil.

They have contracts in Canada for oil, in Colombia, Venezuela, Brazil, Argentina, a number of them in the Middle East and Africa. They are now negotiating with Russia for oil there. They are talking with Russia about building a pipeline from the Sakhalin Island, in the Russian far east. Russia spans 11 time zones.

This ought to be colored green here, because Russia comes clear around here, nearly up to Alaska. They cover 11 time zones. And their far eastern oil is so far away from their major population centers, that they just cannot get it there over this large expanse.

And so now they are talking about a pipeline that would carry it down to China and perhaps down to the Korean Peninsula. By the way, they negotiated for an oil company in our country, and were just barely out-bid. They may be back bidding for oil companies in our country. They now control a number of assets around the world to make sure that they have access to this oil.

For instance, for a number of years now they have had ports at both ends of the Panama Canal. A poll, kind of an informal poll, was conducted in India and China over a several-month period by sending people that would just talk to people across the spectrum of their society there to ask them about energy and the future, and there is pretty broad knowledge in both of those countries that energy is going to be an increasing problem.

And in China they found a big recognition that China was dependent on the sea lanes for their oil, and they do not control the sea lanes. The United States controls the sea lanes. And so China is know aggressively developing a blue water navy. By a blue water navy, I mean a navy that operates in the oceans of the world. Many countries have a navy, but most of them are designed to protect the country close in.

Only we now, since the Soviets and the Russians have pulled back, only we now have a blue water navy that controls the world's oceans. And China recognizes that we could, if we wished, cut off their oil supply. And so they now are aggressively developing, among other armaments, a blue water navy.

By the way, last year our trade deficit with China was $162 billion. So it is not that they are without resources to develop this blue water navy. The next chart is a very interesting one, and Congressman GILCHREST talked about this. And this shows the transition from one fuel to another. And notice the lower brown curve here is wood.

And we really started using wood when we learned how to make steel. As a matter of fact, the hills, the mountains of New England were largely denuded of trees. There are now more forests in New Hampshire than there were when the Industrial Revolution began here, because it began in England a bit sooner, and they were cutting trees from New England to take to England.

As a matter of fact, the Industrial Revolution almost foundered because, as Congressman GILCHREST mentioned, we were exhausting the forest and cutting the trees for energy, and then we discovered coal. And notice how much greater the economy became, because over here is quadrillion Btus. Remember you talked about Btus, these are quadrillion Btus over here. I think you were up, what, over a hundred quadrillion Btus? Here it is 70. We are now up over a hundred quadrillion Btus.

And then we discovered oil. And here it goes. Up to a hundred quadrillion Btus total energy production. By the way, the lower curve here is a breakout of these, and it shows what maybe I hope is the future, what better be the future, or the future is pretty grim, that is, some alternatives to fossil fuels. Those are things like nuclear and solar and wind. They are so far down here in the noise level you do not see them so we have blown it up.

By the way, you do not see this big red peak here, because this combines petroleum and natural gas which come together, and here they are separated so you add this to this, you will get this big peak up here.

This explains some of the characteristics that alternatives must have, and that is energy density. Why were the Btus so much higher with coal and enormously higher with oil? And Congressman GILCHREST mentioned this, it is the energy density there.

Give you a little example of energy density. At maybe 25 percent efficiency only, because in your internal combustion engine you are lucky if you get 25 percent efficiency, which is the reason that you have that big radiator and all those pipes and fins to get rid of the heat. A barrel of oil contains the energy of 25,000 man-hours of labor.

That is the equivalent of having 12 people work for you full time for a whole year. And it costs you about $100. $50 for the oil, that is about what it was today, maybe another $50 to refine it. So you have got 42 gallons at $2-something a gallon. That is about $100, is it not? And that $100 will buy you the work equivalent, the energy equivalent of 25,000 man-hours of labor.

So when we are looking for something to replace these fossil fuels, we have got to find something with a lot of energy density, or we are going to have to change the way we live and change the way we use energy. You may have trouble calibrating that 25,000 man-hours and 12 man-years, but let me give you a little example that it may be easier to identify with, and that is what your car does with a gallon of gas, a gallon of gas, not very big.

By the way, still cheaper than water in the grocery store, at $2-and-something a gallon, unless you are buying it in Wal-Mart or KMart a gallon at a time. But in the little bottles you buy it in, it is much more expensive than gas. Recently, I went with my brother-in-law and sister-in-law in our little Prius. We have been driving one for a number of years now, since 2000 as a matter of fact; but the first one in Maryland, the first one in Congress. 85,000 miles on it. We were down in West Virginia going up mountains down there. It has an instantaneous record of your efficiency, miles per gallon. The worst mileage we got was 20 miles per gallon.

□ 2350

Well, that is going up a West Virginia mountain with four people in the car and luggage, and that one gallon took me 20 miles up the mountain.

How long would it take me to pull my car 20 miles up the mountain?

Of course, I cannot do that without some mechanical advantage. I could use a winch. We call it a come along and chains and the guardrail or trees or something, and by and by I could get my car up the mountain.

If I got it there in 90 days, that would be 90 hard days work, if you want to calculate that out how many feet you have to pull it a day. That gives you some idea of the energy density in these fossil fuels. So that is the challenge we have.

The next chart shows us the kind of things we can look to for getting energy to replace these fossil fuels. Now there are some finite resources we really have to pay attention to. They will not last forever, but in this transition we will have to use them as we can.

The tar sands, and I am going to Canada this summer, when I gave a talk on a couple of weeks ago, they called and would like me to see their tar sands exploitation so we will look at that. There is a lot of oil in tar sand, but most of it is pretty poor quality and it takes a lot of energy to get it out. It may take almost as much energy to get it out as you get oil out of the tar sands.

Then we have the oil shale in this country. The same thing is true there. Ultimately when Goldman Sachs has oil going to $105 a barrel, when it gets there it might be feasible to get oil shales. But again, a big environmental penalty and a lot of energy to get it out.

Coal. We will leave this chart up and put another chart in front of this because we want to come back to this one. The chart we put in front shows coal, and you have heard that we have 250 years of use, that is true, with no growth at current use rates. Remember that flat curve we showed before? No growth at current use rates.

This is perfectly flat. It will last us 250 years with no growth, but if it just grows 1.1 percent a year it will only last that long. Less than 150 years. At 2 percent growth it will last less than 100 years. But what are you going to do with coal? You cannot put it in the trunk of your car and go down the road. You have to convert coal to a liquid or a gas so that you can use it. And when you have a 2 percent growth rate and after conversion you are now down about 50 years of supply. And you have got to use a lot of energy to make sure that you clean up the coal.

We appropriate money from the Congress for clean coal technology. I support that, because we cannot use coal in the traditional way because it is enormously polluting.

We will go back now to our chart we were looking at the options that we have. The only thing on this table here that comes close to the energy density of fossil fuels is nuclear. Now, a lot of people have some big concerns about nuclear. But we have had 104 nuclear power plants in our country. We have never had a fatal accident. We have never had any real serious accidents there. Three Mile Island, by the way, was not a catastrophe. It was very unfortunate. As far as I know nobody was hurt from that and we learned a lot from that.

There are three different ways we can get nuclear energy. The way that will get us home free is fusion, that is what happens in the sun. And by the way, the sun is the origin of the most of energy that we have. All of the fossil fuels came from the sun ultimately. The ferns grew that produced the coal. The little organisms that grew in the water that settled to the bottom and were later covered over by silt, and then with the movement of tectonic plates they were buried with heat and pressure. In time they became oil.

The odds of getting fusion in time are pretty small. I would like to use the analogy that me trying to solve my personal economic problems by winning the lottery is pretty much the same kind of odds that we face if we want to solve our energy problems in our country with fusion. That does not keep me from voting for the something less than $300 million that we appropriate each year to fusion, because if we get there we are really home free. That is incredible. But that is probably not going to happen. We certainly would not bank on it. If it happens that is nice. Like winning the lottery, if it happens that is nice.

Two other kinds of energy is from nuclear. These are fission. One of those is whitewater reactor, which is the kind we have in this country. This uses uranium which is in even shorter supply in the world than oil. So that will not last forever.

Ultimately if we are going to get large amounts of energy from nuclear figures, we are going to have to go to breeder reactors. France gets about 80 percent of their electricity from nuclear and they have a lot of breeder reactors. With breeder reactors, you buy a problem of waste products that you have to store away we believe for maybe a quarter of a million years. That is a time span we can even think of and how do you safely store something away for a quarter of a million years?

Anything that has that much energy in it ought to be good for something. If it is so hot, if it has so much energy in it that you have got to store it away, you cannot even come close to it for a quarter of a million years, I would think you have not unleashed the ingenuity of the American people to see what we can do with that energy. I just think there is some potential there that we have not tapped.

Our time for this evening is nearly up. So what I want to do now is just mention, and we will be coming back again for a full hour and we will be talking about in detail about these renewable resources down here, what can we realistically expect from them and what do we need to do to get them started? Solar and wind and geothermal. tapping that hot molten iron core of the earth. Ocean energy, the tides and the waves. Lots of potential from agriculture. soy diesel. bio diesel. ethanol. methanol, bio mass.

Waste of energy. Great idea. Rather than filling landfills with it. burn it and get energy from it. By the way, the heat you got from it ought to be used for heating people's home. It ought not be wasted in evaporating water in a big tower outside town.

Last, we will close with hydrogen from renewable. Hydrogen is not an energy source. You cannot mine hydrogen. You cannot suck it out of the air. The only way you get hydrogen is to produce it.

Right now we are getting hydrogen from natural gas. It would be better to get it from renewables. We can do that. We can get it from nuclear. One of the things you might do with a nuclear plant is to split water to get hydrogen. You put that hydrogen in a fuel cell in your car. It has at least twice the efficiency of the reciprocating engine. It produces only water when you burn it. You do not have a flame but you are, in effect, chemically burning it in the fuel cell.

There are lots of things to look at here. But the real urgency here is that we have got to buy time by conservation and by efficiency so that we can use the limited resources of oil that we have. not only to continue the economies we now have in the world, but to make the investments we must make in these renewables so that we are going to continue to be able to live the kinds of qualities lives that we have been living.

I am sure that Americans are up to this. What we need is leadership articulating the problem and articulating the things that Americans need to do. Americans just need leadership. We are the envy of the world and we need to be a world leader in this because we use most of the oil in the world.

I would note that you can turn to our Web site and there you will find a discussion of these items of links that will carry you are to other places. If you would like to order a video or DVD, this is the telephone number you call at C–SPAN.

CONFERENCE REPORT ON H.R. 1268

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 1268), making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related ground for inadmissibility and removal. to ensure expeditious construction of the San Diego border fence, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–72)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268), "making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Title I—Defense Related Appropriations
Title II—International Programs and Assistance for Reconstruction and the War on Terror
Title III—Domestic Appropriations for the War on Terror
Title IV—Indian Ocean Tsunami Relief
Title V—Other Emergency Appropriations
Title VI—General Provisions and Technical Corrections

DIVISION B—REAL ID ACT OF 2005

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, ANL TSUNAMI RELIEF, 2005

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $13,609,208,000, of which not to exceed $508,374,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $535,108,000, of which not to exceed $19,928,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,358,053,000, of which not to exceed $220,227,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,599,943,000, of which not to exceed $16,471,000 shall remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,980,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $3,030,574,000: Provided, *That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $982,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $5,627,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,042,265,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $26,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $326,850,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Afghanistan Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $290,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Iraq Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $210,000,000 shall be transferred to "Operation and Maintenance, Army" to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $310,250,000, to remain available until September 30, 2007: Provided, That the *amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $2,551,187,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $532,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $6,250,505,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $139,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $3,283,042,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $277,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,577,560,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $645,939,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $204,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $142,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,511,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $242,000,000: Provided, That these funds may be used for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $210,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $847,191,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps",

$139,880,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $140,983,000, to remain available until September 30, 2006: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS TITLE

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

Sec. 1001. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this title, except for military construction: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

Sec. 1002. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking "$3,500,000,000" and inserting in lieu thereof "$6,185,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

Sec. 1003. (a) Authority To Provide Support.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

(b) Types of Support.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

Sec. 1004. The paragraph under the heading "Operation and Maintenance, Defense-Wide" in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking "$32,000,000" and inserting "$40,000,000".

ADVANCE BILLING

Sec. 1005. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting "$1,500,000,000" for "$1,000,000,000".

COMMANDER'S EMERGENCY RESPONSE PROGRAM

Sec. 1006. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking "$500,000,000" in the matter preceding paragraph (1) and inserting "$854,000,000": Provided, That from funds available for the Commander's Emergency Response Program for fiscal year 2005, not to exceed $10,000,000 may be used to purchase weapons from any person, foreign government, international organization or other entity for the purpose of protecting United States forces overseas, and to dispose of the weapons purchased: Provided further, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports regarding the purchase and disposal of weapons under this subsection.

CLASSIFIED PROGRAM

Sec. 1007. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking "$185,000,000" and inserting "$210,000,000".

LIMITATION ON CIVILIAN COMPENSATION

Sec. 1008. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

(1) a military operation, including a contingency operation; or

(2) an operation in response to a declared emergency.

(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Sec. 1009. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), is amended—

(1) by striking "in the fiscal year after the effective date of this Act" and inserting in lieu thereof "in the fiscal years 2005 and 2006"; and

(2) in paragraph (1) by striking "500 new personnel billets" and inserting in lieu thereof "the total of 500 new personnel positions".

COALITION LIAISON OFFICERS

Sec. 1010. Section 1051a(e) of title 10, United States Code, is amended by striking "September 30, 2005" and inserting "December 31, 2005".

RESERVE AFFILIATION BONUS

Sec. 1011. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

Sec. 1012. (a) Increased Maximum Amount of Servicembers' Group Life Insurance.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

"(i) In the case of a member—

"(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

"(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

"(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e)."; and

(2) in subsection (d), by striking "$250,000" and inserting "$400,000".

(b) Increments of Decreased Amounts Electable by Members.—Subsection (a)(3)(B) of such section is amended by striking "member or spouse" in the last sentence and inserting "member, be evenly divisible by $50,000 and, in the case of a member's spouse".

(c) Additional Amount for Members Serving in Certain Areas or Operations.—

(1) Increased amount.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A member covered by this subsection is any member as follows:

"(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

"(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

"(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for

or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

"(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

"(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

"(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member's pay; or

"(B) if deducted or withheld from the member's pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.".

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraph:

"(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.".

(d) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: ", except with respect to insurance provided under paragraph (3)(A)(i)(III)".

(e) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking "$250,000" each place it appears and inserting "$400,000"; and

(2) by adding at the end of paragraph (1) the following new sentence: "Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.".

(f) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

"(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member with a spouse not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member."; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking "and (C)" and inserting ", (C), and (D)"; and

(B) by adding at the end the following new subparagraphs:

"(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.

"(E) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(I), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.".

(g) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

"(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(i) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act shall be revived.

DEATH GRATUITY

SEC. 1013. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ", except as provided in subsections (c), (e), and (f)" after "$12,000";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) The death gratuity payable under sections 1475 through 1477 of this title is $100,000 in the case of a death resulting from wounds, injuries, or illnesses that are—

"(1) incurred as described in section 1413a(e)(2) of this title; or

"(2) incurred in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38.".

(2) CONFORMING AMENDMENT.—Subsection (a) of such section, as amended by paragraph (1), is further amended by striking "(as adjusted under subsection (c))" and inserting "(as adjusted under subsection (d))".

(b) RETROACTIVE PAYMENT OF DEATH GRATUITY FOR DEATHS AFTER OCTOBER 7, 2001, FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable in accordance with this subsection for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (a).

"(2) This subsection applies in the case of a member of the armed forces who dies before the date of the enactment of this subsection as a direct result of one or more wounds, injuries, or illnesses that—

"(A) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

"(B) were incurred as described in section 1413a(e)(2) of this title on or after October 7, 2001.

"(3) The amount of additional death gratuity payable under this subsection shall be $238,000, of which—

"(A) $150,000 shall be paid in the manner specified in paragraph (4); and

"(B) $88,000 shall be paid in the manner specified in paragraph (5).

"(4) A payment pursuant to paragraph (3)(A) by reason of a death covered by this subsection shall be paid—

"(A) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38; or

"(B) in the case of a person who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

"(5) A payment pursuant to paragraph (3)(B) by reason of a death covered by this subsection shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under this section.".

(c) PAYMENT OF DEATH GRATUITY FOR CERTAIN OTHER DEATHS FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.—Such section is further amended by adding at the end the following new subsection:

"(f)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable in accordance with this subsection for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (e).

"(2) This subsection applies in the case of a member of the armed forces who dies during the period beginning on the date of the enactment of this subsection and ending on the first day of the first month that begins more than 90 days after such date of one or more wounds, injuries, or illnesses that—

"(A) are incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

"(B) are incurred as described in section 1413a(e)(2) of this title.

"(3) The amount of additional death gratuity payable under this subsection shall be $150,000.

"(4) A payment pursuant to paragraph (3) by reason of a death covered by this subsection shall be paid—

"(A) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds payable on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38; or

"(B) in the case of a person who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who receive proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(e) TERMINATION.—

(1) IN GENERAL.—This section and the amendment made by this subsection shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

(2) CONTINUING OBLIGATION TO PAY.—Any amount of additional death gratuity payable under section 1478 of title 10, United States Code, by reason of the amendments made by subsections (b) and (c) of this section that remains payable as of September 30, 2005, shall, notwithstanding paragraph (1), remain payable after that date until paid.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1014. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

PROHIBITION OF NEW START PROGRAMS

SEC. 1015. (a) None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, "Procurement of Ammunition, Army" to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1016. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, the unobligated balance as of the date of enactment of this Act, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) Of the funds made available under paragraph (a)(1), not less than $100,000,000 shall be obligated not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1017. Section 115 of division H of Public Law 108–199 is amended by striking all after "made available" and substituting ", notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.": Provided, That of the funds provided in Public Law 108–287 under the heading "Operation and Maintenance, Army" for Woody Island and Historic Structure, $1,000,000 shall be made available in the form of a grant for these purposes.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1018. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2005/2009":

LCU (X), $19,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2008":

LPD–17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1019. (a) No funds appropriated or otherwise made available by this Act, or by prior Acts, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1020. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1021. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS

SEC. 1022. (a) Section 403(l) of title 37, United States Code, is amended by striking "180 days" each place it appears and inserting "365 days".

(b) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 403(l) of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

PROHIBITION ON CHARGES FOR MEALS

SEC. 1023. (a) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(b) EFFECTIVE DATE.—The limitation in paragraph (a) shall take effect upon enactment of this Act, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(c) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 402 of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1024. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17. 2005, a reserve fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1025. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy in this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available in this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

(d) PACIFIC FLEET AUTHORITIES.—None of the funds available to the Department of the Navy may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004 shall remain in force unless changes are specifically authorized in a subsequent act.

TRAVEL FOR FAMILY OF HOSPITALIZED SERVICEMEMBERS

SEC. 1026. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) either—

"(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

"(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury."; and

(2) by adding at the end the following new paragraph:

"(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).".

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

"§411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.".

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Operation and Maintenance, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

(e) TERMINATION.—The amendment made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of section 411h of title 37, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

PROHIBITION ON TERMINATION OF MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1027. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

PURPLE HEART COMMENDATIONS

SEC. 1028. None of the funds in this Act or prior Acts may be used to revoke Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom: Provided, That the Secretary of any military department may, on a case-by-case basis, waive this provision fifteen days after notifying the congressional defense committees of their intent to revoke an individual's Purple Heart commendation.

VIRTUAL TRAINING COCKPIT OPTIMIZATION PROGRAM

(TRANSFER OF FUNDS)

SEC. 1029. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Aircraft Procurement, Army, 2004/2006", $2,000,000;

To:

Under the heading, "Research, Development, Test and Evaluation, Army, 2004/2005", $2,000,000:

Provided further, That these funds may only be used for the Virtual Training Cockpit Optimization Program: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSFER OF FUNDS FOR FORCE PROTECTION PROGRAMS

(TRANSFER OF FUNDS)

SEC. 1030. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): Provided, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, "Research, Development, Test and Evaluation, Air Force, 2005/2006", $500,000;

From:

Under the heading, "Other Procurement, Air Force", $500,000.

To:

Under the heading, "Other Procurement, Air Force, 2005/2007", $8,200,000;

From:

Under the heading, "Other Procurement, Navy, 2005/2007", $8,200,000:

Provided further, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 1031. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term "torture" has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

TRAUMATIC INJURY PROTECTION

SEC. 1032. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

"(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

"(A) Bathing.

"(B) Continence.

"(C) Dressing.

"(D) Eating.

"(E) Toileting.

"(F) Transferring."; and

(2) by adding at the end the following:

"§ 1980A. Traumatic injury protection

"(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

"(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

"(A) total and permanent loss of sight;

"(B) loss of a hand or foot by severance at or above the wrist or ankle;

"(C) total and permanent loss of speech;

"(D) total and permanent loss of hearing in both ears;

"(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

"(F) quadriplegia, paraplegia, or hemiplegia;

"(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

"(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

"(2) For purposes of this subsection—

"(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

"(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

"(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

"(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

"(c) A payment under this section may be made only if—

"(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

"(2) the loss results directly from that traumatic injury and from no other cause; and

"(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

"(d) Payments under this section for losses described in subsection (b)(1) shall be—

"(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

"(2) based on the severity of the covered condition; and

"(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

"(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

"(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

"(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

"(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

"(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

"(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

"(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

"(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

"(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

"(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

"1980A. Traumatic injury protection.".

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims

for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

AMOUNTS FROM PRIOR YEAR IRAQ FREEDOM FUND APPROPRIATION

(RESCISSION OF FUNDS)

SEC. 1033. Of the funds appropriated in title IX of Public Law 108–287 for "Iraq Freedom Fund" (118 Stat. 1005) that remain available for obligation, $50,000,000 is hereby rescinded.

TECHNICAL CORRECTION

SEC. 1034. Of the funds available in the Department of Defense Appropriations Act, 2005, (Public Law 108–287), under the heading "Defense Health Program", $1,000,000 shall be available to the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

DEFENSE TRANSFER AUTHORITY

SEC. 1035. In addition to amounts appropriated elsewhere in this Act, there is hereby appropriated $50,000,000 for "Research, Development, Test and Evaluation, Defense-Wide", to remain available until September 30, 2006: Provided, That these funds are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law and of this Act, such funds may be obligated to carry out projects not otherwise authorized by law: Provided further, That any funds transferred shall be merged with and shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amount provided in this section is designated an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1036. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

CAMP JOSEPH T. ROBINSON

SEC. 1037. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $240,000,000 to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $734,000,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Contributions for International Peacekeeping Activities", $680,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, up to $50,000,000 may be transferred to "Peacekeeping Operations" for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $90,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan and other African countries: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an *emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).*

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", $1,433,600,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, $2,500,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for assistance for Haiti, of which $2,500,000 should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for programs and activities to promote democracy, including political party development, in Lebanon: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union", $70,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $620,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $120,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $67,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $24,600,000, to remain available until September 30, 2006, of which not to exceed $7,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $240,000,000, to remain available until September 30, 2006, of which up to $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That up to $30,000,000 may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism: Provided further, That these funds may be transferred by the Secretary of State to other Federal agencies or accounts to support the global war on terrorism: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking "Iraq,".

(RESCISSION OF FUNDS)

SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

AUDIT REQUIREMENT

SEC. 2103. Section 559 of division D of Public Law 108–447 is amended by adding at the end the following:

"(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—

"(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

"(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.".

REPORTING REQUIREMENT

SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: Provided, That up to 15 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: Provided further, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.

AUDIT REQUIREMENT

SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading "Economic Support Fund" and "International Narcotics Control and Law Enforcement": Provided, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

REPORTING REQUIREMENT

SEC. 2106. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to further democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

REPROGRAMMING AUTHORITY

SEC. 2107. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108–447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2108. Of the funds appropriated by chapter 2 of title II of Public Law 108–106 under the heading "Iraq Relief and Reconstruction Fund", not less than $20,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the "Marla Ruzicka Iraqi War Victims Fund".

CANDIDATE COUNTRIES

SEC. 2109. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108-199) is amended—

(1) by striking "subparagraphs (A) and (B) of section 606(a)(1)"; and

(2) inserting in lieu thereof "subsection (a) or (b) of section 606".

HUMANITARIAN ASSISTANCE CODE OF CONDUCT

SEC. 2110. (a) None of the funds made available for foreign operations, export financing, and related programs under the headings "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", "International Disaster and Famine Assistance", or "Transition Initiatives" may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises.

(c) Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this section.

(d) This section shall take effect 60 days after the date of the enactment of this Act and shall apply to funds obligated after such date for fiscal year 2005 and any subsequent fiscal year.

JOINT EXPLANATORY STATEMENT

SEC. 2111. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the joint explanatory statement of managers accompanying this Act:

"Economic Support Fund"; and,

"Assistance for the Independent States of the Former Soviet Union".

(b) Any proposed increases or decreases to the amounts contained in such tables in the joint explanatory statement of managers shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $124,425,000, to remain available until September 30, 2006, for hiring, training, supporting, and equipping 500 border patrol agents above the level funded in Public Law 108–334: Provided, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That of the amount provided under this heading, $49,075,000 is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for "Construction", $51,875,000, to remain available until September 30, 2006: Provided, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $454,250,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That of the total amount provided, $178,250,000 is available until September 30, 2006, of which $93,050,000 is for new investigators, enforcement agents, detention officers, and detention bedspace: Provided further, That the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2005, with a plan for the expeditious implementation and execution of these funds: Provided further, That of the amount provided under this heading, $349,050,000 is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,568,000, to remain available until September 30, 2006.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses", $1,882,000, to remain available until September 30, 2006.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

DETENTION TRUSTEE

For an additional amount for "Detention Trustee", $184,000,000, for necessary expenses of the Federal Detention Trustee: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $40,000,000 are rescinded.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $11,935,000, for increased judicial security outside of courthouse facilities, including home intrusion detection systems for Federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $73,991,000, to remain available until September 30, 2006: Provided, That of the amount appropriated, $1,250,000 shall be transferred to and merged with the appropriation for "Department of Justice, General Administration, Office of Inspector General": Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Doris K. Matsui, widow of Robert T. Matsui, late a Representative from the State of California, $162,100.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ADMINISTRATIVE PROVISIONS

HOUSE SERVICES REVOLVING FUND

SEC. 3 . (a) Section 103(b) of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3175) is amended to read as follows:

"(b) USE OF FEES.—Any amounts paid as fees for the use of the exercise facility described in subsection (a) shall be deposited into the House Services Revolving Fund established under section 105.".

(b) Section 105(a) of such Act (2 U.S.C. 117m(a)) is amended by adding at the end the following new paragraph:

"(5) The payment of fees for the use of the exercise facility described in section 103(a).".

(c) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

TECHNICAL CORRECTIONS

SEC. 3___. (a) The last proviso under the heading "LIBRARY OF CONGRESS—Salaries and Expenses" in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001, as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (2 U.S.C. 132b note), is amended by striking "chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives" and inserting "chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair)".

(b) Section 313(a)(2)(E) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)(E)), as added by section 1502 of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447), is amended by striking "chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives" and inserting "chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair)".

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for necessary expenses of the Capitol Police, $11,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

For an additional amount for "Capitol Grounds", $8,200,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for "Capitol Police Buildings and Grounds", $4,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with "Development Credit Authority" for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $17,500,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $1,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development Office of Inspector General"; and up to $5,000,000 may be transferred to and consolidated with "Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, $5,000,000 should be made available for environmental recovery activities in tsunami affected countries: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, $1,500,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $12,500,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for microenterprise programs in countries affected by the tsunami, of which $5,000,000 should be made available for microcredit programs, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $1,500,000 should be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004 and March 2005, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That funds appropriated under this heading may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered "assistance" for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That any agreement to defer and reschedule such debt will include a commitment by the recipient government that resources freed by the debt deferral will benefit directly the people affected by the tsunami: Provided further, That the Secretary of State shall arrange for an outside, independent evaluation of each government's compliance with the commitment: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

REPORTING REQUIREMENT

SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter not used to reimburse accounts for obligations made prior to enactment, a report on the proposed uses of all funds on a project-by-project basis, for which such initial obligation of funds is anticipated: Provided, That up to 15 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: Provided further, That *the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.*

AUTHORIZATION OF FUNDS

SEC. 4103. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AVIAN INFLUENZA VIRUS

SEC. 4104. Of the funds appropriated under this chapter, $25,000,000 shall be made available for a coordinated program to prevent and control the spread of the Avian influenza virus: Provided, That not less than $15,000,000 of such funds should be transferred to the Centers for Disease Control and Prevention: Provided further, That prior to the obligation of such funds, the Centers for Disease Control and Prevention shall consult with the United States Agency for International Development on the proposed use of such funds: Provided further, That funds made available by this section and transferred to the Centers for Disease Control and Prevention shall be for necessary expenses to carry out Titles III and XXIII of the Public Health Service Act.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Overseas Humanitarian, Disaster, and Civic Aid

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

Operating Expenses

For an additional amount for "Operating Expenses", $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $7,070,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", $10,170,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to waterways and watersheds resulting from natural disasters, $104,500,000, to remain available until expended: Provided, That the above amount includes funding for eligible work identified in the Emergency Watershed Program Recovery Projects Unfunded list as of April 25, 2005: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading "Rural Housing Service", "Rural Housing Insurance Fund Program Account" in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service "Rental Assistance Program" account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the Village of New Miami, Ohio, a rural area for purposes of eligibility for grants funded through the Rural Housing Assistance Grants account.

WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5103. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108–447) for the Lost River Watershed project, West Virginia, $4,000,000 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 36).

FARM SERVICE AGENCY

SEC. 5104. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

Departmental Management

SALARIES AND EXPENSES

For an additional amount for "Departmental Management", $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

Forest Service

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $24,390,000, to remain available until expended, to repair damages to national forest facilities and lands caused by severe storms in southern California: Provided, That such funds shall be available to perform repair activities including, but not limited to, restoration of roads, trails and facilities; removal of landslides; drainage protection; waste removal; and stream stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108–447, $10,000,000, to remain available until expended, for an infrastructure grant to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading "Health Resources and Services Administration, Health Resources and Services", the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading "Office of the Secretary, Office of the Inspector General", the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading "Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)" the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

For an additional amount for the "Public Health and Social Services Emergency Fund" in title II of Public Law 108–447, $58,000,000, to remain available until expended, to be transferred to the Centers for Disease Control and Prevention for the purchase of influenza countermeasures for the Strategic National Stockpile: Provided, That $58,000,000 appropriated by section 1897(g) of the Social Security Act, as added by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is rescinded.

CHAPTER 4

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for "Housing for Persons with Disabilities", $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of Federal Housing Enterprise Oversight" for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund but not any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516(c)): Provided, That notwithstanding section 1316(d) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, any funds collected under section 1316(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 shall not be credited for fiscal year 2006 as surplus under section 1316(d) of such Act or as part of any assessment to be collected for fiscal year 2006 under section 1316(a) of such Act: Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

REFERENCES TO EMERGENCY REQUIREMENTS

SEC. 6002. Any reference in this Act to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress) shall be treated as a reference to the emergency legislation section of H. Con. Res. 95 (109th Congress), if H. Con. Res. 95 (109th Congress) is adopted prior to the enactment of this Act.

RURAL BUSINESS-COOPERATIVE SERVICE

SEC. 6003. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

MCCLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATIONS AND MAINTENANCE

SEC. 6004. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "Public Law 108–357" and inserting "Public Law 108–137".

ENVIRONMENTAL INFRASTRUCTURE

SEC. 6005. Section 101 of title I of division C of Public Law 108–447 is amended by striking "per project" and all that follows through the period at the end and inserting "for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.".

DE SOTO COUNTY, MISSISSIPPI

SEC. 6006. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking "$20,000,000" and inserting "$55,000,000" in lieu thereof, and by striking "treatment" and inserting "infrastructure" in lieu thereof: Provided, That the Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002, and September 30, 2005, in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided further, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project cost incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6007. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking "$20,000,000" and inserting in lieu thereof "$25,000,000".

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR-1 BRIDGE, DELAWARE

SEC. 6008. The first proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "October 1, 2003, and September 30, 2004" and inserting "October 1, 2004, and September 30, 2005".

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6009. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

ENVIRONMENTAL INFRASTRUCTURE

SEC. 6010. In division C, title I of the Consolidated Appropriations Act, 2005 (Public Law 108-447), the item relating to Corps of Engineers—Civil, Construction, General, is amended by inserting before the period at the end the following: ": Provided further, That of the funds made available herein for Ohio Environmental Infrastructure, $500,000 shall be used for the Liberty Little Squaw Creek sewer upgrade and $1,000,000 shall be used for the Lake County, Concord Township sanitary sewer line improvement: Provided further, That of the funds made available herein, $350,000 shall be used to complete design for the St. Croix Falls, Wisconsin, wastewater infrastructure project".

INDIANA HARBOR, INDIANA

SEC. 6011. The Secretary of the Army, acting through the Chief of Engineers, is directed to complete, at full Federal expense, the Indiana Harbor and Canal, Confined Disposal Facility, Indiana, currently under construction.

SEMINOLE TRIBE, BIG CYPRESS PROJECT

SEC. 6012. Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended by adding the following:

"(5) The Seminole Tribe of Florida shall receive a mitigation credit for 50 percent of the net wetland benefits derived within the footprint of the Big Cypress Seminole Reservation Water Conservation Plan Project. Such credit may be used to meet the mitigation requirements of section 404 of the Clean Water Act as they may apply to future projects proposed by the Seminole Tribe of Florida.".

SAN GABRIEL BASIN RESTORATION

SEC. 6013. (a) The matter under the heading "Water and Related Resources" in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)".

(b) Section 110(a)(3)(A)(ii) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554) as amended is further amended by inserting the words "and maintain" after the word "operate".

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6014. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6015. Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking "2004" and inserting in lieu thereof "2005"; and

(2) in paragraph (b) by striking "2004" and inserting in lieu thereof "2005".

ENERGY SUPPLY

SEC. 6016. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Department of Energy, Energy Programs, Energy Supply" is amended by inserting before the period at the end the following: ": Provided, That $2,000,000 is made available for the National Center for Manufacturing Sciences in Michigan: Provided further, That $825,000 is made available for research and development in California to advance the state of metal hydride hydrogen storage".

OFFICE OF SCIENCE

SEC. 6017. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Department of Energy, Energy Programs, Science" is amended by inserting ": Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service: Provided further, That $2,000,000 is made available within available funds to upgrade chemistry laboratories at Drew University, New Jersey" after "$3,628,902,000".

FOSSIL ENERGY

SEC. 6018. In division E, title II of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Department of Energy, Fossil Energy Research and Development" is amended by inserting before the period at the end the following: ": Provided further, That $1,000,000 is made available for the National Energy Technology Laboratory in Pennsylvania to work with the Borough of Versailles, Pennsylvania, to remediate leaks from abandoned natural gas wells".

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. Notwithstanding the provisions of section 302 of Public Law 102-377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375: Provided, That $825,000 is made available for cybersecurity at Department of Energy laboratories using the CimTrak technology.

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6020. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period at the end of "Defense Environmental Services" the following: ": Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities: Provided further, That $2,000,000 is provided within available funds to support desalination activities in partnership with the Bureau of Reclamation at the Tularosa Basin desalination facility, New Mexico".

DEFENSE SITE ACCELERATION COMPLETION TRANSFER TO WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6021. Notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $4,000,000 from the 'Defense Site Acceleration Completion' appropriation to the 'Weapons Activities' appropriation contained in the Consolidated Appropriations Act, 2005 (Public Law 108–447), division C—Energy and Water Development.

SMALL BUSINESS CONTRACTING

SEC. 6022. (a) Not later than September 30, 2005, the Department of Energy and the Small Business Administration shall enter into a memorandum of understanding setting forth an appropriate methodology for measuring the achievement of the Department of Energy with respect to awarding contracts to small businesses.

(b) The methodology set forth in the memorandum of understanding entered into under subsection (a) shall, at a minimum, include—

(1) a method of counting the achievement of the Department of Energy in awards of—

(A) prime contracts; and

(B) subcontracts to small businesses awarded by Department of Energy management and operating, management and integration, and other facility management prime contractors; and

(2) uniform criteria that could be used by prime contractors when measuring the value and number of subcontracts awarded to small businesses.

(c)(1) Not later than September 30, 2005, the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration, shall jointly conduct a study regarding the feasibility of possible changes to management and operating contracts and other management contracts within the Department of Energy to encourage new opportunities for small businesses to increase their role as prime contractors.

(2) In conducting the study under paragraph (1), the Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall jointly consider the impact of changes studied on—

(A) accountability, competition, and sound management practices at the Department of Energy and its facilities managed by prime contractors;

(B) safety, security, and oversight of Department of Energy facilities; and

(C) the potential oversight and management requirements necessary to implement the findings of the study.

(3) The Administrator of the Small Business Administration, the Chief Counsel for Advocacy of the Small Business Administration, the Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and the Administrator of the National Nuclear Security Administration shall report their joint findings to—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(d)(1) Beginning on the date of enactment of this Act and ending at the conclusion of fiscal year 2007, in any case in which the Secretary of Energy decides to break-out appropriate large prime contracts, known as the management and operating contracts, for award to small businesses, the Secretary shall consider whether—

(A) the services under the contract have previously been provided by a small business concern; and

(B) the contract is of the type capable of being performed by a small business concern.

(2) In the case of a contract awarded by the Department of Energy as a result of a break-out of subcontracts previously awarded by management and operating prime contractors and re-awarded as a small business prime contract under paragraph (1)—

(A) any such contract valued at more than $25,000,000 shall be required to have a subcontracting plan for small businesses; and

(B) the Secretary shall make a determination on the advisability of requiring a local presence for small business subcontractors.

NUCLEAR WASTE DISPOSAL

SEC. 6023. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading "Nuclear Waste Disposal"—

(1) by inserting "to be derived from the Nuclear Waste Fund and" after "$346,000,000,"; and

(2) in the second proviso, by striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate in licensing activities and other appropriate activities pursuant to that Act".

DEPARTMENT OF HOMELAND SECURITY

WORKING CAPITAL FUND

SEC. 6024. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities for fiscal year 2005 contained in the April 11, 2005, report submitted to the Committees on Appropriations of the Senate and the House of Representatives on the Department of Homeland Security Working Capital Fund, and all activities and services funded by the Federal Emergency Management Agency "Working Capital Fund" before March 1, 2003: Provided, That all *organizations shall be charged only for direct usage of each service: Provided further, That for fiscal year 2005, funding for activities shall not exceed the amounts listed in the Department of Homeland Security Working Capital Fund April 11, 2005, report: Provided further, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.*

SEC. 6025. The Department of Homeland Security shall henceforth provide an appropriations justification for the "Department of Homeland Security Working Capital Fund" to the Committees on Appropriations of the Senate and House of Representatives: Provided, That an annual appropriations justification shall be submitted to the Congress as a part of the President's budget as submitted under Section 1105(a) of Title 31, United States Code, and shall contain the same level of detail as the Department's Congressional appropriations justification in support of the President's budget: Provided further, That the "Department of Homeland Security Working Capital Fund" Congressional appropriations justification for fiscal year 2006 shall be submitted within 15 days of enactment of this Act: Provided further, That the Chief Financial Officer shall ensure that all planned activities and amounts to be funded by the "Department of Homeland Security Working Capital Fund", all reimbursable agreements, and all uses of the Economy Act are explicitly identified in each Congressional appropriations justification in support of the President's budget provided for each agency and component of the Department.

OFFICE OF THE CHIEF INFORMATION OFFICER

SEC. 6026. Of the funds provided under the heading "Office of the Chief Information Officer" in Public Law 108–334, $5,000,000 shall not be obligated for salaries and expenses until an expenditure plan is submitted to the Committees on Appropriations of the Senate and the House of Representatives for any information technology project that: (1) is funded by the "Office of the Chief Information Officer"; or (2) is funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by project: Provided further, That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003, the current operational status of each system, and the plans for continued operation or termination of each system.

RESCISSION OF FUNDS

SEC. 6027. Of the funds appropriated by Public Law 108–334 (118 Stat. 1298, 1300, 1302), the following are rescinded: $500,000 under the heading "Office of the Secretary and Executive Management"; $3,300,000 under the heading "Office of the Under Secretary for Management"; $76,000,000 under the heading "Customs and Border Protection, Salaries and Expenses"; and $85,200,000 under the heading "Immigration and Customs Enforcement, Salaries and Expenses".

SEC. 6028. Of the unobligated balances available in the "Department of Homeland Security Working Capital Fund", $20,000,000 are rescinded.

REPROGRAMMING AND TRANSFER OF FUNDS

SEC. 6029. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT, TECHNICAL CORRECTION

SEC. 6030. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by striking "September 24, 2004" and inserting "November 12, 2004".

FOREST SERVICE TRANSFER

SEC. 6031. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the "Forest Service, Capital Improvement and Maintenance" account, are hereby transferred to the "Forest Service, State and Private Forestry" account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6032. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6033. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6034. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with extraction of the oil and gas minerals reserved by the State of Mississippi in the deed referenced in subsection (b):

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore to identify the oil and gas minerals located within the boundaries of the Gulf Islands National Seashore under the surface estate conveyed by the State of Mississippi, all of which oil and gas minerals the State of Mississippi reserved the right to extract.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in the section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6035. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2005," and inserting "September 30, 2005,".

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6036. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the "Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005".

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the "commerce clause") to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

STATE AND TRIBAL ASSISTANCE GRANTS, TECHNICAL CORRECTIONS

SEC. 6037. The referenced statement of the managers under the heading "State and Tribal Assistance Grants" for the Environmental Protection Agency in Public Law 106–377, in reference to item 80, is deemed to be amended by striking all after "for" and inserting in lieu thereof "wastewater infrastructure improvements".

SEC. 6038. The referenced statement of the managers under the heading "State and Tribal Assistance Grants" for the Environmental Protection Agency in Public Law 108–199 is deemed to be amended, in reference to item 331, by striking all after "to" and inserting in lieu thereof "Wayne County, New York Water and Sewer Authority for wastewater infrastructure improvements" and, in reference to item 25, by striking all after "for" and inserting in lieu thereof "water and wastewater improvements".

SEC. 6039. The referenced statement of the managers under the heading "State and Tribal Assistance Grants" for the Environmental Protection Agency in Public Law 108–447 is deemed to be amended, in reference to item 235, by striking "$650,000" and inserting in lieu thereof "$1,000,000" and is deemed to be amended by adding "668. $150,000 to the City of Oldsmar, Florida for water and wastewater infrastructure improvements.".

TRANSFER AUTHORITY

SEC. 6040. (a) Section 102 of division F of Public Law 108–447 is hereby repealed.

(b) Section 208 of division F of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That such authority shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity for which no funds were provided".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6041. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–

792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement"—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read "Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative";

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read "Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program";

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowery Mission, New York, NY";

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar";

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read "Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative";

(14) the provision specifying $100,000 for Clarion County Career Center, Shippenville, PA for curriculum development shall be deemed to read "Clarion County Career Center, Shippenville, PA for curriculum development, technology and/or equipment";

(15) the provision specifying $100,000 for Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development shall be deemed to read "Central Pennsylvania Institute of Science and Technology, Pleasant Gap, PA for curriculum development, technology and/or equipment";

(16) the provision specifying $100,000 for Forest Area High School, Tionesta, PA, for curriculum development shall be deemed to read "Forest Area High School, Tionesta, PA for curriculum development, technology and/or equipment";

(17) the provision specifying $100,000 for Jersey Shore High School, Jersey Shore, PA, for curriculum development shall be deemed to read "Jersey Shore High School, Jersey Shore, PA for curriculum development, technology and/or equipment";

(18) the provision specifying $100,000 for Montgomery Area School District, Montgomery, PA for curriculum development shall be deemed to read "Montgomery Area School District, Montgomery, PA for curriculum development, technology and/or equipment";

(19) the provision specifying $100,000 for Southern Tioga School District, Blossburg, PA for curriculum development shall be deemed to read "Southern Tioga School District, Blossburg, PA for curriculum development, technology and/or equipment";

(20) the provision specifying $300,000 for Venango County AVTS, Oil City, PA for curriculum development shall be deemed to read "Venango County AVTS, Oil City, PA for curriculum development, technology and/or equipment";

(21) the provision specifying $100,000 for Warren County Career Center, Warren, PA, for curriculum development shall be deemed to read "Warren County Career Center, Warren, PA for curriculum development, technology and/or equipment"; and

(22) the provision specifying $100,000 for Wellsboro Area School District, Wellsboro, PA, for curriculum development shall be deemed to read "Wellsboro Area School District, Wellsboro, PA for curriculum development, technology and/or equipment".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6042. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs";

(4) the provision specifying $170,000 for Shippensburg University Foundation, Shippensburg, PA, for the Center for Land Use shall be deemed to read "Shippensburg University, Shippensburg, PA, for the Center for Land Use"; and

(5) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6043. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement" the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska".

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6044. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: ": Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

SEC. 6045. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "or an entity described in paragraph (3)" after "means a hospital"; and

(B) in subparagraph (B)—

(i) by inserting "legislature" after "State" the first place it appears; and

(ii) by inserting "and such designation by the State legislature occurred prior to December 8, 2003" before the period at the end; and

(2) by adding at the end the following new paragraph:

"(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

"(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.".

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

"(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

APPLICATION PROCESSING AND ENFORCEMENT FEES

SEC. 6046. Section 286(s)(6) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(6)) is amended in the second sentence by inserting "and section 212(a)(5)(A)" before the period at the end.

TECHNICAL CORRECTION—HIGHER EDUCATION

(INCLUDING RESCISSION OF FUNDS)

SEC. 6047. (a) RESCISSION.—Of the funds made available under the heading "Higher Education" in title III of division F of Public Law 108–447, $496,000 is rescinded, to be derived from the amount provided pursuant to the last proviso under such heading for the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

(b) APPROPRIATION.—The amount rescinded by subsection (a) is appropriated for "General Services Administration—Operating Expenses", for a grant to the IWF Leadership Foundation, Washington, DC, for a scholarship fund.

COPYRIGHT ROYALTY JUDGES

SEC. 6048. (a) The item relating to "LIBRARY OF CONGRESS—Copyright Office—salaries and expenses" in the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3187), is amended by striking the period at the end and inserting the following: ": Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111 and 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program during any portion of fiscal year 2005 in which such program is in effect.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005.

CAPITOL VISITOR CENTER

SEC. 6049. (a) The item relating to "Architect of the Capitol—Capitol Visitor Center" in the Legislative Branch Appropriations Act, 2002 (Public Law 107–68; 115 Stat. 588), is amended by striking "chair and ranking minority member of the".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002.

TECHNICAL CORRECTION

SEC. 6050. Notwithstanding any other provision of law, unexpended and unobligated funds appropriated by Public Law 108–7 to the accounts under the heading "SENATE" relating to Legislative Branch appropriations shall remain available without fiscal year limitation: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6051. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended after "Bonneau Ferry, SC" by striking "20,000" and inserting "19,200" in the "Procurement, Acquisition and Construction" account: Provided, That the difference in these amounts is available for transfer to the "Operations, Research, and Facilities" account for "Response and Restoration Base".

SEC. 6052. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Tonner Canyon, CA" and inserting "Tolay Lake, Sonoma County, CA".

SEC. 6053. The referenced statement of managers under the heading "National Oceanic and Atmospheric Administration" in title II of division B of Public Law 108–447 is deemed to be amended under the heading "Construction/Acquisition, Coastal and Estuarine Land Conservation Program" by striking "Port Aransas Nature Preserve Wetlands Project, TX—3,000" and under the heading "Section 2 (FWCA) Coastal/Estuarine Land Acquisition" by inserting "Port Aransas Nature Preserve Wetlands Project, TX—3,000".

SMALL BUSINESS ADMINISTRATION—TECHNICAL CORRECTIONS

SEC. 6054. Section 621 of title VI of division B of Public Law 108–199 is amended by striking "of passenger, cargo and other aviation services".

SEC. 6055. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking "Asheville-Buncombe Technical Community College" and inserting "the International Small Business Institute".

SEC. 6056. (a) Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking "for the continued modernization of the Mason Building".

(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking ", for the continued modernization of the Mason Building".

SEC. 6057. (a) Section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–553) and section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77) are each amended by striking "NTTC at Wheeling Jesuit University" and inserting "West Virginia High Technology Consortium Foundation".

(b) The amendments made by subsection (a) shall apply to the remaining balances of the grants involved.

TECHNICAL CORRECTION—BANKRUPTCY

SEC. 6058. (a) Section 325 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 is amended to read as follows:

"SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

"(a) BANKRUPTCY FILING FEES.—Section 1930(a) of title 28, United States Code, is amended—

"(1) by striking paragraph (1) and inserting the following:

" '(1) For a case commenced under—

" '(A) chapter 7 of title 11, $220, and

" '(B) chapter 13 of title 11, $150.'; and

"(2) in paragraph (3), by striking '$800' and inserting '$1,000'.

"(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

"(1) by striking paragraph (1) and inserting the following:

" '(1)(A) 40.46 percent of the fees collected under section 1930(a)(1)(A); and

" '(B) 28.33 percent of the fees collected under section 1930(a)(1)(B);'; and

"(2) in paragraph (2), by striking 'one-half' and inserting '55 percent'.

"(c) COLLECTIONS AND DEPOSITS OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 28.87 percent of the fees collected under section 1930(a)(1)(A) of that title, 35.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'.".

(b) This section and the amendment made by this section shall take effect immediately after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

DEPARTMENT OF COMMERCE—CONFERENCE

SEC. 6059. Within the amount provided for the Department of Commerce in division B of Public Law 108–447, the Secretary of Commerce shall convene a national conference on science, technology, trade and manufacturing.

TECHNICAL CORRECTION—9/11 HEROES

SEC. 6060. Subsection (d) of the section 124 that appears under the item relating to "General Provisions—Department of Justice" of the Consolidated Appropriations Act of 2005 (Public Law 108–447) is amended—

(1) in paragraph (2), by striking "with the Secretary of the Treasury to prepare and strike, on a reimbursable basis," and inserting "for striking"; and

(2) by striking paragraph (3).

TECHNICAL CORRECTIONS—DEPARTMENT OF TRANSPORTATION

SEC. 6061. The matter under the heading "Federal Transit Administration, Capital Investment Grants" in title I of division H of Public Law 108–447 is amended by striking "$3,591,548" and inserting "$1,362,683" and by striking "$22,554,144" and inserting "$12,998,815": Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

SEC. 6062. Notwithstanding any other provision of law, in section 1602 of the Transportation Equity Act for the 21st Century, item number 744 is amended by striking "Preliminary design of Route 2 Connector to Downtown

Fitchburg" and inserting "design, construction/reconstruction and right of way acquisition for roadway improvements along the Route 12 corridor in Leominster and Fitchburg to enhance access from Route 2 to North Leominster and Downtown Fitchburg".

SEC. 6063. Section 198 of division H of Public Law 108–447 is amended by inserting "under title 23 of the United States Code" after "law".

PAYMENTS TO AIR CARRIERS

SEC. 6064. Notwithstanding any other provision of law, for the current fiscal year and any period covered by an Act making continuing appropriations for fiscal year 2006, all overflight fees collected and credited to the account established under section 45303(a) of title 49, United States Code, shall be made available immediately for obligation and expenditure to meet the costs of the essential air service program under 49 U.S.C. 41731 through 41742: Provided, That, if the funds in this account are insufficient to meet the costs of the essential air service program in such fiscal year, the Secretary of Transportation shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

MARITIME ADMINISTRATION

SEC. 6065. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

THE JUDICIARY

SEC. 6066. Section 308 of division B of Public Law 108–447 is amended by striking all after the words "shall be deposited", and inserting "as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.".

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6067. Under the heading "Federal Buildings Fund" in title IV of division H of Public Law 108–447, strike "$60,000,000" and insert in lieu thereof "$60,600,000" in reference to the Las Cruces United States Courthouse.

SEC. 6068. Section 408 in title IV of division H of Public Law 108–447 is amended by striking "Section 572(a)(2)(ii)" and inserting in lieu thereof "Section 572(a)(2)(A)(ii)".

TECHNICAL CORRECTIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6069. (a) The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item 230 by striking "City" and inserting "Port";

(2) with respect to item 233 by inserting "Port of" before the words "Brookings Harbor"; and

(3) with respect to item number 30 by inserting "to be used for planning, design, and construction" after "California.".

SEC. 6070. The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 108–7 is deemed to be amended—

(1) with respect to item number 39 by striking "Conference and Workforce Center in Harrison, Arkansas" and inserting "in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center"; and

(2) with respect to item number 316 by striking "for renovation of a visitor center to accommodate a Space and Flight Center" and inserting "to build-out the Prince George's County Economic Development and Business Assistance Center".

SEC. 6071. The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 56 by striking "Conference and Training Center" and inserting "North Arkansas College Health Sciences Education Center";

(2) with respect to item number 102 by striking "to the Town of Groveland, California for purchase of a youth center" and inserting "to the County of Tuolomne for the purchase of a new youth center in the mountain community of Groveland";

(3) with respect to item number 218 by striking "for construction" and inserting "for design and engineering";

(4) with respect to item number 472 by striking "for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood" and inserting "for streetscape renovation";

(5) with respect to item number 493 by striking "for land acquisition" and inserting "for planning and design of its Sports and Recreation Center and Education Complex";

(6) with respect to item number 122 by inserting "to be used for planning, design, and construction" after "California,";

(7) with respect to item number 369 by striking "for the" after "Michigan" and inserting "to be used for planning, design, and construction of the"; and

(8) with respect to item number 450 by striking "V.I.C.T.E.M. Family Center in Washoe County, Nevada for the construction of a facility for multi-purpose social services referral and victim counseling;" and inserting "Washoe County, Nevada for a facility and equipment for the SART/CARES victim programs;".

SEC. 6072. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended as follows—

(1) with respect to item number 706 by striking "a public swimming pool" and inserting "recreation fields";

(2) with respect to item number 667 by striking "to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building" and inserting "to the County of Appomattox, Virginia for renovation of the Carver-Price building";

(3) with respect to item number 668 by striking "for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery" and inserting "for The Prizery in South Boston, Virginia for renovations and creation of a community arts center";

(4) with respect to item number 669 by striking "for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center" and inserting "for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations";

(5) with respect to item number 910 by striking "repairs to" and inserting "renovation and construction of";

(6) with respect to item number 902 by striking "City of Brooklyn" and inserting "Fifth Ave Committee in Brooklyn"; and

(7) with respect to item number 244 by inserting "Historic" before the words "Village, Inc".

SEC. 6073. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(1) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking "subsections" and inserting "subsection", and

(2) striking "or (k)" each place that it appears.

SEC. 6074. Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "150,000" and inserting "250,000".

SEC. 6075. The matter under the heading relating to "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND" in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005 (enacted as Division I of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, 118 Stat. 3297)) is amended by striking the 8th proviso and inserting the following: ": Provided further, That up to $3,000,000 is to support the costs of administrative and judicial receiverships".

PREPACKAGED NEWS

SEC. 6076. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6077. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking "$15,000,000" and inserting "$42,000,000, to remain available until expended." in its place, and

(B) by amending subsection (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.".

(2) By inserting a new section before the short title at the end to read as follows:

"SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

"(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

"(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

"(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

"(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.".

USE OF FUNDS FOR EMERGENCY PREPAREDNESS CENTERS

SEC. 6078. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period "and section 303 of Public Law 108–422".

COLLECTIONS DEPOSITED INTO PROJECT CONSTRUCTION ACCOUNTS

SEC. 6079. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking "that are deposited into the Medical Care Collections Fund may be transferred and merged with" and inserting "may be deposited into the".

CONTRACTS FOR HOSPITAL CARE AND MEDICAL SERVICES

SEC. 6080. Section 1703(d)(2) of title 38, United States Code, is amended by striking "shall be available for the purposes" and inserting "shall be available, without fiscal year limitation, for the purposes".

IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES

SEC. 6081. (a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

"(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108–422).

This division may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

DIVISION B—REAL ID ACT OF 2005

SECTION 1. SHORT TITLE.

This division may be cited as the "REAL ID Act of 2005".

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking "The Attorney General" the first place such term appears and inserting the following:

"(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General";

(2) by striking "the Attorney General" the second and third places such term appears and inserting "the Secretary of Homeland Security or the Attorney General"; and

(3) by adding at the end the following:

"(B) BURDEN OF PROOF.—

"(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

"(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.

"(iii) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.".

(b) EXCEPTIONS TO ELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(1) by striking "inadmissible under" each place such term appears and inserting "described in"; and

(2) by striking "removable under".

(c) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

"(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B).".

(d) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—

"(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—

"(i) satisfies the applicable eligibility requirements; and

"(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

"(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence.

"(C) CREDIBILITY DETERMINATION.—Considering the totality of the circumstances, and all relevant factors, the immigration judge may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.".

(e) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: "No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds, pursuant to section 242(b)(4)(B), that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.".

(f) CLARIFICATION OF DISCRETION.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting "or the Secretary of Homeland Security" after "Attorney General" each place such term appears; and

(2) in the matter preceding clause (i), by inserting "and regardless of whether the judgment, decision, or action is made in removal proceedings," after "other provision of law,".

(g) REMOVAL OF CAPS.—

(1) ASYLEES.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(A) in subsection (a)(1)—

(i) by striking "Service" and inserting "Department of Homeland Security"; and

(ii) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security or the Attorney General";

(B) in subsection (b)—

(i) by striking "Not more" and all that follows through "asylum who—" and inserting "The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—"; and

(ii) in the matter following paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General"; and

(C) in subsection (c), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General".

(2) PERSONS RESISTING COERCIVE POPULATION CONTROL METHODS.—Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended by striking paragraph (5).

(h) EFFECTIVE DATES.—

(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

(2) The amendments made by subsections (a)(3), (b), (c), and (d) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other relief from removal made on or after such date.

(3) The amendment made by subsection (e) shall take effect on the date of the enactment of this division and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

(4) The amendments made by subsection (f) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

(5) The amendments made by subsection (g) shall take effect on the date of the enactment of this division.

(i) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 102. WAIVER OF LEGAL REQUIREMENTS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS; FEDERAL COURT REVIEW.

Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

"(c) WAIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section. Any such decision by the Secretary shall be effective upon being published in the Federal Register.

"(2) FEDERAL COURT REVIEW.—

"(A) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1). A cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court shall not have jurisdiction to hear any claim not specified in this subparagraph.

"(B) TIME FOR FILING OF COMPLAINT.—Any cause or claim brought pursuant to subparagraph (A) shall be filed not later than 60 days after the date of the action or decision made by the Secretary of Homeland Security. A claim shall be barred unless it is filed within the time specified.

"(C) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.".

SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.

(a) IN GENERAL.—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

"(i) IN GENERAL.—Any alien who—

"(I) has engaged in a terrorist activity;

"(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a terrorist organization (as defined in clause (vi)); or

"(bb) a political, social, or other group that endorses or espouses terrorist activity;

"(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

"(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

"(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

"(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

"(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years, is inadmissible.".

(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this subsection;

"(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

"(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.".

(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

"(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this division, and these amendments, and section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this section, shall apply to—

(1) removal proceedings instituted before, on, or after the date of the enactment of this division; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SEC. 104. WAIVER FOR CERTAIN GROUNDS OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) by striking "(3)" and inserting "(3)(A)";

(2) by striking "alien (A)" and inserting "alien (i)";

(3) by striking "or (B)" and inserting "or (ii)"; and

(4) by adding at the end the following:

"(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subsection (a)(3)(B)(i)(IV)(bb) or (a)(3)(B)(i)(VII) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group solely by virtue of having a subgroup within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.

"(ii) Not later than 90 days after the end of each fiscal year, the Secretary of State and the Secretary of Homeland Security shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the aliens to whom such Secretary has applied clause (i). Within one week of applying clause (i) to a group, the Secretary of State or the Secretary of Homeland Security shall provide a report to such Committees.".

SEC. 105. REMOVAL OF TERRORISTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

"(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this division, and the amendment, and section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)), as amended by such paragraph, shall apply to—

(A) removal proceedings instituted before, on, or after the date of the enactment of this division; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

(b) REPEAL.—Effective as of the date of the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 5402 of such Act is repealed, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

SEC. 106. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title" after "Notwithstanding any other provision of law";

(ii) in each of subparagraphs (B) and (C), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)" after "Notwithstanding any other provision of law"; and

(iii) by adding at the end the following:

"(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in subparagraph (B) or (C), or in any other provision of this Act (other than this section) which limits or eliminates judicial review, shall be construed as precluding review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section."; and

(B) by adding at the end the following:

"(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).

"(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).";

(2) in subsection (b)(9), by adding at the end the following: "Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact."; and

(3) in subsection (g), by inserting "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title" after "notwithstanding any other provision of law".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this division and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this division.

(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) DRIVER'S LICENSE.—The term "driver's license" means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term "identification card" means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

(3) OFFICIAL PURPOSE.—The term "official purpose" includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

(1) The person's full legal name.

(2) The person's date of birth.

(3) The person's gender.

(4) The person's driver's license or identification card number.

(5) A digital photograph of the person.

(6) The person's address of principle residence.

(7) The person's signature.

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS.—

(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

(13) Maintain a State motor vehicle database that contains, at a minimum—

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by striking "false authentication features" and inserting "false or actual authentication features".

(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED.—In this subsection, the term "false" has the same meaning such term has under section 1028(d) of title 18, United States Code.

SEC. 204. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

SEC. 205. AUTHORITY.

(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

SEC. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.

(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico. The Under Secretary shall conduct follow-up studies at least once every 5 years.

(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Directorate of Border and Transportation Security such sums as may be necessary for fiscal years 2006 through 2011 to carry out any such recommendations from the first study conducted under subsection (a).

SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United

States in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

(B) the cost, utility, and effectiveness of such technologies for border security; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

(A) Video camera technology.

(B) Sensor technology.

(C) Motion detection technology.

(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.

TITLE IV—TEMPORARY WORKERS

SEC. 401. SHORT TITLE.

This title may be cited as the "Save Our Small and Seasonal Businesses Act of 2005".

SEC. 402. NUMERICAL LIMITATIONS ON H–2B WORKERS.

(a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

"(9)(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such an alien shall be considered a returning worker.

"(B) A petition referred to in subparagraph (A) shall include, with respect to a returning worker—

"(i) all information and evidence that the Secretary of Homeland Security determines is required to support a petition for status under section 101(a)(15)(H)(ii)(b);

"(ii) the full name of the alien; and

"(iii) a certification to the Department of Homeland Security that the alien is a returning worker.

"(C) An H–2B visa or grant of nonimmigrant status for a returning worker shall be approved only if the alien is confirmed to be a returning worker by—

"(i) the Department of State; or

"(ii) if the alien is visa exempt or seeking to change to status under section 101(a)(15)(H)(ii)(b), the Department of Homeland Security.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than 14 days after the date of the enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing petitions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, in a manner consistent with this section and the amendments made by this section. Notwithstanding section 214(g)(9)(B) of such Act, as added by subsection (a), the Secretary of Homeland Security shall allocate additional numbers for fiscal year 2005 based on statistical estimates and projections derived from Department of State data.

SEC. 403. FRAUD PREVENTION AND DETECTION FEE.

(a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by adding at the end the following:

"(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

"(B) The amount of the fee imposed under subparagraph (A) shall be $150.".

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking "H1–B and L" each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking "section 214(c)(12)" and inserting "paragraph (12) or (13) of section 214(c)";

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking "(H)(i)" each place it appears and inserting "(H)(i), (H)(ii),"; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end "or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)".

(2) CONFORMING AMENDMENT.—The heading of such subsection (v) of section 286 is amended by striking "H1–B and L".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 14 days after the date of the enactment of this Act and shall apply to filings for a fiscal year after fiscal year 2005.

SEC. 404. SANCTIONS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 403, is further amended by adding at the end the following:

"(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

"(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

"(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

"(B) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

"(C) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

"(D) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 405. ALLOCATION OF H-2B VISAS OR H-2B NONIMMIGRANT STATUS DURING A FISCAL YEAR.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 402, is further amended by adding at the end the following new paragraph:

"(10) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.".

SEC. 406. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105-277; 8 U.S.C. 1184 note) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following new subsection:

"(d) PROVISION OF INFORMATION.—

"(1) Semiannual Notification.—Beginning not later than March 1, 2006, the Secretary of Homeland Security and the Secretary of State shall notify, on a semiannual basis, the Committees on the Judiciary of the House of Representatives and the Senate of the number of aliens who during the preceding 1-year period—

"(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

"(B) had such a visa or such status be revoked or otherwise terminated.

"(2) Annual Submission.—Beginning in fiscal year 2007, the Secretary of Homeland Security and the Secretary of State shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

"(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

"(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

"(3) Information Maintained by State.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.".

SEC. 407. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") or any other law relating to rulemaking, information collection or publication in the Federal Register, shall not apply to any action to implement sections 402, 403, and 405 or the amendments made by such sections to the extent the Secretary Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with any such requirement would impede the expeditious implementation of such sections or the amendments made by such sections.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISAS

SEC. 501. RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA.

(a) In General.—Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end "or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);"; and

(2) in clause (i), by striking "or" after "national;".

(b) Numerical Limitation to Any Single Foreign State.—Section 214(g) of such Act (8 U.S.C. 1184(g)), as amended by section 405, is further amended by adding at the end the following new paragraph:

"(11)(A) The Secretary of State may not approve a number of initial applications submitted for aliens described in section 101(a)(15)(E)(iii) that is more than the applicable numerical limitation set out in this paragraph.

"(B) The applicable numerical limitation referred to in subparagraph (A) is 10,500 for each fiscal year.

"(C) The applicable numerical limitation referred to in subparagraph (A) shall only apply to principal aliens and not to the spouses or children of such aliens.".

(c) Specialty Occupation Defined.—Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting ", section 101(a)(15)(E)(iii)," after "section 101(a)(15)(H)(i)(b)".

(d) Attestation.—Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting "or section 101(a)(15)(E)(iii)" after "section 101(a)(15)(H)(i)(b1)" each place it appears; and

(2) in paragraphs (3)(C)(i)(II), (3)(C)(ii)(II), and (3)(C)(iii)(II) by striking "or 101(a)(15)(H)(i)(b1)" each place it appears and inserting "101(a)(15)(H)(i)(b1), or 101(a)(15)(E)(iii)".

SEC. 502. VISAS FOR NURSES.

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence "and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor";

(2) in paragraph (2)(A), by striking "and 2000" and inserting "through 2004"; and

(3) in paragraph (2), by amending subparagraph (B) to read as follows:

"(B)(i) Reduction.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

"(ii) Maximum.—The total number of visas actually used under paragraph (1) may not exceed 50,000.".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and concur in the same.

Jerry Lewis,
C.W. Bill Young,
Ralph Regula,
Harold Rogers,
Frank R. Wolf,
Jim Kolbe,
James T. Walsh,
Charles H. Taylor,
David L. Hobson,
Henry Bonilla,
Joe Knollenberg,
John P. Murtha,
Norman D. Dicks,
Alan B. Mollohan,
Peter J. Visclosky,
Chet Edwards,
Managers on the Part of the House.

Thad Cochran,
Ted Stevens,
Pete V. Domenici,
Christopher S. Bond,
Mitch McConnell,
Richard C. Shelby,
Judd Gregg,
Robert F. Bennett,
Larry Craig,
Kay Bailey Hutchison,
Mike DeWine,
Sam Brownback,
Wayne Allard,
Robert C. Byrd,
Daniel K. Inouye,
Patrick Leahy
(with exception for REAL ID),
Tom Harkin
(with exception for REAL ID),
Barbara Mikulski
(with exception for REAL ID),
Harry Reid
(with exception for REAL ID),
Byron L. Dorgan
(with res.—conference did not reconvene),
Dianne Feinstein
(with exception for REAL ID),
Tim Johnson,
Mary Landrieu,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included in the reports of the House (H. Rept. 109–16) and of the Senate (S. Rept. 109–52) accompanying H.R. 1268 should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

This conference agreement is organized by subject matter. Due to certain jurisdictional differences between the subcommittees of the House and the Senate Committees on Appropriations, the accounts and programs of certain subcommittees are, in some cases, displayed within titles or chapters with the accounts and programs of other subcommittees. The organizational structure of this conference agreement does not predetermine the organization of conference agreements on the fiscal year 2006 appropriations bills.

TITLE I—DEFENSE-RELATED APPROPRIATIONS

The conference agreement recommends $75,888,262,000 for the Department of Defense, instead of $76,923,910,000, as proposed by the House, and $74,800,257,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

[In thousands of dollars]

Account	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	13,298,942	13,321,742	13,609,308	13,609,208
Military Personnel, Navy	524,980	534,080	535,108	535,108
Military Personnel, Marine Corps	1,246,126	1,251,726	1,358,053	1,358,053
Military Personnel, Air Force	1,316,572	1,473,472	1,684,943	1,599,943
Reserve Personnel, Army	39,627	40,327	39,627	39,627
Reserve Personnel, Navy	9,411	11,111	9,411	9,411
Reserve Personnel, Marine Corps	4,015	4,115	4,015	4,015
Reserve Personnel, Air Force	130	130	130	130
National Guard Personnel, Army	429,200	430,300	291,100	291,100
National Guard Personnel, Air Force	91	91	91	91
Total Military Personnel	16,869,094	17,067,094	17,531,786	17,446,686
Operation and Maintenance:				
O&M, Army	17,267,304	17,432,304	16,767,304	16,980,304
Transfer from Afghan Security Forces Fund	-	-	[290,000]	[290,000]
Transfer from Iraq Security Forces Fund	-	-	[210,000]	[210,000]
O&M, Navy	3,423,501	3,030,801	3,430,801	3,030,574
O&M, Marine Corps	970,464	982,464	970,464	982,464
O&M, Air Force	5,601,510	5,769,450	5,528,574	5,627,053
O&M, Defense-Wide	3,521,327	3,061,300	3,308,392	3,042,265
O&M, Army Reserve	8,154	8,154	21,354	26,354
O&M, Navy Reserve	75,164	75,164	75,164	75,164
O&M, Marine Corps Reserve	24,920	24,920	24,920	24,920
O&M, Army National Guard	188,779	188,779	326,879	326,850
Overseas Humanitarian, Disaster and Civic Aid	10,000	10,000	-	0
Afghanistan Security Forces Fund	1,285,000	1,285,000	1,285,000	1,285,000
Transfer to O&M,A for Train and Equip	-	-	[290,000]	[290,000]
Iraq Security Forces Fund	5,700,000	5,700,000	5,700,000	5,700,000
Transfer to O&M,A for Train and Equip	-	-	[210,000]	[210,000]
Total Operation and Maintenance	38,076,123	37,568,336	37,438,852	37,100,948
Procurement:				
Aircraft Procurement, Army	458,677	458,677	458,677	458,677
Missile Procurement, Army	294,036	340,536	280,250	310,250
Procurement of WTCV, Army	2,425,207	2,678,747	2,406,447	2,551,187
Procurement of Ammunition, Army	475,000	532,800	475,000	532,800
Other Procurement, Army	5,316,405	6,634,905	5,322,905	6,250,505
(By transfer - Iraq Freedom Fund)	-	[85,000]	-	0
Aircraft Procurement, Navy	200,295	200,295	200,295	200,295
Weapons Procurement, Navy	71,600	71,600	66,000	66,000
Procurement of Ammunition, Navy & Marine Corps	133,635	141,735	133,635	139,635
Other Procurement, Navy	85,672	78,372	78,397	78,397
Procurement, Marine Corps	2,974,045	3,588,495	2,929,045	3,283,042
Aircraft Procurement, Air Force	269,241	279,241	269,309	277,309
Procurement of Ammunition, Air Force	6,998	6,998	6,998	6,998
Other Procurement, Air Force	2,834,328	2,658,527	2,653,760	2,577,560
Procurement, Defense-Wide	591,327	646,327	591,327	645,939
Total Procurement	16,136,466	18,317,255	15,872,045	17,378,594

[In thousands of dollars]

Account	Request	House	Senate	Conference
Research, Development, Test and Evaluation				
RDT&E, Army	25,170	25,170	37,170	37,170
RDT&E, Navy	179,051	202,051	179,051	204,051
RDT&E, Air Force	102,540	121,500	132,540	142,500
RDT&E, Defense-Wide	153,561	159,600	203,561	253,561
Total RDT&E	460,322	508,321	552,322	637,282
Revolving and Management Funds:				
Defense Working Capital Funds	1,311,300	1,411,300	1,311,300	1,511,300
National Defense Sealift Fund	32,400	32,400	32,400	32,400
Total Revolving and Management Funds	1,343,700	1,443,700	1,343,700	1,543,700
Other Department of Defense Programs				
Defense Health Program	175,550	175,550	225,550	210,550
Drug Interdiction and Counter-Drug Activities Defense	257,000	257,000	227,000	242,000
Office of the Inspector General	148	148	148	148
Related Agencies				
Intelligence Community Management Account	250,300	250,300	250,300	250,300
Military Construction				
Military Construction, Army	990,100	930,100	897,191	847,191
Military Construction, Navy and Marine Corps	107,380	92,720	107,380	139,880
Militray Construction, Air Force	301,520	301,386	140,983	140,983
Total Military Constructiion	1,399,000	1,324,206	1,145,554	1,128,054
General Provisions:				
General Transfer Authority - Supplemental	[+5,000,000]	[+2,000,000]	[+2,000,000]	[+3,000,000]
General Transfer Authority - FY05 - Sec. 8005	[+2,500,000]	[+2,000,000]	[+2,185,000]	[+2,685,000]
Defense Cooperation Account Transfer	12,000	12,000	-	-
Additional Amount for "Other Procurement, Army"	-	-	213,000	-
Rescission - Iraq Freedom Fund	-	-	-	(50,000)
Grand Total	74,979,703	76,923,910	74,800,257	75,888,262
(By transfer - Iraq Freedom Fund)	-	[85,000]	-	-

[1] Numbers in brackets do not add.

MEASURING STABILITY AND SECURITY IN IRAQ

In the wake of the recent Iraqi elections, public discourse about the u.S. occupation of that country has focused on the need for and the advisability of declaring a timetable for U.S. military withdrawal. Instead of focusing on exit strategies, however, the conferees believe there is a need to recast this debate by considering "strategies for success". Success in Iraq will be achieved, of course, only to the extent any new Iraqi government can legitimately and effectively rule the country, which in turn largely depends on that government's ability to protect its people and secure its borders.

The discussion on this issue should not be simply about how many Iraqi forces have been trained and equipped, but about how many can perform to reasonable standards so that they may be expected to successfully conduct their assigned missions. This is the basis for assessing U.S. military readiness, and should serve as the basis for judging the capabilities of Iraqi security forces.

The conferees believe that the Administration must develop and provide to the Congress a more comprehensive set of performance indicators and measures of stability and security in Iraq than is currently available. This undoubtedly will lead to a more informed debate over how best to allocate U.S. resources to help secure Iraq. As such, the conferees direct the Secretary of Defense (in consultation with other appropriate members of the . National Security Council) to provide a report to the Speaker of the House of Representatives, the Majority Leader of the Senate, and the congressional defense committees that identifies security, economic, and Iraqi security force training performance standards and goals, accompanied by a notional timetable for achieving these goals. At a minimum, the report should include detailed descriptions of the following:

Stability and Security in Iraq:

- Key measures of political stability, including the important political milestones that must be achieved over the next several years.
- The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends describing numbers and types of ethnic and religious-based hostile encounters, and so on. In addition, the report should include:
  - —The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters; and,
  - —A description of all militia operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.
- The key indicators of economic activity that should be considered as the most important for determining the prospects of stability in Iraq, including: unemployment levels; electricity, water, and oil production rates; and hunger and poverty levels.
- The criteria the Administration will use to determine when it is safe to begin withdrawing our forces from Iraq.

Security Force Training and Performance:

- The training Iraqi military and other Ministry of Defense forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of the Iraqi military forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.
- The operational readiness status of the Iraqi military forces, including: the type, number, size, and organizational structure of Iraqi battalions that are:
  - —Capable of conducting counterinsurgency operations independently;
  - —Capable of conducting counterinsurgency operations with the support of U.S. or coalition forces; and,
  - —Not ready to conduct counterinsurgency operations.
- The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated these forces.
- The training Iraqi police and other Ministry of Interior forces have received and what equipment they are using. In particular, the report should include the key criteria for assessing the capabilities and readiness of these forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals. This should include:
  - —The number of police recruits that have received classroom training and the duration of such instruction;
  - —The number of veteran police officers who have received classroom instruction and the duration of such instruction;
  - —The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;
  - —The number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and,
  - —Attrition rates and measures of absenteeism and infiltration by insurgents.
- The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout the country.
- The effectiveness of the Iraqi military and police officer cadres and the chain of command.
- The number of U.S. and coalition advisors needed to support the Iraqi security forces and associated ministries.

Finally, the conferees direct the Secretary to include in this report (or classified annex to the report, as necessary) an assessment of U.S. military requirements, including planned force rotations, through the end of calendar year 2006. The conferees direct the Secretary to submit this report not later than 60 days after the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2006.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

VETERAN-OWNED BUSINESSES

The conferees are aware that Presidential Executive Order 13360, issued on October 20, 2004, established a goal of not less than 3 percent for participation by service-disabled veteran-owned businesses in Federal contracting with the Department of Defense and all Federal agencies. The conferees note with concern that the Department is far from reaching that goal with only 0.2 percent of total prime contracts and 0.3 percent of total subcontracts awarded to service-disabled veteran-owned business in fiscal year 2003. The conferees would encourage the Department to follow the intent of Executive Order 13360 and make every effort to increase contracting opportunities with service-disabled veteran-owned businesses and to report to the congressional defense committees not later than September 30, 2005 a plan of action to reach the goal established by the President.

MILITARY PERSONNEL

The conference agreement recommends $17,446,686,000 for the Military Personnel accounts, instead of $17,067,094,000 as proposed by the House, and $17,531,786,000 as proposed by the Senate. Adjustments to the Military Personnel accounts are shown below:

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel, Army			
Incremental Wartime Costs	8,043,242	9,380,742	8,043,242
Basic Allowance for Housing	1,542,100	1,542,100	1,542,100
Active Duty Overstrength/Stop-Loss	1,337,400	-	1,337,400
Restore Baseline Reprogrammings	1,921,100	1,921,100	1,921,100
Enhanced Death Benefits	272,900	508,374	508,374
Recruiting and Retention	205,000	256,992	256,992
Total, Military Personnel, Army	13,321,742	13,609,308	13,609,208
Military Personnel, Navy			
Incremental Wartime Costs	491,480	491,480	491,480
Enhanced Death Benefits	18,900	19,928	19,928
Recruiting and Retention	23,700	23,700	23,700
Total, Military Personnel, Navy	534,080	535,108	535,108
Military Personnel, Marine Corps			
Incremental Wartime Costs	737,426	926,826	737,426
Active Duty Overstrength	189,400	-	189,400
Restore Baseline Reprogrammings	211,000	211,000	211,000
Enhanced Death Benefits	113,900	220,227	220,227
Total, Military Personnel, Marine Corps	1,251,726	1,358,053	1,358,053
Military Personnel, Air Force			
Incremental Wartime Costs	1,300,472	1,300,472	1,300,472
Active Duty Overstrength	148,000	360,000	275,000
Enhanced Death Benefits	17,000	16,471	16,471
Recruiting and Retention	8,000	8,000	8,000
Total, Military Personnel, Air Force	1,473,472	1,684,943	1,599,943
Reserve Personnel, Army			
Incremental Wartime Costs	-	30,727	-
Premobilization Training	18,427	-	18,427
Training Base Instructors	10,000	-	10,000
Recruiting and Retention	8,900	8,900	8,900
Enhanced Death Benefits	700	-	-
TTAD Special Missions	2,200	-	2,200
Foreign Language Proficiency Pay	100	-	100
Total, Reserve Personnel, Army	40,327	39,627	39,627

[In thousands of dollars]

Account	House	Senate	Conference
Reserve Personnel, Navy			
Incremental Wartime Costs	-	9,411	-
Pay and Allowances	2,811	-	2,811
Enhanced Death Benefits	1,700	-	-
Premobilizaiton Training	6,600	-	6,600
Total, Reserve Personnel, Navy	11,111	9,411	9,411
Reserve Personnel, Marine Corps			
Incremental Wartime Costs	-	4,015	-
Pay and Allowances/MOS Training	4,015	-	4,015
Enhanced Death Benefits	100	-	-
Total, Reserve Personnel, Marine Corps	4,115	4,015	4,015
Reserve Personnel, Air Force			
Incremental Wartime Costs/Foreign Language Proficiency Pay	130	130	130
National Guard Personnel, Army			
Incremental Wartime Costs	-	284,200	-
Premobilization Training	305,000	-	214,000
Enhanced Death Benefits	1,100	-	-
Security Guards	70,000	-	70,000
Recruiting and Retention	54,000	145,000	145,000
Recruiting and Retention (Transfer to O&M, Army National Guard)	-	(138,100)	(138,100)
Foreign Language Proficiency Pay	200	-	200
Subtotal, National Guard Personnel, Army	430,300	291,100	291,100
National Guard Personnel, Air Force			
Incremental Wartime Costs/Foreign Language Proficiency Pay	91	91	91
Total Military Personnel	17,067,094	17,531,786	17,446,686

OPERATION AND MAINTENANCE

The conference agreement recommends $37,100,948,000 for the Operation and maintenance accounts, instead of $37,568,336,000 as proposed by the House, and $37,438,852,000 as proposed by the Senate. Adjustments to the Operation and maintenance accounts are shown below:

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Army:			
Incremental Wartime Operating Costs	2,611,800	7,429,604	7,429,604
Personnel Support	1,377,900	-	-
Transportation	3,439,800	-	-
LOGCAP	1,518,400	1,518,400	1,518,400
Second Destination Transportation	1,231,800	1,231,800	1,231,800
Other Transportation	646,900	646,900	646,900
Depot Maintenance	1,401,300	1,401,300	1,401,300
Contractor Logistics Support	353,700	353,700	353,700
Other Maintenance Reset/Recap	1,003,400	1,003,400	1,003,400
SAPI Plates and Body Armor	63,000	-	63,000
Contract Linguists	165,300	165,300	165,300
Personnel Support	364,300	364,300	364,300
Training Base Expansion and Linguists Training	22,300	22,300	22,300
CONUS Base Support	320,804	320,700	320,700
Facilities Sustainment, Restoration, & Modernization	66,300	66,300	66,300
OCONUS Contract Security Guards	100,000	100,000	100,000
Army Working Capital Fund Spares	183,000	183,000	183,000
Other GWOT Support: Equipment; Services	136,100	136,100	136,100
Classified Activities and Support	142,600	142,600	142,600
Train and Equip	500,000	-	-
Transfer from Afghanistan Security Forces Fund		[290,000]	[290,000]
Transfer from Iraq Security Forces Fund		[210,000]	[210,000]
Lift and Sustain	200,000	400,000	400,000
Replenish Afghanistan Drawdown	83,300	83,300	83,300
Commanders Emergency Response Fund	854,000	854,000	854,000
Mobilization and Demobilization Base Support Operations	152,000	-	-
Project and Admin Office Support	329,500	329,500	329,500
LOGCAP Support to Green Zone	172,000	172,000	172,000
Classified Programs	190,400	190,400	190,400
Home Station Training Offset for Deployed Forces	(1,150,000)	(1,150,000)	(1,150,000)
Reprogramming Restoral	802,400	802,400	802,400
Medical Support for Tactical Units	150,000	-	150,000
Total Operation and Maintenance, Army	17,432,304	16,767,304	16,980,304

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Navy:			
Incidental Rate for Deployed Sailors	11,900	11,900	11,900
Morale, Welfare, and Recreation	8,300	8,300	8,300
Pre-Deployment Training	8,800	8,800	8,800
Steaming - Carrier and Expeditionary Strike Groups	145,000	145,000	145,000
Flying - Carrier and Expeditionary Strike Groups	451,700	451,700	451,700
Other Units (Seabees, Medical)	24,600	24,600	24,600
Aircraft and Ground Depot Maintenance	134,000	134,000	134,000
Ship Depot Maintenance	237,000	237,000	237,000
C4I, Logistics, Material, and Training Support	529,500	629,500	529,500
Uniformed Security Forces on MSC Ships	21,636	21,636	21,636
Increase in Composite Fuel Rate	521,000	521,000	521,000
Classified activities	52,300	52,300	52,073
Replenish Cash Drawdown in Aviation Maintenance [Transferred to Navy Working Capital Fund]	-	200,000	-
Afghan Freedom Support Act Drawdown	83,300	83,300	83,300
Home Station Training Offset for Deployed Forces	(159,300)	(159,300)	(159,300)
Airlift	525,500	625,500	525,500
Sealift	25,500	25,500	25,500
Miscellaneous Transportation	9,665	9,665	9,665
Marine Corps Transportation	393,100	393,100	393,100
Physical Security Equipment	7,300	7,300	7,300
Total Operation and Maintenance, Navy	3,030,801	3,430,801	3,030,574
Operation and Maintenance, Marine Corps:			
TDY	6,300	6,300	6,300
Clothing & Other Personnel Eqpt & Supplies	24,900	24,900	24,900
Medical Support/Health Services	3,500	3,500	3,500
Other Personnel Support	3,900	3,900	3,900
Morale, Welfare and Recreation	2,900	2,900	2,900
OPTEMPO (Fuel, Other POL, Parts)	311,380	311,380	311,380
SAPI Plates and Body Armor	12,000	-	12,000
Organizational Level Maintenance	150,900	150,900	150,900
Intermediate Level Maintenance	15,800	15,800	15,800
Depot Level Maintenance	92,400	92,400	92,400
Reconstitution/Setting the Force; Supplies	171,000	171,000	171,000
Support (C4I, Logistics, Material) and Training	95,584	95,584	95,584
Increase in Composite Fuel Rate	22,000	22,000	22,000
Peacetime Training Offset	(20,400)	(20,400)	(20,400)
Services and Contracts	81,700	81,700	81,700
Sealift	7,000	7,000	7,000
Miscellaneous Transportation Costs	1,600	1,600	1,600
Total Operation and Maintenance, Marine Corps	982,464	970,464	982,464

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Air Force:			
Personnel Support Costs	139,600	139,600	139,600
Operating Support/Flying Hours	2,371,000	2,371,000	2,371,000
Transportation	1,386,600	1,386,600	1,386,600
Fuel Rate Increase	809,900	809,900	809,900
Transportation Working Capital Fund Transfer	167,940	-	70,000
Contract Logistics Support/Depot Maintenance	628,800	628,800	628,800
Commercial Transportation	90,000	90,000	90,000
Classified and Other Support Costs	175,610	102,674	131,153
Total Operation and Maintenance, Air Force	5,769,450	5,528,574	5,627,053
Operation and Maintenance, Defense-Wide			
TJS -Combatant Commander Initiative Fund	25,000	25,000	25,000
TJS -Requirements Planning	-	4,300	-
Special Operations (SOCOM)	635,400	580,427	610,400
SOCOM - SOF Center in Jordan	-	-	-
AFIS - Stars and Stripes Distribution in Theater	6,600	6,600	6,600
DCAA - Contract Audit	5,600	5,600	5,600
DCMA - Contract Management	1,500	1,500	1,500
DODEA - Family Assistance Programs	92,000	92,000	92,000
DLSA - Legal Services	15,000	15,000	15,000
DSCA - Regional Centers	-	8,700	8,700
DSCA - Coalition Support	1,220,000	1,370,000	1,220,000
OSD Rewards Program	5,000	5,000	5,000
OSD Critical Infrastructure Protection	3,500	3,500	3,500
OSD Counter MANPADS	6,000	6,000	6,000
OSD Lift & Sustain	100,000	200,000	100,000
OSD - Network and Information Services (NII)	10,500	10,500	10,500
WHS- Iraq Project Contracting Office and OSD Pentagon Support	4,600	4,600	4,600
Other Programs/Intelligence	930,600	969,665	927,865
Total Operation and Maintenance, Defense-Wide	3,061,300	3,308,392	3,042,265

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Army Reserve			
Alerted Unit Training	5,154	5,135	5,154
Second Destination Transportation	2,400	2,389	2,400
Repair/Replace information/logistics Automation syst	600	630	600
Recruiting and Retention Support	-	13,200	13,200
Tuition Assistance	-	-	5,000
Total Operation and Maintenance, Army Reserve	8,154	21,354	26,354
Operation and Maintenance, Navy Reserve			
Reserve Flying Hours	22,800	22,800	22,800
Increased fuel rates	49,000	49,000	49,000
Operation Vigilant Mariner	3,364	3,364	3,364
Total Operation and Maintenance, Navy Reserve	75,164	75,164	75,164
Operation and Maintenance, Marine Corps Reserve			
Initial Issue,Travel,Training and Supplies	20,820	20,820	20,820
Reconstitution	3,100	3,100	3,100
Increased fuel rates	1,000	1,000	1,000
Total Operation and Maintenance, Marine Corps Res	24,920	24,920	24,920
Operation and Maintenance, Army National Guard			
Alerted Unit Training	8,800	8,800	8,800
Second Destination Transportation	12,600	12,629	12,600
Family Readiness Programs	10,000	10,000	10,000
ARNG Recruiting and Retention	157,379	295,450	295,450
Total Operation and Maintenance, Army National Gd.	188,779	326,879	326,850
Overseas Humanitarian, Disaster, and Civic Aid	10,000	-	-
Afghanistan Security Forces Fund	1,285,000	1,285,000	1,285,000
Transfer to O&M,A for Train and Equip		[290,000]	[290,000]
Iraq Security Forces Fund	5,700,000	5,700,000	5,700,000
Transfer to O&M,A for Train and Equip		[210,000]	[210,000]
Total Operation and Maintenance	37,568,336	37,438,852	37,100,948

Medical Support for Tactical Units

The conferees recommend an increase of $150,000,000 in Operation and Maintenance, Army, to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The conferees encourage the Department of the Army to focus these funds on the replenishment of medical supply and equipment needs within the combat theaters, to include bandages and other blood-clotting supplies that utilize advanced hemostatic, wound-dressing technologies, and on the provision of medical care for soldiers who have returned home in a medical holdover status.

Critical Medical Research

The conferees believe the military treatment facilities and other medical research and teaching organizations of the Department of Defense are playing a critical role in support of our forces serving in harm's way in Iraq and Afghanistan. The conferees note that these facilities and organizations have provided and are continuing to provide much needed improvements in critical care for military personnel who have been wounded in battle.

The conferees recognize the need for maintaining all of our military medical facilities in time of war, believing the continuation of this capability to be of the highest importance. As such, the conferees direct that funding available to the Department of Defense should not be used to close any military medical facility which is conducting critical medical research, or medical training, or caring for wounded soldiers.

Telephone Calling Cards for Injured Servicemembers

The conferees commend the individuals, organizations, and corporations who have donated telephone cards for use by injured servicemembers recuperating from injuries sustained while serving in the Global War on Terrorism. The conferees encourage the Services to distribute the donated cards to all military treatment facilities providing care to those injured during contingency operations. The Services should also ensure that servicemembers recuperating in Fisher Houses, Malone Houses, or similar rehabilitation facilities are provided phone cards on a similar basis.

Post Deployment Stand-Down Program

The conferees are aware of the success of the Air National Guard's Post Deployment Stand-down Program. The conferees direct the Director, Army National Guard, in consultation with the Director, Air National Guard, to assess the feasibility and advisability of implementing a similar program for the Army National Guard. The Director, Army National Guard shall report his findings and recommendations to the congressional defense committees not later than September 30, 2005.

Overseas Humanitarian, Disaster and Civic Aid

The conference agreement does not include $10,000,000 for Overseas Humanitarian, Disaster and Civic Aid proposed by the House.

Afghanistan Security Forces Fund

The conference agreement includes $1,285,000,000 for the Afghanistan Security Forces Fund to accelerate efforts to provide assistance to Afghan Security Forces. The agreement includes a transfer of $290,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

Iraq Security Forces Fund

The conference agreement includes $5,700,000,000 for the Iraq Security Forces Fund to accelerate efforts to provide assistance to Iraqi Security Forces. The agreement includes a transfer of $210,000,000 from this fund to the Operation and Maintenance, Army account, as proposed by the Senate.

Procurement

The conference agreement includes a total of $17,378,594,000 for various procurement appropriations, instead of $18,317,255,000 as proposed by the House and $15,872,045,000 as proposed by the Senate.

The following table identifies changes made to the request and other funding provided.

[In thousands of dollars]

	House	Senate	Conference
Aircraft Procurement, Army			
UH-60 Blackhawk (MYP)	50,800	50,800	50,800
GUARDRAIL MODS (TIARA)	13,650	13,650	13,650
ARL MODS (TIARA)	36,000	36,000	36,000
Longbow	321,100	321,100	321,100
ASE Infrared CM	37,127	37,127	37,127
Total Aircraft Procurement, Army	458,677	458,677	458,677
Missile Procurement, Army			
Javelin (AAWS-M) System Summary	146,786	133,000	133,000
TOW 2 System Summary	52,000	52,000	52,000
Army Tactical Missile Systems (ATACMS) System Summary	91,000	91,000	91,000
ITAS/TOW MODS	50,750	4,250	34,250
Total Missile Procurement, Army	340,536	280,250	310,250
Procurement of Weapons and Tracked Combat Vehicles, Army			
Bradley Base Sustainment	1,254,764	1,254,764	1,254,764
Stryker	114,040	44,500	114,040
Carrier, Mod	209,332	209,332	209,332
FIST Vehicle (MOD)	147,140	147,140	147,140
BFVS Series (MOD)	59,700	33,700	53,700
Howitzer, Med SP FT 155MM M109A6 (MOD)	625	625	625
System Enhancement Pgm: SEP M1A2	294,000	294,000	294,000
Abrams Mod	90,000		-
Armor Machine Gun, 7.62MM M240 Series	59,358	59,358	59,358
Machine Gun, 5.56MM (SAW)	19,860	19,860	19,860
Grenade Launcher, Auto, 40MM, MK19-3	23,841	23,841	23,841
Mortar Systems	24,254	24,254	24,254
M107, CAL .50, Sniper Rifle	3,755	3,755	3,755
Modification of Weapons	68,000	-	55,200
5.56 Carbine M4	55,380	55,380	55,380
Common Remotely Operated Weapons Station (CROWS)	11,300	11,300	11,300
M4 Carbine Mods	436	436	436
Squad Automatic Weapon (MOD)	732	732	732
Medium Machine Guns (MODS)	1,344	1,344	1,344
Howitzer, Light, Towed, 105MM	58,157	58,157	58,157
Items Less Than $5.0M (WOCV-WTCV)	6,249	6,249	6,249
Small Arms Equipment (Soldier Enhancement Program)	8,600	8,600	8,600
IRV	165,360	146,600	146,600
Armored Vehicle Launch Bridge (AVLB)	2,520	2,520	2,520
Total WTCV, Army	2,678,747	2,406,447	2,551,187
Procurement of Ammmunition, Army			
Ammunition Production Base	57,800	-	57,800
CTG, 5.56 MM, All Types	76,682	76,682	76,682
CTG, 7.62 MM, All Types	55,803	55,803	55,803
CTG, .50 CAL, All Types	52,515	52,515	52,515
CTG, 25 mm, All Types	4,523	4,523	4,523
CTG, 30MM, All Types	7,162	7,162	7,162
CTG, 40 mm, All Types	84,841	84,841	84,841
60 mm Mortar, All Types	20,017	20,017	20,017
81 mm Mortar, All Types	55,402	55,402	55,402
CTG, Mortar, 120 MM, All Types	81,540	81,540	81,540
CTG, Tank, 120 mm Tactical, All Types	15,000	15,000	15,000
Rocket, Hydra 70, All Types	12,941	12,941	12,941
Demolition Munitions, All Types	6,020	6,020	6,020
Grenades, All Types	1,952	1,952	1,952
Signals, All Types	386	386	386
Items Less Than $5 million	216	216	216
Total Procurement of Ammunition, Army	532,800	475,000	532,800

[In thousands of dollars]

	House	Senate	Conference
Other Procurement, Army			
Tactical Trailers/Dolly Sets	6,051	6,051	6,051
Semitrailer, Flatbed	712	712	712
Up-Armored HMMWV	51,300	-	150,000
Hi Mob Multi-Purp Whld Veh (HMMWV)	455,027	320,827	400,827
Family of Medium Tactical Vehicles (FMTV)	735,432	334,432	559,432
Family of Heavy Tactical Vehicles	516,677	309,577	423,577
Armored Security Vehicle (ASV)	550,300	550,300	550,300
Mine Protection Vehicle Family	24,950	24,950	24,950
Truck, Tractor, Line Haul, M915/M916	10,384	10,384	10,384
Heavy Expanded Mobile Tactical Truck Ext Serv Program	90,270	90,270	90,270
HMMWV Recapitalization Program	122,594	122,594	122,594
Modification of In Service Equipment (Note: includes funding for Add-on Armor kits; Gunner Protective Kit; Rollover Protection Kits In addition, of the amounts provided within this line not less than $4 million is available only for Mobile Up-Armor Retrofit Kits)	610,900	562,900	610,900
SHF TERM	27,000	27,000	27,000
NAVSTAR-GPS	27,800	27,800	27,800
Army Data Distribution System	29,130	29,130	29,130
SINCGARS Family	792,856	718,856	767,356
Bridge to Future Networks	432,300	432,300	432,300
Radio Improved HF Family	147,300	119,300	136,300
Army Key Management System (AKMS)	19,000	19,000	19,000
WW Technical Control Improvement Program	26,000	26,000	26,000
Information Systems	50,000	50,000	50,000
All Source Analysis System	27,385	27,385	27,385
Prophet	94,884	94,884	94,884
TUAV	172,700	172,700	172,700
Digitized Topographic Support System	11,200	11,200	11,200
Distributed Common Ground System - Army	840	840	840
MOD-In-SVC (Intel Spt)	4,800	4,800	4,800
CI Humint Info Management System	30,800	30,800	30,800
Items less than $5M (Trojan Spirit)	60,050	60,050	60,050
Warlock (Note: of the funds provided in this line the conferees recommend $10 million for rapid fielding of the Low Cost Jammer)	60,000	25,000	60,000
Sentinel	3,235	3,235	3,235
Night Vision Devices	131,629	37,629	96,629
Long Range Adv Scout Surveillance System	48,870	48,870	48,870
Night Vision Thermal Weapon Sight	2,835	2,835	2,835
JLENS Family	74,100	74,100	74,100
Artillery Accuracy EQ	10,900	10,900	10,900
Profiler	24,600	24,600	24,600
MOD-M-SVC-EQ (Firefinder Radars)	20,200	20,200	20,200
Force XXI Battle Cmd Bde & Below (FBCB2)	146,100	-	66,100
Lightweight Laser Designator/Range Finder	31,000	31,000	31,000
Computer Ballistics: LHMBC	7,232	7,232	7,232
Mortar Fire Control System	66,500	66,500	66,500
Tactical Operations Center	71,900	71,900	71,900
Advanced Field Artillery Tactical (Data Sys)	10,950	10,950	10,950
Battle Command Sustainment Support System	43,450	43,450	43,450
FAAD C2	141,000	66,000	141,000
Knight Family	38,400	38,400	38,400
Maneuver Control System (MCS)	30	30	30
Tactical Bridge Float Ribbon	1,556	1,556	1,556
Handheld Stand-off Mine Detection System (HSTAMIDS)	18,300	-	10,000
Items Less Than $5 million (Eng Spt Eq)	110	110	110
Distribution System Petroleum and Water	36,400	36,400	36,400
Water Purification System	50,205	50,205	50,205
Combat Support Medical	300	300	300
Shop Equipment Contact Maint Truck	48,011	48,011	48,011
Welding Shop, Trailer MTD	4,452	4,452	4,452
Items Less Than $5M (Maint Eq)	462	462	462
Loaders	1,780	1,780	1,780
Tractor, Full Tracked	1,480	1,480	1,480
Generators and Associated Equipment	79,866	79,866	79,866

[In thousands of dollars]

	House	Senate	Conference
Rough Terrain Handler	1,000	1,000	1,000
Calibration Sets	13,250	13,250	13,250
Integrated Family Of Test Equipment	8,210	8,210	8,210
Test Equipment Modernization (Spectrum Analyzer TEMOD)	3,300	3,300	3,300
Building, Pre-Fab, Relocatable	252,550	252,550	252,550
Classified programs	52,100	52,100	52,100
Total Other Procurement, Army	6,634,905	5,322,905	6,250,505
Aircraft Procurement, Navy			
EA-6(B) Series Mods	11,000	11,000	11,000
AV-8(B) Series Mods.	1,600	1,600	1,600
F/A-18 Series Mods	49,800	49,780	49,780
AH-1W Series Mods	1,800	1,790	1,790
H-53 Series Mods	40,500	40,500	40,500
SH-60 Series Mods	19,000	19,030	19,030
H-1 Series Mods	1,700	1,651	1,651
EP-3 Series Mods	13,000	13,000	13,000
P-3 Series Mods	8,400	8,400	8,400
C-130 Series Mods	12,400	12,417	12,417
Common ECM Equipment	24,895	24,907	24,907
Common Ground Equipment	5,200	5,220	5,220
War Consumables – Aircraft Armament Equipment	11,000	11,000	11,000
Total, Aircraft Procurement, Navy	200,295	200,295	200,295
Weapons Procurement, Navy			
Hellfire Missile	43,000	43,000	43,000
Small Arms and Weapons	28,600	23,000	23,000
Total, Weapons Procurement, Navy	71,600	66,000	66,000
Procurement of Ammmunition, Navy and Marine Corps			
Navy			
Air Expendable Countermeasures	11,000	11,000	11,000
Small Arms and Landing Party Ammunition	20,959	20,959	20,959
76 MM Gun Ammunition	1,697	1,697	1,697
Other Ship Gun Ammunition	4,060	4,060	4,060
Pyrotechnics and Demolition Material	1,276	1,276	1,276
Ammo Less than $5 million	2,350	2,350	2,350
Marine Corps			
Linear Charges	8,620	8,620	8,620
Fuzes	4,516	4,516	4,516
5.56mm Ammunition	6,626	3,626	5,926
7.62mm Ammunition	3,844	2,044	3,444
.50 Cal Ammunition	7,010	3,810	6,110
40mm Ammunition	7,100	7,100	7,100
60mm Ammunition	3,277	3,277	3,277
81mm Ammunition	9,625	9,625	9,625
120mm Ammunition	18,634	18,634	18,634
25mm Amunition	4,654	4,654	4,654
9mm Ammunition	185	85	85
Grenades	5,900	5,900	5,900
Rockets	2,766	2,766	2,766
Artillery	8,432	8,432	8,432
Demolition Munitions	9,163	9,163	9,163
Items Less than $5 million	41	41	41
Total, Procurement of Ammunition Navy and Marine Corps	141,735	133,635	139,635

[In thousands of dollars]

	House	Senate	Conference
Other Procurement, Navy			
MATCALS	2,829	2,830	2,830
Gun Fire Control Equipment	600	600	600
Passenger Carrying Vehicles	223	220	220
Construction and Maintenance Equipment	5,356	5,360	5,360
Tactical Vehicles	28,228	28,227	28,227
Command Support Equipment	500	500	500
Medical Support Equipment	1,300	1,300	1,300
C4ISR Equipment	920	920	920
Physical Security Equipment	26,140	26,140	26,140
Items Less Than $5 Million	12,276	12,300	12,300
Total, Other Procurement, Navy	78,372	78,397	78,397
Procurement, Marine Corps			
AAV7A1 Product Improvement Program (PIP)	43,486	43,486	43,486
Light Armored Vehicle (LAV) Product Improvement Program (PIP)	620,705	343,210	518,205
Unit Operations Center	120,903	113,500	113,500
Night Vision Equipment	705,500	481,650	575,650
Common Computer Resources	44,155	44,160	44,155
Radio System	342,371	239,270	294,271
Communication Switching & Control Systems	64,909	64,910	64,909
Repair and Test Equipment	-	370	368
General Purpose Tools & Test Systems	-	5,910	5,910
Global Combat Support System	-	35,550	35,547
Items Under $5 Million (Comm & Elec)	-	900	900
Air Operations C2 Systems	-	8,210	8,208
Joint Tactical Radio Systems	-	1,990	1,986
RADAR SET AN/TPS-59	-	25,970	25,970
Fire Support System	-	42,770	42,767
Small Unit Remote Scouting System [SURSS]	-	500	503
Intelligence Support Equipment	-	21,290	21,289
Mod Kits (Intel)	-	80	81
Visual Information System [VIS]	-	19,630	19,630
Command Post Systems	-	3,270	3,272
Comm & Elec Infrastructure Support	-	3,240	3,238
HMMWV	236,781	186,780	216,781
Motor Transport Mods (Armor kits for MTVRs)	289,100	289,100	289,100
Medium Tactical Vehicle Replacement--MTVRs, combat losses	199,399	199,400	199,399
Logistics Vehicle System Replacement (Note: only for interim heavy lift capability)	111;139	111,140	111,139
Commercial Passenger Vehicles	-	5,000	5,000
Commercial Cargo Vehicles	-	1,160	1,159
Family of Tactical Trailers	-	19,800	19,796
Items Less Than $5 Million	-	4,400	4,396
Amphibious Raid Equipment	91,206	91,210	91,206
Family of EOD Equipment	107,672	107,672	107,672
Classified Program	1,800	1,800	1,800
Other Weapons & Combat Vehicles (various)	100,865	-	-
Improved Recovery Vehicle [IRV]	-	13,850	13,850
Modification Kits (Armor and Fire Support)	-	10,400	10,400
Marine Enhancement Program	-	877	868
Weapons and Combat Vehicles Under $5 Million	-	28,790	28,777
Modular Weapon System	-	14,700	14,699
Operations Other Than War	-	32,270	32,271
Guided Missiles and Equipment--TOW IIB and Javelin	76,340	-	-
Javelin	-	34,540	34,540
Modification Kits	-	41,800	41,800
Other Communications & Electronic Equipment	169,730	-	-
Other Support Vehicles	30,351	-	-
Engineering & Other Equipment	232,083	-	-
Environmental Control Equipment Assort	-	6,690	6,690
Bulk Liquid Equipment	-	28,470	28,471
Tactical Fuel Systems	-	22,260	22,255
Nitrile Rubber Collapsible Storage Units	-	2,400	2,400
Demolition Support Systems	-	7,280	7,280
Power Equipment Assorted	-	40,580	40,578

[In thousands of dollars]

	House	Senate	Conference
Material Handling Equipment	-	27,580	27,575
Family of Incident Response	-	80	84
Training Devices	-	42,460	42,460
Container Family	-	1,170	1,170
Family of Construction Equipment	-	35,020	35,020
Family of Internally Transportable Veh [ITV]	-	780	759
Bridge Boats	-	12,550	12,549
Rapid Deployable Kitchen	-	-	61
Modification Kits	-	1,170	1,169
Items Less Than $5 Million	-	6,020	6,023
Total Procurement, Marine Corps	3,588,495	2,929,046	3,283,042
Aircraft Procurement, Air Force			
ATP/Rover PACMAN	2,700	2,700	2,700
C-17 LAIRCM	95,000	95,000	95,000
C-5 Missile Warning System	3,800	3,800	3,800
C-40 LAIRCM	63,600	63,600	63,600
Improved Ballistic Armor Sub-System	1,700	1,700	1,700
TARS	11,800	11,800	11,800
Improved Hoover Infra Red Suppression System (I-HIRSS)	4,700	4,700	4,700
A/OA-10 Extended Duration Covert Infrared Countermeasures System	12,400	12,400	12,400
C-130 LAIRCM	25,000	25,000	25,000
JSTARS Blue Force Situational Awareness	11,000	11,000	11,000
WRM Aerospace Ground Equipment Rotational Bomber Beddown	3,000	3,000	3,000
SENIOR SCOUT Aircraft Units	1,000	1,000	1,000
Global Hawk Mission Support Kit Spares	18,500	16,500	16,500
Global Hawk Production Delay and Disruption	1,800	1,800	1,800
U-2 SYERS-2	6,800	6,800	6,800
National Airborne Operations Center	8,441	8,441	8,441
Predator B Aircraft Initial Spares	5,000	-	5,000
Predator A Retrofit	2,000	-	-
OEF/OIF Predator B MTSB Initial Spares	3,000	-	3,000
Red Horse Response Equipment (Transfer from OPAF)	-	68	68
Total Aircraft Procurement, Air Force	279,241	269,309	277,309
Procurement of Ammunition, Air Force			
Rifle Replacements	4,100	4,100	4,100
Demolition Munitions	2,898	2,898	2,898
Total Procurement of Ammunition, Air Force	6,998	6,998	6,998
Other Procurement, Air Force			
Night Vision Goggles	2,900	2,900	2,900
Battlefield Laser Rangefinder	1,200	1,200	1,200
STEEL EAGLE (Note: of the funds provided within this line, $5 million is available only for Tactical Data Link (Project J) Equipment)	14,000	15,000	15,000
Cargo Pallets and Nets	43,828	43,957	43,957
Battlefield Development Course	1,400	1,429	1,429
Survival Radios	8,900	8,864	8,864
Red Horse Response Equipment	3,400	3,298	3,298
Special Purpose Vehicles	13,800	13,807	13,807
Red Horse Vehicles	19,200	19,220	19,220
Emergency Response Vehicles	200	160	160
EOD Tactical Radios	7,500	7,500	7,500
EOD Robotic System	300	285	285
EOD Systems	200	163	163
Deployable Independent Communication Element	4,000	4,000	4,000
Weather Observation Equipment	4,900	4,860	4,860
TPN-19 Radar Spares	2,400	2,400	2,400
Thermal Imaging Equipment	1,600	1,621	1,621

[In thousands of dollars]

	House	Senate	Conference
X-Ray Equipment	2,100	2,100	2,100
Chemical Agent Monitor	1,300	1,250	1,250
Predator Receive Terminal	1,500	1,500	1,500
Medical Equipment	1,100	1,147	1,147
Rivet Joint Support Equipment	2,500	2,500	2,500
SATCOM Equipment	1,500	1,500	1,500
ARGUS Sensors	7,700	7,700	7,700
HEU Sensors	15,600	15,600	15,600
Distributed Common Ground System	-	95,000	-
Classified Programs	2,495,499	2,394,799	2,413,599
Total Other Procurement, Air Force	2,658,527	2,653,760	2,577,560
Procurement, Defense-Wide			
Information Systems Security Program	4,400	4,400	4,400
Global Command and Control System-Joint	2,700	2,700	2,700
Teleports Program	4,500	4,500	4,500
Items Less Than $5 Million	14,700	14,700	14,700
Classified Programs	105,500	105,500	105,085
Rotary Wing Upgrades and Sustainment	4,800	4,800	4,800
Combat Talon II	30,000	30,000	60,000
C-130 Modifications	2,700	2,700	2,700
SOF Ordnance	91,000	91,000	91,000
Communications Equipment and Electronics	83,427	27,900	47,927
SOF Intelligence Systems	6,700	6,700	6,700
Small Arms and Weapons	119,600	104,100	109,100
SOF Combatant Craft Systems	8,000	8,000	8,000
Tactical Vehicles	27,200	27,200	27,200
Theater Sets	-	16,000	16,000
SOF Operational Enhancements	78,800	78,800	78,800
Electro-Optical/Infrared Ground Sensors	23,400	23,400	23,400
Chem-Bio Individual Protection	7,000	7,000	7,000
Chem-Bio Decontamination	8,000	8,000	8,000
Chem-Bio Collective Protection	8,500	8,500	8,500
Chem-Bio Contamination Avoidance	15,400	15,427	15,427
Total Procurement, Defense-Wide	646,327	591,327	645,939
Total Procurement	18,317,255	15,872,045	17,378,594

Modularity

The conferees direct the Secretary of Defense to submit to the congressional defense committees a report, not later than September 1, 2005, detailing the Department of Defense's long-range plan for executing and funding the Army's Modular Force initiative (Modularity). The report should identify personnel and equipment requirements, unit restructuring timelines, and associated costs. In addition, the conferees are concerned that the budgeting methods employed to support this initiative may result in inefficient program management and acquisition practices. Accordingly, the conferees direct that this report also include DoD plans to review multi-year procurement authority or any other measures to ensure the DoD can contract for required equipment as efficiently as possible.

Up-Armored HMMWV Reporting Requirement

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs). In addition, the conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than 60 days after enactment of this Act setting forth the most effective and efficient options available to the Department of Defense for transporting Up-Armored HMMWVs to Iraq and Afghanistan.

Joint Improvised Explosive Device (IED) Neutralizer

Improvised Explosive Devices (IEDs) continue to kill and seriously injure U.S. Service men and women as they prosecute the Global War on Terrorism. The conferees are deeply concerned that currently employed counter-IED technology has failed to achieve desired results for our warfighters. The conferees are aware of a new direct discharge technology, known as Joint IED Neutralizer or JIN, which has recently demonstrated the capability to effectively neutralize IEDs. The conferees strongly encourage the Department of Defense to procure and employ JIN for counter-IED operations.

LITENING PODS

The conferees clarify that funding in the bill for additional F/A–18 LITENING pods is available for all Expeditionary Marine Corps F/A–18 aircraft.

Special Operations Command

The conference agreement provides $475,627,000, an increase of $55,000,000 above the President's request, as proposed by the House, for equipment required by the United States Special Operations Command (USSOCOM) to prosecute the Global War on Terrorism. The conferees agree that from the additional funding provided $20,000,000 shall be for the procurement of Multi-Band Multi Mission radios and that $5,000,000 shall be for Silver Fox Unmanned Aerial Vehicles. The conferees have adjusted the amounts in the project level table for the Communications Equipment and Electronics and the Small Arms and Weapons lines accordingly. The conferees are aware that, subsequent to the submission of the President's request, another Special Operations Combat Talon II aircraft was lost, significantly diminishing the combat capabilities of USSOCOM. The conferees agree that the remaining $30,000,000 of the funds provided above the request shall be used for a combat loss replacement aircraft.

Research, Development, Test and Evaluation

The conference agreement provides a total of $587,282,000 for Research, Development, Test and Evaluation appropriations, instead of $508,321,000 as proposed by the House, and $552,322,000, as proposed by the Senate. The following table identifies changes made to the request and other funding provided.

[In thousands of dollars]

Account	House	Senate	Conference
Research, Development, Test and Evaluation, Army			
Combating Terrorism, Technology Development (Note: of the funds available within this line not less than $3 million is available only for Suicide Bomber Detection and Interdiction Through Existing Sensor, Biometric, and Thermal Matrix Technologies)	17,170	17,170	17,170
Close-in APS for Stryker	-	12,000	12,000
Maneuver Control System	3,000	3,000	3,000
Force XXI Battle Command BDE and Below	200	200	200
Classified Program	4,800	4,800	4,800
Total Research, Development, Test and Evaluation, Army	25,170	37,170	37,170
Research, Development, Test and Evaluation, Navy			
USMC Advanced Technology Demo	20,171	20,171	20,171
TADIRCM for CH-53	14,900	14,900	14,900
Marine Corps Communications Systems	6,320	6,320	6,320
Classified Programs	160,660	137,660	160,660
Force Protection Applied Research/Thin Film Battery Technology	-	-	2,000
DDX Permanent Magnet Motor	-	-	[5,000]
Total, Research, Development, Test and Evaluation, Navy	202,051	179,051	204,051
Research, Development, Test and Evaluation, Air Force			
Mission Planning Systems	-	-	2,100
Global Hawk Upgrades (Note: of the funds available within this line, not less than $5 million is available only for Volumetric Radar Processing To Detect IEDs)	38,700	39,740	39,700
STEEL EAGLE	-	-	1,000
Classified Programs	79,700	89,700	99,700
Other Items	3,100	3,100	-
Total Research, Development, Test and Evaluation, Air Force	121,500	132,540	142,500
Research, Development, Test and Evaluation, Defense-Wide			
Quick Reaction Special Projects	13,100	13,100	13,100
Long Lead Items for Test GBIs	-	50,000	50,000
Classified Programs	146,500	140,461	140,461
Total, Research, Development, Test and Evaluation, Defense-Wide	159,600	203,561	203,561
Total Research, Development, Test and Evaluation	508,321	552,322	587,282

HIGH SPEED, HEAVY LIFT, SHALLOW DRAFT-CAPABLE WATERCRAFT DEMONSTRATION

The Department of Defense Appropriations Act, 2005 (Public Law 108–287) appropriated $6,300,000 under "Research, Development, Test and Evaluation, Navy" for the Varicraft program. To clarify the intent of Congress, the funding provided for this program in P. L. 108–287 is intended for the High Speed, Heavy Lift, Shallow Draft-Capable Watercraft Demonstration.

DDX PERMANENT MAGNET MOTOR

The conferees agree with language included in the Senate report regarding the DDX permanent magnet motor and direct that not less than $5,000,000 of the funds provided in this Act for "Research, Development, Test and Evaluation, Navy" be made available for this program.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement includes $1,511,300,000 for the Defense Working Capital Funds, instead of $1,411,300,000 as proposed by the House, and $1,311,300,000 as proposed by the Senate, to be allocated as follows:

[In thousands of dollars]

	Conference
Defense Logistics Agency (DLA) Fuel Costs	842,300
Military Sealift Command Fuel Costs	67,000
DLA Fuel Delivery Costs	402,000
Navy Working Capital Fund	200,000

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides $32,400,000, as proposed by both the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $210,550,000 for the Defense Health Program, instead of $175,550,000 as proposed by the House and $225,550,000 as proposed by the Senate. The increase above the request is directed to fund additional workload at Army military treatment facilities as a result of the global war on terrorism, including mental health and combat stress related care.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

The conferees strongly endorse the Senate Report language in its entirety with respect to Chemical Agents and Munitions Destruction and direct the Department of Defense to fully comply with the two reporting requirements therein.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $242,000,000, instead of $257,000,000 as proposed by the House, and $227,000,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $148,000 as proposed by both the House and the Senate.

RELATED AGENCIES

INTELIIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $250,300,000 as proposed by both the House and the Senate.

MILITARY CONSTRUCTION ARMY

The conference agreement includes $847,191,000, instead of $930,100,000 as proposed by the House and $897,191,000 as proposed by the Senate. The conference agreement also makes these funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference agreement
Alaska: Fort Wainwright.	Aircraft Maintenance Hangar.	31,000,000	31,000,000
Alaska: Fort Wainwright.	Site Preparation and Utility Work.	11,000,000	11,000,000
Colorado: Fort Carson.	Barracks—Mobilization and Training.	26,000,000	26,000,000
Georgia: Fort Benning.	Site Preparation and Utility Work.	10,000,000	10,000,000
Kansas: Fort Riley	Barracks—Mobilization and Training.	22,000,000	22,000,000
Kansas: Fort Riley	Site Preparation and Utility Work.	25,000,000	25,000,000
New York: Fort Drum.	Aircraft Hangar and Site Preparation.	37,000,000	37,000,000
North Carolina: Fort Bragg.	Site Preparation and Utility Work.	19,000,000	19,000,000
Texas: Fort Bliss ...	Barracks—Mobilization and Training.	22,000,000	22,000,000
Texas: Fort Bliss ...	Site Preparation and Utility Work.	47,000,000	47,000,000
Afghanistan: Bagram.	CMU Barracks	16,100,000	16,100,000
Afghanistan: Bagram.	Fuel Tank Farm	57,000,000	....
Afghanistan: Bagram.	JSOTF–A Joint Operations Center.	6,400,000	6,400,000
Afghanistan: Bagram.	Prime Power Generator.	31,600,000	....
Afghanistan: Kandahar	Ammunition Supply Point	16,000,000	16,000,000
Cuba: Guantanamo Bay.	Camp 6 Detention Facility.	36,000,000	36,000,000
Cuba: Guantanamo Bay.	Radio Range Security Fence.	4,400,000	4,400,000
Iraq: Camp Hope ...	CMU Barracks	2,500,000	2,500,000
Iraq: Camp Taji	CMU Barracks	24,600,000	24,600,000
Iraq: Camp Warrior	Medical Facility ...	7,500,000	7,500,000
Iraq: Camp Warrior	Tactical Ops Building.	6,100,000	6,100,000
Iraq: LSA Anaconda	Battalion and Company HQ.	7,800,000	7,800,000
Iraq: LSA Anaconda	Equipment Support Activity.	17,100,000	17,100,000
Iraq: LSA Anaconda	Hospital Facility ...	39,000,000	39,000,000
Iraq: Marez	CMU Barracks	9,300,000	9,300,000
Iraq: Marez	Combat Support Hospital.	9,900,000	9,900,000
Iraq: Marez	Troop Medical Clinic.	2,900,000	2,900,000
Iraq: Muthanna	Harden Ammunition Bunkers.	11,300,000	11,300,000
Iraq: Various Locations.	CMU Barracks	55,200,000	55,200,000
Iraq: Various Locations.	Main Supply Route Aspen.	36,000,000	36,000,000
Iraq: Various Locations.	Overhead Cover System.	300,000,000	250,000,000
Worldwide Unspecified.	Planning and Design.	43,400,000	39,091,000
Total	....	990,100,000	847,191,000

Overhead Cover Systems and CMU Barracks.—The conference agreement includes funds for overhead cover systems and concrete masonry unit barracks to strengthen force protection measures to better protect troops against indirect fire attack. The conferees expect the Department to focus its force protection efforts on identified threats facing troops in Operation Iraqi Freedom and Operation Enduring Freedom such as rocket propelled grenades and mortar artillery. In doing so, the Department should purchase existing force protection technology that has been field-tested and certified against such threats, including, but not limited to, mortar-proof canopies and housing and blast resistant barriers.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement includes $139,880,000, instead of $92,720,000 as proposed by the House and $107,380,000 as proposed by the Senate. The Conference agreement also makes these funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference agreement
California: Camp Pendleton.	Force Intel Operations Center.	8,700,000	8,700,000
California: Camp Pendleton.	Force Recon PLT Facility.	4,980,000	4,980,000
California: Twentynine Palms.	LAR Company BEQ	11,900,000	11,900,000
North Carolina: Camp Lejeune.	Mod 2D LAR Operations Complex.	3,840,000	3,840,000
North Carolina: Camp Lejeune.	Maintenance Complex, 1/9	5,880,000	5,880,000
North Carolina: Camp Lejeune.	BEQ 1/9	30,480,000	30,480,000
North Carolina: Camp Lejeune.	Mod Force Recon Operations Complex.	3,240,000	3,240,000
North Carolina: Camp Lejeune	BEQ 2/9	....	32,500,000
Djibouti: Camp Lemonier.	Personnel Billeting	27,710,000	27,710,000
Djibouti: Camp Lemonier.	Security Fence	2,760,000	2,760,000
Worldwide Unspecified.	Planning and Design.	7,890,000	7,890,000
Total	....	107,380,000	139,880,000

MARINE CORPS FORCE STRUCTURE REVIEW GROUP

The Department of Defense requested $75,020,000 in emergency funding for the Marine Corps Force Structure Review Group (FSRG) initiative, which will provide additional combat forces within the Marine Corps' current end-strength of 175,000. By increasing the number of combat-ready marines while turning over less essential tasks to civilians, FSRG will help to alleviate the overall stress on the Marine Corps produced by deployments related to the Global War on Terrorism. While the conferees understand and support this initiative, they are concerned over the manner in which the military construction requirements were programmed and budgeted. Although the FSRG initiative was set in motion in April 2004, no funding for FSRG military construction was programmed into the fiscal year 2006 budget request. The Marine Corps and DOD instead chose to use this supplemental request as the sole vehicle for funding the FSRG, yet the emergency appropriation requested provides only half of the fiscal year 2005 requirement. The conferees are disappointed that the FSRG was deemed important and urgent enough to proceed immediately, yet the appropriate budgeting decisions were not given commensurate priority. The conferees expect that future military construction requests for the Marine Corps, including any fiscal year 2006 budget amendment, will include the necessary funding to accommodate the force structure and basing decisions being made under FSRG.

The conferees also note that the request was submitted prior to the final basing decision for the second of two new infantry battalions, the 1st and 2nd Battalions, 9th Marine Regiment, to be created under FSRG. After submission of the request, the Marine Corps confirmed that both battalions will be stationed at Camp Lejeune, North Carolina. These two battalions will add 1,904 marines at Camp Lejeune, more than half of the projected net increase of 3,546 to the base population under FSRG. A field visit to Camp Lejeune confirmed that the installation does not currently have adequate billeting for the existing base population, let alone the two battalions that the Marine Corps will begin standing up this year. The present occupancy rate at the camp already greatly exceeds the Marine Corps standard, and this situation will worsen under FSRG without remedial action. The conferees believe that additional unaccompanied housing is urgently needed at Camp Lejeune, and agree to provide $32,500,000 for the construction of bachelor enlisted quarters in support of the marines of the 2/9 Battalion.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $140,983,000 as proposed by the Senate, instead of $301,386,000 as proposed by the House. The conference agreement also makes these. funds available until September 30, 2006 as proposed by the House, instead of September 30, 2007 as proposed by the Senate. The funds are provided as follows:

Location	Project description	Request	Conference agreement
Afghanistan: Bagram.	East Side Ramp/ Support Facilities/Infra.	17,600,000	17,600,000
Afghanistan: Bagram.	Control Tower	10,200,000	10,200,000
Afghanistan: Bagram.	Cargo Handling Area.	1,800,000	1,800,000
Afghanistan: Bagram.	Coalition Forces Ramp.	1,400,000	1,400,000
Iraq: Balad	CSAR/JSOAD/ Medevac Alert.	8,000,000	8,000,000
Iraq: Balad	Construct and Repair Munitions Roads.	2,700,000	2,700,000
Iraq: Balad	Repair/Install Airfield Lighting.	25,000,000	15,000,000
Iraq: Balad	Hot Cargo Pad	3,500,000	3,500,000
Iraq: Balad	Cargo/Marshalling Area.	15,000,000	15,000,000
Iraq: Balad	Special Operations Compound	2,850,000	2,850,000
Iraq: Tallil	Temporary Cantonment Area.	10,800,000	10,800,000
Kuwait: Ali Al Salem.	Aerial Port	75,500,000	
UAE: Al Dhafra	ISR Launch, Recovery and Maint Complex.	66,000,000	
UAE: Al Dhafra	Aircraft Engine Run-up Pad.	1,400,000	1,400,000
Uzbekistan: Karshi-Khanabad.	Replace/Extend Runway and Taxiways.	42,500,000	42,500,000
Worldwide Unspecified.	Planning and Design.	17,270,000	8,233,000
Total		301,520,000	140,983,000

Aerial Port, Ali Al Salem Air Base, Kuwait.—The Air Force requests $75,500,000 to construct the first phase of an Aerial Port at Ali Al Salem Air Base in Kuwait. The conference agreement provides no funding for this facility at this time.

The conferees support the United States presence in Kuwait and appreciate the longstanding cooperation between our two nations. The conferees also recognize the desire of the Government of Kuwait to move U.S. aerial port operations out of Kuwait City International Airport (KCIA) in order to free space at the airport for other uses. However, for several reasons, the conferees have declined to recommend funding for a new aerial port facility at this time.

The $75,500,000 in emergency supplemental appropriations requested for this facility would fund only the first phase of a nearly half-billion dollar plan for infrastructure improvements at Ali Al Salem. However, given construction times and the limited scope of the project proposed here, the first phase would provide neither emergency relief nor a complete replacement of the extant port capacity at KCIA. In addition, since submission of the supplemental request, the Air Force has learned that extensive runway repair at Ali Al Salem will be required for the base to accommodate the volume and type of air traffic envisioned in aerial port operations.

Moreover, as both the House and the Senate noted in their respective reports, the United States does not currently have a formal agreement with the host nation regarding future use of this facility or the sharing of costs for subsequent construction phases. Consequently, it is not possible for the conferees to determine the commitment the United States would be undertaking by providing the first phase of funding now. The conferees also believe that because of uncertainties regarding the future of other facilities in the region, there is some question as to whether an extensive aerial port facility in Kuwait will be required for the long-term. The conferees are not opposed to a U.S. contribution to what would be a mutually beneficial project, but encourage the Defense Department to first negotiate with the Government of Kuwait an agreement regarding appropriate phasing, use, and cost-sharing.

ISR Launch and Recovery Facility and Maintenance Complex, Al Dhafra Air Base, United Arab Emirates—The Air Force requests $66,000,000 to build these facilities. The conference agreement provides no funding for these facilities at this time.

As with the aerial port facility in Kuwait, this facility represents more a long-term investment in enduring infrastructure than it does an immediate response to emergency requirements. ISR operations have been conducted successfully from Al Dhafra for several years and while it would be more convenient to conduct operations from permanent rather than expeditionary facilities, the conferees do not believe this is a compelling argument for emergency appropriations. As is the case with Ali Al Salem, this project is only part of extensive additional construction envisioned at Al Dhafra, yet no agreement covering use or cost sharing has been negotiated with the host nation. The conferees recognize and value the extensive and ongoing cooperation between the United States and the United Arab Emirates and are not opposed in principle to a U.S. contribution to infrastructure investments at Al Dhafra. However, the conferees believe investment in this project would be inappropriate on an emergency basis and premature at this time.

ITEMS OF INTEREST TO THE MILITARY QUALITY OF LIFE SUBCOMMITTEE OF THE HOUSE AND THE MILITARY CONSTRUCTION SUBCOMMITTEE OF THE SENATE

Requested Reports.—The Department of Defense has submitted the long overdue overseas basing master plans; therefore, the conference agreement does not include a provision under the military construction accounts to prohibit the obligation of funds until these plans were submitted as proposed by the House. The Senate bill contained no similar provision.

The House report included a request for additional information from the Army, Marine Corps, and Air Force on issues related to the supplemental request. The Army reports were received on April 7, 2005. The Marine Corps and Air Force reports have not been received. The conferees are concerned with the Executive Branch's lack of responsiveness to Congressional requests and expect the Secretary and the Director of OMB to take steps to make this a high priority.

Budgeting for Enduring Installations.—The conferees approve of the Department's improved master planning efforts for overseas facilities, including those in the Central Command (CENTCOM) area of responsibility. A key benefit of master planning is the alignment of strategic objectives with budget needs over a long period of time. The conferees believe CENTCOM's master planning initiative is sufficiently well developed to enable future military construction at enduring facilities in the region to be incorporated into the regular authorization and appropriations process. The conferees expect the Department to pursue such initiatives through that avenue rather than through emergency appropriations.

GENERAL PROVISIONS—THIS TITLE

The conferees agree to retain and amend section 1001, as proposed by the House and Senate, which provides the Secretary of Defense authority to transfer up to $3,000,000,000 of funds made available in this title.

The conferees agree to retain and amend section 1002, as proposed by the House and the Senate, which amends section 8005 of the Department of Defense Appropriations Act, 2005 to provide an additional $2,685,000,000 in transfer authority.

The conferees agree to delete language, as proposed by the House, which provides that funds in the Defense Cooperation Account may be transferred to other defense accounts.

The conferees agree to retain section 1003, as proposed by the House and Senate, which provides that not more than $34,000,000 may be available for counter-drug activities of Afghanistan and $4,000,000 may be available for counter-drug activities of Pakistan.

The conferees agree to retain section 1004, as proposed by the House and Senate, which provides additional authority for extraordinary and emergency expenses.

The conferees agree to retain section 1005, as proposed by the House and Senate which makes technical changes to language which provides that during the current fiscal year working capital funds of the Department of Defense may increase the limitation on advance billing to $1,500,000,000.

The conferees agree to delete language, as proposed by the Senate, which provides that from funds made available in this Act under "Operation and Maintenance, Defense-Wide", $10,000,000 may be used to purchase and dispose of weapons. The conferees agree to provide for weapons buy back in section 1006, the Commander's Emergency Response Program.

The conferees agree to retain and amend section 1006, as proposed by the House and Senate, which provides that section 1201(a) of the National Defense Authorization Act for Fiscal Year 2005, as amended by the Consolidated Appropriations Act, 2005 is further amended by striking "$500,000,000" and inserting "$854,000,000" for the Commander's Emergency Response Program.

The conferees agree to retain section 1007, as proposed by the House and Senate, which increases the amount of the funds for a classified program pursuant to section 8090(b) in Public Law 108–287.

The conferees agree to retain section 1008, as proposed by the House, which waives, for calendar year 2005 only, the $200,000 limitation on total compensation for civilian employees while in the Central Command's area of responsibility in support of military operations.

The conferees agree to retain section 1009, as proposed by the House and Senate, which provides the Director of National Intelligence (DNI) additional flexibility with respect to filling the additional positions authorized for the Office of the DNI.

The conferees agree to retain section 1010, as proposed by the House, which extends the authority for support to coalition liaison officers contained in the 2003 National Defense Authorization Act through December 31, 2005.

The conferees agree to retain section 1011, as proposed by the House and Senate, which includes a provision for authority to increase the maximum amount of the reserve affiliation bonus not to exceed $10,000.

The conferees agree to retain and amend section 1012, as proposed by the House and

Senate, which amends title 38, to increase the maximum amount of coverage available for the Servicemembers' Group Life Insurance program to $400,000.

The conferees agree to retain and amend section 1013, as proposed by the House and Senate, which increases the death gratuity for combat and combat-related deaths, and provides a one-time retroactive death gratuity for—a member for the increased coverage of the Servicemembers' Group Life Insurance and increased amount of the death gratuity.

The conferees agree to delete language, as proposed by the Senate, which amends chapter 75 of title 10, to rename the death gratuity payable for deaths of members of the Armed Forces as "Fallen Hero Compensation".

The conferees agree to retain and amend section 1014, as proposed by the House and Senate, which provides that funds appropriated or made available by transfer for intelligence activities are deemed to be authorized for purposes of section 504 of the National Security Act of 1947.

The conferees agree to retain and amend section 1015, as proposed by the House and Senate, which prohibits funds provided in this Act to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees, except for certain Army ammunition programs.

The conferees agree to retain and amend section 1016, as proposed by the Senate, regarding chemical weapons demilitarization and the Assembled Chemical Weapons Alternatives program.

The conferees agree to retain and amend section 1017, as proposed by the Senate, which amends section 115 of division H of the fiscal year 2004 Consolidated Appropriations Act to provide grant authority. The conferees include language to provide grant authority for Woody Island from funds available for this purpose in "Operation and Maintenance, Army" in the fiscal year 2005 Defense Appropriations Act.

The conferees agree to retain section 1018, as proposed by the Senate, which transfers $19,000,000 from "Shipbuilding and Conversion, Navy, 2005/2009" for the LCU(X) program to "Shipbuilding and Conversion, Navy, 1996/2008" for the LPD-17 program; and designates this provision as an emergency requirement.

The conferees agree to retain and amend section 1019, as proposed by the Senate, which prohibits funds, made available in this Act, or by prior Acts, to be used to implement a winner-take-all strategy for the acquisition of DD(X), the next generation Navy destroyer.

The conferees agree to retain section 1020, as proposed by the Senate, which prohibits funds appropriated to the Department of Defense, by this Act or any other Act for fiscal year 2005 or any other fiscal year, from being used for any pay raise that is based on an employee's status as a career or non-career employee.

The conferees agree to retain section 1021, as proposed by the Senate, which earmarks $12,500,000 from funds made available in the Department of Defense Appropriations Act, 2005 only for industrial mobilization capacity at Rock Island Arsenal.

The conferees agree to retain and amend section 1022, as proposed by the Senate which extends the period of temporary continuation of Basic Allowance for Housing for dependents of members of the armed forces who die while on active duty, and includes a sunset provision.

The conferees agree to delete language, as proposed by the Senate, which provides sense of the Senate language concerning the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees.

The conferees agree to retain and amend section 1023, as proposed by the Senate, which prohibits the Department from charging military personnel for meals if they are undergoing medical recuperation or therapy at a military treatment facility.

The conferees agree to delete language, as proposed by the Senate, which prohibits funds to be obligated to implement or enforce certain orders and guidance, dated May 15, 2003, on the functions and duties of the General Counsel and Judge Advocate General of the Air Force.

The conferees agree to retain section 1024, as proposed by the Senate, which includes sense of the Senate language that any request for funds after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget for that fiscal year.

The conferees agree to delete language, as proposed by the Senate, requiring the President to submit to Congress reports concerning Iraqi security forces. Instead, the agreement includes a modified set of reporting requirements in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, requiring the Secretary of the Army to report to the congressional defense committees on the feasibility of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. This reporting requirement is addressed in the Statement of the Managers.

The conferees agree to retain and amend section 1025, as proposed by the Senate, which provide that funds available to the Department of the Navy in this Act will be provided for repair and maintenance. of the USS John F. Kennedy to extend the life of the carrier; prohibits funds available in this Act to be used to reduce the number of active aircraft carriers of the Navy below 12 until the Quadrennial Defense Review is submitted to Congress; and prohibits the Department of the Navy from changing command relationships to give Fleet Forces Command administrative and operational control of the Pacific Fleet.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the procurement of Rapid Wall Breaching Kits for use in Operation Iraqi Freedom and Operation Enduring Freedom.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to increase the amount of funds available for "Operation and Maintenance, Army Reserve" for tuition assistance programs. The conferees recommend an additional $5,000,000 for "Operation and Maintenance, Army Reserve" for tuition assistance programs, and address this issue in the Statement of Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to make funds available from within "Defense Health Program" for Vaccine Health Care Centers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning Warlock and other field jamming systems, and address this elsewhere in the Statement of the Managers.

The conferees agree to retain and amend section 1026, as proposed by the Senate, which changes the application of section 411h of title 37 U.S.C. to provide through September 30, 2005 for one roundtrip to family members of seriously ill or injured military personnel hospitalized in a medical facility in or outside the United States, and family members of service members receiving treatment for injuries incurred in a combat area in a medical treatment facility in the United States; provides for funding from the services' operation and maintenance accounts; and requires the Secretary of Defense to report to the congressional defense committees on travel in any fiscal year that exceeds $20,000,000.

The conferees agree to retain section 1027, as proposed by the Senate, which prohibits the use of funds in this Act for termination of the existing joint service multiyear procurement contract for C/KC-130J aircraft.

The conferees agree to delete language, as proposed by the Senate, which provides for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs), and address this in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language to amend section 1079 of title 10, in order to increase the period of TRICARE coverage for children of servicemembers who die while on active duty.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the continuing development of the permanent magnet motor, and address this elsewhere in the Statement of the Managers.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language concerning the Man-Portable Air Defense (MANPAD) systems.

The conferees agree to delete language, as proposed by the Senate, which includes sense of the Senate language that funds should be made available for the replenishment of medical supply and equipment needs of the Army, and address this in the Statement of the Managers.

The conferees agree to include a new section 1028, which prohibits funds in this Act to be used to revoke Purple Heart commendations awarded to members of the Armed Forces who have served in Operation Iraqi Freedom or Operation Enduring Freedom.

The conferees agree to include a new section 1029, which transfers $2,000,000 from "Aircraft Procurement, Army" to "Research; Development, Test and Evaluation, Army" for the Virtual Training Cockpit Optimization Program.

The conferees agree to retain and amend section 1030, as proposed by the House, which makes certain technical adjustments and directs the transfer of funds for the purpose of ensuring proper budget execution for critical force protection items previously funded.

The conferees agree to retain section 1031, as proposed by the Senate, which prohibits funds to be obligated to subject any person in custody or under the control of the United

States to torture or cruel, inhuman, or degrading treatment or punishment.

The conferees agree to retain section 1032, as proposed by the Senate, which amends title 38, to provide a traumatic injury protection rider to servicemembers insured through the Servicemembers' Group Life Insurance (SGLI) under section 1967(a)(1) of title 38.

The conferees agree to include a new section 1033, which rescinds $50,000,000 from the "Iraq Freedom Fund".

The conferees agree to include a new section 1034, making technical corrections to Public Law 108-287 making available existing funds to the Paralyzed Veterans of America (PVA) Outdoor Sports Heritage Fund.

The conferees agree to a new section 1035 which provides an additional appropriation for "Research, Development, Test and Evaluation, Defense- Wide", and provides authority for certain specified activities.

Sec. 1036. The conference agreement includes a provision proposed by the Senate (Sec. 1129) to require a report on the re-use and redevelopment of military installations closed or realigned as part of BRAC 2005. The House bill contained no similar provision.

Sec. 1037. The conference agreement includes a provision proposed by the Senate (Sec. 6055) to release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson. The House bill contained no similar provision.

The conference agreement does not include a Sense of the Senate provision (Sec. 1137) on funding for the Vaccine Health Care Centers. The House bill contained no similar provision.

The conference agreement does not include a Sense of the Senate provision (Sec. 1142) on TRICARE coverage of children. The House bill contained no similar provision.

The conference agreement does not include a Senate amendment to permit eleven employees of the Executive Office of the President to use official government vehicles for commuting between their homes and offices.

The conference agreement does not include a Senate amendment regarding federal employee pay while in active service of the National Guard.

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

Department of Agriculture

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement includes $240,000,000 for P.L. 480 Title II grants, to remain available until expended, instead of $150,000,000, as proposed by the House and $470,000,000, as proposed by the Senate.

This appropriation shall be used to reimburse the account for funds used to address emergency food needs for individuals in need of humanitarian assistance in the Darfur region of Sudan and other parts of Africa, which would allow additional contributions to these and other critical food situations, including the mitigation of the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on individuals, households, and communities. In addition, the conferees provide that funds may be used to restore executed agreements of the Public Law Title II non-emergency sub-minimum program requirements, as proposed by the Senate.

Department of State and Related Agency

Department of State

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $734,000,000 for "Diplomatic and Consular Programs", instead of $748,500,000 as proposed by the House, $357,700,000, as proposed by the Senate, and $767,200,000 as contained in the request. The agreement provides 666,300,000 for the operation and security costs of the U.S. Mission in Iraq. Within the amounts included under this heading, $10,000,000 is for the enhancement of Embassy security in Iraq and Afghanistan through explosive detection technologies certified and/or deployed by the Department of Homeland Security, and $250,000 is designated for Iraqi and Afghan scholars, as proposed by the Senate. The conference agreement also includes $60,000,000 for operations and security requirements of the U.S. Mission in Kabul, Afghanistan as a result of the withdrawal of U.S. military forces. Finally, the conference agreement includes $7,700,000 for the Office of the Coordinator for Reconstruction and Stabilization, and expects these funds to support additional personnel requirements in Washington and Sudan.

The conference agreement includes $250,000 for a contribution to a scholar-rescue program designed to bring Iraqi and Afghan scholars, whose lives are in imminent danger, to the United States and match them with host universities. The conferees direct the Secretary of State to work with the Institute of International Education to implement this program.

The conferees agree that within the amounts previously appropriated for fiscal year 2005, the Secretary of State shall fund an external study of the publicly available data on foreign public opinion about the United States. This study should include a thorough analysis of the impact of foreign perceptions of the United States, and a list of concrete responses and "best practice" actions at the governmental level that have the potential to influence the public foreign policy debate and mitigate the impact of negative perceptions.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $592,000,000 for the construction of a new secure embassy compound in Baghdad, Iraq, including office, housing, and support facilities, infrastructure, project supervision, and construction security as proposed by both the House and Senate. The conferees expect the recommended funding level to be sufficient to ensure completion of a secure compound within 24 months of the project start date.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $680,000,000 for United States assessed contributions for international peacekeeping missions instead of $580,000,000 as proposed by the House, $533,049,000 as proposed by the Senate, and $780,000,000 as contained in the request. Of the amount provided, up to $50,000,000 may be transferred to the "Peacekeeping Operations" account for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $4,800,000 to expand United States broadcasting programs in local languages to Pakistan, Iran, Indonesia, and Muslim populations in Europe.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $2,500,000 to make capital improvements related to broadcasting, including broadcasting directed toward the People's Republic of China.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement provides $90,000,000 for "International Disaster and Famine Assistance", instead of $94,000,000 as recommended by the House and $44,000,000 as recommended by the Senate.

The conferees intend that $40,000,000 of funds made available from this account be provided for assistance for those individuals affected by the ongoing conflict in Darfur. The conferees are also concerned about the severity of other needs in Africa, and allocate $50,000,000 of funds from this account to these other needs, including those in Ethiopia, Liberia, Uganda, and the Democratic Republic of the Congo.

The conferees include language as proposed by the Senate that provides authority to United States Agency for International Development (USAID) to use funds appropriated under this heading to reimburse accounts from which obligations were incurred prior to the enactment of this Act.

TRANSITION INITIATIVES

The conference agreement does not include funding for "Transition Initiatives".

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement provides $24,400,000 for "Operating Expenses of the United States Agency for International Development" for security and extraordinary operating costs in Iraq.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The conference agreement provides $2,500,000 for "Operating Expenses of the United States Agency for International Development Office of Inspector General" to audit the expenditure of funds used for relief and reconstruction in Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement provides $1,433,600,000 for the "Economic Support Fund", instead of $1,058,200,000 as proposed by the House and $1,636,300,000 as proposed by the Senate. These funds would remain available until September 30, 2006.

The conference agreement includes $1,086,600,000 for Afghanistan, $200,000,000 for assistance to Palestinians, of which $50,000,000 should be for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel, $20,000,000 for Haiti, $5,000,000 for Lebanon, $100,000,000 for Jordan, and $22,000,000 for Sudan.

The conference agreement provides $1,086,600,000 for Afghanistan under this heading, instead of $739,200,000 as proposed by the House and $1,309,300,000 as proposed by the Senate. The conference agreement assumes full funding for health programs and provincial reconstruction team expenses and support. The conferees direct the Department of State to consult with the Committees on Appropriations prior to the obligation of funds.

The conferees reiterate their firm commitment to the long term development of Afghanistan and note that the fiscal year 2006 budget request for that country contains an additional $920,000,000 from all accounts.

The conference agreement does not include Senate language recommending $5,000,000 for Afghan women's organizations. However, the conferees believe that USAID needs to be more proactive in assisting women-led nongovernmental organizations in Afghanistan, particularly those that defend women's rights and support women's efforts to participate in the political process. The conferees recommend that $5,000,000 be made available to strengthen the capacity of these organizations.

The conference agreement includes language similar to a Senate. amendment that provides $5,000,000 for assistance for displaced persons in Afghanistan. The conferees intend that these funds be used to address the needs of displaced Afghans, but that none of these funds are to be used to support a satellite city housing project. The conferees request to be consulted prior to the obligation of these funds.

The conference agreement does not include a reporting requirement on Afghan security forces training, as proposed by the Senate in section 2108. However, the conferees direct the Department of State to submit such a report to the Committees on Appropriations no later than 90 days after enactment of this Act.

The conference agreement includes $22,000,000 to support emergency needs in the implementation of the Comprehensive Peace Agreement in southern Sudan. These needs include the development of southern governmental institutions and support for the commissions established in the North-South peace accords.

The conferees recognize the importance of adequate health care for Palestinian women and children and recommend $3,500,000 to support the activities of the Holy Family Hospital in Bethlehem and $2,000,000 to support the healthcare activities of Hadassah, the Women's Zionist Organization of America.

The conferees agree that the budget request and the recommendation contained in this Act do not provide specific direct financial support for the Palestinian Authority.

The conferees reiterate that the conditions and restrictions on assistance for the West Bank, Gaza, and Palestinian Authority contained in the General Provisions section of division D of Public Law 108-447 apply to assistance for the West Bank and Gaza recommended under this heading, as well as the separate account requirement contained in section 529 of that law. The conferees further agree that the waiver detailed in Presidential determination 2005–10 shall not be extended to funds appropriated under this Chapter.

The conference agreement includes a provision providing $50,000,000 for assistance for Israel to help improve the movement of people and goods in and out of Israel, as proposed by the Senate. The conferees are aware that infrastructure will be needed on both the Palestinian and Israeli sides of the separation lines and intend that these funds be used to meet the great need in developing this infrastructure. The resulting flow of goods and people should greatly improve the economic well-being of the Palestinian people while building the revenue base of the Palestinian Authority.

The $200,000,000 provided in this account shall only be allocated as requested and detailed in the following table. The Administration may reallocate, only within the projects listed here, up to 10 percent of any of the following allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent. Any reallocations shall be subject to prior consultations with the Committees on Appropriations.

[In thousands of dollars]

Economic Revitalization	
Palestinian agriculture and agribusiness production and marketing	$15,000
Trade promotion and capacity building	24,000
Home construction financing	1,000
Job creation, with an emphasis on construction of schools and community centers	20,000
Improved flow of people and goods into Israel	50,000
Subtotal, Economic Revitalization	110,000
Infrastructure Development	
Roads and water	50,000
Democratic reform and the rule of law	16,000
Community Policing	3,000
Education, including vocational training	8,000
Health care and food assistance	13,000
Subtotal, Infrastructure Development	90,000
Total	$200,000,000

The conference agreement provides $20,000,000 for assistance for Haiti, of which $2,500,000 is for criminal case management, case tracking and the reduction of pre-trial detention. The conferees are concerned with the prolonged detention of Haitians, many of whom have not been charged with any crime, which is both illegal and life threatening. The conferees intend that USAID will take immediate steps to address this potentially explosive situation. The conferees expect the balance of funds to be made available to address urgent and pressing needs for additional election assistance, employment and public works projects, and police assistance. The conferees direct that the obligation of funds be subject to prior consultation with the Committees on Appropriations.

The conferees note recent political developments in Lebanon and provide $5,000,000 for support of democracy activities and programs. The conferees expect these funds to be managed by Bureau of Democracy, Human Rights and Labor at the Department of State.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference report includes $70,000,000 for "Assistance for the Independent States of the Former Soviet Union", as proposed by the Senate, instead of $33,700,000 as proposed by the House.

Funds in this account are allocated in the following table and, as stipulated in section 2111, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations:

Assistance for the Independent States of the Former Soviet Union

[In thousands of dollars]

Ukraine	$60,000
North Caucasus	5,000
Belarus	5,000
Total	$70,000

The conferees are encouraged by recent political developments in Ukraine and recommend $60,000,000 for assistance for that country. This funding should be used for programs to further political and economic reforms and to strengthen democracy and the rule of law.

The conference agreement provides $5,000,000 for humanitarian, conflict mitigation, and relief and recovery assistance for needy families and communities in Chechnya, Ingushetia, and elsewhere in the North Caucasus. The conferees intend these funds to be administered by USAID's Moscow Mission and Office of Conflict Management and Mitigation, in consultation with the Committees on Appropriations.

The conferees expect that of the funds made available for democracy assistance for Belarus, $2,500,000 will be made available to the Bureau of Democracy, Human Rights and Labor, Department of State, for political party development activities. The conferees recommend that the balance of funds be used to support independent media and civil society in Belarus.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement includes $620,000,000 for "International Narcotics Control and Law Enforcement", instead of $594,000,000 as proposed by the House and $660,000,000 as proposed by the Senate. These funds remain available for obligation until September 30, 2007.

The conferees expect that of the funds provided under this heading, $260,000,000 shall be made available for counternarcotics programs and activities.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides $120,400,000 for "Migration and Refugee Assistance" instead of$103,400,000 as proposed by the House or $108,400,000 as proposed by the Senate. Of the total, the conferees include $48,400,000 for assistance to those individuals affected by the ongoing conflict in Darfur, $5,000,000 for easing the flow of refugees returning to southern Sudan, $26,000,000 to help the Administration meet its fiscal year 2005 refugee protection goals, and $41,000,000 for assistance needs in Africa other than in southern Sudan and Darfur.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement provides $24,600,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" instead of $17,100,000 as proposed by the House and $32,100,000 as proposed by the Senate. The conferees intend for the funds to be used as follows: $17,100,000 for the protection of Afghan President Karzai, as requested, and $7,500,000 for the Non-proliferation and Disarmament Fund. These funds remain available until September 30,2006.

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include funding for the Global War on Terror Partners Fund. The House did not recommend funding for this account, and the Senate proposed $25,500,000. Funding for the purposes of the Solidarity Initiative is addressed under "Peacekeeping Operations".

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $250,000,000 for "Foreign Military Financing Program", as proposed by the House and Senate and as contained in the request. The conferees recommend $150,000,000 for Pakistan and $100,000,000 for Jordan.

PEACEKEEPING OPERATIONS

The conference agreement includes $240,000,000 for "Peacekeeping Operations" instead of $10,000,000 as proposed by the House and $210,000,000 as proposed by the Senate. Of these funds, $10,000,000 is for the reform of security forces in southern Sudan, up to $200,000,000 for assistance to coalition allies with troops in Iraq and Afghanistan, and up to $30,000,000 that may be used pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism. This funding could be used, for example, for training and equipment of foreign counter-terrorism forces or border security forces. The conferees commend the President's Solidarity Initiative.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2101. The conference agreement includes a general provision proposed by the Senate, and similar to that proposed by the House, that amends section 37(a) of the Foreign Assistance Act of 1961 by striking "Iraq" from the list of countries for which the United States would otherwise be required to withhold voluntary contributions.

Sec. 2102. The conference agreement includes a general provision as proposed by the House and Senate that rescinds previously appropriated funds for Turkey in P.L. 108–11. The conferees intend that any costs associated with the rescission of funds, and termination of planned programs, may be funded from within the subject unexpended balances.

Sec. 2103. The conference agreement includes a general provision proposed by the House bill, regarding audit requirements for U.S. bilateral assistance made available under "Economic Support Fund" for assistance for the West Bank and Gaza and assistance for the Palestinian Authority.

Sec. 2104. The conference agreement includes a general provision proposed by the House that establishes financial reporting requirements for funds appropriated in this chapter prior to their obligation. The purpose of the financial plan is to ensure that the Committees on Appropriations have a complete and detailed understanding of how agencies intend to use the resources provided in this chapter. The provision allows 15 percent of funds to be obligated prior to the submission of the financial report, which is due 30 days after enactment. This restriction on new obligations does not apply to funds used to reimburse accounts for obligations made prior to enactment.

Sec. 2105. The conference agreement includes a general provision, as proposed by the House, that establishes certain auditing requirements for counternarcotics and alternative development funding in fiscal year 2005 in Afghanistan.

Sec. 2106. The conference agreement includes a provision, similar to that proposed by the House and Senate, regarding a reporting requirement regarding the Palestinian Authority, and provides that up to $5,000,000 from funds provided for the West Bank and Gaza may be used for an independent audit of Palestinian Authority expenditures and accounting procedures.

Sec. 2107. The conference agreement includes a provision allowing certain amounts in the fiscal year 2005 State Department Appropriations Act to be subject to certain reprogramming requirements, as proposed by the Senate.

Sec. 2108. The conference agreement includes a general provision similar to that proposed by the Senate, which earmarks $20,000,000 provided in Public Law 108–106 under the heading "Iraq Relief and Reconstruction Fund" for assistance for families and communities of innocent Iraqi victims of the military operations. This assistance is designated as the "Marla Ruzicka Iraqi War Victims Fund", in memory of Marla Ruzicka who on April 16, 2005, died at the age of 28 in a car bomb attack in Baghdad. Marla Ruzicka inspired the creation of this program and a similar program in Afghanistan.

Sec. 2109. The conference agreement includes a general provision, as proposed by the Senate, that makes a technical change to the Millennium Challenge Authorization Act, 2003.

Sec. 2110. The conference agreement includes a provision, similar to that proposed by the House, requiring that recipients of United States emergency humanitarian assistance establish a code of conduct consistent with internationally accepted principles established to protect victims of disasters from exploitation.

Sec. 2111. The conference agreement includes a new provision requiring that funds in the following accounts be allocated as indicated in the statement of managers accompanying this Act: "Economic Support Fund" and" Assistance for the Independent States of the Former Soviet Union". Any change to these allocations is subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement does not include Senate sections 2104, 2107, 2108, and 2111.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

Department of Energy

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $84,000,000 for defense nuclear nonproliferation, of which $55,000,000 is to address urgent priorities outside of the former Soviet Union to secure nuclear materials from diversion or theft by terrorists or states of concern, and $29,000,000 is for the deployment of radiation detection equipment and the training of law enforcement officials in overseas ports to provide them with the technical means to detect, deter, and interdict illicit trafficking in nuclear and other radioactive materials through the MegaPorts program.

CHAPTER 2

Department of Homeland Security

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees provide $124,425,000 for costs associated with hiring, training, equipping and supporting 500 Border Patrol agents, instead of $105,451,000 as proposed by the Senate and no funding as proposed by the House. Funds are to remain available until September 30, 2006. Of this amount, $49,075,000 in new funding is provided and designated an emergency requirement. The conferees have included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expeditious implementation and execution of these funds.

The conferees are concerned that the amounts appropriated in Public Laws 107–117 and 108–11 for "Customs and Border Protection" have not been fully obligated. The conferees direct the Secretary of Homeland Security to immediately utilize the remaining funds for the purposes appropriated. The conferees further direct the Secretary to submit, within 30 days of enactment of this Act, a plan for the obligation of these funds.

CONSTRUCTION

The conferees provide $51,875,000 for construction costs associated with hiring an additional 500 Border Patrol agents, instead of $41,500,000 as proposed by the Senate, and no funding proposed by the House. Funding is to remain available until September 30, 2006. The conferees have included bill language that requires the Secretary of Homeland Security to provide the Committees on Appropriations a plan not later than June 15, 2005, for the expeditious implementation and execution of these funds. This funding is designated an emergency requirement.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees provide a total of $454,250,000 for Immigration and Customs Enforcement, Salaries and Expenses, as opposed to $276,000,000 proposed by the Senate and no funding as proposed by the House. Of these funds, $349,050,000 is designated as an emergency requirement. Of this amount, $93,050,000 is made available to fund an additional 50 criminal investigator positions, 168 Immigration Enforcement Agents and Deportation Officers, and 1,950 additional detention beds; and not less than $11,000,000 is made available to immediately lift the hiring freeze. The conferees do not provide the $389,613,000 in non-emergency funding that was proposed by the Senate.

The conferees endorse the views expressed in the Senate Committee report (Senate Report 109–152), and direct Immigration and Customs Enforcement (ICE) to realign its Detention and Removal Operation Program, by program, project, and activity, as set forth on pages 51 and 52 of that report. The conferees also direct ICE to make available additional user fees as set forth on page 52 of that report. Because the conferees have included funds above the realigned amounts referenced above, in lieu of the Senate reporting requirement, the conferees direct the Secretary to submit a detailed report by June 15, 2005, to the Committees on Appropriations on the Department's plan for an expeditious implementation of the hiring and spending authorized in this Act, showing the on-board level of FTEs for each individual office by location; the number of vacant FTEs; and the new hires planned by week for each office beginning the week after enactment of this Act through September 30, 2005.

The conferees are aware that ICE has been unable to obligate for fiscal year 2005 enhancements and initiatives due to the uncertainty of its financial condition and its pending reprogramming. The conferees wish to ensure that these programs are initiated in an orderly way, that requisite funds do not lapse, and that continuity of funding is assured. Therefore, within the total amounts provided, the conferees include $85,200,000, offset by a rescission, and direct the Department to include funding required to annualize and continue activities supported with these funds in its fiscal year 2007 budget.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conference agreement includes $111,950,000 for U.S. Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $19,200,000 as proposed by the House and the Senate, to remain available until September 30, 2007. The conferees agree that the funds may be used for procurement of new U.S. Coast Guard 110-foot patrol boats or major refits, renovation, and subsystem replacement for these boats, as proposed by the House. The Senate proposed this funding be used only for renovation and subsystem replacement. The entire amount is designated as an emergency requirement.

By July 1, 2005, or prior to the obligation of funds, the Coast Guard is directed to provide to the House and Senate Appropriations Committees an analysis of the costs and benefits of procuring new 110-foot or 123-foot patrol boats versus renovating the existing 110-foot patrol boats. This analysis is to include the expected available patrol boat mission hours over the next 10 years, with the existing fleet versus the yearly mission hours conducted since 9/11 and the 10-year projected mission hour needs. The analysis should explain how the Coast Guard intends to meet the mission needs filled by the 110-foot patrol boat. The conferees note that this information was first requested in 2004 as part of the statement of managers accompanying Public Law 108-334. The report was due on February 10, 2005, but has not been received to date.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees provide funding for the Federal Law Enforcement Training Center salaries and expenses of $2,568,000 and make the funding available until September 30, 2006, accommodate the training for new Border Patrol Agents and Immigration and Customs Enforcement agents and officers.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS/ AND RELATED EXPENSES

The conferees provide $1,882,000 for facilities, to remain available until September 30, 2006, for costs associated with additional Border Patrol and ICE training.

CHAPTER 3

Department of Justice

GENERAL ADMINISTRATION

DETENTION TRUSTEE

The conference agreement includes $184,000,000 for the Detention Trustee account. Funding is provided in lieu of any previous transfers made into this account in fiscal year 2005 from the Asset Forfeiture Fund.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $40,000,000 from unobligated balances in this account.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $11,935,000 for the United States Marshals Service (USMS) as proposed by the Senate. Recent events prove a need for increased judicial security outside of courthouse facilities to better detect, assess and respond to threats and inappropriate communications made to judges. The conference agreement provides this funding for off-site security enhancements for judges, such as home intrusion detection systems.

In coordination with the Administrative Office of the United States Courts, the USMS shall submit a spending plan to the Committees on Appropriations prior to the obligation of any of these funds. The conferees also believe the USMS should reevaluate existing policies governing judicial protection and direct the USMS to submit a report on its updated policies to the Committees. on Appropriations no later than July 30, 2005.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides $73,991,000 for the Federal Bureau of Investigation (FBI), instead of $78,970,000 as proposed by the House and $66,512,000 as proposed by the Senate. The conferees strongly support the FBI's deployment in Iraq and the operations of the Terrorist Screening Center. However, the conferees are disappointed that the fiscal year 2005 budget request did not include sufficient funding for these critical ongoing operations. If additional resources are needed for either of these activities, the conferees will support a reprogramming of funding from lower priority programs.

Iraqi Operations.—The conference agreement includes $34,531,000 for operations in Iraq instead of $40,000,000 as proposed by the House and $29,062,000 as proposed by the Senate.

Terrorist Screening Center (TSC).—The conference agreement includes $35,210,000 for TSC instead of $38,970,000 as proposed by the House and $31,450,000 as proposed by the Senate. The conference agreement adopts the House and Senate report language expressing concern about TSC's continued reliance on temporary duty staff to perform this critical mission.

The conference agreement adopts the House report language requiring the Office of Inspector General to evaluate TSC's plan to support the Secure Flight program. The report to the House and Senate Appropriations Committees shall be submitted by August 1, 2005. The conference agreement adopts the Senate report language requiring submission of a long-term plan for TSC to be submitted no later than September 1,2005. The report shall include the following: (1) a five year staffing and spending plan for TSC; (2) a list of TSC's existing and projected users, their sponsoring agency, and that agency's financial and in-kind contributions to TSC; (3) a comprehensive description and direct cost estimate of the unique needs of these users by agency, fiscal year, project, program and activity; (4) an estimated cost on a by-user basis (including a listing of each user agency); and (5) any additional TSC requirements and the costs associated with those requirements.

Office of Inspector General.—The conference agreement includes $1,250,000 to be transferred to the Office of Inspector General (OIG) to support the OIG's review of the TSC and other counterterrorism activities.

Special Technologies and Applications Section (STAS).—The conference agreement includes $3,000,000 for STAS, instead of no funding as proposed by the House and $6,000,000 as proposed by the Senate. This funding is provided to accelerate the development and deployment of intelligence analysis tools.

The conferees are aware of the unique space requirements of the STAS and direct STAS to work with the General Services Administration and to use existing resources to lease up to 175,000 square feet of additional facility space within its immediate surrounding area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $7,648,000 as proposed by the House and Senate, for the Drug Enforcement Administration's counternarcotics efforts to reduce poppy and heroin production in Afghanistan.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conferees recommend $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), instead of $5,100,000 as proposed by the Senate. The House did not propose any funding for this account.

This funding is provided to support ATF's on-going activities in the Iraq theater of operations, including assistance to the U.S. military. Within the amount provided, $2,100,000 shall be for expenditures in direct support of explosives enforcement and firearms tracking in Iraq; $400,000 shall be for a Combined Explosives Exploitation Cell to provide improvised explosive device (IED) technical support to the Department of Defense components in Iraq; and $1,500,000 for operations to track explosives incidents in Iraq in a centralized database and to provide technical expertise in the exploitation of IED's. The conferees direct that, prior to the obligation of the funds for a centralized database, the ATF shall submit a plan to the Committees on Appropriations that identifies the timetable, requirements, scope and costs related to its creation.

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement includes the customary death gratuity to Doris K. Matsui, widow of Robert T. Matsui, late a Representative from the State of California.

SALARIES AND EXPENSES

The conference agreement includes $39,000,000 for House operations related to Business Continuity/Disaster Recovery, secure and digital mail, and information system security.

ADMINISTRATIVE PROVISIONS

The conference agreement includes an administrative provision related to the deposit of fees. In addition, language is included making a technical correction for the chair of the Committee on Appropriations, or his designee, of the House of Representatives to be a member of the Joint Committee on the Library and the Board of Trustees of the Open World Leadership Program.

CAPITOL POLICE

GENERAL EXPENSES

The conference agreement provides an additional amount of $11,000,000 for General Expenses, Capitol Police. This includes $2,600,000 for technical counter measures during the construction of the Capitol Visitor Center. The conferees direct the Capitol Police to purchase the necessary equipment for the Security Services Bureau with available unobligated balances. In addition, $8,400,000 is provided for the purchase of escape hoods for the Capitol Complex. The conference agreement does not provide funding for radio system repairs and security infrastructure for the Fairchild Building, as proposed by the Senate. The Capitol Police are directed to fund these items with available unobligated balances.

ARCHITECT OF THE CAPITOL

CAPITOL GROUNDS

The conference agreement provides an additional amount of $8,200,000, to remain available until September 30, 2006, to complete perimeter security for the Capitol Square.

CAPITOL POLICE BUILDINGS AND GROUNDS

The conferees have agreed to provide $2,500,000 for an Interim Offsite Delivery/Screening Facility and $1,600,000 for design of a permanent Offsite Delivery/Screening Facility, both to be located at DC Village. The conferees expect that the Architect will move expeditiously to complete this critical project and keep the Committees apprised of progress on a regular basis.

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $656,000,000 for emergency relief, rehabilitation and reconstruction aid to countries affected by the tsunami of December 26, 2004 and the earthquakes of December 2004 and March 2005, as proposed by the Senate instead of $659,000,000 as proposed by the House.

The conference agreement authorizes the Secretary of State to transfer funds to any Federal agency or account for activities authorized under the Foreign Assistance Act of 1961 or under the Agricultural Trade Development and Assistance Act of 1954. Of these funds, up to $17,500,000 may be transferred to USAID's operating expenses and $1,000,000 may be transferred to USAID's Office of Inspector General to cover the unexpected costs of administering and auditing the assistance.

The conference agreement includes authority, as proposed by the Senate, to use funds appropriated under this heading to address the potential health crisis should the avian influenza virus become pandemic in Southeast Asia. The Committees on Appropriations expect to be consulted prior to the obligation or expenditure of such funds.

The conference agreement allows $10,000,000 to be transferred to and consolidated with USAID's "Development Credit Authority" for the cost of direct loans and loan guarantees. An additional $5,000,000 may be transferred to and consolidated with the State Department's "Emergencies in the Diplomatic and Consular Service" account.

The conference agreement provides authority for the United States to participate with other countries in a multilateral agreement to defer and reschedule the debt owed to United States Government agencies by the governments of countries affected by the tsunami and earthquakes. To get their debt rescheduled, the governments of these countries must commit to provide an equivalent amount of resources to the victims of the natural disasters. To ensure transparency, the Secretary of State is required to arrange for an outside independent evaluation of each country's compliance with the commitment.

The conference agreement provides $5,000,000 to support environmental recovery activities in tsunami-affected countries.

The conference agreement provides $10,000,000 for programs and activities that create new economic opportunities for women. The conferees recommend $10,000,000 for small grants to support training and equipment for women-led, local non-governmental organizations.

The conference agreement provides $1,500,000 to support initiatives for the protection of women and children from violence, trafficking and exploitation.

The conference agreement provides $1,500,000 for programs to address the needs of people with disabilities resulting from injuries and trauma caused by the tsunami, instead of $12,000,000 as proposed by the Senate.

The conference agreement provides that $12,500,000 should be made available to support initiatives that focus on the immediate and long-term needs of children.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4101. The conference report includes a general provision proposed by both the House and Senate that provides that amounts provided under this chapter shall be in addition to amounts that may be obligated in fiscal year 2005 under section 492(b) of the Foreign Assistance Act of 1961.

Sec. 4102. The conference agreement includes a general provision proposed by the House that establishes financial reporting requirements for funds appropriated in this chapter prior to their obligation. The purpose of the financial plan is to ensure that the Committees on Appropriations have a complete and detailed understanding of how agencies intend to use the resources provided in this chapter. The provision allows 15 percent of funds to be obligated prior to the submission of the financial report, which is due 30 days after enactment. This restriction on new obligations does not apply to funds used to reimburse accounts for obligations made prior to enactment. The Senate bill did not address this provision.

Sec. 4103. The conference agreement includes a general provision similar to that proposed by both the House and Senate that allows funds appropriated to be obligated and expended notwithstanding section 15 of the State Department Basic Authorization Act, section 313 of the Foreign Relations Authorization Act, section 10 of Public Law 91-672, and section 504(a)(1) of the National Security Act of 1947.

Sec. 4104. The conference agreement includes a general provision, similar to language proposed by the Senate, providing $25,000,000 to combat the spread of the avian influenza virus. The conferees are gravely concerned by the current outbreak in Southeast Asia, and therefore initiate a coordinated inter-agency program to prevent and control the spread of this virus. The conferees understand that the Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Services have the necessary expertise to implement the bulk of these activities and have accordingly transferred $15,000,000 to CDC for use in combating the spread of the avian influenza virus in Southeast Asia. The conferees appreciate the valuable role the World Health Organization (WHO) played in combating the SARS outbreak and expect that the United States agencies will work closely with both the WHO and the Food and Agricultural Organization to address the human and animal components of this outbreak of the avian influenza virus. The conferees recognize that, given the variety of specialties necessary to mount such a program, an inter-agency taskforce and plan will be developed and implemented. The Committees on Appropriations expect to be consulted by this taskforce not later than 30 days following enactment of this Act on the status and implementation of such a plan.

The conference agreement does not include House section 5003 or Senate sections 6052 and 6054.

The conference agreement does not include Senate language regarding the protection of the Galapagos. However, the conferees endorse the findings of that amendment and strongly urge the Government of Ecuador to (1) refrain from actions that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve; (2) select the directorship of the Galapagos National Park Service through a transparent process based on merit; (3) enforce the Galapagos Special Law in its entirety; and (4) prohibit long-line fishing.

The conference agreement does not include sense of the Senate language regarding Nepal. However, the conferees deplore the February 1, 2005 action by the King of Nepal dissolving the multi-party government, and call for the immediate release of all political detainees, the restoration of constitutional liberties, and good faith negotiations with Nepal's political party leaders to restore democracy.

CHAPTER 2

Department of Defense—Military

The conference agreement recommends $225,650,000, as proposed by the House and Senate to reimburse the Department of Defense accounts for Indian Ocean Tsunami Relief costs, as follows:

[In thousands of dollars]

Account	Request	House	Senate	Conference
Operation and Maintenance				
O&M, Navy	124,100	124,100	124,100	124,100
O&M, Marine Corps	2,800	2,800	2,800	2,800
O&M, Air Force	30,000	30,000	30,000	30,000
O&M, Defense-Wide	29,150	29,150	29,150	29,150
Overseas Humanitarian, Disaster, and Civic Aid	36,000	36,000	36,000	36,000
Total O&M Defense	222,050	222,050	222,050	222,050
Other Department of Defense Programs				
Defense Health Program	3,600	3,600	3,600	3,600
Total Department of Defense	225,650	225,650	225,650	225,650

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conference agreement provides $350,000 to fund the incremental cost of the U.S. Coast Guard's air operations in support of tsunami relief efforts in Southeast Asia, as proposed by both the House and the Senate. The entire amount is designated as an emergency requirement.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $8,100,000 for surveys, investigations, and research, as proposed by both the House and the Senate, to provide increased earthquake and tsunami detection through expansion of the Global Seismographic Network and the National Earthquake Information Center.

CHAPTER 5

Department of Commerce

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $7,070,000 for "Operations, Research, and Facilities," as proposed by the Senate, instead of $4,830,000 as proposed by the House. The conference agreement includes, by reference, language in the House report regarding the submission of an implementation plan and timetable and regarding Native American communities living near the Cascadia subduction zone, and language in the Senate report regarding inundation mapping.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $10,170,000 under this account as proposed by the Senate, instead of $9,670,000 as proposed by the House, to support the improvement of seismic measurements and the acquisition and deployment of 32 additional tsunami-reporting buoys. The conferees encourage NOAA to develop buoys with capabilities beyond the single purpose of tsunami reporting. The conference agreement includes, by reference, language in the Senate report regarding the submission of a spending plan.

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Asian Soybean Rust.—The conferees are aware that Asian Soybean Rust has been identified in the United States and that great harm to soybean production and rural economies may result. It is important that the Department of Agriculture initiate an immediate and strong response to meet this threat. The conferees urge the Secretary to utilize funding from available sources, including contingency and CCC resources, to concentrate research, outreach, and regulatory activities in those areas where Asian Soybean Rust has been identified and where the greatest risk for disease expansion is evident.

(i) Common Computing Environment.—The conferees direct that of the funds made available to the Administrator of the Farm Service Agency, not less than $33,000,000 shall be available for Geographic Information Systems, of which not less than $23,500,000 shall be available to the National Agricultural Imagery Program.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE RESEARCH AND EDUCATION ACTIVITIES

The conference agreement does not include $3,000,000 for a grant to the College of Tropical Agriculture and Human Resources in Hawaii, as proposed by the Senate.

NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECTION PROGRAM

The conference agreement provides $104,500,000 for eligible work identified in the Emergency Watershed Protection Program, Recovery Projects Unfunded list, including full funding for eligible needs in the state of Utah. The Senate proposed $103,000,000 for this account and the House proposed no funding. The conference agreement directs the Secretary of Agriculture to count certain local financial and technical resources contributed toward flood recovery in Utah toward local matching requirements, as proposed by the Senate.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 5101. The conference agreement includes a provision to transfer unobligated amounts available under the Department of Agriculture, Rural Housing Insurance Fund Program Account to the Rental Assistance Account, for projects in North Carolina, as proposed by the Senate.

Sec. 5102. The conference agreement includes language regarding the eligibility of the Village of New Miami, Ohio, for grants funded through the Rural Housing Assistance Grants account within the Department of Agriculture, as proposed by the Senate.

Senate Sec. 5103. The conference agreement does not include funding for financial and technical assistance related to the Manoa Watershed in Hawaii, as proposed by the Senate.

Sec. 5103. The conference agreement includes language allowing for a transfer of Department of Agriculture funds from the Lost River watershed project in West Virginia to the Upper Tygart watershed project in West Virginia, as proposed by the Senate.

Sec. 5104. The conference agreement includes language providing the Secretary of Agriculture flexibility in administering an existing grant to Alaska dairy farmers, as proposed by the Senate.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 in emergency appropriations for salaries and expenses as proposed by the Senate instead of no funding as proposed by the House.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $24,390,000 in emergency appropriations for capital improvement and maintenance instead of $31,980,000 as proposed by the Senate and no funding as proposed by the House. The managers have included the $2,410,000, recommended by the Senate in the national forest system account, in this account to provide management flexibility to use these emergency funds for the most urgent priorities. Funding is provided for the repair of national forest facilities and lands damaged by severe storms in southern California, including the Angeles, Cleveland, Los Padres and San Bernardino National Forests.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

The conference agreement includes modified language proposed by the Senate providing $10,000,000 for a grant to Pocono Township, Tannersville, Pennsylvania to assist in the expansion of the only existing injectable influenza vaccine production facility in the United States, which is located in Swiftwater, Pennsylvania. The conferees are agreed that this emergency appropriation is in the nation's interest because of the national need to increase the supply of domestically produced influenza vaccine and to decrease the likelihood of another influenza vaccine shortage. The agreement includes five rescissions of inactive Department of Health and Human Services (HHS) funds to offset the spending. The funding and rescissions were included in the Senate bill. The House bill included neither the appropriation nor the rescissions.

The conference agreement also includes a new paragraph providing an additional $58,000,000 to the Public Health and Social Services Emergency Fund to be transferred to the Centers for Disease Control and Prevention for the purchase of influenza countermeasures for the Strategic National Stockpile. The conferees understand that influenza countermeasures include, but are not limited to, antiviral medications and vaccines. The conferees believe these funds are urgently needed to enhance our nation's preparedness to respond to a severe influenza outbreak, particularly in light of the current reports of Avian influenza activity in Southeast Asia.

This additional funding is offset by a rescission of $58,000,000 of the cancer hospital loan fund created by section 1016 of the Medicare Modernization Act of 2003.

RELATED AGENCY

INSTITUTE FOR MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

The conference agreement does not include $10,000,000 in emergency funding for the University of Hawaii Library as proposed by the Senate. The House bill did not include a similar provision.

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS DISTRICT COURTS AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement does not include additional funds for the Judiciary, as proposed by the Senate. The House did not include a similar provision.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes the rescission and reappropriation of fiscal year 2005 funds in this account in order to provide two-year availability, as proposed by the Senate. The House did not include a similar provision.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $5,000,000 in additional funds for the Office of Federal Housing Enterprise Oversight (OFHEO), as proposed by the Senate, with modifications. The House did not include a similar provision. These additional funds have been made available to ensure OFHEO has enough resources to complete all necessary audits and to pay for any litigation costs, as necessary. However, by undertaking an assessment without first seeking an appropriation and prior to receiving an appropriation, OFHEO has placed the conferees in an untenable situation of appropriating funds after the necessary offstting receipts have been collected. Hence, without significant amendments the conferees would have been scored for any appropriation subsequent to the assessment. To have made the assessment without informing the Committees on Appropriations demonstrates an ignorance of budgetary rules, an arrogance in program implementation and a serious attempt by OFHEO to ignore statutory intent.

In providing these funds, the conferees require that prior to any use of these appropriations, OFHEO must provide the Committees on Appropriations with a detailed operating plan and henceforth must provide quarterly reports on the use of all funds appropriated to OFHEO.

GENERAL PROVISION, THIS CHAPTER

The conference agreement does not include a provision providing $10,000,000 in new funds to cover the costs of repairs at the University of Hawaii, as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Sec. 6001. The conference agreement includes a provision concerning the availability of funds, as proposed by both the House and the Senate.

Sec. 6002. The conference: agreement includes a provision clarifying the application of designations within this Act pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Sec. 6003. The conference agreement includes language regarding Department of Agriculture business and industry loans, as proposed by the Senate. The language directs that such assistance may not be denied due to the failure of the Secretary of Labor to certify the assistance within the time frame specified in the authorization.

Sec. 6004. The conference agreement includes a provision related to the McClellan-Kerr Arkansas River navigation project that corrects a citation to a public law under the heading "Operation and Maintenance" in title I of division C of Public Law 108-447.

Sec. 6005. The conference agreement includes a technical correction to a provision in title I of division C of Public Law 108-447 relating to credits and reimbursements and per state limitations on environmental infrastructure programs.

Sec. 6006. The conference agreement includes a provision increasing the project cost estimate for the DeSoto County, Mississippi, project described in Section 219(f)(30) of(106 Stat. 4835; 106 Stat. 3737; 113 Stat. 334), and allowing the Secretary to reimburse the non-Federal sponsor for incurred costs.

Sec. 6007. The conference agreement includes a provision to increase the project cost estimate for the Fort Peck Fish Hatchery project in Montana, as described in Section 325(f)(1)(A) of Public Law 106-541, to allow for the expenditure of funds appropriated by Congress for fiscal year 2005.

Sec. 6008. The conference agreement includes a provision relating to the authorized project cost and the non-federal reimbursement regarding the SR-1 Bridge in Delaware.

Sec. 6009. The conference agreement includes a provision relating to valuation of fabrication ports when analyzing economic benefits for navigation projects.

Sec. 6010. The conference agreement includes a provision relating to Environmental Infrastructure projects.

Sec. 6011. The conference agreement includes a provision relating to the authorization of the Indiana Harbor and Canal, Confined Disposal Facility, Indiana. The operation and maintenance of the completed project shall remain a local responsibility, consistent with the existing Project Cooperation Agreement.

Sec. 6012. The conference agreement includes a provision relating to the mitigation credit for the Big Cypress Seminole Reservation Water Conservation Plan Project in Florida.

Sec. 6013. The conference agreement includes a provision making a technical correction relating to the San Gabriel Basin Restoration Fund in Title II of division C of Public Law 108447 relating to the deposition of a previous appropriation in the San Gabriel Basin Restoration Fund and the authorized uses of the San Gabriel Basin Restoration Fund.

Sec. 6014. The conference agreement includes a provision authorizing the Bureau of Reclamation to expend funds in meeting the terms of the Biological Opinion 2003 for the Rio Grande River.

Sec. 6015. The conference agreement includes a provision that extends Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) to allow for the expenditure of funds appropriated by Congress.

Sec. 6016. The conference agreement includes a provision providing $2,000,000 for the National Center for Manufacturing Sciences in Michigan, and $825,000 for a research and development project in California to advance the state of metal hydride hydrogen storage using a technologically feasible and commercially viable approach.

Sec. 6017. The conference agreement includes a provision providing, within available funds for the Office of Science, $2,000,000 for continuation of project DE-FG0204ER63842-04090945, the Southeast Regional Cooling, Heating, and Power and Biofuel Application Center in Mississippi, $3,000,000 for the University of Texas Southwestern Medical Center, Dallas Metroplex Comprehensive Imaging Center, $500,000 for desalination technology at University of Nevada-Reno, $500,000 for the Oral History of the Negotiated Settlement project at UNR, $4,000,000 for the Fire Sciences Academy in Elko, Nevada, and $2,000,000 for the upgrade of chemistry laboratories at Drew University, New Jersey.

Sec. 6018. The conference agreement includes a provision providing $1,000,000, within available funds for Fossil Energy Research and Development, for remediation of natural gas leaks in the Borough of Versailles, Pennsylvania.

Sec. 6019. The conference agreement includes a provision making a technical correction to allow for the transfer of $10,000,000 to carry out the purpose of section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, regarding the Pajarito Plateau Homesteader claims, and a provision relating to cybersecurity at DOE laboratories.

Sec. 6020. The conference agreement includes a provision allowing the transfer of funds from the Defense Site Acceleration Completion account to ensure that projects within Defense Environmental Services are funded without unduly impacting mission activities and statutory requirements, and provides $2,000,000, from within available funds, for the Tularosa Basin Desalination facility.

Sec. 6021. The conference agreement includes a provision allowing the transfer of up to $4,000,000 from Defense Site Acceleration Completion to Weapons Activities to carry out environmental cleanup of lands transferred from Los Alamos National Laboratory.

Sec. 6022. The conference agreement includes a provision to clarify Department of Energy small business contracting requirements.

Sec. 6023. The conference agreement includes a provision making technical corrections regarding nuclear waste disposal in Title III of division C of Public Law 108-447.

Sec. 6024. The conference agreement modifies a Senate provision related to the "Department of Homeland Security Working Capital Fund". The conferees are displeased with the Department's use of the Working Capital Fund (WCF). The Department of Homeland Security has not complied with the requirements of the fiscal year 2005 Appropriations Act or the statement of managers accompanying the conference report with respect to the WCF. The Department has used the WCF for projects and activities about which Congress has not been informed, or for which Congress has not provided appropriations. While the WCF can be a useful management tool, it will only exist if the rules detailed in the annual appropriations acts and reports are strictly adhered to. The Department must comply with statutory reprogramming notification requirements, regardless of the source of funds, and notify the House and Senate Appropriations Committees prior to initiating a new project, whether it is run through the WCF, reimbursable agreements, the Economy Act, or within any single component of the Department.

The conferees understand that the Operation Integration Staff (I-Staff) has been removed from the WCF, but that funds have been obligated for this purpose in fiscal year 2005. In the past, the Committees objected to the use of the WCF for the I-Staff. The conferees direct a full and complete reporting, within 15 days of enactment of this Act, of all funds obligated in fiscal years 2004 and 2005 for the I-Staff, including funding sources, the number and source of all detailees, and a description and explanation of all travel and contracts. The conferees also understand that the Homeland Secure Data Network (HSDN) has been funded through the WCF. This program is further addressed in this statement of managers. No further obligations for the I-Staff and HSDN shall occur unless an official reprogramming notification is provided to and approved by the House and Senate Appropriations Committees.

Sec. 6025. The conference agreement includes a new general provision requiring annual appropriations justifications for the WCF, and requiring that justifications for each component of the Department carry explicit information about WCF charges, reimbursable agreements, and uses of the Economy Act.

Sec. 6026. The conference agreement includes and modifies a provision, as proposed by the Senate, related to the Chief Information Officer (CIO). The conferees withhold from obligation $5,000,000 of the CIO's salaries and expenses until the CIO submits an expenditure plan for information technology projects funded by the CIO or funded through the use of reimbursable agreements.

The conferees remind the Department of Homeland Security that it is failing to abide by the statutory requirements for the reprogramming and transfer of funds, and the initiation of new programs, projects or activities. Pursuant to law, advanced notification to the House and Senate Appropriations Committees is required prior to the CIO initiating any new information technology project. The conferees direct the CIO to submit a list of every project underway or planned for fiscal year 2005; a complete list of all legacy systems in operation as of March 1, 2003; the operating status of those systems; and plans for continued operation or termination of each system. The conferees direct the CIO to submit an expenditure plan for all on-going or planned projects, to include but not be limited to: total project costs, key milestones, obligations to date, contracts entered into, and a list of all funding sources specifying the exact dollar amount.

In addition, the conferees direct the Department to submit a report detailing all reimbursable agreements between the CIO's office and other departmental organizations in effect or planned for fiscal year 2005, as well as all of those anticipated for fiscal year 2006.

The CIO is directed to submit to the House and Senate Appropriations Committees an analysis demonstrating that the Homeland Secure Data Network (HSDN) is more cost effective than other alternatives that were considered prior to the initiation of the project. The report on the HSDN should accompany the expenditure plan required by this Act. The conferees have no bias towards development of the HSDN, but are extremely concerned by the lack of any presentation on the need for this project in the fiscal year 2004 or 2005 appropriations justifications. The conferees note, for example, that the contract for the development and implementation of the HSDN was awarded on April 12, 2004, yet the fiscal year 2004 project plans for the CIO's office were submitted April 20, 2004, with no mention of the HSDN project.

Sec. 6027. The conference agreement includes a provision rescinding funds appropriated by Public Law 108–334.

Sec. 6028. The conference agreement includes a provision rescinding unobligated balances in the "Department of Homeland Security Working Capital Fund."

Sec. 6029. The conference agreement includes a legislative provision, as proposed by the Senate, that requires all Department of Homeland Security funding contained in this supplemental Act to be subject to the reprogramming and transfer guidelines outlined in Public Law 108–334.

Sec. 6030. The conference agreement includes a technical correction to the fiscal year 2005 appropriations Act, as proposed by the House and the Senate, dealing with a land transfer by the Bureau of Land Management.

Sec. 6031. The conference agreement includes a transfer of funds in the Forest Service from the capital improvement and maintenance account to the State and private forestry account, as proposed by the Senate. This is a technical correction to the fiscal year 2005 appropriations Act.

Sec. 6032. The conference agreement includes a provision, as proposed by the Senate, permitting the National Park Service to use appropriated funds for the construction, operation, and maintenance of an expansion to the West Yellowstone Visitor Information Center at Yellowstone National Park in Montana.

Sec. 6033. The conference agreement includes a limitation on the use of funds, as proposed by the Senate, specifying that none of the funds in this or any other appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

Sec. 6034. The conference agreement modifies a provision, proposed by the Senate, dealing with oil and gas mineral activities at Gulf Islands National Seashore in Mississippi. The modification clarifies the specific lands upon which certain activities are authorized and makes other technical changes to the language.

Sec. 6035. The conference agreement includes a provision, proposed by the Senate, extending the authorization for section 402(b) of the Surface Mining Control and Reclamation Act of 1977 through September 30, 2005.

Sec. 6036. The conference agreement includes the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005 as proposed by the Senate.

Sec. 6037, Sec. 6038, and Sec. 6039. The conference agreement includes several technical corrections to State and Tribal Assistance Grants projects in the Environmental Protection Agency.

TRANSFER AUTHORITY

Section 6040. The conference agreement modifies a general provision as proposed by the Senate (section 6035) pertaining to the repeal of transfer authority for the Departments of Labor and Health and Human Services. The House bill contained no similar provision. The conference agreement repeals the Department of Labor transfer authority provided in section 102 of Public Law 108–447, and specifies that the general transfer authority for the Department of Health and Human Services shall be limited to emergency use only, and is not to be used to create new programs, or to fund any project or activity for which no funds were provided in division F of Public Law 108–447.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

Sec. 6041. The conference agreement includes modified language, similar to that proposed by the Senate (section 6036) making technical corrections to projects provided in Public Law 108–447 in the Fund for the Improvement of Education for fiscal year 2005. The House bill included similar language in section 5009.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

Sec. 6042. The conference agreement includes modified language, similar to that proposed by the Senate (section 6037), making technical corrections to projects provided in Public Law 108–447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005. The House bill included similar language in section 5010.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

Sec. 6043. The conference agreement includes a provision proposed by the Senate (section 6038) making a technical correction to a project provided in Public Law 108–199 in the Fund for the Improvement of Education for fiscal year 2004. The House bill did not include similar language.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

Sec. 6044. The conference agreement includes a provision as proposed by the Senate (section 6039) making a technical correction to the appropriation for the Corporation for National and Community Service. The House bill contained the same provision (section 5011).

MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM

Sec. 6045. The conference agreement includes a provision as proposed by the Senate (section 6049) that clarifies the eligibility of institutions that may apply for the cancer hospital loan fund that was created by the Medicare Modernization Act of 2003, and exempts the Secretary's decisions on the program from judicial and administrative review. The House bill contained no similar provision.

APPLICATION PROCESSING AND ENFORCEMENT FEES

Sec. 6046. The conference agreement includes a new provision amending the Immigration and Nationality Act to restore the authority of the Secretary of Labor to use a portion of the proceeds from the application fee for the H–IB temporary visa program to process applications for permanent labor certifications.

TECHNICAL CORRECTION—HIGHER EDUCATION

(INCLUDING RESCISSION OF FUNDS)

Sec. 6047. The conference agreement includes a new provision making a technical change to a project provided in Public Law 108–447 in the Fund for the Improvement of Postsecondary Education for fiscal year 2005. Neither the House nor Senate bills included this provision.

DETROIT LABOR BUILDING

The conference agreement deletes without prejudice a provision proposed by the Senate to transfer the full title on the Detroit Labor Building to the State of Michigan. The conferees understand this provision is not necessary to complete the sale of the building. The House bill contained no similar provision.

Sec. 6048. The Conference agreement includes language which authorizes using royalty fees and payments for the Library of Congress, Copyright Office, Copyright Royalty Judges program.

Sec. 6049 makes a technical correction to Public Law 107–68, regarding the Capitol Visitor Center.

Sec. 6050 makes a technical correction to Public Law 108–7, regarding Senate accounts.

Sec. 6051. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6052. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6053. The conference agreement includes a provision making technical corrections regarding NOAA appropriations.

Sec. 6054. The conference agreement includes a provision, as proposed by the House, making a technical correction for the purpose of a grant.

Sec. 6055. The conference agreement includes a provision, as proposed by the House, making a technical correction to the name of a grant recipient.

Sec. 6056. The conference agreement includes a provision, as proposed by the House, making two technical corrections to a grant recipient.

Sec. 6057. The conference agreement includes a new provision making two technical corrections to the name of a grant recipient.

Sec. 6058. The conference agreement includes a provision, modified from the Senate bill, providing a technical correction to the bankruptcy fee collection authorities.

Sec. 6059. The conference agreement includes a provision regarding a Department of Commerce activity.

Sec. 6060. The conference agreement includes a provision making a technical correction regarding the 9/11 Heroes Medal of Valor.

Sec. 6061. The conference agreement includes a provision making technical corrections to grants under the heading "Capital Investment Grants" in P.L. 108-447, as proposed by the Senate.

Sec. 6062. The conference agreement includes a new provision that modifies a project in Massachusetts contained in P.L. 105-178.

Sec. 6063. The conference agreement includes a technical correction to P. L. 108-447 with regard to the Oklahoma City urbanized area, as proposed by the House.

Sec. 6064. The conference agreement includes a new provision that authorizes the Secretary of Transportation to access overflight fees beyond the authorized level of $50,000,000 for the purpose of maintaining existing services under the essential air service program. Should the total amount of overflight fees collected not be sufficient to meet all the funding needs of the program in this fiscal year, then the Secretary is authorized to transfer funds from the available balances of any program appropriated to, or directly administered by, the Office of the Secretary to the essential air service program. The Conferees expect the Office of the Secretary to consult with the Committees on Appropriations of the Senate and of the House of Representatives if such a transfer is necessary and identify the source of the funds of said transfer subject to normal reprogramming guidelines.

Sec. 6065. The conference agreement includes a new provision that reiterates the application of current law regarding U.S. cargo preference requirements to assistance provided in this Act.

Sec. 6066. The conference agreement includes a provision making technical corrections to certain judiciary fees, as proposed by both the House and the Senate.

Sec. 6067. The conference agreement includes a provision that corrects the amount provided in P.L. 108-447 for the Las Cruces United States Courthouse to read $60,600,000 instead of $60,000,000, as proposed by the Senate.

Sec. 6068. The conference agreement includes a provision that corrects a citation in P.L. 108-447 to read "572(a)(2)(A)(ii)", as proposed by the Senate.

Sec. 6069. The conference agreement includes a provision making technical corrections to three grants under the heading "Community Development Fund" in P.L. 108-447.

Sec. 6070. The conference agreement includes a provision making technical corrections to two grants under the heading "Community Development Fund" in P.L. 108-7.

Sec. 6071. The conference agreement includes a provision making technical corrections to eight grants under the heading "Community Development Fund" in P.L. 108-199.

Sec. 6072. The conference agreement includes a provision making technical corrections to seven grants under the heading "Community Development Fund" in P.L. 108-447.

Sec. 6073. The conference agreement includes a technical correction to Section 222 of Title II, Division I of P.L. 108-447, as proposed by the Senate.

Sec. 6074. The conference agreement includes a new provision that raises the ceiling on the number of Home Equity Conversion Mortgages that FHA may insure from 150,000 to 250,000.

Sec. 6075. The conference agreement includes a new provision that permits HUD to use 2005 appropriations to run Public Housing Authorities that are placed under Federal receivership in 2005.

Sec. 6076. The conference agreement includes a provision that prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency. This provision confirms the opinion of the Government Accountability Office dated February 17, 2005 (B-304272).

Sec. 6077. The conference agreement includes a provision amending the use of District of Columbia local funds, as proposed by both the House and the Senate.

Sec 6078. The conference agreement includes a provision proposed by the House (Sec. 5012) to amend section 114 of title I of division I of Public Law 108-447 to restrict the use of funds for medical preparedness centers by the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6079. The conference agreement includes a provision proposed by the House (Sec. 5013) to amend section 117 of title I of division I of Public Law 108-447 to allow for the direct deposit of funds into the two construction accounts of the Department of Veterans Affairs. The Senate bill contained no similar provision.

Sec. 6080. The conference agreement includes a modified provision proposed by the House (Sec. 5014) to make certain funds available without fiscal year limitation. The Senate bill contained no similar provision.

Sec. 6081. The conference agreement includes a provision proposed by the Senate (Sec. 1128) to amend Public Law 108-422, adding to the definition in the law concerning "medical center." The House bill contained no similar provision. The conferees are cognizant of the concerns of the Department of Veterans Affairs. As such, the conferees direct the Department to report to the Committees on Appropriations of the House and Senate any significant cost and schedule implications at the affected locations. If such implications are significant, the Committees may address these issues in the fiscal year 2006 regular appropriations bill.

The conferees note that the Government Accountability Office is required by statute to report to Congress on the expenditures of independent counsels' offices every six months. These reports are submitted to the House and Senate Appropriations Committees, the House and Senate Judiciary Committees and the House Government Reform Committee and the Senate Homeland Security and Governmental Affairs Committee. The conferees expect this reporting to continue for all ongoing independent counsel activities.

The conference agreement does not include language proposed as Senate Section 6047 expressing the Sense of the Senate regarding timely enactment of appropriations for the United States Armed Forces. The House did not include similar language.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, comparisons to the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollar]

Budget estimates of new (obligational) authority, fiscal year 2005	82,042,628
House bill, fiscal year 2005	81,366,878
Senate bill, fiscal year 2005	81,219,945
Conference agreement, fiscal year 2005	82,041,478
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2005	−1,150
1House bill, fiscal year 2005	+674,600
Senate bill, fiscal year 2005	+821,533'

DIVISION B—REAL ID ACT OF 2005

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

Section 101 of the conference agreement includes language modified from language proposed in section 101 of division B of the House bill. The Senate did not include similar language.

Asylum Reform: As the staff of the 9/11 Commission determined, terrorist aliens have exploited our asylum laws to enter and remain in the United States.

Aliens who pose a danger to the national security of the United States have been barred from receiving asylum and withholding of removal by regulation since 1990. In 1996, Congress amended the Immigration and Nationality Act (INA) to explicitly bar aliens who are inadmissible or deportable under terrorism provisions from receiving asylum and withholding. Despite these bars to dangerous aliens receiving asylum, however, the 9/11 Terrorist Travel monograph notes that "[a] number of terrorists [have] . . . abused the asylum system." Mono. at 106.

For example, Ramzi Yousef and Ahmad Ajaj, plotters of the first World Trade Center bombing, "concocted bogus political asylum stories when they arrived" to remain in the United States in 1992. Id. at 50. Similarly, the Blind Sheikh, Sheikh Abdul Rahman, "avoided being removed from the United States by filing an application for asylum and withholding of deportation to Egypt in . . . 1992." Id. at 55.

In addition to these aliens whose asylum abuse was specifically described in the Terrorist Travel Monograph, other alien terrorists have abused our generous asylum laws. In January 1993, 11 months after he applied for asylum, Mir Aimal Kansi, also known as Mir Aimal Kasi, killed two CIA employees in front of CIA headquarters in Langley, Virginia. Camarota, Steven, "The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993-2001," Center for Immigration Studies, May 2002, at 7, www.cis.org/articles/2002/Paper21/terrorism2.html>; see also Border Security and Enforcement: The 9/11 Commission Staff Report on Training for Border Inspectors, Document Integrity, and Defects in the U.S.

Visa Program Before the Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology, and Homeland Security of the Senate Judiciary Committee, 108th Cong., 1st Sess. (2005) (statement of Janice Kephart). Kansi had been a visa overstay for almost a year before filing that application. "The Open Door", at 7. Hesham Hedayet killed two in a shooting spree at LAX on July 4, 2002. Immigration and Naturalization Service's (INS's) Interactions with Hesham Mohamed Ali Hedayet Before the Subcommittee on Immigration, Border Security and Claims of the House Judiciary Committee, 107th Cong., 2d Sess. at 7 (statement of William Yates, Deputy Executive Associate Commissioner, INS) (2002). He entered the United States in 1992, and extended his stay by filing an asylum application one month before his stay ended. Id. His application was administratively denied, but he adjusted his status 17 months later after his wife won the visa lottery. Id. at 7–8.

Nor did the reforms in the mid–1990s end such abuse. In February 1997, for example, Gazi Ibrahim Abu Mezer was released after entering the United States illegally and after stating that he would be applying for asylum. Special Report of the United States Department of Justice, Office of the Inspector General, "Bombs in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Remained in the United States" (March 1998). In April 1997, he filed an asylum application in which he claimed that "the Israeli government continuously persecuted him." Id. On July 31, 1997, Mezer was arrested in a Brooklyn apartment for allegedly planning to bomb the New York City subway system. Id.

In January 1999, Somali national Nuradin Abdi was granted asylum. Government's Motion to Detain Defendant and Memorandum in Support at 4, *United States* v. *Nuradin M. Abdi* (S.D. Ohio 2004) (No. 2:04cr88). Abdi purportedly used that status to apply for a travel document to facilitate an act of international terrorism. See Indictment, *United States* v. *Nuradin M. Abdi* (S.D. Ohio 2004) (No. 2:04cr88). After he returned to the United States, he was charged with conspiring to provide material support to al Qaeda, and the Justice Department claims "that Abdi, along with admitted al Qaeda operative Iyman Ferris and other co-conspirators, initiated a plot to blow up a Columbus [Ohio] area shopping mall." Press Release of the United States Department of Justice, "Ohio Man Indicted for Providing Material Support to Al Qaeda, Falsely Obtaining and Using Travel Documents (June 14, 2004), at 2. The government has revoked his asylum because "with the exception of some minor biographical data, every aspect of [Abdi's] asylum application . . . was false." Government's Motion to Detain Defendant and Memorandum in Support at 4, *United States* v. *Nuradin M. Abdi* (S.D. Ohio 2004) (No. 2:04cr88).

Section 101 of Division B responds to terrorist abuse of our asylum laws by amending the INA to limit fraud.

As there are no explicit evidentiary standards for granting asylum in the INA, standards for determining the credibility of an asylum applicant and the necessity for evidence corroborating an applicant's testimony have evolved through the case law of the Board of Immigration Appeals (BIA) and federal courts. Because these standards are not consistent across federal appellate courts, different results have been reached in similar cases, depending on the court that hears the case.

With regard to sufficiency of the evidence, for example, the BIA and the federal courts agree that credible testimony alone may suffice to sustain the applicant's burden of proof in some cases, but disagree on when credible testimony alone can meet the burden and when corroboration is needed. The BIA has held that: "Because the burden of proof is on the alien, an applicant should provide supporting evidence, both of general country conditions and of the specific facts sought to be relied on by the applicant, where such evidence is available. If such evidence is unavailable, the applicant must explain its unavailability, and the Immigration Judge must ensure that the applicant's explanation is included in the record." *Matter of S-M-J-*, 21 I&N Dec. 722 (BIA 1997).

Section 101 resolves conflicts between administrative and judicial tribunals with respect to standards to be followed in assessing asylum claims. In addition, it makes similar amendments to the standards governing other forms of relief from removal. Finally, this sections corrects references within the asylum provisions to reflect changes in the INA generally.

Authority: Subsection 101(a) of Division B would amend paragraph 208(b)(1) of the INA to clarify that the Secretary of Homeland Security and the Attorney General both have authority to grant asylum. Because both the Secretary of Homeland Security and the Attorney General may now exercise authority over asylum depending on the context in which asylum issues arise, paragraphs 101(a)(1) and (2) of Division B would accordingly amend paragraph 208(b)(1) of the INA to insert references to both the Attorney General and the Secretary of Homeland Security.

Paragraph 101(g)(1) of Division B would provide that the references to the authority of the Secretary of Homeland Security would take effect as if enacted on March 1, 2003, which was the official date of transfer of immigration enforcement functions from the INS to the Department of Homeland Security under the Reorganization Plan.

Burden of Proof and Central Reason: Paragraph 101(a)(3) codifies case law standards for granting asylum, both to resolve conflicts between fora and to codify precedential rules.

First, that paragraph would create a new clause 208(b)(1)(B)(i) in the INA. This clause codifies existing regulations and case law standards stating that the burden of proof is on the asylum applicant to establish eligibility as a refugee. This clause also will clarify the standard that an asylum applicant must meet to establish the motivation for persecution claimed.

The INA requires all aliens seeking asylum to establish that they suffered or fear persecution "on account of" one of five factors: race, religion, nationality, membership in a particular social group, or political opinion. As the Supreme Court has held: "since the statute makes motive critical, [an asylum applicant] must provide some evidence of it, direct or circumstantial." *INS* v. *Elias-Zacarias*, 502 U.S. 478, 483 (1992).

In explaining the Supreme Court's decision, the Ninth Circuit stated: "[I]n those cases in which a persecuted activity could stem from many causes, some protected by the statute and others unprotected, the victim must tie the persecution to a protected cause. To do this, the victim needs to show the persecutor had a protected basis (such as the victim's political opinion) in mind in undertaking the persecution." *Canas-Segovia* v. *INS*, 970 F.2d 599, 601 (9th Cir. 1992). The BIA has explained the alien's burden as follows: an asylum applicant "bear[s] the burden of establishing facts on which a reasonable person would fear that the danger arises on account of" one of the five protected factors. *Matter of Fuentes*, 19 I & N Dec. 658, 662 (BIA 1988).

The main issue in assessing motivation in an asylum context occurs in so-called "mixed motive" cases, where there is more than one possible motive for harm, one protected, others not. In requiring an asylum applicant to establish that at least one central reason for persecution was or will be one of the five factors for asylum relief, this subsection calls for an evaluation of whether the protected characteristic is central to the persecutor's motivation to act.

Similar language has been advanced as a uniform standard for assessing motivation previously. In the proposed rule dealing with Asylum and Withholding Definitions (the so-called "R-A-" rule dealing with domestic violence cases), former Attorney General Janet Reno proposed to amend the asylum regulations to implement an almost identical proposal, explained as follows:

> This rule proposes new language . . . that would require an applicant to show that the protected characteristic is central to the persecutor's motivation to act. Consistent with current law, this language allows for the possibility that a persecutor may have mixed motives. It does not require that the persecutor be motivated solely by the victim's possession of a protected characteristic. It does, however, require that the victim's protected characteristic be central to the persecutor's decision to act against the victim. For example, under this definition it clearly would not be sufficient if the protected characteristic was incidental or tangential to the persecutor's motivation.

65 Fed. Reg. 76588, 76592 (Dec. 7, 2000).

Because this standard has not yet been adopted, there is currently no uniform standard for assessing motivation. This statutory standard is, however, in keeping with decisions of reviewing courts. See *Girma* v. *INS*, 283 F.3d 664, 668 (5th Cir. 2002) (affirming BIA's finding of no persecution on account of qualifying ground, because in mixed motive case "applicant . . . must present evidence sufficient for one to reasonably believe that the harm suffered was motivated in meaningful part by a protected ground"); *Ambartsoumian* v. *Ashcroft*, 388 F.3d 95, 91 (3d Cir. 2004) (applicant failed to show persecution on account of ethnicity, where police harassment was "mainly because he had failed to obtain proper legal documents and permission, and not because of his ethnicity"); *Useinovic* v. *INS*, 313 F.3d 1025, 1033 (7th Cir. 2002) (applicant failed to show persecution on account of political opinion based on robbery, where no showing that robbery "was primarily aimed at him personally and not at [stealing] valuables."). Ninth Circuit decisions in *Borja* v. *INS*, 175 F.3d 732 (9th Cir.1999) and *Briones* v. *INS*, 175 F.3d 727 (9th Cir.1999) and other cases have substantially undermined a proper analysis of mixed motive cases, however.

Adopting this standard will address another anomaly in the law that has been created by the Ninth Circuit, one that improperly favors asylum applicants who claim that they have been accused of engaging in terrorist, militant, or guerrilla activity. In Singh v. Ilchert, 63 F.3d 1501, 1509 (9th Cir. 1995), the Ninth Circuit equated the "investigation of and reaction against those thought, rightly or wrongly, to be militants seeking the violent overthrow of the government" with "a classic example of imputed political opinion," rendering the applicant eligible for asylum. The court there also recognized a presumption of persecution on account of political opinion in the absence of evidence of what it termed a "legitimate government prosecution" of a suspected militant. See id. at 1509 ("In this case, Singh was not the target of any legitimate government prosecution. As in *Blanco-Lopez*, '[w]e find no evidence in the record . . . that an actual, legitimate, criminal prosecution was initiated against [the applicant.]' *Blanco-Lopez* [v. *INS*], 858 F.2d [531], 534 [(9th Cir. 1988)]. If 'there is no evidence of a legitimate prosecutorial purpose for a government's harassment of a person . . . there arises a presumption that the motive for harassment is political.' *Hernandez-Ortiz* v. *INS*, 777 F.2d 509, 516 (9th Cir.1985) ('When a government exerts its military strength against an individual or a group within its population and there is no reason to believe that the individual or group has engaged in any criminal activity or other conduct that would provide a legitimate basis for governmental action, the most reasonable presumption is that the government's actions are politically motivated.'")).

This presumption violates the Supreme Court precedent Elias-Zacarias, which requires asylum applicants to provide evidence of motivation. Further, this presumption effectively, but improperly, shifts the burden to the government to prove either a "legitimate purpose" for the foreign government's interest in the alien, or that the alien's claim is not credible, or that the alien is barred from asylum relief because, for example, that alien actually is a terrorist or a persecutor.

Plainly, an alien who is a terrorist could more easily fabricate a claim that his home government believes erroneously that he is a terrorist. This is suggested by the case of Gazi Ibrahim Abu Mezer, who was sentenced to life imprisonment for planning to bomb the New York subway system in 1997. See *United States* v. *Khalil*, 214 F.3d 111, 115 (2d Cir. 2000), cert. denied, 531 U.S. 937 (2000). Mezer was free in the United States after he was arrested in Washington State by the Border Patrol, which initiated formal deportation proceedings against him. Special Report of the United States Department of Justice, Office of the Inspector General, "Bombs in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Remained in the United States" (March 1998). While in proceedings, Mezer was released on a $5,000 bond and filed an application for political asylum in the United States. Id. In his asylum application, Mezer claimed that Israeli authorities had persecuted him because they wrongly believed he was a member of Hamas. Id. In support of his claim that Israel authorities had detained him twice without cause, Mezer attached two documents from the International Committee of the Red Cross. Id. One document reflected that Mezer was arrested on July 31, 1990, and held for 42 days for a "security" violation. Id. The second document indicated that Mezer was arrested on November 25, 1990, and held for approximately 90 days for "administrative" reasons. Id.

According to the investigation of the case by the Justice Department's Inspector General, the judge who received that application "did not notice that Mezer had said he was suspected of being a terrorist in Israel. She added that the assertion about Hamas, in itself, was not persuasive evidence that Mezer was a terrorist or that he should be detained, particularly because Mezer denied the assertion and also because he returned for this hearing after he had posted bond." Id. (emphasis added). The Inspector General continued:

> INS trial attorneys whom we interviewed discussed some of the reasons that immigration judges do not normally detain aliens based only on their statements that they had been falsely accused of membership in a terrorist organization. First, they said that it was common for aliens to make such claims in support of asylum applications. INS Trial attorney Tammy Fitting estimated that on average, she saw one such claim each day during her work as a trial attorney.

Id. The burden that the government must bear in responding to such claims is compounded by two other issues. First, a regulation that bars the disclosure of information contained in an asylum application, or even the fact that an alien has applied for asylum, hinders the government's ability to confirm the veracity of asylum claims, or to obtain evidence that contradicts an alien's asylum claims. See 8 CFR §208.6. Second, information that ties a specific alien to terrorism is likely to be classified. The use of classified information in section 240 removal proceedings is disfavored, however. See e.g., *Haddam* v. *INS*, 54 F. Supp. 2d 588, 598 (E.D.Va. 1999) ("The use of secret evidence against a party, evidence that is given to, and relied on, by the IJ and BIA but kept entirely concealed from the party and the party's counsel, is an obnoxious practice, so unfair that in any ordinary litigation context, its unconstitutionality is manifest.").

The "central reason" standard will eliminate this presumption, and require aliens who allege persecution because they have been erroneously identified as terrorists to bear the same burden as all other asylum applicants, that is, they will have to offer direct or circumstantial evidence of motive, in accordance with Supreme Court precedent.

Finally, with respect to so-called "mixed-motive" claims, under this amendment, asylum may be granted where there is more than one motive for mistreatment, as long as at least one central reason for the mistreatment is on account of race, religion, nationality, membership in a particular social group, or political opinion.

Corroboration and Credibility. Clauses 208(b)(1)(B)(ii) and (iii), added by paragraph 101(a)(3) of Division B, will bring clarity and consistency to evidentiary determinations by codifying standards for determining the credibility of applicant testimony, and determining when corroborating evidence may be required.

Corroboration: As a preliminary matter, new clause 208(b)(1)(B)(ii) of the INA codifies the BIA case law standard that the testimony of an asylum applicant can be sufficient to sustain the asylum applicant's burden of proof without corroboration, where the adjudicator determines that such testimony is credible, persuasive, and refers to specific facts demonstrating refugee status. Many aliens validly seeking asylum arrive in the United States with little or no evidence to corroborate their claims. This clause recognizes that a lack of extrinsic or corroborating evidence will not necessarily defeat an asylum claim where such evidence is not reasonably available to the applicant.

Codifying the BIA's corroboration standards, new clause 208(b)(1)(B)(ii) in the INA states that if an adjudicator determines that an asylum applicant should provide corroborating evidence for otherwise credible testimony, such corroborating evidence must be provided unless the applicant does not have it and cannot reasonably obtain it. Although this provision makes it possible for an alien to prove eligibility for asylum without corroborating evidence, the inability to obtain corroborating evidence does not relieve the applicant from sustaining the burden of proof, that is, the alien must satisfy his burden through other evidence.

This provision is based upon the standard set forth in the BIA's decision in *Matter of S–M-J–*, 21 I&N Dec. 722. The BIA held there:

> Because the burden of proof is on the alien, an applicant should provide supporting evidence, both of general country conditions and of the specific facts sought to be relied on by the applicant, where such evidence is available. If such evidence is unavailable, the applicant must explain its unavailability, and the Immigration Judge must ensure that the applicant's explanation is included in the record. Moreover, general country condition information may be necessary to support an applicant's testimony where the alien's claim is based on allegations which may be independently verified. "(W)hen the basis of an asylum claim becomes less focused on specific events involving the respondent personally and instead is more directed to broad allegations regarding general conditions in the respondent's country of origin, corroborative background evidence that establishes a plausible context for the persecution claim (or an explanation for the absence of such evidence) may well be essential."

Id. at 724 (internal citations omitted). With respect to evidence to support the applicant's specific claim, the BIA explained:

> Unreasonable demands are not placed on an asylum applicant to present evidence to corroborate particular experiences (e.g., corroboration from the persecutor). However, where it is reasonable to expect corroborating evidence for certain alleged facts pertaining to the specifics of an applicant's claim, such evidence should be provided. That is, an asylum applicant should provide documentary support for material facts which are central to his or her claim and easily subject to verification, such as evidence of his or her place of birth, media accounts of large demonstrations, evidence of a publicly held office, or documentation of medical treatment. If the applicant does not provide such information, an explanation should be given as to why such information was not presented. . . . The absence of such corroborating evidence can lead to a finding that the applicant has failed to meet her burden of proof.

Id. at 725-26. Congress anticipates that the standards in *Matter of S–M–J–*, including the BIA's conclusions on situations where corroborating evidence is or is not required, will guide the BIA and the courts in interpreting this clause.

Credibility: Proposed new clause 208(b)(1)(B)(iii) of the INA codifies factors identified in case law on which an adjudicator may make a credibility determination, including demeanor, candor, responsiveness, inherent plausibility of the account, consistency between the written and oral statements (regardless of when it was made and whether it was under oath, and considering the circumstances under which the statements were made), internal consistency of a statement, consistency of statements with the country conditions in the country from which the applicant claims asylum, and any inaccuracies or falsehoods in such statements. This section reiterates the rule that an asylum adjudicator is entitled to consider credible testimony along with other evidence.

Again, the creation of a uniform standard for credibility is needed to address a conflict on this issue between the Ninth Circuit on one hand and other circuits and the BIA. In *Elias-Zacarias*, 502 U.S. 478, the Supreme Court rejected the notion that a reviewing court may overturn a determination of the BIA in an asylum case whenever the court believes that the evidence supports a conclusion different from that of the BIA. It explained that "[t]o reverse the BIA finding we must find that the evidence not only supports that conclusion, but compels it." Id. at 481 n.1. Thus, an asylum applicant who "seeks to obtain judicial reversal of the BIA's determination . . . must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." Id. at 483-484.

In 1996, as part of IIRIRA, Congress codified the principles that the Court articulated in *Elias-Zacarias*. Congress directed that a court of appeals reviewing an order of removal must confine its review to the administrative record before the agency and must accept the BIA's findings of fact as "conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." Sections 242(b)(4)(A) and (B) of the INA.

This clause will allow Immigration Judges and the BIA to follow commonsense standards in assessing the credibility of asylum applicants better allowing them to identify and reject fraudulent claims. It should be noted, however, that although clause 208(b)(1)(B)(iii) would allow an adjudicator to base an adverse credibility determination on any of the factors set forth therein, such a determination must be reasonable and take into consideration the individual circumstances of the specific witness and/or applicant.

While the trier of fact is not required to state expressly that the trier has considered each factor in assessing credibility, Congress expects that the trier of fact will describe those factors that form the basis of the trier's opinion. This is true even where the trier of fact bases a credibility determination in part or in whole on the demeanor of the applicant.

Courts have recognized the expertise that Immigration Judges bring to this task. As the Ninth Circuit has held, for example: "An immigration judge alone is in a position to observe an alien's tone and demeanor, to explore inconsistencies in testimony, and to apply workable and consistent standards in the evaluation of testimonial evidence. He is, by virtue of his acquired skill, uniquely qualified to decide whether an alien's testimony has about it the ring of truth." *Sarvia-Quintanilla* v. *INS*, 767 F.2d 1387, 1395 (9th Cir.1985).

In assessing an applicant's demeanor for purposes of making a credibility assessment, Congress anticipates that triers of fact will rely on those aspects of demeanor that are indicative of truthfulness or deception. For example, in explaining why it "granted special deference to the IJ's eyewitness observations regarding demeanor evidence," the Ninth Circuit cited to an explanation that it had given "in the context of a similarly-situated administrative law judge," holding: "Weight is given to the administrative law judge's determinations of credibility for the obvious reason that he or she sees the witnesses and hears them testify, while the Board and the reviewing court look only at cold records.' All aspects of the witness's demeanor—including the expression of his countenance, how he sits or stands, whether he is inordinately nervous, his coloration during critical examination, the modulation or pace of his speech and other non-verbal communication—may convince the observing trial judge that the witness is testifying truthfully or falsely." *Mendoza Manimbao* v. *Ashcroft*, 329 F.3d 655, 662 (9th Cir. 2003). As noted, a credibility determination should follow an examination of all relevant circumstances, including the circumstances of the individual applicant.

Finally, this provision makes it clear that there is no presumption of credibility, but if no adverse credibility determination is explicitly made, the applicant or witness has a rebuttable presumption of credibility on appeal.

Effective Dates. Paragraph 101(g)(2) would provide that the asylum standards established in paragraph 101(a)(3) of Division B shall take effect on the date of enactment and apply to asylum applications made on or after such date, therefore, the standards would not apply by statute to asylum applications filed before the date of enactment, although such standards in existing case law would apply.

Standards for Granting Withholding of Removal. Paragraph 241(b)(3) of the INA places restrictions on removal to a country where an alien's life or freedom would be threatened. Withholding is a form of protection similar to asylum, with some critical differences. Asylum is a discretionary form of relief, for which the standard is a "well-founded fear of persecution." Withholding of removal, on the other hand, is mandatory protection from removal for those who can satisfy the higher standard of a "clear probability of persecution," also expressed as "more likely than not" that an alien would be persecuted. There are other key differences between the two forms of relief. A person who has been granted asylum has been admitted into the United States, although the status is not a right to reside permanently in the United States. An alien who is granted withholding has not been granted legal entry into the United States and may be removed to his country when there is no longer any threat to his life or freedom. Withholding of removal is only specific to a particular country and therefore does not preclude removal to another country. An alien granted withholding of removal may not adjust to the status of a lawful permanent resident and the alien's family members are not eligible to come to the United States via the alien's status in the United States.

In contrast, an alien granted asylum may adjust status under subsection 209(b) of the INA after being present in the United States for one year after the grant of asylum if the alien still meets the definition of refugee, is not firmly resettled in any other country and is otherwise admissible as an immigrant (with exemptions from certain grounds of inadmissibility). Additionally, under paragraph 208(b)(3) of the INA, the spouse and children of an alien granted asylum, if not otherwise eligible for asylum, may be granted asylum themselves if accompanying or following to join the alien. Aside from the higher standard for burden of proof, withholding of removal involves similar consideration of credibility and corroboration factors and some of the same issues regarding Ninth Circuit jurisprudence.

Subsection 101(c) of Division B would amend paragraph 241(b)(3) of the INA by applying to and codifying for withholding of removal applications the same standards for sustaining the applicable burden of proof and for assessing credibility that would be used for asylum adjudications under clauses 208(b)(1)(B)(ii) and (iii) of the INA, as added by paragraph 101(a)(3) of Division B.

Subsection 101(h)(2) of Division B would provide that the withholding of removal standards established in subsection 101(c) take effect on the date of enactment and apply to withholding applications made on or after such date. Accordingly, those standards would not apply by statute to applications filed before the date of enactment, although such standards in existing case law would apply.

Other Applications for Relief. Subsection 101(d) of Division B would add a new paragraph 240(c)(4) to the INA. This paragraph would apply the credibility and corroboration standards in section 101(a)(3) of Division B to other applications for relief and protection from removal. The new paragraph also codifies the current requirement that an alien applying for relief or protection, and also that he or she merits that relief as a matter of discretion, if the relief is discretionary.

Subsection 101(h)(2) of Division B would provide that the standards established in subsection 101(d) shall take effect on the date of enactment and apply to withholding applications made on or after such date. Accordingly, those standards would not apply by statute to applications filed before the date of enactment, although such standards in existing case law would apply.

Judicial Review of Corroboration Determinations: Subsection 101(e) of Division B would amend paragraph 242(b)(4) of the INA by establishing a specific standard of review for reversal of determinations concerning the availability of corroborating evidence by an adjudicator considering an application for asylum, withholding of removal, or other applications for relief or protection. This subsection would apply the prevailing standard of review for factual determinations in subparagraph 242(b)(4)(B) of the INA to determinations about the availability of corroborating evidence, itself a factual determination. This provision underscores that the appropriate standard of review for such determinations is the deferential factual review standard.

Subsection 101(g)(3) of Division B would provide that the standards established in subsection 101(e) shall take effect on the date of enactment and apply to all cases in which the final removal order was issued before, on, or after such date.

Clarification of Discretionary Relief Provision: Subsection 101(f) would amend subparagraph 242(a)(2)(B) of the INA by clarifying that the provision barring judicial review of denials of discretionary relief applies regardless of whether the discretionary judgment, decision, or action is made in removal proceedings. It also amends subparagraph 242(a)(2)(B) of the INA by adding reference to the Secretary of Homeland Security, to clarify the text and make it consistent with the aims of the Reorganization Plan for the Department of Homeland Security.

Subsection 101(g)(4) of Division B would provide that the amendments in subsection 101(f) shall take effect on the date of enactment and apply to all cases pending before, on, or after such date.

Removal of Caps. Section 209 of the INA currently provides that the Attorney General may adjust the status of aliens granted asylum to lawful permanent residence if they satisfy certain conditions, subject to a cap of 10,000 persons per fiscal year (aside from certain groups of asylees who are or have been exempt from the cap or subject to limits set in other legislation). Paragraph 101(g)(1) of Division B would eliminate the cap for adjustment of status for asylees. It would also replace references to the "Immigration and Naturalization Service" with references to the "Department of Homeland Security" and replace references to the "Attorney General" with references to the "Secretary of Homeland Security or the Attorney General."

Similarly, under section 207(a)(5) of the INA, not more than 1,000 aliens may be admitted as refugees or granted asylum under the provision of section 101(a)(42) therein relating to persecution for resistance to coercive population control methods. Paragraph 101(g)(2) would strike the limitation on grants under this provision.

Subsection 101(f), lifting these caps, shall take effect on the date of enactment of Division B, pursuant to paragraph 101(g)(5).

Repeal of the Study and Report on Terrorists and Asylum. Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 provides that "the Comptroller General of the United States shall conduct a study to evaluate the extent to which weaknesses in the United States asylum system and withholding of removal system have been or could be exploited by aliens connected to, charged in connection with, or tied to terrorist activity," including the extent to which precedential court decisions may have affected the ability of the Federal Government to prove that an alien is a terrorist who should be denied asylum and/or removed.

Subsection 101(h) of Division B would repeal the requirement for the study and report, because the other provisions in section 101 of Division B would resolve the vulnerability of the asylum and withholding of removal systems to terrorist exploitation.

Section 102 of the conference agreement includes language modified from language proposed in section 102 of division B of the House bill. The Senate did not include similar language.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 provides for construction and strengthening of barriers along U.S. land borders and specifically provides for 14 miles of barriers and roads along the border near San Diego, beginning at the Pacific Ocean and extending eastward. It provides for a waiver of the Endangered Species Act of 1973 (ESA) and the National Environmental Policy Act of 1969 (NEPA) to the extent the Attorney General determines is necessary to ensure expeditious construction of barriers and roads. Despite the existing waiver provision, construction of the San Diego area barriers has been delayed due to a dispute involving other laws. The California Coastal Commission has prevented completion of the San Diego border security infrastructure because it alleges that plans to complete it are inconsistent with the California Coastal Management Program, a state program approved pursuant to the federal Coastal Zone Management Act (CZMA)—notwithstanding the fact that the San Diego border security infrastructure was designed to avoid and/or minimize adverse environmental impacts, and the Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security testified before the California Coastal Commission that the plans for completion were consistent with the Coastal Management Program to the maximum extent practicable without sacrificing the effectiveness of the border security infrastructure. Continued delays caused by litigation have demonstrated the need for additional waiver authority with respect to other laws that might impede the expeditious construction of security infrastructure along the border, such as the Coastal Zone Management Act.

Current Law. Section 102(c) of IIRIRA provided for a waiver of the ESA and NEPA to the extent the Attorney General determines is necessary to ensure expeditious construction of barriers and roads.

Section 102 of the conference report would amend the current provision to require the Secretary of Homeland Security to waive all laws that he or she determines, in his or her sole discretion, are necessary to ensure the expeditious construction of the border barriers.

Additionally, it would prohibit judicial review of a waiver decision or action by the Secretary and bar judicially ordered compensatory, declaratory, or injunctive, equitable, or any other relief or other remedy for damage alleged to result from any such decision or action. As discussed above, current statutes and the Reorganization Plan for the Department of Homeland Security have not amended and clarified references to executive authority throughout the INA. Accordingly, the provision would have replaced the reference in current law to the Attorney General by a reference to the Secretary of Homeland Security.

The Conferees have revised the House provision in the following respects. First, the revised provision authorizes but does not require the Secretary of DHS to waive any legal requirements that he or she, in his or her sole discretion, determines are necessary to ensure expeditious construction of border security infrastructure. Second, the provision clarifies the intent of the conference report by substituting a reference to waiver of "all legal requirements" for the prior reference to waiver of "all laws", clarifying Congress" intent that the Secretary's discretionary waiver authority extends to any local, state or federal statute, regulation, or administrative order that could impede expeditious construction of border security infrastructure. Third, the conferees provided that any such waiver would become effective upon publication in the Federal Register, thereby ensuring appropriate public notice of such determinations. Finally, the Conferees have provided federal judicial review for claims alleging that the actions or decisions of the Secretary violate the United States Constitution. The Conferees have further provided that such claims must be filed within sixty days of the Secretary's action or decision, and that interlocutory or final judgments, decrees, or orders of federal district courts on such claims may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States. The Conferees' intent is to ensure that judicial review of actions or decisions of the Secretary not delay the expeditious construction of border security infrastructure, thereby defeating the purpose of the Secretary's waiver.

Section 106 of the conference agreement includes language modified from language proposed in section 105 of division B of the House bill. The Senate did not include similar language.

Section 106 of Division B addresses a number of judicial review anomalies improperly favoring criminal aliens that were created by court decisions interpreting changes to the INA in 1996. Since 1961, Congress has consistently provided that only the courts of appeals may review removal orders. From 1961 through 1996, the INA provided that review in the courts of appeals "shall be the sole and exclusive procedure" for judicial review of deportation orders. See INA subsection 106(a) (1995) (entitled "Exclusiveness of procedure"). As the legislative history behind this provision reveals, Congress aimed to "create a single, separate, statutory form of judicial review of administrative orders for the deportation and exclusion of aliens from the United States." H.R. REP. NO. 1086, 87th Cong., 1st Sess., reprinted in 1961 U.S.C.C.A.N. 2950, 2966 (1961). Congress's "fundamental purpose" was "to abbreviate the process of judicial review of deportation orders" and to "eliminat[e] the previous initial step in obtaining judicial review—a suit in a District Court." *Foti* v. *INS*, 375 U.S. 217, 224 (1963); accord *Agosto* v. *INS*, 436 U.S. 748, 752-53 (1978); *Giova* v. *Rosenberg*, 379 U.S. 18 (1964) (per curiam). Thus, a final order of deportation could be challenged only in the appropriate court of appeals upon a timely filed petition for review.

Such order could not have been challenged in district court by way of habeas corpus. Although the INA contained another provision permitting habeas review, see INA § 106(a)(10) (1995), several circuits interpreted that provision as not providing habeas review over deportation orders, but only review over collateral issues, such as whether the alien should be released from custody or granted a stay of deportation pending a petition for review.

Moreover, to the extent that habeas review of deportation orders had been available before 1996, Congress attempted to eliminate it in enacting the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. 104–132, 110 Stat. 1214 (April 24, 1996). One of the statute's provisions, entitled "Elimination of Custody Review by Habeas Corpus," expressly repealed the former habeas provision. See subsection 401(e), 110 Stat. 1268, repealing INA paragraph 106(a)(10) (1995). This was part of Congress's broad efforts to streamline immigration proceedings. Indeed, to expedite removal, section 440(a) of AEDPA precluded all judicial review of deportation orders for certain classes of criminal aliens. 110 Stat. 1276–77 (providing that such orders "shall not be subject to review by any court").

Congress continued these streamlining reforms when it enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104–208, 110 Stat. 3546 (Sept. 30, 1996). In IIRIRA, Congress reestablished that only courts of appeals—and not district courts—could review a final removal order (or, to use the pre-1996 nomenclature, deportation order or exclusion order). See section 242(a)(1) of the INA (incorporating the Hobbs Act, 28 U.S.C. §2347). In addition, Congress made clear that review of a final removal order is the only mechanism for reviewing any issue raised in a removal proceeding. Section 242(b)(9) of the INA (2000); see also IIRIRA §309(c)(4)(A) (transition rules). Together, these provisions were intended to preclude all district court review of any issue raised in a removal proceeding. Finally, as it did in AEDPA, Congress confirmed that criminal aliens could not obtain any judicial review. IIRIRA expressly provided that, "[n]otwithstanding any other provision of law, no court shall have jurisdiction to review any final order of removal against an alien who is removable by reason of having committed" one of various criminal offenses, including aggravated felonies. See section 242(a)(2)(C) (2000) (emphasis added); see also S. Rep. No. 104–249, 104th Cong, 2d Sess. at 7 ("Aliens who violate U.S. immigration law should be removed from this country as soon as possible.").

Despite Congress's efforts to limit judicial review in 1996, the Supreme Court expanded it just five years later. In *INS* v. *St. Cyr*, the Supreme Court held that criminal aliens are actually entitled to more review than they had before the 1996 amendments, and more review than non-criminal aliens. *INS* v. *St. Cyr*, 533 U.S. 289 (2001). Specifically, the Court held that criminal aliens could seek habeas review of their removal orders under 28 U.S.C. §2241. With habeas review, the criminal alien would get review in district court and, on appeal, in the court of appeals.

The basis for the Court's decision was that Congress never "explicitly mention[ed]" section 2241 or habeas when it eliminated all judicial review over criminal aliens' removal orders. Id. at 312–13. According to the Court, an explicit reference to section 2241 or habeas was necessary because Congress did not provide for "another judicial forum" for criminal aliens to raise pure questions of law because, as noted, whereas non-criminal aliens could challenge their removal orders in the courts of appeals, under AEDPA and IIRIRA, criminal aliens could not. Id. at 298–300, 312–14; see also id. at 312 n.36 ("Congress' failure to refer specifically to §2241 is particularly significant."). Thus, as a matter of statutory interpretation, the Court held that criminal aliens could bring habeas actions under section 2241.

The Court recognized that, as a result of its decision, criminal aliens would be able to seek review in district court and, on appeal, in the courts of appeals, whereas non-criminal aliens could obtain review only in the courts of appeals. It noted that Congress could fix this anomaly, however. As the Court stated, "Congress could without raising any constitutional questions, provide an adequate substitute [to section 2241] through the courts of appeals." Id. at 314. n.38.

Among the many problems caused by *St. Cyr*, the most significant is that this decision allows criminal aliens to delay their expulsion from the United States for years.

Furthermore, because of *St. Cyr*, aliens who have committed serious crimes in the United States are generally able to obtain more judicial review than non-criminal aliens. As the dissent in *St. Cyr* pointed out, allowing criminal aliens to obtain habeas review of their immigration orders in the district court "brings forth a version of the statute that affords criminal aliens more opportunities for delay-inducing judicial review than are afforded to non-criminal aliens, or even than were afforded to criminal aliens prior to the legislation concededly designed to expedite their removal." 533 U.S. at 327 (Scalia, J. dissenting). This is because, under *St. Cyr*, criminal aliens are able to begin the judicial review process in the district court, and then appeal to the circuit court of appeals. Criminal aliens thus can obtain review in two judicial forums, whereas non-criminal aliens may generally seek review only in the courts of appeals. Not only is this result unfair and illogical, but it also wastes scarce judicial and executive resources.

Finally, the result in *St. Cyr* has created confusion in the federal courts as to what immigration issues can be reviewed, and which courts can review them. The decision in *St. Cyr* itself held that district courts, and not the courts of appeals, have habeas corpus review authority over statutory claims involving discretionary immigration relief. See also *Calcano-Martinez* v. *INS*, 533 U.S. 348, 351–52 (2001). On the other hand, after *St. Cyr*, every circuit court has held that courts of appeals retain jurisdiction to review limited threshold "jurisdiction to determine jurisdiction" questions raised by criminal aliens in petitions for review. Therefore, following *St. Cyr*, some issues are still reviewable in the circuit courts while others are reviewable only in the district courts, resulting in bifurcated and inefficient review. Additionally, the circuits have split on the question of which court may entertain constitutional challenges to criminal aliens' removal orders (a question left open in *St. Cyr*). All of this has resulted in piecemeal review, uncertainty, lack of uniformity, and a waste of resources both for the judicial branch and Government lawyers—the very opposite of what Congress tried to accomplish in 1996.

Section 106 of Division B would address the anomalies created by *St. Cyr* and its progeny by restoring uniformity and order to the law. First, under this section, criminal aliens will have fewer opportunities to delay their removal, because they will not be able to obtain district court review in addition to circuit court review, and will not be able to ignore the thirty-day time limit on seeking review. Second, criminal aliens will not receive more judicial review than non-criminals. Under the amendments in section 106, all aliens will get review in the same forum—the courts of appeals. Third, by channeling review to the courts of appeals, section 106 will eliminate the problems of bifurcated and piecemeal litigation. Thus, the overall effect of the proposed reforms is to give every alien a fair opportunity to obtain judicial review while restoring order and common sense to the judicial review process.

Significantly, this section does not eliminate judicial review, but simply restores such review to its former settled forum prior to 1996. Under section 106, all aliens who are ordered removed by an immigration judge will be able to appeal to the BIA and then raise constitutional and legal challenges in the courts of appeals. No alien, not even criminal aliens, will be deprived of judicial review of such claims. Unlike AEDPA and IIRIRA, which attempted to eliminate judicial review of criminal aliens' removal orders, section 106 would give every alien one day in the court of appeals, satisfying constitutional concerns. The Supreme Court has held that in supplanting the writ of habeas corpus with an alternative scheme, Congress need only provide a scheme which is an "adequate and effective" substitute for habeas corpus. See *Swain* v. *Pressley*, 430 U.S. 372, 381 (1977). Indeed, in *St. Cyr* itself, the Supreme Court recognized that "Congress could, without raising any constitutional questions, provide an adequate substitute through the courts of appeals." *St. Cyr*, 533 U.S. at 314 n.38 (emphasis added). By placing all review in the courts of appeals, Division B would provide an "adequate and effective" alternative to habeas corpus. Id.

Further, while the reforms in section 106 would preclude criminals from obtaining review over non-constitutional, non-legal claims, it would not change the scope of review that criminal aliens currently receive, because habeas review does not cover discretionary determinations or factual issues that do not implicate constitutional due process. See, e.g., *St. Cyr*, 533 U.S. at 306–07 & n.27 (recognizing that habeas courts do not review "exercise[s] of discretion" or "factual determinations" that do not implicate due process); *Fong Yue Ting* v. *INS*, 149 U.S. 698, 713–14 (1893) ("Congress might intrust the final determination of . . . facts to an executive officer"); *Heikkila* v. *Barber*, 345 U.S. 229, 236 (1953) ("the function of the courts has always been limited to the enforcement of due process requirements"); *Ter Yang* v. *INS*, 109 F.3d 1185, 1195 (7th Cir. 1997) ("the Supreme Court long ago made it clear that this writ does not offer what our petitioners desire: review of discretionary decisions by the political branches of government"); see also *Sol* v. *INS*, 274 F.3d 648, 651 (2d Cir. 2001) (habeas jurisdiction under §2241 does not extend to factual or discretionary determinations).

Moreover, section 106 would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

Review in the Courts of Appeals. Subparagraph 106(a)(1)(A) of Division B would replace habeas corpus review of specified removal orders with review of constitutional claims and questions of law before the courts of appeal.

It should be noted that the word "pure," in the phrase "pure question of law," which had appeared in prior versions of a proposed section 242(a)(2)(D) of the INA, has been deleted from that phrase in the final version in this subparagraph because it is superfluous. As the ACLU explained during the *St. Cyr* litigation, a "question of law" is a question regarding the construction of a statute. The word "pure" adds no meaning. The purpose of section 106(a)(1)(A)(iii) is to permit judicial review over those issues that were historically reviewable on habeas—constitutional and statutory-construction questions, not discretionary or factual questions. When a court is presented with a mixed question of law and fact, the court should analyze it to the extent there are legal elements, but should not review any factual elements. Factual questions include those questions that courts would review under the "substantial evidence" or 242(b)(4)(B) standard, reversing only when a reasonable factfinder would be compelled to conclude that the decision below was erroneous.

Section 106(a)(1)(B) adds a new section 242(a)(4) to the INA. This provision will allow aliens in section 240 removal proceedings to seek review of "any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment" in the courts of appeal.

Section 106(a)(2) of Division B would amend section 242(b)(9) of the INA, concerning consolidation of issues for judicial review, to clarify that, except as otherwise provided in section 242 of the INA, no court is to have jurisdiction for habeas review or other non-direct judicial review of a removal order or questions of law or fact arising from such an order. This does not affect habeas corpus review in section 242(e)(2) of the INA. Subsection 242(g) of the INA, concerning exclusive jurisdiction, is also amended to clarify that no habeas review or other non-direct judicial review would be available for any claim arising from a decision or action by the Attorney General regarding the initiation and adjudication of removal proceedings or the execution of removal orders against any alien.

Under subsection 106(b), the effective date of the amendments in subsection 106(a) is the date of enactment of Division B, and the amendments would apply to cases in which the final administrative order of removal, deportation or exclusion was issued before, on, or after the date of enactment. Subsection 106(c) of Division B would provide for the transfer of pending habeas cases from district courts to federal appellate courts in which they could have been properly filed under section 242(b)(2) of the INA or the transitional rules of IIRIRA.

Subsection 106(d) provides that IIRIRA transition-rule cases filed under former subsection 106(a) of the INA (1995), concerning judicial review of deportation and exclusion cases and repealed by the IIRIRA, shall be treated as if they had been filed under section 242 of the INA and that such petitions shall be the sole avenue for judicial review of deportation or exclusion orders, notwithstanding any other provisions of law, including habeas review or other non-direct judicial review.

Finally, it should also be noted that section 106 will not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

Section 201 of the conference agreement includes language modified from language proposed in section 201 of division B of the House bill. The Senate did not include similar language.

Section 201 is necessary to clarify the Federal law as it pertains to driver's licenses, and relates it to other federal laws that govern state issuance and records keeping of "motor vehicle operator's license." That means that, to the degree that commercial truck driver's licenses and HAZMAT licenses are separately defined by Title 49, this law is directed to the personal driver's licenses and local use commercial vehicle licenses. It also names identification cards as being regulated, as every entity listed under the "State" definition issues identity cards as well as driver's licenses. The Act establishes a minimum definition of "Official Purpose" to limit the use of any licenses or ID cards issued by states that do not meet the Act's requirements. More specifically, the definition provides direction as to what certain categories of temporary license marked clearly on their face to indicate they are not acceptable for federal identification or federal purposes and cannot be used. For example, non compliant driver's licenses or noncompliant state issued ID cards cannot be used for identification to board federally regulated commercial aircraft, enter nuclear power plants or have access to federally regulated critical infrastructure or similar facilities determined to be vulnerable to attack. Noncompliant driver's licenses or noncompliant state issued ID cards cannot be used for identification for any federal purpose. The Secretary is authorized to establish other purposes for which only those license and ID cards that meet federal standards can be used

Section 202 of the conference agreement includes language modified from language proposed in section 202 of division B of the House bill. The Senate did not include similar language.

202(a)(1) states that the law is binding on Federal agencies—not the states. Consequently, this Act does not directly impose federal standards with respect to states' issuance of driver's licenses and personal identification cards. The application of the law is indirect, and hence states need not comply with the listed standards. However, states would nevertheless need to adopt such standards and modify any conflicting laws or regulations in order for such documents to be recognized by federal agencies for official purposes. The Federal Government regulates driver's licenses issuance now for HAZMAT and commercial trucks, but not with regard to their physical security, counterfeit resistance or with regard to the confirmation of the identity of an applicant before license issuance. There is also federal regulation regarding Driving Under the Influence of alcohol, including requiring suspension of driving privileges, and provides grants to states for prevention programs. Federal law and regulations (23 CFR Chapter III) also provide detailed prescriptions for driver's safety training as a condition for issuance of licenses, and minimum standards for visual features to enable distinction between learner's permits and full validity driver's licenses. There is also a National Driver Register Problem Driver Point System, established by the National Driver Register Act of 1982. This Act established a mandate for states to share information about "bad drivers" through this system. Participation in the NDR is optional, conditioned by Federal grants. All 50 States and the District of Columbia participate in the NDR. The system is also referred to as the Problem Driver Pointer System (PDPS). Regulations governing participants require states to collect more information than required for the minimum document requirements under Section 202 as part of the license issuance process. However, the requirements for proof of identification to obtain a license are generalized. When the REAL ID Act becomes law, CFR 23 will need to be substantially revised by DOT to add details to the pertinent sections, as determined through the Department of Homeland Security established regulations implementing the Act. The primary process by which states will share information regarding the identities of driver's license holders will be the PDPS, once upgraded and with complimentary system capacity upgrading by the States.

202(a)(2). The Conferees revised HR 418, which placed compliance certification by the States under the authority of the Secretary of Homeland Security, based on certification by the Secretary of Transportation, so that the Secretary of Homeland Security will determine whether a state is complying with its certifications of compliance with the Act. This establishes a new channel of federal regulation and compliance audit by the Department of Homeland Security for identity management, while requiring coordination of regulations with the Department of Transportation (DOT) of driver's license regimes.

Section 202(b) Minimum Document Requirements. The intent of this requirement is to improve the ability of law enforcement officers at all levels to confirm the identity of the individuals presenting state issued driver's licenses or identification cards.

202(b)(1) Many states don't follow the convention of full legal name. For example, a person might "use" a middle name versus his/her first name, and therefore prefer that the driver's license use that name without regard to the "real" first name. Instead of William Beauford Brown, the state driver's license states simply "Beau Brown." Using a name other than a full legal name results in "no matches" when checked against other public records that use the full legal name. This occurred with some of the licenses and state ID cards obtained by the 9/11 terrorists, where the driver's license "names" were variants on the actual name carried in the passport, despite the terrorists' use of their own, valid passports to verify name.

202(b)(2) The person's date of birth is necessary to differentiate the person from others with the same name—for example, there are thousands of John R. Browns in the U.S., but very few have the same birthday. This is particularly relevant to protect people from being delayed at airports because their name coincides with someone on the "do not fly" list. Additional biographic information on the document most citizens present to board a plane will reduce problems with misidentification that currently plague our security processes.

202(b)(3) Gender is for all but a very few persons a clearly definable and verifiable biometric identifier. It allows law enforcement and airport security to quickly match or "no match" a person against a wants and warrant notification. Systematically employing it throughout the country would not only improve identification of suspected terrorists, it would expedite the checks on everyone else by reducing "false positives" where a person is erroneously matched by name with a wanted person.

202(b)(4) Currently every state does post a driver's license number on a permanent driver's license "card," but not all states employ traceable numbers on temporary licenses and temporary state ID cards. This is obviously an important tool in differentiating counterfeit licenses from valid licenses—via a number check.

202(b)(5) requires a digital photograph of the person so that it can be confirmed by comparison to the current and/or future database of the State issuing the license, using existing secure technology designed for that purpose. More than 20 states continue to use a process where "regular" photos are glued into license forms. These are easily altered by breaking the plastic seal, and replacing the valid photo with one of the person who has stolen or "borrowed" the license or ID card from the person to whom it was validly issued. The intent of requiring a digital photo, as in a passport, is to insure that the photo accurately captures the appearance of the person to whom it was issued. It also allows the state to retain a record of the digital image at a relatively low cost, and be able to provide that image to law enforcement quickly via a computer link.

202(b)(6) Having the person's principal residence address is, in fact, a standard requirement in nearly all states, but many states make no effort to verify that it is the principal residence, and not an address of convenience, or a completely irrelevant address selected at random by the applicant. In this last case, the applicant has normally provided a false address to avoid apprehension for a crime, or notification by law enforcement regarding a civil award. Many scofflaw fathers hide their current location to avoid paying child support, as required by federal law.

202(b)(7) requires a person's signature, so that it can be compared to a person's signature when using the card for identity confirmation for both civil, legal and regular financial transactions, as to verify a credit card signature. Signature verification is another means for a law enforcement officer to confirm identity, and is actually of convenience to retail establishments to confirm check and credit card signatures.

202(b)(8) requires physical security features to prevent tampering counterfeiting or duplication of the document for fraudulent purposes. The importance of this requirement cannot be overstated. A majority of states maintain a high level of physical security in the manufacture of their cards. Unfortunately, a significant minority of states do not issue licenses or ID cards with secure physical characteristics. This results in criminals, identity thieves, and amateurs such as college students being able to "manufacture" fake driver's licenses and ID cards from these states. Federal law enforcement officials—national forensic document laboratory—can validate that the driver's licenses of these states are not secure from counterfeiting using easily available technology.

202(b)(9) A common machine-readable technology exists, along with common defined minimum data elements, under the interstate driver's compact to which 46 states already belong. There is inconsistency in actual practice with regard to the order of the data. Further, there has been little research on methods to secure the privacy of the data contained on the machine readable strip. Improvements in the machine readable technology would allow for less data being present on the face of the card in the future, with other data stored securely and only able to be read by law enforcement officials.

Section 202(c) Minimum Issuance Standards The 9/11 Commission report recommended that the federal government correct the chronic weakness among many of the states in the verification of identity for issuance of licenses. That recommendation has been supported by other reports on criminal justice, drunk driving, and underage drinking, albeit for entirely different objectives. Current federal regulations addressing driver's licenses require the states to obtain a date of birth for each applicant, but states set their own criteria for what kind of document they can rely on for the DOB. Consequently, the Commission staff reported noted that it's similarly easy for a terrorist, or for a tourist, entering the U.S. on a valid visa, to build a "document chain" beginning with a counterfeit or an altered document. Precisely because we have many legal immigrants, States rarely check the authenticity of "green cards" or other immigration documents. Which is why 9–11 terrorist Mohammad Atta was able to pass a hand altered immigration document to get a 6 year Florida's driver's license despite holding what was, in fact, a visa that was about to expire. Once implemented, it will also address the problem in which high school and underage college students obtain authentic driver's licenses in states other than ones they grew up in, with a false age that allows them to go into bars and consume alcohol. The provision will establish minimum issuance standards for federal recognition requiring that before a state can issue a driver's license or photo identification card, it would have to verify with the issuing agency, the issuance, validity and completeness of: (1) a photo identification document or a non-photo document containing both the individual's full legal name and date of birth; (2) date of birth; (3) proof of a social security number (SSN) or verification of the individual's ineligibility for a SSN; and (4) name and address of the individual's principal residence. A comparable, but more loosely defined set of identity verification requirements pertaining to minimum requirements for NDR inquiries are stated in CFR 23, 1327.5 to be "Proof of identification—Acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State." The new requirements do not "preempt any state verification standards" but require that the state establish a common minimum set of standards. Nothing in the law limits a state's prerogative to use other supplementary forms of identity confirmation, nor to use a much lower standard for the issuance of learner's permits or other driving permits that are not eligible to be used for identification purposes by federal agencies. For those forty states who have public policy positions and corroborating state law that establish minimum identity confirmation standards and a legal presence requirement, the standards will provide a common platform

202(c)(2)—Special Requirements This requires a state, before issuing a driver's license or identification card to a person, to require a person to present valid documentary evidence that he or she is either a U.S. citizen or national or an alien legally present in the United States. CRS has noted that there are no special requirements relating to the issuance of identification cards to persons who are not U.S. citizens but are nonetheless U.S. nationals (i.e., most residents of American Samoa or Swain's Island). That will not be necessary within the Act, as the Secretaries of DHS and DOT will accordingly address those special categories of U.S. nationals (a U.S. citizen or "a person who, though not a citizen of the United States, owes permanent allegiance to the United States").

For those state electing to conform to the requirements of this Act, so that their driver's licenses will be accepted for identification purposes by the federal government, this set of requirements establishes the basis for a common statutory basis for subsequent federal regulations.

202(c)(2)(B) The evidence of Legal Status requirements conform almost exactly to those of the laws of the Commonwealth of Virginia, and are parallel to the state laws of New York, Florida, California and roughly thirty other states which have passed laws requiring evidence of lawful presence in the United States. It requires for state license and ID cards verification that an applicant is lawfully present (not present in violation of the Immigration and Naturalization Act) in the United States before issuing a driver's license or personal identification card that is intended to be used for identification purposes by federal agencies. Under this section, persons would only be eligible for temporary drivers' licenses or identification cards if evidence is presented that they: (1) have a valid, unexpired non-immigrant visa or non-immigrant visa status for entry into the United States; (2) have a pending or approved application for asylum in the United States; (3) have entered into the United States in refugee status; (4) have a pending or approved application for temporary protected status in the United States; (5) have approved deferred action status; or (6) have a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

202(c)(2)(C) This establishes that, in order to issue temporary licenses or temporary ID cards that will be acceptable to the federal government for identification purposes, a state may only issue a temporary driver's license or identification card with an expiration date equal to the period of time of the applicant's authorized stay in the United States. Clause ii provides that if there is an indefinite end to the period of authorized stay, the card's expiration date shall be one year. The temporary card shall clearly indicate that it is temporary and shall state the expiration date. Clause iii provides for clear display of the expiration date on a temporary card, which is an extremely important requirement for the benefit of public safety and security personnel, police and others who need to inspect people for entry to airports, secure facilities, and for official federal purposes, as defined in the act and by subsequent regulations. A clear display facilitates an expedited inspection, and a clear date to determine validity of the temporary licenses. Clause iv provides that renewals of the temporary cards would be done only upon presentation of valid documentary evidence that the status had been extended by the Secretary of Homeland Security. This is important because renewals of temporary licenses were exploited by the 9/11 terrorists, and have been a major security vulnerability with foreign visitors who decide to overstay their valid visa terms.

202(c)(3)(B) The requirement that licenses for ID purposes for foreign visitors not be issued except when the applicant's identity is confirmed by a passport is intended to strengthen the identify confirmation process for foreign visitors, and to stop the process of accepting unreliable foreign documents for identification. Should an applicant who is not a U.S. citizen or immigrant otherwise meet the identification standards set out in the bill, a State must only provide a temporary license or certificate limited to one year's duration and clearly marked as not for identification, with the notification to the holder that it is not valid for federal identification or official federal purposes.

202(c)(3)(C) The Act, for purposes of validating states' determination of lawful presence requires that all States enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, to verify the legal presence status of a person, other than a United States citizen or national, applying for a driver's license or identification card.

Section 202(d) Other requirements are each new procedural standards to be addressed by regulations to be established by DHS under the Act.

202(d)(1) Obtaining and retaining digital images of applicants will assist in expediting applicant identity confirmation for license and ID card renewal process. It will also assist with preventing fraud, and facilitate those states using photo comparison software to identity such frauds, and safeguard against identity theft.

202(d)(2) requires states to keep records of source documents (birth certificates, etc.) for at least 7 years primarily to allow for renewal of driver's licenses without requiring license holders to bring back identity confirming documents. It also establishes a minimum duration during which documentation is available to law enforcement officers investigating and prosecuting suspected identity concealment by criminals and terrorists, as well as obtaining proof and assistance with identity theft crimes. This corrects a current problem in which states don't retain records at all, or destroy them after a few months, hence destroying both the audit trail of proof of valid documents needed to issue a license, as well as fraudulent documents used by law breakers until subsequently discovered by investigators. Although the FBI has provided the counts now used about the false identities maintained by the 19 9–11 terrorists, they may in fact have had more, as state records systems are sometimes so poor that few source documents are available to confirm or deny. The goal is to move all the state's records into electronic format, with each state consolidating electronic records otherwise maintained at

County level at the State level. The cost is much lower than the paper filing system still maintained by some States. The initial capital cost for the state is not insignificant. but the incremental savings are great. Although this Act will require licenses be reissued after every eight years. states will need to have original document records to discern whether the birth certificate was valid that was originally presented when the prior license was issued. The Social Security Administration is pursuing a birth certificate records system with the States that is beginning to have an effect in a few pilot states, which program will be further accelerated by the program put into law through the Intelligence Reform Act that will reduce the state's need to retain a separate record of document images or paper records.

202(d)(3) The requirement to photograph each applicant has as its purpose capturing a recorded photograph of applicants who may be denied a license for insufficient documents or documents that are recognized as fraudulent. This will primarily act as a deterrent to attempted fraud, once the public becomes aware of this new procedure, since frauds and others using false identities will understand that their photograph will be available to law enforcement even if they are denied a license or ID card. It is a particularly important tool for federal law enforcement investigating suspected terrorism and identity theft.

202(d)(4) The requirement to establish an effective procedure to confirm or verify a renewing applicant's information will establish a qualitative floor standard to correct the current problem in some states where license and ID card renewal is done without adequate confirmation of identity of the applicant. Those inadequate procedures are both a source of identity theft and a vulnerability that terrorists might exploit.

202(d)(5) imposes an important requirement to correct a current practice of many states in which multiple driver's licenses with multiple names are allowed to use the same reference Social Security Number as the "reference" SSN to confirm identity. In the event that a SSN is already registered to or associated with another person to which any state has issued a driver's license or identification card, the state shall resolve the discrepancy and take appropriate action. The need for this requirement is illustrated by what was found in Virginia and in New York State when states laws in each were changed post 9/11. In 2002, when Virginia began reconciling SSNs with the Social Security Administration, it found the SSNs of more than a quarter million of its license holders were "non- matches" with the Social Security Administration's records. Similarly New York State found hundreds of thousands of similar license holders in its database.

202(d)(6) corrects the current security vulnerability of state procedures where a license or ID card issued by another state is replaced with a new license or ID card without confiscating the "old" card or notifying the other state of the new issuance. Several of the 9/11 terrorists told the issuing states that they had lost their licenses so that they could have two valid licenses, and then used the duplicate to obtain a license in another state, allowing them to hold multiple licenses from multiple states. This practice of obtaining multiple licenses in multiple states is also routinely exercised by criminals and bad drivers for their respective illegal purposes, which this requirement will correct.

202(d)(7) requiring improved physical security addresses a growing problem of identity thieves and documents purveyors breaking into state facilities and stealing license stock blanks, printing machines, and sometimes actual computer hard drives in which current license holder data is stored.

202(d)(8) subjects state personnel and contractors employed by the states who produce the driver's licenses to security clearance requirements. Investigations of driver's license insider corruption in Virginia, New Jersey and other states in the past three years revealed that a routine security investigation would have prevented key perpetrators from ever being employed to handled documents of high "street" value that can be sold to illegal aliens, criminals, terrorists, and identity thieves.

202(d)(9) requires states to train employees to detect fraud "before it happens" to reduce vulnerability to terrorists, identity thieves, alien smugglers and illegal aliens with false documents and "bad driver" frauds. A few states do this now, and all states need to do this to improve the integrity of the license issuing process.

202(d)(10) limits the term of validity of driver's licenses and ID cards to establish a maximum term, to address the current vulnerability to identity thieves who steal or purchase the valid driver's license, and then assume the identity of a dead person or someone who has left the state and go undiscovered for an indefinite period.

202(d)(11) provides for those categories of special licenses issued by states for local or temporary purposes where the identity of the applicant cannot be assured, or for whom lawful presence is not determined. Examples of such licenses or Florida license issued as valid only "in state" purposes, and certificates of driving privileges issued by Tennessee and Utah, for which the applicants cannot meet the identity confirmation requirements of the Act. Subparagraph A establishes the requirement that such documents and/or cards be clearly marked as not accepted for federal identification. The provision will allow the state to meet the terms of this act with regard to its non-standard licenses, provided DHS confirms its certification that it's procedures don't provide any "back doors" to licenses or ID cards that intended to be valid for federal identification or federal purposes. Subparagraph B requires a unique design or color indicator such as a special colored border so that federal officials can quickly recognize it is not valid for federal identification or federal purposes.

202(d)(12) requires each state to be able to electronically access information contained in other states' motor vehicle databases. DHS will be expected to establish regulations which adequately protect the privacy of the holders of licenses and ID cards which meet the standards for federal identification and federal purposes. DHS regulations pertaining to the overall security of state databases to safeguard them from unauthorized access or any criminal abuse are not required by this Act because DHS is already subject to privacy protection standards through other federal laws pertaining to cyber security.

202(d)(13) The requirement for states to maintain a motor vehicle database that contains all data fields printed on driver's licenses and identification cards is directed at those states which currently don't store adequate records to allow other states to confirm the validity of the original issues. This requirement is primarily to address identity management minimum standards, and to support the goal of "only one license for one driver." This provision in both parts will correct a significant problem that has led to some states refusing to provide reciprocity to other states with regard to both adequate data and assurance of driver safety, particularly with regard to Driving Under the Influence citations.

Section 203 of the conference agreement includes language modified from language proposed in section 204 of division B of the House bill. The Senate did not include similar language.

Section 203. This section amends 18 U.S.C. §1028(a)(8), which makes it a federal crime to transport, transfer, or otherwise dispose of to another, materials or features used on a document of the type intended or commonly used for identification purposes. By replacing the phrase "false identification features" with "false or actual authentication features," this provision clarifies the scope of the criminal provision, making it a crime to traffic in identification features regardless of whether the feature is false. In addition, section 203(b) requires that the Secretary of Homeland Security enter conviction information into the appropriate aviation screening database. This provision should improve the security of the clearance process while reducing incidents of travelers being delayed because of similar names with people on the "do not fly" watch list.

Section 204 of the conference agreement includes language modified from language proposed in section 205 of division B of the House bill. The Senate did not include similar language.

Section 204 provides grants to states under the discretion of the Secretary of Homeland Security. This will require DHS to establish a process for grant requests, and the time table under which states will need to meet the requirements of the regulations. Some states are already in compliance with nearly all of the standards established by the act, and it will be incumbent upon DHS to recognize that grants should be only used to assist those states which cannot otherwise meet the minimum standards by the end of 2009. DHS will also need to establish internal certification procedures so that grants awarded are spent for the purposes identified. This provision also authorizes the Secretary to request funds and assign personnel for the administration of this Act through the normal process.

Section 205 of the conference agreement includes language modified from language proposed in section 206 of division B of the House bill. The Senate did not include similar language.

Section 205 requires the Secretary of Homeland Security to consult with the Secretary of Transportation and with the states in the process under which DHS issues regulations, sets standards, and issues grants under this title. This provision establishes that the Secretary, consistent with the Administrative Procedures Act, will follow a conventional regulatory notice procedure, including the established inter agency notification regime, and will not engage in any other form of rule making, such as negotiated rule making.

Section 205 also allows the Secretary of DHS to grant an extension of time only to meet the requirements of section 202(a)(1), which means that all states must meet standards established by the regulation with a uniform deadline for their respective driver's licenses and ID cards to be used for Federal identification and federal purposes.

Section 206 of the conference agreement includes language modified from language proposed in section 207 of division B of the

House bill. The Senate did not include similar language.

Section 206 also repeals overlapping and potentially conflicting provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 207 of the conference agreement includes language modified from language proposed in section 208 of division B of the House bill. The Senate did not include similar language.

Section 207 provides a normal limitation on statutory construction to preserve the authorities and responsibilities of the Secretary of Transportation.

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

Section 301 of the conference agreement includes language modified from language proposed in section 301 of division B of the House bill. The Senate did not include similar language.

Section 301 requires the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, to study the technology, equipment, and personnel needed by field offices of the Bureau of Customs and Border Protection to address security vulnerabilities within the United States, and conduct a follow-up study at least once every five years thereafter. The Under Secretary of Homeland Security for Border and Transportation Security is required to submit a report to Congress of findings and conclusions from each study, along with legislative recommendations for addressing security vulnerabilities. Section 301(c) authorizes necessary appropriations for fiscal years 2006 through 2011 to carry out recommendations from the first study.

Section 302 of the conference agreement includes language modified from language proposed in section 302 of division B of the House bill. The Senate did not include similar language.

Section 302 requires the Department of Homeland Security to establish a pilot program to identify and test ground surveillance technologies to enhance border security. The program would cover both northern and southern border locations. It also requires DHS to submit a report to designated House and Senate committees within a year of program implementation describing the program and recommending whether it should terminate, be made permanent, or be enhanced.

Section 303 of the conference agreement includes language modified from language proposed in section 303 of division B of the House bill. The Senate did not include similar language.

Section 303 requires the Secretary of Homeland Security, in consultation with various federal, state, local, and tribal agencies, to develop and implement a plan to improve interagency communication systems and enhance information-sharing on matters related to border security on the federal, state, local, and tribal level. DHS would submit a report to designated House and Senate committees within a year of plan implementation which would include any recommendations that the Secretary of Homeland Security found appropriate.

TITLE IV—TEMPORARY WORKERS

The conference agreement includes language modified from language proposed by the Senate regarding numerical limits for H2-visas for certain nonimmigrant workers. The House did not include similar language.

TITLE V—OTHER CHANGES TO PROVISIONS GOVERNING NONIMMIGRANT AND IMMIGRANT VISA

The conference agreement includes language modified from language proposed by the Senate regarding reciprocal visas for national of Australia. The House did not include similar language.

The conference agreement includes language modified from language proposed by the Senate regarding visas for nurses. the House did not include similar language.

The conferees agree to the Senate amendment relating to the title of the Act. The Senate amended the title to read "An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.".

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
CHET EDWARDS,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK LEAHY
(with exception for REAL ID),
TOM HARKIN
(with exception for REAL ID),
BARBARA MIKULSKI
(with exception for REAL ID),
HARRY REID
(with exception for REAL ID),
BYRON L. DORGAN,
(with res.—conference did not reconvene),
DIANNE FEINSTEIN
(with exception for REAL ID),
TIM JOHNSON,
MARY LANDRIEU,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. BARROW, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and May 4 and 5.

Mr. FLAKE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, May 4.

Mr. BURTON of Indiana, for 5 minutes, today and May 4 and 5.

Mr. Fortuno, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 10.

Mr. NORWOOD, for 5 minutes, May 5.

Mr. MCCAUL of Texas, for 5 minutes, May 4.

Mr. SMITH of New Jersey, for 5 minutes, today and May 4.

Mr. GOHMERT, for 5 minutes, May 4.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 19. Joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 20. Joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 4, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1772. A letter from the Director, Office of National Drug Control Policy, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1773. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the status of female members of the Armed Forces for FY 2004, pursuant to 10 U.S.C. 481 note Public Law 107-314 section 562(a); to the Committee on Armed Services.

1774. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Baker, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1775. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting copies of the Department's model State Code of Military Justice and model State Manual for Courts-Martial for the National Guard When Not In Federal Service, as requested in the Bob Stump National Defense Authorization Act for FY 2003; to the Committee on Armed Services.

1776. A letter from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting a letter on the details of the Office's 2005 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

1777. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's (EIA's), "Performance Profiles of Major Energy Producers 2003," and notification that the report is also available electronically, pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

1778. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Electronic Orders for Controlled Substances [Docket No. DEA-217F] (RIN: 1117-AA60) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1779. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Russia and Kazakhstan (Transmittal No. DDTC 005-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1780. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1781. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the annual report required by section 655 of the Foreign Assistance Act of 1961, dated on June 28, 2001, included an error and a correction of that error; to the Committee on International Relations.

1782. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 15, 2004-February 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105-338); to the Committee on International Relations.

1783. A letter from the Director of Public Affairs, American Battle Monuments Commission, transmitting a report of the Commission's administration of the Freedom of Information Act for Fiscal Year 2004, pursuant to 5 U.S.C. 522 Public Law 99-570; to the Committee on Government Reform.

1784. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1785. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1786. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1787. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2004 inventory of commercial and inherently governmental activities; to the Committee on Government Reform.

1788. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2005 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

1789. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2003, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

1790. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2004, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

1791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Cherry Blossom Festival Fireworks Display, Potomac River, Washington, D.C. [CGD05-05-021] (RIN: 1625-AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Delaware River [CGD05-05-007] (RIN: 1625-AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Atlantic Intracoastal Waterway, Fernandina Beach, FL [COTP Jacksonville 05-033] (RIN: 1625-AA00) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01-04-143] (RIN: 1625-AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Townsend Gut, ME. [CGD01-04-129] (RIN: 1625-AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Shrewsbury River, NJ [CGD01-04-127] (RIN: 1625-AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-047] (RIN: 1625-AA09) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Terms Imposed by States on Numbering of Vessels [USCG-2003-15708] (RIN: 1625-AA75) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1799. A letter from the Acting Assistant Secretary, OSHA, Department of Labor, transmitting the Department's final rule—Procedures for the Handling of Discrimination Complaints Under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218-AC12) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1800. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-II" submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21) and the extension of those provisions through FY 2004; to the Committee on Transportation and Infrastructure.

1801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Rules of Practice in FAA Civil Penalty Actions—received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models C208 and C208B Airplanes

[Docket No. FAA-2005-20514; Directorate Identifier 2005-CE-08-AD; Amendment 39-14025; AD 2005-07-01] (RIN: 2120-AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models 172R, 172S, 182T, and T182T Airplanes [Docket No. FAA-2005-20587; Directorate Identifier 2005-CE-10-AD; Amendment 39-14021; AD 2005-05-53 R1] (RIN: 2120-AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Models 402C and 414A Airplanes [Docket No. FAA-2005-20513; Directorate Identifier 2005-CE-07-AD; Amendment 39-14022; AD 2005-05-52] (RIN: 2120-AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R, Series Airplanes, and Model C4 605R Variant F Airplanes (Collectively Called A300-600) [Docket No. FAA-2005-20748; Directorate Identifier 2005-NM-063-AD; Amendment 39-14031; AD 2005-07-07] (RIN: 2120-AA64) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule—Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes [Docket No. FAA-2004-17999; Amendment No. 158-3] (RIN: 2120-AI15) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. FAA-1999-5401; Amendment Nos. 119-6, 121-284, 129-34, 135-81, and 183-11] (RIN: 2120-AE42) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA-2000-7119; Amendment No. 121-309] (RIN: 2120-AI55) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park [Docket No. FAA-2003-14715; Amendment No. 93-83] (RIN: 2120-AG34) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Repair Stations [Docket No. FAA-1999-5836] (RIN: 2120-AI60) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 3, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 32. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; with an amendment (Rept. 109-68). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 254. Resolution providing for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act. (Rept. 109-69). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 255. Resolution providing for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes (Rept. 109-70). Referred to the House Calendar.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 1268. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109-72). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COX: Committee on Homeland Security. H.R. 1817. A bill to authorize appropriations for fiscal year 2006 for the Department of Homeland Security, and for other purposes, with an amendment; Referred to the Committee on Energy and Commerce for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. Referred to the Committee on Government Reform for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. Referred to the Committee on Judiciary for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. Referred to the Committee on Science for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X. Referred to the Committee on Transportation and Infrastructure for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X. Referred to the Committee on Ways and Means for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X. Referred to the Permanent Select Committee on Intelligence for a period ending not later than May 13, 2005 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 11(b), rule X. (Rept. 109-71, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. BISHOP of Utah, Mr. CANNON, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. GILCHREST, Mr. LEACH, Mr. MOORE of Kansas, Mr. PLATTS, Mr. PORTER, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2043. A bill to establish the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. SHAYS):

H.R. 2044. A bill to improve air cargo security; to the Committee on Homeland Security.

By Mr. PENCE (for himself and Ms. BALDWIN):

H.R. 2045. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide producers on a farm with greater flexibility in selecting the crops to be planted on the base acres of the farm; to the Committee on Agriculture.

By Mr. BUYER (for himself, Mr. EVANS, Mr. BOOZMAN, and Ms. HERSETH):

H.R. 2046. A bill to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAKER (for himself, Mr. OBERSTAR, Mr. ALEXANDER, Mr. BOUSTANY, Mr. REHBERG, Mr. PETERSON of Minnesota, Mr. JEFFERSON, Ms. HOOLEY, Mr. BERRY, Mr. PASTOR, Mr. MELANCON, Mr. POMEROY, and Ms. HERSETH):

H.R. 2047. A bill to authorize appropriations for the Surface Transportation Board, to enhance rail transportation competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself and Mr. TOWNS):

H.R. 2048. A bill to protect the rights of consumers to diagnose, service, and repair motor vehicles in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, and Mr. CULBERSON):

H.R. 2049. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 2050. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the Old Man of the Mountain, the symbol of New Hampshire that passed on to its granite roots in the dawn of May, 2003; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. STRICKLAND):

H.R. 2051. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself and Mr. GILCHREST):

H.R. 2052. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

By Mr. CARDIN (for himself and Mr. GILCHREST):

H.R. 2053. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2054. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2055. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 2056. A bill to reduce temporarily the duty on palm fatty acid distillate; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself and Ms. CORRINE BROWN of Florida):

H.R. 2057. A bill to prevent the Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 and the Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005, as passed by the Council of the District of Columbia, from taking effect; to the Committee on Government Reform.

By Mr. LEVIN (for himself, Mr. ABERCROMBIE, Mr. CARDIN, Mr. CASE, Mr. CASTLE, Mr. CLEAVER, Mr. CUMMINGS, Ms. DeLAURO, Mr. ENGEL, Mr. FARR, Mr. HOLDEN, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. MALONEY, Mrs. McCARTHY, Mr. McDERMOTT, Mr. McNULTY, Mr. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. ROSS, Ms. SLAUGHTER, Mr. SNYDER, Mr. UDALL of Colorado, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. OWENS):

H.R. 2058. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2059. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Ms. SCHAKOWSKY, Mr. EVANS, Mr. JONES of North Carolina, and Mr. McKEON):

H.R. 2060. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself and Mr. CANNON):

H.R. 2061. A bill to enhance the ability of community banks to foster economic growth and serve their communities, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. PLATTS, Mr. HOLDEN, Mr. DENT, and Mr. WELDON of Pennsylvania):

H.R. 2062. A bill to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building"; to the Committee on Government Reform.

By Mr. SHUSTER:

H.R. 2063. A bill to amend the Internal Revenue Code of 1986 to permit one-time, tax-free distributions from retirement plans to fund health savings accounts; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2064. A bill to assure that development of certain Federal oil and gas resources will occur in ways that protect water resources and respect the rights of the surface owners, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 2065. A bill to establish formally the United States Military Cancer Institute, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mr. COX (for himself, Mr. LANTOS, Mr. McCOTTER, Mr. WOLF, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. BERMAN, Mr. BURTON of Indiana, Ms. WATSON, Mr. DAVIS of Illinois, and Mr. CANNON):

H. Con. Res. 143. Concurrent resolution expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy; to the Committee on International Relations.

By Mr. CONYERS:

H. Res. 253. A resolution raising a question of the privileges of the House.

By Mr. SAXTON (for himself, Mr. HAYES, Mr. MILLER of Florida, Mr. AKIN, Mr. ANDREWS, Mr. HOSTETTLER, Mr. MEEHAN, Mr. MARSHALL, Mr. LoBIONDO, Mr. HEFLEY, Mr. KLINE, Mr. WILSON of South Carolina, and Mr. McINTYRE):

H. Res. 256. A resolution expressing the sense of the House of Representatives in remembrance of the brave servicemen who perished in the disastrous April 24, 1980, rescue attempt of the American hostages in Iran; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. NEAL of Massachusetts, Mr. LATHAM, and Mr. McGOVERN.

H.R. 23: Mr. DOYLE, Mr. TIERNEY, Mr. CROWLEY, Mr. SIMMONS, Ms. SOLIS, and Ms. WASSERMAN SCHULTZ.

H.R. 25: Mr. KELLER and Mr. LEWIS of California.

H.R. 34: Mr. INGLIS of South Carolina, Mr. SCOTT of Georgia, and Mr. LIPINSKI.

H.R. 97: Mr. SIMMONS.

H.R. 98: Mr. PEARCE and Mr. BLUNT.

H.R. 136: Mr. HAYWORTH, Mr. ROHRABACHER, and Mr. STEARNS.

H.R. 181: Mrs. MUSGRAVE and Mrs. NORTHUP.

H.R. 196: Mrs. MUSGRAVE.

H.R. 216: Mr. FERGUSON.

H.R. 282: Mr. FORD, Mr. WAMP, Mr. UDALL of Colorado, Mr. PETERSON of Pennsylvania, Mr. CARDIN, Mr. REICHERT, Mr. BOYD, Mr. SKELTON, Mr. BOREN, Mr. PASCRELL, Mrs. NAPOLITANO, Mr. MARSHALL, Mr. HASTINGS of Washington, Mr. HENSARLING, and Mr. INSLEE.

H.R. 284: Mr. EMANUEL.

H.R. 303: Ms. SCHAKOWSKY and Mr. MACK.

H.R. 354: Mr. CARDIN.

H.R. 371: Mr. OXLEY, Mr. McINTYRE, and Mr. SHAW.

H.R. 376: Mr. SERRANO.

H.R. 389: Mr. HIGGINS and Ms. WASSERMAN SCHULTZ.

H.R. 404: Mr. FEENEY.

H.R. 406: Mr. FEENEY.

H.R. 438: Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Mrs. NAPOLITANO, Ms. MILLENDER-McDONALD, Mrs. DAVIS of California, and Mr. WAXMAN.

H.R. 515: Mr. MENENDEZ.

H.R. 534: Mr. BARRETT of South Carolina.

H.R. 554: Mr. TERRY and Mr. ALEXANDER.

H.R. 556: Mr. FRELINGHUYSEN.

H.R. 557: Mr. DAVIS of Florida.

H.R. 558: Ms. BERKLEY, Mr. OSBORNE, Ms. HOOLEY, Mr. JINDAL, Mr. BUTTERFIELD, and Ms. GINNY-BROWN WAITE of Florida.

H.R. 559: Mrs. McCARTHY and Mr. LIPINSKI.

H.R. 562: Mr. WEXLER.

H.R. 575: Mr. BURTON of Indiana, Mr. GRIJALVA, and Mr. CROWLEY.

H.R. 602: Mr. TANNER, Mr. BACA, and Mr. SCOTT of Virginia.

H.R. 653: Mr. MELANCON.

H.R. 662: Ms. LEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. GRIJALVA, Ms. WATERS, Ms. KILPATRICK of Michigan, Mr. WYNN, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mr. GONZALEZ, Ms. MILLENDER-McDONALD, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. CUMMINGS, and Ms. NORTON.

H.R. 699: Mr. FILNER, Mr. BROWN of South Carolina, Mr. KIND, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Mr. YOUNG of Florida, and Mr. GILCHREST.

H.R. 700: Mr. KILDEE.

H.R. 712: Mr. BEAUPREZ and Mr. VAN HOLLEN.

H.R. 731: Mr. ABERCROMBIE.

H.R. 758: Mr. MOORE of Kansas.

H.R. 764: Mr. PRICE of Georgia.

H.R. 766: Mrs. MYRICK.

H.R. 800: Mrs. NORTHUP, Mr. OSBORNE, Mr. TOM DAVIS of Virginia, Mr. ISTOOK, Mr. HYDE, Mr. LUCAS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, and Mr. WELDON of Pennsylvania.

H.R. 807: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. KUCINICH, Mr. KIND, Mr. FARR, Mr. DeFAZIO, Ms. LEE, Ms. McCOLLUM of Minnesota, Mr. HONDA, and Mr. JACKSON of Illinois.

H.R. 809: Mrs. MYRICK, Mrs. CUBIN, Mr. McHENRY, Mr. FLAKE, Mr. BOEHLERT, and Mr. WICKER.

H.R. 817: Mr. EVANS, Mr. CARDIN, Mr. HYDE, Mr. ISSA, Mr. BAIRD, Mr. DANIEL E. LUNGREN of California, and Mrs. NORTHUP.

H.R. 827: Mr. FERGUSON, Mr. HAYWORTH, and Mr. RAMSTAD.

H.R. 846: Mr. FARR.

H.R. 869: Mr. PITTS, Mr. NADLER, Mr. MOLLOHAN, Mr. WEXLER, and Mr. McGOVERN.

H.R. 880: Mr. OWENS.

H.R. 896: Mr. PLATTS.

H.R. 913: Mr. HERGER, Mrs. MUSGRAVE, and Mr. POMBO.

H.R. 916: Mr. PASCRELL, Mr. GILCHREST, Mr. BEAUPREZ, Mr. BACHUS, Mr. RAMSTAD, Mr. BRADLEY of New Hampshire, Mr. BISHOP of Utah, Mrs. CAPITO, Mr. INSLEE, Mr. CAPUANO, Mr. TOM DAVIS of Virginia, Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, and Mr. LUCAS.

H.R. 917: Mr. BRADLEY of New Hampshire.

H.R. 939: Mr. BROWN of Ohio.

H.R. 940: Mr. BILIRAKIS.

H.R. 997: Mr. BARRETT of South Carolina, Mr. DEAL of Georgia, Mrs. BIGGERT, Mr. McCRERY, and Mr. BISHOP of Utah.

H.R. 1018: Mr. ENGEL, Mr. OWENS, Mr. McDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 1043: Mr. NORWOOD and Mr. VAN HOLLEN.

H.R. 1049: Mr. GALLEGLY.

H.R. 1070: Mr. DEAL of Georgia.

H.R. 1106: Mr. LEWIS of Georgia, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, and Mr. LANGEVIN.

H.R. 1108: Mrs. McCARTHY, Mr. ROGERS of Alabama, Mrs. MALONEY, Mr. GUTIERREZ, Mr. BERRY, Mr. HINCHEY, Mr. DICKS, Mr. MEEHAN, and Mr. TIERNEY.

H.R. 1120: Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. LIPINSKI.

H.R. 1133: Mr. ACKERMAN, Mr. McGOVERN, and Mr. SOUDER.

H.R. 1136: Mr. WEINER, Mrs. MALONEY, and Mr. CROWLEY.

H.R. 1155: Mr. CARDIN.

H.R. 1157: Mr. WATT and Mr. AL GREEN of Texas.

H.R. 1175: Mr. McCOLLUM of Minnesota, Mr. CASE, and Mr. KILDEE.

H.R. 1186: Mr. BURTON of Indiana, Mr. FERGUSON, and Mr. CHOCOLA.

H.R. 1188: Mr. PLATTS.

H.R. 1191: Mr. SAXTON.

H.R. 1201: Mr. LEWIS of Georgia.

H.R. 1204: Mr. MILLER of North Carolina, Mr. TAYLOR of Mississippi, Mrs. TAUSCHER, Mrs. LOWEY, Mr. COSTELLO, Mr. GEORGE MILLER of California, Ms. MILLENDER-McDONALD, Mr. BOSWELL, Mr. STRICKLAND, Mr. HOYER, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. RYAN of Ohio, Mr. DELAHUNT, Mr. MEEHAN, Mr. BRADY of Pennsylvania, Ms. MATSUI, Ms. CARSON, and Mr. MEEKS of New York.

H.R. 1216: Mr. KUHL of New York.

H.R. 1217: Mr. WU.

H.R. 1226: Mr. FEENEY and Mr. NEY.

H.R. 1227: Mr. WICKER, Ms. BERKLEY, Mrs. McCARTHY, and Mr. WATT.

H.R. 1241: Mr. PASCRELL.

H.R. 1258: Mr. EHLERS.

H.R. 1266: Mr. BEAUPREZ.

H.R. 1282: Mr. PALLONE.

H.R. 1306: Mr. CROWLEY, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. TERRY, Mr. BONILLA, and Mr. MILLER of Florida.

H.R. 1314: Mr. KANJORSKI.

H.R. 1329: Mr. STARK.

H.R. 1337: Mr. TIAHRT, Mr. NORWOOD, Mrs. DRAKE, Mr. UPTON, and Mr. RYUN of Kansas.

H.R. 1363: Mr. COBLE.

H.R. 1365: Mr. KANJORSKI, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. EMANUEL, and Mr. FORD.

H.R. 1366: Ms. GINNEY BROWN-WAITE of Florida.

H.R. 1378: Mr. SKELTON.

H.R. 1380: Mr. BISHOP of Utah.

H.R. 1405: Mr. SANDERS.

H.R. 1409: Mr. SULLIVAN.

H.R. 1425: Mr. FRANK of Massachusetts.

H.R. 1438: Mr. HAYWORTH.

H.R. 1445: Mr. McCAUL of Texas.

H.R. 1474: Ms. KAPTUR, Mr. SIMMONS, Mr. LARSON of Connecticut, Mr. OWENS, Mr. HIGGINS, and Ms. BORDALLO.

H.R. 1480: Mr. SERRANO, Mr. EVANS, Mr. WU, and Mr. FRANK of Massachusetts.

H.R. 1499: Mr. MORAN of Kansas, Mr. GOODE, Mr. HAYWORTH, Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, and Mr. CONAWAY.

H.R. 1505: Mr. TURNER and Mr. SHAW.

H.R. 1511: Mr. GOODE.

H.R. 1522: Mr. WEXLER.

H.R. 1545: Mr. NORWOOD.

H.R. 1554: Mrs. MILLER of Michigan.

H.R. 1578: Mr. BACHUS, Mr. JONES of North Carolina, and Mr. ISTOOK.

H.R. 1580: Mr. LANTOS, Mr. OWENS, and Ms. WATSON.

H.R. 1588: Mr. LARSEN of Washington, Mr. CARDOZA, Ms. SOLIS, Mr. WEXLER, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Mr. PRICE of North Carolina, and Mrs. CAPPS.

H.R. 1616: Mr. TAYLOR of North Carolina and Mrs. EMERSON.

H.R. 1620: Mr. OWENS.

H.R. 1632: Mr. BOREN and Mr. SHAW.

H.R. 1633: Mr. CULBERSON.

H.R. 1635: Mr. OSBORNE, Mr. UPTON, and Mr. LIPINSKI.

H.R. 1637: Mr. BROWN of Ohio, Ms. LEE, Ms. BERKLEY, Mr. GRIJALVA, and Mr. LIPINSKI.

H.R. 1639: Ms. SOLIS and Mr. HOLT.

H.R. 1649: Mr. FERGUSON.

H.R. 1651: Mr. REYES.

H.R. 1671: Mr. CONYERS, Mr. JONES of North Carolina, Mr. GILLMOR, Mr. BOEHLERT, and Mr. MANZULLO.

H.R. 1688: Mr. STARK.

H.R. 1690: Mr. KILDEE and Mr. GOODE.

H.R. 1696: Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mr. TOWNS, and Mr. FILNER.

H.R. 1741: Mr. CAMP.

H.R. 1746: Mr. MILLER of Florida.

H.R. 1773: Mr. PETERSON of Minnesota.

H.R. 1816: Mr. WILSON of South Carolina.

H.R. 1870: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1872: Mr. SHAW.

H.R. 1898: Mr. GALLEGLY, Mr. SHADEGG, and Mr. SESSIONS.

H.R. 1955: Mr. UDALL of Colorado and Ms. JACKSON-LEE of Texas.

H.R. 1973: Mr. SCHWARZ of Michigan.

H.R. 1985: Mr. MILLER of Florida.

H.R. 2000: Mr. FILNER.

H.J. Res. 6: Mr. GOODE.

H.J. Res. 10: Mr. PETERSON of Pennsylvania, Mr. SODREL, Mr. REYES, and Mr. SHIMKUS.

H.J. Res. 38: Mr. SMITH of New Jersey.

H.J. Res. 44: Mr. HYDE and Ms. LORETTA SANCHEZ of California.

H. Con. Res. 24: Ms. PELOSI.

H. Con. Res. 40: Mrs. CAPITO.

H. Con. Res. 44: Mr. RANGEL, Mr. PAYNE, Mr. MENENDEZ, Mr. GENE GREEN of Texas, and Mr. AL GREEN of Texas.

H. Con. Res. 71: Ms. SLAUGHTER.

H. Con. Res. 90: Mrs. LOWEY, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. UDALL of New Mexico, and Mrs. BIGGERT.

H. Con. Res. 99: Ms. JACKSON-LEE of Texas.

H. Con. Res. 106: Mr. UPTON and Mr. VAN HOLLEN.

H. Con. Res. 108: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, Mr. WATT, and Mr. CARDOZA.

H. Con. Res. 123: Mr. PALLONE.

H. Con. Res. 127: Mr. FARR.

H. Con. Res. 131: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 132: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 76: Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. RAHALL, and Mr. CONYERS.

H. Res. 84: Mrs. EMERSON.

H. Res. 85: Mr. SHAW.

H. Res. 90: Mr. WEXLER.

H. Res. 168: Mr. TAYLOR of North Carolina, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, and Mr. SOUDER.

H. Res. 175: Mr. PALLONE.

H. Res. 212: Ms. NORTON, Mr. SANDERS, Mr. CUNNINGHAM, and Mr. DAVIS of Kentucky.

H. Res. 218: Mr. KIND, Mr. PRICE of Georgia, Mr. JINDAL, Mr. HOEKSTRA, Mr. HAYWORTH, Mr. GREEN of Wisconsin, Mr. BOOZMAN, and Mr. CASE.

H. Res. 233: Mr. KINGSTON, Mr. PALLONE, and Mr. POE.

H. Res. 245: Mr. TOWNS, Mr. DAVIS of Illinois, Mr. DICKS, Mr. HOLDEN, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. ROSS, and Mr. ETHERIDGE.

H. Res. 250: Mr. TOWNS and Mr. WAXMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 513: Mr. McNULTY.

EXTENSIONS OF REMARKS

A PROCLAMATION IN MEMORY OF JAMES M. FELTIS III

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family, friends, and fellow officers of James M. Feltis III; and

Whereas, James M. Feltis III was a man committed to his family, a devoted husband to his wife of 21 years, and loving father to his six-year-old daughter; and

Whereas, James M. Feltis III was a member of St. Mary Catholic Church, the Fraternal Order of Police, and the Federal Law Enforcement Officers Association; and

Whereas, James M. Feltis III had been a field training officer, a criminal investigator, and a member of the HAZMAT Response Team through his 11 years of service with the Pentagon Police Department; and

Whereas, James M. Feltis III will be remembered for his ultimate sacrifice of self while protecting others, earning the Office of the Secretary of Defense Medal of Valor. His example of strength and courage will be forever remembered by those who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family, friends, and colleagues of James M. Feltis III.

TRIBUTE TO LT. COL. JOHN D. BARTH, UNITED STATES MARINE CORPS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. YOUNG of Florida. Mr. Speaker, it is my pleasure and privilege to rise today and recognize an outstanding Marine, Lieutenant Colonel John D. Barth, who will retire this summer after 20 years of active service in the United States Marine Corps. During the past three and one-half years, a time of great importance to the Marine Corps as we are a Nation at war, he has served admirably as the Marine Corps primary liaison to Congress for Appropriation Matters.

Many of my colleagues and their staffs have come to know Lieutenant Colonel Barth as an exceptional spokesman for the United States Marine Corps. He has earned the complete confidence of the Members and staff of the House Appropriations Defense Subcommittee, which I have the honor to chair, and the personal staff of Committee Members.

His straightforward approach and complete grasp of all facets concerning expeditionary warfare and program management, coupled with his gifted leadership and superb management have been of great benefit to my staff, the U.S. Congress and our national security. Lieutenant Colonel Barth ensured that the U.S. Congress had the information necessary to determine how to best equip, maintain and support the United States Marine Corps, America's force-in-readiness. These important programs include the MV–22, Joint Strike Fighter (JSF), Expeditionary Fighting Vehicle (EFV), Lightweight 155 Howitzer (LW–155), Maritime Prepositioned Force (Future), LHA(R), LPD–17, initial issue of gear for the individual Marine, and critical equipment required for the Global War on Terrorism.

Lieutenant Colonel Barth's uncompromising professionalism and interpersonal skills have provided a great service to the Congress. He has helped ensure that the Congress has the proper information about Marine Corps requirements and issues at the right time to make critical decisions about the future of the Marine Corps. His responses to numerous congressional inquiries made by House and Senate Members have always been timely, accurate, and professional.

Mr. Speaker, I have personally known Lieutenant Colonel Barth to possess an unquestionable devotion to duty, impeccable integrity, absolute sound character, and an exceptional sense of humor. He is a true consummate professional. His judicious use of these traits has allowed him to handle even the most delicate situations with what appears to be relative ease.

On a more personal note, I wish to highly commend Lieutenant Colonel Barth for his unwavering devotion to the injured and wounded Marines returning from our current combat operations overseas. On many occasions over the last several years, my wife Beverly and I have enlisted Lieutenant Colonel Barth's assistance in addressing the needs of our Marines and their families at the National Naval Medical Center in Bethesda and other hospitals. Lieutenant Colonel Barth has not only addressed the needs and concerns of the Marines and their families promptly, but he has gone beyond the call of duty by personally visiting these young Marines, building personal relationships, offering counsel and other words of encouragement and advice, and providing true Marine leadership to these young men otherwise facing daunting personal challenges.

Through his exceptional personal efforts, Lieutenant Colonel Barth has contributed immeasurably to the Marine Corps, helping to ensure the strength and vitality of the Navy/Marine Corps team for years to come. In doing so, he has gone beyond his own service and positively impacted our Nation's defense. Lieutenant Colonel Barth has made a lasting contribution to the capability of today's Marine Corps and the future shape of tomorrow's Corps.

It has been a distinct pleasure to work closely with Lieutenant Colonel Barth over the past three and one-half years. His insights have always been invaluable. He has set a high standard for others to emulate. His superior performance of duties highlighted the culmination of 20 years of honorable and dedicated Marine Corps service.

In closing, Mr. Speaker, I join my colleagues in the House and on the Appropriations Committee in wishing Lieutenant Colonel John Barth, his wife Michele, and their wonderful family continued success in their future endeavors. Many thanks, and Semper Fidelis, Lieutenant Colonel Barth. Our Nation has benefited from your outstanding leadership.

ANNOTATION TO SPECIAL ORDER OF APRIL 28, 2005 ON AMERICA'S RICE FARMERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. POE. Mr. Speaker, please annotate that in my Special Order of 28 April 2005 on America's rice farmers, the profiles highlighting the farming legacies of the two Texas rice farmers—Mr. Ray Stoesser and Mr. Jack Wendt—were derived from Texas A&M University System Agricultural Research and Extension Center (Beaumont, TX)'s Texas Rice Newsletter in the July 2002, Volume II, Number 5 and June 2003, Volume III, Number 4 editions, respectively. Moreover, Mr. Wendt's letter to President George W. Bush appeared in a Special Guest Editorial published in the March 2005, Volume V, Number 1 edition of the aforementioned newsletter.

Thank you for your attention to this information.

TRIBUTE TO JOSEPH ANTHONY CITTA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Joseph Anthony Citta who is retiring at the age of 97 after almost a century of life lived to its fullest.

An attorney in Toms River, New Jersey, Joe was admitted to the New Jersey Bar in 1934. After his induction into the U. S. Army in 1941, he was discharged as a Major in 1946, following duty in Germany with the War Crimes Section.

Returning to Toms River with his wife and children, he built his law practice, Citta, Holzapfel, Azbarsky and Simon, of which he is CEO today.

He has served on the State Veterans Service Council, having been appointed by Governor Driscoll. Joe Citta was appointed as first

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Public Defender in Ocean County, and is a member of the Ocean County Bar Association, the New Jersey Bar Association and the American Bar Association.

Joe has served as President of many community organizations, among them the Toms River Athletic Association, the Board of Education of Toms River, the Ocean County Bar Association, the Toms River Rotary Club, the Ocean County Council Boy Scouts of America, and Toms River Chamber of Commerce. He was named Ocean County College (OCC) Foundation's Humanitarian of the Year twice, and also twice received the OCC Distinguished Service Award.

His benevolent acts in the community through the Citta Foundation are legendary. His significant contributions through the Foundation are directed at the betterment of education and life in Dover Township, which he has called home for so many years.

I am pleased to congratulate my friend, Joseph A. Citta, on his retirement, and to extend the gratitude of the community for his generosity and support during a lifetime of service.

A PROCLAMATION IN MEMORY OF GEORGE TOZZI, SR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family, friends, and community of George Tozzi, Sr.; and

Whereas, George Tozzi, Sr. was a retired meat cutter with Kroger company, the former owner of the Tee-Pee in West Bellaire, and former owner of Phillip's Trailer Court; and

Whereas, George Tozzi, Sr. was a member of St. Mary's Catholic Church in St. Clairsville, the Knights of Columbus, Board of Directors for A Special Wish Foundation, former member of the Bellaire Civil Service Commission, and American Legion Post 52 of Bellaire; and

Whereas, George Tozzi, Sr. bravely defended our country for four years aboard the U.S.S. Nashville in the Pacific Theater of World War II; and

Whereas, the understanding and caring to which he gave to others will stand as a monument to a truly fine person. His life and example inspired all who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family, friends, and colleagues of George Tozzi, Sr.

IN RECOGNITION OF THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize the 90th Anniversary of the Armenian Genocide.

April 24th, of every year, marks the anniversary of the Armenian Genocide. Ninety years ago, 1.5 million innocent Armenians were killed at the hands of the Ottoman Empire. This, the first genocide of the 20th century, must be remembered, acknowledged, and continuously reaffirmed.

It must be our goal to remind the Congress, remind the country, and remind the world that the Genocide happened. It is a historical fact, and we will never forget.

The United States should affirm the genocide once and for all for so many reasons. But one of the most important reasons is so that we prevent atrocities from happening in the future.

If we're ever going to prevent genocides in the future, the world has to admit to the past. When genocides happen, we have to condemn them for what they are.

The quote from Adolf Hitler, in justifying his evil acts, says it all—"who remembers today the extermination of the Armenians?"

Well, as Co-Chair of the Congressional Caucus on Armenian Issues, I'm here today to answer that question. We remember. And we'll never forget.

And we're not alone by a long shot. In fact, 37 States in this country have formally recognized the Armenian Genocide. I think that's a strong statement about the level of support in this country for recognizing the Genocide.

And of course the Congressional Caucus on Armenian Issues is fully committed to this cause. On April 24th of every year, the President is required to issue a statement on the Armenian Genocide. Recently, 178 Members of the House of Representatives, and 32 Senators sent letters to the President urging him to use the word "genocide" in this year's statement.

We will continue our efforts here in Congress and use all the means at our disposal.

Some dispute the charge against the Ottomans, but let me make my feelings clear; the Armenian Genocide happened, and it is the duty and responsibility of the United States and this Congress to affirm that. I rise today, to reaffirm my position; it is time the United States Congress does the same.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on April 27, 2005, I was out of the office and was unable to vote. Had I been present I would have voted:

H.R. 748, On Agreeing to the Scott Amendment—"No".

TRIBUTE TO VAN JOHNSON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Ms. MATSUI. Mr. Speaker, today I rise in tribute to a man with a truly distinguished career in the healthcare community. To say that Van Johnson has made a permanent mark in the healthcare field would only begin to skim the surface of the many wonderful contributions that he has made as a leader in the healthcare industry and in his own community. As his family, friends, and colleagues gather to celebrate Mr. Johnson's illustrious career, I ask all my colleagues to join me in saluting one of Sacramento's most outstanding citizen leaders.

Mr. Johnson earned his bachelor's degree in international relations and psychology from Brigham Young University, and a master's degree in healthcare administration from the University of Minnesota. Upon completion of his education, Mr. Johnson served for 13 years in leadership roles at Intermountain Healthcare in Salt Lake City, Utah.

Prior to assuming his current position as president and chief executive officer of Sutter Health in 1995, Mr. Johnson served as senior vice president and chief operating officer for Sutter's acute and non-acute facilities as well as services and physician organizations in the Sacramento, Placer and Yolo County region. Under his exemplary and innovative leadership, Sutter Health has built or replaced more than a dozen hospitals and major patient care centers, and has introduced hundreds of new patient services. Mr. Johnson's commitment and dedication culminated in an initiative worth over 5 billion dollars to rebuild, replace, and expand much of Northern California's health care infrastructure. In just the past five years, Sutter Health has invested well over 1 billion dollars in services for the poor and in programs and services that benefit local communities.

Mr. Johnson has also long been active with community-based organizations. In 2001, the Sacramento division of the Boy Scouts of America recognized him as "Man of the Year," and the United Cerebral Palsy Association named him "Humanitarian of the Year." In 2002, he received the prestigious National Healthcare Award from B'nai B'rith International, one of the world's oldest and largest organizations focused on human rights, community action, and humanitarian causes.

In addition to his duties as president and CEO of Sutter Health in Northern California, he is currently board chairperson for the Integrated Healthcare Council of California and an advisory council member for the University of California-Davis Graduate School of Business. He also serves on the boards of the Sacramento Regional Foundation and the Northern California chapter of the March of Dimes.

Mr. Speaker, as Van Johnson's friends, family, and colleagues gather to celebrate his great career, I am honored to pay tribute to one of Sacramento's most honorable citizens. Mr. Johnson's continued leadership is a true testament to public service. If a template for commitment to healthcare could be made, it would surely bear the resemblance of Van R. Johnson. Although his time at Sutter Health may soon be complete, his involvement in community service is, fortunately for us, far from over. I ask all of my colleagues to join with me in wishing Mr. Van Johnson continued success in all his future endeavors.

A PROCLAMATION IN MEMORY OF NATALIE J. VANNELLE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Natalie J. Vannelle; and

Whereas, Mrs. Vannelle was a loving sister, wife to her husband, Frank, mother to their four children, and grandmother to their grandchildren and great-grandchildren; and

Whereas, Mrs. Vannelle was a member of the St. John Catholic Church in Bellaire, Ohio; and

Whereas, Mrs. Vannelle will certainly be remembered by all those who knew her because of her loving nature towards her family, friends, and community; and

Whereas, the understanding and caring to which she gave to others will stand as a monument to a truly fine person. Her life and love gave joy to all who knew her.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Natalie J. Vannelle.

TRIBUTE TO FALLEN HEROES OF THE KENTUCKY FRATERNAL ORDER OF POLICE

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. CHANDLER. Mr. Speaker, with great honor I rise today to pay tribute to the fallen heroes of the Kentucky Fraternal Order of Police. We are the beneficiaries of their bravery and sacrifice. We will always be indebted to these men and women who sacrifice daily to protect our communities and ensure our safety. Their commitment to this country inspires future generations and stands as a powerful symbol of what draws us together as Americans. I want to commend them for setting such a fine example of what it means to live a life of duty and honor.

In these difficult times of fighting terror abroad, it is important to remember and thank those who keep us safe at home. Every day police officers put their lives on the line to protect the freedoms we often take for granted. Every day police officers work so America's children will always know what it means to be free.

At a minimum, Mr. Speaker, we must always remember to give police officers the resources they need to do their jobs to the best of their ability. Shortchanging our police departments does more than hurt the officers, it hurts our entire country. And we must do more than fund our police departments—we must also be advocates for their service so all citizens know of their honor and courage, and sometimes ultimate sacrifice.

I am extraordinarily grateful to the men and women of Kentucky's Fraternal Order of Police. Their service, dedication and commitment to protecting the citizens of Kentucky are vital to the future of our Commonwealth and reflected in all our past successes. It is my great honor to recognize these American heroes today.

A TRIBUTE TO VERMONT JOHNSON

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. OBEY. Mr. Speaker, I rise today to pay tribute to Mr. Vermont Johnson of Bayfield Wisconsin, who recently retired after nearly twenty years as an Advisor to the Great Lakes Fishery Commission. Mr. Johnson represented the sport fishing interests on that Committee and worked tirelessly to support measures that protect and improve the Great Lakes fishery.

The Commission's Committee of Advisors was established under the 1955 Great Lakes Fisheries Act. The Committee is charged with advising the Commission about all fishery matters relating to fish stocks shared by Canada and the United States and is also an avenue for citizens to be heard on issues that concern them. Representatives on the Committee speak for the sport fishery, the commercial fishery, the public-at-large, and State agencies.

Mr. Johnson has a lifetime of experience with the Great Lakes and has a deep knowledge of the matters relating to the resource. As a motel owner, he certainly appreciated how the Great Lakes and their fisheries lured tourists. During his tenure on the Committee of Advisors, Mr. Johnson took on a number of issues of vast importance to the Great Lakes, and although he technically represented the sportfishing concerns of the Lake Superior waters of Wisconsin, his contributions to the Committee had a basinwide impact. He was, by all accounts, an integral member of the Committee, providing leadership on issues ranging from the rehabilitation of native species to the effect of underwater log salvage on fish habitat. He regularly attended and led meetings—often at great distance from home and at his own expense—and interacted with interests throughout the Great Lakes region.

Mr. Johnson grew up in Bayfield, Wisconsin, on the shores of Lake Superior. After , attending the University of Wisconsin, he enlisted in the U.S. Coast Guard and served as Chief Boatswain's Mate aboard the Coast Guard buoy tender *Balsam* in the Pacific—which I am told is the only vessel of its type to sink a Japanese submarine during World War II. After his service, he returned to Wisconsin, earned a degree in school administration, and served as a school superintendent for 35 years in several districts, as well as continuing on in the Coast Guard Auxiliary.

Mr. Johnson and his wife Harriett, who have been married for more than 60 years, continue to reside in Bayfield. He is an active leader in his community, helping to enlarge his church and leading the building committee of the Bayfield Heritage Association. In fact, he remains involved in almost every civic activity in Bayfield.

For twenty years, Mr. Johnson—and usually Harriett—were stalwart participants in the meetings of the Great Lakes Fishery Commission and the Committee of Advisors. I am happy to honor Mr. Vermont Johnson as he retires from the Great Lakes Fishery Commission's Committee of Advisors—it is a pleasure to take note of his service.

VERMONT'S COMMUNITY ACTION PROGRAMS: FORTY YEARS OF SUSTAINING COMMUNITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. SANDERS. Mr. Speaker, in Vermont we are celebrating the fortieth anniversary of the Community Action Programs which have transformed the lives of thousands and thousands of people in our state. These CAP agencies provide citizens with assistance: the young and the elderly, rural residents and urban residents, homeowners and renters and the homeless, those with jobs and those without. These are not programs created to give handouts; instead, they work to develop comprehensive approaches to addressing the root causes of poverty, and to alleviating the consequences of poverty. Nor are they spinoffs of some far-distant Washington bureaucracy: the CAP agencies are locally staffed and their programs result from collaborative efforts with the lower-income people they are meant to serve.

Vermont's Community Action Programs are community-based networks for social and economic development. There are five of them: Southeast Vermont Community Action (SEVCA), Central Vermont Community Action Council (CVCAC), Community Action in Southwestern Vermont (BROC), Northeast Kingdom Community Action Agency (NEKCA) and Champlain Valley Office of Economic Opportunity (CVOEO). Nearly 3,000 individuals (in 1165 families) were provided services through the SEVCA's Community Services department last year. NEKCA serves more than 6,000 moderate-to-low income families. Over 8,000 individuals obtained early childhood education, crisis fuel assistance, meals, and household insulation through CVCAC. CVOEO provides a wide variety of vital services to approximately 8,000 households (just over 19,000 individuals) every year.

But numbers alone, as impressive as they are, do not tell the whole story. From child care to fuel assistance in cold weather, the CAP agencies are always there when people have needs. CAP agencies not only help hard-pressed families find food, they support family farms through the Farm to Family coupon redemption program. They help retrain workers who have lost their jobs, and they provide a sound basis for a lifetime of learning through Head Start. They run micro-business development programs—and help citizens with their tax returns.

In SEVCA's building there is a wonderful version of the Washington mural of men waiting in a breadline in the 1930's, a reminder that economic need is—unhappily—always among us. That mural reminds us too of

Franklin Roosevelt's eloquent words, which are painted on the mural itself: "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little." Those words ring, today, with truth.

Too often the glowing colors of our television and the bold headlines of our newspapers ignore the actuality of life in America: that in the midst of the richest Nation in the history of the world, many go hungry, or are without health insurance, or lack adequate education, or search fruitlessly for decent-paying jobs. The CAP agencies of Vermont never forget the realities in which we all live. They know that there are people who can benefit from the help of the government programs established by Roosevelt and Lyndon Johnson, programs begun in times when it was the purpose of government to serve all Americans—and not just wealthy Americans. The CAP agencies, and those who work for them, do much to help tens of thousands of Vermonters live the life that should be theirs, a life free from hunger, homelessness, hopelessness and want.

So after 40 years of hard and extraordinarily important work by those who work for and sustain the CAP agencies, let me say on behalf of all the citizens of my state: Congratulations on what you have done! All of us in Vermont are richer for the community you have built and sustained.

A PROCLAMATION HONORING MR. AND MRS. BOCEK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, Joseph and Audrey Bocek were united in marriage January 9, 1953, and are celebrating 52 years of marriage; and

Whereas, Joseph and Audrey Bocek have dedicated their lives to each other; and

Whereas, Joseph and Audrey Bocek have illustrated the love and commitment necessary to live a long and beautiful life together.

Therefore, I join with the residents of Toronto, and the entire 18th Congressional District of Ohio in congratulating Joseph and Audrey Bocek as they celebrate their 52nd Wedding Anniversary.

KENNETH B. CLARK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. ENGEL. Mr. Speaker, I rise today to pay honor to Kenneth B. Clark, an educator and psychologist who spent his life working to improve the lives of African-American children, It is Clark's pioneering research on the detrimental effects of racial segregation in schools that was cited by the Supreme Court in the landmark 1954 ruling, Brown vs. Board of Education.

Clark was born in the Panama Canal Zone in 1914 and, at age 5, ,moved with his family to a tenement in New York City to pursue the American Dream. Clark eventually earned his Masters degree from Howard University. Clark went on to become the first African-American to earn a doctorate in psychology at Columbia and also the first to hold a permanent professorship at the City College of New York. While teaching psychology at City College, Clark developed an interest in the effects of segregation on children and conducted his famous study on school segregation. This study demonstrated how racial segregation marred the development of black students and eventually influenced the landmark Supreme Court case.

After his professorship, Clark continued his work for children and became the first African-American to join the New York State Board of Regents, and again the first African-American to serve as president of the American Psychological Association. He belonged to a number of other prestigious organizations including the New York Urban Development Corporation, the Society for Psychological Studies of Social Issues, and Phi Beta Kappa. He founded Harlem Youth Opportunities Unlimited and, with his wife Mamie Phillips, formed what became the North side Center for Child Development.

After retiring from the Board of Regents, Clark began his own consulting firm in my district, in Hastings-On-Hudson, New York. Kenneth B. Clark and Associates assists corporations with racial policies, affirmative action, and other minority hiring programs. Clark wrote many books, including "Prejudice and Your Child" and "Dark Ghetto" and was awarded many honors for his life's work.

Clark dedicated his life to improving racial equality and never abandoned his belief in the importance of equal access to education, regardless of race. His free thinking and steadfast commitment to this racial equality will sorely be missed.

INTRODUCTION OF AIR CARGO SECURITY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. MARKEY. Mr. Speaker, more than three and a half years after the September 11th attacks, gaping loopholes in our country's homeland security continue to put Americans at risk of another devastating attack. The Department of Homeland Security's former Inspector General Clark Kent Ervin testified recently before the Homeland Security Subcommittee on Management, Integration, and Oversight. Mr. Ervin told the Subcommittee that: "Even in the area where the most time, attention, and resources have been invested—aviation security—serious vulnerabilities remain."

One of our most dangerous vulnerabilities is the failure to screen 100 percent of the cargo that is carried on passenger planes and all-cargo aircraft. Every time we fly, we wait in security lines, empty our pockets, remove our shoes, walk through metal detectors, and have our baggage inspected. We do not complain much—after all, we are told that this is required to keep our planes secure—and we accept that. But what many people do not realize is that every time commercial cargo is loaded onto the very same passenger planes or placed on aircraft that transport only cargo, almost none of it is ever inspected at all.

The security risk created by unscreened cargo is not just theoretical: Pan Am Flight 103 was brought down in 1988 over Lockerbie, Scotland by a bomb contained in unscreened baggage, and Air India flight 182 was downed in 1985 off the coast of Ireland by a bomb placed in unscreened luggage.

Uninspected freight on all-cargo carriers also poses a serious danger. Last summer, the 9/11 Commission reported that Al Qaeda operative Zacharias Moussaoui's terrorist plans included "buying four tons of ammonium nitrate for bombs to be planted on cargo planes." Ammonium nitrate is the same chemical compound that Timothy McVeigh used to kill 168 innocent men, women and children at the Alfred P. Murrah Federal Building in Oklahoma City 10 years ago. Less than two years ago, a young man shipped himself undetected aboard a cargo plane from New York to Texas. We were lucky he was just a lonely twenty-something, not a terrorist.

It is long past the time when we should have adopted a policy that subjects cargo on passenger and all-cargo aircraft to the same level of screening that is performed daily on passengers' checked and carry-on luggage.

Today, Representative CHRISTOPHER SHAYS (R–CT) and I are introducing the Air Cargo Security Act to require the Secretary of Homeland Security to establish and begin implementing a system to inspect all the cargo transported on passenger planes and all-cargo carriers, so that this cargo is subject to the same level of scrutiny as passengers' luggage. Our legislation also. includes additional measures to close the cargo loophole, such as: a mandate that the Secretary of Homeland Secretary establish systems to inspect cargo using equipment, technology and personnel that meet, at a minimum, the same standards established to inspect passenger baggage; a requirement that the Secretary of Homeland Security monitor and evaluate the research and development of effective cargo screening technologies; establishment of a system of regular inspection of shipping facilities for shipments of cargo to ensure that appropriate security controls and systems are observed, both at facilities inside the U.S. and abroad; a directive that the Secretary of Homeland Security report to Congress on the number of cargo shipping facilities that have been inspected, the number of facilities that have failed to comply with security controls, and the number of agreements concluded with foreign aviation authorities to ensure that regular inspections are conducted for cargo transported to the United States; and creation of a training and evaluation program for cargo handlers to improve the security ensure that cargo is safeguarded from security breaches.

The House has voted overwhelmingly—by votes of 278 to 146 and 347 to 47—to require 100 percent screening of cargo carried on passenger planes. The airline industry and the Bush Administration strenuously objected to the 100 percent screening mandate, and the Senate ultimately dropped it from the final version of the Department's FY04 appropriations bill. Last year, the House narrowly defeated our 100 percent screening amendment after strong opposition from the airline industry.

The experts who are our aviation system's "eyes and ears"—namely, the pilots and flight attendants who work aboard aircraft everyday—have endorsed the Air Cargo Security Act. The Coalition of Airline Pilots Associations (CAPA), which represents 22,000 pilots at American Airlines, Southwest, AirTran and other airlines, and the Association of Flight Attendants, with its 46,000 members, have endorsed this important legislation. Since introducing similar legislation last year, I have addressed the concerns of the Air Line Pilots Association (ALPA) by including all-cargo carriers under the 100 percent cargo screening mandate and providing for federal appropriations to implement this mandate. When I offered the Air Cargo Security Act as an amendment during the committee mark-up of the Homeland Security Department's FY06 authorization bill, ALPA supported my amendment.

While last year's appropriations bill for the Department and the 9/11 reform implementation act included funding for cargo screening R&D, additional cargo inspectors, and related provisions, these measures do not go far enough.

TSA currently handles the screening of cargo carried on passenger planes by using a process it calls the "Known Shipper Program." The Known Shipper Program requires only paperwork to be filed, but no screening to be done. Mail and packages weighing less than 16 ounces are not even subject to the paperwork check—they are loaded straight onto the plane without even a perfunctory paper check! When it comes to freight on all-cargo carriers, inspection is the exception, not the rule—only a tiny portion is physically inspected before loading onboard. TSA now requires air carriers to conduct random inspections of cargo that are randomly verified by TSA—but this still results in almost none of the cargo on passenger planes being physically inspected for explosives or other dangerous materials. TSA is unable to inform us of how many cargo inspections are performed by the air carriers because the air carriers do not have to report to TSA the number of cargo inspections they conduct.

Some have argued that the technology to screen 100 percent of cargo is not available. But there are numerous companies that are currently selling technology that is being used to screen cargo, including American Science and Engineering; L3 Security and Detection Systems; and Raytheon CargoScreen. Some have argued that 100 percent screening is not technically feasible. But countries including Israel, the United Kingdom, and the Netherlands routinely screen cargo. Moreover, Logan Airport in Massachusetts, which has been conducting a cargo screening pilot program, reported in February that "100 percent of all air cargo on all types of aircraft is technically possible." According to Massport, which is responsible for the operation of Logan Airport, a federal mandate to screen 100 percent of cargo and a funding mechanism to distribute cost among the major players involved are required. The Air Cargo Security Act provides this mandate and authorizes the appropriations needed to accomplish it.

Some have argued that the Known Shipper Program is enough to assure the security of cargo. The Known Shipper Program is dangerously flawed and easily exploited. TSA has admitted that it has not audited most of the so-called known shippers in its database, and packages weighing less than 16 ounces are not even subject to the Known Shipper Program, even though the bomb that brought down Pan-Am Flight 103 contained less than 16 ounces of explosive!

I urge my colleagues to support the Air Cargo Security Act and close a dangerous loophole that puts our Nation at risk.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. McDERMOTT. Mr. Speaker, I rise to honor the contributions made by Asian Pacific Americans. May is Asian Pacific American Heritage Month and a time when every American should acknowledge the important role of Asian Pacific Americans in building our great nation.

The 7th Congressional District in Washington State, which I represent, is home to more than 78,000 Asian Americans, the largest minority group in the district comprising over 13% of the population. Today, Seattle is home to a rich and ethnically diverse cultural weave of Japanese, Asian Indian, Korean, Chinese, Filipino, Cambodian, Laotian, Hmong, Vietnamese, Pacific Islanders and other Asian Americans.

The 1880 U.S. Census records the first resident of Japanese descent in the state of Washington. Over the next 150 years, Asian Americans contributed to our state and nation in many ways. In 1963, Wing Luke became the first Chinese American elected to the Seattle City Council, and today a museum is named in his honor. There were other triumphs: Ruby Chow was the first Chinese American woman elected locally and Gary Locke was the first Chinese American elected Governor. Many Asian Americans serve today in the Washington State Legislature, other local elected offices, key leadership roles in civic organizations, business and industry.

Asian American role models come from all walks of life. Like other ethnic populations, Asian Americans had to persevere against prejudice, racial injustice and discrimination. When they immigrated, they worked in the mines and Alaskan canneries, logged the forests, were the first non-Native fishermen, and farmed the land. Up until World War II, Japanese Americans supplied nearly three-quarters of western Washington's fruits and vegetables.

The war marked a turning point. Internment camps, including one near Seattle, were a stain on America's conscience and it took four decades before we acknowledged the mistake, and the suffering inflicted on thousands of innocent Asian Americans. We learned a lot during World War II, about the courage and patriotism of Asian Americans, and about our own shortcomings in letting fear overtake reason at a time of world conflict. In a small but important way, naming a federal courthouse in Seattle after William Nakamura, a Japanese American Medal of Honor winner, was a statement about America being stronger because of Asian Americans.

In Seattle, we proudly celebrate Asian Pacific American culture and heritage, from the Vietnamese Tet in Seattle Lunar New Year celebration to other local cultural festivals. We also honor Asian Pacific Americans by preserving the ethnic heritage of our citizens. Places like the Wing Luke Asian Museum, the Seattle Asian Art Museum, the Filipino American National Historical Society, and Densho: The Japanese American Legacy Project keep us in touch with the roots of our neighbors. These wonderful resources proudly recall the past and proudly inspire the future.

By celebrating Asian Pacific American Heritage Month, we honor the spirit of America as a nation of immigrants. By honoring Asian Pacific Americans, we honor Americans from every ethnic background. This celebration reminds us that America is a melting pot where we retain our ethnic heritage even as we assimilate the American experience. It is what makes America strong. It is what makes America the destination for people willing to risk their lives floating in rafts in the ocean to reach this great land. Celebrate Asian Pacific American Heritage Month.

IN RECOGNITION OF THE GREAT EDUCATOR, HUMANITARIAN, AND CIVIL RIGHTS ACTIVIST, DR. KENNETH B. CLARK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor an outstanding American whose tireless work helped end segregation, raised the educational expectations of generations of New Yorkers, and advanced the idea of a truly integrated society. My dear friend, Dr. Kenneth B. Clark died on May 1, 2005 and he will be missed by all who knew him. I extend my condolences to his family and I know I am joined by thousands of New Yorkers, as well as those throughout the Nation, who benefited from his work to end the injustice of legally imposed racial segregation and to create a society where all could have an equal opportunity to succeed.

Kenneth B. Clark was a brilliant scholar and teacher who influenced a generation of social scientists by his work and his example as a teacher at the City College of New York. He was also, and at heart perhaps he was even moreso, an activist who sought to bring about the social change required to attain equality of opportunity for African-Americans in our society. He inspired the vision of Dr. Martin Luther King, Jr. and those who led the great Civil Rights Movement toward a society in which people would be judged, as Dr. King put it "by the content of their character and not the color of their skin."

Dr. Clark was committed to the achievement of an integrated society in America that would remove the barriers to full participation by blacks, but would also make whites more aware of the benefits to be derived from participation by all based upon talent.

Dr. Clark had an impressive career of working for civil rights and education. His research in the 1950s established the inherent problems of segregated system and alerted the Supreme Court and the Nation to the negative effects of segregation on African-American youth. As a member of the New York State Board of Regents for twenty years, he continually advised elected officials on ways to transform and improve their school systems. He was a passionate advocate for children and did not spare those who failed them.

Dr. Clark was an exemplary American who worked to improve the life of all persons in America. I knew him as an exceptional individual and a trusted friend. The attached obituary from the New York Times (May 2, 2005) highlights the life story and accomplishments of Dr. Clark.

KENNETH CLARK, WHO HELPED END SEGREGATION, DIES

NEW YORK, NY—Kenneth B. Clark, the psychologist and educator whose 1950 report showing the destructive effect of school segregation influenced the United States Supreme Court to hold school segregation to be unconstitutional, died yesterday at his home in Hastings-on-Hudson, N.Y. He was 90.

His death was reported by daughter, Kate C. Harris.

Dr. Clark was a leader in the civil rights movement that developed after World War II. He was the first black to earn a doctorate from Columbia University, the first to become a tenured instructor in the City College system of New York, and, in 1966, the first black elected to the New York State Board of Regents.

He wrote several influential books and articles and used his considerable prestige in academic and professional circles and as a participant on many government bodies and Congressional committees to advance the cause of integration. He battled white supremacists and black separatists alike because he believed that a "racist system inevitably destroys and damages human beings; it brutalizes and dehumanizes them, black and white alike."

It was his research with black schoolchildren that became a pillar of Brown v. Board of Education, the 1954 Supreme Court decision that toppled the "separate but equal" doctrine of racial segregation that prevailed in 21 states."

While for decades Dr. Clark was one of the great national authorities on integration, his effect was particularly profound in New York City and New York State. Mayors and governors consulted him, and he expressed firm views about virtually every delicate racial matter from school busing to housing discrimination.

He was often fearless and blunt about his views, and willing to change them when the empirical evidence led him to believe that his original sentiments were wrong. An early champion of a sweeping reorganization of New York City schools that gave greater control to community school boards, Dr. Clark later commented that "the schools are no better and no worse than they were a decade ago."

"In terms of the basic objective," he said, "decentralization did not make a damn bit of difference."

Dr. Clark, who grew up in New York, gained firsthand knowledge of the effects of legally entrenched segregation in an extended visit, in the 1950's, to Clarendon County in central South Carolina. Its school system had three times as many blacks as whites, but white students received more than 60 percent of the funds earmarked for education.

Dr. Clark administered a test, which he had devised years earlier, to 16 of those black children, who were ages 6 to 9. He showed them a black doll and a white doll and asked them what they thought of each. Eleven of them said that the black doll looked "bad," and nine of them thought that the white doll looked "nice." Seven of the 16 told Dr. Clark that they actually saw themselves as being closest to the white doll in appearance when asked, "Now show me the doll that's most like you."

"These children saw themselves as inferior, and they accepted the inferiority as part of reality," Dr. Clark said.

Dr. Clark's testing in Clarendon County was used by Thurgood Marshall and the NAACP Legal Defense and Educational Fund in its challenge to the constitutionality of the separate-but-equal doctrine because it showed actual damage to children who were segregated and a violation of equal protection under the Fourteenth Amendment.

On May 17, 1954, the Supreme Court under Chief Justice Earl Warren announced its decision in Brown v. Board of Education, and Marshall, who had argued the case before the court, called Dr. Clark with the news. Dr. Clark recalled that Marshall told him that "Justice Warren had specifically mentioned the psychological testimony as key."

Dr. Clark added: "I confidently expected the segregation problem would be solved by 1960. That shows how naive I was."

AN UNWAVERING INSISTENCE

To the end, Dr. Clark remained committed to integration, although he grew more pessimistic. For this, in part, he blamed neoconservative whites who, he thought, had betrayed the civil rights struggle; those blacks who thought they could succeed in isolation from whites; politicians of both races who made empty promises; and defeatists who came to think that integration and real racial harmony were "too difficult to achieve."

Renowned for the power of his oratory and writing over a career that spanned more than 50 years, Dr. Clark was uncompromising in his insistence that blacks be given equal rights and that even in the face of violence at the hands of racists, they must "adopt a courageous, calm and confident position."

Besides Ms. Harris, of Lausanne, Switzerland, and Osprey, Fla., he is survived by his son, Hilton B. Clark of Manhattan, three grandchildren and five greatgrandchildren. Dr. Clark's wife died in 1983.

Kenneth Bancroft Clark was born in the Panama Canal Zone on July 14, 1914, the son of Arthur Bancroft Clark and Miriam Hanson Clark. His parents did not get along. Mrs. Clark yearned to return to the United States. Mr. Clark, a passenger agent with the United Fruit Company in Latin America, felt he wanted to stay where he was in order to earn a living. When Kenneth was only 5, his mother decided to leave her husband. She took Kenneth and his younger sister, Beulah, to New York City, where Mrs. Clark took a job as a seamstress in a sweatshop, struggling to pay the rent on a tenement apartment in Harlem. Later, she helped organize a union where she worked and became a shop steward for the International Ladies Garment Workers Union. Mrs. Clark and Kenneth had a strong bond and years later, he would recall that she "somehow communicated to me the excitement of people doing things together to help themselves."

In 1920, Kenneth entered Public School 5 in Harlem and soon thereafter switched to P.S. 139, which later also educated James Baldwin. At first, the student body reflected the fact that Harlem contained substantial populations of Irish and Italians. By the time Kenneth Clark reached the ninth grade, however, Harlem was changing and most of the students around him were black. At school, he was told to learn a trade and prepare for vocational training. Miriam Clark would have none of that. She walked into school one day, told the counselor what she thought of vocational schools and made it clear that as far as she was concerned, her son was better than that. Kenneth thus went to George Washington High School in Upper Manhattan.

He was admitted to Howard University, where he studied political science with Dr. Ralph Bunche and where he came to admire Bertrand Russell and Albert Einstein. He earned his bachelor's degree in 1935 and returned to Howard the next year for his master's degree in psychology. He also taught at Howard for a time, but soon departed for New York, where he pursued doctoral studies at Columbia University, receiving his Ph.D. in experimental psychology in 1940.

From 1939 to 1941 he took part in the classic study of the American Negro that was organized by Gunnar Myrdal, the Swedish economist. The study, which documented the inequalities that obtained among American whites and blacks, would be required reading in colleges and universities for years.

In 1942, Dr. Clark served for a time in the Office of War Information, for which he traveled about the United States in order to assess morale among blacks. He returned to New York late in the year and joined the faculty of City College.

Mamie Phipps Clark, whom he had married in 1938, also earned a doctorate in psychology from Columbia and in 1946 joined him in founding the Northside Center for Child Development, which treated children with personality disorders. At first, its services were offered only to blacks but in 1949, it became available to whites, too. That year, Dr. Clark was promoted to assistant professor of psychology at City College.

His interest in black children's perceptions of themselves went back to 1939 and 1940, when he and his wife conducted tests with dolls in New York and Washington. In those days, Washington had a segregated school system, and the tests showed that black children in Washington had lower self-esteem than their peers in New York City.

On another occasion, Dr. Clark was in rural Arkansas and when he asked one black child which doll was most like him, the little boy smiled and pointed to the brown doll and replied: "That's a nigger. I'm a nigger." Dr. Clark said he found that "as disturbing, or more disturbing, than the children in Massachusetts who would refuse to answer the question or who would cry and run out of the room."

Taken as a whole, Dr. Clark said, the results repeatedly confirmed that American society in the segregated South was telling blacks that they were "inferior to other groups of human beings in the society."

Throughout the 1950's and 1960's, Dr. Clark was most active in New York City. In 1954 he had assailed the city school system with permitting de facto segregation, pointing out that because of this, especially in places like Harlem, "children not only feel inferior but are inferior in academic achievement." After an investigation supported his charges, he was named to lead a Board of Education commission to see to the integration of city schools and to push for smaller classes, an enriched curriculum and better facilities in the city's slum schools.

During this period he also served as a visiting professor both at Columbia and at the University of California, Berkeley. He became a full tenured professor in the city university system in 1960 and in 1961 won the Spingarn Medal of the National Association for the Advancement of Colored People for his contributions to promoting better race relations.

A FIGHT FOR HARLEM

In 1962, Dr. Clark organized Harlem Youth Opportunities Unlimited, or Haryou, in an effort to recruit educational experts to reorganize Harlem schools, provide for preschool programs and after-school remedial education and reduce unemployment among blacks who had dropped out of school. Two years later, a committee headed by Attorney General Robert F. Kennedy endorsed. Haryou's work, and as a result, President Lyndon B. Johnson's administration earmarked $110 million to finance the program.

But the program was placed under the administration of a joint organization formed by the merger of Haryou and Associated Community Teams, a pet project of Adam Clayton Powell Jr., the Harlem Congressman and minister. Mr. Powell and Dr. Clark, who served as acting chairman of Haryou-Act, clashed over the selection of an executive director. Mr. Powell charged that Dr. Clark stood to profit personally from control of the program. Dr. Clark denied this and said that Mr. Powell saw the Haryou-Act program mostly in terms of the political power it gave him.

The struggle between the two was long and heated, and journalists reported that the two grew to despise each other, something that Dr. Clark denied.

"I liked him," Dr. Clark said of Mr. Powell. "Adam was one of the most honest, corrupt human beings I have ever met. One of the reasons I liked Adam is that he had so few illusions."

Dr. Clark quoted Mr. Powell as telling him, in the middle of the controversy, "Ah, Kenneth, stop being a child. If you come along with me, we can split a million bucks." Dr. Clark explained that what Mr. Powell didn't understand was: "I didn't want any million dollars. What the hell was I going to do with a million dollars?"

In 1950, Dr. Clark became convinced he should move his family from New York City to Westchester County. He wanted to leave Harlem because he and his wife could not bear to send their children to the public schools that he was trying so hard to improve but were failing anyhow. "My children have only one life," he said.

At the same time, he decided that perhaps the way to hasten the improvement of city schools was to decentralize them. But after the schools were decentralized, they continued their decline. Dr. Clark came to think of the decentralization experiment as a "disaster," failing to achieve any of the educational objectives he had sought.

By the 1970's, after the assassinations of the Rev. Dr. Martin Luther King Jr. and John and Robert Kennedy, and the difficulty in achieving integration in the North, many blacks were growing more wary of whites, more doubtful about overcoming prejudice and achieving racial equality. Dr. Clark was discouraged too, but he remained a firm advocate of the integration of American society. His colleagues described him as "an incorrigible integrationist," convinced of the rightness of the civil rights struggle and certain that the nation could not and should not go back.

In 1973, with a backlash to integration mounting, Dr. Clark said in an interview in The New York Times Magazine that "one of the things that disturbs me most is the sophisticated form of intellectual white backlash," citing the writings of Daniel Patrick Moynihan, among others. "In their ivory towers, they have lost all empathy with low-income people and black people. They are seeking to repudiate their own past liberal positions, fighting against their own heritage at the expense of the poor."

Dr. Clark said he neither admired nor respected such intellectuals and said he was "breaking all ties with them." A registered Democrat, Dr. Clark went out of his way in 1976 to support the incumbent United States senator, James L. Buckley, a conservative Republican, in his unsuccessful race against Mr. Moynihan, the Democratic candidate.

Dr. Clark's candor was evenhanded. Late in life, he said he had not been heartened by the ascendancy of blacks in public life because it had not translated into a fundamental change in the condition of ordinary black people. He said he thought white Americans admired accomplished blacks like Colin Powell as long as there were not "too many of them" and they did not threaten white hegemony in American society.

He remained active and vocal. In the 1980's, he expressed anger over assertions that blacks were the cause of their own problems. In 1986, he called on the New York State Board of Regents to supersede the authority of local school boards if they chronically reported low test scores. He also spoke out on deteriorating relations between blacks and Jews, asserting that the dialogue had been too much about anti-Semitism among blacks and not enough about anti-black sentiment among the Jews.

He irritated separatists when he quit the board of Antioch College after it agreed to black demands for the establishment of a dormitory and study program that excluded whites. And some blacks in Washington became upset with Dr. Clark, whom they had hired to evaluate their black-run school system, when he concluded that it wasn't very good and that what students needed was better teachers and tougher basic courses. He also suggested that whatever argot black children spoke in the streets, they ought to be required to use standard American English in school.

Dr. Clark was something of a legend in the City University system. And he was quick to say what all really great teachers say: that in the process of teaching, a good professor learned more than his students.

He retired from City University in 1975 and, looking back on more than a third of a century of work there, said he thought that the students of the 1940's and '50's had been better at asking probing questions. Dr. Clark was not so impressed with the students of the 1960's and said he thought their revolution "was pure fluff." He also retired from the Metropolitan Applied Research Center, which he had founded eight years earlier, and embarked on a consulting business on race relations and affirmative action.

Dr. Clark's books included "Dark Ghetto" (1965); "A Relevant War Against Poverty" (1969); "A Possible Reality," (1972); and "Pathos of Power" (1974).

Despite the many honors he won and the respect he commanded, Dr. Clark said he thought his life had been a series of "magnificent failures." In 1992, at the age of 78, he confessed: "I am pessimistic and I don't like that. I don't like the fact that I am more pessimistic now than I was two decades ago."

Yet as a conscience of New York politics and of the civil rights movement, he remained an unreconstructed, if anguished, integrationist. A decade ago, during one of his last lengthy interviews, he chain-smoked Marlboros in his home, flanked by vivid African carvings and walls of books wrapped in sun-faded dust jackets, as he professed optimism but repeatedly expressed disappointment over dashed expectations about experiments in school decentralization; open admissions at City University and affirmative action.

"There's no question that there have been changes," he said then. "They are not as deep as they appear to be."

Among the cosmetic changes was an rhetorical evolution from Negro to black to African-American. What, he was asked, was the best thing for blacks to call themselves?

"White," he replied.

He said a lack of meaningful progress could be blamed on blacks who saw themselves only as victims and on whites too narrow-minded to recognize their own self-interest in black success. As whites become a minority in a polyglot country, he was asked, won't they see that it is in their interest that blacks succeed?

"They're not that bright," he replied. "I don't think you can expect whites to understand the effects of prejudice and discrimination against blacks affecting them. If whites really understood, they would do something about it."

A PROCLAMATION IN HONOR OF PETTY OFFICER SECOND CLASS MELVIN MAHLKE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEY. Mr. Speaker:

Whereas, Melvin Mahlke has served for twenty years in the United States Navy; and

Whereas, Melvin Mahlke is to be commended for the honor and bravery that he displayed while serving our nation; and

Whereas, Melvin Mahlke has demonstrated a commitment to meet challenges with enthusiasm, confidence, and outstanding service; and

Whereas, Melvin Mahlke is a loving husband to his wife, Candra, and father to his children, Brittany, Mason, and Dalton.

Therefore, I join with the family, friends, and the residents of the entire 18th Congressional District of Ohio in thanking Petty Officer Second Class Melvin Mahlke of the United States Navy for his service to our country. Your service has made us proud.

IN RECOGNITION OF THE NORTH JERSEY AVALANCHE YOUTH HOCKEY TEAM; WINNERS OF THE 2005 USA HOCKEY TIER I CHAMPIONSHIPS IN THE 12 & UNDER DIVISION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pride to honor a tremendous group of young people from the great state of New Jersey, the North Jersey Avalanche PeeWee AAA youth hockey team. The Avalanche recently won the 2005 USA Hockey Youth Tier I National Championship in the 12 & Under Division. The team skates out of the Ice House in Hackensack, NJ, which lies in the heart of my congressional district, and happens to be the largest ice-skating facility in the Garden State.

Led by head coach Glenn Carlough and assistant coach J.J. Picinic, the North Jersey Avalanche won the National Championship in very convincing fashion. After cruising through preliminary tournaments, the group of 17 youngsters, many of whom have been playing hockey since they were toddlers, made their way to the Youth Tier I, 12 & Under Division Championships in Fairbanks, Alaska. In six games of fierce competition, the Avalanche rose to the top, with an outstanding record of five wins and one loss, and scoring a total of 29 goals, while only allowing 11.

On April 13, 2005, over 1,000 people were in attendance for the Championship game, in which the North Jersey Avalanche took on the Los Angeles Hockey Club. The team hit the ice strongly, scoring two goals in just the first minute of the game. They maintained their intensity, as evidenced by the strong performances of players like Charles Orzetti, who scored two goals, including the game-winner. Anchoring the team's performance in the final game was goalie Jonathan Drago, who faced 27 shots and made 25 saves. The monumental effort put forth by all the team members led the Avalanche to a decisive 8–2 victory.

The North Jersey Avalanche Tier I champion team is one of the 21 traveling hockey teams based at the Ice House in Hackensack. Built in 1997, the Ice House is widely regarded as one of the premier ice-skating facilities in the Nation. In addition to the thousands of young athletes who play in year-round leagues and train in a variety of clinics, several Olympic figure skaters practice at the Ice House routinely, including 2002 Gold Medalists Sarah Hughes, Elena Bereznaia and Anton Sikharulidze. The Ice House's athletic programs continue to train and accommodate Northern New Jersey's youth, teaching the importance of physical fitness and upholding the values of good sportsmanship—values that the national champion Northern New Jersey Avalanche proudly uphold.

Mr. Speaker, I would like to ask my distinguished colleagues to join me in recognizing the tremendous achievements of the outstanding group of young athletes who comprise the National Champion Northern New Jersey Avalanche, and acknowledge the success they have achieved, and the pride that they bring to the people of the great state of New Jersey.

TRIBUTE TO THE LATE DR. NSIDIBE N. IKPE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. MEEK of Florida. Mr. Speaker, it is with great pride—but with deep sorrow—that I rise to pay tribute to the late Dr. Nsidibe N. Ikpe, one of my community's quiet unsung heroes. On Saturday, May 7, 2005, he will be memorialized during a service to be held at Miami's Glendale Missionary Baptist Church.

Born on February 18, 1949 in the village of Ndiya, Akwa Ibom State, Nigeria, West Africa, he was the first son of Chief Nelson Ikpe and Arit Akpan Uko. His genuine character as an industrious youth paved the way to his becoming one of the most accomplished professionals of Nigeria.

Married to Helen Roberts of Nigeria in 1969, Dr. Ikpe immigrated to the United States to pursue higher education. He supported himself with odd jobs and was soon employed by the Boy Scouts of America, where he won several accolades. It was while he served as a custodian in a psychiatric hospital in Iowa that he was inspired by the work of the doctors there and decided to pursue a career in medicine.

Entering Washburn University in Topeka, Kansas, he earned his Doctorate of Medicine and completed his internship and residency at Westchester General Hospital in Des Moines, Iowa. Afterwards, he established the Legion Park Medical Center in Miami, and expanded his practice to three more community clinics in South Florida at which he treated over 50,000 patients. It is this commitment that endeared him to our community, and it is with this remembrance that he will be sorely missed as one of our preeminent minority physicians. Though a highly private individual, he virtually consecrated his professional life to public service. In so doing, he symbolized everything that is good and noble about the spirit of idealism and optimism in serving his fellow man, particularly the downtrodden and less fortunate.

The numerous accolades he received during his lifetime buttress the unequivocal testimony of the gratitude and respect he enjoyed from the community. I am deeply privileged to have enjoyed his friendship, and I now join our community in remembering his giving spirit and the magnificent works that emanated from his boundless heart.

TRIBUTE TO THEODORE BIKEL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Theodore Bikel, a Renaissance man who has made his mark as an accomplished musician, actor, author, lecturer, and activist. Throughout his life, Theodore has been committed to arts awareness, human rights, and Jewish activism, and his service to the Los Angeles community and the world has been truly remarkable.

Theodore was born in 1924, in Vienna, Austria. At the age of 13, Theodore and his parents fled Austria to avoid Nazi persecution. They eventually settled in Palestine, where Theodore began to develop a deep respect for Jewish tradition and the performing arts. He soon began acting in the famous Habimah Theater. After a few years of training, Theodore left for London, where he performed in small theatre productions. He eventually caught the attention of Sir Laurence Olivier and was cast as Mitch in "A Streetcar Named Desire."

After his initial success, Theodore went on to star in Broadway productions of "The Sound of Music", "The Lark" and "The King and I," but he is most famous for his portrayal of the character Tevye in "The Fiddler on the Roof," a role he has played more than 2,000 times. Theodore later branched into film, and in 1959 he was nominated for a Best Supporting Actor Academy Award for his role as the Southern Sheriff in "The Defiant Ones."

In 1965, Theodore made his concert debut at the Carnegie Recital Hall, and in 1988 he won an Emmy Award for his portrayal of Harris Newmark, an early immigrant pioneer of the West Coast. In recognition of his inspirational work on stage, Theodore will be honored this spring with a star on the Hollywood Walk of Fame.

Off stage, Theodore has used his talents to advance causes near to his heart. During the Civil Rights Movement, he helped produce the album "Sing" for Freedom: Civil Rights Movement Songs. He has also dedicated himself to human rights movements around the world, visiting and entertaining soldiers during the Yom Kippur War of 1973 and serving as a board member of Amnesty International. Back home, Theodore has been president of the Actors' Equity Association and a member of President Carter's National Council on the Arts.

Throughout his life, Theodore has also made serving the Jewish community a priority. Most notably, he has been involved in the Soviet Jewry movement and has served as senior vice president in the American Jewish Congress. In the Los Angeles Jewish community, Theodore has collaborated with Rabbi David Baron and cofounded Temple Shalom for the Arts in Los Angeles.

Mr. Speaker, please join me in recognizing Theodore Bikel, an influential leader, a visionary artist, and a talented individual whose spirit and activism have inspired our generation and will undoubtedly touch generations to come.

INTRODUCING THE RAILROAD COMPETITION IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. BAKER. Mr. Speaker, today I am joined by House Transportation and Infrastructure Ranking Member JAMES OBERSTAR to introduce the Railroad Competition Improvement and Reauthorization Act of 2005, a bill designed to restore a measure of competition to our Nation's freight rail marketplace. We are also joined by our colleagues Representatives RODNEY ALEXANDER, CHARLES BOUSTANY, WILLIAM JEFFERSON, CHARLIE MELANCON, DENNY REHBERG, COLLIN PETERSON, DARLENE HOOLEY, MARION BERRY, and ED PASTOR. This bill, I believe, captures the true intentions of railroad deregulation.

Like all Americans, Mr. Speaker, I want our national railroad industry to remain the most efficient in the world. Indeed, our railroad system is a model for other national systems. My home state of Louisiana in particular relies heavily on efficient railroads to deliver product to market and provide the feedstock for our manufacturing base. Without reliable rail service, Louisiana—and all of America—would be economically hamstrung.

Congress deregulated the railroad industry in 1980 when it passed the Staggers Act. This law revitalized the industry, built efficiencies in the system, and bolstered the railroads as a critical component to America's transportation infrastructure. As Chairman of the Louisiana House Committee on Transportation and Highways, I observed closely the implementation and success of the Act.

However, one lingering element of the Staggers Act provides for "differential pricing," which in effect allows railroads to "price gouge" customers served by a single railroad in order to help make up for revenue that is lost to customers served by more than one railroad. In other words railroads can overcharge a customer where the railroad is a monopoly to help recover the revenue it loses in a competitive, multiple-railroad environment.

Prior to the Staggers Act, the federal government administered the finances of railroads by imposing price controls. But by allowing railroads to institutionalize price gouging, are we not continuing the practice of price controls? Indeed, is differential pricing the thriving legacy of regulatory control? I believe it is. I assert that differential pricing is no more "deregulation" than the artificially imposed government price controls that existed before 1980.

I do not believe Congress intended to institutionalize price gouging when it passed the Staggers Act in 1980. Rather, the Staggers Act was an attempt to revive an important industry in America's economy. It was not enacted to allow the industry to thrive at its customers' expense. When the 109th Congress reflects back on the success of the Staggers Act, we can indeed take pride in "getting it right." Congress achieved its goal of resuscitating the ailing railroad industry, but Congress did not intend to sustain the life of this industry at the growing, unfair expense of other industries.

When Congress passed the Staggers Act in 1980 there were over 40 Class I railroads competing for business. Today, after over 50 mergers and consolidations there are only 7 Class I railroads in North America and four of them control over 95 percent of the railroad business. This unprecedented consolidation has led to whole states, regions and entire industries becoming captive to a single railroad. This level of concentration and the lack of competition it has brought were never envisioned by Congress in the 1980 Act.

Over this same period the agency that administers rail law, the Surface Transportation Board, has produced rulings, which have skewed the freight rail market place to the point that it is now a Federally protected monopoly. Railroads are operating within the law... but that law is outdated given the current number of railroads and market conditions of the new century.

Mr. Speaker, as you may know, Louisiana industry is in dire straits. Every month companies announce closures, lay offs, and moves—depriving our economically struggling state of hundreds of important jobs. When these jobs are lost, so are the workers' pensions, salaries, and health benefits. When hundreds of jobs are lost, it affects other small businesses that rely on workers to keep them viable.

Though Louisiana industry faces many financial challenges, premier among them is the cost to do business—and aside from energy supply, the most expensive cost of business is the artificially inflated rates imposed on Louisiana companies that, through no fault of their own, exist under a railroad monopoly.

Mr. Speaker, this situation is not exclusive to Louisiana. It exists in West Virginia, North Dakota, Idaho, Georgia, Florida, Montana, Minnesota—in fact, Mr. Speaker, there is not a state in the Union free from this blemish on the free enterprise system.

The bill we are introducing today will truly match the deregulation goals of the Staggers Act with the tried and true American tradition of a competitive free market.

Our bill takes deregulation to a higher level by fortifying healthy market competition.

The bill would remove artificial protections maintained by an outdated policy that allows freight railroads to operate in an atmosphere, which no other business in the country enjoys—including exemption from anti-trust law.

Mr. Speaker, I urge all pro-market, pro-consumer, pro-deregulation, pro-fairness, projobs, pro-economy, pro-transportation, and pro-railroad Members to join me in completing the deregulation goals of the Staggers Act of 1980 by cosponsoring the Railroad Competition Improvement and Reauthorization Act of 2003.

RECOGNIZING MR. THOMAS HOBART

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize a proud son of Buffalo and Empire State, Mr. Thomas Hobart on his recent retirement as President of the New York State United Teachers. Mr. Hobart skillfully served in that capacity for the past 33 years.

Tom Hobart is a graduate of Buffalo State College and in 1959 he began his career teaching Industrial Arts in the Buffalo Public Schools. At that time the furthest thing on his mind was union activity, but by struggling to get by on a starting teaching salary he easily recognized that teachers needed to join together to get collective bargaining rights. In 1964 Tom became his Building representative to the Buffalo Teachers Federation, in 1969 he became BTF President, and in 1971 he was elected President of the New York State Teachers Association.

Tom realized that the presidency enabled him to be an advocate not only for teachers but also for public school students and for children in general. He realized that greater numbers provided greater influence, and the best way to achieve that influence was to merge the two State Teacher unions. Tom immediately began pressing for the merger and worked with New York City's legendary Albert Shanker to create NYSUT. In March of 1973 Tom was elected the first President of a 200,000 member statewide union. Today because of his leadership, the New York Teachers Federation boasts a membership of over one half million members and it is regarded as one of the most respected, influential and effective labor organizations in the nation.

On Thursday, May 12, 2005, President Hobart will be recognized for his outstanding service to New York States Teachers at a reception honoring him upon retirement. I would like to extend my sincere congratulations to Tom and his wife Dorothy, and wish them many happy years together in retirement.

TRIBUTE TO SGT. DON MALARKEY, LT. LYNN "BUCK" COMPTON, AND VANCE DAY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, I rise today to convey my deepest appreciation to Sgt. Don Malarkey, Lt. Lynn "Buck" Compton and Vance Day, on the occasion of their trip to our Nation's Capital to share their stories, talents and leadership qualities with the Congress this evening.

Don Malarkey and Buck Compton are highly decorated veterans of World War II. They served with the 101st Airborne Division's Easy Company throughout the Allied advance toward victory. Their distinguished service and that of their company were memorialized in Stephen Ambrose's Band of Brothers and the riveting Band of Brothers mini-series in which they were featured prominently.

From their dramatic parachute drop behind enemy lines to secure German positions and reduce resistance to the amphibious D-Day invasion, to action in Holland, Bastogne, Germany, Austria and eventually Hitler's Eagle's Nest, they showed courage under fire, perseverance, personal sacrifice and compassion in the heat of battle. Both Don and Buck served with distinction during the war, and have lived extraordinary lives out of the service as well.

I'm proud to claim Don Malarkey as a born and bred Oregonian. Born in Astoria in 1921, he volunteered for the "Parachute Troops" after the bombing of Pearl Harbor. He was an original member of Easy Company and served more consecutive days of combat than any other member of his unit. During his service he received a number of decorations including the Bronze Star with Oak Leaf Cluster and Good Conduct Medal. After leaving the service, Don went on to become one of the youngest elected county commissioners in Oregon's history. He later worked as a real estate consultant and broker and became a renowned lecturer who has spoken at the United States Military Academy at West Point and numerous locations in North America and Europe. He now resides in Salem, Oregon, with his wife Irene.

Buck Compton was born in Los Angeles and attended UCLA where he played catcher on the baseball team with Jackie Robinson and was a starting guard in the 1943 Rose Bowl game. He was commissioned as a 2nd Lieutenant out of UCLA's ROTC program and went on to jump school at Ft. Benning, GA. He earned a Silver Star for bravery on D-Day for his role in the successful destruction of four 105 mm cannons, a Purple Heart after sustaining an injury in Holland, the America Defense Medal and World War II Victory Medal. After the war, Buck completed his law degree at UCLA then went to work in the Los Angeles County prosecutor's office where he convicted Robert Kennedy's assassin, Sirhan Sirhan. In 1970, Governor Ronald Reagan appointed him to the California Court of Appeals where he served until his retirement in 1990. He now lives in Mt. Vernon, Washington near his two daughters and their families where he provides weekly policy and political commentary on local radio.

In addition to the decorations already mentioned, both Don and Buck were awarded the Combat Infantry Badge; Presidential Citation with Oak Leaf Cluster; European, African, Mid-Eastern Campaign Medal and the American Campaign Citation.

Mr. Speaker, Don and Buck forged a fast and enduring friendship that helped them through day after day of combat and has kept them in close contact ever since. In fact, when Buck was injured by a German round, Don led the effort to drag him to the back of a tank and off the battlefield. Their continuing friendship is a testament to the adventures they shared and I'm pleased to welcome them today.

I am also pleased to welcome their friend and mine, Vance Day, from my home state of Oregon. Vance has long been a friend with whom I've worked on many political issues of importance in the State. He is a former news reporter and historian who now is a partner at a law firm in Salem. It was Vance who first approached me about sponsoring this event, and I thank him for moderating the presentation today as he has at similar events around the country. In fact, due to his diligence, similar presentations are being held at the Heritage Foundation, Family Resource Council, and the White House during their trip to Washington, D.C.

It is truly fitting that we are here with Don, Buck and Vance at this time, just days before the 60th Anniversary of the Allied victory in Europe, a day we are able to celebrate only because of the sacrifices made by men like Don, Buck and countless others of "The Greatest Generation" who stood in the face of tyranny to preserve the liberties we all hold dear. We owe them a profound debt of gratitude.

Mr. Speaker, I am proud to have helped bring these three gentlemen to Capitol Hill today. Don, Buck and Vance, thank you so much for sharing your time, your experience and your stories with us today.

RECOGNIZING THE GEORGE MARK CHILDREN'S HOUSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize the George Mark Children's House in San Leandro, California, the first free-standing residential children's hospice and respite care facility in the United States. The House offers around the clock respite care; transitional care, end-of life and family care services to children with life-threatening or terminal illnesses.

The George Mark Children's House's focus is on keeping the family intact while in the midst of profoundly challenging circumstances. The House features private family quarters that allow parents and siblings to stay together with a child during the final stage of his or her life, when care at home or the hospital is no longer practical and/or desirable. The House helps families make the most of the precious time they have remaining together. In this unhurried, nurturing and non-institutional setting, child focused end-of life care and bereavement support is available for the entire family.

An interdisciplinary team of specialists staff the House; pediatric physicians, nurses, social workers, spiritual care counselors, therapists and intensively trained volunteers. Through the generosity and support of the community, the George Mark Children's House is accessible to medically eligible families, regardless of their ability to pay.

It is anticipated the House will serve up to 150 families per year from the San Francisco Bay Area and beyond. I am hopeful the George Mark Children's House will serve as a model to be replicated throughout the country for the establishment of other residential children's hospices for terminally ill children, and respite care for their families with a full spectrum of supportive services.

I send best wishes to the George Mark Children's House as we welcome them to our community.

CONGRATULATING KAREN KUREK OF HINSDALE, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate Karen Kurek, a resident of the 13th Congressional District of Illinois, on receiving the U.S. Small Business Administration's 2005 Illinois District Office and Midwest Regional Small Business Administration Champion Award for "Women in Business Champion of the Year."

Karen Kurek began her career in Arthur Andersen's Audit practice in 1981 where she became a manager in 1985 and a partner in 1994. Soon after her elevation to partner she gave birth to twins, which made it difficult for Karen to continue with the 60-hour workweeks that are customary for partners. Facing a dilemma common to many women—how to manage a career and family—she paved a pioneering path at Arthur Andersen by proposing and negotiating a reduced work schedule on what was to be a one-year trial basis. Karen faced her fair share of skeptics, but she proved them wrong. She not only excelled at Arthur Andersen, but she committed herself to making these same benefits available for other women working for the firm.

Karen's success led to her appointment as head of Arthur Andersen's innovative Growth and Retention of Women (GROW) Initiative. Established in 1998, GROW's purpose was to significantly enhance the recruitment, retention, advancement and leadership paths of women within the firm., Under Karen's leadership, the GROW initiative led to reduced turnover among women, an increased number of women in leadership positions, greater implementation of flexible work schedules, and Arthur Andersen's repeated citation in Working Mother Magazine's annual list of "100 Best Companies for Working Mothers."

Today, Karen continues to help women excel in the workforce. As a partner at RSM McGladrey, she heads the firm's Women's Initiative—an ongoing, multi-faceted program of networking, mentoring and career-building activities designed to create a culture that encourages diversity and allows women professionals to excel.

Throughout Karen's career, she has paved the way for the women who followed her. Working tirelessly to establish a supportive environment for women in the workforce, she helped to create an atmosphere in which women looking to balance a career and family can thrive professionally. I commend her for improving the lives of women and their families and I once again congratulate her on receiving this much deserved award.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, April 28, 2005 I was unable to vote on the motion to suspend the rules and agree to H. Res.

210, Supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and Worldwide. Had I been present, I would have voted "yea" on roll call vote 150.

CELEBRATING THE CITY OF TREASURE ISLAND, FLORIDA'S 50TH ANNIVERSARY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. YOUNG of Florida. Mr. Speaker, I rise to ask my colleagues to join me this afternoon in celebrating the 50th anniversary of incorporation of the City of Treasure Island, which I have the great privilege to represent.

It was at 2:32 p.m. on May 3, 1955 that the Florida State Legislature by a special act incorporated the towns of Sunset Beach, Boca Ciega, Sunset Beach, and Treasure Island into the City of Treasure Island.

Throughout this past half-century, the city has grown into a favorite destination for beach goers from throughout Florida, our Nation and the world. Although the current population of Treasure Island is 7,500, in the winter months it more than doubles to accommodate the many visitors who want to experience its beautiful beaches; colorful sunsets; unique shops, restaurants and businesses. It is a great community in which to live, to work, and to play.

Many individuals, volunteer organizations, and elected officials have made significant contributions to the development of Treasure Island over the past 50 years. Eight individuals have had the honor to serve the city as Mayor and countless others have served on the city council. Together, they have worked hard to maintain the small town feel for this jewel of Florida's Gulf Coast.

In closing, Mr. Speaker, let me again congratulate the people of Treasure Island as they gather today for the reenactment of the signing of their charter of incorporation. It has been an honor to represent the city in public office for 45 of their first 50 years and to call it home for many of those years. Please join me in wishing the City of Treasure Island and its residents and visitors well as they embark on their next 50 years of living and working together.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 149 and 150. I was regrettably absent from the chamber today during rollcall votes 149, and 150. Had I been present, I would have voted "yea" on rollcall 149, and "yea" on rollcall 150.

INTRODUCTION OF LEGISLATION COMMEMORATING THE WAR OF 1812 BICENTENNIAL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. CARDIN. Mr. Speaker, today I am introducing with Representative WAYNE GILCHREST two pieces of legislation that will be catalysts for the forthcoming national commemoration of the Bicentennial of the War of 1812.

The first bill, entitled the "Star-Spangled Banner National Historic Trail Act", will establish within the National Park Service's National Trails System a 290-mile long trail extending from Southern Maryland through the District of Columbia and Virginia and north to Baltimore, Maryland. The trail will follow and recognize the Chesapeake Campaign of the War of 1812. That campaign culminated with the British bombardment of Ft. McHenry which inspired our National Anthem.

The second bill, entitled the "Star-Spangled Banner and War of 1812 Bicentennial Commission Act", will authorize establishing a national commission to organize, facilitate and encourage observance and commemoration of America's Second Revolutionary War—the War of 1812. The Commission will also seek to protect historic and cultural resources associated with the war.

The War of 1812 tested our young nation to its roots. Shortly after conclusion of the Revolutionary War and the establishment of a federal government for our nation, the English and French entered 22 years of war. Our nation, dependent upon trade to survive, was increasingly drawn into this conflict. Though we struggled to remain neutral traders, essential tools in the English-French conflict were the naval blockade and other trade-restricting efforts. The English, with the most powerful navy, were particularly effective in enforcing blockades, often directly off our shores—frequently intercepting American trading vessels in our own territorial waters. In addition, the British aggressively impressed American sailors. England claimed the right to halt American ships and remove both suspected deserters from the Royal Navy and former subjects of His Majesty though they were American citizens.

From 1793 through 1812, our country sought to establish its neutrality and reduce growing frictions with the British on the seas through diplomacy. But anti-British feelings grew, particularly in the West and South where expansionists were strong. Growing economic pressures also led to young, aggressive Members of Congress from these regions gaining control and declaring war against the British in 1812.

Central to the War of 1812 was the Chesapeake Campaign. The British were depending largely upon their navy to vanquish the Americans and they almost immediately began a very effective blockade of the Chesapeake and Delaware Bays. In the summer of 1814 the British launched a land and naval attack upon the United States beginning in Southern Maryland. The British engaged with the American Chesapeake Flotilla on St. Leonard's Creek in Calvert County in June. In August they put troops ashore at Benedict, on the Patuxent River and began marching towards the largely undefended City of Washington. After the brief Battle of Bladensburg, the British marched into Washington and burned much of the new federal city.

The British then turned to the greater prize of the era, an attack on Baltimore. The City of Baltimore in 1814 was far larger, wealthier and more important than Washington. Three American warships were under construction in the Baltimore harbor at the time and the City's shipyards were well known for outfitting most effective privateers—the Baltimore Clippers. But Baltimore was well defended. Local leaders had organized defensive efforts, acting independently from the national government. Private donations of more than $500,000 had been put to good use and militias from Maryland, Virginia and Pennsylvania gathered, joining with many local citizens to defend the city.

The British first met strong resistence at the Battle of North Point, but they prevailed through greater numbers and then held up just outside the city limits to await the naval cooperation necessary to occupy Baltimore. Thus Ft. McHenry became the crucial battle line. The heroic defenders at Fort McHenry held off the British fleet through the ships' long bombardment, ending the English advance and preserving liberty and independence for our young nation. Our National Anthem, written that fateful night by Francis Scott Key as a poem, well recognizes the historic importance of this battle to our people and nation.

The proud history of this Second War of Independence deserves broad national commemoration upon its bicentennial. The first bill introduced today will designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. Today, the Park Service has designated 16 National Historic Trails, from the Lewis and Clark trail of exploration, to the trail from Selma to Montgomery. The Star Spangled Banner Trail will recognize the most important sites from the War of 1812's Chesapeake Campaign and the role played by the patriots of these battles in the ultimate defeat of the British by our young nation.

The second bill we are introducing today authorizes the "Star Spangled Banner and War of 1812 Bicentennial Commission" to plan, coordinate and facilitate programs and other efforts to commemorate the historic events associated with the War of 1812. The Commission will be made up of citizens from 9 key states involved in the War from Alabama to New York, representatives of the cities of Baltimore, Washington and New Orleans, members of National Park Service, and appointees of the House and Senate. The Commission will have broad authority and responsibility for bicentennial events, but will also work to assure that the natural and cultural resources of the war are protected for the long term. As well, the Commission will enable improvements at sites and to facilities necessary to enhance and maximize our citizens' appreciation of this era's proud history.

Several years ago Congressman GILCHREST and I worked closely on legislation directing the Park Service to conduct the studies that have lead to introduction of these bills. I am pleased that he is joining me today as the original co-sponsor on both. I would also like to recognize all the legislative work of Senator PAUL SARBANES to prepare for the commemoration of the Bicentennial of the War of 1812. He has introduced companion legislation in the Senate to the two bills we are introducing today.

Mr. Speaker, I hope all our colleagues from the regions directly impacted by the War of 1812 and others from across the nation will join us in support of both these bills.

HONORING CHANCELLOR JAMES H. MULLEN, JR. AND HIS SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE AND WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. TAYLOR. Mr. Speaker, I rise today in grateful recognition of Dr. James H. Mullen, Jr., Chancellor of the University of North Carolina at Asheville. Dr. Mullen, who has served as Chancellor since July 1999, will leave UNC Asheville in July 2005. As an incredible advocate of excellence in liberal arts education and a proponent of community partnerships, Chancellor Mullen leaves a legacy of achievement at the University of North Carolina at Asheville that will surely be missed.

Under his leadership, Chancellor Mullen has advanced UNC Asheville's national prominence in public liberal arts education. UNC Asheville is ranked fourth among the nation's 21 public liberal arts universities by U.S. News & World Report magazine, has been a "best buy" in the Fiske Guide to Colleges for 11 years, and is one of just 81 colleges included in the "America's Best College Values."

Among the notable University initiatives begun during his service the past six years are the Pisgah Astronomical Research, Science and Education Center, a collaboration that has created a national radio astronomy observatory and education center; the National Environmental Modeling and Analysis Center, which partners academia, governmental agencies, non-profit organizations, and businesses in the area of prediction and analysis of air, land and water environmental data; the Craft Campus, that will provide a much-needed facility for its students, will serve as a national model for green building, and add to the region's growing craft economy; and the North Carolina Center for Health and Wellness Promotion, a unique academic and outreach program that will focus on regional problems of childhood obesity, workplace wellness and senior wellness.

During his tenure, the University has also undertaken a $49 million, bond-funded capital construction program. The new Highsmith University Union opened in Fall 2004 and the new Carmichael Hall classroom building will open in Fall 2005. Under way are the new Zeis Science and Multimedia Arts classroom building, a facilities management complex, and renovations to the Zageir Hall classroom building. Through other funding sources, the University also completed the Governors Hall residence hall and the Reuter Center, home to the North Carolina Center for Creative Retirement.

Dr. Mullen has also overseen the development of new and innovative academic and co-curricular programs, such as Integrative Liberal Studies, which is a new and innovative approach to general education.

Perhaps Chancellor Mullen's most valued legacy is his strong personal relationship with students, in whom he vested his confidence, trust and hope for the future. Dr. Mullen has always demonstrated an intense personal interest in all students, attending organization meetings, joining students for lunch in the Dining Hall, for chats on the Quad and for an occasional tag football game.

On behalf of North Carolina's Eleventh District, I would like to thank Chancellor Mullen for his dedicated service to the students at the University of North Carolina at Asheville and wish him the best of luck and success as he becomes Chancellor at The College of Our Lady of the Elms in Massachusetts.

IN HONOR AND REMEMBRANCE OF NORBERT "WHITEY" PRIEBE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my dear friend, Mr. Norbert 'Whitey' Priebe—beloved husband, father, stepfather, grandfather, brother, and friend to many. His passing marks a great loss for his family and friends, and also for the people of Slavic Village and Newburgh Heights.

Throughout his entire life, Mr. Priebe's caring heart and concern for others reflected along Fleet Avenue. He was born in Cleveland, grew up in Newburgh Heights, and graduated from St. Stanislaus High School. Although he was of Polish heritage, Mr. Priebe became an honorary son of Cleveland's Czech community. His forty year involvement with the heart and soul of Fleet Avenue, Ceska Sin Karlin Hall, served to uplift every aspect of this significant cultural organization—an organization that bridges modern life and antiquity, and connects the people of America to their traditions and customs of their Eastern European origins.

Mr. Priebe maintained an unwavering focus on family, community and country. During the Korean War, he served with honor and courage as an infantryman in the United States Army. Following his discharge, he remained an active member of the VFW From the military to his professional career, Mr. Priebe reflected an unwavering level of integrity and diligence. He worked as an auditor with the state's auditor's office, until he retired 10 years ago. Throughout his retirement, he remained an active and vital part of our community. At Karlin Hall, Mr. Priebe took on any task that needed tackling, including bartender, floor sweeper, and President.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mr. Norbert 'Whitey' Priebe. His caring nature, quick wit, and concern for others, framed his life and served to light the lives of countless individuals and families along Fleet Avenue and beyond. I extend my deepest condolences to his wife, children, grandchildren, and to his many friends. The legacy of his life, lived with joy and energy, will live forever within the hearts of all who knew and loved him well.

HONORING THE MEMORY OF CORKY GONZALES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Rodolfo "Corky" Gonzales, one of Colorado's most influential civil rights leaders who passed away on April 12, 2005. While I did not have the pleasure of getting to know this remarkable man in person, it is impossible not to know of his extraordinary political career in Denver, Colorado.

Raised during the Great Depression, Corky Gonzales rose from poverty to become one of the founding leaders of the Chicano Civil Rights Movement in the 1960s and in doing so he gave voice to the aspirations of millions of people, particularly in the Latino communities of the southwestern United States.

Corky Gonzales first rose to prominence as champion boxer during the late 1940's and early 1950's. His fearlessness in the ring served him well when he decided to use his voice and not his fists to champion the cause of equality.

Growing up poor in Denver shaped his sense of justice—and instilled a very deep commitment to improve the lives of so many in the so-called "Mexican-American" community of the times, and he was one of the first of his generation to call public attention to the civil rights struggle of Latino people after decades of indifference, benign neglect and outright discrimination.

Gonzales also was an accomplished poet and lover of art and literature often extolling the virtues of education and urging his followers to use their minds as a means of fighting injustice. Anita, his oldest daughter, has said that the standard bill of fare in the Gonzales household was not the latest fad or fashion, but discussions on art, literature, politics and philosophy. In this regard, Corky was a true "Renaissance man"—although I suspect he would flinch at that description.

In 1965 he founded the "Crusade for Justice" which became a Mecca for likeminded individuals committed to the cause of justice and equality for those on the margins of society. While the nation's television news covered the marches in Selma and the civil rights struggle of African-Americans throughout the South, young Corky was raising a similar voice for equality in the West.

In 1967 he wrote a celebrated epic poem "I am Joaquin" which many describe as the greatest poem to come out of the Chicano Civil Rights Movement. The poem, an odyssey of self discovery and affirmation of ethnic pride quickly became a blueprint for social action and a clarion call to an entire generation of Americans young and old alike.

He was not without his detractors, but anyone who attempts to achieve anything of lasting importance seldom is, and for people of my generation, he was a much needed voice for change. To his followers and to those who loved and respected him he was "the hurricane that rose from the barrios of Denver to lift his people into the 21st century."

This fearless warrior left an indelible imprint on our society and future generations of leaders. But for his early journey, paving the way for others, Colorado might never have witnessed Federico Pena as Mayor of Denver or Ken Salazar as a United States Senator. Corky launched the idea of Chicano Pride long before it became fashionable to celebrate Hispanic identity.

Had he been born a few decades later perhaps, the young boxer might have exchanged his gloves for a seat in this House, but his contributions to our country and to the communities of color that are so deeply a part of the mosaic of the Southwestern United States remain a testament to his memory.

In the Chicano and Mexican-American communities in my part of the country there is a deep sense of pride in being called to service. Corky Gonzales was like all great heroes, a human being who contributed to the great tradition of being involved in something greater than his own self-interest. In that great tradition it is my pleasure to declare . . . Rodolfo "Corky" Gonzales, Presente!

IN SUPPORT OF A BILL FOR THE FURTHER STUDY OF DYSTONIA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of a bill I introduced expressing the need for further study of the neurological disorder dystonia. Dystonia is characterized by powerful and painful muscle spasms that cause the body to pull into distorted postures. It is the third most common movement disorder after Parkinson's disease and Tremor. Dystonia affects more people than better known and more thoroughly researched diseases such as Huntington's disease, muscular dystrophy and Lou Gehrig's disease. Three hundred thousand Americans suffer from dystonia, and it affects all ages, genders and ethnic backgrounds.

Currently there is no cure for dystonia, which means only the symptoms can be treated. Led by the National Institutes of Health which recently announced a program entitled "Studies into the Causes and Mechanisms of Dystonia", I ask that Congress act to support increased funding and research for this debilitating disease.

To personalize the importance of research pertaining to dystonia, let me tell a short story about Art Kessler, a man from the 7th District of Illinois, who was diagnosed at age 12 with early-onset dystonia. He and his wife, Wendy, decided to remain childless to prevent another life from being burdened with dystonia. However, due to recent technological advances and a ground breaking procedure called preimplantation genetic diagnosis (PGD), Mr. Kessler and his wife are the proud parents of a dystonia-free child. Benjamin is the first child ever to be born using PGD.

I urge my colleagues to support this resolution to bring increased public awareness about dystonia and to encourage future research into the causes and possible cures. The efforts put forth by agencies such as the National Institute of Neurological Disorders and Stroke and the National Institute on Deafness and Other Communication Disorders have been very valuable, but more needs to be done. Let us strive to make success stories like that of Mr. Kessler everyday occurrences. This is the path we hope to take by supporting and eventually passing this resolution.

HONORING THE TOWN OF SUMMERDALE, ALABAMA, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor the community of Summerdale, Alabama, on the occasion of the 100th anniversary of its founding.

The Town of Summerdale was founded by Eli Summer on October 4, 1904, was incorporated in 1929, and was initially intended to serve as a major tobacco production center. During the first years of its existence, Summerdale saw the creation of numerous businesses including the Cloverdon Store, a turpentine business, a canning factory, and a sawmill. Additionally, community leaders also oversaw the building of a movie theater and the opening of the town's first newspaper, The Summerdale Record. The earliest school in Summerdale held classes in the old Masonic Hall and consisted of just five students and one teacher. A second school building was constructed in 1915, and the most recent of three buildings used for the school continues to be used to this day.

The town's first post office was established in 1905, one year after the formation of the town. Within one year, employees of the post office were delivering mail to residents living along two rural routes in and around the Summerdale area. Tobacco continued to be a major product of the Summerdale area, with one of the leading tobacco manufacturing businesses, the Summerdale Tobacco Warehouse, having been constructed between 1909 and 1910. The Summerdale Tobacco Company continued to operate until the late 1920s when a variety of factors, including the effects of the Great Depression, increasing land prices, and marketing and labor difficulties, effectively brought an end to the production of tobacco products in that area.

Despite the difficulties experienced in the early part of the Twentieth Century, Summerdale today remains one of the most attractive communities anywhere in Baldwin County. The home of Baldwin Electric Management Cooperative (EMC), Summerdale is nestled in the midst of the rapidly growing southern half of the county, just minutes from several of the First District's largest population centers.

Mr. Speaker, the 754 residents of Summerdale, Alabama, are firmly rooted in their proud past, and at the same time are keeping a careful and optimistic eye on the road ahead. The vision displayed by their community leaders during the past 100 years has led to the creation of a stable community and one of the anchors for all of Baldwin County, and I have no doubt that the continued inspired leadership and vision of today's residents and leaders will lead to even greater successes in the years ahead.

It is my hope the Town of Summerdale continues its story of success for another one hundred years.

IN HONOR OF THE 100TH ANNIVERSARY OF THE LEGAL AID SOCIETY OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Legal Aid Society of Cleveland, as we join them in celebrating 100 years of outstanding service in advocating for the legal rights of our most vulnerable citizens, our poor. The Legal Aid Society was formed in May 1905, as a beacon of protection and hope in assisting low-income individuals in matters of legal concern. Isador Grossman was its sole attorney until 1912. He served thousands of immigrants in desperate need of a trusted legal advocate.

Over the past century, the Legal Aid Society has grown and evolved, yet its core mission has remained constant and unwavering—to provide compassionate support to those unable to afford legal representation, and also to advocate on behalf of critical issues facing our community. The work of the Legal Aid counselors is far-reaching. During the early part of the nineteenth century, Legal Aid attorneys helped establish the Cleveland Municipal Court and Small Claims Court that served to replace corrupted judicial officials. In 1966, C. Lyonel Jones was appointed the Legal Aid Society's executive director, a position he has today. His passion for social justice and compassion for the people of our community is reflected throughout his tenure. Mr. Jones has led his legal team with integrity, heart, conviction and an unwavering focus on numerous human rights issues, from advocating for the restoration of the Hough neighborhood in the 60's, winning cases to improve the lives of those living in psychiatric facilities and nursing homes, advocating on behalf of battered women, and forcing Republic Steel to comply with the EPA's Clean Air Act.

Mr. Speaker and Colleagues, please join me in honor and celebration of every staff member and volunteer of the Legal Aid Society of Cleveland, whose individual and collective work over the past century has offered solutions, hope and peace for countless individuals and families. For the past four decades, the outstanding work of the entire staff, led by

Executive Director, C. Lyonel Jones, has served to offer many people hope and has brought critical social issues into the light of day. Their advocacy continues to strengthen the foundation of humanity throughout our entire community, one phone call at a time.

HONORING DR. MARIE V. McDEMMOND

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor Dr. Marie V. McDemmond, who is retiring from her role as President of Norfolk State University (NSU).

During her inspiring career in higher education, Dr. McDemmond has served more than 35 years as an extraordinary leader and educator. Dr. McDemmond has worked tirelessly to ensure fair access to higher education for minority and underserved populations throughout the country. Her steadfast commitment to this principle is well documented through her testimony before Congress and her service on numerous national boards and commissions.

As a member of President Bush's Board of Advisors for Historically Black Colleges and Universities, Dr. McDemmond's service has brought national recognition to the issue of equity in funding and support for minority-serving institutions throughout these United States.

Dr. McDemmond is the first woman to lead Norfolk State University and the first African-American woman to serve as President of a four-year college in Virginia. Her success has established the financial and academic credibility for her institution that exemplifies NSU's creed: "Achieving with Excellence."

In recognition of Dr. McDemmond's unwavering integrity, wisdom and dedicated service to others, members of the Commonwealth of Virginia's Congressional delegation offer the following:

> Our Commonwealth owes Dr. McDemmond a debt of gratitude for her outstanding commitment to higher education. Her leadership has helped Norfolk State to gain the financial resources and infrastructure necessary for prominence in science and technology. The success of her efforts has earned the accolades of government officials and legislators throughout Virginia, and her insights have been sought on several occasions by President George W. Bush. I join with the other members of Virginia's Congressional Delegation in commending Dr. McDemmond for a lifetime of exceptional work.—Senator John Warner (R-VA)
>
> Dr. McDemmond has been one of our Commonwealth's outstanding educational and technological leaders. Her tireless work to secure the financial resources necessary to lead Norfolk State University to the forefront in science and technology has helped close the so-called opportunity divide. For her efforts, she has received wide recognition and much deserved praise and admiration. She is a leader who will be sorely missed, but I am confident she will continue to have a great influence on Norfolk State's bright future—Senator George Allen (R–VA)
>
> Dr. Marie V. McDemmond has been an invaluable asset to Norfolk State University and to higher education in Virginia. Norfolk State University has truly benefited from her innovative and visionary style, which has positioned the university to excel in the 21st century. It has been a distinct pleasure of mine to work with Dr. McDemmond specifically in bridging the digital divide between Historically Black Colleges and Universities and other universities. She will be very much missed at Norfolk State University and within the entire collegiate community—Congressman Randy Forbes (R-VA)
>
> Dr. McDemmond is everything a leader should be: full of energy, dedicated to her students and determined to do the very best for NSU. She has tremendous courage, and she is always willing to tackle big challenges. Often such people can be intimidating, but to the contrary, Dr. McDemmond is so easy to work with. I consider her a great friend, and my prayers are with her as she retires from her service—Congresswoman Thelma Drake (R–VA)
>
> Under the leadership of Dr. Marie McDemmond, Norfolk State University (NSU) has developed into a vibrant institution with cutting edge programs and operations. Dr. McDemmond has positioned NSU as a regional leader in information technologies and other fields in the southeastern U.S. and a national leader among minority serving institutions. While Dr. McDemmond's leadership of NSU will be sorely missed, we are gratified to know that she has chosen to continue to serve NSU and the greater higher education community by teaching at NSU. The lives of all she has touched through her dedication and service have been made richer and we are grateful to her for her important contributions—Congressman Robert C. "Bobby" Scott (R–VA)

On the occasion of her retirement, it gives me great pleasure to recognize and commend Dr. McDemmond for her service and dedication to the cause of higher education in Virginia.

NATIONAL TEACHER'S DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in celebration of National Teacher's Day, which is taking place today. This week (May 1–May 7) is Teacher Appreciation Week, and as we continually work to improve the American education system, we should take time to honor the hardworking, patient, passionate and understanding people who are the backbone of this system.

National Teacher's Day began due to the persistence of Arkansas teacher Mattye Whyte who wrote to politicians and education leaders starting in 1944 pushing for a national day to honor teachers. Eleanor Roosevelt persuaded the 81st Congress to proclaim such a day in 1953. In March 1985, the National Education Association, NEA, and the National Parent-Teacher Association, PTA, established Teacher Appreciation Week as the first full week of May, with the first Tuesday remaining as National Teacher's Day.

As a former educator, I can attest to the great responsibility that falls on the shoulders of teachers. This responsibility is accepted with aplomb by energetic, passionate and caring teachers who are dedicated to bettering the lives of their students. Teachers are a guiding force in the lives of our youth, just as they were for us when we were children. As Dan Rather once explained, "The dream begins with a teacher who believes in you, who tugs and pushes and leads you to the next plateau. . . ."

Children are the key to the future of the United States, and we entrust them to the incredible corps of teachers who give everything they have, each day they enter the classroom. Today, let us remember the teacher's who pushed us to greatness and let us show our appreciation for these teachers and the teacher's of today's children, who through their intense dedication leave lasting contributions on our society as a whole.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. NEUGEBAUER. Mr. Speaker, due to official congressional business, I missed Rollcall vote No. 150 on H. Res. 210, a resolution supporting the goals of World Intellectual Property Day. Had I been present, I would have voted "aye."

HONORING MARLA RUZICKA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and work of human rights activist Marla Ruzicka. Marla devoted her life to fighting for peace and justice, spending much of her adult life either abroad working to provide relief to victims of violent conflict, or in Washington, D.C. lobbying for the foreign aid those victims so desperately need. Most recently, Marla founded a non-profit organization called Campaign for Innocent Victims In Conflict (CIVIC), the objective of which is to accurately count the number of Iraqi civilian deaths in the war. While working to gather first-hand accounts of civilian casualties in Iraq, Marla was killed when a car bomb exploded in Baghdad on April 16, 2005.

At the time of her death, Marla had been working to advance human rights and social justice for more than ten years. After hearing a talk given at her high school in Lakeport, California by a staff member of the international non-profit group Global Exchange, she went to the Global Exchange office to see what she could do to help. Marla's energy and passion for helping those in need was an inspiration to other activists in the group, and she learned quickly as she became more involved in human rights efforts. In college, Marla chose an institution and course of study that allowed her to travel the world, learning from diverse cultures and helping to facilitate relief efforts underway in a number of countries. In the course of her travels, Marla worked with people impacted by the AIDS epidemic in Zimbabwe, with refugees in Palestine and rural farming communities in Nicaragua.

Following the U.S. invasion of Afghanistan in 2001, Marla traveled to that country with a Global Exchange delegation. She was so moved by the plight of the civilian victims of this conflict that she met there that she decided to devote her life to providing relief to people in those circumstances. Until the summer of 2002, Marla remained in Afghanistan, where she conducted a survey on the military campaign's effects on Afghan civilians and used that information to get assistance to the families that were harmed. Immediately following her return from Afghanistan, Marla moved to Washington, D.C. to lobby for U.S. assistance for civilian victims of armed conflict. Working with USAID and the Senate Appropriations Committee, Marla advocated the allocation of money to rebuild homes for families that suffered as a result of U.S. military actions.

In 2003, Marla once again heeded the call of duty and went abroad, this time traveling to Iraq before the U.S.-led invasion. In the months that followed, she founded CIVIC and formed survey teams to fan out across the country to gather first-hand accounts of civilian casualties. Marla was instrumental in securing millions in aid money from the federal government for distribution in Iraq, and by the time of her death she had interviewed and routed assistance to thousands of Iraqis.

Today we come together in sadness over the loss of someone who was such a bright light during such a dark time in our world. However, we are also here to celebrate the help and hope Marla devoted her life to giving to people who needed it. Whether pushing the federal government to increase aid to victims of violent conflict, traveling the world to provide direct relief, or inspiring those around her simply by being the vibrant and giving person that she was, Marla never ceased to work for what was right and improve the lives of those around her.

And though the scope and impact of her work in providing aid to those in need is truly beyond compare, what she has given to us is greater than the measurable sum of her actions. Marla's passion for defending human rights and advocating for those who have no voice led her to challenge convention, and to do so without concern for herself. The conviction and compassion that drove Marla to do everything in her power to help others leaves a bright legacy from which we can all draw inspiration, and that we must all strive to emulate. On behalf of the 9th Congressional District, I salute Marla Ruzicka for all that she gave of herself to our community, our country and our world.

HONORING MR. ANTWAN DEON ODOM ON THE OCCASION OF HIS BEING HONORED ON "ANTWAN ODOM DAY" IN BAYOU LA BATRE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor Mr. Antwan Deon Odom of Bayou La Batre, Alabama, on the occasion of his being honored by his community on "Antwan Odom Day."

Antwan was born on September 24, 1981, in Mobile, Alabama. During his early years, he worked in Bayou La Batre's seafood industry and during high school worked part-time after class unloading both shrimp boats and crab trucks. Early in life, he became an active football player and played in the Zirlott Park youth football league and, later, at Alba Middle and Alba High schools. Following the merger of Alma and Bryant High schools, Antwan played on the new school's varsity team. His talent and accomplishments on the field drew national attention, and he was named by Parade Magazine to their All-American Team and was also honored as both the Class 6A "Lineman of the Year" and the Super Prep Player of the Year. Antwan graduated from Alma-Bryant High School in 2000 and received a full football scholarship to the University of Alabama.

Antwan's outstanding success on the Crimson Tide football team earned him further accolades throughout Alabama and across the country. Following his freshman year, he was named an honorable mention Freshman All-American by Rivals.com. By the end of his collegiate career, Antwan ranked fifth on the university's all time sack leader list with 21 and had registered 98 tackles, 40 quarterback pressures, four forced fumbles, one fumble recovery, five pass deflections, and two blocked kicks. Rather than finish his senior year at Alabama, he opted to declare his eligibility for the 2004 National Football League draft. In the second round of the draft, Antwan was made the 57th pick by the Tennessee Titans.

Mr. Speaker, Antwan Odom is certainly very deserving of being honored with his own hometown celebration. Although he is a youngman who has progressed quite far in just a few short years and who has developed into one of the leading stars in professional football today, he has not forgotten his roots. To this day, he continues to split time between his hometown and his new home in Tennessee, and the fame he has achieved has done little to diminish his love for his family, his community, and his state. I ask my colleagues to join with me in congratulating Antwan Odom for both the great success he has enjoyed in his life and his outstanding representation of the First District of Alabama. I know his family—his wife Brooke, and his sons, Antwan, Jr., and Baylor—and many friends are also proud of him, and I wish his entire family much health and success in the time ahead.

IN RECOGNITION OF COLONEL MARC E. FREITAS, UNITED STATES MARINE CORPS (RET.)

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. JONES of North Carolina. Mr. Speaker, today I recognize Colonel Marc E. Freitas on the occasion of his retirement from the United States Marine Corps. Colonel Freitas has honorably served our great Nation for more than 33 years.

A native of Oakland, California, Colonel Freitas first enlisted in the Marine Corps in 1971, earning the title of Marine at the Marine Corps Recruit Depot, in San Diego California. Within a year, Colonel Freitas was selected to become a Marine Officer, and was subsequently commissioned a 2nd Lieutenant of Marines in June 1974. Following completion of The Basic School at Quantico, Virginia, Colonel Freitas attended and completed Naval Flight Training at Pensacola, Florida, and was designated a Naval Flight Officer.

Colonel Freitas has served with distinction throughout his career. His unselfish sacrifice has taken him throughout the globe in the service of our Nation. He has flown RF–4B reconnaissance aircraft off the deck of the U.S.S. *Midway* during the Iranian Hostage crisis, flown missions from Guantanamo Naval Base, Cuba, and served with the United States Air Force, flying reconnaissance aircraft at Shaw Air Force Base, in Sumter, South Carolina. He has also held several commands, to include a squadron detachment of Phantom aircraft deployed to the Republic of Korea, Marine Wing Headquarters Squadron 2 at Marine Corps Air Station, Cherry Pt., North Carolina, and the Marine Aviation Detachment located at Naval Air Station, China Lake, California.

In 1992, Colonel Freitas deployed to Mogadishu, Somalia, as the Plans Officer for the Joint Force Air Component Commander. His efforts there helped provide relief to millions of Somalis during Operation Restore Hope.

Perhaps Colonel Freitas' proudest accomplishments occurred while assigned as the Deputy Commander of Joint Task Force-Full Accounting. As the Task Force's Deputy Commander, his efforts were instrumental in resolving the fates of hundreds of American servicemen missing as a result of the war in Southeast Asia. Deploying to Vietnam, Laos, and Cambodia, from the Task Force Headquarters in Hawaii, Colonel Freitas helped to provide answers to the families of these missing Americans, and in turn contributed to our national healing from this tumultuous period of history.

Colonel Freitas has completed Marine Corps Command and Staff College, Amphibious Warfare School, and the Armed Forces Staff College, and in 1993 he was selected to become the first Marine Corps Fellow at the RAND Corporation, where he worked to find solutions to the issues facing both the Marine Corps and the Nation in the decades ahead. Marc was promoted to the rank of Colonel in October 1996, and his personal awards include the Defense Superior Service Medal, two Legions of Merit, two Meritorious Service Medals, the Joint Service Commendation Medal, the Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal.

In October 2001, Colonel Freitas began his assignment as the Deputy Legislative Assistant to the Commandant of the Marine Corps. In the 3 years he served in this important position, his support to Members of Congress has played a vital role in allowing this body to readily address issues of national importance. Further, his complete grasp of all facets of naval warfare and his ability to provide this Congress with accurate and timely response to congressional inquiries has helped to ensure a bright future for our Marine Corps.

Throughout his career, Colonel Marc Freitas has demonstrated those values that we as a Nation expect from our Marines. His impeccable integrity, exceptional moral character, skilled leadership, and absolute professionalism have helped to make the Marine Corps the honorable institution it is today. On behalf of the Congress and the nation, I wish Marc, his wife Linda, and their children Jenny and Matthew, fair winds and following seas, as they enter this new chapter of their lives.

INTRODUCTION OF H.R. 2046, THE SERVICEMEMBERS' HEALTH INSURANCE PROTECTION ACT OF 2005

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. BUYER. Mr. Speaker, today I am introducing H.R. 2046, the Servicemembers' Health Insurance Protection Act of 2005, to strengthen the rights of men and women serving in the Reserve components of our armed forces when they seek to have their health insurance reinstated upon release from active military duty. As Chairman of the Committee on Veterans' Affairs, I am pleased that Mr. EVANS, Ranking Minority Member of our Committee; Mr. BOOZMAN, Chairman of the Committee's Economic Opportunity Subcommittee; and Ms. HERSETH, the Subcommittee's Ranking Minority Member, have joined me as original cosponsors in introducing this legislation.

Frequently, members of the National Guard and Reserve drop their health insurance coverage upon their mobilization, because they and their families have become eligible for the Department of Defense TRICARE health care system. Under the Servicemembers Civil Relief Act (SCRA), a servicemember ordered to active duty who terminates health insurance coverage is entitled to reinstatement of coverage after returning to civilian life, but the SCRA does not currently expressly protect the servicemember against a premium increase upon reinstatement. This measure would prohibit a premium increase upon reinstatement if it affects only the individual servicemember, but it would allow general increases in premiums if they apply to other persons with similar coverage.

Also, under a change to TRICARE eligibility in 2003, members of the National Guard and Reserve are allowed to begin their TRICARE coverage in advance of actually reporting for active duty. However, under existing provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), if reservists elect TRICARE coverage prior to departing for active duty and do not continue their employer-sponsored health care insurance until they have begun active duty, they may lose their right to reinstatement of coverage. This measure would conform the USERRA health care insurance reinstatement right to the change in TRICARE eligibility and ensure no loss of coverage.

Mr. Speaker, these improvements in our laws would further protect members of the National Guard and Reserve who so willingly make great personal sacrifices in the defense of our Nation. I urge my colleagues to support H.R. 2046, the Servicemembers' Health Insurance Protection Act of 2005, to provide new health insurance protections for these guardians of freedom.

TRIBUTE TO KAHUKU HIGH AND INTERMEDIATE SCHOOL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. CASE. Mr. Speaker, I rise today to extend my deepest congratulations to the incredible students of Kahuku High and Intermediate School for their great achievement in winning 4th place at the national finals of the We the People: The Citizen and the Constitution program, held in Washington, DC from April 30 to May 2, 2005. These outstanding students from my Oahu's North Shore underwent months of intensive study and hard-won victories to earn the right to represent Hawaii in the finals, where they competed against a class from every state in the country and demonstrated a remarkable understanding of the fundamental ideas and values of American constitutional government.

This is the second consecutive year in Hawaii's 9-year history at this rigorous competition that Kahuku has competed in the final 10. This is truly a wonderful accomplishment that our whole state is deeply proud of!

I want to again commend Kahuku's great teacher, Sandra Cashman, for her unending commitment to her students and for producing new generations of responsible citizens. Commendations are also in order for State Coordinator (and State Representative) Lyla Berg and District Coordinator Carolina Kaanehe for fostering development of what will surely be our leaders of tomorrow.

However, ultimately this competition is by and about our outstanding students. So I would like to extend my heartiest congratulations to each and all of them by entering their names for posterity into our CONGRESSIONAL RECORD: Genevieve Alien, Yesenia Arevalo, Amanda Baize, Bonnie Cameron, Meri Ching, Dannah Christensen, Krystle Corpuz, Oliver Howells, Lorna Kekua, Jokke Kokkonen, Jacquelyn Lautaha, William Law, Catalina Markowitz, Ajri McArthur, Sara Mirels, Brad Rasmussen, Ashley Rillamas, Lizette Sauque, Noelle Spring, Shirly Tagayuna, Joseph Trisolini, and Morgan Wright. You have all done your Hawaii proud, and we wish you only best wishes and aloha in all of your future endeavors.

IN HONOR OF THE NEWLY NAMED, WALTER F. EHRNFELT, JR. U.S. POST OFFICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise to today in tribute and remembrance of Mayor Walter F. Ehrnfelt, Jr., as the U.S. Post Office in the City of Strongsville is renamed in honor of his outstanding legacy. Mayor Ehrnfelt was a devoted family man, accomplished community leader, and admired friend and mentor. His vision, integrity and love for his community led the City of Strongsville through an amazing journey that extended over a quarter of a century, leading this quiet, rural village through the evolution of inevitable progress, without compromising the City's historical significance or rustic charm.

Members of the United States House of Representatives and the United States Senate came together to pay official tribute to the life and legacy of Mayor Ehrnfelt. The United States House of Representatives unanimously adopted House Resolution 3300, co-sponsored by Congressman STEVEN LATOURETTE, and myself, in November 2003. In June 2004, the United States Senate adopted the Resolution.

Mayor Ehrnfelt did not seek a path of public leadership—it sought him. In 1973, Mayor Ehrnfelt's neighbors and friends urged him to run for a District School Board seat, against a divisive member who was leading an effort to ban books and fire teachers. He won that race, and again at the urging of those around him, reluctantly ran for a Council seat and won. Just five years later, Mayor Ehrnfelt was appointed Mayor. In 1979 he won his first mayoral race by a landslide, and served as Mayor for 25 years. He quickly became the most popular and beloved Mayor in the history of Strongsville.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mayor Walter F. Ehrnfelt—an exceptional man and caring leader whose life profoundly impacted the lives of thousands. His passing marks a deep loss for countless people who called him friend including me. The power of his kindness, grace, tenacity and heart served to uplift every level of the Strongsville community, and his memory and legacy will never be forgotten.

REINTRODUCTION OF THE WESTERN WATERS AND FARM LANDS PROTECTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Western Waters and Farm Lands Protection Act.

The bill's purpose is to make it more likely that the energy resources in our Western states will be developed in ways that are protective of vital water supplies and respectful of the rights and interests of the agricultural community. It would do three things:

First, it would establish clear requirements for proper management of ground water that is extracted in the course of oil and gas development.

Second, it would provide for greater involvement of surface owners in plans for oil and gas development and requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing energy development.

Finally, it would require developers to draft reclamation plans and post reclamation bonds for the restoration of lands affected by drilling for federal oil and gas.

The bill is based on one I introduced in the 108th Congress that was endorsed by the Colorado Farm Bureau. I have made revisions suggested by the American Farm Bureau Federation, which has indicated its support for the bill as I am introducing it today.

Mr. Speaker, the western United States is blessed with significant energy resources. In appropriate places, and under appropriate conditions, they can and should be developed for the benefit of our country. But it's important to recognize the importance of other resources—particularly water—and other uses of the lands involved—and this bill responds to this need.

PURPOSES OF LEGISLATION

The primary purposes of the Western Waters and Farmlands Protection Act are—(1) to assure that the development of those energy resources in the West will not mean destruction of precious water resources; (2) to reduce potential conflicts between development of energy resources and the interests and concerns of those who own the surface estate in affected lands; and (3) to provide for appropriate reclamation of affected lands.

WATER QUALITY PROTECTION

One new energy resource is receiving great attention—gas associated with coal deposits, often referred to as coalbed methane. An October 2000 United States Geological Survey report estimated that the U.S. may contain more than 700 trillion cubic feet (tcf) of coalbed methane and that more than 100 tcf of this may be recoverable using existing technology. In part because of the availability of these reserves and because of tax incentives to exploit them, the West has seen a significant increase in its development.

Development of coalbed methane usually involves the extraction of water from underground strata. Some of this extracted water is reinjected into the ground, while some is retained in surface holding ponds or released and allowed to flow into streams or other water bodies, including irrigation ditches.

The quality of the extracted waters varies from one location to another. Some are of good quality, but often they contain dissolved minerals (such as sodium, magnesium, arsenic, or selenium) that can contaminate other waters—something that can happen because of leaks or leaching from holding ponds or because the extracted waters are simply discharged into a stream or other body of water. In addition, extracted waters often have other characteristics, such as high acidity and temperature, which can adversely affect agricultural uses of land or the quality of the environment.

In Colorado and other States in the arid West, water is scarce and precious. So, as we work to develop our domestic energy resources, it is vital that we safeguard our water—and I believe that clear requirements for proper disposal of these extracted waters are necessary in order to avoid some of these adverse effects. That is the purpose of the first part of the bill.

The bill (in Title I) includes two requirements regarding extracted water.

First, it would make clear that water extracted from oil and gas development must comply with relevant and applicable discharge permits under the Clean Water Act. Lawsuits have been filed in some western states regarding whether or not these discharge permits are required for coalbed methane development. The bill would require oil and gas development to secure permits if necessary and required, like any other entity that may discharge contaminates into the waters of the United States.

Second, the bill would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to take steps to make sure their activities do not harm water resources. Under this legislation, oil or gas operators who damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement water. And the bill requires that water produced under a mineral lease must be dealt with in ways that comply with all Federal and State requirements.

Further, because water is so important, the bill requires oil and gas operators to make the protection of water part of their plans from the very beginning, requiring applications for oil or gas leases to include details of ways in which operators will protect water quality and quantity and the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states.

SURFACE OWNER PROTECTION

In many parts of the country, the party that owns the surface of some land does not necessarily own the minerals beneath those lands. In the West, mineral estates often belong to the federal government while the surface estates are owned by private interests, who typically use the land for farming and ranching.

This split-estate situation can lead to conflicts. And while I support development of energy resources where appropriate, I also believe that this must be done responsibly and in a way that demonstrates respect for the environment and overlying landowners.

The second part of the bill (Title II) is intended to promote that approach, by establishing a system for development of federal oil and gas in split-estate situations that resembles—but is not identical to—the system for development of federally-owned coal in similar situations.

Under federal law, the leasing of federally owned coal resources on lands where the surface estate is not owned by the United States is subject to the consent of the surface estate owners. But neither this consent requirement nor the operating and bonding requirements applicable to development of federally owned locatable minerals applies to the leasing or development of oil or gas in similar split-estate situations.

I believe that that there should be similar respect for the rights and interests of surface estate owners affected by development of oil and gas and that this should be done by providing clear and adequate standards and increasing the involvement of surface owners.

Accordingly, the bill requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing developments related to such leases.

In addition, the bill requires that anyone proposing to drill for federal minerals in a split-estate situation must first try to reach an agreement with the surface owner that spells out what will be done to minimize interference with the surface owner's use and enjoyment and to provide for reclamation of affected lands and compensation for any damages.

I am convinced that most energy companies want to avoid harming the surface owners, so I expect that it will usually be possible for them to reach such agreements. However, I recognize that this may not always be the case—and the bill includes two provisions that address this possibility: (1) if no agreement is reached within 90 days, the bill requires that the matter be referred to neutral arbitration; and (2) the bill provides that if even arbitration fails to resolve differences, the energy development can go forward, subject to Interior Department regulations that will balance the energy development with the interests of the surface owner or owners.

As I mentioned, these provisions are patterned on the current law dealing with development of federally-owned coal in split-estate situations. However, it is important to note one major difference—namely, while current law allows a surface owner to effectively veto development of coal resources, under the bill a surface owner ultimately could not block development of oil or gas underlying his or her lands. This difference reflects the fact that appropriate development of oil and natural gas is needed.

RECLAMATION REQUIREMENTS

The bill's third part (Titles III and IV) addresses reclamation of affected lands.

Title III would amend the Mineral Leasing Act by adding an explicit requirement that parties that produced oil or gas (including coalbed methane) under a federal lease must restore the affected land so it will be able to support the uses it could support before the energy development. Toward that end, this part of the bill requires development of reclamation plans and posting of reclamation bonds. In addition, so Congress can consider whether changes are needed, the bill requires the General Accounting Office to review how these requirements are being implemented and how well they are working.

And, finally, Title IV would require the Interior Department to—(1) establish, in cooperation with the Agriculture Department, a program for reclamation and closure of abandoned oil or gas wells located on lands managed by an Interior Department agency or the Forest Service or drilled for development of federal oil or gas in split-estate situations; and (2) establish, in consultation with the Energy Department, a program to provide technical assistance to state and tribal governments that are working to correct environmental problems cased by abandoned wells on other lands. The bill would authorize annual appropriations of $5 million in fiscal 2005 and 2006 for the federal program and annual appropriations of $5 million in fiscal 2005, 2006, and 2007 for the program of assistance to the states and tribes.

Mr. Speaker, our country is overly dependent on fossil fuels, to the detriment of our environment, our national security, and our economy. We need to diversity our energy portfolio and increase the contributions of alternative energy sources. However, for the foreseeable future, petroleum and natural gas (including coalbed methane) will remain important parts of our energy portfolio—and I support their development in appropriate areas and in responsible ways. I believe this legislation can move us closer toward this goal by establishing some clear, reasonable rules that will provide greater assurance and certainty for all concerned, including the energy industry and the residents of Colorado, New Mexico, and other Western states. Here is a brief outline of its major provisions:

OUTLINE OF BILL

SECTION 1.—This section provides a short title ("Western Waters and Farm Lands Protection Act"), makes several findings about the need for the legislation, and states the bill's purpose, which is "to provide for the protection of water resources and surface estate owners in the development of oil and gas resources, including coalbed methane."

Title I.—This title deals with the protection of water resources. It includes three sections:

Section 101 amends current law to specify that an operator producing oil or gas under a federal lease must—(1) replace a water supply that is contaminated or interrupted by drilling operations; (2) comply with all applicable requirements of Federal and State law for discharge of water produced under the lease; and (3) develop a proposed water management plan before obtaining a lease.

Section 102 amends current law to make clear that extraction of water in connection with development of oil or gas (including coalbed methane) is subject to an appropriate permit and the requirement to minimize adverse effects on affected lands or waters.

Section 103 provides that nothing in the bill will—(1) affect any State's right or jurisdiction with respect to water; or (2) limit, alter, modify, or amend any interstate compact or judicial rulings that apportion water among and between different States.

Title II.—This title deals with the protection of surface owners. It includes four sections:

Section 201 provides definitions for several terms used in Title II.

Section 202 requires a party seeking to develop federal oil or gas in a split-estate situation to first seek to reach an agreement with the surface owner or owners that spells out how the energy development will be carried out, how the affected lands will be reclaimed, and that compensation will be made for damages. It provides that if no such agreement is reached within 90 days after the start of negotiations the matter will be referred to arbitration by a neutral party identified by the Interior Department.

Section 203 provides that if no agreement under section 202 is reached within 90 days after going to arbitration, the Interior Department can permit energy development to proceed under an approved plan of operations and posting of an adequate bond. This section also requires the Interior Department to provide surface owners with an opportunity to comment on proposed plans of operations, participate in decisions regarding the amount of the bonds that will be required, and to participate in on-site inspections if the surface owners have reason to believe that plans of operations are not being followed. In addition, this section allows surface owners to petition the Interior Department for payments under bonds to compensate for damages and authorizes the Interior Department to release bonds after the energy development is completed and any damages have been compensated.

Section 204 requires the Interior Department to notify surface owners about lease sales and subsequent decisions involving federal oil or gas resources in their lands.

Title III.—This title amends current law to require parties producing oil or gas under a federal lease to restore affected lands and to post bonds to cover reclamation costs. It also requires the GAO to review Interior Department implementation of this part of the bill and to report to Congress about the results of that review and any recommendations for legislative or administrative changes that would improve matters.

Title IV.—This title deals with abandoned oil or gas wells. It includes three sections:

Section 401 defines the wells that would be covered by the title.

Section 402 requires the Interior Department, in cooperation with the Department of Agriculture, to establish a program for reclamation and closure of abandoned wells on federal lands or that were drilled for development of federally-owned minerals in split-estate situations. It authorizes appropriations of $5 million in fiscal years 2005 and 2006.

Section 403 requires the Interior Department, in consultation with DOE, to establish a program to assist states and tribes to remedy environmental problems caused by abandoned oil or gas wells on non-federal and Indian lands. It authorizes appropriations of $5 million in fiscal years 2006, 2007, and 2008.

TRIBUTE TO HOBBY'S DELICATESSEN AND RESTAURANT'S "OPERATION SALAMI DROP"

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. PAYNE. Mr. Speaker, earlier today before returning to Washington, I had the privilege of participating in a remarkable and inspiring event organized by the owners of Hobby's Delicatessen and Restaurant, a proud Newark institution for the past ninety-five years. In a spirit of generosity and patriotism, Michael and Marc Brummer, co-owners of this family-owned and operated establishment, have organized a campaign known as "Operation Salami Drop" to provide a culinary piece of home to our troops in Iraq specifically the 42nd Infantry "Rainbow" Division based in Tikrit. Initially, Michael sent a care package of hard salami and black and white cookies to his former college roommate, Captain Michael Rothman, who is currently serving our country in Iraq. Upon hearing how well the package was received by Captain Rothman and his fellow soldiers, the Brummer brothers decided to send salami to the entire 42nd Infantry Division stating, "We had been looking for something we could do for our troops and this was a perfect fit."

Having patronized Hobby's for many years, I can attest to the fact that this show of community spirit is in keeping with the reputation of this wonderful institution that has served generations of New Jerseyans, New Yorkers and connoisseurs of the deli world. As a young executive at Prudential, I would converse with the older Mr. Brummer, who would engage his customers in lively conversation. When other businesses moved to the suburbs, Hobby's remained a part of our neighborhood, faithfully serving their loyal customers. The business has been owned by Samuel Brummer since 1962, and his sons joined him in the late 1980's. Sam's lovely wife Ronni handles accounts receivables, and his hardworking 94-year-old mother-in-law Helen still handles the bills.

The Newark community has rallied around our troops by participating in "Operation Salami Drop". For ten dollars, customers can buy a salami and deli mustard to send to a solider in the 42nd. Customers also have a chance to write a note to the soldier receiving the package, adding a nice personal touch.

The Newark Branch of the United States Postal Service also became involved by providing boxes and assisting in the shipping process. "It doesn't matter how you feel about the war," Marc Brummer said. "This is a chance to show the troops that you care about them."

Today Hobby's hosted the "Departure Ceremony," shipping the first two tons of salamis to Iraq. Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in honoring Hobby's Delicatessen and expressing our gratitude for the contribution they have made to our troops overseas.

NATIONAL TEACHER DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my colleagues in honoring our most honorable profession—teaching. Today, we take time to pay tribute to teachers on National Teacher Day. I want to echo this year's theme which is, "Thank a teacher for making our public schools great."

Too many times, teachers are criticized as a result of the myriad, complexity of the modem educational system. But without the hard work and dedication of our nation's teachers, our children would be down a far worse course. Although teachers are responsible for the academic life of a student, they also significantly impact the personal lives of students in ways that stay with them forever. We all have a favorite teacher that made a difference in our lives.

The idea of National Teacher's Day began with an Arkansas teacher named Mattye Whyte Woodridge in 1944. Ms. Woodridge began exploring the need for a national day to honor teachers with political leaders and educators. In 1953, she wrote to Eleanor Roosevelt who convinced Congress to proclaim a National Teacher Day.

As we honor teachers on this special day, I would like to thank the more than 10,000 teachers in the Dallas Independent School District who so valiantly serve the students in my district. We should also recognize the invaluable contributions of the National Education Association, American Federation of Teachers, and the Parent Teacher Association, of which I was a member and former president.

Today, let us not only commit to teachers in words but in our actions. We have the obligation and power to make their jobs easier. We could start by fully funding the No Child Left Behind Act, created not only to hold schools and teachers accountable but also the Congress. It is a dishonor to our teachers that this program is underfunded by $27 billion.

Because, it makes no sense that they be held accountable without the resources they need to successfully implement their job.

This day is of particular significance, as I have long championed the need for more emphasis in science and math education, particularly for young children. I believe teachers help illustrate to students how they will become tomorrow's leaders in these fields that are important to our future. Showing students the importance and the value of the science and technology fields is a lifelong process.

Mr. Speaker, I ask my colleagues to join me in congratulating our nation's teachers on National Teacher Day.

HONORING DAVID W. SHANER

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Mr. LATOURETTE. Mr. Speaker, today is National Teacher Day. It is a day for honoring teachers and recognizing the lasting contributions they make to our lives. This day acknowledges the fact that a great teacher can make a world of difference in any child's life. A great teacher may be the bridge between the mediocre and true excellence. Our society owes a debt of gratitude to those teachers who have helped us along the way.

In this spirit, I rise today to honor the life of an extraordinary teacher, David W. Shaner. On February 3, 2005, at the age of 83, Mr. Shaner died near his winter home in the Villages, Florida. Prior to his retirement, Mr. Shaner was a teacher at Riverside High School in Painesville, Ohio.

Mr. Shaner was born Sept. 18, 1921, in Cherry Tree, PA. Since his retirement in 1985, Mr. Shaner divided his time between his homes in Erie, PA, Painesville and the Villages, FL.

He served in the U.S. Army during World War II, in the China-Burma-India theatre, attaining the rank of Master Sergeant. He was an honors graduate of Lebanon Valley College.

As a teacher, Mr. Shaner demanded excellence, and most often received it. He had little patience for laziness or "can't do" attitudes. He also had a remarkable zeal for life. He was brilliant, lively, humorous, and loved the arts.

Mr. Shaner was very devoted to his family, his friends and his former students. He consistently encouraged his students to reach for greatness in order to realize their potential.

As recently as 1998, the community gathered in his honor in The David W. Shaner Auditorium at Riverside High School in Painesville Township. The event, The Living Legacy Concert, included performances by former students who have distinguished themselves in the performing arts. Among them was renowned opera singer, Heidi Skok (Riverside Class of 1985), who encapsulated Mr. Shaner's influence on his students, "He instilled a sense of discipline that even today I use in my career . . . he always set the bar up higher and made you want to grab that bar, which is what helps you succeed."

During the last days of his life, he spoke by telephone to many of his former students and colleagues whose lives he continued to touch as both a friend and mentor. His discipline and selfless dedication to his students and his craft were legendary. He said it best himself, "I dedicated my life to teaching and play-directing and making students live the very best lives they can. One must be proud of oneself. Teachers need to set an example for students."

Mr. Shaner joined the faculty of Riverside High School in 1951, where he taught English, drama and theater. In his illustrious 34-year career, he produced 54 plays, including "Annie Get your Gun," "Seventeen," "The Man Who Came to Dinner," "Meet Me in St. Louis," "The Sound of Music," "Camelot," "The Miracle Worker," "Fiddler on the Roof," "The Diary of Anne Frank" and "Bye Bye Birdie."

David W. Shaner is more than worthy of receiving Congressional recognition today on National Teacher Day—a day fitting to honor America's classroom heroes. I urge my colleagues to join me in honoring this remarkable person, and I ask that all Americans thank a teacher today.

APRIL 27, 2005 REMARKS OF TURKISH PRIME MINISTER ERDOGAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2005

Ms. FOXX. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD some remarks made on April 27th, 2005 by Turkish Prime Minister Erdogan in his address to the Turkish Parliament. Whatever side of the political spectrum you fall on, Prime Minister Erdogan's remarks are encouraging as he attempts to demonstrate Turkey's continued commitment to the betterment of Turkish-U.S. relations and its willingness to support resolution of the War on Terror including in Iraq, the Arab-Israeli conflict, and reconstruction of Afghanistan. I also commend to your attention a statement by the Turkish Ministry of Foreign Affairs on the same day with regard to the Syrian withdrawal of its military forces from Lebanon.

Turkish Prime Minister Erdogan addressed the group of his party members represented in the Turkish Parliament on April 27, 2005. The following are excerpts from his remarks on Turkish-US relations, as picked up by the Turkish media:

Recently much has been said and written in press and before the public opinion about Turkish-US relations. As I was sad to observe, some of those were either not correct or highly exaggerated.

I should state foremost that relations with the United States continue to be one of the fundamental axes of our foreign policy.

In view of the unanimity of interests and objectives that is an outcome of the necessity to address the multi dimensional threats of the 21st century, the firm foundations laid by 50 years of alliance are increasingly important today.

It is obvious that, although occasionally we may differ on the methods to deal with extraordinary issues, these do not negate the common understanding regarding final objectives and the necessity to cooperate.

For instance, our common objective to establish a democratic regime in Iraq that preserves the country's territorial integrity, makes it imperative for Turkey and the United States to remain in close consultation and collaboration.

This necessity is valid for many issues that are interrelated.

Therefore, one of my government's priorities is to develop the relations between Turkey, which is turning into a regionally as well as a globally important and respected power thanks to our domestic and foreign policies, and the United States based on mutual interests.

To that effect, it is important foremost that functioning channels of communication remain open in a way that enables a healthy dialogue.

I am happy to underscore that this view is shared by both our countries.

Following a number of visits including by Secretary Rice to Turkey from the US side, recently the Undersecretary of the Turkish Ministry of Foreign Affairs has paid a useful visit to the US. In this visit the parties have reconfirmed the existing strong will to improve cooperation. High level contacts and visits will continue in the time ahead.

Recently the US administration has been following a policy that emphasizes mutual dialogue on all issues with the allies.

Almost every subject that finds a place in the transatlantic agenda also exists on the agenda of Turkey and Turkish-US relations.

It is necessary that we should further develop cooperation based on a forward looking positive agenda on all issues from Iraq to the resolution of the Arab-Israeli dispute, stability of the Caucasus and Central Asia, reform in the Middle East, reconstruction of Afghanistan, fight against terror and energy security.

Naturally, such issues as reaching a just resolution of the Cyprus problem, fighting PKK terror, as well as Armenian allegations form important items of our bilateral agenda. If we act together on these issues, it is clear that we can make progress to the benefit of all parties, and the Turkish-US relations will be further strengthened.

Against this background, we must be alert against the efforts by certain groups and lobbies, which are unhappy about developing Turkish-US relations, to undermine the agenda; we must not let them succeed in that regard.

The Turkish people have not forgotten the support given by the United States, with which we remained in solidarity for the last half century, to Turkey on such issues as membership to the EU, fight against terror, and the energy routes. They appreciate that today as in the future we will continue to need each other. At the same time, I should expressly note that positive responses, not only by the United States, but by all our allies and partners to our rightful expectations, would greatly contribute to the quenching of occasional feelings of dismay in our public opinion.

Relations between Turkey and the United States will continue to improve.

In his speech Prime Minister Erdoğan has also informed the Parliamentarians of his recent visit to Afghanistan and the upcoming visit to Israel and Palestine:

The heartrending conditions in Afghanistan impose serious responsibilities on us.

Wars have worn out Afghanistan.

In Kabul children receive education in tents. I have better understood at my visit to Afghanistan that our responsibilities have increased.

We have decided in the Council of Ministers to build schools and hospitals in Afghanistan, support housing and water supply through Turkish Economic Development Agency.

We will start by building 7 schools and will continue based on the areas designated by the Afghan authorities. Similarly, we intend to construct health centers and a hospital in Kabul. We will rapidly realize our contributions. This is our historical and moral responsibility.

The Turkish armed forces have assumed the ISAF lead for the second time. Our forces which will serve until the end of August have mingled with the Afghan people and carry out their duties based on mutual love and respect.

Turkey will continue to be the region's guarantee for peace and confidence.

All concepts that would overshadow peace, and recall hatred and violence have been fully rejected by the Turkish people's philosophy of life, culture, civilization and historical experience.

Turkey follows a realistic and balanced policy with regard to all conflicts including the Israeli-Palestinian dispute, and has earned the confidence of both parties.

I will visit Israel and Palestine on May 1-2.

Our objective is to see how this problem in the Middle East be ended by peace, and what task Turkey may undertake to that effect.

Previously, Foreign Minister Gül has paid visit to Israel and Palestine. Through this visit we have entered into close working relationship with both Palestine and Israel to promote the peace process which has recently encountered a window of opportunity.

STATEMENT BY THE TURKISH MINISTRY OF FOREIGN AFFAIRS, NO: 68—APRIL 27TH, 2005

We welcome the statement by Syria that it has withdrawn its military forces and security personnel from Lebanon in accordance with U.N. Security Council Resolution 1559 as of April 26, 2005.

We hope that with the confirmation by the U.N. of the content of this statement, a situation that has been the source of tension in our region, will disappear.

This development is important for the stability of both Lebanon and Syria as well as our region and will serve the interests of all the regions.

In view of this development, Turkey hopes that the democratic process in Lebanon proceed in the time ahead in accordance with the expectations of the international community, and that the elections in the country be held in an environment that would allow the Lebanese people to freely exercise their political will.

HOUSE OF REPRESENTATIVES—*Wednesday, May 4, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GINGREY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES
Washington, DC, May 4, 2005.

I hereby appoint the Honorable PHIL GINGREY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend M. Susan Peterson, Senior Pastor, Gloria Dei Lutheran Church, St. Paul, Minnesota, offered the following prayer:

God of grace, healer of the nations and source of all that is generous and good, we call You by many names, yet we seek the same hope. We travel on different pathways but long for the same promise of peace. Help us to discover within the great variety of Your people a common purpose to do justice, love kindness, and walk humbly on earth. Grant our elected leaders the wisdom and courage to stand for what is life-giving. And in full measure, support them in work both tedious and challenging to seek the well-being of all people.

Help each of us to overcome the barriers that separate us one from another, to advocate for those who have no voice, and to allow the freedom we know in this great land to move us to act with concern and compassion on behalf of others. May Your wisdom prevail in this place, and Your blessing rest on all who serve here. Together, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND M. SUSAN PETERSON

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to honor our guest chaplain, Reverend Susan Peterson of St. Paul, Minnesota. I often tell students when they come to the Capitol that the first official act of the Continental Congress was to appoint a chaplain. The second thing they did was they prayed. They prayed for an hour and a half. We have long understood the importance of faith in our society.

Reverend Peterson is the senior pastor of Gloria Dei Lutheran Church in St. Paul. She was the first woman in the ELCA to be called as a senior pastor to a large Lutheran congregation. A proud Minnesota native, she attended Gustavus Adolphus College in St. Peter, Minnesota; Bradley University in Peoria, Illinois; the Lutheran Theological Seminary in Philadelphia; and in 1985, she and her family moved to St. Paul where she was called to the position of associate pastor at Gloria Dei.

Susan has served in a variety of leadership positions for the St. Paul Area Synod, as well as a number of other church-related institutions.

I thank the Reverend Peterson for her service as guest Chaplain for the United States House of Representatives.

EMPLOYEE PENSION PRESERVATION AND TAXPAYER PROTECTION ACT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, the American taxpayer through the Pension Benefit Guaranty Corporation, has already assumed nearly $10 billion in unfunded pension liabilities from two airlines in bankruptcy. I repeat, $10 billion. Something has to be done, and that is why I am introducing the Employee Pension Preservation and Taxpayer Protection Act today.

If a major airline files for bankruptcy, taxpayers lose, employees are out of jobs, retirements are jeopardized, and the economy suffers. My legislation would allow airline carriers to adopt new funding rules for their pension systems so the American taxpayer is not footing the bill.

Under this plan, the airline carriers must meet all of their current obligations, and the part that should make every taxpayer happy, this bill provides absolutely no subsidy from the Federal Government and thereby the taxpayer.

Mr. Speaker, pensions are not something workers hope to receive, or something we think might be there when we retire. Americans work hard and save for retirement, understanding that nothing can steal away a hard-earned pension. That is the way it should be, and that is what my bill will do. I urge my colleagues to support this much-needed legislation.

EDUCATION FUNDING CUTS WORTHY CONTEST

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, again this year the repeat State champions from my neighborhood high school, U.S. Grant, has had another outstanding national contest finishing second against the 1,500 students competing in the "We the People" Constitutional contest.

The Grant High School performance has a simple formula for success: Hard work, dedicated teachers, outstanding students and parents all joined together in a creative program. They demonstrate year in and year out what works in education.

I am sad to note that for some inexplicable reason the national program that inspired such interest in learning about our Constitution is absent from the President's budget, eliminating $29.4 million in civic education from the Department of Education. I hope we will be able to correct that deficiency. This is exactly the type of program and the positive reinforcement that the champions from Grant High School and students from across America deserve.

HONORING SPECIALIST GAVIN COLBURN

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. NEY. Mr. Speaker, I rise today to honor the ultimate sacrifice made by an American hero, Specialist Gavin Colburn of Frankfort, Ohio. He was an Army Reservist with the 542nd Transportation Company serving in the war on terror in Iraq.

Specialist Colburn would be considered a hero by anyone's standards for being willing to answer his Nation's call to duty. Yet, Gavin was a hero in an even greater sense. On April 22 when a roadside bomb exploded near Specialist Colburn's truck, he threw himself in between the bomb and a fellow soldier, saving her life while sacrificing his own.

As we struggle to deal with the loss of this young man, let me assure Members that Specialist Gavin Colburn's life was not sacrificed in vain. Specialist Colburn was a young man full of promise, passion, bravery and heart, a young man fighting for what he believed was right and fighting for a cause he believed to be true.

Gavin loved his fiancee, his family and friends. And he loved his country. His family, his fiancee, his friends, the community of Frankfort, Ohio, and the United States of America, will never forget the incredible sacrifice this young man has made, for Specialist Gavin Colburn was born more than a soldier, he was an American patriot and an American hero. May God rest his soul.

DEVELOPING PEACEMAKING SKILLS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, has Congress gotten used to the idea of the U.S. being in a war, an occupation in Iraq?

Congress endorsed the President's actions over and over again even though those actions were based on misinformation and falsehoods. It has appropriated over $270 billion for the war. It has provided money to build new bases in Iraq. It has not held a single investigative hearing that has made one bit of difference in the administration's conduct of the war.

But if the war cannot be justified, then neither can the occupation. Some are now content to say well, we are there, we have to stay there.

Mr. Speaker, it was wrong to go in and it is wrong to stay in. We attacked a nation that did not attack us. We waged war against a people who did not want war with us. We have killed people who have no quarrel with us. We are occupying a nation that does not want us there.

This Congress has the power to end the war. We should work together to set a day for withdrawal and a cutoff of funds. We acted decisively to get into war, we should act decisively to get out. In doing so, we must begin to develop peacemaking skills superior to our war-making skills or our world will not survive.

UNITED NATIONS AMBASSADOR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, if U.N. reform is the issue, then John Bolton would make a good ambassador to the United Nations. He supports a United Nations that is transparent and effective. He supports a U.N. that does not work against American interests. He supports a U.N. that respects the sovereign laws of member nations, and he supports the ability of the U.S. to act according to its own national interest.

The Senate Democrats do not agree with him. These senators support a U.N. that even works against American interests, a U.N. that is not accountable to member states. A classic tactic of people hiding their true agenda is do not debate the issue, attack the person.

Their cynical strategy has made the number one qualification for ambassador good manners, not experience. Because a partisan political operative accuses John Bolton of being rude to staff, he is not qualified.

Mr. Speaker, if being rude to staff disqualifies John Bolton, then probably half the Members of Congress would be disqualified as well. Let he who is without sin cast the first stone.

MISCONDUCT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the House of Representatives has an elaborate set of rules and regulations to ensure that Members' commitment to the public interest is never undermined by a conflict of interest. Unfortunately, the very House body charged with enforcing these rules and regulations is itself suffering from a conflict of interest.

At the start of this year, three Republican members of the Committee on Standards of Official Conduct were removed by their party because they were not friendly enough to the leadership. Two of the replacement members have given $15,000 to a legal defense fund for a member of the Republican leadership who likely will become subject to an ethics investigation.

Does any Member believe these two Members can fairly and independently, without bias, judge a Republican House leader while at the same time helping to pay his legal bills? The Committee on Standards of Official Conduct has not even yet met, but the deck is already stacked against getting to the real truth and restoring the high standards of this House. The American people should be rightfully troubled and outraged.

HONORING CHALLENGE TO CHANGE PROGRAM

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the efforts of some exceptional young Minnesotans. The students and staff of Lakeville High School have taken it upon themselves to meet a growing need within their community. Inspired to act by the tragic drug and alcohol-related death of a Lakeville student, principals Julie Espe convened a task force focused on drug education and prevention, and the "Challenge to Change" effort was begun.

Lakeville students and staff members involved in this task force have organized awareness activities for high school and junior high school students, including panel discussions with students who have overcome challenges, as well as those who have made the tough choice to avoid drug and alcohol use. These events have made a significant impact on the youth of the Lakeville community, and have gained the attention of community leaders and local officials.

Encouraged by the early success, the group has many more activities planned to emphasize their message throughout the upcoming graduation season. The proactive efforts of the Challenge to Change group are a fantastic example of the positive power of community involvement in the lives of our children.

Mr. Speaker, I commend the efforts of those involved in the Challenge to Change program, and wish them continued success.

RECOGNIZING SENATOR ARAM GARABEDIAN

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize a dedicated public servant and dear friend, Senator Aram Garabedian on the occasion of his 70th birthday. I have known Aram for 15 years, and he has never failed to inspire me with his commitment to the citizens of Rhode Island.

Born and raised in Rhode Island, Aram Garabedian currently resides in Cranston and serves as city council president. But this is only the most recent chapter in his distinguished career. Since the early 1970s, Aram has served in a number of capacities, most notably as a member of the Rhode Island House of Representatives and a State senator.

He has been a model citizen, and he has never stopped serving his community and fellow Rhode Islanders.

Mr. Speaker, it is a great honor to recognize my good friend, Aram Garabedian, for his lifetime of service, and to wish him a happy and healthy 70th birthday.

□ 1015

SOCIAL SECURITY

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, the first 100 days of the 109th Congress have been very successful, but there is still a lot of work we have got to do. One item at the top of the list is our need to strengthen Social Security. I was honored to accompany President Bush to my home State of South Carolina as he addressed the general assembly regarding the issue of Social Security. I have found that for the most part people understand that Social Security is safe for today's seniors and those nearing retirement, but is still very dangerous for our younger workers; and they know the facts as they relate to the problem.

What they want is for Congress to present clear and concise ideas on a permanent fix. I look forward to working with my colleagues toward a solution in the coming weeks and months to fix once and for all the Social Security system. The time is now. The opportunity is now. The future is now.

REPUBLICAN ETHICS REVERSAL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the House Republican majority finally did the right thing last week when it restored bipartisan ethics rules. Republicans fortunately caved to public criticism. And now, as the Ethics Committee gets ready to organize, we will see if the Republican majority is really interested in restoring the integrity of this institution.

The new chairman of the Ethics Committee has said that he wants to appoint his chief of staff from his personal office to be the new staff director of the Ethics Committee. This action would defy House rules, which explicitly state that Ethics Committee staffers are to be nonpartisan. The rule is important since the actions of the Ethics Committee are intended to protect the integrity of this institution, not the integrity of an individual Member of either political party.

By appointing a Republican as the main staffer on the Ethics Committee, the Republican majority would undermine any decision that came out of the committee. I would hope that Chairman HASTINGS would reconsider this political appointment before the Ethics Committee organizes in the coming days.

HONORING WILLIAM CLAY FORD, SR.

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, I rise today to honor William Clay Ford, Sr., for 57 years of dedicated service as a member of the Ford Motor Company's board of directors. He has served on the board with distinction for over half of the Ford Motor Company's history of almost 102 years. As the only surviving grandson of the late Henry Ford and the father of the current chairman, he uniquely links Ford's past, present, and future.

Mr. FORD served the company as an employee from 1949 until 1989. He held a variety of executive positions, including vice president and general manager of the continental division. Throughout his career, he oversaw the design and development of a number of classic vehicles, including the Continental Mark II, a worthy successor to the Continentals designed by his father, Edsel Ford. The Mark II is considered by many to be one of the most beautiful personal luxury cars ever built.

Mr. Speaker, I ask my colleagues to join me in honoring William Clay Ford, Sr., as he retires from the Ford Motor Company board of directors and in wishing him the best of luck as he becomes director emeritus.

ASIAN PACIFIC ISLANDER AMERICAN HERITAGE MONTH

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise in celebration of Asian Pacific Islander American Heritage Month. As a member of the Congressional Asian Pacific Islander American Caucus, I am proud to pay tribute to the 120,000 individuals of Asian descent that I represent in the 32nd Congressional District in California. Communities like Rosemead, Monterey Park, West Covina and other cities throughout my district have experienced firsthand the economic and cultural contributions of Asian and Pacific Islanders. Asian and Pacific Islanders in my district represent local government, entrepreneurs, educators, and patriots. This month we should also remember the great contributions that were provided by Congressman Robert Matsui, who was a great advocate and champion of Asian American issues throughout our country.

I encourage all my colleagues to celebrate with us throughout the month of May to learn more about the rich cultures of Asian and Pacific Islander Americans.

IN SUPPORT OF THE SOLOMON AMENDMENT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, recently the Supreme Court announced it would decide whether some law schools might curb military recruiters' access to their students. The issue in question is the Solomon amendment, a Federal law that requires universities to give military recruiters equal access or risk losing millions of dollars in Federal funding. These universities allow IBM, GE and other corporations access, but not the military. I commend the Supreme Court for taking up this case and urge them to reverse a lower court injunction against enforcement of the Solomon amendment.

The Solomon amendment is necessary to protect the military against the antimilitary sentiment of some universities and colleges. Yet many of these universities receive millions and millions of hardworking American tax dollars in Federal funds. These universities will take taxpayers' money, but then will discriminate against the very people who put their lives on the line to protect our freedoms. This is not right. I urge support for the Solomon amendment.

NOTING CONTRIBUTIONS OF IMMIGRANTS ON OCCASION OF CINCO DE MAYO

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Mr. Speaker, I rise to recognize the strength of the contributions of our immigrants. We find our immigrants, our sons and daughters, in government; we find them in the arts; we find them in medicine, in our educational system. And the strength that they provide our country has been outstanding. My mother and my father went only to a third and sixth grade education. They worked hard. They taught us how to work hard, and they taught us the power of education.

This is why it is important that we recognize the strength and the diversity that our country is based on the immigrants, especially now that we rise and we see the Cinco de Mayo, especially my district, which is about 68 percent Hispanics. We should thank their contributions and recognize that contribution.

SENATE FILIBUSTER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise to denounce the grave injustice occurring a few hundred yards from here in the United States Senate. As any student of American Government knows, it is the job of the President to nominate fellow Americans to serve as Federal judges, and it is the job of the Senate to either approve or reject those nominations. It is a simple system that guarantees proper checks and balances in the manner our forefathers envisioned.

Over the past 2 years, though, Senate Democrats have exploited parliamentary loopholes to prevent the Senate from voting up or down on many of President Bush's highly qualified nominees. They are hiding behind the Senate filibuster to block judicial nominees who have the support of the majority of the Senate, something that has never been done in American history.

Democrats in the Senate are not asking for time to debate these nominees. They are not going to the American people and explaining why they oppose them. They are not even using their talents of persuasion to urge their Republican colleagues to vote "no." No, they are just refusing to vote. And that is just wrong.

I stand for this simple proposition, that every judicial nominee of the President deserves a fair yes-or-no vote. If Democrats do not like the President's nominees, they can vote "no," but to avoid voting altogether is a dangerous disservice.

SECOND CHANCE REENTRY ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I understand that Representative Rob Portman's last day was Friday of last week. President Bush appointed him to be the U.S. Trade Representative, and Rob has gone off to pursue those duties. I want to wish him well.

Rob and I worked closely together, and we introduced something called the Second Chance Reentry Act, to assist inmates coming home from prison to rehabilitate and redeploy and redevelop and reestablish their lives. I have never enjoyed working more with a Member who was dedicated to what he was attempting to do, totally committed, willing to compromise; and we have a bill that we think will go a long way toward assisting these individuals.

And so I trust that in memory of the great work that Rob Portman did, all of us will support the Second Chance Reentry Act and continue the work that Rob was so proud of. Rob, we thank you.

IRAQI CABINET

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, a few short months ago, millions of Iraqis risked their lives by simply casting a vote. This week, the bravery demonstrated on that historic January day came to fruition as the country's first freely elected government in over half a century was sworn in. The new cabinet is representative of the various ethnic and religious groups in Iraq and will be charged with the important task of writing a permanent Iraqi constitution. This milestone is yet another victory for the Iraqi people and delivers a further blow to the terrorists and advances the cause of freedom worldwide.

Mr. Speaker, I wish to reiterate our continued admiration and support of the Iraqi people, and I commend them for the courage and tenacity they continue to demonstrate as they embrace freedom and democracy.

109TH REPUBLICANS DELIVER ACCOMPLISHMENTS FOR AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, America's economic future is bright. Since May 2003, more than 3 million American jobs have been created, and we have had 22 straight months of job growth. In the last month alone, more than 110,000 Americans have found jobs.

In the past 100 days, House Republicans have delivered a long list of accomplishments that are spurring economic growth and making a positive difference for millions of American families. The 109th Congress has passed legislation that will permanently repeal the death tax, decrease the deficit, strengthen America's borders, prevent frivolous lawsuits, improve our highways, and provide our country with a comprehensive energy plan. Because of our continued efforts, the unemployment rate is now at the lowest level since September 2001.

Each of these accomplishments will ensure that our economy continues to improve. However, we will not be satisfied until every American who wants a job can find a job. Although Democrats continue to try to obstruct our positive agenda, House Republicans will remain dedicated to helping American workers take care of their families.

In conclusion, God bless our troops, God bless Grace Christian School, and we will never forget September 11.

JUDICIAL NOMINEES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, as an elected official from the First District of Ohio, I took an oath to uphold the Constitution. In taking the oath, I have an obligation to ensure that the Constitution and the intent of the Founding Fathers is protected. The American people deserve to know that the Constitution, the intent of the Founders, and 214 years of tradition are being jeopardized by use, or the threatened use, of the filibuster on judicial nominations. Never before has a judicial nominee with clear majority support been denied an up-or-down vote. The filibuster is not part of the Constitution, nor is it even part of the original Senate rules. However, the use of the filibuster on judicial nominations threatens the very principles on which this country was founded by forcing the Constitution to yield to a Senate rule, a predicament that should be untenable to all of us who have sworn to uphold that most sacred document.

The filibuster has been and continues to be useful when it comes to legislation. It should remain. However, judicial nominees deserve more and the American people deserve more. They deserve what the Constitution calls for, an up-or-down vote.

SOCIAL SECURITY

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, Social Security is undoubtedly the sacred bond between the United States Government and the American people. The Social Security debate is one about how to best protect the interests of today's seniors while preserving benefits for our children and our grandchildren.

When visiting citizens in my congressional district over the last several months, I was able to hear from students, seniors, employers and others about their thoughts on the problem facing the Social Security system. Undoubtedly, I heard the message that the Social Security system is headed for a crisis. In the 1930s when Social Security was created, there were more than 40 workers for every retiree. Today, there are just over three workers for every retiree. By 2018, there will be less than three workers for every retiree. These are the facts. This is our reality. To ignore this problem or to claim that there is no problem is plain irresponsible.

I look forward to working with my colleagues on both sides of the aisle to produce a solution for the American people to save our Social Security system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

□ 1030

FRANCIS C. GOODPASTER POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1082) to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building."

The Clerk read as follows:

H.R. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCIS C. GOODPASTER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, shall be known and designated as the "Francis C. Goodpaster Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Francis C. Goodpaster Post Office Building".

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform and its chairman, I rise to begin the consideration of H.R. 1082. This legislation honors a caring community leader who personifies much of what is good about America. Francis Goodpaster was a veteran, postmaster, philanthropist, teacher, church elder, and lifelong resident of the northeast Oklahoma town of Vinita. All members of the Oklahoma State delegation have joined the gentleman from Oklahoma (Mr. BOREN), the sponsor, as cosponsors of H.R. 1082.

Born in Vinita, Oklahoma in 1909, Francis Goodpaster became employed by the Post Office Department in 1937. He left his job and his home to serve our Nation in the Army in World War II. He retired from the Army as a lieutenant colonel. In 1961 he became Postmaster in Vinita until his retirement in 1973.

In addition to his postal and military career, Mr. Goodpaster was very active in his native community. He served as Craig County Commissioner, President of the Vinita Lions Club, commander in the local American Legion, Red Cross board member, and he was even an elder at the Pilgrim Presbyterian Church.

Mr. Speaker, Francis Goodpaster passed away on March 3, 2002. We support this legislation that will memorialize his contributions to his hometown of Vinita, Oklahoma.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. BOREN), the sponsor of this legislation.

Mr. BOREN. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I rise today to voice my support for H.R. 1082, which will name the Vinita, Oklahoma Post Office after Francis C. Goodpaster.

Francis Goodpaster was a lifelong resident of Vinita, only leaving his hometown briefly to attend Oklahoma A&M and to serve his country during World War II. He was also a man who dedicated his life to public service. His service, however, was not only to the people of the great State of Oklahoma, but to the people of our Nation as well.

Mr. Goodpaster first entered service with the United States Postal Department in 1937. He remained in his post delivering mail to the people of Vinita until his retirement in 1973. In fact, his great service to the postal system and the people it serves earned him the position of Postmaster for the Vinita Post Office during the last decade of service. From what I am told, Francis Goodpaster put the "service" in the postal service, and he was proud to do so. In fact, I understand that several Christmases and several of those celebrations were put on hold in the Goodpaster household until all the packages were delivered to all the residents of Vinita. Again, this just shows the value that Francis Goodpaster saw in serving the public and making sure that his friends, neighbors, and community members were happy.

In addition to serving his community of Vinita, Francis Goodpaster was also a public servant for the State of Oklahoma. Upon returning from Oklahoma A&M, Mr. Goodpaster was elected by his peers to represent them as a representative in the Oklahoma State legislature. Having previously served in the Oklahoma legislature myself, I understand the respect that this deserves when the district sends someone to the State capital, and they did that with Francis Goodpaster.

Even more selflessly than being a public servant to his community and to his State, Francis Goodpaster was a public servant to his Nation. For a time during his early years in the postal service, Mr. Goodpaster served our Nation as part of the Greatest Generation in World War II. As a lieutenant colonel in the United States Army, he did his part to help ensure the freedoms that we enjoy here today. I feel that such selflessness should not go unacknowledged.

These are only a few of the many accomplishments in Francis Goodpaster's life. I could go on and on with many more examples of the great gifts of service that he gave to the State and the Nation, from filling a term as Craig County Commissioner to serving on the board of the Red Cross, to being a part of the State's Silver Hair Legislature for two terms. In the end, though, I think that what needs to be said is that Francis Goodpaster was a good man who loved his hometown, who loved his State, and loved his Nation and showed his appreciation through public service. For this reason I believe we should now show our appreciation to him.

Mr. Speaker, I can think of very few people that are as deserving to have this honor bestowed upon them. Therefore, I urge my colleagues to join me in supporting H.R. 1082 to show our appreciation for all of Francis Goodpaster's public service.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Oklahoma (Mr. BOREN) in consideration of H.R. 1082, legislation naming a postal facility in Vinita, Oklahoma after the late Francis C. Goodpaster. This measure, of course, was introduced by the gentleman from Oklahoma (Mr. BOREN) on March 3, 2005, and unanimously reported by our committee on April 13, 2005, and it enjoys the support and cosponsorship of the entire Oklahoma delegation.

As we have heard, Mr. Goodpaster was indeed a "man for all seasons," very active in his community, totally committed to his country, and I join with my colleagues in suggesting that there is no better person to name a United States postal facility after than Mr. Francis Goodpaster. So I join with my colleagues in urging swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to support this legislation introduced by the gentleman from Oklahoma (Mr. BOREN) and urge the passage of H.R. 1082.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 1082.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORABLE JUDGE GEORGE N. LEIGHTON POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1542) to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building."

The Clerk read as follows:

H.R. 1542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HONORABLE JUDGE GEORGE N. LEIGHTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, shall be known and designated as the "Honorable Judge George N. Leighton Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Honorable Judge George N. Leighton Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1542 names this postal facility in New Bedford Massachusetts as the "Honorable Judge George N. Leighton Post Office Building." This fitting tribute honors a notable and ground-breaking judicial figure. Judge Leighton was born George Neves Leitao in New Bedford, Massachusetts on October 22, 1912. As a young man, Leitao fought for our Nation in World War II and was awarded the Bronze Star for his courageous service. After he returned safely home from the war, he pursued his dreams of going to law school and earned a law degree from Harvard in 1946.

After graduation he moved to Chicago to pursue his career in the law. He ultimately became a judge of the Circuit Court of Cook County, Illinois in 1964, and in 1969 he was elevated to judge of the Appellate Court, First District. In that capacity Judge Leighton became the first African American judge to sit on the Illinois Appellate Court.

Mr. Speaker, President Gerald Ford recognized Judge Leighton's judicial prowess and appointed him to the United States District Court for the Northern District of Illinois in 1976. His distinguished tenure as a Federal judge lasted until 1987.

Mr. Speaker, Judge George Leighton was a great legal mind who also was a professor at the John Marshall School of Law in Chicago for more than a quarter of a century. I thank the gentleman from Massachusetts (Mr. FRANK) for offering H.R. 1542. I know he is proud of Judge Leighton, who, at 95 years of age, continues to be the pride of all New Bedford residents.

Judge Leighton is tremendously deserving of this honor, and it is terrific that this post office will hopefully soon carry his name. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 1542, legislation naming a postal facility in New Bedford, Massachusetts after Judge George N. Leighton. This measure, which was introduced by the gentleman from Massachusetts (Mr. FRANK) on April 12, 2005, and unanimously reported by our committee on April 13, 2005, enjoys the support and cosponsorship of the entire Massachusetts delegation.

George Leighton was born in New Bedford, Massachusetts, the son of natives of the African coastal Cape Verde Islands. Raised in New Bedford, he worked as a berry picker, dishwasher, and cook. After winning an essay contest, George used the prize money to pay the first semester tuition at Howard University in Washington, D.C.

Although not the recipient of a high school education, George went on to graduate from Howard in 1940, magna cum laude. He was accepted into Harvard Law School, graduating after serving 3 years in the infantry in World War II.

In 1947 George Leighton was admitted to the Bar of the State of Illinois. He became active in civic affairs, serving as chairman of the Chicago National Association for the Advancement of Colored People, NAACP, Political Action Committee and Legal Redress Committee.

Throughout his legal practice, Judge Leighton was involved in cases of national importance for many African Americans. His cases resulted in the desegregation of public schools in Harrisburg, Illinois and the release of a man sentenced to death row.

In 1964 George Leighton was elected a judge in the Circuit Court of Cook County, and in 1976 President Ford appointed him to the U.S. District Court for the Northern District of Illinois.

Judge Leighton, the recipient of numerous awards, honors, and honorary degrees, retired from the bench in 1987. Currently, a young man in his 90s, Judge Leighton serves "Of Counsel" in the Chicago law firm of Neal & Leroy and teaches as an adjunct professor at John Marshall Law School.

□ 1045

He is also a master chess player.

Mr. Speaker, I commend my colleague for sponsoring H.R. 1542, and I might note that Judge Leighton was appointed to the Federal bench by President Ford, a Republican. Judge Leighton in Chicago was always known to all of us as a Democrat and was very active in Chicago Democratic politics and political circles. So I think it is noteworthy that he was appointed by a Republican President. I never knew that he had lived and grown up in Massachusetts, but obviously he did.

Mr. Speaker, I see that we are fortunate, because the sponsor of this legislation, the gentleman from Massachusetts (Mr. FRANK), is just entering the Chamber, and I know that he wanted to be able to make some comments, so he is very timely. I want to thank the gentleman from Massachusetts (Mr. FRANK) for honoring and recognizing a person that I always thought was a native of Chicago. I did not know that he was actually a native of New Bedford, Massachusetts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), the sponsor of the legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from Connecticut, good friends who kept debate alive so I could get here. I was in a hearing where I am the ranking member of the Committee on Financial Services, and I appreciate the chance to speak.

Let me say to my friend from Chicago that we are delighted to have lent you this very distinguished jurist, Judge Leighton. He has come back home now. Chicago was a nice place to visit, and the visit did last many decades; but I am delighted to have had the chance to respond to the unanimous vote of the City Council of New Bedford urging me to introduce this legislation. I appreciate the committee's processing it.

I think, as the gentleman from Illinois mentioned, I am delighted to be here on behalf of a Republican nominee to the Federal bench. Judge Leighton was an appointment of President Gerald Ford. Judge Leighton is a man who, in his own right as a jurist, as a distinguished legal scholar, deserves recognition. It does not, I think, diminish one iota, but rather enhances him, to note that he is not simply an extremely distinguished judge, a man who, born into difficult circumstances to immigrant parents who did everything they could to provide him with the opportunities; a man whose education was interrupted by service in World War II, so he overcame a number of obstacles and, despite that, graduated from law school and earned an appointment to the Federal bench and earned a great reputation on the Federal bench.

In addition, it is important to note, given the nature of this country and the fact that we are a country that has drawn enormous strength from immigration, from people coming from all over the world, the thing about immigrants is that they are not a random sample of the population from which they come. Immigration is itself an act that shows entrepreneurship and energy. Lazy people on the whole do not immigrate to foreign countries where they do not even speak the language. The very fact of immigration is a sign of a degree of eagerness to better yourselves, to work hard for yourselves and your family.

So I do not think it is an accident that our national prosperity and thriving democracy has been strengthened by our being the place where some of the most energetic and entrepreneurial people from all over the world come.

Judge Leighton's parents were in that category. They come from the Island Republic of Cape Cabo Verde, and it is a country which has recently been recognized by this administration for its commitment to democracy and its vigorous support for economic development by being in the very first group of countries that qualified for the Millennium Challenge Account.

Judge Leighton was in that first wave of Cape Verdean immigrants, a man born in 1912; and I do note for the record that Judge Leighton is exactly 2 days younger than my mother, as I looked at his birth date; and he is one of the people who was in the lead in this particular ethnic group, people of Cape Verdean descent, taking their place in America, as so many groups before them and after them continue to do. It is a source of great pride to the people of Cape Verdean descent and to the people of the Republic of Cape Verde that a man born to Cape Verdean immigrant parents rose by dint of his own intelligence and commitment to this very distinguished position.

I am particularly grateful that July 5 is Cape Verdean Independence Day, and I will be marching in a parade then, as I always do, sponsored by a very important organization, the Cape Verdean Veterans Association. Cape Verdeans have, from the moment of their coming here, been strongly patriotic Americans and they have a strong tradition and identification with the armed services.

I am very proud that one of the people who works for me in Massachusetts, Ervin Russell, is a Vietnam veteran, an in-country Vietnam veteran of Cape Verdean descent who is very active with that organization; and on July 5, we are looking forward to, after completing this parade run by the Cape Verdean Veterans Association, dedicating this post office; and we will have, I think, the ambassador and others, because this is a celebration of the triumph of a man. It is also a vindication of the American immigrant tradition, because it is a symbol of what the immigrants to this country have given to this country.

Judge Leighton has done enormous service to America, and he is being honored at the request, as I say, of the city council and the mayor of the city of New Bedford, both for his own work and as a symbol of the Cape Verdean immigration to this country. So I very much appreciate what my colleagues have done.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am pleased to support legislation to designate The Honorable Judge George N. Leighton Post Office Building in my neighboring State of Massachusetts. Judge Leighton was born to Cape Verdean immigrants in New Bedford, Massachusetts on October 22, 1912. Forced to leave school in the seventh grade to work on an oil tanker, he continued his education by reading books, attending night schools, and studying in Works Progress Administration classes. His education continued at the prestigious Howard University, where he graduated magna cum laude in 1940. He immediately enrolled in Harvard University's School of Law, but left to serve our Nation in World War II, where he earned a Bronze Star.

After earning his LL.B. degree from Harvard in 1946 and establishing a successful law practice in Chicago, Judge Leighton began his career as a Judge of the Circuit Court of Cook County, Illinois from 1964 to 1969. He then served as a Judge of the Appellate Court, First District from 1969 to 1976. In 1976, President Ford appointed Judge Leighton to the United States District Court for the Northern District of Illinois where he served until 1987 when he became legal Counsel to the Chicago law firm of Earl L. Neal & Associates.

Judge Leighton is certainly a hero for the estimated 15,000 Cape Verdean individuals who currently live in my home State of Rhode Island. His life is an example of how one person can overcome great obstacles to truly achieve the American Dream. Among his several accomplishments and honors, Judge Leighton was the first African-American lawyer to sit on the Board of Managers of the Chicago Bar Association, the first African-American judge to serve as a Chancellor in the Circuit Court of Cook County, and the first African-American judge to sit on the Illinois Appellate Court. I am pleased that his achievements have been recognized by the Congress with the naming of this post office and would once again like to offer my full support to this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I urge all Members to support the passage of the bill sponsored by the gentleman from Massachusetts (Mr. FRANK), H.R. 1542, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 1542.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us today is a fair and completely open rule that allows any Member with a germane amendment to this legislation to come to the floor and offer it for consideration by the whole House. It provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the bill, and provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment.

Finally, it provides that the bill shall be considered for amendment by section and that each section shall be considered as read. It authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and provides for one motion to recommit, with or without instructions.

I rise today in strong support of this rule and the underlying legislation, which addresses some fundamental and largely uncontroversial reforms of the deposit insurance system, a system that dates back to 1934 and has served as a source of stability for the banking system of this country for over 7 decades. This legislation, which has the support of 40 bipartisan cosponsors, closely resembles legislation that was H.R. 3717 from the 107th Congress which overwhelmingly passed the House by a vote of 408 to 18, and a bill from the 108th Congress, H.R. 522, which passed the House by an even greater margin of 411 to 11.

The improvements that this legislation makes to the Federal Deposit Insurance Act are simple. First, the bill merges the separate insurance funds that currently protect the deposits of banks and savings associations, creating an even stronger, more stable fund than either fund can provide by itself.

Second, the bill addresses the "procyclical bias" of the current system that requires sharply higher premiums at low points in the business cycle, when banks are least able to pay them and funds are most needed for lending to create economic growth. By giving the FDIC the tools it needs to manage these funds more appropriately, this legislation will ease volatility in the banking system and speed up recovery during economic downturns.

Third, the bill increases the amount of deposit insurance available to depositors while also indexing it for future inflation. The system has gone 25 years without such an adjustment, the longest period in history; and this small increase in the safety net for savings of American families is now necessary if deposit insurance is to maintain its future relevance. By raising the levels to $130,000 for personal savings accounts, $260,000 for personal retirement accounts, and $2 million for in-state municipal deposits, it will encourage more people to save and to reinvest in their local communities.

Mr. Speaker, I have spent a great deal of time with community bankers from my district and all across north Texas, and one of the things that I have heard them say is that strengthening the deposit insurance system will help small neighborhood-based financial institutions to continue playing an important role in financing their own local economic development.

Deposits that community banks are able to attract through the Federal deposit insurance guarantee return to the community in the form of consumer and small business loans, community development projects, and home mortgages. We simply cannot allow such an important economic generator for our local communities to evaporate or to be rendered irrelevant by inflation. The savings of Americans should not be allowed to go unprotected, and we cannot forget how important the role of community banks is to the economic development and vitality of our Nation.

Mr. Speaker, I would like to thank today my friend, the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, for his hard work in bringing this legislation to the floor today. I would also like to thank the gentleman from Ohio (Chairman OXLEY) for all of his leadership and vision on this issue on behalf of American families, and the safety and soundness of our Nation's banking system.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and the underlying bill to reform the Federal Deposit Insurance. I am also very pleased that we will be able to fully debate this bill on the floor of the House under an open rule. This is only the second open rule the committee has reported this year, and I certainly hope it is a trend we will continue.

Since the creation of deposit insurance after the stock market crash in the early 1930s, Federal Deposit Insurance has created financial stability in our country for almost 70 years. Its effectiveness has been proven in our Nation's fiscal crises in the 1980s and 1990s, they were handled very differently with a far different outcome.

Also since the 1930s Congress had to evaluate deposit insurance and make changes to update this program. In 1980, Congress decided to increase the previous $40,000 coverage limit to $100,000 per account. It is common sense for us to increase the amount a deposit can be insured for, as inflation has eroded the current limits.

Increasing the limit to $130,000 is a wise decision. Indexed for inflation, the level would have risen to about $140,000. Further, this bill would increase the amount of security behind retirement accounts. This is especially important as companies eliminate their defined benefit plans and switch to providing benefits through defined contribution plans, like 401(k)s.

Deposit insurance reform has broad support. Even the FDIC staff agrees. The majority of the reforms included in this bill are the same recommendations they suggested in its April 2001 report, "Keeping the Promise: Recommendations for Deposit Insurance Reform."

I see no reason why we would not do this today. I urge my colleagues to support this resolution and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to inquire of my colleague if she has any additional speakers. I do not have any at this time, and would allow the gentlewoman to go ahead and run down her time that I might close.

Ms. MATSUI. Mr. Speaker, I have no more speakers.

Mr. SESSIONS. Mr. Speaker, I would allow the gentlewoman, with the permission of the Speaker, to go ahead and make her closing.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encourage all of my colleagues to support this open rule. I look forward to hearing the debate on this legislation to reform Federal Deposit Insurance, and am hopeful that we can pass this legislation today.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today for the first time, I have had an opportunity now after being on the Committee of Rules for 8 years to have the gentlewoman from California (Ms. MATSUI) present the rule where we have worked together. I enjoyed this very much. I appreciate the gentlewoman working with us.

Mr. Speaker, I support this common sense legislation to improve the Federal Deposit Insurance system, and encourage reinvesting in our country's local communities.

I urge all of my colleagues to support this open rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 366, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House or any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 254 provides for the consideration of H.R. 366, the Vocational and Technical Education for the Future Act, under a structured rule. The rule waives all points of order against consideration of the bill, and provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule makes in order the amendments printed in the Rules report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I am pleased to stand before the House today in support of this rule, and for the underlying legislation, H.R. 366, the Vocational and Technical Education for the Future Act.

The gentleman from Ohio (Mr. BOEHNER), the Chairman and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, the original sponsors of the bill and many other committee members on both sides of the aisle, have put forward a bipartisan reauthorization of the Perkins Vocational Education Funding Programs, which have helped and will continue to help our Nation's young people, as well as older workers, attain the real-world technical skills that are vital in today's highly competitive world marketplace.

I make special note that this legislation was reported out of the full Committee on Education and the Workforce unanimously on a voice vote, and with no surviving opposition. This legislation reauthorizes the Carl Perkins Vocational and Technical Education Act through fiscal year 2011, and it would authorize $1.3 billion for grants to the States in fiscal year 2006, and ensure that all States are held harmless, and receive at least at a minimum the amount of vocational education funding as was in fiscal year 2005.

Mr. Speaker, this is a program that has been funded in one way or another from Congress since 1917. In talking to some educators from Utah who happen to be with me today, and I was meeting with today, to find out how this works in the real world, this particular program in one district in Utah, provides for a student center coordinator and a workforce coordinator within the district, a separate student counselor within the alternate learning program, and English as Second Language language assistance to help those trying to gain these skills to improve their ability to communicate within the language.

All of these programs come from this money. All of these programs could have been there without this money, but it would mean that other programs essential in the education community would have to be cut to compensate for that.

This bill goes beyond reauthorization and incorporates several changes to the past Perkins programs. Among those improvements is the combining and streamlining of two existing funding streams, the traditional State grant funding with a tech prep funding, and encouraging the States to apply the higher educational goals of the tech prep program in mathematics and science to all of the recipients.

At the same time, it would also give States and local recipients critical flexibility in customizing their implementation plans for incorporating tech prep education goals based on local needs and local concerns.

Mr. Speaker, this approach taken by this legislation increases local accountability for the use of these funds, and, according to the Congressional Budget Office review of H.R. 366, as published in the committee report, the bill does not contain any unfunded Federal mandates on State and local governments.

The bill does recognize that State and local communities shall have the final say as to what is taught in local schools and explicitly rejects the one-size-fits-all Federal standard for curriculum or academic content.

And, finally, Mr. Speaker, this bill reduces the amount of funding that can be consumed in administrative overhead from 5 percent to 2 percent, and instead pushes these extra cost savings out to the local recipients, actually resulting in more funding available on the local level for more student and better student programs.

This rule makes some very important amendments in order. The rule is fair. The rule allows this legislation to move forward.

And with that, Mr. Speaker, I would urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Utah (Mr. BISHOP) for yielding me the customary 30 minutes.

Mr. Speaker, H.R. 366, the Vocational and Technical Education For the Future Act, is a good news/bad news piece of legislation. The good news is that this is a bipartisan bill. And the Republican majority in the Education and the Workforce Committee supports these important vocational programs, and were determined to bring this reauthorization bill to the House floor.

The bad news is that these same Republican leaders voted just last week for a budget resolution that eliminates all funding for these programs in fiscal year 2006. The good news, which we will no doubt hear from some of our Republican colleagues today, is that they are determined to restore some of the funding for the Perkins Vocational Education Programs when the House starts moving forward individual appropriations bills, and that there is room to fund these programs under the budget education numbers.

The bad news is that the education funding in the budget resolution is so limited that it already requires deep cuts and even elimination of many other critical education programs. So to restore the $1.3 billion for vocational, career and technical education and training programs that the Republicans just voted to eliminate from the Federal budget, will require cutting even deeper an additional $1.3 billion from all the other education programs.

Moving on, Mr. Speaker, the good news is that H.R. 366 increases State and local accountability for these programs and they are funded. The bill requires each local recipient to establish levels of performance for high school and post secondary students in core skills and knowledge. This is an important new responsibility for local educators, and for the States that must negotiate and monitor these accountability measures.

The bad news is that this bill does not authorize, let alone provide, additional funding or resources to ensure that local schools and States can successfully carry out these new responsibilities and requirements.

We have all seen this before, Mr. Speaker. We have seen this in the No Child Left Behind Act where the law mandates new responsibilities, new accountability measures, and new administrative tasks, but fails to provide the necessary resources to ensure their success.

At least in No Child Left Behind, Congress authorized the funding to support these new mandates, even though the President and the Republican Congress failed to provide the funding to carry them out successfully.

H.R. 366, does not even pretend to authorize additional resources. It just requires this additional workload happen. In fact, H.R. 366 actually reduces the setaside for State administrative funds while State responsibilities are being increased. Mr. Speaker, we used to call these unfunded mandates by the Federal Government, but I guess times have changed.

Finally, this bill consolidates into one block of funding both the Perkins State grant program for vocational education, and the tech prep program that prepares students and current worker for highly skilled technical occupations.

The good news is that this is an effort to save the tech prep program. The bad news is that history has shown us that when programs are rolled together into one block grant, they inevitably end up receiving less funding over time than they would have if they remained separated programs.

While this authorization requires the consolidated grant programs to ensure that fiscal year 2006 tech prep presumes received the same level of funding as in fiscal year 2005, it authorizes no such assurances for fiscal years 2007 through 2011.

But what does it matter, Mr. Speaker? There is no money for these programs in the 2006 budget resolution. So why quibble over the details of the authorization, when it is all window dressing anyway?

Mr. Speaker, Federal support for career and technical education is a critical means of ensuring that our students and our future workforce are well trained for the jobs of the present and the future. The career and technical education programs funded under the Carl D. Perkins Vocational and Education Act, and reauthorized by H.R. 366, provide the training and the skills for high school and community college students to prepare for their post secondary education and employment and ensure their future financial success.

□ 1115

It is shameful, then, that President Bush and the Republican-controlled Congress have undermined these critical programs by presenting budgets and approving budget resolutions that eliminate their funding.

America has lost over 1.7 million private sector jobs since the start of the Bush administration, and hundreds of thousands of American jobs have been outsourced to other countries. The Republican response has been to shortchange our students and workers instead of investing in them.

Businesses and rapidly growing industries face the prospect that many high-skilled, high-wage jobs will go unfilled or be outsourced because they cannot find enough qualified American workers. At the same time, millions of young adults ages 16 to 24 lack the skills needed to secure jobs that pay more than poverty-level wages.

Rather than invest more funds in career and technical education and training in our high schools and community colleges, President Bush and the Republican Congress have chosen to terminate the entire $1.3 billion Federal investment in these programs. Nearly half of all high school students and one-third of college students who take vocational courses will be denied funding, leaving many schools and communities unable to prepare these students to successfully enter the workforce.

Mr. Speaker, in Worcester, Massachusetts, the city has invested in constructing a modern vocational high school to serve over 1,000 students, recognizing the importance of training these students to enter the manufacturing and high-tech companies of central Massachusetts. Currently, several students at Worcester Vocational High School have received Skills USA Awards to the Vocational Industrial Clubs of America; and one student, Christopher Bradley, placed third in national competitions.

Just recently, three other vocational students, Amanda Niquette, Alicia Sheperd and Amy Trujillo, received an award for their work in raising community awareness about hunger. They created public service ads on hunger, appeared on local talk shows, and organized a breakfast that raised over $3,000 for the Worcester Food Bank.

Mr. Speaker, these students and tens of thousands of students just like them across our Nation deserve the support of this Congress. But the Republican majority is turning its back on these young men and women and their hopes to contribute to our communities and our national economy.

While it is important to reauthorize these programs, it is just as important to make sure that they are fully funded.

Mr. Speaker, the Republican majority cannot declare with a straight face that it supports these programs by passing H.R. 366 this week, when just last week in a rush to the House floor it approved a budget based on eliminating all funding for these programs.

I recognize that authorizations and appropriations are different bills; but they are all part of the same process, namely, the budget process. In fact, the budget resolution is like the mother of all authorization and appropriations bills. Mr. Speaker, despite what I expect to be widespread support for this bill, and I will vote for this bill, I do not want my colleagues on the other side to mislead the American public by claiming that this is a good and fair rule.

Yes, two of the three amendments made in order are Democratic amendments, but the Republican leadership denied five other amendments from being offered on the floor today. My friends on the other side of the aisle will say it is a good thing that two-thirds of the amendments made in order are Democratic amendments. Let me respond right now. Denying five of eight amendments, a total of two-thirds of the total amendments offered before the Committee on Rules, is undemocratic and it is one more example of Republican leadership trying to stifle debate in this country on very important issues.

Of those amendments not made in order today, Mr. Speaker, the one that is most troublesome is the amendment offered by the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

The Miller amendment is simple. It prohibits the Department of Education from using Federal funds to pay journalists or media commentators to engage in publicity or propaganda. It also would have required prepackaged news segments paid with Federal funds to disclose such funding in the segment. This is a simple and straightforward amendment. Republicans and Democrats in this body and the Senate have publicly condemned the way President Bush paid Armstrong Williams and other journalists to publicly support partisan and controversial administration policies.

This amendment does not blame anyone. It just says that no administration now and in the future can use journalists to act as paid ambassadors for administration policy. Why would the Republican leadership deny this amendment? Why should this administration's actions be condemned but not prohibited?

My Republican friends, I am sure, will not answer these questions: but let me tell you, Mr. Speaker, that this is just one more case of the Republican leadership's actions not matching their rhetoric.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments from the gentleman from Massachusetts (Mr. McGOVERN). If I could go through the speech itself and divide it into two halves of it, the points that the gentleman made under "bad news" basically are not germane to this particular bill and are issues that will be addressed in other positions that will be coming through at another time and another place. I am sure when we do address those particular issues on relevant pieces of legislation, the comments that the record number of Federal money that has gone into education over the last 5 years will be clearly made and clearly understood.

However, I also do appreciate his good points that he said because each of those good points did, indeed, deal with this particular bill, this particular program and they were laudatory; and I am assuming that that means that this particular bill has some positive aspects that are within the gentleman from Massachusetts' (Mr. McGOVERN) purview.

I appreciate the gentleman bringing up what I think is one of the strengths of this particular bill which deals with the administrative costs and realizing fully that when we are talking about education there are two funds that will drive education. One is program costs. The other is the maintenance and operation costs. Within a traditional education program, once the maintenance and operation is there, that becomes a standard cost and standard form and everything else is driven by the program aspect which is almost always salaries. To tie administrative costs to that as a clear percentage makes a lot of sense.

In this particular area when you are dealing with a system that has both programs as well as the operational costs that are separate, but while the program costs may be constant, the operational costs, therefore, come in uniquely motivated fashion, which is high front end. To try to put a percentage on that and drive that automatically skews the entire area that deals with administration. That is why it is one of the bright parts of this particular bill, to try and scale back that so that more money can go into the programs and directly help kids and people trying to get jobs, as opposed to just simply the administration.

And I agree once again with the gentleman from Massachusetts (Mr. McGOVERN) that at least without this bill, nothing goes forward as providing vocational, technical, agricultural training. And there are high-paying jobs out there begging for this kind of technical training that we need. I have seen them. I have seen the programs that do that.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I introduce our next speaker, let me respond to the gentleman. When he mentioned the fact, I think he used the word that some of these amendments were not germane to the bill, it is my understanding that all eight Democratic amendments were cleared by the Parliamentarian of this House as being germane. And if we had an open rule, every single one of them would have been germane to this bill and could have been offered. So, again, it is puzzling to me why some of these amendments were denied.

I would also say to the gentleman, the point I was trying to make is that while there is a lot in this reauthorization bill that is good in terms of reauthorizing programs, it seems inconsistent with the budget resolution that the Republican leadership passed just last week that eliminates a significant amount of funding from the education budget.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I have concerns about this bill which I hoped would be addressed in the full House today and during conference with the Senate, because this bill is the result of a bipartisan process in our subcommittee and the committee as a whole.

I believe, however, that to continue that bipartisan process, the full House should have been able to consider this bill under an open rule. At the very minimum, I think the rule should have included all eight of the Democratic amendments that came before the Committee on Rules last evening.

The Miller amendment, the gentleman from California (Mr. GEORGE MILLER) is our full committee ranking member, was submitted as an important amendment that is designated to halt the abuses that we saw in the Armstrong Williams contract with the Department of Education. It simply says you cannot hire journalists and media commentators to do agency propaganda. And it requires that any prepackaged news pieces prepared with Department of Education funds fully disclose that fact in their piece. His amendment was not allowed.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from New York (Mr. OWENS) submitted amendments to address drop-out rates and school construction, respectively. They were not allowed.

The Holt amendment to improve the skills of manufacturing workers was not allowed.

These are very important amendments, and once again the rule we are going to vote on today did not include them.

The amendment that I submitted would have authorized grants to school districts to help them increase girls' interest in studying for careers in science, math, engineering, and technology.

Mr. Speaker, girls and women continue to be underrepresented in these fields both in high school where my amendment is targeted and in college.

A recent GAO study found that men still outnumber women in nearly every field in the sciences. Women make up only 37 percent of scientists, 33 percent of mathematicians, and 14 percent of engineers. More important, this underrepresentation is tied to barriers that female students continue to face in school.

For example, in 2002 in testimony before the Senate Committee on Commerce, the National Women's Law Center cited a study that found that 70 percent of male teachers thought that boys were more interested in computers than girls. Not that they are more interested in computers than they are interested in girls. More interested in computers than girls are interested in computers.

That may be one reason why from 1984 to 2000 the percentage of women awarded bachelor's degrees in computer science dropped from 37 percent to 28 percent. Another study showed that ineffective high school career counseling reduced women's entry into university science and engineering programs. My amendment would directly address that issue.

A 2001 investigation showed that none of New York City's vocational high schools that were predominantly female offered advanced placement courses in calculus, statistics, or computer science. And instead of focusing on high-tech careers, these schools tended to focus on careers like cosmetology and clerical support, not careers that pay a competitive wage with the technology careers.

My amendment would specifically address situations like that as well.

If we as a country do not address this issue, we will participate in the global 21st century economy with literally one hand tied behind our backs. It will be impossible for our country to have a highly qualified workforce as long as more than half of our population is steered away, intentionally or not, from studying and working in some of the most critical fields. This will have implications not only for our economic security as a Nation but for our national security as well because both depend on scientific innovation.

So, Mr. Speaker, I am disappointed in this rule and I would ask my colleagues to vote against it.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I rise in support not only of the bill but also this rule.

I can think of almost no issue more important than economic development and quality of life in my home State of Louisiana.

The U.S. Chamber of Commerce has said 75 percent of employers reported extreme difficulty when trying to hire qualified workers. Forty percent of employers say that applicants are often poorly skilled. Thirty percent say applicants have the wrong skills for the available jobs. The numbers are even worse in Louisiana.

I was privileged to serve as the president of the University of Louisiana system, a system comprised of eight 4-year universities and at one time some community colleges as well. In our State we see a disproportionately high number of students trying to continue their studies after high school in a 4-year college setting.

Now the result of that is, whereas a majority of high school graduates that continue their education in Louisiana start in a 4-year setting, that is not the norm across the rest of the South or the country. Across the South, 50 percent of most students that continue their education. 50 percent of those students continue in a 4-year setting. In California the numbers are exactly reversed. The majority continue their education in a community or technical college setting.

□ 1130

Because of Louisiana's unique numbers, one of the results is we have got a much lower graduation and retention rate than our colleague States. We do not do students any favors. We do not serve students well by putting them in a 4-year college setting where they may not be ready or interested in that particular program.

Indeed, at the same time, we have more students dropping out, many times with large amounts of college debt. We also have manufacturing and other employers with jobs that cannot be filled in Louisiana right now.

We have got a huge demand for welders in our shipyards. We have a huge demand for P-tech operators in our petrochemical plants. Indeed, we have got a generation of workers who are about to reach retirement age. We are going to need to have thousands of skilled workers. We are talking about good jobs, with good pay and good benefits, and this is the only State in the South that is losing population from people moving out faster than they are moving in, the only State in the South to consistently have more people leave faster than they are moving in, for one reason and one reason only, because of a lack of economic opportunity.

So I stand in support not only of the rule, but of this bill. It is a good investment, not only in our community and technical college system. It is a good investment in our children and in our economy and in our future. This bill is good for Louisiana. It is good for our Nation's economy. Most importantly, it is good for those students.

As I look at the things that we might do as a Congress, that will help to move my State forward, I can think of cutting taxes, reforming our legal system. I can think of some of the other regulatory relief measures we can pass, but other than that there is nothing more important than investing in workforce training. There is nothing more important than making sure that Louisiana students are ready for the jobs that are waiting for them.

I rise in strong support of the rule. I rise in strong support of the bill.

Mr. McGOVERN. Mr. Speaker, I once again yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to note the passing of Cindy Marano.

Ms. Marano was a founder of the National Displaced Homemakers Network, now known as Women Work! For 12 years, Cindy was executive director of Wider Opportunities for Women, which we call WOW.

Her work to improve opportunities for women, including displaced homemakers, who are specifically helped by this bill, was invaluable, and we will miss her. We will miss her vision and we will miss her leadership greatly.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today in strong support of this rule and H.R. 366, the Vocational and Technical Education for the Future Act of 2005.

This bill, introduced by the gentleman from Delaware (Mr. CASTLE), my colleague, authorizes the Carl D. Perkins Act through fiscal year 2011.

H.R. 366 highlights student achievement, increases accountability, and strengthens cooperation between secondary and post-secondary vocational and technical education programs.

This bill responds to the needs of employers and future employees by emphasizing both academic and technical education in curriculum planning. It helps schools identify those students who wish to pursue specialized technical training and assists those schools in setting up a course of study that will best help those students receive that training.

Since its inception, the Perkins Act has provided many students in my district with the ability to continue to enhance their skills and their education.

Perkins equips students with the ability to proceed with post-secondary education or pursue other post-secondary opportunities.

I believe it is essential for our economy to strengthen the Perkins program.

Through Perkins, one of the largest technical schools in my district and in Pennsylvania, the Lehigh Career and Technical Institute, was able to upgrade its equipment. This new, high-tech equipment allows students to improve their skills and, hence, makes them more marketable in a work environment that stresses technology and innovation.

H.R. 366 would also allow local facilities to offer information on supportive services so students can address their transportation and child care needs while in school.

Lehigh University in Bethlehem, Pennsylvania, which is also located in the 15th Congressional District, has many students pursuing engineering and other degrees in the hard sciences who would not be able to graduate on time absent Perkins assistance. Without the money these programs provide, these students would have to secure full-time employment while completing their degrees. This leads to more student debt, more time in school, and ultimately, more taxpayer expenditure.

As the workforce continues to expand, we must continue to provide resources for Perkins, not cut or zero out this important program.

The Perkins program is extremely important, not just for the numbers of students it serves, but for the communities that benefit from the better prepared workforce that results from these programs.

I urge my colleagues to vote in favor of this legislation and support the rule.

Mr. McGOVERN. Mr. Speaker, I reserve my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), someone who has a unique insight into the needs of education.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for the time, and I rise to support the reauthorization of the Vocational and Technical Education for the Future Act and the underlying rule.

One of our Nation's greatest needs at the present time is a well-trained, competent workforce with specific skills. As most people in our country realize, at the present time, our educational system is not producing enough of these people to meet our needs, and therefore, we are bringing in people from overseas to fill highly skilled jobs, and Perkins is one solution to this dilemma.

Currently, the Perkins program trains 10 million Americans for specialized jobs requiring specific skills.

As has been stated previously, this reauthorization provides greater flexibility and more control at the local level. So each local entity that controls the educational endeavor at that point can decide how to best structure the Perkins program. It increases academic rigor, improves accountability and provides for a better transition from high school to post-secondary schools.

One thing that I would like to point out at this time is that in rural areas our greatest challenge is the loss of young people. We are depopulating our rural areas, and one reason for this is that farms are getting bigger and it is crowding people off the land. So one allowable use of the Perkins grant is to provide entrepreneurial training, and we find that in rural areas that the young person can be taught how to write a business plan, how to access capital, how to write a grant, how to market, how to create a Web site. This is the best alternative we have, the best way we have to keep young people employed in rural areas.

In some areas, we are losing 75 percent, 80 percent of our graduates. It costs $85,000 to educate them K through 12, and they are taking off. So we think that these Perkins grants can be used in this way and in a very effective way.

So I think vocational and technical education may be the most important, yet least appreciated, segments of our educational system. I certainly support the bill and the rule.

Mr. McGOVERN. Mr. Speaker, does the gentleman have any more speakers on his side?

Mr. BISHOP of Utah. I have two more speakers.

Mr. McGOVERN. Mr. Speaker, I continue to reserve my time.

Mr. BISHOP of Utah. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Utah (Mr. BISHOP) has 16½ minutes remaining.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER) who spends much time working in this particular area, is very knowledgeable, and has a great deal of respect for the education system in all the States, including my own, the chairman.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Utah for his kind words, and Mr. Speaker, I rise in support of the rule which will allow for debate on an important piece of legislation, the Vocational and Technical Education for the Future Act.

The Vocational and Technical Education for the Future Act is a bipartisan bill that helps States and local communities improve educational opportunities for their students. This bill was crafted in cooperation with Members on both sides of the aisle, and with the support of numerous vocational and technical education leaders.

I am going to applaud the gentleman from Delaware (Mr. CASTLE) for producing this bill in a bipartisan manner and with the support of educators around the country. This bill fulfills our principles for reform by focusing on academic achievement for students and by preserving local control for States and communities.

H.R. 366 will improve vocational and technical education by focusing on academics without expanding the Federal role in education.

We streamline bureaucracy and give more money to local communities. We also streamline funding by consolidating the Tech-Prep program with the basic State grant.

Like other important education reform efforts, including No Child Left Behind and the Individuals With Disabilities and Education Act, the bill ensures equitable treatment for private school students. We ensure students and families are not denied access to programs because they choose to attend a private school.

Above all else, the bill recognizes the importance of maintaining local control. We are continuing to move away from the so-called "School to Work" model of the past, and we are maintaining our commitment to ensuring States and local communities have the final say when it comes to educational choices for their students.

The bill was approved by the Committee on Education and the Workforce by a voice vote. I look forward to similar bipartisan support for this legislation today.

Vocational and technical education is a vital component of our Nation's educational system. State and local communities use Perkins funding to help prepare youth and adults for the future.

Each year, millions of students enrich their secondary and post-secondary educational opportunities through participation in vocational and technical education. In fact, nearly all students, 96 percent, leave public high school having taken some vocational education courses. Further, nearly half of all high school students and about one-third of college students are involved in vocational programs as a major part of their studies. Perhaps as many as 40 million adults, one in four, engage in short-term, post-secondary occupational training.

The bill before us will build on the framework of the Perkins program by protecting the role of States and local communities, and asking for results in exchange for the money that we are already spending at the Federal level.

Mr. Speaker, I support the rule. I support the underlying bill. I believe that H.R. 366 will help States and local communities to strengthen opportunities for their students and improve vocational and technical education programs. I encourage my colleagues to vote "yes" on the rule and "yes" on passage of this important piece of legislation.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to close by again expressing my disappointment that this is not an open rule, and that if they did not want to give an open rule, they should have made at least all eight amendments in order.

Five Democratic amendments were not made in order under this rule, notwithstanding the fact that, according to the parliamentarian, they were germane. These amendments were thoughtful. They certainly would not have disrupted the debate on this bill. They could have been dealt with in a short period of time, but I think my friends on the majority side are so addicted to denying amendments and stifling debate and closing rules that it is hard for them to break the habit.

So I express my regret and I hope that in the future, that they will be more forthcoming with allowing Members to have their say on the floor.

Mr. Speaker, I yield back my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I appreciate this opportunity because the reauthorization of the Perkins vocational funding is a fundamental part of the educational funding of this Nation, as well as American competitiveness.

This bill will help provide both the public and private sector of our economy with an educated, capable, highly trained skilled workforce, which is essential for our economy to grow and be competitive in our environment.

This is a good, well-balanced and bipartisan, I emphasize that word "bipartisan" bill that deserves its vote on final passage.

I am appreciative that the words that were said here today, talking specifically about this particular bill, have all been positive. We may have differences on other educational concepts and issues at other times, that will be the point at other times and other places, but for this particular bill it moves us forward.

With that, I urge the adoption of the rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1145

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 366.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Ohio?

There was no objection.

VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 366.

The Chair designates the gentleman from Illinois (Mr. LAHOOD) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. ISSA) to assume the chair temporarily.

☐ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, with Mr. ISSA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of the Vocational and Technical Education for the Future Act. The bill has received strong support from educators, school administrators, principals, and vocational and technical education advocates around the country. In this bill, we are protecting the role of States and local communities, and we are asking for results in exchange for the money we are already spending at the Federal level.

The gentleman from Delaware (Mr. CASTLE) wrote a good bill and deserves great credit for his commitment to this issue. He produced a bill that has received bipartisan support in the committee while still fulfilling our principles for reform.

I would also like to thank the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Ms. WOOLSEY) for their hard work and cooperation in bringing this bill forward today.

This bill will improve vocational and technical education by focusing on academics without expanding the Federal role in education. We streamline bureaucracy and give more money to local communities. H.R. 366 reduces the share of funds going to State administrative activities and targets more funding to the local level. We also streamline funding by consolidating the Tech-Prep program with a basic State grant.

The bill also focuses on success at the local level. Under the bill, local communities will establish achievement targets; and to reward increased academic achievement, States and local communities can receive incentive grants for success. Above all, we maintain local control. The bill continues to move away from the so-called "School to Work" model of the past and maintains our commitment to ensuring that States and local communities have the final say when it comes to the educational choices for their students.

Mr. Chairman, I strongly support this legislation, which will help States and local communities strengthen and improve vocational and technical education and help ensure academic success for students. I urge my colleagues today to join me in voting "yes" on the bill.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume. I want to thank my committee chairman, the gentleman from Ohio (Mr. BOEHNER), and our full ranking member, the gentleman from California (Mr. GEORGE MILLER), and always my partner, the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE), for working together in a bipartisan way the last Congress and this one to bring this bill to the floor.

As I have said, I have my concerns about this bill, even though it is the result of a bipartisan process. I am especially pleased that the majority has brought this bill forward, in light of the President's proposal to eliminate career and technical education. I hope that we will send a strong bipartisan signal today that we in the House believe that career and technical education is critical to our students and to our country's economic future.

But, Mr. Chairman, I do, as I said, have concerns regarding this bill. First, the bill rightly strengthens accountability for State and local programs, but at the same time it cuts by 60 percent the funds that States can use for that very purpose. I support these accountability measures, but if we do not enable the States to administer them, they will be an empty promise.

I also am concerned this bill merges the Tech-Prep program with the basic State grant. I appreciate that our Republican colleagues in the committee have maintained funding for Tech-Prep activities; but as we all know, not sending Tech-Prep funding separately to the States means that eventually States will lose their focus on those very activities we consider so crucial.

Finally, I am disappointed we are not being allowed to debate most of the amendments that my colleagues and I submitted to the Committee on Rules. I support the amendments that we are debating, but there are many critical issues that we are leaving undiscussed. The gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the gentleman from New York (Mr. OWENS), and the gentleman from New Jersey (Mr. HOLT) all offered important amendments on government paying journalists to create propaganda, on dropout prevention, on school construction, and helping out-of-work manufacturing workers. But we are not debating any of those issues today, and I do not understand why.

Finally, we are not debating an issue that has long been important to me and I consider critical to our country's future, that is, the lack of women and girls in science, math, engineering, and technology. My amendment would have helped school districts increase girls' interest in studying in these careers and in these areas. A recent GAO study, Mr. Chairman, found that men still outnumber women in nearly every field in the sciences. In his recent article, "It's a Flat World, After All," and new book, "The World is Flat," The

New York Times writer Thomas Friedman explained that America's historical economic advantages have disappeared now "that the world is flat, and anyone with smarts, access to Google, and a cheap wireless laptop can join the innovation fray," no matter what continent they are living on.

Mr. Friedman's and others' remedy is to attract more young women and men to science and engineering. But it will be impossible for our country to continue to lead the world in innovation as long as more than half our population, women, are steered away, intentionally or not, from studying and working in the fields from where that innovation would come.

Consider this, from Dr. Susan Hockfield, the president of the Massachusetts Institute of Technology, who recently said that squandered talent, and I quote her, "is one of the key issues of women in science and engineering." All of our children, not just girls, would have benefited if we had been able to debate this issue today, and I am sorry that we are not.

But, again, Mr. Chairman, I thank my colleagues for their hard work on this bill, and I look forward to improving it even more in conference.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill and the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the chairman for yielding me this time; and more importantly, I thank him for his continuing excellent work in heading this committee and dealing with significant legislation to help all of us.

Obviously, I rise in support of H.R. 366, and I also want to thank my comrade in arms at the subcommittee, the gentlewoman from California (Ms. WOOLSEY), for her work on this, and the gentleman from California (Mr. GEORGE MILLER), who has a continuing interest in education. They are a pleasure to work with, most of the time, and we appreciate that. I think together we produce good legislation, even though there may be small differences on some of the amendments.

The Perkins Act aims to prepare youth and adults for the future by building their academic and technical skills in preparation for postsecondary education and/or employment. The bill we are considering today enhances Perkins by ensuring both secondary and postsecondary students participating in the program are acquiring rigorous academic and technical skills and will have the opportunity to transition into further education and/or successful employment.

The Perkins Act governs widely supported programs at both the secondary and postsecondary level. For example, nearly all high school students complete at least one vocational education course; and approximately 26 percent of students are considered vocational concentrators, those students that focus on a single occupational area. In my home State of Delaware, we have five career and technical high schools that enroll 5,500 of the 29,500 total high school students. At the postsecondary level, the Perkins Act supports a broad array of options primarily at the community college level. In the 1999-2000 school year, over 50 percent of all students enrolled at the less-than-4-year postsecondary level reported they were majoring in vocational education areas.

Vocational education represents one of the first education laws at the Federal level, with the passage of the Smith-Hughes Act in 1917. H.R. 366 seeks to build on reforms made in past reauthorizations and seeks to enhance this popular program to ensure its success in years to come.

The legislation before us today makes significant reforms to academic achievement and accountability to ensure students have the skills necessary to enter the workforce or continue to an institution of higher learning. As I mentioned, there are five career and technical high schools in Delaware. While all these schools met adequate yearly progress under the No Child Left Behind Act, there is more to be done in academic achievement in these schools and schools across the country. H.R. 366 will improve vocational and technical education by increasing the focus on academics in conjunction with the skill attainment that is incumbent on the program.

The emphasis on academics will be assessed through the act's alignment with No Child Left Behind, as well as enhanced accountability. H.R. 366 strengthens accountability by requiring that locals establish adjusted levels of performance to complement the State adjusted levels of performance already in current law. The State agency will evaluate annually whether the local recipient is making substantial progress toward achieving these goals. The intent is not to penalize those local areas that are facing difficulty in achieving high-quality outcomes for their students, but to create a structure that includes technical assistance, opportunities for program improvement, and sanctions only as a last resort.

One of the unique attributes of vocational technical education programs is their ability to show students a path that could end in a certificate, credential, employment, military, or postsecondary education. The Tech-Prep program currently within the Perkins Act is intended to focus on a well-defined link between high school and at least 2 years of postsecondary education.

Research has shown, however, that funds are rarely, if ever, used to meet this goal. Rather, funds are often used for purposes within the larger vocational technical education program. Therefore, H.R. 366 folds the separate Tech-Prep program activities and funding into the larger State grant to create a more streamlined system. Under the bill, States will still be expected to spend the same amount of money on Tech-Prep activities as they did under the former stand-alone program. To ensure that the intent of the Tech-Prep program is met, the legislation revises the requirements of the program in order to ensure articulation agreements, or two-plus-two agreements, between secondary and postsecondary institutions are implemented.

Along this same track, H.R. 366 requires States to establish model sequences of courses to emphasize further student academic and vocational and technical achievement. Sequences of courses will incorporate a nonduplicative progression of both secondary and postsecondary elements, which would include both academic and vocational and technical content. Local recipients of both the secondary and postsecondary level would adopt at least one model sequence of courses as developed by the State. I believe this also will help drive program improvements by ensuring that States clarify the progression of academic and vocational and technical courses needed for the postsecondary education and training or employment of a student's choice.

While the President has proposed another avenue for high school reform in the Perkins Act, I believe strongly that the reforms in H.R. 366 will go a long way in driving program improvement and ultimate success for high school students across the country. The dialogue surrounding high school reform is growing and the President is right to force it at the Federal level. I commend those States and businesses across the country that are pioneering efforts at the local level and look forward to following these developments.

As a result of the changes in the bill, I believe that H.R. 366 would help States, community colleges, and other postsecondary education institutions and local educational agencies better meet the needs of the students participating in career and technical education. I urge my colleagues to support this education.

Ms. WOOLSEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), who is a valued member of the subcommittee.

Mrs. DAVIS of California. Mr. Chairman, I rise in support of H.R. 366. I want to thank the chairman of our subcommittee, the gentleman from Delaware (Mr. CASTLE), for his leadership in crafting a bill which could receive bipartisan support.

Mr. Chairman, as we all know, education for careers is terribly important for young people. Members have worked hard to balance planning for academic courses and introductory training to create a seamless move from secondary to postsecondary education.

□ 1200

In my district there are several community colleges which offer excellent training for nursing and the health support occupations, as do the universities. But the truth is that high school students need to have taken the math and science courses that will enable them to move into these post-secondary courses directly. They deserve to progress quickly to qualify for these needed and available jobs.

But I have to reiterate the concern that I expressed in committee when I offered a sense of the Congress amendment to state that this Act must not only be reauthorized, but also funded. Unfortunately, that amendment failed on a party-line vote. I appreciate the sentiments that were expressed saying that well, of course appropriations would be made for the program.

But Members, we have failed to do that. Last week we passed a budget which omits funding for this program as well as for programs like Trio and GearUp that also help high school students prepare for post-secondary education. So it is only wishful thinking, I am afraid, to suppose that this $1.3 billion program can be paid for as part of the President's proposed $1.2 billion high school initiative, along with many of the other 48 unfunded education programs. I believe that our young people deserve better.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

As some Members on the floor have stated, there is some concern about Perkins-funded programs and what their fate might be. I am pleased to be supportive of this bill today. There are some sections of the bill that do my heart well, and a couple have to do with some programs that are working very well for women and girls.

Perkins will help fund training for displaced homemakers and single mothers to help them attain self-sufficiency through programs that provide career counseling, skills training and job placement. These are different kinds of programs than traditional job-training programs because they do include broader education, programs such as some of the programs in my State where women who have been displaced homemakers who have now attained self-sufficiency and are now supporting their families are involved in the training, where they help women to understand they can do it themselves, because part of the job training effectiveness has to do not only with the skills that they learn, but with the confidence they gain and their belief in themselves to be able to do well at their jobs.

The Perkins funds will certainly help to continue many of these programs that have very high success rates. According to the 2004 National Assessment of Vocational and Education, employment growth in occupations that require vocational associates degree of 30 percent is to more than double overall employment growth as well. Graduates of these types of programs can be employed more quickly and at better salaries, and in a situation where a woman is a displaced homemaker, that is key.

Our goal here is to make sure there are all different levels of education available, and the Perkins funding certainly will help us. It will have a lot to do also with working hand in hand with States. In fact, the Perkins law requires States to fund programs that prepare students for nontraditional careers as well.

Again, an example is a woman, instead of going into a clerical job where she will make less money, perhaps going into something with more of a technical skill required where she can and make a lot more money and therefore support her family and be more successful.

I support the bill and the Perkins-funded programs, and I appreciate my colleagues who have worked so hard to get this done.

Ms. WOOLSEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. TIERNEY), a valued member of the full committee.

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time, and I thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE), as well as the gentlewoman from California, for working to reauthorize the Perkins Vocational and Technical Education Act.

I have to note, however, at the same time we are debating this reauthorization, we have the problem that the President's budget and the conference report to the budget resolution that we passed just last week eliminate this worthy program. I hope our debate and discussion of this today indicates our support of moving forward and making sure that we do not only authorize but fund this particular program.

As has been mentioned already, this is a law that provides quality vocational education at high schools and community colleges that teach and enhance workforce skills. We have a serious need for a skilled workforce in this evolving economy. We have a shortage of skilled workers in technical fields; so, obviously, the importance of quality education and career preparation in developing that skilled workforce should be imperative. Our support for this Perkins vocational opportunity ought to continue.

Perkins career and technical education provides programs, policies and resources for students to obtain education and training that they need for those high-wage, high-skilled jobs. I think we all agree that every student deserves a fair and equal opportunity for a quality education that meets the need for personal and academic career development. This program does that for millions of students.

The United States Department of Education Office of Vocational and Adult Education tells us that one-third of college students are involved in career and technical programs, and that over 40 million adult learners engage in short term, post-secondary educational opportunity and training.

Before I close, I would like to address one particular aspect of this bill, and that is that this bill merges the successful tech prep program into Perkins basic State grants. The gentleman from Wisconsin (Mr. KIND) and I tried to amend that in the committee and were not successful. We wanted to restore the separate authorization for tech prep. If we restore the separate authorization, we would block any potential loss of funds.

The General Accountability Office indicates when programs are block granted, they not only lose funding eventually, but the focus on the program is lost and accountability is lost. We hope to deliver these programs through the State-wide network of consortia of secondary schools, post-secondary institutions, employment and training providers, and business and industry groups so they can work collaboratively on this tech prep program. It is a seamless pathway for that type of education into high-tech fields, and it is important. Many groups are behind this. I ask hopefully the Senate version will prevail in the final bill, and that program will survive.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee and an educator and someone who knows more about this probably than most Members of Congress.

Ms. FOXX. Mr. Chairman, I thank the gentleman from Ohio (Chairman BOEHNER) for the time to speak on this bill, and am proud to serve on the gentleman's committee.

I think I am unique in this body in my experience with this kind of program. I am an educator, a former Trio director. I began a tech prep program, and I was a community college president and university administrator. I understand firsthand the importance of good, solid technical and vocational education. Armed with the proper skills, our students can achieve anything they set their minds to.

The gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE) are to be commended for putting together a bill that strengthens accountability so that we can ensure that the vocational and technical courses provided to our students are the best that can be offered. Our students deserve no less.

This bill also includes provisions to ensure States and local communities will have more control rather than the Federal Government. That is very important. In this bill, State and local communities are empowered to determine academic content and curriculum. This is an extremely important part designed to provide students with an appropriate education based on what skills and industries are important to their local communities.

H.R. 366 streamlines Federal funding of vocational and technical education programs, thereby increasing flexibility for States and allowing more funding to reach the local communities.

The benefits of vocational and technical education to our communities are incredible. With the world changing so rapidly and all of the constant changes in our workforce, education is the key to our success as a Nation. In order to keep our Nation competitive in the global economy, we must ensure that our students maintain the best opportunities to better themselves, learn a new skill and give back to their communities.

Mr. Chairman, the key to good education does not lie in the hands of the Federal Government. It lies in the willing and able hands of those in our localities. That is why I am supporting this bill. Our students deserve no less than the best education. With these tools, the possibilities are endless.

Ms. WOOLSEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), superintendent of schools for 8 years in North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 366 as it reauthorizes the Perkins Act, which provides critical funding for occupational preparation and vocational and technical education at secondary and postsecondary education levels. It is the largest Federal investment in secondary education.

Although I am concerned about some provisions of this bill, like the merger of tech prep into the basic State grants, on balance, H.R. 366 makes many improvements to current law, and I will vote to pass it. But let me say, we started the tech prep in North Carolina, and I share with my colleagues that merging raises some real concerns.

More flexibility without more funding is not necessarily what we need. Talk to any educator, and what they need is resources to get the job done. The American people need to understand what this charade is about. Although H.R. 366 reauthorizes critically important education programs under the Perkins Act, Republicans in Congress last week passed a budget that eliminates those very same initiatives. Only in Washington, D.C. could Congress eliminate a program one week and reauthorize it the next week.

In North Carolina, we have one of the strongest community college systems in this country. Our community colleges work in partnership with our universities and the public schools to provide career training and critical technical skills. My State has suffered hundreds of thousands of layoffs in recent years in agriculture, furniture and in the textile industry. To a mill worker laid off from the only job he or she has ever known, the services provided through the Perkins Act literally are a lifeline. These services are the difference between hope of gainful employment and the despondency of unemployment and dependence on others.

Brown University has conducted a study that demonstrates that obtaining a high school equivalency makes a clear difference between moving into a new job after a layoff and not. These are real people that we are talking about. We ought not to be cutting out the only real hope that they have for a better life for themselves and their families.

In conclusion, I encourage and urge my colleagues to pass H.R. 366. But more importantly, I urge my Republican colleagues and leadership and the administration to restore these devastating education budget cuts. That is where we will make a huge difference.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, several of my colleagues on the other side of the aisle have referenced the fact that our fiscally responsible budget may, in fact, require changes to how we fund various education programs. While we will have plenty of time to debate those issues when we get into the appropriations process, I think all of my colleagues realize the Perkins program providing for vocational and technical education around the country is widely popular with Members on both sides of the aisle. I have no doubts, no doubts that the funding called for in the President's budget, the funding that is authorized in this bill will, in fact, happen, just to set the record straight.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of the committee.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of H.R. 366. In today's competitive economies, students must be equipped not only with the technical skills of their chosen field, but basic academic knowledge as well. Realizing this, H.R. 366 focuses on academics. I am particularly pleased that the bill is designed to support student achievement in core academic subjects, including math and science.

I think we can agree that our new high tech economy demands that students have stronger math, science, engineering and technological skills.

Mr. Chairman, vocational education works. Earlier this year I toured two vocational centers in my district, the Technology Center of DuPage County and the Will County Career Center. Several of the students there told me without vocational education programs, they would not be in school.

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For whatever reason, they were not interested in the traditional high school education or going on to a traditional 4-year college. Instead of these students slipping through the cracks, they are learning cutting-edge technology in some of the fastest growing career fields: aerospace, computer technology and engineering, health care and aviation, just to name a few. Other students have already been accepted to college and are augmenting their education with technical classes. For example, many students in the health care program will go on to college nursing programs next year. Through vocational ed programs, they can take classes for college credit while still in high school. Not only do these students go to college already having the basic skills needed in their field; it takes them less time to complete their training. The sooner these students finish their training, the sooner they are out earning good paychecks and the sooner we are able to get highly skilled workers in high-demand fields.

H.R. 366 will help the students in my district and all across the country get even more out of their education. I am proud to support this bill, and I urge my colleagues to do the same.

Ms. WOOLSEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Chairman, reauthorizing the Perkins Act gives Congress the opportunity to restate our belief in vocational and technical education, a partnership between academics, the business community, and our constituents for more than 40 years. As a graduate of Oakton Community College, I have a special appreciation for the value our community college system provides to our communities. OCC prepared me for and complemented my entrance into the computer industry and that education served me well over my 20-plus-year career in the high-tech field.

Like community colleges across the country, those in Illinois' Eighth District, The College of Lake County, McHenry County College, Harper College and Elgin Community College, provide opportunities for all Americans, from young people starting out their careers to those who are transitioning their careers later in life to adjust to the economy of a global workforce. We should absolutely put our full support behind such flexible and proven programs. H.R. 366 will allow our local schools and community colleges to plan for the future and to continue supplying trained workers to industries of all types.

Like much of the legislation brought before this body, however, the Vocational and Technical Education For the Future Act has room for improvement. Merging Tech-Prep into the basic State grants calls into question the Federal Government's commitment to math and science education and could allow targeted funding to be used for other purposes and allow Tech-Prep to fall by the wayside. The Senate version of this bill is more receptive to high schools', community colleges', and industries' needs; and I hope that Tech-Prep will be retained as a separate program in the conference report.

Vocational and technical education programs help Americans to continue their education and expand their skill sets in their chosen professions. Encouraging innovation through a more educated workforce has helped our economy adapt to changing times and will continue to do so in the future. Reauthorizing the Perkins Act is a step in the right direction.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, for the first 2 years I served in Congress, I was fortunate to serve on this committee; and I will have to honestly say I miss that opportunity because I really did enjoy it. The future of America depends on the work of this committee.

I want to commend the committee on the work they have done on this bill. I think they have done outstanding work at working through the process of making this a strong bill. It is my belief that our economic future depends on the use of the latest, most modern technology. Historically, the academically gifted in America have unlimited opportunities; but, unfortunately, the technically gifted have too often been left behind because we have undervalued technology education. This bill modernizes Perkins and advances technical education to what I hope is a brighter future.

When you look at the delivery of health care, it is about technology. When you look at manufacturing, if we are going to be successful against cheap labor, it is about technology. You talk the whole IT revolution in this country, it is technology. It is what caused it. Marketing is technology. Warehousing and distribution, it is technology. Repairing autos and equipment, it is about technology. Technology is what makes our country work today, and it is vital.

We have too often had high schools that were using 1970 technology in the era of 2005. That does not cut it. We have to advance technical education and make sure that America's youth realize that the jobs that are wanting in America have the word "technology" beside them. There are many people with 2-year technology degrees that will earn a better income than those with 4-year liberal arts degrees, and we do not offer them adequately in the same manner that we offer academic education.

If you look at the successful companies that are competing globally, it is about the massive use of technology. We must make sure that our high schools is where it begins, in the early middle schools, that young people realize the excitement of the technology world and that we have the latest, most modern technology there and that we bridge it into the community colleges. In some of the more progressive States, we have community colleges paralleling at the high schools, joint teaching in the 11th and 12th grade, adding the 13th year and giving a 2-year associate's degree in technology that equips people to go to work more. All of those fields needing the technology workers would be happy if we could do that on a broad scale across this country.

I commend again this committee and the staff for putting together a good bill, and let us hope that it is the beginning of technology education being valued in this country, because it must be if we have an economic future because our economy in the future is about the massive use of technology.

Ms. WOOLSEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the full committee.

Mr. HOLT. Mr. Chairman, I thank the gentlewoman for yielding time. While I rise in support of H.R. 366, I must point out that we are reauthorizing a program that the President proposed eliminating. I hope we can help him see the importance of this program. It is unfortunate that the President has attempted to undermine these programs through proposals for spending cuts totaling nearly $700 million since he took office. We have lost nearly 2 million private sector jobs in the last 4 years and hundreds of thousands of American jobs have been outsourced to other countries. Unfortunately, the budgetary approach of this administration and the majority here, I would say, is to shortchange students and workers rather than to invest in them.

I would like to point out a couple of things that are missing in this bill. The gentleman from Oregon (Mr. WU) and I offered an amendment before the Committee on Rules that intended to stem the tide of outsourcing of American manufacturing jobs. Specifically, the amendment would establish a Federal fund for local programs that would give American manufacturing workers additional skills and educational training through competitive grants to States. Unfortunately, the Committee on Rules would not allow this amendment.

I am also concerned about the elimination of separate authorization for Tech-Prep. Tech-Prep combines and coordinates secondary and postsecondary vocational education activities into a coherent sequence of courses.

I am pleased that the bill includes some things and I would like to mention two: one is eligible recipients may use Perkins funds to provide information and referrals to students regarding the availability of services such as transportation and child care which would enable students to enroll and take full advantage of the Perkins programs. I am also pleased to mention a point that was addressed by the gentlewoman from Illinois (Mrs. BIGGERT) which is that this legislation includes programs to acquire math and science skills.

So although I rise in support of this legislation, I still think we can do better.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I want to thank the gentleman from Delaware for yielding me this time. I want to thank the chairman for his leadership on this bill.

I am a proud cosponsor of H.R. 366. This bill is important to Louisiana and to our country. Many students back home in my State, Louisiana, do not attend college; and they seek work opportunities immediately after high school or even before graduating. Louisiana's employers need proficient workers with training and education past the high school level to work in the energy, chemical, and high-tech industries. Voc ed programs are an avenue for these students to obtain advanced training or certification to enter the workforce ready to be productive.

SOWELA Technical Community College in Lake Charles, Louisiana, provides a number of accredited programs. The school is recognized as one of the top aircraft maintenance programs in the Nation, and they have successfully used Tech-Prep to engage area high school seniors as they finish high school.

This bill increases the focus on student achievement in core academic subjects such as math and science education that incorporate the use of technology and strengthen the transition from secondary to postsecondary education. The bill empowers States and local communities to insist on accountability and improvement for students. By establishing separate performance indicators for secondary and postsecondary students, it focuses on success at the local level and allows States and local communities to reward performance.

Furthermore, this bill would combine funding for the Tech-prep and Perkins State grant programs. This will give much needed flexibility for States, streamlining funding and ensuring current activities continue while the program as a whole is updated to meet the challenges of the future. This will also ensure that a greater share of the funds are targeted to the local level so that communities have more control over their programs.

Mr. Chairman, I urge passage of this bill. I hope the other Chamber will also take action, as well, to improve the vocational education opportunities for our students.

Ms. WOOLSEY. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND), a member of the subcommittee.

Mr. KIND. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I commend her for her hard work in the reauthorization of this very important bill.

Mr. Chairman, Wisconsin is very proud of the career and technical college system that we have back home. In fact, I have four of the technical schools in the Third Congressional District in western Wisconsin as well as many of their campus satellites. They have been vital components for economic growth and economic development in our region under the fine leadership of Karen Knox, Lee Rasch; Bill Ihlenfeldt, who actually testified before the Education Committee on this bill; as well as Tim Schreiner, David Hilderbrand, Dr. Mark Hurley. Even though the President did not support reauthorization of this legislation, we believe it is an important investment to make, Mr. Chairman.

The single most important factor in determining America's success in the 21st century will be maintaining our ability to be an innovative and creative society. Over the last few years, the world has become a smaller and more integrated place with technology that is leveling the playing field like never before. Competition and collaboration exist now not just between countries and companies but also between individuals. Meeting this challenge requires a new set of big ideas.

Instead of the administration being so eager to dismantle the New Deal, we should be working together to offer the American people a New New Deal. A New Deal that will enable our people to compete successfully in the 21st century economy with a renewed commitment to worker training programs; an education investment that emphasizes math, science and engineering; research funding in science and medicine; and a comprehensive broadband strategy so every American has access to high-speed Internet hookup.

We believe that economics does not necessarily have to be a zero-sum game; it can be a win-win proposition for everyone involved so long as they have the tools in which to succeed.

One of the unfortunate aspects of this reauthorization bill is the attempt to remove as a separate funded program the Technical Preparation program. I commend my friend from Delaware who is about to offer an amendment later today at least calling for level funding of the Tech-prep program for the next fiscal year. But once you eliminate the separate status of the Technical Preparation program, the fear is that we are going to lose focus and that the institutions will lose focus or, even worse, that the funding stream will become weakened in future years. I would encourage my colleagues to support the amendment that the gentleman from Delaware will be offering to at least provide level funding of this important program.

Technology is driving the innovation. Technology is driving the creativity. Technology and the use of that is going to determine our workers' ability to compete in the 21st century global marketplace. I would hope that the Senate version which keeps the Tech-prep program as a separate funded entity will remain; but at the very least let us support the Castle amendment when it comes up today.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I want to thank the gentleman from Ohio and thank the gentleman from Delaware for their leadership on this issue. I certainly stand in strong support of the bill. This is an issue that is so important to the future of Louisiana and the future of our country. I can think of no better investment in our children's future than in their training and their education. As I have said before on this House floor, I was privileged to serve as the president of the University of Louisiana system, and there I saw the difference we were making in the lives of many families. However, Louisiana for too many years has encouraged too many of our students to start their postsecondary education in a 4-year setting.

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The result is as many as 80 percent of our students continue their education, have started their education in a 4-year setting. The result has been the second highest dropout rates in the South, the second lowest retention rates in the South, one of the highest dropout rates in the country. The result of that has been many students not completing their education, many students dropping out with large debts, with large loans rather than starting their education in a community or a technical college, rather than graduating and being certified with the skills they need to get a good-paying job.

Employers across my State, employers across the country say one of the top obstacles to economic development, one of the top obstacles to their growing right here in Louisiana, right here in our country is the inability to find skilled workers, to find trained workers. Critical to growing our economy would be to provide these graduates and the number one challenge in my State is to keep our young people home. We are the only State in the south that has had more people moving out than moving in, and at the same time, we have got employers that cannot grow. We have got shipbuilders that need thousands of welders. We have petrochemical plants up and own our river that need pretec operators. The community and technical system fills a critical gap in our post-secondary educational system. In Louisiana in the last few years, our former Governor actually created, for the first time, an integrated community and technical college system. The Federal support for students pursuing their educations in that system is absolutely critical.

At the same time, we are seeing so many of our manufacturing jobs going overseas because of taxes, because of the threat of lawsuits, because of unnecessary regulations. We need to level the playing field. We need to provide a skilled workforce so that companies can expand right here in our country, in Louisiana.

I think this is an important bill. It is a good bill. I stand in strong support of the legislation.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the gentlewoman for yielding me this time. And I really commend the leadership on both sides for this H.R. 366.

This is a very important piece of legislation, the Vocational and Technical Education for the Future Act.

This legislation is so important for many reasons. Specifically, it is vital to my district, the 37th District in California. But, first of all, it reauthorizes the Perkins Vocational Program that provides for many citizens the ability to learn a marketable skill that allows them the ability to partake in a career that allows upward mobility and job satisfaction. Experienced trade workers can earn up to six-figure salaries with the right type of training. Perkins programs have traditionally provided this type of skills training.

In California, only 8 percent of the ninth graders will complete the high school years and college in 10 years. The Perkins programs provide opportunities for students who need to develop the different skills for them to grow and to have career choices. With vocational training, students will aspire to entering into a career path that allows them to make a comfortable living, having the same ability to do so as students who attend a 4-year college or university.

Second, students who avail themselves of this training are able to enter into fields where there is a ready supply of jobs. They are currently more jobs available in these industries than there are students enrolled in vocational tech training. There is a large demand for skilled technicians. These programs, when they are adequately funded through the Perkins Act, prepares students for these jobs.

Finally, Mr. Chairman, I ask Members to support this legislation because it provides for programs and resources for women and girls to obtain education and training for high-wage/high-skill and nontraditional jobs. When I was director of Gender Equity, I was responsible for bringing a lot of the nontraditional jobs to the forefront.

Mr. Chairman, this is a great piece of legislation, and I ask all of my friends to support it.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), a member of our committee.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding me this time.

First, I want to praise the gentleman from Ohio (Mr. BOEHNER), chairman of this committee; and the gentleman from Delaware (Mr. CASTLE), subcommittee chairman, because I rise in strong support of H.R. 366, the Vocational and Technical Education for the Future Act, because it does a number of basic things. It continues to help States better utilize federal funding, increasing accountability, emphasizes student academic vocational and technical achievement, and improves coordination between secondary and post-secondary vocational and technical education.

We have continually worked at how to get this type of cooperation to streamline it, not to micromanage the States, to give them flexibility on how to do it, but set guidelines as to what we expect and the type of results that we want.

In my home district in Northeast Indiana in Fort Wayne, vocational education has been a cooperative effort between the city of Fort Wayne and the Chamber of Commerce in taking the old Central High School, which had been abandoned, which my mom had attended in the 1940s, and it is now the Anthis Career Education Center. There they have laboratories, classrooms, worksites, different career options, youth apprenticeships, cooperative education. They have nearly 20 different career options that work with Indiana Vocational Technical State College.

In addition, they have programs for kids who may go to 4-year colleges, that they can take part of their day and go over and get specialized courses, go out and work with manufacturers.

What is great about this bill is it addresses a whole range of what we need to look at in vocational education.

Many people are concerned that we are tracking people, that we say they are going to decide to be this because their dad was this. The fact is that we need a multiplicity of options, and as kids see those different options, they can test them out and see which one works best for them.

Way back in the 1960s in our family retail business, we took a number of students in order to keep them in school and let them work part time in our business and got them through high school. Some of them then went on to 2-year colleges. Others got interested. Others stayed in various business segments.

I recently met with Mr. Colin Schottlaender, who is the director of the Raytheon Network Centric Systems. He oversees 68 Raytheon plants in this Nation. And one of the things they try to do is to get kids, like my son went out to Raytheon, visited there for a day to see what the job was like. Then they look for people to see whether they work for summer employment. Some of them may go to 4-year colleges to move in management. Others may do a mid-technical thing and go to a 2-year vocational educational institution. Others may go to work and then come back to the education because they had been exposed to it. But, increasingly, companies want to see kids in high school get some practical experience and then develop them through summer programs, through education programs, and develop people who can compete in an international market. And to do this, the vocational technical education is a critical component.

We cannot compete worldwide unless we are developing at every level of kids who are at risk of not finishing high school, of kids who will finish high school, of kids who will go on to vocational education, kids who will go on to a 4-year college and people will do lifelong learning. We cannot compete worldwide unless we focus on vocational and technical education, and this bill is an important start.

Ms. WOOLSEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), our full committee ranking member and my leader on education and many other issues.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I also want to thank her for all of her work on behalf of our Members on this side of the aisle in helping to shape this legislation. And I want to thank the gentleman from Ohio (Chairman BOEHNER) for bringing this bill to the floor in a timely fashion, and to the gentleman from Delaware (Chairman CASTLE) for all of his work and his dedication to the vocational education programs within our jurisdiction.

I rise today for two reasons: One, I am hopeful that bringing this bill to this floor at this time and all of the statements made by Members on both sides of the aisle as to the successes of vocational education and the various components of vocational education in their districts and in their States will forever put an end to this idea of the administration that it is going to somehow zero out this legislation or that it is going to take this money for some other initiative when Members of Congress recognize in such an overwhelming fashion the importance of vocational education to the students in their districts, to the success of the educational programs, and certainly to their local economies and to their State economies.

That is really the second reason that I rise, and that is to again reiterate the idea that this is not our fathers' or our grandfathers' vocational education. A dramatic transition and a transformation has been made within many of our educational establishments in high schools and community colleges that now provide for the linking and the merging and integration of academic programs and vocational programs and skills-acquiring programs so that students now not only are taking vocational education or participating in vocational education to get a job.

What they are getting is a set of skills that will allow them to get that job but also to have the options to create career paths within that industry or within that vocation, within that sector of our economy. Far different than has been done in the past.

In the integration of the academic skills, again, building upon the research that has been developed over the last decade, and that is that really for people to be proficient, to continue to maintain a middle-class life-style, to be able to continue to maintain their opportunities in employment. The set of skills that they need on the academic side and on the vocational skills side really are equivalent of what one needs to have an AA degree.

So now students are put on that path. They are given the opportunity to relate the academic skills that they need to acquire for the job opportunities, for the career opportunities, and for the academic opportunities in their future lives. And that is a dramatic change from what many people view as vocational education of the past or of their experiences when they were in school.

We now talk to young people. I just recently visited a program at the Serendipity training program in Mr. Diablo High School in my district, where Chevron Corporation just made a major grant to the county schools for the purposes of enhancing these kinds of economic opportunities and educational opportunities for young people. And when we talk to the young people, whether they are participating in the health academies or they are participating in the fire academies or the food service academies or the technical academies, the fact of the matter is they now see themselves having multiple options. For some it is just to simply get a job. A number of students said they were go to become EMTs because they wanted to be able have that work and that work schedule and that income to pay for their college education. Others decided that they would go just to the fire academy and try to get a job. Others thought that they would go to the fire academy and go on to Humboldt State and to the 4-year programs in terms of fire sciences.

So what these students now see are the multitude of opportunities that are available to them, the opportunities for career and advancement and providing for them and their families into the future.

I would hope that we would support this bill. I am disappointed that the Committee on Rules, in its continued abuse of power, simply could not provide for the debate of the amendments that many on this side of the aisle wanted to offer. Again, it is not like the Congress is running at maximum RPMs here day in and day out and there is no time for that debate. It is unfortunate that the Committee on Rules continues that abuse of power, but we will have an opportunity to debate a couple of amendments and then push this bill forward to conference committee, where a couple of its modest shortcomings can be hopefully corrected.

Mr. Chairman, I want to thank Chairman BOEHNER and CASTLE for bringing this bill the floor. The V ocational and Technical Education for the Future Act reflects a bipartisan work product and I am pleased to be able to join the chairman, Chairman CASTLE and Ranking Member WOOLSEY in supporting this reauthorization.

Career and technical education has traditionally been a bipartisan effort in Congress and that continues today. Unfortunately, the President, for the fourth year in a row has tried to eliminate this program, and this is a mistake.

Career and technical education programs make high school matter for many young people, offer college students pathways into productive employment and new hope for displaced homemakers and workers reentering the workforce.

Now is not the time to retreat on our investment in career training. The global economy demands a highly skilled workforce and the Perkins program has been instrumental in building that workforce.

H.R. 366 moves the successful Perkins Act, named after the distinguished Senator from Kansas, to the next level in career and technical education. This program may have started out as second tier education program for students who sought employment after graduation from high school, but today, these programs are changing the face of secondary and post-secondary education. Perkins equips America's workforce with the skills they need to compete in a global economy.

More and more schools are using career and technical education programs to develop highly challenging and academically sound education systems, combining secondary and postsecondary education elements. H.R. 366 adopts this model.

Successful career tech programs allow academic and vocational teachers to develop curriculum together and teach together so that students can apply academic content in a real world context. In order to make high school matter, learning, must become more meaningful to students. Career technical education programs do this.

H.R. 366 also ensures that students learn the identical challenging academic content as students who are in a purely academic program further reinforcing the goals of No Child Left Behind: that all students should be taught to high standards.

We know that students who are enrolled in career technical programs are less likely to drop out before graduation. Students who graduate from these programs perform better than their academic-only counterparts in math and science. And, students who complete these programs are able to obtain higher salaries than their counterparts.

Mr. Chairman, while I will support this bill, I remain concerned that it fails to address two critical issues: the bill eliminates the separate authorization for the Tech Prep Program and cuts State Administrative funding far below what states need to carry out the new responsibilities that have been added to the bill. These problems can and should be corrected in conference.

The Perkins Act is a critical workforce development tool and the bill before us represents sound education policy. It contains critical improvements in the areas of accountability, integration and coordination and is supported by a range of organizations to include the Association for Career Technical Education, the National Association of State Directors of Career Technical" Education, the NEA, and the National Coalition for Women and Girls in Education.

I want to thank these organizations for their input on the bill and I want to thank our staff for their efforts in bringing this bill together in a relatively short period of time.

I will vote in favor of final passage and urge my colleagues to do the same.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say one more time how much I appreciate the bipartisan work that we accomplished on the subcommittee and on the full committee, and I thank both the full Chair, the subcommittee Chair, and my ranking member for making all that possible.

In closing, I want to reiterate my main concerns with the bill, which I hope will be addressed in conference.

First, the bill rightly strengthens accountability for State and local programs, but at the same time, it cuts 60 percent of the funds that the States can use for that very purpose. I support these accountability measures, but if we do not enable the States to administer them, we will be providing empty promises. I offered an amendment in the committee to restore this cut.

I am also concerned that this bill merges the tech prep program with the basic State grant, and I appreciate that our Republican colleagues on the committee have maintained funding for tech prep activities. But as we all know, not sending tech prep funding separately to the States means that eventually States will lose their focus on those activities.

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Another area that I am concerned about and I want to reiterate is the issue that the gentleman from California (Mr. GEORGE MILLER) has just discussed, which is his amendment offered to end abuses like the Department of Education's contract with Armstrong Williams. His amendment simply said that the government cannot hire journalists to create government propaganda and required that if the Department of Education continues to produce prepackaged news pieces, it has to fully disclose that fact in the piece. I am sorry that that language, which is really about government being honest with the people, is not in this bill.

Finally, we must ask ourselves, despite bipartisan support and despite the support of the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), where will the appropriators find the funds to support this and other critical education programs that the President wants to eliminate or underfund? For example, this year alone, the President wants to provide our schoolchildren $12 billion less than he promised under the No Child Left Behind Act.

Mr. Chairman, one last comment: this is a good, bipartisan bill, and we must fix the little pieces that are missing in conference.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

I want to thank the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Ms. WOOLSEY) for their work on this bill; and I want to thank my colleague, and the author of the bill, the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for his fine work. While there are 435 of us in the Congress, of course everyone would like to make this bill look as though it were theirs and written exactly the way they would like to write it. Clearly, I would like to have that opportunity too, but that is not how the process works. We have a bipartisan bill, and we should not make the perfect the enemy of the good.

I also want to thank my staff, Krisann Pearce and Whitney Rhoades, for their fine work on this bill. I want to thank Denise Forte and Lloyd Horwich on the Democrat side for their work. As most of my colleagues know, we could not do the fine work that we do without excellent staff on both sides. They have done very good work in helping us get to where we are today.

Vocational education, as my colleague from California pointed out, is not vocational and technical education like it was 20 years ago or even 10 years ago. We all recognize that those in vocational and technical education also need a strong academic background. This program, over the last several reauthorizations, has attempted to move to stronger academics; and we continue that process in the reauthorization that we bring to the floor today. It is one of the reasons why the Tech-Prep program, which used to be separate and in this bill we have merged it with a basic grant, although we preserve the funding, is not quite as significant as it once was, because Tech-Prep was intended to help encourage those in vocational and technical education from outlining a program where they would do 2 years at the local Tech-Prep school and then go on and do 2 years probably at a community college. By improving the academics across the board, I think it is good for all students.

I have two technical schools in my own district, Butler Tech, Butler County Tech and Miami Valley Tech, who offer wonderful programs and wonderful Tech-Prep programs for many of their students. They have articulation agreements with Sinclair Community College in Dayton, Ohio, and other community colleges to help put students on a path where they will gain the skills necessary to be able to go out in the workforce and have very productive jobs.

There are two or three million jobs in America today that have gone begging because we do not have employees and people with skills to fill those jobs; and many of them could be filled if, in fact, we have stronger technical vocational programs around the country.

So I would encourage my colleagues to support the underlying bill, and we are about to get into the amendment process, and we will see where that takes us.

Ms. BEAN. Mr. Chairman, reauthorizing the Perkins Act gives Congress the opportunity to restate our belief in vocational and technical education, a partnership between academics, the business community and our constituents for more than 40 years.

As a graduate of Oakton Community College, I have a special appreciation for the value of our community college system. Oakton Community College prepared me for and complemented my entrance into the computer industry. That education served me well over my 20 plus year career in the high-tech field.

Like community colleges across the country, those in Illinois' Eighth District—The College of Lake County, McHenry County College, Harper College and Elgin Community College—provide opportunities for all Americans, from young people starting out their careers to older workers continuing theirs.

We should absolutely put our full support behind such flexible and proven programs. H.R. 366 will allow our local schools and community colleges to plan for the future and to continue supplying trained workers to industries of all types.

Like much of the legislation brought before this body, however, The Vocational and Technical Education for the Future Act has room for improvement. Merging Tech Prep into the Basic State Grants calls into question the federal government's commitment to math and science education by allowing targeted funding to be used for other purposes. The Senate version of this bill is more receptive to high schools', community colleges' and industries' needs, and I hope that Tech Prep will be retained as a separate program in the conference report.

Vocational and technical education programs help Americans to continue their education and expand their skill set. Encouraging innovation through a more educated workforce has helped our economy adapt to changing times and will continue to do so in the future. Reauthorizing the Perkins Act is a step in the right direction.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of H.R. 366, the Vocational and Technical Education Act of the Future. This bill reauthorizes the Perkins Act, which provides career and technical education (CTE) programs at the State and local levels. In addition, the Perkins Act provides skill-building and academic opportunities for our youth and improves employment outcomes.

We live in an information and knowledge-based economy. It is imperative, therefore, that we continue to recognize that a strong academic foundation is necessary for all students emerging from high school. Moreover, the skills necessary for entering postsecondary education are similar to the skills necessary for success in the modem workplace. For example, it is a fact that high school students entering construction related apprenticeship programs must have algebra, geometry and trigonometry skills, which are also requirements for college university systems.

The research is clear. High school students completing a rigorous academic core coupled with a career concentration have test scores that are equal to or higher than those of students considered to be "college prep". They are more likely to pursue postsecondary education, have a higher grade point average in college, are less likely to drop out in their first year of college, and they have better employment and earnings outcomes than other students.

This bill will ensure that "rigorous and challenging academic content" in the high school curriculum is aligned with postsecondary education.

For the foregoing reasons, I encourage support for this bill to ensure that all high school students' educational needs are adequately met.

Mr. POMBO. Mr. Chairman, today I rise to speak in favor of H.R. 366, the Vocational and Technical Education for the Future Act.

Vocational education is an extremely important component of secondary education for millions of students. It is too often neglected at the State level and does not receive adequate funding or attention.

Many students do not go on to an undergraduate university for their post-secondary education. Only about 40 percent of high school students who pursue post secondary education enroll in a college program. One third (over 5 million people) enroll in a vocational education program.

There are many good paying jobs available to students interested in vocational training, but not enough students are being prepared for these types of jobs.

However, we do have the ability to encourage more schools and their students to participate in vocational education. We can get businesses involved with the education of the skilled workers of tomorrow by helping them train the students of today.

Among other things, H.R. 366 includes provisions to make funds available to eligible recipients for local education and business partnerships, including the establishment and operation of special arrangements with industry partners that allow qualified industry professionals to serve as faculty in postsecondary programs. It also makes funds available for leasing, purchasing, upgrading or adapting equipment, including instructional aides and publications.

This bill also emphasizes teacher preparation programs that address the integration of academic and vocational and technical education and that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry.

I have supported increasing the number of these kinds of public/private partnerships because I believe that is one of the best ways to get students to learn current skills and get hands-on experience. I recently introduced H.R. 2008, the Public-Private Vocational Partnership Act. It would establish a tax credit for companies that donate equipment or resources for vocational education training. In addition, it establishes a tax credit for companies hiring full-time students who work as interns in fields relating to vocational education.

I hope my colleagues will join me in strengthening vocational education.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 366, the Vocational and Technical Education for the Future Act.

In order for the United States to continue to compete in today's global economy we must continue educating our youth. I was disappointed the President's FY 06 budget request did not include funding for most current vocational education programs authorized under the Perkins Act.

I support the Perkins Act because I believe it is necessary to develop the academic, vocational, and technical skills of secondary students and postsecondary students enrolled in vocational and technical education programs. I am concerned, however, that sometimes when Congress gives grants to universities they increase tuition and other costs, so the benefit to the students is minimal.

I am hopeful the $1.3 billion allocated in this legislation will benefit the students who need the grant to improve their future and the future of our country, not the universities who take advantage of additional funds to raise tuition.

I support this legislation and encourage my colleagues to do so as well.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to urge my colleagues to support this bill.

Unfortunately, last week when the majority of members in this body passed the Budget Resolution, they also voted to zero out funding for programs under the Carl Perkins Act.

Through the Perkins Act, hundreds of thousands of students have received an education beyond just high school. They have developed marketable skills that enable them to work at competitive wages, often to support themselves or their families as they receive their college education.

Sam Houston High School is in my District. It is a school with hard-working students who often live under circumstances that do not allow them to enter a 4-year university right after high school graduation. Many of these students stay at home and enter the workforce to help support their families.

Due to decreases in state and Federal funding, Sam Houston High School recently lost their vocational education program. This has been devastating to some students who were relying on learning a unique skill that would give them the ability to earn enough to pay for the rising cost of college and get the work experience that will benefit them in the future.

These programs allow high schools to enter articulation agreements with our local community colleges so students receive college credit for many of the courses they take and they develop skills to enter the workforce. Perkins offers a win-win opportunity for many students to earn college credit and get training and job offers from companies such as General Motors, Continental Airlines and Lockheed Martin.

The Carl Perkins Act recognizes that not everyone goes to college immediately, but that does not mean these students do not want to further their education. Many students who participate in programs such as Tech Prep enter higher-paying jobs after high school to help pay for college.

Recently, the National Association of Manufacturers released a report stating the U.S. will face a shortage of almost 10 million skilled workers by 2020. The students who benefit from the Perkins Act also benefit our economy by preventing the outsourcing of jobs and keeping industry in America flowing.

I urge my colleagues to join me in supporting this bill. The students in my district support Perkins and if we pass this bill today, they will be able to continue to pursue their goals.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in support of H.R. 366, the Vocational and Technical Education for the Future Act. Although Democrats would in candor have crafted a different Perkins reauthorization bill, I do want to recognize and salute the bipartisan process that has brought us here today.

Mr. Chairman, this is timely legislation. As the premiere Federal investment in career and technical education for secondary and postsecondary students, the Carl D. Perkins Vocational and Technical Education Act is a critical tool in our efforts to stem the flow of outsourcing and train a world class American workforce for the 21st century.

In particular, I am pleased that H.R. 366 includes a model sequence of courses so that students will have a seamless transition between high school and post-secondary education. Additionally, I believe the establishment of separate indicators for postsecondary education represents a common sense improvement to current law.

Given the loss of 446,000 private sector jobs since the beginning of the Bush Administration, I am frankly at a loss as to how the President could continue to recommend the elimination of the programs funded under the Perkins Act. And while the majority has in this instance correctly reached its own conclusion about the value of Perkins, I believe a Congress with its priorities in order would be in a position to do better than the level funding for Perkins programs we are passing today. Additionally, while I acknowledge the hold harmless provisions regarding funding for Tech Prep in the base bill and in Mr. CASTLE's amendment, I remain concerned that eliminating the separate funding stream for Tech Prep will over time result in inadequate funding for these important initiatives. Finally, while we should always be interested in finding administrative savings in order to free up funds for actual education and training on the ground, I fear the additional, important responsibilities we are placing on our states under this bill run the risk of getting shortchanged due to our slashing in half the money we are making available to implement them.

In conclusion, I'd like to thank Chairman BOEHNER, our ranking committee and subcommittee members Mr. MILLER and Ms. WOOLSEY, minority and majority staff—and especially Mr. CASTLE for his leadership on this issue and for his willingness to reach across the aisle when crafting this bill. While I will be supporting efforts to improve this legislation in conference, for today I urge a "yes" vote.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 366, the Vocational and Technical Education for the Future Act, which reauthorizes the Carl D. Perkins Vocational and Technical Education Act. For over 20 years, the programs authorized in this bill have offered students across America the opportunity to develop their academic and technical skills.

Perkins supports vocational education programs that prepare students for both postsecondary education and the careers of their choice. H.R. 366 maintains many of the aspects of the current legislation that have made these programs successful. In my home state of Rhode Island, federal funding is instrumental in the operations of nine regional centers, each offering a different mix of technical training programs. Additional career and technical programs are provided in numerous comprehensive high schools and at post-secondary institutions throughout the state. These services are an integral component of education in Rhode Island and I strongly support a continued federal role in career and technical education.

The bill we are voting on today incorporates several new "local uses of funds" that will help postsecondary programs serve their students better—particularly adults that take the initiative to return to school, enrolling in community college career and technical education programs.

I want to take this opportunity to express one reservation about the reauthorization. The merger of the Tech Prep program into the Basic State Grants will result in the loss of a separate line item for Tech Prep. Although the bill seeks to ensure continued funding for Tech Prep activities, community colleges fear that the end result will be the loss of those funds, rather than an addition to the Basic State Grants. Tech Prep programs utilize a proven, successful school-to-work transition strategy to assist students making the connection between school arid employment. I hope that a dedicated funding stream for Tech Prep will be reinstated in the conference on this bill with the Senate.

With this in mind, I thank the House leadership for pursuing the reauthorization of the Perkins Act and encourage my colleagues to vote in favor of H.R. 366.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 366, the Vocational and Technical Education for the Future Act. I want to commend my esteemed colleague, Mr. CASTLE, for his leadership on educational issues and particularly for sponsoring this important legislation.

Vocational and technical education is critically important in American Samoa. According to the 2000 U.S. Census, only 13 percent of 18 to 24 year-olds were enrolled in college classes, leaving a large number of the Territory's youth out of school, but unprepared for the skilled labor market.

In order for American Samoa to continue our economic development, our youth need skills training in construction skills, including carpentry, welding, and electrical engineering. We need architects, engineers and auto mechanics. The funding H.R. 366 provides will allow American Samoa to give our people the necessary skills to compete in this economy.

I support this legislation and I urge my colleagues to vote in favor of H.R. 366.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vocational and Technical Education for the Future Act".

SEC. 2. REFERENCES.

Wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—Section 2(2) (20 U.S.C. 2301(2)) is amended by inserting "rigorous and challenging" after "integrate".

(b) DEFINITIONS.—Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraph (26) and redesignating paragraphs (21) through (25) as paragraphs (23) through (27), and paragraphs (27) through (30) as paragraphs (29) through (32), respectively;

(2) by redesignating paragraphs (4) through (20) as paragraphs (5) through (21), respectively, and inserting after paragraph (3) the following:

"(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment, agreed upon at the State level or approved annually and facilitated by the lead administrators of the secondary and postsecondary consortia members as described in section 135(b)(3)(A), to provide a program designed to provide students with a nonduplicative sequence of progressive achievements leading to degrees, certificates, or credentials in a tech-prep education program linked through credit transfer agreements.";

(3) in paragraph (5) (as so redesignated), by inserting "to students (and parents, as appropriate)" after "providing access";

(4) in paragraph (6) (as so redesignated), by striking "section 5206" and inserting "section 5210";

(5) in paragraph (7) (as so redesignated)—

(A) by striking "method of instruction" and inserting "method"; and

(B) by inserting "rigorous and challenging" after "required";

(6) in paragraph (11)(A) (as so redesignated), by striking "an" and inserting "a public or nonprofit private";

(7) in paragraph (18) (as so redesignated)—

(A) in the paragraph heading, by striking "TRAINING AND EMPLOYMENT" and inserting "FIELDS";

(B) by striking "training and employment" and inserting "fields"; and

(C) by inserting "current and" after "technology, and other";

(8) in paragraph (19) (as so redesignated), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,";

(9) by inserting after paragraph (21) (as so redesignated) the following:

"(22) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given that term in section 9101(37) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(37)).";

(10) in paragraph (25) (as so redesignated)—

(A) in subparagraph (C), by striking "training and employment" and inserting "fields";

(B) in subparagraph (E), by striking "and";

(C) in subparagraph (F)—

(i) by striking "individuals with other barriers to educational achievement, including"; and

(ii) by striking the period and inserting "; and"; and

(D) by inserting after subparagraph (F) the following:

"(G) individuals with other barriers to educational achievement, as determined by the State.";

(11) by inserting after paragraph (27) (as so redesignated) the following:

"(28) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in activities authorized under this Act.";

(12) in paragraph (29) (as so redesignated), by striking "section 2" and inserting "section 2(a)(4)";

(13) in paragraph (30) (as so redesignated)—

(A) by inserting "of subsection (a)" after "paragraph (2)"; and

(B) by striking "paragraph (5)(A) of such section" and inserting "paragraph (5)(A) of such subsection"; and

(14) by amending paragraph (31)(A) (as so redesignated) to read as follows:

"(A) offer a sequence of courses that—

"(i) provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a master's or doctoral degree) in current or emerging employment sectors;

"(ii) may include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and

"(iii) provides, at the postsecondary level, for a 1-year certificate, an associate degree, or industry-recognized credential; and".

SEC. 4. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking "the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting " the 'Carl D. Perkins Vocational and Technical Education Act of 1998' "; and

(2) by striking "the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998" and inserting "the Vocational and Technical Education for the Future Act. Each eligible agency shall be assured 1 full fiscal year for transition, to plan for and implement the requirements of this Act".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended to read as follows:

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act (other than subsection (a), (b), and (c) of section 114, and sections 117 and 118) $1,307,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.".

SEC. 6. PROHIBITIONS.

(a) IN GENERAL.—The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) is amended by adding after section 8 the following new section:

"SEC. 9. PROHIBITIONS.

"(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any State that declines to submit an application to the Secretary for assistance under this Act shall not be precluded from applying for assistance under any other program administered by the Secretary.

"(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic and vocational and technical content or student academic and vocational and technical achievement standards approved or certified by the Federal government, in order to receive assistance under this Act.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 8 the following:

"Sec. 9. Prohibitions.".

SEC. 7. ALLOTMENT AND ALLOCATION TO STATES.

(a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR 2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is amended to read as follows:

"(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

"(A) 0.12 percent to carry out section 115;

"(B) 1.50 percent to carry out section 116, of which—

"(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

"(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

"(C) 0.54 percent to carry out section 114(d).".

(b) MINIMUM ALLOTMENTS.—Section 111(a) (20 U.S.C. 2321(a)) is further amended—

(1) in paragraph (3), by striking "(or in the case of fiscal year 1999" and all that follows through "Amendments of 1998)" each place it appears and inserting "(or in the case of fiscal year 2006 only, under this section and under title II of this Act, as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act)"; and

(2) by amending paragraph (4)(A) to read as follows:

"(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received for fiscal year 2005 under this section and under title II of this Act (as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act).".

(c) WITHIN STATE ALLOCATION.—Section 112 (20 U.S.C. 2322) is amended—

(1) by amending subsection (a) to read as follows:

"(a) ALLOCATION FORMULA.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the 'eligible agency') shall allocate such amount as follows:

"(1) Subject to paragraph (4), not less than 88 percent shall be made available for distribution under section 131 or 132, of which the eligible agency shall first make available for the activities described in section 135(b)(3) not less than the amount allotted in fiscal year 2005 to such eligible agency under title II of this Act (as such title was in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act), reduced by the percentage by which the amount allotted to the State under section 111 for the fiscal year is less than the amount allotted under such section to such State for fiscal year 2005. Of the remainder of the 88 percent, not more than 10 percent may be used in accordance with subsection (c).

"(2) Subject to paragraph (4), not more than 10 percent shall be made available to carry out State leadership activities described in section 124, of which—

"(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

"(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for nontraditional fields.

"(3) An amount equal to not more than 2 percent, or $250,000, whichever is greater, shall be made available for administration of the State plan, which may be used for the costs of—

"(A) developing the State plan;

"(B) reviewing the local plan;

"(C) monitoring and evaluating program effectiveness;

"(D) assuring compliance with all applicable Federal laws; and

"(E) providing technical assistance.

"(4) If the amount allocated for any fiscal year under paragraph (2) shall be less than the amount allocated under such paragraph for fiscal year 2005, additional amounts may be made available from the amount allocated under paragraph (1) for the purposes described in paragraph (2). If such additional amounts are made available under this paragraph, the percentage of the total amount allotted under section 111 that is allocated for the purposes described in paragraph (2) shall not exceed the percentage of the total amount allotted under section 111 for fiscal year 2005 that was allocated under paragraph (2) for fiscal year 2005."; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking the semicolon and inserting "; and";

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking "through (D)" and inserting "through (C)".

SEC. 8. ACCOUNTABILITY.

(a) PURPOSE.—Section 113(a) (20 U.S.C. 2323(a)) is amended—

(1) by striking "establish a State" and inserting "support a State and local"; and

(2) by inserting "and its eligible recipients" after "effectiveness of the State".

(b) STATE PERFORMANCE MEASURES.—Section 113(b) (20 U.S.C. 2323(b)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) in subparagraph (A)—

(i) in the subparagraph heading, by inserting "FOR SECONDARY STUDENTS" after "PERFORMANCE";

(ii) by inserting "of secondary students that are, to the extent practicable, valid and reliable and" after "indicators of performance";

(iii) in clause (i), by striking "State established academic," and inserting "academic content and achievement standards, as established by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)),";

(iv) in clause (ii)—

(I) by striking "or its recognized equivalent," and inserting ", General Education Development credential (GED), or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities), or"; and

(II) by striking ", or a postsecondary degree or credential";

(v) by amending clause (iii) to read as follows:

"(iii) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi))).";

(vi) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

"(iv) Placement in postsecondary education or advanced training, placement in military service, or placement in employment."; and

(vii) in clause (v) (as so redesignated), by striking "training and employment" and inserting "fields";

(C) by inserting after subparagraph (A) the following:

"(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance of postsecondary students that are, to the extent practicable, valid and reliable, and that include, at a minimum, measures of each of the following:

"(i) Student attainment of challenging academic and vocational and technical skill proficiencies.

"(ii) Student retention in postsecondary education, attainment of an associate degree or postsecondary credential, or transfer to a baccalaureate degree program.

"(iii) Placement in military service or placement or retention in employment.

"(iv) Student participation in and completion of vocational and technical education programs in nontraditional fields.";

(D) in subparagraph (C) (as so redesignated), by striking "under the title" and inserting "under this title"; and

(E) in subparagraph (D) (as so redesignated), by inserting "vocational and technical education" after "has developed State"; and

(2) in paragraph (3)—

(A) by amending the paragraph heading to read as follows:

"(3) STATE LEVELS OF PERFORMANCE.—"; and

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "paragraph (2)(A)" and inserting "subparagraphs (A) and (B) of paragraph (2)"; and

(II) in subclause (II), by striking "to continually" and all that follows through "performance", and inserting "to make continuous and substantial improvement in the academic and vocational and technical achievement";

(ii) by amending clause (v) to read as follows:

"(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

"(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third and fourth programs years covered by the State plan, taking into account the factors described in clause (vi).

"(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the fifth and sixth programs years covered by the State plan, taking into account the factors described in clause (vi).

"(III) AGREEMENTS INCORPORATED INTO STATE PLAN.—The State adjusted levels of performance agreed to under this clause shall be considered the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.";

(iii) in clause (vi)(II), by inserting "and substantial" after "continuous"; and

(iv) in clause (vii)—

(I) by striking "clause (vi)(II)" and inserting "clause (vi)"; and

(II) by striking "under clause (iii) or (vi)" and inserting "under clause (iii) or (v)".

(c) LOCAL LEVELS OF PERFORMANCE.—Section 113(b) is further amended by adding at the end the following:

"(4) LOCAL LEVELS OF PERFORMANCE.—

"(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—Each eligible recipient shall establish in the local plan submitted under section 134, levels of performance for each of the core indicators of performance described in paragraph (2)(A) and (B), as appropriate for the eligible recipient, for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

"(II) require the eligible recipient to make continuous and substantial improvement in the academic and vocational and technical achievement of vocational and technical education students.

"(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

"(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted level of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

"(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

"(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the third and fourth program years covered by the local plan, taking into account the factors described in clause (v).

"(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the fifth and sixth program years covered by the local plan, taking into account the factors described in clause (v).

"(III) AGREEMENTS INCORPORATED INTO LOCAL PLAN.—The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

"(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

"(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

"(II) the extent to which such levels of performance promote continuous and substantial improvement on the indicators of performance by such eligible recipient.

"(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

"(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify in the local plan, local levels of performance for any additional indicators of performance. Such levels shall be considered to be the local levels of performance for purposes of this title.

"(C) Local Report.—

"(i) Content of Report.—Each eligible recipient that receives an allotment under section 111 shall annually prepare and submit to the eligible agency a report regarding—

"(I) the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance; and

"(II) in the case of an eligible recipient that receives funds described in section 112(a) for activities described in section 135(b)(3), the progress in achieving the local adjusted levels of performance on the core indicators of performance with respect to tech-prep program participants.

"(ii) Data.—Each eligible recipient shall—

"(I) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

"(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under the Act.

"(iii) Rules for Reporting of Data.—The disaggregation of data under clause (ii) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

"(iv) Availability.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.".

(d) State Report.—Section 113(c) (20 U.S.C. 2323(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and inserting after paragraph (1) the following:

"(2) Data.—Each eligible agency under this subsection shall—

"(A) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

"(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under the Act.

"(3) Rules for Reporting of Data.—The disaggregation of data under paragraph (2) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student."; and

(2) in paragraph (4) (as so redesignated)—

(A) by striking "special populations" and inserting "each of the populations described in section 3(25) and the populations described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))"; and

(B) by striking "have made" and inserting "has made".

SEC. 9. NATIONAL ACTIVITIES.

(a) Program Performance Information.—Section 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by inserting "in the aggregate" after "international comparisons".

(b) Evaluation and Assessment.—Section 114(c) (20 U.S.C. 2324(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) Independent Advisory Panel.—The Secretary shall appoint an independent advisory panel, consisting of academic and vocational and technical education educators, administrators, experts in evaluation, research, and assessment, representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other individuals with relevant expertise, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure the assessment adheres to the highest standards of quality. The advisory panel shall transmit to the Secretary and to Congress an independent analysis of the findings and recommendations resulting from such assessment. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.";

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "the implementation of the" after "and assessment of";

(B) in subparagraph (B)—

(i) by inserting "but shall not be limited to" after "paragraph (1) shall include";

(ii) by striking clauses (i), (ii), (iv), and (vii) and redesignating clauses (iii), (v), (vi), and (viii) as clauses (i) through (iv), respectively;

(iii) in clause (i) (as so redesignated), by striking ", and academic, curricula in vocational and technical education programs," and inserting "education (such as meeting State established teacher certification or licensing requirements)"; and

(iv) in clause (ii) (as so redesignated)—

(I) by striking "and employment outcomes" and all that follows through "including analyses of" and inserting "and vocational and technical education achievement and employment outcomes of vocational and technical education students, including analyses of";

(II) in subclause (I), by striking "and tech-prep students" and inserting "and students participating in the activities described in section 135(b)(3)";

(III) in subclause (II), by striking "academic, and vocational and technical, education" and inserting "rigorous and challenging academic and vocational and technical education, including a review of the effect of integrated rigorous and challenging academic and vocational and technical education on the achievement of students"; and

(IV) in subclause (III), by inserting ", particularly those in which math and science skills are critical," after "high-skill careers"; and

(C) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "Congress"; and

(II) by striking "2002" and inserting "2009" both places it appears; and

(ii) in clause (ii), by striking "the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate," and inserting "Congress";

(3) in paragraph (5)(A)—

(A) by striking "to carry out research" each place it appears, and inserting "to carry out scientifically based research";

(B) in clause (i), by inserting "scientifically based" after "programs, including";

(C) in clause (ii), by inserting "that are integrated with rigorous and challenging academic education" after "implementation of vocational and technical education programs"; and

(D) in clause (iii)(I), by inserting "and the integration of those systems with the academic education system" after "technical education systems";

(4) in paragraph (6)—

(A) by striking:

"(6) Demonstrations and Dissemination.—

"(A) Demonstration Program.—The", and inserting:

"(6) Demonstrations and Dissemination.—The"; and

(B) by striking subparagraph (B); and

(5) in paragraph (8), by striking "this section" and all that follows and inserting "subsections (a), (b), and (c) of this section, such sums as may be necessary for each of fiscal years 2006 through 2011."

(c) Incentive Grants for Eligible Agencies.—Section 114 is further amended by adding at the end the following new subsection:

"(d) Incentive Grants for Eligible Agencies.—

"(1) In General.—From funds reserved under section 111(a)(1)(C), the Secretary may award grants to eligible agencies for exemplary performance in carrying out programs under this Act. Such awards shall be based on an eligible agency exceeding State adjusted levels of performance established under section 113(b) and showing sustained or significant improvement.

"(2) Special Consideration.—In awarding these grants, the Secretary may consider—

"(A) an eligible agency's success in effectively developing connections between secondary education and postsecondary education and training;

"(B) an eligible agency's integration of rigorous and challenging academic and technical coursework; and

"(C) an eligible agency's progress in having special populations participating in vocational and technical education meet State adjusted levels of performance.

"(3) Use of Funds.—The funds awarded to an eligible agency under this subsection may be used to carry out any activities authorized under section 124, including demonstrations of innovative programs.".

SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS, AND TRIBALLY CONTROLLED INSTITUTIONS.

(a) Assistance for the Outlying Areas.—Section 115 (20 U.S.C. 2325) is amended to read as follows:

"SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

"(a) Outlying Areas.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

"(1) make a grant in the amount of $660,000 to Guam;

"(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

"(3) make a grant in the amount of $160,000 to the Republic of Palau.

"(b) Remainder.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct vocational and technical educational services, including—

"(1) teacher and counselor training and retraining;

"(2) curriculum development; and

"(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

"(c) Restriction.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association after the date of enactment of the Vocational and Technical Education for the Future Act.".

(b) NATIVE AMERICAN PROGRAM.—Section 116 (20 U.S.C. 2326) is amended—

(1) in subsection (a), by inserting a period at the end of paragraph (5); and

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (c)"; and

(B) in paragraph (2), by striking "(other than in subsection (i))".

(c) TRIBALLY CONTROLLED INSTITUTIONS.—Section 117 (20 U.S.C. 2327) is amended—

(1) by amending subsection (b) to read as follows:

"(b) USES OF GRANTS.—Amounts made available under this section shall be used for vocational and technical education programs for Indian students and for institutional support costs of the grant, including the expenses described in subsection (e).";

(2) in subsection (c), by inserting after paragraph (2) the following:

"(3) INDIRECT COSTS.—Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.";

(3) by striking subsection (g) and redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(4) in subsection (h) (as so redesignated)—

(A) by striking "$4,000,000 for fiscal year 1999 and"; and

(B) by striking "the 4 succeeding fiscal years" and inserting "fiscal years 2006 through 2011".

(d) OCCUPATIONAL AND EMPLOYMENT INFORMATION.—Section 118 (20 U.S.C. 2328) is amended—

(1) by amending subsection (b) to read as follows:

"(b) STATE LEVEL ACTIVITIES.—

"(1) DESIGNATED ENTITY.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State responsible for conducting the activities in this subsection.

"(2) APPLICATION.—The jointly designated agency shall submit an application to the Secretary at the same time the State submits its state plan under section 122. The application shall be in such a manner and be accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall describe how the jointly designated agency will assist the eligible agency in meeting its adjusted levels of performance under section 113(b).

"(3) ACTIVITIES.—The jointly designated agency shall conduct activities—

"(A) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education and training options and preparations for high skill, high wage occupations;

"(B) to make available to students, parents, teachers, administrators, and counselors, and improve accessibility to, information and planning resources that relate academic and vocational and technical educational preparation to career goals and expectations;

"(C) to equip teachers, administrators, and counselors with the knowledge, skills, and occupational information needed to assist students and parents with educational and other postsecondary opportunities and education financing;

"(D) to assist appropriate State entities in tailoring resources and training for use by such entities;

"(E) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

"(F) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.";

(2) in subsection (e)(1), by striking "an identification" and inserting "a description"; and

(3) in subsection (f), by striking "1999 through 2003" and inserting "2006 through 2011".

SEC. 11. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended to read as follows:

"SEC. 121. STATE ADMINISTRATION.

"(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of an eligible agency under this title shall include—

"(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional fields;

"(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

"(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than four times annually; and

"(4) the adoption of such procedures as the eligible agency considers necessary to—

"(A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

"(B) make available to the service delivery system under section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

"(b) EXCEPTION.—Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to one or more appropriate State agencies.".

SEC. 12. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "5-year period" and inserting "6-year period";

(B) in paragraph (2)(B), by striking "5 year State plan" and inserting "6-year period"; and

(C) in paragraph (3), by striking "(including employers, labor organizations, and parents)" and inserting "(including charter school authorizers and organizers, employers, labor organizations, parents, students, and community organizations)";

(2) in subsection (b)(1), by striking "teachers, eligible recipients, parents, students, interested community members" and inserting "academic and vocational and technical education teachers, eligible recipients, charter school authorizers and organizers, parents, students, interested community members (including parent and community organizations), institutions of higher education";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and inserting before such subparagraphs (as so redesignated) the following:

"(A) the development of model sequences of courses for vocational and technical content areas that—

"(i) incorporate both secondary and postsecondary education elements;

"(ii) include rigorous and challenging academic content and vocational and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare sudents to succeed in postsecondary education;

"(iii) lead to a postsecondary 1-year certificate, associate or baccalaureate degree, or a proficiency credential in conjunction with a secondary school diploma; and

"(iv) may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate), when choosing future coursework;";

(ii) in subparagraph (B) (as so redesignated), by inserting "and how the eligible agency will distribute information identifying eligible recipients that offer elements of the model sequences of courses" before the semicolon;

(iii) by amending subparagraph (C) (as so redesignated) to read as follows:

"(C) the criteria that will be used by the eligible agency to evaluate and approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will promote continuous and substantial improvement in academic achievement and technical skill attainment;";

(iv) in subparagraph (D) (as so redesignated)—

(I) by inserting ", both academically and technically," after "students"; and

(II) by striking "; and" and inserting ", and how participating students will be made aware of such opportunities;";

(v) in subparagraph (E) (as so redesignated), by inserting "aligned with rigorous and challenging academic content" before the semicolon; and

(vi) by inserting after subparagraph (E) (as so redesignated) the following:

"(F) the process through which the eligible agency will develop the secondary or postsecondary elements of the model sequences of courses described in subparagraph (A);

"(G) the role that any eligible recipients successfully implementing the activities described in section 135(b)(3) will play in assisting other eligible recipients in establishing agreements and plans for coordinating the offering of model sequences of courses to students at both the secondary and postsecondary levels;

"(H) how funds will be used effectively to link secondary and postsecondary academic and vocational and technical education in a manner that increases student academic and vocational and technical achievement; and

"(I) how the eligible agency will report the integration of rigorous and challenging academics in vocational and technical education programs in order to adequately evaluate the quality of such integration;";

(B) by amending paragraph (2) to read as follows:

"(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for vocational and technical, academic, guidance, and administrative personnel will be provided, especially professional development that—

"(A) promotes the integration of rigorous and challenging academic and vocational and technical education curriculum development;

"(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

"(C) increases the academic and industry knowledge of vocational and technical education teachers; and

"(D) encourages applied learning that contributes to the academic and vocational and technical knowledge of the student;";

(C) in paragraph (3), by inserting "academic and vocational and technical" after "parents,";

(D) in paragraph (5)(A)—

(i) by inserting "(especially as pertaining to math, science, and technology)" after "academic and technical skills"; and

(ii) by striking "core academic, and vocational and technical, subjects" and inserting "core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))), and vocational and technical subjects";

(E) in paragraph (11), by inserting "and technology" after "equipment";

(F) by striking paragraph (19) and redesignating paragraphs (12) through (18) as paragraphs (13) through (19), respectively;

(G) by inserting after paragraph (11) the following:

"(12) describes how the eligible agency will ensure that any entity in the State that purchases equipment with funds under this Act will dispose of that equipment in such a manner as to ensure that any personally identifiable information contained in that equipment will be totally destroyed prior to, or as part of, the disposition;";

(H) in paragraph (18) (as so redesignated), by striking "training and employment" and inserting "fields"; and

(I) by redesignating paragraphs (20) and (21) as paragraphs (22) and (23), respectively, and inserting after paragraph (19) (as so redesignated) the following:

"(20) describes how the eligible agency will award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, using funds described in section 112 (a)(1) for activities described in section 135(b)(3);

"(21) describes how the eligible agency will carry out measurable, sustainable, and coordinated tech-prep activities in the State (as described in section 135(b)(3)), with funds allocated under section 112(a), that are developed in consultation with the entities described in subsection (b)(1) and that effectively prepare students for post-secondary education or employment in high-demand occupations through a seamless program of study consisting of appropriate advanced academic and technical courses that include a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education or an apprenticeship program of at least 2 years following secondary instruction;"; and

(4) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d).

SEC. 13. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

"SEC. 123. IMPROVEMENT PLANS.

"(a) STATE PROGRAM IMPROVEMENT.—

"(1) PLAN.—If a State fails to meet the agreed upon State adjusted levels of performance required under section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

"(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

"(3) SUBSEQUENT ACTION.—

"(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance and the purposes of this Act, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

"(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

"(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

"(b) LOCAL PROGRAM IMPROVEMENT.—

"(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the vocational and technical education activities of each eligible recipient receiving funds under this title.

"(2) PLAN.—

"(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, or that an eligible recipient demonstrates under section 113(b)(4)(C) persistent or a widening of performance gaps between multiple categories of students served by the eligible recipient in comparison to all students in the State served under the Act, the eligible agency shall—

"(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

"(ii) enter into an improvement plan agreement with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include strategies for professional development and instructional and other programmatic innovations of demonstrated effectiveness, giving special consideration to performance gaps identified under section 113(b)(4)(C); and

"(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance as described in section 113(b)(4) and progress on implementing the improvement plan.

"(B) CONSULTATION.—The eligible agency shall conduct the activities described in paragraph (2) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

"(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist such recipient in carrying out the improvement activities consistent with the requirements of this Act.

"(4) SUBSEQUENT ACTION.—

"(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and the purposes of this Act, has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet the local adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to continue to provide (through alternative arrangements) services and activities in the area served by such recipient to meet the purpose of this Act.".

SEC. 14. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "learning" and inserting "education";

(B) in paragraph (2)—

(i) by inserting ", and the required math and science education," after "use of technology in vocational and technical education"; and

(ii) in subparagraph (B)—

(I) by inserting "(including the math and science knowledge that provides a strong basis for such skills)" after "technical skills"; and

(II) by striking "and telecommunications field" and inserting "fields, including nontraditional fields";

(C) in paragraph (3)—

(i) by inserting "at the secondary and postsecondary levels" after "academic, guidance, and administrative personnel";

(ii) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively, and inserting before such subparagraphs (as so redesignated) the following:

"(A) will provide inservice and preservice training for vocational and technical education teachers in the integration and use of rigorous and challenging academics with vocational and technical subjects;

"(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;";

(iii) in subparagraph (C) (as so redesignated)—

(I) by inserting "scientifically based" after "based on"; and

(II) by striking "; and" and inserting a semicolon;

(iv) in subparagraph (D) (as so redesignated), by striking "assist students in meeting" and inserting "improve student achievement in order to meet"; and

(v) by amending subparagraph (E) (as so redesignated) to read as follows:

"(E) will support education programs for teachers of vocational and technical education *in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that teachers and personnel—*

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) meet teacher certification or licensing requirements, especially in core academic subjects as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11));

"(iii) effectively develop integrated rigorous and challenging academic and vocational and technical education curriculum;

"(iv) develop a high level of academic and industry knowledge and skills necessary to provide effective instruction in vocational and technical education; and

"(v) effectively use applied learning that contributes to the academic and vocational and technical knowledge of the student; and";

(D) in paragraph (4), by striking "integration of academics" and all that follows through "core academic," and inserting "provision of rigorous and challenging academics that are integrated with vocational and technical education to ensure achievement in the core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))),";

(E) in paragraph (5), by striking "training and employment" and inserting "fields";

(F) in paragraph (6), by inserting "and complete a model sequence of courses, as described in section 122(c)(1)(A)" after "technical skills";

(G) in paragraph (7), by striking "; and" and inserting a semicolon;

(H) in paragraph (8), by striking the period and inserting "; and"; and

(I) by inserting after paragraph (8) the following:

"(9) technical assistance for eligible recipients."; and

(2) in subsection (c)—

(A) by striking paragraph (1), and redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively, and paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(B) in paragraph (9) (as so redesignated), by inserting "that prepare individuals academically and technically for current and emerging occupations in demand" after "education courses"; and

(C) by inserting after paragraph (9) (as so redesignated) the following:

"(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on—

"(A) eligible recipients exceeding challenging performance measures established under section 113(b) in a manner that reflects sustained or significant improvement;

"(B) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

"(C) the adoption and integration of rigorous and challenging academic and technical coursework;

"(D) an eligible recipient's progress in having special populations participating in vocational and technical education programs meet local adjusted levels of performance; or

"(E) other factors relating to the performance of the eligible recipient under this Act as the eligible agency determines are appropriate;

"(11) providing for activities to support entrepreneurship education and training;".

SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking subsection (a) and redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(2) in subsection (a) (as so redesignated)—

(A) in the subsection heading, by striking "Special" and "for Succeeding Fiscal Years"; and

(B) by striking "for fiscal year 2000 and succeeding fiscal years"; and

(3) in subsection (b) (as so redesignated)—

(A) by striking "subsection (b)" and inserting "subsection (a)"; and

(B) by striking "(42 U.S.C. 9902(2))" and inserting "(42 U.S.C. 9902(2)))".

SEC. 16. ELIMINATION OF REDISTRIBUTION RULE.

Section 133 (20 U.S.C. 2353) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

Section 134(b) (20 U.S.C. 2354(b)) is amended—

(1) in paragraph (2), by inserting "and local" after "State";

(2) in paragraph (3)—

(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively, and inserting before such subparagraphs the following:

"(A) offer the appropriate courses of at least one of the model sequences of courses described in section 124(c)(1), as appropriate to the eligible recipient responsible for that element of the sequence;";

(B) in subparagraph (B) (as so redesignated)—

(i) by inserting "rigorous and challenging" after "integration of"; and

(ii) by inserting "subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))" after "core academic"; and

(C) in subparagraph (D) (as so redesignated), by inserting "rigorous and" after "taught to the same";

(3) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and inserting after paragraph (3) the following:

"(4) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided that promotes the integration of rigorous and challenging academic and technical education (including curriculum development);";

(4) in paragraph (5) (as so redesignated)—

(A) by inserting "academic and vocational and technical" after "students,"; and

(B) by inserting "(including the eligible recipients that offer elements of the model sequence of courses)" after "such individuals and entities"; and

(5) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking "; and" and inserting a semicolon;

(B) in subparagraph (B), by inserting "and" after the semicolon; and

(C) by inserting after subparagraph (B) the following:

"(C) will provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self-sufficiency;".

SEC. 18. LOCAL USE OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "to ensure learning in the core academic" and inserting "as established in the State-developed model sequences of courses described in section 122(c)(1)(A) to ensure learning in the core academic subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))";

(B) by striking paragraph (8);

(C) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively, and inserting after paragraph (1) the following:

"(2) link secondary vocational and technical education and postsecondary vocational and technical education, including offering model sequences of courses and implementing tech-prep programs consistent with the activities described in paragraph (3);

"(3) support tech-prep programs (if the eligible recipient receives the funds from the eligible agency under section 112(a)(1)) that—

"(A) are carried out under an articulation agreement between the participants in a consortium, which shall include—

"(i) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

"(ii)(I) a nonprofit institution of higher education that offers—

"(aa) a 2- or 4-year degree program, or a 2-year certificate program, and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) (except those institutions described in section 102(a)(1)(C) of such Act), including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

"(bb) a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

"(II) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), if such proprietary institution of higher education is not subject to a default management plan required by the Secretary,

and may include nonprofit organizations that provide eligible recipients with technology and programs to enhance math and science skills, employers, and labor organizations;

"(B) consist of a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education, or an apprenticeship program of at least 2 years, following secondary instruction;

"(C) meet academic standards developed by the State, including standards developed under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) for secondary students, and support proficiency in mathematics, science, reading, writing, communications, and technologies;

"(D) are comprised of model sequences of courses that integrate rigorous and challenging academics and vocational and technical education;

"(E) provide technical preparation in a career field such as engineering technology; applied science; a mechanical, industrial, or practical art or trade; agriculture; health occupations; business; applied economics; advanced manufacturing; or other high-skill, high-wage, high-demand occupations as determined by the State;

"(F) use, if appropriate and available, work-based or worksite learning in conjunction with academic and vocational and technical education;

"(G) use educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

"(H) facilitate and promote close working relationships among eligible recipients to ensure that programs within a geographic area are closely integrated with tech-prep program activities;

"(I) are sustainable and use performance indicator data, described in section 113, to inform program quality;

"(J) include academic and career counseling for participants that provides information to students (and parents, as appropriate) regarding tech-prep programs and supports student progress in completing tech-prep programs;

"(K) include in-service training for teachers that—

"(i) provides for joint training for teachers in tech-prep programs; and

"(ii) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry; and

"(L) provide students with transferable credit between the consortium members, as described in subparagraph (A), and may include programs that allow secondary programs to be co-located on postsecondary campuses;";

(D) in paragraph (5) (as so redesignated)—

(i) by inserting ", and the related math and science education" after "use of technology in vocational and technical education";

(ii) in subparagraph (B)—

(I) by inserting "(including the math and science knowledge that provides a strong basis for such skills)" after "technical skills"; and

(II) by striking "and telecommunications field" and inserting "fields"; and

(iii) in subparagraph (C)—

(I) by striking "work" and inserting "collaborate"; and

(II) by inserting "that improve the math and science knowledge of students" after "mentoring programs";

(E) in paragraph (6) (as so redesignated)—

(i) by striking "teachers," and inserting "secondary and postsecondary teachers, instructors,"; and

(ii) in subparagraph (A), by striking "in effective teaching skills based on research" and inserting "in effective integration of rigorous and challenging academic and vocational and technical education, in effective teaching skills based on scientifically based research"; and

(F) by inserting after paragraph (9) (as so redesignated) the following:

"(10) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self sufficiency."; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting ", regarding the range of postsecondary options available, including for adult students who are changing careers or updating skills" before the semicolon;

(B) in paragraph (5), by inserting ", including the establishment and operation of special arrangements with industry partners that allow qualified industry professionals to serve as faculty in postsecondary programs" before the semicolon;

(C) in paragraph (8), by striking "aides" and inserting "aids and publications";

(D) in paragraph (9), by inserting "that address the integration of academic and vocational and technical education and" after "teacher preparation programs";

(E) by redesignating paragraphs (10) through (14) as paragraphs (12) through (16), and paragraph (15) as paragraph (19), respectively, and inserting after paragraph (9) the following:

"(10) to develop and expand postsecondary program offerings that are accessible by students, including the use of distance education;

"(11) to provide activities to support entrepreneurship education and training;";

(F) in paragraph (12) (as so redesignated), by inserting ", including development of new proposed model sequences of courses for consideration by the eligible agency and courses that prepare individuals academically and technically for current and emerging occupations that are in demand, and dual enrollment opportunities by which secondary vocational and technical education students could obtain postsecondary credit to count towards an associate or baccalaureate degree" before the semicolon;

(G) by amending paragraph (16) (as so redesignated) to read as follows:

"(16) to support training in nontraditional fields;"; and

(H) by inserting after paragraph (16) (as so redesignated) the following:

"(17) to provide accurate information relating to the availability of supportive services available in an area served by the eligible recipient, and referral to such services, as appropriate;

"(18) to support the activities described in subsection (b)(3); and".

SEC. 19. REPEAL OF TECH-PREP EDUCATION ACT.

Title II (20 U.S.C. 2071 et seq.) is repealed.

SEC. 20. GENERAL PROVISIONS.

(a) Redesignation of Title III.—

(1) Redesignation.—Title III (20 U.S.C. 2391 et seq.) is amended—

(A) by striking section 318;

(B) by redesignating such title as title II of such Act; and

(C) by redesignating sections 311 through 317 as section 211 through 217 and sections 321 through 325 as sections 221 through 225, respectively.

(2) Table of contents. amendment.—The table of contents in section 1(b) is amended—

(A) by striking the items relating to title III; and

(B) by amending the items relating to title II to read as follows:

"TITLE II—GENERAL PROVISIONS

"Part A—Federal Administrative Provisions

"Sec. 211. Fiscal requirements.
"Sec. 212. Authority to make payments.
"Sec. 213. Construction.
"Sec 214. Voluntary selection and participation.
"Sec. 215. Limitation for certain students.
"Sec. 216. Federal laws guaranteeing civil rights.
"Sec. 217. Participation of private school children and personnel.

"Part B—State Administrative Provisions

"Sec. 221. Joint funding.
"Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
"Sec. 223. State administrative costs.
"Sec. 224. Limitation on Federal regulations.
"Sec. 225. Student assistance and other Federal programs.".

(b) Fiscal Requirements.—Section 211(b) (20 U.S.C. 2391(b)) (as so redesignated) is amended by inserting after paragraph (2) the following:

"(3) Definition.—For purposes of this subsection, the term 'preceding fiscal year' means the Federal fiscal year or the 12-month fiscal period used by a State for official reporting purposes, prior to the beginning of the Federal fiscal year in which funds are available for obligation by the Secretary.".

(c) Participation of Private School Children and Personnel.—Section 217 (as so redesignated) is amended to read as follows:

"SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND PERSONNEL.

"(a) Participation on Equitable Basis.—

"(1) In general.—To the extent consistent with the number of children in the school district of a local educational agency that is eligible to receive funds under this Act, or that serves the area in which a program assisted under this Act is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional or personnel training programs funded by an eligible agency, the local educational agency, after consultation with appropriate private school officials—

"(A) shall provide, on an equitable basis and as may be necessary, for the benefit of such children in such schools, secular, neutral, and nonideological services (or other benefits), materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs; or

"(B) if such services, materials, and equipment are not feasible or necessary in one or more such private schools (as determined by the local educational agency after consultation with the appropriate private school officials), shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this Act.

"(2) Application of requirements.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs carried out under this Act by an eligible agency or local educational agency, whether directly or through grants to, or contracts with, other public or private agencies, institutions, or organizations.

"(b) Equal Expenditures.—

"(1) In general.—Expenditures for programs under subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this Act for children enrolled in the public schools of the local educational agency.

"(2) Concentrated programs.—When funds available to a local educational agency under this Act are used to concentrate programs on a particular group, attendance area, or grade or age level, the local educational agency shall, after consultation with the appropriate private school officials, assure the equitable participation in both the purposes and benefits of such programs for children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration, taking into account the needs of the individual children and other factors that relate to the expenditures referred to in paragraph (1).

"(c) Administrative Requirements.—

"(1) Funds, materials and equipment.—

"(A) Funds.—The control of funds expended under this section shall be administered by a public agency.

"(B) Materials and equipment.—The title to materials and equipment provided under this section, shall remain with a public agency for the uses and purposes provided in this Act

"(2) Provision of services.—Services provided under this Act shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, organization, institution or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such a public agency. The funds utilized under this section shall not be commingled with State or local funds.

"(3) Timing and content of consultation.—The consultation required under this section shall include meetings of agency and private school officials and shall occur before the eligible agency and local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this Act. Such meetings shall

include a discussion of service delivery mechanisms (including third party contractors) and shall continue throughout implementation and assessment of services under this Act.

"(d) WAIVER AND BYPASS PROCEDURES.—

"(1) STATE PROHIBITION.—If an eligible agency or local educational agency is prohibited, by reason of any provision of law, from providing for the participation in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

"(2) FAILURE TO COMPLY.—If the Secretary determines that an eligible agency or a local educational agency has substantially failed, or is unwilling, to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

"(3) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services under this subsection, the Secretary shall, after consultation with the appropriate public school and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the eligible agency under this Act.

"(4) DURATION OF DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the Act of the eligible agency or local educational agency to meet the requirements of subsections (a) through (c).

"(5) REVIEW OF DETERMINATION.—The Secretary shall not take any final action under this section until the eligible agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(e) WITHHOLDING OF ALLOTMENT OR ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allotment or allocation of the affected eligible agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

"(f) PRIOR DETERMINATION.—Any bypass determination by the Secretary under Title I or Title IX of the Elementary and Secondary Education Act of 1965 shall, to the extent consistent with the purposes of this Act, apply to programs under this Act until such determinations terminate or expire.".

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-69. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109-69.

AMENDMENT NO. 1 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CASTLE:

Page 10, line 23, strike "not less than the amount allotted" and insert "an amount equal to the amount allotted".

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Before discussing the amendment, I, too, would like to thank all the staff who worked on this. We sit here and we say nice things about these bills, and I think that the gentlewoman from California (Ms. WOOLSEY) and I and others in the room who have worked on these bills know that without our staffs they simply would not be done in the same detail, the same execution. But all those on the committee who the gentleman from Ohio (Chairman BOEHNER) referred to I particularly thank. They do a great job on our Committee on Education and the Workforce. I am very grateful to them and to my staff who helped with this as well. It is the reason we get legislation, I think, that we can all pretty much agree to on the floor of the House of Representatives.

My amendment before us, Mr. Chairman, is very simple. It would make an important clarification to the underlying bill. As we have heard, H.R. 366 consolidates the funding streams of Tech-Prep and the basic State grant, but still requires States to fund Tech-Prep activities. I have worked with my colleagues on the other side of the aisle to draft this amendment that will clarify our intent. This amendment simply explains that Tech-Prep activities are held harmless to the amount that was appropriated to the Tech-Prep program in fiscal year 2005.

Evidence suggests that under current law, the Tech-Prep program has not worked as anticipated and designed. The intent of the program is for high schools and postsecondary institutions to draft agreements that allow for a nonduplicative, seamless transition for students.

The rationale behind consolidating the programs was to streamline the funding stream. We can all agree that Tech-Prep is an important component of technical and vocational education, which is what this amendment is intended to clarify by ensuring Tech-Prep activities are still funded. In order to prohibit the inadequacies of the past, H.R. 366 incorporates program improvements to ensure that Tech-Prep activities will include credit transfer agreements, ensuring that secondary vocational and technical education students can move easily into postsecondary education, a necessary exercise for those students who decide to go on to some form of postsecondary education or training.

I urge my colleagues to support my simple and technical amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I rise to clearly not oppose this amendment, and I claim the time in opposition, and I yield myself such time as I may consume. I would echo what the gentleman on the other side of the aisle have said about our good and wonderful staffs. I do not know what we would do without them, and I thank them very much, our wonderful staff and the Republican staff.

I want to thank, again, the chairman of my subcommittee, the gentleman from Delaware (Mr. CASTLE), for letting me work with him in a bipartisan way on this bill and for offering this amendment. As I noted in my opening statement, I do not think that merging Tech-Prep programs into the basic State grant is good policy, and I would prefer that this amendment allow proportional increases for Tech-Prep funding as overall funding increases, because as things get more expensive, it is pretty hard to flat fund. But I hope we will address this as the bill moves forward.

I need to say, though, that I appreciate the commitment of the gentleman from Delaware (Mr. CASTLE) to hold Tech-Prep funding harmless at the fiscal year 2005 level, and I do agree with his amendment.

Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I, too, want to commend everyone on the committee and the staff in regards to the bipartisan process of bringing the vocational education bill to the floor for reauthorization. I think it is pretty self-evident that those of us who do have career and tech colleges in our district understand the true value that they bring in preparing the workforce for the future, and the incredible involvement that they have in our community, the leadership that they provide, the economic development and spin-off opportunities that arise from them.

Just one example: we had before the Committee on Education and the Workforce a little bit earlier this year President Bill Ihlenfeldt, who is president of the Chippewa Valley Tech College in my congressional district in western Wisconsin. They have just launched and broken ground on a new nanotechnology center that they are moving forward on, clearly trying to advance the skills of our workers in the region on what could be the next "new" thing in regard to economic opportunities, job creation, cutting-edge science and engineering, and technological discoveries in this new nanotechnology center.

Every bill, as the chairman of the committee expressed, may not be a perfect bill; but this one is good. It could be better. This amendment makes it a little bit better, and I commend my colleague and friend from Delaware for offering the amendment to clarify the language that at least for the next fiscal year we will be looking at level funding for the Tech-Prep program.

During markup of the legislation in committee, the gentleman from Massachusetts (Mr. TIERNEY) and I offered an amendment that would have restored and kept in tact the separate identity as well as the separate funding stream for the Tech-Prep program. We were not doing this just willy-nilly in support of the status quo, but we were doing it in response to those who have worked with the Tech-Prep program, the feedback that we were getting from outside organizations, and the leadership of the tech education system in the country, about the importance of maintaining Tech-Prep as a separate, distinct identity with a separate funding stream, which the Senate bill recognizes and is moving forward on.

They fear, as I do and others who supported the amendment in committee, that by removing it as a separate entity, by merging it into the general grant program, we are going to lose focus, lose attention, lose incentives for these programs to continue to function in the highly successful manner in which they have. I think, hopefully, we will have a chance to come back and address that issue in conference once the Senate completes their work.

But I would encourage my colleagues to support this amendment. I would encourage them to support the underlying bill. I think it is an important investment in regards to maintaining our ability to be creative and innovative as a society. Right now, we are just leaving too many students behind. There was a recent report submitted to Congress that showed that because of tuition increases and fees, with the cutbacks in financial aid programs at the Federal and State level, with the eroding value of the Pell grant, that 48 percent of low-income students are not going on to postsecondary education opportunities, whether it is a career or technical college, whether it is a 4-year college or university. In short, we are leaving too many students behind at the exact time when we cannot afford to leave anyone behind.

Just a few weeks ago, under the leadership of the gentleman from California (Chairman McKEON), some of us on the Education Committee had a chance to do an education tour of China. China is getting it. China is trying to propel themselves into the modern economy of the 21st century. This whole globalization that is going on and the trade debates that we have is not so much a race to the bottom with weak labor and environmental standards as it is a race to the top. And China is a country, having just come from there, that is not content at just being good at copying what we make and mass producing it. They want to be good at the cutting-edge research of technology and science and medicine, and they are making major investments in their education infrastructure today that we have never seen before.

They are graduating eight times the number of engineers that we are in our own country. Unless we are willing to accept a fate which may lead us to a less competitive position with countries like China and India that are making this conversion in regards to their education system, we need to recognize the value of a vocational and technical education system, the reauthorization of this bill, the higher education bill, which we will hopefully have an opportunity to bring up later in the year; and offer a new New Deal for the American people, for the workers and the students and our children by holding out hope and a promise that they will be able to develop the skills and the qualities that they need to survive and to succeed in what is a very integrated, competitive playing field throughout the world today.

This, I think, is an important and significant step to making that investment. Hopefully, through the work the Senate and the conference committee later this year will do, we will be able to improve some of the provisions in this bill to make it even better. But this amendment is worthy of support, the bill is worthy of bipartisan support, so that we can at least be moving in the right direction in regards to the global competition that we are all facing, but especially the students who are in the audience here today and the rest of our children, so that they know that they are going to have the ability to compete in a global marketplace.

Again, I commend the leadership on the committee for the work done on this bill, and I encourage support of the amendment and the underlying legislation.

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Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I urge the support of the amendment by everybody.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–69.

AMENDMENT NO. 2 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WU:

Page 56, line 15, strike "paragraphs (12) through (13), respectively" and insert "paragraphs (13) and (14), respectively".

Page 57, line 21, strike the quotation mark and period and insert:

"(12) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting post-secondary educational institutions;

"(B) postsecondary dual and concurrent enrollment program;

"(C) academic and financial aid counseling; and

"(D) other initiatives to—

"(i) encourage the pursuit of a baccalaureate degree; and

"(ii) overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;".

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard much about America and Americans losing our competitive edge. In math and science, our fourth graders are among the best in the world. But, by their senior year in high school, they score near the bottom among all industrialized nations.

This problem is further exacerbated by the fact that only 68 percent of the young people who start high school as freshmen ultimately graduate. The rest drop out of high school at some time, and for minorities, the drop-out rate is considerably higher.

Our college drop-out rate is one of the highest in the world. The United States has dropped from first to fifth in the percentage of young adults with a college degree. Singapore has displaced the United States as the top economy in information technology competitiveness, and the number of patents awarded to Americans is declining.

Collectively, these are all indicators for concern about our global competitiveness as a people, and as an economy. More than ever, we need rigorous, relevant career and technical education programs to help students prepare for post secondary education, and to address the shortage of highly skilled workers necessary to meet the demands of a contemporary workforce. A skilled and flexible workforce is essential to building a strong and dynamic economy and to maintaining our country's ability to compete in this increasingly globalized economy.

I am very pleased to support H.R. 366, the Vocational Technical Education Act for the Future, because it does this through the promotion of a rigorous curriculum, innovative learning environments, and relevant course work and training.

However, as always, there is more to be done, and that is exactly what my amendment is aimed at. We must ensure that we do not leave career and technical education students behind a glass ceiling of lack of further training and education. We must encourage them to continue their training and education at a 4-year institution and hopefully continue on to a baccalaureate degree.

By 2010, 80 percent of all jobs in this Nation will require secondary and postsecondary education and training, as a prerequisite for a job that supports a middle-class lifestyle. It is important that we do all we can to encourage career and technical education students to continue their education and training at a college or university.

My amendment would do just that. Specifically, it would allow States to use funds under this bill to facilitate the transition of vocational and career education students into baccalaureate degree programs. This permissible use of activities would include Statewide agreements between career and technical schools, and colleges and universities to facilitate transfers of students, and to facilitate concurrent enrollment.

It would permit dual and concurrent enrollment programs between career and technical schools and baccalaureate-granting institutions. It would encourage the joining of academic and financial aid counseling, and it would also encourage other initiatives for the pursuit of a baccalaureate degree, including overcoming geographic and special populations barriers.

This language is contained in the Senate version of this bill. And I urge my colleagues to support this common sense amendment to H.R. 366.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, while I do not object to the gentleman's amendment, I would like to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio (Mr. BOEHNER) will control the time.

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the amendment. Clearly those who take technical and vocational education programs ought to have the ability to take those credits and that time that they have invested in that program and be able to move on, if they choose, into, whether it is a 2-year school or a 4-year school.

What we have seen in the past, many students who were in vocational schools, technical schools, and who may have then decided to change their minds, did not have the ability to move on to get that 2-year degree or to get that certificate they may be looking for, or even a 4-year degree. And I think that the articulation agreements that would be permissible under this bill, with the gentleman from Oregon (Mr. WU's) amendment, are growing from State to State.

I know in Ohio, all of the State-sponsored schools now have an articulation agreement, a transfer of credit policy, as well, which I think will help facilitate students who want to continue their education at various schools. And I think the allowable use of funds in this amendment will, in fact, help students all over the country, and I am pleased to support the gentleman from Oregon (Mr. WU's) amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Ohio (Mr. BOEHNER) the Chairman, and the gentleman from Delaware (Mr. CASTLE) the chairman of the subcommittee, for their hard work on this bipartisan piece of legislation, and recognize the leadership of the gentlewoman from California (Ms. WOOLSEY) and for her hard work on this bill also.

The intent of this amendment is exactly as the chairman laid out. People develop further ambitions, and maybe perhaps change their goals in life, and we ought to make it as easy as possible for folks to pursue their dreams as broadly as they can.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

Let me just thank the gentleman from Oregon (Mr. WU) for his amendment and thank him for working with us on this language. It is similar language to what is in the Senate bill. The gentleman from Oregon (Mr. WU) is a valued member of our committee, and we have worked closely on a number of issues, and we are glad to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mr. WU).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 109-69.

AMENDMENT NO. 3 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MILLENDER-MCDONALD:

Page 68, line 17, strike " paragraph (19)" and insert "paragraph (20)".

Page 69, line 23, strike "and'." and insert a semicolon.

Page 69, after line 23, insert the following: "(19) for programs that assist in the training of automotive technicians in diesel retrofitting, hybrid, hydrogen, and alternative fuel automotive technologies; and".

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am offering an amendment that establishes an automotive technicians workers training program and makes eligible this particular program under the Vocational and Technology Education for the Future Act, the use of funds for establishing curricula to train automotive technicians to work on hybrid, hydrogen and alternative fuel technologies for the new automobile fleets sold in the United States.

This amendment speaks to the true intent of the Perkins Act. It will graduate students into employable jobs that will have an immediate return on our educational system. Automotive technicians are in great demand. We need to educate the new generation of automotive workers so that they will be able to work on the new hybrid vehicles that are fast becoming a dominant part of the automotive marketplace.

The numbers speak for themselves, Mr. Chairman. In 2004, close to 90,000 hybrid vehicles were sold in the United States. Since the hybrid vehicles debut in the American market in 1999, U.S. hybrid sales have doubled every year. An estimated 10 percent of the 2 million mid-sized vehicles sold in 2006 will be hybrid vehicles.

By 2007, it is estimated that over 400,000 hybrid vehicles will be sold in the United States. The American public is willing to invest in automobiles that incorporate environmentally sound technology. Whether consumers are motivated by environmental concerns, such as the health of their children, by rising fuel costs that causes further dependence on foreign oil, or by a combination of the two, the car dealerships are consistently selling out the hybrid vehicles.

In order for this purchasing trend to continue, consumers need to be able to purchase hybrid automobiles with the knowledge that they are doing their part to help the environment along with the reassurance that they will be able to find high quality service. We need the work force to meet these new demands.

Currently the average age of automotive technicians is 50 years old. As the Department of Labor has projected, we will need almost 32,000 new automotive technicians a year for the next several years to service these new vehicles. Automotive technicians are high skilled, high wage and high demand.

In my home State of California alone the need for new highly skilled technicians will outpace supply by 42,750. The need for technicians is expected to increase by 18 percent in the next year. When this is added to an expected turnover rate of 34.5 percent, which is due to attrition, the true scope of educating new automotive technicians become apparent.

This is a much needed training program, and a much needed amendment, and I ask my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, while I am not opposed to the amendment, I would like to claim the time in opposition to it.

The Acting CHAIRMAN. Without objection the gentleman from Ohio (Mr. BOEHNER) will control the time.

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentlewoman's amendment. I appreciate her willingness to work with us on her amendment, to put it in a form that we think is acceptable. And while these activities are clearly allowed under the bill, the specific training that is outlined here, I think is, in fact, needed not only in her State of California, but all across the country, as we look at a lot of high skilled jobs that are out there, but yet no one to fill them.

And I think if you look at vocational and technical education in a broader sense is intended to help provide the type of skills necessary in today's economy. We think the gentlewoman has a good amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I want to thank my colleague, the gentlewoman from California (Ms. MILLENDER-McDONALD) for offering this very important amendment. We hear a lot of talk, especially with every increasing gas prices of the need for alternative automotive fuel technologies.

And we need to do more, because we are not developing the technologies nor the talent to develop the technologies. In fact, several Congresses ago, then Secretary Reich encouraged us to take more interest in high-tech automotive job training, noting then of the severe shortage of workers for the industry, and because cars and trucks are not simply machines, simply machines at that, we have to have a workforce of technicians who understand what is needed, or else we will all be in really big trouble, not just personally, but economically as a country.

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This amendment would ensure that regardless of changes in fuel technology, we will have the workforce we need; and I encourage my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the chairman, the ranking member, and all of the subcommittee chairs and ranking members for their support for this very needed amendment.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

The amendment was agreed to.

The Acting CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FEENEY) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 366) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act, pursuant to House Resolution 254, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill, H.R. 366, to the Committee on Education and the Workforce, with instructions to report the bill back to the House forthwith with the following amendment:

Page 8, line 20, strike the closed quotation mark and following period and insert the following:

"(e) PROHIBITION ON USE OF FUNDS FOR PROPAGANDA.—Notwithstanding any other provision of this Act, no funds authorized under this Act may be used—

"(1) to pay journalists or media commentators, or any organization owned or controlled by a journalist or media commentator, for publicity or propaganda purposes related to this Act, or any services related to such publicity or propaganda; or

"(2) for the production of any television or radio news segment or program related to this Act unless the segment or program includes a clear notification to the audience that the segment or program was prepared or funded by the Federal government.".

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Members have heard, the purpose of this amendment is to make sure that no monies expended under this act will be used to pay for propaganda by members of the media.

Specifically, my motion requires that the prepackaged news stories put together with Federal funds must be disclosed to viewers. This portion of the motion was offered as an amendment to the supplemental by Senator BYRD and was passed 98 to 0.

The motion also prohibits using public funds to pay journalists or media commentators to promote the views of the agency, which directly addresses the Armstrong Williams propaganda fiasco.

The Department of Education Inspector General recently issued a report that I requested that concludes that the Department squandered hundreds of thousands of taxpayer dollars in a contract with Ketchum Communications and a subcontract with media commentator Armstrong Williams.

Specifically, the Inspector General found that Department officials involved in the Armstrong Williams contract made poor management decisions, exercised poor judgment and oversight, and paid for work that did not reach its intended audience, and paid for work that the Department never received. The report notes that the covert editorial comments by Armstrong Williams in support of No Child Left Behind were specifically required by Department work orders, and confirmed by activity reports submitted by Mr. Williams.

In my view, the Federal Government was defrauded out of hundreds of thousands of dollars in this case. An even greater concern is this may not be an isolated case in the Department of Education. The Inspector General is preparing the release of a second report in coming weeks that will review a number of highly questionable activities regarding the use of propaganda by the Department of Education officials. We must stop this act of the abuse of taxpayer funds.

This motion to recommit is very simple. Members can vote for it and report the bill back to the House, and then we can pass the bill. It is a simple choice. Do we want to use education dollars for the education of our children, or do we want to use it for propaganda? This amendment says we shall not use it for propaganda: we shall not pay news commentators to engage in propaganda on behalf of the Department of Education.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, covert propaganda has no place in our democracy. Today we encourage the formation of democracies in countries that have long suffered under the brutality of totalitarian regimes.

America ought to set an example that the governments of democratic societies do not resort to propagandizing and misinformation campaigns with taxpayer dollars. That is exactly what this administration has been doing.

The Education Department secretly paid conservative commentator Armstrong Williams $241,000 of taxpayer funds. The purpose? To promote the President's No Child Left Behind education law.

The administration has also paid two other columnists. They produced fake news reports to promote the President's controversial Medicare and marriage initiatives. The GAO has found these video news releases violate existing law.

The campaigns of misinformation share two things. They lead the public to believe that the conclusions are reached by independent voices when they are not. They advocate for a controversial piece of the administration's agenda that has failed to win public support.

This is a dangerous precedent. Our government's agenda should be able to stand on its own two feet. The President has said as much. This motion would end this undemocratic, un-American effort.

I urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her support. Again, the choice is very simple here: whether or not at a time when education programs are being cut in the Federal budget that we passed last week, whether or not we will now decide not to use these hard-earned education dollars, hard-paid-for education dollars by the taxpayers that we represent to develop propaganda that they shall be restricted to the uses for which this program was passed, and that is the vocational education of our students in this country.

I urge the support of this motion.

Mr. BOEHNER. Mr. Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the amendment that the Democrat leadership is talking about would not do a single thing to improve educational opportunities for American students.

The Democrat leadership amendment has nothing to do with the bipartisan legislation that is being debated on the floor today. It is a partisan cheap shot aimed at the administration. It really has no place in this bill.

When USA Today first reported on the Armstrong Williams contract in January, I immediately supported the gentleman from California's (Mr. GEORGE MILLER) request for an independent investigation by the Education Department's Inspector General.

That investigation has taken place and the Inspector General has concluded that nothing illegal or unethical took place.

Now, what happened with respect to the Armstrong Williams contract was stupid: but passing laws to outlaw stupidity is not Congress' job.

Now, the new education Secretary has taken decisive action to ensure that what happened in the Armstrong Williams case does not happen again. But I think what we see here today is what I said earlier, a partisan cheap shot aimed at the administration. It does not belong in this bill. I urge my colleagues to reject the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 366, if ordered, and on motions to suspend the rules and agree to H. Con. Res. 127 and H. Res. 195.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 12, as follows:

[Roll No. 153]

YEAS—197

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson

Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NAYS—224

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brown (OH)
Diaz-Balart, L.
Diaz-Balart, M.
Gutknecht
Larson (CT)
Melancon
Rogers (MI)
Sanchez, Loretta
Scott (VA)
Smith (TX)
Weiner
Weldon (PA)

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Messrs. ADERHOLT, SHADEGG, HYDE, BAKER and COLE of Oklahoma changed their vote from "yea" to "nay."

Mr. CUELLAR changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Wednesday, May 4, 2005, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows: Rollcall No. 153, "yea" (On Motion to Recommit with Instructions on H.R. 366, the Vocational and Technical Education for the Future Act).

Mr. ANDREWS. Mr. Speaker, I ask that the RECORD show that although I was recorded as having voted "nay" on the May 4, 2005 recorded vote regarding the motion to recommit H.R. 366 (rollcall 153), I intended to vote "yea."

The SPEAKER pro tempore (Mr. FEENEY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 9, not voting 8, as follows:

[Roll No. 154]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Bartlett (MD)
Feeney
Franks (AZ)
Garrett (NJ)
Hensarling
Hostettler
Paul
Royce
Sensenbrenner

NOT VOTING—8

Brown (OH)
Diaz-Balart, L.
Diaz-Balart, M.
Larson (CT)
Scott (VA)
Towns
Weiner
Weldon (PA)

☐ 1359

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON GOVERNMENT OF NIGERIA TO TRANSFER CHARLES GHANKAY TAYLOR TO SPECIAL COURT FOR SIERRA LEONE

The SPEAKER pro tempore (Mr. SIMMONS). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 127.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 127. on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device. and there were—yeas 421. nays 1, not voting 11. as follows:

[Roll No. 155]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Brown (OH)
Diaz Balart, L.
Diaz-Balart, M.
Jackson-Lee (TX)
Kirk
Larson (CT)
Neugebauer
Scott (VA)
Sullivan
Weiner
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised 2 minutes remain in which to cast their votes.

☐ 1408

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (VE) DAY AND THE LIBERATION OF WESTERN BOHEMIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 195.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution. H. Res. 195, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device. and there were—yeas 419. nays 0. not voting 14. as follows:

[Roll No. 156]

YEAS—419

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings

Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Abercrombie
Brown (OH)
Diaz-Balart, L.
Diaz-Balart, M.
Gordon
Kirk
Larson (CT)
McMorris
Moore (KS)
Scott (VA)
Weiner
Weldon (PA)
Whitfield
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in which to cast their votes.

☐ 1417

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Recognizing the 60th anniversary of the Liberation of Western Bohemia by United States Armed Forces during World War II and the continued friendship between the people of the United States and the Czech Republic.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WELDON of Pennsylvania. Mr. Speaker, today I was presenting the keynote address at the World Russian Forum. Therefore, on rollcall votes 153, 154, 155, and 156, I was not recorded to vote. Had I been recorded, I would have voted "nay" on rollcall vote 153, and "yea" on rollcall votes 154, 155, and 156.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1185.

The SPEAKER pro tempore (Mr. SIMMONS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 255 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1185.

☐ 1417

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1185, the Federal Deposit Insurance Reform Act of 2005. This bipartisan legislation preserves the value of insured deposits at America's banks, thrifts and credit unions, advances the national priority of enhancing retirement security for all Americans, and ensures that the benefits and costs of deposit insurance are allocated equitably and fairly among financial institutions.

Federal deposit insurance was first established in 1934 during the Great Depression and has served for over 70 years as a source of stability in the banking system and a valued safety net for depositors. Deposits in banks and savings associations are covered either by the Bank Insurance Fund or the Savings Association Insurance Fund, while the deposits of America's 85 million credit union members are insured by the National Credit Union Share Insurance Fund.

Federal deposit insurance serves as a guarantee to depositors in U.S. depository institutions that up to $100,000 will be available to them in the event that their institution should ever fail. It both protects depositors from a sudden and unforeseen loss of wealth and insulates the economy from the consequences of a loss of liquidity in the banking system.

Shortly after I became chairman of the newly formed Committee on Financial Services in the 107th Congress, the FDIC, the Federal agency responsible for administering the deposit insurance program, recommended a number of reforms to the system to address structural imbalances that had emerged since the last major overhaul of deposit insurance following the savings and loan crisis of the late 1980s and early 1990s.

The gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, got to work holding extensive hearings and drafting comprehensive legislation incorporating the FDIC's recommendations and making other needed changes to the system. The legislation that resulted from the efforts of the gentleman from Alabama passed the House with well over 400 votes in the 107th Congress and by an even larger margin in the 108th.

With the other body having twice failed to act on the legislation approved overwhelmingly by this House, we are back this year with high hopes that the third time will truly be the charm in enacting this critically important legislation. The reasons for reforming the deposit insurance system remain every bit as compelling today as they were almost 4 years ago when we first began to climb this mountain.

By merging the BIF and the SAIF into a single deposit insurance fund, H.R. 1185 will create administrative efficiencies and promote fundamental fairness in the system. By giving the FDIC more flexible tools for managing the insurance funds according to changing economic conditions, while at the same time ensuring that funds are returned to the industry in the form of rebates and credits when circumstances warrant, H.R. 1185 will promote economic stability and address the system's current bias toward charging excessive premiums at "down" points in the business cycle. All of these reforms command broad consensus among banking regulators and in the banking industry, as well as in the House.

On the issue of deposit insurance coverage levels, which have now gone a record 25 years without being adjusted for inflation, the legislation of the gentleman from Alabama provides for incremental increases that promote retirement security and help to keep municipal deposits in the communities where they originated to serve as a funding source for loans and other development initiatives.

All of us recognize that the increased coverage levels prescribed in the House bill are what have blocked its progress in the other body, and I have therefore indicated that I am willing to entertain compromise on that issue if it is the price of achieving the other important reforms contained in this legislation.

That said, it should also be noted that H.R. 1185's increase in base deposit insurance coverage from $100,000 to $130,000 hardly constitutes a radical expansion of the deposit insurance safety net. If coverage had merely kept pace with inflation since 1980 when coverage was last updated, it would now be well over $200,000. Even going all the way back to the $40,000 coverage amount in effect in 1974 and indexing for inflation from that level yields a coverage level well above $140,000.

Let me conclude by commending Chairman BACHUS for his leadership and persistence in pursuing this legislation over the course of three Congresses. I also want to thank our committee's ranking member, the gentleman from Massachusetts (Mr. FRANK), who has championed several of the specific reforms contained in this bill and has acted throughout the process in a spirit of bipartisan cooperation that has become the hallmark of our committee's work in recent years.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Federal Deposit Insurance Reform Act of 2005. This is a strong bipartisan effort. I commend the leadership of Chairman OXLEY and Ranking Member FRANK, as well as Subcommittee Chair BACHUS and Ranking Member SANDERS. This will be, hopefully, the third time that this Congress has passed this legislation. It has enjoyed broad bipartisan support.

Federal deposit insurance, established during the Great Depression to restore confidence in the Nation's troubled banking system, has served our country well; but no system is perfect, and Congress has periodically revised our deposit insurance laws in response to changing economic and industry conditions. There is a growing consensus triggered in part by recommendations by the Federal Deposit Insurance Corporation, FDIC, that deposit insurance is overdue for needed structural reform.

H.R. 1185 would merge the Bank Insurance Fund, BIF, and the Savings Association Insurance Fund, SAIF, into a single fund covering all banks and thrifts; increase per-account coverage levels from $100,000 to $130,000; and adjust that coverage for inflation every 5 years beginning in 2007; and double the $130,000 coverage amount in the case of certain retirement accounts, including IRAs and 401(k)s. Providing $260,000 in deposit insurance coverage for retirement accounts is critically important in an era when many Americans have accumulated retirement nest eggs that far exceed $100,000, and when, according to FDIC estimates, there is more than $200 billion in IRA accounts alone in this Nation's banking system.

Several high-profile bank failures in recent years have given many Americans a rude awakening as they discover that amounts in their retirement accounts above the $100,000 coverage limit are uninsured.

The bill also raises coverage levels on in-state, municipal or public deposits. This will have the effect of encouraging local government agencies to keep more of their deposits in the local communities where the funds were generated, thus promoting economic growth in those areas.

Finally, the bill fully implements a provision enacted more than a decade ago to give banks a discount on their deposit insurance premiums for deposits attributable to so-called basic banking accounts which provide a financial lifeline for low-income families that are currently without bank coverage.

This has strong bipartisan support. This legislation passed this body last year with a vote of 411 to 11, and this year's effort likewise enjoys very strong bipartisan support.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. I thank the gentleman for yielding me this time.

Mr. Chairman, as an original cosponsor of H.R. 1185, I am particularly pleased to see that this important measure again incorporates a measure that I introduced in February, H.R. 544, the Municipal Deposit Insurance Protection Act of 2005. Currently, towns, counties and school districts are faced with a hard choice when deciding where to place their deposits. Local officials care about their communities, and they would like to foster economic development by putting their funds in local banks. However, without the guarantee of FDIC coverage, they are often forced instead to put their deposits in out-of-state institutions.

This bill increases coverage for local government deposits equal to the lesser of $2 million or $130,000 plus 80 percent of the amount of deposits in excess of the new standard. Providing this essential coverage will help local communities keep public moneys in their neighborhood, improving the economic climate by enabling local banks to offer more loans for cars, homes, education, and other community needs.

In 2002, the FDIC closed a bank in my district, the Oakwood Deposit Bank. Local municipalities and other public entities that held deposits at that institution were put at risk due to the $100,000 FDIC coverage. This risk is too high for many communities in this country, and it can have a devastating effect on local budgets. The community in Oakwood is still feeling the effects of this failure. The village was forced to miss a Federal loan payment for its sewers and was forced to lay off municipal employees, all because of the funds it lost. Wayne Trace local school district and Paulding County Hospital were also harmed by this lack of coverage.

This legislation will enable local government funds to be retained in the local area from which they came. It will help the economy of those areas by being used for installment loans, mortgages, and small business loans.

Again, I want to commend Chairman OXLEY and Chairman BACHUS for bringing up this important bill, and I look forward to its passage.

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I would like to recognize, first, Chairman OXLEY and Ranking Member FRANK for their work to bring this overdue bill to the floor of the House. This is not the first time that this bill has passed through committee with broad bipartisan support, but hopefully this time we can work with the other body to make this law.

The financial services industry is one of the driving engines of our economy, and the banking industry in particular is not only a key source of financing for consumer purchases like homes and cars or business purchases such as equipment and facilities. It is also the means by which the Federal Reserve implements monetary policy to stabilize our economy. Considering the vital role that banks, both big and small, play in our economy, it is equally important to make certain that the Federal insurance which backs these institutions is operating under the most efficient rules.

H.R. 1185 will merge the Bank Insurance Fund and the Savings Association Insurance Fund into one strong fund. It will increase deposit insurance on individual accounts from $100,000 to $130,000, increases coverage on certain retirement accounts to $260,000, and increases coverage on in-state municipal deposits to $2 million.

One of its most important aspects is that it provides for a 50 percent discount in the assessment rate for deposits attributable to lifeline deposit accounts, something, and I take my hat off to her, that the gentlewoman from the great State of California (Ms. WATERS) has been working on for many, many years in support of people who are traditionally unbanked.

Lastly, let me thank the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Oregon (Ms. HOOLEY), who introduced the bill, and encourage Members from both sides of the aisle to vote "yes" on final passage.

☐ 1430

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are several things about this bill that I am not sure have been discussed or are as widely known by the Members, but the first thing I would say is that the legislation is supported by all the federal bank regulators. It is also supported by all the industry groups. And it does several things. It addresses inefficiencies in the present system and deficiencies in the present system.

As far as deficiencies in the present system, one of the greatest is the fact that we have two different funds. The Savings Association Insurance Fund and the Bank Insurance Fund. All the Federal regulators have recommended combining those funds from the administrative cost savings and also because we do not want a situation where some of our institutions are paying certain basis points where others are not. We want more equity there so it gives no advantage for our thrifts over our banks or our banks over our thrifts.

Another problem we have had increasingly is the problem of free riders. Since 1996, there have been no assessments of the banks for the Federal insurance, and as a result of that, we have had several large brokerage firms which have never paid into the fund, and what they are doing is setting up affiliate banks, six or eight or nine affiliate banks, and they are advertising $800,000 or $900,000 worth of federally insured deposits. In other words, people can deposit $800,000 or $900,000 into to their fund, and it is federally insured. This really is an inequity because they have never paid into the system and they are offering that something that smaller banks and other banks that do not set up these affiliates or string of affiliates and can only offer $100,000 of coverage; and, in fact, those banks or thrifts that are only offering $100,000 worth of coverage are actually paying and have paid for coverage for some of the large brokerage firms.

And the Federal Reserve, the FDIC, and the industry have said that this ought to be corrected, and we do that in this bill. We do that in two ways. One is by requiring that everyone pay a minimum amount; number two, we increase the coverage; and number three, we allow more flexibility in when the premiums are charged. Right now when the bank reserves fall below 1.25 percent, the Federal Reserve actually has to start charging a premium, and then if the situation is not rectified within a year, they have to then start charging 23 basis points, and they have little discretion in this matter. The bank regulators and the industry have recommended that what we do as opposed to having a hard number that we give a range, or a discretionary range, and we have done that at 1.15 to 1.4.

What this allows to happen is, if we think about it, there are no premiums being charged, and then all of a sudden we go into a recession and we start charging a premium, or 23 basis points, it actually can worsen the recession, and at the time when banks ought to be lending money, suddenly they are having to pay these premiums. The time to fund the insurance program and the insurance reserve is in good times.

So what we have done in this bill is allow them to build up a reserve in the good times, and then when we come into a recessionary period and bank reserves start dropping, they have some discretion in not instituting a 23-basis-point charge on the banks. And policymakers and all the Federal bank regulators believe that this will not only strengthen the funds, but it will take away a bias against a down cycle that could actually make a down economic cycle worse.

One of the things that is being debated, and the gentleman I am going to yield to next is going to be in opposition to the coverage increase, is the coverage increase. When we consider increasing the coverage, there have been two arguments against that. One was a "moral hazard" argument. The FDIC, in response to some people saying that if we raise the coverage, it will be a moral hazard, actually commissioned a study and appointed the vice chairman of the Federal Reserve, Alan Blinder, as the chairman of that study commission, and they came back and said because these are risk-based premiums, there is absolutely no validity to the moral hazard argument.

If we think about it this way, what this is, is an insurance, and bank depositors pay a premium on their deposits for insurance coverage. And to argue that if that coverage is increased from $100,000 to $130,000 suddenly would cause reckless behavior, it would almost be like arguing that if I had automobile insurance and I had $100,000 worth of automobile insurance on my automobile, and I raised that to $200,000 of insurance coverage that I would suddenly start driving more recklessly or be more prone to have accidents, and we know that when people insure, whether it is a deposit, an automobile, or a home, they are not any more apt to act in a reckless nature. So that argument has been shot down pretty uniformly.

A second argument against it is that we do not need to increase it. But one of our last bank failures was a bank in Chicago, a medium-sized bank. And what we found, because we had not raised the coverage levels above $100,000 since 1980, we found over 700 customers of that bank lost a substantial amount of their deposits, and the reason they did that, if we think about what depositors do, we had several hundred of them that had an IRA account with that bank, and they had an IRA that was over $100,000, and they basically lost everything above $100,000. And one lady that was quoted in the Chicago Tribune said, The loss I sustained is going to be the difference between my having a retirement where I will not have to struggle, and now, basically having a bare bones retirement where I will have to struggle to make ends meet.

We have another situation that we talked about in committee, and that was the fact that today many people are selling and buying houses, and when they do, they put the proceeds of that sale or the purchase price for that sale in a bank account. In 1980 the average price of a home was around $100,000. Today it is several times that amount. So imagine that if one is closing on a house, they sell their house, they get a $400,000 or $300,000 check or even a $200,000 check for that house, and most Americans put their savings in a house, they go down to their bank and they deposit that check and the bank happens to fail.

And every once in a while, a bank does fail like the one in Chicago. In that case, they had 12 people that had deposited the proceeds from the sale of their homes in the weeks before and they lost all of that money above $100,000. Some would say and some have said in opposing coverage increase that what Americans ought to do is when they sell a home, if they sell a home for $300,000, they ought to ask the closing attorney to write three $100,000 checks and they ought to deposit that in three different banks, or, if they are going to purchase a house, they ought to go to three different institutions and deposit that money in three different institutions, and then when they show up at the closing, they ought to write three different checks.

We know as a practical matter, Mr. Chairman, that people are not going to do that, and we should not ask them to do that. What we ought to do is raise coverage levels to reflect realities today.

The last time that coverage was increased in 1980, if we increased it for inflation today, it would be well over $180,000. Instead, we are only increasing it to $100,000 as a compromise. If we went back to not 1980 but we went back to 1974, which was the time before that that it was increased $40,000, and if we had adjusted it in 1980, it would be over $200,000. If we disregarded that increase and went back to 1974, it would be $180,000. So we are actually playing catchup here, and we have used that smaller number in an attempt to compromise with those who objected to increasing it at all.

I will say this: This bill passed with 111 votes the first time it was up, I think, but, anyway, I will get those statistics later, but I think it had 18 "no" votes the first time, 11 "no" votes the second time.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman from Alabama's letting us butt into his conversation.

I want to speak in favor of the bill. It is an example of the things that we do that are not controversial and are not exciting to a lot of people but are, in fact, very important for the proper functioning of the economy. This is an upgrading and an updating of the deposit insurance system. It is widely supported by financial institutions. There is a difference of opinion on one aspect, the coverage increase, but I will say that, while I support the bill as written and support the coverage increase, it is my hope that however that winds up, it will not lead to the demise of the bill. The bill is an important piece of legislation for improving the functioning of the banking system.

I just also want to point out two things: There is a mistaken assumption abroad that somehow things have gotten so poisonous here that nothing ever happens. There are issues on which we disagree vehemently, but the fact that this bill is coming forward from the Committee on Financial Services with overwhelming support from the committee, disagreement on one specific point, is a refutation, that I think people ought to know that, no, it is not the case that we have been so embittered towards each other that we cannot function. This bill comes forward with support on both sides.

It also, as was noted by the gentleman from New York who spoke earlier, contains a section that what we call lifeline banking. And not all banks in the world were having parties when that was included, but it is an important point to be made here. It is our job to pass legislation and to do things that help the financial system function. Banks are good institutions. They perform useful roles in our society. But there are also needs that individuals have, particularly lower income individuals, that are not going to be automatically taken care of by even the best functioning market, and our job, in part, is to advance measures that help the institutions function but at the same time provide a degree of fairness, a kind of minimum support, for people who will not automatically benefit from the general going forward.

This bill is an example of that, and I want to say that the inclusion of this lifeline provision is very important. I appreciate the majority's accommodating the concern that people had, the gentlewoman from California (Ms. WATERS), who pushed hardest for this; so I hope that this package will go forward as an example that even at times that are very contentious, we can work together on legislation that bridges some gaps and advances the system.

□ 1445

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER), who is in opposition to the bill.

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to H.R. 1185, but I appreciate all the hard work that the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) have done on this bill. I understand that they are very sincere in their efforts, but I have a strong philosophical opposition to what this bill represents and what it is all about.

Let me note that if section 3 were taken out of this legislation, I could support the bill; but the heart of this bill is section 3, which is a 30 percent increase in the Federal deposit insurance rate. What we are talking about here is increasing Federal deposit insurance, the taxpayers' guaranteeing private accounts in private banks from $100,000 to $130,000; for savings accounts I think it goes up to $240,000, $250,000, or is it $260,000; as well as $1 million, I believe, for community-type savings accounts.

But the most important factor here is this: this system was set up to protect the little guy. It was set up to protect average Americans who are not saving hundreds of thousands of dollars, so that they could save $10,000, $20,000, $30,000 and not worry about having a bank default and close up on them and then losing that money.

What has happened is a perversion of that basic premise. What has happened now is the taxpayers, the average person out there working is protecting the rich guy. We have the little guys now with their tax dollars protecting the rich guys who, at $100,000 in an account, and now they want to make it $130,000 in an account are protected by the taxpayers. It is not just one account, however. There are multiple accounts that these rich people use, so we are not just protecting $130,000. We are protecting $130,000 times 10 or 20, where they can place it in various banks. What we end up doing is having the little guy protecting the rich people in this society.

And there is a downside to having this protection. Not only is it not fair, but the downside is people who invest their money, when it is guaranteed, will be less cautious about where they put their money. We have just heard from the gentleman from Alabama (Mr. BACHUS) about the people who lost their money in a bank. Well, those people should have paid closer attention to that bank. The fact is that we are encouraging people to be frivolous where they are putting their money because we are guaranteeing it as taxpayers.

This is exactly what led to the savings and loan debacle in the 1980s. In 1980, before Ronald Reagan was elected President, this went from the early 1970s, from $10,000, to 1980 when they jumped it to $100,000 protection. All of a sudden, people could then invest with these multiple accounts, millions of dollars protected by the taxpayers.

So what happened? What happened is, we have millions, billions of dollars now in our system being invested in the most irresponsible way. Because the banks and the savings and loans themselves, no matter what, they ended up paying more interest than they should have. The bad institutions were bringing down the good institutions, and the public was protected from any bad decision they made. We ended up with a debacle, a financial debacle created by this increase in 1980 that ended up by the mid-1980s costing us tens of billions, maybe even $100 billion of the American taxpayers' money.

We do not need this kind of irresponsibility. That is not what this program started out as. It has been perverted to be that now. Section 3 is just that kind of perversion, where we end up now increasing it precipitously from $100,000 to $130,000. It should be basically back in the arena of the average American taxpayer instead of protecting the rich.

So with that said, I can remember personally, just to note, I remember during the mid-1980s when I worked in the White House, a friend of mine from the Reagan administration was in charge of one of those institutions, savings and loans, and he was being attacked because he was not giving out enough loans to various people and various institutions that would be guaranteed. He was not giving out these guaranteed loans, and I called him up. I said, Well what is the matter? Are you not part of the team? We want to have a strong economy. He said, Dana, we are being put behind the eight ball. Every one of these things that we are giving out has a government guarantee because of this deposit insurance, and it is going to take us right down the road to economic hell.

Well, that is exactly what happened, and we should not be going in that direction anymore. We should be doing a reversal, making the system more responsible, asking people to be more responsible with their money and where they put it and not having the middle-class taxpayer subsidizing rich people by guaranteeing wherever they would want to put their money.

I oppose the amendment, and I will be proposing an amendment later on.

Mr. FRANK of Massachusetts. Mr. Chairman, before I yield, I just would say sometimes we have debates about where does wealth begin and what is middle class, et cetera. I guess I would differ with the gentleman from California that if you have $100,000 in the bank, you are a little guy, but if you have $130,000, you are rich. I think that unduly compresses the middle class. I think much more is being made, frankly, over $30,000 than is deserved.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time. I would also like to thank the gentleman from Ohio (Chairman OXLEY) for his work. In addition, I would like to thank the gentleman from Alabama (Mr. BACHUS) whose bill we have before us today who has done a tremendous job and recognize his staff for all of their hard work.

The FDIC reform bill is truly a bipartisan piece of legislation that continues the bipartisan working style of the Committee on Financial Services that has allowed the committee to be extraordinarily productive.

The FDIC Reform Act of 2005 contains needed reforms that will bring the deposit insurance system into the 21st century by enhancing the value of our insured deposits, improving retirement security for all Americans, and ensuring that the value, cost, and benefit of deposit insurance is shared equally.

Most importantly, H.R. 1185 gives flexibility of the FDIC to manage the deposit insurance according to risk and economic conditions. No longer will we ask financial institutions to pay higher insurance premiums when banks can least afford to pay them and when funds are most needed for lending to jump-start our economic growth.

H.R. 1185 updates the deposit insurance coverage levels for the first time in 25 years. I agree with my ranking member who said we are making a much bigger deal out of the $30,000.

H.R. 1185 also updates deposit insurance coverage levels for the first time, as I said, in 25 years. It increases the maximum coverage from $100,000 to $130,000, doubles the amount of coverage for retirement funds to enhance the retirement security of our senior citizens and those planning for retirement, and indexes for inflation every 5 years as a way of preserving the value of the deposit insurance safety net. H.R. 1185 also increases coverage limits for in-state municipal deposits to $2 million or 80 percent of any deposits over $130,000, whichever is less.

By extending municipal deposit coverage, this bill not only protects taxpayers from potential consequences of a failure of local financial institutions but promotes community development by encouraging local government agencies to keep their funds on deposit with a local financial institution, thereby making the funds available for lending back to the community. So it makes a lot of sense when we look at our small local banks.

Finally, this bill takes the needed step of merging FDIC's Bank Insurance Fund and the Savings Association Insurance Fund, eliminating potential disparities in the premiums paid by banks and thrifts, and reducing the administrative burden of operating two separate insurance funds.

This legislation will give Americans an even more stable and secure insurance system for deposits in their banks, thrifts, and credit unions. These needed reforms will bring the deposit insurance system into the 21st century by enhancing the value of our insured deposits, improving retirement security for all Americans, and ensuring that the value, cost, and benefit of deposit insurance is shared equally.

I urge my colleagues to support the FDIC Reform Act of 2005.

Mr. BACHUS. Mr. Chairman, I yield myself all remaining time.

There are several things I think we need to say to correct the record. One was it was said by the gentleman in opposition that this was taxpayer guaranteed; and, in fact, these deposits are insured not by the taxpayer, but by the BIF and SAIF funds; and it is the depository that insures his own accounts. And for the taxpayer to pay one red cent, all assets of every federally insured financial institution would have to be exhausted before the taxpayer would have to pay one cent. In other words, all the assets of all of the federally insured banks and savings associations would have to be paid.

And in that regard, I am sure the gentleman from California would agree that if that moment ever came, we would be, we would probably be in dire straights, and I certainly never anticipate that happening. It has never happened in the history of our country. The savings and loans were exhausted, not the banks. The BIF account has never been exhausted; the savings and loan account thing was exhausted because of failures of savings and loans.

And if we say, as the gentleman said, that the reason why all the savings and loans failed is because we increased coverage from $100,000 to $130,000, we did that for the banks and the credit unions at the same time. No credit unions failed; very few banks failed. In some States, no institutions failed, where in States like California, Texas, where you had weak regulation, weak oversight, several failed; or you had the oil patch in Texas where many of them failed.

In fact, the cost to the taxpayer would have been greater had the first $100,000 of accounts not been insured. It would have been a much greater loss. Thank goodness the first $100,000 of accounts were insured. If we had another failure today, $130,000 would be insured, and we would have insurance for it. So to say that insurance coverage is taxpayer funded, the taxpayer is not funding this. If the taxpayer were funding it, his analogy would be right.

And the last thing that he says, and he has said this, is that this was the cause of the savings and loans to fail. This has been looked at by this Congress, it has been looked at by the FDIC, it has been looked at by the Federal Reserve and, actually, I am going to introduce this. This is about 20 different reasons that government reports have causes for the failures of the S&Ls; and on that list of 20, nowhere does it say because of an increase in coverage. In fact, the FBI submitted what they thought were the reasons, the FDIC submitted what they thought were the reasons, all the bank regulators, and nowhere on any of those lists do we find increase in coverage. In fact, what you do find is one study showed that taxpayer exposure was less because the funds were insured up to $100,000.

Mr. Chairman, I will just simply close by saying that all the Federal bank regulators say that this legislation will strengthen and reform our Federal guarantee program for bank deposits and by saying that today, if you sell a house for $120,000 or $140,000 or $160,000 or $200,000 and you deposit the proceeds in your bank account, you are probably not a rich person by definition. If you decide to buy a house and you put $150,000 in the bank or transfer it or get a loan from a bank and you deposit it in your account, you lose that, you certainly would not be defined as rich. And if you have a 401(k) and you happen to have over $100,000 in it, that does not make you a rich person. In fact, that represents, for many people, their entire savings is a 401(k); and, increasingly, those accounts are running over $100,000.

□ 1500

That is why the AARP and the Securities Investment Institute both endorsed this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding the time and for his leadership as a whole.

Mr. Chairman, I am very supportive of this outstanding bipartisan bill. I am supportive of the overwhelming majority of the provisions in it. It is long past due to merge the BIF and SAIF insurance funds, and additionally, eliminating the 23 basis point clip, and providing a new premium system that takes into account the past contributions of institutions are major steps forward.

The bill includes a mechanism for determining credits for past contributions to the insurance funds that is based on an amendment that I cosponsored with former Representative Bereuter. This is a very, very important provision as a matter of fairness to institutions that recapitalized the funds, and I thank very much the gentleman from Alabama (Mr. BACHUS) for including this balanced and important amendment in the base legislation.

Despite the many very positive parts of this bill, I believe the immediate 30 percent increase in insurance coverage in the bill is a serious mistake. This coverage increase to $130,000 is opposed by many Federal financial service regulators, including Alan Greenspan. I would like to place in the RECORD his comments in opposition, and state that I support the bill overwhelming, but this provision I am opposed to.

I thank the leadership and the ranking member for working in a balanced way to move this important legislation forward.

Mr. FRANK of Massachusetts. Mr. Chairman, in a very impressive display of bipartisanship, I am now going to yield some of our time to the manager of the bill for the majority.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS) as long as he does not talk about the Rohrabacher amendment.

Mr. BACHUS. Mr. Chairman, I had one glaring oversight in this entire debate concerning the bill. And that is the fact that the gentlewoman from Oregon (Ms. HOOLEY) who really played a monumental part in this legislation over the past 2 or 3 years and actually was the original cosponsor of this legislation has not been recognized.

I would like to commend her for her fine work on this bill. And I guess it is a credit to her and her personality, despite that oversight she did not call attention to my omission. And so I commend the gentlewoman from Oregon (Ms. HOOLEY). She is an outstanding Member of this body. And in this legislation, she deserves a lot of credit for its passage and its support.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Alabama (Mr. BACHUS) for his great graciousness in what he had to say. And let me say in deference to the chairman of the committee, the gentleman from Ohio (Mr. OXLEY) a great baseball leader, if you notice, I yielded to the gentleman from Alabama (Mr. BACHUS), who then came back to this side to thank us.

If you're scoring this, it is 3 to 6 to 3, I believe is the appropriate scoring.

Mr. PAUL. Mr. Chairman, H.R. 1185, the Federal Deposit Insurance Reform Act, expands the federal government's unconstitutional control over the financial services industry and raises taxes on all financial institutions. Furthermore, this legislation could increase the possibility of future bank failures. Therefore, I must oppose this bill.

I primarily object to the provisions in H.R. 1185 which may increase the premiums assessed on participating financial institutions. These "premiums," which are actually taxes, are the premier sources of funds for the Deposit Insurance Fund. This fund is used to bail out banks who experience difficulties meeting their commitments to their depositors. Thus, the deposit insurance system transfers liability for poor management decisions from those who made the decisions, to their competitors. This system punishes those financial institutions which follow sound practices, as they are forced to absorb the losses of their competitors. This also compounds the moral hazard problem created whenever government socializes business losses.

In the event of a severe banking crisis, Congress will likely transfer funds from the general revenue into the Deposit Insurance Fund, which could make all taxpayers liable for the mistakes of a few. Of course, such a bailout would require separate authorization from Congress, but can anyone imagine Congress saying "No" to banking lobbyists pleading for relief from the costs of bailing out their weaker competitors?

Government subsidies lead to government control, as regulations are imposed on the recipients of the subsidies in order to address the moral hazard problem. This is certainly the case in banking, which is one of the most heavily regulated industries in America. However, as George Kaufman, the John Smith Professor of Banking and Finance at Loyola University in Chicago, and co-chair of the Shadow Financial Regulatory Committee, pointed out in a study for the CATO Institutes, the FDIC's history of poor management exacerbated the banking crisis of the eighties and nineties. Professor Kaufman properly identifies a key reason for the FDIC's poor track record in protecting individual depositors: regulators have incentives to downplay or even cover-up problems in the financial system such as banking facilities. Banking failures are black marks on the regulators' records. In addition, regulators may be subject to political pressure to delay imposing sanctions on failing institutions, thus increasing the magnitude of the loss.

Immediately after a problem in the banking industry comes to light, the media and Congress will inevitably blame it on regulators who were "asleep at the switch." Yet, most politicians continue to believe that giving the very regulators whose incompetence (or worst) either caused or contributed to the problem will somehow prevent future crises!

The presence of deposit insurance and government regulations removes incentives for individuals to act on their own to protect their deposits or even inquire as to the health of their financial institutions. After all, why should individuals be concerned with the health of their financial institutions when the federal government is insuring banks following sound practices and has insured their deposits?

Finally, I would remind my colleagues that the federal deposit insurance program lacks constitutional authority. Congress's only mandate in the area of money, and banking is to maintain the value of the money. Unfortunately, Congress abdicated its responsibility over monetary policy with the passage of the Federal Reserve Act of 1913, which allows the federal government to erode the value of the currency at the will of the central bank. Congress's embrace of fiat money is directly responsible for the instability in the banking system that created the justification for deposit insurance.

In conclusion, Mr. Speaker, H.R. 1185 imposes new taxes on financial institutions, forces sound institutions to pay for the mistakes of their reckless competitors, increases the chances of taxpayers being forced to bail out unsound financial institutions, reduces individual depositors' incentives to take action to protect their deposits, and exceeds Congress's constitutional authority. I therefore urge my colleagues to reject this bill. Instead of extending this federal program, Congress should work to prevent the crises which justify government programs like deposit insurance, by fulfilling our constitutional responsibility to pursue sound monetary policies.

Mr. HENSARLING. Mr. Chairman, I rise today in support of H.R. 1185, the Federal Deposit Insurance Reform Act of 2005. As a member of the Financial Services Committee, I want to thank Chairman OXLEY and Subcommittee Chairman BACHUS for their work on this legislation and for acting quickly in this new Congress to address this matter of importance to banks and depositors alike.

This legislation, which passed by a vote of 411–11 in the 108th Congress, will help to create a more stable, fair, and secure banking system. By combining the Banking Insurance Fund and the Savings Association Insurance Fund into one single fund, the risk that a couple of large institutions could fail and impair each fund is greatly reduced. Merging these funds will help to increase fairness in our banking system by eliminating the possibility that two institutions of similar sizes could essentially be paying different premiums. Furthermore, the merged fund will make reporting and accounting less burdensome for both the institutions and the FDIC.

Our deposit insurance system plays a vital role in our economic security. This legislation will give the FDIC the necessary flexibility to respond to varying economic conditions, allowing them to properly price premiums to reflect risk. By eliminating the 23 basis point premium "rate cliff' required under current law, more institutions will have more capital to invest in our economy.

Although I support the majority of provisions of H.R. 1185, I do want to take this time to express my concerns with Section 3 of this legislation. This section of the bill would increase a financial institution's insurance limit for individual accounts from $100,000 to $130,000. Section 3 also doubles the coverage for retirement accounts to $260,000 and increases the coverage limit for municipal accounts to $2 million or 80 percent of any deposits over $130,000. I believe that arbitrarily increasing these limits will unnecessarily expose American taxpayers to the increased hazards associated with shifting risk from private institutions to the federal government. Further, such a provision is likely to decrease a depositor's concern for the financial well being of their bank while at the same time diminishing market discipline. It is my hope that these factors are given full consideration should H.R. 1185 be considered in conference with the Senate.

Mr. Chairman, FDIC Chairman Powell stated in his testimony to the Financial Services Committee on March 17, 2005, that H.R. 1185 gives Congress an "opportunity to remedy flaws in the deposit insurance system before those flaws cause actual damage either to the banking industry or our economy as a whole." As a member of that committee, I am glad to see this body act so expeditiously on this legislation, and I urge my colleagues to vote for H.R. 1185.

Mr. CANTOR. Mr. Chairman, I rise today to speak in favor of the Federal Deposit Insurance Reform Act. This important piece of legislation modernizes the insurance funds on which Americans depend.

The current amount of deposit insurance coverage has been the same since 1980, so it is important that we make these necessary increases to keep up with inflation and encourage people to save. This bill raises the coverage on savings and retirement accounts and gives reassurance to investors saving for their future.

Increasing the amount of deposit insurance coverage will benefit all banks, small and large, by providing more certainty to the investment community. It is important that we give every American peace of mind when placing their money in our savings system.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Deposit Insurance Reform Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Merging the BIF and SAIF.
Sec. 3. Increase in deposit insurance coverage.
Sec. 4. Setting assessments and repeal of special rules relating to minimum assessments and free deposit insurance.
Sec. 5. Replacement of fixed designated reserve ratio with reserve range.
Sec. 6. Requirements applicable to the risk-based assessment system.
Sec. 7. Refunds, dividends, and credits from Deposit Insurance Fund.
Sec. 8. Deposit Insurance Fund restoration plans.
Sec. 9. Regulations required.
Sec. 10. Studies of FDIC structure and expenses and certain activities and further possible changes to deposit insurance system.
Sec. 11. Bi-annual FDIC survey and report on increasing the deposit base by encouraging use of depository institutions by the unbanked.
Sec. 12. Technical and conforming amendments to the Federal Deposit Insurance Act relating to the merger of the BIF and SAIF.
Sec. 13. Other technical and conforming amendments relating to the merger of the BIF and SAIF.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. MERGING THE BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) REPEAL OF OUTDATED MERGER PROVISION.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

Mr. OXLEY. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) NET AMOUNT OF INSURED DEPOSIT.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3)."; and

(2) by adding at the end the following new subparagraphs:

"(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum deposit insurance amount' means—

"(i) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2005, $100,000; and

"(ii) on and after such effective date, $130,000, adjusted as provided under subparagraph (F).

"(F) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—By April 1 of 2007, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

"(I) $130,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

"(ii) ROUNDING.—If the amount determined under clause (ii) for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(iii) PUBLICATION AND REPORT TO THE CONGRESS.—Not later than April 5 of any calendar year in which an adjustment is required to be

calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

"(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

"(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

"(iv) 6-MONTH IMPLEMENTATION PERIOD.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.".

(b) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

"(D) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(i) PASS-THROUGH INSURANCE.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

"(ii) PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(iii) DEFINITIONS.—For purposes of this subparagraph, the following definitions shall apply:

"(I) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

"(II) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan' has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(III) PASS-THROUGH DEPOSIT INSURANCE.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.".

(c) DOUBLING OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking "$100,000" and inserting "2 times the standard maximum deposit insurance amount (as determined under paragraph (1))".

(d) INCREASED INSURANCE COVERAGE FOR MUNICIPAL DEPOSITS.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), "such depositor shall" and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

"(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

"(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the standard maximum deposit insurance amount (as determined under paragraph (1)).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) MUNICIPAL DEPOSIT PARITY.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(3) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(4) by striking "depositor referred to in subparagraph (A) of this paragraph" each place such term appears and inserting "municipal depositor".

(e) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS.—Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking "$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(f) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

"(a) INSURANCE LOGO.—

"(1) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

"(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.".

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking "$100,000" each place such term appears and inserting "an amount equal to the standard maximum deposit insurance amount"; and

(B) by adding at the end the following new subsection:

"(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.".

(g) CONFORMING CHANGE TO CREDIT UNION SHARE INSURANCE FUND.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) INSURED AMOUNTS PAYABLE.—

"(1) NET INSURED AMOUNT.—

"(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking "his account" and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor or member who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS OR MEMBERS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(iii) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(iv) by striking "depositor or member referred to in subparagraph (A)" and inserting "municipal depositor or member"; and

(C) by adding at the end the following new paragraphs:

"(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

"(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

"(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

"(A) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2005, $100,000; and

"(B) on and after such effective date, $130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act.".

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking "$100,000" and inserting "2 times the standard maximum share insurance amount (as determined under paragraph (1))".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 9(a)(2) take effect.

SEC. 4. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) SETTING ASSESSMENTS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

"(B) FACTORS TO BE CONSIDERED.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

"(i) The estimated operating expenses of the Deposit Insurance Fund.

"(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

"(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

"(iv) the risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

"(v) Any other factors the Board of Directors may determine to be appropriate."; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) BASE RATE FOR ASSESSMENTS.—

"(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1). No insured depository institution shall be barred from the lowest-risk category solely because of size.

"(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.".

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

"(A) the end of the 3-year period beginning on the due date of the assessment; or

"(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.".

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

"(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

"(1) IN GENERAL.—Subject to paragraph (3), any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

"(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

"(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

"(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

"(3) SPECIAL RULE FOR SMALL ASSESSMENT AMOUNTS.—If the amount of the assessment which an insured depository institution fails or refuses to pay is less than $10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (1) shall not exceed $100 for each day that such violation continues.

"(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.".

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—

(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking "at a rate determined in accordance with such Act" and inserting "at ½ the assessment rate otherwise applicable for such insured depository institution".

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking "Board of Governors of the Federal Reserve System, and the".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: "Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).".

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking "semiannual" where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking "semiannual"; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking "semiannual";

(B) in paragraph (2)(A), by striking "semiannual"; and

(C) in paragraph (3), by striking "semiannual period" and inserting "initial assessment period".

(6) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking "semiannual".

(7) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking "semiannual period" and inserting "assessment period".

(8) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking "semiannual period" and inserting "assessment period".

(9) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "the Board and";

(B) in subparagraph (J) of paragraph (2), by striking "the Board" and inserting "the Corporation";

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

"(A) Corporation.—The term 'Corporation' means the Federal Deposit Insurance Corporation."; and

(D) in subparagraph (C) of paragraph (3), by striking "Board" and inserting "Corporation".

(f) Effective Date.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(5) take effect.

SEC. 5. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) In General.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

"(3) Designated reserve ratio.—

"(A) Establishment.—

"(i) In general.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve ratio applicable with respect to the Deposit Insurance Fund.

"(ii) Not less than annual redetermination.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

"(B) Range.—The reserve ratio designated by the Board of Directors for any year—

"(i) may not exceed 1.4 percent of estimated insured deposits; and

"(ii) may not be less than 1.15 percent of estimated insured deposits.

"(C) Factors.—In designating a reserve ratio for any year, the Board of Directors shall—

"(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

"(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

"(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

"(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

"(D) Publication of proposed change in ratio.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.".

(b) Technical and Conforming Amendment.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking "(y) The term" and inserting(y) Definitions Relating to Deposit Insurance Fund.—

"(1) Deposit insurance fund.—The term"; and

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

"(2) Designated reserve ratio.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).".

(c) Effective Date.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(1) take effect.

SEC. 6. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

"(E) Information concerning risk of loss and economic conditions.—

"(i) Sources of information.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

"(ii) Consultation with federal banking agencies.—

"(I) In general.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

"(II) Treatment on aggregate basis.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

"(iii) Rule of construction.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

"(F) Modifications to the risk-based assessment system allowed only after notice and comment.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.".

SEC. 7. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) In General.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

"(e) Refunds, Dividends, and Credits.—

"(1) Refunds of overpayments.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

"(A) refund the amount of the excess payment to the insured depository institution; or

"(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

"(2) Dividends from excess amounts in deposit insurance fund.—

"(A) Reserve ratio in excess of 1.4 percent of estimated insured deposits.—Whenever the reserve ratio of the Deposit Insurance Fund exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.4 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.'

"(B) Reserve ratio equal to or in excess of 1.35 percent of estimated insured deposits and not more than 1.4 percent.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

"(C) Basis for distribution of dividends.—

"(i) In general.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

"(ii) Factors for distribution.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

"(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

"(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

"(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

"(IV) Such other factors as the Corporation may determine to be appropriate.

"(D) Notice and opportunity for comment.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

"(3) Credit pool.—

"(A) One-time credit based on total assessment base at year-end 1996.—

"(i) In general.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the

Board of Directors may determine to be appropriate.

"(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

"(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term 'eligible insured depository institution' means any insured depository institution that—

"(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

"(II) is a successor to any insured depository institution described in subclause (I).

"(iv) APPLICATION OF CREDITS.—

"(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(E), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

"(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

"(v) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

"(vi) PREDECESSOR DEFINED.—For purposes of this paragraph, the term 'predecessor', when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

"(B) ON-GOING CREDIT POOL.—

"(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (v) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

"(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be awarded by the Corporation under this subparagraph during any period in which—

"(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

"(II) the reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

"(iii) CRITERIA FOR DETERMINATION.—In determining the amounts of any assessment credits under this subparagraph, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

"(4) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

"(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.".

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 5(b) of this Act) is amended by adding at the end the following new paragraph:

"(3) RESERVE RATIO.—The term 'reserve ratio', when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.".

SEC. 8. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 5(a) of this Act) is amended by adding at the end the following new subparagraph:

"(E) DIF RESTORATION PLANS.—

"(i) IN GENERAL.—Whenever—

"(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

"(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made,

the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

"(ii) REQUIREMENTS OF RESTORATION PLAN.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 10-year period beginning upon the implementation of the plan.

"(iii) RESTRICTION ON ASSESSMENT CREDITS.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

"(iv) LIMITATION ON RESTRICTION.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

"(I) the amount of the assessment; or

"(II) the amount equal to 3 basis points of the institution's assessment base.

"(v) TRANSPARENCY.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.".

SEC. 9. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 5 of this Act);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 3 of this Act;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 7 of this Act);

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 7 of this Act, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this Act.

(b) RULE OF CONSTRUCTION.—No provision of this Act or any amendment made by this Act shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulations prescribed under subsection (a).

SEC. 10. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) STUDY BY COMPTROLLER GENERAL.—

(1) STUDY REQUIRED.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) REPORT TO THE CONGRESS.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) STUDY OF FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.—

(1) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of

this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(c) STUDY REGARDING APPROPRIATE DEPOSIT BASE IN DESIGNATING RESERVE RATIO.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) REPORT.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(d) STUDY OF RESERVE METHODOLOGY AND ACCOUNTING FOR LOSS.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2004, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act). The Corporation shall obtain comments on the design of the study from the Comptroller General.

(2) FACTORS TO BE INCLUDED.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act, containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate. Before submitting the report to Congress, the Board of Directors shall provide a draft of the report to the Comptroller General for comment.

SEC. 11. BI-ANNUAL FDIC SURVEY AND REPORT ON INCREASING THE DEPOSIT BASE BY ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

"(a) SURVEY REQUIRED.—

"(1) IN GENERAL.—The Corporation shall conduct a bi-annual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.

"(2) FACTORS AND QUESTIONS TO CONSIDER.—In conducting the survey, the Corporation shall take the following factors and questions into account:

"(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

"(B) Which financial education efforts appear to be the most effective in bringing 'unbanked' individuals and families into the conventional finance system?

"(C) What efforts are insured institutions making at converting 'unbanked' money order, wire transfer, and international remittance customers into conventional account holders?

"(D) What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts?

"(E) What is a fair estimate of the size and worth of the 'unbanked' market in the United States?

"(b) REPORTS.—The Chairperson of the Board of Directors shall submit a bi-annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the Corporation's findings and conclusions with respect to the survey conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.".

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

"(B) includes any former savings association."; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 5(b) of this Act) and inserting the following new paragraph:

"(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the Deposit Insurance Fund established under section 11(a)(4).";

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund,";

(3) in section 5(c)(4), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3) (and any funds resulting from the application of such paragraph (2) prior to its repeal shall be deposited into the general fund of the Deposit Insurance Fund);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7" and inserting "the reserve ratio of the Deposit Insurance Fund";

(B) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.";

(C) by striking "(1) UNINSURED INSTITUTIONS.—"; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund"; and

(C) in paragraph (5) (as so redesignated by section 4(e)(4) of this Act)—

(i) by striking "any such assessment" and inserting "any such assessment is necessary";

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking "(A) is necessary—";

(II) by striking "Bank Insurance Fund members" and inserting "insured depository institutions"; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting "that" before "the Corporation"; and

(II) by striking "; and" and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

"(4) DEPOSIT INSURANCE FUND.—

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

"(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section

13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

"(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.";

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)";

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking "institution, any" and inserting "institution, the";

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking "LIABILITIES.—" and all that follows through "Except" and inserting "LIABILITIES.—Except";

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund";

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund (or any predecessor deposit insurance fund)";

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund";

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking "funds" and inserting "fund"; and

(ii) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(D) in subsection (c)(4)(G)(ii)—

(i) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(ii) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(iii) by striking "each member's" and inserting "each insured depository institution's"; and

(iv) by striking "the member's" each place that term appears and inserting "the institution's";

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund member" and inserting "savings association"; and

(H) in subsection (k)(5)(A), by striking "Savings Association Insurance Fund members" and inserting "savings associations";

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

"(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board;

"(C) be a direct liability of the Deposit Insurance Fund; and

"(D) be subject to the limitations of section 15(c).";

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Deposit Insurance Fund";

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking ", the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking "Savings Association Insurance Fund" in the 1st sentence of subparagraph (A) and inserting "Deposit Insurance Fund";

(B) by striking "Savings Association Insurance Fund member" in the last sentence of subparagraph (A) and inserting "savings association"; and

(C) by striking "Savings Association Insurance Fund or the Bank Insurance Fund" in subparagraph (C) and inserting "Deposit Insurance Fund";

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(32) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(36) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "ASSOCIATIONS.—" and all that follows through "Subsections (e)(2)" and inserting "ASSOCIATIONS.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 13. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) Section 5136 of the Revised Statutes.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) Investments Promoting Public Welfare; Limitations on Aggregate Investments.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) Advances to Critically Undercapitalized Depository Institutions.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51–4066–0–3–373);".

(e) Amendments to the Federal Home Loan Bank Act.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "The Deposit Insurance Fund"; and

(B) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking "Saif-insured Banks" and inserting "Charter Conversions"; and

(B) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund";

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon ", the following definitions shall apply";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) Amendments to the Home Owners' Loan Act.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(B) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(C) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(D) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(E) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(F) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(G) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (l)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(g) Amendments to the National Housing Act.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f–14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(h) Amendments to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting "and after the merger of such funds, the Deposit Insurance Fund," after "the Savings Association Insurance Fund,"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(i) Amendment to the Bank Holding Company Act of 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(j) Amendments to the Gramm-Leach-Bliley Act.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking "any Federal deposit insurance fund" in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting "the Deposit Insurance Fund".

(k) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Maloney:

Page 4, line 8, strike "For purposes" and insert "Except as provided in subparagraph (G), for purposes".

Page 4, line 15, insert "with respect to any qualified insured depository institution" before the comma at the end.

Page 7, line 2, strike the closing quotation marks and the 2nd period.

Page 7, after line 2, insert the following new subparagraph:

"(G) Conditions for Increased Deposit Insurance Coverage.—

"(i) In General.—For purposes of subparagraph (E)(ii), an insured depository institution shall be treated as a qualified insured depository institution only if—

"(I) in the process of posting credits and debits against a checking account used primarily for personal, family, or household purposes after the close of any business day, the depository institution credits all deposits to the account before debiting any check drawn on the account and presented to the depository institution for payment; and

"(II) the depository institution imposes no fee for paying any check drawn on an account in spite of a lack of sufficient funds in the account to pay such check or any similar activity (commonly referred to as 'bounce protection') unless the accountholder has affirmatively requested such service.

"(ii) Nonqualified Insured Depository Institutions.—The standard maximum insurance amount applicable to any insured depository institution that is not a qualified insured depository institution shall be the amount described in subparagraph (E)(i) without regard to the effective date referred to in such subparagraph or any adjustment under subparagraph (F).".

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, first of all, I would like to thank the gentleman from Massachusetts (Mr. Frank) our ranking member, and the gentleman from Ohio (Mr. OXLEY), our chairman, for working in a bipartisan way for truly the grand goal of safety and soundness in our financial systems and keeping them competitive in the world financial market.

My amendment is one that I am going to offer and withdraw, because the chairman has generously offered to work with me in committee under a separate introduced bill to pass the intent of this. And what my amendment would do is that it would prevent banks from charging customers bounced check fees when the money is already there in the bank, and when it is simply a matter of which journal entry the bank makes first.

We did have a hearing on this earlier in the Committee on Financial Services. And some of the banks' representatives testified that many banks do this already. So this amendment would simply require all banks to do so consistently and prevent abuses.

In other words, if money is there, but it has been deposited, then you cannot withdraw that money, the deposited money should be credited before the money is withdrawn from the bank.

My amendment would also prevent banks from charging customers for overdraft protection when the customer has not requested this service. Again, this is simple and fair and straightforward. And sometimes, in some cases in some banks, the overdraft protection costs more than the overdraft penalty.

So it would really prevent hidden charges and fees for services customers have not even asked for, in this case, financial institutions. So I have been assured that by the parliamentarian that my amendment would be immune from a point of order. The Committee on Rules accepted it.

But I will be withdrawing it with the consideration of the chairman to fully discuss this in committee, and I yield to the gentleman from Ohio (Mr. OXLEY) our chairman, and I thank you for working in a bipartisan way on this and so many other issues.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentlewoman for yielding, and I appreciate her cooperation in this area. I think all of us recognize some of the potential issues that are inherent in passage of Check 21.

It is also important to notice that about 1 percent of the checks today are being truncated, so we are early into the process here. It is also important to note that under the provision of Check 21, the Fed is empowered should they see an imbalance between the deposits and withdrawals to not only draw attention to it, but to deal with it.

The study, of course, will not be completed for about 2 years. And as a result I think it is important for the committee, as we have discussed before and I discussed with the ranking member, to have the committee continue to monitor the situation, and we would do so, and to that end, I would indicate to my friend, the gentlewoman from New York (Mrs. MALONEY) that we would plan to hold an oversight hearing on that specific issue. I will be glad to work with the gentlewoman from New York (Mrs. MALONEY) as far as the potential witnesses are concerned.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman from New York (Mrs. MALONEY). She has been very much in the forefront overseeing this issue. Along with her, I and others have written some letters to the Federal Reserve. We have been staying very much on top of this.

The gentlewoman has been performing a real service, and I appreciate the cooperation of the chairman. I look forward to our being able to work together to make sure that consumers are protected.

Mrs. MALONEY. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER:

Strike section 3 of the bill (and redesignate the subsequent sections and any cross reference to any such section and conform the table of contents accordingly).

Mr. ROHRABACHER. Mr. Chairman, let me reiterate that I do this with great respect to the gentleman from Alabama (Mr. BACHUS) and the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) who put a great deal of time and effort into this bill and this legislation.

I have a fundamental philosophical disagreement about Federal Deposit Insurance. But I have no doubt that they have worked hard to try to produce some good legislation here.

With that said, I offer this amendment on behalf of myself and the gentlewoman from New York (Mrs. MALONEY). The Rohrabacher-Maloney amendment would strike out section 3, keeping the Federal Deposit Insurance at its current level of $100,000 per account.

Let me note the argument was made earlier that simply by raising insurance, for example, from $100,000 to $130,000, would that, we were asked, make people more irresponsible if it was car insurance, and you just increased the car insurance from $100,000 to $130,000? The answer is, yes, if someone else was paying for the car insurance.

If somebody gave whatever it is, if the Federal Government ends up coming in and saying, if all else fails, do not worry, you are going to get paid off, because we are going to pay it, the taxpayers will pay it in the end, if this whole system fails we are there. Yeah, people who ended up not having to take that responsibility off their shoulders, the institutions might be a little less responsible, and, of course, the individuals themselves might be less responsible in picking out where to put their money.

This bill also increases to $260,000 retirement accounts, the deposit insurance for that, and $2 million per account for municipalities. Well, this, as I say right in the beginning, the FDIC was supposed to be for the little guy. And, again, there has been the argument that the gentleman from Massachusetts (Mr. FRANK) gave, well, $100,000 or $130,000 these days is the little guy. Well, that is if you are counting one account. Everybody involved in this knows that we are taking about multiple accounts.

Now we are talking about multiple accounts of $130,000 per account, and, yeah, someone who has 10 accounts at $130,000 is someone who I would catalog as rich. But, I just say this much, yes, if someone has $1.3 million in various accounts that are going to be ultimately guaranteed by the Federal Government, and the question is, where does this money come from? Does it come from, yes, the banks and the savings and loans?

Well, it comes, yes, from the banks and savings and loans. But, what is important is, the ultimate guarantor is the Federal Government, otherwise we would not be talking about that.

But, when we put the taxpayers on the ultimate hook, will it ever happen? Well, it has happened, and I have seen it happen, and you have seen it happen. And this bill may or may not make that less likely. In fact, when you combine the deposit insurances, and put them together, yes it might add some strength to the system, but it also means that if the system collapses, it collapses big time, big time collapse; not just medium time collapse, but a big time collapse.

So could it happen? Yes, it could happen. I think that things like this happen, like the savings and loan debacle, because fundamental principles are ignored. And the fundamental principles are people should be responsible for their own money, and that institutions should be responsible.

If they commit acts or they are charging too much or their expenses are too high, or they are not competent enough, people should not be placing their money in that institution simply because there is a guarantee, there is a deposit guarantee, which is what we have now.

By ignoring these fundamental principles, you have less responsibility on the part of the depositor and less responsibility on the part of the financial institution. So here we are, faced with a major jump in the deposit insurance. What are we going to do?

I think it is about time to reexamine the fundamental issue of whether or not we should be guaranteeing this deposit insurance in the first place. And I will say, as I have said before, I watched this happen during the Reagan administration. In 1980, they dramatically increased the deposit insurance, and do not tell me that there have not been people, well known economists suggesting that that was a major cause of the savings and loan debacle, they are.

Because, even today Alan Greenspan, Milton Friedman and others oppose this increase in the deposit insurance for that very reason, because they have seen that this makes the system more vulnerable, and we should not be doing that.

With that, I would suggest that I would hope that people could vote for my amendment to strike section 3 out, which would then increase that.

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Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California (Mr. ROHRABACHER) simply multiplies his mathematical difficulty. He said, well, when I said if you have $100,000 under his calculations, you are a little guy but if you have 130,000 you are rich. He says, but what if you have 10 times $130,000? The answer is, well, what if you have 10 times 100,000? Thirty percent is still 30 percent.

So the fact is that he is ascribing to a 30 percent increase a qualitative impact that simply will not stand up to analysis. He says, well, you can have 10 accounts and you would have 1.3 million. Yes, and you could have 10 accounts and have 1 million.

So the difference is really quite small. I must say even when the gentleman from Alabama (Mr. BACHUS), with whom I agree here, talked about this will save people, $30,000 is not going to make a big difference one way or the other. I believe it is a step in the right direction.

First of all, understand that much of the argument for this comes from smaller institutions who fear the negative competitive effect of the doctrine of "too big to fail." By the way, the large institutions are on the whole not for this. The large institutions feel that if people are worried about a bank failure affecting their accounts, if they have more than the insured amount they will put it in the largest possible institution to the detriment of smaller institutions. I do not think it is a good thing for there to be that kind of competitive pressure exercised against smaller banks. That is why they are very strong advocates of this.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, it occurred to me as I was listening to my friend from California, we could go back to the old days of giving out toasters for deposits. I would say that the system we have now, I have not heard of toaster promotion for a long time, mercifully, but it certainly seems to me that the consumer, saver, investor is a lot more sophisticated than they ever were and they will not be lured by toaster opportunities as opposed to depositing it into an institution where they feel comfortable that their deposit is indeed insured.

Mr. FRANK of Massachusetts. I thank the gentleman.

The other thing I want to do is to disagree very strongly with the gentleman from California (Mr. ROHRABACHER) on the causality of the savings and loan crisis.

I do not believe, having served here at the time, and I have seen very few analyses that said the deposit insurance issue was effective, it increased the cost but it was not the cause of the failure. And those are really two quite distinct things.

The causes of the failure I believe were two. First of all, we imprudently loosened substantially what savings and loans, thrift institutions could invest their money in. So they became invested in things that were much less insured. They were not just doing houses; they were doing a lot of open land, et cetera.

Secondly, this Congress in 1981 passed tax legislation that greatly inflated the value of real estate and then in 1986 undid it. If you wanted a dictionary example of going from one extreme to another, it was the treatment of real property and real estate in the 1981, 1986 tax act. So we kind of baited and switched people.

In the 1981 act we gave, I say "we" because I voted against the 1981 act. I vote for the 1986 act, but Congress gave people incentive to invest in real estate. And because of the tax advantages, it made sense to buy an empty building and not have anybody in there in some cases literally because of the tax advantages. But in 1986 we rationalized the Tax Code, but we did it too rapidly and there were people caught in the middle. I believe those were the two major causes.

I agree that increasing deposit insurance raised the cost of it, but I do not think it is causal. Just to go back, I think, frankly, it is the least sophisticated saver who we protect by raising this rate.

The gentleman said correctly, you can open 10 accounts, 12 accounts, 13 accounts; but more sophisticated people unfortunately, the deposit insurance limit is not very effective against them; but there are people of less sophistication, less ability to be mobile, and they are the ones who do it. I do not think if your life savings is $130,000 you are rich. And I think trying to protect the least sophisticated people that way and to preserve against unfair competitive pressures on smaller institutions justifies the bill.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ROHRABACHER. If that is the criteria we are using, why do we not then limit it to one account because the less sophisticated people will not have multiple accounts.

Mr. FRANK of Massachusetts. May I ask the gentleman a question. Did someone keep the gentleman from offering that amendment? Why did the gentleman not offer that amendment? It is the gentleman's amendment. Is the gentleman criticizing me for his amendment?

If the gentleman thinks his amendment should be different, make it different.

Mr. ROHRABACHER. Would the gentleman support that one?

Mr. FRANK of Massachusetts. Well, we will deal with this one; and when the gentleman brings that amendment up, we will deal with that one.

I want to make it very clear. I did not stop the gentleman from offering any amendment he wanted to.

Mr. ROHRABACHER. I thank the gentleman very much.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one thing the gentleman from California (Mr. ROHRABACHER) mentioned and I would like to say in his defense: he has triplets at home, so I think we ought to have a lot of patience for the gentleman. They are very young. One-year-old triplets.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I think we would all agree that that would certainly justify at least three accounts. One for each child.

Mr. BACHUS. Second, the gentleman did mention the fact that we do have a provision in here covering municipal deposits or government deposits and that is for $2 million. The reason we did that is not to protect the big guy or the rich guy.

The reason we did that is from time to time a school system or a city or a county or a governmental retirement system will put $2 million or $1.5 million in a bank and it is really not practical for them to go around and put

$100,000 in each bank. And that is basically as a result of the American Association of School Boards and others saying not only do we want to deposit more than that, but in several States, particularly the Farm Belt, there is only one hometown institution. And the school board or the government or the city or the fire district wants to deposit their money in their own hometown. And that is to allow that.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, the gentleman raises an excellent point. Our good colleague, the gentleman from Ohio (Mr. GILLMOR), this is his contribution to this legislation, because as he shares the district that is next to mine, a number of small communities that have exceeded that amount of $100,000, they are under a fiduciary responsibility to have that money protected by the FDIC. And what it has done, of course, is drive some of that money out of the small communities and into larger communities so you cannot put that money to use in the community.

So I want to associate myself with the gentleman's remarks. I am glad the gentleman brought that issue up because it is a very important part of this legislation.

Mr. BACHUS. Mr. Chairman, I have two counties, one is Bibb County, one is Shelby County. The school board in those counties is forced to take about 96 percent of their money and deposit it out of county because there are only two hometown institutions, and they would like to deposit in those, as long as those are rated A institutions, and again I say that they are paying a premium on their deposits for this coverage.

The second thing I would say is if the gentleman will go back to 1980, what you had is we deregulated the savings and loans. We made tremendous changes in their mission. And at that time they had 30-year mortgages. They had loaned out money at 4 percent, 4.5 percent, 5 percent. From 1979 to 1981, the interest rates increased, the Federal Reserve continued to increase the interest rate because of inflation, which the gentleman from Massachusetts (Mr. FRANK) mentioned, and they drove the interest rate up above 20 percent. The prime rate was 21 percent.

So the savings and loans were having to borrow money at 21 percent and had loaned it out at 4 and 5 percent; and predictably, particularly in Texas where the price of oil fell, the savings and loans in Texas started failing one right after the other. And as I said earlier, if it were this increase from 40 to 100,000, you would have expected to see it show up in the banks; you would expect it to show up throughout the Nation.

I do not think the people in Texas where most of the first failures occurred, Louisiana, I do not think they were engaged in any more fraudulent conduct or reckless behavior except that what they were doing, that was a boom economy in Texas and property values shot up, and there was a bubble and they came back down.

But during all of that, the bank fund did not fail. And as I have said before, before one dollar of taxpayer money comes out of this account, it requires the funds to be exhausted. It, second, requires the banks, their assets to be liquidated, and only at that point would the taxpayer step in. That would be a heck of a depression. And I think that would be a depression made only worse if school boards, governments lost their deposits, if people lost their 401(k)s, if they lost any of their savings above $100,000, businesses who had accounts. And some of those might be rich people, the guy that owns the small business and has $400,000 or $600,000 deposited or a contracting company that has just been paid on a contract.

I think it would make the recession or depression or economic shock that much worse. I believe that this legislation is sound legislation and should be supported.

Mrs. MALONEY. Mr. Chairman, I rise in support of the amendment.

I believe the immediate 30 percent increase in insurance coverage in the bill is a serious mistake. The coverage increase to $130,000 is opposed by most of the Federal financial service regulators.

Proponents of the increased coverage argue that it poses no risk to the insurance system, but the regulators who oppose this increase are the very officials whose job it is to protect the safety and soundness of the financial system. The almost unanimous opposition to increased coverage by the regulators is a very powerful message.

I would like to really quote some of these regulators. Alan Greenspan has come out very strongly opposed to it. He said, "It is unlikely that increased coverage, even by indexing, would add to the stability of the banking system today."

The Undersecretary of the Treasury for Domestic Monetary Policy, Peter Fisher, said, "Increasing the overall coverage limit would weaken market discipline and further increase the level of risk to the FDIC and to taxpayers."

Mr. Chairman, I would like to put in the RECORD quotes from the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Congressional Budget Office, all raising questions and in opposition to this raise.

Another argument put forth by proponents of coverage increases is that inflation has eroded deposit insurance. I do not believe that this argument matches the actual situation of the banking industry. The fact is that only 2 percent of insured accounts have more than $100,000 according to the Federal Reserve.

Mr. Chairman, at the appropriate time I would like to place this study into the RECORD.

The same Federal Reserve study put the average account balance at $6,000 across America. Any way you look at it, the increase in coverage will benefit very few depositors.

Proponents of increasing coverage also contend that because insurance premiums are paid by banks, increasing coverage does not cost taxpayers. While I concede the point, I think we also have to remember that behind the Federal deposit insurance funds is the full faith and credit of the United States Government.

Since I joined the Committee on Financial Services in 1993 at the close of the S&L crisis, I have been committed as all of my colleagues are on both sides of the aisle to protecting the safety and soundness of the banking system.

□ 1530

While I concede and agree with my colleagues that the causes of the S&L failures were many, the fact is that standing behind the insurance system are our constituent taxpayers. The bailout we voted for was constituent taxpayer dollars to bail out the S&L.

No matter what the reasons are for a future bank failure or a string of failures, there could be many reasons for them, by raising the insurance coverage, we increase the potential liability of the government and, thereby, the American taxpayer.

I also believe that raising the coverage may encourage the concept of moral hazard. Institutions will be encouraged to engage in riskier behavior to boost earnings if they know that failure is ensured by the Federal Government.

I would also like to place in the RECORD a letter to Members of Congress from The Financial Services Roundtable, which very strongly supports the underlying bill, which is a fine piece of work that has passed this body two times previously, but also raises many concerns about raising the limit to $130,000.

The material that I referred to previously I will insert into the RECORD at this point.

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, April 22, 2005.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR BARNEY: I would like to commend you on your leadership and continued efforts on deposit insurance reform. An effective deposit insurance system is critical to the economy and maintaining public confidence in the U.S. banking system. The Roundtable is committed to working with the Financial Services Committee to develop reasonable, responsible deposit insurance reform legislation that the Roundtable and the industry can support.

The Roundtable supports the passage of H.R. 1185, the "Federal Deposit Insurance Reform Act of 2005." We also support the adoption of the "Managers Amendment."

The Financial Services Roundtable, a national association representing 100 of the largest integrated financial services companies that together constitute nearly 70 percent of the deposit insurance assessment base, believe that H.R. 1185 will help assure a sound deposit insurance system. In particular, we believe a major improvement to the bill was a provision that stated no insured depository institution shall be barred from the lowest-risk category solely because of size.

Further, the Roundtable supports: Merging the Bank Insurance Fund ("BIF") and the Savings Association Insurance Fund ("SAIF"). A combined BIF/SAIF would be stronger and more resilient. The provision in your bill that caps the FDIC's assessment authority at 1 basis point for those institutions in the lowest-risk category. The bill's study of the effectiveness of the prompt corrective action program, and a strong system of credits and rebates such as you have in your legislation.

We remain concerned about provisions in the bill that would increase deposit insurance coverage limits. Our members believe that raising coverage limits could weaken market discipline and increase risk to the FDIC, all insured institutions, and ultimately American taxpayers. Federal Reserve Board Chairman Alan Greenspan has stated there is no evidence that an increase in coverage levels would promote competition or materially improve the ability of financial institutions to obtain funds. As Chairman Greenspan noted, the evidence in recent years shows that financial institutions of all sizes have not experienced difficulty in obtaining funding from insured or uninsured deposits. For those customers with substantial deposits, ample opportunities exist to obtain FDIC coverage equal to several multiples of $100,000. Since the FDIC is in good shape financially, there is no need to grant the FDIC additional authority to levy deposit insurance premiums.

Thank you again for your leadership on deposit insurance reform and your consideration of the Roundtable's views on this important matter. We look forward to working with you as this legislation moves through the legislative process. If you or your staff have any questions or would like to discuss these issues further, please call Irving Daniels or me at (202) 289-4322.

Best regards.

STEVE BARTLETT,
President and CEO.

KEEP DEPOSIT INSURANCE SAFE AND SOUND SUPPORT THE ROHRABACHER-MALONEY AMENDMENT TO H.R. 1185

"It is unlikely that increased coverage, even by indexing, would add measurably to the stability of the banking system today."—Federal Reserve Board Chairman Alan Greenspan

"Increasing the overall coverage limit could weaken market discipline and further increase the level of risk to the FDIC and taxpayers."—Undersecretary of Treasury for Domestic Monetary Policy Peter Fisher

"We see no compelling evidence that increased coverage levels would offer depositors substantial benefits."—Comptroller of the Currency John D. Hawke, Jr.

"Increasing the current insurance coverage level to $130,000 would incur significant costs for insured institutions since premiums would necessarily be increased.

The benefits of an increase are unclear. I have heard from many of our institutions that they see no merit to bumping up the current limit for standard accounts. In their view, projected increases in insured deposits would not lead to a substantive increase in new accounts."—Director of the Office of Thrift Supervision James E. Gilleran

"CBO estimates H.R. 522 would increase the net cost of resolving failed financial institutions by $2.1 billion over the next ten years."—Congressional Budget Office Cost Estimate

The Acting CHAIRMAN (Mr. GINGREY). The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was rejected.

The Acting CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Accordingly, under the rule, the Committee will now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the Chair, Mr. GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes, pursuant to House Resolution 255, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Acting CHAIRMAN. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. There will be a 5-minute vote after this vote on the motion to suspend.

The vote was taken by electronic device, and there were—yeas 413, nays 10, not voting 10, as follows:

[Roll No. 157]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—10

Cooper
Davis, Jo Ann
DeFazio
Flake
Paul
Rohrabacher
Royce
Sanders
Stark
Taylor (MS)

NOT VOTING—10

Brown (OH)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Franks (AZ)
Hastings (WA)
Herger
Jackson-Lee (TX)
Larson (CT)
Scott (VA)

□ 1558

Mrs. JO ANN DAVIS of Virginia and Mr. STARK changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 157 I was unavoidably detained. Had I been present, I would have voted "yea."

Mrs. DRAKE. Mr. Speaker, on rollcall No. 157, I regret that I was unable to return quickly enough for this vote. I was at the Pentagon for an awards presentation for an environmental award presented to a Command at Naval Base Norfolk. Had I been present, I would have voted "yea."

RECOGNIZING THE 60TH ANNIVERSARY OF VICTORY IN EUROPE (V-E) DAY DURING WORLD WAR II

The SPEAKER pro tempore (Mr. PUTNAM). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 233, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, House Resolution 233, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 158]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Brown (OH)
Diaz-Balart, L.
Diaz-Balart, M.
Franks (AZ)
Hastings (WA)
Jackson-Lee (TX)
Kaptur
Larson (CT)
Scott (VA)
Tancredo

□ 1609

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to place in the RECORD that I was on the floor of the House when the gavel was gaveled on the last vote, and I would like to indicate on two preceding votes that if I was present, on H. Res. 233, I would have voted "yea." On final passage of H.R. 1185, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FRANKS of Arizona. Mr. Speaker, due to a scheduling conflict, I was unable to be on the floor of the House of Representatives during the last series of votes on May 4, 2005. If I had been, I would have cast a "yes" vote on H.R. 1185, Final Passage of the Federal Deposit Insurance Reform Act of 2005, and a "yes" vote on H. Res. 233, Recognizing the 60th Anniversary of Victory in Europe (V–E) Day.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday May 4, 2005 to vote on rollcall vote Nos. 153, 154, 155, 156, 157 and 158 due to a family medical emergency.

Had I been present, I would have voted:

"Yea" on rollcall vote No. 153 on the motion to recommit H.R. 366 to the Committee on Education and the Workforce;

"Yea" on rollcall vote No. 154 on final passage of H.R. 366—The Vocational and Technical Education for the Future Act;

"Yea" on rollcall vote No. 155 on H. Con. Res. 127—Calling on the Government of the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law;

"Yea" on rollcall vote No. 156 on H. Res. 195—Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia;

"Yea" on rollcall vote No. 157 on H.R. 1185—Federal Deposit Insurance Reform Act; and,

"Yea" on rollcall vote No. 158 on H. Res. 233—Recognizing the 60th anniversary of Victory in Europe (V-E) Day during World War II.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1185, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2005

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1185, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUSH ADMINISTRATION IS LETTING OUR TROOPS DOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this past Sunday, May 1, marked the 2-year anniversary of President Bush's aircraft carrier news event in which he declared "Mission Accomplished" in Iraq. Two years later, our troops are still facing a strong insurgence that shows no sign of slowing down.

Our troops are doing valiant work, but that sadly is not always enough. I will include for the CONGRESSIONAL RECORD a New York Times investigative report from April 25 titled, "Bloodied Marines Sound Off About Want for Armor and Men." The article should be required reading for every Member of this House, as well as the high-ranking military and civilian personnel at the Department of Defense.

Times reporter Michael Moss interviewed Marines from Company E who served a 6-month stint in Iraq last year. During that time, Company E endured the highest casualty rate of any marine company in the war. According to the Times, "More than one-third of the unit's 185 troops were killed or wounded during that time."

Several months after the beginning of the war as Congress was debating its first emergency supplemental, we were all alerted to the fact that our troops did not have the equipment they needed to adequately do their job and to protect themselves from extreme harm or death. We heard they did not have the body armor they needed, nor did the Humvees come with the necessary protective steel armor to protect them from being easy targets of insurgents.

□ 1615

The situation became so dire for our troops that one brave National Guardsman last year asked Secretary Rumsfeld when the troops would have the protective gear they had already been promised. Secretary Rumsfeld could not give the Guardsman an adequate response at the time. As the press began to question the Bush administration about this outrageous neglect of our troops, President Bush came out and stated, "The concerns expressed are being addressed, and that is we expect our troops to have the best possible equipment and I have told many families I met with, 'We're doing everything we possibly can to protect your loved ones in a mission which is vital and important.'"

The New York Times report clearly shows that the Bush administration has not done enough to protect our troops. As the House prepares to vote tomorrow on another $82 billion supplemental to fund the war, bringing the total cost to $300 billion, it is hard to believe that the Bush administration, particularly Defense Secretary Rumsfeld, has not made protecting our troops in Iraq a main priority.

Mr. Speaker, we have now lost more than 1,600 troops in Iraq, but the Defense Department has no idea how many of these troops have died because they did not receive the proper supplies from the leaders that sent them into harm's way. Would you believe that we do not have those numbers because the Defense Department chooses only to list casualties as "killed in combat"?

However, the New York Times story gives a grim report on how the lack of protection affected Company 13. According to the Times, "The biggest danger the men faced came in traveling to and from camp: 13 of the 21 men who were killed had been riding in Humvees that failed to deflect bullets or bombs." I repeat, 13 of 21, or almost two-thirds of the men, were killed as a direct result of them not having access to armed Humvees. Again, this is last year. This is not 2 years ago at the beginning of the war.

Mr. Speaker, where is the Bush administration, particularly Secretary Rumsfeld, spending the billions of dollars this Congress has given them? The Pentagon says it will not have every Humvee suitably armed until the end of this year. That is simply unacceptable. Our brave troops should not have to wait another 8 months to have the proper protection they need to do their job. Sergeant James King, a member of Company E who lost one of his legs when he was blown out of a Humvee, said it best to the New York Times: "As Marines, we are always taught that we do more with less and get the job done no matter what it takes."

You would expect nothing less from our troops. They have not let us down. But, unfortunately, our troops have clearly been let down by the Bush administration.

[From the New York Times, Apr. 25, 2005]

BLOODIED MARINES SOUND OFF ABOUT WANT OF ARMOR AND MEN

(By MICHAEL MOSS)

CORRECTION APPENDED

A chart on April 25 with an article about a company of marines who fought in Iraq misstated the type of munition that the armor installed on their Humvees is capable of withstanding. It is a four-pound land mine, not a 155-millimeter howitzer round.

CORRECTED BY THE NEW YORK TIMES WED MAY 04 2005

On May 29, 2004, a station wagon that Iraqi insurgents had packed with C-4 explosives blew up on a highway in Ramadi, killing four American marines who died for lack of a few inches of steel.

The four were returning to camp in an unarmored Humvee that their unit had rigged with scrap metal, but the makeshift shields rose only as high as their shoulders, photographs of the Humvee show, and the shrapnel from the bomb shot over the top.

"The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officers said the men would have lived had their vehicle been properly armored. "Most of the shrapnel wounds were to their heads."

Among those killed were Rafael Reynosa, a 28-year-old lance corporal from Santa Ana, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private first class from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis, tattooed across his back.

They were not the only losses for Company E during its six-month stint last year in Ramadi. In all, more than one-third of the unit's 185 troops were killed or wounded, the highest casualty rate of any company in the war, Marine Corps officials say.

In returning home, the leaders and Marine infantrymen have chosen to break an institutional code of silence and tell their story, one they say was punctuated not only by a lack of armor, but also by a shortage of men and planning that further hampered their efforts in battle, destroyed morale and ruined the careers of some of their fiercest warriors.

The saga of Company E, part of a lionized battalion nicknamed the Magnificent Bastards, is also one of fortitude and ingenuity. The marines, based at Camp Pendleton in southern California, had been asked to rid the provincial capital of one of the most persistent insurgencies, and in enduring 26 firefights, 90 mortar attacks and more than 90 homemade bombs, they shipped their dead home and powered on. Their tour has become legendary among other Marine units now serving in Iraq and facing some of the same problems.

"As marines, we are always taught that we do more with less," said Sgt. James S. King, a platoon sergeant who lost his left leg when he was blown out of the Humvee that Saturday afternoon last May. "And get the job done no matter what it takes."

The experiences of Company E's marines, pieced together through interviews at Camp Pendleton and by phone, company records and dozens of photographs taken by the marines, show they often did just that. The unit had less than half the troops who are now doing its job in Ramadi, and resorted to making dummy marines from cardboard cutouts and camouflage shirts to place in observation posts on the highway when it ran out of men. During one of its deadliest firefights, it came up short on both vehicles and troops. Marines who were stranded at their camp tried in vain to hot-wire a dump truck to help rescue their falling brothers. That day, 10 men in the unit died.

Sergeant Valerio and others had to scrounge for metal scraps to strengthen the Humvees they inherited from the National Guard, which occupied Ramadi before the marines arrived. Among other problems, the armor the marines slapped together included heavier doors that could not be latched, so they "chicken winged it" by holding them shut with their arms as they traveled.

"We were sitting out in the open, an easy target for everybody," Cpl. Toby G. Winn of Centerville, Tex., said of the shortages. "We complained about it every day, to anybody we could. They told us they were listening, but we didn't see it."

The company leaders say it is impossible to know how many lives may have been saved through better protection, since the insurgents became adept at overcoming improved defenses with more powerful weapons. Likewise, Pentagon officials say they do not know how many of the more than 1,500 American troops who have died in the war had insufficient protective gear.

But while most of Company E's work in fighting insurgents was on foot, the biggest danger the men faced came in traveling to and from camp: 13 of the 21 men who were killed had been riding in Humvees that failed to deflect bullets or bombs.

Toward the end of their tour when half of their fleet had become factory-armored, the armor's worth became starkly clear. A car bomb that the unit's commander, Capt. Kelly D. Royer, said was at least as powerful as the one on May 29 showered a fully armored Humvee with shrapnel, photographs show. The marines inside were left nearly unscathed.

Captain Royer, from Orangevale, Calif., would not accompany his troops home. He was removed from his post six days before they began leaving Ramadi, accused by his superiors of being dictatorial, records show. His defenders counter that his commanding style was a necessary response to the extreme circumstances of his unit's deployment.

Company E's experiences still resonate today both in Iraq, where two more marines were killed last week in Ramadi by the continuing insurgency, and in Washington, where Congress is still struggling to solve the Humvee problem. Just on Thursday, the Senate voted to spend an extra $213 million to buy more fully armored Humvees. The Army's procurement system, which also supplies the Marines, has come under fierce criticism for underperforming in the war, and to this day it has only one small contractor in Ohio armoring new Humvees.

Marine Corps officials disclosed last month in Congressional hearings that they were now going their own way and had undertaken a crash program to equip all of their more than 2,800 Humvees in Iraq with stronger armor. The effort went into production in November and is to be completed at the end of this year.

Defense Department officials acknowledged that Company E lacked enough equipment and men, but said that those were problems experienced by many troops when the insurgency intensified last year, and that vigorous efforts had been made to improve their circumstances.

Lt. Gen. James N. Mattis of Richland, Wash., who commanded the First Marine Division to which Company E belongs, said he had taken every possible step to support Company E. He added that they had received more factory-armored Humvees than any other unit in Iraq.

"We could not encase men in sufficiently strong armor to deny any enemy success," General Mattis said. "The tragic loss of our men does not necessarily indicate failure—it is war."

TROUBLE FROM THE START

Company E's troubles began at Camp Pendleton when, just seven days before the unit left for Iraq, it lost its first commander. The captain who led them through training was relieved for reasons his supervisor declined to discuss.

"That was like losing your quarterback on game day," said First Sgt. Curtis E. Winfree.

In Kuwait, where the unit stopped over, an 18-year-old private committed suicide in a chapel. Then en route to Ramadi, they lost the few armored plates they had earmarked for their vehicles when the steel was borrowed by another unit that failed to return it. Company E tracked the steel down and took it back.

Even at that, the armor was mostly just scrap and thin, and they needed more for the unarmored Humvees they inherited from the Florida National Guard.

"It was pitiful," said Capt. Chae J. Han, a member of a Pentagon team that surveyed the Marine camps in Iraq last year to document their condition. "Everything was just slapped on armor, just homemade, not armor that was given to us through the normal logistical system."

The report they produced was classified, but Captain Royer, who took over command of the unit, and other Company E marines say they had to build barriers at the camp—a former junkyard—to block suicide drivers, improve the fencing and move the toilets under a thick roof to avoid the insurgent shelling.

Even some maps they were given to plan raids were several years old, showing farmland where in fact there were homes, said a company intelligence expert, Cpl. Charles V. Lauersdorf, who later went to work for the Defense Intelligence Agency. There, he discovered up-to-date imagery that had not found its way to the front lines.

Ramadi had been quiet under the National Guard, but the Marines had orders to root out an insurgency that was using the provincial capital as a way station to Falluja and Baghdad, said Lt. Col. Paul J. Kennedy, who oversaw Company E as the commander of its Second Battalion, Fourth Marine Regiment.

Before the company's first month was up, Lance Cpl. William J. Wiscowiche of Victorville, Calif., lay dead on the main highway as its first casualty. The Marine Corps issued a statement saying only that he had died in action. But for Company E, it was the first reality check on the constraints that would mark their tour.

SWEEPING FOR BOMBS

A British officer had taught them to sweep the roads for bombs by boxing off sections and fanning out troops into adjoining neighborhoods in hopes of scaring away insurgents poised to set off the bombs. "We didn't have the time to do that," said Sgt. Charles R. Sheldon of Solana Beach, Calif. "We had to clear this long section of highway, and it usually took us all day."

Now and then a Humvee would speed through equipped with an electronic device intended to block detonation of makeshift bombs. The battalion, which had five companies in its fold, had only a handful of the devices, Colonel Kennedy said.

Company E had none, even though sweeping roads for bombs was one of its main duties. So many of the marines, like Corporal Wiscowiche, had to rely on their eyes. On duty on March 30, 2004, the 20–year-old lance corporal did not spot the telltale three-inch wires sticking out of the dust until he was a few feet away, the company's leaders say. He died when the bomb was set off.

"We had just left the base," Corporal Winn said. "He was walking in the middle of the road, and all I remember is hearing a big explosion and seeing a big cloud of smoke."

The endless task of walking the highways for newly hidden I.E.D.'s, or improvised explosive devices, "was nerve wracking," Corporal Winn said, and the company began using binoculars and the scopes on their rifles to spot the bombs after Corporal Wiscowiche was killed.

"Halfway through the deployment marines began getting good at spotting little things," Sergeant Sheldon added. "We had marines riding down the road at 60 miles an hour, and they would spot a copper filament sticking out of a block of cement."

General Mattis said troops in the area now have hundreds of the electronic devices to foil the I.E.D.'s.

In parceling out Ramadi, the Marine Corps leadership gave Company E more than 10 square miles to control, far more than the battalion's other companies. Captain Royer said he had informally asked for an extra platoon, or 44 marines, and had been told the battalion was seeking an extra company. The battalion's operations officer, Maj. John D. Harrill, said the battalion had received sporadic assistance from the Army and had given Company E extra help. General Mattis says he could not pull marines from another part of Iraq because "there were tough fights going on everywhere."

Colonel Kennedy said Company E's area was less dense, but the pressure it put on the marines came to a boil on April 6, 2004, when the company had to empty its camp—leaving the cooks to guard the gates—to deal with three firefights.

Ten of its troops were killed that day, including eight who died when the Humvee they were riding in was ambushed en route to assist other marines under fire. That Humvee lacked even the improvised steel on the back where most of the marines sat, Company E leaders say.

"All I saw was sandbags, blood and dead bodies," Sergeant Valerio said. "There was no protection in the back."

Captain Royer said more armor would not have even helped. The insurgents had a .50-caliber machine gun that punched huge holes through its windshield. Only a heavier combat vehicle could have withstood the barrage, he said, but the unit had none. Defense Department officials have said they favored Humvees over tanks in Iraq because they were less imposing to civilians.

The Humvee that trailed behind that day, which did have improvised armor, was hit with less powerful munitions, and the marines riding in it survived by hunkering down. "The rounds were pinging," Sergeant Sheldon said. "Then in a lull they returned fire and got out."

Captain Royer said that he photographed the Humvees in which his men died to show to any official who asked about the condition of their armor, but that no one ever did.

Sergeant Valerio redoubled his effort to fortify the Humvees by begging other branches of the military for scraps. "How am I going to leave those kids out there in those Humvees," he recalled asking himself.

The company of 185 marines had only two Humvees and three trucks when it arrived, so just getting them into his shop was a logistical chore, Sergeant Valerio said. He also worried that the steel could come loose in a blast and become deadly shrapnel.

For the gunners who rode atop, Sergeant Valerio stitched together bulletproof shoulder pads into chaps to protect their legs.

"That guy was amazing," First Sgt. Bernard Coleman said. "He was under a vehicle when a mortar landed, and he caught some in the leg. When the mortar fire stopped, he went right back to work."

A CAPTAIN'S FATE

Lt. Sean J. Schickel remembers Captain Royer asking a high-ranking Marine Corps visitor whether the company would be getting more factory-armored Humvees. The official said they had not been requested and that there were production constraints, Lieutenant Schickel said.

Recalls Captain Royer: "I'm thinking we have our most precious resource engaged in combat, and certainly the wealth of our nation can provide young, selfless men with what they need to accomplish their mission. That's an erudite way of putting it. I have a much more guttural response that I won't give you."

Captain Royer was later relieved of command. General Mattis and Colonel Kennedy declined to discuss the matter. His first fitness report, issued on May 31, 2004, after the company's deadliest firefights, concluded, "He has single-handedly reshaped a company in sore need of a leader; succeeded in forming a cohesive fighting force that is battle-tested and worthy."

The second, on Sept. 1, 2004, gave him opposite marks for leadership. "He has been described on numerous occasions as 'dictatorial,'" it said. "There is no morale or motivation in his marines." His defenders say he drove his troops as hard as he drove himself, but was wrongly blamed for problems like armor. "Captain Royer was a decent man that was used for a dirty job and thrown away by his chain of command," Sergeant Sheldon said.

Today, Captain Royer is at Camp Pendleton contesting his fitness report, which could force him to retire. Company E is awaiting deployment to Okinawa, Japan. Some members have moved to other units, or are leaving the Marines altogether.

"I'm checking out," Corporal Winn said. "When I started, I wanted to make it my career. I've had enough."

ACCOMPLISHMENTS OF 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Ethics. The principles of honor and morality. The accepted rules of conduct. The moral principles of an individual.

Mr. Speaker, the 109th Congress recently passed its 100-day mark, and I would like to reflect on the progress we have made under the strong leadership of the Republican Party to create jobs, to strengthen the economy, support our troops, and to protect our borders. And we have done this with strong bipartisan support as wiser, calmer heads have prevailed on the other side of the aisle.

The energy bill, supported by 41 Democrats. This bill will create nearly half a million new jobs in the manufacturing, construction, agriculture and technology sectors by reducing our dependency on foreign oil while exploring domestic sources and alternative energy sources. This was opposed by the minority leader.

Class action reform, supported by 73 Democrats. This will unclog overused courts, end the harassment of local businesses by stopping predatory forum shopping by some trial attorneys and will protect consumers with a consumer class action bill of rights. Small businesses pay an average of $88 billion each year on lawsuits and this cost is simply passed on to consumers. This money could be much better spent growing businesses and creating jobs. This bill was opposed by the minority leader.

Permanent repeal of the death tax, supported by 42 Democrats. The death tax is the leading cause of dissolution for most small businesses. Seventy percent of businesses do not make it past the first generation because of death tax rates. According to one small business survey, more than 80 percent of small businesses spend $25,000 annually on attorney-consultant fees and life insurance premiums in an attempt to avoid the crushing blow of the death tax. Again, this money could be much better spent growing businesses and creating jobs. This was opposed by the minority leader.

The Border Security Act, supported by 42 Democrats. This will implement a much-needed national standard for driver's license requirements and strengthen our borders so that those who intend to do us harm find it harder to enter our country. This was opposed by the minority leader.

Thank goodness for the moderates in the Democratic Party who are willing to put aside partisan bickering and work together to get things done for America. The minority leader's continued opposition tactics more closely resemble the pirates of the South Seas who hijacked commerce and progress and accomplished absolutely nothing in the long run.

What a shame.

DEFEAT CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, proponents of the so-called free trade agreements like the North American Free Trade Agreement, which I opposed, have long promised endless riches for U.S. workers, farmers, businesses and the economy. Of course, they have been wrong on all counts. But they are not to be deterred. They want another bite of the apple here. They think that the American people and Members of Congress who represent them, those who have lost their jobs, seen their jobs threatened, their standard of living diminished as we have gone into massive trade deficits and exported industries overseas in pursuit of cheaper labor and lower environmental standards, that they can fool us again.

The President finished secret negotiations a year ago the end of this month for what is called the Central American Free Trade Agreement. And they are promising all the same things. I went before the Committee on Ways and Means which reluctantly, begrudgingly, allowed some of us to testify in opposition to this pending agreement.

Now, there is no legislative process. They mark up what is called a mock bill or a pretend bill or a play bill in Ways and Means. They are not allowed to amend it or change it. The President secretly negotiated it, and it will be brought to this floor for an up-or-down vote, no amendments allowed. Congress has given up all its rights as a legislative body and its constitutional rights as relate to trade agreements between the U.S. and foreign countries.

If this were in the best interests of the United States or an urgent priority, it might make sense; but what it does is perpetuate a failed and failing trade policy. The United States of America, the Bush administration, is setting a record every month this year. Congratulations to the Bush administration. They have us on track for beating last year's trade deficit of $620 billion to $720 billion, $2 billion a day borrowed from foreign interests representing tens of thousands, hundreds of thousands of U.S. jobs that have moved to China, India, Central America, Latin America, Mexico and other countries chasing the cheapest labor they can find, the most exploited labor they can find, the most environmental depredations they can find around the world.

They think that this is just working great. The President thinks that it just shows our economy is really strong. That is why we are running these huge trade deficits. So they want to replicate it closer to home so U.S. companies do not have to go all the way to China to exploit cheap labor; they could move a little closer to home in Central America.

When they offered NAFTA, the U.S. Chamber of Commerce predicted it would create 170,000 jobs in the United States. Many on that side of the aisle are still talking about all the great jobs that will come from NAFTA. Of course, and now CAFTA, it actually cost the United States 880,000 jobs. So they were off by a million jobs. That is a pretty big miss. CAFTA is likely to accelerate that trend.

They tell us, Oh, it's just that we want to sell things to Central America. Think of the massive buying power of those people in Central America. They earn $2 a day. If they devoted all of the economies to all of the countries that would be included in CAFTA, if every penny in those countries was spent on buying U.S. goods, it would equal 5 days' production in the United States of America.

No, it is not about selling U.S. goods there any more than it was about selling goods to Mexico or selling goods to China. It is creating an export platform for U.S. companies who want to move overseas and have cheaper labor and avoid environmental laws and protections in this country.

The only problem with this theory is what happens to the middle class? What happens to the working people of this country? We are larding them down with a huge foreign debt, $2 billion a day, and they are losing their jobs. How is this model sustainable? It also undermines our sovereignty. As we borrow more and more money from overseas, China, Japan and other countries, they get more and more capable of squeezing our country economically.

And it will hurt farmers. For the first time in our history, the United States of America is going to run a trade deficit in agriculture. That was going to be one of the big winners under the WTO, CAFTA, NAFTA. Oh, it's going to be great for ag. I remember having all these farmers come in. Oh, this is going to help us so much, the wheat farmers in Oregon. They were back the next year saying, You were right. The Chinese bought one shipload and that was it.

Now, they are talking about shipping wheat to the United States of America. We are going to run a trade deficit in agriculture. We are going to become not only dependent upon foreign countries to borrow money and build things that we use every day but to feed us, and we are going to ask them to lend us the money to buy the food to feed ourselves.

This is not a policy that is sustainable and in the national economic interest or the national economic security or defense interest. We need a new model for trade, not replicating the old failed model. I am pleased to see that more and more and more of my colleagues are coming around to this conclusion.

Defeat CAFTA.

IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, Saturday was the final day of the article 32 hearing for a Marine facing murder charges for actions he took against Iraqi insurgents in self-defense. A year ago in Iraq, Second Lieutenant Ilario Pantano made a split-second decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two and a half months later a sergeant under his command, who never even saw the shooting and who was earlier demoted by Pantano for his lack of leadership abilities, accused him of murder. Now the case is in the hands of a hearing officer who must determine whether Lieutenant Pantano will face a court-martial.

Mr. Speaker, I stand here today, as I have many other nights, in support of this bright young lieutenant. I have always maintained the innocence of Lieutenant Pantano, and I believe last week's hearing produced information that will ultimately prove his innocence.

During the hearing, it became clear that the sergeant who accused Lieutenant Pantano, Sergeant Coburn, disobeyed orders to not grant interviews to the media on this case. At one point he left the stand after the hearing officer read him his rights and explained he could face charges for disobeying orders. When he finally did return to testify on Saturday, he is reported to have said "I don't know" or "I can't remember" over 50 times. His story simply could not hold up under cross-examination.

Mr. Speaker, it is clear that this man's testimony cannot be considered credible. How can these charges move forward when the primary witness is someone who did not actually see the shooting and who cannot definitively stick to one recollection of the series of events that took place? If that is not enough evidence, let me also quote briefly from Navy Medal Corpsman George Gobles, the only other person present at the time of the shooting and the prosecution's other main witness who took the stand. He called Pantano, and I quote, "a damn good leader." He testified, "I felt the safest with, you know, this platoon, because more than anything because of Lieutenant Pantano, his leadership."

Likewise, Major Brian Neil, the operations officer for Pantano's battalion, testified that Lieutenant Pantano was one of the finest second lieutenants he has ever known during his 17-year career in the corps. He recalled the day of the shooting, testifying: "To me, it was a good day. We killed two obvious insurgents."

Mr. Speaker, as I have said many times before, Lieutenant Pantano is by all accounts an exceptional Marine. I hope that last week's proceedings will finally bring out the truth in this case. I pray that the end is near so that the Pantano family can move forward with their lives. Hopefully, the facts can bring closure to this serious and sad mistake in the history of the Marine Corps.

In conclusion, I continue to ask my colleagues to research the case and consider supporting House Resolution 167, my bill to help support Lieutenant Pantano as he faces this battle. I encourage them to visit his mother's Web site at www.defendthedefenders.org and learn more about this fine young Marine. I would be proud to call him my son or my son-in-law.

I ask as I close today, Mr. Speaker, that God please bless Lieutenant Pantano's family, to please bless our men and women in uniform and their families, and I ask God to continue to bless America.

□ 1630

COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. KUHL). Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise to discuss ways we can work together to create an immigration system that better reflects the enormous contributions immigrants make every day, respects our Nation's proud history of welcoming men and women to seek a better life, and better protects our homeland by bringing people out of the shadows. And today I thought we could continue our discussion of mending borders with a quote.

The late Senator Robert F. Kennedy once said, "Our attitude toward immigration reflects our faith in the American ideal. We have always believed it possible for men and women who start at the bottom to rise as far as their talent and energy allow. Neither race nor place of birth should affect their chances."

Unfortunately, Mr. Speaker, our current immigration system is falling far short of those ideals. But it is my hope that we can work in a bipartisan fashion to ensure that our Nation's immigration policies and the practices better embody Senator KENNEDY's eloquent words.

Because the struggling farm worker in Washington State who endures brutal working conditions and little pay to support his family deserves the right to be treated with dignity and to have a clear path to permanency for his sacrifice. Because the restaurant worker in Chicago who each day faces endless hours of washing dishes in the dank basements of our swankiest eateries to support her children has earned the right to keep her family together without fear of deportation. And because the factory worker in North Carolina who tolerates grueling days so his loved ones may one day realize the American Dream should be protected from exploitation and discrimination.

These hard-working immigrants are part of the fabric of our Nation as surely and completely as those who came before them. And from coast to coast in big cities and small farm towns, they are serving as America's economic backbone and as a source of pride and progress for the future.

Mr. Speaker, our Nation depends on immigrants' labor, and I hope we can create an immigration system as dependable as they are.

So tonight, rather than focusing on divisive words of people like Lou Dobbs, let us focus on the words of Federal Reserve Chairman Alan Greenspan, who recently stated at a Committee on Financial Services hearing that: "As I've said before, I'm always supportive of expanding our immigration policies. I think that immigration has been very important to the success of this country. And I fully support it." Federal Reserve Chairman Alan Greenspan.

Rather than unfairly attacking imigrants for filling jobs Americans will not do, let us focus on the words of President Theodore Roosevelt, who said, "This country will not be a permanently good place for any of us to live in unless we make it a reasonably good place for all of us to live in." President Roosevelt's words are why in cities across the country today, workers and advocates, religious and business leaders are standing together to strongly support comprehensive immigration reform.

Mr. Speaker, tomorrow is Cinco de Mayo, and I can assure the Members that this town is gearing up for another party. And while the immigrants appreciate the mariachis and marching bands, the speeches and the songs, what they really want is an immigration system that works and keeps their families united. A system that allows them to be full and productive members of our society. Because, Mr. Speaker, we cannot simply just take their labor, their sweat and their toil and then subjugate them into the shadows of a second class citizenry. We need a system that allows people to come to our country in a safe, orderly, and legal manner.

ORDER OF BUSINESS

Mr. POE. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

VIRGIL POE, CHARTER MEMBER OF THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, born in the 1920s, he grew up in the Depression of the 1930s poor, like most rural American children. Fresh vegetables were grown in the family garden behind the small frame house. His mother made sandwiches for school out of homemade bread. Store-bought bread was for the rich. He grew up belonging to the Boy Scouts, playing the trumpet in the high school band, and he went to church on most Sundays.

In 1944, this 18-year-old country boy that had never been more than 50 miles from home finally found himself going through basic training in the United States Army at Camp Walters in Camp Walters, Texas. After that he rode the train with hundreds of other young teenagers, American males to New York City for the ocean trip on a cramped Liberty ship to fight in the great World War II.

As a soldier in the 7th Army, he went from France on to survive the Battle of the Bulge and through the cities of Aachen, Stuttgart, Cologne, and Bonn. As a teenager, he saw the concentration camps and the victims of the Nazis. He saw incredible numbers of other teenage Americans buried in graves throughout France. A monument to those soldiers is at Normandy.

After Germany surrendered, he went back to Fort Hood, Texas, expecting to be re-equipped for the land invasion of Japan. It was there he met Mom at a Wednesday night "prayer meeting" church service.

Until a few years ago, this GI, my dad, would never talk about World War II. He still will not say much except he does say the heroes, they are the ones buried in Europe today.

After the war he opened a DX service station where he pumped gas, sold tires, fixed cars, and began a family. Deciding he needed to go to college, he moved to West Texas and enrolled in a small Christian college called Abilene Christian College. He and his wife and his two small children lived in an old converted army barracks with other such families. He supported us by working nights at KRBC radio and climbing telephone poles for "Ma Bell," later called Southwestern Bell.

He finished college, became an engineer and worked 40-plus years for Southwestern Bell Telephone Company in Houston, Texas. He turned down a promotion and a transfer to New York City because it was not Texas and he said "no place to raise a family."

Dad instilled in my sister and me the values of being a neighbor to all, loving our country, loving our heritage, and always just doing the right thing to all people.

He still gets mad at the Eastern Media. He flies the flag on holidays. He goes to church on Sunday, and he takes Mom out to eat almost every Friday night. He stands in the front yard and talks to his neighbors. He can fix anything. He still mows his own grass even though he is 80 years of age. And he has a strong opinion on politics and world events. He gives plenty of advice to all people, including me. He has two computers in his home office. He sends e-mails to hundreds of his buddies all over the world. Dad and Mom still live in Houston, Texas, close to where I grew up.

So today, Mr. Speaker, as we on this 60th anniversary honor those who fought in the great World War II and the victory in Europe, we honor not only my dad, but all of those American heroes. My dad was one of those individuals. He is the best man I ever met. One of the charter members of the Greatest Generation. And I hope I turn out like him, the man I admire the most.

Virgil Poe, good man, good father. That is plenty for one life.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REFLECTING THE 2-YEAR ANNIVERSARY OF THE PRESIDENT'S "MISSION ACCOMPLISHED" SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last Sunday marked the 2-year anniversary of President Bush's now infamous "Mission Accomplished" speech aboard the USS *Lincoln*. Tomorrow the House of Representatives will vote on another $82 billion for the Iraqi conflict and Afghanistan conflict, bringing the total cost to the American taxpayers of $300 billion. Sunday, the 2-year anniversary of the "Mission Accomplished" speech; tomorrow the United States Congress puts the tab at $300 billion for the Iraqi and Afghanistan engagements.

What have we accomplished? We have defeated Saddam Hussein; yet we find ourselves mired in an endless occupation. This past January we witnessed a successful election; yet the progress on developing a functioning government has been slow at best. Terrorism and the insurgency remain as strong as ever and at times seems to be escalating.

Today we learned about another explosion killing 50 individuals. Last week over 100 individuals were killed in different terrorist acts. The economy is stalled, the civil society cannot form a consensus, and millions of Iraqis remain without basic services such as electricity. The brave men and women in the American Armed Forces continue to fight a valiant effort, but the battle has taken its toll.

In addition to the $300 billion it has cost the taxpayers, we have lost 1,600 sons, daughters, mothers, fathers, aunts, uncles; and 12,000 citizens are wounded, some permanently. And the strain is so great the recruiters in the armed services cannot meet their enlistment goals. Through the first 5 months of fiscal year 2005, the Army is short its recruitment goal by 15 percent. The Pentagon now says that they are stretched so thin, it would be difficult for the Armed Forces to meet other obligations should they need to.

Mr. Speaker, Operation Iraqi Freedom was a war of choice. As President Kennedy once said, "To govern is to choose." One can only hope that the war in Iraq was the right choice, and as I said, tomorrow we will add an additional $82 billion, bringing the total cost to $300 billion.

But in the meantime, while we have made this effort in Iraq and Afghanistan, what has happened here at home? Every President has always thought in the middle of a military engagement, how do I make America stronger post this war? What do I do to think about America's future, raise its sights to see another horizon?

President Lincoln, in the middle of the Civil War, he thought of the transcontinental railway system. President Lincoln thought of the land grant colleges. President Eisenhower thought, in the height of the Cold War, of the highway system in America. President Kennedy, in the middle of the escalation of Vietnam and the Cold War, thought of putting a man on the moon. President Roosevelt, during World War II, thought of the GI bill that built and made this an American century the last century.

So as we go through it, Eisenhower thought of the highway system here in America; President Bush is threatening to veto the highway bill. President Lincoln thought of the transcontinental railroad system; President Bush wants to veto Amtrak and eliminate it. Every President has thought of America as a greater and bigger vision. This is the first President who is now talking about a lesser vision for America in the middle of a war.

We must not have the legacy only of 1,600 dead, 12,000 wounded, and costing $300 billion and an America that is weaker and smaller and all we have left them is $2 trillion of additional debt to dig their way out. We can do better. We must have a vision of America that is stronger past this conflict, not one that leaves Iraq stronger and us weaker.

ORDER OF BUSINESS

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SENIOR DEMOCRATS SHOULD LISTEN TO THEIR RANK AND FILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, I certainly appreciate the time here on the House floor to discuss a pressing matter not only to this House of Representatives but to the future of our country, really, and the type of debates we are going to engage in as a body.

It has been interesting to read press reports, press reports that some on the other side of the aisle have been pushing forward regarding this House and the behavior of our Republican Members on this side. It turns out that senior Democrats, the senior Members of the other party, have focused on the gentleman from Texas (Mr. DELAY), our Republican majority leader. They focused on the gentleman from Texas (Mr. DELAY) because he has been an effective conservative here in the United States House of Representatives, an effective leader for this House for all Republicans, and actually for all Americans, to pass tax relief, to pass limitations on lawsuits, to pass good conservative social policies that actually help our country move forward. The Democrats are attacking him because he is an effective leader, and they are rising to this challenge. Instead of debating the issues, they are debating process. Instead of debating substance, they are debating process.

□ 1645

Because they cannot beat us on the issues that we are fighting for every day on this side of the aisle, and because many of their rank-and-file join with us on these votes, some in the leadership on the Democrat side of the aisle have resorted to ethical complaints against the gentleman from Texas (Mr. DELAY).

What has been found in recent days, many reports indicate that those leaders are casting stones; yet they are living in a glass house, and their leadership, many leaders on the other side realize that there are ethical violations on their own side, so perhaps they should not engage in this battle.

Over the last couple of weeks, we have found that the leadership on the other side, many leaders, at the very least, realize that perhaps they should not take this line of attack against our Republican majority leader, because they have violated the very same rules that they point to him for violating.

So, Mr. Speaker, I ask many of the leadership on the other side to listen to their rank-and-file and realize that we need to be debating the great issues of the day, not debating ethics. We need to have a functional Ethics Committee here in the House. We need to have a House that can actually move policies forward and not sit here every day and listen to the other side of the aisle complain about process.

So I ask those senior Democrats to listen to their rank-and-file, the rank-and-file that voted with us on the energy bill, the rank-and-file that voted with us on the Republican side for an energy policy, for tax relief, for a good budget; those that are actually looking at reasonable reforms to move our Nation forward, instead of resorting to what the New Republic says is their strategy, and I quote from this article, "Democrats should consider fighting by extra-parliamentary means, going beyond the standard parameters of legislative debate and attacking Republicans not on issues but on ethics, character. In other words, it may be time for Democrats to burn down the House in order to save it."

Burn down the House, Mr. Speaker. That is their strategy. Many on the left think that that is the way to take back this House, and we on this side of the aisle are going to continue working on the issues that the American people care about and continue moving this Nation forward.

ORGANIZED LABOR LEADING THE FIGHT FOR ECONOMIC SECURITY FOR AMERICA

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as our Nation struggles with soaring health care costs, bankrupt pensions, and devastating job loss, it is organized labor that leads the fight to protect, defend, and advance the economic security of our Nation.

I was recently meeting with leaders from the Ohio Association of Public School Employees, and we talked about all of the issues facing our Members and their members in my home district and throughout the State of Ohio. We talked about the contract-by-contract struggle to hold health care costs down. We talked about the impact of the State budget and the devastating ideas to expand privatization, make it easier to lay off workers, and force school districts to minimize or diminish health insurance, and to limit collective bargaining.

The answer to Ohio's problems is not to weaken labor unions like OAPSE, but to strengthen them and to let all of our communities share in the benefits that labor has worked so hard to achieve. I am proud of unions like OAPSE, and I am proud to share in their fight for dignity and respect.

Right now, in my State, we have a crisis for our retirees, the very people who gave their entire working lives to serve children in Ohio's schools. They need a retirement that offers a good quality of life and one that relieves the pressure of deciding between food and medicine.

Mr. Speaker, we need to take care of the people who take care of our kids; and if what is happening in Ohio is any indication, we are failing miserably.

On Monday of this week, I was at a school in my district; and while at that school, I learned of schools in our region terminating breakfast programs in order to save money. I learned of art and music classes being canceled. I learned of libraries being closed in some schools, and operating on a half-time basis in others. I learned of teachers of gifted students being laid off. I learned of high schools where all foreign language classes have been canceled. In short, I heard about conditions which, left unabated, will lead to the disintegration of our great State.

But standing here in the people's House, I am hopeful. I am hopeful because the people of Ohio are fighters, and unions like OAPSE are leading that fight. Because of their efforts, we will bring back Ohio and Ohio will once again lead the Nation in building a better future for our kids.

ORDER OF BUSINESS

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LET US WORK TOGETHER FOR THE GOOD OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, our friends on the other side of the aisle have opened a Pandora's box by spending most of the 109th Congress focused on ethics matters. With all the righteous indignation they can muster, the minority has called for investigations of the majority leader's every move, even digging up stories as far back as 1997.

At the same time, the minority prohibited the Ethics Committee for 4 months from convening to hear the charges that they were leveling against a Member of Congress. It is obvious, Mr. Speaker, that our colleagues on the other side of the aisle simply did not want to give the majority leader a chance to make his case to the committee and to clear his name. They hoped to look like paragons of purity. Instead, we know now that they are just the purveyors of partisan politics. By grinding the Ethics Committee to a halt, they knew that every story about TOM DELAY would have the phrase "under investigation." And why give him a chance to prove his innocence when you can trap your political nemesis in a cloud of suspicion and controversy? Why have a fair hearing when you can rig public opinion through implications and accusations in the news media?

The minority leadership has called for investigations of Mr. DELAY's travels. Mr. DELAY has welcomed the chance to present his case, and I have full faith that he will present his case vigorously. But I would caution and I would ask the minority leader to be more careful to consider the implications for her caucus the next time that they call for a congressional probe. The minority leader and the minority whip have now trapped some of their own Members with their own fiery rhetoric.

The Democratic leadership called for investigations of lobbyists paying for travel. What they did not count on was that several members of their caucus took trips paid for by registered lobbyists. Some have admitted that they missed filing deadlines for disclosures on numerous trips. To their credit, they apologized for their errors, but then went on to say, I can tell you one thing, Jack Abramoff was not on any one of the trips. But Abramoff was involved in travel for other Democratic Members. The Associated Press reported yesterday that two Democrats "received travel expenses initially paid for by lobbyist Jack Abramoff on his credit card or by his firm."

Now, Mr. Speaker, I do not want this body to denigrate itself. We do not serve the people who elected us and we do not serve our parties in the long term if we engage in an ethics war with charges and counter-charges. Let us be clear: there are no winners in an ethics war. Everyone loses. Instead of helping the American people, we disgust them. Instead of building up, we tear down the working relationship that we need across the aisle to do this Nation's business.

We need to concentrate on the good things that we have done so far in the 109th Congress, like abolishing the inheritance tax, the energy bill, the transportation bill, bankruptcy reform, class action lawsuit reform, winning the war on terror, protecting our borders; and there are many more good things that we need to do in this country, Mr. Speaker, for the American people. Let us work together.

INNOVATIVE HEALTH CARE INITIATIVES FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise to acknowledge Cover the Uninsured Week. Many of us have heard from our constituents this week, just as we have in the weeks, months, and years prior, asking that we make health insurance coverage a top priority of the 109th Congress. America's families are living in fear that someone they love might develop a health problem that they cannot afford. We must begin a meaningful dialogue about this problem that will continue until every American has access to quality, affordable health insurance.

This national disgrace has reached crisis proportions. Forty-five million Americans, more than 8 million of whom are children and more than 80 percent of whom live in working families, are one ambulance trip away from financial devastation.

I was pleased to join the gentlewoman from California (Leader PELOSI) and other Democrats in cosponsoring three bills introduced this week as part of the Democrats' plan to build on programs that already work. Together, the Family Care Act, the Medicare Early Access Act, and the Small Business Health Insurance Promotion Act would cover over half of all uninsured Americans. I have also been proud to be a part of other initiatives, both nationally and in my home State of Rhode Island, to expand existing health insurance programs for retirees, children with disabilities, and adults attempting to return to the workforce. These are all important aspects to addressing the health care crisis, and I am honored to be a part of building momentum around a solution.

Just as individuals and families know that we are facing a health care crisis, our small business owners know that we are in crisis as well. Rising health care costs are undermining their ability to purchase coverage for their employees. It has threatened their ability to keep their businesses economically viable, and they are frustrated with the increasing burden of negotiating and administering health care plans that are taking on extra costs or passing them on to employees just to maintain level coverage. Without systematic change, these problems will continue to threaten the economic and health security of all Americans.

What frustrates me the most about the health insurance crisis is what little attention it receives. But I believe that with the proper amount of consideration and planning, the health care system in America can be saved. An enormous amount of money circulates through our health care system.

We spend $35 billion on uncompensated care for individuals who do not have health insurance, just last year alone, with Federal, State, and local governments covering as much as 85 percent of those costs. Would it not be better for American families and also more cost effective to transfer a large share of these funds to a new program to subsidize the cost of covering the uninsured? We spend millions treating illnesses diagnosed at later stages, thus requiring more costly treatments because we did not offer people the screenings to catch these problems earlier. This is the least efficient way possible to treat people.

While we may not be in the best of economic times, if we made this issue a priority and committed ourselves to spending our health care dollars more wisely, we could offer all Americans access to quality, affordable care.

Now, with these principles of efficiency and inclusion in mind, I have developed a model for universal health insurance introduced last year as the Americans Health Benefits Plan. This bill is modeled after the Federal Employees Health Benefits Program, which everyone in this Chamber is familiar with, as it offers coverage to Members of Congress, their families, and staffs.

Under my proposal, private companies will compete to offer health insurance, attracting enrollees on the basis of benefits as well as efficiency, service, and lower premiums. The government should make a substantial contribution to every American's premium, and those for whom paying a portion of the premium would be a hardship, the government should offer subsidies as we currently do under Medicaid.

Employers should continue to contribute to the health care system, and they could do so through a payroll tax which would fund the government contribution, but the burden of negotiating and administering health care plans should be taken on by the Federal Government.

□ 1700

A National template for this model already exists. FEHBP manages health insurance for more than 8 million Federal employees, annuitants and dependents. This program is administered by the Office of Personnel Management, which assumes responsibility for approving or disapproving carriers, negotiating benefit and rate changes, and auditing carriers' operations under the law.

With administrative costs of less than 1 percent, OPM has managed to offer a wide variety of health care choices and protections for Federal employees.

Mr. Speaker, I believe that the Federal Government should offer this kind of coverage and oversight to all Americans and I sincerely hope to continue this dialogue with my colleagues beyond the Cover the Uninsured Week, but this is an important place to start.

PRAISING THE ANNIVERSARY OF V-E DAY IN EUROPE

SPEAKER pro tempore (Mr. KUHL). Under a previous order of the House, the gentleman from Texas, (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, tonight I rise to commemorate the 60th anniversary of our Nation's victory in Europe. And in doing so, I also like to honor men like my father and millions of others who answered freedom's call in fighting World War II. When we consider generations of our past, no one exemplifies the essence of America better than those, part of what we now call, the Greatest Generation.

To this day, and forever, I will be proud to say, my father was a part of this outstanding group, which led us to victory during World War II. As a 20-year-old bombardier-navigator in the Army Air Corps, my father, Major Jim McCaul, flew more than 30 bombing missions over Europe.

This included the largest bombing mission of the war in support of the D-day invasion. He flew a B-17 bomber, the flying fortress of the war, as he and others helped defeat Adolph Hitler and the Nazi reign of terror. And like most men of his generation, my father did not talk much about what he had done and seen over the skies of Europe. It was simply too painful.

However, when he did talk about his experiences, dad would describe his airplane as a tin can with wings that was easy prey for the flak fired from below and the Luftwaffe bullets raining down from above. He recalled watching his buddies getting shot down and the loss that he personally felt. Indeed on each mission, one out of every three planes were shot down.

And when my father passed away in 1985, he received a letter from President Ronald Reagan commending him for his service to his country. Perhaps Winston Churchill said it best, when he said of this generation, this was their finest hour.

Our Nation is replete with stories such as my father's. And while the names and faces of many of the GI Joes may be forgotten, their heroic deeds that helped secure our Nation's ultimate victory in Europe will be emblazoned as legends in our National conscience forever.

Mr. Speaker, as time passes, we come close to forever losing the personal connection to these great individuals and their historic accounts. In order to preserve these heroic stories for future generations, I strongly urge veterans to participate in the Veterans History Project housed in the Library of Congress.

For this generation of Americans, whose character and resolve was molded by the Great Depression, defeating tyranny and the hatred of the Third Reich was just another call to answer. They performed their duty with honor, it was not theirs to question. It was simply expected.

Instead of succumbing to hardship, their resolve was stiffened and they ended up leading our land and our world to one of the greatest victories in history. We see that same attitude and determination today from the men and women in Iraq and Afghanistan. And like the greatest generation, Americans are now in distant lands fighting the threat and horror of terrorism.

Sixty years ago, we defeated fascism. Today, we fight Islamic extremism, but the reason we fight is the same, to guarantee freedom. The resolve that my father served with came from the support he knew that he had at home. We must show that same support for our troops now. We must strengthen their resolve by letting them know that their cause is just.

We will never forget their victories, just as we will never forget the victories in Europe which came at such a great cost. Hundreds of thousands of my parents' generation were killed in the name of freedom and democracy. Few cases are as worthy, few prices are as great. We must always remember not just the victory in Europe, but also what it meant. It saved an entire world from tyranny, and gave people the chance to live under flags of freedom.

Victory in Europe Day will forever stand as an example of how America prides its freedom and how our determination can accomplish any tasks and defeat any foe. And these accomplishments of the Greatest Generation serve as an inspiration to us all.

OUR NATION'S FISCAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today once again to express my disappointment with the lack of attention to our Nation's fiscal crisis. The system is broken, plain and simple. We need to focus our efforts on finding a cure for our addiction to deficit spending in this body.

The Blue Dog Coalition, which I am a proud member of, has been a leading voice in Congress on fiscal responsibility for over a decade. Recently the Blue Dogs have posted signs in front of all of our offices that explain to everyone exactly how bad the fiscal crisis is, an example of which is on my right here.

We update the numbers on these signs every day. The sad part is that our Nation's debt is increasing so fast that by the end of each day, these signs are inaccurate. As you can see from the sign, today the National debt is at $7,755,874,000 or $27,000-plus per person. Ladies and gentlemen, these numbers are appalling.

The Blue Dogs are dedicated to fighting our Nation's ballooning national debt, and we will continue to lead the fight for fiscal sanity until Members of Congress from both sides of the aisle and the White House realize that we cannot continue to run our Nation deeper and deeper into the deficit hole.

There is no secret that our National debt is out of control, as we are expected to run another $427 billion deficit in 2005, with more deficits projected into the future. We do not even have a firm grip, ladies and gentlemen, on where our money is going. At the Department of Defense, for example, only 6 of 63 departments are able to produce a clean audit. That is less than 10 percent.

This budget we passed omits so many major expenses that frankly it is a sham. The administration essentially cooked the books using Enron-style accounting and Congress is just blindly going along with the program.

We all know as well that foreign holdings of U.S. debt is on the rise. Interest on the national debt is the fastest growing area of our budget. And the trade deficit is totally out of control as well.

As this happens, what are we doing? Ladies and gentlemen, we are doing absolutely nothing. Recently the Blue Dogs introduced a 12-step reform program to cure our Nation's addiction to deficit spending. It requires a balanced budget, stops Congress from buying on credit, and puts a lid on spending.

We have a provision in this plan that requires pay-as-you-go budgeting, so that when we have an increase in the budget, or we have a tax decrease, we have to offset them. The principles in this 12-step reform plan should be able to be agreed on by everyone. The plan injects a little common sense into the way Congress and the White House does business.

I hope that some day this Congress will wake up and help us restore our fiscal responsibility as a Nation. The time to stop digging the hole deeper is now.

HONORING JUDGE ANDREW L. JEFFERSON, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, often we do rise on the floor of the House to begin a debate that may not end itself in a positive outcome. It is not often that you have the opportunity to raise and salute an outstanding member of your community knowing that his life is already exhibited a positive outcome, and, of course, we honor him as he still lives.

My friend and our friend, and the friend of Houston and Texas and the Nation, Judge Andrew Jefferson, brings me to the floor this evening. And I am delighted to be able to rise this evening to honor a great legal scholar, as well as a great institution of legal education located in the 18th Congressional District of Texas. The institution about which I speak is the Thurgood Marshall School of Law at Texas Southern University, established in 1947, and the scholar and friend is Judge Andrew L. Jefferson, Jr.

At a time when the future of Houston's public school system is in jeopardy, I am especially pleased to deliver this statement in honor of a scholar and a product of our own Jack Yates High School.

On Friday, May 6, 2005, I will join my constituents and friends to honor Judge Jefferson on the establishment of an endowment for trial advocacy in his name, the first endowed chair, called the Andrew L. Jefferson endowment for trial advocacy, at Texas Southern University, the Thurgood Marshall School of Law in Houston, Texas.

I wish all of us had the opportunity to meet this distinguished gentleman. He is truly distinguished, regal in his build, deep in his commitment. The Honorable Andrew L. Jefferson, a native of Dallas, Texas, graduated from the University of Texas School of Law in 1959 after earning his Bachelor's degree from Texas Southern University, was president of Alpha Phi Alpha Fraternity, and became a partner with Washington and Jefferson, attorneys at law in Houston, Texas.

He served as an assistant criminal district attorney for Bexar Country, a chief assistant United States Attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil and Refining Company.

Each time he was a pioneer, he explored new ground, and certainly as an African American, getting his degrees in the late 1950s, going through the 1960s before the passage of the Civil Rights Act of 1964 and 1965, the Voting Rights Act, he truly braved new areas and stood for the dignity and respect of all, all in our community.

Judge Jefferson served in the judge advocate general corps in the U.S. Army Reserve where he is honorably discharged as a captain. He has as his lovely bride, another civic leader, his wife, Mary Jefferson, who I have the pleasure of serving with on a number of organizations. She believes in education. She advocates for quality education for our young people, and promotes the opportunities for young people to go to college.

In 1970, Judge Jefferson was appointed to preside over the Court of Domestic Relations number 2 for Harris County. In 1974, he was elected to Judge of the 208th District Court. That too was one of the many firsts in his career, but as well, he is one of the first African Americans to serve on that court.

He decided to reenter the active practice of law in 1975, and was admitted to the United States Court of Appeals for Fifth, Sixth and Eleventh Circuits, and the Supreme Court of the United States of America. A long time active committee member of the State bar, Judge Andrew L. Jefferson is a fellow of the Texas Bar Foundation, a member of American Bar Foundation, the Texas Trial Lawyer's Association, Texas Constitutional Revision Commission. He is an outstanding jurist, and even after he left the bench, he was constantly requested to give his expertise on broad legal issues.

He represented many of the underserved and unempowered. He became active in many organizations and particularly the National Bar Association.

the Family Law Institute, where he was asked to speak many, many times. He was an arbitrator, he was a mediator. He had the ability to bring people together. And so a lot of his practice developed around that on the domestic court.

But, he was skilled as a jurist, and as an advocate, but his personality was one that was firm but understanding. He served, of course, in the Houston Branch of the Federal Reserve Bank, and he was respected by presidents, both Democrats and Republicans. He received many honors and awards: The Anti-Defamation League National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens Service Award, Community Service Award, the La Raza Award.

In addition, he was a Presidential nominee to sit on the United States Court of Appeals for the Fifth Circuit, indicating our great respect for him at the Federal level.

Let me suggest to you that he had many friends. I am reminded of my conversation with the Honorable Barbara Jordan. When I was returning to Texas, I asked who should we engage, and who should we find out about Texas, its mood, its needs, its struggles, its trials, its tribulations?

□ 1715

Barbara Jordan, as I sat in her office, said, "Judge Andrew Jefferson." He was her friend, her advisor and counselor.

They were strong friends together because they believed in the empowerment of all. They fought for civil rights one and all. As she believed in the empowerment of the Voter Rights Act of 1965, expanding it to Texas in 1968, Judge Jefferson was right along her side.

This is a fitting honor, an endowed chair that will be bestowed upon him on May 6. I believe it is more than his choice, but our desire to be able to honor him, to be able to salute him as he is being endowed by a chair on May 6, 2005. He is a great Texan, a great American. God bless him and God bless the United States of America.

Mr. Speaker, I rise this evening to honor a great legal scholar and a great institution of legal education in the Eighteenth Congressional District of Houston, Texas. The institution about which I speak is the Thurgood Marshall School of Law at Texas Southern University (TSU), established in 1947 and the scholar is Judge Andrew L. Jefferson, Jr. At a time when the future of Houston's public school system is in jeopardy, I am especially pleased to deliver this statement in honor of a scholar who is the product of our own Yates High School.

On Friday, May 6, 2005, I will join my constituents to honor Judge Jefferson on the occasion of the establishment of an endowment for trial advocacy in his name as the first endowed Chair, called the "Andrew L. Jefferson Endowment for Trial Advocacy" at Texas Southern University's Thurgood Marshall School of Law in Houston, Texas.

Honorable Andrew L. Jefferson, a native of Dallas, Texas, graduated from the University of Texas School of Law in 1959 after earning his bachelor's degree from TSU where he was the president of Alpha Phi Alpha Fraternity, Inc. and became a partner with Washington and Jefferson, Attorneys at Law, in Houston. He served as an assistant criminal district attorney for Bexar County, a chief assistant United States attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil & Refining Company. In addition, Judge Jefferson served in the Judge Advocate General Corps in the United States Army Reserve where he was honorably discharged as a Captain.

In 1970, Judge Jefferson was appointed to preside over the Court of Domestic Relations #2 for Harris County, and in 1974, he was elected judge of the 208th District Court, Harris County. In 1975, he decided to re-engage in private practice and is admitted to practice in the United States Court of Appeals for the Fifth, Sixth, and Eleventh Circuits and the Supreme Court of the United States.

A longtime active committee member of the State Bar of Texas, Judge Andrew L. Jefferson, Jr. is also a Fellow of the Texas Bar Foundation, a member of the American Bar Foundation, the Texas Trial Lawyers Association, and the Texas Constitutional Revision Commission. This outstanding jurist, who is renowned for his expertise in legal practice, is a highly sought-after speaker throughout his career and has frequently shared his experience and knowledge with the Criminal Law Institute for the Houston Bar Association and the San Antonio Bar Association. Furthermore, Judge Jefferson has spoken at conventions for the National Bar Association and the Family Law Institute.

Aside from the respect that he has earned as a skilled jurist and advocate, Judge Jefferson's leadership and sound judgment has merited tenures as chairman of the board of the Houston Branch of the Federal Reserve Bank and of the Texas Southern University Foundation. Moreover, he is a life member of the Houston Area Urban League and the National Association for the Advancement of Colored People.

He has received numerous awards and honors, among them the Anti-Defamation League National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza. In addition, he was a Presidential Nominee to sit on the United States Court of Appeals for the Fifth Circuit.

To honor Judge Jefferson on this occasion will be momentous for the City of Houston, for Texas Southern University, and for minorities worldwide who aspire to study and practice law or for minority students who lack confidence in their potential to succeed. I congratulate and thank the State of Texas for its contribution to the overall accrual of the resources that were required for the endowment.

The establishment of a Trial Advocacy program at the Thurgood Marshall School of Law will be both an actual and a symbolic landmark. As recently as last year, I joined the students, legislators, and community leaders at Prairie View A&M University on the birthday of Dr. Martin Luther King, Jr. to fight for fair and unobstructed voting rights for those students. It was the skilled advocacy of the Lawyer's Committee that produced a statement by the Secretary of State in favor of the students. Furthermore, the well-settled jurisprudence of caselaw such as Symm v. United States and United States v. Texas, which made important pronouncements as to the adequacy of students' residency/domicile status to determine eligibility to vote were the product of skilled trial advocacy. Without the work of the skilled advocates who argued those cases, we would have an even longer journey to equality of the right to vote in this nation.

Therefore, the endowment that will be established in the name of the Honorable Andrew L. Jefferson, Jr. will provide a legacy and will produce legal scholars who will contribute to the achievement of equality in the United States of America. I congratulate the Thurgood Marshall School of Law at Texas Southern University and I thank Judge Jefferson for his service.

GREATEST TRAGEDY OF MANKIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, when I came here in 1997, we passed the first balanced Budget Act in 30 years. That was a result of the work of a lot of people. I do not take credit for making that happen. But then after having a balanced budget and running a surplus until the year 2001, beginning in January of that year, when we turned over this great country to the Bush administration and a Republican majority in the House and the Senate, and let us be very clear about that. The Republicans have controlled the House, the Senate, the White House and the Supreme Court for all of this time. And we have turned over a $5 trillion surplus to these people.

Now, as we just saw a few minutes ago from one of our conscientious Blue Dogs, they have turned that $5 trillion surplus into an $8 trillion debt. And just last week when the budget was passed that I voted against and most of the Democrats voted against, as far as I know all of them did, they raised the debt ceiling again to $9 trillion.

We are having to raise the debt ceiling almost $1 trillion a year to keep up with the total mismanagement of the people's affairs by the Republicans. It would be hard to imagine a greater fiscal disaster than the Bush administration has led us to.

Over and over and over again, we tried to reach out and we tried to say, let us reestablish the budget rules that got us to a surplus back in the 90s. Let us admit that we have got a problem. Let us require a balanced budget. Let us require pay-as-you-go. If you cannot pay for it, you cannot spend it. Let us make borrowing money from our children and grandchildren much more difficult to do, and it should only be done in cases of great national emergency.

Recently, the President has gone before the Nation and declared he wants to save Social Security. Regardless of the outcome of what he wants to do, if we do not take care of the debt and the deficit, all we are doing is rearranging the deck chairs on the Titanic. It is a ridiculous exercise to talk about changing the Social Security system when we do not know how we are going to pay the interest on the national debt 5 years from now.

If nothing is done by the time the Social Security so-called crisis occurs, it will take every nickel of the income of the Federal Government just to pay the interest on the debt. And my question to the Republicans that have created this situation, and I remember so well how they told us back in 2001, if we just do this, if we just cut taxes on the richest people in this country, the economy will just bubble up out of the ground. It will be the land of milk and honey. Nothing but free Bubble-Up and rainbow stew everywhere for everyone.

What a ridiculous thing that has been proven to be. But they told us if you will just do this, everything will be wonderful.

The fact is they have borrowed nearly $5 trillion from our children and grandchildren and do not have a clue as to how they are going to pay it back. And the great mystery to me is why. Why would you want to do that? Why would you deceive yourselves into thinking that that is something good for this great Nation?

I can tell you this, the United States of America is the most wonderful thing ever done by man with a divine inspiration of God Almighty. And if we would be so foolish as to spend ourselves completely bankrupt and not take any action to deal with this in a responsible way while we may still have time to do it, it will be the greatest tragedy of mankind.

AMERICA NEEDS TO WAKE UP BEFORE IT IS TOO LATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, I rise to talk to the House about this deficit and about our failure and the consequences facing this Nation if we do not respond and put some brakes on our spending.

This deficit is our greatest problem and the greatest threat to the financial security of the United States, which means the financial security of the free world.

Just think of it, when this administration, when President Bush took office 4 years ago, we had over $2 trillion surplus. Now, 4 years later, we have over a $4 trillion deficit, running up nearly $400 billion as we speak here this afternoon.

This is dangerous. It is not in the best interest of this country. Just think of this one fact: just on paying the deficit, paying the interest on what we are borrowing, 90 percent of which we are borrowing from foreign countries, China, Japan, India, 90 percent of our debt is being held by foreign interests. How insecure is that? And just the amount that we are paying, the interest is more than what we are paying for our own national security.

America, we need to wake up. We need to understand what is at stake; our future is what is at stake. And who is going to pay this debt? Not me. Not anyone in this room. Our children, our grandchildren. I have children; I have two young grandchildren. Is it right to saddle them with this deficit?

Just recently on the issue of Social Security, the President's answer for Social Security is to do what? Borrow more money to set up private accounts. That will do absolutely nothing to deal with the solvency of Social Security.

Something is wrong and this House must move to correct it. Not long ago or at a time of great crisis in this country, two great men sat here right here in Washington, D.C. One was Robert E. Lee and the other was Abraham Lincoln. They sat on the balcony of the White House and looked out at all the devastation that the Civil War had brought.

These are two great Americans. Abraham Lincoln said to Robert E. Lee, It is not incumbent upon us to complete the task. Robert E. Lee finished the sentence and said, But neither are we free to desist from doing all we possibly can.

Are we doing all we possibly can on this deficit, on this debt? No, we are not. We are on that side, and we are on this side, and we are on this corner. The American people are expecting us to come together, solve this deficit, pay as you go, put some strong fiscal responsibility in this House and solve Social Security.

There was a recent poll on Social Security that I bring of interest. It was just out in yesterday's paper. It had an interesting point. Sixty-two percent of the American people feel that the Republicans will do too much to solve the Social Security problem and sixty-one percent of the American people feel that the Democrats will do too little. Therein lies our challenge, but also lies our opportunity, from this side to come and from that side to come and we can come together and solve this issue.

Mr. Speaker, let me conclude with this statement, a very important statement. On the bleached bones of many past great civilizations are written those pathetic words: Too late.

Will that be our epitaph? When the history books are written, what did this Congress do to save Social Security, to pay down the debt?

Let it not be that the history books will write of us "too late."

TOILING FOR FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, as we welcome this week the President of Georgia and the architect of the Rose Revolution in that country, it is critically important that the United States Congress continue to focus on the need to bring about freedom and democracy as antidote to terrorism, to oppression, and instability.

Nowhere is this policy more pertinent than in Central Asia. Kyrgyzstan today is a vivid example of the need to continue and indeed strengthen this policy in the region.

Months of civilian protests and flawed parliamentary elections culminated in the invalidation of those election results by that country's supreme court, the resignation of the entire cabinet, and an end to the 15-year reign of its strongman.

This is a clear sign that the winds of democratic change cannot be stopped.

The Kyrgyz people certainly took note of the elections in nearby Afghanistan, of Georgia's Rose Revolution and Ukraine's Orange Revolution in November of last year; courageous individuals such as Mr. Edil Baisalov of the president's Coalition for Democracy and Civil Society, Kyrgyzstan, who are struggling to exert their rights as citizens and human beings.

He will be testifying before the Committee on International Relations tomorrow on how the U.S. can help support those who, like him, toil for freedom around the world.

☐ 1730

I assure you that what we do in this body resonates throughout that region.

Mr. Baisalov has referred to the positive impact of a resolution that I introduced on the status of human rights in central Asia, and that it has energized the opposition and the prodemocracy, the dissident movement in his country.

The U.S., along with the European Union, was quick to denounce Kyrgyzstan's recent parliamentary election as seriously flawed. It was precisely this Western rejection of sham elections in Georgia and Ukraine that helped tip the balance there.

Thus, as the Central Asian states enter into a challenging phase of political transition, the United States must continue to maintain the pressure for democratic change in Central Asia.

The challenges are immense. Opposition parties in Central Asia are either fictitious organizations that exist only on paper or, as in Kazakhstan, opposition groups in name only, as in Uzbekistan, where all five opposition parties support supposedly the president.

Turkmenistan's president has gone as far as to dispense with the pretense of democratic rule and brazenly declared himself president for life, a move that demonstrates his confidence that his dictatorship will go unchallenged by the world.

This situation has not gone unchallenged by the United States. In July of 2004, after careful review of the state of political reform in Uzbekistan, the Department of State decided that the leader is not fulfilling the terms of the 2002 Strategic Partnership Framework agreement, which mandated substantial and continuing progress on democracy movements and decided to deny certification to Uzbekistan.

In Uzbekistan, religion becomes criminal in that country as soon as it strays out of the official State-controlled Islam. The Uzbek government is behaving much as it did with its Soviet predecessors.

Following massive arrests in Uzbekistan of followers of the two leading militant groups, adherents of the movements have gone underground. Yet their numbers are swelling in the region, particularly among young unemployed folks who are distributing the information put forth by the militants, and they try to manipulate the religion for terrorist political gain, and they are doing so because they need the money.

Thus, the dependence of many governments throughout Central Asia on tyrannical rule does not only fail to adequately address the problem of Islamic extremism, but it serves to fuel the terrorism that stems from it.

We, and other open societies, must, therefore, condition our assistance to Central Asian states not only on their cooperation on the terrorism front, but also on their taking concrete steps in Central Asia toward the establishment of the rule of law, the support for the growth of civil society and support for building democratic institutions.

With the role of the United States in Central Asia, the region faces the best possible scenario to solve their problems jointly.

We are uniquely placed to press for regional cooperation and to monitor the commitment of regional states to real improvement of social, economic and political conditions.

That is why we have exerted congressional oversight through hearings and briefings, to make sure that everyone understands the current state of human rights in Central Asia because only by helping to create an environment where freedom and prosperity can flourish will we achieve long-term success in the war against terror and oppression.

VACATION OF SPECIAL ORDER

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Without objection, the order of the House recognizing the gentleman from Iowa (Mr. KING) is vacated.

There was no objection.

ORDER OF BUSINESS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to speak out of order and address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CENTENNIAL OF THE CHICAGO DEFENDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, this year marks the centennial, the 100th anniversary, of the birth of the Chicago Defender, one of America's great, historic institutions which make up the fourth estate, our free press.

The Defender, founded in 1905 by Robert Sengstacke Abbott, follows in the tradition of Freedom's Journal founded by Samuel Cornish and John B. Russwarm, and the North Star founded by Frederick Douglass.

Abbott began publishing the Defender out of his kitchen, producing about 300 copies at a quarter each. By 1929, the Defender was selling more than 250,000 copies each week.

From its first days, the Defender has also been a campaigner for freedom, equality and justice under the slogan, "American race prejudice must be destroyed." It has covered stories largely ignored by white-owned press. The Chicago Defender reported the 1919 Chicago riots, the election of Oscar DePriest to Congress, and the opening of the first U.S. bank owned and operated by an African American. The Chicago Defender covered the aftermath of the death of Emmett Till and the career of the honorable Elijah Mohammad.

In its editorial pages, the Defender exposed white oppression and the lynching of African Americans. During World War I, the Defender urged equal treatment of black soldiers. During World War II, the Defender protested the treatment of African American servicemen protecting the Nation and urged the integration of the Armed Forces. The Chicago Defender fearlessly spoke out against lynching, racism and segregation, and aroused the conscience of the Nation.

The Defender led a remarkable campaign which brought thousands of southerners to the north from 1915 to 1925. Known in the history books as the Great Migration, over 1 million African Americans read vivid descriptions about options to life in the south in the pages of the Defender and migrated to the north in that short period.

The Defender has been home to many of our Nation's great writers and artists, including novelist Willard Motley, poet Gwendolyn Brooks, and writer Langston Hughes, culturist Margaret Burroughs, women's page editor Marian Campfield and editorial page cartoonist Oliver Harrington. Outstanding scholars and reporters such as W.E.B. DuBois, Vernon Jarrett and Lu Palmer appeared in the ages of the Defender.

In 1923, the Chicago Defender introduced the first newspaper section written for children, the Bud Billiken page. Since 1929, the Chicago Defender along with the Defender Charities has sponsored the world famous Bud Billiken Day Parade and Picnic, the largest event of its kind, with more than 1 million people attending and viewing.

The Defender reported the campaign and election of Harold Washington, Chicago's first black mayor.

After the departure of Robert Abbott, the mission of the Defender was carried on with undying spirit and integrity by long-time publisher and driving force John Sengstacke who died at the helm of age 84 in 1997. Today, the chairman of the board, Thomas Picou, president and CEO Clarence Nixon, Junior, and Chicago Defender Executive Editor Roland S. Martin are leading a campaign to rebuild the circulation and infrastructure of this unique and irreplaceable institution.

The Defender reported the elections of Carol Mosley-Braun and BARACK OBAMA, two of only three African Americans elected to the U.S. Senate since Reconstruction.

Mr. Speaker, the centenary of the Chicago Defender is a milestone in the history of our Nation and cause for celebration for the entire country. The history of the Defender is a proud page of our free press. The history reported by the Defender is a chapter of our collective history which without this great paper would have been forever lost.

So, Mr. Speaker, it is indeed my honor and privilege to bring to the attention of this House this milestone in the evolution of our democracy. I congratulate the leadership of the Chicago Defender and wish them success in their next 100 years, which are yet to come.

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker, $6.198 trillion, $6,198,000,000,000, a lot of money. An almost inconceivable amount of money. So many zeros that it is easy to pretend that it is paper money which, of course it is not, but that is how much our gross national debt was, how much our government owed, how much we owed in real money to our Social Security trust fund, to our bondholders and to many foreign countries, including China, when I was first elected to this Congress in late 2002, a lot of debt to have built up since the founding of our country.

But how about this number, $7.775 trillion, our total debt today? Yes. In just the 28 months since I was first elected to this Congress, we have seen a 25 percent increase in national debt.

But wait a minute, if that is not bad enough try this one, $8.184 trillion, the current maximum permissible debt of our country. The debt ceiling has increased for a third time in as many years, voted on by this Congress or at least by a majority, and a majority that did not include me, just a few months ago, currently estimated to be reached and breached in January 2006. An increase in our total national debt of 32 percent in just the 3 years since I joined this Congress.

But wait. In the budget resolution for 2006, just passed on this floor 6 days ago, over the objection of every Member of the minority party and 15 Members of the majority, hidden in that resolution, glossed over, buried, shunned, avoided, turned away from, concealed, an automatic authority to increase our debt ceiling a fourth time in as many years to $8.965 trillion.

When might we reach that total debt, bump up against that debt ceiling at the rate we are going and why is it so crucial to pass another debt ceiling bump way before we are even close to the ceiling we just bumped up against? When? Late 2006, most likely December 2006, after the 2006 election. Coincidence? I surely doubt it. Can it be that our colleagues cannot stomach another ceiling increase in mid-election?

When we reach that level of debt, there will have been added to the debt load we all face $2.767 trillion, a 45 percent increase in just 4 years since I joined this House.

This administration and its supporters in Congress would have us believe this is normal, that this debt is in balance with our gross domestic product, with our collective ability to pay it, or that this debt is because of our commitments in Iraq and Afghanistan. Well, let us strip both of those arguments down.

First, total debt increase over the past 4 years, almost $3 trillion total. Cost of Iraq in the same time period, almost $300 billion, 10 percent of total debt increase. So clearly that is not the reason.

What about this gross domestic product argument? This is from the President's own budget, and it shows total Federal debt as a percentage of gross domestic product, in other words, the ability of our economy to carry the load, and that total Federal debt percentage of our gross domestic product will hit 68 percent in 2008 under the President's own budget. Guess when the last time that percentage was that high? Couple of years ago? No. Couple of decades ago? 1955, after a full 10 years, 15 years, of war and Cold War and war again. So, clearly, that is not the reason.

This debt is completely unusual. This debt is completely out of control. Something is wrong. Something is terribly wrong, and do not let anyone lie to you about it.

The first step towards addressing any crisis, and this is the crisis of our time, is to know you have one, to look yourself in the mirror and say, yes, I have a problem. Then you can get to work. So let us quit letting ourselves be fooled and get to work.

The House Blue Dog Coalition is way past being fooled, way, way past being fooled. We are at work and we welcome the participation of anybody who realizes that this is the crisis of our time.

□ 1745

DEFICIT AND DEBT CRISIS

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentleman from Tennessee (Mr. COOPER) is recognized for 5 minutes.

Mr. COOPER. Mr. Speaker, I join my fellow Blue Dog, the gentleman from Hawaii (Mr. CASE), in speaking about the deficit and debt crisis that our Nation faces. He gave a lot of stunning numbers. Let me put it on a time line.

What are the milestones that we are facing as a Nation? First, the year 2004, the year past, the Comptroller General of the United States, David A. Walker, said that arguably it was the worst year in American fiscal history, clearly setting our Nation on an unsustainable path. Those are tough words, and they are from our Nation's leading auditor. Arguably the worst year in American fiscal history.

Our history goes back many, many decades, and it stretches through periods of trial and turmoil, like World War II, the Civil War, and other conflicts. Yet the year 2004 was the worst year in American fiscal history according to the Comptroller General.

Now, in 2005, what has happened in our budget and deficit this year? The House Republican majority ran through last week on Thursday night, under a so-called martial law rule, the entire budget of the United States of America, $2.6 trillion. And from start to finish, from first time to look at the budget to final passage in this body was no more than 2 to 3 hours of time. Literally, no one in this body had any clue what was in the budget because no one can read a document of that complexity in that short amount of time, especially under a martial law rule.

Let us look forward. By the last year of the Bush administration, by the year 2008–2009, we will be spending, according to the House Republican budget, more money on interest payments to the creditors of our Nation than we will be spending on all regular government in America. Let me repeat that: more money will go to creditors of our Nation, bond holders, than to the citizens of our Nation in regular government, at least in the form of domestic, nondefense discretionary spending. That is a tipping point. That is an outrage. And that is the result of profligate Republican spending policies, the latest evidence of which is in this Cato Institute report that came out on May 3, 2005, that says the Bush administration is the worst spending administration since Lyndon Baines Johnson.

Let us look forward. The Wall Street Journal reported about a month ago that if current trends continue, the last living U.S. bond holder will sell his or her holding to the People's Bank of China on February 9, 2012. Then the Chinese will own virtually all of our foreign-held debt. That is not a good situation for the security of our Nation, either defense security or fiscal security.

Let us look forward again. The year 2017. That is the year in which the Social Security surpluses will run to zero, and that will be the first year in modern times that the American people will get an honest picture of the size of the Federal budget deficit. Because no longer will the Social Security surplus be able to be used to hide the true size of the Federal deficit. For example, in 2004, most folks, most experts think the deficit was $412 billion. Wrong. The real deficit was $567 billion, or $155 billion larger than is represented, because our government has used the Social Security surplus to hide the true size of it.

Let us look forward again. By the year 2040, only 35 years from now, if current trends continue, the Comptroller General of the United States says that it will take all revenues collected by the Federal Government, every dime collected in taxes from our people, just to pay interest on our debt. This is a truly stunning finding of the GAO, because it indicates that there will be no money left by the year 2040 for any national defense, any Social Security, any Medicare, any money to meet the needs of our people.

Clearly, Mr. Speaker, that is an unsustainable path. Clearly, I think we need Presidential leadership. Because being practical, even though we have a strong package of Blue Dog budget deficit reforms, even though both parties should come together, it is hard for a group of 435 in this body or 100 people in the other body to exert the leadership that the President should be demonstrating. But the President has vetoed no legislation during his entire Presidency. He has not disciplined Congress in any way. He is the first President since James Garfield in 1881 to fail to veto a single measure of this body. President Garfield was only in office for 6 months before he died. President Bush has been in office for 5 years now.

Mr. Speaker, I urge my colleagues to focus on the deficit and debt crisis that this Nation faces.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–73) on the resolution (H. Res. 258) waiving points of order against the conference report to accompany the bill (H.R. 1268) making Emergency Supplemental Appropriations For Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DRUG SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come here tonight concerned about drug safety and to speak out to protect our children from the acne drug Accutane, manufactured by Hoffman-LaRoche. As a legislator, I have called for more restrictions on the distribution and use of this drug, which is known to cause severe births defects and a form of impulsive behavior and depression in young people taking this drug.

This drug has devastated my family, with the loss of our son BJ, and more than 268 other families who have lost a son or daughter while he or she was taking the drug Accutane.

Recent news stories have quoted an FDA safety reviewer, Dr. David Graham, when he spoke before the Senate Committee on Finance. Dr. Graham said: "I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx." He told the Senate Committee on Finance that "there are at least five other drugs on the market today that should be looked at seriously to see whether they should remain on the market." He cited the acne drug Accutane.

Why Accutane? Accutane is the poster child for why we need an independent body to approve and review drug safety. Accutane causes horrendous birth defects and causes psychiatric disorders such as depression and suicide. It is linked to 268 suicides, according to the FDA.

A recent study by Dr. J. Douglas Bremner, and published this month in the American Journal of Psychiatry, demonstrates how Accutane affects the brain, possibly causing impulsive behavior due to changes in the orbital frontal cortex. This is the front part of the brain. This is the area known to mediate depression.

As Dr. Bremner demonstrates in this study, as we see in this PET scan here, there is a decrease in the metabolism or function of the brain. This PET scan establishes a baseline of a person before they start Accutane. Notice the red activity in the brain. The second PET scan is of the same person 4 months later on Accutane. Notice the first PET scan from the second PET scan. The red color, after 4 months on Accutane, is missing, representing a decrease in brain activity in the frontal part of the brain.

In the second PET scan, here, notice again very little or no red, representing decreased brain activity, in the same person after 4 months of Accutane treatment. Accutane decreases the metabolism or brain function in the front part of our brain.

In this one slide that Dr. Bremner has shared with us, there is a 20 percent decrease in brain metabolism or function. This decrease in brain function only occurred in some Accutane patients. Dr. Bremner did PET scans with other patients taking oral antibiotics for acne and none showed any brain changes.

It is not all Accutane patients who demonstrate a brain change, just those who complain of headaches. Is the excessive dosage found in the current formula of Accutane that is prescribed to our young people the cause for the change in the brain that we see? The medical evidence is clear that Accutane causes changes in the brain, and this may be what leads some young people to take their own life through impulsive behavior.

Let us join with Dr. Graham, the CDC, and other health care groups who have expressed strong concerns about the safety of this drug, and who have called for Accutane to be withdrawn from the market as far back as 1990. Let us pull this drug Accutane from the market until we have all the answers surrounding this powerful drug.

At the very least, the FDA should immediately require a large-scale review and a study on the drug's effects on the human brain. Is this decreased metabolism we see here reversible? Will the brain repair itself? What amount or what dose of Accutane is safe? What amount of Accutane can be safely taken by young people so that the brain is not affected? Has the FDA done enough to protect our children from the side effects of this drug? Has the FDA seriously looked at Dr. Bremner's study and similar studies in animal testing, which also demonstrated that Accutane harms the brain?

It has been 7 or 8 months now since I have shared this information with the head of the FDA, Dr. Crawford. We still have had no response to our concerns. It is time for all of us to join together to protect our children. It is time to withdraw Accutane from the market until all of our important safety questions are answered.

IMPENDING CONSTITUTIONAL CRISIS IN U.S. SENATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate this opportunity to address the House. This issue before us in this discussion this evening, Mr. Speaker, is the issue of an impending constitutional crisis that I believe is taking place over in the other body, and it is something that has been dealt with and worked with and rolled around by the Senate with regard to the confirmation of the President's appointments to the judicial branch of government. It is an unprecedented use of the Senate rules with regard to filibusters.

About 2½ years ago, something like that, this process began, and it began with a gentleman that was appointed to the D.C. Court of Appeals. His name was Miguel Estrada, a very, very highly qualified individual, an immigrant from Honduras, someone who English was his second language. He learned that, studied hard, and worked his way up through the process. He was very, very highly qualified.

But as highly qualified as he was, he was also apparently a political threat to the minority on the other side, Mr. Speaker. So Miguel Estrada hung on the vine because of this unprecedented utilization of the Senate rules called filibuster, requiring 60 votes to gain cloture so that they could go to a vote on the floor of the Senate.

In the history of this country, Mr. Speaker, there has never been, until these last 2 to 3 years, that rule, the rule of the filibuster used against judicial nominees when that nominee had a majority of the votes on the floor of the Senate. The unprecedented use of that hung Miguel Estrada on the vine for 28 months and 5 days, where he finally could not stand it any longer. He had to get on with his life. He had to make a living, had to take care of his family, and so he withdrew his name.

I think that should have been lesson enough, but what happened was that the minority in the other body continued with the filibuster process. They held up a good number of the President's nominees, and I believe that number was 10. Today, the President has pledged to reappoint those nominees that were held up in the 108th Congress, and so now those names are before the Senate again.

In speaking of this impending constitutional crisis, I would also, Mr. Speaker, address the situation and ask that we remember the nomination process for Justice Thomas, and the long, drawn-out grilling affair that was used on him when he was finally confirmed by the Senate by a majority vote. That process and what this country went through was an agonizing thing. It was an embarrassment to the dignity of the United States that we would bring out all those details. Yet now we have a jurist who sits there and whose opinions I read, respect, admire and appreciate. He is a Justice who reads the Constitution, understands the letter of the Constitution, the intents of the framers, the effect of the Constitution and its controlling factors within our laws and the interpretation of congressional intent.

☐ 1800

I appreciate that in a justice, and apparently some of the other side of the aisle do not, so they have been filibustering this second round of appointments by our President in this unprecedented effort.

Now it does a number of things. It puts us into this pending constitutional crisis because we are always one heartbeat away from a vacancy on the Supreme Court. We are always one heartbeat away from another national circus and confirmation like we saw with Justice Thomas. This case, though, it would be even more intense, it would be more difficult. It would be fought out more intensely, and that one heartbeat away or one retirement announcement away, one that some of us do anticipate could happen fairly soon, within the next few weeks or the next couple of months, if that takes place, these appointees that are hanging on the vine now that are held up by a Senate rule, a Senate rule that I believe contravenes the Constitution, will become secondary issues and the vacancy on the Supreme Court will become the primary issue.

And if this precedent that they are seeking to establish is allowed to stand, then a minority in the United States Senate will control who is nominated and who is confirmed. I will say they will have influence on who is nominated and they will control who is confirmed for all of our courts in this land.

We know that it is difficult to get judges confirmed that rule on the letter of the Constitution, the letter of the law, the intent of the Framers, and the intent of Congress.

As we sit here with this impending constitutional crisis, this filibuster over on the Senate side, I would ask the body to take a look at the Constitution itself. And if we look to the directions that we have that are framed within the Constitution and ratified by the people, that would be Article I, section 5, it says, "Each House may determine the rules of its proceedings." One might read that and conclude that the Senate can have their filibuster rules and they can hold up the judicial appointments if they so choose, but the Senate rules cannot contravene the Constitution. They cannot be outside the Constitution. We are all bound by the Constitution. We take an oath to uphold the Constitution of the United States.

I would say that the controlling factor is not that each body, each House will establish its own rules, but Article II, section 2, where it says, and I think I should read this for the body, "He shall have power," meaning the President, "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," and that is one specific time where we have more than a simple majority.

There are two others in the Constitution. Continuing to quote, "and he shall nominate, and by and with the advice and consent of the Senate, shall appointment ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

So, Mr. Speaker, advise and consent of the Senate is the controlling constitutional question here. Certainly there is no shortage of advice from the Senate. We will concede they can have all of the advice they would like to deliver to our Commander in Chief and chief executive officer of the United States. We will concede that. They deliver that consistently. It is the consent portion that I object to because under consent, all analysis of the definition of consent is to a simple majority of the United States Senate, not a super majority. When this Constitution requires a super majority, it defines that in this Constitution without exception. It is a simple reading of the Constitution. The United States Senate needs to provide an up or down vote for these nominees that the President has put before them. They are qualified. They have a majority vote on the floor of the Senate. They are being held up by a Senate rule that contravenes the Constitution and it denies the representation of the people who elected the majority members of the United States Senate their voice.

That is the essence of this, Mr. Speaker. To get into it further, I would like to yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise again today to add my voice to the chorus that is convened in this House Chamber to denounce the grave disservice that the Senate Democrats are doing to our fellow Americans. I am pleasantly surprised at how many people at home keep encouraging me to do all I can to see that the judges that the President has nominated become confirmed.

When the Framers of our Constitution brilliantly crafted the greatest form of government on earth, they deliberately installed a detailed system of checks and balances, and I think the point that the gentleman from Iowa (Mr. KING) has made is very, very important. Where we needed super majorities, they outlined that in the Constitution. Otherwise, simple majorities are sufficient.

And under that system, judges and courts are not supposed to legislate, and legislators are not supposed to make court decisions. However, by refusing to do their jobs and not even considering judicial appointments, Democrats in the Senate are making a mockery of the government our forefathers put their lives on the line to obtain.

Mr. Speaker, just as many of my colleagues and I frequently contest the dangerous trends and practices of activist judges, we have gathered this evening to oppose the equally dangerous activities of partisan activist Democrat senators, or should I say, inactive senators.

As any student of American government knows, it is the job of the President to nominate fellow Americans to serve as Federal judges, and it is the job of the Senate to approve or reject those nominations. It is a simple system that guarantees proper checks and balances in the manner our forefathers envisioned. Over the past 2 years, though, Senate Democrats have exploited parliamentary loopholes to prevent the Senate from voting up or down on many of President Bush's highly qualified nominees. They are hiding behind the Senate filibuster to judicial nominees who have the support of the majority of the Senate, something which has never been done before in American history. They are not asking for time to debate these nominees, they are not going to the American people and explaining why they oppose them, they are not even attempting to persuade their Republican colleagues to vote no. No, they are just refusing to vote, and that is wrong.

I stand for this simple proposition that every judicial nominee of the President deserves a fair yes or no vote. If Democrats do not like the President's nominees, they can vote no; but to avoid voting all together is a dangerous disservice to our Nation.

I urge Democrats in the Senate to stop playing politics with our justice system and to start doing their job. I hope the Democrats in the Senate are using their time off this week to contemplate their recklessly irresponsible actions. It is time to put partisanship aside, like many of my sensible colleagues have done in the House.

With no real agenda coming from their leadership, constructive Democrats have found a legislative home with House Republicans this year. As the Republican Party has made great strides for our Nation during the first few months of this Congress, many House Democrats have joined the majority in working for a better America.

Mr. Speaker, 73 Democrats voted to pass bankruptcy reform; 50 Democrats voted for class action reform; 42 Democrats voted for the Real ID Act; and 122 Democrats voted for Continuity in Government; and 42 Democrats voted to repeal the death tax.

Mr. Speaker, the Republican Party is accomplishing great things for America every day. Many House Democrats have joined in that progress. I hope the Democrats in the Senate will put their partisan, irresponsible instincts aside and do their job when they return to Washington. Stop the filibuster on judicial nominees and put them to a vote.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for her contribution to this cause.

Mr. Speaker, I yield to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) for yielding me this time.

Mr. Speaker, in the late 1880s, House Speaker Thomas Brackett Reed was easily one of the most powerful speakers that has ever served in this body, and probably one of the most sarcastic speakers that ever served. Anyone who can be asked if he is going to attend the funeral of one of his political enemies and have the presence of mind to say, "No, but I approve of it," one has to like that kind of a speaker.

One day Speaker Thomas Brackett Reed returned from watching proceedings in the Senate, and looked at his colleagues sitting in this Chamber and told them to thank God the House is not a deliberative body. I would never deign to give advice, or for the sake of the parliamentarian, to make a value judgment as to the actions of our brethren, and sisters, over in the Senate, but as they contemplate what is popularly called the "Constitution option," or the Byrd option, or the nuclear option, it would be useful to briefly review the history of the House.

No Child Left Behind may not think history significant enough to be tested, but an understanding of congressional history may indeed smooth the troubled times ahead.

Historian David McCullough noted that "Congress rolls on like a river, always there and always changing." So for all the fealty we give to traditions of each body, each tradition of both the House and the Senate had a beginning point when the body made a conscious decision to implement a tactical course of action. As McCullough intimated, though we do not like to admit it, each body is constantly making those course changes. The same principle applies to filibusters.

A filibuster is not a Constitution doctrine but a tactical course of action, and the concept of the filibuster has often been used for noble causes. During the 1990s, the Senate engaged in a filibuster of what I saw as a devastating attack upon the economy of the west based upon another administration's Federal land policies. I applauded them for that effort, but what can be used for good can also be used to abuse. And when that abuse becomes egregious, commonplace, and detrimental for the overall well-being of this Nation, changes should then be considered.

The Senate has changed its practices on filibusters several times with this tactic. They did so in 1917 and again in the 1950s, and again in the mid-1970s. And as the Senate considers whether to make an adjustment again, they should review the House's tradition with a tactic that was both similar and yet the exact opposite of the Senate filibuster.

The Senate developed the filibuster, a tactic designed for the minority to obstruct and frustrate the will of the majority by talking. But in the 1800s, the House had an Act called the disappearing majority. It was designed by the minority to obstruct and frustrate the will of the majority by silence.

In the early 1800s, former President John Quincy Adams, the only person to leave the White House and return here to this House body, refused to vote on a pro-slavery amendment. When his name was called, he just sat. Others joined him until there were not enough votes cast to make a quorum and the motion failed. There would be few who would criticize him for the nobility of that particular action; but unfortunately, that tactic caught on and by the speakership of Thomas Reed was being abused in an effort to frustrate any positive action in this body. On a quorum call, those people would simply refuse to answer, and with a lack of a quorum, all business would be brought to a screeching halt; the same goal as a filibuster, just a different approach.

This was common in the House practices in the 1800s, and the refusal to allow a vote resulted in minority government. As Speaker Reed said at the time, "If the majority does not govern, the minority will; and if you think the tyranny of the majority is hard, the tyranny of the minority is unendurable." The rules then, he said, ought to be arranged to facilitate action of the majority. The Speaker made up his mind if, in his words, "political life consisted of sitting helplessly in the Chair and seeing the majority powerless to pass legislation," he had had enough of it and was ready to step down.

He did not step down. Instead, he decided to step up to the challenge. Thus, he instituted a policy of counting as present Members in this Chamber, whether they were speaking or voiceless, and it led to a wonderful exchange between the Speaker and a Democrat Member from Kentucky, James McCreary. The outraged McCreary demanded to know what parliamentary right the Speaker had to declare him present. And Reed simply responded, "The Chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?"

Well, the precedent for the tactic was broken and even though the minority took this issue, ironically enough, to the Supreme Court in 1892, the Supreme Court upheld the position of the Speaker.

The House then evolved into a body with centralized or majoritarian authority, while the Senate remained decentralized with minority authority. These tactics, all of them, are not ordained by the Constitution, they are traditions of the Members of each body. House historians Oleszek and Sachs once wrote, "The forces of centralization and decentralization are constantly in play, and they regularly adjust and are reconfigured in response to new conditions and events."

In less scholarly terms, whatever has been born in a noble cause can degenerate into abuse; and if the abuse of that tactic harms the Nation in such situations, Congress should make changes. They should adjust.

□ 1815

The House did in the 1800s. The Senate would do well to learn from our experience. As McCullough might be saying right now, the river is ready to change.

Mr. KING of Iowa. I thank the gentleman from Utah. It would be interesting to have heard the gentleman say, no, I am not here and see that in the RECORD. That is a perspective that I appreciate being able to hear here tonight. At this moment I would also like to yield to a gentleman who has enormous experience in working with the judicial branch of government, former attorney general of the State of California and now a Congressman again, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. LUNGREN of California. I thank the gentleman for recognizing me, I thank the gentleman from Iowa for having this time, and I thank the other Members of this body for entering into this discussion here this evening.

In my former life as the attorney general of the State of California, I was privileged to be on the confirmation panels for those members of the bench who were nominated to appellate positions or the Supreme Court of the State of California. In that regard, it was a three-person panel of confirmation requiring a majority vote, a two-thirds vote because there were three of us on that panel. During that time, I had the opportunity to investigate, review, speak with and have public hearings and then vote on more than a score, I believe, of nominees of the Governor of the State of California during the 8 years I served as the attorney general.

During that time, we were required to look at their record to see whether or not they were qualified to serve in their positions, but never did we misunderstand the responsibility we had, which was not to nominate them in the first place but, rather, review their nomination after it was made by the Governor of the State of California. While that is not an absolute analogy, it certainly is an apt analogy to the responsibility that the United States Senate has under the Constitution of the United States to give advice and consent to the President of the United States upon his nomination of individuals to serve in the various courts in the Federal system.

Tonight I would like to at least address briefly the process that has developed in the Senate and the impact it has had on the nomination of a particular individual from my home State of California. Her name is Janice Rogers Brown. She is and has served for a significant period of time as a member of the California Supreme Court. Prior to that, she was on the Third District Court of Appeals for the State of California. She has been nominated by the President of the United States to serve on the District of Columbia Circuit Court of Appeals.

The gravamen of my observation is that the failure of the Senate to allow her nomination to come to the floor thus far denies her, but more importantly the American people, an opportunity to review her qualifications, to review her personal history and to make a determination as to whether she is a worthy individual to serve on the District of Columbia Circuit Court of Appeals.

As a matter of fact, it is my observation that in the absence of the opportunity to be voted up or voted down, to be subjected to a debate on the floor of the United States Senate in the context of such a consideration, that in fact the Janice Rogers Brown that I know in the State of California, not only because of my personal experience with her but because of my prior service in making a determination as to whether or not she was worthy to serve on the California appeals court and the California Supreme Court, that that person that I know is not the person that I hear discussed, the person that I hear characterized, or the person that I see presented in the press and in other places.

Her personal story is nothing short of inspirational. Janice Rogers Brown comes from a family of Alabama sharecroppers. She was born and grew up at a time in which there was still official discrimination in that State. She was one of those people who suffered as the result of official and unofficial discrimination in that State. Yet she rose from those humble beginnings to receive her law degree from UCLA in 1977. She served as a deputy attorney general in the California Department of Justice from 1979 to 1987.

When I was elected the attorney general of the State of California and took office in January of 1991, I asked a number of people who had previously served in the attorney general's office for recommendations of people who should serve at the top level of the Department of Justice in my administration. Her name was always offered by those who had had experience in that office.

I did talk with her. I did offer her the opportunity to serve as the head of the civil division in the California Department of Justice. That is an office that has over 1,000 attorneys in it, 5,000 employees, I believe one of the finest law offices in the country. It probably presents itself in argument before the U.S. Supreme Court more than any other office outside of the U.S. Department of Justice, and I very much believed that she would be someone who would bring tremendous esteem to our office.

Unfortunately, Pete Wilson, the former United States Senator, then Governor of the State of California, was successful in talking her into accepting his offer to be the legal affairs secretary to him in his administration. During that period of time that she served as legal affairs secretary, I was the attorney general of California and worked with her on many knotty legal issues. I found her to always be professional, to always be measured in her tones, to always look to the law first, and to give the best advice that she possibly could.

Later, the Governor nominated her to serve as justice on the Third District Court of Appeals, and we listened to the testimony of those who had worked with her, those who had seen her close at hand in the office of the Governor, in the attorney general's office and in private practice; and there was such a strong recommendation of those who had worked with her that it was easy to vote for her confirmation to the Third District Court of Appeals for the State of California.

Several years later, she was the first African American woman to be nominated to serve on the California Supreme Court.

During the confirmation hearings that we had, I had the opportunity to review the opinions that she had written while on the appellate court. Interestingly enough, every single member of the appellate court on which she served recommended her confirmation to the California Supreme Court. I recall at the time that the chief justice of the California Supreme Court, Justice Ron George, surprised the public hearing that we had by actually putting on the table every single written opinion that she had done and advising everybody there that he had read every opinion she had written at that point in time, not once but twice, and rendering his opinion that she was well qualified to serve on the California Supreme Court.

I can recall of those who opposed her, some said she was not serious enough and one of the things they cited was a particular case. So I went to that case to see their suggestion that she was not serious enough, and I found out that not only is she a legal scholar but she is a well-read individual and someone who understands the culture of America very well, because she had footnoted a routine done by George Burns and Gracie Allen, and that routine that she footnoted was right on point but made the point with humor.

I must say that having been involved in the law for 30-some-plus years, having served in this body on the Judiciary Committee for now 11 years, having served as attorney general for 8 years, and been involved in private practice in the other years, it is refreshing to find members of the court who actually believe it is appropriate occasionally to use humor to make a point.

It should be noted that Justice Brown was required to go before the people of the State of California for confirmation in a direct vote of the people and that in that she received over 75 percent of the vote of the people of California who had the opportunity to review her performance while serving on the California Supreme Court.

I have seen some criticism of some of her opinions. One cited in the other body has to do with a case coming out of the city of San Jose, and it had to do with whether or not the city of San Jose's ordinance with respect to hiring or contracting policies had run afoul of a new section of the California Constitution which was as the result of a direct vote of the people in Proposition 209. Proposition 209 entered the vast area of affirmative action and said in that vast area, we believe it is inappropriate to use racial quotas and set-asides. It did not condemn all affirmative action, but specifically said that the use of race for purposes of contracting or hiring by State government or its political subdivisions was inappropriate when it came by way of quotas or set-asides. That was a vote of the people.

In the case brought by some who challenged the ordinance in the city of San Jose, she wrote the majority opinion. Some have now criticized her for that opinion, suggesting, as I have heard, that she is, quote-unquote, out of the mainstream.

Well, that decision was a unanimous decision of the Supreme Court of the State of California: 7 to 0. If she is out of the mainstream, the entire Supreme Court of the State of California is, and the people of California are, out of the mainstream as defined by those who would criticize her.

The interesting thing is that she is a prolific writer in her capacity as a jurist. In fact, in the year 2001 and the year 2002, she authored more majority opinions than anyone else on the California Supreme Court. As I mentioned before, her opinions reflect well-reasoned analysis, a prosaic quality, as well as humor. In upholding a drug-testing program, she observed, "That is life. Sometimes beauty is fierce, love is tough, and freedom is painful." Some have suggested that such comments are inappropriate. I would suggest that such comments are extremely appropriate because they are couched in the reality of life as well as the reality of the law.

I have talked with those people who served with her directly while she served the Governor of the State of California, those who saw her on an everyday basis, those who asked her legal advice, those who asked her positions. Every single one of them will tell you that she is a measured individual, she is a well-thought-out individual, she is one who will give you what the law is; and if you ask her opinion, she will give you that as well.

If you look at her opinions, they are the opinions of someone who understands what I believe jurists ought to understand, that their obligation is to interpret the law, not make the law. Their obligation is to attempt to divine what the intent of the legislators was at the time they passed the law, and similarly what the intent of the framers of the Constitution meant at the time they wrote the Constitution. Because, simply put, this is not a game. We have an obligation in a democracy to be fair with the people who are members of that democracy, the citizenry. And if in fact those who are on the bench speak in some sort of Sanskrit, speak in some sort of code such that when they say one thing that is understood in the common utterances one way but they mean in their legalese something else altogether, that somehow that is the way to legislate, I would suggest that is the wrong way to legislate because it does not give the members of our society a fair chance at ordering their lives in accordance with the laws.

That is something we have not talked about enough here. When we give full flight of fancy to members of the court under the Federal system, what we are doing is saying that the people should not have the opportunity to fully understand the democracy in which they participate, that the people somehow are incapable of governing themselves and that somehow all the important decisions of life have to be decided on a, quote-unquote, constitutional basis as opposed to constitutional questions being the exception.

I would suggest that it is also not possible to pigeonhole Justice Brown into a stereotype or ideological mold. She has surprised some in the law enforcement community with her steadfast defense of individual rights. For example, in a California case called People v. Woods, she authored a lone dissent in a case which upheld a prosecution of two defendants for drug offenses based on evidence seized without a warrant from a residence defendants shared with a woman subject to a probation search condition.

☐ 1830

In this dissent she observed, "In appending the Bill of Rights to the Constitution, the Framers sought to protect individuals against government excess. High on that pantheon was the fourth amendment guarantee against unreasonable searches and seizures, which generally forbids such actions except pursuant to warrant issued upon probable cause by a neutral magistrate." This hardly sounds like a caricature of the right wing gargoyle which Justice Brown's critics have tried to create.

Recently her critics have heaped criticism upon her for reference to the cultural wars in a speech in which she acknowledged the secular assault on religious freedom. First of all, everyone from Pat W. Buchanan to Tammy Bruce has acknowledged that we are in the midst of a titanic cultural struggle. As a matter of fact, if we looked at the recent writings and utterances of James Carville, he has suggested that maybe his party ought to pay more attention to the cultural argument that is taking place, the cultural battle that is taking place. In light of the fact that cases relating to the removal of reference to God and the Pledge of Allegiance, which happened to come out of my district, by the way, and the two Ten Commandment cases currently before the United States Supreme Court, cases in courts around the land involving the question of the continued definition of marriage, Justice Brown would seem to be merely stating the obvious.

In fact, cities and counties across Southern California are being coerced by lawsuits and threats of lawsuits to remove minuscule depictions of the cross from city and county seals. Perhaps we ought to pretend that the California missions never existed, and perhaps we will be required soon to change the names of San Francisco, San Jose, and Sacramento to more secular terms.

My point this evening is a simple one. That which we are observing in the Senate is denying the American people an opportunity to review the nominees of the President of the United States. It is my belief that Janice Brown should be so presented to the United States Senate for consideration. She is the American story. From the humblest background, she has risen to the highest court in the most populous State in the Nation. She subscribes to a judicial philosophy considered radical in some circles, that the text of the Constitution actually means something. She holds to a consistent enforcement of individual rights that is not result oriented.

In my judgment, these are the qualities of a true jurist and is why she should be confirmed to sit on the DC Circuit Court of Appeals, and at very least, that her story be told in open debate on the floor of the United States Senate in the context of the consideration of her nomination by the whole body.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from California for his comments, and I appreciate more insight into Justice Brown.

I also want to say that I looked to the gentleman from California for his viewpoint on the law and on the Constitution because of the experience he has and the fact that he had the opportunity to view her from up close and share that with us tonight.

We are asking for an up or down vote for Janice Brown and the others in the Senate.

And I yield to the gentleman from Indiana (Mr. PENCE), the chairman of the Republican Study Committee.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding to me.

I thank the gentleman from Iowa for his stalwart and courageous and unbending commitment to an independent judiciary and for calling this forum tonight, which is really about this body speaking of the obligations of the Congress as a whole to do what the American people sent us here to do, and that is, in very simple terms, Mr. Speaker, we vote for a living. And I am going to be in Muncie, Indiana on Friday. We make a lot of car parts there. We have got a lot of corn and soybean fields in Eastern Indiana, where they grow things for a living, they make things for a living. We actually just vote for a living here. Any other way one dresses it up, there are a lot of other aspects of our job, but when the bells go off, legislators in the House and the Senate vote. That is what taxpayers call us to do. This is not a debating society, and the effort by our colleagues with the constitutional option as it is rightly observed in the

Congress is an effort to reestablish a 214-year tradition in the Senate of either approving or disapproving the President's nominations by a simple majority vote. As many of my constituents love to say, this is not really rocket science.

I think for many Americans, the central question of the moment is can Mr. Smith still go to Washington? I mean, we could get lost in Article I, section 5 of the Constitution, and determining the rules and proceedings and all of the gobbledegook, but in my heart, I think many Americans just ask the question, can Jimmy Stewart still go to the floor of the United States Senate and expose the corrupt dam project?

I really believe it comes down to that. With a lot of the hyperbole and the hyper-rhetoric about the ending of filibusters and the ending of democracy and great traditions in the Senate, I have got to think, Mr. Speaker, that many Americans looking in are still asking that question, can Mr. Smith still go to Washington? And I think it is absolutely imperative that we say tonight an emphatic yes, Mr. Smith can still go to Washington, that specifically all the duly-elected majority of the United States Senate seeks to do is to eliminate filibusters on judicial nominations, which, I will argue is unprecedented in the Senate to begin with. It has never been accepted.

And recently, in the last 5 years, by prominent members of the Democratic then majority of the Senate, people like Senator TEDDY KENNEDY, people like Senator PATRICK LEAHY, people like Senator Tom Daschle, decried the use of the filibuster on judicial nominations. The filibuster that Jimmy Stewart used in the famous movie "Mr. Smith Goes to Washington" was the legislative filibuster, the ability to go to the floor and to use the rules of the Senate to tie the institution up, to use a minority power in the institution to expose truth. And the reality is that that remains untouched and ever should it remain untouched, in this legislator's judgment. It is an essential element of the power of the most deliberative body in the world.

But that being said, Mr. Speaker, the introduction in recent years of filibusters on judicial nominations of the President of the United States is unprecedented, and it is precisely that which the majority of the United States Senate seeks to bring to an end.

And let me just give a couple of quotes. There are those who say that filibusters on judicial nominations are a great part of the Senate tradition and that, indeed, by their own rhetoric, Democrats acknowledge this not to be the case. Senator PATRICK LEAHY, and I will quote from the CONGRESSIONAL RECORD 18 June 1998, who said, "I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty." Senator PATRICK LEAHY.

Senator TEDDY KENNEDY in 1998, also in the CONGRESSIONAL RECORD in March, said, "We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues do not like them, vote against them. But give them a vote."

And Senator Tom Daschle, then I believe the majority leader of the U.S. Senate, of Clinton nominees to the United States Senate, said, "The Constitution is straightforward about the few instances in which more than a majority of Congress must vote," and he names them: "A veto override, a treaty, a finding of guilt in an impeachment proceeding." But he said, "Every other action of Congress is taken by majority vote." And he went on to say, this is Tom Daschle now: "The Founders debated the idea of requiring more than a majority . . . They concluded that putting such immense powers in the hands of the minority ran against the democratic principle. Democracy means majority rule, not majority gridlock."

Tom Daschle, Senator PATRICK LEAHY, Senator TED KENNEDY all acknowledging the fact during the Clinton administration, that filibusters have never been a part nor should they ever be a part of the deliberation of the Senate over presidential judicial nominees.

I say as I close, and as I began, Congress is not a debating society. We vote for a living. And what we call on our colleagues to do, as much as our rules permit us, and I believe the American people that returned a widening Republican majority in the United States Senate in the last election and returned this President to office by the largest margin in American history insist that the Senate do its duty, that the Senate vote up or down, to quote Senator TED KENNEDY, up or down on the President's nominees to the bench.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time. I thank the gentleman from Indiana for his comments.

Mr. Speaker, I now yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) for yielding to me.

Mr. Speaker, our colleagues in the Senate in the coming days will approach a crossroads that will forever impact the future of this Republic. They will choose the road that will restore the constitutional balance of power that our Founders so carefully constructed, or they will travel the path that rewards a shameless behavior that has deliberately injured this delicate balance by transferring the executive power of judicial appointment to the legislative minority.

The Constitution's advice and consent has been twisted into mockery. Men and women of outstanding character have come forth as judicial nominees to be undeservedly maligned, smeared, and ridiculed, and then left in nominations limbo by this unprecedented, unconstitutional, and outrageous judicial filibuster.

Mr. Speaker, this is a show of disregard and contempt towards the world's flagship of freedom and toward her people and toward the time-honored principles of the United States Senate.

We will recapture the civility that once presided over judicial appointments, or we will forever surrender what Abraham Lincoln called "the angels of our better nature" to a bitterly partisan tactic that threatens the constitutional prerogative of the President to appoint good, decent, and honorable men and women to the Federal judiciary.

Advice and consent is clearly written in the United States Constitution. This judicial filibuster to prevent fair up or down votes is neither advice nor consent, and it is not in the United States Constitution. Never before 2003, in 214 years of U.S. Senate deliberations, has any judicial nomination with clear majority support been denied a fair up or down vote. And yet the minority would have the public believe that the majority is the one trying to change the rules here. They call it the "nuclear option." It is the Senate minority that has launched the unprecedented "nuclear option" by devastating the constitutionally required just consideration of judicial nominees by the President of the United States.

What the majority seeks is the "constitutional option" that is in total keeping with 214 years of the rules, traditions, and dignity of the United States Senate. Senate Democrats have arrogantly and openly threatened to shut down the operations of this government if Republicans insist on the constitutional option.

Mr. Speaker, far better it is to let the Democrats shut down this government temporarily than it is to allow them to shut down this Republic permanently, because in this critical struggle for the future of this Republic, one of two things will happen: Either the time-honored tested provision of advice and consent written in the Constitution will prevail or unprecedented judicial filibuster and obstructionism will take its place and become the tragic legacy of these days.

The people who have placed us here with their votes have entrusted us to act in principle and for the common good. They are exhausted by the mercenary partisanship of these attempts to destroy the reputations of decent men and women. This destructive behavior has so insidiously invaded every aspect of our political process that it will destroy this Republic if we foolishly continue to reward it.

Mr. Speaker, I should not have to remind my Republican colleagues that the people who have entrusted us with this majority have spoken with resounding voice on the issue of judicial appointments. They hear it and I hear it everywhere I go.

□ 1845

The people of America have a profound sense of justice and fair play; and they want a fair up-or-down vote on judges. Somehow, the people understand how important this really is, and they understand it is really about the Constitution itself. They seem to innately embrace the message of Daniel Webster when he said those magnificent words: "Hold on, my friends, to the Constitution and to the Republic for which it stands, for miracles do not cluster. And what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world."

Mr. Speaker, the stakes could not be higher, and this Republic hangs in the balance. We have a once-in-a-lifetime opportunity to pass along the miracle of the American constitutional republic to any future generations that are yet to be.

We owe it to the American people, we owe it to ourselves, we owe it to those future generations, and we owe it to that vision of human freedom our Founding Fathers risked their fortunes, their lives, and their sacred honor to entrust to us.

We must not fail.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona for his eloquence, for his understanding of the Constitution, and for his willingness to share that with us here tonight. I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, the Constitution calls upon the other body to advise and give consent to judicial nominations. For 214 years, they have done this effectively. Yet, today, we see what is becoming a constitutional crisis which is completely unprecedented, and that is the use of the filibuster to basically stop the confirmation process both for circuit court and Supreme Court nominations.

In light of this mounting problem, it may become necessary to restore the confirmation process by adjusting the rules in the Senate. Of course, the Constitution gives the Senate the right and the authority to govern itself and has set up its own rulemaking. In fact, the Democrats in the Senate, when they were in the majority, advocated the total removal of the filibuster in 1995, and that was voted for by Senators BOXER, HARKIN, and KENNEDY, and some others. So there has been discussion on this subject in the past.

But we are not suggesting the removal of the filibuster, not at all. But we do not stand for the complete filibuster of judicial appointments. Rather, the so-called Constitutional Option actually is a very narrow rule change, and it affects only the Supreme Court and circuit court nominees.

So, once again, we come back to where we have been for 214 years, and that is the fact that never, never in the history of this Republic has it ever happened that a judge that was supported by a majority was denied the right to have a simple vote on whether or not they could serve. Never in our history has a nominee with clear majority support failed to receive a vote in the U.S. Senate. This is our longstanding tradition.

We believe that at least a majority should have the right to cast a vote on whether or not we will seat a judge, and that is all that we are talking about. It is an essential tenet of our whole representative form of government, the idea that there should not be some tyranny which makes it so nobody can even have a chance to vote. And that is certainly a new use of the filibuster and something which threatens to shut down our entire confirmation process for the courts.

We have never embraced a system in which it requires 60 votes to confirm a judge, and we should not be doing that now. With this change, Mr. Smith can still come to Washington, he can still filibuster legislation, but our constitutional call to confirm judges will continue so that the work of the judiciary may go on without the obstruction that we have been seeing in the last several years.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for his contribution to this important subject matter that is before us here. It is actually pending before the United States Senate.

A couple of pieces that I think came out in this discussion we have had tonight has been that even though we are asking Mr. FRIST to utilize the Constitutional Option and to call for a rule decision that would be that in the case of a constitutional issue in the United States Senate, when the confirmation of judges are before the United States Senate, a simple majority vote will have to prevail. It is not unprecedented in the Senate rules. What it would do is it would set aside the filibuster option with regard to judicial appointments.

There is no filibuster right now for appropriations bills for obvious reasons, because if you allowed a single Senator or a minority of the Senators to hold up the spending, then anyone could hold the appropriations process hostage to their particular agenda and their particular wishes. Those rules reflect the reason for suspending filibuster for the purposes of appropriations.

Certainly, getting judges on the bench is as high a standard and something that should allow for a simple majority vote over in the Senate. If he exercises that option and the majority leader makes a decision that they will have a vote on the rule, the rule can be amended on the floor of the Senate with a simple majority vote. So if 51 Senators say, let us change the rule to a simple majority for confirmation of judges, it is entirely within the Constitution. In fact, it brings them back to the Constitution which says advice and consent. Consent is defined as a simple majority, not a supermajority, which is what prevails today.

I happen to have heard in the news media last week, or else early this week, the former Governor of New York was on the media saying, and that would be Governor Cuomo, saying that James Madison said the Constitution is here to protect the rights of the minority, meaning the minority in the United States Senate, from the tyranny of the majority. Well, this is not the case. I will say, yes, the Constitution protects those rights; it defines those rights. But what we have right now is the tyranny of the minority in the United States Senate setting policy and determining who will get through the confirmation process for everyone in the United States of America.

So Mr. Smith, after this rule is changed, will still go to Washington, we will still protect the rights of the minority by our Constitution, but we will then prevent the minority, who have been elected to serve in a capacity in the United States Senate, will allow them their rights, will let the people who elected the majority in the Senate make the decisions on who gets confirmed to the courts in this land.

There is far more at stake here than these judges that are before the court today. It is the impending nomination to the Supreme Court that is at stake here. The hostages that are sitting over there right now in the Senate include the energy bill, the transportation, the road bill, other pieces of legislation that we passed over there from the House, all sit there today waiting to be bottled up in a potential filibuster that has to do with the threat that the process will be shut down in the Senate.

Well, we know when somebody shuts down this legislative body by using the rules, however they might use the rules, they have paid a price at the ballot box. There are more Senators over there today on the majority side than there were before the last election because the public does not want obstruction. They want progress, they want an up-or-down vote for these justices consistent with the Constitution, and that is a simple majority.

My junior Senator from the State of Iowa is one of those people who has taken a position and actually led an initiative back in 1995 to change the rules in the Senate so there would not be a filibuster of the justices. That was his opinion then; I am asking that it be his opinion today. In fact, his wife was before the Iowa Senate to be confirmed to a position there before the Board of Regents. If those senators had determined, my former colleagues, my alma mater had determined they wanted to use their rights to filibuster to hold that up, the junior Senator from Iowa's wife would not be sitting on the Board of Regents today like she is.

We want to have the voice of the people in this country heard. We want to stay consistent with the Constitution. We want an up-or-down vote. It is a simple process, a simple concept, and something that, in 214 years of the United States, has not been utilized, the filibuster, to hold up these judicial appointments.

So, Mr. Speaker, I would ask this: let the people know that what we are asking, the Constitutional Option, the up-or-down vote in the United States Senate, let the people know that it is their voice that will be heard when that option is exercised. We ask for that action early in the United States Senate so that it does not bottleneck legislation that is there; and we ask for this decision before such time as we get into a real bare-knuckles brawl over a Supreme Court Justice that might well be nominated within the next few months.

So with that, Mr. Speaker, I appreciate the opportunity to speak before this House.

CAFTA, LIKE NAFTA, IS BAD TRADE POLICY

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maine (Mr. MICHAUD) is recognized for 60 minutes as the designee of the minority leader.

Mr. MICHAUD. Mr. Speaker, first I want to thank my good friends, the gentleman from Ohio (Mr. BROWN) and the gentleman from New Jersey (Mr. PALLONE), for allowing me to conduct this Special Order regarding CAFTA this evening. They have been remarkable advocates of issues affecting working families, and they have my gratitude and admiration.

Mr. Speaker, there are several Members who want to come down to speak on this important issue, so I will at this time yield to my good friend, good colleague and cofounder of the House Labor and Working Family Caucus, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this evening I rise in opposition to the Central American Free Trade Agreement. I am glad to see that there are other Members fighting against this deeply flawed trade agreement.

When a trade agreement is so terrible that the Costa Rican president says he thinks it will hurt hard-working people and that their parliament is reluctant to even approve it, you know that it is a bad deal. When a trade agreement is so terrible that the majority will not even bring it to the floor of the House for a vote until a year after signing, you know it is a bad deal. When a trade agreement is so terrible that the Labor Department cannot even comment, they could not even mount an effective counter-argument about CAFTA's awful labor provisions, well, then you know it is a bad deal.

If Costa Rica cannot justify it, if the majority has no confidence in it, and if the U.S. Labor Department cannot even defend it, then it needs to be scrapped. There is not one single reason to support an agreement with this many problems in it.

I would like to talk about a little comparison between CAFTA and NAFTA, because NAFTA was supposed to be this great free trade agreement with our partners to the south, Mexico; and, boy, did we really get the wool pulled over our eyes. With CAFTA, we have a chance to learn from the mistakes of NAFTA and not allow that to happen again.

They told us that NAFTA would bring jobs, but we lost jobs. They promised that our trade would improve, but it has gotten worse with the steadily rising trade deficit. And they told us that it would elevate the middle class in Mexico. Well, guess what? I have been there, and it has not.

When I visited Mexico, I went to a small town in the state of Michoacan, where 60 percent of the men have left the town because there is no work. These men used to be soybean farmers, but their farms have been wiped out since NAFTA. Were these not the people that NAFTA was supposed to help? Instead, they got nothing, and their way of life has been decimated forever. CAFTA will have the same effect.

The gentleman from Arizona (Mr. KOLBE) has said that CAFTA will reduce illegal immigration. Well, guess what? He said the exact same thing about NAFTA. In fact, history has taught us the exact opposite. NAFTA enabled cheap U.S. imports, which pushed 1.3 million Mexican campesinos off the land. It is reasonable to think that some of them may long have since crossed the border into the U.S. seeking economic opportunity.

Central America is even more dependent on agriculture than Mexico is, so the impact on illegal immigration could be even worse. We do not want another NAFTA debacle. We do not want an agreement that hurts hard-working people in the U.S. and other countries.

The word needs to get out that CAFTA is a rotten deal for Central American and American workers. This agreement helps no one but big business, which makes sense, since this administration gives them a prime seat at the negotiating table. This is simply an expansion of NAFTA, which broke all the golden promises that it made to the American people.

CAFTA should be more appropriately renamed The American Jobs For Sale Agreement, because that is what it does. I say to my colleagues, do not be fooled twice. For those of you who were not here then, like me, do not even allow yourself to be fooled once. I invite you to join the growing list of opposition to CAFTA.

Mr. MICHAUD. Mr. Speaker, now I would like to yield to the good gentleman from Ohio (Mr. KUCINICH), a gentleman who has fought for the environment and who has fought for working-family issues.

□ 1900

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for yielding, and thank him for his dedication to the workers of the State of Maine and to workers all over this country. All of America appreciates the leadership that you have taken on this issue. I am proud to join you at this moment.

I remember years ago hearing Ross Perot talk about the sucking sound that would be heard once NAFTA passed. We were warned that we would be losing millions of jobs. Well, all of these prophecies have come true. We now seem to have learned nothing, because we have a new trade agreement that is being delivered to this Congress that promises to do exactly the same thing that NAFTA has done to our country.

And that is the so-called negotiated Dominican Republic-Central American Free Trade Agreement, or DR-CAFTA for short. This legislation, which I will refer to here as CAFTA, will be harmful to all of the people of the signed nations. CAFTA will benefit a few and hurt the many.

Governments will have little or no control over the investment of foreign companies. As a matter of fact, the power of legislatures is effectively nullified once these trade agreements are passed. National development needs and the rights of citizens and local governments will come secondary to the rights of foreign investors.

Moreover, investors will not have to comply with international labor organization standards, workers rights will be undermined, especially for women workers, for farmers, and Maquila workers. The labor rights abuses that are currently prevalent throughout the CAFTA countries will run rampant under this new legislation's weak labor provisions.

Countries will enjoy greater tariff benefits for goods made by workers whose rights have been denied. Family farms in Central America and the United States will fall victim to

CAFTA, which will threaten locally-grown produce and undermine food security. Basic public goods and services, such as education, health care and water will become privatized as governments lose the flexibility to subsidize these services.

Think about this. Privatization of education, privatization of health care. We have a private health care system, which is wrecking this country's ability to be able to meet the needs of its people. We are going to cause it to proliferate across Central America. The attempt to privatize water constitutes a challenge to human dignity. We are going to help facilitate the privatization of water with this legislation.

Expensive brand name drugs will have expanded patents, and inexpensive generic medicines will have greater restrictions. Poor people will not have access to lifesaving pharmaceuticals, because what are these trade agreements about? They are about lifting of corporate rights and dashing the rights of the common people.

The rules of trade, as first developed in NAFTA and now expanded in CAFTA, will increase the suffering of people in all signed countries. When CAFTA comes before Congress for a vote, I will urge my colleagues to oppose this unfair agreement. Trade between nations does not and should not have to lead to such negative consequences.

Trade should lift up the human condition, not degrade it. Trade should celebrate workers rights, not destroy those rights. Trade should take into account environmental quality principles and appreciate the quality of our air and our water. We have new goals to set in this country with respect to trade agreements; workers rights, human rights, environmental quality principles must be included in all trade agreements. We have to challenge the prevailing consensus which delivered NAFTA to this Congress.

We have to challenge the prevailing consensus which brought the World Trade Organization into being without any respect for the rights of national legislative bodies or for the people that we represent.

So I want to thank the gentleman from Maine (Mr. MICHAUD) for leading the way on this issue. I am proud to join with you, and I look forward to continuing to work with you as we take a stand here on behalf of workers not just in this country, but all over the world.

Mr. MICHAUD. Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. KUCINICH) for his leadership on this issue and look forward to working with him on this issue.

Mr. Speaker, as a co-founder of the House Labor and Working Families Caucus, I am privileged to be here with my colleagues to discuss the devastating impact that Central America Free Trade Agreement will have on our economy here in the United States. This so-called free trade deal promises to cripple our industries, both in my home State of Maine and throughout the Nation. Before coming to Congress I worked over 29 years at Great Northern Paper Company in East Millinocket. I have seen first-hand the devastation of the so-called free trade on Maine's economy, and I know what it means to working families.

I could see in 1994, with NAFTA, which has been nothing but a disaster, costing people of the State of Maine over 24,000 manufacturing jobs. In some parts of my Congressional district, unemployment has reached over 30 percent in different labor market areas over the last 2 years. Over 30 percent.

And often when jobs go, so do people, taking the heart and soul of what once was prosperous communities with them. Today, the threat of job loss is not for blue collar workers alone. Even high-tech companies like IBM, Boeing, General Electric are taking their computer and engineering jobs to China, India, and the Far East, while leaving behind a long trail of pink slips.

As a Member of Congress, I have had the opportunity to meet with several prominent free traders, like the trade Ambassador, Bob Zoellick. They like to talk about how free trade is good for everyone and creates jobs. But when I share the story of what happened and is happening in the State of Maine, of the many jobs lost and the lives that are devastated by those jobs lost, they admit to me, well, there will be winners and there will be losers, and that is just the price of doing business.

This is not a game. These are real people who lose jobs every day. They are the ones who lose the jobs who can no longer afford to send their kids to college and who can no longer afford even basic health care for their families.

Now, do not get me wrong. I am glad that there are a lot of Federal program benefits available to help dislocated workers. And I have devoted myself in advocating and fighting for Federal resources to help laid off workers. But, working people do not want a program and handout created by Congress to clean up the mess from these so-called free trade agreements. They just want their jobs. Each and every Mainer, each and every American worker, should be asking, can we afford to lose another job? Can we afford the Central American and Dominican Republic Free Trade Agreements?

The job loss numbers show that we simply cannot afford that. From 1998 to 2004 alone, 11,724 workers in Maine were certified for trade-related adjustment assistance. Companies like C.F. Hathaway Company in Waterville, Gerber Childrenswear in Fort Kent, were among the hardest hit by NAFTA.

The company that I worked for for over 29 years, Great Northern Paper Company, announced only 2 days after I was sworn in as a Member of Congress in 2003, they were filing bankruptcy. My coworkers, my family, my community was devastated. And the culprit was the so-called free trade agreements.

These agreements have created nothing but stagnant economies and rising inequality. And CAFTA is based on the same NAFTA model. You will hear from me and other Members this evening about the specifics of its devastating effects tonight.

This agreement will serve to push ahead the corporate globalization trend that has caused a race to the bottom in labor and environmental standards. American companies are often forced to compete with foreign corporations who are not held to the same labor or environmental standards. This creates an unfair balance.

I have long advocated for fair trade, not just free trade. The fight ahead is to ensure that these trade agreements are fair for our workers, our businesses, our States. We must ensure that all trade agreements respect workers rights to the environment, health and human rights. And I know Members on both sides of the aisle are committed to stopping this flawed agreement that we currently will be voting on in the months ahead.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. LYNCH) who is also a co-founder of the House Labor and Working Family Caucus.

Mr. LYNCH. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for yielding. I thank the gentleman for his leadership on this very important issue.

I am told that the clinical definition of insanity is the tenancy to do the same thing over and over again and expect different results. And this proposed Central American Free Trade Agreement is another example of the United States continuing to enter into these so-called free trade agreements with countries and regions of the world that give carte blanche to corporate America to send our American jobs to other parts of the globe.

The one thing that I have been struck with, after coming here to Congress is, how many people in Washington, D.C. talk about job loss like they are talking about the weather, or a natural disaster like an earthquake. They talk about job loss like it is something that happens beyond the control of Congress, when, in fact, much of the job loss that we see in America today is the result of poor trade policy, and lopsided trade agreements in which we have negotiated away our jobs and failed to protect the American worker.

Now, given the experience that we have had thus far, with our subsequent trade agreements with NAFTA and others, you would think that with our experience of job loss that we have had there that when you find yourself in a hole that you might stop digging. But, that is not the case, because here we are facing another agreement that will definitely ship jobs overseas.

Not only does CAFTA, the Central Free American Trade Agreement shift jobs overseas, but it creates and perpetuates a race to the bottom mentality, and further burdens our current trade deficit.

In 2004, the U.S. trade deficit soared to a record $617 billion, a 25 percent increase over 2003's record deficit, and more than 5 percent of our Nation's GDP.

The Bush Administration and the corporations who profit when America sends their jobs overseas argue that this trade deal will benefit U.S. businesses and workers while helping member countries prosper. But, the fact is from our own experience with NAFTA, that that is very far from the truth.

And tonight I would like to focus my remarks on exposing the real impact of the Central American Free Trade Agreement, and what it will do to American workers, and also to Central American workers as well, and our burgeoning trade deficit.

Let us first take a quick look at the North American Free Trade Agreement, NAFTA, and its impact on our workers and our neighbor's workers and the trade deficit. Those who advocated Congress's passage of the Central American Free Trade Agreement often point to NAFTA as a success story in their arguments. I think it is important to take a good hard look, both from economic and policy implications of that model as we consider the Central American Free Trade Agreement.

During the NAFTA debate, the proponents then argued that the measure would, if adopted, would lead to the creation of 170,000 new jobs in the United States. Instead, our country has lost 3 million manufacturing jobs since the adoption of NAFTA, in 1994.

And 900,000 of those jobs lost can be directly tied to NAFTA. These jobs were good, high-paying jobs that included benefits. They were manufacturing jobs that have been replaced by service sector jobs that typically pay 25 to 75 percent less, and with few or no benefits. And while some proponents expect the Central American Free Trade Agreement to turn out differently than did NAFTA, it is important to remember that the six Central American countries possess an even larger pool of cheap labor than did Mexico, and what is more, since the implementation of NAFTA, the trade deficit with Mexico has surged from $9 billion to $110 billion last year.

□ 1915

So the deficit with Mexico, the trade imbalance with Mexico, has gone from $9 billion before NAFTA to $110 billion last year.

Additionally, NAFTA did nothing to improve the lives of average Americans; and my colleague, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), has talked about that briefly prior to my remarks. This failure to improve the quality of life for these workers has generated mass opposition and widespread distrust on our southern border.

Amnesty International continues to report that extra judicial tortures and murders continue. This is not democracy that we are exporting to Mexico, and this is certainly not what the Mexican workers signed up for.

Meanwhile, here at home this comparative advantage of subsistent wages and a complete lack of labor and environmental protections have led to the shift of low-wage, labor-intensive jobs from the U.S. to Mexico.

Pursuing unrestricted free trade agreements with lesser developed countries along the NAFTA model will continue to accelerate this race to the bottom where jobs go to countries where the weakest labor standards and environmental protections exist. That is bad for American workers, and it is exploitive of foreign workers and foreign populations.

We hear this administration talk about exporting democracy. You hear that often in the last weeks and months with regard to the situation in Iraq. Well, this is probably the most powerful opportunity we have to export democracy. You do not export democracy through the Defense Department or the Defense Secretary. You do it through trade agreements, through the Department of Commerce and favorable agreements with our friends and neighbors across the globe.

Are we liberating Iraq so we can move American jobs over there and exploit them for wages of about 10 cents an hour? I certainly hope not. And I hope that is not what our men and women are fighting today in Iraq for. We do not express liberation in terms of working 10 to 12 hours a day for 10 cents an hour, but that is what we are proposing for Central America.

As for the expected boon to the Mexican economy, we have seen none of these gains, and instead we have seen NAFTA's detrimental impact on the Mexican workers. Average real wages in Mexican manufacturing are lower than they were 10 years ago, if you can believe that.

As companies look to cut costs further, we see factories now being shifted from Mexico to China and India and Indonesia, always in search of the lowest cost best exemplified by the most exploited worker.

Now on NAFTA's coattails rides CAFTA, the Central American Free Trade Agreement. The American people are expected to buy the same bill of goods at even higher costs. Proponents of CAFTA, the Central American Free Trade Agreement, insist that the economic gains from this trade agreement for American workers in business will be a windfall. But remember what we are trading for in this case.

The combined purchasing power of all six Central American countries that are affected by this agreement have the identical purchasing power of New Haven, Connecticut. If you combine all of the purchasing power in these nations under the Central American agreement, their entire purchasing power is equal to the city of New Haven, Connecticut. That is what we are talking about here. This is what we are going for.

What they do have is millions of low-wage workers, and that, I think, that is the real object of this agreement. The U.S. economy has $10 trillion in gross domestic product in 2002. It is 170 times larger than the economies of those six nations at about $62 billion combined. And quite simply, the Central American Free Trade Agreement is not about robust markets for export of American goods. It is about access to cheap labor. It is about shipping American jobs overseas so they can sell stuff back to the people who have not been laid off yet.

Like the gentleman from Maine (Mr. MICHAUD), who spoke earlier and who is leading this debate, I worked in my previous life as an iron worker for about 20 years. I worked at the General Motors facility that used to be in Framingham, Massachusetts. It closed shortly before GM made decisions to relocate plants to Mexico. I also worked at the General Dynamics shipyard in Quincy, Massachusetts, as a welder prior to that plant closing because of foreign competition and unfair trade practices. I also worked in the steel mills in Gary, Indiana, and East Chicago, Indiana, for U.S. Steel and Inland Steel. And I understand those plants are now victims of foreign outsourcing as well.

So I know a little bit about the impact of off-shoring and imbalance in our trade agreements. I know what it means to communities and families when those jobs disappear.

Over the last 20 years, our economy has hemorrhaged jobs in the manufacturing sector. Since 2001, 3.3 million jobs were lost. Yet these workers were told not to worry. They were told they would be retrained for another job; they needed more education in our new high-tech economy. How can they not worry when unemployment is at a 10-year high at 5.4 percent, with 80 million Americans out of a job? Personal bankruptcies in my State rose 17 percent between the years 2000 and 2003.

How can we tell these folks not to worry when the administration is signing even more trade agreements to ship away their jobs?

The never-ending pursuit of the lowest-cost labor is spreading, and CAFTA will only just cement this cycle. We need to break the cycle now.

There is a pretty good book that is out there right now. It is called "The World is Flat" by Tom Friedman. I suggest my colleagues read it. Mr. Friedman writes about the speed at which our jobs are disappearing and the volume of wealth being taken from regular, average, working-class Americans.

The biggest share of U.S. exports to the six CAFTA nations is not the traditional job-creation kind. These are products that are not consumed in the purchasing nations. What happens is that, for example, textiles here in the United States are shipped to Central America where they are fashioned and furnished into clothing which is then shipped back to the United States and which our people, those that still have jobs, are able to purchase. These are called exports, but in fact it is just a cycle of us exporting raw materials and getting back finished product which was once supplied by U.S.-based factories.

The biggest difference here is that American workers are cut out of the picture. More than 30 percent of U.S. exports to the six CAFTA countries consist of these roundtrip exports that cause American jobs to be outsourced to these countries with lower labor standards.

This trade agreement is bad not only for the American workers but for those in Central America as well.

Yesterday, The Wall Street Journal reported that Costa Rica's resistance to the Central American Free Trade Agreement was based on the fact that the agreement itself would be harmful to poor and struggling workers in Costa Rica. Costa Rican President Abel Pacheco has said that he believes that the Central American Free Trade Agreement is bad overall for his country, and he has delayed a vote on that until February of next year.

The reluctance of Costa Rica has surprised the White House and undermines one of its chief arguments for the pact itself, that CAFTA represents an urgently sought benefit for the impoverished region.

Costa Rica's ambivalence and long delay before it votes on this trade agreement indicates its reluctance to endorse this supposed free trade agreement. Protests in Guatemala numbering in the thousands and tens of thousands have also been an indicator that many Central Americans do not see the Central American Free Trade Agreement as a benefit for their nation and for their livelihood.

As you may know, May Day marches in Guatemala, Costa Rica, Honduras, and El Salvador have featured a myriad of anti-CAFTA signs and slogans. As President Pacheco rightly emphasizes, more trade does not necessarily mean less poverty.

Proponents of the Central America Free Trade Agreement have conveniently ignored this fundamental fact: the effect of trade on incomes in Central America and how to alleviate the adverse consequences of trade liberalization on the poor.

This Washington consensus that opening up markets will help alleviate poverty is just plain wrong. One reason is that the labor in developing countries is not nearly as mobile as trade theorists assume. In Central America, for trade to benefit unskilled workers, farm laborers, for example, they need to be able to move out of jobs that will face competition from efficient U.S. producers thanks to CAFTA, such as drilling, corn and into exporting industries that are likely to be selling products to the American market.

Unfortunately, there is no job mobility in Central America, and these workers are stuck, and there will be no place for them to turn.

Trade reform has also been linked to increased income disparity as skilled workers have captured more benefits from globalization than their unskilled counterparts. Simply said, CAFTA will make the rich richer in Central America and the poor poorer.

Take Mexico as a perfect example. Since NAFTA was put in place, Mexico has lost 1.9 million jobs and most Mexicans' real wages have fallen. The United States with its unrivaled economic clout is in a unique position to empower workers around the world while promoting economic prosperity here at home.

Unfortunately, the CAFTA agreement does the exact opposite. If we pass CAFTA, the Central American Free Trade Agreement, we are rewarding Central American countries for their poor labor rights records. We are harming farmers in Central America by opening up their tiny markets to our own cycle of exploitation.

Recently released reports prepared by the Human Rights Watch and National Labor Committees provide overwhelming evidence that CAFTA does almost nothing to protect workers. These Labor Department reports have been suppressed because they demonstrate the Central American workers' rights restrictions.

Thanks to my colleague, the gentleman from Michigan (Mr. LEVIN), the Department of Labor has just recently released these reports.

In these reports, DOL found that the right to collective bargaining and nondiscrimination in the workplace were nonexistent. In Nicaragua, for example, employees can be fired for trying to organize a union, provided they are paid twice the normal severance amount. It is bad enough that these countries do not meet international labor standards, but what is worse is that CAFTA is silent on the need to improve any working conditions in Central American countries.

Instead of trade policy that is beneficial to American businesses and workers as well as our trade partners, we have a flawed trade policy that hurts all parties. Free trade should not mean free labor. Likewise, free trade does not, as evidenced in CAFTA, mean fair trade.

The Central American Free Trade Agreement outlines only one labor and environmental provision, and that is that countries enforce their own labor and environmental laws regardless of how weak those might be.

The labor laws of the six CAFTA nations are a joke. They have been repeatedly criticized by the U.N.'s international labor organization and our own State Department. Violations of core labor laws cannot be taken to dispute resolution. And the commitment to enforce domestic labor laws, which are pathetic to begin with, is subject to remedies that are weaker than those available for commercial disputes.

In a purely technical sense, this violates the negotiating principal of the Trade Promotion Authority Act that equivalent remedies exist for all parts of an agreement.

Another negative effect of the Central American Free Trade Agreement for the Central American laborer will be felt in the agricultural sectors of these countries. Simply put, CAFTA will destroy the Central American small farms. And that is why we see these massive protests.

The final negative impact of the Central American Free Trade Agreement I would like to discuss is what it will do to our trade deficit. The U.S. trade deficit which indicates that our imports exceed exports, has increased by $200 billion per year under this administration. In 2003, the trade deficit reached $497 billion, and U.S. foreign debt has increased dramatically from $1.6 trillion in 2000 to $2.7 trillion at the end of 2003.

Over the past 4 years, a 10-year budget surplus of $5.6 trillion left by President Clinton has become a 10-year deficit of $3 trillion. And now we are working on another plan here to export more American jobs to countries overseas.

Secretary of State Condoleezza Rice said yesterday that the Central American Free Trade Agreement will help the U.S. compete more successfully in a dynamic global economy, but I cannot understand how.

How will these nations be able to help the U.S. come out of its current trade deficit? CAFTA nations are not a robust market for exports. The average wage of a Nicaraguan worker is 50 cents an hour. How much in terms of U.S. exports can a Nicaraguan worker afford? They cannot afford Folgers coffee or Tide laundry detergent. They cannot afford cuts of U.S. prime beef at $13 a pound.

As I noted before, the six Central American nations of Nicaragua, El Salvador, Honduras, Costa Rica, Guatemala, and the Dominican Republic have the combined purchasing power of New Haven, Connecticut.

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They will not add much to the U.S. economy. They will only take American jobs away, and make no mistake, that is what this agreement is all about.

If companies were serious about creating robust markets for "Made in America" goods, they would be working to improve the wages and working conditions of these workers. It is only when these laborers can earn enough to buy U.S. goods that this kind of trade agreement will be successful for all the parties and all the countries involved.

If you consider that a typical Central American consumer earns only a small fraction of an average American worker's wages, it becomes clear that CAFTA's true goal is not to the increase U.S. exports. About half the workers in this region work for less than $2 a day, placing them below the global poverty level.

All this agreement does is exploit lowest-wage labor to the detriment of the American worker. The Central American Free Trade Agreement does not benefit America. Let us be honest. CAFTA benefits companies that leave the U.S. or outsource their jobs to Central America, plain and simple. These companies will not only exploit cheap labor with minimal protections, but can import their products back to the U.S. under favorable terms.

There are several simple steps we can take to mitigate the effects that existing trade agreements have on our workers and future trade agreements have on global labor movements.

First, instead of subsidizing large corporations that outsource American jobs, with tax breaks for foreign production and government contracts for companies that ship jobs overseas, we should create financial incentives for companies to keep jobs here in the United States. It sounds simple. It could be revolutionary in this country.

Secondly, we must act now to deal with our increasing national deficit. The U.S. trade deficit has jumped from $70 billion in 1993 to $618 billion in 2004. There should be no new trade agreements until we can negotiate fair terms for our own workers.

Finally, in existing trade agreements, we need to demand and strictly enforce all provisions protecting labor, human rights and environmental standards. All future trade agreements should include these basic rights and all countries should be held accountable to internationally recognized standards.

We need a trade policy that supports domestic manufacturers, while promoting labor standards which are similar to our own overseas. The Central American Free Trade Agreement fails to do either.

In closing, I must say that there is a stark difference between our policy in the United States with respect to Iraq and the policy that is being suggested here in this Central American Free Trade Agreement. I was in Iraq several weeks ago, and there was much talk from the White House and from my colleagues in government about the need to spread democracy, to export democracy. I have heard of that a lot in the recent months and weeks, the talk of empowering people and raising their standards of living and liberating the people of Iraq.

Then I see this Central American Free Trade Agreement and what it does. It endorses oppression. It exploits workers. It turns a blind eye to repressive regimes. It reinforces the complete lack of hope that these people have, and it does not lift a finger to help them.

Once Iraq is stabilized, is this the way we will treat their workers? Is this why we pumped $200 billion into that country in the last few years? Is that what liberation means for the Iraqi worker? Is that what our sons and daughters are fighting for? Is that the policy that we are going to adopt for Iraq once they are able to stand up on their own feet and control their own country?

We should have the courage and the honesty to tell our men and women in uniform that that is what they are fighting for if that is what we are proposing.

Mr. MICHAUD. Mr. Speaker, I would like to thank the gentleman from Massachusetts for his comments tonight and I really appreciate his remarks.

Now, Mr. Speaker, I would like to yield to the gentleman from Maine (Mr. ALLEN), a gentleman who I have known for some time, a gentleman who is deeply concerned about the trade agreements and what effect it has on our State, of the State of Maine, and I am very appreciative of the work that he has done for the people of the State of Maine, particularly coming into the 2nd District, which is my district, to see the effect of some of these unfair trade agreements and the job loses that we have.

So I now yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for yielding to me, my friend and colleague.

I stand here as a person who believes fundamentally that the task we have here in the Congress is to create a stronger and more competitive America, number 1; number 2, to encourage a broader prosperity among citizens among all walks of life in the country; and 3, to create a better future for ourselves and our children. It really comes down to being pretty much that simple.

I also stand here as someone who, in the past, has voted for some trade agreements and voted against others, and I wanted to speak tonight on why I believe CAFTA is a bad deal for the American people and a very bad deal for Central America as well.

Our history has shown that the free enterprise system, and free markets in particular, are essential in order to have an efficient allocation of resources and to encourage economic growth, but our history has also taught us that free markets do not, by themselves, assure that the benefits of a free economy will be distributed fairly among the population.

In fact, in many places around the world, it is the case that wealth and power are concentrated, and in America, in the last four years, wealth and power have become concentrated at an alarming rate.

We are doing anything in this country but encouraging broader prosperity. We, in fact, are doing tax cuts for the wealthiest people in the country and making it harder every day for the middle class to get by, to pay for their mortgage, to get a good education, to pay for their health care, and to otherwise create for themselves and their children the kind of life that we thought America promised to everyone.

So, some of my criticisms of CAFTA relate to the policies of our Republican colleagues in the Congress and to the Bush administration because when we listen to people on both sides of the aisle, both sides of this issue, the proponents of CAFTA say the agreement will create jobs in the United States. The opponents say it will cost jobs. I believe that both are right. It will create some jobs in the United States, and we will lose many, many other jobs, in all probability many more.

So, if both are true, the question is, what are we doing as a country to take care of those people who lose their jobs as a result of CAFTA? The answer from this administration is nothing. The answer from this Republican Congress is nothing, nothing at all.

Because what we have done are tax cuts for the wealthiest people, major tax cuts in 2001, irresponsible tax cuts in 2003 that followed, and when we look around, look what the result is. Here it is.

We have turned budget surpluses to deficits as far as the eye can see. The International Monetary Fund says that American budget deficits are threats to global economic stability. Our growth is sluggish, stocks are flat, wages are stagnant. When we look at General Motors, $1,500 of every automobile goes to health care, two-thirds of that to retirees who are not even making the vehicles. That is not true in Japan. It is not true in Canada. This is the year when Ontario will go past Michigan in North America as the place where most automobiles are manufactured. The U.S. cannot compete in this kind of playing field because it is not level.

So if we look at the Bush administration and the Republicans in Congress, what are they doing for people who get laid off as a result of CAFTA, as they surely will be? Well, the budget that was just passed by Congress cuts funds for job training, cuts funds for vocational education, cuts funds for adult education, community development, zeros out the section 7(a) loan program for the Small Business Administration.

So if you lose a job because of our trade policy, and you want to start your own business, the administration's answer is forget it, we want to take away the ability of the Small Business Administration to help you.

If we are going to keep America competitive in the 21st century, we have got to invest in emerging technologies to give us a competitive advantage. Green technologies that make automobiles, power plants and businesses more efficient and clean would be one key area.

Our economic strength basically depends on our investment in people, both people who are trying to get an education for the first time, people who are trying to get an education or job training to recover from a job loss, in industries that are cutting edge technologies for the future. This is not what we are doing here. So we do not have the comprehensive national plan to deal with job loss. The administration and the Republican Congress have just watched jobs fleeing overseas, and the response has been, ho hum, well, that is just the way the market operates.

Now, let us turn from that and look at the trade agreements themselves.

In CAFTA, because these are poor countries, we have got to have strong labor provisions. The labor in Central American countries have much weaker labor laws than we do. So a trade deal must include provisions to prevent companies from taking advantage of that gap by exploiting the lack of labor protections for workers in Central America. CAFTA fails this test hands down.

The agreement requires these countries to enforce their own laws rather than enforce internationally recognized worker rights. Yesterday, the gentleman from Michigan (Mr. LEVIN) released reports commissioned by the Department of Labor, which confirmed that laws in Central America do not adequately protect the right to organize in accordance with international labor standards.

The lack of enforceable standards is bad for workers in CAFTA countries trying to lift themselves out of poverty makes it very difficult to create a middle class in those countries, and it is bad for American workers and businesses who want to expand international markets without resorting to the exploitation of workers overseas.

CAFTA also fails the balance test on the environment. It is not balanced. It does not work. It creates incentives for American companies to move production to Central American countries where the environmental protections are weak and lack the proper enforceable mechanisms, and CAFTA does nothing to help.

When you look at those areas, labor and environmental issues, they are examples of where this agreement, CAFTA, tilts too far toward unmanaged, free markets, but there is one area where CAFTA tilts too heavily against free markets and against competition and that area is pharmaceuticals, no surprise.

The CAFTA agreement continues a dangerous trend of using trade policy to extend intellectual property protections that stifle generic drug competition and erect market barriers to affordable medicines. These provisions are bad for public health.

Generic drug competition is proven to lower prices and expand access. Several years ago when generic AIDS medications were introduced, it drove the annual cost of treatment in developing countries from $10,000 a year to $300 a year, and no one can argue that that was not an important development. But CAFTA would delay generic entry for prescription drugs by forcing trading partners of the CAFTA countries to accept 5- to 10-years extension of what is called data exclusivity during which generic makers are denied access to patent holders' clinical data that could expedite regulatory approval of generic versions of drugs.

In other words, CAFTA gives a huge break to the brand name pharmaceutical industry at the expense of the generic pharmaceutical industry but, more importantly, the public health of people in Central America.

A year ago, the Guatemalan legislature changed its law to promote the availability of generic drugs in the Guatemalan market, and using CAFTA as a weapon, the United States has forced the Guatemalan legislature to repeal that legislation. In other words, we have done something for the pharmaceutical industry by forcing Guatemala to change its laws and for no benefit to anyone else in America.

So the bottom line is CAFTA does not work for the Central American workers. CAFTA does not work for American workers or American businesses. It needs to be voted down, and I want to thank the gentleman from Maine for holding this Special Order tonight.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN). I do want to thank him especially for his leadership when we deal with prescription drugs. He has definitely been a leader in that area. I want to thank him very much.

Mr. Speaker, now I yield to the gentleman from New York (Mr. CROWLEY), a good friend.

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Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for holding this Special Order, and I thank my other "Maine man," the gentleman from Maine (Mr. ALLEN). I like to call them my "Maine men," but they have been outstanding in their efforts to highlight what is wrong with this free trade bill. I just really want to thank, in particular, as I just said, the gentleman from Maine (Mr. MICHAUD) for organizing this Special Order this evening.

I have been a strong supporter of trade, and as many of my colleagues know, I have been an outspoken leader on the Democratic side of the aisle during the past two trade agreements which passed with the support of a Democratic majority, those two trade agreements being the Australia Free Trade Agreement and the Moroccan Free Trade Agreement. And I happily helped pass those agreements here on the floor of the House of Representatives.

As I have spoken about free trade agreements in the past, I have always been clear that I look at each free trade agreement on its individual merits. Since the USTR began negotiations in January of 2003, I have closely followed the negotiations leading up to the signing of CAFTA in August of last year. In my experience, this has not been the norm for this administration. Usually, after negotiations have concluded, they make a very strong push for passage within an average of 55 days. It is now May 4. While the target date for a vote on the floor is said to be before Memorial Day recess, I seriously doubt the Republican leadership will bring up this bill when they know they do not have the votes to pass it.

Like many of my colleagues, both Democrats and Republicans in the House, I remain concerned about many of the provisions contained in this agreement. I hope now that we have Mr. Portman as our new UST representative, he will take into account the strong views my colleagues have on free and fair trade.

This agreement weakens workers' rights and environmental standards in six countries, but it also does not take into account the rising trade imbalance that our country faces globally. Instead of pushing free trade agreements down the throat of Congress, the President should start to work on lowering the enormous deficits that he has created for our country.

Our country needs to create the next sector of our economy so we can finally stop the joblessness and work towards job creation. Our workers are not only being killed by high prices at the gas pump but also in our general living expenses. Wages continue to go down as the cost of living continues to skyrocket.

In my colleague's own home State of Maine, paper mills have closed and shoe and apparel manufacturing is all but eliminated because of free trade. While it is good to say that the next generation of jobs will be of higher value and will raise the wages of employees of the future, I am sympathetic to a lot of my friends in rural America who say they just do not see it.

My wife, Casey's, family is from Montana, and they do not see it either. They do not see it when the administration continues to fight country-of-origin labeling for meats. The administration allows Canadian soft wood lumber to flood our market and other anti-worker proposals of this administration. It is time for this administration to focus on how they can end the middle-class squeeze and bring prosperity back to our working class.

While I have the floor, I would like to discuss an article that appeared in today's Congress Daily, which I read this morning. In the article, one source said that Democrats, specifically my fellow new Democrats, and I quote, "are sewing the seeds of our own irrelevance." I take offense to that comment. We clearly see that we are relevant. We are very relevant. If we were not, do you think the Republican leadership would still be waiting to bring this agreement to the floor?

This late push by the administration to try to win over pro-trade Democrats has lacked any real compromise. Unfortunately, I cannot be there for the CAFTA agreement in its current form, but my sincere hope is it can be renegotiated to meet the requirements of free, fair and balanced trade; fair to the people of the Dominican Republic and Central America that raises their wages and their standard of living; but, more importantly, fair to the people of the United States who feel that they are competing in a world economy where the odds are just simply stacked up against them.

Once again, Mr. Speaker, I want to thank my colleague, the gentleman from Maine (Mr. MICHAUD), for holding this Special Order this evening.

Mr. MICHAUD. Mr. Speaker, I want to thank the gentleman from New York, and I really appreciate his efforts in this manner and look forward to working with the gentleman to make sure we do have fair trade agreements.

In closing, Mr. Speaker, it does not take a trade expert to see the economic mismatch between the United States and the nations that make up the Central America Free Trade Agreement: Honduras, Costa Rica, Nicaragua, Guatemala, and El Salvador. The way CAFTA proponents talk, you would think that Central America is made up of the biggest economies in the Western Hemisphere. CAFTA nations are not only among the world's poorest countries; they are among the smallest economies as well.

Think about this, as the gentleman from Massachusetts (Mr. LYNCH) mentioned earlier: the combined purchasing power of CAFTA nations is almost identical to the purchasing power of New Haven, Connecticut. The U.S. economy, with $10 trillion of GDP in 2002, is 170 times larger than the economies of the CAFTA nations, at about $62 billion combined. So where are the economic opportunities for American industry and American workers?

These kinds of questions are clearly giving people pause. Congress typically votes on trade agreements within 55 days after President Bush has signed a trade agreement, but May 28 will mark the 1-year anniversary of when the President signed CAFTA. Why the long holdup? Clearly, there is dissension in the ranks and people are wondering why we need to make this deal. And for good reason. CAFTA is a dysfunctional cousin of NAFTA, continuing a legacy of failing trade policies.

Look at NAFTA's record, with 1 million U.S. manufacturing jobs lost. NAFTA did nothing for the Mexican workers as promised. They continue to earn just over $1 a day while living in poverty, not exactly an exploding market for the U.S. products either. And yet the United States continues to push for more of the same, more trade agreements that ship U.S. jobs overseas, more trade agreements that neglect environmental standards, more trade agreements that keep foreign workers in poverty.

For U.S. workers, the only difference between CAFTA and NAFTA is the first letter. It adds up all the same: more lost jobs. CAFTA is not about a robust market for the export of American goods; it is about outsourcing and accessing cheap labor markets. Trade pacts like NAFTA and CAFTA enable companies to exploit cheap labor in other countries, then import their products back to the United States under unfavorable terms.

CAFTA will do nothing to stop the bleeding of manufacturing jobs in the United States and even less to create strong Central American consumer markets for American goods. Throughout the developing world, workers do not share the wealth they create. Nike workers in Vietnam cannot afford the shoes that they make. Disney workers in Costa Rica cannot buy the toys for their children, Motorola workers in Malaysia are unable to purchase cell phones.

Mr. Speaker, we have a historic opportunity before us to empower workers in developing countries. We have a historic opportunity before us to bolster our economy. When the world's poorest people can buy American products rather than just make them, then we will know that our trade policies are finally working.

Mr. Speaker, there are reasons why not only environmental and labor groups but also business organizations such as the United States Business and Industry Council, a leading group representing American businesses, have taken a firm stance against this trade agreement. It is because it is unfair.

I believe in free trade, but it has to be fair trade. We can no longer continue to allow jobs in the United States to be exported overseas when we have a need here in this country. As I stated earlier, in my own region in the State of Maine, the labor market area has risen over the last 2 years to, at certain times, over 30 percent. Over 30 percent of people unemployed because of that market.

So, Mr. Speaker, I hope my colleagues will join me in opposing the CAFTA trade agreement. It is unfair, unneeded, and hopefully it will not pass.

THE U.S. ECONOMY

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address this body this evening. I would like to visit just a little about the economy and the ways that I see it, the ways that I think we have to evaluate it, and the things we have to be concerned about if we are to really consider those options that lie before us over the next 10 to 20 years. What lies at stake for our children? What kind of a future are we going to leave for them?

Right now, we are in the period where decisions are going to change the history of the American economy, and we simply need to be educated and need to be aware of that. Usually, I like to draw on an easel and discuss with numbers where we can put things into context, and so I will do that, Mr. Speaker.

The first number that I would like to put up on the board is the 2.5. That is approximately the size of the government's spending, the size of the American budget. All the things we know about are included in that number. And it begins to be a focal point, because if we are to consider the relative state of our economy, we do the same thing that Americans do in their personal finances. We simply talk about how much we are spending, and 2.5 is a good approximation for what this economy spends, what this government spends to sustain all of its operations.

But just as anyone else would, if you were considering whether or not the expenditures that you make are satisfactory, whether they are too low or too high, you also have to consider the revenues that compare to that. So now we have the revenue figure, and that is about $11 trillion. Our economy total is about $11 trillion, and we in the government spend about $2.5 trillion.

Now, that is an extremely important relationship, and it is the relationship that tells us more than the actual numbers. There are people who say that our budget is too large. There are some who say it is too small. But the truth is that to really accurately assess, we have to understand the relationship between them. And simply by doing the division, we are able to then establish that right now our government spending is about 23 percent. That would be .23 of our overall economy.

Now, then, this .23 is an awfully important number in the relationship. People want to know what does it mean. It means the same thing as if you were to consider your personal spending. If your spending is too high a percent of your annual income, then you are not able to meet all your needs. If we are considering in your personal budget that your rent maybe is 25 or 30 percent of your annual income, then that would tell you that you are satisfied with the size of the rent in that relationship.

But this particular relationship, the .23, has to be put into a global perspective but also into a historical perspective. What we find as economists is that as the number, the .23, grows and gets larger, then the economy tends to want to stagnate. If that number is smaller, then the economy has vitality. It has the capability to grow. And that tells us the next piece of what we need to understand, which is that relationship between government spending and our overall economy. Is it growing, is it getting larger, or is it getting smaller? And that tells us what we can forecast for the future.

So we will simply put arrows up here, and we will write the words. We will put an up arrow if it increases, it stagnates. And so if it then decreases, we have the capability to grow. Now, as we understand that relationship, up as a percent, if our government spending increases as a percent of our gross economy, we tend towards stagnation and nonproduction of jobs. If it becomes smaller, we tend to have growth and vitality.

Now, there are many good people who asked me in my district a couple of years ago why we would pass tax cuts at a point when we are running deficits. And that is a very good question. The truth lies exactly in that number. At the point we gave the tax cuts, the number was about .25. We gave the tax cuts, and it shrunk to about .21; and we saw that the economy, in the very first quarter after we gave the tax cuts, jumped to about an 8.25 percent rate of growth.

Now, we knew that was not going to sustain itself. There was pent-up demand with the expectation we would pass the tax cuts. But what we did expect when we passed it was to get to 3.5 or 4 percent. And we saw that rate of growth initially jump up to 8.25, maybe a little higher; and then it came back down, and it sustains itself now at about the 3 to 4 percent range, which we really expected that we would be able to achieve.

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Now, it is not magic, it is simply the fact that if you are taking more money from taxpayers and giving it to government, they have less money to invest in plant and equipment, less money to spend on disposal retail items, and so your economy has that dampening effect than if you collect more in taxes. It is a simple theme.

If you think about world examples, we could go to Europe and look at Germany. If America is in the 0.23 range right now, which it is, we ask, What about Germany? Where is Germany? Germany's relationship is 0.52. If the theory holds correct, you would say the German economy is probably more stagnant at 0.52 than the U.S. economy at 0.23, and the truth is Germany has not produced a job in about 10 years. Their growth is stagnant. They have an economy where companies are trying to figure a way to go somewhere else and find the growth and the vitality that they are looking for. And in truth, about 2 weeks ago in this great Capitol we met with about 50 or 60 foreign business owners, CEOs of corporations that are operating here in America because they choose the economic climate here. It does not mean that everything is good and rosy with us because we have budget pressures. As we look today, we have budget pressures that are trying to force our budget up. And we have the long-term effects that would tell us if we do not control our spending, we are actually going to slip over into a stagnant economy that cannot be remedied easily.

If we consider the relationship there of again the 0.25 to 11, consider that relationship again over in Germany the factor is about 0.52, if you want to consider another example, you look at the Soviet Union and the Soviet Union's economy collapsed. It just fell in on itself because the relationship was very high. One would immediately ask what about China. China has got a communist state and a controlled economy, much like the Soviet Union.

I visited China in January of this year, and the Chinese themselves tell you that they do not want to make the mistake that the Soviet Union made, and so they have begun to privatize pieces of their economy in order to lower this relationship down to where the economy has the vitality in order to produce new jobs and produce the growth and sustain a continued economic improving picture.

They were very cautious about telling us exact figures. The estimates range as low as 40 percent, so probably less than the Germans. The highest estimates were about 60 percent. In the relationship we are considering here for America, it is 0.23.

So for the United States, just under a quarter of our economy being government spending, we have to be aware that the economists differ somewhat on where the stagnation begins to occur, but generally in the 0.25 to the 0.30 range there is consensus that you start to dampen down your economy significantly.

So anything in the future which tries to make our budget go up without growing our economy, if the 11 does not increase to a larger size, if we increase our budget, we will find that our economy will not grow, will not produce new jobs and we simply have to be aware of the relationship. It is neither a Democrat nor a Republican idea, it is simply an economic relationship that we must be aware of as we consider programs that we would want to continue, programs that we might like to cut back or to work more properly.

Now one of the most significant discussions that we have going on right now in the country is what to do about Social Security. There are those who say it is not really a problem until 2042, so we should not do anything. There are others that say we should absolutely do what we can right now. But let us take a look at some of the suggestions. There are different opinions, and so I will simply use a range because I am not really concerned with which opinion to believe, but you have to relate it to this economic relationship in our economy. The estimates are $1 trillion to $3 trillion, if you want to begin. If we attack the problem now, between 1 and 3 trillion. So we put them on the board, and then we begin to look at the solutions and how they affect our relationship.

Generally we talk in terms of 10-year payouts here, and so as we talk about solving a $1 trillion or $3 trillion problem, again extending that over a 10-year period, and we come up with either 0.1 or 0.3. If we divide that by 10, that would be $100 billion a year or $300 billion. It is not so critical what you assume, but you have to take it to the next step to adequately discuss the issue. So again, I will put the 0.1 and the 0.3 in parentheses, but those need to be related up here to the top of the equation.

If we are going to consider can we do something now, I do not know. But if we had a budget and your budget were 2.5, whether it is $25, $2,500, $25,000, the mathematical relationship will stay exactly the same no matter what.

We have a 0.1 or 0.3 problem that needs to be fit into 2.5. I think any Members listening would understand that it might not be comfortable, but we just might be able to come up with the 0.1 or 0.3 out of a 2.5 budget. We might be able to find those savings here and there to ring the dollars out to cure the Social Security problem up front.

Now what the President is saying when he says it is better medicine to take it now than to wait is that the estimates again are pretty wide ranging, but the estimates are that in 2042, instead of $1 trillion, it is $10 trillion to $30 trillion, something in that range. Again if you were to do the math, divide by 10 years, the 10-year payout now, that would be 1.0. None would expect that you could take 1.0 of 2.5 and squeeze it into your current budget. It is not mathematically possible, but that is what we are doing if we wait into the future.

So again, this body will decide if we are going to do something or not do something, but as we do, whatever we do, realize if we had it on top of the 2.5, if we do not find the savings, then our relationship 0.23 is going to increase, and you yourself would see the possibility that we are moving toward stagnation, and we might be moving toward stagnation at an alarming rate.

Now there are a couple of other relationships, and I am going to flip the chart because I would like to draw approximately the cost curve of Social Security, and realize that as we talk about Social Security costs, Medicare costs are going to parallel it. As the baby boomers go into retirement, we are going to see a tremendous escalation of our cost structure for Social Security, but right along with it are going to be Medicare costs that escalate because people who live to advancing years are more expensive than younger people. We see that daily in the escalating cost of Medicare. People are living longer, better lives. And during that time, it just takes more to repair them.

My own parents are an example. My father has had a couple of knee replacement surgeries. Mom has had a hip surgery and back surgery. I think that any one of you with your parents in their 80s, it is about the same.

We can expect our parents to live into their 80s and even into their 90s. And in truth, demographers tell us the fastest growing population age group is over 100. That is stunning, acceptable, and it is nice; but we have to realize the budget pressures are going to increase.

So when I look at things I am concerned about for our future, my only concern does not just lie in Social Security, but it is a piece of the equation that I think as we are talking about the economic future of our country that we would like to discuss. If you would bear with me, I will simply draw an approximation of the cost chart for Social Security over the next 50 years or so, and we will also draw a revenue line and discuss that, and then we will flip back to this chart and use this 0.23 relationship on the next chart because almost every issue that is in front of us today that involves dollars should eventually come back to an analysis of what it does for our economy long term. We can no longer just take short-term views of what we are up against.

So now then with permission, I will draw the approximate chart. One thing that we have seen since 1935 is that the number of retirees and then the cost, and the retirees and costs are almost equivalent, but they have been kind of meandering around and up and down and up and down like this. But about 4 years from now, when baby boomers start to retire, and this is a chart that the Social Security trustees have given me, the number begins to escalate tremendously high, and then it plateaus out and continues out.

Now the people who say that we should be very cautious and not do any Social Security reforms now point to times in the past when we have made corrections. The mid-1980s we did a significant change in the program. About 1983 we increased taxes, pushed out retirement, and increased the cap. Those are good suggestions we have to consider the effect of, but the truth is they all worked out in a spectrum like this.

So our revenues, they would find problems and they would increase them, and the revenues actually have been running surpluses, but they have become very stable and they do not increase. This being the revenue line here, and this being the cost line.

So right now we are in a period where these are surpluses, and when the President said there is no trust fund, what he says is we in the Congress have been spending this money. And we have been loaning it from the trust fund to Congress, both Republicans and Democrats have done this for the entire period of the Social Security bill. Since the 1930s, both parties have joined equally in feeding off this excess cash.

Now the period where they intersect, this is 2018. The President talks about that frequently, that we begin to use up our cash surpluses in 2018. So we see the cost curve escalates through the revenue curve at that point. What the President says about 2042 when we are out of money is that this period right in here, that is assuming we are cashing in all of the IOUs that are in the trust fund. By the way, those IOUs are in one filing cabinet in Parkersburg, West Virginia. I asked for a picture to be sent, and so I show everyone in my district that the entire Social Security trust fund is in one four-drawer filing cabinet in Parkersburg, West Virginia. And it is a heavy-duty filing cabinet with individual locks, and they look to be sturdy combination locks, but the truth is there is not money there, it is simply IOUs.

It is not dissimilar if we began at an early age to think about our child's education when they are born, for instance, and we began to put money into the cookie jar. And we put money faithfully every week into the cookie jar, except maybe when our son or daughter was about 10 and maybe the car broke down. We looked at the cookie jar and said, "It is awhile before they are going to college. I believe I will take the money out to buy a new car, and I will put some IOUs in the cookie jar."

□ 2015

And then the washing machine goes out and then the roof needs repairing on the house and pretty soon our son or daughter gets to college age, we look at the cookie jar and it is full of IOUs.

That is exactly what we have done in Congress. We have spent all the surplus, but in 2018 we have to start redeeming that surplus for everything above this revenue line that extends out, and at 2042, all of the trust fund has been expended out of the filing cabinet. There is some disagreement and for purposes of discussion, the disagreement is, well, maybe it is 2044, maybe 2046, maybe 2040; but the concept is irrevocably true that we run out of even IOUs.

Past 2042, we have got this much revenue, but we will see that we have almost as much uncovered cost period here, once we get past the hatched area, is costs that are not being paid by cash that is coming in. Social Security is a pay-as-you-go plan. There is actually no money that was ever designed to be put into a lockbox. I am sorry, but it just was never designed, even in 1935, to be put into a lockbox. In fact, the framers of the bill understood one fact and that was that the retirement age was 62 and the framers understood that they were going to let people retire at 62, but the average life expectancy of the male was 60.

The truth is the original writers of the bill probably did not expect very many people to ever live to get and collect Social Security if you were a man. Women had about a 5-year longer life expectancy, much as they do now. The thought was that they will not collect much. So the retirement age was 62. I will just put that over here in the corner, 62; and yet life expectancy for the male was 60. Again, I have already mentioned that the fastest growing demographic age group in America is over 100. And in case you think that is an anomaly, the second fastest growing group is 85 to 100. The average life expectancy then was 60. Today it is 77. So we are collecting benefits for 17 years longer than what the framers of the bill expected us to do.

But still we have to wrestle with the fact, do we take care of the problem now or do we put it off? You can see that the costs are tremendous. Realize that as this cost curve slopes up dramatically and it is this much of a dramatic look, if you go online and look at the Social Security trustees' report, you will see almost this exact graph right here. A Social Security trustee, a former trustee came to the office and answered the questions that I had about it. I wanted to know, kind of away from the political discussion, away from both parties. The trustees are pretty well nondenominational. He came to the office and he is the one who provided me with the charts and the explanations that I place before you now. But if we have the problem with Social Security, all these baby boomers going into retirement are going to be considerably more expensive, so we can expect that Medicare costs are going to escalate.

Let us flip back to the previous chart. If Medicare costs are going up, if we have got to solve Social Security, then we have got pressures that want to increase this 2.5. That is not saying that we would increase the budget, but the pressure is there to increase the budget.

The discussion would exist, do we increase it or do we not? We simply can do either one we want, but we must realize that as we increase the budget, if our economy is not growing, this relationship then becomes larger and we begin to move toward a stagnant, nongrowing economy that I do not think any of us want to give to our children. If, on the other hand, we find solutions now, if we get budget discipline now, then it is just possible that we could wiggle out of this mess because I think all of us would like to pass along to our children and our grandchildren a country that has the same hope and the same promise that each one of us has lived with.

I feel extremely fortunate. I came from a very modest family. My father worked hard and my mom worked hard all of their lives. Mom was a schoolteacher. My father work in the oil field as a roustabout. They earned a good living, but with six children it was tough to make ends meet. From that background, I was able to attend college. My parents were able to work it out.

After I attended college, I was able to go into the Air Force, served in Vietnam, and when I got back from Vietnam I was able to buy my own business, pay that business off, and grow it from about four employees to about 50 employees. That is from a family that did not have any political capital to spend. It did not have any economic capital to spend. My parents did the absolute best they could and God blessed them for that.

But from humble beginnings almost anyone in this country can become almost anything that they would like. I did not grow up expecting to be in Congress. I grew up just wanting to graduate from high school. And then Mom was always pushing us, You're going to go to college. All six of us attended college and graduated. Several of us have master's degrees. But we were able to do this in a country where we have the hope of growth in our economy, the hope that new jobs will replace old jobs that phase out and always some jobs are becoming obsolete, some jobs pass away from us.

It is normal and we can worry and fret about it, but if you think back 100 years to when the automobile was developed, you can imagine the discussion going on among the people who made wagons and wagon wheels and maybe the iron rings that fit around the wagon wheels to hold those wooden wheels together and they had to be discussing how this newfangled thing, the automobile, was wrecking their economy. The truth was the economy was simply changing. It did not wreck anything at all. It changed and it evolved.

There is great consternation about the economic well-being of the United States today. My take right now, looking at every nation, the United States by itself has about .33, about one-third of the world's economy, just the U.S. alone. There are approximately 180 countries. With 180 countries, the average economic size, if they were all equal, would be .06. We are at 33 percent and 6 percent would be the average size, so everybody that is smaller than the United States has proportionately less of the economic size because we have got a greater percent of the world's economy.

That tells us one thing about this number here. Countries are beginning to compete much as companies have competed in the past. All of us grew up with the understanding, in my era, that we could go to Wackers Department Store, maybe we would go to Montgomery Wards, maybe get a catalogue and shop through JCPenney or Sears, but some of those people that we used to buy from are simply no longer in existence today.

Wal-Mart did not exist in my early childhood. Yet today Wal-Mart is the premier retailer. They have competed well enough to drive other companies out of business. And so we understand. All of us know products that have simply ceased to exist. A lot of automobiles, they no longer make them. The Packard is not made any longer. The Studebaker again was a car that existed when I was young, but the company no longer makes automobiles. We have seen Oldsmobile with a phaseout. So we are very familiar with the fact that companies compete with other companies and the weak do not survive; and the ones with better marketing, better capability, not only survive but they thrive.

But what we are seeing now in the world is that countries compete, so the United States at $11 trillion, there are nations that want to take part of our economy and move it to them. Like I said, in January I went to China because I feel like China is one of the large emerging threats to our economy and also militarily in the world. I wanted to see them firsthand. I wanted to talk to their leaders and find out their intentions, to find out exactly what their view of the future was. I came back with a firm understanding that they literally intend to take as many of our jobs as possible and when they take those jobs, this 11 becomes 10. As this number becomes smaller, again this number becomes bigger. So we have now countries that are competing for economic well-being.

Several years ago, Ireland looked at its situation, they evaluated that as a developed country, they did not have a lot of economic strength, no prosperity, no hope for their kids. And, in fact, they were exporting the most precious product, their children. So they began to think what to do with it. I am going to flip the chart. We will be coming back to the Social Security chart because it all plays into the full economic discussion of things that we must be considering if we are to really view the future economically for the Nation.

Ireland was sitting there. These numbers are not exact, they are close enough for us to know, but they had a marginal tax rate of about 36 percent, it might have been 32 percent, 36, something in that range. They thought, what can we do to invite new companies to come into Ireland? How can we compete with other countries? The most competitive part of any country is its tax rate, so they kept this tax rate for internal corporations, but they had a split tax rate and they charged foreign corporations 10 percent. Some would be surprised, but it was no surprise at all. It created the Irish miracle, the economic Irish miracle that caused capital and production to flood into that country.

The European Union became disgruntled. They were trying to establish the European Union much as the United States and the European Union officials began to really chafe and tell them that those are not right, you are taking unfair advantage, you need to adjust your tax rates. They became very insistent on it. The Irish, God bless them, said, well, we agree with you. So they simply did away with both rates and they had a flat 12 percent for all internal and external companies. Twelve percent is still extremely good. In the U.S. we are about 36 percent, more or less. So 12 percent versus 36 is fairly competitive. They did not lose any foreign firms, but what they did is began to strengthen up their domestic firms.

And so the Irish miracle continues today, so that today just north of my district, about 15 or 20 miles, the Irish are here in New Mexico, here in the United States building a $200 million plant simply to make cheese in the Second District of New Mexico. It is creating prosperity and jobs, but the Irish now have strengthened enough to where they can begin to go out and incorporate and build in other nations and they were able to establish that tremendous strength because this low tax rate gave them a low relationship right here that allowed them to have the financial and the economic vitality to grow their economy, and now they are exporting their economy out and investing in the United States. You can run but you cannot hide from the economic facts that are going on in the world today.

This is Ireland, and it would be worthy of note to also consider New Zealand. New Zealand also, if I drive about 25 miles north of my district in New Mexico. New Zealand has come in and they are building another $200 million plant, $220 million plant, they have already got it operational, it makes MPCs. Those are milk protein concentrates. New Zealand is the only country in the world with the technology to make MPCs, and so it is no small accident that they have moved into America. Again, they have improved their economic well-being.

Let us take a look at what caused the New Zealand economy to be able to grow to a point that they now can move over and invest in the United States, creating jobs here in this climate, this economic climate. Several years ago, New Zealand looked at itself and said much the same thing that Ireland said, for a developed economy, we are way down the list. We are not very prosperous, we do not have a good future for our kids, and what can we do?

□ 2030

They approached it a little bit differently than Ireland, but it still begins to put economic pressure on all the governments of the world. Again, my facts will not be exactly right, but they are close enough. They give a perception of what occurred in New Zealand, and if we get the perception, then we have the right concept to understand what we must be about in this country. New Zealand took a look at their government, and they began to think and assess which functions should typically be government and which should not be government, and they committed to take nongovernmental functions out of the government. That caused a tremendous shrinking of their government spending. Again, just to relate it back to our original discussion, they shrunk this figure because they weeded out things that did not belong.

As they shrunk this figure, they shrunk the relationship figure, and it fell to a level that their economy began to develop growth, and as it grew, then this number began to enlarge, again driving this relationship figure, this key measurement here in New Zealand, began to fall rapidly, and they today have enough capital built up in their own Nation to begin to export and build in our country at this particular point.

Now, what did New Zealand do? How effective was it? What were the dimensions of it? Because if we do not understand what New Zealand did and other nations will follow suit, if we do not understand those things, our country will have a government model that is not economically competitive and, again, the future out 10, 15, 20 and 30 years begins to look bleak if we do not respond to the competitive pressures. But what New Zealand did is in assessing those functions that typically would be government but maybe should not be, they began to shrink the government down, move the functions outside. The outside functions processed and then performed at a much better rate. But, for instance, they had about 50,000, and it may have been as high as 70,000, it may have been as low as 30,000, but I figure it was about 50,000 workers in the Labor Department.

Now I generally ask at town hall meetings, because I have discussed this in town hall meetings frequently in the Second District of New Mexico, I asked them if they were to envision a shrinkage of a department, how much do they think they could shrink and still perform the functions that should be governmental functions from the Department of Labor in New Zealand? I get estimates, maybe they shrunk from 50,000 to 25,000. Some bold ones will say maybe they shrunk to 10,000. But they do not really believe they did. They are just throwing out the numbers for the debate. The truth is, and we had one of the designers of the system actually come into the office because, again I wanted to visit, I wanted to get firsthand this information, they decreased down to one individual, and the gentleman who came into my office, I think he was head of the Department of Labor and he was the last employee.

Now that creates a tremendous savings on the part of government. They are able to lower tax rates. They are able then to go get the economic vitality that creates jobs, opportunity, and hope for the future, and that is what we all want for our children and our grandchildren. Again, these numbers are easily available on the Web site, but maybe there were 15,000 people working in their forestry department and they might have gone down to 50, but we can see that what they did is they did the same thing Wal-Mart does. They create a competitive atmosphere among governments that we are going to have to respond to.

We will not be able to simply act like this does not exist because as we act like it does not exist, our cost structure for government remains higher, it remains more inefficient, and capital will leave this country looking for the best tax rate, the best government, for the least cost. It is the same thing that we do. We shop at Wal-Mart because our dollars go further. There are those people who curse Wal-Mart and they say "not in my hometown," but I will tell the Members that Americans are voting with their pocketbooks saying "Wal-Mart is extending my buying power."

I am not here to advertise for Wal-Mart. There are good competitors with them. It is just that they are the ones who are kind of out leading the economic change in this country and they have given much more buying power to the middle class, and we see that frequently.

Each one of us, we will stand here in on this floor and we will tell the people that they should buy American, but when faced with the opportunity ourselves to make the choice, I suspect that we do differently than what we say.

I was in China, and North Face is a jacket here that is well respected and is a high-value jacket. Those sell for about $150. We saw the same jackets on the street corners in China, and they sold for $13: $150 or $13. We could talk to our neighbors and we could implore our neighbors to shop local, do their duty, keep Americans working, but the truth is when we go to the store and look around and none of our neighbors are watching, I suspect that not many of us are going to plunk down $150 for the jacket when we could buy the one for $13. Maybe I am not right, but I think I am and I think the American economy shows it.

So we have tremendous threats. We have got China. We have got New Zealand. We have got the European Union. We have got the old Soviet Union trying to rehabilitate itself. All of those nations are trying to take a piece of our economy. They want our jobs and our well-being to transmit to their country so that they have jobs and well-being. They are working hard. They are working smart, and they are working cheaply.

My generation grew up with Japanese imports, and we used to talk about those cheap Japanese imports because they were. We had these little bitty radios, these portable radios. We would listen to them. They were about this big. That was the best they had. The Japanese were beginning to compress and make things, and we all remember those days of that little radio that we would hold up to our ear and the sound would be very scratchy. Cheap Japanese imports.

Now today the Japanese are talking about those cheap high-quality Chinese imports. The Japanese themselves are being affected. The Chinese intend to take as much of the world's economy and put jobs from all around the world into China. We can complain. We can say it should not be. We can try to build barriers around the nation. But the truth is we cannot turn back the clock. It is indeed a global economy, and it must be reckoned with. To do other than reckon with it, to do other than to look at the effects of on our economy as we slowly lose jobs is to be faint-hearted and is to be living a lie. We must be accurate in how we assess the current threats on our economy, or we will not be able to sustain the American way of life.

I do not know about my colleagues, but I for one am looking for those things that will cause our economy to grow. I am looking for ways that we could save money and still provide the same services. I am looking for ways that we waste money. I often use the example: People want to know just how bad is the waste that I see? The most extreme example that I see, and there are more extremes available, but it is just one I quote a lot, is the VA. We hear constantly from our veterans, "You are not spending enough. You are not spending enough. You should increase this figure and give us more money as veterans." And would that I could. But first we have to look at the ways the Veterans' Department spends money foolishly. There is one hospital in New York, actually I think it is even a clinic, but that hospital or clinic has 800 employees and it has got 50 patients. Let me say that again because it always draws a gasp. Eight hundred employees and 50 patients. We can wonder why it is open, but, frankly, it is open because of political pressure, political pressure from New York to keep those 800 jobs there.

If I am in New York, we would just as soon this number not improve because I want to have a short-range view of keeping those jobs in my district, even if it is bad for the economy, even if it is bad for veterans. No matter the long-range effect on our Nation, no matter the fact that New Zealand has begun to work smarter and they are going to work cheaper, I am going to politically try to maintain that position, and I will be frank. It is to the long-term detriment of this Nation when we make such decisions because we always come back to the same beginning point. We have got to do things that tighten up our budget. We have got to do things that create growth. We are going to have to manage our government to where it is competitive with other nations; otherwise, we do not have hope for the future.

If we are to consider fully this Social Security concept, again, we find the meandering nature of maybe this is 1935 and this is 1950, and we go through the 1970s, and over here is about 2008 when we begin to retire, we as baby boomers, and at 57, I am the second oldest year of baby boomers, and we can see then when baby boomers start. No more soft costs. No more question. We have got 40 million people that are baby boomers going into retirement in this period of time between now and 2042. If we are cognizant of that fact, we have to take this chart and begin to relate it now to those workers that follow us.

If I am looking at the replacement for Social Security, the replacement dollars, I must be knowledgeable about the population of the country and the population, if we start at age zero and we go to 100, over here, again, very approximately, the younger population is small and it increases. The baby boomers are here, and the retired population out here. Again, one of the problems is it was assumed our retired population would be here, but we are living longer, better lives.

So at about 57, I would be out here, moving toward retirement. But see here when baby boomers, if these are all the baby boomers on that curve where the curve is going up on the previous page, when these baby boomers are retired, we have got all of these jobs right here and we do not have enough people to fill the jobs.

Social Security is a pay-as-you-go plan. I pay for someone who is retired. My daughter will pay for me. Hopefully she pays for me and she needs to split it between my wife and myself. But when Social Security started, there were 42 workers per retiree, and today there are three to one, and by the time that my daughter starts retiring, it would be two to one. So my daughter and her husband are going to have to work for either my wife or me, and one of us is going to be out in the cold, I suspect, and knowing my wife, I suspect I know who will be out there. We will wrestle that problem over, but it just tells us that we have got a significant relationship here.

Right now we are running at about 5 percent unemployment. We can say it is 6 or we can say it is 4. Again, conceptually, we have got to choose a point and consider what it means. We have got about 5 percent unemployment, but when that 5 percent unemployment comes knocking at the door, I as an employer will tell people that we cannot, at 5 percent unemployment, find someone to fill the jobs because they cannot, number one, pass the drug screen, or if they can pass the drug screen, they will not show up to work tomorrow or next week.

□ 2045

These 5 percent are very difficult to hire, frankly. It is not that they do not have a desire to work; it is that maybe they lack training, maybe they lack discipline, maybe they have developed habits that make them pretty unproductive. But the truth is that already, right now with the labor population the way it looks in America, with all baby boomers still working, we are in desperate need of workers.

Now, if we are in desperate need of workers, when those 40 million begin to retire that we show on the previous graph, the Nation will be dying for workers, and dying for workers with a Social Security plan that is a pay-as-you-go plan is not going to pay. It is only going to go. We must deal with the shortage of workers.

So I have good conservative friends of mine discussing immigration, telling me, you should lock the border down. I say, I am sorry, I look at this curve. When I talk about immigration, I look at this curve because I have self-interests. I want someone to have a job that pays for me.

Now, if we do not have enough workers, we have two options, and they are simply two options. We can say it in any way, and we can be mad or we can be contentious about it, but we have two options if we do not have enough workers. Number one, we bring in enough workers to fill the jobs, that is called immigration; or, number two, if we do not bring workers in, we will send jobs to where the workers are, because employers must have employees. As we consider now this relationship of the population, if we begin to say we do not want immigration, that we will send the jobs to where the workers are, this $11 trillion begins to get smaller, this relationship begins to get bigger, and we move to stagnation, and we move to stagnation for the next, through 2042 and beyond.

We have a relationship that is developing, and this relationship, once it is established, once our economic model is set, it is going to be very difficult to turn it around. So prudence would suggest that we consider deeply if there is a problem: if there is a problem in Social Security, if there is a problem in our budget, if foreign countries are really beginning to peck away at our job base. And we have to deal with those.

Now, there are many things that create the economic climate of the country. These are the economic relationships, but the economic climate must be discussed also.

We hear frequently on the floor of this House about the outsourcing of jobs. Why would jobs go to another country? And generally, the accusation is made that it is simply because Republicans want it to happen. I think that is thin. I think that it is lacking in coherence. The real truth is that jobs leave because countries are providing better climates. I will tell my colleagues that when companies can pay 12 percent tax versus 36 percent that they pay here, over time they will migrate. We have other costs. We have energy costs. It was said that we were simply supporting Big Oil when we passed the energy bill. Now, my own perception is that right now, natural gas is selling for about $7 in the United States. It is selling for 70 cents in Africa. 50 cents in Russia, or just vice versa.

Now, we have been shipping chemical jobs over to Africa and Russia because chemicals use a lot of natural gas. Companies cannot continue making chemicals here with natural gas that is 10 times the cost in other nations. So the chemical council came to me in January of 2003 and said, at that time the price of natural gas was $4.50, and they said, we cannot sustain this. Please, please, we have to have an energy policy, get renewables, start opening up plants, whatever we can do, because we are beginning to ship good $100.000-a-year jobs overseas.

Now, many of our friends on the other side of the aisle are concerned about the environment, and well they should. But they are concerned to the point that they will not consider the things that need to be done that both keep the environment clean and affect the cost of energy. If we do not begin to come together as both parties and represent our common viewpoints at a table to find the solutions, we are going to wrestle each other to a standstill, which we have been doing for years, while Africa and the Soviet Union are quietly pulling our $100.000-a-year jobs away from us.

Now, it is not by design. Neither party, neither Republicans or Democrats, would want those jobs to go away; but, sometimes, we are unaware of the consequences of our daily actions. The cost of taxes is one thing that will drive jobs away. The cost of energy is another thing that will drive jobs away. The cost of lawsuits is another factor that will drive jobs away.

Earlier in this presentation I mentioned that we had discussed downstairs in this Capitol with about 70 or 80 foreign CEOs, CEOs from German companies, English, French, they began to tell us the factors that will drive them out of this country. Simply stated, they actually had a chart showing just dots on a chart showing the factors as they polled their own companies about, those companies that were in the room, which things were the highest importance.

They will tell us that lawsuits, energy, taxes, and, quite frankly, another one was education, many of the workers coming through the doors; as you recall on the 5 percent unemployment, the workers that show up are not prepared. If we do not begin to deal with education so that indeed no child is left behind, we can wrestle over the concept all we want, but if we do not cure it, these factors, taxes that are not competitive, energy that is not competitive, lawsuits that are 100 times greater, the chance of lawsuits in this Nation, than others nations, and a poor education so that the kids going into work are not able to do complex tasks. Those are the things that will absolutely take away the future of our country.

So my appeal is constantly that we as Republicans and we as Democrats, we can continue to represent the viewpoints that we hold dear, but we must begin to work together. I do not care if it is quietly in rooms behind closed doors to wrestle with those things; but we must begin to deal with those elements that would drive companies out of this Nation, because as companies leave this Nation, our $11 trillion economy becomes smaller, our relationship between government spending and the economy becomes larger, and it moves us towards stagnation.

For myself, I will do everything I can to protect the environment, to create jobs, to create an environment in this country that will offer growth so that my children and my grandchildren will have the same opportunities that my wife and I had: to grow up fairly poor, to buy our own business, to pay it off, to run for Congress, and from a family without much political capital, serve in a Nation like this with a democracy like this and a Republic like this. For me, that is the hope of America, that is the hope for future generations, and my own perspective is that it is the hope for the world.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, this is again another edition of the 30-something Hour where the gentleman from Florida and I will take an opportunity to talk to the 30-somethings, not only of Congress, but of the country, and try to articulate the best we can the issues that are facing the country today and how those issues will affect future generations. I think being in the 30-something Group and being young or being a student in this country, Leader PELOSI has asked us to do our best to reach out to young voters across the country and not only talk about issues like education, budget deficits, the importance of the Pell grant, the importance of No Child Left Behind, but a lot of other issues.

Some previous speakers tonight have mentioned a couple of different things on economic policy in the United States of America and why corporations, multinational corporations find it easy to leave the United States, and it is because of the litigation, it is because of the environment, it is because of the overregulation, it is because of the high taxes. But if you look closely at why businesses are leaving the United States of America, you will see that they are going to countries that have no health care program, they do not have any environmental laws, they do not have any human rights laws; and the previous speaker suggested that maybe they go to Africa because they have cheaper natural gas costs, or go to Russia.

Russia is a country that is moving away from democracy, moving back to its Communist roots of the past several decades, tightening control of the media. Russia is not exactly a great place to do business. And the wars that are going on in Africa, left and right, and the different countries on the continent, not exactly a good place to do business.

What we ask corporations and multinational corporations to do in the United States is to meet your obligation to the country. Corporate profits are the highest they have been in the history of the country, and corporate taxes are the lowest they have been in the history of the country. And if you want to talk about education, we have a No Child Left Behind program that is completely underfunded. It is underfunded in Ohio by over $1 billion a year. Fifty percent of the kids who live in Youngstown City School District, in my district, live in poverty; and 85 percent of the students that go to Youngstown city schools qualify for a free and reduced lunch.

The corporations, the multinational corporations have gotten every single thing they have wanted from this Congress. Ninety-three percent of the tax credits and tax breaks out of the energy bill go to subsidize oil and gas companies. The pharmaceutical companies get buyouts, billions of dollars through the Medicare program with no price controls, with no ability to reimport the drugs, without giving the Secretary of Health and Human Services the ability to negotiate down drug prices, and you want us to feel sorry for the pharmaceutical industries, the credit card companies, one of the most profitable businesses in the country, push through a bankruptcy bill that screws consumers to the wall. Fifty percent of the people that file bankruptcy file because of medical reasons, either their own or someone in their family; and you tell me if you have a sick child and there is only one way to pay for it, you do not pull out the credit card and zip it through. You most certainly do.

The days of defending the multinational corporations that have no loyalties to this country need to be over. But that is consistently what happens here, because they raise the money, it goes into the coffers, and the majority party runs elections and spends a lot of money and buys a lot of TV ads.

Talk about the environment. These businesses are moving, like when they cross the border into Mexico, the maquilladoras that they go to, former American companies that move to

Mexico, now leaving Mexico and going to China; the rivers in Mexico are some of the most polluted rivers in the world. Inhumane. You can tell where the people work in Mexico because the little shacks that they assemble have the name of the corporation that they work for. That is where they live. We need to start exporting our values in this country, not just our jobs.

□ 2100

And I think that the multinational corporations and the big boys who are here are able to fly their corporate jets into Reagan National Airport and walk around the halls of Congress and spread around a lot of money have gotten everything they want.

And it is the small business people in my district who own the mold shops, the machine shops, the small little shops that are in the supply chain who do not have the wherewithal to move to China. Who is sticking up for them?

The number one problem in this country is health care. Health care costs are going up 10, 15 percent a year. 45 million people are uninsured, a health care system that is disastrous, and we haven't even touched it in this Congress. Haven't even touched it.

And I think it is a shame that we are able to get up here, and some Members of this body are able to get up here and talk about how the poor corporations are not getting a fair break. 85 percent of the kids that get free and reduced lunch in Youngstown, they are not getting a fair break, and in Cleveland and in Akron, and in all other areas of the country, in the urban cores people are not getting a fair break.

And until this Congress starts paying attention, you want to compete with the Chinese, you want to compete with the Indians, you better make sure our citizens are healthy and educated, and make sure that we protect a lot of the social safety net that we have in place today, including Social Security.

And until we recognize that it is programs like Social Security that have helped lift people out of poverty, or that 5.2 million children live in families that receive Social Security, and that the Social Security benefits in 2002 lifted 1 million children under the age of 18 out of poverty. And now we are talking about getting rid of this system.

Now, we are here to talk about Social Security, and the long-term implications of what the President has proposed. Before we get into it, I wanted to make a point that I think is extremely relevant to the debate on Social Security, and something that I hear. And I have had three or four Social Security town hall meetings in my district, and have a couple more coming up. I hear from average people who just come and sit, and afterwards we open it up to question and answers.

And inevitably at every meeting, we will have a couple of people who either, from the microphone, or come up to me after, say the way to stop, or the way to fix Social Security is to create more jobs in the United States and have more people working at a higher wage to pay into the Social Security system.

Now, I do not know if long term that fixes the whole problem. But I think it makes a tremendous point. And I have spoken here many times at this podium about what is going on with the Chinese. And the Chinese at this point are cleaning our clocks. And I have small business people in my district who are literally months away from folding up the tent because they are not able to compete anymore with the Chinese.

And so the first point is, we need to grow the economy. We need to create jobs. We need to increase tax revenues so we can balance our budget. And what is happening? 2004 we had over a $10 billion trade deficit with China, just with China alone. The actual trade deficit is much higher. But, China is flooding our markets with their exports, and we are having very much trouble trying to get our products into their markets.

And what becomes scary, as we begin to run these high deficits, not only trade deficits, but budget deficits is that the money we are borrowing, last year close to $450 billion, that was offset by a Social Security surplus, around $450 billion deficit last year, 41 percent of the debt is coming from foreign-owned countries, or is owned by foreign countries, 41 percent.

So as we continue to run these deficits, we are borrowing money from the Japanese, from the Chinese, from all kinds of different countries who are getting more and more leverage over the United States, whether it is on domestic policy or foreign policy, and so it becomes very, very important, as we talk about Social Security, to make sure that we do not put ourselves in a position to owe other countries a lot of money.

Now, we are going to go over here briefly exactly what President Bush's privatization plan is and what it does and why it is dangerous to the American people, and then talk a little bit about what the President has said over the past week as he began to put some meat on the bones of his proposal.

If we privatize the Social Security system, we are going to have to borrow a lot of money, $1.4 trillion in borrowing the first 10 years of the President's plan. So, in addition to the $7.7 trillion, $7.976 trillion debt that we have today, we are going to have go out and borrow another $1.4 trillion over the next 10 years to meet the demands of a privatized Social Security system.

This massive borrowing will endanger our economy, and, as I already stated, increase our indebtedness to foreign countries. Why in a time when we are competing against the Chinese in a way we have never had to face this kind of stiff competition, why would we want to go out and put ourselves in a position of economic weakness and go out and have to borrow more money from the Chinese in order to fund our annual deficits?

That is bad economic policy. It is bad politics. It is bad geopolicy for the United States of America, because it weakens us when we are trying to deal in the international arena, and it raises taxes on our kids and on our grandkids.

Now, we just found out last week in my family that my brother and his lovely wife are going to have a little baby boy. Now, this little baby boy, when it is born in October, will owe $27,000 the minute he is born. Owe $27,000 to the government because of the debt that we have, the $7.97 trillion debt. And then if we tell my brother's little son that we are also going to go out, and we are going to borrow another $1.4 trillion, with a T, over the next 10 years, then all we are telling that newborn baby is, we are going to increase the burden and put it on you.

See, we are going to borrow it today, and we are going to leave it for you to fix one day. And that means increased taxes for the next generation. And we are playing today and borrowing all of this money like the bill, like the bills never come due. And that is what is irresponsible. And that is what we want to point out.

And I think that is one of the main reasons why the country in some polls even show the President's approval rating at 32 percent. That is why the country is not gravitating towards this program no matter how many cities and how many States the President wants to go to. And I think it becomes evident.

Now, here is the chart which is really hard to believe. And I think these numbers have changed slightly. But, this is a ticking clock. This is always moving, and it is moving rather quickly. The national debt today is 7 trillion, $796 billion. $7.97 trillion is what the United States owes other countries.

So if you are born today, you owe $26,349 the minute you are born. If you are sitting at home on the couch watching C–SPAN or Everyone Loves Raymond or some other show, you owe $26,349 to the Government.

And so add this up to a baby who is born today, factor it out 18 years from now. If we continue running at the clip we are running at $500 billion deficits every year, what is this little baby going to owe when he or she is 18 or 22? And then you add on top of that a family who has to not only pay this back, but also borrow money to go to college, and tuition rates in Ohio, and I know in Florida, have doubled over the past several years, over the past 5 years for sure.

If we continue going at that clip, what is that little child going to owe when they are 22 and they graduate college? They are going to owe this, multiple that out 18 years. They are going to owe the money they borrow for college, multiply that out with what the cost of living is going to be 18 years from now. What are we doing to our kids? And that is what this whole debate is about.

This debate is about a program that has been successful, and it is about a program that we need to maintain, and we need to project out into the future and make sure that we guarantee the benefits of the recipients of the program.

Now, the President last week did a press conference and did several events, my good friend, the gentleman from Florida (Mr. MEEK). Also I see my good friend, the gentleman from Ohio (Mr. STRICKLAND) is here as well, and the President put a little meat on the bones last week. He took this plan that was a skeleton, and last week he put some meat on the bones. And we had based most of our comments up to this point, not only in the Democratic and Republican caucus, but in the 30-something Working Group, we have made sure that we talked about what the President's blueprint was.

But, last week, the President confirmed for us exactly what we had talked about, that a privatized Social Security plan would mean benefit cuts for middle class Americans. And so the President, by outlining his plan last week gave us some figures. And we did some math.

He gave us his projections, and we did the math. If the President gets his way, someone earning $37,000 would have a 28 percent benefit cut. That means they would lose one-quarter of their Social Security. One-quarter. And you are not making a lot, you are only making $37,000.

Someone earning $45,000 would have a 42 percent benefit cut. 58,000, you would get a 42 percent benefit cut. And, finally, someone earning $90,000 would have a 49 percent benefit cut. So you made $90,000, you would lose half.

Mr. Speaker, I now yield to the gentleman from Ohio. Thank you for joining us. I would like to make perfectly clear here that you are not in the 30-something group age range.

Mr. STRICKLAND. What this discussion needs is some maturity. I was just sitting here listening to you, and what you say is absolutely true. But I just will point out that under the President's plan, if you make more than $20,000 a year, you can expect a significant reduction in your benefits. Think of that.

Now, they can call these people higher income if they want to, but today $20,000 is not a huge salary. So the statistics you gave for the $37,000 income and the $58,000 income and the $90,000 income brackets were accurate, but you can make as little as $21,000 and you are going to experience a significant reduction in benefits under the President's plan.

□ 2115

Mr. Speaker, I yield back to my young friend from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman from Ohio (Mr. STRICKLAND) gracing us with his presence and his maturity and his distinguished nature.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK) who is also mature, distinguished, and of very good nature.

Mr. MEEK of Florida. The gentleman used that distinguished thing quite loosely.

"Everyone Loves Ryan," is that your favorite show? I just want to ask. The gentleman used it as an example. Does the gentleman watch it?

Mr. RYAN of Ohio. I do. Does the gentleman watch it?

Mr. MEEK of Florida. I watch it every now and then. I am too busy reading legislation and trying to do the things that I need to do.

Mr. RYAN of Ohio. What is the gentleman's favorite show?

Mr. MEEK of Florida. ESPN.

Mr. RYAN of Ohio. SportsCenter.

Mr. MEEK of Florida. I like to watch the "Home Shopping Network." I like watching things my kids watch. I like Sponge Bob, and I like quite a few other funny movies.

Mr. RYAN of Ohio. Does the gentleman watch any of the old shows, the "Archie Bunker" reruns and "Cheers"?

Mr. MEEK of Florida. I watch "Archie Bunker."

Mr. RYAN of Ohio. "Three's Company."

Mr. MEEK of Florida. I am a night owl so I stay up late so I see a lot of shows in syndication. It is good stuff. I like "VH-1 Soul."

Mr. RYAN of Ohio. Does the gentleman ever watch "Married With Children"? It has some very funny reruns.

Mr. MEEK of Florida. That is a very funny show.

Mr. RYAN of Ohio. Ed O'Neill who plays Al Bundy is from Youngstown, Ohio.

Mr. MEEK of Florida. Get out of here. He is from Youngstown? Is there a road named in Youngstown after him?

Mr. RYAN of Ohio. No, we should do that.

Mr. MEEK of Florida. That would be nice.

Mr. RYAN of Ohio. I will work on that right after we get this Social Security thing going. We will have Ed O'Neill Boulevard in Youngstown. We will do it.

Mr. MEEK of Florida. Why not. He is probably in the fight to protect Social Security.

Mr. RYAN of Ohio. He is definitely in the fight to protect Social Security.

Mr. MEEK of Florida. A lot of hard-working Al Bundy-like guys that are out there.

Mr. RYAN of Ohio. If Al Bundy is not against privatization, who would be?

Mr. MEEK of Florida. What a great American.

As the gentleman knows, we like to put a little humor into this.

Mr. RYAN of Ohio. We think it is funny anyway.

Mr. MEEK of Florida. We think it is funny, maybe some others may think it is funny. They say if you do not like what you are doing and you cannot talk with a little humor now and then, you will worry about things you do not need to worry about 24 hours a day.

I can say it was great hearing the gentleman talk about the deficit, hearing the gentleman talk about the Social Security privatization plan or blueprint or philosophy that the President says he has. But I can tell you this, that I am very concerned. We know in the past whenever we have approached a national program that is a part of the fiber of our country, that the administration and the majority side, there is always a smokescreen there.

The numbers are not exactly what they say they are. So since the President last Thursday night talked a little bit about his blueprint and his philosophy, I do not know if I can take that for being the accurate plan that the Social Security, that the President has for his Social Security plan. And I know there are some people on the Hill that are running around sharing some of those numbers and saying how we are going to save Social Security. And I can tell you there is more to saving Social Security than privatization. And private accounts and privatization of Social Security is the backbone of the President's philosophy or plan.

I just want to remind the Members and I also want to remind Americans that if they can just remember, and I said this last week and I said it a week before last and I will say it again this week because I think it is just that important, we have started talking about the deficit, the highest deficit in the history of the Republic.

Never before in the history of this country have we had a deficit as high as it is now. Never before have we been indebted to foreign nations, because they are buying our debt more than at any other time in the history of our country.

Being a Member of the 109th Congress, I always tell my constituents it is an honor serving them here in Washington, D.C. And the reason why it is an honor is because I have the ability to come to this floor because the Democratic leader designated this hour for the 30-something Working Group and other Members that wish to come to the floor to share with Members of this Congress and the American people the importance of focus and paying attention and making sure that they hold us accountable for what we do.

Now, this whole privatization issue, I can state that I am very concerned. And what I have read in the paper and what I am seeing of polling numbers, Americans are concerned. There is no place in this Social Security, some may call it reform, some may call it saving, some may say that it is a crisis. And I am glad that American people, they know and also Members of this House know the truth that Social Security is not in a crisis.

A crisis is if Social Security were going to dissolve or not be able to provide 100 percent benefits in the next 5 years. A crisis would be even if it was 10 years from now. A crisis would be even if it is 15 years from now. When we are talking about 50 or 47 years from now that the President's Social Security plan will not be able to provide the benefits that Americans deserve and they paid into Social Security, that is not a crisis.

Now, there will be some discussion, I believe in the 109th Congress, on Social Security. I think it is important that we talk about fact, not fiction. If folks want to see fiction, there are a number of cable stations that they can go to or Members can go to.

We just finished talking about what we do in our leisure time when we are ready to be entertained, but not here in the U.S. Congress. We are not here for entertainment purposes. We are here to handle the business of the country to make sure that the Republic is strong and to make sure that the American people get their taxpayer dollars' worth of representation.

Mr. RYAN of Ohio. When the gentleman is talking about a program like Social Security, when we are talking about the most productive program, the most efficient program that the government runs and a proposal comes along in which the President has the wherewithal to defend it, the Congress has the ability because of the party structure to pass it, then you can be sure there is going to be a big fight. And you know what, the Founding Fathers would want a big fight about this.

You fight about big things. You fight about big ideas. And I do not think there is anything wrong, and I think we have a constitutional responsibility to have a big fight.

Article 1, section 1, the people govern, the Congress has a say. And the rules of this House and especially the rules of the Senate protect the views of the minority. So we have an obligation to stand up here at 9:23 at night and try to do our part in communicating our message. And we respect the President, respect the office, respect the other side of the aisle. I have many friends over there. Good friends. But we are allowed to disagree on major issues. And I hope we can get back to what happened in 1983.

Mr. MEEK of Florida. Let us talk about what we disagree on. We disagree on the privatization of Social Security. There is nothing wrong with that.

We disagree, Democrats, in our leadership, all the way down to the freshmen Member that just got here a couple of months ago. We disagree on increasing the deficit. We disagree on that. We disagree with the majority side. Democrats, we disagree with the majority side in this House on foreign nations acquiring more of our debt. We disagree on that.

We disagree on Americans losing benefits under the flag of reforming Social Security. We disagree on that.

People ask constantly, what is the difference between Democrats and Republicans? I am not one to generalize. And we said last week and I will say again this week, I commend my brave Members on the other side of the aisle, some Republicans, that are saying that I am not with you, Mr. President. I am not with you, majority side, on this whole philosophy of privatization of Social Security, and I commend them for that. I am glad that some Members went to go see the Wizard and picked up some courage and said that I am not going to do it.

That is leadership. Leadership is saying not just because we can do it, we should. You do not do things just because you can. There are things that I can do, but I use restraint because it is the right thing to do on behalf of the greater good.

So I think it is important that people understand there are 48 million Americans that are receiving Social Security; 33 million of them are retirees. And there are a number of people in this debate, that is the reason why last week and the week before that and the week before that and the week before that that we continue to come to the floor to talk about Social Security.

Someone that is 17 right now, this is their issue. Someone that is 12 that is receiving survivor benefits because their parents have passed on or father or mother has passed on, this is their issue. Unfortunately, they cannot vote because if they could it would be another person in the fight that would be able to let this Congress know what they agree with and what they disagree with.

For the individual that is down in my State of Florida that is retired, this is their issue because I go back to the Medicare prescription drug debate. There was a lot of discussion, there was a lot of politics going on, I must say, a lot of discussion about prescription drugs. And from Florida let me say that that is a big issue.

I can say this also, that we came to this floor given information from the majority side and from the administration on the true costs of what they may call prescription drugs and not allowing us to have negotiating power with the pharmaceutical companies to be able to bring prices down for prescription drugs.

Could the gentleman do that again?

Mr. RYAN of Ohio. That was off camera.

Mr. MEEK of Florida. The gentleman was listening. I like that.

I think it is important that people understand that what is being said loosely at this particular time you cannot take to the bank as truth. Case in point: during the prescription drug debate we were told, all of us, every Member of Congress was told that it would be a $350 billion program. And then we moved down the line, and slowly it moved up to $400 billion. And then after the debate, after we passed the plan, we find out someone made the wrong calculation. The gentleman talked about math earlier. They goofed up. It is $530 billion.

This is real money. And then 3 months ago we find out that it is going to be $724 billion. What is the true number? Is $5 trillion the true number of the President's privatization plan, the majority side's privatization plan? Or is it $9 trillion, $10 trillion, $12 trillion?

You want to talk about saying that we are going to do things on a credit card, we are doing it in the worst way. I want to make sure Americans and Members of this House understand that we are not surplus spending here. This is deficit spending in the worst way.

I am on the Select Committee on Homeland Security, the Committee on Armed Services. We share in that committee; we will have a committee markup. We start working on bringing a bill to the floor for the defense of this country to support our men and women in uniform that are abroad fighting for those that this Congress has given them the ability to do. We are saying that we are fighting on behalf of defense and making our country strong, economically strong. Meanwhile, we are spending on a credit card in the worst way and then finding new ways to be able to put more on that credit card.

Mr. RYAN of Ohio. I think that is a great point. We are putting everything on the credit card right now. And in the President's proposal, how does taking money out of Social Security and putting it into the market fix the Social Security system and make it more solvent than it is? As we said many times here, the magic number is $5 trillion over the next 20 years.

☐ 2130

Five trillion dollars will have to be borrowed by the United States over the next 20 years. How does that make our country stronger, if we are out borrowing?

Mr. MEEK of Florida. Mr. Speaker, we are saying $5 trillion, but do we know if that is the real number?

Mr. RYAN of Ohio. That may not be the real number. The gentleman is exactly right. That may not be the real number, and why is the President more worried about a deficit in 2041 of maybe $300 billion, which the Social Security trust fund will be running at a deficit, instead of a $600 billion deficit today? I do not understand why he and this administration is so overly concerned with kind of the long-range deficit that can be fixed with tinkering with this program instead of worrying about what is happening every single day, as the heart and soul gets stolen out of the United States economy, with the loss of manufacturing, the loss of business, the jobs placement, the jobs that are leaving, are $10- to $12,000 less without health care benefits.

Counties and cities are going bankrupt all over the country. They cannot afford to put on police and fire levies. I think two-thirds of the school property tax levies for schools in Ohio the last election cycle failed. I mean, this is eroding the heart and soul of the country day by day by day. This slow drip keeps happening, and it seems like instead of worrying about 2041 when we are to plug a little leak, we need to address the geyser that is happening right before us.

Mr. MEEK of Florida. I would be concerned if we were by ourselves in the objection to privatization to the President's philosophy and some Members of the majority side. I would be very concerned, but I am not as concerned as I would be if we were wrong.

There is times, folks say, well, you know, you have got to take it on the chin for the team. Let me tell you something. Social Security is no time to take it on the chin for the team because we have real people who are being affected by this, and I am glad the American Baptist Churches U.S.A. is on our side saying no to privatization, on the side of the Members that are willing to watch out for the American people that are counting on Social Security.

When I started to talk about the fact that there is a 17-year old and 12-year old and someone that is 65 or 70 or 50 or 45 or 42 or 38, this is their issue, and the reason why it is their issue is that we as Americans believe in making sure that when we give our word that we keep it. There is nothing wrong with that. There is nothing wrong with keeping your word. There is nothing wrong with saying that this is wrong and we want to continue to head in the right direction.

I am glad that we are not by ourselves, and I am glad that the Alliance for Retired Americans are out there doing the things that they are doing and having town hall meetings. I am glad that we have Members on the Committee on Ways and Means that are willing to go to the end on behalf of Social Security and making sure that Americans get what they paid into.

This is not something that someone just kind of walked around and said, well, you know, I am not going to work, I am not going to do anything, but I look forward to collecting Social Security. These are people that work every day. These are individuals that are looking forward to Social Security being there for security when they need it. It is not a pension plan. This is not something that someone works for 123 Construction Company for 30 years and at the end hopefully the pension fund will be there for them and they will be able to retire on that, because even now, more than ever, we are seeing companies that are not holding up their end of the deal for their workers and their retirees. That is what Social Security is there for; you will not be left alone.

Social Security has the back of so many Americans, Democrat, Republican, Independent, Green Party, you name it, no party. It is there for you, and we want to make sure that individuals who are looking to prosper on the back of American workers are not able to do that.

Let me tell you what's a guaranteed deal, $955 billion in Wall Street, that is guaranteed. The folks that are running around here talking about privatization, that are not Members of the Congress, are individuals that are looking to prosper when we get those public dollars on Wall Street.

I want to mention something else because I hear some folks running around here talking about, well, there are Members of Congress who do not want you to have what they have. Well, this is interesting.

We have health care. I want my constituents to have health care. I want Americans to have health care. We have 25 million Americans working without health care, 46 million families without health care because those workers do not have health care. We have a health care crisis. This is a crisis. Someone wants to talk about crisis, that is a crisis. Social Security not being what we want it to be in 50 years is not necessarily a crisis, and I think it is important that Members and the American people understand that we have to deal with these issues in the order that they come in.

We have Americans right now that do not have health care. I was just at a meeting. This is the Uninsured Americans Awareness Week throughout the Nation. This is a nonprofit group that is trying to come up with a bipartisan way to deal with the uninsured. It is a crisis, and I am glad that they are out there in the fight. I am glad that they are making sure that people understand.

Going back to what I was saying, the issue about what Members of Congress have that Americans do not have, you hear Members of the majority side, you hear the President say, well, the Members of Congress and Federal employees have a thrift savings plan. Yes, we do. We have a thrift savings plan. A number of corporations that are out there and a number of businesses that are out there offer their employees some level of a pension plan or a thrift savings plan, but guess what? We also have Social Security. We have Social Security. Even Members of Congress have Social Security, but what is being offered now is is we want to privatize your accounts. It is not Social Security under privatization. It is Social Security under the way we see it now. So when folks start talking about, well, we want to give you what Members of Congress have, guess what? We have the backdrop of Social Security, and we want to make sure that every American has Social Security and they can count on it.

We are where we are right now because there are good people that are out there not only in the organized labor community, but there are people out there in the pulpits that have members of their congregation or synagogue or what have you that are under the poverty line if it was not for Social Security. So when we start talking about privatization, I want to make sure that the Members understand, privatization means that we are going to gamble on your security, your security in your retirement.

It has been already stated by the administration that benefits will be cut in the light of saving Social Security because they say, on the majority side, that it is in a crisis, which it is not. This is not fiction; it is fact. I know that the American people are aware of it.

I want to thank my friends over at the Campaign for American's Future. I want to thank the Center on Budget and Policy Priorities for the work that they do and sharing this work with Americans, young and old. I want to thank Rock the Vote that has been out there, and their representatives come to the Hill to speak before committees, to share their concern for the privatization of Social Security. They are flatly against the privatization of Social Security.

People ask, well, why is the Children Defense Fund involved in this battle of no privatization of Social Security? They are involved because they know that young people that are already having a hard way to go right now in this country as we speak, and I mean throughout this country, not just in my district but in districts throughout this country, congressional districts in the States and in neighborhoods and in communities, they are having a hard enough time. The last thing we need to do since we are watching out for the future Americans when they grow up and become the leaders in this country, and the workers in this country, is to hand them a $26,000 share of the deficit because we are watching out for them, to take $5 trillion and say that we are working on your behalf to make sure that you are secured in the future or we are going to increase the deficit by $5 trillion.

That is the number we are using today because, as I mentioned, the prescription drug plan that passed this House in the 108th Congress and the other body and was signed by the President, we were told it would be $350 billion to later find out it will be $727 billion. This is real money. This is something that we are passing on to future generations, and if we are going to watch out for future generations, we have to make sure that we are doing the right thing when we are in control.

I just want to say that I feel good about the fact that the 30 Something Working Group, as we come together when we are not on the floor, that this is the number one issue. Yes, there are other issues, but Social Security is the number one issue facing Americans right now. The privatization of Social Security is something that we have to continue to fight on their behalf, those individuals, those 4 million Americans that are now in the Social Security program, those Americans that receive $955 a month on average, those 33 million Americans that are retired and those young people that are on survivor benefits, their parents have passed on or a parent has passed on who was taking care of them, brought them up. They are now receiving their survivor benefits. It is up to us and it is up to brave Members in this House to fight for them to make sure that we cannot say, oh, we had a bad week on Wall Street so, guess what, we have to cut some of their benefits. We have to fight for them.

Mr. RYAN of Ohio. Mr. Speaker, that is a great segue into a couple of the e-mails that we received last week that I think put a human face on what you were just speaking about.

We got one from Denise Harmon who was from Evanston, Wyoming. She says: "Hello, I'm 40, so I'm one year over the age group you are looking at." But, again, we are here talking about a lot of other issues and not just the people who are in their 30s.

"I have some IRA's, a mutual fund, a retirement plan with stocks, bonds, and annuities started through my previous employment, a 401(k) type plan with my employer, and a pension as a State employee in Wyoming."

Denise goes on to say, "I am very uncomfortable with the idea of using private accounts for Social Security. My mutual fund lost half of its value and at the rate it is earning, will take another 5 to 8 years to get to the rate of my deposit."

So, just as you said, she lost sounds like thousands of dollars here and it is going to take another 5 to 8 years to get to the rate of her deposit. So, if she was planning on retiring in say 2002 and her 401(k) or mutual fund was cut in half, then she would not be able to retire if that was Social Security.

It sounds like she has some other things going on here, but what we are saying with the privatization is that your Social Security would be your mutual fund and it would be subject to the whims of the market. It would no longer be a guaranteed benefit, and when the gentleman from New York was here, he explained it great. Here is the stock market up and down, up and down, up and down, but here is the Social Security program, slowly growing, slowly paying out benefits to meet with the wage index so you maintain your buying power, and this is exactly what Denise is talking about.

She goes on to say: "Everyone else I know, from my retired father to my peers to my kids who have mutual funds in their names for college funds have been burned by the private financial sector."

And this is something that really hits home: "My grandfather lost his railroad pension in the 1970s (he worked for Rock Island Lines) when Rock Island went out of business. He relied on Social Security and Medicare. He required nursing home care due to dementia and died with nothing, in fact, he probably cost the government because the company he gave his life to defaulted on him.

"Social Security is meant to be the no-risk retirement backup system. You shouldn't allow people to gamble with that money."

□ 2145

And do not forget to remind Americans that Social Security also pays for the disabled and for children whose parents die early.

I want to thank Denise for writing in. That was great.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. MEEK of Florida. I wanted to mention a few other things I did not mention earlier. This whole $26,300 and change of the deficit that we are talking about.

Mr. RYAN, if you can put that board back up, because I think that is very, very important. Thank you, Mr. RYAN. I appreciate that. This $26,349 and change is something that we need to pay very close attention to.

We did some math, and this is good math. The average American that graduates, be it with a postgraduate degree or a 4-year degree or what have you, has on average a $20,000 debt of either student loans, because of the lack of Pell grant dollars or what have you. You can buy a new car with $26,000. You can put a downpayment on a home with $26,000 and still have some left over. You could buy groceries for five families for a year with $26,000. That is a lot of money. You could start a small business with your new education with $26,000.

Was this deficit delivered by the minority side? No. This deficit was delivered by the majority side. And I think it is important that Americans understand that. So if folks want to know what we stand for on this side of the aisle, I think we have made the point clear. I think Americans understand and the Members of this House understand that if we are going to approach the Social Security issue, that it has to be bipartisan, like in 1983 with Tip O'Neill and Ronald Reagan. That bipartisan bill passed this House and that is the reason why Social Security is solvent for the next 50 years.

Mr. RYAN, it was a pleasure being here with you once again. I look forward to the future and getting back to talking about this issue and, hopefully, taking some action.

Mr. RYAN of Ohio. It has been a beautiful experience; I enjoyed it thoroughly. I want to give everyone at home some e-mails.

We also received another e-mail from a Karan Szatko from Overland Park, Kansas, and she wanted to thank us for talking about and to our generation and the issues that really matter. She is hoping to get more involved in government and getting her voice heard and doing what she can to help this great Nation we all love.

So, hopefully, these 30-somethings, it sounds like they are having some effect on some, and I just want to give everyone the e-mail. You can e-mail us through Leader PELOSI's office: 30somethingdems@mail.house.gov or you can get on our Web site at Democraticleader.house.gov/30something.

So send us an e-mail, drop us a line if you have any stories that you can relate to us that we may be able to share here on how this may affect your family.

Mr. MEEK of Florida. Mr. RYAN, I have another Web site real quickly, because we like to verify, verify, verify where people can go on and Members can go on. If you want to learn more about what the President's plan does to the middle class, you can go on www.cbpp.org. That is the Center For Budget and Policy Priorities. That is cbpp.org.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). The Chair would remind Members to address their remarks to the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mr. FEENEY, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 11.

Mr. POE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BERRY, for 5 minutes, today.

ADJOURNMENT

Mr. WAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, May 5, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1811. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Benoxacor; Partial Grant and Partial Denial of Petition, and Amendment of Tolerance to Include S-Metolachlor [OPP-2005-0080; FRL-7709-2] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1812. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Re-Establishment of Tolerance for Emergency [OPP-2005-0092; FRL-7709-3] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1813. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerance [OPP-2005-0046; FRL-7705-1] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1814. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tetraconazole; Time-Limited Pesticide Tolerance [OPP-2004-0388; FRL-7702-4] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1815. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices: Clinical Chemistry and Clinical Toxicology Devices; Instrumental for Clinical Multiplex Test Systems [Docket No. 2005N-0071] received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1816. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices: Clinical Chemistry and Clinical Toxicology Devices; Drug Metabolizing Enzyme Genotyping System [Docket No. 2005N-0067] received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1817. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Poly (2-vinylpyridine-co-styrene); Salts of Volatile Fatty Acids — received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1818. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Agreed Orders in the Beaumont/Port Arthur Ozone Nonattainment Area [R06-OAR-2005-TX-0019; FRL-7898-7] received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1819. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Naitonal Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards; and National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations [OAR-2004-0411; AD-FRL-7899-1] (RIN: 2060-AK80) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1820. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-7896-2] received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1821. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the the Definition of Refrigerant [FRL-7899-3] (RIN: 2060-AM51) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1822. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Texas: 15% Rate-of-Progress Plan and Motor Vehicle Emissions Budgets, Dallas/Fort Worth Ozone Nonattainment Area [TX-80-1-7353; FRL-7897-7] received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1823. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [R04-OAR-2004-GA-0002-200504(a); FRL-7898-5] received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1824. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County [R06-OAR-2005-NM-0001; FRL-7897-6] received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1825. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Texas; Memorandum of Agreement Between Texas Council on Environmental Quality and the North Central Texas Council of Governments Providing Emissions Offsets to Dallas Fort Worth International Airport [R06-OAR-2004-TX-0002; FRL-7902-8] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1826. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Territory of Guam State Implementation Plan, Update to Materials Incorporated by Reference [GU122-NBK; FRL-7888-4] received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1827. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Durant, Oklahoma and Tom Bean, Texas) [MB Docket No. 04-104; RM-11095] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1828. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Medical Use of Byproduct Material — Recognition of Specialty Boards (RIN: 3150-AH19) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1829. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1830. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1831. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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1840. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1841. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1842. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1843. A letter from the Chief, Reg. Development, Office of Regulations Policy & Mgt., Department of Veterans Affairs, transmitting the Department's final rule — Exclusions from Income and Net Worth Computations (RIN: 2900-AM14) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1844. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities: Amendment [CMS-3145-IFC] (RIN: 0938-AN36) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLE: Committee on Rules. House Resolution 258. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1268) making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109–73). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 2066. A bill to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 2067. A bill to provide for an improved acquisition system; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. BERRY, Mr. BLUNT, Mr. HAYES, Mr. SCOTT of Georgia, Mr. BONILLA, Mr. BUTTERFIELD, Mr. BOEHNER, Mr. ETHERIDGE, Mr. CANTOR, Mr. GUTKNECHT, Mr. ROSS, Mr. KINGSTON, Mr. SNYDER, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. LATHAM, Mr. SESSIONS, Mr. DOOLITTLE, Mrs. EMERSON, Mr. CONAWAY, Mr. JEFFERSON, Mr. MANZULLO, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. SHIMKUS, Mr. GRAVES, Mr. THORNBERRY, Mr. OXLEY, Mr. WELLER, Mr. MCHENRY, Mr. WESTMORELAND, Ms. FOXX, and Mr. KLINE):

H.R. 2068. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for country of origin labeling of meat, and for other purposes; to the Committee on Agriculture.

By Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 2069. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Resources.

By Mr. KUCINICH (for himself, Mr. SERRANO, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Ms. SOLIS, Mr. FILNER, Ms. CARSON, Mr. GRIJALVA, Mr. LANTOS, Ms. LEE, Mr. MCGOVERN, Ms. MCKINNEY, Ms. WOOLSEY, Mr. OWENS, Mr. STRICKLAND, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. FARR, Mr. HINCHEY, Mr. EVANS, Mr. NADLER, Mr. KANJORSKI, Mr. SHERMAN, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. VISCLOSKY, Mr. KILDEE, Ms. SLAUGHTER, Ms. KAPTUR, Mr. OLVER, and Mr. STUPAK):

H.R. 2070. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. HOLT, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. MENENDEZ, Mr. REYES, Mr. MEEHAN, Mr. HINCHEY, Mr. LANTOS, Mr. NADLER, Mr. GRIJALVA, Mr. FARR, Mr. BERRY, Mr. OLVER, Mr. OWENS, Mrs. MCCARTHY, Mr. TIERNEY, Ms. WOOLSEY, Mr. MCNULTY, Mr. SCHIFF, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mr. MURTHA, Mr. MICHAUD, Mr. RUPPERSBERGER, Mr. LYNCH, Mr. CUMMINGS, Ms. NORTON, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. BACA, Ms. KILPATRICK of Michigan, Mr. HIGGINS, Mr. SERRANO, Ms. HERSETH, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Ms. BALDWIN, Mr. CROWLEY, Mr. CLEAVER, Ms. PELOSI, Mr. CLAY, Mr. STUPAK, Ms. DEGETTE, Mr. PASCRELL, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. STRICKLAND, Ms. BERKLEY, Mrs. DAVIS of California, Mr. JACKSON of Illinois, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Mrs. CAPPS, Mr. CARNAHAN, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. CUELLAR, Mr. ROSS, Ms. MATSUI, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. SALAZAR, Ms. HOOLEY, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. KIND, Mr. OBERSTAR, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. GONZALEZ, Mr. HOYER, Mr. MCGOVERN, Mr. KUCINICH, Mr. ORTIZ, Mr. BOUCHER, Mr. MARKEY, Mr. HINOJOSA, Ms. SCHWARTZ of Pennsylvania, Mr. LARSON of Connecticut, Mr. EMANUEL, Ms. CARSON, Mr. MCDERMOTT, Mr. STARK, and Mr. MOORE of Kansas):

H.R. 2071. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. RANGEL, Mr. DINGELL, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARNAHAN, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LYNCH, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Mr. PASTOR, Mr. REYES, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Mr. JEFFERSON, and Mr. SANDERS):

H.R. 2072. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW (for himself, Mr. DINGELL, Mr. RANGEL, Mr. STARK, Mr. BROWN of Ohio, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARNAHAN, Ms. CARSON, Mr. CLEAVER, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FORD, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MELANCON, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Mr. PAYNE, Mr. REYES, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SLAUGHTER, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, and Ms. WOOLSEY):

H.R. 2073. A bill to amend the Internal Revenue Code of 1986 to provide tax subsidies to encourage small employers to offer affordable health coverage to their employees through qualified health pooling arrangements, to encourage the establishment and operation of these arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2074. A bill to amend title 10, United States Code, to improve transition assistance provided to members of the Armed Forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself and Mr. FARR):

H.R. 2075. A bill to amend title 10, United States Code, to require a member of the Armed Forces to designate a person to be authorized to direct the disposition of the member's remains if the member should die in service; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mr. BRADLEY of New Hampshire, and Mr. MILLER of Florida):

H.R. 2076. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 2077. A bill to suspend temporarily the duty on Garenoxacin mesylate; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2078. A bill to suspend temporarily the duty on butylated hydroxyethylbenzene; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2079. A bill to extend the temporary duty suspension on Ezetimibe; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2080. A bill to extend the duty suspension on Methidathion Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2081. A bill to extend the duty suspension on difenoconazole; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2082. A bill to extend the duty suspension on Lambda-Cyhalothrin; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2083. A bill to extend the duty suspension on cyprodinil; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2084. A bill to extend the duty suspension on Wakil XL; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2085. A bill to extend the duty suspension on Azoxystrobin Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2086. A bill to extend the duty suspension on mucochloric acid; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRABACHER, Mr. FARR, Mr. SANDERS, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. WEXLER, Mr. WAXMAN, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DEFAZIO, Mr. MCGOVERN, Mr. BLUMENAUER, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. STARK, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Ms. ESHOO, Mr. HONDA, Mr. OLVER, Mr. MORAN of Virginia, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, and Ms. BALDWIN):

H.R. 2087. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. GIBBONS (for himself, Mr. OTTER, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. CANNON, Mr. BURTON of Indiana, Mr. GOODE, Mr. KINGSTON, Mr. BRADLEY of New Hampshire, Mr. TERRY, Mr. BAKER, Mr. WHITFIELD, Mr. BARRETT of South Carolina, Mr. BACHUS, Mr. BOOZMAN, Mr. TIBERI, Mr. BISHOP of Utah, Mr. WILSON of South Carolina, Mr. BARTON of Texas, Mr. DUNCAN, Mr. SHUSTER, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. HEFLEY, Mr. ISSA, Mr. SIMPSON, Mr. TANCREDO, Mr. SHIMKUS, Mr. PEARCE, Mr. KING of Iowa, Mr. PETERSON of Pennsylvania, Mr. SALAZAR, Mr. KUHL of New York, Mr. HALL, Mr. MOLLOHAN, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. ROGERS of Alabama, Mr. AKIN, Mr. BURGESS, Mr. CRAMER, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. ROSS, Mrs. EMERSON, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. DEAL of Georgia, Mr. HERGER, Mr. FEENEY, Mr. LEWIS of Kentucky, and Mr. CALVERT):

H.R. 2088. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. WYNN, Mr. BURGESS, Mr. FITZPATRICK of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. NORWOOD, Mr. SIMPSON, Mr. BOOZMAN, Mr. BONILLA, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. CUNNINGHAM, Mr. GOODE, Mr. McHUGH, and Mr. SANDERS):

H.R. 2089. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Ms. DeLAURO, and Mr. STUPAK):

H.R. 2090. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the deposit in the general fund of the Treasury of fees that are collected from manufacturers of drugs and devices under chapter VII of such Act, to terminate the authority of the Food and Drug Administration to negotiate with the manufacturers on particular uses of the fees, to establish a Center for Postmarket Drug Safety and Effectiveness, to establish additional authorities to ensure the safe and effective use of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOEKSTRA:

H.R. 2091. A bill to suspend temporarily the duty on 4-Methoxy-2-methyldiphenylamine; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 2092. A bill to amend the Immigration and Nationality Act to comprehensively reform immigration law and to better protect immigrant victims of violence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Energy and Commerce, Agriculture, Homeland Security, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS:

H.R. 2093. A bill to suspend temporarily the duty on 2-Methylhydroquinone; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 2094. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 2095. A bill to suspend temporarily the duty on 1-fluoro-2-nitro benzene; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 2096. A bill to extend the temporary suspension of duty on certain high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2097. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 2098. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McKINNEY (for herself, Mr. SCOTT of Georgia, and Mr. MARSHALL):

H.R. 2099. A bill to establish the Arabia Mountain National Heritage Area, and for other purposes; to the Committee on Resources.

By Miss McMORRIS:

H.R. 2100. A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

By Mr. MEEK of Florida (for himself, Mrs. McCARTHY, Ms. LORETTA SANCHEZ of California, Mr. FORD, Mr. DeFAZIO, Mr. GONZALEZ, Ms. SLAUGHTER, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mrs. LOWEY, and Mr. THOMPSON of Mississippi):

H.R. 2101. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement the READICall emergency alert system; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. McCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. JINDAL, and Mr. BOUSTANY):

H.R. 2102. A bill to amend the Internal Revenue Code of 1986 to provide a credit against the income tax for expenses incurred in restoring and protecting coastal lands; to the Committee on Ways and Means.

By Mrs. MYRICK (for herself, Mr. PASTOR, and Mr. GREEN of Wisconsin):

H.R. 2103. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 2104. A bill to amend the Help America Vote Act of 2002 to permit local jurisdictions within a State to conduct early voting in elections for Federal office held in such jurisdictions, and for other purposes; to the Committee on House Administration.

By Mr. PALLONE:

H.R. 2105. A bill to amend title 23, United States Code, relating to the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of Georgia (for himself, Mr. LINDER, Mr. BAKER, Mr. CHABOT, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. GINGREY, Mr. KINGSTON, Mr. NORWOOD, Mr. WESTMORELAND, Mr. LEWIS of Georgia, and Mr. SCOTT of Georgia):

H.R. 2106. A bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. KING of New York, and Mr. DUNCAN):

H.R. 2107. A bill to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Ms. GINNY BROWN-WAITE of Florida, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. LYNCH, Mr. PALLONE, Mr. SCOTT of Georgia, Mr. CARDOZA, Mr. CROWLEY, Ms. SOLIS, Mr. RANGEL, Mr. WEXLER, Mr. CONYERS, and Mrs. McCARTHY):

H.R. 2108. A bill to amend the Servicemembers Civil Relief Act to prevent the disruption of the education of children who change residence based on the military service of a reserve component parent who is deployed overseas; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. KILDEE, Mr. CONYERS, Mr. BROWN of Ohio, Mr. LEVIN, Mr. GENE GREEN of Texas, and Ms. BALDWIN):

H.R. 2109. A bill to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 2110. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H.R. 2111. A bill to facilitate acquisition by the Secretary of the Interior of certain mineral rights, and for other purposes; to the Committee on Resources.

By Mr. ISSA (for himself, Mr. BLUNT, Mr. HYDE, Mr. TOM DAVIS of Virginia, Mr. YOUNG of Alaska, and Mr. POMBO):

H.R. 2112. A bill to designate the exclusive economic zone of the United States as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States"; to the Committee on Resources.

By Mr. KING of Iowa (for himself, Mr. WEINER, Mr. ACKERMAN, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANNON, Mr. CANTOR, Mr. CHABOT, Mr. CONAWAY, Mr. CROWLEY, Mr. DOOLITTLE, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. HAYWORTH, Mr. HERGER, Mr. HOLDEN, Mr. KING of New York, Mr. KLINE, Mr. LANTOS, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mrs. MALONEY, Mrs. McCARTHY, Mr. McCAUL of Texas, Mr. McGOVERN, Mr. McNULTY, Mr. NADLER, Mrs. NORTHUP, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. PITTS, Mr. POE, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SIMPSON, Mr. SOUDER, Mr. SULLIVAN, Mrs. TAUSCHER, Mr. WAMP, Ms. WASSERMAN SCHULTZ, Mr. WELDON of Florida, Mr. WEXLER, Mr. WILSON of South Carolina, and Mr. CLEAVER):

H. Con. Res. 144. Concurrent resolution condemning attacks on United States citizens by Palestinian terrorists, and for other purposes; to the Committee on International Relations.

By Ms. DeGETTE (for herself, Mr. UDALL of Colorado, Mr. CUMMINGS, and Mr. WATT):

H. Res. 257. A resolution expressing the sense of the House of Representatives that

Pasqualine J. Lawson of Denver, Colorado, an African American woman who valiantly served her country in the Army Air Corps during World War II and serving as a hospital neuropsychiatric team member, was unfairly passed over for promotion and should have held the grade of technical sergeant, rather than private first class, upon her discharge from the service on January 2, 1946; to the Committee on Armed Services.

By Mr. CLEAVER (for himself, Mr. Ney, Mr. Gary G. Miller of California, Mr. Clay, Mrs. Emerson, Mr. Blunt, Mr. Carnahan, Mr. Skelton, Mr. Frank of Massachusetts, Mr. Meeks of New York, Mr. Crowley, Ms. Moore of Wisconsin, Mr. Moore of Kansas, Mr. Baker, Mr. Kanjorski, Mr. King of New York, Mr. Gutierrez, and Mr. Capuano):

H. Res. 259. A resolution condemning the existence of racially restrictive covenants in housing documents and urging States to adopt legislation similar to that which was enacted in California to address the issue; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Bishop of Utah, Mr. Blunt, Mr. Boustany, Mr. Brady of Texas, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Burton of Indiana, Mr. Cannon, Mr. Cantor, Mr. Carter, Mr. Chabot, Mr. Chocola, Mrs. Cubin, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Doolittle, Mr. Feeney, Ms. Foxx, Mr. Franks of Arizona, Mr. Gingrey, Mr. Gohmert, Mr. Goode, Mr. Hayworth, Mr. Hensarling, Mr. Herger, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Kline, Mr. King of Iowa, Mr. McCotter, Mr. McHenry, Mrs. Miller of Michigan, Mr. Miller of Florida, Mrs. Myrick, Mr. Pence, Mr. Pitts, Mr. Radanovich, Mr. Renzi, Ms. Ros-Lehtinen, Mr. Sessions, Mr. Shadegg, Mr. Souder, Mr. Tancredo, Mr. Tiahrt, Mr. Whitfield, Mr. Wicker, and Mr. Wilson of South Carolina):

H. Res. 260. A resolution thanking John R. Bolton, President George W. Bush's nominee to serve as United States Ambassador to the United Nations, for his long-standing history of confronting corruption at the United Nations and urging him to continue his hard work and dedication to the implementation of measures that will restore credibility of this international organization; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. Towns, Mr. Pickering, Mr. Bilirakis, and Mr. Gene Green of Texas):

H. Res. 261. A resolution expressing the sense of the House of Representatives that the Centers for Medicare & Medicaid Services should be commended for implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project, at least through 2006, subject to any appropriate modifications; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHWARZ of Michigan:

H. Res. 262. A resolution expressing the sense of the House of Representatives that the Secretary of Agriculture should investigate and find alternative actions with regard to the unilateral temporary termination of the participation of retail food stores in the electronic benefits transfer system (EBT) under the Food Stamp Act of 1977; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

19. The SPEAKER presented a memorial of the General Assembly of the State of New York, relative to a Resolution memorializing Congress to pass a joint resolution of disapproval to nullify the United States Department of Agriculture decision to resume the importation of live Canadian cattle on March 7, 2005, thereby establishing Canada as a minimum-risk country in respect to Bovine Spongiform Encephalopathy, or Mad Cow Disease; to the Committee on Agriculture.

20. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 3 memorializing the President and Congress of the United States to support the campaign to develop the Pocatello Proton Accelerator Cancer Treatment Facility in Pocatello, Idaho; to the Committee on Energy and Commerce.

21. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 14 memorializing Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; to the Committee on Transportation and Infrastructure.

22. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 18 memorializing the United States Congress to reject plans to privatize Social Security and commit to repaying into the Social Security Trust Fund; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. Strickland and Mr. Davis of Florida.

H.R. 65: Mr. Tancredo.

H.R. 66: Mr. Shadegg.

H.R. 111: Mr. Sessions, Mr. Mica, Mr. Dingell, and Mr. Renzi.

H.R. 117: Mr. Boswell.

H.R. 133: Mr. Boswell.

H.R. 153: Ms. Slaughter.

H.R. 176: Mr. McDermott and Ms. Woolsey.

H.R. 196: Mr. Paul.

H.R. 292: Mr. Jindal.

H.R. 303: Mr. Miller of Florida.

H.R. 331: Mr. McHugh.

H.R. 373: Mr. Cummings.

H.R. 414: Mr. LaHood and Ms. McCollum of Minnesota.

H.R. 422: Mr. George Miller of California, Mr. Stark, and Mr. Cardoza.

H.R. 513: Mr. Oberstar.

H.R. 514: Mr. DeFazio.

H.R. 527: Mr. Holden and Mr. English of Pennsylvania.

H.R. 530: Mr. Mack.

H.R. 554: Mrs. Miller of Michigan.

H.R. 577: Mr. Putnam.

H.R. 625: Mr. Boswell.

H.R. 653: Mr. DeFazio and Mr. Barrow.

H.R. 654: Mr. Sherman and Ms. Eshoo.

H.R. 669: Ms. Schakowsky and Mr. Hayes.

H.R. 697: Mr. Waxman, Mr. Smith of Washington, and Mr. Dent.

H.R. 731: Mr. Sanders.

H.R. 747: Mrs. McCarthy, Mr. Pastor, and Mr. Rahall.

H.R. 759: Mr. Farr and Ms. Zoe Lofgren of California.

H.R. 772: Mr. Brown of Ohio and Mr. Carnahan.

H.R. 792: Mr. Hyde.

H.R. 800: Mr. Crenshaw and Mr. Burton of Indiana.

H.R. 801: Mr. Hinchey.

H.R. 819: Mr. Cole of Oklahoma, Mr. Stupak, and Mr. Hoekstra.

H.R. 838: Mr. Ackerman.

H.R. 874: Mr. Crenshaw and Mr. Gohmert.

H.R. 887: Mr. Shimkus, Mr. Sanders, Mr. Fitzpatrick of Pennsylvania, and Mr. Kildee.

H.R. 903: Mr. DeFazio.

H.R. 930: Mr. Feeney and Mr. McHenry.

H.R. 932: Mr. Feeney and Mr. Culberson.

H.R. 960: Mr. Van Hollen.

H.R. 972: Mr. Wexler.

H.R. 983: Ms. DeLauro, Mr. Hinchey, Mr. Langevin, and Mr. Walsh.

H.R. 985: Mr. Meehan, Mr. Larsen of Washington, and Mrs. McCarthy.

H.R. 998: Mr. Peterson of Minnesota and Mr. Udall of New Mexico.

H.R. 1103: Mr. Lewis of Georgia and Ms. Lee.

H.R. 1119: Ms. Herseth.

H.R. 1120: Mr. McHugh and Mr. Wexler.

H.R. 1126: Mrs. McCarthy, Mr. Carnahan, Mr. Kuhl of New York, Ms. Baldwin, Mr. Rush, Mr. Schiff, Mr. Payne, Mr. Boyd, Ms. Harris, Mr. Waxman, and Mr. Foley.

H.R. 1130: Ms. Baldwin, Mr. Brady of Pennsylvania, and Mr. Wynn.

H.R. 1131: Mr. Simmons and Mrs. Blackburn.

H.R. 1150: Mr. Otter.

H.R. 1182: Mr. Honda.

H.R. 1194: Mr. Blumenauer.

H.R. 1246: Mr. Capuano.

H.R. 1258: Mrs. Jones of Ohio.

H.R. 1262: Mr. LoBiondo.

H.R. 1282: Mr. Tiberi.

H.R. 1287: Mr. Weller.

H.R. 1291: Mr. Porter.

H.R. 1293: Mr. Engel.

H.R. 1298: Mr. Israel, Mr. Larsen of Washington, Mr. Inslee, Ms. Bordallo, Mr. Wexler, Mrs. Tauscher, and Mr. Abercrombie.

H.R. 1322: Mr. Bishop of New York, Mr. Andrews, Mr. Kildee, Mr. Filner, and Ms. Slaughter.

H.R. 1335: Mr. King of New York, Mr. Gene Green of Texas, Mr. Brown of Ohio, and Mr. Saxton.

H.R. 1345: Mr. Shadegg.

H.R. 1350: Mr. DeFazio.

H.R. 1353: Mr. Kennedy of Minnesota.

H.R. 1363: Mr. Hayes.

H.R. 1364: Mr. Alexander.

H.R. 1376: Mr. Payne.

H.R. 1471: Mr. English of Pennsylvania and Mr. Walsh.

H.R. 1474: Mr. Price of North Carolina, Mr. McHugh, and Mr. Kildee.

H.R. 1499: Mr. Weldon of Florida and Ms. Harris.

H.R. 1505: Mr. Gordon and Mr. Jindal.

H.R. 1509: Mr. Manzullo.

H.R. 1518: Mr. Feeney.

H.R. 1522: Ms. Jackson-Lee of Texas and Mr. Sanders.

H.R. 1554: Mr. TIERNEY.

H.R. 1581: Mr. BOEHNER and Mr. MCCOTTER.

H.R. 1588: Mr. KILDEE and Mr. BISHOP of New York.

H.R. 1591: Mr. MCCOTTER, Mr. FRANK of Massachusets, Mr. LATOURETTE, Mr. UPTON, Mr. SAXTON, Mr. KIND, Mr. OLVER, and Mr. MORAN of Virginia.

H.R. 1595: Ms. WOOLSEY, Ms. DELAURO, Mr. WEXLER, Mr. MCINTYRE, and Mr. UDALL of Colorado.

H.R. 1606: Mr. CONYERS.

H.R. 1607: Mr. RAMSTAD.

H.R. 1621: Mr. ANDREWS, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, Mr. OWENS, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. CONYERS, Mr. STARK, Mr. MCDERMOTT, Mr. PASCRELL, Mr. CLEAVER, Mr. DOGGETT, Mr. DEFAZIO, Mr. GINGREY, Mr. MANZULLO, Mr. KILDEE, Mr. PAYNE, and Mr. CHANDLER.

H.R. 1635: Mr. RANGEL.

H.R. 1660: Ms. ZOE LOFGREN of California.

H.R. 1666: Mr. CONYERS.

H.R. 1671: Mr. HOLDEN, Mr. TAYLOR of Mississippi, Mrs. JO ANN DAVIS of Virginia, and Mr. BUTTERFIELD.

H.R. 1674: Mr. GRIJALVA, Mr. SAXTON, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. COSTA, Mr. MENENDEZ, Mr. MILLER of North Carolina, Mr. GORDON, Ms. HOOLEY, Mr. MEEKS of New York, Mr. HONDA, Mr. FITZPATRICK of Pennsylvania, Mr. BONNER, and Mr. SCHWARZ of Michigan.

H.R. 1678: Mrs. JO ANN DAVIS of Virginia.

H.R. 1760: Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. WAXMAN, Mr. OWENS, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Mr. PAYNE, and Mr. SANDERS.

H.R. 1761: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1772: Mr. JONES of North Carolina.

H.R. 1790: Mr. FEENEY and Mrs. MUSGRAVE.

H.R. 1804: Mr. WOLF, Mr. UPTON, Mr. CHABOT, Mr. KLINE, Mr. GENE GREEN of Texas, Mr. PRICE of Georgia, Mr. GREEN of Wisconsin, and Mr. DEAL of Georgia.

H.R. 1814: Mr. WAXMAN, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. MCNULTY, Mr. ALLEN, Mr. STARK, Mr. EVANS, Ms. MCKINNEY, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. REHBERG, Mr. KIND, Mr. OWENS, and Ms. WOOLSEY.

H.R. 1821: Mr. TOM DAVIS of Virginia.

H.R. 1912: Mr. GOODE.

H.R. 1940: Mr. ROTHMAN and Ms. CORRINE BROWN of Florida.

H.R. 1944: Mr. PUTNAM and Mr. RYAN of Wisconsin.

H.R. 1945: Mr. COSTA and Mr. MENENDEZ.

H.R. 1956: Mrs. BLACKBURN, Mr. WILSON of South Carolina, and Mr. UPTON.

H.R. 2043: Mr. COX.

H. Con. Res. 83: Mrs. LOWEY.

H. Con. Res. 87: Mr. CUMMINGS.

H. Con. Res. 97: Mr. PORTER.

H. Con. Res. 102: Mr. WAXMAN.

H. Res. 123: MRS. CUBIN.

H. Res. 155: Mr. GEORGE MILLER of California.

H. Res. 158: Mr. KING of New York.

H. Res. 172: Ms. MOORE of Wisconsin.

H. Res. 231: Mr. MEEK of Florida, Ms. NORTON, Ms. MCKINNEY, Mr. JEFFERSON, Mr. CUMMINGS, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. CLAY, Mr. SCOTT of Virginia, Ms. WATERS, Ms. WATSON, Ms. CARSON, Mr. DOGGETT, Mr. MEEKS of New York, Mr. WATT, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. COSTELLO, Ms. MOORE of Wisconsin, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. CONYERS, Mr. WYNN, Ms. LEE, Mr. PAYNE, Mr. DAVIS of Florida, Mr. THOMPSON of Mississippi, Mr. FORD, Mr. CHANDLER, Mr. DAVIS of Kentucky, Mr. LUCAS, Mr. HEFLEY, Mr. LEWIS of Kentucky, Mr. WEXLER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. NORTHUP, Mr. SWEENEY, and Mr. ROGERS of Kentucky.

H. Res. 245: Mr. WEXLER and Mr. BRADY of Pennsylvania.

H. Res. 252: Mr. ETHERIDGE, Mr. MCCAUL of Texas, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Mr. COSTELLO, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. ISRAEL.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the City Commission of the City of Hollywood, Florida, relative to Resolution No. R-2005-97, supporting H.C.R. 203 and S. 94, concurrent resolutions ratifying the proposed amendment of the Constitution of the United States relating to equal rights for men and women; to the Committee on the Judiciary.

19. Also, a petition of the Office of the Mayor and City of Lauderdale Lakes Commission, Florida, relative to Resolution No. 05-48 petitioning Congress to maintain the Community Development Financial Institutions program, as well as the Internal Revenue Code provision for new market tax credits, as a viable tool to encourage private sector involvement in the Nation's continuing efforts at local community redevelopment and to take all steps necessary and appropriate to fund the Community Development Banking and Financial Institutions Act budget appropriation of at least eighty million dollars; jointly to the Committees on Financial Services and Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1185

OFFERED BY: MR. WEINER

AMENDMENT NO. 1: Page 4, line 8, strike "For purposes" and insert "Except as provided in subparagraph (G), for purposes".

Page 7, line 2, strike the closing quotation marks and the 2nd period.

Page 7, after line 2, insert the following new subparagraph:

"(G) NO INCREASE IN INSURANCE FOR DEPOSITORY INSTITUTIONS THAT IMPOSE OVERDRAFT FEES ON INNOCENT DEPOSITORS.—If, in the case of checks drawn on accounts at an originating depository institution which are dishonored by the originating depository institution due to the lack of sufficient funds in such account to pay the check, a receiving depository institution imposes fees on the depositor, in connection with any such check, due to such dishonorment, the standard maximum insurance amount applicable under subparagraph (E) with respect to such receiving depository institution shall be the amount described in subparagraph (E)(i) without regard to the effective date referred to in such subparagraph or any adjustment under subparagraph (F).".

H.R. 1185

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 2: Page 4, line 8, strike "For purposes" and insert "Except as provided in subparagraph (G), for purposes".

Page 4, line 15, insert "with respect to any qualified insured depository institution" before the comma at the end.

Page 7, line 2, strike the closing quotation marks and the 2nd period.

Page 7, after line 2, insert the following new subparagraph:

"(G) CONDITIONS FOR INCREASED DEPOSIT INSURANCE COVERAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (E)(ii), an insured depository institution shall be treated as a qualified insured depository institution only if—

"(I) in the process of posting credits and debits against a checking account used primarily for personal, family, or household purposes after the close of any business day, the depository institution credits all deposits to the account before debiting any check drawn on the account and presented to the depository institution for payment; and

"(II) the depository institution imposes no fee for paying any check drawn on an account in spite of a lack of sufficient funds in the account to pay such check or any similar activity (commonly referred to as 'bounce protection') unless the accountholder has affirmatively requested such service.

"(ii) NONQUALIFIED INSURED DEPOSITORY INSTITUTIONS.—The standard maximum insurance amount applicable to any insured depository institution that is not a qualified insured depository institution shall be the amount described in subparagraph (E)(i) without regard to the effective date referred to in such subparagraph or any adjustment under subparagraph (F).".

EXTENSIONS OF REMARKS

IN HONOR OF THE CONCERNED CITIZENS OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Concerned Citizens of Bayonne (CCB) for its remarkable work in the community and its endless service to local residents. This year, the organization is celebrating its 35th anniversary and will be receiving special honors from the mayor.

The CCB is a civic group that offers assistance to non-profit organizations in the area and provides a wide range of services to local residents. The city of Bayonne greatly benefits from endeavors sponsored by the CCB, such as the Marine Corps League's Toys for Tots drive, an after-school literacy program, and an annual scholarship award for high school seniors. Additionally, the CCB sponsors many local sports teams and assists veterans in hospitals throughout the state. With the help of dedicated CCB members, the organization has been successful in raising money for many worthy causes, among them the Police Athletic League (PAL), Bayonne's First Federated Church, and the battleship *New Jersey*.

To celebrate the CCB's outstanding work, Bayonne Mayor Joseph V. Doria, Jr., declared that April 23, 2005, was Concerned Citizens of Bayonne Day. Special recognition was also given to Frank and Jean Perrucci, who have diligently offered their time and energy to the CCB since its founding in 1970. As an additional sign of gratitude, the mayor renamed the corner of 29th Street and Avenue A "Concerned Citizens Way" on April 30, 2005.

Today, I ask my colleagues to join me in honoring the Concerned Citizens of Bayonne for its extensive involvement in developing and sponsoring programs that benefit local residents. I applaud the CCB's dedication to serving its community over the past 35 years and have no doubt it will continue its admirable work in the city of Bayonne.

TRIBUTE TO MIHAN LEE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute Mihan Lee, an 11th-grader who lives in my Congressional district and attends Georgetown Day School. Recently, she competed against nearly 5,400 middle and high school students nationwide in an essay contest titled "Lincoln and a New Birth of Freedom." Her essay, "A New Country, A New Century, A New Freedom" earned her grand prize honors. The contest was held to commemorate the opening of the Abraham Lincoln Presidential Library and Museum in Springfield, Illinois. Mihan, a 17-year-old, second-generation Korean-American read her award-winning prose during the dedication ceremony.

Although Mihan's essay was not specifically about President Lincoln, she captured his message of freedom and courage in a story about her great-grandfather, who lived in Korea under Japanese colonization. Her great-grandfather, Jung In Seung, created the first Korean dictionary at a time when the language was banned under Japanese rule. He was arrested and interred in a prison camp until the liberation of Korea in 1945.

Mr. Speaker, I applaud Mihan Lee and wish her continued success in the years ahead. I submit her essay for the RECORD.

Grand Prize Winner: Mihan Lee, 11th grade. Potomac, MD

A NEW COUNTRY, A NEW CENTURY, A NEW FREEDOM

My understanding of freedom is inextricably tied up with my understanding of language. My great-grandfather, in 1940s Korea, was arrested for putting together the first Korean dictionary, when the language had been banned by the Japanese government. My great-grandfather believed that words, the medium by which we formulate and share ideas, can bind and break the very ideas they express if the language is that of an oppressor. He fought for the freedom of his people to express ideas in their own words; in so doing, he defended their very right to have ideas.

As I prepare for all the freedoms and responsibilities of adulthood, I remember these definitions of freedom I have inherited, and strive to make ones of my own—not only as the first generation of my family born in a new country, but also as an American youth at the birth of a new century. Sitting in the hall between classes, my friends and I discuss the faults of our school's administration, the right to same-sex marriage, the justification for the Iraq War. We feel it is our right to know and evaluate our surroundings, to speak and have our ideas responded to.

I believe that freedom in the 21st century means the liberty of individuals, regardless of age, race, gender, or class, to express themselves in their own words, and to use those words to shape history. We celebrate it, and yet we never stop fighting for it. I am Korean-American, I am young, and I am free. I speak—not always articulate, not often right, but always in my own words. I speak, and I listen.

IN HONOR OF THE 100TH ANNIVERSARY OF THE AICPA'S JOURNAL OF ACCOUNTANCY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. SHAW. Mr. Speaker, I rise today to commend the Journal of Accountancy, the Journal of record for the accounting profession, on its 100th anniversary this year.

The Journal of Accountancy, which is published by the American Institute of Certified Public Accountants, is read by nearly 400,000 readers each month. Its contents include official releases of technical requirements for CPAs as well as news and information that enlighten readers about important relevant developments in and outside the profession and that enhance their professional competency.

As a CPA, I am keenly aware of the value of this publication. CPAs play a vital role in our economy, and since 1905 the Journal of Accountancy has helped keep them informed about key business trends.

I would like to acknowledge the significant contribution that the JofA has made during its first century and to recognize its editors, authors and art and production staff for their hard work. I extend my best wishes to the JofA for its continued success.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BARRETT of South Carolina. Mr. Speaker, due to other obligations, I unfortunately missed a recorded vote on the House floor on Thursday, April 28, 2005.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yes" on Rollcall vote No. 150 (Motion to Suspend the Rules and Pass H. Res. 210—Supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide).

HONORING COLLINS L. TOCKE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor Collins L. Tocke who is retiring from the Federal Aviation Administration (FAA) after 32 years and 10 months of service. Mr. Tocke

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

began his career with the FAA on June 12, 1972 and ended his service on April 2, 2005.

Mr. Tocke began his career with the FAA as an air traffic controller at the Chicago Center and was later transferred to the South Bend Flight Service Station. He has been a controller at the Kankakee Automated Flight Service Station since February 1, 1987.

Mr. Tocke was born in Hope, Arkansas but spent most of his formative years in Chicago, Illinois. After High School, he went to college in Champaign, Illinois until he enlisted in the U.S. Air Force. Mr. Tocke served his country from October 1966 to October 1970.

On February 15, 1975, Collins Tocke married the love of his life, Kathy and are the proud parents of one son, Christopher, who was born on June 17, 1982. Collins is an avid reader and is interested in the war in the Pacific, computers, and electronic music. Collins and Kathy plan on enjoying his retirement.

Mr. Speaker, I urge this body to identify and recognize other individuals in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

CONGRATULATING THE MULVEE FAMILY ON THE BIRTH OF THEIR CHILD, JOHN RYAN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to offer my congratulations to Patrick and Carrie Mulvee on the birth of their first child. John Ryan Mulvee was welcomed at 9:32 p.m. on May 2nd, 2005, weighing 7 pounds 1 ounce and measuring 21 inches long. John Ryan was named after his late paternal great-grandfather John J. Mulvee. I congratulate Patrick and Carrie on the new addition to their family and wish them years of continued health and happiness.

INTRODUCING THE MEDICARE EARLY ACCESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. STARK. Mr. Speaker, today, during Cover the Uninsured Week, I am pleased to introduce a bill to help nearly four million people age 55–65 obtain access to affordable health insurance. I am joined by my colleague Rep. SHERROD BROWN and more than 90 additional Democratic cosponsors in introducing the "Medicare Early Access Act," one of three signature bills that offer attainable, common sense solutions for the uninsured.

We have 45 million Americans without health insurance—8 million of whom are children. Millions more are underinsured with paltry policies that exclude necessary benefits or charge a king's ransom for co-pays and deductibles. Increasingly, access to coverage and quality care in this country is determined by an ability to pay rather than medical need.

There are many approaches to addressing the needs of the growing population without health coverage in this country. As most of my colleagues know, I am an advocate of a universal health care system in which each and every American would have health coverage. That is the most fair, affordable, and sustainable solution to our national health care needs.

However, that won't be accomplished overnight. In the meantime, there are steps that Congress can and should be taking to develop immediate, if smaller, steps to providing people affordable health insurance coverage options. That's why we've joined together to introduce three separate bills that each target a specific population that is seeing its uninsured rate climb.

The Medicare Early Access Act targets early retirees; the Family Care Act, being introduced by Rep. DINGELL, targets children and families; and the Small Business Health Insurance Promotion Act, being introduced by Rep. BARROW, targets small businesses and self-employed individuals.

The Medicare Early Access act would provide people age 55 to 65 with the option of buying into Medicare—a program with a proven track record that works.

Unfortunately, retiree health benefits have vanished or are quickly disappearing, leaving people with few or no affordable coverage options. Still, among the 55–65 population, it is more likely that someone who is retired will have health insurance than someone still in the workforce. Access to health insurance diminishes for individuals in low-wage jobs. Thirty-five percent of workers age 55–65 who earn less than 200 percent of poverty are uninsured compared with 17 percent uninsured nationwide.

Age rating and other underwriting techniques resulting in excessive premiums make coverage unaffordable. Those who are offered coverage are often required to pay astronomical deductibles and co-pays, or are severely limited by pre-existing condition exclusions, leaving them grossly underinsured.

In 1965, Medicare was specifically designed to provide coverage for those the market would not insure. Today we have the opportunity to expand on the original purpose of Medicare by providing access to people the market does not adequately cover. The Medicare Early Access Act would reduce the number of uninsured, provide better coverage for the underinsured, and improve the health status of this vulnerable population without harming Medicare or other insurance markets.

That's why the Medicare Early Access Act makes so much sense. It would allow people in this cohort to buy-into Medicare and enjoy the exact same benefits available to all other Medicare beneficiaries. Premiums for these new participants would be based on actuarial calculations of the cost of providing services to the population. There would be no effect on the Medicare trust fund because premiums will cover the entire cost of services provided.

To ensure premiums are affordable, the bill provides a 75 percent advanceable, refundable tax credit. Thus, participants would pay a monthly premium equal to 25 percent of the cost of the program—an amount similar to what employed individuals pay for their health benefits.

I am pleased to report that advocacy organizations representing consumers and seniors agree with us. The Medicare Early Access Act has been endorsed by the AFL–CIO, the Alliance for Retired Americans, the Center for Medicare Advocacy, Consumers Union, Families USA, the National Academy of Elder Law Attorneys, SEIU, and the UAW.

This bill would provide affordable, comprehensive coverage to the most vulnerable uninsured who have few, if any, health insurance options in the current marketplace. The system necessary to implement this bill is already in place; all we have to do is agree the uninsured deserve viable coverage options. I look forward to working with my colleagues on both sides of the aisle to enact the Medicare Early Access Act this year.

Following is a summary of the bill.

THE MEDICARE EARLY ACCESS ACT

The Medicare Early Access Act gives early retirees and others between ages 55 and 65 the option of purchasing Medicare coverage. Millions of near elderly who are uninsured can benefit from a Medicare buy-in. This bill provides affordable health insurance to a vulnerable population, while protecting the solvency of the Medicare Trust Fund.

ELIGIBILITY

Starting January 2006, individuals age 55–65 who do not have access to coverage under another public or group health plan are eligible to purchase Medicare. Enrollees will receive the full range of Medicare benefits. Participants are not required to exhaust employer-based COBRA coverage before choosing the Medicare buy-in option. At age 65, buy-in participants move into regular Medicare.

In addition, because employers are dropping retiree health benefits at an alarming rate, early retirees who have access to retiree health coverage may also participate, and their employers can wrap around the Medicare benefit.

PREMIUMS

Enrollees must pay a premium to receive Medicare coverage. The premium will be set by the Centers for Medicare and Medicaid Services at the actuarial level necessary to cover the full cost of services provided to the buy-in population. The premium will be adjusted annually to ensure its accuracy. Premiums will also differ slightly by region to reflect geographic differences in healthcare costs.

TAX CREDIT

Program enrollees receive a 75 percent refundable, advanceable tax credit to offset premium costs. Thus, participants in the Medicare buy-in are only personally responsible for 25 percent of their monthly premiums. The tax credit is modeled on the payment mechanism created by the Trade Adjustment Assistance (TAA) health care tax credit for displaced workers, which was enacted in 2002.

FINANCING

Premiums are deposited in a new Medicare Early Access Trust Fund. Participant premiums and tax credits are transferred to the Early Access Trust Fund to pay for Medicare services, ensuring this new program does not financially affect Medicare.

METRO WASTEWATER RECLAMATION DISTRICT LOGS 10 PERFECT YEARS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to recognize an important accomplishment in Colorado. The Metro Wastewater Reclamation District earned its second consecutive Platinum Award from the National Association of Clean Water Agencies (NACWA, formerly the Association of Metropolitan Sewerage Agencies) for its second consecutive five-year period without a single numerical violation of its discharge permit.

The award was presented May 1, 2005 at NACWA's 35th Anniversary Annual Meeting in Washington, D.C.

According to NACWA, earning two back-to-back Platinum Awards has been achieved by only five other wastewater treatment agencies in the country. Two Platinum Awards represent 10 perfect years, during which the Metro District has discharged almost 530 billion gallons of treated, high-quality water into the South Platte River and completed more than 100,000 chemical and biological analyses that verify there were no permit violations.

The Metro Wastewater Reclamation District's 345 employees have every right to be proud of this accomplishment. It places them among the elite protectors of the environment in the nation.

These accomplishments result from the efforts of many. The District has an outstanding maintenance department, a well-engineered plant, great support groups, and management who always strive to do the best for their ratepayers. They also have a dedicated operations staff that continually gives examples of their ability to get things done no matter what the challenge.

The Metro Wastewater Reclamation District serves approximately 1.5 million people. Its service area includes most of metropolitan Denver and encompasses 380 square miles, including all of Denver and parts of Adams, Arapahoe and Jefferson Counties. Arvada, Aurora, Lakewood, Thornton, and part of Westminster are included.

The Metro District collects and treats about 130 million gallons of wastewater a day at its 185 million-gallon-a-day Central Treatment Plant five miles northeast of central Denver. This plant is the largest wastewater treatment facility in the Rocky Mountain West.

Formed under Colorado law in 1961, the Metro District provides wholesale wastewater transmission and treatment service to 57 local governments, including both cities and sanitation districts in metropolitan Denver. The Metro District began treating metro Denver's wastewater in 1966.

NACWA implemented the National Environmental Achievement Awards program in 1983 to recognize the excellence that was occurring routinely at many wastewater treatment agencies across the country.

HONORING MARTI JONES

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise to pay tribute to Marti Jones upon being named a finalist for the 2005 Congressman John Joseph Moakley Award for Exemplary Public Service.

Initiated in 2002, the Moakley Award is given to a staff member of the New England Congressional delegation who demonstrates strong innovative methods of thinking and effectively works on behalf of their constituents.

Marti has worked in New Hampshire politics for over 20 years. Before joining my office in 2003, Marti worked for U.S. Senator BOB SMITH (R–NH) for 18 years, starting when he was a member of the U.S. House of Representatives, and later, the U.S. Senate. Before working for Senator SMITH, Marti served as Assistant to the Mayor for Manchester Mayor Bob Shaw.

Marti's commitment to the citizens of the Granite State extends far beyond the walls of our Manchester district office. Marti has been involved in Granite State Ambassadors, the Board of Directors for the Photographic Historical Society of New England, a past President of the Board of Directors for the New Hampshire Junior Miss Scholarship Program and a past member of the New Hampshire Commission on the Status of Women.

I would also like to take a moment to thank the Greater Boston Federal Executive Board and the Moakley Family for recognizing Marti's accomplishments and those of the other finalists. I congratulate and thank Marti on her years of hard work and dedication to New Hampshire.

MEMORIAL TO THOSE WHO LOST THEIR LIVES IN ARMENIAN GENOCIDE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the U.S. National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: To remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United Sates, a country where their culture could take root and thrive. Most Armenians in America are children or grandchildren of the survivors, although there are still survivors among us. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenia-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Three other Armenian-American families in my congressional district, Dr. Aram and Mrs. Seta Semerdjian, Dr. Heratch and Mrs. Sonya Doumanian, and Dr. Ara and Mrs. Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This past year, with my support, Armenia received $84 million in U.S. aid to assist economic and military development. In addition, on April 16, 2004, I joined several of my colleagues in signing the letter to President Bush urging him to honor his pledge to recognize the Armenian Genocide.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

Consistently, I have testified before the Foreign Operations Appropriations Subcommittee on the important issue of bringing peace to a troubled area of the world. I continued my support for maintaining the level of funding for the Southern Caucasus region of the Independent States (IS), and of Armenia in particular. In addition, on February 26, 2004, I joined several of my colleagues in sending a letter to President Bush urging him to ensure parity in military assistance between Armenia and Azerbaijan.

Mr. Speaker, I would like to thank my colleagues, Representatives JOE KNOLLENBERG and FRANK PALLONE, for organizing this special order to commemorate the 89th Anniversary of the Armenian genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

INTRODUCTION OF THE VIRGINIA RIDGE AND VALLEY ACT OF 2005

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BOUCHER. Mr. Speaker, I rise today in support of the Virginia Ridge and Valley Act of 2005. Southwest Virginia possesses the State's best outdoor experience, with the highest mountains, most interesting rivers and superb hunting, camping, fishing, hiking and backpacking opportunities. With the preservation of our region's natural assets in mind, I have joined with U.S. Senator JOHN WARNER in introducing the Virginia Ridge and Valley Act of 2005. If enacted, the legislation would create 7 new Wilderness Areas, 2 new National Scenic Areas and would expand 6 existing Wilderness Areas. The new or expanded areas would be designated in portions of Bland, Craig, Grayson, Giles, Lee, Montgomery and Smyth Counties within the Jefferson National Forest.

Designating a tract of land as wilderness enables the U.S. Forest Service to preserve the scenic and undisturbed character of the landscape. Recreational activities such as hunting, fishing, camping, canoeing, kayaking, swimming, picnicking, backpacking, bird watching, horseback riding, cross-country skiing, snowshoeing, spelunking, rock-climbing and many other outdoor activities would be continued and encouraged in the new Wilderness Areas. At the same time, motorized traffic and mechanized equipment would be banned to prevent any disruption to the ecosystems and diverse wildlife in the areas.

The seven proposed Wilderness Areas are:

Stone Mountain (Cave Springs)—The Stone Mountain proposed Wilderness Area is a 3,270-acre tract of land adjacent to the North Fork of the Powell River in Lee County. The property is considered to be the least disturbed forest in all of Southwest Virginia and is home to populations of two rare salamanders. The Stone Mountain and Payne Branch trails are included as part of the proposed Wilderness Area and provide convenient access for hikers and hunters wishing to visit the Wilderness Area. The trails are also connected to an adjacent campground at Cave Springs.

Raccoon Branch—The Raccoon Branch proposed Wilderness Area is located in Smyth County in the Mount Rogers National Recreation Area. The property contains 4,223 acres of extremely rugged country characterized by high ridges and low streams. Eight major trails provide excellent access for hunters, fishermen, hikers and horseback riders and two nearby campgrounds serve as convenient trailheads. In addition, 4.5 miles of the Appalachian Trail also traverses the proposed Wilderness Area.

Garden Mountain—The Garden Mountain proposed Wilderness Area contains 3,291 acres of land which lies on the southern flank of Garden Mountain in Bland County. The area borders the unique geological structure of Burkes Garden and possesses two developed trails, totaling 8 miles when combined. Along the northern boundary, the Appalachian Trail leads across the summit of Garden Mountain, while the Lick Creek Trail provides access to the area along the valley bottom.

Hunting Camp Creek—The Hunting Camp Creek proposed Wilderness Area encompasses the headwaters of both Hunting Camp Creek and Little Wolf Creek in Bland County and is characterized by its exceptionally pristine nature. The area consists of 8,470 acres that stretch from ridge top to ridge top. The Appalachian Trail traverses the area in addition to two informal trails along an old logging railroad grade next to Hunting Camp Creek and along the crest of Brushy Mountain. Brushy Mountain forms the Southeast boundary of the proposed wilderness, and Garden Mountain forms the northwestern edge. Virginia Routes 623, 615 and 610 complete the area's boundary.

Lynn Camp Creek—The Lynn Camp Creek proposed Wilderness Area is also located in Bland County and is 3,226 acres in size. The area is characterized by three parallel ridges which enclose the major stream valleys of Lick Creek and Lynn Camp Creek and provide the opportunity for good views. From the top of Lynn Camp Mountain, hikers can view Chestnut Ridge and the Beartown Wilderness. From Brushy Mountain, hikers overlook the valley of Lynn Camp Creek on one side and Big Walker Mountain on the other side. In addition, both Lick Creek and Lynn Camp Creek are excellent brook trout waters.

Brush Mountain—The Brush Mountain proposed Wilderness Area is located in Montgomery County, adjacent to the Town of Blacksburg and Virginia Tech. The area is 4,794 acres in size and extends approximately 8 miles along the northwest slope of Brush Mountain. The property is characterized largely by its remoteness, despite its proximity to the suburbs of Blacksburg, providing hunters and hikers with a feeling of true wilderness solitude.

Brush Mountain East—The Brush Mountain East proposed Wilderness Area is adjacent to the Brush Mountain proposed Wilderness Area and is located in Craig County. This tract is 3,769 acres in size and shares many of the characteristics of its neighboring proposed Wilderness Area. Brush Mountain East also possesses excellent views along Craig Creek and Brush Mountain's steep mountain face.

The Virginia Ridge and Valley Act also includes the designations for two new National Scenic Areas. Differing from Wilderness Areas, the guidelines protecting National Scenic Areas allow mountain biking and limited motorized access in certain portions of the Scenic Areas. At the same time, the natural and historic resources within the proposed National Scenic Areas would be protected to preserve the landscape.

The proposed National Scenic Areas designated in the legislation are:

Bear Creek—The Bear Creek proposed National Scenic Area is located in Smyth County and includes 5,503 acres. The area extends from the crest of Walker Mountain southward to the crest of Brushy Mountain and includes the enclosed valley of Bear Creek between the two mountains. An extensive network of trails is included in the proposed area, including more than four miles of the Appalachian National Scenic Trail.

Seng Mountain—The Seng Mountain proposed National Scenic Area is 6,455 acres in size and is located in the Mount Rogers National Recreation Area in Smyth County. Rowland Creek Falls, a 45-foot cascading waterfall is a major scenic attraction in the area. The area also includes a network of recreational trails and convenient access is provided to visitors via the Hurricane Campground and Skulls Gap Picnic Area.

Finally, the Virginia Ridge and Valley Act would expand six existing Wilderness Areas to further protect the unique and undisturbed landscape of the region.

Lewis Fork Wilderness Area in Smyth and Grayson Counties will be expanded to include an additional 308 acres.

Little Wilson Creek Wilderness Area in Grayson County will be expanded by 1,845 acres.

Kimberling Creek Wilderness Area in Bland County will be expanded to include 612 additional acres of wilderness.

Peters Mountain Wilderness Area, which is located in Giles County, will be expanded to include an additional 1,203 acres.

Mountain Lake Wilderness Area in Giles and Craig Counties will be expanded by 5,476 acres.

Shawvers Run Wilderness Area in Craig County will be expanded to include an additional 2,456 acres.

I am pleased to report that the new proposed designations which are included in the legislation which Senator Warner and I have introduced have received local support. Each of the proposed Wilderness and National Scenic Area designations has been endorsed by either the U.S. Forest Service or the Board of Supervisors of the County in which the area would be located.

The legislation has also garnered significant support in the U.S. House of Representatives by several other Virginia Congressmen. U.S.

Representatives Bobby Scott (VA–03), Jim Moran (VA–08), Frank Wolf (VA–10) and Tom Davis (VA–11) are original co-sponsors of the Virginia Ridge and Valley Act. I look forward to working closely with my Virginia colleagues in both the House and the Senate to obtain approval for this worthy legislation.

IN HONOR OF THE UJA FEDERATION OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the UJA Federation of Bayonne for its outstanding service to the Jewish community. The UJA Federation hosted its Holocaust memorial program on May 3, 2005, in New Jersey.

As an umbrella organization for Jewish residents, the UJA Federation strives to support and sustain the local Jewish community. Apart from development, it focuses on issues related to the Holocaust and the remembrance of that tragic event.

The UJA Federation of Bayonne will soon be hosting its Holocaust Remembrance Day Observance. The keynote speaker will be Edward Mosberg, a survivor of the Krakow Ghetto and the Plaszow and Mauthausen concentration camps, who will share his experience of living in Poland during World War II. The observance will also include readings by children from local Jewish schools and a candle lighting ceremony by local Holocaust survivors. The day will serve as an opportunity to reflect on this dark hour of world history, in the hope that we may gain wisdom for the future by remembering the past.

Today, I ask my colleagues to join me in honoring the UJA Federation of Bayonne for its support and outreach to the residents of New Jersey and its worthwhile efforts to honor the memory of those who perished in the Holocaust.

FLORIDA'S TENNIS SEC TOURNAMENT TITLES

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. STEARNS. Mr. Speaker, I rise today to congratulate both the University of Florida's Men's and Women's Tennis teams on claiming the South Eastern Conference's Tournament Titles. The second-seeded and fifth-ranked University of Florida men's tennis team won the SEC tournament for the third time in school history, as the Gators defeated fifth-seeded and 26th ranked Tennessee on Sunday, April 24, 2005 at the Dan Magill Tennis Complex in Athens, GA. With the victory, the Men's team moved to 20–5 on the year and earned the SEC's automatic invitation to the NCAA Championships marking their 15th consecutive trip. Likewise, the University of Florida women's tennis team staged an unbelievable comeback rallying to win its 4th consecutive and 14th overall SEC Tournament title with a 4–2 victory over third-ranked Kentucky, Sunday afternoon at the Alabama Tennis Stadium. I congratulate both of Florida's Men's and Women's tennis teams on their SEC tournament title and wish them much luck as they head into the NCAA Tournament!

HONORING MR. JOHN PACO

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a young American, Mr. John Paco, of San Antonio who has dedicated his life to helping others. Nor would this be the only body to recognize the work of John Paco. The American Ambulance Association has chosen to honor John as a 2005 Star of Life for over 10 years of service in emergency medicine. As lead supervisor for American Medical Response at Randolph Air Force Base, John has been at the forefront of improving the care and streamlining the operations in his unit. John's peers nominated him for this award because they know in a crisis of any sort, John can be counted on. Moreover, John's attitude conveys to his coworkers and patients good will and competence.

In situations where one's health and livelihood hang in the balance, a steady hand, a smile, and cool, quick efficiency can make the difference between surviving and serious, even permanent disability. The same way you and I go to our office and make decisions that may affect the lives of many Americans, John goes to his workplace, but the stakes are much higher. A fraction of a second lost or misused or a thousand other x-factors can mean immediate and irreversible change for a person unable to fight for his or her life.

John's demeanor enables him to quickly connect with others, a skill vital in working with others when the consequences can be so dire. One of John's coworkers has said he will make the best of a bad situation which strikes me as a fitting description for what he does every time he dons his uniform. When someone dials 911, the situation is grave, so having someone as able and devoted as John on the scene ensures both a high level of competence and care. His can-do attitude and efficacy are crucial in a profession like John's and his leadership inspires those who serve under him.

San Antonio is proud to have one of its own commended, especially a person who has given so selflessly of himself and has touched the lives of so many in our community. By giving so much of himself, John his efforts in helping to streamline and improve a number of procedures vital to the timely care of the injured. The PowerPoint presentation he helped develop demonstrated the costs financial and otherwise of ambulance collisions to all involved.

TRIBUTE TO BISHOP WALTER H. RICHARDSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MEEK of Florida. Mr. Speaker, it is with great pride that I rise to pay tribute to Bishop Walter H. Richardson, one of Miami-Dade County's quintessential religious leaders. During the Annual Unity Day Celebration held at the Allen Chapel AME Church in Miami last April 24, 2005, Bishop Richardson was honored, along with other distinguished members of our church community. The theme: "United in Christ, Reaching out to Touch Others with God's Love," saliently symbolizes the ministry of this humble Man of God.

It was in the mid 1940s when he came down to Miami from his native Ansonville, North Carolina after accepting the Lord as his personal Savior. Indeed, it was a unique calling that evoked God's choice: ". . . for many are called, but few are chosen." As a young man, he supported himself by getting a job at the old Miami Sears & Roebuck Store. He got engaged to his sweetheart, Poseline McLaughlin, whom he left behind in North Carolina, and she later joined him in Miami after she also accepted the Lord. They got married and were soon blessed with two sons. Their marriage lasted for 49 years until her untimely demise in 1996.

This tribute to Bishop Richardson comes at a time when his ministry is defined by the primacy of his consecration to God's covenant of love and compassion to all those hungering for the good news emanating from the Lord's Gospel. His calling is symbolic of his readiness to reach out to those who seek refuge and solace in the sanctuary of his Church, and bespeaks of God's preeminence in the conduct of their lives.

The longevity of his commitment to the less fortunate has become legendary. When I think of his early work with the civil rights movement, his untiring efforts paralleled much of our nation's history as we struggled through the harrowing challenges of racial equality and simple justice for all. I came to admire him for his understanding and empathy for the "little people and poor folks" of our community. Blessed with a lucid common sense and a quick grasp of the issues at hand, Bishop Richardson's influence continues to be felt at a time when our community needs to put in perspective the agony and dissatisfaction of marginalized blacks and other minorities yearning to belong and pursue the American spirit of optimism.

This is the magnificent legacy of Bishop Walter H. Richardson. My pride in honoring him today and my privilege in sharing his friendship are only exceeded by my gratitude for everything he has sacrificed on our behalf.

TRIBUTE TO MR. ALLIE E. BROOKS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Professor Allie. E. Brooks, Jr., Principal of Wilson High School in Florence, S.C. Mr. Brooks is retiring after 35 years as a public school educator. I join the citizens of Florence and the students of Wilson High School in expressing deep appreciation and gratitude to him for a lifetime of magnanimous service.

Mr. Barnes was born in Florence on January 29, 1946 to the parents of the late Allie E. Brooks, Sr. and Thelma H. Brooks. He is married to Barbara Faye Eaddy Brooks, and they are the proud parents of three children: Deanna Fredrica Brooks, Thelma Susanna Eaddy Brooks, and Allie Eugene Brooks, III and a daughter-in-law, Janelle Hargrove Brooks.

In 1964, Mr. Brooks began his formative education at Holmes Elementary School. He completed Wilson Junior High School, and graduated from Wilson High School, where he is currently serving his thirty-first year as principal. A graduate of South Carolina State University, where he earned a Bachelors of Science degree in mathematics, Mr. Brooks received a Masters of Education degree in Education Administration from the University of South Carolina. In addition, he completed an Institute on the Principal and School Improvement at Harvard University.

Mr. Brooks began his professional career as a mathematics teacher at Moore Middle School in Florence. That assignment was followed by tenure as Assistant Principal at West Florence High School before being named Principal of his Alma Mater in 1974.

Mr. Brooks is a loyal member and deacon of Savannah Grove Baptist Church in Effingham, S.C. In addition to his church leadership positions, he is an active member of the Board of Directors of the Florence Boys and Girls Club and the BB&T Bank Advisory Board. He has also been active in numerous civic organizations such as the Greater Florence Chamber of Commerce and Florence West Rotary Club, and served his country honorably for more than two years as an officer in the U.S. Army.

His awards and commendations are numerous and include: Florence Civitans "Citizen of the Year" Award, "Principal of the Year for 2000 Award" by the South Carolina Association of Secondary School Principals, and South Carolina "2004–05 Principal of the Year" by the South Carolina Athletic Administrators Association.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to Mr. Allie E. Brooks, Jr. for the immeasurable service he has rendered to our country and his community through his roles as a well loved Principal, highly honored civic leader and incomparable role model. I sincerely thank Mr. Brooks for his personal friendship and life-long commitment to helping others, and wish him a long, enjoyable retirement, and Godspeed.

HONORING HEAD START COMMUNITY PROGRAM OF MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Head Start Community Program of Morris County, New Jersey, a vibrant organization I am proud to represent! On May 4, 2005 Head Start is celebrating its Fortieth Anniversary.

Founded in 1965, the Head Start Community Program of Morris County is a nonprofit organization serving approximately 200 low-income children between the ages of three and five and their families. Head Start's comprehensive program continues to demonstrate immense success by being instrumental in preparing children to begin school successfully. They offer a comprehensive approach to early success in school, from medical checkups to nutritional meals.

Today, Morris County's Head Start program is stronger and more successful than ever. Eileen Jankunis, the Executive Director of the Head Start Community Program of Morris County, her staff, and core of dedicated volunteers are a testament to Head Start's accomplishments. They are ensuring our children, those who need it most, are given the same opportunities as other children to get a "Head Start" in a nurturing environment. Above all, they are demonstrating tremendous focus and dedication to providing every child with the building blocks of learning so that they can succeed in school and later in life.

Head Start is an integral part of establishing a sound foundation for our children. The continued success of Morris County's Head Start program demonstrates that, and I am honored to represent their needs in Congress. Early-childhood development is a key component of our educational system, and Morris County's program is doing a superb job of getting our kids ready for the future.

Mr. Speaker, I am privileged to honor Morris County's program. I urge you and my colleagues to join me in congratulating the members of the Head Start Community Program of Morris County for their forty years of service! Again, I offer my praise and thanks to their dedicated trustees, administration, wonderful teachers, support staff, volunteers and active parents who work tirelessly on behalf of Head Start's children.

IN MEMORY OF PAT CIMMARUSTI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. GALLEGLY. Mr. Speaker, I rise to honor the life of Pat Cimmarusti, who died this past week after 87 years of service to his family, community and Nation.

I have known Pat for more than 30 years, and he has been a good friend to my wife, Janice, and me.

Pat was born in Santa Monica, California, on January 16, 1918. After service in the U.S. Army, he and Ann Smaldino married on June 7, 1942. They celebrated their 63rd wedding anniversary last year.

Pat and Ann's first home together was a farm in Malibu, but as they began a family Pat opened a plumbing and contracting business and they settled in Los Angeles. In 1974, they opened an Italian grocery store and vegetable market in Hollywood with their three children. The store and market were an extension of Pat's personality. He loved to cook steak dinners and make his own spaghetti sauce.

He used to take his grandchildren to a farm in Oxnard to handpick tomatoes. The next day, Pat arose at 4 a.m. and began making spaghetti sauce. By the time family began to arrive, the sauce was halfway done and Pat was preparing lunch for his wife, children, seven grandchildren and two great-grandchildren. He had a hearty laugh, a warm smile, large brown eyes and great pride in his family.

Community was also important to Pat. He was a member of the American Legion and Elks Club in Pasadena, a member of the Los Angeles Chapter of UNICO National and a member of the Sons of Italy in America. In 2000, Pat was honored as one of the UNICO men of the year. He also was honored by Cardinal Roger Mahony.

Among the events Pat cherished in his life was meeting President Ronald Reagan and being blessed, with his family, by Pope John Paul II in Rome. He equally cherished attending every sporting event and graduation his children and grandchildren were involved in.

Pat is survived by his wife, Ann; his children and their spouses, Loretta Cimmarusti Chicoine and her husband, Richard, and Lawrence and Amalia and Ralph and Hallie Cimmarusti; grandchildren, Patti Chicoine Nelson and her husband, Marc, and Patrick, Ralph, Annie, Larry, Paula and Loretta Cimmarusti; and great-grandchildren, Lauren and Grant Nelson.

Mr. Speaker, I know my colleagues join me in expressing our condolences to Pat's family and in honoring his loving service to family, community and Nation.

HONORING CHRIS TOMPKINS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Chris Tompkins, a young man whose short but extraordinary life recently came to an end.

I met Chris many years ago during my first campaign for Congress. He held campaign signs for me on street corners, though the signs were nearly as big as him. I could tell then, even at such an early age, that he was a go-getter. I knew that Chris was a special young man who would achieve much. And achieve he did.

Chris served as one of my congressional pages during his junior year of high school. He went on to the University of Florida, where he enrolled in the honors program. He became the University's first Truman Scholar and later served as student body president of Florida's law school.

After law school, Chris worked as a legislative aide to a local state House member where he played an integral role in crafting the State's Y2K plan. Chris then returned to Hillsborough County to become an agricultural attorney. He was elected supervisor of the Hillsborough Soil and Water Conservation District and became heavily involved in Republican politics, serving as a member of the county's Republican Executive Committee for 16 years. He also volunteered his time and talents to many civic causes because he cared about the community in which he lived.

Chris was in the midst of a campaign for the Florida House of Representatives when he was diagnosed with an aggressive form of leukemia. Through it all, Chris kept his head high, often cheering up those of us trying to lift his spirits. He passed away last weekend surrounded by the friends and family who so loved him.

Mr. Speaker, my heart aches for Chris and his family. I hope that his mother, Betty Jo, is comforted by knowing that Chris enriched my life and the lives of others he touched. We shall never forget him or the long legacy he has left.

IN RECOGNITION OF POLAND'S MAY 3RD CONSTITUTION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. HIGGINS. Mr. Speaker, it is with great respect that I recognize the anniversary of Poland's May 3, 1791 Constitution.

This document signified the spiritual and moral renovation of the Polish nation after a period of stagnation caused by foreign influences under the Saxon kings. It has become a proud and integral part of the civic and patriotic activities in many cities in our great country, in Poland, and throughout the world.

To the Poles and their descendants, May 3rd is a national holiday for it bestows upon the Pole a priceless heritage of humanitarianism, tolerance and a democratic precept conceived at a time when most of Europe lived under the existence of unconditional power and tyranny exemplified by Prussia and Russia.

Poland's parliamentary system actually began at the turn of the 15th Century, but a series of defensive wars, internal stresses, outside influences, widespread permissiveness and excessive concern for the rights of dissent brought Poland to the brink of disaster and anarchy in the 18th Century. Urgently needed reforms became imperative.

The May 3rd, 1791 Constitution was the first liberal constitution in Europe and the second in the world, after the Constitution of the United States.

Following the American pattern, it established three independent branches of government—executive, legislative and judiciary. Throughout the constitution runs philosophy of humanitarianism and tolerance including: perfect and entire liberty to all people; rule by majority; secret ballot at all elections; and religious freedom and liberty.

But, most importantly, the constitution abolished the one-vote veto powers of individuals who would undermine proposals, for their own dubious reasons.

The constitution curtailed the executive power of the King and State council. It forbid them to contract public debts, to declare war, to conclude definitely any treaty, or any diplomatic act. It only allowed the Executive branch to carry on negotiations with foreign courts, always with reference to the Diet (Parliament).

In terms of democratic precepts, the May 3rd Constitution is a landmark event in the history of Central and Eastern Europe.

The Polish constitution was deemed too dangerous by the tyranny of absolutism still rampant in Europe. Thus Russia, Prussia and Austria decided to wipe out "the Polish cancer of freedom" from the face of the earth. In 1795 partitioned Poland ceased to exist as a state. For 123 years of foreign occupation (1792–1918) and again from 1939 to 1989, the Third of May Constitution kept the Polish spirit alive as a symbol of freedom, generated healthy pride among people of Polish ancestry everywhere, and inspired them to fight to regain their lost independence.

Our very own country owes part of its being to the inspiration the 3rd of May Constitution provided.

The principles and values set in ink were the very same that brought to our shores Polish freedom fighters Casimir Pulaski and Thaddeus Kosciuszko. For their dedication to the American cause, these sons of liberty are honored to this very day in both Poland and the United States, proof of the mutual loyalty to the philosophy and beliefs instilled in each country's Constitution.

It is for this reason that I remind my esteemed colleagues and constituents of the importance of Poland's Constitution of May 3, 1791, and congratulate all the Polish Americans in my district on this honorable day.

INTRODUCING THE GAS PRICE SPIKE ACT OF 2005

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. KUCINICH. Mr. Speaker, as the summer peak driving period begins and as gas prices remain high, I am introducing legislation today to reduce the price of gasoline. The bill, The Gas Price Spike Act of 2005, is co-sponsored by 33 Members of Congress.

The bill will address the spike in price of gasoline by placing a windfall profits tax on oil companies; giving tax credits for the purchase of ultra efficient vehicles; and provide federal grants to reduced mass transit fares.

Consumers are being gouged at the gas pump. And, the only thing rising faster than the price of gasoline right now is the skyrocketing profits of the oil companies.

Washington can no longer ignore this issue. High gas prices are eating away at consumer's disposable income and could lead to a further economic downturn.

The bill will: Institute a windfall profit tax on gasoline and diesel. Such a tax is to be imposed on all industry profits that are above a reasonable profit level. This proposal would not increase the cost of gasoline because this proposal does not tax the price of gasoline. It only taxes excessive profits of refineries and distributors. Any attempt to increase prices to recover the lost revenue in taxes is simply taxed at 100% making the price increase worthless.

Transfer the revenue from the windfall profits tax to Americans who would buy ultra efficient cars, made in America, with a tax credit. These will be made directly available to the purchaser of a car that traveled over 65 miles on a single gallon of gas. Today average cars get less than 30 miles per gallon.

Establishes a broad based, far reaching program to promote mass rail transit inter- an intra-city. The bill makes funding available to regional transit authorities to offset significantly reduced mass transit fares during times of gas price spikes.

The co-sponsors are Reps. SERRANO (D–NY), ABERCROMBIE (D–HI), DEFAZIO (D–OR), FRANK (D–MA), MCDERMOTT (D–WA), SOLIS (D–CA), FILNER (D–CA), CARSON (D–IN), GRIJALVA (D–AZ), LANTOS (D–CA), LEE (D–CA), MCGOVERN (D–MA), MCKINNEY (D–GA), WOOLSEY (D–CA), OWENS (D–NY), STRICKLAND (D–OH), CONYERS (D–MI), DAVIS (D–IL), SANDERS (I–VT), FARR (D–CA), HINCHEY (D–NY), EVANS (D–IL), NADLER (D–NY), KANJORSKI (D–PA), SHERMAN (D–CA), LEWIS (D–GA), GUTIERREZ (D–IL), VISCLOSKY (D–IN), KILDEE (D–MI), SLAUGHTER (D–NY), KAPTUR (D–OH), OLVER (D–MA), STUPAK (D–MI).

TRIBUTE TO THE NATIONAL CHAMPIONSHIP KANSAS CITY KANSAS COMMUNITY COLLEGE DEBATE TEAM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to share with you and my colleagues outstanding news that, for the second straight year, the Kansas City Kansas Community College [KCKCC] debate team, coached by Darren Elliott, has swept both community college national championships.

Even more impressive, the 2005 KCKCC team won with an almost entirely new team—just two sophomore returnees from last year's 2004 national championship team.

The KCKCC team completed its sweep by winning both the team and Lincoln-Douglas debates at the Phi Rho Pi national championships in Philadelphia after winning the CDEA [Cross-Examination Debate Association] Community College National Debate Championship title at San Francisco State University in late March. KCKCC dominated the Phi Rho Pi championships by putting both teams in the finals of the Policy Two-Person Debate and since both finalists were from the same team, sophomores John Bretthauer of Tonganoxie and Peter Lawson of Leavenworth shared first place honors with freshmen Clay Crockett of Emporia and Garrett Tuck of Overland Park. In addition, the KCKCC duo of Blue Valley freshmen Laura Koslowsky and Ashley-Michelle Papon took second.

Lawson then went on to become the first debater ever to repeat as National Policy Lincoln-Douglas One-Person Debate champion by finishing undefeated throughout the tournament. KCKCC entered 4 persons in the event with all 4 making it to the elimination rounds, with Tuck and Koslowsky closing out the finals with Crockett finishing third. In winning the CEDA title, Tuck, Bretthauer and Crockett were named to the All-American first team and Lawson to the second team. They were joined on the national championship team by Kyle Bragdon, Papon and Koslowsky. At an open meet that debated the topic, "How the U.S. should reduce fossil fuel consumption," KCKCC won the title by defeating 4-year teams from West Virginia, Vanderbilt, San Francisco State, Towson, Eastern New Mexico, Vermont, Rochester, Cal-State Chico, and Georgia State.

With all 5 freshmen returning next year, I look forward to the KCKCC debate team winning 3 in a row! The team was honored at a reception hosted by Governor Kathleen Sebelius at the Kansas State Capitol in Topeka, and I am proud to have this opportunity to add to their well-deserved accolades by entering this statement into today's CONGRESSIONAL RECORD.

A PROCLAMATION RECOGNIZING LIEUTENANT ROY ZALETSKI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. NEY. Mr. Speaker:

Whereas, Lieutenant Roy Zaletski has completed his tour in the Navy's House Liaison Office; and

Whereas, Lieutenant Roy Zaletski has demonstrated a commitment to meeting challenges with dedication, confidence, and outstanding service; and

Whereas, Lieutenant Roy Zaletski will continue in his service to the United States of America as Assistant Air Detachment Officer on the USS NEW ORLEANS; and

Whereas, in this post Lieutenant Roy Zaletski will protect our great Nation and play an important role in the War on Terrorism.

Therefore, I am honored to join with Members of Congress and Congressional Staff in recognizing a true patriot, Lieutenant Roy Zaletski.

IN HONOR OF BRETT HARDWOOD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Brett Harwood for his outstanding accomplishments in the business world, his commitment to serving the community, and his generous philanthropy. Mr. Harwood will be honored for his impressive and visionary work by Liberty Health at its annual gala on May 5, 2005, in New Jersey.

A successful businessman, Mr. Harwood helps run his family's company, Harwood Properties, LLC, which is based out of Jersey City, New Jersey. Founded in 1920, the business has been passed down through the generations and continues to flourish. Mr. Harwood has achieved great success in the parking services industry. Apart from his work in New Jersey, he currently serves as director of the National Parking Association in Washington, DC.

Throughout the years, Mr. Harwood has combined his strong leadership skills with his desire to support and develop multiple community and charitable organizations. As the former vice-chairman of the Liberty Health Board of Trustees, he gave his time and energy to ensure the completion of the Jersey City Medical Center-Wilzig Hospital. Additionally, he made the first donation to the Capitol Campaign, which has raised 16 million dollars to support the new medical center. Mr. Harwood has also generously donated to the Jewish Home and Rehabilitation Center and to Franklin and Marshall College.

Actively involved in the community, Mr. Harwood is a member of Temple Sharey Telfilo Israel in South Orange, the Ben Franklin society, and the Franklin and Marshall Leadership Council.

Mr. Harwood was born in Orange, New Jersey and holds a bachelor's degree in government. He graduated with his J.D. from Temple University Law School and was admitted to the New Jersey Bar that same year. Before joining Harwood Properties, LLC, he worked at various law firms, concentrating on creditor's rights. He and his wife, Margie, are the proud parents of two children and are celebrating their 35th wedding anniversary this year. When Mr. Harwood is not busy with his business and community affairs, he spends his free time sailing, traveling, and relaxing on the beach.

Today, I ask my colleagues to join me in honoring Brett Harwood for his dedication to serving others, his admirable work in the community, and his great efforts to improve the quality of life for people of New Jersey.

HOLOCAUST REMEMBRANCE DAY

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BROWN of Ohio. Mr. Speaker, today marks the national commemoration of Holocaust Remembrance Day. Six million Jews were murdered as a result of state-sponsored, systematic persecution.

The Holocaust is not just a story of destruction and loss; it is a story of an apathetic world and a few individuals of extraordinary courage. It is a remarkable story of the human spirit that thrived before the Holocaust, struggled during its darkest hours, and ultimately prevailed as survivors rebuilt their lives.

Holocaust Remembrance Day is a vehicle for honoring the victims of the Holocaust and reminding us all of what can happen to civilized people when bigotry, hatred and indifference reign.

This year's observance marks the 60th Anniversary of the end of World War II in Europe. On VE Day, those living in Allied Countries celebrated the end of the war. Those imprisoned in concentration camps had lost too much and seen too much evil to celebrate.

The history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments. We should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny.

We must actively rededicate ourselves to the principles of individual freedom in a just society.

The Jewish Holocaust revealed to the world the horrors man can perpetrate if racial and religious hatred are allowed to fester in the heart of society.

As we remember those who were killed because of racial and religious hatred, we must act to stop these crimes against humanity today.

Civilians in Sudan are being systematically murdered, raped and brutalized by the government and other forces. And yet, the world has not acted. Last July, the House recognized these atrocities but has done little to intervene. The United States and the international community have an obligation to end this humanitarian crisis.

While we reflect on the Holocaust and its victims, and honor the survivors, rescuers and liberators, we should strive to overcome intolerance and indifference through learning, understanding, and remembrance.

HONORING DOOLITTLE'S RAIDERS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. SIMMONS. Mr. Speaker, on Saturday, April 16, 2005, I had the privilege of honoring members of the famous Doolittle's Raiders, who held their annual reunion this year in Mystic, Connecticut, which I am proud to represent in this House.

On December 7, 1941, at Pearl Harbor, the United States was attacked by Japan. On April 18, 1942, the United States struck back directly at the enemy. On that day, Lt. Col. James Harold Doolittle and his co-pilot, Richard Cole, and their comrades-in-arms conducted their heroic raid.

On April 16, I was joined by many others at the Mystic Liberty Pole to honor these men and their courage. During the observance Boy Scout Troop 76 raised a ceremonial flag and a plaque was dedicated by Stonington First Selectman W illiam Brown. It was my honor to present the Raiders with a congressional coin and a citation.

The air raid was the first strike against the Japanese mainland. It was a relatively small action, only 16 bombers dropping 32 bombs over five cities. But it elevated America's morale because it demonstrated that we had the ability to strike back. However, the raid was not without cost. None of the 80 combatants landed safely after the raid. Eleven crews had to bail out over China, three into the water, one crash-landed and another landed in the Soviet Union where the crew was held captive.

An eastern Connecticut newspaper, The Day, wrote about the sacrifices made by Doolittle's Raiders. The newspaper said, "The history books recount how eight Doolittle Raiders were taken captive by the Japanese and how four were released at the end of the war. But they don't talk about the conditions the airmen endured, locked alone in tiny cells, their only contact with the outside world the tray of slop that was shoved through the door every day. If you want a sense of what it was like, lock yourself in your bathroom for two years and nine months, retired Lt. Col. Chase J. Nielsen told about 1,000 high school students who gathered Friday in Leamy Hall at the Coast Guard Academy. 'You eat like a pig, and you live like one,' Nielsen said."

This is the story of men who demonstrated heroism of inconceivable dimension. They took action against an enemy whose military machine was spreading across the Pacific. Not only did the Raiders' bold attack rally American spirits at home, it struck fear into the Japanese Imperial High Command, forcing them to redeploy troops back to the homeland. This helped turn the tide of the war and led to our eventual victory.

It was appropriate that we gathered at the Mystic Liberty Pole. It is a place of patriotism and public spirit. We honored those patriotic and public spirited men because they volunteered so many years ago to put their lives on the line for the liberty we all enjoy today. If not for their sacrifice, our world would be a far different place.

May God bless them all for what they did, keep them in good health, and may God Bless America.

SALUTE TO DR. PEGGY CHABRIAN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MICA. Mr. Speaker, I rise today to recognize and honor Dr. Peggy Chabrian, who is President and Founder of Women in Aviation, International. The organization was incorporated in 1994 following the success of the annual International Women in Aviation Conference conducted in 1990.

With Peggy Chabrian commitment the conference began with 150 participants in 1990 and today that organization has grown to more than 3,000 attendees. Women in Aviation International now represents over 7,000 women and men from all segments of the aviation industry includinggeneral, corporate, commercial and military . Women in Aviation International is the premier organization in recognizing women's accomplishments in aviation. They not only highlight accomplishments by women but also provide a substantial number of educational scholarships and aviation vocational opportunities for women.

A long-time aviation enthusiast and professional aviation educator. Dr. Chabrian is a commercial/instrument multi-engine pilot and flight instructor who has been flying for over 20 years. Most recently she added helicopter and seaplane ratings to her flight qualifications.

Dr. Chabrian has held many top positions in aviation education including her tenure at Embry-Riddle Aeronautical University and her Chair of the aviation department at Georgia State University in Atlanta, Georgia. Dr. Chabrian was the second woman to ever hold the position of dean of an engineering school in the United States. She is currently also the publisher of Aviation for Women magazine.

The recipient of numerous aviation and education awards, Dr. Chabrian has received the FAA Administrator's Award for Excellence in Aviation Education and the Civic Award from the American Institute of Aeronautics and Astronautics. She has been inducted into the Crown Circle of the National Congress on Aviation and Space Education. In December 2001 she received the Vision Award from Business and Commercial Aviation magazine.

Dr. Chabrian is active in numerous aviation organizations and serves as a member of several boards including the Centennial of Flight Advisory Board, the Experimental Aircraft Association Foundation and the Museum of Aviation. She is the past president and board member of the University Aviation Association.

I know that other Members of Congress join me in congratulating Peggy Chabrian on her untiring efforts in promoting and recognizing women in aviation.

HELP AMERICA VOTE ACT AMENDMENTS BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Ms. NORTON. Mr. Speaker, I am pleased to be an original cosponsor of the comprehensive Voting Opportunity and Technology Enhancement Rights Act of 2005 (H.R. 533), introduced by Judiciary Committee Ranking Member JOHN CONYERS. Rep. CONYERS' new bill amends and improves the Help America Vote Act of 2002 (HAVA), enacted after the chaos of the 2000 presidential election. Congressman CONYERS has done the Nation an important service by systematically reviewing HAVA (including conducting his own hearings here and elsewhere in the country) against the actual experience of the 2004 elections.

The three amendments to HAVA that I introduce today similarly arose out of my own experience during the 2004 elections here in the District of Columbia and campaigning in other parts of the country during the 2004 presidential elections. The first, Section 303A, is an amendment that responds to long lines throughout the country, which may have deterred significant numbers of voters. This amendment to HAVA would require states to permit counties or other subdivisions upon request to begin voting prior to the scheduled date of an election. During the recent election, some subdivisions had voting machines that were modern and plentiful, while other jurisdictions in the same state were burdened with scarce and out-of-date machines, resulting in long lines. In the pivotal state of Ohio, which determined the outcome of the close 2004 presidential election, the controversy was deepened by reports that lines were particularly long in counties where there were large minority populations compared with largely white counties.

One reason for the difference is that in many states, voting machines are purchased by counties or other subdivisions. Differences in income levels, tax bases and other issues often result in large disparities within the same state in the availability of machines. Small changes in the day voting begins can help eliminate these disparities and the lines that can discourage the exercise of the right to vote, without the often significant capital investment in new equipment.

Section 2 of my bill adds a section to HAVA that responds to calls to my office concerning absentee ballots which inadvertently did not include postage, or had insufficient postage. This section requires officials to accept such absentee ballots. Postage mistakes may be made depending on the number of issues on the ballot and the resulting size and weight of the envelope containing the ballot. The cost to authorities, if any, is de minimis. There should be no doubt that such ballots should be counted.

Section 3 amends HAVA to eliminate the confusion when first-time or infrequent voters or others go to incorrect voting sites or when the usual voting site has been changed. To encourage voting, voters registered anywhere in the state could cast a provisional ballot and have it counted and verified. However, voters would be told the correct polling site to allow the option of going to the correct site and thereby avoiding any doubt that their ballots would be counted.

The 2000 presidential election was a calamity of such historic proportions that it cast doubt on the validity of the election of the President of the United States and led to the enactment of HAVA. The continuing problems in the 2004 elections were serious, unacceptable, and controversial. Although that election also was close, it did not have the razor thin margin of 2000 that delayed certification and settlement of the final result through a Supreme Court decision. However, the 2004 elections were another close call that yielded bitter controversy. Congress must be willing to learn from our continuing experience to make improvements in protecting the right to vote as they are needed. My bill simply uses the experience from my own district and elsewhere to contribute to this effort.

HONORING MRS. JESSIE HALE DOWNS

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to recognize the exceptional leadership, character, and outstanding achievements of Mrs. Jessie Hale Downs.

In 1944, a young couple expecting their first child began a ministry known as the Jimmie Hale Mission with the purpose of reaching out to the poor in downtown Birmingham. The couple did not have much material wealth, but what they lacked in money they made up in vision. Unfortunately, the young husband passed away eight months later, leaving his 27-year-old wife and unborn daughter widowed and fatherless.

A single, homeless mother, Jessie Hale resolved to continue the ministry. Serving as the Executive Director for 46 years, Miss Jessie shepherded the Mission to its present state of 6 different facilities in central Alabama. Mrs. Downs has touched the lives of countless men, women, and children through her selfless acts of compassion and charity.

Now 88 years old, Miss Jessie remains the matriarch of the Jimmie Hale Mission. She continues to travel around central Alabama speaking about the vision and ministry of the Mission. She is the epitome of compassionate activism, and I am proud to call her one of my constituents.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. WESTMORELAND. Mr. Speaker, while I was with my son and daughter-in-law during the birth of their daughter, the House considered an important vote on the ethics rules governing the House. Being with my family during the birth of Kate was a thrilling experience, and I am grateful for the blessing she has already been to our extended family.

Had I been present for Rollcall Vote #145, I would have joined my 20 colleagues in opposing the change in the rules. The changes proposed at the beginning of the 109th Congress made sense, and should have been implemented.

CONGRESSIONAL TRIBUTE—50TH ANNIVERSARY OF THE U.S. NATIONAL SKI HALL OF FAME AND MUSEUM

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. STUPAK. Mr. Speaker, I rise today to honor the United States National Ski Hall of Fame and Museum that honors the birthplace of the national sport of skiing in Ishpeming, Michigan. The National Ski Hall of Fame and Museum is celebrating 50 years of honoring the history and the sport of skiing along with the athletes, coaches and supporters of the U.S. Ski and Snowboard Association (USSA).

The USSA, originally known as the National Ski Association (NSA), first considered a national ski museum in 1938 during a national convention. With great support, historian Harold Grinden thought it was appropriate for Ishpeming to be the site for the building because in 1904 the local Ishpeming Ski Club founded the national group making it the birthplace of organized skiing in the United States. However, due to World War II, the NSA could not begin building the museum until 1947. After 6 years of organizing, designing and construction, the museum was finally dedicated in February 1954.

It was that year that Grinden proposed honoring the "greats" of their sport through an induction into a "Hall of Fame" as many other national sports were doing at the time. Then in 1955, the National Ski Museum's name was changed to the U.S. National Ski Hall of Fame and Museum. To date, the Hall of Fame proudly displays photos and short bios of 342 inductees.

In the 1980's space became a problem for the U.S. National Ski Hall of Fame and Museum. In 1992, the group opened their doors to a new structure over 6 times larger than the original building. With the additional space, the Museum was able to feature newly designed depictions of such historic events as Norwegian "ski troopers" carrying infant Prince Haakon over mountains to safety in 1206 and a mural by local artist Roger Junak of the American 10th Mountain Division in WWII during the ferocious battles of the Italian Campaign. It also displays a WWII "weasel", used as a groomer in its early years, as well as various forms of uphill transportation and a historic timeline of the development of skiing.

The current building with its "ski-hill" sloped roof remains in Ishpeming, Michigan and encompasses a gift shop, library of more than 1,300 books, magazines and videos, as well as an auditorium featuring a 20-minute orientation for visitors. Early medals won by famous athletes of the sport are displayed with pride along with the most modern of ski equipment emphasizing the growth of the sport through the years. The most historic reference in the collection is a replica of a ski and pole dug out of a Swedish bog dating back to some 4000 years.

The U.S. National Ski Hall of Fame and Museum rightly honors the legacy and athletic greatness that has graced this sport through history. Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the U.S. National Ski Hall of Fame and Museum on their first 50 years and in wishing them success in the future as they continue to honor the past.

REINTRODUCTION OF BILL TO FACILITATE ACQUISITION OF MINERAL RIGHTS AT ROCKY FLATS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today reintroducing a bill to facilitate the acquisition by the federal government of mineral rights or other non-Federal interests in lands that are located within the boundaries of the Rocky Flats site in Colorado.

The bill is cosponsored by my Colorado colleague, Representative BEAUPREZ. It is identical to a bill we cosponsored in the 108th Congress.

BACKGROUND

In the 1950s, the Federal Government bought land at Rocky Flats for use as a production facility for nuclear-weapon components. However, the purchase did not include all the mineral rights, some of which remained in private ownership.

Production at Rocky Flats ended more than a decade ago. Since then, the Department of Energy, through its contractors, has been working to have the site cleaned up and closed.

ROCKY FLATS WILDLIFE REFUGE ACT

In 2001, Congress passed legislation I sponsored with Senator WAYNE ALLARD to guide the future of Rocky Flats. Under that legislation—the Rocky Flats National Wildlife Refuge Act of 2001—once the cleanup and closure are accomplished, most of the land at Rocky Flats will be transferred from the Department of Energy to the Department of the Interior and will be managed as a unit of the National Wildlife Refuge System.

The refuge act includes some provisions related to the non-Federal minerals—primarily sand and gravel—at Rocky Flats. It says "nothing in this [law] limits any valid, existing . . . mineral right" except for "such reasonable conditions on access . . . as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge." And it says that a Memorandum of Understanding (MOU) between DOE and Interior is to "address the impacts" mineral rights "may have on the management of the refuge, and provide strategies for resolving or mitigating these impacts."

These provisions were included in the refuge act in order to make clear that while these mineral rights are to be respected as private property, future development of the minerals could have adverse effects on the land, wildlife habitat, and other values of the future wildlife refuge. That is why Congress directed the agencies to consider these potential future effects and work to find ways to mitigate those impacts.

So far, however, the Energy and Interior Departments have not been able to agree on what to do about the minerals.

I think the best way to handle this would be for the federal government to acquire the minerals. However, neither DOE nor Interior has made this a priority, and the current budgetary situation places constraints on such acquisitions.

PURPOSE OF THE BILL

The Udall-Beauprez bill is intended to make it more feasible for the Interior Department to acquire some or all of the minerals. It would do that by giving the Secretary of the Interior two additional methods (either instead of or in addition to purchase for cash) for completing such acquisitions—

(1) by giving "credits" that could be used instead of cash to pay for oil and gas leases on the Outer Continental Shelf; and

(2) by allowing federal lands or minerals anywhere in the country to be exchanged for the Rocky Flats minerals (under current law, such exchanges can only occur within the same state—Colorado lands/minerals for other Colorado lands/minerals).

The bill has no compulsory provisions. It would not require that any of the non-Federal interests at Rocky Flats be acquired by the government. It also would not require anyone to accept anything other than cash for any interests that the government may acquire—any transaction involving the new "credits" or any exchange could take place only with the concurrence of the party selling minerals to the United States. It would merely provide the Interior Department with new tools—in addition to those it already has—for such acquisitions.

In addition, the bill includes a provision to make clear that the Federal government cannot expand the Rocky Flats site by obtaining any non-Federal lands or interests in lands that are outside the site's boundaries except with the consent of the owners of those lands or interests.

In developing the original bill, I sought and obtained technical assistance from the Interior Department, gave careful consideration to comments from local governments and others in Colorado, and made revisions to earlier drafts of the legislation in response to points raised in those comments.

Mr. Speaker, this bill—the "Rocky Flats Minerals Acquisition Act"—is narrow in scope. However, I think it can assist in successful implementation of something that is very important for all Coloradans—the establishment of the Rocky Flats National Wildlife Refuge. I think it deserves the support of every Member of the House.

For the information of our colleagues, here is a short outline of the revised bill:

OUTLINE OF ROCKY FLATS MINERALS ACQUISITION BILL

BACKGROUND

When the ongoing cleanup of the Rocky Flats site is completed, it will be closed and most of the site will be transferred to the Interior Department for management as a National Wildlife Refuge. Within the site's boundaries there are some privately-owned mineral rights (primarily sand and gravel). Federal acquisition of at least some of these mineral rights would further sound management of the site as a wildlife refuge. However, the current budgetary situation makes it difficult to complete such acquisition.

The purpose of the bill is to provide the Interior Department with two additional tools to assist in the acquisition of mineral rights or other non-Federal property at Rocky Flats: authority to provide "credits" (instead of or in addition to cash) that could be used for bonus bids or royalties for mineral leases on the Outer Continental Shelf; and authority to provide eligible BLM lands (or interests) anywhere in the country in exchange for the interests acquired at Rocky Flats (waiving the current requirement that exchanges must be within the same state).

SECTION-BY-SECTION OUTLINE

Section 1—

(1) provides a short title: "Rocky Flats Minerals Acquisition Act."

(2) includes findings regarding the status of Rocky Flats and the desirability of federal acquisition of mineral interests within its boundaries

(3) states the bill's purpose as being to facilitate acquisition of non-Federal interests at Rocky Flats by authorizing the Interior Department to use credits or interests in certain public lands—provided that the owners of the acquired lands or interests concur—instead of or in addition to cash.

Section 2—

(1) authorizes the Interior Department to use appropriated funds, credits (with the concurrence of the party transferring lands or interests to the United States), exchanged lands or interests therein, or any combination of these, to acquire mineral interests or other non-Federal interests at Rocky Flats.

(2) defines "credits," making clear that they can only be used for bonus bids or royalty payments for oil or gas leases on the Outer Continental Shelf, can be transferred, and must be used within 10 years of their issuance;

(3) specifies that while exchanges can involve BLM lands or interests in any State, only lands or interests identified as suitable for disposal under current law can be transferred to private ownership through such an exchange;

(4) specifies that no lands or interests therein outside the exterior boundaries of Rocky Flats can be acquired by the United States for the purposes of the Rocky Flats National Wildlife Refuge Act except with the consent of the owners of such lands or interests.

(5) provides that interests acquired by the United States under the bill will be managed as part of the wildlife refuge and cannot be developed or transferred out of Federal ownership; and

(6) specifies that the bill adds to the Interior Department's existing authority and does not reduce any authority the Department already has.

CONGRATULATING LOGAN MANKINS ON BEING DRAFTED BY NEW ENGLAND PATRIOTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Logan Mankins on his selection by the New England Patriots in the 2005 NFL Draft. Mr. Mankins was selected by the Patriots in the first round of the Draft on April 23, 2005.

Mr. Mankins is a native of my hometown, Cathey's Valley, in Mariposa County. He attended Mariposa County High School, where he excelled in football and basketball. He was a two-year, two-way starter at linebacker and tight end for the Grizzly football team and was the team MVP, as well as an all-league selection.

In 2001 Mr. Mankins began a three-year career at Fresno State. During his career he played as a left tackle on the offensive line, protecting the quarterback from opposing defenses. In 2004 he was a second-team All-American selection and was also named to Sports Illustrated's All-Bowl team. He was the first offensive lineman ever to be named team MVP for Fresno State. In his final 387 passing plays, he did not allow a single sack.

Mr. Mankins is the first football player ever drafted by the NFL from Mariposa County. He was selected by the Patriots to play guard on the offensive line. I am sure pro-football will be more exciting this year for the people of Mariposa County, as they watch a friend and neighbor playing for one of the most prestigious teams in America.

Mr. Speaker, I rise today to congratulate Logan Mankins on his well-earned success. I urge my colleagues to join me in celebrating his remarkable accomplishment.

RECOGNIZING ALS AWARENESS MONTH AND THE ALS ASSOCIATION OF GEORGIA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to draw attention to amyotrophic lateral sclerosis (ALS), often known as Lou Gehrig's disease. ALS is a progressive disorder that occurs when motor nerve cells in the central nervous system cease functioning and die. Each year, over 5,000 people in the United States are diagnosed with this illness. There are 600 patients in Georgia alone. Sadly, there is no known cause, cure, or means of control in the advanced stages, ALS care can cost up to $200,000 per year, depleting the financial resources of patients and relatives.

In Georgia, families impacted by ALS are blessed to have the support of The ALS Association of Georgia, which is a non-profit organization dedicated to the fight against ALS and the support of patients and their caregivers. Over 80% of all monies raised goes directly to patient services. Services offered include information and referrals, home nursing visits, support groups, coordination of medical care, equipment loan, children's counseling, respite care, public education and awareness, and research support. The suffering of patients and the anguish and struggle of caregivers must be supported and alleviated as much as possible.

I commend The ALS Association of Georgia for all of their good work in serving patients with this devastating disease. During the month of May, which is ALS Awareness Month, I urge all citizens and my colleagues here in Congress to become educated about ALS and to lend their aid to combating this disease.

HONORING DR. PORTIA HOLMES SHIELDS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. BISHOP of Georgia. Mr. Speaker, tonight I rise in recognition of a true leader, scholar and public servant, Dr. Portia Holmes Shields. While we cannot claim her as a native of our State her extraordinary service as the seventh President of Albany State University has proven that she not only made Georgia her home these past nine years, she made it better.

When Dr. Shields first became President of Albany State University in 1996, she not only faced the challenge of being the first woman in that role, she confronted a campus ravaged by floodwaters. She met the challenge head-on and spearheaded a $153 million flood-recovery program that brought new life to the Southwest Georgia institution. Yet beyond improvements to the university's face and physical structure, under the direction of Dr. Shields, Albany State University has become an institution to be proud of.

Today, enrollment is up nearly 20 percent as Albany State maintains the third-highest retention rate among the University System of Georgia's 34 colleges and universities. Since the fall of 1996, the average SAT scores of incoming freshmen also jumped by more than 120 points. By following her own personal mission of putting students first, Dr. Shields has helped recruit the best and brightest and has added three new undergraduate programs at the institution including the state of Georgia's only forensic science program. In addition, her prowess as a fundraiser has been instrumental in making her vision for the University possible today and into the future.

This Friday, May 6, 2005, I will join Albany State University in honoring Dr. Portia Holmes Shields and wishing her continued future success in whatever path she might choose. However, here in this hallowed hall, I rise on behalf of the city of Albany, the Second Congressional District and the State of Georgia to honor the extraordinary contribution that Dr. Shields has made to our community and to the many students whose lives she has touched. She will be truly missed.

SMALL BUSINESS BILL OF RIGHTS AND SMALL BUSINESS WEEK

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. WESTMORELAND. Mr. Speaker, I rise today to offer my support for the Small Business Bill of Rights (H. Res. 22).

I think it is time we help small businesses so they can in turn help themselves. Small business owners desperately need our help in ensuring they can provide their employees with the best possible benefits.

What better time to consider this bill than on National Small Business Week. I would be remiss if I did not mention that last year's Small Business Person of the year was from Columbus, Georgia. Sheree W. Mitchell started with an SBA loan in 1989 and turned her day care center business, Growing Room Inc., into a $5 million per year enterprise. I think Sheree should be a poster child for small businesses. She has proven that with persistence and entrepreneur thinking it is possible to build a successful enterprise from scratch.

I also want to congratulate the 2005 SBA Award winners for the state of Georgia: Tom Eaves, President and CEO of Star Software Systems Corporation in Warner Robins, Georgia—Small Business Person of the Year; Win Roshell, Minority Small Business Champion of the Year; Mountville Mills, Inc., Family-Owned Small Business of the Year; Amanda Rodriguez, Young Entrepreneur of the Year; C. Vance Leavy, Small Business Journalist of the Year.

These folks know what it takes to successfully run a small business and they should be recognized and praised for it. They were selected to be honored based on their record of stability, growth in employment and sales, financial condition, innovation, response to adversity, and community service.

I am strongly supporting H. Res. 22 for people like those I've just named. This piece of legislation clarifies Congressional support for seven key issues importance to every small business. As a former small business owner, I can testify to the importance of each one of these. These seven issues are: reducing health insurance costs through Association Health Plans, ending frivolous lawsuits, red tape relief, tax relief, increasing access to capital, opening access to government contracts and reducing energy costs.

These issues are commonsense rights every small business owner deserves and I hope the passing of this resolution will bring awareness to the seven areas this resolution addresses.

Mr. Speaker, I am proud to co-sponsor and vote for the Small Business Bill of Rights.

100TH ANNIVERSARY OF THE U.S. SKI AND SHOWBOARD ASSOCIATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. STUPAK. Mr. Speaker, I rise today to honor a national sports organization that began in Ishpeming, Michigan. The United States Ski and Snowboard Association is the national governing body for Olympic skiing and snowboarding and is celebrating its 100th anniversary on May 6th.

Originally founded as the National Ski Association (NSA) in 1904 by the local Ishpeming Ski Club, the NSA was the birthplace of organized skiing in the United States. The group changed their name to the United States Ski Association in 1962 and, as snowboarding grew in popularity and gained credibility as a sport, the final name change occurred in 1997 to the U.S. Ski and Snowboard Association (USSA).

As the governing body for U.S. Olympic ski and snowboarding, the USSA has been consolidated since 1988 with the U.S. Ski Team in Park City, Utah where the team has been based since 1974. However, as a tribute to the founding roots of the organization, the United States National Ski Hall of Fame and Museum is still based in Ishpeming, Michigan where it also celebrates its 50th anniversary May 6th. The Hall of Fame proudly displays photos and short bios of 342 inductees.

In the one hundred year history of the USSA, it is proclaimed as the most diverse of any Olympic Sports organization with seven different athletic sport programs. The USSA Olympic Sports programs include alpine, cross country, disabled, freestyle, ski jumping, Nordic combined and snowboarding. The USSA manages 14 different men's and women's national teams, accounting for half of the Olympic Winter Games events.

In order to be serious international competitors, the organization requires the tremendous number of athletes to be trained and supported by an ever larger network of people. The USSA is comprised of 30,000 athletes, coaches, officials and volunteers and more than 100,000 parents, supporters and devotees. With this powerhouse of world class talent and support, the USSA should have no problem fulfilling their goal of making the United States of America the best in the world in Olympic skiing and snowboarding by 2006.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the United States Ski and Snowboard Association on their first 100 years and in wishing them well in bringing home the Olympic spirit and the "gold" throughout the next century.

REINTRODUCTION OF THE COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced similar bills in the 107th and 108th Congresses.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of the Rocky Flats Environmental Technology site. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

The open-space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands within and adjacent to that national forest.

We can see this throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling up valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountain tops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities to preserve open spaces along the backdrop and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning. It also does not infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with federal lands, it will work in collaboration with local communities, the state and private parties.

Mr. Speaker, I strongly believe it is in the national interest for the federal government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come. God may forgive us for our failure to do so, but our children won't.

For the information of our colleagues, I am attaching a fact sheet about this bill.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Generally: The bill would help local communities preserve the Front Range Mountain Backdrop in the northern sections of the Denver-metro area in a region generally west of the Rocky Flats Environmental Technology site.

Front Range Mountain Backdrop: The backdrop consists of the mountainous foothills, the Continental Divide and the peaks in between that create the striking visual backdrop of the Denver-metro area and throughout Colorado. Development in the Denver-metro area is encroaching in the Front Range backdrop area, and thus adversely affecting the esthetic, wildlife, open space and recreational qualities of this geographic feature. Now is the time to shape the future of this part of the Front Range. There is a real but fleeting opportunity to protect both protect Rocky Flats—a "crown jewel" of open space and wildlife habitat—and to assist local communities to protect the scenic, wildlife, and other values of the mountain backdrop.

What the bill does: Study and Report: The bill requires the Forest Service to study the ownership patterns of the lands comprising the Front Range Mountain Backdrop in a region generally west of Rocky Flats, identify areas that are open and may be at risk of development, and recommend to Congress how these lands might be protected and how the federal government could help local communities and residents to achieve that goal.

Lands Covered: The bill identifies the lands in southern Boulder, northern Jefferson and eastern Gilpin Counties in the Second Congressional District; specifically, an area west of Rocky Flats and west of Highway 93, south of Boulder Canyon, east of the Peak-to-Peak Highway, and north of the Golden Gate Canyon State Park road.

What the bill would NOT do: Affect Local Planning: The bill is designed to complement existing local efforts to preserve open lands in this region west of Rocky Flats. It will not take the place of—nor disrupt—these existing local efforts.

Affect Private Property Rights: The bill merely authorizes a study. It will not affect any existing private property rights.

Affect the Cleanup of Rocky Flats: The bill would not affect the ongoing cleanup and closure of Rocky Flats nor detract from funding for that effort, and will not affect existing efforts to preserve the options for wildlife and open space protection of Rocky Flats itself.

REMEMBERING THE LIFE OF DR. KENNETH B. CLARK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commend the outstanding life of Dr. Kenneth B. Clark who passed away on May 1, 2005 at his home in Hastings-on-the-Hudson, NY. Dr. Clark was 90 years old.

Dr. Clark was a social scientist best known for his pivotal research used during the Brown v. Board of Education case in 1954. Along with his wife, Mamie Phipps Clark, the two documented studies of the damaging affect on black school children from the separate-but-equal doctrine. As an attorney, Thurgood Marshall successfully used this research in his argument against racial segregation in public schools. The U.S. Supreme Court ruled the practice of racial segregation as unconstitutional because it violated the equal protection clause of the Fourteenth Amendment.

Dr. Clark was born in the Panama Canal Zone on July 14, 1914. His mother is credited as his model of perseverance and struggle through social issues. Over the objection of his father, Dr. Clark's mother insisted on returning to the United States. She made the solo trip back to New York City with Clark and his sister Beulah, in 1919. As a seamstress at a sweatshop in the garment district, Dr. Clark's mother supported her children and became one of the first stewards for the women's garment union. "Somehow she communicated to me the excitement of people doing things together to help themselves," Dr. Clark once said.

In addition to his work in psychology, Dr. Clark had many of his own groundbreaking achievements as an educator and leader. In 1940, he became the first African-American to earn a doctoral degree at Columbia University in New York. His wife later became the second African American to earn a doctoral degree there. Dr. Clark served as the American Psychological Association president, and in 1960, he was the first tenured African-American professor at the City College of New York. The State Department hired him as a personnel division consultant from 1961–62. By 1966, Dr. Clark was a member of the New York State Board of Regents where he remained for 20 years. After retiring from the Board of Regents, Dr. Clark set up a consulting company that specialized in equal employment opportunity and affirmative action.

Dr. Clark is survived by his daughter, Kate Harris, his son, Hilton B. Clark, three grandchildren and five great-grandchildren. Mamie Clark died in 1983. Dr. Clark's work as an educator and researcher remains a lasting legacy for civil rights issues. He was motivated by belief that a "racist system inevitably destroys and damages human beings; it brutalizes and dehumanizes them, black and white alike."

Mr. Speaker, Dr. Clark was an eminent scholar whose legacy will be cherished and remembered. He was a mighty influence who brought people together across racial lines. His spirit and insight were instrumental in establishing equality in education and beyond. The impact of Dr. Clark's work helped to raise the dignity and worth of all Americans.

CONGRATULATIONS TO WILLIAM H. CROCKER SCHOOL ON ITS FOURTH CONSECUTIVE NO CHILD LEFT BEHIND BLUE RIBBON SCHOOL AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. LANTOS. Mr. Speaker, I rise today to commend the William H. Crocker Middle School of Hillsborough, California, located in my Congressional district, for its 4th consecutive year as a recipient of the National Blue Ribbon Award.

For the year of 2004, California State Superintendent of Public Instruction, Jack O'Connell announced the 33 public and six private schools in California selected by United States Secretary of Education Rod Paige, as No Child Left Behind (NCLB) Blue Ribbon Schools.

Schools who receive this honor demonstrate excellence in education and genuine investment in the value of that education for our children. It is my honor to congratulate each and every faculty member and parent of Crocker Middle School whose dedication to the education of their children indisputably earned Crocker Middle School the honor of being a Blue Ribbon School.

Mr. Speaker, this 21-year old national recognition program sponsored by the U.S department of Education encourages states to nominate public kindergarten through grade twelve schools that are either academically superior or demonstrate dramatic gains in student achievement. The schools endure a rigorous application process, with success resting mostly on test scores, growth, and achievement in reading and math over three years. All schools selected as winners met the 2004 Adequate Yearly Progress criteria. Additionally, all schools have already been named as a California Distinguished School, or meet the qualification required to apply for this state awards program.

On November 5, 2004, Crocker Middle School received the 2004 No Child Left Behind National Blue Ribbon Schools Award in Washington D.C. On February 7, 2005, I was invited to celebrate this accolade on the campus of Crocker. As my two daughters Annette and Katrina are alumnae of William H. Crocker Middle School, I was delighted to be a part of the celebration both as a father of and as a Member of Congress.

Mr. Speaker, during my visit to the campus and after spending an assembly period with the students, parents and faculty of Crocker, I witnessed the immense enthusiasm and spirit this school fortunately possesses. As the only middle school in the nation to have received this distinction four years in a row, I have no doubt that under the leadership of Principal Janet Chun, William H. Crocker Middle School will continue to shine.

RECOGNIZING NATIONAL HEPATITIS B AWARENESS WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. TOWNS. Mr. Speaker, I rise today to express my support for House Resolution 250, Supporting the Goals and Ideals of a National Hepatitis B Awareness Month. Hepatitis B is a serious health concern that unfairly attacks minority populations.

Almost 350 million people worldwide are infected with hepatitis B, with 75 percent of those infected living in Asia. This disease has similar effects on the same groups of people here in the United States. Asians have the highest rate of chronic hepatitis B of all ethnic groups. Chronic hepatitis B rates for the Asian Pacific Islanders population range up to 15 percent, which is more than half of all the Americans diagnosed with chronic hepatitis B.

African Americans are three to four times more likely than Caucasians to be infected with hepatitis B. Additionally, the African American workforce, consisting of over 3 million people, tend to work in occupations, such as nursing, health care and emergency services with higher exposure to the hepatitis B virus.

Over half the United States' total Asian American population lives in just three states, with 1.2 million living in New York. Seventeen percent of New York's population is of African-American descent.

The hepatitis disease is extremely dangerous, because not only does it lead to life-threatening illnesses such as cirrhosis of the liver and liver cancer but it can also be easily transmitted through blood and body fluids, unprotected sex, and unsterilized needles. Also, many of those who have become infected with the disease will not have recognized symptoms until they develop the more serious illnesses.

Hepatitis B can be a preventable disease if vaccination programs, increased awareness, better disease management and public education initiatives are ongoing. By recognizing the week of May 9th as National Hepatitis B Awareness Week, we can join together and attack this life-threatening disease. During Hepatitis B Awareness Week, several community events are scheduled that will bring together physicians and public health advocates, patients and at-risk populations to increase awareness and education on prevention, and treatments for hepatitis B.

Mr. Speaker, thank you for this opportunity to lend my support for passage of this resolution and I urge my colleagues to do the same.

HIGHLIGHTS OF THE REPORT ON THE FAILURE OF THE U.S. GOVERNMENT TO ADEQUATELY INVESTIGATE PRISONER ABUSES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. STARK. Mr. Speaker, I rise today to bring your attention to the recent Human Rights Watch report, Getting Away with Torture?: Command Responsibility for the U.S. Abuse of Detainees. This report reveals the unthinkable: The torture carried out against prisoners under U.S. authority may have been part of an official government policy. The report also points out that none of the government and military investigations carried out so far has independently examined the culpability of top civilian and military officials.

Despite strong evidence showing that high-ranking U.S. officials may be responsible for carrying out immoral and illegal policies, "independent" investigations have focused on protecting high-ranking officials and punishing subordinates instead of bringing the guilty to justice.

These actions run counter to the United States' long-standing commitment to the spirit of the Geneva Convention. The War Crimes Act of 1996 provides criminal punishment for Americans who commit a war crime inside or outside the United States, and defines a war crime as any "grave breach" of the Geneva Conventions. The Anti-Torture Act of 1996 criminalizes acts of torture occurring outside the United States' territorial jurisdiction regardless of the citizenship of the perpetrator or victim.

It should not have to be stated, but the United Stated must operate under the laws it has passed. If crimes have been committed they must be investigated completely.

This report raises important issues and calls for the United States Attorney General to appoint a special counsel to carry out an investigation and prosecute all government officials and private citizens that developed, approved and carried out these torture policies. I urge my colleagues to read the report, available online at http://www.hrw.org/reports/2005/us0405/.

INTRODUCTION OF EASTERN WASHINGTON UNIVERSITY LAND TRANSFER AUTHORIZATION EXTENSION ACT

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Miss McMORRIS. Mr. Speaker, I rise today to introduce legislation to address an issue of importance to Eastern Washington University, located in my district in the town of Cheney, Washington. Eastern Washington University owns a 21 acre parcel of land known as Badger Lake. The property was originally deeded to the university by the federal government under the 1926 State Recreation and Public Purposes Act. This property is restricted to the purpose for which the law was enacted, education and recreation, and it carries a "reverter clause which says that the land will revert to the federal government, Bureau of Land Management—Department of Interior, if not used for these purposes.

However, the property is located in a rural area that is not conducive to the intended recreation or education uses. The only way Eastern Washington University could legally sell or exchange the land is if federal legislation passed which releases the patent conditions on this property. In 1983, the university, with the help of Speaker Tom Foley and Senator Slade Gorton, and supported by the Bureau of Land Management, was successful in getting legislation passed (Public Law 97–435) that removed the restrictions for a five year period. Unfortunately that window expired in 1988.

In the last Congress former Congressman George Nethercutt was successful in passing legislation extending the 1983 law. H.R. 4596 passed the House of Representatives on September 28, 2004 by unanimous consent.

I rise today to reintroduce legislation to address this issue.

FAMILYCARE ACT OF 2005

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. DINGELL. Mr. Speaker, in our great land of opportunity and wealth, there are many Americans who have no access to one of the most basic needs: health care. In our Nation today, nearly 45 million Americans are uninsured. Today I offer a way to begin addressing this problem by introducing the FamilyCare Act of 2005. In conjunction with the Medicare Early Access Act and the Small Business Health Insurance Promotion Act that my colleagues are also introducing today, the enactment of these bills could cut the number of uninsured in half.

The FamilyCare Act of 2005 is a family-centered bill that aims to provide coverage for the 7.5 million working families with incomes below 200 percent of the Federal poverty level. This act builds upon two programs, Medicaid and the State Children's Health Insurance Program, that have successfully covered many low-income persons, individuals with disabilities, and children. It would ensure families who move from welfare to work do not lose coverage and makes it easier for low-income working families to obtain health insurance.

Improving our Nation's healthcare system continues to be a complex challenge that must be a matter of national priority. By taking these first steps, it is our hope that in the future all Americans will be able to meet their healthcare needs.

HONORING THE STUDENTS OF EAST BRUNSWICK, NEW JERSEY COMPETING IN THE WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor the students of East Brunswick High School that recently won the national finals for the We the People: The Citizen and the Constitution program. The participating students from East Brunswick High School, after winning the statewide competition, represented New Jersey in this year's final. Through their hard work and determination, the national finals competitors earned the opportunity to visit and compete in our nation's capital. East Brunswick High School was the defending champion and I am proud to say that they have achieved this high level of excellence again this year. They won because they are articulate, have presence of mind, and can think on their feet, and because they know the U.S. Constitution inside and out.

The students of East Brunswick came a long way to earn the right to compete in Washington. To participate, every student needed to learn about a variety of concepts ranging from the philosophical origins of the Constitution to its role and interpretation in today's society. After spending countless hours reading primary and secondary sources, the students created a four minute presentation to answer the question posed to them about the Constitution. The students then formulated their own opinions, which needed to be defended during six minutes of questioning from judges. The judging is based on the students understanding of constitutional principles and their knowledge of both historical and contemporary issues. At the national competition, the judges are practicing lawyers, college professors, as well as current and former State Supreme Court judges.

The education of our youth about our democracy and the meaning and importance of our Constitution is imperative. As important as it is to have a basic knowledge of the laws and interpretations of the Constitution, it is equally as important to understand the reasons for which they were created. Every United States citizen should know and understand these fundamental principles, and through participation in this program, the students from East Brunswick High School have accomplished just that. These competitors serve as examples to students throughout the nation as to what one can achieve with an in-depth knowledge of the tenets of our government. These students are our future leaders and the next generation that will continue to defend democracy and uphold the Constitution. I know these students, and while I admire their knowledge and intelligence, I admire even more their passionate dedication to our American ideals.

The participating students from East Brunswick competed against more than 1,200 students from across the country. This program was created by The Center for Civic Education in 1987 and over 26 million students have participated in it. The goal of the program is to educate high school students on the importance of continued civic involvement. These exceptional students met here in Washington from April 30th to May 2nd to display their knowledge of the U.S. Constitution and its founding principles.

I would like to congratulate the students of East Brunswick High School, who are: Rajiv Agarwal, Elliot Chiu, Yan Cui, Aditi Eleswarapu, Michael Genson, Stephanie Horowitz, Frances Huang, Manisha Johary, Michael Kofstky, Kevin Kuo, Sam Lau, Alexandra Palmer, Resham Patel, Mark Pruce, Panwan Punjabi, Caroline Rana, Natalie Rana, Sana Sheikh, Allison Sorkin, Ilana Stern, Eric Struening, Lauren Volosin, and teacher Alan Brodman.

These names themselves suggest such a diversity of origins and heritage that it calls forth our national motto "E Pluribus Unum"—from many we are one. That these students devote themselves to learning about our system of self-government that is the key to our greatness is inspiring.

I am so proud of these young constitutional scholars and wish them luck in all their future endeavors. May these exceptional students continue to understand and uphold democracy.

INSTRUCTION TO CONFEREES ON MEDICAID

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. WESTMORELAND. Mr. Speaker, during my absence for the birth of my granddaughter, Kate, the House considered a motion to instruct the conferees on the budget resolution, H. Con. Res. 95.

On rollcall vote No. 134, I would have been proud to join my colleagues from Georgia, led by Mr. DEAL of Georgia, in opposing the motion to instruct. One thing I have learned about Washington during my time here so far is that a "cut" is actually not a cut at all—it is merely a reduction in the rate of growth. When we have so many programs driven by formulas that continue to grow year after year, the way to deal with the problem is not by denying any problem exists, but by taking steps to deal with the underlying issues that created the problem.

The House Leadership has taken admirable steps to deal with the problems of continued growth in mandatory spending, and I am thrilled that we are moving forward with reductions in mandatory program spending. These are not cuts, but are commonsense steps to manage the people's resources wisely.

INTRODUCING THE RAILROAD COMPETITION IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. OBERSTAR. Mr. Speaker, twenty-five years ago, Congress voted to deregulate the Nation's railroad industry and enacted the Staggers Rail Act. The railroad industry at that time was in dire straits. Years of low profits, deferred maintenance, and ill-conceived regulatory policies had resulted in a very sick industry. We were assured that deregulation was the cure. We were told that economic regulation had outlived its usefulness; that it was preventing the industry from competing effectively with trucks, barges, and pipelines; and that there were still a sufficient number of rail carriers to provide significant rail-to-rail competition. We deregulated the industry.

At the outset, some good things did happen. America's railroads are much healthier today than they were in 1980. Industry rates of return that hovered in the 1–2 percent range in the 1970s were up in the 6–9 percent range in the 1990s. Today, U.S. railroads account for 42 percent of intercity freight ton-miles; more than any other mode of transportation. In fact, U.S. railroads move four times more freight than all of Western Europe's freight railroads combined.

North American railroads currently earn $42 billion in annual revenues. The most recent financial reports are strong. For the first quarter of 2005, BNSF Railway's freight revenues increased $451 million, or 18 percent, to a first quarter record of $2.9 billion. Consumer products revenues increased $203 million, or 22 percent. Agricultural products revenues were up $86 million, or 20 percent, to $524 million. Industrial products revenues increased $84 million, or 15 percent, to $647 million. And coal revenues rose $78 million, or 15 percent, to $598 million resulting from record haulage of 66 million tons for utility customers.

Union Pacific reported a first quarter 2005 record for commodity revenue: $3 billion in 2005, up 8 percent from 2004. Energy revenues were up $81 million, or 14 percent, to $668 million. Agricultural revenues were up $37 million, or 9 percent, to $448 million. Industrial products revenues were up $67 million, or 12 percent, to $630 million. And chemical revenues were up $31 million, or 8 percent, to $441 million.

CSX's surface transportation revenue for the 2005 first quarter was $2.1 billion versus $1.9 billion in 2004. Metals revenues were up $19 million, or 16 percent, to $138 million. Forest products revenues were up $84 million, or 11 percent, to $176 million. Coal, coke, and iron ore revenues were up $84 million, or 20 percent, to $506 million. And automotive products revenues were up $6 million, or 3 percent, to $208 million.

Norfolk Southern's general merchandise revenues for the 2005 first quarter reached a record $1.1 billion, an increase of 12 percent over the same period in 2004. Metals and construction revenues led the growth with a 22 percent increase, followed by paper, up 19 percent, and chemicals, up 14 percent. Coal revenues increased 17 percent to $467 million in the first quarter compared with the same quarter last year.

With the exception of Union Pacific, all of the Class I railroads in the U.S. are making higher profits. BNSF's net earnings for the first quarter of 2005 were $321 million, up $128 million from the same period in 2004. CSX's net income was $579 million, up $30 million from 2004. Norfolk Southern's net income was $194 million, up $36 million from 2004. And although Union Pacific's profits were lower than 2004 figures, the railroad's net income was $128 million in 2005.

But all of these gains have come at a price. Competition requires competitors. Yet since 1980, over 40 Class I railroads have consolidated into just seven Class I railroads serving the entire North American continent, four of which—two in the West (Union Pacific and BNSF Railway) and two in the East (CSX and Norfolk Southern)—control over 95 percent of the railroad business. This unprecedented consolidation has resulted in entire States, regions, and industries becoming captive to a single Class I railroad.

These captive shippers often tell me that the Surface Transportation Board (STB) has been too concerned about the financial health of the railroads and not concerned enough with the financial health of the railroads' customers.

I believe them. The STB's procedures have made it difficult for rail customers to secure meaningful relief from high rail rates and poor rail service, even though the Staggers Rail Act directed the STB's predecessor, the Interstate Commerce Commission, to ensure that rail rates remain reasonable when there is an absence of effective competition.

During the years since the STB was first authorized in 1997, I have received numerous complaints from captive shippers about the high rates they are charged and the poor service they sometimes receive.

Laramie River Station is an example. Laramie River Station (LRS) is a coal-based electric generating plant that produces power for more than 1.8 million consumers in Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. LRS is served by a single railroad, BNSF Railway, which delivers 8.3 million tons of coal annually from the Wyoming Powder River Basin to LRS, a distance of approximately 175 miles. In September 2004, the LRS contract expired and BNSF unilaterally imposed massive freight rate hikes on the LRS traffic. Basin Electric Power Cooperative, one of the owners of LRS, tells me that these increases call for more than double LRS' prior freight rates. The initial tariff rates are projected to double again over time. According to LRS' owners, these increased rates are four times BNSF's average coal rates, and will cost electric power consumers $1 billion over the next 20 years.

Dairyland Power Cooperative, a generation and transmission cooperative located in La-Crosse, Wisconsin, has experienced similar problems. The Cooperative asserts that failure by the Union Pacific Railroad to deliver 25 percent of scheduled shipments of Utah coal resulted in Dairyland's overall fuel budget increasing by roughly 10 percent. Dairyland is also bracing for a 49 percent increase in rail rates in 2006. Other shippers have suffered similar fates.

The lack of true competition has also affected farmers. Montana grain producers advise me that their counterparts in Nebraska—where a limited amount of rail competition exists—pay less in transportation costs than Montana farmers to ship grain to Portland, Oregon, despite the 200 miles in additional distance the Nebraska grain has had to travel. The Montana farmers estimate that this disparity has cost them about $60 million a year.

In these and other similar cases, the captive shippers have found that there is no realistic possibility of meaningful relief from the STB. This is hardly the competitive environment envisioned when Congress voted to deregulate the railroad industry.

Unfortunately, my concerns have fallen on deaf ears at the STB. This year, Chairman Roger Nober has discussed the possibility of moving a "clean" STB reauthorization bill (i.e., one with no change to existing law other than funding levels) in the 109th Congress. I have told him the same thing I told him in the 108th Congress and the same thing I told his predecessor: I believe that any STB reauthorization bill must adequately address the concerns of captive shippers.

That is why I introduced legislation in the 106th Congress, the 107th Congress, and the 108th Congress that would reauthorize the STB and reform its policies and procedures. Other Members of Congress, including Congressman RICHARD BAKER, introduced similar legislation to reform railroad regulation. But to date Congress has failed to act upon these bills, and the STB has operated without an authorization since 1998.

When the Transportation and Infrastructure Committee held hearings on railroad competition last Congress, it was obvious that Congressman BAKER and I shared the same concerns about captive shippers and the lack of competition in the railroad industry. So this year, we've decided to join forces. Congressman BAKER and I, and 13 of our colleagues on both sides of the aisle, are introducing a bipartisan STB reauthorization and reform bill, entitled the Railroad Competition and Improvement Act of 2005. A bipartisan companion bill, S. 919, has been introduced in the Senate.

This bill will preserve existing rail-to-rail competition in areas of the United States where competition is working, and take action to reduce impediments to competition that adversely affect rail customers. The bill establishes four new primary objectives of U.S. rail transportation policy, all of which focus on competition and shipper needs. These primary objectives are: (1) To maintain consistent and efficient rail transportation service for shippers, including the timely provision of rail cars requested by shippers; to promote effective competition among rail carriers at origins and destinations; and to maintain reasonable rates in the absence of effective competition.

The bill will also:

Eliminate "bottlenecks." Under the bill, on the request of a shipper, the carrier must establish a rate for any two points on the carrier's system where traffic originates, terminates, or can be interchanged. In addition, the reasonableness of the rate would be subject to challenge. This bill will give shippers access to competitive rail service even if a single carrier has monopoly control over a short, bottleneck portion of a route.

Create competitive rail service at switching points. The bill requires rail carriers to enter into reciprocal switching agreements where the STB finds that such agreements are in the public interest or where agreements are needed to ensure rail service is competitive. The bill also prohibits the STB from requiring that the petitioning carrier show conduct inconsistent with antitrust laws.

Eliminate "paper barriers." These barriers are contractual agreements that prevent short-line railroads that cross two or more major rail systems from providing rail customers access to competitive service on one of these systems. The agreements require the short-line railroads to deliver all or most of its traffic to the major carrier that originally owned the short line facilities. Under the bill, where such restrictions were approved prior to the enactment of this Act and have been in effect for at least 10 years, the STB must terminate the restriction, upon request, unless the STB finds that the termination would be inconsistent with the public interest or materially impair the ability of an affected rail carrier to provide service to the public.

Establish a new regulatory process for "Areas of Inadequate Rail Competition." The bill allows the STB to designate a State or substantial part of a State as an Area of Inadequate Rail Competition (AIRC), upon petition of a Governor or Attorney General of a State, Member of Congress, or the Rail Customer Advocate of the Department of Transportation. Upon the designation, the STB has 60 days to provide remedies authorized by current law to resolve the anti-competitive conduct. The bill also requires the Rail Customer Advocate to conduct an oversight study of AIRCs within one year of the date of enactment.

Highlight rail service problems. The bill requires the STB to post on its website a description of each complaint from a customer about rail service. The STB is also required to submit an annual report to Congress regarding rail service complaints, and the procedures the STB took to resolve them.

Create an arbitration process for certain rail disputes. The bill allows either party to submit a dispute over rail rates, rail service, and other matters under the jurisdiction of the STB for "final offer" binding arbitration, for relief within the jurisdiction of the STB.

Eliminate fees for filing rail rate cases. Shippers are now required to pay a $61,000 fee for filing a rate case. Effective May 6, 2005, this filing fee will double to $102,000. The filing fee for all other complaints will increase from $6000 to $10,100.

Improve the rate reasonableness standard. The bill prohibits the STB from using their current practice of requiring shippers challenging rail rates to submit estimates of the costs of constructing and operating a new, hypothetical railroad that carries only the commodity that the shipper transports. The STB currently compares the expense of the hypothetical railroad with existing rates to determine whether the challenged rates are reasonable or not. Under the bill, the STB would be required to adopt a new method based on the railroad's actual costs, including a portion of fixed costs and an adequate return on debt and equity.

Create an Office of Rail Customer Advocacy in the Department of Transportation. The Rail Customer Advocate would accept rail customer complaints; collect, compile, and maintain information regarding the cost and efficiency of rail transportation; and participate as a party in STB proceedings. The Rail Customer Advocate may also petition the STB for action.

Authorize a study of rail transportation competition. The bill requires the National Academy of Sciences to conduct a comprehensive study of rail carrier competition since the enactment of the Staggers Rail Act of 1980.

Require the STB to consider all effects of mergers. Under the bill, the STB must consider the effects of mergers on local communities and is required to impose conditions to mitigate the effects of those mergers.

Reauthorize the STB. The bill provides the STB $24 million for FY2006, $26 million for FY2007, and $28 million for FY2008.

I am pleased that a number of organizations are supporting this bipartisan effort, including the Alliance for Rail Competition, Consumers United for Rail Equity, the American Chemistry Council, the National Industrial Transportation League, Edison Electric Institute, the National Association of Wheat Growers, and the National Barley Growers Association.

I join with my colleagues from both sides of the aisle, in introducing this bill. Together, we will work to ensure passage of this important legislation.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL HEPATITIS B AWARENESS WEEK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. ENGEL. Mr. Speaker, I rise today to share my support for House Resolution 250, Supporting the Goals and Ideals of a National Hepatitis B Awareness Month. Chronic liver disease is the tenth leading cause of death in the United States, so it is imperative for the Congress and federal government to become more focused on Hepatitis viruses.

Viral hepatitis represents a disease entity caused by at least 5 unrelated viruses which attack the cells of the liver. The majority of viral hepatitis cases are due to the hepatitis A virus (HAV), hepatitis B virus (HBV), or hepatitis C virus (HCV). Infection with hepatitis B virus can produce a chronic infection which may lead to death from chronic liver disease.

Studies show that 4.9 percent of Americans have been infected with HBV, of whom 1.25 million are chronically infected. The expected direct medical costs associated with acute and chronic HBV infection for one U.S. birth cohort are estimated to be $81.9 million. The consequences of hepatitis-induced chronic liver disease may not become apparent until decades after infection.

Using the national data, it is estimated that more than 931,000 New Yorkers have been infected with HBV, with 46,550 of these persons chronically infected. An estimated 342,000 New Yorkers have been infected with HCV, with 237,500 of these persons chronically infected. Hepatitis B and hepatitis C are complex infections that have significant epidemiologic, social and medical impact.

In addition to the potential financial burden to the state and the Nation, viral hepatitis can have a tremendous impact on the lives of many New Yorkers. As a result, the New York State Department of Health (NYSDOH) identified the need for a comprehensive, collaborative and organized approach by partners across New York to address the public health problems associated with viral hepatitis.

On June 3 and 4, 2003, the NYSDOH, along with partners and stakeholders from across the state, participated in the Viral Hepatitis Strategic Planning Summit. This summit was to be the beginning of the development of a statewide viral hepatitis strategic plan. The two-day meeting began with presentations by representatives from the Centers for Disease Control and Prevention and the NYSDOH. Then the participants were divided into four focus areas: (1) Prevention, (2) Education, (3) Surveillance and Research, and (4) Medical and Case Management. The focus areas served as the central elements of the strategic plan. By the end of the 2-day meeting, each focus area identified 3 to 5 priority issues, which were then developed into long-term goals, each with strategies and 5-year action plans for meeting the goals.

On Wednesday, May 11, at the Millennium Hilton, 55 Church St. in New York City, the Aim for the B campaign will conduct a media event to call greater awareness to hepatitis B. Speakers and panelists for the New York event include confirmed representatives from the Mayor's office, Hepatitis B Foundation, Weill Cornell Medical Center and Charles B. Wang Community Health Center. There will be other community events from coast-to-coast the week of May 9, and I salute those associated with this outreach and prevention effort.

Mr. Speaker, thank you for the chance to convey my unity of support for House Resolution 250 and for the impressive awareness efforts being conducted nationwide to address hepatitis B.

IN RECOGNITION OF MR. RICHARD H. WEINER ON THE OCCASION OF HIS INSTALLATION AS THE 107TH PRESIDENT OF THE BERGEN COUNTY BAR ASSOCIATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor Mr. Richard H. Weiner, the incoming President of the Bergen County Bar Association in the great state of New Jersey. Mr. Weiner will be inaugurated as the Bergen County Bar Association's 107th President on the occasion of its Annual Dinner Dance on Friday, May 6th, and I ask that my esteemed colleagues join me in recognizing his outstanding achievements on behalf of the legal profession and on behalf of the communities of northern New Jersey.

A member of the Bergen County Bar Association since 1983 and a member of its Board of Trustees for the last dozen years, Richard H. Weiner has distinguished himself in the practice of law. His leadership has been recognized by his colleagues at Aronsohn, Weiner & Salerno, P.C. of Hackensack, New Jersey, a highly regarded law firm well-known for representing many prominent banking institutions and leasing companies in countless and often highly complicated litigation matters. The Managing Partner of his firm since 1985, he has demonstrated particular expertise in commercial litigation and family law for more than two decades. Because of his peers' acknowledgment of his professional abilities and his sharp legal intellect, Richard H. Wiener currently serves as Chairman of the Legal Committee for the Eastern Association of Equipment Lessors and as a prominent member of the National Legal Committee of the Equipment Leasing Association, and has lectured extensively around the nation on behalf of both organizations on various aspects of banking law and equipment leasing.

A graduate of the University of Maryland and the Hofstra University School of Law, Richard H. Wiener has also achieved professional recognition for his thorough and meticulous legal scholarship and his impeccable professional reputation. He served a Judicial Clerkship under the Honorable Edward J. Van Tassel JSC from 1983 to 1984, and has been named to numerous leadership positions by the Bergen County Bar Association. He currently serves as Chairman of the Bench Bar Liaison Committee, as an active member of both the Civil Practice and Family Law Committees, and is a longtime member of the Bergen County Judicial Selections Committee. Previously, Richard H. Wiener was appointed Chairman of the Bergen County Ethics Committee on Fee Arbitration by the Supreme Court of the State of New Jersey, and was one of two attorneys named by the State Supreme Court to serve on the Committee on Character from 1994 to 2002. One of his most enduring legacies to the legal profession is the purchase of the building housing the Bergen County Bar Foundation's headquarters, also home to the offices of the Bergen County Bar Association, which was made possible through the tireless fundraising efforts that he helped lead along with several other prominent members of the Bar Association.

Above all, Richard H. Wiener has distinguished himself as a man dedicated to his family and his community. He, his wife Bonnie, and their beloved daughter Danielle have lived in Wyckoff, New Jersey for eleven years. In that Borough, he has devoted his time and effort to innumerable good causes. A past President of the Wyckoff Public Library Board of Trustees, Richard H. Wiener currently serves the Borough as its Traveling Softball Coordinator, an active basketball and softball coach, and as Chairman of the Wyckoff Recreation Committee. These are but a few of his many volunteer activities over the years.

Mr. Speaker, my distinguished colleagues, I ask that you join me in recognizing the professional and civic contributions of the next President of the Bergen County Bar Association, Mr. Richard H. Wiener.

"TORN FROM THE FLAG"—NEW DOCUMENTARY FILM FOR THE 50TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues to a new documentary film now in production dealing with the 1956 Hungarian Revolt against Soviet occupation. Entitled "Torn from the Flag," the film is being prepared as part of the 2006 celebration marking the 50th anniversary of the Hungarian uprising. This film will include important archival material and recently opened files that have not been available until recently. It will also include insightful interviews with Hungarian freedom fighters, former political prisoners, secret police, and foreign citizens who participated in or witnessed the events.

On October 13, 1956, students and workers commenced a spontaneous uprising against the repressive communist dictatorship. Against all odds, they successfully took on and defeated the police and installed a new government. There were eighteen days of freedom before Soviet tanks and military forces launched a major attack on November 4 crushing, once and for all, the uprising. Some 20,000 Hungarians and 3,500 Russians died in the fighting. The defeat of the Hungarian Revolt was one of the darkest moments of the Cold War, but it was also one of the early indications that the freedom-loving peoples of Central and Eastern Europe could not be forever repressed.

The documentary takes its name from one of the most memorable images of the 1956 Hungarian Revolt. The revolutionaries cut from the center of the Hungarian tricolor flag the coat of arms of the communist People's Democratic Republic of Hungary. The flag with a hole in its center was emblematic of the Hungarian people's desire to rip out communism from their homeland, and this has been one of the most enduring symbols of the 1956 Revolution.

Like the student revolution in Tiananmen Square, China, in April 1989, where Chinese students were brutally suppressed after a massive demonstration for democratic reform, the Hungarian Revolt provided the world with sharp insights into communist tyranny. The governments of the Soviet Union in 1956 in Hungary and China in 1989 at Tiananmen Square used similar tactics in cracking down on dissidents. In my office, everyday I see a large picture of the brave Chinese student who stood boldly in front of a long row of tanks during the Tiananmen revolt. That Chinese student and the brave Hungarian revolutionaries of 1956 represent the fighting spirit of all men and women against tyranny.

The 1956 Revolution in Hungary is full of lessons and inspiration for people living under repressive regimes even today. The heroic fight of thousands of young men and women has played a crucial role in leading to the collapse of communism in Eastern Europe and in the former Soviet Union.

Mr. Speaker, I invite my colleagues to note with me the upcoming 50th anniversary of the 1956 Hungarian Revolution, to watch for the documentary "Torn from the Flag", and to rejoice that men and women everywhere are willing to unite in the fight, despite overwhelming odds against them, in order to free themselves from tyranny and repression.

TRIBUTE TO WYANDOTTE COUNTY/ KANSAS CITY, KANSAS, MAYOR/ CHIEF EXECUTIVE OFFICER CAROL MARINOVICH

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. MOORE of Kansas. Mr. Speaker, I was once talking with a group of constituents from Wyandotte County, and asked who they looked up to in Kansas City, Kansas.

A gentleman said, "I can't say I look up to her because she is barely five feet tall, but I do admire and respect Carol Marinovich."

As Mayor/CEO of the Unified Government of Wyandotte County and Kansas City, Kansas, Carol Marinovich established a record of achievement that inspired awe throughout the Kansas City area and beyond. Whether as a teacher, special education coordinator, or Kansas City Councilwoman, she has brought a sense of hope, pride and progress to Wyandotte County.

First elected as Mayor of the City of Kansas City in April 1995, she served as Mayor/CEO of the Unified Government since its establishment in April 1997, stepping down from that post on April 20th of this year.

During that time, Carol provided leadership in a period of unprecedented change and growth that has transformed Wyandotte County into a place with much to celebrate. She spearheaded the city/county consolidation process, taking two separate entities and bringing them together into one more effective and efficient government. House by house, she worked with neighborhood groups to reinvest in our neighborhoods. Evidence of that success is everywhere: the Mount Zion Estates, Turtle Hill, Cathedral Pointe, Mission Cliffs, Rainbow Park, Mount Carmel Place, Carmelle Estates, River's Edge East, Jersey South, Nehemiah, and the Strawberry Hill Townhomes and St. Peter/Waterway. In 2004, 500 housing permits were issued in Wyandotte County—a 40 year high. In the same year, crime dropped by 7 percent and Wyandotte County experienced the fewest murders in ten years and unemployment dropped for the first time in five years.

With Carol's guidance, downtown revitalization has been spurred by projects such as the Hilton Garden Inn with the adjacent, renovated Reardon Center, the new Board of Public Utilities building, and the federal Region VII Environmental Protection Agency headquarters. She has helped make dreams of developing western Wyandotte County a reality, where the Village West project is still expanding. Today we are all proud it is home to the Kansas Speedway, Cabelas, the Nebraska Furniture Mart, and the Great Wolf Lodge. As she left office, $1,000,000 of redevelopment projects were under construction in the city's urban core, and the mill levy had dropped 18 percent during her tenure.

In 1989, Carol became the first woman elected to the City Council of Kansas City. Six years later, she was the first woman elected Mayor of Kansas City, Kansas. During her tenure, she received the Excellence in Local Government Award from the League of Kansas Municipalities and has been recognized by Governing Magazine as one of the Public Officials of the Year in America. She was picked by Kansas City Magazine as "Best Local Politician" and was awarded the Excellence in Community Service Award by the Points of Light Foundation.

Mr. Speaker, I'm 6′2″ tall, but I look up to Carol Marinovich. Mayor/CEO Carol Marinovich turned our community into a place where you would want to work, shop, live and raise a family. I am proud of everything she has accomplished and even more proud to call her a friend. Mr. Speaker, I include in the RECORD for review by the House of Representatives an article that was carried by the Kansas City Star on the day Mayor Marinovich concluded her tenure in office.

[From the Kansas City Star, Apr. 20, 2005]

MARINOVICH LEAVING DRIVER'S SEAT

WITH KCK TRANSFORMED, MAYOR'S TERM ENDS

(By Mark Wiebe)

A bleak landscape confronted Carol Marinovich when she was elected mayor of Kansas City, Kan., in 1995: high crime, plummeting population, a crumbling retail base.

Today, violent crime has been cut in half, record numbers of housing permits are being issued, and Wyandotte County boasts the largest tourist attraction in Kansas with its Village West retail district.

One constant throughout that decade of change has been Marinovich, the former schoolteacher who once said she decided to run for mayor because "it was my town—and it was going down the tubes."

Tonight, Marinovich ends her political career in local government when Joe Reardon is sworn in as the Unified Government's second mayor and CEO. After 16 years in public service, she leaves behind a county that has shed its image as the area's beleaguered stepchild.

During that time, she's made countless tough decisions, but the ones she believes will shape her legacy are often overlooked in the narrative of the county's success: consolidation of the city and county governments in 1997, and neighborhood revitalization.

The latter helped Marinovich, 54, cultivate allies at the grass-roots level. Consolidation was but one issue that created political enemies for her, and some complained of her unyielding style. Even among some of her most vocal critics, though, there is a grudging respect for the change she helped usher in.

That stubbornness, supporters said, was a decided asset.

"Has she upset people? Made them mad? Yes," said Cindy Cash, president of the Kansas City Kansas Area Chamber of Commerce. "When you're doing what you think is best for the community, you do run the risk. . . . But she does have the best interest of the community at heart."

PROGRESS, NOT POLISH

Marinovich isn't a highly polished politician. Her extemporaneous moments are sometimes peppered with unfinished sentences. She is not adept at working a crowd.

Put her in a cocktail party where she doesn't know anyone, she says, and "I'd probably stay five minutes then get in my car and go home."

The issue that secured her first political victory, to the City Council in 1989, is one that remains close to her heart: the revitalization of the city's urban neighborhoods. She kept that emphasis through her six year tenure on the council and then into the mayor's office.

"Neighborhood groups weren't heard of" before Marinovich became mayor, said Patty Dysart, executive director of the Armourdale Renewal Association. "I can remember five or six. But they would ride in parades and that was about it."

Today, the county boasts more than 130 neighborhood groups, many of them active in crime watches and cleanups, reporting code violators and organizing community events.

As soon as she was elected, Marinovich established "impact teams" that made cleanup sweeps through neighborhoods. Such efforts demonstrated to neighborhood leaders like Dysart—tough-talking and demanding grassroots supporters—that Marinovich meant business.

"She didn't have my respect at first," Dysart said. "I just didn't think she cared, especially about Armourdale."

Her opinion changed when Marinovich participated in an impact team and attended some of Dysart's meetings. She realized then that Marinovich was "just quiet and shy but has this big heart."

HARD-WON RESPECT

Despite her supporters' admiration, Marinovich leaves a city that is not entirely enamored of her. In her 2001 run against Elmer Sharp, she grabbed what many considered an unimpressive 53 percent of the vote. In this month's mayoral election, she supported former state Rep. Rick Rehorn; he lost by an 18 percent margin.

Former Unified Government Commissioner Joe Vaught, who backed Marinovich in 2001, said her stubborn and uncompromising leadership style had alienated some people.

Still, he said, "our city moved forward, and she was in charge. So whether I liked her or didn't like her, the city moved forward and that was important."

Then there's the county's Achilles heel: high property taxes. Despite an 18 percent reduction in the Unified Government's rate of taxation since 1997, most property tax bills continue to rise as property values surge.

State Sen. David Haley, who lost to Marinovich in a landslide in 1997 and who later sparred with her on many legislative matters, accused the mayor of not doing more to lower taxes. "I just think she had the power to be a catalyst for progress for the taxpayers," he said. "It's not an abuse of power; it's just an underutilization of all that office could have done."

Despite that criticism, Haley insisted that Marinovich "does have a track record that is enviable. And at the end of the day, she accomplished a tremendous amount for Wyandotte County."

Marinovich acknowledges that the Unified Government, which came with the promise of more efficient government, needs to rein in spending. In 1997, county and city spending stood at $168.8 million. In 2003, the last year available for the government's actual expenses, that figure had jumped 24.6 percent, to $210 million.

Wage increases, rising health-care costs, the addition of nearly 100 employees—many of them hired to form a new emergency medical service—account for much of that increase. But with a budget that stands at more than $250 million this year, the government's expenses aren't going down.

Marinovich, who attributes many of the budget issues to the plight of an aging city, said one of the biggest challenges for the next administration would be to get that spending under control. If it can't, she said, "That doesn't bode well for the future."

A LASTING MARK

If Marinovich controlled her legacy, she would place revitalization and consolidation of the city and county governments above economic development. County Administrator Dennis Hays seconds that.

Consolidation ended decades of local Democratic Party machine politics. But, Hays said, it also gave the community a single body to make decisions. "We could not have done what we did with the speedway and Village West without it," Hays said. "Our community needed a single voice to take a risk and move forward."

Consolidation also gave Marinovich immense power. With a veto threat in hand, the ability to break tie votes and the authority to hire and fire the administrator (with the commission's support), the Unified Government's mayor occupies a position of strength that other mayors around Kansas City can only dream of.

It's a government with true executive power, said real estate agent Mike Jacobi, co-founder of the consolidation movement. And Marinovich has used that power responsibly, he said: "She restored our integrity. Taxes were skyrocketing; values were falling. "When you restore the integrity of the community," he said, "it's OK to invest here again. It's OK to live here again."

THE MARINOVICH LEGACY

The most visible evidence of Wyandotte County's economic resurgence under Carol Marinovich is Kansas Speedway and Village West commercial district.

To make way for that massive complex in 1998, Marinovich and the Unified Government Commission displaced 150 families in western Wyandotte County—the most difficult moment of her political career, she has said.

Other hallmarks of her tenure: Consolidation of the city and county governments. Voter approval of consolidation in 1997 quelled the influence of a powerful Democratic Party machine that had overseen decades of economic decline.

As a city councilwoman, she teamed with District Attorney Nick Tomasic to take on the city's adult entertainment industry, eventually wiping it out.

With the Unified Board of Commissioners' support, she stepped up the demolition of blighted structures and cracked down on code violators, angering landlords who viewed the measures as too harsh.

LEFT UNDONE

The unfinished business that Marinovich had hoped to address: Furthering economic development to broaden the tax base and lower tax bills for property owners.

Creating plans for an ambitious development near the confluence of the Missouri and the Kansas Rivers.

Bringing more commercial and residential development to the urban core.

WHAT'S AHEAD

Marinovich insists she doesn't know what she will do next. Her immediate plans are to take a brief vacation and to spend more time in her garden and with her husband, Wyandotte County District Judge Ernie Johnson.

Is another run for higher office looming? "Not at this point," she says. "I don't enjoy the politics. Never have. I don't think I ever will."

CAREER HIGHLIGHTS

1989: Becomes first woman elected to the Kansas City, Kan., City Council.

1995: Becomes the city's first woman elected mayor, defeating incumbent Joe Steineger.

1997: Wins voter support for consolidation of the city and Wyandotte County governments; elected first mayor and CEO of the county's Unified Government, defeating state legislator David Haley.

2001: Wins second term as mayor and CEO, defeating former City Councilman Elmer Sharp; plans are announced to use tax incentives to bring Cabela's, Nebraska Furniture Mart and Great Wolf Lodge to the city.

2002: Named one of the nation's top 11 public officials by Governing magazine.

2004: Announces she won't seek re-election, becoming the first mayor in decades to leave voluntarily.

April 20, 2005: Hands over office to Mayor-elect Joe Reardon.

RECOGNITION OF LIEUTENANT DAVID WALLACE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize an extraordinary public servant. Lieutenant David Wallace has served the people of Litchfield, Illinois, for over 20 years as a firefighter and a training officer for first responders. Like all firefighters, he has dedicated his career to protecting the people of his community.

But on June 7 of last year, Lieutenant Wallace went above and beyond the call of duty, even for his noble profession. Just after midnight, a 9–1–1 dispatcher reported people trapped in a fire in a mobile home just two blocks from Lieutenant Wallace's own home. Though off duty, he rushed out the door and was the first rescuer on the scene. Upon arrival, he noted the heavy black smoke billowing out of the building's back porch. Knowing that there was an individual trapped in the home, but also aware that his own safety equipment was aboard a fire truck that was yet to arrive, Lieutenant Wallace made a split-second, life-or-death decision to enter the burning building and attempt a rescue.

Once inside, Lieutenant Wallace found a man on the floor, unconscious with a weak pulse. Relying on his firefighter training and his instincts, Lieutenant Wallace crawled the ten feet between the door and the victim, and began to drag the man out of the burning building. Just as he reached the door, the first pumper truck reached the scene, and a fire captain and an EMT arrived to assist in the rescue. The victim was rushed to St. Francis Hospital in Litchfield and is alive today thanks to the brave efforts of Lieutenant David Wallace.

At this year's annual ceremony in Springfield, Illinois, Lieutenant David Wallace will be awarded the Firefighting Medal of Honor for his actions that night. I want to congratulate

Lieutenant Wallace, his wife Mary and his son Michael on this award, and thank David Wallace for his commitment to protecting the lives of the people of Litchfield, Illinois.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 5, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for April 2005.
1334 LHOB

MAY 10

9:30 a.m.
Judiciary
To resume oversight hearings to examine the implementation of the USA PATRIOT Act.
SD-226

Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the United Nations' Oil-for-Food Program.
SD-562

2 p.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine OSHA and small business, focusing on improving the relationship for workers.
SD-430

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine data broker services,and the treatment of such services under existing State and Federal privacy laws.
SR-253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.
SD-366

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

3:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-232A

5 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

MAY 11

9 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Federal recognition of Indian tribes.
SR-485

Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.
SD-226

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.
SD-366

Health, Education, Labor, and Pensions
Business meeting to consider the proposed Workforce Investment Act Amendments of 2005, and pending nominations.
SD-430

Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-232A

11:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

2 p.m.
Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine 21st century biological threats.
SD-430

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 100, to authorize the exchange of certain land in the State of Colorado, S. 235 and H.R. 816, bills to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108-67, S. 741, to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.
SD-366

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the United States-European Union regulatory cooperation on emerging technologies.
SD-419

MAY 12

9:30 a.m.
Armed Services
Closed business meeting to continue markup of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR-222

Judiciary
Business meeting to consider pending calendar business.
SD-226

10 a.m.
Foreign Relations
Business meeting to consider the nominations of John Robert Bolton, of Maryland, to be the U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations.
SD-419

Veterans' Affairs
To hold hearings to examine issues relating to the planning, providing, and paying for veterans' long-term care.
SR–418

MAY 13

9:30 a.m.
Armed Services
Closed business meeting to continue markup of the proposed National Defense Authorization Act for Fiscal Year 2006.
SR–222

MAY 18

9:30 a.m.
Judiciary
To hold hearings to examine issues relating to protecting the judiciary at home and in the courthouse.
SD–226

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

HOUSE OF REPRESENTATIVES—*Thursday, May 5, 2005*

The House met at 10 a.m.

The Reverend James Brinkerhoff, Campus Minister, Auburn University, Auburn, Alabama, offered the following prayer:

Our Father in Heaven, surely the nations are like a drop in a bucket to You; they are regarded as dust on the scales. To whom, then, will we compare You? You are enthroned above all things, and so we acknowledge You and give You our praise and adoration.

Father, our Nation is woven into the tapestry of Your will. You have empowered our Nation; You have held us closely to Your heart; You have been gentle with us in times of crisis. And so it is with joy and confidence that we approach You today.

Father, please protect President and Mrs. Bush and continue to reward their hope in You. Please give strength to our men and women who are fighting overseas, and guard the hearts and minds of their families back home. Please empower the servants of this House, grant them times of renewal, and watch over their families. Father, remind us all that we are loved by You.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND JAMES BRINKERHOFF

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, I rise today to recognize our guest chaplain, Mr. James Sanford Brinkerhoff. Jim has served selflessly as a campus minister on the Auburn University campus for 22 years, working with the Auburn Church of Christ and Auburn Christian Student Center.

Auburn University is the largest university in the State of Alabama and is therefore a crucial component of Alabama's educational system. Jim works very hard to ensure that, in addition to receiving outstanding education, Auburn students are exposed to the teachings of Jesus.

Through campus ministry, Jim has impacted the lives of many through counseling, teaching, service, and friendship. Students with whom he has worked now stretch across the globe with a common affection and respect for this man.

Jim is joined this morning by his wife, Mary, and their three children, Amy, Anna and Ben. I appreciate the prayer that Reverend Brinkerhoff offered this morning; and the gentleman from Alabama (Mr. ROGERS), who represents the Third Congressional District, and I are honored to have him as our guest in the United States House of Representatives, especially on this day as we celebrate the National Day of Prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair will entertain up to 10 one-minute speeches per side.

WINNING THE WAR ON TERROR

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, our servicemen and -women are winning the war on terror. Yesterday, U.S. and coalition forces arrested al Qaeda's third highest ranking member.

Two years ago, the world saw the statues of Saddam Hussein come tumbling down as Iraqis celebrated their first taste of freedom in over a generation. Look at the progress Members may not have read about in the newspapers: 8.5 million Iraqis defied terrorists and voted in a historic election that was fair, transparent, and democratic. Iraq's National Assembly recently named the country's first democratically elected President in more than 50 years, and Iraqi security forces now number over 150,000 protecting their nation.

Mr. Speaker, I believe our President said it best. Before coalition forces arrived, Iraq was ruled by a dictatorship that murdered its own citizens, threatened its neighbors, and defied the world. And now because we acted, Iraq's government is no longer a threat to the world or its own people. Today, the Iraqi people are taking charge of their own destiny.

I rise to recognize the Iraqi people who have made such great strides and to thank our servicemen and -women who risk their lives every day to protect our freedom.

WAKE UP, AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, instead of bringing our troops home from Iraq, today our majority party is advocating sending billions more to Iraq to keep our troops there indefinitely. Instead of winding down operations in Iraq, today the administration will receive money to help build permanent bases in Iraq. At a time when the American people are waking up to the disaster of the war in Iraq, this House is going to sleep. Wake up.

The administration manufactured intelligence to take us into war in Iraq. Wake up. The flower of America's youth is being sent to battles, spilling their blood to find weapons of mass destruction which did not exist. Wake up.

Mr. Speaker, $270 billion going for a war based on a lie while America's educational systems are crumbling, while 47 million Americans are without health insurance, while our inner cities have high unemployment, while oil companies are gouging Americans for $2 to $3 a gallon for gasoline. Wake up, my friends. Let us get out of Iraq.

Mr. Speaker, let us bring our troops home. Let us hold the administration accountable for the lies that took us into Iraq. Redeem the faith our Founders had in this House.

SOCIAL SECURITY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of strengthening one of the most important Federal programs, Social Security.

This past Monday, Vice President CHENEY graciously came to my district to talk to the good people of Georgia to talk about fixing Social Security for our future generations. At a town hall meeting at Campbell High School, one of the students stood up and said, Mr. Vice President, is Social Security going to be there for me when I reach retirement age. And the Vice President said, I hope so, son, but not unless we do something about it now.

I am really astonished my colleagues on the other side of the aisle are willing to put our children's retirement in jeopardy because they would rather use Social Security as a political weapon than an opportunity for bipartisan achievement.

Mr. Speaker, anyone can criticize and obstruct; but it takes a leader to do the heavy lifting on a serious problem as our President and Vice President have done. I urge my colleagues to keep up the good fight because our children and their children are dependent on us to save Social Security.

NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, May is National Osteoporosis Awareness and Prevention Month. Osteoporosis and low bone density affect 44 million Americans over the age of 50, many of whom were unaware of the fact that they have osteoporosis and, therefore, were unable to take steps to prevent it.

Like many Americans, I had no idea I was at risk for developing osteoporosis. I thought I simply had bad posture, and it never occurred to me to be screened for osteoporosis. Yet when I was running for Congress in 1998, I was diagnosed with this disease. Fortunately, within 10 months of the diagnose with proper treatment I was able to stop my bone density loss and my bones actually began to strengthen again.

Because of my personal experience with osteoporosis, I am committed to ensuring that my fellow Americans are aware of the importance of early detection and prevention. Men and women can reduce their chances of developing this disease. I encourage everyone to see your doctor, get screened for osteoporosis. It is a very silent, but very deadly, disease.

MAKING PROGRESS ON THE ECONOMY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since May of 2003, more than 3 million new jobs have been created and Americans have gone back to work. We have had 22 straight months of job growth. Last month alone, more than 110,000 Americans found jobs.

Clearly, our economy's growth is as a result of the pro-growth agenda of the President and this Republican Congress. By focusing our efforts on allowing the American people to keep more of their own money and working to remove the negative economic effects of our legal system, the Republican Congress continues to show its commitment to America's economy and working families.

However, our work is not done. We need to get an energy bill signed into law. This would create 500,000 new jobs. We need to make the tax relief permanent and hold down government spending. Over the past 100 days, House Republicans have demonstrated that we are dedicated to promoting policies that better the economy. And for the sake of our families who are counting on us, I hope we can count on our friends in the Senate to follow our lead.

PROVIDING UNIVERSAL HEALTH COVERAGE FOR ALL AMERICANS

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, today there are more than 45 million Americans living without health insurance. In my home State of California, there are almost 6.5 million people without health insurance, and that is 300,000 more than when President Bush took office. This is a tragedy and a disgrace. It is time for us to act.

The Family Care Act, the Medicare Access Act, and the Small Business Health Insurance Promotion Act will help cover more than half of the uninsured, but that is not enough. All Americans should have access to quality health care, and that is why I will be reintroducing H.R. 3000, the United States Universal Health Service Act.

In the wealthiest country in the world, no one should be without affordable and accessible health care. Today this House votes on $82 billion more to continue to wage war and occupy Iraq, a total now of over $300 billion; and we cannot even provide health care for all Americans. It is a shame and disgrace that our priorities are so misplaced.

JOINT EFFORT WITH PAKISTAN WINNING WAR ON TERROR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as we were reminded with a thudding explosion on the streets of New York City at 3 a.m. this morning, we are a Nation at war. And so it is with particular pleasure that I rise to extol the arrest of Abu Farraj al-Libbi by Pakistani authorities yesterday in Pakistan. The capture of the third-ranking operative in al Qaeda is a momentous and significant event in the war on terror.

The President said, "His arrest removes a dangerous enemy who was a direct threat to America and a critical victory in the war on terror."

Stephen Hadley, the national security adviser, said he was not only doing operations, but was also into finance and administration; and he calls it a "real accomplishment."

As I learned when I visited Pakistan last December, and let us be clear on this point, while Pakistani authorities are to be commended for the third-ranking member of al Qaeda, let us make sure that we know as Americans it was a cooperation with American forces and American intelligence personnel on the ground in Pakistan that made that possible. A joint effort with Pakistan is winning the war on terror.

ABUSE OF POWER

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, Tuesday morning I gave a constituent a lift to the airport in Seattle going to the airport on my daily commute to Washington, D.C. I asked him what his feelings were, if any, about what is happening in Washington, D.C.

He said he is bothered by what he perceives as the abuse of power that is going on here in Washington, D.C. I asked him what he meant by that. It was very interesting because sometimes we do not know if people are paying attention to what is happening here, but he itemized a list of things that he was concerned about.

He was concerned about trying to do away with this checks and balance system that we have in our Federal judicial system. He was concerned about the attack on the independence of our courts. He said he was concerned about the attack on one of the checks and balances we had in the U.S. Senate in the filibuster that was so successful in keeping a stable democracy.

And he said, and this really surprised me, he said he was concerned about the abuses going on in this Chamber in trying to change the ethical rules just to protect one Member. He basically said, something smells.

Mr. Speaker, he is right; and I urge my colleagues to stop this long train of abuses of power in Washington, D.C.

☐ 1015

MRS. FLORENCE TREPP

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I come to floor of the House of Representatives to congratulate my good friend and wonderful Nevadan, Mrs. Florence Trepp on her 80th birthday. This very special lady has dedicated much of her life to public service and various charitable causes, including working with abused children. Most notably, Florence has been an active supporter of the Parasol Community Foundation. A foundation founded by her son Warren in 1996, the Parasol Foundation is a unique organization promoting philanthropy, collaboration and volunteerism in the Lake Tahoe area. This foundation has been successful in ensuring that local charities with common or similar missions work together to improve their community and achieve their goals.

Florence Trepp's dedication to her community and to her family stands as a role model for all of us. So, Florence, from all of us who admire you, from all of us who love you, and from the United States Congress, happy birthday.

SHIRLEY QUEJA

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I rise today in tribute to Shirley Queja, a dear friend and undeniably one of the most dependable and dedicated individuals on Capitol Hill.

Shirley is retiring after 27 years of service to the Congress—first for Senator Spark Matsunaga, then for my husband, Bob Matsui, and finally for me during my first 2 months here in this Chamber.

Shirley possessed an uncommon dedication to her work, always prepared, and never leaving anything to chance. She was always poised, even under the most trying of circumstances. And as all of the members of the extended Matsui family can tell you, she just might have one of the biggest hearts in town.

To her loving and patient husband, Irv, and her beautiful and intelligent daughters, Clarissa and Cassie, thank you for sharing Shirley with our family. And, Shirley, please know that Brian, Amy, Anna, and I will always have a special place in our hearts for you.

I ask all my colleagues to join me in celebrating the career of this consummate professional and extraordinary person.

IN RECOGNITION OF JESSICA EGGIMANN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, with the continuity of a congressional session, there is a normal shuffling of staff positions. Today, it is with mixed emotions that I announce the departure of Jessica Eggimann.

For the past year and a half, Jess Eggimann has had one of the most difficult jobs on Capitol Hill—serving as a scheduler in my office. Due to her professionalism, dedication and strong work ethic, she has managed my hectic schedule with exceptional efficiency and patience, fulfilling the recommendation of Congressman JEFF MILLER, her hometown Member of Congress.

Although I am sad to see her leave, I am thrilled Jessica has been selected to work with the firm of Copeland, Lowery, Jacquez, Denton & White. Jessica is a person of high integrity and competence, and I am confident she will excel in her new position.

Jessica Eggimann is one of two daughters of Gail and the late Craig Eggimann of Pensacola, Florida. She is a credit to the people of South Carolina and Florida, and I wish her Godspeed.

In conclusion, God bless our troops and we will never forget September 11.

LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, a constant stream of headlines in recent weeks has opened the public's eye to the all too cozy relationship between lawmakers and professional lobbyists. Professional lobbyists have become a virtual "back office" for Congress, serving as travel agents, employment agencies and authors of legislation. We have had a debate on campaign finance reform that ultimately set the rules between donors and candidates. Now we need a similar debate and legislation on how to distance the People's House from the professional lobbyists on K Street.

The gentleman from Massachusetts (Mr. MEEHAN), the gentleman from Maryland (Mr. VAN HOLLEN) and I have drafted the Lobbying and Ethics Reform Act. Our bill creates a code of official conduct for congressmen; closes the revolving door by requiring former Members and staff to wait 2 years after they leave Congress before lobbying the institution; ends the practice of lobbyists serving as congressional travel agents by arranging lavish junkets for Members; and requires lobbyists to disclose their past connections, previous Hill employment and financial activities on a public database.

Mr. Speaker, when that gavel goes down, it should open the People's House, not the auction house for special interests. Only through lobbying reform can we restore the integrity of the Congress and regain the public's trust.

PRIMARY PREVENTION

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, we are all concerned about the high cost of health care. Americans can take action to reduce costs by taking better care of themselves, and the Federal Government should play a lead role in helping out.

For example, obesity-related diseases have annual costs of $100 billion. Yet 7 out of 10 adults are overweight and obesity rates among children have doubled in the last decade. Diseases associated with a lack of physical activity amounted to a yearly cost of $76 billion. The direct and indirect medical costs of smoking are $138 billion per year, and the costs of alcohol abuse are about $184 billion in one year.

Businesses that educate people about healthy lifestyles can reduce health care costs. Companies like Motorola, Caterpillar and Johnson & Johnson have saved $1 to $4 in benefits for every dollar spent on these programs.

The Federal Government should lead by example and leverage Federal resources to promote preventive health care solutions to educate the public on health risks and personal responsibility to prevent these avoidable conditions and health care costs.

Want to learn more? I encourage my colleagues to visit my Web site at murphy.house.gov to learn more about these issues.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, today Americans and individuals will observe the Mexican holiday of Cinco de Mayo with celebrations and festivities. But sadly, most Americans do not know what we are really celebrating. That is why I have introduced H. Con. Res. 44, which recognizes the historical significance of Cinco de Mayo.

Cinco de Mayo is the anniversary of the date in 1862 on which the Mexican army, outnumbered, defeated the French in the Battle of Puebla, because they believed in the values of freedom and liberty, the same values that we celebrate today in the United States.

Today, that same spirit is evident in Mexican-American culture, and we pay tribute to that great spirit on Cinco de Mayo. Latinos have fought in all of America's wars, beginning with the Revolutionary War. They have given their lives, the ultimate sacrifice, for the freedoms that we enjoy here today. Many Latinos are fighting and dying today in Iraq. The foundation of our

Nation was built by people from many nations and diverse cultures that were willing to fight and die for freedom.

We observe today Cinco de Mayo. Let us remember what it stands for and why many individuals have given their lives for this day.

ROBERT HUGHES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, Dunbar High School, Fort Worth, Texas, for the last almost half century, their men's basketball program has been guided by Coach Hughes. That is why I rise this morning to recognize the service and commitment of Robert Hughes of Fort Worth, Texas. Mr. Hughes, Coach Hughes, is our Nation's all-time winningest high school men's basketball coach and dedicated 47 years of service to coaching and educating students, helping them to succeed not only on the court, but also in life.

As Coach Hughes retires this year, we will no longer be measuring his wins on the court but the wins, the lives, he has helped create off the court. In taking time to teach his students, Coach Hughes chose not only to teach them about health and basketball, but about values and self-esteem as well. The loyalty with which Coach Hughes has served his students and Dunbar High is a testament to his passion for seeing every child succeed in life.

It is with great honor that I stand here today to recognize a man who has been a leader to so many throughout his lifetime. The legacy of Coach Hughes, on and off the court, shall serve as an inspiration to all those who wish to pursue their passion and make a difference in the lives of who they meet.

SOCIAL SECURITY

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of California. Mr. Speaker, last weekend, the President finished his 60 stops in 60 days tour. He traveled to a lot of places, but I wish he had come to my district because my district and my constituents would have told him, in no uncertain terms, that privatizing Social Security just does not cut it.

I have here over 3,000 petitions that were submitted to me by Rosalind Peterson and Becky Curry on behalf of the residents of three of my counties—Lake, Mendocino and Sonoma. They speak for people all along California's north coast who know that privatization will do three things: it will worsen the solvency of Social Security, it will lead to benefit cuts for everyone, and it will cause an explosion in our already record level national debt and our deficit.

My constituents know that Social Security is the most successful Federal program in our Nation's history. We need to strengthen Social Security to make sure it is solvent for future generations, but privatization is not the answer.

My constituents know that, and given the nationwide opposition to the President's privatization scheme, his constituents know it, also.

FIRST 100 DAYS OF CONGRESS: SUCCESSFUL

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, I rise today to share good news with the American people. We are beginning to see signs that the economy is clearly on the road to recovery. In fact, since May 2003, more than 3 million Americans went back to work. We have had 22 straight months of job growth. Last month alone, more than 110,000 Americans found jobs.

Clearly, the economy's growth is a direct result of the pro-growth agenda of the President and this Republican Congress. By holding the line on fiscal responsibility in the budget and passing pro-growth bills such as the death tax repeal and the bankruptcy bill, Republican Members continue to show their commitment to America's economy.

However, other steps must be taken to ensure our economy continues to grow. Today I urge my colleagues in the Senate to give Americans some relief at the pump by passing the energy bill, which would create 500,000 new jobs and begin the end to our dependence on foreign oil. It has programs that allow us to depend on our own resources, and that is the American way.

Over the past 100 days, House Republicans have demonstrated that we are dedicated to promoting policies that better the economy and help families out there who are counting on us. I hope that we can count on our friends in the Senate to follow our lead.

SUPPLEMENTAL APPROPRIATIONS FOR THE WAR IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush and the Republican leadership in the House are asking us today to vote again on a huge appropriations bill to fund the Iraq war without any oversight. I do not understand how we can be asked to vote on another huge appropriations bill to spend money in Iraq, and yet we do not have any oversight, any hearings to determine what the costs are and what the money is being spent on.

Yesterday I talked about how there have been renewed reports about how our soldiers are not properly protected. There is no exit strategy. What are the overall costs of this war? And what does it mean when we continue to go into deficit and do not have money to pay for domestic programs without having an exit strategy or even any defined strategy of what our goals are in Iraq?

As was mentioned earlier today by other speakers, we know that we went into Iraq for the wrong reasons. The weapons of mass destruction were never found, were never there. Yet no one within the Bush administration or within the Republican leadership basically tells us what the reason is, why we are remaining, how long we are going to be there or what the cost is going to be.

I do not think we should be voting on this bill today until we have answers to those questions.

FIRST 100 DAYS OF CONGRESS

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, in the first 100 days of Congress, my Republican colleagues and I have worked to make America safer. Since the tragic day of September 11 when our country suffered a painful blow to its heart, we have persevered to make sure every American feels secure and knows our freedom will always be protected.

We continue to take strides in the war on terror, here at home and abroad. Our country will not yield to our enemies who lack humanity and principle. As our selfless soldiers move forward and yield freedom and choice overseas, it is critical that they have the most up-to-date protective gear available. In the supplemental appropriations, we designated funding to do just that.

In the REAL ID Act, we implemented the 9/11 Commission's recommendations. By applying critical driver's license reforms and stringent border protection, we ensure that licenses cannot be used by terrorists as a gateway to travel documents, weapons or firearms.

Mr. Speaker, we live in a Nation, a great Nation of liberty. I am privileged as a new Member to vote for these important pieces of legislation protecting our homeland, and I look forward to what our majority will accomplish in the coming days.

THE SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today we have a very stark example of what is dysfunctional about the Republican's running of this House. We have done nothing about the livable wage that we all believe in. We have done nothing about providing health insurance for the people in this country. Forty-five million have nothing. We have done nothing about the housing prices and problems in this country. We have done nothing about cleaning up the environment. In fact, we continue to be addicted to oil and all we do is pass a bill that gives more money to oil and to coal.

Now, we are not dealing with the problems of the American people. Instead today what we are doing is continuing to pursue the Bush war of folly in Iraq. He has spent $200 billion of our money so far. He says, "Please give me another 80. I don't know what I'm going to do with it, but I'm going to keep spending it over there."

☐ 1030

The electricity is not up in Iraq. The sewer system is not in up in Iraq. The telephone system is not up in Iraq. He cannot fix it there or here.

This is a bad bill, and it ought to be voted against.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1268) making Emergency Supplement Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. The chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 748.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Wednesday the Committee on Rules met and reported a rule for consideration of the conference report on H.R. 1268, the Emergency Supplemental Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005. The rule waives all points of order against the conference report and provides that the report shall be considered as read. Additionally, it authorizes the chairman of the House Committee on the Judiciary to file a supplemental report to accompany H.R. 748.

Mr. Speaker, H.R. 1268, the emergency supplemental appropriation, is intended to fully fund our forces overseas and at home. It helps to ensure the full funding of the important accounts which have been depleted during our global war on terror and our effort to assist the Iraqi and Afghan people in their efforts to establish functioning democracies in their countries.

Additionally, the bill includes important funding for Afghan reconstruction and counter-terrorism assistance, counternarcotics efforts, international food aid, and relief to address the terrible tragedies resulting from the massive tsunami that struck the Southwest Pacific and Indian Oceans in December of 2004.

Mr. Speaker, additionally, this rule provides important increases in coverage for the servicemembers' group life insurance and increases coverage for individual soldiers from $250,000 to $400,000. It also increases the one-time death benefit from $12,000 to $100,000. While neither of these benefits can ever replace the lives of brave American service personnel lost in action, they can assist their families through the hard times they will face while recovering from the loss of their loved ones.

Mr. Speaker, House Resolution 258 allows us to fully debate the important issues surrounding the war on terror. Just yesterday we saw on the front page of The Washington Post a graphic photograph that captured the terrible effects of the war on an innocent victim and the courage and compassion of the American soldiers who are engaged in the battle. We should keep this image in mind as we commence the debate on the conference report today. More than any words I could ever utter, that picture illustrates the nobility of our effort, the valor and decency of our soldiers, and the evil and fanaticism of our enemies.

Many may wish to raise policy issues in this debate. That is certainly appropriate. Others may want to discuss issues that, however important, are superfluous to the war on terrorism. Mr. Speaker, I believe in this discussion we should focus our remarks on what truly counts. We have committed 170,000 of our servicemen and -women to fight terrorism and advance the cause of freedom in Iraq and Afghanistan. We owe them our full support in the battles they wage on behalf of the American people and the cause of liberty. This rule and the underlying bill represent the efforts of Congress to keep that solemn commitment to the sons and daughters of America.

Mr. Speaker, to that end I urge support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes.

Mr. Speaker, I think we can all agree that supporting our young men and women in uniform is a priority for each and every Member of this House. Whether we are Democrats or Republicans, whether we have agreed with the Bush administration's reasons for going to war in Iraq or opposed them, we all want the United States to be successful in the Middle East.

We may disagree on how we overcome the challenges that lay before us, just as our Founding Fathers hoped and expected we would. But all of us here are patriots, and all of us come to the table with our best intentions in mind.

Our troops in uniform throughout Afghanistan and Iraq have consistently performed their duty with courage and great integrity. It is incumbent upon us here in the people's House to honor those sacrifices in the only real way we can, by providing leadership for this Nation that is as principled and as courageous as each of our fallen soldiers.

We have a responsibility to live up to their example and have the courage to perform our duty with integrity. We must insist on accountability and honesty in this government, and we, too, must always be accountable and honest.

But I fear that in this body, in this Congress, we have not risen to that challenge. Yesterday, while walking through the Senate halls, I saw a picture of Senator Harry Truman conducting a meeting of the Truman Commission, and under that picture there is a statement that says that the Truman Commission saved the taxpayers of the country millions of dollars during the Second World War by ferreting out waste and corruption in the American war effort. And let me remind my colleagues that Senator Truman was investigating his own administration.

The commission's purpose was to maximize every dollar we had to spend. to ferret out corruption and mismanagement, and to infuse a sense of accountability into the American war machine. By all accounts they were successful in their noble endeavor. Their good work saved many American lives by ensuring that our tax dollars were spent on where they needed to be spent, on winning the war. One more helmet, one more bullet, one more tank, it made the difference.

And yet we in this Congress do not have the courage to insist on the same level of accountability today that our forefathers saw fit to employ over 60 years ago.

When this same supplemental was brought before the House earlier this year, the gentleman from Massachusetts (Mr. TIERNEY) offered an amendment that would have established a select committee to follow up on a very disturbing report which had been released from the Inspector General's office. The report indicated that $9 billion of money spent on Iraqi reconstruction was unaccounted for. And for those who are counting out there, that is 9,000 million dollars. We heard reports of payroll checks covering employees who did not exist and firms being compensated for providing security for flights that never took off. We even heard a report that a Pentagon contract for the development of bulletproof armor was given to a former army researcher who never delivered a single piece of armor.

These types of incidents squander precious resources, waste time we do not have, and, worse, they place our American soldiers' lives at risk. But the majority in the House defeated our attempts to bring a measure of accountability into the process. And today, 9 months later, that $9 billion is still missing and none of those incidents I have just mentioned have been investigated, none of them.

And still today we have no Truman Commission of our own to speak of and no language in this conference report that will create one. The question I have for my colleagues today is, why not? Surely the leadership of the House understands that missing $9 billion of taxpayer money could benefit our troops had we the sense to go and look for it. And without any oversight commission to investigate and prevent the issues of taxpayer dollars by the Pentagon or some unscrupulous government contractors, how can we be sure that the $82 billion check we are cutting today on behalf of the American taxpayers will actually reach its destination or be used to protect our troops in the line of fire? After all, it is our young men and women in uniform who pay the price for the inability of this body to enforce any standard of accountability.

But this is not the only failure of accountability we see here today. All one had to do was open a newspaper this morning and read that Dr. Ahmed Chalabi, who was honored by sitting there with the first lady in the State of the Union Address, has been named the deputy prime minister of the country and the acting oil minister in the provisional government in Iraq. Do I have to remind this House that just months ago Dr. Chalabi was under intense scrutiny for feeding the U.S. Government bad intelligence, which ultimately led us to invade Iraq? Do I have to remind my colleagues that just months ago Dr. Chalabi was suspected of passing U.S. intelligence to the Iranian Government? Can anyone possibly explain how this man has been allowed to accept such a high-ranking position in the Iraqi provisional government?

We know what should be in the bill: language to create a modern version of the Truman Commission so we can ensure that men like Chalabi do not undermine the war and reconstruction effort, place American soldiers at risk, and rob American taxpayers blind as we continue to pump more and more money into Iraq.

But now I want to touch on what should not be in the bill. The majority believes in instituting a national identification card program for the country, which is in the legislation. Creating a national identification card is serious business and could have profound implications for all Americans. It should be debated on the floor openly with opportunity for ample discussion and amendment. Instead, the leadership has shoved this extreme measure down our throats as part of the supplemental, knowing full well that many Members would never support the measure in its current form but will be forced to vote for it because we want to support our troops. That is not accountability; that is arrogance.

How dare they hide behind our men and women in uniform as the brave souls risk their lives every day to protect us from danger. How could the leadership of this body use them to protect themselves and their agenda from debate, from democracy, and accountability? This is just the latest example of misuse of power.

Members should be aware that the rule contains a section that authorizes the Committee on the Judiciary to file a supplemental report on H.R. 748, the Child Interstate Abortion Notification Act. Members may recall that during the markup of H.R. 748 in Committee on the Judiciary last month, five defeated Democrat amendments were included in the committee report with descriptions that blatantly and grossly mischaracterized the amendments. While the rule will provide for a supplemental report to be filed, it does not require or direct the chairman of the Committee on the Judiciary to apologize to the authors of the amendments, nor are we sure that it will never happen again.

So just as the leadership concedes the issue and recognizes action must be taken, they are still not accepting the responsibility. I am sure we are supposed to be grateful for this small token, but it would mean much more if those responsible for maligning our colleagues here in the House would accept the responsibility for their actions and fix the report.

I am going to support the conference report because I am supportive of my troops abroad, but it has to be noted that our brave men and women are being used as a tool to cover for the underhanded attempt to institute a national ID card, but also for last week's misguided use of power that maligned several of our colleagues. At the same time, they have failed to infuse the much-needed accountability into the process. This is not the principled leadership we owe the men and women the bill is supposed to protect. This is not courageous. We can do better. We owe our fighting men and women at least that much.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

For the purpose of clarification, I want to quickly address the matter involving the supplemental report on H.R. 748, the Child Interstate Abortion Notification Act. The purpose of this supplemental report is to change the description of certain amendments considered during the committee markup and process. It is my understanding that the chairman of the Committee on the Judiciary has already prepared the supplemental report and shared its contents with the committee's ranking minority member.

I further understand that the chairman of the Committee on the Judiciary is prepared to file a supplemental report immediately after the adoption of this resolution and also to place it in the CONGRESSIONAL RECORD. This supplemental report will be part of the official legislative history of the bill and will amend the descriptions contained in the original report.

This supplemental report responds directly to the questions of privilege raised by the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. NADLER), both of which call for the chairman of the Committee on the Judiciary "to report to the House a supplement to House Report 109-51 that corrects the record by describing the five amendments with nonargumentative, objective captions." The text of the proposed supplemental report also includes additional dissenting views from the committee's ranking minority describing his disagreements with the interpretation of the amendments by the majority.

☐ 1045

The filing of the supplemental report represents the regular order for correcting problems in earlier committee reports filed with the House.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, since September 11 of 2001, we have been a Nation at war. We are engaged in a worldwide war on terror, a battle against the forces of terror, terrorists who hate our freedoms, who hate democracy.

But the fact of the matter is that the forces of freedom are winning. We have liberated Afghanistan and brought democracy to that Nation for the first time in its history. Afghanistan has gone from a haven for terrorists to an ally in the War on Terror.

We have liberated Iraq. In January, we saw the dramatic results when the people of Iraq defied the terrorists and went to the polls to elect a new government. We saw another major step with the formation of a new democratic government in Iraq just the other day, and we have seen democratic movements break out in Lebanon. We have seen the Libyan government renounce terror and weapons of mass destruction, and we have seen the leaders of al Qaeda rounded up, including just yesterday, when the number three terrorist in that organization was captured in Pakistan.

Yes, war is difficult, but as we have found throughout our Nation's history, freedom is not free.

That is why we in Congress must take this step today and approve the emergency wartime supplemental. We have a responsibility to ensure that our men and women in uniform have the tools that they need to take the fight to the enemy, and we have an obligation to the families of those brave men and women who have made the ultimate sacrifice in the name of freedom and security to ensure that they are cared for.

We have an obligation to the newly democratic allies that we have to ensure that they will survive and not revert to repression and to terror.

We have a responsibility to keep the heat on the terrorists. They can run and they can hide, but not forever.

For those who say that we are spending too much on this war, I would ask what price do you put on freedom and on security?

I urge my colleagues to support the rule and this measure. We owe our troops, our allies, and the American people no less.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I expect this conference report to pass overwhelmingly. I am troubled, however, that the conferees failed to include the provision sponsored by Senator BYRD urging Congress to fund operations in Iraq and Afghanistan through the normal budget process.

Our efforts in Iraq and Afghanistan are no longer unforeseen expenses: they are known, and they are anticipated. They should be in this budget. This bill is nearly $82 billion, bringing the total amount the President has received off-budget for Iraq and Afghanistan to nearly $300 billion in just 2 years.

We cannot keep digging ourselves into this deficit hole. Unless our policy changes, and I hope it does, these operations are going to be long-term. And even though no one at the White House or the Pentagon is willing to admit it, everyone in this House knows it. We have to get this spending back into the regular budget process so that it is paid for and does not bankrupt the Federal budget for decades to come. We should be paying these costs like grownups, not passing them on to our children and our grandchildren.

Mr. Speaker, I am relieved that the conferees reinstated the President's ability to waive the restrictions on the economic aid for Palestine. I recently traveled to Israel and the Palestinian territory with our distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI). It became clear to me that what we need out of any agreement is not just a separate state for the Palestinians, but an economically viable State, where Palestinians can make a decent living, feed their kids, and live with dignity.

The House bill would have made it all but impossible for the U.S. to help create that kind of confidence in the future. At least now the President has some flexibility to show that the U.S. is willing to invest in a secure and dignified future for Palestinians and Israelis alike.

Finally, Mr. Speaker, I cannot support this supplemental, because I cannot support any more money for the policy in Iraq. Over 138,000 troops are serving in Iraq, and I was there over the recess and had the privilege of meeting some of them. These men and women are in Iraq because of lies, because of deceit, and half-truths, and they deserve better than more of the same.

I cannot support ever-increasing funding for the war in Iraq without a clear understanding from this administration about when and how it will bring our own troops home. I am tired of the spin, I am tired of the lack of accountability, and I am tired of the lack of candor. I believe the time to stand up and call for that kind of clarity is now.

Every Member of Congress, liberal or conservative, Democrat or Republican, loves this country, supports our troops, and is doing everything possible to help military families make it through difficult times. This is not in question.

Our policy in Iraq, Mr. Speaker, is what is in question, and I, for one, simply cannot support it.

Mr. Speaker, I expect this conference report to pass overwhelmingly, but there are a number of issues in this bill that I find troubling.

First, I am troubled that the conferees failed to include the provision sponsored by Senator BYRD urging Congress to fund our military, security and reconstruction operations in Iraq and Afghanistan through the normal budget process.

Our efforts in Iraq and Afghanistan are no longer unforeseen expenses; they are known and anticipated. They should be in the budget. This bill is nearly $12 billion, bringing the total amount the President has received off-budget from the Congress for Iraq and Afghanistan to nearly $300 billion in just two years.

Mr. Speaker, we can't keep digging ourselves into this deficit hole. Unless our policy changes—and I hope it does—these operations are going to be long term. And even though no one at the White House or the Pentagon is willing to admit it, everyone in this House knows it. We have to get this spending back into the regular budget process, back into the regular authorization and appropriations process, so that it is paid for and doesn't bankrupt the federal budget for decades to come.

We should be paying these costs like grown-ups—not passing them on to our children and grandchildren.

Second, I commend the conferees for providing funding to meet critical shortfalls in basic equipment for our troops in Afghanistan and Iraq, especially for the Army, the Marines, and our National Guard and Reservists. I just hope this time the funding works and the shortfalls are met. This is not the first time the Congress has specifically provided funding above and beyond the President's request for body armor, up-armored Humvees, trucks, radios, and the like. But somehow, this equipment never gets to the men and women whose lives are on the line. So I thank the conferees for their work on this matter, and I just hope this time the equipment gets to where it's needed most.

Third, I strongly support the increased life insurance and death benefit payments for our troops, including our Guard and Reservists. But, Mr. Speaker, we could have done this over a year ago when my colleague from Arizona, Mr. RENZI, and I succeeded in doubling the death gratuity and restoring its tax exempt status. We would have done more, but we were told at that time, in no uncertain terms by the Pentagon, that increasing the benefit to $100,000 was unacceptable. So I am pleased to see this matter satisfactorily resolved.

Fourth, I am very disappointed that the conferees failed to include in the final conference report the Senate-approved amendment offered by Senator DURBIN to close the pay-gap for Federal employees who are National Guard and Reserve members and are now serving in Iraq and Afghanistan. Representatives LANTOS, GRAVES, SHAYS and I have introduced H.R. 838, the HOPE at HOME Act, which would help close the pay gap for all activated and deployed Guard and Reservists, including those who work for the Federal government. Senator DURBIN's provision focused solely on Federal employees, which is the largest employer of National Guard and Reservists, and cost only $170 million over 5 years. Right, the Federal government praises those private sector employers that by their own choice do the right thing and make up the difference between a Guard or Reservist's civilian pay and their military pay. Rather than just praising others, I believe the Federal government should be a leader in closing the paygap, and I am angry that once again the Congress failed to take positive action on this matter.

Fifth, I am pleased that the conferees reinstated the president's ability to waive the restriction on the economic aid for Palestine. I recently had the privilege of traveling to Israel and the Palestinian territories with our distinguished Democratic Leader, Congresswoman PELOSI. It became clear to me that one of the most important things we need out of any peace agreement is not a separate state for the Palestinians, but an economically viable state. We need a Palestinian state where people can make a decent living, feed and care for their children, and live with dignity.

The House-passed bill would have made it all but impossible for the U.S. to help create that kind of confidence in the future. While the restrictions remain, at least now the president has the same flexibility to show that the United States is willing to invest in a secure and dignified future for Palestinians and Israelis alike.

And sixth, I strongly support the funding provided in this supplemental for the tsunami disaster relief and reconstruction, the international peacekeeping missions in Haiti and Darfur, Sudan, and for international food aid programs.

Finally, Mr. Speaker, I cannot support this supplemental for two major reasons. The first is that it still contains the Real ID Act. The conferees did not increase the funding levels for border security, as they were instructed to do under the House-passed motion to instruct. Instead, the conferees have chosen to impose these highly restrictive, punitive measures that will burden our states and, I believe, fail to have any meaningful effect on stemming illegal immigration, but will do great harm to those immigrants fleeing persecution, regardless of how they come to our shores seeking protection.

But most importantly, I cannot support this supplemental because I cannot support any more money for the policy in Iraq. Over 138,000 American troops currently serve in Iraq. I had the privilege of meeting some of them when I was in Iraq during the Easter recess.

These men and women are in Iraq because of lies, deceit and half-truths. They deserve better than just more of the same.

I can no longer support ever-increasing funding for the war in Iraq without a clear understanding from this Administration about when and how it will bring our own troops home. I am tired of the spin. I am tired of the lack of accountability. I am tired of the lack of candor. I believe the time to stand up and call for that kind of clarity is now. For others of my colleagues, that time may come 2 years from now, or 4 years from now, or 6 years from now, or maybe never—but for me, the time is now.

Every Member of Congress, liberal or conservative, Democrat or Republican, loves this country, supports our troops, and is trying to do everything possible to help military families make it through this difficult time. This is not in question.

Our policy in Iraq, Mr. Speaker, is what is in question. And I, for one, can simply not support it.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the emergency war supplemental, and I commend in particular the new chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), and all the members of his committee, for masterful and disciplined work on this important legislation.

Mr. Speaker, last year I traveled to Iraq and Afghanistan to meet with troops and local leaders. I witnessed firsthand the challenges and opportunities they face, and I can tell my colleagues with conviction that heroes and a future of freedom are being forged every day in Iraq and Afghanistan. And while much work remains, I am more confident than ever in the justice and the ultimate success of our cause.

And, Mr. Speaker, I remain confident that we here in Congress must do our duty, demonstrating the idealism and the perseverance of the American people, stand with the men and women serving in our Armed Forces, and speed the passage of this emergency supplemental bill without rancor or without delay.

The men and women who liberated Iraq and Afghanistan deserve our very best. They deserve the resources they need to get the job done and come home safe.

It was just this morning I received an e-mail from Dawn Heister, the courageous widow of Master Sergeant Mike Heister, who fell in Afghanistan along with four other Hoosiers just the day before Easter. The courage in her e-mail inspired and moved my wife and I to such an extent that I rise today and dedicate my humble efforts and my vote today in favor of this emergency war supplemental in the memory of Master Sergeant Mike Heister and his brave wife.

But just like our troops, the American people deserve the very best protection, and the gentleman from California (Chairman LEWIS) and the members of his committee, have succeeded in adding $635 million in budgetary resources for increased border security and enforcement, and this also is a critical advance in the war on terror. The money, just like what we will invest in Iraq and Afghanistan, will help hire, train, and equip and support an additional complement of over 500 Border Patrol agents and relieve current facility overcrowding.

We also will provide resources for training. It will provide the Department of Homeland Security with additional resources to train and hire criminal investigators and immigration enforcement agents, recognizing that the 9/11 Commission concluded that for the terrorists, travel documents are every bit as powerful and important as weapons. This legislation will require all States to prove lawful presence in the United States if their driver's licenses are to be accepted as a form of identification as a travel document to a Federal official, including Federal officials working at airports for the Transportation Security Administration.

So I say, we are doing our part to provide for the common defense. We are standing with our soldiers abroad as they fight on the front lines of the war on terror. But this legislation also importantly and urgently speeds additional resources to the fight here at home, with its increased complement of support for border security and travel security.

I applaud, again, the gentleman from California (Chairman LEWIS) and the House Committee on Appropriations for their disciplined and principled manner of approaching this legislation. I urge my colleagues to affirm their leadership with a yea vote, and I urge the passage of the emergency war supplemental.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me this time. Let me simply say that I intend to support this legislation when we actually get to it, but that does not mean I am happy with the contents of it.

There are clearly more than seven or eight items, major items that I find very problematic. But what I want to do at this time is to alert the House to the contents of the motion that we would make on the rule if the previous question is not adopted.

If the previous question is not adopted, we would be offering a request to establish a select committee such as the Truman Committee back in World War II to investigate and study the awarding and carrying out of government contracts to conduct activities in Afghanistan and Iraq. I would simply point out, all one has to do is to read the newspapers daily to understand how badly this is needed.

The Washington Post this morning has the most recent story: "Audit of Iraq Spending Spurs Criminal Probe," and then it talks about opening a criminal inquiry into millions of dollars missing in Iraq after auditors have uncovered indications of fraud and nearly $100 million in reconstruction spending that could not be properly accounted for. The article goes on to say, the audit of U.S. funds found that the contract files were "unavailable, incomplete, inconsistent and unreliable." Other than that, they were terrific. And the article points out that as a result, auditors have said the U.S. Government may have trouble making a case against contractors who overbill or do not do what they are supposed to do.

Now, we have been virtually begging on bended knee to get this Congress to establish a committee with teeth to look into this problem. We met with no success. I would point out that stands in stark contrast to what happened in 1941 when then Senator Harry Truman became aware of similar stories, and he saw to it that a committee was created in the Congress to investigate that situation. That committee held 432 public hearings and 300 executive sessions and issued 51 reports and saved the taxpayers a load of money.

I would also point out, that was a case where a democratic Congress was investigating a democratic administration, and no great harm was done to the republic in the process. A lot of good was done.

So I just want to urge Members to vote against the rule because, in my mind, this Congress is derelict in its duty and, in my mind, any Member of Congress who refuses to recognize how the taxpayers' dollars are being siphoned off every day by these operations, by these sloppy operations in Iraq, they are contributing to the fact that the taxpayers are being fleeced. They may not be wanting to do that, but that is the practical effect of their actions.

So I would suggest, Mr. Speaker, sooner or later, we are going to have this committee, because we are going to be stuck in Iraq for another 5 years, and we are going to see stories like this headline every week. It is about time we got around to setting up a cleanup brigade to deal with the problem before we are all acutely embarrassed by it.

So with that, Mr. Speaker, I simply want to say that while I would urge support for the underlying bill, I would urge that the rule not be supported until we have had an opportunity for this House to meet its oversight responsibilities. We ought to be acting like a watchdog in this case. Instead, we are acting like puppy dogs. That is not going to help the taxpayer very much.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of not only this rule, but the conference report as well. I want to congratulate my colleagues, the gentleman from Oklahoma (Mr. COLE), and I know we are going to be hearing from the gentleman from Georgia (Mr. GINGREY) in just a few minutes some very thoughtful remarks.

But I want to begin by saying that this is the first supplemental appropriations bill that our very good friend, the gentleman from California (Mr. LEWIS) has brought to the House floor. And I take my hat off to him, as I know both Democrats and Republicans will, for the phenomenal job that he is doing as the new chairman of the Committee on Appropriations.

This bill is one which encompasses, as we all know, the very important aspect of ensuring that our men and women in uniform, as we are in the midst of the war on terror, including Iraq, have what they need. It also is focused on ensuring that we provide some relief to those who were hit so badly by the tsunami that took place at the end of last year. This also is, Mr. Speaker, a very great testament to the commitment that was made by the gentleman from Illinois (Speaker HASTERT) last fall.

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I had the privilege of serving with a number of our colleagues as a conferee on the intelligence reform package, the implementation of the recommendations from the 9/11 Commission.

And we know that border security is a very important aspect of that. Those of us who were House conferees on the Republican side pushed very hard to make sure that we could deal with the driver's license issue, the asylum issue, and the effort to close the 3½-mile gap in the border fence which has been discussed here many, many times.

We had an amendment that was offered by our then former colleague, the gentleman from California (Mr. Ose), to complete that 3½-mile gap. We worked very hard to ensure that when it came to the issues of driver's licenses, that we did not impose a mandate on the States. We simply said to the States, as is included in this measure, that if a State chooses to give driver's licenses to people who are here illegally, then those driver's licenses cannot be used for any Federal purpose: getting on board an aircraft, going into a Federal courthouse, applying for any Federal program.

So States are still free to do whatever they would like: but this provision is addressed, I think, very adequately, focusing on our security. Well, these issues that we discussed and tried to include in the 9/11 Conference last fall unfortunately were not able to be included because our colleagues in the other body chose to resist. And we had a commitment from Speaker HASTERT that the first must-pass piece of legislation would include the very important border security items which are so important for us.

And I am happy to say that Speaker HASTERT and Chairman LEWIS have included these provisions. I also wanted to compliment President Bush who has strongly supported the effort to include the Real ID Act in this measure. This is a very important first step towards dealing with the issue of border security. I am pleased, we are planning next week to hold hearings on H.R. 98, our goal of putting into place a counterfeit-proof social security card, so that we can also play a role in diminishing that magnet which draws people illegally across the border; and in so doing, we can allow the Border Patrol to focus their attention on the potential terrorist threat coming across our borders and other criminals.

And so we have got very important things that we are doing. No one knows whether this is a panacea. It is still a problem with which we have to contend, but the measures that are included in this supplemental appropriations bill are critical to dealing with that challenge that we face.

I thank my friends for their hard work on this. I generally congratulate the gentleman from California (Mr. LEWIS) and all who have been involved on both sides of the aisle in implementation of this important measure.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish I could give my full congratulations. I appreciate the leadership of our members of the Appropriations Committee; but might I say, Mr. Speaker, that there are a lot of Achilles heels in this particular legislation.

I will quickly say that my good friend, the gentleman from California (Mr. DREIER), talks about security. And, frankly, this bill and the President's mark and budget cuts border security in half, cuts the ICE officers in half. So, really, there is no border security in this bill.

And then they try to patchwork immigration. Today I am going to introduce the Save America Comprehensive Immigration Act that really confronts the question that Americans are concerned about, getting in front of the immigration concern and not behind it.

The Real ID bill takes away Americans' rights, denies asylees the opportunity to come into this country where for years we have brought those that have been mutilated and raped. It is not a bill that confronts the values of America.

And then, of course, it is a back-door way to correct the abuse that was rendered in the Committee on the Judiciary characterizing Members' amendments that dealt with protecting children and providing rights to clergy and grandparents as having to do with a criminal act. There is no response to that, other than a back-door opportunity to clarify the Record.

Where is the apology? Why were these amendments mischaracterized in the first place? Particularly since the same amendments, dealing with clergy, dealing with taxicab drivers, dealing with grandparents and aunts and uncles, providing teenagers that opportunity to consult with them, were also in 2002, and never characterized as wrongly as they were characterized now.

This is a wool-over-your-eyes. Unfortunately, the tragedy in Iraq continues to grow, now almost 160 people killed in the last 4 days. When is the administration going to speak to the issue of a solution in Iraq. This bill does not answer the question.

Certainly we support our troops. We wish for them the best. These moneys are necessary, but they are clouded with a lot of baggage that does not help the American troops. This is a "no" on the rule, and this certainly is worthy of consideration of this appropriation that does not answer the concerns of Americans. While our soldiers are fighting, Rome is burning. This is a bad bill, and it is a bad rule.

Mr. Speaker, I rise to oppose the Rule in H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, The Global War on Terror, and Tsunami Relief for 2005 purports to do and I thank the Chairman of the Committee on the Judiciary for what Section 2 of the rule proposes to do. For Representative NADLER, Representative SCOTT, Ranking Member CONYERS, and me, Section 2 of this rule represents an effort to appease aggrieved Members of Congress. The cure is not complete, and I plan to offer a point of personal privilege to highlight this unfortunate action by the majority next week.

SECTION 2 OF H. RES. 258

Section 2 of the rule provides that "The Chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 748." While I thank the Gentleman from Wisconsin for his effort, unfortunately, this language is neither hortatory nor fully protective of the privileges offered by House Report 109–51.

PREVIOUS QUESTION ON RULE H. RES. 258

Mr. Speaker, we must include in the underlying conference report a concurrent resolution adding the Tierney-Leach accountability amendment.

The Tierney-Leach accountability amendment would create a Select Congressional Committee—based on the Truman Committee that existed from 1941 to 1948 during World War II—to investigate and study the awarding and carrying out of Government contracts to conduct military and reconstruction activities in Iraq and Afghanistan.

We must look to our history, Mr. Speaker, and look to the Truman Select Committee as a precedent for a select committee to investigate government contracting during wartime. In 1941, with the United States engaged in a major military build-up as part of World War II, Senator Harry Truman (D–MO) became aware of widespread stories of contractor mismanagement in military contracts. Senator Truman rightly called upon Congress to create a select committee to study and investigate contracting, which Congress did on March 1, 1941. From its creation in 1941 until it expired in 1948, the Truman Committee held 432 public hearings and 300 executive sessions, went on hundreds of fact-finding missions, and issued 51 reports. Throughout, the Truman Committee earned high marks for its thoroughness and efficiency and ensured that taxpayer dollars were being well-spent.

There is ample evidence of the necessity of a modern-day Truman Committee. Since 2003, numerous questions have arisen about U.S. government contracting in Iraq. From the start of our involvement in Iraq, questions have arisen about how contracts have been awarded, the size of those contracts, the quality of contractor work, and the use of taxpayers dollars.

Since 2003, there have been many examples of the misuse of American taxpayer dollars in Iraqi contracting. Nearly $9 billion of money spent on Iraqi reconstruction is unaccounted for because of inefficiencies and bad management, according to the Special Inspector General for the Iraqi Reconstruction. In one case, the Inspector General raised the possibility that thousands of "ghost employees" were on an unnamed ministry's payroll. Furthermore, a government contractor defrauded the Coalition Provisional Authority of tens of millions of dollars in Iraq reconstruction funds and little is being done to try to recover the money, according to the reports of whistleblowers. For example, the firm was paid $15 million to provide security for civilian flights into Baghdad even though no planes flew during the term of the contract.

Ensuring vigilant oversight of taxpayer dollars should not be a partisan issue. Vigilant congressional oversight of large sums during wartime should not be a partisan issue. The Truman Committee was created at a time when Democrats controlled the White House, the House and the Senate. A Democratic Congress was demanding careful oversight of a Democratic Administration. Democrats are pleased that this select committee is being cosponsored by a Democrat and a Republican—Rep. TIERNEY and Rep. LEACH.

We owe it to American taxpayers to oversee how taxpayer dollars are being spent. Billions are being spent in Iraq and Afghanistan. Indeed, according to CRS, this $81.3 billion supplemental appropriations bill being considered by the House is in addition to the $201 billion that the Department of Defense has received, since the 9/11 attacks, for soldiers deployed or supporting operations in Iraq and Afghanistan. What is in question is how taxpayer dollars are being spent, whether taxpayers are getting their money's worth, and whether the high-quality equipment and services that warfighters deserve and require are being delivered. A new Truman Committee would allow us to get the facts on U.S. contracting in both military and reconstruction activities and to fix whatever problems exist.

Mr. Speaker, for these reasons, I oppose the rule.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, today I rise in support of the rule for the emergency supplemental appropriations act and the underlying bill.

In addition to the needed funds to sustain military operations and reconstruction efforts in the Middle East, this legislation contains two key provisions that I would like to highlight. The first is language that ensures that funds in the bill will not be used to cancel the multiyear contract for C–130J procurement.

Currently more than half the fleet of combat-ready C–130s is over 30 years old. Although their longevity is clearly a testament to the value of these critical aircraft, we should be very concerned that the C–130E and H models continue to age at alarming rates, putting our tactical airlift capability at risk in the near term.

In fact, several weeks ago, the Air Force announced that they are grounding much of the C–130E models because of severe fatigue in their wings, including a dozen that have been flying missions in and out of Iraq and Afghanistan.

Mr. Speaker, some of these planes were used in Vietnam, and we are literally flying their wings off in the Middle East. The Air Force has long anticipated the aging of the older models, which only makes it more remarkable that the multiyear contract to replace these planes has been carved out of the 2006 budget.

Mr. Speaker, because of the growing problem that the Air Force faces in its tactical airlift program, I support the C–130J language, and I would like to express my sincere thanks to the appropriations chairman, the gentleman from California (Mr. LEWIS), and the conferees for retaining this language.

Mr. Speaker, I would also like to thank the conferees for protecting the Real ID provisions of H.R. 1268. As our Rules Committee chairman, the gentleman from California (Mr. DREIER), just mentioned, this would establish and rapidly implement voluntarily regulations for State driver's licenses and identification document security standards.

It would increase the burden of proof of claiming asylum. It would synchronize terrorism-related grounds for inadmissibility and removal, and also facilitate the completion of the San Diego border fence.

These provisions were recommended by the 9/11 Commission, bipartisan, 10 members; and they are important for securing our borders from illegal entry and possible terrorist activity. Our immigration laws are in need of reform, and I believe these provisions are a positive step in the right direction.

So I urge my colleagues to support the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker. I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker. I am sad that a bill that the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) worked so hard on, which contains $82 billion. would still be more an example of how not to do business.

First of all. it is a testimony to the lack of planning on behalf of this administration for conducting the war in Iraq. They still could not give us. after 3 years of planning and activity. could not give a reasonable number in advance, to be able to budget properly. instead of putting together a supplemental effort.

It continues to give, in my judgment. too much money to the wrong people to do the wrong things. And we have been slow to, despite the attention of this Congress, the lavish amount of money and expressions of concern by individual Members to protect our troops. we have still been slow to meet their needs on simple things like armoring their vehicles.

But one of the worst things for me in this supplemental is that we have grafted onto it the Real ID Act. This element that we debated here contains what I think is the worst single example of legislative precedent in the 10 years that I have been here. where in order to deal with a 3½ mile gap in constructing a fence. For 10 years Congress and the administration has been willing to provide waivers for specific problems. where two administrations have been circling it. where rather than deal with the specifics and solve the problem, this legislation incorporates section 102 which waives all rules and regulations along not just this 3½ mile gap, but along the entire 7.514 border with Canada and with Mexico.

It is not just an environmental problem. It waives all rules. all regulations. all Federal standards for an indeterminate width along 7,500 miles, and vests it in the hands of the Homeland Security Department., hardly a paragon of efficiency and sensitivity.

Mr. Speaker, I would strongly urge my colleagues to take a hard look at this. You do not want to establish a precedent like this in Federal legislation.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. GOHMERT). my good friend.

Mr. GOHMERT. Mr. Speaker, this supplemental bill is a good bill. I was privileged to go with my good friend, the gentleman from Oklahoma (Mr. COLE). to Iraq. We visited with the troops. And some of the troops indicated that they got the satellite transmissions, some of the news. They had heard some of our friends on the other side of the aisle saying they were wasting their lives. They had heard some of newscasters saying that they were wasting lives.

But they said after the election they knew why they were there: they were setting a historical precedent in the cradle of civilization. They were doing good and they knew it, and they know it today. And we owe it to our troops to make sure that they have everything they need to make Iraq. or give them the opportunity to create that democracy.

In talking to Sunnis, the Sunnis were upset with their leadership that told them not to vote. They said, please. if you would just stand behind the Iraqi police and armed services to make sure we get one more chance to vote. One former general under Saddam Hussein said. if you will do that. I believe you will see 95 percent of the violence in Iraq go away.

Folks, this is historic, what we have undertaken: and it does not just help Iraq. It deals with terrorism around the world. It sends that message. It has already sent shivers throughout the Middle East. and it has helped us right here in America. That is why we are doing it. So we need to support that.

Also, I want to address one other thing that has been brought up. I have heard people on television. I have heard colleagues across the aisle, some folks I have great respect for, indicating that there is nothing in the Real ID bill that would have changed anything on 9/11.

And I have respect for some of these people that I have heard say that. and I wish that they would read the bill instead of just relying on talking points or something from the leadership. Because, if you look, under evidence of lawful status, which is required in order to have a driver's license that will be an acceptable form of identification to get on an airplane. it says. you cannot use a driver's license if it does not come from a State that makes sure you are in lawful status.

And if you are in a temporary status. it must be a temporary driver's license that says on there the same date your permit to be in this country expires. If we had had that in place on 9/11. then every one of the hijackers would have tried to get onboard an airplane with an invalid, out-of-date driver's license, and should have been stopped.

Folks, this goes in a number of directions, all coming together to help with the fight against terrorism. It would have helped on 9/11; it will help prevent 9/11s in the future. I would encourage everyone to support it.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 10 seconds to respond to the previous speaker and to remind him that the hijackers. many of them. had driver's licenses from the State of Virginia, and others had visas and passports. So I do not think this national ID card would have stopped them.

☐ 1115

Also. if he is referring to Members on our side saying that we are not safer than we were on 9/11, I would report that was a government report saying that TSA has made us no safer than it was before.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker. I thank the gentlewoman for yielding me time.

Mr. Speaker. I do rise in support of the supplemental. I do believe that we need to provide our troops with the tools and the resources that they need to do their job safely and effectively.

I have had an opportunity on two separate occasions now, Mr. Speaker, to travel to Iraq to visit our troops in the field, and nothing has made me feel prouder to be an American than seeing our troops in action. They are well trained. They are well motivated. They are the best that we have to offer. I know we all hope and pray for the safety of their mission and their safe return home to be reunited with their families.

I also want to commend the troops and the families of the 1158 Transportation Unit and the 128 Infantry Guard Unit in western Wisconsin that are currently serving in the Iraq theater right now.

But I do have some concerns in regard to the supplemental. I do believe that we owe a higher responsibility to our troops and their families and our taxpayers by supporting more oversight and accountability in this bill, such as the creation of a Truman Commission that the gentleman from Massachusetts (Mr. TIERNEY) has been advocating for some time. We need more accountability on how the money is being used or misused in Iraq right now. We need to fix that.

I also have a concern that we are not paying for anything. It is awfully easy to come to the House floor and puff ourselves up and claim that we are supportive of the troops. we are doing all of these nice things for them and the families when we do not have the responsibility to pay for it. $82 billion today. well over $300 billion and counting. all deficit financing and we are mortgaging our children's and grandchildren's future. This is exactly why the gentleman from Michigan (Mr. UPTON) and I offered an amendment to strip funding for the creation of an embassy in Iraq. not because we do not agree that one is necessary, but because we wanted to make the point that that is not an emergency item. None of this is unexpected emergency circumstances. and, therefore, we need to start budgeting and practice fiscal responsibility again. Miraculously, the embassy is back in this bill. another $600 million. none of it paid for.

Finally, I am concerned that there is no objective criteria to measure progress in Iraq. During the Second

World War, you could pretty much put pins on maps and see the progress of the front lines. You could do that in Korea. In Vietnam, we had body counts that did not work very well, nor was it an appropriate measure to use. Today we have no objective criteria for us to understand whether we are succeeding and making progress there. I think that's one of the reasons why public support is dropping. I think we need to get some type of criteria for ourselves, for the troops, for their families and for the American people.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to quickly respond to a couple of points that my good friend made. First, I would remind him that we did not pay for World War II or Korea or Vietnam out of current revenue. It is not unusual to finance wars in this particular fashion.

Second, as to the point on the embassy, I have been to Iraq four times and have met with our folks there and, frankly, I think they deserve the very best protection they can get as quick as we can get it. They are every bit as much at risk as people that wear the uniform of the United States. They are all volunteers. They have done a wonderful job representing our country. They deserve and need a safe place to operate out of. I am very glad that that particular measure was put back in during conference.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield ten seconds to the gentleman from Wisconsin (Mr. KIND) to respond.

Mr. KIND. Mr. Speaker, I appreciate my friend's comments, but just to correct the historical record, you may recall in the 1960s, President Johnson did decide to pay for the war. There were some tax increases in order to support the ongoing military operation. It can be done. It should be done in this instance as well. We have been there for a couple years now. We are going to be there in future years. We need to start paying for this.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Let me say as President Reagan used to say, Here we go again. Another supplemental spending bill for the war in Iraq and why?

Because time and time again, the Republicans refuse to spend one cent for this war in their sham budget, a budget every Democrat opposed this year and last year; because we need these so-called off budget bills to cover up the exploding deficits the Republicans have given, not to us, but to our children and grandchildren totaling $27,000 for every American.

We are going to need a death tax relief just to pay for the birth tax that our children and grandchildren will have to pay.

To add insult to injury, the Republicans have added to this must-pass spending bill for our troops the REAL ID Act. These provisions, which are supposed to make our country more secure, will do nothing but place more anti-immigrant restrictions making it harder for honest people fleeing religious prosecution from entering our country, and added a $100 million unfunded mandate onto our States. If this were in place, it would not have prevented the attacks of 9/11. That is purely false.

The 9/11 Commission has said they are unwarranted. It was added by the right wing extremist from the Republican conference. This legislation, which, again, the 9/11 Commission has called "unwarranted," was added by the right wing extremists in the Republican caucus whose joy in bashing immigrants is exceeded only by their zest for tax cuts for the wealthy in this country.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, I rise to oppose any rule that does not allow for consideration of an amendment to investigate the government contracts with regard to our operations in Iraq and Afghanistan.

This supplemental that we are talking about under the rule is $82 billion in additional spending, bringing it to almost $300 billion for spending on combat operations, occupation and support for our military personnel.

Congress rightfully is trying to meet its operational and technical and equipment needs of our troops. But it also has to ensure that these funds are properly managed and that they are monitored, and in that regard, we have been largely silent in this Congress.

We should make no mistake about it, there is more than enough reasons to be careful and to scrutinize the procurement process. The Center for Strategic and International Studies made an analysis and said as little as 27 cents of every dollar spent on Iraqi reconstruction has actually filtered down to projects benefiting Iraqis.

Taxpayers for Common Sense cited a KPMG study. It said that the Commander's Emergency Response Program, which is a program designed to allow U.S. military officers to quickly fund small reconstruction projects, maintain little documentation on how tax dollars were spent: 42 cases worth, $13 billion, where there were no contracts on file; 142 cases totaling $40 million, where there was no proof that the work was even done.

These are only a few of the examples. We have a situation where it is reported by BBC News that Transparency International warns that post-war Iraq reconstruction is in danger of becoming the biggest corruption scandal in history. They said there is evidence of high levels of corruption in post-war Iraq, and it is critical of the United States' handling of reconstruction programs. And they said they favor a small number of large firms who they awarded public contracts, and they were all too secretive.

We have report after report of Halliburton and other corporations not having enough oversight. The Wall Street Journal reports that the Pentagon auditors are questioning $212 million that Halliburton company billed Washington to deliver fuel to Iraq saying that it may well constitute overbilling. This criticism continues to go on about sole-source contracts and other issues that ought to be explored.

We can have substantive differences about the merits of the way we are conducting military policy. But there ought to be unanimous agreement in this Congress ensuring our role that taxpayer dollars are effectively and judiciously spent.

We should establish a select committee. That is why the gentleman from Iowa (Mr. LEACH) and I filed a Truman Commission measure that should be included as an amendment to this bill. It would put a select committee to study, among other things, the bidding, the contracting, the auditing standards, and issuance of government contracts, the oversight procedures, and the forms of payment and safeguards against money laundering, the accountability of contractors and government officials involved in procurement, and the allocation of contracts to foreign companies and small businesses.

Yes, we modelled it after the original Truman Commission. In 1941, that Truman Committee saved about $15 billion in taxpayer money; 432 public hearings; 1,800 witnesses.

Mr. Speaker, the American people have a right to have oversight done by this body. It is our job to do it. It is demanded by it. We should craft a rule that protects this amendment and ensures the public resources are safeguarded.

The Truman Committee was also unanimously respected for its focus on fact-finding and its refusal to succumb to partisan considerations. Mr. LEACH and I share that view and believe that congressional oversight of these huge sums should not be a partisan issue. Critics may say that there is no need to create a select committee when Congress has standing committees to perform this role. Regrettably, those standing committees have not vigorously exercised their institutional oversight role. While Mr. SHAYS's Subcommittee on National Security has attempted to draw attention to this issue, the full Government Reform

Committee has convened only four hearings on the Iraq contracting process.

Similarly, the House Armed Services Committee touched on this issue during a June 2004 Readiness Subcommittee hearing, however—beyond that—they have not pursued the issue. To that point, highlighting the need for such a select committee, the Ranking Democrat on the House Armed Services Committee, IKE SKELTON, has co-sponsored the bill from which this amendment is based.

Critics may disqualify this amendment on a technicality, suggesting it authorizes on an appropriations bill. To that, I would respectfully point out that there are other provisions of this bill—some of which strengthen the underlying text—that include authorizing language.

I would ask that this Committee craft a rule that protects this amendment and ensures that our ever-scarce public resources will be safeguarded.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time and for her leadership.

Mr. Speaker, as the daughter of a veteran, I want to first express my profound respect for our brave men and women serving in Iraq, but we are not helping these brave troops if we blindly sign yet another blank check for this unjust and unnecessary war in Iraq.

This $82 billion supplemental would bring the total war spending to over $300 billion. How can we sign off on another $82 billion check when the Bush administration has failed to provide the proper accounting of where the taxpayer money is going? How can we sign off on this check when our own government reported yesterday that another $100 million cannot be accounted for?

This is on top of the $9 billion from last year that is still missing. How can we sign this check if the Bush administration has offered no plan to bring our troops home?

Furthermore, are we safer today than we were before this unnecessary war started? Iraq is now a breeding ground for terrorists. We are less safe as a result of this war. Members know and I know. Before the invasion of Iraq, there was no connection between Saddam Hussein and Osama bin Laden. Still, this administration would have us also believe that adding the unrelated anti-immigrant provisions to this supplemental bill would make us safer, but the fact is REAL ID will do nothing to make us safe.

This administration has much to account for. They are cutting Section 8 for our seniors and our poor. They are cutting the budget for housing for people living with AIDS. They are cutting housing for the disabled. They are cutting Medicaid. When you look at $13.5 billion over the next 5 years for our veterans, they are cutting that. They are making the least of these pay for this war. That is wrong.

This is a whole new level of immorality that I have ever seen. This distortion of the facts with regard to Iraq and the fact that they told us that weapons of mass destruction were there, we know that is not the case. We know that. You know that. Yet another $82 billion to fund this war that has not made this country any safer. It has made us less safe.

When you look at what is happening in our own country, when you look at health care, when you look at the people out there in the street that are suffering, why do they have to pay for this war? I ask for a no vote.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel compelled to respond to some of the points my good friend, the gentlewoman from California (Ms. LEE) made.

Not helping our soldiers? A blank check? This bill is anything but a blank check. Let me read a couple of things in here. Just running down operations and maintenance, Navy, $3.4 billion; operations and maintenance, Marine Corps. There is line after line of great specificity my good friend, the chairman of the Committee on Appropriations was very careful in crafting a bill that will meet the needs of our personnel.

The immoral thing to do would be to commit 170,000 people to combat and not resupply them and not reequip them and not give them the things they need on a daily basis to not only be successful, but to provide for their own safety and security.

It is very legitimate to debate the war. Although I remind my good friend on the other side of the aisle, this body and the other body vote on a bipartisan basis to make the commitment in Iraq. I could read off name after name, including the distinguished nominee from the other body, of my friends on the other side of the aisle, a candidate for President last time, who voted in favor of this particular contest.

Having made that decision, once we place people on the line under fire and in danger, we owe it to them to provide them what they need. We can continue to debate policy. That is a very legitimate point, but I think it would it be the height of folly and irresponsibility to not fund people when they are in the field in action. Frankly, it would send the wrong signal to our adversaries, and more importantly, the wrong signal to our own men and women and their families. And not to support the rule, and certainly not to support the supplemental appropriations, I believe, would be a grave and terrible mistake for this country.

Mr. Speaker, I reserve the balance of my time.

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Ms. SLAUGHTER. Mr. Speaker, may I inquire from my colleague if he is ready to yield back, then I will close.

Mr. COLE of Oklahoma. I certainly am prepared.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule to instruct the enrolling clerk to make an important addition to the conference report.

This addition will establish a select committee to investigate the awarding and carrying out of war-related contracts in Afghanistan and Iraq.

Nearly $9 billion of money spent on the Iraq reconstruction is unaccounted for because of inefficiencies and bad management, according to the Special Inspector General for the Iraqi Reconstruction. Ensuring vigilant oversight of taxpayer dollars should not be a partisan issue.

I want to stress that a "no" vote on the previous question will not stop consideration of the emergency supplemental report. A "no" vote will simply allow the House to create a much-needed select committee to investigate government contracts in Iraq and Afghanistan.

A "yes" vote on the previous question will prevent the House from establishing this important select committee.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, again, I urge a "no" vote on the previous question, and I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me time.

The 9/11 Commission was constituted in order to tell the American public what we could do to avoid or stave off another attack like the one that occurred on 9/11. I rise in support of this rule taking up the conference report because I think the components that we have included, recommended by the 9/11 Commission, are vital for the purpose of national security for the United States.

Let us look at the consequences of the 19 hijackers who, by violating procedures with respect to identification, were able to shop from State to State, from California to Virginia to Florida, and obtain between them over 60 different types of IDs. I will remind the body that in terms of the aliases used just by those 19 individuals, they used 364 aliases between them. So as a consequence, it was virtually impossible for authorities to follow or detect as they changed their identities, as they used these documents in order to rent cars, as they used these documents in order to take flight training lessons, to learn how to fly here in the United States, as they used these fraudulent documents even to board airplanes and crash them into the Twin Towers and into the Pentagon. We have to ask ourselves is there something we, as an institution, could do to make certain that this did not occur again?

The 9/11 Commission has laid out a strategy for a secure identification system, and basically what we are talking about is simply minimum standards so that all States know the rudimentary requirements to make certain that people are who they say they are. Because the 9/11 hijackers abused the process and went from State to State, we know for a fact that we need minimum standards.

We know that it only makes sense that when Mohamed Atta was given a visa that was valid for only 6 months but could use it to obtain a driver's license that was valid for 6 years, that, in fact, we were not tailoring our laws to fit our national security concerns.

There are other provisions as well, the reform of amnesty, the completion of the border fence, the expedited approval. But as we look at the border security issue with respect to completion of the border fence, I talked to a border agent who had stopped an individual originally from Kyrgyzstan who had trained in Afghanistan, who had trained there in Jihad, at the fence. What this particular border guard told me was that there is a 3-mile gap in that triple barrier fence, and it was within that area of that gap that this individual tried to come into the U.S. and was apprehended and returned.

I think we need to give our border security personnel the assets that they have requested. We need to help them do their job, and the completion of this triple barrier fence will achieve that objective because it is in the interest of national security.

I think it is proper we bring it up and include it in this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Let me take the time I have remaining to just say that we are not doing what the 9/11 Commission asked. They wanted us to negotiate with our States on whether they wanted to do this or not; and what we have done is impose upon the States, without any hearings or any discussion with them, from top down, an unfunded mandate requiring them to change their driver's license at our whim. So this is not that at all. We are, in fact, undoing what the 9/11 Commission said.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to say that I believe we have had a good debate on the rule today. I believe the importance and timeliness of this legislation could not be more self-evident. This bill has been carefully crafted and worked in a way to ensure that our service men and women receive the best supplies and equipment when they go to war and that those supplies and equipment are replenished and replaced in a timely fashion.

Finally, I would ask Members to recall that this is a vote about our willingness to support our service men and women, not about other policy issues. The men and women serving our cause in Iraq ask for nothing more. In good conscience, we should give them nothing less.

Mr. Speaker, I would urge my colleagues to support the rule and the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 258—RULE ON CONFERENCE REPORT FOR H. R. 1268 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1268) making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. The chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 748.

SEC. 3. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 1268"; and

(3) the text of which is as follows:

At the end of the (conference report) bill add the following new title:

TITLE —

SEC. 1. There is hereby created a select committee on the model of the Truman Committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism (hereinafter referred to as the "select committee").

SEC. 2. The select committee is to be composed of 15 members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters:

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

SEC. 3. (a) Quorum—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) POWERS.—For the purpose of carrying out this resolution, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers documents, and other things and information of any kind as it deems necessary, including relevant classified materials.

(c) Issuance of Subpoenas—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) Meetings—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) Applicabilities of Rules of the House—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this resolution.

(f) Written Committees Rules—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the Rules of the House of Representatives.

SEC. 4. (a) Appointment of Staff—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(b) Powers of Ranking Minority Member—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(c) Compensation—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(d) Reimbursement of Expenses—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(e) Payment of Expenses—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 6. None of the unobligated or unexpended funds available for public affairs activities within the Office of the Secretary of Defense under the heading "Operation and Maintenance, Defense-Wide" may be obligated or expanded until the requirements to transmit reports under section 9010 and 9012 of P.L. 108–287 are met.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 13, as follows:

[Roll No. 159]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Brown (OH)
Capps
Clay
Diaz-Balart, L.
Diaz-Balart, M.
Gordon
Hyde
Istook
Jones (OH)
Kaptur
Larson (CT)
Platts
Solis

☐ 1157

Messrs. WYNN, HOYER and PALLONE changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announed as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1200

PERSONAL PRIVILEGE

Mr. NADLER. Mr. Speaker, I seek recognition on a question of personal privilege pursuant to rule IX of the rules of the House. I have placed at the desk the documentation on which this question is based.

The SPEAKER pro tempore (Mr. LATOURETTE). On the basis of House Report 109–51 and certain media coverage thereof, the gentleman may rise to a question of personal privilege under rule IX.

The gentleman from New York (Mr. NADLER) is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

Have the corrections or the supplemental report to the committee report been filed yet?

The SPEAKER pro tempore. The supplemental report authorized by section 2 of House Resolution 258 has been filed.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the basis of my question of personal privilege concerns the manner in which amendments I offered during the Committee on the Judiciary's consideration of H.R. 748 on April 13, 2005, were characterized in the committee's report on that legislation, House Report 109–51.

Specifically, the report, in the section required under clause 3(b) of rule XIII of the rules of the House reporting the votes of the committee described my amendments in a manner that denigrated my "rights, reputation, and conduct . . . in [my] representative capacity . . . " within the meaning of clause 1 of rule IX.

The language in question appears on pages 45 and 46 of the committee report, and it mischaracterizes my amendments in a manner that does not reflect the actual content of the amendments nor the actual intent of those amendments. In fact, it uses legislation to describe my legislative actions that is pejorative and inflammatory and that is highly damaging to my reputation.

It is with great sadness and regret that I come to the floor today. I have never previously in my 12 years as a Member of this House, nor in my quarter century representing the people of New York, had the need to rise on a personal privilege. I have never had my reputation, or my legislative efforts, so terrible maligned in an official record of any legislative body in which I have served.

It is my hope that this is the last time I will ever need to claim the floor in a question of personal privilege. I would observe that the filing a few minutes ago of the supplemental report to the Committee on the Judiciary report is a tacit acknowledgment of the inaccuracy and untruthfulness of the original report and its reputation in the public domain, and renders much of what was said in its defense in the Committee on Rules and on the floor, as the saying goes, "inoperative."

I commend the chairman for correcting the record and hope that with this correction of the slanderous report language, this unfortunate chapter can be brought to a close.

While I would have hoped that this correction would have been accompanied by an apology and by an acknowledgment that this report was a violation of the tradition and norms of the House, that is, perhaps, in the regrettably poisonous atmosphere of the present day, unobtainable. I regret that things have reached such an unfortunate state.

This situation is especially sad because it involves the Committee on the Judiciary's official report on this bill, which contained false and misleading, indeed libelous, descriptions of the amendments I and my colleagues offered in committee in good faith, and with the intent of protecting children and families in terrible situations.

Those characterizations came in the section of the report, required by the rules, that simply requires an accurate report of all recorded votes.

There are many places in committee reports where commentary is appropriate. Both the majority and the minority have the opportunity in the report to make their cases, and very much to the credit of the gentleman from Wisconsin (Chairman SENSENBRENNER) the Committee on the Judiciary reports also contain a transcript of the markup.

What has never been done, and I am not aware of the majority on any committee having so abused its power, is to distort the content of the amendments in the section reserved for reporting votes.

Every Member of this House sits on committees: every Member knows what a report looks like, and every Member of this House knows this was an aberration and that it was wrong.

I do not believe it is necessary to repeat the report language that gave rise to this point of personal privilege. The Chair has the offending language, and it has been plastered all over the RECORD, the press, and Web logs. I feel no need to repeat it. Enough damage has already been done.

To place this report, and the slanderous language it used in context, the last time the Committee on the Judiciary reported a version of the same bill, the report said: "An amendment was offered by Mr. NADLER prohibiting H.R. 476 from applying 'with respect to conduct by a grandparent or adult sibling of the minor.'" Same amendment, same committee, different year.

Earlier versions of this bill have been reported by the Committee on the Judiciary on three prior occasions, going to 1998. In no case have any of my amendments been described in the inaccurate and pejorative fashion they were in this year's committee report.

The Committee on Rules described the same amendment in the following manner when it reported it to the floor: "Adds to the exceptions to the offense of transporting minors for the purpose of obtaining an illegal abortion grandparents of the minor and members of the clergy."

Even the Republican Study Committee, the voice of some of the most conservative of our colleagues, described the amendment this way: "The amendment allows a grandparent of the minor or a clergy person to bring pregnant minors across State lines for abortions." These are factual descriptions of the amendment. They are nonargumentative factual descriptions as the rules call for.

In fact, neither the bill itself nor the amendments contained the offensive terms used in the committee report to describe my amendments. No member of the committee described my amendments in this libelous manner at any time during the debate. Nobody in the majority, none of the Republicans in opposing my amendments in committee debate said that they contained the material which the committee report libelously says they do. As the transcript clearly shows, the transcript contained in the committee's report appearing on page 58 to 120 will clearly show.

It is regrettable that even in filing the supplemental report, the majority felt the need to restate the slander, but this time in the section reserved for majority views. The majority, however, is entitled to its views, even if they are not factually based: and the appropriate place to express them is in debate and in documents reserved for expressing their views, such as the majority view section of the committee report.

The minority has a similar right in debate and in its dissenting views, and I would not expect the majority to tell us what views we should have or how to express them.

Not abusing the power the majority has over the contents and the filing of the report, which the minority does not get to see until it is filed, is really based on nothing more than the honor system. Unfortunately, in this system, the honor system failed.

This abuse of power of mischaracterizing and slandering the amendments and the Members who offered them in the section of the report reserved for simply reporting amendments and the votes thereon, could not be allowed to stand or there would have been no end to it.

This is not about party, nor is it about a bill, nor about an amendment, nor even about the underlying issue. It is about the "rights, reputation and conduct of Members, delegates or the resident commissioner, individually, in their representative capacity only."

When the majority abuses its power to attack the reputation of Member or Members, as it did in this case, the House must act to correct the injustice. The supplemental report filed by the majority is an important step in that direction, and I thank the chairman for agreeing to file the correction.

We have strayed far from the customary comity and fair play to which this House has long adhered. That is no way to represent our views to the voters of this country. The voters have every right to expect us to fight for our beliefs, to represent them vigorously, and to speak out in clear terms on the important issues of the day.

But, Mr. Speaker, there are limits. When Members of this House transgress those limits, we fail the people who sent us here and we fail the institution in which we are honored to serve. We are elected to 2-year terms. The office does not belong to us, but to the people. We are mere custodians of the office. I hope that, in our conduct, we can prove ourselves good and responsible stewards of this public trust.

It is my sincere hope that now that the correction has been filed and the slander abated, this will be the last time any Member has the unpleasant duty of rising in this House to defend his or her reputation and the traditions of this institution. I hope that this single aberration will be remembered as just that: a single aberration.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I include for the RECORD an editorial published this morning in the daily newspaper in Norfolk, Virginia, the Virginian Pilot, on this issue.

[From the Virginia Pilot, May 5, 2005]

A HOUSE DIVIDED AGAINST ITSELF

The mood in certain precincts of Congress has become so poisonous that people aren't speaking our common language unless they're accusing political opponents of unspeakable crimes.

The "Child Interstate Abortion Notification Act" would make it a federal offense to take a minor across a state line to get an abortion without the consent of her parents, for a physician to perform such abortions, and allows parents to sue anybody who does.

Democrats on the Judiciary Committee offered several amendments that would have limited the law's scope. U.S. Rep. Bobby Scott, for example, sought to insert this line: "The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers or others in the business of professional transport."

Pretty straightforward, right?

Should the U.S. government prosecute a bus driver because a girl in one of its seats is traveling to end a pregnancy? No matter your answer to that question, the congressman's wording is pretty clear, unless you're a member of the Judiciary Committee's staff, which managed Scott's amendment into this:

"Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they're taxicab drivers, bus drivers or others in the business of professional transport."

In other words, the staff of a committee on which Scott serves accused him of trying to protect sexual predators, arguably a crime in itself.

It is the kind of libel—repeated against two other Democratic members of the committee—that only nameless, faceless bureaucrat would dare make. But, significantly, it's also the kind of power-made mischief that the Republican leadership felt deserved defense.

The Congress Tuesday evening spent an hour debating a resolution to require Republicans to change the descriptions, which are supposed to be, and ordinarily are, written in dry, neutral language.

That debate was itself illustrative of how deep the divisions in Congress have become. While the Democrats—including Scott and Minority Leader Nancy Pelosi—talked about how Republicans abused the truth to score political points, the majority changed the subject entirely and re-argued the merits of the abortion bill, which passed the week before.

"The issue is whether we can trust each other to deal with each other fairly," said Wisconsin Democrat Rep. David Obey, who had voted for the abortion bill.

In the end, Tuesday's debate was a rancorous parry and feint, lasted an eternity and came to absolutely nothing. The resolution to change the descriptions, of course, failed on a party-line vote.

Still, for 60 minutes, the rudeness that now rules the hall of the Capitol was on sharp display for all America to see.

"The rewrite says more about the person who wrote it, and those who defend it, than it does about the amendment itself," Scott said Tuesday.

Scott's right. What is says is nothing kind, and not to be forgotten.

Mr. NADLER. Mr. Speaker, not seeing the gentlewoman from Texas (Ms. JACKSON-LEE), I thank the chairman of the Committee on the Judiciary for filing the corrected report, and I yield back the balance of my time.

□ 1215

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report to accompany the bill, H.R. 1268, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 258, I call up the conference report on the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 3, 2005 at page 8465.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring to the House for its consideration the conference report on H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief.

The conference agreement includes a total of $82 billion. The vast majority of these funds are to support our troops in Iraq and Afghanistan. For that reason, it is critical that we move this package quickly. It also provides needed assistance to the victims of the tsunami.

During our conference with the Senate, Chairman COCHRAN and I agreed that the final agreement should come in at or below the President's request and relatively free of extraneous items. The conference report before you has met both of these very critical parameters. We did our very best to keep the package clean, and by and large, we were successful with that. We have funded our foreign policy priorities while still preserving congressional prerogatives where appropriate.

With that said, the conference report provides a total of $75.9 billion for defense-related expenditures, roughly $921 million over the President's request. The additions over the request are for force protection, and increasing the survivability of troops in the field. In addition to the defense-related spending, the conference report provides a reduction of $1.5 billion in foreign assistance from the President's request. The conference agreement also includes $635 million for increased border security enforcement. This includes 500 additional border patrol agents and increased detention space.

We have also included $656 million for tsunami disaster relief. Finally, the bill includes much of the REAL ID Act of 2005, which was included in the House-passed version of the bill. The provisions on asylum, border infrastructure, and driver's license standards are included. Each of these provisions will greatly enhance the security of our borders. All of these provisions reflect agreements negotiated by relevant authorizing committees. I especially want to thank Chairman SENSENBRENNER, Chairman DAVIS and their staffs for getting this measure before the Congress in a timely fashion.

I urge my colleagues to support this much needed support for our troops.

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R. 1268)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005					
TITLE I - DEFENSE-RELATED APPROPRIATIONS					
Military Personnel					
Military Personnel, Army (emergency)	11,756,842	11,779,642	12,067,208	12,067,108	+310,266
Basic Allowance for Housing, Army (emergency)	1,542,100	1,542,100	1,542,100	1,542,100	---
Military Personnel, Navy (emergency)	524,980	534,080	535,108	535,108	+10,128
Military Personnel, Marine Corps (emergency)	1,246,126	1,251,726	1,358,053	1,358,053	+111,927
Military Personnel, Air Force (emergency)	1,316,572	1,473,472	1,684,943	1,599,943	+283,371
Reserve Personnel, Army (emergency)	39,627	40,327	39,627	39,627	---
Reserve Personnel, Navy (emergency)	9,411	11,111	9,411	9,411	---
Reserve Personnel, Marine Corps (emergency)	4,015	4,115	4,015	4,015	---
Reserve Personnel, Air Force (emergency)	130	130	130	130	---
National Guard Personnel, Army (emergency)	429,200	430,300	291,100	291,100	-138,100
National Guard Personnel, Air Force (emergency)	91	91	91	91	---
Subtotal, Military personnel	16,869,094	17,067,094	17,531,786	17,446,686	+577,592
Operation and Maintenance					
Operation and Maintenance, Army (emergency)	17,201,004	17,366,004	16,701,004	16,914,004	-287,000
Transfer from Afghan Security Forces (emergency)	---	---	(290,000)	(290,000)	(+290,000)
Transfer from Iraq Security Forces (emergency)	---	---	(210,000)	(210,000)	(+210,000)
Facilities Sustainment, Restoration, and Modernization, Army (emergency)	66,300	66,300	66,300	66,300	---
Operation and Maintenance, Navy (emergency)	3,423,501	3,030,801	3,430,801	3,030,574	-392,927
Operation and Maintenance, Marine Corps (emergency)	970,464	982,464	970,464	982,464	+12,000
Operation and Maintenance, Air Force (emergency)	5,601,510	5,769,450	5,528,574	5,627,053	+25,543
Operation and Maintenance, Defense-Wide (emergency)	3,521,327	3,061,300	3,308,392	3,042,265	-479,062
Operation and Maintenance, Army Reserve (emergency)	8,154	8,154	21,354	26,354	+18,200
Operation and Maintenance, Navy Reserve (emergency)	75,164	75,164	75,164	75,164	---
Operation and Maintenance, Marine Corps Reserve (emergency)	24,920	24,920	24,920	24,920	---
Operation and Maintenance, Army National Guard (emergency)	188,779	188,779	326,879	326,850	+138,071
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	10,000	10,000	---	---	-10,000
Afghanistan Security Forces Fund (emergency)	1,285,000	1,285,000	1,285,000	1,285,000	---
Transfer, Afghan. Security Forces Fund (emergency)	---	---	(-290,000)	(-290,000)	(-290,000)
Iraq Security Forces Fund (emergency)	5,700,000	5,700,000	5,700,000	5,700,000	---
Transfer, Iraq Security Forces Fund (emergency)	---	---	(-210,000)	(-210,000)	(-210,000)
Subtotal, Operation and maintenance	38,076,123	37,568,336	37,438,852	37,100,948	-975,175
Procurement					
Aircraft Procurement, Army (emergency)	458,677	458,677	458,677	458,677	---
Missile Procurement, Army (emergency)	294,036	340,536	280,250	310,250	+16,214
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	2,425,207	2,678,747	2,406,447	2,551,187	+125,980
Procurement of Ammunition, Army (emergency)	475,000	532,800	475,000	532,800	+57,800
Other Procurement, Army (emergency)	5,316,405	6,549,905	5,322,905	6,250,505	+934,100
(By transfer emergency)	---	(85,000)	---	---	---
Other procurement, Army (incl transfer)	(5,316,405)	(6,634,905)	(5,322,905)	(6,250,505)	(+934,100)
Aircraft Procurement, Navy (emergency)	200,295	200,295	200,295	200,295	---
Weapons Procurement, Navy (emergency)	71,600	71,600	66,000	66,000	-5,600
Procurement of Ammunition, Navy and Marine Corps (emergency)	133,635	141,735	133,635	139,635	+6,000
Other Procurement, Navy (emergency)	85,672	78,372	78,397	78,397	-7,275
Procurement, Marine Corps (emergency)	2,974,045	3,588,495	2,929,045	3,283,042	+308,997
Aircraft Procurement, Air Force (emergency)	269,241	279,241	269,309	277,309	+8,068
Procurement of Ammunition, Air Force (emergency)	6,998	6,998	6,998	6,998	---
Other Procurement, Air Force (emergency)	2,834,328	2,658,527	2,653,760	2,577,560	-256,768
Procurement, Defense-Wide (emergency)	591,327	646,327	591,327	645,939	+54,612
Subtotal, Procurement	16,136,466	18,232,255	15,872,045	17,378,594	+1,242,128
(By transfer emergency)	---	(85,000)	---	---	---
Total funds available	(16,136,466)	(18,317,255)	(15,872,045)	(17,378,594)	(+1,242,128)
Research, Development, Test and Evaluation					
Research, Development, Test and Evaluation, Army (emergency)	25,170	25,170	37,170	37,170	+12,000

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R. 1268)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
Research, Development, Test and Evaluation, Navy (emergency)	179,051	202,051	179,051	204,051	+25,000
Research, Development, Test and Evaluation, Air Force (emergency)	102,540	121,500	132,540	142,500	+39,960
Research, Development, Test and Evaluation, Defense-Wide (emergency)	153,561	159,600	203,561	203,561	+50,000
Subtotal, RDT&E	460,322	508,321	552,322	587,282	+126,960
Revolving And Management Funds					
Defense Working Capital Funds (emergency)	1,311,300	1,411,300	1,311,300	1,511,300	+200,000
National Defense Sealift Fund (emergency)	32,400	32,400	32,400	32,400	---
Subtotal, Revolving and management funds	1,343,700	1,443,700	1,343,700	1,543,700	+200,000
Related Agencies					
Intelligence Community Management Account (emergency)	250,300	250,300	250,300	250,300	---
Other Department of Defense Programs					
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	257,000	257,000	227,000	242,000	-15,000
Office of the Inspector General (emergency)	148	148	148	148	---
Defense Health Program (emergency)	175,550	175,550	225,550	210,550	+35,000
Subtotal, Other DoD programs	432,698	432,698	452,698	452,698	+20,000
Military Construction					
Military Construction, Army (emergency)	990,100	930,100	897,191	847,191	-142,909
Military Construction, Navy and Marine Corps (emergency)	107,380	92,720	107,380	139,880	+32,500
Military Construction, Air Force (emergency)	301,520	301,386	140,983	140,983	-160,537
General Provisions					
Additional transfer authority (emergency)	(2,500,000)	(2,000,000)	(2,185,000)	(2,685,000)	(+185,000)
New transfer authority (emergency)	(5,000,000)	(2,000,000)	(2,000,000)	(3,000,000)	(-2,000,000)
Defense Cooperation Account (emergency)	12,000	12,000	---	---	-12,000
Up-armored humvees	---	---	213,000	---	---
Sec. 1118 Shipbuilding and conversion, Navy (by transfer emergency)	---	---	---	---	---
Iraq Freedom Fund (rescission) (emergency)	---	---	---	-50,000	-50,000
Section 1035 (emergency)	---	---	---	50,000	+50,000
Total, Title I	74,979,703	76,838,910	74,800,257	75,888,262	+908,559
(By transfer emergency)	---	(85,000)	---	---	---
(Transfer authority emergency)	(7,500,000)	(4,000,000)	(4,185,000)	(5,685,000)	(-1,815,000)
TITLE II - INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR					
CHAPTER 1					
DEPARTMENT OF AGRICULTURE					
Foreign Agricultural Service					
Public Law 480 Title II Grants (emergency)	150,000	150,000	470,000	240,000	+90,000
CHAPTER 2					
DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and Consular Programs (emergency)	767,200	748,500	357,700	734,000	-33,200
Embassy Security, Construction, and Maintenance (emergency)	658,000	592,000	592,000	592,000	-66,000

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R. 1268)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
International Organizations					
Contributions for International Peacekeeping Activities (emergency)	780,000	580,000	533,049	680,000	-100,000
(By transfer)	---	---	---	(-50,000)	(-50,000)
RELATED AGENCY					
Broadcasting Board Of Governors					
International Broadcasting Operations (emergency)	4,800	4,800	4,800	4,800	---
Broadcasting Capital Improvements (emergency)	2,500	---	2,500	2,500	---
STATE AND INTERNATIONAL PROGRAMS					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency For International Development					
International Disaster and Famine Assistance (emergency)	44,000	94,000	44,000	90,000	+46,000
Transition Initiatives (emergency)	63,000	---	63,000	---	-63,000
Operating Expenses of the USAID (emergency)	24,400	---	24,400	24,400	---
Operating Expenses of the USAID	---	24,400	---	---	---
Operating Expenses of the USAID Office of Inspector General (emergency)	2,500	---	2,500	2,500	---
Operating Expenses of the USAID Office of Inspector General	---	2,500	---	---	---
Subtotal, USAID	133,900	120,900	133,900	116,900	-17,000
Other Bilateral Economic Assistance					
Economic Support Fund (emergency)	1,631,300	376,500	1,636,300	1,433,600	-197,700
Economic Support Fund	---	681,700	---	---	---
(Transfer out emergency)	---	---	(-10,000)	(-10,000)	(-10,000)
(By transfer emergency)	---	---	(46,000)	---	---
Overseas Private Investment Corporation (by transfer emergency)	---	---	(10,000)	(10,000)	(+10,000)
Assistance for the Independent States of the Former Soviet Union (emergency)	60,000	---	70,000	70,000	+10,000
Assistance for the Independent States of the Former Soviet Union	---	33,700	---	---	---
Global War On Terror Partners Fund (emergency)	200,000	---	25,500	---	-200,000
Subtotal, Other bilateral assistance	1,891,300	1,091,900	1,731,800	1,503,600	-387,700
DEPARTMENT OF STATE					
International Narcotics Control and Law Enforcement (emergency)	660,000	594,000	660,000	620,000	-40,000
(Transfer out emergency)	---	---	(-46,000)	---	---
Migration and Refugee Assistance (emergency)	53,400	103,400	108,400	120,400	+67,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	32,100	17,100	32,100	24,600	-7,500
Subtotal, Department of State	745,500	714,500	800,500	765,000	+19,500
MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Foreign Military Financing Program (emergency)	250,000	---	250,000	250,000	---
Foreign Military Financing Program	---	250,000	---	---	---
Peacekeeping Operations (emergency)	210,000	10,000	210,000	240,000	+30,000
(Transfer out emergency)	---	---	---	(-30,000)	(-30,000)
(By transfer emergency)	---	---	---	(50,000)	(+50,000)
Subtotal, Military assistance	460,000	260,000	460,000	490,000	+30,000
General Provisions					
Sec. 2102- Rescission of unexpended balances (rescission)	---	-1,000,000	-1,000,000	-1,000,000	-1,000,000
Sec. 2111 - Provide Additional Assistance to Sudan: Contributions for International Peacekeeping (transfer out emergency)	---	---	(-91,000)	---	---

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	FY 2004 Request	House	Senate	Conference	Conference vs. Request
Peacekeeping Operations (by transfer)	---	---	(50,000)	---	---
Intnatl. Disaster and Famine Assist (by transfer)	---	---	(41,000)	---	---
Total, Chapter 2	5,443,200	3,112,600	3,616,249	3,888,800	-1,554,400
Appropriations	---	992,300	---	---	---
Emergency appropriations	5,443,200	3,120,300	4,616,249	4,888,800	-554,400
Rescissions	---	-1,000,000	-1,000,000	-1,000,000	-1,000,000
Total, Title II	5,593,200	3,262,600	4,086,249	4,128,800	-1,464,400
Appropriations	---	992,300	---	---	---
Emergency appropriations	5,593,200	3,270,300	5,086,249	5,128,800	-464,400
Rescissions	---	-1,000,000	-1,000,000	-1,000,000	-1,000,000
By transfer	---	---	(91,000)	(-50,000)	(-50,000)
Transfer out (emergency)	---	---	(-147,000)	(-40,000)	(-40,000)
By transfer (emergency)	---	---	(56,000)	(60,000)	(+60,000)
TITLE III - DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR					
CHAPTER 1					
DEPARTMENT OF ENERGY					
National Nuclear Security Administration					
Weapons activities (emergency)	---	---	26,000	---	---
Defense Nuclear Nonproliferation (emergency)	110,000	110,000	84,000	84,000	-26,000
Total, Chapter 1	110,000	110,000	110,000	84,000	-26,000
CHAPTER 2					
DEPARTMENT OF HOMELAND SECURITY					
Customs and Border Protection					
Salaries and expenses (emergency)	---	---	105,451	49,075	+49,075
Salaries and expenses	---	---	---	75,350	+75,350
Construction (emergency)	---	---	41,500	51,875	+51,875
Immigration and Customs Enforcement					
Salaries and expenses (emergency)	---	---	276,000	349,050	+349,050
Salaries and expenses	---	---	389,613	105,200	+105,200
United States Coast Guard					
Operating Expenses (emergency)	111,950	111,950	111,950	111,950	---
Acquisition, Construction and Improvements (emergency)	49,200	49,200	49,200	49,200	---
Federal Law Enforcement Training Center					
Salaries and expenses	---	---	---	2,568	+2,568
Construction	---	---	---	1,882	+1,882
Total, Chapter 2	161,150	161,150	973,714	796,150	+635,000
CHAPTER 3					
DEPARTMENT OF JUSTICE					
General Administration					
Office of Inspector General (emergency)	---	---	2,500	---	---
Detention trustee (emergency)	---	---	---	184,000	+184,000
Legal Activities					
Asset Forfeiture Fund (rescission)	---	---	---	-40,000	-40,000

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	FY 2004 Request	House	Senate	Conference	Conference vs. Request
United States Marshals Service					
Salaries and expenses (emergency)	---	---	11,935	11,935	+11,935
Federal Bureau Of Investigation					
Salaries and Expenses (emergency)	80,000	78,970	66,512	73,991	-6,009
Drug Enforcement Administration					
Salaries and Expenses (emergency)	7,648	7,648	7,648	7,648	---
Bureau of Alcohol, Tobacco and Firearms					
Salaries and expenses (emergency)	---	---	5,100	4,000	+4,000
Total, Chapter 3	87,648	86,618	93,695	241,574	+153,926
CHAPTER 4					
LEGISLATIVE BRANCH					
House of Representatives					
Payment to Widows and Heirs of Deceased Members of Congress	---	---	---	162	+162
Salaries and expenses (emergency)	---	---	---	39,000	+39,000
Subtotal, House of Representatives	---	---	---	39,162	+39,162
Capitol Police					
Salaries	36,483	---	---	---	-36,483
(Emergency)	---	---	10,000	---	---
General expenses	23,044	---	---	---	-23,044
(Emergency)	---	---	13,300	11,000	+11,000
Subtotal, Capitol Police	59,527	---	23,300	11,000	-48,527
Architect of the Capitol					
Capitol grounds (emergency)	---	---	---	8,200	+8,200
Capitol Police buildings and grounds (emergency)	---	---	23,000	4,100	+4,100
Subtotal, Architect of the Capitol	---	---	23,000	12,300	+12,300
Total, Chapter 4	59,527	---	46,300	62,462	+2,935
Total, Title III	418,325	357,768	1,223,709	1,184,186	+765,861
TITLE IV - INDIAN OCEAN TSUNAMI RELIEF					
CHAPTER 1					
FUNDS APPROPRIATED TO THE PRESIDENT					
Other Bilateral Assistance					
Tsunami Recovery and Reconstruction Fund (emergency)	701,000	659,000	656,000	656,000	-45,000
(Transfer out emergency)	(-43,000)	(-30,500)	(-36,000)	(-48,500)	(-5,500)
CHAPTER 2					
DEPARTMENT OF DEFENSE					
Operation And Maintenance					
Operation and Maintenance, Navy (emergency)	124,100	124,100	124,100	124,100	---
Operation and Maintenance, Marine Corps (emergency)	2,800	2,800	2,800	2,800	---
Operation and Maintenance, Air Force (emergency)	30,000	30,000	30,000	30,000	---
Operation and Maintenance, Defense-Wide (emergency)	29,150	29,150	29,150	29,150	---

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	FY 2004 Request	House	Senate	Conference	Conference vs. Request
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	36,000	36,000	36,000	36,000	---
Defense Health Program (emergency)	3,600	3,600	---	3,600	---
Defense Health Program (emergency)	---	---	3,600	---	---
Total, Chapter 2	225,650	225,650	225,650	225,650	---
CHAPTER 3					
DEPARTMENT OF HOMELAND SECURITY					
United States Coast Guard					
Operating Expenses (emergency)	350	350	350	350	---
CHAPTER 4					
DEPARTMENT OF THE INTERIOR					
United States Geological Survey					
Surveys, Investigations, and Research (emergency)	8,100	8,100	8,100	8,100	---
CHAPTER 5					
DEPARTMENT OF COMMERCE					
National Oceanic And Atmospheric Administration					
Operations, Research, and Facilities (emergency)	4,830	4,830	7,070	7,070	+2,240
Procurement, Acquisition and Construction (emergency)	9,670	9,670	10,170	10,170	+500
Total, Chapter 5	14,500	14,500	17,240	17,240	+2,740
Total, Title IV	949,600	907,600	907,340	907,340	-42,260
TITLE V - OTHER EMERGENCY APPROPRIATIONS					
CHAPTER 1					
DEPARTMENT OF AGRICULTURE					
Cooperative State Research, Education, and Extension Service					
Research and education activities (emergency)	---	---	3,000	---	---
Natural Resources Conservation Service					
Emergency watershed protection program (emergency)	---	---	103,000	104,500	+104,500
General Provision					
Sec 5102 Watershed protection program (emergency)	---	---	15,000	---	---
Subtotal, Natural Resource conservation Service	---	---	118,000	104,500	+104,500
Total, Chapter 1	---	---	121,000	104,500	+104,500
CHAPTER 2					
DEPARTMENT OF THE INTERIOR					
Departmental Mangement					
Salaries and expenses (emergency)	---	---	3,000	3,000	+3,000
DEPARTMENT OF AGRICULTURE					
Forest Service					
National forest service (emergency)	---	---	2,410	---	---
Capital improvement and maintenance (emergency)	---	---	31,980	24,390	+24,390
Subtotal, Forest Service	---	---	34,390	24,390	+24,390
Total, Chapter 2	---	---	37,390	27,390	+27,390

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	FY 2004 Request	House	Senate	Conference	Conference vs. Request
CHAPTER 3					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Health resources and services (rescission)	---	---	-2,000	-2,000	-2,000
Centers for Medicare and Medicaid Services (rescission)	---	---	---	-58,000	-58,000
Office of the Secretary					
Office of the Inspector General (rescission)	---	---	-700	-700	-700
Public Health and Social Services Emergency fund (emergency)	---	---	10,000	10,000	+10,000
Public Health and Social Services Emergency fund	---	---	---	58,000	+58,000
Assistant Secretary for Health (rescission)	---	---	-7,300	-7,300	-7,300
Subtotal, Office of the Secretary	---	---	2,000	2,000	+2,000
Total, Department of Health and Human Services	---	---	---	---	---
RELATED AGENCY					
Institute of Musem and Library Services (emergency)	---	---	10,000	---	---
Total, Chapter 3	---	---	10,000	---	---
CHAPTER 4					
THE JUDICIARY					
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses	101,800	---	---	---	-101,800
(Emergency)	---	---	65,000	---	---
Subtotal, Courts of Appeals, district Courts, and Other Judicial Services	101,800	---	65,000	---	-101,800
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Housing Programs					
Housing For Persons With Disabilities	---	---	238,080	238,000	+238,000
Rescission	---	---	-238,080	-238,000	-238,000
Subtotal, Housing programs	---	---	---	---	---
Office of Federal Housing Enterprise Oversight					
Salaries and expenses	---	---	5,000	5,000	+5,000
Offsetting collections	---	---	-5,000	-5,000	-5,000
General Provision					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Sec. 5401 Emergency assistance (emergency)	---	---	10,000	---	---
Total, Chapter 4	101,800	---	75,000	---	-101,800
Total, Title V	101,800	---	243,390	131,890	+30,090
Appropriations	101,800	---	243,080	301,000	+199,200
Emergency appropriations	---	---	253,390	141,890	+141,890
Rescissions	---	---	-248,080	-306,000	-306,000
Offsetting collections	---	---	-5,000	-5,000	-5,000

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	FY 2004 Request	House	Senate	Conference	Conference vs. Request
TITLE VI - GENERAL PROVISIONS AND TECHNICAL CORRECTIONS					
General Provisions Sec. 5002 (By transfer)............	---	---	---	---	---
Weapons activities (transfer out).....................	---	---	(-10,000)	---	---
Sec. 6019 Office of the Administrator (by transfer)...	---	---	(10,000)	---	---
Defense site acceleration completion (transter out)...	---	---	(-30,000)	---	---
Sec. 6030 Defense environmental services (by transfer)	---	---	(30,000)	---	---
Fossil energy research development (CCPI loan)........	---	---	---	---	---
Sec. 6030 State and private forestry (by transfer)....	---	---	(1,500)	---	---
Capital improvement and maintenance (transfer out)....	---	---	(-1,500)	---	---
Sec. 6027- Department of Homeland Security:					
Office of the Secretary and Executive Management (rescission).........................	---	---	---	-500	-500
Office of the Under Secretary for Management (rescission).........................	---	---	---	-3,300	-3,300
Customs and Border Protection salaries and expenses (rescission)...........................	---	---	---	-76.000	-76,000
Immigration and Customs Enforcement salaries and expenses (rescission)..........................	---	---	---	-85,200	-85,200
Department of Homeland Security Working Capital Fund (rescission)...............................	---	---	---	-20,000	-20,000
Sec. 6035- Surface mining fees........................	---	---	-41,000	-41,000	-41,000
Sec. 6050- U.S. Senate (emergency)....................	---	---	---	35,000	+35,000
Sec. 6074- Home Equity Conversion Mortgage............	---	---	---	-8.000	-8,000
Total, Title VI.......................................	---	---	-41,000	-199.000	-199,000
Grand total...	82.042,628	81,366,878	81,219,945	82,041,478	-1,150
Appropriations....................................	161,327	992,300	632,693	486.000	+324,673
Emergency appropriations..........................	81,881,301	81,374,578	81,881,332	83,190,478	+1,309,177
Rescissions.......................................	---	-1,000,000	-1,248,080	-1,531,000	-1,531,000
Offsetting collections............................	---	---	-5,000	-5,000	-5,000
(Transfer authority)..............................	(7,500.000)	(4.000,000)	(4,185,000)	(5,685.000)	(-1,815,000)
(By transfer).....................................	---	---	(132,500)	(-50,000)	(-50,000)
(By transfer emergency)...........................	---	(85,000)	(56,000)	(60,000)	(+60,000)
(Transfer out)....................................	---	---	(-41,500)	---	---
(Transfer out emergency)..........................	(-43,000)	(-30,500)	(-183,000)	(-88.500)	(-45,500)

Mr. Speaker. I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, this bill before us today makes clear that we have now spent $284 billion in Iraq and Afghanistan since the war began. The money that has been spent in Afghanistan is certainly legitimate and justified. After all, that country harbored the people who attacked us on 9/11. The problem is, however, that $165 billion has now been spent to deal with a country that did not attack us. We have spent some $240 billion on this entire endeavor since the President first landed in his jumpsuit on that carrier and addressed the country under the banner "Mission Accomplished." There has been quite a bit of that mission left since it supposedly was over. We have now been involved in Iraq longer than we were involved in World War I. and respectable and responsible experts have told me that they expect that we will be involved for at least another 5 years.

This whole operation has been brought to us by the same people who erroneously told us that we had to go to war because Iraq had weapons of mass destruction and it was implied that they had, or were close to having, nuclear capability. That was all demonstrated not to be true. This has been brought to us by the same people who believed the assertions that our troops would be welcomed with open arms. It has been brought to us by the same people who thought they were so smart that they knew more than General Shinseki when the good general warned us that we would need substantially more troops and boots on the ground than we were scheduled to have if the postwar occupation was to go well.

And it has been brought to us by the same people who provided to our troops insufficient armor for Humvees, insufficient body armor and insufficient jammers to prevent our troops from having their faces and their legs and their arms blown off by remotely detonated bombs and mines.

I want to make quite clear I will support this bill because I feel that I have no choice but to participate in cleaning up the mess which somebody else left. But I do not relish it. I believe that the entire operation in Iraq has been accompanied by incredibly naive romanticism on the part of the White House and on the part of the civilian leadership in the Pentagon, and that has left the people fighting the war to bear the brunt of the miscalculations that have been made by the civilian leadership of our government. We have lost the lives of 1,500 American service men and women. We have seen more than 11,000 be injured. And this bill understates, in my view, the amount of money that will be needed eventually to restore the readiness of the U.S. Armed Forces and to minimize their casualties.

The second thing this bill does is to demonstrate once again how we, on both sides of the aisle, have had to work doubly hard to overcome the resistance of the White House in adequately funding homeland security operations. They have been especially resistant to providing the adequate funding along the borders, especially the Canadian border. And it has taken a bipartisan effort on the part of a wide variety of people in this Congress in order to overcome that resistance. This bill falls far short of the funding that is necessary to provide a secure set of borders for the United States. The new bill that is going to be offered by the gentleman from Kentucky will help fill that gap, but that is forced to play catch-up because we have met a steady resistance effort on the part of the White House.

Lastly, I simply want to say that while I am certainly no expert on the subject, I note that there is being attached to this bill a provision which many experts in the field feel has the potential to construct a nationwide database that could be very harmful in terms of people's efforts to engage in identity theft. I hope that proves not to be the case.

I would simply make the point that certainly no one on our committee on either side of the aisle has the expertise that you would hope would be found in the authorization committees, and I wish that that provision had been dealt with on a separate bill rather than solving an internal problem within the Republican Caucus by having it attached to an unrelated bill, and I want to make one point about that.

We are being lectured almost daily by the majority that we should not add ungermane riders to appropriation bills. I want to serve notice that if the majority feels free to add unrelated authorization bills such as this to a must-pass bill, that then I feel fully within my rights in offering whatever authorization legislation we feel appropriate on this side of the aisle and asking that it be attached to appropriation bills. If sauce is going to be okay for the goose, then it ought to be good for the gander.

So we will see in the coming months what the attitude of the majority is when we seek to add what we feel are legitimate efforts to strengthen appropriation bills by adding various pieces of so-called legislation to appropriation bills.

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So since the majority has chosen to proceed down that path, I hope they raise no objection when we seek to follow it. With that, Mr. Speaker, again, I repeat I intend to vote for this bill with all of my misgivings.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. KOLBE), my colleague on the committee.

Mr. KOLBE. Mr. Speaker, first of all, I want to congratulate the chairman of the full committee on this, his maiden effort, to bring a major supplemental appropriation to the floor as chairman, and I congratulate him for the leadership that he has shown in bringing this so swiftly to this floor.

I do rise in support of the conference report to H.R. 1268. Before I address the funding that is the responsibility of my subcommittee, I want to briefly acknowledge a critically important part of this bill, border security funding. The securing of our Nation's borders to prevent the hemorrhaging flow of illegal immigration through my State of Arizona has got to be a top priority for the Federal Government. The people I represent living on the border are frustrated with the illegal immigration system, and we must address gaps in border security now. Arizona and other border States can no longer serve as the back door for this country's broken immigration system. By adding the funding that we do in this bill, we are taking a step in the right direction to ensure our northern and southern borders are protected.

Regarding the Foreign Operations, Export Financing, and Related Programs Subcommittee chapter of this legislation, the conference report includes $2.53 billion in funding for programs under the jurisdiction of the Foreign Operations, Export Financing, and Related Programs Subcommittee, which I chair. While this overall level is $1.4 billion less than requested, let me say once again I strongly support the objectives of the President that he seeks to achieve with this request for Afghanistan, the Middle East, and the tsunami-devastated areas of Asia. I believe that this conference agreement provides the financial support necessary to help the United States achieve these objectives.

The major elements of the conference agreement that differ from the House-passed levels are additional funds for Afghanistan reconstruction, the Solidarity Initiative, and support for Ukraine. The $739 million proposed by the House for Afghanistan reconstruction represented the highest priority projects that could be implemented and executed during 2005. The Senate provided $1.3 billion, the administration's request. And the conference level is $1.086 billion, or $347 million over what the House had recommended. This increase over the House level supports some 2006 requirements, which is, I believe, a cost-effective approach to the 2006 budget process.

The House provided no funding for the administration's $400 million Solidarity Initiative. The Senate provide a total of $225.5 million, $200 million in the Solidarity Fund and $25.5 million in the Global War on Terror Partners

Fund. The conference agreement provides a total of $230 million, merging the two funds into one appropriation, and places these funds within Peacekeeping Operations appropriations. This arrangement provides for regular order congressional review of the Department's plans for these funds.

The conference agreement provides $60 million for Ukraine, and these funds will support the government of Ukraine's highest priorities for political and economic reform, including anti-corruption initiatives and support for the upcoming parliamentary elections.

I think my colleagues recognize that we are faced with unique opportunities in the Middle East and Afghanistan. This agreement will provide the financial resources necessary to promote democracy and provide the State Department with programs and projects to support these positive influences.

Let me say that the funds we are providing in the foreign assistance chapter must be considered an investment in security both in the region and on American soil. However, Congress has the responsibility to ensure that taxpayer dollars are used efficiently and transparently, and we take that responsibility seriously with reporting requirements, and we will continue vigorous oversight of these programs.

The greatest weight all of us must bear is the knowledge that these decisions we make directly put the lives of Americans at risk. I firmly believe the bill before us today will help build stability and freedom in Afghanistan, the Middle East, and parts of Asia. I urge my colleagues to vote "yes" on the fiscal year 2005 emergency supplemental conference report on H.R. 1268.

I rise in support of the conference report to H.R. 1268, a bill making emergency supplemental appropriations for fiscal year 2005.

Before I address the funding in my subcommittee, I wanted to briefly acknowledge a critically important part of this bill—border security funding. The securing of our nation's borders to prevent the hemorrhaging flow of illegal immigration through my state of Arizona must be a top priority for the federal government. The people I represent living on the border are frustrated with the illegal immigration system, and we must address gaps in border security now. Arizona and other border states can no longer serve as the backdoor for this country's broken immigration system. By adding this funding we are taking a step in the right direction to ensure our northern and southern borders are protected.

I am pleased that my colleagues on the conference committee agreed to provide $635 million for Border Security to hire an additional 500 Border Patrol Agents, 50 additional criminal investigators, 168 Immigration Enforcement Agents and Deportation Officers, and to fund 1,950 additional detention beds.

The bill also includes my amendment to strengthen the REAL ID Act to address the technology, equipment, and personnel needs improving security within the U.S., requiring Department of Homeland Security to carry out an improved ground surveillance program, and requiring DHS to improve interagency communication.

Regarding the Foreign Operations Subcommittee chapter, the conference agreement includes $2.532 billion, in funding for programs under the jurisdiction of the Foreign Operations subcommittee of which I am Chairman. This amount is $685 million over the House level, $251 million less than the Senate level, and $1.4 billion less than the Administration's request.

While this overall level is $1.4 billion less than requested, let me say once again that I strongly support the objectives the President seeks to achieve with this request for Afghanistan, the Middle East, and the tsunami devastated areas of Asia. I believe that, with the understanding that we need to reduce our federal deficit, this conference agreement provides the financial support necessary to help the United States achieve these objectives.

The major elements of the conference agreement that differ from the House passed-level are: additional funds for Afghanistan reconstruction, the Solidarity Initiative, and support for Ukraine.

The $739 million proposed by the House for Afghanistan reconstruction, represented the highest priority projects that could be implemented and executed during 2005. The Senate provided $1.3 billion, the Administration's request. The conference level is $1.086 billion, $347 million over the House recommendation. The increase over the House level supports some 2006 requirements—a cost effective approach to the 2006 budget process—such as $101.4 million for two additional power plants, $8.4 million for a water pipeline, $72 million for additional roads and infrastructure, and $43 million for economic governance.

The House provided no funding for the Administration's $400 million "Solidarity Initiative." The Solidarity Initiative request of $400 million for two $200 million Funds to be used by the Secretary of State, as she determines, was to offset the costs of those countries that have dedicated troops to the Global War on Terror as well as economic support to other nations that have provided support. The Senate provided a total of $225.5 million—$200 million in the Solidarity Fund and $25.5 million in the Global War on Terror Partners Fund. The conference agreement provides a total of $230 million, merging the two Funds into one appropriation and places these funds within the Peacekeeping Operations appropriations. This arrangement provides for regular order Congressional review of the Department's plans for these funds. This will provide sufficient oversight of a substantial amount of money for the Global War on Terror.

The House provided $33.7 million for support to Ukraine. The Senate provided the Administration's request of $60 million. The conference agreement provides $60 million for Ukraine. These funds will support the government of Ukraine's highest priorities for political and economic reform, including anti-corruption initiatives and support for the upcoming parliamentary elections.

I think my colleagues recognize that we are faced with unique opportunities in the Middle East and Afghanistan. U.S. leadership can have positive, democratic influence in the West Bank, Gaza, Lebanon, Belarus, and Ukraine. This agreement will provide the financial resources necessary to promote democracy and provide State Department with programs and projects to support these positive influences.

Finally, the conference agreement provides $656 million for assistance to the victims of the tsunami and earthquakes of last December and March.

Let me say that the funds we are providing in the foreign assistance chapter must be considered an investment in security both in the region and on American soil. However, Congress has a responsibility to ensure that taxpayer dollars are used efficiently and transparently, and I know my colleagues take that responsibility seriously. We have included financial reporting requirements for all funds in the Foreign Operations chapter. For Afghanistan counternarcotics and West Bank Gaza programs, we have included additional auditing requirements. As Chairman, I pledge to continue vigorous oversight of these programs.

The greatest weight all of us must bear is the knowledge that decisions we make as Members of Congress directly puts the lives of Americans at risk. Already, men and women from probably every district represented today have made the ultimate sacrifice in Iraq and Afghanistan. I firmly believe the bill before us today will help to build stability and freedom in Afghanistan, the Middle East and parts of Asia.

Again, I urge my colleagues to vote "yes" on passage of the fiscal year 2005 emergency supplemental conference report on H.R. 1268.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Defense Subcommittee, the gentleman who has long been trying to extend debate in this Chamber.

Mr. MURTHA. Mr. Speaker, in regards to what the gentleman from Wisconsin (Mr. OBEY) just said. I am surprised at the new chairman. He is so lenient about getting time out of him. Usually our bill moves much faster than this. I thought he learned.

Let me say the defense part of this and maybe the rest of it is probably the most bipartisan bill one could ever find. The gentleman from Florida (Chairman YOUNG), the gentleman from California (Chairman LEWIS), and I have been traveling to these various bases. We found shortages every place we went, all kinds of problems that they brought to our attention that needed to be rectified. We found problems so severe that many of the units that were on their way to Iraq were C-4. The gentleman from California (Mr. CUNNINGHAM), my good friend, the hero from Vietnam, knows what I am talking about when I say C-4. I am talking about they are not ready to go to combat because the equipment is so bad.

As a matter of fact, the equipment was so bad at one base, and I think it was Fort Stewart where the troops did not have radios to train with, did not have small arms ammunition, did not have mortar ammunition to train with, and that means that when they get there, they are not at the cutting edge of where they should be. Now they get equipment when they get there, and that overcomes the C-4.

So the gentleman from Florida (Chairman YOUNG) and I, what we did was put $2.3 billion into the budget. We first checked, the staff checked, with the Army to make sure that that is where it ought to be put. The Army came back and supported us. Usually, they beat around the bush. The gentleman from California (Chairman LEWIS) knows what I mean. We talk to them, and because of other people over there, they do not want to admit that they need the money. This time they were very emphatic that they needed every cent and they needed it as soon as they could get it. So we added money for the types of things that they need.

Having said that, what I have said to the services because we are having such a problem, we see the recruiting problem, we are looking into that right now. The subcommittee I serve on, we realize and we have said for a long time, they are going to have a recruiting problem as this war gets unpopular; and we were trying to figure out how do we overcome that.

Most times I disagree with those bonuses because I feel so strongly that people ought to join the Armed Forces for the good of the country, but we have to give bonuses to send them over there. We put money in for those kinds of things. We increased the amount of money somebody gets when they are killed in action. We expanded it so that when they are killed in action, they are taken care of retroactively as well as prospectively. We take care of somebody who is wounded. We added money to it. Some veterans group called me and said they were not happy with the way we added that money. They felt like there ought to be more study, and I cannot disagree with that.

But when the four of us sat down, the gentleman from Florida (Chairman YOUNG) and Senator INOUYE and Senator STEVENS, we came to the conclusion that we just did not think we could wait. So we put money in to take care of people who were injured so severely as well as the ones that were killed. And I got so many letters from the people at home, and I have had 12 killed in my district, how pleased they were about what we are doing because it helped them get through a very difficult time.

What we have tried to do over the years is make sure that the people that were in the Armed Forces had what they needed, that the people in Iraq have what they need. Our subcommittee brought to the attention of the country that they were without a lot of equipment in Iraq. We are working right now. New trucks, we are trying to figure out how to put new trucks in that are encapsulated because we have taken care of the Humvees, but we need to take care of the trucks now. So we got some commercial trucks which were recommended which were $100,000 less, but it was so late, we could not get it in the bill. We are going to ask for reprogramming for that amount of money.

So this bill is taking care of equipment shortages, not all of them, but it is taking care of as many as we could possibly squeeze in. It is taking care of Reset. We forced the military to ask for Reset. The minute that this war is over and the money starts to dry up, Reset will be the first thing they do not do; so we have to do it now. And I have said to many of the industrial leaders in this country, the minute the war is over, there will not be any supplementals, there will be a lot less money to be spent, and we have got to spend this money now in the supplementals to make sure that that gets done. Armor modularity, there is some argument about that; but we think it ought to be done, and we have pushed this.

Many of the programs that the Army has today have come about because of the Defense Subcommittee, chaired by the gentleman from California (Mr. LEWIS) and chaired by the gentleman from Florida (Mr. YOUNG). Many of the things that have happened have happened because we see it out in the field. We go out in the field, talk to the people, make sure that we are doing the right thing, and then we try to send defense in the right direction.

So I urge the Members to vote for this. The troops need it, and it helps dramatically for the amount of money that is needed by the Armed Forces.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Pennsylvania for one of the most illuminating, but also one of the longest, statements I have ever heard him make on the floor.

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. YOUNG), chairman of the greatest subcommittee in the appropriations process.

Mr. YOUNG of Florida. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me this time.

The gentleman from Pennsylvania (Mr. MURTHA), the ranking member on our Defense Subcommittee, has explained the bill quite thoroughly as it relates to the war fighters. The biggest part of this supplemental is for war fighters, and the bill that we have put together goes just to that issue.

The increases that we have added in this bill go to the urgently needed items such as ammunition, weapons, up-armored Humvees, transport vehicles. Jammers, night vision equipment, radios, add-on armor kits; and the list goes on and on. And I include a list of those items that are for the war fighter and force protection, Mr. Speaker. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Chairman LEWIS) and I and many of our colleagues have visited our hospitals to visit with our soldiers and Marines at Walter Reed and at Bethesda Naval Hospital and also at Landstuhl, where many of our servicemen come first before they get transported back to the United States, and we have located a number of areas where the government just does not take care of these soldiers and the Marines. And this bill goes a long way towards taking care of that.

It has been pretty generally known that we have in this bill increased the death benefit for those who make the total sacrifice and lose their lives in working and supporting the Nation's security. We have also increased the service group life insurance programs substantially so that those who prefer to take part in that program can have additional benefits, and many of these benefits are really needed. And the gentleman from Pennsylvania (Mr. MURTHA) referred to this, but I want to take just a minute and explain. We added, basically, a new program, and that is for a traumatic injury insurance benefit for members of the service. We provide up to $100,000 to compensate for injuries such as loss of sight, losing a hand or a foot, or other debilitating injuries. And these benefits would be retroactive to October of 2001, when the war started.

There are many soldiers and Marines today who have been wounded so seriously that in previous wars would have died on the battlefield but who are living today in this war because of improved and increased medical benefits and better training and better medicines and the ability to transport from the battlefield to a medical facility. So these soldiers and Marines are hurt really bad, and we have an obligation to take care of them, and this bill goes a long way toward beginning that process, to take care of things for our heroes and our fallen heroes who have not been taken care of by the government properly.

The material previously referred to is as follows:

Conference Agreement for Additional Equipment

[In thousands of dollars]

Program	*Recommendation*
Missile Procurement, Army:	
ITAS/TOW Mods	30,000
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Bradley Reactive Armor Tiles	20,000
Stryker	69,540
Small Arms Modifications	55,200
Procurement of Ammunition, Army:	
Ammunition Industrial Base	57,800

Program	*Recommendation*
Other Procurement, Army:	
Up-Armored IDMWVs (M1114) ...	150,000
Other HMMWVs (M1151)	80,000
FMTV	225,000
FHTV	114,000
Add-On Armor Kits	48,000
SINCGARS Family	30,000
Improved HF Radios (including PRC–150 and PRC–148)	17,000
Jammers (Warlock including Low Cost Jammer)	60,000
Night Vision Devices	59,000
Counter Rocket Artillery and Mortar System (CRAM)	75,000
Force XXI Battle Command Brigade and Below (FBCB2) ...	66,100
Handheld Stand-off Mine Detection System (HSTAMIDS)	10,000
Army Total:	1,166,640
Procurement of Ammunition, Navy and Marine Corps:	
Small Arms Ammunition	6,000
Procurement, Marine Corps:	
Light Armored Vehicle (LAV) ..	175,000
Night Vision Equipment	54,000
Radio Systems (including EPLRS, PRC–117 and HF Communications Vehicle)	55,000
HMMWVs	30,000
Marine Corps Total:	320,000
Grand Total:	1,486,640

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am of course going to vote for this emergency supplemental appropriation because I believe it is absolutely imperative to support our brave men and women in harm's way in Afghanistan and Iraq.

I know that even today, 2 years after the onset of Operation Iraqi Freedom, there continues to be strong disagreement across the Nation on the decision to remove the brutal Hussein regime as well as the planning and prosecution of our military effort in Iraq.

□ 1245

However, on this point, I believe there is unanimity.

We, the elected representatives of the American people, have a legislative duty as well as a moral responsibility, to do everything in our power to ensure that our troops have everything they need to defeat the vicious insurgency in Iraq, to assist the Iraqi people in establishing democracy, and continuing our efforts in Afghanistan.

In my view, however, we are not doing enough. Just last week, The New York Times reported the experience of Marine Company E, an experience that, "was punctuated not only by a lack of armor, but also by a shortage of men and planning that further hampered their efforts in the battle."

I am pleased, Mr. Speaker, that this bill includes $1.4 billion more than the administration requested for bolstering force protection needs such as add-on armor and night vision goggles, and, in addition, for outfitting troops rotating into Iraq and Afghanistan.

Over the last 4 years, this administration, however, has refused to ask the American people, particularly the wealthiest American people, to make even minimal sacrifices, while we ask our men and women in Afghanistan and Iraq for some to make the ultimate sacrifice. The very least, in my opinion, that we can do is give them the resources they need to achieve victory and to return home safely.

I also support, Mr. Speaker, the important funding in this bill for tsunami relief, foreign assistance, and domestic homeland security as well as the $200 million in assistance for the Palestinian Authority for infrastructure and economic development projects. Those are all worthwhile, necessary, and important projects. The political reforms taking place in the territories must be accompanied by an end to the poverty and lack of opportunity facing the Palestinian people. That is ultimately how we will defeat terrorism.

Finally, however, let me raise, Mr. Speaker, one objection, among others, to the funding bill: the $592 million for a new embassy compound in Baghdad. That is not an emergency. This funding, Mr. Speaker, is not only inappropriate in this emergency supplemental appropriation, but it also, in my opinion, is substantially excessive in its expenditures: not to keep the people safe, we can do that, but to create an embassy in a relatively small country that, hopefully, in the years ahead, will be more peaceful than we have found it.

Mr. Speaker, I believe that we are at a critical juncture in Iraq. Victory is imperative, although it is not certain. I urge my colleagues to support this conference report.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Homeland Security, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to compliment the gentleman from California (Chairman LEWIS) and the other conferees for giving us a whole new effort, a major effort to try to control the borders and to deal with the massive illegal immigration problem that the country is facing. We have 11 million estimated illegal aliens in the country, and 800,000 or so of them are people who have been ordered deported and yet have absconded. Eighty thousand of those have criminal records.

This bill, when combined with the homeland security appropriations bills for 2006 that we marked up yesterday in the subcommittee, those two bills combined will give us a new, massive effort to deal with the problem. These two bills will give us 1,500 new Border Patrol agents, 568 new Immigration and Customs enforcement officers throughout the country, and some 3,900 new jail bed space to try to deal with this massive, overwhelming problem.

I want to commend the chairman for having the foresight, along with the gentleman from Wisconsin (Mr. OBEY) and the other members of the conference, for giving us the new capability to tackle a problem that is proving to be very elusive.

So I compliment the chairman, and I urge everyone to support this bill.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this conference committee report. But, Mr. Speaker, the American people whose sons and daughters are fighting this war and the senior military officers who are directing this war deserve to know what the White House will consider to be success in Iraq.

Now, this conference committee report includes language that would require the administration to fully evaluate the situation in Iraq and provide the Congress with measurable, achievable criteria, including the following: an assessment of the number of troops it will take to secure the peace and how those troops would be rotated; key measures of political stability, such as ratification of a national Constitution and permanent national elections now scheduled for next year; the estimated strength of the Iraqi insurgency and the extent to which it is composed of nonIraqi fighters; the operational readiness of Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are capable of conducting counterinsurgency operations independently; and the readiness of Iraqi police forces to perform all duties now being undertaken by coalition forces; as well as the viability of economic sectors that are crucial to Iraq's economic recovery, as measured by unemployment levels, utility availability, and oil production rates.

The fact is that our long-term presence in Iraq will only give our enemies in the region a greater ability to recruit terrorists and build public support for violence. That is the opposite of our objective there. I do think it is past time to lay out for the American people what is our strategy for success. This language that is included in the report will require the Secretary to report no later than 60 days after the enactment of the supplemental and every 90 days thereafter. That is progress.

We support our troops. We have to complete this mission, but we also need to work together. The fact is, the American people whose sons and daughters are fighting this war do not have the ability to require this of the administration, nor do the senior military officers. It is our responsibility, and I am glad that this Congress is committed to performing that responsibility. On balance, it is a good bill, and I support it.

Mr. LEWIS of California. Mr. Speaker, I yield 2½ minutes to our majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise, of course, in support of this supplemental.

I also want to rise to really express my appreciation to the gentleman from California (Chairman LEWIS) and the tremendous job he has done in limiting the scope of this supplemental and getting this work done in a quick way, and moving forward on the rest of our appropriations process at the same time. These measures can often become reasons not to move forward with the normal work of the House, and the gentleman from California (Chairman LEWIS) and his committee and their staff have really accepted double responsibility and double duty by doing these things at the same time.

This bill does include, as my friend from Maryland (Mr. HOYER) mentioned, the embassy compound in Baghdad. He and I visited the current embassy together in December, and I think we disagree on the need to go ahead and get this project started now. The project is 10 percent below the amount of money that the administration asked for. It is a substantial amount of money. It is a difficult environment, but bidding and starting these projects simply cannot happen if we have a little piece of that money to start with; you have to have the money available so that this embassy can be built and that our people representing us there in the embassy can be secure. We had two people killed in the current embassy compound in recent weeks from a missile that was fired there, and we need to move forward.

In addition to providing vital funding for our troops in fighting the war, this bill also addresses some of the border vulnerabilities identified by the 9/11 Commission. This legislation does not create a national ID card or a national database, but it does move forward in securing our borders and making our asylum process work better to protect Americans, both young and old. This legislation tightens the asylum system because of that.

Finally, this legislation provides $635 million for increased border security and enforcement. That includes $176 million to hire, train, equip, and support 500 border patrol agents and relieve current facility overcrowding. It includes almost half a billion dollars for Immigration and Customs enforcement, which includes $97.5 million to hire and train additional criminal investigators and immigration enforcement agents.

This bill works to protect our fighting forces abroad, to help secure our borders at home, to move us forward in the war against terror. I appreciate the committee's work on it, and I encourage its approval today.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, why is Congress approving yet another multibillion dollar spending bill when the previous 3 multibillion dollar spending bills have been misused, improperly managed, and, in some cases, downright stolen?

A report by the Special Inspector General for Iraq's reconstruction has stated that nearly $100 million for reconstruction projects in southern Iraq is missing and cannot be accounted for. These funds must be accounted for before allotting one more dollar for the war in Iraq.

And where is the congressional investigation into the $9 billion that mysteriously disappeared from the books at the Coalition Provisional Authority? Why are we voting on writing another check for a mission that has been so badly botched? Who is being held responsible for the misinformation that led us into the war in the first place? Who is being held responsible for the troops not being equipped and armed with the billions of dollars that we have allocated to Iraq? Where is our exit strategy?

This bill is nothing short of highway robbery, and the victims are the troops and the American people. No more blank checks, Mr. Speaker. No more wars without reason. I will vote against the supplemental.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Science, State, Justice, and Commerce, and Related Agencies, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in strong support of the conference report to fund urgent supplemental requirements for the military.

For the State Department, we have included just over $2 billion, a reduction of $199 million from the President's request.

The bill includes the necessary funds to maintain our diplomatic presence in Iraq and Afghanistan, and for allowing our personnel to carry out their duties in the safest and most secure manner.

Iraq and Afghanistan are the front lines of our foreign policy. This conference report provides the necessary resources for operations, logistics, and security in those dangerous, but critically important, parts of the world.

There is also $592 million to allow State to move quickly to build a secure compound in Baghdad and, as the gentleman from Missouri (Mr. BLUNT) said, these facilities are not secure now, and they are needed. This money will result in the completion of a secure living and working compound facility within 24 months.

The $680 million, $100 million below the President's request, pays for the U.S. share of ongoing peacekeeping missions, including a new mission for Sudan, where it is absolutely critical, now that there is a north-south peace. And, by sending this mission there, hopefully, it will bring peace to Darfur.

The conference report also includes $241.6 million for domestic appropriations to support the war on terror, including FBI counterterrorism efforts and, for DEA, a counternarcotics program in Afghanistan.

Finally, it includes $17.2 million to jump-start the improvement of the United States tsunami warning capabilities on both coasts.

The conference report before us provides funding for important security measures for our diplomatic personnel, for our ongoing State Department and Justice Department commitments, and I strongly urge support of the conference report.

□ 1300

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, while I have problems with the concept of this supplemental and supplementals, and the misplaced budget priorities of the Republican Party, this bill, I believe, is needed for our men and women who are fighting the war on terrorism.

This bill includes much needed higher death benefits for our military. And while it will never return these patriots such as Christian Engeldrum in my district to his family, what we can do as Americans is ensure that his wife and children have financial security for his personal sacrifice to his country.

This bill finally provides funding for body armor for our troops, something that this administration has refused to do for over 2 years now. So hopefully less families can claim the new death benefits for their loved ones fighting overseas.

This bill provides much needed aid for the victims of the December tsunami. I led a delegation to Sri Lanka in January, and I saw first hand the resources needed in that country, multiplied by the effects on other countries; and this money will go to good use.

This funding, along with the sheer generosity of the American people, is a true testament of our country in comparison to the tepid actions by the White House in the immediate days after the crisis.

While this money is important, I would be remiss if I did not express my disappointment at no funding being included for the U.N. Population Fund for children and maternal health care in the tsunami region. I offered an amendment to fix this, but yet again this administration has played politics and refuses to fund the UNFPA.

This bill provides $50 million in important aid to the State of Israel as they embark on the critical disengagement plan and withdraw from the Gaza Strip. We have the support, the courage of the Israeli people; and this is the right thing to do at this time.

And, finally, this bill includes important language to create the 9/11 Heroes Medal of Valor, for which I am deeply indebted to the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. SERRANO), the gentleman from Ohio (Mr. OXLEY), and the gentleman from Massachusetts (Mr. FRANK) for including this provision in this bill.

On behalf of my cousin, John Moran, who was killed on 9/11, a battalion chief of the Fire Department of New York, and the over 400 families in New York City that are affected by this legislation, I want to say thank you for this honor that is going to be bestowed by the President in September of this year.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a great member of our committee.

Mr. CUNNINGHAM. Mr. Speaker, I have been flying wing on the gentleman from Pennsylvania (Mr. MURTHA) for about 14 years, and he has always got me home safely.

The gentleman from California (Mr. LEWIS) and the gentleman from Florida (Mr. YOUNG) and his wife are out at Bethesda in the hospitals every single day taking care of our troops. There is no better team than the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) to make sure that our men and women are safe.

I have another great friend in the gentleman from Wisconsin (Mr. OBEY). And if we were back in the times of Troy, I would be Achilles, and he would be Hector, and we would cross swords, but we would respect each other. And there is one area, Mr. OBEY, when you mentioned homeland security we can seat those swords. The gentleman from California (Mr. COX) is working on the abuses of the homeland security money. That is being taken on.

I think we can work in a very bipartisan way to make sure that that happens. I would like to thank the chairman for the border issues, that we have been able to secure our borders with this bill and provide for border patrol.

Many of us have been working on this for years. And the Speaker has granted us that at the first must-pass bill we can bring this forward.

Mr. OBEY. Mr. Speaker, can I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining, and the gentleman from California (Mr. LEWIS) has 14 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield for purposes of a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER.)

Mr. GEORGE MILLER of California. Mr. Speaker, it has been 2 years since President Bush stood aboard the USS *Lincoln* aircraft carrier and declared, "Mission Accomplished" in Iraq. And in those two years it has become increasingly clear that the war in Iraq is far from over, and that the American people are paying the price.

Let's just take a look at the facts:

There are currently 150,000 American troops now serving in Iraq, including 8,000 Reserve and National Guard troops.

Tragically, 1,582 American service members have been killed in the Iraq war.

At least 12,243 U.S. troops have been wounded in action, many with grievous injuries that will require a lifetime of medical assistance and other types of support.

More than one in five Iraqi war veterans have some type of mental disorder caused by their wartime service.

In addition to the cost of life and quality of life for the brave American men and women who are fighting in Iraq, the dollar cost of the war is also taking its toll on the American people.

To date, $217 billion in American taxpayer dollars have gone to fund the war in Iraq. We were told our allies would share the cost of the war; we were told Iraqi oil would pay for the cost of the war. Now it is clear, there was no plan: the American taxpayer is paying for the cost of this war to the tune of $5 billion a month.

In fact, today's $82 billion supplemental is the fifth such supplemental Congress has passed at the request of the Bush Administration to fund the war on terror. That's billions of dollars not spent on pressing problems right here at home.

Problems, such as:

The price of gas at the pump. Gas prices remain at record levels at $2.24 per gallon nationwide, with some states topping $2.60. That means gas prices have risen 33 cents in just the last two months and are 42 cents a gallon higher than a year ago. The Energy Department predicts that gas prices will climb to a record $2.35 by Memorial Day—averaging $2.28 this summer.

The high cost of health insurance. Health care costs for families have skyrocketed almost 50 percent over the past five years.

A lagging economy. The economy grew at just 3.1 percent in the first quarter—the slowest pace in 2 years and down from a 3.8-percent pace logged in the final quarter of 2004.

Declining wages and benefits. Workers' salaries and benefits have suffered the largest 3-year decline since 1948 (as a portion of our economy) even as corporate profits continue to rise.

Fewer jobs. 446,000 private-sector jobs and 2.8 million manufacturing jobs have been lost.

Record budget deficits. This year's deficit is on track to reach a record $427 billion.

Veteran's benefits. Over the next 5 years, the budget for veterans programs, primarily health care, is $14.2 billion below the amount needed to maintain services at current levels.

And, record trade deficits. The U.S. trade deficit surged to an all-time high of $61.04 billion in February.

Two years after President Bush declared mission accomplished in Iraq, there is still no end in sight. Instead of just signing another multi-billion dollar check to the Administration, isn't it time to develop a real plan to stabilize Iraq so we can bring American troops home and concentrate on our problems here at home?

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER) as I express my deep appreciation for his cooperation in this project.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I thank him for his hard work on this conference report. As many in this Chamber know, this conference report contains the provisions of the Real ID Act, which I offered, and the House overwhelmingly approved earlier this year.

The sensible reforms contained in this legislation are long overdue and will make America safer. These provisions will hamper the ability of terrorists and criminal aliens to move freely through our society by requiring that all States' prior proof of lawful presence in the U.S. for their driver's licenses be accepted as identification for Federal purposes, such as boarding a commercial airplane, entering a Federal building or a nuclear power plant.

This legislation will also require a temporary driver's license issued to a foreign visitor to expire when their visa expires, with the maximum term of 1 year. The legislation will also prevent the ability of potentially dangerous aliens to show up under false pretenses on our shores and be granted safe haven, while simultaneously protecting those who are legitimately fleeing persecution.

Finally, the legislation will also ensure that the security and integrity of our border is not imperiled by endless and frivolous litigation. I would also note that there are several immigration-related provisions included in the report by the other body that enjoy broad support from this House.

One will provide that aliens who have received H–2B visas issued to work in temporary or seasonal jobs in any of the last 3 years shall not be counted toward the 2005 or 2006 quotes when applying for an H–2B visa during the next 2 years.

Another amendment expands immigrant visas available for aliens who serve as nurses or physical therapists. I wish to thank the House leadership, the White House, and many Members of both Chambers who rightly recognized the importance of the Real ID Act and supported its inclusion in this conference report.

Mr. LEWIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank both the chairman and the ranking member for this bill, especially for its Iraqi dollars, because this bill analyzes microscopically the kinds of equipment that is needed there now, and then surgically targets those dollars in a vastly efficient manner for our troops.

The bill also deals with healing the wounds of both mind and body of those soldiers who are returning. The bill also deals with small businesses being able, through the H-2B process, to hire legal workers. And the bill also deals with enhanced technology for the tsunami situation that we saw so much, months ago.

I want to thank the gentleman from California (Mr. LEWIS) for the legislation, and I urge its adoption.

Mr. Speaker, I would like to address the $17 million included in the Supplemental that we are considering today, which will support the expansion of the U.S. Tsunami Warning Network. These funds will help NOAA to procure and deploy tsunami detection buoys in a system designed to provide continuous tsunami warning capability for both the Pacific and Atlantic coasts of the United States. Detection is a critical part of a warning system which I hope will ultimately include a comprehensive approach to educating communities about, and preparing them for, tsunamis.

Comprising 70 percent of the Earth's surface area, our oceans support a growing source of protein for many developing countries, promising sources of medicines, and efficient transport of goods between continents and among nations. They also strongly influence our climate and weather and provide economic and unmeasurable quality of life benefits. For proof of this, one only needs to know that the U.S. coasts support over 50 percent of the U.S. population and comprise only 17 percent of our land base.

When South Asia was struck by tsunami waves on December 26, the world's interest in tsunami detection and warning systems was heightened. The impact of these waves was felt around the world, and the tragedy of its immediate effect on Indian Ocean coastlines has painfully exposed our lack of ability to provide early warning and coastal community education and support. Many lifelong residents of Indian Ocean coastal towns fear the sea—the primary source of their livelihoods for generations. It is critical that individuals in high-risk areas are educated about and prepared for tsunamis before they strike. Coastal communities need assurance that technology exists and will be applied to increase warnings for such events and to prepare them for evacuation to avoid catastrophic loss of human life.

In contrast, developed nations use increasing technological sophistication to acquire from the sea its bounty—with little thought for the long-term sustainability of this activity. In time, without increased understanding of our ocean ecosystems and the impact of our harvest and extraction of its resources, developed nations may also come to fear the sea. The antidote to the disease of fear is understanding. New technologies have already led to enormous advances in our understanding of the coastal and marine environment. However, advanced sensors have been deployed only on relatively small scales, and the systems that are deployed have not been coordinated into an integrated system that will optimize our understanding of the oceans.

Since the U.S. hosted the Earth Observation Summit in July 2003, we have been working with our partner nations to adopt a comprehensive, coordinated and sustained Earth Observation System to collect and disseminate data, information and models for more effective and responsible use of our resources as well as to inform decision-makers about impending disasters. Most recently, the U.S. Commission on Ocean Policy made an integrated ocean observing system a top recommendation in its report, An Ocean Blueprint for the 21st Century.

Our space exploration and our weather programs show that when our scientists and the Nation support a program and devote time, money and, most importantly, the human mind into these types of endeavors we are highly successful. The ocean, however, is often referred to as the last frontier, a place where we continue to find new organisms and species and where we still struggle to understand the profound implications for climate changes and more direct impacts of the oceans on our human habitats.

There is perhaps no more motivating event, no louder a voice for attention and understanding than having the ocean engulf human habitats. Our failure to fully develop and utilize our technology to understand our oceans has many more implications, including the potential for permanent damage to fragile and complex ecosystems that have generously provided us with food, medicines, recreation, and other benefits. We are now awake to the power of the ocean, and it is my hope that we will use this opportunity to move more quickly toward integrated data collection and dissemination systems, as well as intensive education of coastal communities, to ensure that we and future generations can look to the sea for inspiration, sustenance, and life-giving support.

I strongly support the inclusion of these funds to increase global monitoring capacity and public awareness about tsunamis and other disasters, particularly if they add to capacity of ocean monitoring as part of the Global Earth Observation System of Systems (GEOSS).

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of the conference report. And I would like to take a few minutes to express my support with some provisions included in the foreign operations chapter of this supplemental bill.

First and foremost, I am pleased that we have finally appropriated funding to address the earthquake and tsunami that devastated Asia. The images of destruction, parents separated from their children, whole villages flattened and emptied, livelihoods washed away, touched the American people deeply and brought out the most generous and humanitarian impulses in us all.

I am disappointed, however, that it has taken Congress so long to respond officially on behalf of the United States, but I am happy that we finally have a robust package of aid to offer affected nations.

I want to thank Chairman KOLBE, Senators MCCONNELL and LEAHY for responding to my request to ensure that the needs of women and children around the world are addressed in this supplemental. Of the $656 million included in the bill for tsunami-related assistance, over 200 million will be dedicated to directly meet the needs of women and children, and much of the remainder of those funds will be of indirect benefit through the restoration of infrastructure needed, such as new schools and roads.

The bill also makes a strong statement about U.S. support for a peaceful solution to the Israeli-Palestinian conflict. It provides 200 million to help the Palestinian people improve their economic situation.

I also want to thank Chairman KOLBE and my colleagues in the Senate for agreeing to provide most of the $100 million added by the House for emergency needs in Africa outside of Sudan. Unfortunately, the horrible tragedy in Sudan has meant the diversion of funds needed to address ongoing problems in the democratic Republic of the Congo, Liberia, Ethiopia, and Uganda. This 100 million, along with additional funds for Public Law 480 food aid, will go a long way toward easing the pain and hunger expressed by many women and children throughout Africa.

While I have deep concerns about other provisions included in other sections of this supplemental, I am pleased with the shape of the foreign operations section. I believe it goes a long way toward fulfilling our many commitments around the world.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the chairman for this time. I rise in strong support of this conference report as the people's House at long last takes care of some unfinished business. In the closing days of the 108th Congress, some in the other body objected to commonsense provisions that deal with our national security and our border security, to wit, the notion that when you apply for a driver's license or another legal document, you should be who you say you are, and you should enjoy legal status in this country.

This supplemental conference report includes the REAL ID Act, and at long last the Congress of the United States gets real and understands that border security and national security are one and the same. Pass this to help protect our borders and help protect our national security.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I thank Chairman LEWIS for including in the supplemental the provision which is our wounded warrior bill.

As our enemies adapt their war-fighting strategies, they change not just to kill our men and women overseas, but to maim and wound. Roadside incendiary devices, rocket grenades, car bombs mean the loss of several arms and legs and eyes, blindness and paralysis.

Our men and woman coming home at Walter Reed Army Hospital and their families coming up to be with them so they can heal faster are incurring great debt. Never mind that they try to transition back into society, those great wage earners, trying to find self-worth in the work.

This bill includes the wounded warrior project. It says to our troops, we are going to provide you with supplemental disability insurance to help you transition back to being American citizens and thank you for your patriotism.

I urge my colleagues to vote for this supplemental. Do not allow these traumatic injuries to be the economic death sentence after our troops have survived the death bed overseas. Vote for our wounded warriors.

Mr. OBEY. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I congratulate the chairman on this bill. It is important that we take care of business with our military.

Mr. Speaker, having been to Iraq this year, I saw our troops, our young men and women from all branches of the service doing the finest job ever representing the concept of freedom and representing the United States; and they certainly need the supplemental.

However, I am concerned about some of the baggage that seems to have been added to the supplemental. And I think maybe in the future we should be careful about adding things that are not really important emergencies, such as in this supplemental conferring eligibility for rural housing assistance grants in the village of New Miami, Ohio; allowing some farm service accounts for the Alaska dairy farmers; increasing the cost of the Fort Peck Fish Hatchery Project in Minnesota; and adding to the National Center for Manufacturing Services in Michigan; along with $500,000 for the oral history of negotiated settlement projects at the University of Nevada.

I think these belong in some other bill. They may be great projects, but they certainly are not emergency projects. But I do urge all Members of the House to support this legislation.

Mr. LEWIS of California. Mr. Speaker, it is my honor to yield 1 minute to the gentleman from California (Mr. ROYCE).

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Mr. ROYCE. Mr. Speaker, I am pleased that the conference report includes the REAL ID Act, which I cosponsored. And of course the goal of this bill is straightforward. It seeks to prevent another terrorist attack on U.S. soil by disrupting terrorist travel. These provisions were called for by the 9/11 Commission. And this legislation uses existing States driver's license systems to ensure we know who is in our country, that people are who they say they are, and that the name on a driver's license is the holder's real name, not an alias.

All but one of the 9/11 hijackers used U.S. driver's licenses to board the planes that day because these documents allowed them to circumvent their expired visas. It allowed them to not raise suspicion or concern.

Mohammed Atta received a 6-month visa to stay in the U.S. He received a Florida driver's license good for 6 years. The REAL ID Act will end this by establishing a rule for all States, that temporary driver's licenses for foreign visitors expire when their visa terms expire and establishes tough rules for confirming identity before driver's licenses are issued.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I take this time to explain the motion to recommit that I will offer at the end of this debate. Here is what it does:

The Senate bill contains funding for a total of 150,000 border patrol agents, 250 immigration investigators, and 168 immigration enforcement agents, and detention officers and their associated training and support cast.

This conference agreement falls short of the Senate bill in 3 areas. It only contains funds for 500 border patrol agents, not the 150,000 called for in the Senate bill. It only contains funding for 50 immigration investigators, not the 250 called for in the Senate bill.

Last, it also contains no funding for unmanned border aerial vehicles.

The motion to recommit is simple. It would take us to the levels contained in the Senate bill for border patrol agents by adding funding for 550 additional border patrol agents and for 200 immigration investigators.

It would also fund unmanned border aerial vehicles that have been used successfully in a test in Arizona to assist in surveillance. Former DHS Deputy Secretary Lloyd testified that the vehicles provided "invaluable" service.

Since border patrol agents are trained at the Federal Law Enforcement Training Center in Artesia, New Mexico, funding is included like the Senate bill to purchase and operate modular classrooms for these additional agents.

This motion, in short, would provide an additional $284.4 million to immigration and customs enforcement to do this as was in the Senate bill. Need I remind anyone that the Intelligence Reform Bill, which became law last December, called for 2,000 additional border patrol agents a year and 800 additional immigration investigators? The President requested no funding for that supplemental request.

I would note that on March 30 the administration announced it would add more than 500 agents in Arizona, but those are not new agents. 135 of them or so will come from other southwest and southern border patrol locations, and the remainder are simply new trainees who will replace agents retiring or leaving the border patrol across the country.

So I would simply urge House Members to vote for this motion. It ought not be at all controversial. It is practical if you want to put your money where your press releases have been with respect to border patrol.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in support of the bill, although I am disgusted with the anti-immigration provisions in it, particularly the things with the driver's licenses.

Mr. Speaker, I rise in support of this supplemental appropriations bill, but not without very serious misgivings. I will vote for this legislation because it contains support for our troops in the field and important tsunami relief. With American soldiers in harm's way, I am very reluctant to vote against funding of military operations. And, having personally seen the devastation in the wake of the Tsunami in Indonesia, I feel that aid to the victims is critical.

Nevertheless, I am disgusted by the process by which this legislation came to the floor and by the immigration-related provisions in the bill. This is an appropriations bill. It is not the place to write new immigration law or to include seriously flawed driver's license provisions. The Republicans are clamoring in the Senate about the lack of up or down votes on judges and, today, they denied the House not only an up or down vote on the so-called "Real ID" Act, but even a real debate on this issue.

The immigration sections are seriously flawed. They impose onerous restrictions on foreign nationals in the U.S., not to mention upon American citizens, and slap a massive unfunded mandate upon the states. Shortly after this legislation takes effect, I can only imagine that, instead of more licensed drivers on the roads, there will be less. Instead of safer roads, we will have more reckless drivers operating completely outside of our laws.

America is a nation of immigrants and our strength is in our diversity. We are founded upon the people who have come from all corners of the globe and are continually enriched by the unique strengths that they add to our national mosaic. We must not undermine the careful balance our nation has struck. I, therefore, strongly oppose these ID and immigration-related sections and pledge to fight hard in the future to remove the offensive provisions from the law.

in the end, as a legislator, I must vote on the bill in front of me, and in this instance I must vote for the vital funding contained in this bill. But, Mr. Speaker, please know that I will work hard in the day ahead to strike the dangerously flawed sections from the code.

Mr. OBEY. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise sadly to oppose the emergency supplemental because of the horrific and ill-advised immigration provisions and the lack of oversight that has been given to the provisions in this section. I hope we will have an opportunity to address this in a comprehensive manner.

Mr. Speaker, I rise today very conflicted over a piece of vital legislation for which this entire body should really be in solidarity. The Conference Report on H.R. 1268 provides for emergency FY2005 funds for military operations in Iraq and Afghanistan, tsunami relief efforts, foreign assistance programs and domestic homeland security priorities. However, this legislation also includes an insidious section with provisions of H.R. 418, the REAL ID Act, which has nothing to do with what should be the real intent of this Emergency Supplemental. Instead of being united on issues of national security and international relations, we are put in a divisive situation with the provisions of the REAL ID Act.

The issues of importance addressed by this Emergency Supplemental do not give rise to a need to include provisions from H.R. 418, the REAL ID Act—legislation for which Congress has not held a legislative hearing, markup, nor full debate in the House. Just last year, our colleagues on the other side of the aisle attempted to force these provisions in the context of the 9/11 Intelligence Reform and Terrorism Prevention Act, H.R. 10.

The sponsor of the REAL ID Act's driver's license provisions would have gone far beyond the scope of the 9/11 Commission recommendations. The 9/11 Commission did not suggest that the standards should be federally mandated without state participation, that a database should be created to share personal identification information, that undocumented immigrants should be prevented from getting licenses or that non-citizens should get an identifiably different driver's license.

Finally, none of the REAL ID Act sponsor's provisions have been reviewed by the Congress or the Commission. There have been no hearings or debates on these significant changes to existing law. The immigration provisions that have been forced into this supplemental include numerous provisions restricting the grant of asylum " protection, imposing onerous new driver's license requirements on the States, making it easier to deport legal immigrants, waiving all Federal laws concerning the construction of fences and barriers anywhere within the United States, and denying immigrants long-standing habeas corpus rights.

The USA PATRIOT Act, for which we in the Subcommittee on Crime, Terrorism, and Homeland Security of the Judiciary are only now holding hearings in piecemeal form, already barred terrorists from receiving asylum protection in the United States. None of the people associated with recent attacks, or plans for terrorist attacks in the U.S., were here under grants of asylum. Instead, these changes will make it harder for people legitimately fleeing persecution to prove their asylum claims and gain protection here. Bona fide refugees who cannot meet the higher standards will be returned to countries where they were persecuted, possibly to face terror, torture and death.

The forced provisions will set a dangerous legal precedent by requiring the government to waive all federal, state and local laws to build barriers and fences to deter illegal entry into the United States. This waiver would require violating laws that protect sacred Native American burial sites, important environmental regions, and the wages of laborers. Yet this policy is unnecessary. In the 9–11 Act, we passed language to develop and implement a comprehensive plan for the systematic surveillance of the Southwest border by remotely piloted aircraft and other electronic means. We can preserve our legal rights and regimes and still secure our Nation.

The great majority of this Emergency Supplemental, a sum of $75.9 billion goes towards U.S. military operations in Iraq and Afghanistan. In this Conference Report's military spending total of $75.9 billion includes $37.1 billion for military operations and maintenance spending, $17.4 billion for personnel, and $17.4 billion for new weapons procurement. I am very pleased to say that this Conference Report increases the military death gratuity to $100,000, from $12,420, and increases subsidized life insurance benefits to $400,000, from $250,000, for families of soldiers who died or were killed while on active duty beginning from Oct. 7, 2001. I can not describe how fundamental it is that we take care of our armed forces and their loved ones. This Conference Report addresses some of the concerns that Democrats have had about the fact that the families of soldiers who were killed while on active duty were not being given the necessary funds to provide for themselves. In addition, this Conference Report provides $308 million more than requested for add-on vehicle armor kits; large increases for new trucks; added funds for night-vision equipment; and $60 million in unrequested funds for radio jammers to disrupt attempts by Iraqi insurgents to explode remote-control bombs and mines. As with the increase in death benefits, Democrats in this body have been advocating for increased funds to provide the necessary armor and equipment to protect our troops. While I am supportive of our troops and their families, I am disappointed that this war continues with no end in sight. How long will it be before our brave men and women of the Armed Forces can come home and embrace their families? This is the question Democrats have been asking for months and we still don't have a real answer. Again, while I support funding our soldiers and their families to ensure that their safety and financial needs are met, I am deeply disappointed that we still do not have a proper exit strategy in Iraq.

As I stated there are many provisions of this Emergency Supplemental in which this body can be united in agreement. One such issue is the tsunami relief provided in this Emergency Supplemental. The Conference Report before us today appropriates $907 million in direct assistance for tsunami disaster relief for countries affected by the Dec. 26, 2004, earthquake and tsunami. In addition, this measure also provides $226 million to reimburse the U.S. military for expenses incurred in providing emergency relief to the tsunami victims, and $25 million to build and deploy 35 new tsunami-detection buoys in the Pacific, Atlantic, the Caribbean and the Gulf of Mexico to provide warning to communities of approaching tsunamis. I had the opportunity to see the damage caused by the tsunami when I visited Sri Lanka with my colleagues led by Mr. CROWLEY shortly after the tsunami disaster. I had the opportunity to visit with USAID personnel who were there trying to aid the Sri Lankan people in rebuilding their Nation. I have to say the attitude of our American personel and the smiles they brought to the face of the Sri Lankan people would make every member of this Congress very proud. We talk about public diplomacy with the international world and I firmly believe that the funds appropriated here along with the work of our personnel on the ground help make a great case for the goodness of our Nation.

I am also similarly pleased that about $400 million in this Conference Report will go towards humanitarian assistance in Darfur, Sudan. I recently had the opportunity to visit refugee camps in neighboring Chad where thousands of Sudanese in Darfur have fled to escape the conflict. Needless to say, I was able to confirm from eyewitness accounts that the conflict in Darfur is indeed even more shocking and deeply disturbing in its viciousness than has been reported to us. We as a Nation must stand against such brutality and the funds in this Emergency Supplemental will help to ease the suffering of those involved in this conflict. In addition, this Conference Report includes $920 million for all peacekeeping programs, many of which are in Sudan. However, while I have always been a strong advocate for peacekeeping operations, I am disappointed that the total money appropriated is $70 million less than the president's request. We must continue to support such operations because the alternative can only be to the detriment of the international community, including our own Nation.

Again, I am in general support of the goals proposed by H.R. 1268, but I am troubled by the implications of the Supplemental Appropriations measure that this body is poised to pass that relate to immigration policy. The underlying legislation proposes to fund important needs that pertain to Operation Iraqi Freedom; Operation Enduring Freedom, in Afghanistan; Army and Marine Corps restructuring; recapitalization and replacement of equipment; and replenishment of cash balances in certain working capital funds. In truth, this Emergency

Supplemental funds many needed priorities, but it is the one issue of the REAL ID Act, which is not a priority, that poisons this legislation.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY), our distinguished ranking member, the lead Democrat on the Committee on Appropriations for his leadership for his very important motion to recommit.

Mr. Speaker, before I get into talking about the bill, I want to commend both the distinguished chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS) and our distinguished ranking members on the Committee on Appropriations and Subcommittee on Defense. Over the years, they have worked very hard and provided great leadership for our men and women in uniform and for the security of our country.

There is much about this bill that I support. I have some concerns which I will express but none of that diminishes the regard and appreciation I have for the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, for the fourth time since the President ordered the invasion of Iraq 2 years ago, Congress has been asked to provide funds for the war outside the regular budget. With nearly 140,000 troops in dire need of equipment and supplies, this legislation will be overwhelmingly approved and I will support it.

A willingness to provide our troops the support they need, however, should not be mistaken for support for the repeated failures in judgment that first put our troops in harm's way and that keeps them there today.

Two years ago this week on May 1, 2003, President Bush stood on an aircraft carrier under a banner that proclaimed "Mission Accomplished." Considering the events that followed and what has been disclosed since then, if the President were to stand under a banner today it would have to read "Credibility Demolished."

We are in the war's third year. Daily headlines are grim reminders of how far we are from a stable and secure Iraq, and the President has yet to provide a plan to get us to that place. We are fast approaching sadly 1,600 U.S. military deaths and thousands of more have suffered grievous and lasting wounds.

I have had the privilege to pay my respects to troops in theater and in hospitals in Europe and in the United States. Whatever our disagreement about the policy which brought us into the war, whatever our disagreement on the lack of planning to end it, it never diminishes the regard that we have for our men and women in uniform. We respect them and we appreciate their courage, their patriotism and the sacrifice they are willing to make for our country. And on any opportunity that many of us have, we express that to them personally.

The President's rationale for the invasion was discredited long ago. Iraq remains unsafe. I talked about credibility in terms of the lack of planning. There is also a lack of credibility in budgeting. Although appropriations for Iraq approaches $200 billion, the President's budget requests no money for the war on the grounds that the cost is unknowable. Instead, the President chooses to include a figure for the war's cost, zero, that everyone knows to be wrong.

Here we are today on Thursday talking about a supplemental with a set amount in it of emergency funding for our troops, and we passed the budget last Thursday. It was not one week ago we did not know what the cost would be and now we do this week.

This is simply not an honest way to do our budgeting.

Our troops need relief and their equipment needs repair and replacement. The risk assessment released by the Joint Chiefs of Staff this week shows the strain on our military is real and unsustainable. And it is clear that the figure in the supplemental is really not enough to meet to meet the measure that the chairman mentioned.

Providing money alone as this bill will do is not enough. A way out must be provided as well. We must focus on quality rather than quantity when training Iraqi security forces, accelerate Iraq's reconstruction in ways that give Iraqis a major stake in rebuilding their country, and step up regional diplomatic efforts to heal the strife on which the insurgency thrives.

I was pleased to be part of the bipartisan delegation that visited Iraq during Holy Week, and I can tell you that firsthand that we have a long way to go to reaching those goals.

Our experience in Iraq strongly suggest that if we do not take these steps and soon, about training the security forces, accelerating Iraq's reconstruction, and stepping up regional diplomacy or as the gentleman from Pennsylvania (Mr. MURTHA) would say, Iraqatize, internationalize and energize, if we do not do this and soon, Americans may wonder for years to come if the end will ever be in sight.

The funds provided for our troops in Iraq and Afghanistan, for the relief of those devastated by the tsunami, to aid those suffering in Darfur and elsewhere, and to promote Middle East peace are necessary and important.

Were conferees able to focus solely on these issues, their final product would have been much stronger. However, since this bill is must-pass legislation, House Republicans demanded the inclusion of controversial immigration provisions. These provisions would be much better considered as part of a comprehensive immigration reform effort. These provisions will make asylum harder to obtain for those seeking a haven from persecution and place a huge unfunded responsibility on the States to verify information used to support a driver's license application.

This is an unfunded mandate. This is an unfunded mandate and it is not part of the Contract With America, no unfunded mandates.

Since this is a conference report, we cannot have a ruling from the Chair that will allow us to discuss some specifics about the unfunded mandate, the driver's license application that is in the bill. It sounds like a good idea. But if you are at the desk at the Department of Motor Vehicles and you have now become an immigration officer because you have to prove the citizenship, or at least the legality of somebody being in the country, it is a big burden, it is costly, and it is unfunded.

We have given a mandate without the money and really without the consideration that this provision should have been given.

In addition, we unwisely vest in the Secretary of Homeland Security the power to weigh Federal and State environmental and labor laws. This in the name of securing our borders. Securing our borders should be a national priority, which makes it all the more inexplicable that the President did not request in his budget the extra border patrol agents and detention beds authorized by Congress last year in response to the recommendations of the 9/11 Commission.

Bipartisan efforts in the Senate do more for border security in this bill and were rebuffed by House Republicans in favor of provisions that trample on the rights of individuals and States, and may result in the diminishment of the safety of the American people.

I commend the gentleman from Wisconsin (Mr. OBEY) for offering his motion to recommit to fund border security at the Senate levels. He also had this as a motion to instruct when the conferees were named, to add $1 billion so that we could have the border security that was recommended by the 9/11 Commission. But that was rejected.

So we talk a great deal about securing the border, but we are not putting the resources there to do the job. Thank heavens Senator BYRD prevailed with part of the money in the Senate. We can do more. We should have done more. The gentleman from Wisconsin (Mr. OBEY) has been a champion on this issue year in and year out as far as this discussion has been going.

Again, border security, border security, border security, and then we can talk about a comprehensive immigration policy.

I hope that all of our colleagues will give an overwhelming support of this body to the Obey motion to recommit.

Mr. Speaker, for many reasons, this is not an easy bill to support. The legitimate emergency needs to which it responds, particularly the needs of our men and women in uniform overseas, are real and must be addressed.

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A much better job, though, must be done to create conditions to allow large numbers of them to come home and to come home soon.

Mr. Speaker, I urge our colleagues to support the gentleman from Wisconsin's motion to recommit.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by saying that while I very strongly oppose my colleague from Wisconsin's motion to recommit, the gentleman was kind enough to share the recommittal motion with us before the fact, and I am very much appreciative of that.

The greatest difficulty I have with the motion is that at this moment our forces are on gas fumes, rather than real gasoline. It is very, very critical that we get this bill moving towards the President's desk and to the troops as quickly as possible.

I would like to speak for a moment about some of those things that the bill does that may be of great interest to the Members who are concerned especially about border security.

Within this package there are some 500 border patrol agents, added as a result of this measure as it goes to the President's desk. There are 218 immigration enforcement agents and criminal investigators. There are some 1,950 detention beds. The bill is designed to take every step that we possibly can on short order to secure our border.

At the same time, just yesterday the Subcommittee on Homeland Security marked up their 2006 bill to move further down this same pathway. We are moving very quickly to strengthen and secure our borders by way of this legislation, as well as regular order.

From there, Mr. Speaker, let me express my deepest appreciation to Members on both sides of the aisle who have worked very hard, their staffs, as well as the Members themselves, to make sure that this supplemental would arrive on time and ahead of schedule. Virtually nobody thought we would be here at this moment. The reason we are is because the Members recognize how critical it is that we get this support to our troops immediately.

Mr. Speaker, I very much appreciate my colleagues' patience as we work quickly on this bill. It is a very good bill. I urge my colleagues' support.

Mr. HASTERT. Mr. Speaker, during times of war, the United States Congress has an obligation to act. With this bill, we do just that.

I want to commend Chairman JERRY LEWIS and the Appropriations Committee for their hard work on this legislation. This is the first appropriations bill completed under the leadership of the gentleman from California. He and our conferees did a tremendous job of crafting this war supplemental promptly and responsibly.

H.R. 1268 provides the funds needed to pay, equip and protect our military during a time of overseas conflict. It supports the war on terrorism at home and abroad.

It also is important to note that tomorrow is Military Spouses Appreciation Day, and this bill provides for spouses and families who might tragically lose a loved one at war. The bill increases the maximum Servicemember Group Life Insurance benefit from $250,000 to $400,000. The onetime death gratuity for combat families will rise from $12,000 to $100,000. There are also new insurance benefits for soldiers who suffer traumatic injuries, such as loss of a limb or sight.

Funds are included to assist our coalition partners, support international peacekeeping efforts and continue reconstruction programs in Afghanistan. As you know, opium production is undermining Afghanistan's efforts to rebuild and in too many cases, funding terrorists. Money included in this bill will train Afghan police and help farmers produce alternative crops.

We pledged to include in this bill critical provisions to protect our border and curtail illegal immigration. We have delivered on that promise, and I thank Chairman JIM SENSENBRENNER of the Judiciary Committee and Chairman TOM DAVIS of the Government Reform Committee for their leadership on these provisions.

The bill includes $176.3 million to hire, train and equip 500 new Border Patrol Agents. New immigration enforcement agents and other criminal investigators are also funded in the bill. Last year, Border Patrol agents arrested nearly 1.2 million illegal aliens; nearly 12 percent of them were captured near the San Diego Sector. In an important step, this bill eliminates the barriers to completing construction of the San Diego border fence, closing a critical border security breach.

Finally, the bill supports recovery efforts for the hundreds of thousands of people impacted by the Indian Ocean tsunami by providing $656 million in tsunami-related disaster relief.

Mr. Speaker, this bill goes a long way towards meeting our global commitments and maintaining America's status as a world leader. More importantly, it declares to the brave men and women serving in our armed forces that the United States Congress will continue to stand beside them in the war on terror. I urge the House to adopt this legislation.

Mr. MANZULLO. Mr. Speaker, I recently presented a joint statement with Senator SNOWE regarding small business contracting and would like to submit it for the RECORD.

Section 6022 of H.R. 1268, as adopted in the Conference Report, H. Rep. 109-72, contains certain provisions concerning small business contracting at the Department of Energy. These provisions were inserted as a substitute for Section 6023 of the Senate version of H.R. 1268. Section 6023, among other things sought to amend the Small Business Act to authorize counting of small business subcontracts at the Department of Energy's large prime contractors for purposes of reporting small business prime contracting results. Because the substitute language was not adopted by Congress through regular legislative proceedings in the Senate Committee on Small Business and Entrepreneurship and the House Committee on Small Business but was adopted anew during the House-Senate conference, the committees of jurisdiction take this opportunity to provide guidance generally provided through their reports to Senators and Representatives prior to their vote on the Conference Report, and to affected Federal agencies prior to their implementation of the Conference Report if adopted.

In subsections 6022 (a) and (b), the language chosen to replace Section 6023 in the Conference Report directs the Department of Energy and the Small Business Administration to enter into a Memorandum of Understanding for reporting small business prime contracts and subcontracts at the Department of Energy. This replacement language does not change the Small Business Act's clear distinction between prime contracts and subcontracts, does not amend the statutory small business prime contracting goal requirements which are binding on the Department of Energy, and does not obviate Congressional and regulatory policies against contract bundling. This language does not repeal the President's Executive Order 13360 directing the Department of Energy to comply with its separate statutory prime contracting and subcontracting goals for awards to small businesses owned by service-disabled veterans. Any interpretation to the contrary would be unreasonable and contrary to Congressional intent.

In subsection 6022(c), the replacement language mandates a study of changes to management prime contracts at the Department of Energy to encourage small business prime contracting opportunities. The object of the study is to examine the feasibility of establishing a procurement agency relationship between the management prime contractors and the Department of Energy in accordance with the requirements of Federal procurement laws, Federal procurement regulations, the "Federal norm" of government contracting as recognized by the Comptroller General, and applicable judicial precedent such as U.S. West Communications, Inc. v. United States, 940 F.2d 622 (Fed. Cir. 1991).

Finally, in subsection 6022(d), the replacement language imposes certain requirements upon the Department of Energy concerning break-outs of services from large prime contracts for awards to small businesses. First, the Secretary of Energy is required to consider whether services performed have been previously provided by a small business concern. This requirement is for acquisition planning purposes only, and shall not be construed as imposing a restriction of any kind on the ability of the Department of Energy to break out its large prime contracts for award to small businesses. Congress recognizes that most of work currently contracted by the Department of Energy to its large prime contractors has never been historically performed by small businesses. However, this does not waive the application of the Small Business Act, the President's Executive Order 13360, or the President's initiative against contract bundling to the Department of Energy. Second, the Secretary of Energy is required to consider whether small business concerns are capable of performing under the contracts which are broken out for award. This requirement is simply a restatement of current statutory and regulatory requirements on contractor responsibility.

Subsection (d)(2) direct the Secretary of Energy is required to—impose certain subcontracting requirements. As the text plainly indicates, this provision applies solely to small, business prime contracts which were formerly small business subcontracts for services.

Ms. KILPATRICK of Michigan. Mr. Speaker, when H.R. 1268 was first considered on the floor in March, I reluctantly supported its passage. Now that the conference report has been returned to the House for this chamber's approval, I still find myself torn because I do not see how additional funding for the Iraq War effort will ultimately produce a positive outcome for the United States or for the people in Iraq. I want a successful exit strategy—not a permanent occupation in Iraq.

Despite my misgivings for the direction of our Iraq policy, or lack thereof, I do not believe our troops, who are fighting so bravely, should be penalized for the mistakes in judgment of our civilian military leadership at the White House and the Pentagon. As we speak, our ground forces scrounge for scrap metal to make the unarmored vehicles more safe against insurgent attack. The funds provided in this bill will enable our soldiers and Marines on the ground to uparmor their vehicles. There should be more outrage from the American public that they were deployed without adequate equipment from the beginning. But they are there. It is vital that our troops receive the equipment they need to defend themselves against attack.

I have been critical of our war planning from the outset. I voted against the authority that allowed the President to take action in Iraq. I continue to be frustrated that our war plan still contains no game plan on when we can begin to bring our troops home. I am pleased that the bill does contain provisions that require the administration to develop a set of performance indicators and measures for determining the stability and security in Iraq and report its findings to Congress. This requirement falls well short of the exit strategy we need to determine how long our commitment in Iraq will last.

The bill also funds tsunami relief, which is well overdue. The agreement appropriates $656 million in direct assistance to tsunami disaster relief for countries affected by last December's tragedy. The total includes $5 million to support environmental recovery activities; $10 million to create new economic opportunities for women; and $12.5 million to support initiatives that focus on the immediate and long-term needs of children.

The bill provides $400 million for humanitarian assistance in the Darfur region of Sudan and elsewhere in Africa, including funds for the temporary resettlement of refugees. It also funds $240 million for international humanitarian food assistance through the Food for Peace Program, much of which will go to the Darfur region. This assistance will provide some relief to those who are being victimized by the ethnic cleansing that is being waged against the black Muslim population by the Arab Muslim-dominated Sudanese government.

In a period when the President and this Congress proposes reductions in programs that support the development of local communities and neighborhoods, the bill provides $592 million for a gold-plated embassy compound in Iraq. I find it very difficult to defend such spending when the budget priorities of this administration propose disinvesting in our cities, towns and our American workforce. Money for this project goes beyond providing office and working space for U.S. foreign service personnel. What we are proposing to build is not an embassy, but a compound, with stores and other amenities which will further distance our American embassy personnel from the Iraqi civilian and political population. We are constructing a fortress, not an embassy. I want a successful exit strategy—not a permanent occupation in Iraq.

Another key element of this agreement with which I take issue is the mandate imposed on states that requires certain identification standards on driver's licenses for federal identification purposes. The measure mandates that states meet certain requirements for determining the validity of persons applying for drivers' licenses. Although the bill provides authority for states to receive federal grants to comply, it is insufficient and amounts to an unfunded federal mandate.

The money contained in this bill will go a long way to saving lives, saving the lives of our land forces in Iraq and Afghanistan and reconstructing the lives of those who experienced the devastation of last year's tsunami. After weighing the alternatives, I reluctantly support the passage of this bill. I am not happy with the choices we are making today. I feel backed into a corner without much wiggle room, but the lives of our troops matter to me and they deserve the protection this bill is designed to deliver to them.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in reluctant support of H.R. 1268, the War Supplemental Appropriations bill for fiscal year 2005, which will provide funding for military operations and reconstruction activities in Iraq and Afghanistan, as well as important funds for tsunami relief and recovery.

I say "reluctant support" because the Republican leadership has made a very poor and political decision to include controversial legislative provisions in this emergency spending bill that otherwise enjoys almost universal support because it provides needed assistance for our servicemen and women overseas.

It goes without saying, Mr. Speaker, that our servicemen and women deserve to have the equipment and support they need to help keep them safe as they fulfill their missions abroad. Towards that end, the Appropriations Committee increased funding by 69 percent above the President's request for add-on vehicle armor kits, new trucks, and radio jammers to disrupt attempts by Iraqi insurgents to explode remote controlled bombs and mines.

The bill also includes important provisions to increase the military death gratuity and to provide subsidized life insurance benefits for families of soldiers who die or are killed on active duty. No amount can compensate for the tragic death of a loved one, but an increase in these benefits can help a family cope with the financial impact of a combat death.

I am also pleased that additional funds have been provided for humanitarian relief and disaster assistance, including $400 million for Sudan, $907 million for Indian Ocean tsunami relief, and $240 million in P.L. 480 grants for emergency food assistance.

But I am extremely upset and disappointed that the Republican leadership is using this critical bill as a vehicle to pass unrelated and controversial policies, that will allow the Department of Homeland Security to preempt state and federal laws to build border fences, require uniform national standards for issuing driver's licenses, and change the asylum standards for immigrants seeking to flee to the United States to avoid persecution. In particular, the bill includes an assault against the matricula consular cards issued by Mexican and other Latin American consulates, and consequently makes it an assault on our immigrant families who rely upon this form of identification in their daily lives for transactions involving banking, housing, education and even proving, when necessary, that they are the parents of their own children. These provisions were not openly debated or negotiated with the minority, but once again decided behind closed doors by the Republican leadership. I am outraged that this Republican leadership essentially has chosen to pit support for our troops against support for hard-working immigrants, many of whom have their own sons and daughters fighting to protect our country abroad.

Why does the Republican leadership continue to abuse its power and shut out the American public? Because the Republican leadership knows that if these controversial provisions were openly debated in the House and Senate they would not pass. Only by attaching these provisions to a must-pass bill like the emergency supplemental appropriations bill for our troops in Iraq could they hope to be successful.

Mr. Speaker, this is just one more example of abuse of power by a Republican leadership that continues to act irresponsibly on issues of importance to our American society.

Nevertheless, in spite of my concerns, given the choice before us, I believe it is my responsibility to provide our servicemen and women the resources necessary for them to fulfill their mission and come home safely. Protecting our troops, who are sacrificing so much on our behalf, and providing for their families, will always be one of my highest priorities, and that is why, once again, I will support this necessary and important conference report today.

Mr. ISRAEL. Mr. Speaker, I rise to question the omission of an amendment sponsored by Mrs. MALONEY, Ms. SANCHEZ, Mr. CROWLEY and myself, which was agreed to by the Chairman of Appropriations.

The amendment took $3 million from the "Economic Support Fund" and put it toward the "Tsunami Recovery and Reconstruction Fund," for the express purpose of the providing the United Nations Population Fund, UNFPA with these funds.

This past January, I toured the region that was overwhelmed by the tsunami. The extent of the destruction was massive, and I was glad to see the world contributing to relief efforts. However, I was concerned that the special needs of women were not being adequately addressed.

I visited the remains of a three-story maternity hospital. There were 300 women and infants in that hospital when the first wave hit. The tsunami toppled a cement wall, flattened utility polls, and shattered all of the glass windows in the front of the building. Of the 300 women and their babies, all but one, a newborn, were saved from the crashing waves. I met a doctor who finished a C-Section in absolute darkness, after the generators were underwater, as the rest of the building was evacuated. The hospital was practically destroyed. The beds were pushed and piled against each other by the flooding, and shards of glass crunched under our feet. The sheets were strewn about like wet rags, and saturated packages of medicine were thrown in useless piles.

It is conditions like these that the UNFPA addresses. The organization has experience working with women in disaster areas; they have participated in emergency projects in more than 50 countries and territories. They already have offices in tsunami-affected countries, and they understand the distinctive ways that disasters affect women and children.

When I visited in January, there were an estimated 150,000 pregnant women in the tsunami-affected areas. The UNFPA has worked to supply safe-birthing kits and emergency obstetric equipment.

Women who are in refugee camps need personal hygiene kits, soap, sterile cotton cloth, antibiotics, and drugs for treating sexually transmitted infections. Although relief efforts often overlook these supplies, and the UNFPA has done its best to fulfill these needs.

UNFPA's priorities are reproductive health, including safe childbirth, prevention of violence against women and girls, and counseling for those affected by the 26 December tsunami. For many of these women, they must now become the head of the household. They have become widows overnight, and must deal with the emotional and economic issues involved with being the sole breadwinner in an area with no jobs.

In early January, UNFPA asked for $28 million to support its tsunami-related work. Our amendment would have given them $3 million, which is about 11 percent of what they requested.

By late February, over 70 percent of the requested funding had been received or pledged. Germany gave $8 million. Japan gave $5.5 million. The Netherlands gave $1.5 million. Norway gave $1 million. New Zealand gave $700,000.

The United States has not given anything to this organization that is the most experienced and successful in addressing the distinctive needs of women during times of natural disaster.

But this is not unusual. We have not given the UNFPA the money they need for some time.

The Omnibus for 2005 earmarked $34 million for UNFPA, however, the UNFPA has not and will not receive it. The UNFPA also received no funds from the United States in 2002, 2003, and 2004. Unfortunately, the President will not release these funds to this organization, because of issues related to abortion.

The money would not have been used for abortion. The money would have helped women deliver their babies. It would have helped women who have been sexually assaulted. It would have given women some of the tools they need to take care of themselves and their children.

It is unconscionable that this Congress would not allocate this $3 million to UNFPA.

Mr. ORTIZ. Mr. Speaker, I rise in support of the wartime supplemental that includes urgent funding for our soldiers and sailors now prosecuting the global war on terror in Afghanistan and Iraq. This bill also has important additional funding for border security, and language important to South Texas shrimpers that will make it easier for them to hire workers for the coming season.

As a member of the House Armed Services Committee, I know our soldiers can do anything. Yet that truth does not mean that the Congress should skimp on our financial obligations to our fighting men and women. They run out of money altogether at the end of this month, so I am pleased we are finalizing this bill today.

As a border Congressman, I am grateful that the conferees included desperately needed funding for border security. I have been relentless in talking to so many of you about my concerns related to spending on border security matters. I thank the gentleman from Wisconsin, Mr. OBEY, for his work in getting negotiators to include this spending. While this is a good start, it still comes up short of both what we need and what the Intelligence Reform bill mandated we do.

The Intelligence Reform bill passed by Congress last year mandated 2,000 Border Patrol agents a year for the next 5 years. The President came to the table with only 210 in his budget; today we are adding another 500. That's still over 1,000 short of what this government agrees is the very least we should do to protect our border and stem the tide of releasing OTMs—illegal immigrants that are "other than Mexican"—into the U.S. general population.

Given our border security is entirely budget driven, this is a rare victory for those of us who have been talking about the need to put our money where our mouth is when it comes to protecting our nation from terrorists that may be trying to enter the country through the loopholes in our border security policy. We are sending our young soldiers to fight and die in Iraq and Afghanistan and we justify that by saying we are fighting the war there so we will not have to fight it here.

We may very well be fighting a war over there and letting terrorists in our back door. As so many South Texans and my colleagues know, I have been lifting my voice about how border security is profoundly lacking. Currently, the United States does not have room to hold the large number of OTMs, caught by border law enforcement. While I know that most of these immigrants are merely seeking a better life, it is the few—the handful—that may be entering our country to do us harm. That is whom we need to worry about. So we are releasing, on their own recognizance, into the population of the United States very large numbers of OTMs.

What happens is our border patrol agents routinely call detention facilities and discover there is no room to hold OTMs. So, they process these immigrants, many times without even getting fingerprints or running them through our national databases to see if they are on watch lists, and release them into the general population with a notice to appear at a deportation hearing a few weeks later. Law enforcement officers then take the released OTMs to the local bus station by the vanload, where they head elsewhere in the U.S. The number that never appear for deportation is over 90 percent of those released, a number now probably over 75,000.

Already the number of OTMs captured and released is more, so far this year, than for all of last year. It is little wonder that private citizens are taking the law into their own hands to try to stem the tide of OTMs coming into our country. But private militias, operating without the color of law, are not the answer. We must secure our borders so private citizens do not feel the need to do so.

As a former law enforcement officer I know if we don't have the border officers to stop the OTMs crossing the border, if we don't have the room to hold the ones we catch, if we don't put our money where our mouth is, we continue to send a dangerous signal to those who may wish to do us harm. Until we send a signal that those who cross our borders illegally, until we send a signal that when we catch you we will hold you until you are deported, until we honestly face the amount of money it will take to deal with these things, OTMs will continue to flock to the U.S., quite possibly populating terror cells already operating in the United States.

Unfortunately, the Leadership decided to include many controversial provisions that members wouldn't otherwise support if they weren't linked to funding our troops. I do not agree with some of the so-called security provisions in this bill, mainly the stricter asylum laws and national standards for drivers' licenses. A country like ours that believes so greatly in freedom and the protection of the oppressed should be a safe haven for refugees that are being persecuted by their governments because of their race, religion or political beliefs, which is why we are fighting the war we fund in this bill.

I am also disappointed Congress has gone one step further in creating a national ID. Many would suggest that a drivers' license is the way terrorists are infiltrating our country. That is simply not the case. Standardizing a drivers' license would not have precluded the 9/11 terrorists from entering this country—immigration reform and better border security practices would have.

Today's bill is a start in putting our money where our mouth is, but it is still insufficient to the monumental border security task before us and I ask our appropriators to ensure the necessary funding is included in the fiscal year 2006 appropriations bill.

Ms. MILLENDER-MCDONALD. Mr. Speaker, as the ranking Democrat of the Committee on House Administration, I wish to comment briefly on key provisions of this supplemental appropriations bill that touch upon my committee's jurisdiction.

I commend the conferees for including $2.6 million for taking "technical countermeasures" to assure the electronic integrity of the Visitor Center now under construction here at the Capitol. Given the status of that construction project, this matter is time-sensitive, and while we have no reason to believe anyone involved with the construction may be seeking to install surreptitious listening devices within the building's walls and fittings, we know there are people in this world who might like to do so. It is prudent to take reasonable steps against it, and thus eliminate any chance of repeating what happened during construction of the U.S. embassy in Moscow some years ago.

I also commend the conferees for including $8.4 million to refresh the supply of "quick masks" deployed around the Capitol complex to protect persons against chemical or biological attack. The current masks have a limited shelf-life, and making these funds available now will expedite the process of replacement as they approach their expiration dates.

There is no question that the Congress needs a new off-site delivery center, to facilitate the secure, timely delivery of packages to the Capitol and congressional office buildings. I am pleased the conferees included funds for a temporary facility to replace the substandard site now used, and funds for design of a permanent facility. I trust that given the importance of deliveries to the Capitol, any difficulties between the two houses over the nature of the delivery system can be resolved quickly.

Finally, I wish to comment on something the conferees did not include in this bill, namely, any funding for up to 132 additional Capitol Police officers during fiscal 2005. These 132 officers, when added together with 122 more requested as part of the Police's fiscal 2006 request, would increase the sworn ranks by another 254 officers, an increase of roughly 16% within two years. Obviously, with less than five months remaining in fiscal 2005, the Police could not hire and fully train 132 more officers by September 30, so there is little reason to include funds in this bill, or even the funds for all 50 more officers included in the Senate bill. I am pleased that under these circumstances, the conferees chose to defer a decision about the need for 254 more officers until the House Administration Committee and the Senate Rules Committee, the authorizing committees for the Capitol Police, have had an opportunity to consider the optimum strength of the force going into the fiscal 2006 cycle.

I thank our friends on the Appropriations Committee for their difficult and prudent decisions on the Legislative-branch portion of this bill. I look forward to working with them, and with our colleagues on my own committee, as the work of the Legislative branch forges ahead.

Mr. FARR. Mr. Speaker, I rise today in opposition to the Emergency Supplemental Appropriations (HR 1268), on substance and process. I am strongly supportive of our fighting men and women, and mourn the loss of nearly 1,600 Americans who have died in Iraq, four of whom resided in my congressional district.

On substance, this bill fails to provide an exit strategy for our troops in Iraq. Since Iraq held democratic elections in January, the US should have been implementing an aggressive exit strategy that includes a timetable for the training of Iraqi security forces, so US troops can return home. Moreover, with nearly $10 billion already appropriated but not spent for critical reconstruction projects in Iraq, like rebuilding electrical grids and establishing telecommunications networks, US policy objectives for Iraqi independence are jeopardized. On process, many of the items in this bill should be funded under the regular order in the annual appropriations cycle.

Unfortunately, the Republican Leadership has used this bill as a vehicle for passage of immigration measures that are divisive and harmful for our country, and couldn't be passed as stand-alone bills. Provisions commonly known as the "REAL ID Act" regarding national driver's license standards, asylum law and completion of a southern border fence have been controversial from day one, but were added to appease a vocal minority of anti-immigrant advocates. I and many others in Congress would like to have a rational debate on immigration reform, but we are denied the opportunity when the leadership attaches non-germane immigration measures to a funding bill.

To better demonstrate how the process has been hijacked by a minority of the majority, many of the same provisions that constitute the REAL ID provisions in the supplemental being considered today were stripped from the Intelligence Reform and Terrorism Prevention Act (PL 108–458) in conference because of their extreme nature.

One of the most egregious provisions in the REAL ID section of the supplemental is the blanket authority given to the Secretary of Homeland Security to expedite construction of the remaining three miles of the southern border fence in San Diego. All Americans should be concerned that the DHS Secretary has carte blanche authority to waive any and all laws in the name of border security. This provision is a dangerous attack against the civil rights of all Americans, when any law can be waived under the guise of border security. Blanket authority to complete the three mile border fence is especially "in your face" politics when, under current law, the DHS Secretary already has a national security waiver for the National Environmental Policy Act and the Endangered Species Act. We must work harder to strike a balance between our national security and environmental protection, not simply ignore environmental laws.

Furthermore, the driver's license provisions of this bill touted in the name of national security are equally concerning. It is indeed ironic that these provisions would not have stopped the 9/11 hijackers from obtaining driver's licenses. The breach of our border security was a result of the hijackers having been issued legal visas to enter the US, which many of them used to apply for driver's licenses and identification cards. Even if the REAL ID provisions had been in place before the 9/11 attacks, the hijackers still would have been able to obtain a driver's license or state-issued ID. Again, a minority of the majority is playing on the fears of this nation to enact a flawed policy that does not actually address the problem it purports to fix.

For the record, I do not support illegal immigration, but I do support a regulated process for immigrants who enter the US legally, pay their taxes and play by the rules to earn US citizenship. No one can deny that comprehensive Immigration reform is a topic on the minds of our constituents—but such a critical policy debate should be conducted on its own merits.

Mr. DINGELL. Mr. Speaker, I rise in support of the War Supplemental Appropriations Act but must voice my incredible misgivings for what the Republican majority has attached to legislation that should solely be about how we provide for our brave men and women in harm's way in Iraq and Afghanistan.

There is much in this bill to be proud of. Our military, despite the job of the civilian brass and this Congress, have been performing heroically. They have accomplished much more than we could have ever hoped for, and if any fault needs to be assigned it is to the policy makers, and not to those in uniform.

However, I am ashamed that this body has taken something as important as securing our troops, and attached a hastily considered immigration provision that will result in massive unfunded mandates being passed on to our states. I am ashamed that the conference committee removed language that would have created a Truman-style Commission to examine war profiteering, largely to ensure that this administration would not be embarrassed. Finally, I am ashamed that this Congress has turned its back on a promise made by our President to the Palestinian Authority to help improve the situation of the Palestinian people and further the cause of peace for all in the Middle East.

I am concerned that the immigration provisions will force our great nation to turn our back on the thousands of political and human rights asylum seekers who look toward America as their last and best hope. The Real ID Act will force the most vulnerable to have their torturers corroborate their tales of persecution.

I understand that we must protect our borders, and I understand that changes must be made to keep out those that seek to do us harm. But we should not hastily foreclose the dream and promise of America because of fear. We should not send back asylum seekers back to their torturers. Under these standards, Iraqis seeking to escape the rape rooms of Saddam Hussein would have been sent back to the Ba'athist prisons if they fled Iraq without the proper documentation.

I am also dismayed that rather than seeking to be responsible stewards of the public's trust, the Republican majority in charge of Congress once again decided to ignore its oversight responsibilities. It seems that rather than doing our oversight job as a separate and equal branch of government, the GOP leadership would rather save the Bush Administration and corporate CEOs some embarrassment.

I am old enough to remember the Truman Commission. I remember that Sen. Truman went against a Democratic administration, and saved our military and our tax payers billions of dollars in waste and fraud. I cannot understand why we do not do the same.

My friends on the other side of the aisle should be ashamed of the fact that Mr. Waxman and I have probably done more on this front from the minority, than has anyone with a gavel. Reconstructing Iraq and Afghanistan is too important not to get it right, but confronted yet again with evidence of massive fraud and egregious war profiteering, my Republican colleagues are again choosing to bury their heads in the sand, plug their ears, and turn out the lights on our duty.

Finally, this bill, by intention or not, has the potential of undoing all the progress that the

Middle East Peace process has made since the death of Yasser Arafat. Mr. Speaker, the new president of the Palestinian Authority is in an almost untenable position. In order for Palestinian democracy to succeed over radical terrorism, President Abbas must be provided with the resources to open hospitals, create jobs, arm a police force, build jails, and take the fight to the terrorists.

President Bush recognized this. He made a statement asking for $200 million to support a nascent Middle Eastern democracy. Instead of allowing President Abbas to use American aid to build his security forces to take on terror, we instead set him up for failure. My friends, if you want to see Hamas win the upcoming municipal elections; if you want to see the peace process come to an abject halt; if you want to see more dead young Israelis and young Palestinians you should support this language.

It surprises me that the only thing that this Congress is capable of bucking and embarrassing this Administration on is the prospect of peace. I hope, for the sake of peace, we can correct this colossal error in judgment and that the President and the State Department speak out against Congress' ill-advised policy making on this most tragic conflict.

Mr. MOORE of Kansas. Mr. Speaker, on February 17, 2004, the national debt of the United States exceeded $7 trillion for the first time in our country's history. One year later, our national debt is $7.7 trillion. In the past year, our country has added $700 billion to our national debt.

The conference report for the FY06 budget resolution that is before us today would increase the statutory debt limit by $781 billion to a record $9 trillion. Mr. Speaker, enough is enough. The out-of-control rise in our national debt over the last year and the rise in our debt envisioned in this conference report are further signs of the terrible fiscal position in which we now find ourselves.

In 2001, we had ten-year projected surpluses of $5.6 trillion [2002–2011]. Now, over that same time period, we have likely ten-year deficits of $3.9 trillion. That's a $9.5 trillion reversal in our ten-year fiscal outlook.

Whether intentional or otherwise, our country's current fiscal policies are depriving the federal government of future revenue at a time when we ought to be preparing for an unprecedented demographic shift that will strain Social Security and Medicare. Our current fiscal irresponsibility will eventually land squarely on the shoulders of our children and grandchildren, who will be forced to pay back the debt we are accumulating today. The "debt tax" that we are imposing on our children and grandchildren cannot be repealed. It can only be reduced if we take responsible steps now to improve our situation.

Both parties need to work together in a bipartisan fashion to bring our budget back into balance so we can avoid the higher long-term interest rates and weakened dollar that are the inevitable consequences of rising deficits and a high national debt. We are witnessing on a daily basis the reaction of the global financial markets to our fiscal irresponsibility, and as we can see in this conference report, Congress has not yet gotten the message that deficits and debt matter.

For starters, Congress needs to reinstate PAYGO rules for the entire budget, including spending and revenue measures. Budget enforcement rules that apply to only certain parts of the budget will not have a significant impact on our rising deficits, as Federal Reserve Chairman Alan Greenspan mentioned in his recent testimony before the Budget Committee.

This fiscal year alone, interest on the national debt is expected to rise to $178 billion, and the administration projects that that figure will increase to $211 billion during the next fiscal year. To put that figure in perspective, projected interest on our national debt next year will be $75 billion more than projected spending on education, public health, health research, and veterans' benefits combined [$138 billion].

Further, the budget conference report before us today, which was filed only three hours before the House began to consider it, would require the House to cut Medicaid funding by as much as $15 billion over the next five years. Just two days ago the House voted, by a vote of 348–72, to reject harmful cuts to the Medicaid program, and this conference report blatantly ignores the will of the House.

In addition to assuming an ever-larger share of our annual budgets, the interest on our debt, and the debt itself, are increasing our reliance on foreign borrowers, which will weaken our position in the world and increase the risk that another nation will be able to assert greater leverage over America. Over the last year, our country has borrowed nearly $400 billion [$389 billion] from foreign countries, and almost half [44%] of our publicly-held debt is held by foreign creditors [$1.96 trillion, out of $4.4 trillion of publicly held debt].

Finally, our deficits and debt threaten the Social Security and Medicare programs that have raised so many of our seniors out of poverty and helped sustain the strongest middle class in history. With a projected 75 year unfunded liability of $3.7 trillion, both parties in Congress need to work together to address Social Security's solvency problem, and this conference report does nothing to protect Social Security. In fact, it continues the practice of raiding the Social Security trust funds to pay for other expenses of the federal government.

It is time for Congress to stop playing games with our national debt, with Social Security, and with our kids and grandkids' futures and take a commonsense, bipartisan approach to solve our budget problems.

Mr. STARK. Mr. Speaker, I rise in opposition to this supplemental appropriations bill for Iraq and Afghanistan.

At $82 billion, this is the second largest supplemental appropriations request passed by Congress. This is on top of an already bloated $400 billion defense budget. Instead of borrowing more from our children, Congress ought to instead stop wasteful spending on ineffective, redundant and unnecessary weapons programs.

A supplemental of this size wouldn't even be necessary if Congress dumped pie-in-the-sky missile defense programs, put a stop to the delayed and over budget F–22 and F–35, and ended the boondoggle Osprey that's unsafe for our troops.

There is, however, a larger, more fundamental issue here. The Bush Administration refuses to live up to the human costs of this ongoing war. Over 1,500 young Americans dead, over 12,000 young Americans maimed and wounded and countless Iraqi civilians killed in the continuing bloodshed.

The message of my vote against this bill today is clear. The immediate withdrawal of U.S. troops from Iraq is necessary if the United States is serious about bringing peace and security to the Iraqi people.

The continued presence of an American occupying force only intensifies the resentment, anger and distrust that fuels the ongoing violence against our troops. It's time to bring our troops home.

This message is lost on the Bush Administration. They've sought to establish American dominance in the region and to pursue regime change at any cost. They'll stay the course whatever the tragic consequences for the wives, husbands and families of our soldiers.

These brave young Americans face down deadly conflict in the streets each and every day. We honor their courage and service. But, for their sake, everyone of us in this House must consider the burden they bear. Is it worth it for them and for all of us?

America is not safer today two years after the capricious preemptive invasion of Iraq. Terror networks continue to grow and recruit in response to the US' arrogant preeminence in the Middle East.

Terrorism has been brought to the front door of America: waged mercilessly against our troops in places like Baghdad and Tikrit. That terror won't stop until we get serious about involving the world in solving this conflict.

We must actively involve Arab states, the United Nations and our major world partners in taking a stand against these insurgents—and in taking our place. A large, multinational peacekeeping force is the soundest way forward to end the war and win the peace.

The Bush Administration can continue to throw billions at Halliburton without real accountability. They can continue to look the other way as profiteering trumps genuine reconstruction in Iraq. They can laud its new democracy as one of the key foundations necessary to sustain it—Iraq's economy—continues to flounder. The Bush Administration can do all these things, but the end of this war will not come any day sooner.

What America needs most is honest leadership and a clear strategy for Iraq. That's not reflected in this bill. Its just more money thrown at a crisis we cannot solve through force of will alone.

That is our problem here today. Congress won't force our President and his advisors to live up to their failure. We'll vote to give them another blank check without addressing the fundamental illusion of our Iraq policy: we can win the peace alone. That's a costly falsehood.

I urge my colleagues to take responsibility for the lives of our soldiers, Iraq's future, and the future security of the United States and the world. Vote down this bill. It is time to bring our troops home.

Mr. BLUMENAUER. Mr. Speaker, this appropriations bill contains much crucial funding, most importantly money to provide additional armor for our troops and vehicles in Iraq and electronic jammers to protect them from roadside bombs. While I strongly support this funding, I am disappointed that I must vote "no" on this bill.

We have a responsibility to the men and women who we send into harm's way as members of the United States Armed Forces. It is because of my desire to support our troops that I continue to insist that the administration develop a plan to win the peace in Iraq and, to the best of our capability, protect the troops as they go about their mission. I believe that Congress must hold the administration to the highest standards when the lives of our service personnel are at risk. A "no" vote is one of the few ways I have to protest the continued abdication of this responsibility by the highest levels of the Bush Administration.

One positive part of this legislation is an amendment that I offered during House consideration with Mr. MARKEY to prohibit funds for torture and for sending detainees to countries that practice torture, which was carried into this conference report. The use of torture and rendition is morally reprehensible, puts Americans at risk, is a poor way to obtain reliable information in our fight against terrorism, and sets back the cause of democracy. This is the very least that we can do as Congress continues to abdicate its responsibility to investigate this horrific aspect of administration policy.

Perhaps most disappointing, this legislation also continues to be burdened with all the flaws of H.R.418, the "REAL ID Act," which, among other things, placed the entire 7,514 mile border completely outside all legal protections. This is perhaps the single most damaging precedent since I've been in Congress. Do we really want to be giving this responsibility to the Department of Homeland Security, which has not been a paragon of efficiency and sensitivity during its three years of existence? Some of the environmental laws waived by this provision include: the Noise Control Act, the Clean Water Act, the Farmland Protection Policy Act, and the Bald Eagle Act. This is not only bad public policy, it is unnecessary, as most of these laws have security exemptions already written into them. However, in addition to environmental laws, this provision would waive labor laws, safety standards, the National Historic Preservation Act, and the Native American Graves Protection Act. If this provision were to become law, the Department of Homeland Security could build a road that has no safety standards, using 12-year-old laborers, through the site of a Native American burial ground, killing hundreds of bald eagles during construction, and polluting the drinking water of a nearby community. The proponents of this provision have given us no compelling reasons for why this broad exemption is necessary.

Mr. CANTOR. Mr. Speaker, I rise today to voice my strong support for H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. This essential legislation will support and defend America's values both at home and abroad.

Our troops serving in Iraq will have the necessary tools to continue their rebuilding efforts in Iraq and to continue the War on Terror. At home, the REAL ID provisions will strengthen our Nation's driver's license laws, providing each citizen with another layer of security.

Until now, terrorists could easily exploit weak driver licensing laws and obtain fake documents. With a license in hand, terrorists were better able to blend in, avoid detection, and harm our nation's citizens. This is exactly what several of the 9/11 terrorists did, using drivers' licenses to board airplanes and murder thousands of innocent Americans on September 11, 2001.

We in Congress have been working on ways to prevent our Nation from experiencing another terrorist attack by establishing stronger and more secure national programs. Stronger driver's license standards made possible by the REAL ID provisions will be another step towards American security.

The REAL ID provisions will close dangerous gaps that remain in our current licensing law and that allow terrorists to abuse our asylum and driver's license systems. The new law will protect innocent Americans by setting up national driver's license standards, networking State motor vehicle data bases, and linking visa and license expirations.

In 2003, the former Attorney General of Virginia, Jerry Kilgore, and I worked together on the Driver's License Integrity Act. That legislation required non-immigrant aliens to show their visas when applying for State identification and tied the expiration date of the identification to that of the visa.

Due to Mr. Kilgore's leadership on this issue, the Commonwealth of Virginia was one of the first States to clamp down on terrorists' abuse of the trust that a driver's license conveys. Today, I am pleased to see Virginia's Driver's License Integrity Act provisions in this piece of legislation before us in the House of Representatives.

Since the beginning of the War on Terror, Congress has fought daily to ensure that our Nation never again suffers at the hands of terrorists. The provisions in this bill provide us with more weapons in our arsenal against terrorism.

I urge passage of this legislation.

Mr. CARDIN. Mr. Speaker, I rise in support of H.R. 1268, to authorize emergency supplemental appropriations for our military. The vast majority of this $82 billion bill will go directly to support our troops in Iraq and Afghanistan.

Congress has a responsibility to work with the President to protect the national security of our Nation. When our soldiers are sent in to war, it is the Congress' responsibility to make sure that all resources necessary are provided to carry out their missions.

I stand behind our brave men and women who have performed admirably in Iraq and Afghanistan. They have made tremendous sacrifices on behalf of their country and have served longer deployments than expected.

This bill provides important new benefits for our troops and their families. The legislation: increases the military death gratuity; increases subsidized life insurance benefits; creates a new insurance benefit for soldiers who have suffered traumatic injuries, such as the loss of a limb; extends the Basic Allowance for Housing for dependents of soldiers who die while on active duty; and provides additional funding for add-on vehicle armor kits, night-vision equipment, and radio jammers that disrupt remote-control bombs and mines.

The conference report also contains important measures to strengthen our domestic border security, by providing funds for new border patrol agents, immigration and customs investigators, enforcement agents, and detention officers. The bill also provides additional foreign assistance for: tsunami reconstruction; humanitarian and peacekeeping programs in Darfur; democracy assistance in Belarus; and political and economic reforms in Ukraine to strengthen their new democracy and legal system.

I regret that the Administration has consistently failed to properly budget for our ongoing military and reconstruction operations in Iraq. Congress should not repeatedly rely on emergency spending bills to provide the critical funding, resources, and equipment for our troops in battle by using emergency supplemental appropriations bills.

The United States is only belatedly seeking international support for our reconstruction efforts in Iraq, and we have failed to broadly engage the international community.

Because of these failures, Americans have paid a heavy price. It is primarily American troops stationed in Iraq that face continuing attacks, and have lost life and limb. It is our taxpayers that are being asked to almost exclusively pay the cost to rebuild Iraq, and these costs are mounting every day. Iraq is already facing a difficult transition in establishing a democracy that operates under the rule of law and protects minority rights. The U.S. must show enough flexibility in working with our allies to effectively help Iraq during this critical transition period, so that other countries will pledge both troops and funds to alleviate the burden on our American soldiers and taxpayers. Ultimately, the best way that we can support our troops is to reach out more aggressively to the international community, establish order and security in Iraq, and help the interim Iraqi government assume more responsibility for its own affairs as they establish a democratic state.

I am also disappointed that the Republican leadership decided to insert extraneous provisions into this legislation, which go beyond the scope of the 9/11 Commission recommendations. I voted against the "REAL ID Act" when it was considered by this House as a separate bill earlier this year. I am particularly concerned that this legislation repeals a number of provisions of the Intelligence Reform and Terrorism Prevention Act of 2004, which enacted the recommendations of the 9/11 Commission. The 9/11 bill established a negotiated rulemaking framework—allowing for critical input from governors, State legislators, State officials, and other stakeholders—which would provide the opportunity to develop effective national standards for driver's licenses. I am concerned that this legislation does not give the States adequate flexibility to implement the 9/11 bill, and that this legislation may also create serious unfunded mandates and administrative burdens for the States.

As the ranking member of the Helsinki Commission (Commission on Security and Cooperation in Europe), which promotes human rights and rule of law in Europe, I am also concerned about many of the asylum law changes contained in the REAL ID Act, which again go beyond the scope of the 9/11 Commission recommendations. These provisions may have a harmful effect on true asylum seekers, trafficking victims, women and children who are victims of domestic violence, and others seeking protection against persecution. This legislation may create higher burdens for legitimate asylum seekers, restrict judicial discretion to grant asylum, and take away some of the rights of appeal for certain refugees and asylum seekers.

Over the past week I have heard from a number of groups in Maryland that provide legal and social services to immigrants, asylum seekers, refugees, and survivors of torture and slavery. These groups have reported to me that it is already extremely difficult for legitimate asylum seekers to prevail in their case, as they have often left their home country on short notice, and do not have documentation of their persecution. It can take months or years for a case to work its way through our legal system. During this period, the asylum seeker often has neither legal representation nor work documentation.

I hope that in the near future Congress will have the opportunity, in a more thoughtful manner, to consider comprehensive immigration reform measures.

Mr. HONDA. Mr. Speaker, I rise in opposition to the conference report to H.R. 1268, legislation providing $81.3 billion in emergency wartime supplemental appropriations to fund operations in Iraq and Afghanistan. The conference report's immigration-related provisions are neither wise, nor consistent with our national values. I am equally disturbed that Congress declines to institute greater accountability for the Bush Administration's use of wartime appropriations. Accordingly, I cannot in good conscience support this conference report.

On March 16, 2005, I joined the vast majority of my colleagues in voting for H.R. 1268. The legislation included many laudable provisions, including funding for tsunami relief, humanitarian assistance in Darfur, and needed equipment for our Nation's soldiers. On the other hand, I was deeply troubled by the bill's inclusion of the REAL ID Act, which called for egregious, new restrictions on immigrants and put us on the path to creating a national identification card. I had hoped that the Senate would prevail and remove these indefensible provisions proposed in the House bill.

I am particularly concerned with provisions in the bill that affect asylum seekers. This conference report would require that asylum seekers establish first that they would be subject to persecution if returned to their home country, and second that race, religion, nationality, membership in a particular social group, or political opinion is at least one "central reason" for that persecution.

These changes will deny asylum to people who cannot prove the central motive of their persecutor, who cannot produce corroborating evidence of their account, or whose demeanor is inconsistent with an immigration judge's preconceived expectations. This measure could place insurmountable legal obligations on already vulnerable asylum seekers by requiring unrealistic and unfair burdens of proof. U.S. law already has safeguards to prevent immigration by known terrorists and criminals.

Another section of the conference agreement establishes minimum requirements for States issuing driver's licenses and identification cards, including acceptable documentation for issuance of identification cards. As a result, States will have the burden of determining the authenticity of a wide array of documents. Placing these types of requirements on State motor vehicle authorities is prohibitively costly and ultimately unworkable. Federal authorities will not recognize State identification cards that fail to meet these requirements.

With respect to the current military operations, I am also discouraged that Congress remains unwilling to hold the Bush Administration accountable for its many missteps in Iraq, and I am troubled that the President may interpret this emergency supplemental as another blank check. The Bush Administration cannot account for billions of Federal dollars targeted for Iraq, and allegations of inappropriate no-bid contracts to "well-connected" multi-national corporations have never been thoroughly investigated. Efforts on the House floor by Representatives JOHN TIERNEY and JIM LEACH to establish a bipartisan commission to investigate allegations of war profiteering were rejected by the Republican leadership, and no substantive accountability measures were included in the conference report.

I understand well the responsibility the Congress has to fully support our Nation's troops, and as former Peace Corps volunteer, I appreciate the value of humanitarian aid to regions ravaged by natural disasters and human conflict. I would proudly support a bill that meets these important priorities, but I cannot vote for a conference report that incorporates unnecessary and unjust provisions designed to hurt immigrants.

This conference report is an abuse of the legislative process and a threat to the fabric of this Nation. I urge my colleagues to oppose it.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of H.R. 1268 making supplemental appropriations to ensure that our forces who are hard at work in Iraq and Afghanistan, and elsewhere, have the tools they need to do their job, and are well protected.

Mr. Speaker, this week we witnessed the establishment of Iraq's first democratically elected government in over half a century and their swearing in. This event is yet another historic milestone in Iraq's progress toward a representative and transparent government.

But even as we see important movement toward democracy, we are reminded that "freedom is not free." As those of us who have seen war know, it is paid first by the sacrifices of those who serve.

Their courage is our inspiration. We wish them Godspeed, swift victory and safe return.

However, while it pales in comparison to the sacrifices of our brave men and women in the field, there is another part of the equation. And it is before us today.

With this legislation, Congress is acting decisively to ensure that our soldiers, sailors and airmen have the resources they need to keep Iraq on the road back to the community of civilized nations.

This bill contains over $76 billion to support military activities. This sum will: pay for the troop deployment; repair and replace damaged vehicles being chewed up in an extreme harshly operating environment; replenish stores of munitions and supplies; and provide additional armor for vehicles, improved communications gear and more night-vision equipment.

I would also add that this bill also provides over $60 million for additional electronic devices designed to protect our forces from the "weapon of choice" of the insurgents—IEDs.

Mr. Speaker, this "wartime supplemental" appropriations bill meets our military, humanitarian and foreign policy requirements.

We have every reason to be proud of young men and women at war. Every single word of praise uttered on this floor today is justified.

But while our young men and women in uniform appreciate our vocal support, they need this bill. It will provide them with the tools they need to get their job done as quickly as possible so they can return home to their families.

I commend Mr. LEWIS, the Chairman of the Appropriations Committee—the gentleman from California—for his leadership.

And I urge passage of the legislation.

Mr. DEFAZIO. Mr. Speaker, I want to comment briefly on the $82 billion spending bill that will be approved today for the ongoing U.S. military campaigns in Iraq and Afghanistan.

I will support this bill. I am pleased it includes additional money for body armor and armored vehicles for our troops. It includes money to purchase bomb-jamming devices to protect our troops from roadside bombs. I also support the improved life insurance death benefits for military personnel and their families. And, I am hopeful that the additional funds that are in the bill to train and equip security forces in Iraq all Afghanistan will be expeditious and well spent. This money is critical if Afghan and Iraqi forces are to take over security duties from American troops, which will allow our men and women to finally come home. I have called for negotiating a timeline for the withdrawal of American troops with the new Iraqi government, hopefully to be completed within the year. But, for that to become a reality, well-equipped and competent security forces in Iraq and Afghanistan must be prepared to take our place. This bill will help achieve that goal.

I am also pleased that the final bill retained language inserted in the Senate directing the President to include future requests to fund the U.S. presence in Iraq in his regular budget. We have been in Iraq for more than two years and in Afghanistan for more than three years. The fact that we still have troops in Iraq should not come as a surprise to the budget writers at the White House and the Pentagon. It is not appropriate to continue funding these long-term, ongoing operations via supplemental appropriations bills, which are considered outside of the normal budget procedures and restrictions.

While I support the bill, I am outraged that, more than two years after the U. S. invaded Iraq, the Pentagon leadership has not gotten their act together to adequately protect our troops and to come up with a plan to get them home.

As columnist Mark Shields pointed out late last year, in the three years immediately after Pearl Harbor, the United States produced the following to win World War II: 296,429 aircraft, 102,3351 tanks, 87,620 warships, and 2,455,694 trucks. At the time, the U.S. population was 132 million and the size of our economy was less than $100 billion. Yet, approaching three years into the U.S. occupation of Iraq, the United States, with a population of almost 300 million and defense spending of $500 billion a year, under the failed leadership of the Pentagon, only 6,000 of the nearly 20,000 Humvees in Iraq are factory armored versions and more than 8,000 of the 9,128 medium and heavy trucks used in Iraq are without armor.

Despite repeated promises from the Pentagon leadership that the situation is getting better, a recent article in The New York Times showed that the emperor has no clothes. As the article details, one Marine Company has returned home to expose the reality of their tour in Iraq, "one they say was punctuated not only by a lack of armor, but also by a shortage of men and planning that further hampered their efforts in battle, destroyed morale and ruined the careers of some of their most competent warriors."

I have heard similar stories from the Oregon National Guard members I have talked to.

How did this happen?

Since the September 11, 2001, terrorist attacks against our country; Congress has provided the Pentagon with $1.6 trillion—$167 billion in supplemental appropriations bills for fiscal years 2001–2005; and $1.45 trillion in regular defense appropriations for fiscal years 2002–2005. Today's bill will add $75 billion or so to the Pentagon budget. Given that level of funding, it is hard to understand why our troops continue to suffer shortages of critical equipment.

It is hard to understand until you remember that Secretary Rumsfeld and the other civilian leaders at the Pentagon argued that our troops would be greeted in Iraq as liberators with flowers and candy, not the bullets and bombs that have led to more than 1,500 of our soldiers getting killed. Before, the invasion, the Pentagon planned to reduce our troop levels to 20,000–30,000 within a few weeks of overthrowing Saddam Hussein. The fact that 150,000 U.S. troops remain in Iraq more than a year and a half after the war began shows how badly the Pentagon leadership miscalculated the post-war situation.

Those miscalculations also led the Pentagon to vastly underestimate the equipment that our troops would need to survive and succeed in Iraq. First, the Pentagon leadership did not even order the necessary equipment like body armor, armored Humvees and bomb jamming devices. For example, under the Pentagon's original war plan, the Pentagon planned to have only 235 armored Humvees in Iraq for the 20,000 troops who would remain after overthrowing Saddam Hussein.

Then, when it became clear that this equipment was necessary, the Pentagon did not procure it with any sense of urgency. As The New York Times article I mentioned above noted, "The Army's procurement system, which also supplies the Marines, has come under fierce criticism for underperforming in the war, and to this day it has only one small contractor in Ohio armoring new Humvees."

The performance of Secretary Rumsfeld and his senior leadership at the Pentagon has been a disgrace. Unfortunately, it is our troops who have had to pay the price.

Mr. UDALL of Colorado. Mr. Speaker, this conference report includes some items that I strongly support, and other things that I think should not have been included. On balance, I will vote for it because I think it would unrealistic and irresponsible to do otherwise.

FUNDING FOR MILITARY ACTIVITIES

Most of the money appropriated by this legislation is for our ongoing military activities, especially in Iraq. Passage of this conference report will bring the total cost of operations in Iraq to well over $200 billion—and by now, two years after President Bush prematurely announced the end of major military activities in Iraq, I think even those who have been uncritical supporters of the Administration should be deeply concerned about the escalating costs, not just in money but in casualties.

The time has come—in fact, it is long since past—for the Administration to be candid about the costs not just of the war in Iraq but of the Administration's overall foreign policy. This should be the last time that the Administration or the Congress pays those costs through a supplemental appropriation bill instead of the regular budgetary and appropriation process. The American people deserve to know in advance what they will be asked to pay to support the Administration's policies.

Nonetheless, Congress must not fail to supply our troops. Funds in this conference report will pay for more resources, including body armor and military equipment, needed to safeguard their lives. The conference report also includes important provisions to raise the military death gratuity from $12,000 to $100,000 and to include a new insurance benefit of up to $100,000 for soldiers who have suffered traumatic injuries. The report also increases funding for body armor for the Army and Marines, add-on vehicle armor kits, night-vision equipment, and electronic roadside-bomb jammers—and includes funding for contract linguists for the Army.

Further, there is an imperative need for this funding. The Defense Department reports that operating funds for the Army are nearing exhaustion and that it will be necessary to transfer more than $1 billion from other accounts to continue essential activities at home and abroad until these supplemental funds are available.

In short, the choice before us today is to vote for this supplemental or, by voting against it, to in effect require an immediate halt to military operations not just in Iraq but elsewhere.

And while I remain convinced it was an error to rush into war in Iraq, I am equally convinced it would be just as much an error to rush to withdraw.

We do need a strategy to get us out—which is why I'm pleased that the conferees included language directing the Secretary of Defense to provide Congress with a report that identifies security, economic, and Iraqi security force training-performance standards and goals, accompanied by a timetable for achieving these goals.

But an immediate departure is neither good strategy nor would it mean peace for Iraq.

I recently returned from my second trip to Iraq—this time as a Member of the House Armed Services Committee. As a critic of the Bush administration's policy in Iraq, I did not go there to confirm my opposition to the war, but rather, to gain knowledge based on face-to-face conversations with our military leaders, the Iraqi leadership, an extraordinary group of Iraqi women, and most important for me, with our troops on the ground.

I am convinced that there can be no successful exit strategy without first doing what is needed to enable the new Iraqi government to take up the burden of providing security. That will take time and money, and in the meantime we must maintain our efforts. As the former head of American forces in northern Iraq, Brig. Gen. Carter Ham, said recently, "We don't want a rush to failure."

So, for me, the need to support the military funding in this conference report—however unpleasant—is clear.

OTHER FUNDS

The conference report also provides funding for tsunami disaster relief as well as for assistance in Darfur, food aid to Sudan and Liberia, and for peacekeeping programs, most of which are for Sudan. Importantly, the bill appropriates the president's request of $200 million for economic development in the West Bank and Gaza Strip.

IMMIGRATION PROVISIONS

Other parts of the conference report are problematical, particularly the inclusion of provisions like those in the "REAL ID Act," legislation that I opposed when the House passed it in February. I believe these provisions will not strengthen national security, but will create undue difficulties for asylum seekers and excessively expand the powers of the Secretary of Homeland Security. This is a controversial issue that should have been addressed separately, not incorporated into this legislation.

An editorial in today's Rocky Mountain News says this part of the conference report "has much more to do with immigration than security" and is just "one piece of a policy, poorly thought out and scarcely debated at all, and likely to have unintended consequences." I think that is an accurate description.

The Conference report also includes a provision that would revise the H–2B visa program, under which people can come into the country legally for seasonal non-agricultural work.

Several industries in Colorado are heavily dependent on the H–2B visa program to provide seasonal employees—some in the summer and some in the winter. While most of these companies try hard to find Americans to fill these jobs, they have not been fully successful. And the current limit on the numbers of visas has made it difficult for many of them to find the people they need. So, they have been asking Congress to revise the program.

However, while I am pleased that the report attempts to provide relief to companies struggling to find eligible employees, the specific provisions have some problems and may detrimentally affect some of the companies that have employed people entering under the H–2B program. This is particularly true for companies whose busy season is in the winter, such as the ski industry. They would actually be detrimentally affected by this provision because they do not rehire the same workers every year, and thus do not benefit from the provisions in the conference report that will exempt previously hired workers from the overall limit on the number of visas.

I wrote to conferees to urge a solution to the H–2B visa problem that would be equitable for both the winter and summer industries. Regrettably, the conference report does not fully meet that test. Still, it does make a good start to addressing the H–2B visa problem. I hope that we will be able to build on this foundation in the future so as to protect the interests of both summer and winter industries.

STATE REGULATION OF HUNTING AND FISHING

The conference report also includes, as Section 6063, provisions to reaffirm the authority of the States and Territories to regulate hunting and fishing.

This part of the conference report is identical to the text of H.R. 731, which I introduced in the House, and to S. 339, introduced in the Senate by Senator REID of Nevada. I applaud Senator REID's leadership in having this included when the Senate considered this supplemental appropriations bill and I am glad that it was accepted by the conferees. It will do two things—

(1) Declare as Congressional policy that it is in the public interest for each State to continue to regulate the taking of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and non-residents; and

(2) Provide that courts should not use Congressional silence as a reason to impose any commerce-clause barrier to a State's or tribe's regulation of hunting or fishing.

Its purpose is to reaffirm the authority of States and Territories to regulate hunting and fishing by resolving questions that have arisen in the wake of a recent 9th Circuit Court of Appeals decision that held that some Arizona limits on non-resident hunting permits had constitutional defects.

Ideally, of course, legislation of this sort should be handled through the regular authorization process, and I had hoped that the Resources Committee would have taken it up by now. However, State fish and wildlife agencies will soon be considering regulations for coming seasons, and it is important that questions about their authority be resolved without unnecessary delay.

Mr. Speaker, there is nothing new about a State's having different rules for resident and nonresident hunters or anglers. Colorado draws that distinction in several ways, and many other States do so as well.

And while there have been challenges to the validity of such rules, until recently the Federal courts have upheld the right of the States to make such distinctions. For example, in 1987 the Federal district court for Colorado, in the case of *Terk* v. *Ruch* (reported at 655 F. Supp. 205), rejected a challenge to Colorado's regulations that allocated to Coloradans 90% of the available permits for hunting bighorn sheep and mountain goats. But a recent Court of Appeals decision marked a change—something that definitely is new.

In that case (*Conservation Force* v. *Manning,* 301 F.3rd 985; 9th Cir. 2002), the Federal appeals court for the 9th Circuit held that Arizona's 10% cap on nonresident hunting of bull elk throughout the State and of antlered deer north of the Colorado River had enough of an effect on interstate commerce that it could run afoul of what lawyers and judges call the "dormant commerce clause" of the Constitution.

Having reached that conclusion, the appeals court determined that the Arizona regulation discriminated against interstate commerce—meaning the "dormant commerce clause" did apply and that the regulation was subject to strict scrutiny, and could be upheld only if it served legitimate State purposes and the State could show that those interests could not be adequately served by reasonable non-discriminatory alternatives.

The appeals court went on to find that the regulations did further Arizona's legitimate interests in conserving its population of game and maintaining recreational opportunities for its citizens, but it remanded the case so a lower court could determine whether the State could meet the burden of showing that reasonable non-discriminatory alternatives would not be adequate.

Because of the decision's potential implications for their own laws and regulations, it was a source of concern to many States in addition to Arizona. In fact, 22 other States joined in supporting Arizona's request for the decision to be reviewed by the U.S. Supreme Court. Colorado was one of those States, and Senator KEN SALAZAR, who was then Colorado's Attorney General, joined in signing a brief in support of Arizona's petition for Supreme Court review.

Regrettably, the Supreme Court denied that petition. So, for now, the 9th Circuit's decision stands. Its immediate effect is on States whose Federal courts are within that circuit—namely those in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington as well those of Guam and the Commonwealth of the Northern Marianas. But it could have an effect on the thinking of Federal courts across the country.

The purpose of this part of the conference report is to forestall that outcome, and so far as possible to return to the state of affairs prevailing before the 9th circuit's decision. It is intended to speak directly to the "dormant commerce clause" basis for the 9th Circuit's decision in Conservation Force v. Manning.

I am not a lawyer, but my understanding is that lawyers and judges use that term to refer to the judicially established doctrine that the commerce clause is not only a "positive" grant of power to Congress, but also a "negative" constraint upon the States in the absence of any Congressional action—in other words, that it restricts the powers of the States to affect interstate commerce in a situation where Congress has been silent.

Section 6036(b)(1) would end the perceived silence of Congress by affirmatively stating that State regulation of fishing and hunting—including State regulation that treats residents and non-residents differently—is in the public interest. This is intended to preclude future application of the "dormant commerce clause" doctrine with regard to such regulations. And Section 6036(b)(2) would make it clear that even when Congress might have been silent about the subject, that silence is not to be construed as imposing a commerce-clause barrier to a State's regulation of hunting or fishing within its borders.

These provisions are neither a Federal mandate for State action nor a Congressional delegation of authority to any State. Instead, they are intended to reaffirm State authority and make clear that the "dormant commerce clause"—that is, Congressional inaction—is not to be construed as an obstacle to a State's regulating hunting or fishing, even in ways that some might claim adversely affect interstate commerce by treating residents differently from nonresidents.

It's also important to note that this part of the conference report is not intended to affect any Federal law already on the books or to limit any authority of any Indian Tribe.

Section 6036(c) is intended to prevent any misunderstanding on these points.

Section 6036(c)(1) specifies that the bill will not "limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce."

Thus, to take just a few examples for purposes of illustration, this part of the conference report will not affect implementation of the Endangered Species Act, the Migratory Bird Treaty Act, the Lacey Act, the National Wildlife Refuge Administration Act, or the provisions of the Alaska National Interest Lands Conservation Act dealing with subsistence.

Section 6036(c)(2) similarly provides that the bill is not to be read as limiting the authority of the Federal government to temporarily or permanently prohibit hunting or fishing on any portion of the Federal lands—as has been done with various National Park System units and in some other parts of the Federal lands for various reasons, including public safety as well as the protection of fish or wildlife.

And Section 6036(c)(3) explicitly provides that the bill will not alter any of the rights of any Indian Tribe.

These provisions are narrow in scope but of national importance because it addresses a matter of great concern to hunters, anglers, and wildlife managers in many States. I think they deserve broad support.

CONCLUSION

In conclusion, while this conference report is far from perfect, I think it deserves to pass and I will vote for it.

Mr. MATHESON. Mr. Speaker, passage of this legislation demonstrates our commitment to our brave men and women in uniform and acknowledges that they need resources in order to accomplish their mission and return home safely. It also offers support for the families when a loved one pays the ultimate sacrifice in the cause of fighting for freedom.

All along, I've been concerned about the lack of progress reports coming from the Pentagon. This bill finally requires the Pentagon to use real performance indicators to report to Congress with our progress in terms of security, economic, and Iraqi security force training goals.

The money that will go directly to help our troops is of course the most important part of this bill. It increases the military death gratuity to $100,000 and increases life insurance benefits to $400,000 for families of soldiers killed while on active duty in Iraq and Afghanistan.

We've all been hearing reports about the lack of adequate personal and vehicle armor. Congress has funded these critical protections in the past and we're doing so once again in this bill. I hope that this money will quickly be turned around to provide the needed add-on vehicle armor kits, new trucks, more night-vision equipment, and essential radio jammers to defeat the roadside bombs that are injuring and killing our troops almost every day.

Our troops should not be compromised. Resolving the current instability in the region is in the long-term best interests of all Americans—failure in Iraq would lead to irreparable consequences. Thousands of American troops have been in Iraq for more than 2 years. We have to take care of them and ensure that they can come back home as soon as possible.

Mr. MARKEY. Mr. Speaker, when the House debated this legislation in March, it voted 420–2 to approve an amendment, which I authored, which reaffirms the U.S. commitment under the Convention Against Torture to not engage in torture, and to not render or transfer people to countries where they are likely to face torture. The U.S. signed this treaty under President Reagan, and the Senate ratified it in 1994.

Despite our commitments under this treaty and the recent statements made by the Bush Administration emphasizing that the U.S. is emphatically and unambiguously against the use of torture, there have been repeated reports in the press indicating that the U.S. has been sending detainees to countries where they are likely to face torture, including to countries who have become notorious for their human rights violations.

The practice of extraordinary rendition is shrouded in secrecy. An unmarked plane arrives in the middle of the night carrying men wearing plain clothes and black hoods, to take custody of the prisoners, cut off their clothes, drug them on the spot, shackle them, and fly off into the night. President Bush signed a secret directive reported to speed up the process by eliminating the case by case evaluation. And while unofficial estimates put the number of renditions since 9/11 to be between 100 and 150, the actual number of renditions remains a secret.

The Administration maintains that it is in full compliance with the Convention Against Torture. Compliance, they say, is guaranteed by the dubious practice of asking countries known to torture prisoners for "promises" that they will not torture our prisoners. These so-called "diplomatic assurances" then provide the cover for sending a suspect to that country to undergo interrogation.

The list of countries where the detainees have been rendered includes Syria, Uzbekistan, Saudi Arabia and Egypt.

So here is the sand on which the Administration stands—at the same time that we exhort the international community to isolate Syria for thumbing its nose at U.N. resolutions to get out of Lebanon, the United States has apparently been willing to accept Syrian promises that it will comply with the Convention Against Torture.

Here is what the State Department's annual human rights report says about Syria's methods of interrogation: "administering electrical shocks, pulling out fingernails, forcing objects into the rectum, . . ." And the list goes on.

How about Uzbekistan?—"suffocation, electric shock, rape, beatings, and boiling prisoners to death . . ." And the list goes on.

The so-called "diplomatic assurances" that we have received from the torturers that they will not torture those we send them are not credible, and the Administration knows it. CIA Director Porter Goss basically acknowledged as much when he stated: "But of course once they're out of our control, there's only so much we can do." Attorney General Alberto Gonzales confirmed this, when he said "Once someone is rendered, we can't fully control what that country might do."

Section 1031 of the conference report would prohibit the use of any funds included in this Supplemental appropriations bill to subject any person in custody or under the control of the United States to torture or cruel, inhuman or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States. While the Conferees approved Senate language that is slightly different from that of the House-passed amendment, I am nevertheless supportive of this language. I support it because I read Section 1031 to clearly prohibit any appropriated funds from being spent to subject any person in U.S. custody or control to torture or other cruel, inhuman or degrading treatment or punishment by transferring, extraditing, or rendering such persons to countries where they are likely to face torture.

This is because such actions clearly would be prohibited under Article 3 of the Convention Against Torture, a treaty signed and ratified by the United States. Article 3 of the Convention clearly states that:

> "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

Article 3 of the Convention further states that:

> "For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant, or mass violations of human rights."

It would be my expectation that the funding limitation contained in Section 1031 would therefore prohibit funds from being used to transfer persons to any Nation where the person was likely to face torture, and that under Section 1031, funds could not be used for transfers or renditions in situations where the U.S. government had found there to be a consistent pattern of gross, flagrant, or mass violations of human rights. I would also note that in a September 2004 report to the United Nations General Assembly, the UN Special Rapporteur on torture expressed concern that reliance on diplomatic assurances is a "practice that is increasingly undermining the principle of non-refoulement" and observed that where torture is systematic, "the principal of non-refoulement must be strictly observed and diplomatic assurances should not be resorted to."

We take pride that even as our Nation fought for its survival against the Nazis and the Japanese Empire during World War II, that we did not ask our "Greatest Generation" to engage in torture or other war crimes. The legacy of the U.S. then, and now as we prosecute the War on Terror, is that we uphold our commitment to justice—even in the face of shadows of terror and war. The test of a Nation is found as much in how it wages war as in how it promotes the values of peace and democracy. That is what we must do today.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to this supplemental appropriations bill and the anti-immigrant legislation it contains.

If we truly believe all the rhetoric we hear about the importance of freedom and liberty from the president and others, we will vote down this bill, which denies so much freedom and liberty to immigrants in our own country.

H.R. 1268 includes numerous provisions limiting the rights of refugees, imposing onerous new driver's license requirements on the states, making it easier to deport legal immigrants, waiving all federal laws concerning the construction of fences and barriers anywhere within the United States, and denying immigrants long standing habeas corpus rights.

If enacted into law, this legislation will close America's doors to religious minorities escaping religious persecution and women fleeing sex trafficking and rape.

We have been down this road of overreaction in the past. During the Civil War, General Grant sought to expel the Jews from the South. The aftermath of World War I brought about the notorious Red Scare and the anti-immigrant Palmer raids. World War II led to the unconscionable internment of Japanese Americans.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, this legislation would further target immigrants for crimes they have not committed, and sins they are not responsible for. At some point, we have to treat terrorism as a problem that requires an intelligence response, as opposed to an excuse to scapegoat immigrants.

It is for all these reasons that so many groups strongly oppose this bill, including groups concerned about immigrant rights, civil rights and liberties, privacy rights; Labor rights; the environment; Native-American rights; state rights, and international human rights.

I urge a "no" vote. We cannot and should not close ourselves off to the most vulnerable members of our society.

Mr. HYDE. Mr. Speaker, I rise in support of the Conference Agreement. I wish to commend the conferees for their work in bringing this important legislation to the House Floor. Not only does this bill provide critical support to our military and the war on terror, but it also funds international humanitarian reconstruction and economic assistance programs provided by the United States Agency for International Development.

As my colleagues know, I have believed for many years that the HIV/AIDS pandemic represents one of the greatest health and moral crises of our time, particularly in Africa. That is why I was especially pleased by the President's announcement of a visionary Emergency Plan for AIDS Relief, and have supported grants and other programs funded by USAID that help to reverse the spread of this pandemic. It is thus my strongly held view that USAID should continue to fund existing programs, as well as invest in new programs, that support the President's HIV/AIDS initiative. In this regard, there are two programs, both directed toward South Africa, that I believe deserve the Agency's particular attention.

The first program is the new African Center for AIDS Management, which has, to date, trained over 800 graduates and is the largest program of its kind worldwide. I understand that USAID has provided only modest funding to support this initiative, while the bulk of the support has come from South African institutions. With substantial additional support from USAID during Fiscal Years 2005 and 2006, this program could double in size and provide training for executives and senior managers from government, the provinces, municipalities and educational institutions, as well as NGOs, corporations, and trade unions, in the management of an expanded capability to detect and treat HIV/AIDS in Africa.

The second program would be a new joint U.S.-South African program to provide telemedicine-equipped mobile clinics to serve the South African military involved in peacekeeping efforts throughout Africa. This program, which merits both USAID and DOD support, would be run through the South Africa Medical Research Council and provide medical services to remote areas to combat HIV/AIDS and other infectious diseases. This mobile clinic system, employing some of the latest U.S. telemedicine technologies, would leverage U.S. military expertise across distances. As this system develops, so would it expand in both its capabilities and its services to the civilian population.

Both of these programs are examples of humanitarian initiatives requiring modest investments that USAID is both equipped and funded to support. I applaud the Agency's past work in this area, and encourage both the continuation of existing efforts and the expansion of the new efforts that I have outlined.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of the Conference Report on H.R. 1268 and urge all my colleagues to support it.

In addition to necessary funding for our troops, tsunami disaster relief, and border security; this conference report also includes important provisions to bring long-overdue, common sense reform to drivers' licenses and state-issued identification cards, authored last year by the Government Reform Committee in response to a recommendation of the 9–11 Commission.

Mr. Speaker, I want to especially thank the Speaker and Majority Leader for making good on their promise to get this legislation to the floor signed into law quickly in the 109th Congress. I also want to thank my colleague from California, the Chairman of the Appropriations Committee, for his strong support and for agreeing to include these provisions in H.R. 1268. Finally, I would like to thank my colleague from Wisconsin for his tireless work and support on this issue, Last year following passage of the 9–11 Commission Recommendations Implementation Act, he and I made a commitment to work together to ensure that the most important provisions not addressed in the final bill would be addressed early in the 109th Congress. That commitment is being fulfilled today.

Judging by the basic nature of these requirements as well as the actions taken by some States, it is quite obvious that not enacting these reforms does not come from a lack of ability, but from a lack of will. The federal government cannot continue to allow our security responsibilities to be compromised by the inaction of a few.

Our approach is very straightforward. Building upon guidelines and best practices established and accepted by State Motor Vehicle Administrators, the federal government's longstanding work on identity security, and actions taken by individual States to shore up their licensing process following the terrorist attacks; our legislation sets forth minimum document and issuance standards for federal acceptance of driver's licenses and state-issued personal identification cards. The legislation provides three years for States to come into compliance with these standards in order for the federal government to recognize their documents as proof of an individual's identity.

Let me make one thing perfectly clear. States that want their drivers' licenses to be used for federal identification purposes will be required to meet these standards. All of them. If they do not, the citizens of that State will not be able to use their driver's license to identify themselves for many purposes that they use them for today, such as boarding an airplane. The bill and the report make clear that the Secretary must determine the uses, in addition to those set forth in the bill, for which drivers licenses only from complying states will be accepted. Importantly, the final bill makes clear that the Secretary of Homeland Security will be responsible for ensuring that the certifications represent full compliance. This requirement ensures that the national security interests of the United States will be protected through enforcement of the requirements of the bill.

States will also be required to confirm the applicant's proof of legal presence in the United States. Currently, only 11 states lack such a requirement, meaning a majority of states have already recognized the need for tighter standards, but unnecessary and dangerous gaps in the system still exist. Importantly, States are still permitted to issue drivers' licenses to individuals who are not lawfully present in the United States or who cannot provide satisfactory proof of identity. The ability of States to have such a system is currently under challenge in court, and this legislation will provide them with express authority. The bill further provides that these licenses or identification cards must be clearly visually differentiated from other licenses and contain specific language regarding their validity for federal identification and other official purposes.

In addition, the legislation will require identity documents to expire at the same time as the expiration of lawful entry status—this will prevent individuals who have illegally entered or are unlawfully present in the United States from having valid identification documents. This loophole was highlighted on September 11th, as Nawaf al Hazmi and Hani Hanjour, the pilots of Flight 77, both obtained licenses and identification cards after the expiration of their visa authorization. We must correct this dangerous problem before we again give individuals who have overstayed their visas the tools they need to integrate into society and carry out criminal and terrorist acts.

Mr. Speaker, it is important to note that these actions are consistent with actions taken by individual states to date. For example, Nevada and New Mexico do not accept, as proof of identity, a state-issued driver license or identification card from states that do not meet their own standards. The federal government has been delinquent in dealing with this issue, but we are correcting that problem today.

Fraud in identity documents is no longer just a problem of theft. As we continue to strengthen our intelligence function to better identify and track terrorists, those individuals will be forced to find ways to conceal their identity in order to avoid detection. We must be able to establish, as close to certainty as we can, that people are who they say they are, and in order to do so the federal government must have documents that it can trust. In fact, we would not be fulfilling our security role for the American people if we did not.

Mr. Speaker, I urge my colleagues to support these important provisions and the passage of this conference report.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of the Emergency Wartime Supplemental, especially the provision that would postpone reducing the number of Navy aircraft carriers from 12 to 11. Our nation is at war against global terrorism and reducing the number of aircraft carriers would be a huge blow to our nation's defense at this very critical time.

Since the end of the Cold War, carriers have been kept very busy and have proven their value in numerous operations. In this era of uncertain U.S. access to overseas air bases, the value of carriers as sovereign U.S. bases that can operate in international waters, free from political constraints, is particularly significant.

During the past half century, the carrier force has never dropped below 12 ships, illustrating the enduring need for a force of at least that many ships. After experimenting with an "11 + 1" carrier force in FY1995–FY2000, DOD returned to a force of 12 fully active carriers, suggesting that DOD was dissatisfied with a force of less than 12 fully active carriers.

This provision in the Supplemental would effectively delay the decommissioning of the USS *Kennedy* until 6 months after the Quadrennial Defense Review is released. The *Kennedy* is based at the Mayport Naval Station near Jacksonville, Florida. Aside from concerns of this move striking a blow to national security, the carrier's retirement would mean an estimated loss of $300 million a year to the local economy.

Furthermore, if the *Kennedy* were retired, all of the Atlantic Fleet's carriers would be, for some time at least, home ported in a single location. This, of course, would not be in the best interest of national security.

Decommissioning the *Kennedy* before the QDR is complete could prove to be a very costly and ill-timed decision. The QDR may conclude that a fleet of 12 aircraft carriers is essential to our nation, thus necessitating that the USS *Kennedy* be operational. In a time of war, it is unwise to retire an aircraft carrier without knowing whether or not it will be needed.

Mr. Speaker, I urge members of congress to carefully examine the effects that retiring the

Kennedy and reducing the number of carriers would not only have on our nation, but the world at large. Please join me in supporting the Supplemental and the provision that keeps the number of carriers in the Navy's fleet contained therein.

Mr. ISSA. Mr. Speaker, I rise today in support of the inclusion of the REAL ID Act within the supplemental appropriations conference report. The REAL ID Act is an important step towards addressing a significant national security concern.

The inclusion of the REAL ID Act in this legislation will protect Americans from terrorists who seek to exploit weaknesses in our homeland security. By allowing homeland security officials to more closely scrutinize asylum claims and by expanding the grounds for deportation to include additional terrorist related activities, this act makes America more secure. The creation of minimal standards for drivers' licenses will help reduce the use of fraudulently obtained state IDs to access sensitive areas and board aircraft.

Last year, I voted against intelligence reform legislation because of the removal at the last minute of the REAL ID Act. I know Judiciary Chairman Jim Sensenbrenner strongly opposed the removal of the REAL ID Act from that legislation. When many had lost hope, he continued the fight to move the REAL ID Act through the legislative process. I thank Chairman Sensenbrenner for sticking by his convictions, providing leadership on this issue, and ensuring the inclusion of the REAL ID Act within this conference report.

Ms. SOLIS. Mr. Speaker, today I voted in support of the Fiscal Year 2005 Iraq and Tsunami Relief Supplemental Conference Report. This decision was very difficult for me. I voted for this legislation because it includes vital equipment and services that our troops desperately need. The bill also provides funding for needed vehicle armor and personal protection for our courageous troops and increases financial support to families of fallen heroes. While I strongly oppose the war in Iraq, I believe it is our government's duty to protect our troops which this Congress sent into the line of fire, as well as their families.

While I voted for this measure, I strongly oppose the REAL ID provisions in it. REAL ID gives blanket authority to the United States Department of Homeland Security to build any roads or barriers at any time and at any border without having to answer to State or Federal authorities and laws. Its driver's license provisions overturn States' rights and impose a massive unfunded mandate on States, while doing nothing to address our outdated immigration system.

I am very disappointed that the REAL ID provision was included in a bill to fund support for our military forces and their families and relief for tsunami victims. While I acknowledge that our immigration system is broken, this legislation is not the right vehicle to do it and REAL ID is not the right approach to fix it. I support comprehensive immigration reform, not attempts by the Republican majority in Congress and President Bush to give the American people a false sense of security at the cost of our civil liberties and values. That is why I urged conferees on the Supplemental bill to remove these harmful provisions from the conference report. Reform of our complex and outdated immigration system deserves a separate and extensive dialogue, and I will continue to fight for immigration policy which both protects our homeland and respects the millions of hard-working immigrants in this Nation.

While I remain deeply opposed to the REAL ID and its inclusion in this conference report, I do not believe withholding funds from our dedicated military and tsunami victims is right. There should be no question that I remain very concerned about the Bush Administration's lack of a clear exit strategy in Iraq. However, I am committed to our troops, and I will continue to fight for a clear plan so they can be reunited with their families and democracy can thrive in an Iraq run by Iraqis.

Mr. McCAUL of Texas. Mr. Speaker, I rise in support of the conference agreement for the Emergency Supplemental Appropriations bill. I wish to commend the conferees for their work in bringing this important legislation to the House floor. The funding provided by this bill not only helps insure that our military will have the resources and capabilities necessary to prevail in the global war on terror, but it also supports the Pentagon's important R&D programs.

I recently noted concerns published by two former defense officials over possible reductions in future defense advanced technology development. While I am confident that this Administration and the Congress will continue to provide ample funding for the military's R&D programs, it is important to underscore how these programs help incubate technologies with important military applications being developed by small companies.

My Congressional district has a number of small companies with innovative new technologies that promise significant benefits to the military. Three of these companies have developed technologies that offer good examples of private initiatives ready to be advanced for military use in partnership with the Defense Department. The funding in this bill will make this partnership possible.

One company, Zebra Imaging, has developed a 3–D hologram technology that now produces three-dimensional imagery of battlefield information imagery for military planning and reconnaissance purposes. The first of these imaging systems is now being deployed by the Army for use in Iraq, with a second system planned. Several defense R&D programs are assessing advanced applications of this technology for the future warfighter.

A second company, Teravicta Technologies, has engineered advanced radio frequency microelectro-mechanical (RF MEMS) switches and relays that provide much greater efficiency and performance in military electronics and communications systems, such as radar and satellite communications, as well as cell phones and other mobile wireless devices.

Pinion Software, the third example, is developing a simple system for securing sensitive data stored in and transmitted by wireless mobile devices. The widespread and growing military use of wireless handheld devices and laptop computers has an accompanying security threat that is increasingly serious and will be protected by this technology.

These and other promising new technologies are fostered by the R&D programs funded by this bill and other defense appropriations. I urge the continued support of technologies as described here, which will provide the military important new capabilities.

Ms. McCOLLUM of Minnesota. Mr. Speaker, every member of this House supports providing our troops, their families and the veterans who have returned from service in Iraq and Afghanistan. The on-going wars in Iraq and Afghanistan, as well as other active military and intelligence operations in other countries require planning, budgeting and congressional oversight to ensure the best and most effective use of taxpayer dollars in order to keep our troops and all Americans safe and protected.

Unfortunately, the Conference Agreement on the Emergency Wartime Supplemental Appropriation, H.R. 1268, is a testament to poor planning, the complete absence of competent budgeting and, worst of all, the exploitation by this Congress of the needs of our troops to pass a grab bag of political pork and exploitive public policy. To add insult to injury, every dollar in this $82 billion bill is borrowed and will be added to our nation's debt—eventually paid for by future generations.

My vote against this bill is a reflection of the inept, incompetent and deliberately misleading policies of the Bush Administration and the Republican controlled Congress. At every point in this war in Iraq, from pre-emptive war to the on-going occupation, there has been a shameless disregard for honesty and a complete failure of meaningful, constructive congressional oversight. With, almost 1,700 lives lost, thousands wounded, some $212 billion spent in Iraq and at least $65 billion spent in Afghanistan to date, Americans should expect Congress to be engaged and conducting vigorous oversight, not playing political games.

Where is the courage, or at least the outrage, among members of this House to stand up and say enough is enough. Let us pass an appropriations bill to provide the courageous U.S. servicemen and women risking their lives in Iraq and Afghanistan with the tools to protect themselves, achieve their mission and come home safely. Let us have the courage and discipline to dump the extraneous billions and the excessively extraneous policy add-ons. Instead, Congress has passed a pork-barrel bill that, for example, restores $592 million in funding to construct a new U.S. embassy in Baghdad that is not an emergency, could not be constructed during the on-going insecurity and was previously defeated in a vote in the House by a wide margin.

Our nation is now in its third year with almost 160,000 troops occupying both Iraq and Afghanistan. Why was the $78 billion for military operations included in this emergency supplemental appropriation not included in the regular $400 billion FY2005 defense budget passed only months ago. That would have raised defense spending to almost $500 billion, but at least it would have honestly met our obligations to our troops. But foresight and proper planning are not the strengths of this White House and by budgeting properly it would have stripped the Republicans in Congress of a convenient legislative vehicle, a "must pass" bill as they refer to it, by which to supporting our troops is cover for attaching pork projects and politically motivated policies.

This bill, regardless of the margin by which it has passed Congress, is a shameful example of politicians exploiting the needs of a nation at war and the warriors who are fighting this war to advance a narrow, ideological and exclusive political agenda. Since there is no money for Iraq in the 2006 federal budget we can expect another "emergency wartime supplemental" again in the near future and with it the same abusive process.

Among the most egregious and offensive provisions of this bill is the attachment of disgraceful provision call the "REAL ID." The provision adds a de facto national identification card to be paid for by state and local taxpayers. It is another multi-billion dollar unfunded mandate on taxpayers, as well as another example of Republican excess and complete disregard for competent policy making. The REAL ID will make it easier for the immigration officials to send persons fleeing political or religious persecution back to their persecutors and it builds a wall along portions of the U.S.-Mexico border with complete disregard for all laws, including environmental regulations. Furthermore, because the legislation calls for national driver license standards to be implemented by states, it all but guarantees that more untrained and tested drivers will be driving on our streets, roads and freeways. This is not an anti-terrorism provision, it is simply more political grandstanding at the expense of the American taxpayer and hard working families.

There are some good aspects of this bill which I do support strongly. In addition to the needed funding for our troops, there is critical foreign assistance which I support. This includes funds for victims of the Indian Ocean tsunami, humanitarian assistance to the victims of the genocide in Darfur, funds to support the African Union peacekeeping operation in Sudan, economic development for the Palestinian people, international food aid and other bilateral assistance to critical allies. These are proper and needed uses of America's wealth to create stability, security and save lives around the world.

We are at a critical time in our nation's history. The current levels of deficit spending to sustain the wars, occupations and reconstruction efforts in Afghanistan and Iraq, almost $300 billion to date, plus the long-term needs of veterans, is not sustainable and is fiscally dangerous.

My strong and unwavering support for America's fighting men and women, as well as for our veterans remains steadfast. My opposition to this legislation is a demonstration of my lack of confidence in the Iraq policy and my disgust with the irresponsible fiscal policies of this White House and Republican controlled Congress. The needs and priorities of the American people must come before the shortsighted political advantages of the majority party. The priorities in Washington must change and I will continue to fight to put our troops and our families first, not use them as a political excuse.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. Mr. Speaker, in this form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the conference report on the bill, H.R. 1268, to the committee of conference with instructions to the managers on the part of the House to recede to the Senate and agree to the highest level of funding within the scope of conference for Immigration and Customs Enforcement.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adopting the conference report.

The vote was taken by electronic device, and there were—yeas 201, nays 225, not voting 7, as follows:

[Roll No. 160]

YEAS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich

Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brown (OH)
Capps
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Lantos
Larson (CT)

□ 1355

Mr. EHLERS and Mr. DELAY changed their vote from "yea" to "nay."

Messrs. FRANK of Massachusetts, CONYERS, and RYAN of Ohio changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 58, answered "present" 1, not voting 6, as follows:

[Roll No. 161]

YEAS—368

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—58

Abercrombie
Baldwin
Becerra
Blumenauer
Capuano
Carson
Clay
Coble
Conyers
Davis (IL)
Delahunt
Duncan
Farr
Filner
Frank (MA)
Gordon
Grijalva
Gutierrez
Hinchey
Holt
Honda
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Miller, George
Napolitano
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Rangel
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Stark
Thompson (CA)
Tierney
Towns
Velázquez
Waters
Watt
Weiner
Wexler
Woolsey

ANSWERED "PRESENT"—1

Matsui

NOT VOTING—6

Brown (OH)
Capps
Diaz-Balart, L.
Diaz-Balart, M.
Lantos
Larson (CT)

□ 1404

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, May 5, 2005, to vote on rollcall vote Nos. 159, 160, and 161 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall No. 159 ordering the previous question on H. Res. 258—Rule providing for consideration of H.R. 1268; "Yea" on rollcall No. 160 on the motion to recommit the Conference Report for H.R. 1268 to the conference committee with instructions; and, "Yea" on rollcall No. 161 on agreeing to the Conference Report for H.R. 1268—Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 159—"no"; rollcall No. 160—"yes"; rollcall No. 161—"yes."

PERSONAL EXPLANATION

Mr. LANTOS. Mr. Speaker, I was unable to be present for the vote on the Motion to Recommit the Conference Report on H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. Had I been present I would have voted "yea."

Mr. Speaker, I was unable to be present for the vote on passage of the Conference Report on H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. Had I been present I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to address the House to inquire of the majority whip the schedule for next week.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under the suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on measures will be rolled until 6:30 on Tuesday.

On Wednesday and the balance of the week, the House will convene at 10 a.m. for legislative business, and we may consider additional legislation under suspension of the rules, as well as two bills under a rule, H.R. 1279, Gang Deterrence and Community Protection Act of 2005; and H.R. 1544, Faster and Smarter Funding for First Responders Act of 2005.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the majority deputy whip for that information. I will continue to yield to the gentleman to ask about the gang violence and the first responder bills. Which day will we consider each bill, and what type of rule is anticipated for each bill?

Mr. BLUNT. Mr. Speaker, I would like to defer on the rules to the Committee on Rules chairman. He will have some announcements regarding rules on those bills when he speaks.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I am planning, as soon as this fascinating colloquy is completed, to ask unanimous consent to make a formal announcement to our colleagues which will request that amendments be filed with us upstairs for consideration of the measures.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman.

Mr. Deputy Whip, does leadership anticipate having votes next Friday?

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, at this moment we are scheduled to work on Friday. If we determine that is not necessary, we will announce that as soon in the week as possible. But at this point we are scheduled to work next Friday.

Mr. LEWIS of Georgia. Mr. Speaker, continuing to yield to the gentleman, I understand we have appropriation bills coming up, and we understand we may have a number of appropriation bills on the floor prior to the Memorial Day district work period. Which appropriation bills will be considered prior to the recess?

Mr. BLUNT. Mr. Speaker, the Committee on Appropriations is moving their work along at an extraordinary pace, particularly based on the fact that they also were able to get this supplemental done today in a way that has not slowed down the progress we are seeing this year. We are hopeful to get many, if not all, of these bills done by the early part of July and expect to have some of these bills on the floor the week of May 16.

The two bills that I think are the furthest along are Interior and Homeland Security, and it is likely that they would be first.

As has been our process for a while, we would intend to move to the appropriations bills whenever they are available. In many ways the rest of the calendar will respond to the work coming out of the Committee on Appropriations and ready for the floor.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Missouri for all of that valuable information. We appreciate it.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 1279, GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file its report on H.R. 1279.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1544, FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 1544, the Faster and Smarter Funding For First Responders Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by noon on Tuesday, May 10, 2005. Members should draft their amendments to the bill as reported by the Committee on Homeland Security on April 21, 2005. Members are advised that the report of the Committee on Homeland Security, House Report 109-65, was filed on April 28. Members are also advised that the text of the reported bill will be available on the Web sites of the Committee on Homeland Security and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 1279, GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 9 to grant a rule which could limit the amendment process for floor consideration of H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by noon on Tuesday, May 10, 2005. Members should draft their amendments to the bill as reported by the Committee on the Judiciary on April 20, 2005. Members are advised that the report of the Committee on the Judiciary is expected to be filed today, Thursday, May 5, and Members are also advised that the text of the reported bill should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by this evening.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Mr. Speaker, with that I wish my colleagues a happy Cinco de Mayo and a Happy Mother's Day.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1638

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1638.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 513

Ms. LEE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 513.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SUPPORTING GOALS AND IDEALS OF NATIONAL HEPATITIS B AWARENESS WEEK

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 250) supporting the goals and ideals of National Hepatitis B Awareness Week, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 250

Whereas hepatitis B is the most common serious liver infection in the world;

Whereas chronic hepatitis B infections cause 80 percent of all primary liver cancer cases worldwide;

Whereas 10,000,000 to 30,000,000 people will be infected with the hepatitis B virus worldwide in 2005;

Whereas approximately 100,000 people in the United States will become infected with hepatitis B virus this year alone;

Whereas fewer than 10 percent of diagnosed chronic hepatitis B patients in the United States are currently receiving treatment for their disease;

Whereas healthcare and work loss costs from liver disease and liver cancer-caused hepatitis B infections total more than $700,000,000 annually;

Whereas the Centers for Disease Control and Prevention ("CDC") estimates that 1,250,000 Americans are already infected with hepatitis B and nearly 6,000 will die of liver complications each year;

Whereas a person who has become infected with hepatitis B may not have symptoms for up to 40 years after the initial infection has occurred, and there is currently no routine screening in place for early detection;

Whereas the CDC has identified African-Americans, Asian-Americans, and Pacific Islanders, as well as Native Americans and Alaskan Natives, as having higher rates of hepatitis B infection in the United States;

Whereas Asian-Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection in the United States;

Whereas there is a need for a comprehensive public education and awareness campaign designed to help infected patients and their physicians identify and manage the secondary prevention of the disease and to help increase the length and quality of life for those diagnosed with chronic hepatitis B; and

Whereas the week of May 9, 2005, would be an appropriate week to observe National Hepatitis B Awareness Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Hepatitis B Awareness Week;

(2) calls upon the people of the United States to observe the week with appropriate programs and activities; and

(3) supports raising awareness of the consequences of untreated chronic hepatitis B and the urgency to seek appropriate care as a serious public health issue.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Res. 250, a resolution that recognizes the goals and ideals of the week of May 9th as National Hepatitis B Awareness Week.

I first want to thank Mr. MURPHY for his leadership on this resolution.

During the week of May 9, health advocates from around the country will be putting on a national media campaign, "Aim for the B," to raise awareness about the disease and to educate the community about prevention through testing and vaccination.

Mr. Speaker, the numbers are startling. In the United States, 12 million people (1 out of 20) have been infected at some time in their lives with the hepatitis B virus, more than one million people in the U.S. have developed chronic hepatitis B infection, and more than 5,000 Americans die from hepatitis B-related liver complications each year.

Chronic hepatitis B is often called a "silent disease" because more than two-thirds of the 12 million Americans infected with hepatitis B have no recognized symptoms. Of those who are diagnosed, fewer than ten percent seek long-term medical care that could allow more hepatitis patients to lead long and healthy lives. Those who do not receive treatment often suffer cirrhosis of the liver, liver failure and liver cancer.

Asian Pacific Islander Americans (APIAs) are particularly susceptible to this disease—as many as 1 out of 10 APIAs are chronically infected with the hepatitis B virus. Accordingly, liver cancer rates among males are 13 times higher among Vietnamese Americans, eight times higher among Korean Americans, and six times higher among Chinese Americans than among the general population.

The most common route of infection among APIAs is through mother-to-child transmission. In the United States, APIA children were found to have low vaccination rates despite national vaccination guidelines and availability. Many children worldwide remain unvaccinated and may become chronically infected as adults. Furthermore, the incidence of liver cancer among APIA ethnic groups is 1.7 to 11.3 times higher than rates among Caucasian Americans.

Hepatitis B is extremely infectious. In fact, the disease is 100 times more infectious than HIV. Most healthy adults (90 percent) who are infected will recover and develop protective antibodies against future hepatitis B infections. A small number (5 to 10 percent) will be unable to get rid of the virus and will develop chronic infection.

Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I want to say it loud and clear so that there is no misunderstanding. Hepatitis B is a public health emergency for Asian Pacific Islander Americans.

We need to break the silence and bring awareness to our community about this disease. Hepatitis B diagnosis does not have to be a death sentence. The weapons to combat this disease are available, including vaccination, early diagnosis and treatments. During National Hepatitis B Awareness Week, events will be held across the United States to raise awareness about hepatitis B, educate sufferers and their physicians about improved methods of treatment and prevention, and open the dialogue within communities to stop the transmission of this virus.

Recognizing the goals of National Hepatitis B Awareness Week is an important step in efforts to increase awareness about this deadly virus. This resolution also seeks to honor those in the community and in medicine who seek to prevent additional cases of hepatitis B and improve the quality of life for those who have already contracted it.

We all have constituents affected by this disease, so let us come together and support a comprehensive response and spread awareness on prevention.

I urge my colleagues to support this resolution and all of the events during National Hepatitis B Awareness Week.

Ms. BALDWIN. Mr. Speaker, I rise today to express my support for increased awareness and education around the potentially life-threatening disease, hepatitis B. Hepatitis B is the most common liver infection in the world, and approximately 5,000 Americans will die from complications of this disease in 2005.

The hepatitis B virus is extremely infectious. In fact, it is 100 times more infectious than the HIV virus. Twelve million people in the United States are already infected, and an additional 100,000 more will become infected this year. In my home state of Wisconsin, nearly 600 cases of hepatitis B are reported each year.

This disease is easily transmittable through blood and blood products, bodily fluid, from mother to newborn, unprotected sex, and intravenous drug use. Furthermore, this disease is especially dangerous because many people are completely unaware that they may have come into contact with it until they develop more serious complications such as cirrhosis of the liver or liver cancer. Less than ten percent of Americans suffering from hepatitis B are receiving proper treatment for their disease.

Last week, I was proud to join my colleagues in supporting House Resolution 250, Supporting the Goals and Ideals of National Hepatitis B Awareness Week. Though vaccinations, increased awareness and education initiatives surrounding hepatitis B, this disease is largely preventable. During the week, community events across the country will bring together patients, public health advocates, physicians, and at risk populations to increase awareness and bolster education efforts on preventive measures and disease management.

As we recognize National Hepatitis B Awareness Week, I am hopeful that we can join together and work towards an end to this life-threatening disease.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 9, 2005, AND HOUR OF MEETING ON TUESDAY, MAY 10, 2005

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 10, 2005, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECOGNIZING AND CELEBRATING LIFE AND ACCOMPLISHMENTS OF JIMMY "WINK" WINKFIELD AND OTHER AFRICAN AMERICAN JOCKEYS AND TRAINERS

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 231) recognizing and celebrating the life and accomplishments of the great African American jockey Jimmy "Wink" Winkfield and the significant contributions and excellence of other African American jockeys and trainers in the sport of horse racing and the history of the Kentucky Derby, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 231

Whereas Jimmy "Wink" Winkfield was born on April 12th, 1882 in Chilesburg, Kentucky, the youngest of 17 in a family of sharecroppers;

Whereas Wink was born in an era when African American jockeys dominated the sport of horse racing, to the extent that African American riders won 15 of the first 28 Kentucky Derbies and in the first Kentucky Derby in 1875, 13 of the 15 jockeys were African American;

Whereas the African American jockey Oliver Lewis won the first Derby by two lengths, and the African American jockey Alonzo "Lonnie" Clayton, at age 15, is the youngest rider ever to win the Derby;

Whereas Wink worked by shining shoes, moved up as a stable hand, then as an exercise rider, and rode his first race at the age of 16;

Whereas at the age of 22, Wink won back-to-back Kentucky Derbies in 1901 (on His Eminence) and 1902 (on Alan-A-Dale), and placed second in 1903 (on Early);

Whereas Wink is one of only 4 jockeys ever to accomplish this back-to-back feat, and he was the last African American jockey to win the Kentucky Derby;

Whereas during his career Wink was known as king of the Chicago race tracks;

Whereas unfortunately, segregation eventually forced African American jockeys off the race track and often into exile;

Whereas Wink left the United States by buying a steamer ticket to Europe and settled down in Czarist Russia, where he became a wealthy and dominant athlete in Russia's national sport;

Whereas Wink went on to win the Russian national riding title an unheard of 3 times, won the Moscow Derby twice, the Russian Derby three times, the Grand Prix de Baden (in Germany), the Poland Derby twice, and the Grand Prix de la Republique (in France);

Whereas the Bolshevik Communist Revolution in 1917 forced Wink to flee Russia, and he led 200 jockeys, trainers, and owners over treacherous mountain terrain into Poland;

Whereas Wink eventually settled down in France and retired in 1930 after accumulating 2,600 racing victories in 10 countries, and turned to raising and training horses on his farm outside of Paris;

Whereas in 1940, when the Nazis invaded France and commandeered his stables for their own horses, Wink defended himself and his farm with a pitchfork, only to eventually flee Nazi-occupied territory;

Whereas after decades of exile, Wink returned to the United States one last time in 1961, 60 years after winning his first Kentucky Derby, when he was invited to a pre-Kentucky Derby banquet at the historic Brown Hotel in Louisville as a 2-time winner of the Derby;

Whereas Wink and his daughter Lillian were denied entrance through the front door, but after a long delay were eventually admitted, and spent most of the evening with a white jockey named Roscoe Goose, an ex-competitor from their own Kentucky Derby days 60 years earlier, who sat with Wink for the evening and for the Derby the following afternoon;

Whereas Wink returned to his home in Paris, where he died in 1974 at the age of 94 still homesick for the Kentucky bluegrass of his boyhood, his death virtually unnoticed in the United States; and

Whereas in 2003, Wink was admitted to the National Racing Hall of Fame and joined two other African American Hall of Fame jockeys, 3-time Kentucky Derby winner Isaac Murphy and 2-time winner Willie Simms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the remarkable life and accomplishments of one of the truly great American athletes, Jimmy "Wink" Winkfield, who continuously overcame racism and other significant obstacles during his lifetime; and

(2) recognizes and celebrates the significant contributions and excellence of African American jockeys and trainers in the sport of horse racing and in the history of the Kentucky Derby.

Mr. DUNCAN. Mr. Speaker, I rise in support of House Resolution 231 that honors the Kentucky Derby and particularly the success that African-American jockeys have enjoyed during the race's history. I am pleased that the House is considering this resolution before the 131st Run for the Roses at Churchill Downs on Saturday.

The resolution reminds us that African-American jockeys have greatly influenced the history of the Kentucky Derby. Thirteen of the fifteen riders in the first derby in 1875 were African-American. African-American horsemen won 15 of the first 28 derbies.

Jimmy "Wink" Winkfield, whom the resolution recognizes specifically, remains the last African-American jockey to win the Kentucky Derby. He is one of only four jockeys in Kentucky Derby history to win back-to-back races. He was victorious riding His Eminence in 1901 and Alan-A-Dale in 1902. He also came in second the following year when he entered the race as the favorite on Early in 1903.

Mr. Speaker, on a Saturday in May each year, the Kentucky Derby provides us with many outstanding moments, many of which go down in sports history. Champion horses such as Secretariat, Seattle Slew, Alysheba, and last year, Smarty Jones, have captivated the Nation during the race that is known as the "greatest two minutes in sports." We know this year's derby will be a spectacular show as well.

Again Mr. Speaker, I am pleased the House is considering this timely resolution that honors the significant contributions and excellence of African-American jockeys. The gentleman from Illinois, Congressman BOBBY RUSH, deserves the commendation of all Members for his efforts on House Resolution 231.

I also recognize the resolution's lead cosponsor, my distinguished colleague from Kentucky, Congressman ED WHITFIELD, to whom I know the adoption of the resolution means a great deal. I urge all Members to agree to the resolution.

Mr. WHITFIELD. Mr. Speaker, as the world's attention turns to the 131st running of the Kentucky Derby, frequently called the most exciting two minutes in sports, I would like to turn the House's attention to Jimmy "Wink" Winkfield, who is a Kentucky Derby legend. Jimmy Winkfield overcame adversity throughout his life to become one of the greatest jockeys of all time. Not only did Wink win the Kentucky Derby back-to-back in 1901 and 1902, but he is the last African-American jockey to win the derby. For his accomplishments, Wink was inducted into the National Horse Racing Hall of Fame in 2004.

Wink was born in Chilesburg, KY, and won his derbies on Kentucky horses. In 1902, His Eminence carried Wink to victory in the 27th running of the Kentucky Derby. His Eminence was bred in Kentucky by O.H. Chenault. In the 28th Run for the Roses, Wink was carried to victory riding Alan-a-Dale, a beautiful horse that was also Kentucky bred by T.C. McDowell.

Jimmy "Wink" Winkfield was truly one of the great jockeys of all time and achieved great success despite discrimination and numerous setbacks.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

CELEBRATING CHARLIE WILSON'S WAR AND THE END OF THE SOVIET EMPIRE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I rise to notify Members of the House that the gentleman from Wisconsin (Mr. OBEY) and I are sending out invitations by way of an event that will take place in the Committee on Appropriations on May 16. The title is "Celebrating Charlie Wilson's War and the End of the Soviet Empire."

Mr. Speaker, I rise today to pay tribute to one of our former Members and a stalwart on the House Appropriations Committee, whose ability to work behind the scenes and across the aisle helped speed the downfall of the Soviet empire. Those who are interested in the past impact of one Member concentrating himself upon the Soviet empire and the effect he had should be a part of this celebration.

Mr. Speaker, I rise today pay tribute to one of our former Members, and a stalwart on the House Appropriations Committee, whose ability to work behind the scenes and across the aisle helped speed the downfall of the Soviet empire.

I am referring to former Congressman Charlie Wilson, who was renowned for providing top-notch representation for his east Texas constituents. Many of you will remember my good friend Charlie for that, and for a dashing and debonair style that was perhaps unequaled during my time in the House. But I would like to recount something Charlie did quietly about two decades ago that may have changed the course of world history.

In the early 1980s, foreign policy was for the most part a bipartisan affair. The Soviet Union seemed unshakable in its anti-American strength, and the evil stain of communism continued to spread around the world. Those of us who served on the Intelligence Committee and the Defense Subcommittee of the House Appropriations Committee heard constant reports of our Nation's efforts to counteract that tyranny and oppression.

I served on those committees with Charlie Wilson, a former Navy lieutenant who was known outside the House as a connoisseur of the good life. Those of us who served with him were well-aware of his insight and keen intellect. When Charlie spoke about world affairs, we always listened.

Longtime members of the Appropriations Committee develop a unique perspective on Congress's ability to influence national policy. We have seen time and again that one Member, who has developed an expertise in a subject and a commitment to change, can influence colleagues on both sides of the aisle to provide support and get a program moving that might spend years languishing in bureaucratic review.

Perhaps the most dramatic example of this was how Charlie Wilson found a way to fund the rebels in Afghanistan, which eventually led to the defeat of the Soviet Union's efforts in that country, which was the beginning of the disintegration of the Soviet empire. As CIA Director James Woolsey later said: "The defeat and breakup of the Soviet Union is one of the great events in world history. There were many heroes in this battle, but to Charlie Wilson must go a special recognition."

Charlie was amazed that the Afghan rebels seemed to be holding the Soviets at bay with rocks and knives, and urged appropriators to provide covert funding to get them more sophisticated weapons. The committee agreed to a few million in the first year, and Charlie persuaded his colleagues to increase spending in succeeding years. Ultimately the rebels began shooting down Soviet planes and helicopters with Stinger missiles. By 1988, the Soviets were on the run. By 1990, the Berlin Wall had fallen and the breakup of the Soviet empire was under way.

Mr. Speaker, many of my colleagues will recognize this tale from George Crile's marvelous "Charlie Wilson's War: The Extraordinary Story of the Largest Covert Operation in History." I urge everyone to read this highly entertaining book, and I am happy to say that it may soon be produced as a motion picture.

What you as members will see in this story is that a single voice, heard with respect and supported by House colleagues, can initiate the kind of program that can change the world. I know that Charlie Wilson is gratified to have been given that respect and support, and I am proud in the knowledge that I have been privileged to serve with Charlie in this House and on that committee.

Mr. Speaker, Charlie Wilson retired from Congress in 1996, but he is only now leaving Washington. I ask all of my colleagues to join me in thanking him for giving us the opportunity to take part in history, and to wish him well as he heads home to Texas.

IMMIGRATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too rise to wish our mothers across America a happy Mother's Day, and I also rise and honor Cinco de Mayo.

But, Mr. Speaker, unfortunately I had to cast a "no" vote on the previous bill because of the ill-conceived provisions dealing with immigration. I am not for a national ID card. Unfortunately, without the input of States and hearings, that is what this body voted for, a database, subjected to the FBI, investigation of your personal matters, along with everyday hackers finding out information about Americans that do not keep the homeland safe.

Today, Mr. Speaker, I announce the introduction of the Save America Comprehensive Immigration Act of 2005 and I will be presenting this legislation to my colleagues. This actually deals with reforming immigration, increasing the allocation of family-based visas, legalization for long-term residents, real border security, employment-based immigration where an employer would have to attest to the fact that no American had the opportunity to take this job before a job could be given to an undocumented individual.

This is real reform. I hope my colleagues will accept the challenge. Save America Comprehensive Immigration Reform Act of 2005.

JUDICIAL NOMINEES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, before we all leave town for the weekend and to celebrate Mother's Day, I wanted to say just a little bit about the President's judicial nominees. They deserve an up-or-down vote in the Senate. That really is a matter of common sense here in Washington and something that needs to be addressed. Unfortunately, right now, common sense does not seem to be prevailing.

For more than 200 years, the Senate deliberated and voted on judicial nominees that were sent up by the President. During those 200 years, the process has not been circumvented by a minority political party in the Senate. Yet today we have a first—judicial nominees that are being held hostage by misuse of a rule preventing the full Senate from voting either to accept or to reject them.

Mr. Speaker, it is not fair, it is not right, and it is not in keeping with our system. The liberals over in the Senate know this. Yes, the Constitution grants the Senate the ability to make its own rules on procedure, but to twist that right in order to subvert the Senate's constitutional role is wholly inappropriate.

SOCIAL SECURITY REFORM

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, I rise today to express my support for two pieces of legislation that will reform, protect and improve Social Security for generations to come.

H.R. 1776, introduced by the gentleman from Wisconsin (Mr. RYAN), and H.R. 530, introduced by the gentleman from Texas (Mr. SAM JOHNSON), ensure Social Security's permanent solvency without raising taxes. For those individuals 55 and older, both bills guarantee there will be no changes to their Social Security.

For workers under 55, both plans provide an option for them to remain in the current Social Security system or to have a portion of their Social Security payroll taxes fund their own individual personal savings accounts. At the same time, both plans will yield substantial new savings, new investment and new economic growth, ensuring our children and grandchildren have the freedom, security and prosperity they deserve.

Mr. Speaker, I strongly urge my colleagues to take an active role in tackling Social Security's problems by supporting one or both of these bills, and I look forward to the House's active consideration of these proposals.

NATIONAL DAY OF PRAYER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to recognize that it is the National Day of Prayer and to ask my colleagues to join me in giving thanks to God for His many blessings.

This day is significant because it reminds Americans to humbly ask God for His wisdom in our daily lives. Prayer is an extremely powerful tool because it allows us to acknowledge that we are all God's children and that we must rely on Him to guide our lives in the right direction.

National days of prayer have been an important part of our country's heritage since the first one was declared by the Continental Congress in 1775. This day reminds us of how our Founding Fathers sought the Lord's guidance while they were forming our country. The unanimous passage of a bill establishing the National Day of Prayer as an annual event demonstrates that prayer is just as important today as it was at the founding of our country. Prayer unites and gives comfort to people of all faiths.

Today, I ask my fellow Americans to join me in praying for our brave men and women in uniform for fighting to protect our freedoms and to spread freedom throughout the world. I also ask that we pray that God help our leaders to make the right decisions and have the strength and resolve as they meet the challenges ahead.

PUBLIC SERVICE RECOGNITION WEEK—DEBORAH MONETTE

(Mr. PORTER asked and was given permission to address the House for 1 minute.)

Mr. PORTER. Mr. Speaker, this week is Public Service Recognition Week, a time when we honor government employees at the Federal, State, county and local levels. We cannot thank our public servants enough for the job that they do for this country day in and day out. The Federal Government simply cannot function properly without good employees and the managers who are committed to the work of our Nation.

As the chairman of the House Subcommittee on Federal Workforce and Agency Organization and a member of the Congressional Public Service Caucus, I would also like to honor one Nevadan who is making a difference for our great Nation. Deborah Monette, a Federal employee at the National Nuclear Security Administration's North Las Vegas site office in Nevada manages a number of high-profile projects at the agency's Nevada test site. Her work includes stewardship of the Nation's nuclear weapons stockpile, nuclear test readiness, nonproliferation issues and emergency response programs. In that capacity, she has spearheaded critical counterterrorism initiatives for our country.

One of Ms. Monette's greatest achievements is the creation of the National Center For Combating Terrorism at the Nevada test site. The center is an intensive, hands-on training ground where Federal, State and local agencies and employees involved in combating terrorism can train for the wars of the future. It was established to provide a realistic test and evaluation laboratory for first responders.

She is a 30-year employee. I wish we would honor Ms. Monette and all Federal, State and local employees across this country.

GENERAL LEAVE

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 231.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for special order speeches without prejudice to possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak in the place of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMERICA'S ARMED FORCES: STRETCHED TO THE LIMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, earlier this week, General Richard Myers, the Chairman of the Joint Chiefs of Staff, warned Congress that the stress on our Armed Forces of operations in Iraq and Afghanistan had raised the risk that it will take longer to prevail in conflicts elsewhere around the world. While General Myers stressed that American troops would still succeed, he acknowledged that the ongoing pace of operations has strained the military and would have a negative impact on operations, including the possibility of higher American casualties.

General Myers' candid assessment is both welcome and, to me, self-evident. A growing number of current and former military officers are expressing strong concern over the strain being placed on our Armed Forces, and for good reason: our Armed Forces are too small and the demands on them are too great.

"What keeps me awake at night," General Richard Cody, vice chief of staff of the U.S. Army, testified in a recent Senate hearing, "is what will this all-volunteer force look like in 2007?" General Cody's concerns are professional and personal. He is the father of two sons who are captains in the U.S. Army. Right now those sons are deployed on their second and third tours of combat since September 11.

Throughout the country, men and women in the Guard and Reserve are being called up repeatedly to serve. Indeed, the line between those in the Guard and Reserve and those on active duty is being blurred beyond recognition. We can no longer ask a small group of men and women to bear such a disproportionate and growing share of the burden. We must expand the standing Army and Marine Corps to provide adequate resources for our long-term national security.

When the Soviet Union collapsed in December 1991, American policymakers downsized the military in hopes of reaping a peace dividend. Our mistake at the end of the Cold War was to consider the vastly diminished threat of nuclear annihilation as signaling what one commentator called "the end of history." Even as the Soviet Union broke apart, new threats, failed States, radical Islamic terrorism and ethnic and religious strife quickly advanced to challenge the United States. The need for the forward deployment of large numbers of American troops in Western Europe may have largely disappeared, but the end of the bipolar international system has led to much greater instability elsewhere.

Before the wars in Afghanistan and Iraq, the conflicts in Somalia, in Haiti and in Kosovo, already demonstrated some of the challenges that we confront in the post-Cold War era. Throughout the 1990s, even as the U.S. military maintained a significant presence in Europe, South Korea and in the Gulf region, U.S. forces engaged in these large-scale deployments. American troops are still operating in some of these areas and participating in other smaller peacekeeping operations. Despite the high tempo of activity, the strength of the active duty Army and Marine Corps went from 929,000 in 1990 to 655,000 in 2000.

While we are fighting the war on terrorism and the Iraq war and trying to meet our other commitments, the strength of our active duty Army and Marine Corps has increased only slightly in the last 5 years. At the end of 2004, 671,000 Americans were serving on active duty in the Army and Marines and virtually all of the modest increase in troop strength has come as a result of stop-loss and other measures that have kept soldiers in the force beyond the period of their enlistments.

To meet its needs, the military has mobilized hundreds of thousands of Reserve and National Guard personnel to serve in Iraq and Afghanistan, with many called to service multiple times and others activated from the Individual Ready Reserve. Because the gulf between the expectations of those joining the Guard and Reserve and the reality of today's service is so great, morale has suffered and recruitment is down.

President Bush warned the American people that the war on terror would not be easy or quick. He asked the country to make a generational commitment to promote democracy around the world. But as this applies to adequate troop strength, the administration's rhetoric has not been matched with action.

The defense authorization bill increased end strength of 20,000 for the Army and 3,000 for the Marine Corps. It also authorized an additional 10,000 Army and 6,000 Marines to be added in the next 5 years. This expansion is a beginning. The administration and Congress, though, need to take steps to increase the size of our Armed Forces by a far more substantial amount. Recently, a bipartisan group of national security experts recommended increasing the active duty Army and Marine Corps by a combined 25,000 per year for several years. Former NATO Supreme Allied Commander General Wesley Clark has called for an additional 90,000 troops to be added to the Army's ranks.

Our Armed Forces are the best in the world, but even the best can be asked to do too much with too few. As we continue our missions in Iraq and Afghanistan and confront potential challenges in North Korea, Iran and elsewhere, we must acknowledge that our current force level does not meet our security needs.

□ 1430

Beefing up our recruiting efforts will not be easy, but we have little choice. The magnitude of the threats we face presents too great a risk to the Nation's security given our current strength of active duty military.

In conclusion, Mr. Speaker, we all hope and pray we never have to make need of these additional troops. But knowing we have a larger Armed Force if the urgency arises should help us all sleep a little better at night, including General Cody and his sons.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the special order time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, Saturday was the final day of the Article 32 hearing for a Marine facing murder charges for actions he took against Iraqi insurgents in self-defense.

As I have discussed at length, a year ago in Iraq, Second Lieutenant Ilario Pantano made a split-second battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two and a half months later, a sergeant under his command, who never even saw the shooting and who was earlier demoted by Pantano for his lack of leadership abilities, accused him of murder. Now the case is in the hands of a hearing officer who must determine whether Lieutenant Pantano will face a court-martial.

Mr. Speaker, I stand here today, as I have many other nights and days, in support of Lieutenant Pantano. I have always maintained the innocence of Lieutenant Pantano, and I believe last week's hearings produced information that will ultimately prove his innocence. During the hearing, it became clear that the sergeant who accused Lieutenant Pantano of these actions was not a credible witness. This sergeant had been demoted for his inaccuracies as a leader. While testifying last week, he was forced to admit that he disobeyed recent orders not to grant interviews regarding this case.

Mr. Speaker, how can these charges move forward when this primary witness is someone who did not actually see the shooting and who cannot stick to one story about the series of events that took place?

I continue to maintain that Lieutenant Pantano is an exceptional Marine. During last week's proceedings, many Marines and sailors testified to his outstanding leadership; and not one person, aside from Sergeant Coburn, doubted the lieutenant's decision-making ability. I certainly hope that last week's proceedings will finally bring out the truth in this case.

General Huck has the ultimate say in whether these charges move forward to a court-martial. General Huck will evaluate the evidence that has been presented in this case. I believe the evidence will justify the immediate dismissal of all charges against Lieutenant Pantano so that he may return to duty and serve the corps and the country he loves so deeply.

Mr. Speaker, I continue to ask my colleagues to research this case and consider supporting House Resolution 167, my resolution to support Lieutenant Pantano as he faces this battle. I encourage all Members to visit his mother's Web site, www.defendthedefenders.org, and learn more about this fine young man. I would be proud to call him my son or my son-in-law.

We cannot send the wrong message to our men and women in uniform. To instill doubt into the minds of our Nation's defenders places their lives and the security of our Nation in jeopardy.

In conclusion, I want to briefly mention another Marine who was facing similar murder charges for actions he took in Iraq that were actually on videotape. Yesterday he was cleared of wrongdoing after the Naval Criminal Investigative Service determined that he acted in self-defense. In a statement, Major General Richard Natonski, the commanding general of the First Marine Division, said the Marine's actions were "consistent with the established rules of engagement and the law of armed conflict." Mr. Speaker, I hope that this Marine's case will serve as a precedent for the hearing officer reviewing Lieutenant Pantano's case, where there is not only no video evidence, there is not even one eyewitness.

I have the utmost faith and confidence in the United States Marine Corps that in the next few days there will once again be a decision made that will correct a wrong and allow Lieutenant Pantano to continue with his career.

Mr. Speaker, I include in the RECORD an endorsement of House Resolution

167 by the Los Angeles Deputy Sheriffs, Incorporated. Los Angeles, California, that asks President Bush, the House, and the Senate to please support H. Res. 167.

I close by asking the good Lord to please give strength to the Pantano family. that the good Lord be with our men and women in uniform. and may God continue to bless America.

ASSOCIATION FOR
LOS ANGELES DEPUTY SHERIFFS, INC.,
Los Angeles, California, April 14, 2005.

Re Endorsement of House Resolution 167.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR PRESIDENT BUSH: As members of the Board of Directors of an organization that represents approximately 7000 sworn Deputy Sheriffs and District Attorney Investigators, we know firsthand just how difficult it is for those engaged in military or law enforcement service to protect the public as well as maintain their own safety. We also recognize that the public is frequently unaware of the extreme difficulty placed upon those who serve in military or para-military organizations which often requires that irreversible, life and death decisions be made within fractions of a second.

We are certain that you are fully knowledgeable of the incident that gave rise to House Resolution 167 as well as the circumstances that propelled this matter into the public spotlight. We are also familiar with your unflagging record of support and respect for the men and women in uniform that proudly serve this great nation. Certainly, no one is better acquainted with their heroic exploits and the extreme difficulty in which they have been placed than the President of the United States.

Therefore, in keeping with House Resolution 167, we respectfully request that you employ your power as Commander in Chief to cause all charges against Second Lieutenant Ilario Pantano to be dismissed.

If there is anything that you believe that this Association can do to assist in this matter. please let us know.

Sincerely.

ROY BURNS,
President.
STEVE REMIGE.
Vice President.
ARMANDO MACIAS,
Secretary.
FLOYD HAYHURST,
Treasurer.
ROBERT CONNOR,
Director.
GEORGE HOFSTETTER.
Director.
BRIAN ROGGE.
Director.

SMART SECURITY AND MISSION UNACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last Sunday was the second anniversary of President Bush's now infamous "Mission Accomplished" speech in which he declared an end to major combat operations in Iraq under an arrogant banner declaring that the mission had been "accomplished." I do not know the President's definition of the word "accomplished," but I think just about anyone who is asked would say that the mission is very far from being accomplished in Iraq.

Let us consider the facts. To date, nearly 1,600 American soldiers have been killed in this war. Estimates of Iraqi sources suggest that between 21,000 and 25,000, at least, Iraqi civilians have been killed as well, with hundreds more injured and dying weekly. And nearly 12,000 American troops have suffered severe injuries as a result of the continuing major combat operations. The vast majority of all these casualties occurred and continue to occur after the President delivered his "Mission Accomplished" speech.

We need to consider what is happening every single day on the ground in Iraq. The newspapers provide news daily of the latest disaster caused by vicious Iraqi militants. Every day dozens of innocent people are being killed. To my colleagues who claim that the newspapers are biased and do not present the positive news stories out of Iraq, I would say that it is pretty hard to be positive when they are surrounded by violence.

Iraq is currently embroiled in a dangerous cycle of daily car bombings, roadside hijackings, and murders of innocents. Just yesterday, for instance, 45 Iraqis were killed in a bomb attack in the northern city of Irbil. This latest attack brings the death toll in the past week alone to a staggering 190 innocent Iraqi civilians. What an utter shame. How could anyone possibly refer to what is happening in Iraq as "mission accomplished"? The only thing that is accomplished is the utter collapse of order in Iraqi society.

Mr. Speaker, there has to be a better way than our current dangerous pattern of invading countries and leaving them in chaos. That is why I will reintroduce the SMART Security Resolution for the 21st Century next week. SMART stands for a Sensible Multilateral American Response to Terrorism. And it represents a better, smarter approach to diplomacy than our current failed foreign policies.

The SMART approach provides a more effective national strategy, a strategy focused on nonproliferation, conflict prevention, international diplomacy, and international involvement. Instead of advocating preemptive war, SMART utilizes military action only, and only, after all diplomatic alternatives have been attempted and exhausted and only when it is absolutely necessary.

SMART pursues diplomacy over hostile rhetoric; enhanced weapons inspections over half-cocked, misleading allegations; and support for nonproliferation initiatives here at home rather than the buildup of new nuclear weapons like the bunker-buster bomb. SMART security means creating a robust civil society to ensure that Iraq's economic and physical infrastructure become fully viable.

We need to consider the impact of the war in Iraq on the Iraqi people, the terrible death and destruction that it is causing every single day. And we need to think about the war in terms of how it hinders America's security for our future. Each day this war encourages a new generation of terrorists who are getting stronger and stronger. Their common bond is their hatred of the United States.

Mr. Speaker, of course the security of the American people is of the utmost importance, especially in the post-September 11 world. But as the world's largest democracy, we have a responsibility to interact with other nations in a smarter way, by utilizing all diplomatic possibilities before resorting to force. While it may be frustrating and time consuming to negotiate with other countries over disagreements, cooperating with the international community will make the world more peaceful and Americans far safer than aggressive unilateralism.

ORDER OF BUSINESS

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

IMMIGRATION REFORM AND THE REAL ID ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, the House and Senate are finally taking the first small step in decades to address the hordes of criminal illegal immigrants who are undermining our Nation's laws, our culture, and our economy.

We have agreed to pass the REAL ID Act as part of emergency supplemental appropriations. REAL ID holds the promise of attacking, finally, the underground fake ID industry in this country. This important legislation asks States to implement tough new standards for issuing driver's licenses, that is, if they want their State driver's licenses to be accepted as legitimate identification for Federal purposes. This bill does not force States to do so, nor does this bill implement a new national ID.

The opponents of immigration reform, those who really want opened borders, are now screaming that this bill is "too expensive" and will "backlog" the driver's license application process of legal Americans.

The Atlanta Journal-Constitution reported yesterday the concerns of one bureaucrat at the National Conference of State Legislators. He complained that the REAL ID would cost States $500 million to implement. But my home State of Georgia, like many others, already require many of the standards in this bill. So this figure is very questionable, extremely questionable. But for the sake of argument, let us accept that figure as valid.

Would it be worth $500 million to have avoided 9/11? The 19 attackers who killed 3,000 Americans in New York and Washington on that day had 63 driver's licenses between them, which they used, as we all know, to board the airliners they crashed into the World Trade Center and the Pentagon. $500 million would be the deal of the century to have avoided the loss of all these Americans.

Beyond our battle against terror, this bill addresses a growing threat to our very culture, to our way of life, and the reasons that people all over the world want to come here to start with. We are a Nation that respects the law, abhors corruption and graft. And as a result, we have built the greatest economy on Earth by having established a firm foundation of public honesty: reliable documents; trustworthy personal, business, and official records. Those standards are in stark contrast to most of the Third World, where graft and cronyism and corruption are the norm. That is why people from those countries want out, because they cannot feed themselves under the economic conditions created by this corruption.

But illegal immigrants begin their journey by bringing that corruption to this country, by intentionally violating our immigration laws and crossing our borders illegally, and with the help of their own corrupt government. Once here, they continue the process by falsifying identification documents, which they then use to corrupt our public records at both the State and Federal level.

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In the process, they have created an underground criminal industry based on graft and deceit, with the sole purpose of undermining the public records of this Nation.

To allow this to continue would be far more damaging than just allowing false information. It would allow a culture of corruption to take seed and grow in this country, until the weeds of graft choke the economy and the public integrity of America, as it has the nations that the illegal immigrants flee from, especially south of us.

I urge the Senate, I urge the Senate to join us in passing this essential first effort against illegal immigration.

ORDER OF BUSINESS

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

HOLOCAUST REMEMBRANCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, today is Holocaust Remembrance Day, Yom Hoshoa.

Today is a day of reflection and remembrance, not just for Jews, but for everyone who needs to learn from the world's injustices in order not to repeat them. Today we need not just say, "never again." We must live our lives by this mantra.

A few weeks ago, I attended a solemn ceremony to remember the 60th anniversary of the liberation of Auschwitz. As I reflected upon the horror of the death camps where at least 1.5 million innocent people from many different nations died, 90 percent of whom were Jews, I asked myself the following question: how far have we come as a civil society and a world in the last 60 years? How much have we learned? Have we honored their memory by not allowing these atrocities to be repeated?

Unfortunately, my answer had to be not far enough. In the last 15 years, we have seen genocide raise its ugly head in Bosnia, Rwanda and, most recently, in the Darfur region in Sudan, where at least 180,000 people are dead and over 2 million people displaced from their homes.

On Yom Hoshoa, let us recommit and reaffirm our vigilance against acts of horrific inhumanity. Let us make sure that the lost souls from the Holocaust did not die in vain.

Mr. ROTHMAN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Remembrance Day, the annual observance of the mass genocide perpetrated in the mid-twentieth century by Nazi Germany, the most evil tyranny in the annals of human history.

On Sunday, May 8th, we mark the sixtieth anniversary of V–E Day, when the combined might of the Allied Forces finally ended forever the murderous regime of Adolf Hitler and his brutal henchmen and brought the curtain down on the European theater of World War II. Nevertheless, the Nazi dictatorship already had succeeded in deliberately murdering more than six million Jews and countless other people, in particular gypsies, persons with mental or physical disabilities, and those perceived to have a different sexual orientation or set of political beliefs. They achieved this terrible end through a nefarious network of secret police, a perverted legal process, a barbarous system of concentration camps that doubled as human extermination factories—and the tacit and often active participation of many, many others from a wide variety of backgrounds and national origins.

We observe Holocaust Remembrance Day in part to honor the memory of those men, women, and children who perished in this tragedy unparalleled in the course of human events. We observe Holocaust Remembrance Day to pay tribute to the courage and suffering of so many who lost their lives. But we also observe Holocaust Remembrance Day for an all too practical, and unfortunately still necessary, purpose: because we must never forget.

The six decades that have intervened since the Nazi regime was forcibly ended may make the Holocaust seem like a chapter in history from a bygone era. Yet each succeeding generation has a moral obligation to remember the Holocaust and its lessons for humanity: that mankind has an enormous capacity for evil; that, if left unchecked, evil can and will prevail; and that in order to overcome a massive concentration of power in the hands of those who would achieve evil ends, we have a moral obligation to act and to intervene on behalf of those without the capacity to resist such evil. These lessons, we must never forget.

For the unfortunate truth is that each succeeding generation in the decades following the Holocaust has been obliged to grapple with mass murder on a geopolitical scale. From the tyranny of Josef Stalin's Gulag Archipelago; to the Cultural Revolution of Communist China; to the killing fields of Cambodia; to the "ethnic cleansing" in Bosnia and Kosovo; to the senseless slaughters in Rwanda, the Sudan, and Darfur; to the tumbling twin towers at Ground Zero; and in countless other corners of the earth, man's capacity to inflict grievous harm on his fellow man continues to rage on, all too often unchecked.

Mr. Speaker, my distinguished colleagues, that is why we must never forget. We must never forget the more than 6 million victims, their grievous suffering, and the tremendous loss experienced not only by their loved ones who survived them, but by all of mankind. We must never forget the names associated with that greatest of all human tragedies, names which still to this day all too readily roll off the tongue, drenched in a thousand tears: Auschwitz, Dachau, Treblinka, Babi Yar—the Shoah.

But above all, we must never forget, because we must continue to look forward, as well as behind us. Man must never again allow his fellow man to stand by while the wholesale extermination of entire peoples is attempted under our very noses. We must never forget the maxim offered by Edmund Burke centuries before the Holocaust: that the only thing necessary for the triumph of evil is for good men to do nothing.

Mr. CROWLEY. Mr. Speaker, I rise today to commemorate the Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah.

This is the day that not only the Jewish people should mourn the loss of the six million people stolen from this earth, but a day recognized by all.

We must never forget the attempted extermination of the Jewish people but we must also never forget so we can ensure that is never happens again.

We still see these mass slaughters around the world whether it's in Sudan or what we saw in the 1990's in Rwanda.

The world community must take immediate action so the murder of so many Jews never happens again to any of our brothers and sisters around the world.

This day has a bit more of a special meaning to me this year; 2005 marks the 60th anniversary of the end of the concentration camps that stole the lives of six million innocent human beings in ways that are still unfathomable to me.

I had the unique opportunity this year to attend the United Nations General Assembly Special Session on the 60th anniversary of the Liberation of the Nazi Death Camps.

It was a very emotional day listening to the speeches made by many of the world's leaders who were in attendance.

Also this was the first time that I know of that the United Nations convened to commemorate the Holocaust, and the first time that the United Nations convened a special session at the request of Israel.

Along with many of my colleagues, I contacted foreign embassies I have close relationships with to urge them to encourage their home governments to write a letter to Secretary General Annan to allow the general assembly to hold the special session.

Over 135 countries responded to make sure that the special session got underway.

My day at the U.N. also brought me to a special breakout session sponsored by B'nai B'rith International with several Holocaust survivors to talk about their experiences and how they survived the death camps.

One of the speakers was my good friend from California, Mr. LANTOS. When we speak about Yom Hashoah in Congress we should remember that we have a survivor among us and should listen and respect his words when he speaks about the current humanitarian crisis like he has done most recently with Sudan.

At the end of the day a special exhibit was held by the Vad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority about the Auschwitz death camps.

It's impossible to describe the overwhelming feeling you get when you see the visuals of the condition the victims of the concentration camps were in. It still troubles my heart that one human could do this to another.

We must never forget and never allow this to happen again in the world to any group of people.

Ms. BEAN. Mr. Speaker, I rise today to pay tribute to a constituent and friend of mine who has visited hundreds of classrooms and spoken to thousands of students about his life in German concentration camps during the Holocaust. Sam Harris—born Szlamek Rzeznik—has taken his remarkable life story and made it a driving force in his effort to help America's children learn the value of tolerance.

In September 1939, when Sam was 4 years old, he and his siblings were taken from their home and confined in the Deblin Ghetto in Poland. Three years later, they were sent to the concentration camp at Deblin and then at Czestochowa until that camp was liberated by Soviet troops in 1945. Only Sam and 2 of his sisters survived their time in the camps, and Sam is among the youngest remaining survivors of the Holocaust.

Currently, Sam volunteers with the Holocaust Memorial Foundation of Illinois, discussing genocide and the Holocaust with elementary, middle and high school students to ensure that history does not repeat itself. Part of their effort is the creation of the Illinois Holocaust Museum and Education Center, due to begin construction in the near future.

It is important to note that this will not be simply a museum. It will also focus on education as a means to prevent hatred and bigotry. So it is fitting that Sam Harris and his Holocaust Memorial Foundation colleagues remain focused on the future, not only with their museum but also on using the classroom as a forum to help understand and deter genocide.

Sam said to me that if children were to take one thing from him, it should be this: "When there is a bully in the play yard, they should step forth and stop the bully." That is advice that we all can live by, whether we are in the schoolyard, in the boardroom or in Congress.

Mr. Speaker, I ask my colleagues to join with me today, Holocaust Remembrance Day, not only to honor the memory of the 6 million people killed during the Holocaust, but to thank people like Sam Harris and the Holocaust Memorial Foundation of Illinois for their tireless work in the promotion of tolerance and understanding.

Mr. PRICE of North Carolina. Mr. Speaker, "Take care and watch yourselves closely so as neither to forget the things that your eyes have seen nor to let them slip from your mind all the days of your life; make them known to your children and your children's children . . ." (Deuteronomy 4:9)

On this day of remembrance we confront stark, unmitigated evil, evil that could impose and did impose starvation, torture, unimaginable cruelty, and—for 6 million human beings—death. We also confront the evil that let this happen, the evil of indifference. It is indifference that Elie Weisel describes as the "epitome of evil." "The opposite of love is not hate," he says, "it is indifference. . . . The opposite of faith is not heresy, it's indifference."

It was indifference that enabled millions to avert their gaze as the Nazis undertook genocide on a scale never before imagined. Remembrance of the Holocaust affects us deeply as we empathize with the victims and what they endured but also as we recognize: the scourge of indifference, the temptation to indifference, are all too familiar to us today.

Indifference often prevents us from expressing love, achieving justice, or realizing community. And it still operates on a global scale. Former Secretary of State Madeleine Albright has termed the failure of the United States and other nations to intervene to prevent the genocidal massacres of 1994 in Rwanda as her "deepest regret" from her years of public service. Every public servant should see Hotel Rwanda; in fact, I think every citizen should see the film, which drives home painfully the effects of the world's indifference.

And now researchers at the Holocaust Museum in Washington have issued a Genocide Emergency for Darfur in western Sudan, where some 300,000 people have died at the hands of violent men, or from the devastation left in their wake, in the past 2 years. Indeed the Holocaust—and the indifference and inaction that permitted the Holocaust—have been frequently invoked as Congress has struggled to shape our country's response.

"Simply saying 'never again' does not save lives," one colleague wrote recently. Our country's diplomatic efforts and the initiatives of the United Nations and the African Union have thus far fallen woefully short. The international community needs to impose far more stringent economic and diplomatic sanctions on Sudan and to muster a much larger peacekeeping force—and our country needs to invest a great deal more in getting this done. In this connection, I commend to colleagues Nicholas Kristof's column in the April 17th edition of the New York Times.

Today is a solemn day of remembrance. But given the persistence of evil and the perils our world faces, it must also be a day of resolve and action. We keep faith with those we remember by vowing "Never again" and not stopping at that, but overcoming the indifference and inaction that would allow unmitigated evil—the ultimate atrocity of genocide—to continue.

Mr. MEEK of Florida. Mr. Speaker, I rise today to recognize Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah, to memorialize the 6 million Jews murdered by the Nazi regime during the Holocaust.

In 1933, Europe's Jewish population was over nine million. However, by 1945, almost two out of three European Jews had been killed as part of the Final Solution, a policy to murder the Jews. However, the Nazis' cruelty was not just limited to Jews, they also murdered gypsies, the mentally and physically disabled, homosexuals, and those deemed religious dissidents, like Jehovah's Witnesses.

We must remember the lives of those who were subjected to unspeakable atrocities, targeted simply because of their religious beliefs. We must remember those mothers, fathers, sisters, brothers, daughters, and sons who perished so brutally in the camps, in the ghettos, and in the gas chambers of Nazi Germany.

This year, Yom Hashoah comes as we mark the 60th anniversary of the end of World War II. We must never forget what can happen to civilized people when bigotry and hatred rule.

We all share the responsibility to combat ignorance, intolerance, and prejudice no matter what the form. And 60 years later, it is still entirely unbelievable that individuals contemplated in seriousness the systematic destruction of over 6 million people. On this anniversary, as we honor lives lost, I extend my condolences to those who lost loved ones in the Holocaust. They will always be remembered.

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the 6 million Jews murdered by the Nazis during their campaign of genocide in World War II. We mourn the innocent lives lost and vibrant communities destroyed while the world shamefully stood silent, and honor those heroes of the Warsaw Ghetto who faced certain death when they refused to submit to the Nazi's planned extermination of their community.

To this day, Mr. Speaker, many European countries have failed to right the past wrongs of the Holocaust by failing to adequately redress the wrongful confiscation of property by the Nazi and communist regimes. These seizures took place over decades; they were part of the modus operandi of repressive, totalitarian regimes; and they affected millions of people. The passage of time, border changes, and population shifts are only a few of the things that make the wrongful property seizures of the past such difficult problems to address today.

While I recognize that many obstacles stand in the way of righting these past wrongs, I do not believe that these challenges make property restitution or compensation impossible. On the contrary, I believe much more should have been done—and can still be done now—while our elderly Holocaust survivors are still living.

Today I also want to sound the alarm about a disturbing trend that Jews face today: a rising tide of anti-Semitism throughout the world.

I serve as the Ranking Member of the Commission on Security and Cooperation in Europe (CSCE), commonly known as the Helsinki Commission. Last year I traveled as part of the U.S. Delegation, with former Secretary of State Colin Powell, to attend a special conference in Berlin addressing anti-Semitism, held under the auspices of the Organization for Security and Cooperation in Europe (OSCE). The OSCE is a 55-nation regional security organization which promotes democracy and human rights in Europe, Central Asia, and North America.

Before traveling to Berlin, I made a point to visit Auschwitz for the first time. I was shocked and stunned to see how efficient the Nazi operation was: they wanted to maximize the number of individuals that could be killed.

Seeing the remains of that factory of intolerance, hate and death, it reaffirmed how we must continually stress the importance of advancing understanding throughout the OSCE region and the entire world. We must tirelessly work to build understanding and respect between different communities to prevent future acts of prejudice and injustice.

At the Berlin Conference, I had the privilege of participating as a member of the U.S. delegation, and I gave the official U.S. statement in the session on tolerance. The meeting ended with the issuance of the Berlin Declaration of Action.

The Berlin Declaration laid out a number of specific steps for states to take to combat the rising tide of anti-Semitism, including: striving to ensure that their legal systems foster a safe environment free from anti-Semitic harassment, violence or discrimination; promoting educational programs; promoting remembrance of the Holocaust, and the importance of respecting all ethnic and religious groups; combating hate crimes, which can be fueled by racist and anti-Semitic propaganda on the Internet; encouraging and supporting international organizations and NGO's; and encouraging the development of best practices between law enforcement and educational institutions.

As we commemorate Yom Hashoah, let us honor the memory of those who perished in the Holocaust by pledging to fight intolerance, hate crimes, and violence in our community and around the world. We shall never be silent again.

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate Holocaust Martyrs' and Heroes' Remembrance Day, a day on which we recall the atrocities committed during the Second World War, celebrate the liberation of these horrific concentration camps, and call for continued efforts to fight anti-Semitism around the world.

While 60 years have now passed since the end of World War II, and our Jewish brothers and sisters from around the world have managed to become a remarkably successful and innovative people despite the horrors they were forced to face, it is imperative that we continue to remember the events of the Holocaust to ensure that future generations remain aware. The crime of genocide, which continues to be committed today as we have seen in Armenia, Rwanda, Sudan, and elsewhere, is one of the most reprehensible acts that can be committed by man. To attempt eradication of an entire population based on a misguided prejudice is absolutely vile, and the United States should do everything in its power to try and prevent such atrocities from happening in the future.

Today, we call to memory the atrocities of the Holocaust, while at the same time honoring those individuals that persevered despite them. The success of such Holocaust survivors as our dear colleague, Congressman TOM LANTOS, serves to remind us that while the crime of genocide can take our lives and our freedom, it cannot and must not break our will and determination.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate Holocaust Martyrs' and Heroes' Remembrance Day, marking the 60th anniversary of the beginning of the Warsaw Ghetto uprising.

Today, as those who witnessed the horrific crimes perpetrated during the Holocaust are becoming fewer, great effort must be taken to ensure that both we and generations to come will never forget this, the most monstrous event in the history of the modern world.

This year, we mark this solemn day by reflecting on the liberation of the Jews of Europe and the pursuit of those responsible for committing these heinous offenses. Sixty years ago as allied forces pressed farther into reaches of Nazi-occupied Europe, the names of places such as Auschwitz-Birkenau, Dachau, and Mauthausen had yet to be seared into our collective conscious. As allied soldiers broke down the doors of the camps, they were overwhelmed by the sights of human suffering that confronted them. The scale of that suffering was unimaginable.

The allied powers, faced with the enormous task of bringing to justice the perpetrators of this genocide, together established the International Military Tribunal. The legacy of Nuremberg lives on in the tribunals held for perpetrators of war crimes in Rwanda, Sierra Leone, and the former Yugoslavia among others.

Today we remember those destroyed by the Nazis, but unlike sixty years ago, we cannot stay silent when confronted by such crises as the genocide now occurring in Darfur. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

Mr. BISHOP of New York. Mr. Speaker, I rise today in solemn observance of Yom Hashoah, commemorating the commencement of the Warsaw Ghetto uprising.

Today the Gateway Monument in the Warsaw Ghetto serves as a fixed memorial to the victims who were herded onto railroad cars for deportation to Treblinka, one of many death camps scattered throughout the European countryside. The Gateway Monument has etched upon its stone the names of four hundred Jews who martyred themselves for the cause of saving the lives of their neighbors and their own children, and to defend their religion from annihilation. However, another great monument exists, but in the form of the retelling of the heroic story of the uprising, one generation at a time.

Mordecai Anielewicz, a young man of twenty-three years, led an army of beleaguered men and women against their oppressors, the Nazi war machine. On this day, Holocaust Martyrs' and Heroes' Remembrance Day, we celebrate and honor those who offered resistance in a valiant attempt to defy deportation to death camps. Mordecai Anielewicz wrote in his last letter to Yitzhak Cukierman, friend and co-founder of the Jewish Fighting Organization, "The fact that we are remembered beyond the ghetto walls encourages us in our struggle."

In our united causes to 'Never Forget', nor to repeat the senseless atrocities of the Holocaust, we must be ready to confront similar genocidal slaughter throughout the world. Mr. Anielewicz's heroism and the courage of the over four hundred resistance fighters of the Warsaw Ghetto resistance have earned more than words as their legacy. Our nation and those of the developed world must offer our own resistance to despot leaders who seek to commit murder on the basis of religion or race.

Mr. Speaker, Mordecai was correct in his assessment of the Warsaw Ghetto uprising's impact outside the ghetto walls. Indeed, the resistance has been remembered beyond the ghetto walls, as it has become a testimonial to the human spirit that will be remembered throughout all humanity, for all time.

Mr. PALLONE. Mr. Speaker, I rise today to commemorate Holocaust Remembrance Day.

The Chief U.S. Counsel to the Nuremberg Military tribunal said of the Holocaust: "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

Today, Jews around the world take a moment to pay tribute to the heroes that were lost. In Israel, where they refer to the day as Yom Hashoah, the ceremony began yesterday with survivors and their families gathering together for a memorial ceremony at Yad Vashem in Jerusalem. During the ceremony, six torches were lit, representing the six million murdered Jews, and wreathes were laid.

Today's ceremony in Israel began with the sounding of a siren for two minutes throughout the entire country. For the duration of the sirens, work was halted, people walking in the streets stopped, cars pulled off to the side of the road and everyone stood at silent attention.

Mr. Speaker, genocide is a horror that has touched many cultures and religions. Just a few weeks ago, I joined several thousand Armenians in Times Square for a commemoration of the 90th Anniversary of the Armenian Genocide. The date marks the beginning of a genocide that took the lives of more than one million Armenians in three years during World War I.

Even Hitler exploited the Armenian Genocide to justify his atrocities against the Jews, asking "Who, after all, speaks today of the annihilation of the Armenians?" just before Germany's invasion of Poland. Today, the Armenians are still fighting for recognition of the genocide from the Turkish government.

But Mr. Speaker, despite our attempts to shed light on the horrors of the Holocaust and the Armenian Genocide, the sad truth is that genocide is not a crime of the past.

Since February 2003, the Sudanese Government has used a combination of Arab "Janjaweed" militias, its air force, and organized starvation to kill more than 380,000 Darfurians and displace almost 3 million. Estimates suggest that the Sudanese continue to kill at least 15,000 more Darfurians each month.

The Sudanese government, like the Turkish government, denies any evidence of genocide. Even the United States government seems to be unwilling to label the crisis as "genocide."

Mr. Speaker, we as Americans have a moral obligation to stop genocide wherever and whenever it occurs. Americans can never again show the same lack of interest that F.D.R. showed toward the genocide of the Jews during World War II. No world leaders should ever be able to stand and justify their crimes by asking if anyone remembers the annihilation of Darfur?

Today, we commemorate one of the darkest periods in human history in the hopes that it will never be repeated. Future generations—not just Jews, but all people—must learn the history of the Holocaust so that the lives that were taken were not lost in vain.

Mr. FARR. Mr. Speaker, I rise today in recognition of the Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoad. Although 60 years have passed since the end of World War II, not a day should go by without the world remembering the important lessons we so painfully learned from the Holocaust.

The Day of Remembrance was established by Congress as our nation's annual commemoration of the victims of the Holocaust: 12 million people died in concentration camps throughout Europe, including 6 million Jews. Numbers only tell a small part of the story though. Numbers don't reflect the utter devastation that European Jews faced after the end of the war. Numbers don't describe the personal and very individual tragedy of whole families and communities that were destroyed by the hate of places like Auschwitz, Dachau and Flossenburg. The Day of Remembrance pushes us to think beyond the numbers; it forces us to remember that each of these numbers represents a person—someone's father or mother, son or daughter, niece of nephew, or grandchild—a precious life that was never lived to its fullest.

Each of us—the next generations—must rededicate ourselves to speaking out for religious tolerance, peace and justice. We must keep this sentiment within our hearts and minds each and every day.

Mr. HONDA. Mr. Speaker, today, communities in the United States, Israel, and around the world will gather to observe Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah. This solemn day commemorates the beginning of the Warsaw Ghetto uprising, and this year it coincides with the 60th anniversary of the end of the War World II. On this day, we remember the six million Jews murdered during World War II.

I join all those here today in mourning the innocent lives and vibrant communities lost, destroyed by Nazis while the most of world silently and shamefully watched. We must combat anti-Semitism and intolerance wherever it exists in the world today.

It is vital that we remember this dark period in history. The Holocaust made clear man's capacity to do evil. We remember this tragic event and firm our resolve that history will not be repeated. As human beings, we have a responsibility to keep the Holocaust at the forefront of our collective historical memory.

I thank all those who have put today's program together to commemorate the Day of Remembrance and I appreciate all those who participated.

Mr. Speaker, the Day of Remembrance reminds us that we as people, we as nations, must take action against hatred and incitement targeted against any group; we saw how failure to take action over 60 years ago turned to mass devastation and murder.

Mr. Speaker, by taking the time to remember Yom Hashoah here in our Nation's Capital, we are keeping our promise that we will never forget the past and will fight to protect our future, a future that we hope is one step closer to the goal of "never again."

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in remembrance of and in mourning for the millions who perished in the Shoah, the Holocaust, the most systematic and brutal persecution of a people ever perpetrated in human history.

We grieve for all human suffering and misery. The death of one is not more significant because of his or her race or their creed. But there were so many ones lost in that time. And not just individuals, whole families, whole villages, an entire way of life in many cases. Poland, Hungary, Ukraine, these countries will never regain the vitality they lost when they lost their Jewish people.

We grieve today not just for the Jewish deaths; Jews were not the only ones to perish in the Holocaust. This atrocity was visited upon Gypsies, homosexuals, the disabled, Catholics, Africans, trade-unionists, Jehovah's Witnesses, Protestant Pastors and anyone who opposed the Reich.

The Holocaust was and is an offense, not only to the victims, their families and their friends, but to humanity. Some demonize the Nazi brutality, calling it inhuman. But I think the fact that the Holocaust was a human event makes it all the more terrible. And it makes our obligation to prevent such a thing from ever happening again even more essential and pressing.

Pastor Niemoller famously reflected on his inaction at the time of the Holocaust:

> First they came for the Communists, but I was not a Communist, so I said nothing. Then they came for the Social Democrats, but I was not a Social Democrat, so I did nothing. Then came the trade unionists, but I was not a trade unionist. And then they came for the Jews, but I was not a Jew, so I did little. Then when they came for me, there was no one left to stand up for me.

On this day of remembrance, let us pledge that this will not be our legacy.

Ms. MATSUI. Mr. Speaker, I rise today to commemorate Yom Hashoah, a day of remembrance for Holocaust Martyrs and Heroes.

Between 1939 and 1945, over 12 million innocent people—including over 6 million Jews—were murdered because of their religion, their race or because of where they were born. Even today, after the passage of 60 years, it is difficult to fully comprehend the intense hatred and intolerance that so consumed this dark period in human history.

On this day of remembrance we cannot think of just those who died, but also of those individuals who embodied the triumph of the human spirit, who bravely acted in the face of overpowering hatred, and of the lessons of their actions. Rather than succumbing to the despair of their situation, the Jews fought against their oppressors in the Warsaw Ghetto uprising in April and May of 1943. In a defiant declaration, the Jews of Terezin proclaimed a theme of liberation each time they sang Verdi's "Requiem." The thread of hope continued despite the hopeless moments. As such, when we remember the Holocaust, we remember not only the needless death of so many, but also the heroic voices which continue to inspire us today.

Sadly, we still struggle as a human race to stamp out the evils of anti-Semitism, racism and xenophobia. Several years ago in my hometown of Sacramento, we saw the ability of good to overpower intolerance during an act of arson on three area synagogues. We witnessed the heroics of average citizens who rushed into these burning buildings to save precious books, manuscripts and a Torah which had already survived the Holocaust decades earlier.

While Yom Hashoah is a somber day of remembering those who were killed in the Holocaust, it is also a day that offers hope. Hope that the strength and courage in all of us will overcome injustice and intolerance.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the 60th anniversary of the end of the Holocaust. This year's anniversary is particularly compelling not only because it marks six decades since the liberation of the Jewish people from history's darkest hour, but also because our world has failed to heed the universal message of the Holocaust. Crimes against humanity anywhere are an affront to all people everywhere.

Indeed, I would be doing a disservice to the Holocaust survivors throughout South Florida if I do not address that most unconscionable crime of genocide. Sixty years ago the world failed to aid the victims of the Nazi regime. We conveniently dodged our duty by claiming unsubstantiated evidence, a lack of effective resources to respond, and the existence of more pressing concerns elsewhere in the world.

Today, we are remembering the Holocaust while again evading taking the necessary steps to end the genocide in the Darfur region of the Sudan. Hundreds of thousands of people have been killed and millions displaced from their homes by a bloodthirsty militia backed by the Sudanese military and government. Yet we insist that our resources are spread too thin, that events elsewhere in the world command our attention, and that deciding upon the strict definition of these crimes should determine whether we respond forcefully or not. Mr. Speaker, shame on us for using the same old excuses.

Elected officials often speak about spreading freedom, establishing democracies, and ensuring minority rights around the world. These are noble endeavors indeed, Mr. Speaker. But what about spreading the saving of human lives? The sacred Jewish text the Talmud reminds us that to save one life is to save the whole world. How many worlds are dying every day in Darfur? I am sure that the Holocaust survivors here in the Capitol Building today can tell us because they witnessed firsthand the cataclysmic annihilation of their families, their neighbors, their friends, and their people. Their memories are still fresh, their thoughts still lucid, and their commitment to educating the world about the Holocaust is more than admirable.

Sixty years ago, without rhyme or reason, an entire nation of people were murdered, wrenched from the Earth by an unholy evil. This malevolence persists today in the form of bigotry and intolerance, torture and genocide. Every instance that we ignore and every crime that we brush off feeds the incipient hatred that compels the concentration camp, the slave labor force, the disdain for human life, and the ease with which it is taken.

Mr. Speaker, we owe it to those whose names have since been lost to refuse to condemn the genocide in Darfur with only our words. We have come too far in 60 years to slide back again. If we have learned anything from the Holocaust it is that it must not be allowed to happen again. Today is Holocaust Commemoration Day, but it is not enough for us to simply remember. We must also never forget.

Mr. GRIJALVA. Mr. Speaker, I rise today in order to honor the millions who lost their lives during the Holocaust as we observe Yom Hashoah, Holocaust Martyrs and Heroes Remembrance Day.

Each year, I am confronted with so many emotions as we commemorate this day. It brings great pain to my heart as we remember the victims of one of history's darkest and most murderous eras. To try and grasp the significance of the death toll that resulted from the Holocaust is both a saddening and frustrating exercise. Six million Jews not only lost their lives, but were murdered on the basis of nonsensical, inhumane reasoning—reasoning that dictated action through hate on the basis of religious discrimination. The end result, sadly though, was much worse than what is our conventional idea of religious discrimination. The end result in this tragic situation was genocide.

And though my heart weighs heavily as I reflect on the injustices suffered and the lives lost, there is a part of me that sees an opportunity to celebrate human resilience as we commemorate this somber day. In the face of some of the most intense hatred and inhumanity that this world has ever seen, it gives me great hope to think of the many who seized upon the greatest power that any individual human-being can posses, and in fact, a power that each and everyone of us posses. That power is the power to choose.

And in the face of oppression, persecution and destruction, there were so many who chose to resist, whether it was through physical action, words written and spoken, or in spirit. Some of these people were heroes whose names we celebrate, some were heroes only to those who knew them and some were simply heroes in and of themselves.

To these people we owe a debt of gratitude and respect. Now, more than ever, as the world continues to wrestle with violence spawned by religious and cultural intolerance, we cannot forget or underestimate our own power to choose to act out against this type of hatred and oppression. Let us never forget that silence and inaction provide fertile breeding ground for grave injustices. We all have a moral obligation to choose to act.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in observance of Holocaust Remembrance Day, to honor the memory of the six million Jews who died in the Nazi concentration camps during World War II.

As the dedication in the United States Holocaust Museum's Hall of Remembrance so thoughtfully observes:

> . . . guard yourself and guard your soul carefully, lest you forget the things your eyes saw, and lest these things depart your heart all the days of your life, and you shall make them known to your children, and to your children's children.

Sixty years ago, in 1945, World War II ended and Allied soldiers liberated the survivors of the Nazi concentration camps. Through the survivor's stories and other documented evidence, the full extent of the atrocities committed by the Nazi soldiers became known and we learned of the bottomless depths of mankind's capacity for cruelty.

Observing Holocaust Remembrance Day is vitally important. As time passes, our tendency is to disbelieve that people could be so monstrous as to commit such horrific deeds. That is why we have to remain vigilant, to remember what happened so that we can guard against it ever happening again.

Mr. Speaker, thank you for this opportunity to honor the memory of those who were killed in the Holocaust, and the courage of those who survived.

Mr. CANTOR. Mr. Speaker, I rise today, on Yom Hashoah, Holocaust Memorial Day, to honor the memory of the victims who perished in World War II during the Holocaust.

This year marks the 60th anniversary of the liberation of Europe from the evil hands of the murderer Adolf Hitler. Hitler's shadow caused darkness to fall upon the earth.He slew the innocent and pure, men and women and children, with vapors of poison, and he burned them with fire. When the light of freedom shined again, tens of millions were dead, cities and nations were in ruin, and a world stood awestruck at the horrors that had occurred.

Justice Robert Jackson, a justice on the International Military Tribunal at Nuremberg in 1945, said:

> The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.

We in the United States, the birthplace of Thomas Jefferson and Martin Luther King, enjoy a great deal of freedom. We must not take these freedoms for granted. We must not forget that genocide and human rights abuses have occurred and continue to occur around the world. We must not remain silent. We must dedicate ourselves to continuing to educate people around the globe about the horrors of the Holocaust. We must be forever mindful of the danger of such intolerance and ensure that it never happens again.

Let us stand here today and affirm our obligation to civilization that we will never forget.

Mr. CRENSHAW. Mr. Speaker, I rise to lend my voice to the cause of remembrance. Today is Yom HaShoah, Holocaust Remembrance Day. This is a day aside on the Jewish calendar to remember the murdered Six Million of the Holocaust and to remind us all what can happen when bigotry, hatred, and indifference are allowed to permeate a society.

It has been 60 years since the end of the Holocaust. We mark this passing of time because while the Holocaust serves as a vivid reminder of the worst mankind has to offer, we must remain vigilant so that all might learn its lessons.

Its horror demands that we fight tyranny.

Its victims show us the dangers of ignorance.

Its lesson is that we must never embrace indifference if we are to advance in peace.

Yom HaShoah is the occasion to pay tribute to the lives lost and a time to rededicate ourselves to work together toward greater understanding so that this unspeakable horror never visits our societies again.

Mr. Speaker, I have been to Jerusalem. I have been to Yad Vashem and the Western Wall. The emotional power of these places moved me to a greater belief in two things that the power of faith is unbreakable and that hard work and patience can achieve the goals of peace. Let us today allow Yom HaShoah to remind us of both faith and peace.

Mr. ROSS. Mr. Speaker, I rise today to acknowledge the Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah. May 5th marks the anniversary of the Warsaw Ghetto uprising, and this year is especially important as the world marks the 60th anniversary of the end of World War II.

From 1938—1945, 6 million Jewish people, young and old alike, were systematically murdered as a result of ignorance and hatred. Nazi Germany also targeted gypsies, the handicapped, Political dissidents, and others because they were different.

In Jewish communities around the world, there is a simple saying in regards to the Holocaust, "Never Forget." Let us never forget the atrocities committed against a people based on nothing more than their religious beliefs. Let us never forget the 6 million mothers and fathers, sons and daughters, sisters and brothers, grandfathers and grandmothers who were systematically murdered just 6 decades ago.

I join my colleagues in remembering wonderfully vibrant communities that were senselessly destroyed across Europe. I would also like to pay tribute to the thousands of Holocaust Survivors in the United States and around the world who continue to educate us on the atrocities of the Holocaust.

I implore all of us to take this Remembrance Day one step further and stand up against anti-Semitism, intolerance, ignorance, and discrimination in our nation and around the world today.

Let us never forget.

Mr. JEFFERSON. Mr. Speaker, today, Thursday, May 5, 2005, the people of the world memorialize Yom HaShoah—a special day of remembrance honoring the martyrs and heroes of the Holocaust. Holocaust Remembrance Day is a day that has been set aside to remember the victims of the Holocaust and to remind each of us what can happen when bigotry and hatred are not confronted.

Mr. Speaker, I am humbled as I rise today with my colleagues to honor the memories and the lives of the more than 6 million victims of Nazi hatred and aggression during the pogrom known to us as the Holocaust. I am also humbled to stand in this cathedral of freedom and honor the lives of the many heroes who fought so bravely against unimaginable odds to defeat a genocidal madman.

More than 60 years ago, Adolf Hitler and his Nazi regime set out to eradicate European Jewry. So committed were they to the accomplishment of this goal, their so-called "Final Solution," that even in the waning days of World War II, when defeat was imminent, the Germans continued even more urgently rounding up Jews all over Europe and sending them to their deaths.

Mr. Speaker, driven by a radical and uncompromising anti-Semitic ideology, the Nazis redoubled their efforts to reach every last Jew before the war ended. They were in a rush; time was running out. Depleting sorely-needed resources from the war effort, German forces swept across Europe, assembling and annihilating community after community, individual after individual, from their homes, ghettos and hiding places.

Mr. Speaker, during the last year of the war in Europe, German defeat was all but accomplished, and yet their hatred and bigotry survived and thrived. Consequently, the Nazis murdered more than 700,000 Jews in that last full year of the war, including most of the Jews of the last large community in Europe, Hungary. There, in one of the most efficient deportation and murder operations of the Holocaust, the Nazi and Hungarian regimes deported 437,000 Jews to Auschwitz-Birkenau in just eight weeks and killed tens of thousands more later that year.

Six decades have passed since Allied troops liberated the labor and death camps, and yet the memory of the horrors perpetrated against the Jewish people is seared into the collective conscious of the world. However, Mr. Speaker, sadly, we cannot undo history, and we cannot reverse the atrocities carried out by a barbarous German regime.

What remains for us is to honor and preserve the memories and lives of both the victims and the survivors of the Holocaust. Out of the great tragedy of the Holocaust emerges a tremendous object lesson for humanity: hatred and bigotry can never be taken for granted or left unchecked. We must never forget.

Mr. Speaker, memory is critical—our own and that of the victims of unprecedented evil and suffering. The Holocaust is a horror we must remember, but not only because of the dead; it is too late for them. Not only because of the survivors; it may even be too late for them. Preserving memory is a solemn responsibility, aimed at saving men and women from apathy toward evil, if not from evil itself. We must never forget.

Mr. Speaker, sixty years ago, much of the world overlooked the deadly plight of an entire people until it was almost too late. We have a sacred obligation—in order to truly keep faith with the principles upon which our great nation was founded—to remain vigilant, to remember the horrors of the past, to learn from them, and to protect against them for all eternity. We must never forget.

Mr. Speaker, Nobel laureate and Holocaust survivor, Elie Wiesel, perhaps summed it up best when he said, "to remain silent and indifferent is the greatest sin of all." As Americans, we must heed his call and embrace his challenge. We must never forget.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in recognition of Holocaust Remembrance Day. On this Yom Ha'Shoah, we honor those whose lives were lost in the atrocities of one of the darkest periods in human history.

We pay tribute to all who lost their lives during World War II and reflect on the loss of more than six million Jewish lives. We honor the heroes who perished in the one of the most valiant battles for liberty and justice the world has ever known.

The most fitting tribute that we can offer to the countless heroes who suffered under the Nazi regime is to work to ensure that they did not suffer in vain. As we reflect on the unfathomable loss suffered during the Holocaust it is also important that we vow to build a more peaceful world. Today, more than fifty years later, we must teach our children about the horrific events that transformed the world so that the mistakes of the past are never repeated. It is important that we fight ignorance on a daily basis through a dedication to learning about the origins and realities of the Holocaust.

With examples of malice and terror everpresent in today's society, we are reminded of the strength and courage of the Jewish people. Their dedication to begin anew in the aftermath of the Holocaust serves as an example of steadfast determination. Through their example, we learn how the human spirit can triumph over the hollowness of vengeance and anger. On this day we celebrate that spirit.

Mr. Speaker, I am proud to join the commemoration of Yom Ha'Shoah and I hope that all Americans will join me.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, communities will gather in the United States, Israel, and around the world today to observe Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah. This solemn day commemorates the anniversary of the beginning of the Warsaw Ghetto uprising. This year, the day comes as the world marks the 60th anniversary of the end of World War II.

In order to prevent the unspeakable horrors of the Holocaust from ever being repeated, we all have a responsibility to educate younger generations. We must take time to remember the atrocities suffered by countless Jews during' the World War II era. The martyrs gave their lives for their beliefs, protected their own people, and stood up for their most sacred principles. The heroes did everything in their power to stop the spread of evil across the globe. It is the stories of these martyrs and heroes that need to be repeated, so that young people can better understand this dark period in history.

One resource to help us teach the next generation is the United States Holocaust Memorial Museum. I recommend a trip to this landmark whenever someone from my district is visiting Washington, D.C. There is so much worth to what this museum has documented for the world to see. The documents, photographs, and films offer an appropriate way of remembering such a serious subject matter.

Despite the lessons of the Holocaust, discrimination, persecution, and even genocide still persist around the world. Today, it is imperative to renew our commitment to fighting injustice in all its forms. In doing so, we recognize the sacrifices and suffering of the Holocaust. Let us all work to educate the next generation, so that they never forget the martyrs and heroes who fought to protect their Jewish traditions, and never gave up in the face of evil.

Mr. ACKERMAN. Mr. Speaker, today is Yom Ha-Shoah, Holocaust Memorial Day, and I rise to honor the memory of the 6 million Jewish souls extinguished in the greatest act of organized depravity in history.

There have been many barbaric regimes and there have been many other vicious campaigns of annihilation undertaken both before and after the Holocaust. Some even produced more victims. The Shoah, however, is unique and is thus deserving of special attention, not because the victims were Jews—many millions of innocent non-Jews were murdered by the Nazis—but because the Holocaust revealed a painful and abiding truth about humanity that remains with us. In squalor of the camps, in the ashes of the crematoria, and in the fires of the ovens, it was demonstrated that the norms of civilization, the boundaries of morality, and the protections of society and government are no more protection than a fragile tissue of behavior, one torn aside with shocking ease to reveal the latent bestiality in human beings.

The imperative of Holocaust for us today, as legislators and participants in American government is the same for all Americans and, in truth, all humanity. That imperative is to remember. There are many reasons why: To remember all those people murdered for the crime of their birth and rededicate ourselves to preventing such a crime from being repeated. To remember that bigotry and ignorance can metastasize in politics with horrific consequences. To remember that whole communities can be wiped out with the power of the modern state and to recommit ourselves to the protection of the weak and powerless. To remember all those men and women and children who were cremated and dumped into mass graves, not just to end their lives, but to deny their very existence.

But most of all we must remember because it can happen again.

It is happening again. It is happening in Sudan. Right now. Today. Some 400,000 Sudanese have already been killed and, if today is a typical day, 500 more will join them as the world wrings its hands and wonders what to do. This lassitude, this fecklessness, this disgraceful toleration of genocide is nothing new either. We saw it when there was slaughter in Southeast Europe. And we saw it as a genocide was perpetrated with machetes in Rwanda. And even before the Holocaust, it happened to the Armenians and today we debate whether it ever happened at all.

We must remember the Holocaust because genocide is real. It is not history, it is reality.

Today, genocide is a reality in Sudan. Tomorrow, when Iran acquires nuclear weapons, will we see the mullahs attempt to finish Hitler's barbaric work? Impossible? Incomprehensible? Sophisticated people will ask, "Who would harness the power of a modern state to the absurd goal of killing Jews? Who would risk their state over it?"

We must remember. A world that doesn't keep Auschwitz fixed in its mind will see it rebuilt. We must remember.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs and Heroes Remembrance Day, and to remember the 6 million Jews who were murdered in the Holocaust.

Sixty years ago, as American, British, and Soviet soldiers moved across Europe in a series of offensives on Germany, they encountered and liberated concentration camp prisoners. Advancing from the west, U.S. divisions freed the major concentration camps of Dora-Mittelbau, Buchenwald, Flossenbuirg, and Dachau in Germany, and Mauthausen in Austria.

In northern Germany, British forces liberated Bergen-Belsen and Neuengamme.

In the east, Soviet divisions liberated Auschwitz in Poland in January 1945. Just a few weeks before the German surrender in early May 1945, they liberated the Stutthof, Sachsenhausen, and Ravensbrück concentration camps inside Germany.

In liberating the Nazi camps, the Anglo-American and Soviet soldiers exposed to the world the horror of Nazi atrocities.

Today, we must rededicate ourselves to fighting intolerance, racism and apathy so that future generations do not experience the suffering, terror and ultimate death endured by the victims of the Holocaust.

Remembrance Day serves as a reminder that we must never forget the appalling tragedy of the Holocaust, and the six million Jews who lost their lives.

Unfortunately, the struggle against anti-Semitism continues today, as recent reports indicate an increase in violence against the Jewish community around the world. Last year alone there were reports of anti-Semitic desecration and vandalism of about 40 schools, 140 statues and cemeteries, 60 synagogues and 60 businesses around the world. The number of anti-Semitic incidents in the United States also rose by 17 percent in 2004.

Sixty years after the end of the Holocaust, it is important that we strengthen our fight against anti-Semitism and religious intolerance.

It has been said that those who cannot remember the past are condemned to repeat it. Yom Hashoah reminds each of us where racism, bigotry and religious intolerance can lead, so that something as horrific as the Holocaust is never repeated.

Mr. CUMMINGS. Mr. Speaker, I rise today to bear witness to the millions who perished in the Holocaust.

From 1933 to 1945, a dark cloud descended on Europe and death rolled like thunder across the Continent. Six million Jews died unspeakable deaths at the hands of the Nazis. Thousands of homosexuals, political dissidents, blacks and gypsies were corralled into concentration camps, tortured, and killed. Righteous Germans gave their lives to protect their neighbors, and millions of civilians succumbed as bombs fell like rain during air raids.

Mr. Speaker, we hear the screech of sirens piercing the night, and we say "Never Again."

We see shattered glass littering the streets and we say "Never Again."

We feel bodies pressed against each other in cattle cars—no room to move, no air to breathe—and we say "Never Again."

We hear the hiss of gas pouring from shower spigots and see fingernails scratching at concrete walls, and we say "Never Again."

We remember the curl of smoke reaching toward a white winter sky and ashes drifting down amidst snowflakes. Never Again.

Mr. Speaker, in the 60 years since the liberation of Auschwitz, Holocaust survivors across the world have borne witness to the atrocities of the Shoah. They have taught us about the dangers of prejudice and ignorance.

They have shown us by their shining example the power of strength, education and activism. I rise today to thank these survivors for all they have taught us, and to express my sympathy for the loved ones they lost long ago.

But, Mr. Speaker, I also rise today because, somewhere in Darfur, Sudan the electricity has gone out in a small town, signaling that an attack is imminent. Soon, a village will be burned to the ground with only scorched earth to testify to the lives once lived there. When the sun sets on this day, 500 more innocent Sudanese will have died at the hands of Janjaweed killers, bringing the death toll to over 400,000.

Meanwhile, the rainy season is fast approaching in Sudan. In the coming weeks, it will become even harder for aid workers to reach those most desperately in need. Three million Sudanese have already been displaced, and children are dying in refugee camps from illness and malnutrition.

Mr. Speaker, innocent people are being killed because of their ethnicity, and I ask, "Never again?"

Children are starving in relocation camps, and I ask, "Never again?"

Homes are being burned, women raped, and men mutilated. Is this what we call Never Again?

Voices rise from the ashes at Auschwitz, the killing fields in Cambodia and the hills of Rwanda, begging us to intervene. It is time we answer their cries, not with words, but with action. It is time to pass the Darfur Genocide Accountability Act, H.R. 1424. We must increase our aid to refugee camps, halt the spread of disease, and provide food where there is famine.

Towards the end of her life, Anne Frank wrote, "I feel the suffering of millions. And yet, when I look up at the sky, I somehow feel that everything will change for the better, that this cruelty too shall end, that peace and tranquility will return once more."

Mr. Speaker, today, on this Day of Remembrance, let us make Anne Frank's vision our own, and ensure that this cruelty too will end.

Mr. UDALL of Colorado. Mr. Speaker, today is Holocaust Martyrs' and Heroes' Remembrance Day, known in Hebrew as Yom Hashoah.

This is an appropriate date for this purpose because it is the anniversary of the beginning of the Warsaw Ghetto uprising. But in reality, Americans and all other civilized people should consider every day a Holocaust Remembrance Day because forgetting the evils of the past can too easily be the prelude to their recurrence.

And never was this truer than this year, as we mark the 60th anniversary of the final days of the Second World War when Allied soldiers moving across Europe encountered and liberated concentration camp prisoners.

Advancing from the west, U.S. divisions freed the prisoners in the Dora-Mittelbau, Buchenwald, Flossenbürg, and Dachau concentration camps in Germany and the Mauthausen camp in Austria. In northern Germany, British forces liberated Bergen-Belsen and Neuengamme. And Soviet troops, after liberating Auschwitz in Poland in January 1945, in May, 1945 liberated the Stutthof, Sachsenhausen, and Ravensbrück concentration camps inside Germany.

We now understand that many people in Allied countries had known, in greater or lesser detail, about what had occurred in the camps. But it was these Allied soldiers who fully exposed the full horror of Nazi atrocities—and the combat-hardened soldiers were unprepared for what they found.

There were stacks of dead bodies, and barracks filled with dead and dying prisoners, while the stench of death was everywhere. And the camps still housed thousands of emaciated and diseased prisoners who resembled skeletons because of forced labor and lack of food. Many were so weak that they could hardly move. Disease remained an ever present danger and the liberators had to burn down many of the camps to prevent the spread of epidemics.

General Dwight D. Eisenhower made a deliberate visit to the Ohrdruf camp in order to witness personally the evidence of atrocities that "beggar description." Publicly expressing shock and revulsion, he urged others to see the camps first-hand, lest "the stories of Nazi brutality" be forgotten or dismissed as merely "propaganda."

In the years that have followed, our memories of these atrocities have sometimes dimmed. But they have been refreshed by new histories or exhibits such as those in the U.S. Holocaust Memorial Museum here in Washington, while new barbarities in other parts of the world have reawakened some of the horror that was felt by Eisenhower and the other liberators of Europe.

And the sights and sounds of the liberated camps, so fresh in 1945, helped shape the laws and institutions that arose from the ashes of war.

Military tribunals prosecuted captured Nazi officials under a variety of charges, many of which paralleled what were later defined as "crimes against humanity." The best-known of these prosecutions, of course, were those in Nuremberg, Germany, between November 1945 and August 1946 under the auspices of the International Military Tribunal (IMT). Prosecutors and judges from the 4 occupying powers tried some of the leading officials of the Nazi regime on four counts, including a newly defined count of "crimes against humanity," in which significant evidence relating to the Nazi effort to murder the European Jews was introduced. Several prominent Nazis were sentenced to death, others received prison sentences, and a few were acquitted.

The Nuremberg trials, and others that followed, have had a major impact on international law over the last 60 years. The International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, and the recently created International Criminal Court are all part of the legacy of Nuremberg and of ongoing efforts of the world community to prevent and punish the crime of genocide.

Today, on this Day of Remembrance, we should all look back to the horrors of the Holocaust. But we must also look at the world around us and ahead to what is to come.

If there had been any doubt, the 2001 terror attacks on New York and Washington, like the killing fields in Cambodia and so many other terrible events, made it clear that we have not reached the end of history—or the end of violence driven by fanaticism. As we struggle to respond to the challenges of our time, we must remember the need for eternal vigilance against those who are prepared to sacrifice others in the name of what they perceive as some transcendent cause.

Our fate, and the fate of humanity, depends on our remembering and our understanding.

Mr. OWENS. Mr. Speaker, that 6 million innocent souls should not die in vain is the noble purpose of Yom Hashoah, the Holocaust Martyrs' and Heroes' Remembrance Day. This is a day to remember the horror and solemnly swear that we will never let it happen again. This is a day to celebrate the resistance of the heroes of the Warsaw Ghetto uprising. We must remember the horror and we must remember to resist. A civilized nation with the most deadly war machine in history, descended to a level below any known beasts. A clear lesson to our civilization is still relevant: Decent citizens should never stand by passively and allow such atrocities to take place. And vigilant citizens should actively resist any erosion of their rights by a powerful few. Unfortunately, Rwanda and Darfur are present day examples of our failure to take the profound lesson of Nazi tyranny seriously. At the same time, submission to the U.S. government actions which arrest large groupings such as the Pakistanis without due process; and acquiescence to an administration which launches a massive and expensive war based on lies; these positions demonstrate a deep-seated failure to understand the need to resist immoral and dangerous government acts.

There is a need for our generation to make greater sacrifices and take greater risks if we truly want to honor the six million souls annihilated by the Nazi monsters.

Mr. TOWNS. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Remembrance Day. I join the Jewish people in the State of Israel and across the globe in remembering the 6 million Jews that were brutally murdered by the Nazis during the Holocaust.

Today is a time for all of humanity to reflect upon that most horrid period of history. The Holocaust demonstrated the mass atrocities that a supposedly civilized society could tolerate. We must keep in mind, that the Nazi genocide against the Jews was not the action of a lone individual. It was a carefully thought out plan which sought the support of an entire nation. The Holocaust reflects the worst of international relations highlighting a time global politics was plagued by inaction and indifference. The complacency of the United States of America to the cries of those being slaughtered in Nazi death camps will forever tarnish our nation's history. The willingness of the Roosevelt administration to turn back 937 Jewish refugees on the St. Louis to their subsequent deaths in Europe will also not be forgotten.

I am privileged to represent a diverse portion of Brooklyn. In my district there is a large but dwindling population of Holocaust survivors. Many of these survivors rebuilt their lives with nothing more than the shirt on their back. Today, based on the strong foundations of those Holocaust survivors, the beautiful Jewish communities in Brooklyn of Williamsburg, Midwood and Canarsie were built. These communities represent the best of Jewish life and have been instrumental in resurrecting religious life in the aftermath of the Holocaust, by creating synagogues, yeshivas, and other religious institutions.

When I see and hear tragic stories from these heroic individuals it provides living testimony to an event that is hard for many today to phantom. Educating people especially the young, about the events that transpired in Europe over 50 years ago is critical to halting the recent spread of anti-Semitism around the world.

Mr. Speaker, I would like to take this opportunity to recognize the efforts of organizations in my district that have taken extraordinary steps in servicing and caring for the Holocaust survivor population: The Metropolitan Council on Jewish Poverty; The United Jewish Organizations of Williamsburg; The Council of Jewish Organizations of Flatbush; The Jewish Community Council of Canarsie; The Conference of Jewish Material Claims Against Germany; Peasch Tikvah and all the Bikkur Cholim organizations. Their selfless work for Holocaust survivors continues to serve as an inspiration to me and I am honored to recognize their hard work.

Mr. Speaker, I join my colleagues here today in remembering the Holocaust. Because there are still Holocaust non-believers today it is imperative that we never forget and continue to learn from this terrible chapter in history.

Mr. MENENDEZ. Mr. Speaker, today, I join my friends and colleagues around the world in commemorating the horrors inflicted during the Holocaust.

Today, we bear witness to the millions of Jews and countless other innocent people who were brutally murdered in Nazi concentration camps.

We bear witness to the horrors of genocide that shocked the world, and ask ourselves if we have truly upheld the promise of "never again," when we hear the echoes of the Holocaust in the rising threat of anti-Semitism today.

We bear witness to the millions of people who were persecuted and enslaved for their political or religious beliefs, or their mental handicaps in the name of social cleansing.

But we also remember amazing acts of courage and kindness, when those with everything to lose risked their lives and freedom to help those most in need, and the bravery of those who would not go willingly to a certain death.

There is a reason why we call this day not an anniversary, but a remembrance. Every day, but especially today, we must remember not only the horrible acts committed by the Nazis but also the actions, and the lack of action, that led to those horrors.

In remembering, we honor those who suffered—but our memories must also serve as a constant reminder of the vigilance required from each of us to prevent it from happening again, or to take action if we see it happening.

Never again should the innocent be left to languish. For those who perished, for those who survived, for those who fought and for those who liberated, we must not falter and we must not fail. We must learn from history so that we are not doomed to repeat it.

We must bear witness.

Mrs. MALONEY. Mr. Speaker I rise to join people around the world who are commemorating Holocaust Remembrance Day, Yom HaShoah, and mourning the six million people who were murdered simply because they happened to be Jewish. It is important that we take time each year to remind ourselves of the devastating horror of a world in which insanity ruled and it was possible for the Nazis to try to eradicate an entire people from the face of the Earth.

The horror of the Holocaust comes not merely from the fact that massive numbers of people were murdered—in truth the total civilian body count in World War II was enormous, including roughly 20 million Russians and 10 million Chinese. There have been other conflicts in which vast numbers of civilians have died. The true horror of the Holocaust is that a modern nation used organized, efficient, systematic, scientific methods to try to wipe out a minority population. What compounds the horror is that the Nazis brought their peculiar brand of death with them as they swept through Europe and rounded up Jews in occupied countries. We must not forget that the world watched silently and allowed the Holocaust to happen.

The Nazis could never have been as effective at targeting Jews if it were not for the collaboration of local populations. Tens of thousands of people assisted the Nazis in identifying Jews and herding them to the concentration camps and gas chambers. The Nazis succeeded in large part because hatred of Jews was already well entrenched throughout the countries they conquered.

There were always people of good heart who were willing to risk their lives to save Jews. Their bravery and selflessness must also be remembered on this Holocaust Remembrance Day. Jews were hidden in basements and attics. Jewish children were taken into friendly homes or transported to safety elsewhere. Diplomats issued visas, sometimes in violation of their country's policies. Most famous among them is Raoul Wallenberg who saved 100,000 Hungarian Jews. Few nations protected their Jewish populations as effectively as Denmark. The Danes saved virtually all of their Jewish population first by refusing to join the Nazis in singling out the Jewish minority and later by uniting to smuggle them to safety in Sweden.

One of the principal reasons we remember the Holocaust is to ensure that it never happens again. Anti-Semitism is an old hatred, and every generation seems to have a new version. Television and the internet provide new avenues for spreading hatred. Recently, Middle Eastern citizens' nations such as Egypt have been able to watch "Horsemen Without A Horse," a television serialization of the vicious czarist hoax Protocols of the Elders of Zion.

Attacks on Jews and Jewish targets around the world are rising. The U.S. Department of State recently released a report on anti-Semitism around the world that found: "Beginning in 2000, verbal attacks directed against Jews increased while incidents of vandalism (e.g. graffiti, fire bombings of Jewish schools, desecration of synagogues and cemeteries) surged. Physical assaults including beatings, stabbings and other violence against Jews in Europe increased markedly, in a number of cases resulting in serious injury and even death . . . Holocaust denial and Holocaust minimization efforts find increasingly overt acceptance as sanctioned historical discourse in a number of Middle Eastern countries."

Mr. Speaker, the Holocaust could not have occurred without the complicity of governments and individuals who tolerated stark hatred of Jews. I am hopeful that by reminding ourselves of the horrors of that time, we will remain vigilant about preventing a recurrence of the widespread anti-Semitism that helped the Nazis rise to power.

Mrs. MCCARTHY. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyr and Heroes Remembrance Day. I join the people of Israel and those around the world to memorialize the 6 million Jews who were murdered by the Nazis during World War II. The world is still feeling the Holocaust's effects.

In 1933, there were over 9 million European Jews. By 1945, nearly two of every three had been killed as part of the Nazis' Final Solution. European cities have never recovered the diversity and way of life they had prior to the war. The Jewish people killed were teachers, lawyers, doctors, musicians, parents, and children, and were killed only because they were Jewish and targeted for no other reason.

We must also remember the others who were murdered. Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny for no specific reason except they were different than their captors.

As time moves forward, there are few Holocaust survivors still with us and it is important for them to share their stories and educate people about their experiences. Nearly 60 years have passed since the Holocaust but anti-Semitism still exists. However, I believe passing on the lessons learned from this horrible time from generation to generation will someday destroy the hateful attitudes and ignorance that resulted in the evil of the Holocaust.

The Holocaust was not an accident. It was a planned attempted extermination. Individuals, organizations and governments made choices that not only legalized discrimination but also allowed prejudice, hatred, and ultimately, mass murder to occur. The human race must constantly be reminded of the Holocaust and how the world stood idly by for too long. We must remember these painful events in order to prevent another Holocaust from ever occurring again.

We will never forget.

Mr. WAXMAN. Mr. Speaker, I rise to commemorate Yom HaShoah, Holocaust Martyrs' and Heroes' Remembrance Day, which is being observed today in the United States, Israel, and in Jewish communities around the world.

Each year this day is one of grief and hope. We memorialize the 6,000,000 Jews, including more than 1,000,000 children, who were murdered in the Holocaust. We observe the anniversary of the Warsaw ghetto uprising and remember the heroism of those who fought back. We honor the survivors and the tremendous strength it took for them to rebuild their lives.

I would like to take this opportunity to acknowledge two special commemorative ceremonies that took place in my district.

First, let me pay tribute to Café Europa, an association of Los Angeles area Holocaust survivors sponsored by Jewish Family Services. This week, Café Europa sponsored a special Yom HaShoah ceremony at Mount Sinai Memorial Park alongside Holocaust survivors from Café Europa of Tel Aviv and students from area schools. I want to particularly thank the survivors who courageously and poignantly shared their painful experiences through stories, poems, songs and photographs.

I would also like to recognize a community-wide ceremony in Pan Pacific Park sponsored by the Los Angeles Museum of the Holocaust, The Jewish Federation, Second Generation, and the Los Angeles Holocaust Monument Fund. This year, the program's theme, "From Liberation to the Pursuit of Justice," marks the 60th anniversary of the liberation of the concentration camps and the Nuremberg Trials to prosecute Nazi war criminals.

On this day we bear witness to the atrocities of the Nazi regime so that they are not forgotten and are never again repeated. We renew our commitment to Holocaust education to ensure that the lessons of the Holocaust do not fade away as the generation that lived through these events passes on. And perhaps most importantly, we pledge to fight future genocide by taking action against the slaughter of innocents going on today in places like Darfur, Sudan.

We cannot forget that the bloodshed could have been averted had the leaders of the world not been silent while Jews were being killed at Auschwitz. When we say "Never Again," let us learn from their mistakes.

Mr. MICHAUD. Mr. Speaker, I rise to add my voice to those marking this most solemn of days—Yom Hashoah. Holocaust Remembrance Day commemorates one of the darkest periods in our shared human history. We remember the victims of this unspeakable tragedy. At the same time, this day marks the beginning of the Warsaw Ghetto uprising, and we celebrate the indomitable spirit of freedom and hope that resides in all of us.

This day does not belong to one people or commemorate just one moment in time. Yom Hashoah reminds us of the darkness and evil that still exists in this world and charges each of us to stand against the atrocities that men can bring about.

We remember only too well the horrors of "ethnic cleansing" in the Balkans and the genocide in Rwanda just a few years ago. Not only do we remind ourselves of the evils of our recent past, but also we take this time to look at the world we live in today as well. Religious, ethnic, racial and cultural strife continue to divide people around the world. Despite the lessons of our past, we are shamed by the knowledge that the world community was once again too slow to respond to the tragedy that is taking place in the Darfur region of Sudan. We Are shamed by the knowledge that we have the ability to prevent genocide and suffering, but we do not act.

That is why it is so important that we speak out today to remember the victims of the Holocaust and of all genocides throughout the world. This year marks the 60th Anniversary of the end of World War II. Our greatest generation did not stand still against this evil. We must be ready and willing to follow in their footsteps.

Merely saying "never again" is not enough. Only by raising awareness of these atrocities can we begin to stop them from happening to any group or people again. While this day is somber and full of self-reflection, it is important to also recall the kindness of so many who risked everything to save and hide their neighbors, friends, or even complete strangers.

For many people, the bravery of Anne Frank sums up the best hopes for the future of humanity. Though she and her family fell victim to the horror, and ultimate fate of millions, she still wrote in her diary:

"I don't think of all the misery, but of all the beauty that still remains. . . . In spite of everything, I still believe that people are really good at heart."

Through understanding our past and each other, we can create the beautiful, peaceful, and hopeful world Anne Frank once envisioned.

Mr. SHAW. Mr. Speaker, I rise today in recognition of Yom Hoshoah, Holocaust Remembrance Day. We recognize now not only the more than six million Jews who lost their lives, but the human potential that was also extinguished during the dark days of World War II. We remember not just the mothers and fathers, the sons and daughters, the brothers and sisters, but also their descendents who never got to make their contributions to mankind. And we remember the heroes who gave their lives in the greatest fight for freedom and democracy the modern world has ever known.

By reflecting on this most solemn day, we join in a special bond with the victims of the Holocaust to ensure that the world will never suffer such a horrific tragedy again. It is through our reflection that we acknowledge the human loss and through our actions that we build a world free of such hatred and despair. Our greatest tribute to the millions who suffered at the hands of the Nazi regime will be to ensure that their memory will never be extinguished. By recognizing Holocaust Remembrance Day, we carry on the legacy of those who bore the greatest burden of one of the world's saddest times.

Now 60 years later, the fires of hate, which burned so brightly in Europe from 1939 through 1945, never really burned out. They were smoldering in the hearts of the terrorists on September 11th. Those same fires are ablaze today, in actions of homicide bombers in Tel Aviv, the West Bank, and in Gaza; and in genocidal practices in the Sudan. Mr. Speaker, as we recognize the 60th anniversary of the liberation of the Auschwitz concentration camp, we pray for an end to evils of hate throughout the world.

With these examples fresh in our minds, we marvel at the strength and character of the Jewish people. Their steadfast determination to rebuild their lives following the Holocaust has given the world a remarkable model of resolve. Through their example, we can glimpse the extraordinary human spirit that rises above the fruitlessness of anger and resentment. With this day and with our deeds we honor that spirit.

Mr. Speaker, I am proud to recognize Yom Hoshoah, May 5, 2005, and I urge my colleagues, and all Americans, to do the same.

Mr. VISCLOSKY. Mr. Speaker, I rise today in observance of Holocaust Martyrs, and Heroes Rememorance Day. Known as Yom Hashoah in Hebrew, this solem day commemorates the anniversary of the beginning of the Warsaw Ghetto uprising. This year is of particular import, as it marks the 60th anniversary of the liberation of Nazi concentration camps. I join my distinguished colleagues in remembering the victims of the Holocaust while vowing that such a horror shall never again take place.

In remembering the six million victims of the Holocaust, we must recommit ourselves to fighting against the evils that led to the Holocaust; anti-Semitism, racism, bigotry, and intolerance. This commitment requires that we tell the story of the Holocaust to our children and grandchildren. We owe nothing less to the survivors and to the brave men who fought to liberate the Ghettos and the death camps.

I rise also to condemn the rising tide of anti-Semitism around the globe and to demonstrate the United States' lasting commitment to the elimination of such bigotry and ignorance. It is essential that each and everyone of us takes action to prevent such atrocities and vigorously pursues justice for the victims of acts of hatred and inhumanity. The crimes against humanity that were perpetrated by the Nazis must never be forgotten, lest we allow such evil to spread again.

We must also remember the handicapped, homosexuals, gypsies, political dissidents, and even Poles who were murdered in the Nazi "Final Solution," simply for being different. The Nazi hatred for anyone considered different stands as the antithesis of the values of freedom and liberty that we hold so dear.

It is also important to recognize the sacrifices, service, and dedication of Allied soldiers and underground fighters that resulted in the defeat of the Nazi regime and the liberation of the concentration camps. We are indebted to the service of these brave souls who fought against evil to stop the death and destruction of the Holocaust.

Mr. Speaker, today we mourn the innocent lives lost and vibrant communities destroyed by the Holocaust. We also honor those heroes of the Warsaw Ghetto who faced certain death when they fought against the Nazi's planned extermination of their community. With our solemn remembrance of the atrocities of the Holocaust, we empower a new generation to ensure that such crimes are never again repeated.

Mr. EMANUEL. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day. This year, the 60th anniversary of the end of World War II, serves as a solemn reminder of the tragic events that resulted in the murder of six million Jews and millions of other men and women. Today, we honor their memory and sacrifice.

Yom Hashoah is a sad day, but it also has a message of hope. It evokes memories of the lows of humanity and what can happen when the world turns its back to oppression. It reminds us of the suffering of millions who endured the evils of discrimination and racism. The entire world was impacted by the terrible events of World War II. We remember and honor the many individuals and their loved ones who suffered simply because of their religion or ethnicity.

This occasion is also a time for hope because we honor the memory of the past by passing down the lessons we have learned to future generations so that such tragic history will never repeat itself. Today, many events are taking place around the world to remind us of the events that took place during World War II and to unite all people together against racism, bigotry and hate.

The Days of Remembrance Ceremony was held in the Rotunda of our Nation's Capitol, a fitting place to spread the message of justice and freedom and to remember the heroes who gave their lives in the fight for freedom and democracy only 60 years ago. I am proud to stand here today to honor the memory of the victims in hope that the world will never again witness these atrocities.

Mr. Speaker, this is an important day for all mankind to stand together against racism, hate and intolerance and I urge all my colleagues to take a moment to reflect and remember.

Ms. LEE. Mr. Speaker, I rise to honor the 6 million Jews who lost their lives in the Holocaust. I pay tribute to these innocent men, women, and children who died at the hands of the brutal Nazi regime.

While the Nazis were defeated by Allied Forces 60 years ago, the specter of bigotry, prejudice, and intolerance has tragically survived. The best way to honor the victims of the Holocaust is to ensure that such an event never happens again. Yet, with every year and every generation that passes this tragedy becomes less a reality and more a story to read about in a history book.

Everyone of us shares in the responsibility to make sure those who have died in the Holocaust have not done so in vain.

RESIGNATION AS MEMBER FROM CERTAIN STANDING COMMITTEES OF THE HOUSE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture, the Committee on Resources, and the Committee on Veterans Affairs:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol Building, Washington, DC.

DEAR SPEAKER HASTERT: I have been informed that in accordance with a decision made by the Steering Committee to place me on the Committee on Ways and Means, I must resign my position on the Committees on Agriculture, Resources, and Veterans Affairs.

Please accept this as a formal letter of resignation from the Committees on Agriculture, Resources, and Veterans Affairs.

Best Regards,

DEVIN NUNES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON WAYS AND MEANS

Mr. WELDON of Florida. Mr. Speaker, I offer a resolution (H. Res. 264) and I ask unanimous consent for its immediate consideration in the House.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 264

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Ways and Means: Mr. Nunes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE CLINICAL RESEARCH ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I am very pleased to join with my colleague today, the gentleman from Pennsylvania (Mr. DOYLE), to introduce the Clinical Research Act of 2005. This bill might be better referred to as the "Curing Humans Rather Than Rats Act of 2005."

This bill will address many of the problems confronting academic health centers as they attempt to leverage enormous biomedical research gains made in the past century and, in particular, in the last decade, by the vast investment of the U.S. taxpayers in the National Institutes of Health.

In 1994, when I was first elected, the NIH budget was just $10 billion, but today, they get $29 billion. This is a significant expansion of biomedical research funding. It is resulting in significant breakthroughs in a host of areas to include human genomics, biomedical engineering, molecular biology, and immunology. These have provided an unprecedented supply of information for improving human health.

Research often does not produce results overnight, but as stewards of the taxpayer dollars, we have every right to expect that the fruits of that research will result in better treatments for patients. Reaping the benefits of this bench research requires a Federal commitment to clinical research, including a commitment to ensuring that the infrastructure is capable of translating, in a systematic and rational way, the fruits of basic science research into improved patient care.

Unfortunately, while we have seen this dramatic increase in NIH funding, the Federal commitment to clinical research has not kept pace with rising costs.

Just what is clinical research? A great example has been the great breakthroughs in the treatment of AIDS in recent years. These new compounds are often developed in a laboratory, tested on laboratory animals, but then, at some point, academic research centers have to start giving these products, these compounds to humans. They interface with the lab and the patients. They bring these new interventions from the bench to the doctors and clinics all over this country.

That has happened to the clinical researchers and why? From 1970 to today, the percentage of clinical researchers and NIH study committees has dropped dramatically. These NIH study groups are the committees that score research proposals and make recommendations on which proposals will be funded. The costs of clinical research have increased dramatically as, obviously, we are working with humans. To many researchers, working with rats and tissues is just much easier. With rats, they show up to work every day, they follow the protocols and, if they die, they will not sue you. You just buy some more rats.

Also, academic health centers, under increased pressure to costs and the need to generate income, are putting increased pressure on the clinical researchers to spend more of their time seeing billable patients and less of their time on their clinical research projects. All of this hinders clinical research and makes it less likely that the cures will move from the lab to the bedside. This is a growing frustration, not just for the clinical researchers that work in this field, but for the patient advocacy groups.

I hear repeatedly from people who advocate for those suffering from kidney disease, heart disease, Parkinson's Disease that we are not moving the scientific information quickly enough into patient care. We have been too slow in getting improved patient therapies and interventions from the enormous investment we have made in basic research. It is important that this Congress step in now and address this challenge.

I believe we can and should do a better job in moving bench research to the bedside. That is what this bill is aimed at doing.

In addition to concerns about how NIH dollars are allocated, we must recognize the significant financial burdens that academic health centers are facing today associated with rising costs, inadequate funding, mounting regulatory burdens, fragmented infrastructure, incompatible databases, and a shortage of both qualified investigators and willing study participants.

Let me add that some of my colleagues have suggested that NIH should focus on basic research and that private industry will focus on clinical applications. Those suggesting this lack a full understanding of the issues at hand. Industry is much less likely to dedicate tens of millions of dollars to research clinical applications to address the needs of millions of Americans who suffer from one of the hosts of small and less profitable to treat diseases. Industry does not, nor will it, spend tens of millions of dollars on nonpatentable therapies and interventions. If you cannot patent it and you will not make a profit, industry just will not fund it.

Of note, however, is that the NIH will and does devote significant taxpayer funding in partnerships with industry to develop patentable compounds and interventions. Absent the resources provided in this bill, patients will continue to suffer, I believe needlessly, from diseases for which we could and should develop definitive treatments.

The bill that the gentleman from Pennsylvania (Mr. DOYLE) and I are introducing today, and that Senator SANTORUM is preparing to introduce in the Senate, will provide our Nation's academic health centers with the crucial resources they need and the opportunity to meet the public's expectation.

If we are going to reap the full benefit of the enormous investment of taxpayer dollars in biomedical research, it is important that we move this legislation forward. I would say to my colleagues, if you think that we have cured enough rats and believe it is time that we look to cure a few more humans, join me and the gentleman from Pennsylvania (Mr. DOYLE) in the bipartisan Clinical Research Act of 2005.

HONORING CINCO DE MAYO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today in honor of Cinco de Mayo. I rise to recognize and remember the importance of this day and salute the millions of Mexicans and Americans of Mexican descent that will celebrate throughout the Americas this day, this important day.

While the War Between the States was raging in the 1860s, at the same time, on May 5 in 1862 an undersized, inadequately armed band of Mexicans determined to defend their land, fought a lopsided contest against their oppressors, those oppressors who were invading their homes.

Many people assume that Cinco de Mayo is Mexico's Independence Day from Spain, but that is not correct. Mexico's actual Independence Day is September 16, 1821. Some 40 years after Mexico achieved independence from Spain, their country was once again threatened, this time by the French. And that year, Napoleon III sent a massive, mighty military force to Mexico to unseat President Benito Juarez.

The French plan was to overthrow Juarez and take over the country. However, their overconfidence brought about their proudful downfall. They even brought along a Hapsburg prince, Maximilian, to be the new king over the Mexican empire. They were sorely mistaken in their ideal.

Napoleon's French army had not been defeated in 50 years and did not expect to lose this battle with these people. This distinguished, well-trained Army marched in with the finest equipment and the arrogance to go along with it. The French were not afraid of anything, but they should have been. Little did they know that the Mexicans would give them a fight to remember.

On May 5, 1862, the French Army left the Port of Vera Cruz to attack Mexico City. The French assumed that if they could take down the capitol, all of Mexico and their people would surrender.

The Mexicans were under the command of a Texas-born general, General Ignacio Seguin Zaragosa, and they waited and waited for the French, determined, diligent, and dedicated to defending this land. As the French Army headed to Mexico City, they were halted on the way. On May 5, 1862, while the cannons roared and rifle shots rang out, the French attacked 2 Mexican forts. Before the day was over, more than 1,000 French soldiers were dead. Against all odds, this hastily-assembled Mexican Army had routed the French imperialism in the city of Puebla, despite being outnumbered 2 to 1. The French left Mexico, and they have never returned.

So Cinco de Mayo is a day of celebration in Mexico as well as the United States. In my home State of Texas, where there are over 6 million Americans of Mexican descent, there are numerous celebrations taking place all over the State and in towns on this date. Cinco de Mayo is a wonderful opportunity to salute the contributions being made by all Hispanics in the Lone Star State and all of America. In my district, the second district of Texas, we have over 80,000 Hispanic members of the community. I feel fortunate to represent and live in a community that benefits from the dynamic presence of this richly proud culture.

So, Mr. Speaker, I rise to join all Americans and all Mexicans in recognition of this important day in history. The Mexicans who fought and died on a battlefield near Puebla 143 years ago represent the ideal and spirit of all humans, no matter what their race or their culture, to be free and be a free people.

Their determination embodied a spirit of freedom and patriotism. Cinco de Mayo is a chance for everyone to remember how essential our freedom is, how difficult it is to obtain, and how vigilant we must remain to defend it, no matter the cost.

□ 1500

SUPPORT FOR THE NOMINATION OF JANICE ROGERS BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise in support of the nomination to the District of Columbia Circuit Court of Appeals of Janice Rogers Brown. Janice Rogers Brown is a member of the California Supreme Court, a former member of perhaps our most distinguished district court of appeals that meets in Sacramento, a former distinguished top legal advisor to then Governor Pete Wilson, formerly a distinguished deputy attorney general in the office of the California attorney general's office, one who has come from humble beginnings.

An Alabama sharecropper's daughter who attended segregated schools while she was growing up, graduated from UCLA, has practiced law in the private sector, but has spent most of her time in the public sector, either as the attorney representing the State, as a legal advisor to the Governor of the State, or as one who has served well as a member of the judicial branch in the State of California.

Her nomination is one of those that has been held up in the other body. Hers is one that has been suggested as the price of the President receiving consideration of his other nominations, that is, the suggestion is made that hers is one of the nominations that should be withdrawn because she is, "out of the mainstream."

Well, Mr. Speaker, in the short time I have available, I would like to speak to that point. In the State of California, we have a requirement that when one is nominated by the Governor of the State to either the appellate court or the California Supreme Court, they must undergo a rigorous review, which is concluded by a confirmation hearing and vote by a confirmation panel made up of three members: the chief justice of the California Supreme Court; the attorney general of the State of California; and in the specific instance of someone being nominated to the appellate bench, the chief presiding officer of that appellate bench. And for one who is being nominated to the California Supreme Court, that third person would be the seniormost serving presiding officer of any of the appellate benches in the State of California.

On two occasions I had the opportunity, as the attorney general of California, to be a member of that panel and had the opportunity to review her consideration, her nomination. And in both of those nomination processes, she received a unanimous vote of the 3-member panel.

When we considered her past legal work, when we considered her past judicial work, when we considered her qualifications, her education, her character, her philosophy, that is, whether or not she was committed to doing the job that judges are supposed to do, that is, interpreting the law as opposed to making the law, being constrained by the Constitution of the United States, by the Constitution of the State of California and by the statutes of the State of California, and where they apply, the statutes of the United States.

In that instance, she received a 100 percent vote from us in both cases. It is interesting that in the State of California, once one receives such an appointment, one has to go before the people of the State of California in a vote. And in that vote, when she was considered, after she had rendered opinions, after she had had her opinions published, when she was considered by the people of the State of California, she received, I believe it is, more than a 75 percent vote of the people.

Some say, well, that happens all of the time. Well, in my memory, we have had at least three members of the California Supreme Court basically voted down by the people. So there is a real contest; there is a real review by the people of the State of California.

Approximately 75 percent of the people of the State of California, when given the chance, upheld her continued activity on the court, that is, the Supreme Court of California. Now she has been nominated to serve the District of Columbia Circuit Court of Appeals by the President.

To this day, there has been reluctance, if not refusal, on the part of the other body to have her considered before the whole body. There has been the suggestion that rather than being submitted to the entire body and a vote up or down where a majority would prevail, she is being subjected to a 60-vote rule, a 60-percent rule. One searches in vain in the Constitution to find any reference to that.

I would suggest, as a matter of fact, it is questionable whether the Constitution would allow that kind of constraint on the prerogative of the President, as to whether or not advice and consent means that.

But be that as it may, it is interesting that the two representatives from the State of California who will have a vote in that body have chosen not to support her. And while they have been elected and reelected by the people of the State of California, that very same electorate has voiced their opinion in an official vote by giving her a mandate of 75 percent. That hardly suggests that she is out of the mainstream, unless one suggests that California is out of the mainstream.

She has been criticized for upholding Proposition 209, a proposition that was put to the vote of the people of the State of California to determine whether or not we in California believe that racial quotas and set-asides were, in fact, appropriate under the law. The people of the State of California decided that they were inappropriate by a large margin. and she interpreted that in accordance with the people of the State of California, and for that she is criticized and considered to be out of the mainstream.

My suggestion. Mr. Speaker, is that she ought to have the opportunity to have her voice heard. her case heard by the entire body in the other body. and that it is my belief, given that opportunity, the people of California will be well served by a reaffirmation of the fact that she is well within the mainstream of judicial decision-makers in the United States.

TRIPLING THE INNOVATION BUDGET OVER THE NEXT DECADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, earlier this week, I wrote President Bush urging him to boldly triple the innovation budget—federal basic research and development—over the next decade.

America today finds herself at a crossroads when it comes to leading the world in science and innovation. We can continue down the current path, as other nations continue to narrow the gap, or we can take bold, dramatic steps to ensure U.S. economic leadership in the 21st century and a rising standard of living for all Americans.

Our current levels of investment in innovative research and development are not enough to keep us at the forefront. Countries such as China and India are quickly gaining ground on the United States and few people realize it.

The United States faces stiff competition in sheer volume because our population is a fraction of that of China and India.

In 2000, Asian universities accounted for almost 1.2 million of the world's science and engineering degrees and European universities accounted for 850,000. North American universities accounted for only about 500,000.

Additionally, according to the National Science Foundation, the United States has a smaller share of the worldwide total of science and engineering doctoral degrees awarded than either Asia or Europe.

This is most alarming when you consider that since 1980, the number of science and engineering positions in the United States have grown at five times the rate of positions in the civilian workforce as a whole. This trend should be setting off alarm bells, especially as more high-tech products, and the high-tech jobs behind them, are located elsewhere.

America has a proud history of rising to the occasion. We need to be mobilized as we were after the former Soviet Union launched Sputnik, when we made a commitment in the late 1950s to build our space program and greatly enhance our educational system in the name of national defense through the passage of the National Defense Education Act.

Recently we fulfilled the commitment to double the National Institutes of Health budget to jump-start work on medical research to help find cures to debilitating and fatal diseases. Our nation must make a similar bold commitment to invest in the future of our country by tripling the innovation budget—federal basic research and development—over the next decade.

I believe that a bold initiative like this is necessary to ensure for future generations that America continues to be the innovation leader of the world.

I know my colleagues share my concern about the future competitiveness of American industry and are committed to improving job opportunities for all Americans. Your attention will send a clear message about the gravity of this situation.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 3, 2005.

Hon. GEORGE W. BUSH,
The President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: America today finds herself at a crossroads when it comes to leading the world in science and innovation. We can continue down the current path, as other nations continue to narrow the gap, or we can take bold, dramatic steps to ensure U.S. economic leadership in the 21st century and a rising standard of living for all Americans.

I know you share my concern about the future competitiveness of American industry and are committed to improving job opportunities for all Americans. However, our current levels of investment in innovative research and development are not enough to keep us at the forefront. Countries such as China and India are quickly gaining ground on the United States and few people realize it. This trend should be setting off alarm bells, especially as more high-tech products, and the high-tech jobs behind them, are located elsewhere.

The United States faces stiff competition in sheer volume because our population is a fraction of that of China and India. In 2000, Asian universities accounted for almost 1.2 million of the world's science and engineering degrees and European universities accounted for 850,000. North American universities accounted for only about 500,000. Additionally, according to the National Science Foundation, the United States has a smaller share of the worldwide total of science and engineering doctoral degrees awarded than either Asia or Europe. This is most alarming when you consider that since 1980, the number of science and engineering positions in the United States have grown at five times the rate of positions in the civilian workforce as a whole.

Foreign advances in basic science also now often rival or even exceed America's, and published research by Americans is lagging. Physical Review, a series of top physics journals, last year tracked a reversal in which American scientific papers, in two decades, dropped from the most published to minority status. In 2004—the most recent year statistics are available—the total number of American papers published was just 29 percent, down from 61 percent in 1983.

America also is losing ground in the area of patents. The percentage of U.S. patents has been steadily declining as foreign nations, especially in Asia, have become more active and in some fields have seized the innovation lead. The U.S. share of its own industrial patents now stands at only 52 percent. Another measuring stick is number of Nobel prizes won. From the 1960s through the 1990s, American scientists dominated. Now, the rest of the world has caught up as our scientists only win about half of the Nobel prizes with the rest going to Britain, Japan, Russia, Germany, Sweden, Switzerland, and New Zealand.

Federal research support serves two essential purposes. First, it supports the research required to fuel continued innovation and economic growth. Second, because much of it takes place at the nation's colleges and universities, it plays a critical role in training our next generation of scientists, engineers, mathematicians and others who will comprise the future scientific and technological workforce. I am concerned that with the current levels of federal investment in research and technology our country will fall victim to the fierce manpower competition we face from developing countries.

America has a proud history of rising to the occasion. We need to be mobilized as we were after the former Soviet Union launched Sputnik, when we made a commitment in the late 1950s to build our space program and greatly enhance our educational system in the name of national defense through the passage of the National Defense Education Act. Most recently we fulfilled the commitment to double the National Institutes of Health budget to jump-start work on medical research to help find cures to debilitating and fatal diseases.

Our nation must make a similar bold commitment to invest in the future of our country by tripling the innovation budget—federal basic research and development—over the next decade. We need to inspire young people to study math and science. As chairman of the Science-State-Justice-Commerce Appropriations subcommittee, I understand the difficult budget environment the nation is facing. But bold leadership from the White House will help establish this as a national priority in your next budget request to the Congress.

We must ensure for future generations that America continues to be the innovation leader of the world. Investing in research and development is a critical part of optimizing our nation for innovation, a process that will require strong leadership and involvement from government, industry, academia and labor. We must choose whether to innovate or abdicate.

I urge you to seize this opportunity to rally our nation to the cause of innovation and stand ready to assist you in this 21st century challenge. I hope you will work with Congress, with manufacturers and other producers and services providers, and with the academic and scientific communities to develop the necessary consensus that will ensure America will remain the world's leader in innovation. The competitive and economic future of America is at stake.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

SUPPORT PRESCRIPTION DRUG BENEFIT CARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the bipartisan Medicare Modernization Act, which Congress passed in December of 2003. In particular, I would like to praise the prescription drug benefit that is already providing seniors with more affordable medication under the Medicare-approved prescription discount cards.

Mr. Speaker, the Centers for Medicaid and Medicare estimate that our seniors will save up to 60 percent off the current price of their prescription drugs under this new benefit. Sixty percent, that is a huge savings. And our seniors are already reaping the benefits of Medicare prescription drug coverage.

I would like to tell you, Mr. Speaker, and my colleagues, the story of one such senior, a constituent of mine from Talbot County named Lizzie Menefee. Ms. Menefee lives in Talbot County, Georgia. She will be 80 this May.

I met her at a town hall meeting I was holding on strengthening Social Security. Her story inspired me, and I wanted to share it with my colleagues here today and with seniors across our Nation.

Ms. Lizzie, as her friends call her, has not lived an easy life, though you would never know it from her spirited attitude. She has a heart condition, she has high blood pressure, arthritis and one functioning kidney.

As you might guess, her medical bills, in particular the cost of her monthly medications, are exorbitant. In fact, the cost of medication nearly bankrupted Ms. Menefee. It is easy to see why. She takes Zocor for her cholesterol, which is high. That medication runs $155 a month.

Add another $140 for the purple pill, Nexium, which she takes to control her acid reflux and heartburn, and $20 a month for medication to lower her blood pressure.

When Ms. Lizzie gets a kidney infection, and this happens often with her condition, she pays an additional $300 a month for antibiotics.

Before Congress passed the Medicare Modernization Act in 2003, Ms. Menefee regularly spent more than $500 a month, Mr. Speaker, just on prescription drugs. As a senior with limited income and a widow, these costs were simply prohibitive. But there is good news for her and for all seniors out there. It comes in the form of the Medicare prescription drug benefit, part D, if you will.

Last year, Ms. Lizzie signed up for the new temporary provision under Medicare, the discount card. She is incredibly happy with her coverage, and I can see why. Today this lady spends a mere $7 a month on prescription medication. Yes, you heard me correctly: $7 a month.

Mr. Speaker, there are hundreds of Ms. Lizzies out there who have benefited from substantial savings on their prescription drugs, and there are millions more not yet enrolled in the program who would benefit from these savings as well.

When our seniors have to choose between buying food or buying medicine, their health suffers. Seniors on fixed incomes cannot afford $500 a month in medicine; heck, most of us cannot afford $500 a month. Congress undoubtedly, undoubtedly, Mr. Speaker, did the right thing when we added prescription drug coverage under Medicare. And there is more we can do.

In January 2006, the permanent Medicare drug benefit goes into effect. If our seniors do not know how to sign up, or if they do not understand the benefits that it offers, the good legislation we have passed will go to waste.

Mr. Speaker, I ask my colleagues to join me and educating our seniors about the extensive savings available to them through the Medicare drug benefit and to help seniors sign up for the plan that is right for them. Do not let the other side poison the well and scare our seniors and discourage them from signing up for this great plan.

Nothing would make me happier than to have millions of Lizzie Menefees across our great Nation staying healthy because we helped lower the prices of the drugs that they need.

Mr. Speaker, I congratulate Congress on the successful legislation, and I encourage my colleagues to educate their constituents on this valuable benefit.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Alabama. Mr. Speaker, let me join other colleagues of mine in standing today in commemoration of Holocaust Remembrance Day. We celebrate this year, 2005, the 60-year anniversary of the end of World War II.

We also look back at the enormous human loss that occurred in concentration camps all over Eastern Europe, all over that continent during World War II, and I think it is enormously important that if we can somehow distill just three lessons from this time frame, that it be the following things: first of all, we instill in our society and contemplate the question of hatred, of intolerance, of racial and religious bigotry, and we still try to put it in perspective, how some human beings can have animus toward other human beings.

The reality is that in 1930 in the depths of Nazi Germany, there were many people who did not take seriously the rhetoric of the Third Reich. There were many who did not take seriously the venom that came from Adolph Hitler. They had this mindset that it was simply a misbegotten ideology. They had the mindset that it was simply words that were meant to wound or meant to win an election. They did not realize that there was a comprehensive plan to destroy another set of human beings that was at stake.

Similarly today, when we hear lingering anti-Semitism in our society, when we hear lingering bigotry and racism in our society, we have a tendency at first to think that it is mere words. We have a tendency to try to strip those words from any context or any meaning.

The reality is that what the Holocaust teaches us is that words do matter, because they can signal the human soul and just how depraved it can be. That is an important lesson that we take from that time frame.

There is another important lesson that we take. Every now and then, there is this tendency to engage in a hierarchy of suffering, to ask which was worse, slavery or the Holocaust; which is worse, racial bigotry or anti-Semitism or religious bigotry.

The reality is that there is no hierarchy of hatred. All hatred has a tendency to wound and corrupt and to spoil the human soul. All hatred has a tendency to degrade both the person who hates and the target. And what we have seen in our last half century of human conduct, indeed our last century of human conduct, is that neither the left nor the right has given ground to each other on this front.

Both the left and the right have shown enormous capacity to pick up weapons against each other and to degrade each other. And it is a lesson in these contemptuous times in American politics.

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It is a lesson that if we want to build a sense of humanity in this country, that we have to find a way to see past the bitterest and darkest divisions of the left and right.

There is a third lesson, Mr. Speaker. As we look at our place in the world today, this is only several weeks after the world lay to rest Karol Wojtyla, John Paul II, the leader of the Catholic Church, the leader of 1 billion Catholics around the globe. He had a particular insight about humanity.

He understood that poverty and totalitarianism are both threats to the human condition. They are both threats to the human soul. Frankly, neither the left nor the right in our country have done a good job of appreciating the linkage. Neither the left nor the right in our country has done a good job of appreciating that these two sources of darkness, totalitarianism and intense poverty, are just as destructive of what human beings can be. Well, John Paul II understood that.

As we look at the last 50 or 60 years of suffering in this world, I hope we can, as a Congress, challenge the world to a higher standard. One that from a standpoint from the left and the right manages to condemn political and economic threats to the human spirit.

Finally, Mr. Speaker, let me speak for a moment about these victims. I had an opportunity in August 2003 to visit the state of Israel and I remember going to the museum commemorating the concentration camps in the Holocaust. And I remember going specifically to the children's section of that museum. As some Members of the Chamber recall, when you walk inside the children's section, you are in this very small circular room and in the middle of the room sits a glass case. Inside the glass case are pictures and photos of children who lost their lives in the Holocaust and their voices who read their names over and over again.

I will remember that image, Mr. Speaker, as I conclude, for a very, very long time because it speaks of a Europe and a history that never was. It speaks of a destiny for the world that never was. Somewhere in those pictures is someone who would have been a chief of state, someone who would have been an Olympic athlete, someone who might have discovered a cure for cancer.

As we contemplate this last 60 years may we remember that every time we lay waste to a human being, every time we lay waste to a child, that there is all kinds of promise that is lost and there is another destiny that was there waiting to be born.

So on behalf of these 6 million victims who were murdered by a state, may we think of them today and may we think of them on this Holocaust Remembrance Day. May we remember in conclusion the danger whenever human beings are degraded and belittled by others.

CRIMINAL EXTORTION

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I would like to thank the gentleman from Alabama (Mr. DAVIS) for his touching remarks. He is so right.

Mr. Speaker, I would also like to pay tribute as my colleague, a former judge, the gentleman from Texas (Mr. POE) has indicated a celebration of Cinco de Mayo. We will be enjoying that this weekend there in Tyler. I appreciate Gus Ramirez and Salvador Sanchez and other friends that are putting that on again this year.

Last week I read an article about the ongoing investigation in Austin by the local Democrat District Attorney, Ronnie Earl, and became concerned. I had previously understood that he had convinced a grand jury to indict a number of corporations regarding contributions they had made from which he was raising the issue of legality. For some reason I had the impression that a few of those corporations had pled either no contest or guilty, and as part of a plea agreement, they had agreed to make contributions to some educational entity.

Now, I realize I cannot always rely on every newspaper to always get the facts right, so I went back and looked at other newspaper articles about other cases after I saw that one, and according to those articles the Austin District Attorney got potentially four corporate defendants to promise to pay financial support to the LBJ School of Public Affairs there in Austin and in return he would dismiss all charges.

Now, as a former District Judge and Chief Justice this caused me a great deal of concern. As a former District Judge who believes strongly in law and order, so much so that I have sent friends or children of friends to prison while my friends were weeping and asking me not to do so, because I knew that is what the law required and that is what I would do in any other case if they were not the children of my friends.

So I believe that there is a crime and there is an appropriate punishment. And I do not know all the facts or evidence in these cases and I am not here to defend anyone involved. But I do know that District Attorneys take an oath as attorneys and they also take oaths as a District Attorney. They are not supposed to prosecute or persecute people or entities unless there is a case.

Now, if there is evidence to support that a crime has been committed, then he should prosecute. When the District Attorney in Austin files a motion to dismiss, it should be because there is no case with which to go forward.

If a district attorney drops charges after soliciting and requiring a defendant to pay money to an entity of the District Attorney's choosing, it has a rather unseemly odor to it. Let me explain one of the reasons that it may.

Under the Texas Penal Code Section 36.02, it indicates in part, and there is a bunch of different wording in parts to it but I will read potentially applicable parts that may have a ring to them.

A. a person commits an offense if he intentionally or knowingly, there are different words, but intentionally or knowingly solicits from another any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding.

An offense under the section is a felony under the second degree. It may be the "benefit" under this would have to go to the individual itself but since the law does not say, we will let somebody else determine that. But regardless, if a D.A. can force people or entities to pay in order to avoid being prosecuted, then no one is safe from extortion. Whether or not the entity receiving the benefit is worthy is not the issue.

Whether it is a criminal offense to get someone to agree to pay money to another in order to avoid being prosecuted under the law is raised here. Whether or not such conduct rises to the level of criminal status is for others to decide, but it sure smells like extortion, even if the law allows it. A fine institution like the LBJ School should not have to rely on extortion in order to funds its education.

Right now the legislature is meeting in Texas to try to fund our education. How tragic if it turns out it was legal to fund educational institutions just by threatening to prosecute if somebody does not pay the chosen school of the bullying law enforcement agency.

In Austin, the district attorney is allegedly investigating illegal payments. What irony if he will only drop charges as part of his official duties if you make the very kind of payments he was supposed to be investigating.

Sounds like the wolf is in charge of the hen house in Austin.

RECENT BIG EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Minnesota (Mr. KLINE) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLINE. Mr. Speaker, we have had several important events occur in the last weeks and days, and today of course we passed a very historic piece of legislation in the Emergency Supplemental Appropriations Act to make sure that our country is safer, that our troops have what they need for this war on terror.

All of this prompted me to think that it was time to sort of recap where we are, where we have been, where we are, and where we are going in this war against the Islamic extremists who attacked us so horrifically and so viciously on September 11.

We also have coming up tomorrow Military Spouse Appreciation Day, and that certainly is one of those events that the timing of which has come together to make me want to come to the floor and discuss with my colleagues our progress in this war on terror.

I hope to be joined by some more of my colleagues here in a minute. We had a little bit of scrambling to get the timing right. The early vote today had people out of pocket, as we used to say.

Let me start by just recapping some of the really, really big events that we have seen happen in the last few months. I have a picture here next to me that I think is absolutely astonishing in its implication.

These are women in Afghanistan who are serving now as police officers in the Afghani security forces. Just think about that. Before September 11, before we were attacked, before our country decided to step out and defend itself and freedom loving nations of the world by going after the brutal terrorists who had attacked us in Afghanistan, these women could not be seen in public without being shrouded from head to toe. They had no place in official Afghani society. They could not go to school.

It is remarkable to think what has happened with the free elections last year in Afghanistan that elected President Karzai and has resulted in women going to school, a woman, a 19-year-old Afghani woman being the first Afghani in history to cast a vote in a free election, and look at them today. To me it is just remarkable and speaks volumes about what has happened in the last couple of years and in the last few months.

Often we see the news here and I have got to tell you that our troops in Afghanistan and Iraq see the news as well. I was just over in both Afghanistan and Iraq in January of this year before the elections in Iraq, and I had the chance to talk to many of our soldiers and Marines who were engaged in combat. And they almost universally, their only complaint was that their story, the story of their hard work and their successes was not being told in the news, because the news that shows up on television and in our newspapers is so heavily weighted to the tough events.

It is a tough security situation in and around Baghdad. There is no question about it. But those soldiers and those Marines, they see the stories of the explosions and the attacks and they do not see the stories of their successes and the friendships that they are making and the progress they are making in helping free countries to become established as democracies in this world.

There is another picture which I want to put up here and share. And I know many of you have seen this picture many times and it speaks absolute volumes about the difference in Iraq today and when Saddam Hussein had the Iraqi people under his iron fist. What a telling story this young woman with the purple ink on her fingers indicating that she had voted. And I know when I was over in Iraq with my colleagues in January, and this was before this historic election, and we were talking with American forces and with Iraqi leaders including then the Interim Prime Minister Allawi, and the then U.S. Ambassador John Negroponte.

We were talking about the prospects for the election coming up and they were great concerns, you may remember, that the election could not go off on time, that no one would show up to vote. That it was going to be a disaster. And I can tell you that the American forces and the Iraqis and our coalition partners were adamant in saying that the elections must go forward. To not have those elections go forward on time would be a disaster, and one which it would be almost impossible to recover from.

And they told us, my colleagues and I, the five of us, three Republicans and two Democrats, and by the way, it is sometimes forgotten, I know that it is sometimes forgotten around America that we can come together and work together in a bipartisan way on a number of issues. And certainly taking care of our troops and doing everything we can to ensure victory in this absolutely tough war that we are engaged in is one of those times.

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But we were told by the leaders in Iraq that the elections must go forward, that they would go forward, and that there was security on a scale that had not been seen before, to do everything in the power of the Iraqi security forces and the Americans to make sure that the election took place.

I know that, like my colleagues, I was glued to the television and watching this election day unfold in Iraq, throughout the country; and I was astonished as the day unfolded that the Iraqis were coming, sometimes walking for miles, walking for miles to cast their vote and to proudly dip their finger in the purple ink and thus brand themselves to the terrorists as someone who has defied their threats, the threats to kill them and to cast their vote. They came by the millions and voted.

Today, we have seen this week the Iraqi government sworn in as a result of those elections. They get engaged in politics there like we do here, and not everybody agrees on everything. There was a great deal of wrangling going on there by people who do not have experience in a democracy, and I found that they engaged in it a lot of the same ways as we do here. They tried to cajole each other and threaten each other and twist each other's arms and make deals and move forward towards democracy.

So this week, May 3, Iraq's first democratically elected government in over half a century was sworn in. This event is yet another historic milestone in Iraq's progress toward a representative and transparent government. Our goal, can my colleagues imagine when we have a free Iraq, Iraq with a democratically elected government in power, the force that that free country will have in this region, the help that it will give us in the war on terror in which we are so heavily engaged?

The freedom epitomized by this picture in Afghanistan and this picture from Iraq is so important to our success in defeating these Islamic extremists in gaining back peace for us and security and safety for us and for our neighbors and for the world.

Iraq's new prime minister, Mr. Jafari, has completed the selection of cabinet members, and again, remember how tough this is to do, of different factions in Iraq. He is trying to work with all of them; and even though the Sunnis, in large measure, had boycotted the January election, they have been seeking to be included in this government. I think it is fair and safe to say that many of them wish that they had not chosen to boycott, that they, too, had chosen to walk the miles and stick their finger in the ink and be a part of this great step for freedom and democracy in the world.

According to the report that I am looking at here, the position of defense minister will now be held by a Sunni Arab, even though the Sunnis had largely boycotted the election. The current composition of the cabinet is as follows: 15 Shiite Arab ministers, 7 Kurds, 4 Sunnis, and 1 Christian. This newly formed cabinet is now tasked to write a permanent Iraqi Constitution and must organize fresh elections for the end of this year. This process continues, ever growing, ever adding to their freedom and to democracy in that country, and thereby, I believe, very strongly, adding to our own security and to a better world.

Now, we know that the fight still goes on, and we see those news reports that the soldiers and Marines were a little bit unhappy. But unhappy or not, the facts are that it is still pretty tough out there, and our soldiers and Marines are engaged in combat. U.S. and Iraqi forces have captured over 100 insurgents in Baghdad in 1 day this week. Twelve al Qaeda members were killed close to the Syrian border on Monday of this week. The fighting goes on.

We took, as I said in my opening comments, a very important step today in passing the supplemental funding bill. It did some very major things, and I see that one of my colleagues has walked in, and I do not know if he is ready to talk about that bill. I see a nod from his head, and so I would be happy to yield to the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL of Texas. Mr. Speaker, I would like to thank the gentleman for his leadership on this issue.

As I look at the poster of the purple finger, I can only think back to the State of the Union address where the President stood right here, talked about the brave men and women fighting in Iraq, and many of us stood with our purple fingers in the air in solidarity with the Iraqi people and the voters from Iraq who exercised that great freedom that great day.

I also recall the Norwoods who live in my district, Janet and Bill, who lost their son in Iraq as he fought to save seven Marines held hostage by insurgents, successfully freeing them and giving his own life in the process. I was proud to have authored a bill to name the Pflugerville post office after Byron Norwood, a true hero; and that is what Janet Norwood told me was such a great comfort. This is really what it is all about.

I rise today in support of America's brave troops in Iraq and Afghanistan and all over the world who are protecting the cause of freedom, both here and abroad.

Today, my colleagues and I showed this commitment to these young men and women of the Armed Forces by passing and sending to the President an emergency wartime supplemental aimed at giving our fighting forces the very best in equipment, intelligence, and support.

Included in this bill was $75.9 billion for defense-related spending, including improvements in troop armor, additional force protection and a desperately needed increase in military pay and health benefits so that military families are secured while their loved ones are on duty.

We additionally authorized funding for the FBI and the ATF to actively pursue drug and crime syndicates that are often fronts for laundering money to terrorist organizations.

I was pleased to see also that we included important funding to improve security here at home for such items as an additional 500 border patrol agents, 50 new immigration and customs investigators, 168 new enforcement agents and detention officers, and critically, almost 2,000 detention beds so as to limit the number of illegal border crossings which pose a threat to our national security.

We also successfully included almost all the provisions of the REAL ID Act that passed the House last month in this Chamber, including provisions on political asylum, border infrastructure, and basic Federal standards to State driver's licenses that will make it more difficult to counterfeit identification in this country. Let us not forget, the 19 hijackers on September 11 had over 63 fraudulent and false identification cards on them.

This coming Sunday, May 8, we celebrate the 60th anniversary of our victory in Europe, and that victory came at a great cost, but it was a great accomplishment. We achieved that triumph because Americans banded together to show their support for the brave soldiers, to ensure them that their cause was just.

Today, we fight the same causes of human dignity and freedom; and though it comes at a cost, we must be vigilant and see it through to the end. We are winning in Iraq and Afghanistan; and because of our efforts there, freedom is winning in Ukraine, in Georgia, in Lebanon, and Egypt. However, there are still groups of people in this world who hate us, who think they can defeat us, who look to shake the very foundations of our determination by hitting us here at home.

We have achieved a good beginning for securing our Nation at home, and I want to thank my colleagues and the administration for that effort. I and 44 of my colleagues from both sides of the aisle drafted a letter to the gentleman from Kentucky (Mr. ROGERS), chairman of the Committee on Appropriations Subcommittee on Homeland Security, and the gentleman from California (Mr. LEWIS), chairman of the House Committee on Appropriations, where we asked for full funding for the recommendations the 9/11 Commission made and what was authorized in the intelligence bill for 200 border patrol agents, 800 interior investigators, and 8,000 detention beds authorized in the Intelligence Reform Act.

In the post-9/11 world, this is no longer just an immigration issue. It is one regarding national security. As a former counterterrorism prosecutor in the Justice Department whose jurisdiction included the Mexican border, I experienced it firsthand.

I am pleased that in addition to the 500 new border patrol agents in this bill, we were successful in getting full funding for 2,000 new agents in the Homeland Security Authorization bill which passed last week by that committee, of which I am a proud member; and I hope to see this bill voted on by this Chamber in the next few weeks.

However, we have a long way to go. We need more detention beds to hold people who cross the border illegally. We need more interior investigators; and by securing our borders, we protect ourselves from terrorist threats. I look forward to continuing our work to make sure the terrorists do not get past our borders.

If we look around the world and what is happening on the world stage, dictatorships around the world have begun to fall like dominos, and democracies are rising in their place. We have much to be hopeful and optimistic about, but we have a lot of work left to do. This is an issue that crosses party lines, and I am excited about the cooperation that we have had on the other side of the aisle.

We recently saw another crucial victory in the war on terror, with the capture of the number three al Qaeda operative Abu Farraj al-Libi. By removing this direct threat to our country, we have taken another step towards peace; and because of it, the world is a safer place. I commend Pakistan for their efforts that brought this man to justice and recognize our troops and the soldiers of other nations that are working jointly to eradicate terror from the globe.

When President Bush pledged to fight terrorism in the days following September 11 with a mission and a megaphone on Ground Zero, he sent a clear message to the insurgents. Let today serve as a reminder of that message and of vindication for all those who lost loved ones at the hands of evil.

As long as we are asking the men and women of America's Armed Forces to risk their very lives to defend freedom and protect our Nation, so, too, we must not fail to do our part by supporting them and by funding our border security. Our troops are doing their job and doing it well, but it is time now for us in the Congress to do our part.

I would like to thank the gentleman for his leadership on the issue.

Mr. KLINE. Mr. Speaker, I thank the gentleman for his remarks today and for his passion about the issues.

We did many things in passing this supplemental, and the details on enhancing our border security are part of our war against the Islamic extremists in this war on terrorism. Those are important steps that we took today in terms of funding and beefing up that security that is so important to our safety here at home.

We did a number of other things in this bill that I think it is useful for us to think about and talk about for just a minute. Clearly, the bulk of the money that we are going to appropriate today, almost $76 billion, went for defense, things that our troops need in order to win in this war.

Today, in the Committee on Armed Services, we had a hearing and listened to testimony from generals in the Army and the Marine Corps about the progress that we are making in adding armor to our vehicles, to our wheeled vehicles in Iraq and Afghanistan and the Horn of Africa, and we are making progress. It seems never enough, armor's not thick enough, there is not enough of it. We should never be satisfied, I suppose, until every soldier and Marine is fully protected; but that is simply not possible.

This is a war. It is combat. We need to make sure that we are doing everything that we can to provide our soldiers and Marines with the tools that they need and yet know that combat is a dangerous and, sadly, sometimes fatal business.

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I know in our office this week we have been very saddened. My Legislative Director, Miss Jean Hinz, lost her cousin, a Marine, who was killed flying an F-18 over Iraq. These stories wrench at your heart as you put the human and personal face on the result of the sacrifices that our troops are making in Iraq and Afghanistan and around the world.

We did something else in this bill that I think is important that we remember. We need very much for our new Democratic allies in the region, the people of Iraq and Afghanistan, to succeed. So we added money to help the people of Afghanistan, these women and their families and their fellow Afghani citizens, $1.7 billion to help them in Afghanistan. It is important for their development, it is important as they reach for democracy, and it is important for us as we seek victory in this war and peace in the world.

Well, it has been mentioned a time or two that we have a convergence of events here. I think most of my colleagues and most Americans know, or they will remember in sort of a cold sweat here in the next day or so, that this Sunday is Mother's Day, and I know there is always a rush to get those flowers and buy the candy and do those things. Tomorrow is also Military Spouse Appreciation Day. What a nice occurrence that we have Military Spouse Appreciation Day coming together with Mother's Day. This year Military Spouse Appreciation Day falls on the 6th, which is tomorrow. We celebrate this day each year on the Friday before Mother's Day.

So, you see, the confluence of those two events is not an accident, but a reinforcing one of the other. Military Spouse Appreciation Day is set aside to honor the many men and women who bravely support their spouses in uniform, and this reminds us of the importance of the families of our soldiers and sailors, airmen and Marines who are making such sacrifices. So in the supplemental bill which we just passed, we add money for life insurance, we add money to give to the families of the soldiers who lose their lives, a death gratuity increase from $12,000 to $100,000 and the life insurance from $250,000 to $400,000.

We need to keep these families in mind. And I have another picture here, a scene seen so often as a member of our Armed Forces prepares to leave or comes home from or to the loving arms of his or her family. We need to make sure that we are doing the things that we can, those of us in this body, my colleagues and I, to make sure we are doing everything, not only for the soldier, but for the child as well.

So as we recognize Military Spouse Appreciation Day, I think we need to do it in the context of the family, of the military family. Now more than ever it is particularly important to recognize and celebrate, and celebrate, our military spouses, those thousands who remain on the home front while their spouses have been deployed overseas to help fight in this war on terror. Like our military men and women, the military spouse's bravery goes unparalleled. They remain the strength that we do not always see but is ever present. And I know that is true from my own experience in the military, the importance of that family and the love that goes with it.

This weekend we take the time to appreciate all military spouses and moms nationwide for their strength, unity, patriotism and bravery. Their jobs are not easy, but it is these wonderful individuals that keep this country strong and remind us every day, remind us every day, of what we are fighting for.

So on this weekend we want to say thank you to the military spouses across the Nation and, of course, happy Mother's Day to our mothers. And I, like many of you, will need to be on my way to the store to buy that box of candy. Such a simple gesture, but every gesture we make reaching out to those that are so important in our own lives and to our men and women in uniform is something we have to do.

I have one more picture I would like to put up as a way of kind of wrapping up my thoughts and comments today. Thanks for your support, the sign says, with these servicemen and women. And that thanks for your support needs to go every way in our country; them to their families, them to the rest of us in America, and we, the rest of us in America, to them and to our neighbors around the world. It takes support, it takes family support, it takes all of our support for our men and women in combat. And I believe it is incumbent upon all of us, all my colleagues, all Americans, every day in every way that we can to tell our men and women in uniform how much we love them and care for them and want to ensure their success and make sure that they have everything that they need in order to win this war.

So sort of wrapping up, if you look back to what we have done, and sometimes we forget, we now have free men and women in Afghanistan for the first time ever. A democracy in Afghanistan. The first time ever in 5,000 years. There were women who could not go outside the house who are now serving proudly, serving their country and serving their fellow citizens proudly, and looking forward to the advancements of democracy in that country and giving them some hope for the future. One of the poorest countries in the world beaten down by the brutal dictatorship under the Taliban and now free in a democracy growing with hope for the future.

And in Iraq, in Iraq, the purple fingers, the Iraqis walking for miles, defying threats of death to vote in a free election and establishing Iraq not as a haven for terrorists, not as the home of a brutal dictator killing tens and hundreds of thousands of his own people, but as a free democracy.

Then, as we look at the progress our troops are making, their successes in battle, their successes in establishing relationships with the people of Afghanistan and of Iraq, their successes in helping rebuild the infrastructure, we have much to be thankful for, my colleagues. But let us remember that it is not easy and it is not over, and it will take our continued vigilance in making sure that we are supporting our troops, expressing our love and support, and as we might say around here, making sure we are putting our money where our mouth is.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANTOS (at the request of Ms. PELOSI) for today after 1:00 p.m.

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. DAVIS of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 12.

Mr. POE, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 4, 2005 he presented to the President of the United States, for his approval, the following joint resolutions.

H.J. Res. 19. Providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 20. Providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. KLINE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, May 9, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1845. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S.

military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

1846. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations — received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1847. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Administrative Collection of Civil Penalties in the Iranian Assets Control Regulations, the Libyan Sanctions Regulations, and the Iraqi Sanctions Regulations — received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1848. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Syrian Sanctions Regulations — received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1849. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1850. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1851. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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1867. A letter from the Presidential Appointment Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1868. A letter from the Presidential Appointment Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1869. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Presidential Records Act Procedures (RIN: 3095-AB40) received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1870. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076-AE52) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1871. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule — Public Conduct on Reclamation Lands and Projects: Extension of Expiration Date (RIN: 1006-AA49) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1872. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2005 Season (RIN: 1018-AT77) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1873. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Riverside Fairy Shrimp (Streptocephalus woottoni) (RIN: 1018-AT42) received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1874. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arroyo Toad (Bufo californicus) (RIN: 1018-AT42) received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1875. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 04112633-5040-02; I.D. 032505B] received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 041126332-5039-02; I.D. 031105A] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1877. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 031105B] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1878. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Specifications [Docket No. 050125017-5068-02; I.D. 011905E] (RIN: 0648-AR57) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1879. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Western Alaska Community Development Quota Program [Docket No. 041110318-5055; I.D110504E] (RIN: 0648-AS00) received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1880. A letter from the Acting Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: Home Based Business — received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1881. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502: Application of Section 108 to Members of a Consolidated Group [TD 9192] (RIN: 1545-BC38) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1882. A letter from the Acting Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 704(c), Installment Obligations and Contributed Contracts [TD 9193] (RIN: 1545-BB65) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1883. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits. (Rev. Rul. 2005-14) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1884. A letter from the Acting Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Adjustments in Computing Alternative Minimum Taxable Income (Rev. Rul. 2005-11) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1885. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Nonpayment of Benefits When the Social Security Administration Receives Notice that an Insured Person is Deported or Removed from the United States [Regulations No. 4] (RIN: 0960-AG16) received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 748. A bill to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes (Rept. 109–51 Pt. 2). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1279. A bill to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes; with an amendment (Rept. 109-74). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr KIRK, Mr. DAVIS of Illinois, Mr. JOHNSON of Illinois, Mr. SHIMKUS, Mr. RUSH, Mr. EVANS, Mr. HYDE, Mrs. BIGGERT, Mr. MANZULLO, Mr. LAHOOD, Mr. COSTELLO, Mr. JACKSON of Illinois, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Ms. BEAN, Mr. HASTERT, and Mr. EMANUEL):

H.R. 2113. A bill to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building"; to the Committee on Government Reform.

By Mr. WELLER:

H.R. 2114. A bill to suspend temporarily the duty on 1-propene-2-methyl homopolymer; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2115. A bill to suspend temporarily the duty on Acronal-S-600; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2116. A bill to suspend temporarily the duty on Lucirin TPO; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2117. A bill to suspend temporarily the duty on Astacin Finish PUM; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2118. A bill to suspend temporarily the duty on Sokalan PG IME; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2119. A bill to suspend temporarily the duty on Paliotol Yellow L 2140 HD; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2120. A bill to suspend temporarily the duty on Lycopene 10% 25kg 4G 3; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. JEFFERSON):

H.R. 2121. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Ms. LEE, Mr. WEXLER, Mr. SCHIFF, Ms. WOOLSEY, Mr. SANDERS, Mr. MILLER of North Carolina, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Ms. ROYBAL-ALLARD, Mr. CONYERS, Mr. SHAYS, Mr. OWENS, Mr. CROWLEY, and Mr. MCGOVERN):

H.R. 2122. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. REGULA, Mr. CUNNINGHAM, Mr. PUTNAM, and Mr. SULLIVAN):

H.R. 2123. A bill to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida:

H.R. 2124. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 2125. A bill to provide that unremarried former spouses of retired and career members of the Armed Forces shall be entitled to military health care and commissary and exchange benefits if married for at least 10 years during the member's military service and if the former spouse left the marriage due to domestic violence or unbearable conditions; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 2126. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widow's or widower's insurance benefits; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 2127. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2128. A bill to suspend temporarily the duty on cosmetic bags with a flexible outer surface of reinforced or laminated polyvinyl chloride (PVC); to the Committee on Ways and Means.

By Mr. EHLERS (for himself, Mr. KIRK, Mr. DINGELL, Mr. PETRI, Mr. KILDEE, Mr. UPTON, Mr. EVANS, Mr. CAMP, Mr. LEVIN, Ms. KAPTUR, Ms. SLAUGHTER, Mr. MCHUGH, Mr. LAHOOD, Mr. KIND, Ms. KILPATRICK of Michigan, Mrs. JONES of Ohio, Mr. JOHNSON of Illinois, and Mr. MCCOTTER):

H.R. 2129. A bill to improve the coordination of programs for the Great Lakes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, Agriculture, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 2130. A bill to amend the Marine Mammal Protection Act of 1972 to authorize research programs to better understand and protect marine mammals, and for other purposes; to the Committee on Resources.

By Mr. EDWARDS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COSTA, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Ms.

NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2131. A bill to improve benefits for members of the Armed Forces and veterans and for their dependents and survivors; to the Committee on Veterans' Affairs, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. GEORGE MILLER of California, and Mr. KILDEE):

H.R. 2132. A bill to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency; to the Committee on Education and the Workforce.

By Ms. BALDWIN (for herself, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. RANGEL, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. STARK, Mr. OBEY, Mr. OWENS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2133. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mrs. NAPOLITANO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LEWIS of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. BACA, Mr. BEAUPREZ, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. GRIJALVA, Mr. WELLER, Ms. BERKLEY, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. CLYBURN, Mr. CO[illegible]A, Mr. CROWLEY, Mr. CUELLAR, Ms. DELAURO, Mr. DOGGETT, Mr. F[illegible]EOMAVAEGA, Mr. FILNER, Mr. GONZ[illegible]Z, Mr. AL GREEN of Texas, Mr. GE[illegible] GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. NORTON, Mr. HON[illegible], Mr. ISRA[illegible], Ms. JACKSON-LEE of Texas, Mr. C[illegible]ERS, Ms EDDIE BERNI[illegible] JOHNSON of Texas, Mr. LARSON of Connecticut, M[illegible] LEE, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. MEEK of Florida, Mr. MENENDEZ, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. ORTIZ, Mr. OWE[illegible] Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. REYES, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SOLIS, Mr. STARK, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WEINER, and Mr. WEXLER):

H.R. 2134. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; to the Committee on Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 2135. A bill to suspend temporarily the duty on Mixtures of methyl 4-iodo-2-3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (Iodosulfuron) and application adjuvants; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2136. A bill to suspend temporarily the duty on Ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl); to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2137. A bill to suspend temporarily the duty on 5-Cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenxoyl)i soxazole (Isoxaflutole); to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2138. A bill to suspend temporarily the duty on Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl)carboxamidosulfonylbenzoate; sodium (4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-ylc arbonyl) (2-methoxy carbonylphenylsulfonyl) azanide (Propoxycarbazone), methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl) ureidosulfonyl[benzoate, sodium salt (Mesosulfuron-methyl), and application adjuvants; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2139. A bill to suspend temporarily the duty on Methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-G6a-(methanesulfonamido)-p-toluate whether or not mixed with application adjuvants; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2140. A bill to suspend temporarily the duty on Mixtures of N,N-dimethyl-2[3-(4,6-dimethoxypyrimidin-2-yl)ureidosulfonyl]-4-formylaminobenzamide (Foramsulfuron), methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosul fonyl]benzoate, sodium salt (Iodosulfuron), and application adjuvants; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2141. A bill to suspend temporarily the duty on 1-Propanone, 2-methyl-1-[4-(methylthio)phenyl]-2-(4- morpholinyl)-(9cl); to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2142. A bill to suspend temporarily the duty on 1,6-Hexanediamine, N,N'- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl- 1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4- piperidinamine; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2143. A bill to suspend temporarily the duty on Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione,3 -[(9,10-dihydro-9,10-dioxo-1-anthracenyl)amino]-; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 2144. A bill to suspend temporarily the duty on Cobaltate(1-), bis[3-[[1-(3-chlorophenyl)-4,5-dihydro-3- methyl-5-(oxo-.kappa.O)-1H- pyrazol-4-yl]azo-.kappa.N1[-4-.(hydroxy-.kappa.O)- benzenesulfonamidato(2-)]-, sodium; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2145. A bill to suspend temporarily the duty on TMQ; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2146. A bill to suspend temporarily the duty on 4-ADPA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2147. A bill to suspend temporarily the duty on Vulkanox MB (MBI); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2148. A bill to suspend temporarily the duty on Vulcuren UPKA 1988; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2149. A bill to suspend temporarily the duty on Vullcanox 4010 NA/LG; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2150. A bill to suspend temporarily the duty on Vulkazon AFS/LG; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2151. A bill to suspend temporarily the duty on Vulkacit MOZ/LG and Vulkacit MOZ/SG; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2152. A bill to suspend temporarily the duty on Vulkanox ZMB-2/C5; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2153. A bill to suspend temporarily the duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2154. A bill to suspend temporarily the duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2155. A bill to suspend temporarily the duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2156. A bill to extend the duty suspension on 2,2-Dimethyl-3-(3-methylphenyl)propanal; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2157. A bill to extend the duty suspension on p-Methylacetophenone; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2158. A bill to extend the duty suspension on Cyclohexadec-8-en-1-one; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2159. A bill to extend the duty suspension on methanol, sodium salt; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2160. A bill to extend the duty suspension on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2161. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2162. A bill to extend the duty suspension on Methyl cinnamate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2163. A bill to extend the duty suspension on cyclohexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2164. A bill to extend the duty suspension on Thymol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2165. A bill to extend the duty suspension on Menthyl anthranilate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2166. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2167. A bill to extend the duty suspension on o-tert-Butylcyclohexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2168. A bill to extend the duty suspension on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2169. A bill to suspend temporarily the duty on Cohedur RL; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2170. A bill to extend the duty suspension on isothiocyanate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2171. A bill to extend the temporary suspension of duty on Vulkalent E/C; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2172. A bill to suspend temporarily the duty on MBTS; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2173. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. DeFazio, Mr. Farr, Ms. Hooley, Mr. Frank of Massachusetts, Mr. Blumenauer, Ms. Lee, and Ms. Woolsey):

H.R. 2174. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 2175. A bill to suspend temporarily the duty on certain rayon staple fibers; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. Goode, Mr. Cox, Mr. Price of Georgia, and Mr. Paul):

H.R. 2176. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. CHOCOLA (for himself, Mr. Neal of Massachusetts, Mr. Shaw, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. English of Pennsylvania, Mr. Hayworth, Mr. Weller, Mr. Lewis of Kentucky, Mr. Foley, Mr. Brady of Texas, Mr. Reynolds, Mr. Ryan of Wisconsin, Mr. Cantor, Mr. Beauprez, Ms. Hart, Mr. Cardin, Mr. Lewis of Georgia, Mr. McNulty, Mr. Jefferson, Mr. Ackerman, Mr. Alexander, Mr. Baca, Mr. Bachus, Mr. Bishop of New York, Mr. Bonilla, Mr. Boozman, Mr. Burton of Indiana, Mr. Buyer, Mr. Carter, Mr. Conaway, Mr. Culberson, Mr. Cunningham, Mr. Dent, Mr. Ferguson, Mr. Ford, Mr. Gallegly, Mr. Garrett of New Jersey, Mr. Gerlach, Mr. Goode, Mr. Gordon, Ms. Herseth, Mr. Higgins, Mr. Kennedy of Minnesota, Mr. Kildee, Ms. Kilpatrick of Michigan, Mr. Kline, Mr. Latham, Mr. Lynch, Mrs. McCarthy, Mr. McGovern, Mr. McHugh, Mrs. Miller of Michigan, Mrs. Myrick, Mr. Neugebauer, Mr. Pence, Mr. Pitts, Mr. Porter, Mr. Rogers of Michigan, Ms. Roybal-Allard, Mr. Shadegg, Mr. Shimkus, Mr. Smith of Washington, Mr. Terry, Mr. Thornberry, Mr. Van Hollen, and Mr. Wilson of South Carolina):

H.R. 2177. A bill to amend the Internal Revenue Code of 1986 to permit tax-free distributions from governmental retirement plans for premiums for health and long-term care insurance for public safety officers; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. Weiner, Mr. Van Hollen, Ms. Lee, Mr. Wynn, Mr. Rangel, Mrs. Christensen, Ms. Jackson-Lee of Texas, Mr. Thompson of Mississippi, Ms. Corrine Brown of Florida, Ms. Carson, Mr. Hinchey, Mr. Strickland, Mr. Andrews, Mr. Hinojosa, Mr. Davis of Alabama, Mr. Scott of Virginia, Mr. Wexler, Ms. Herseth, Ms. Bordallo, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Becerra, Mr. Hastings of Florida, Ms. Roybal-Allard, Mr. Davis of Illinois, Ms. Millender-McDonald, Mr. Jefferson, Mr. Stupak, Mr. Olver, Mr. Doyle, Mr. Holden, Mr. Clay, Mr. Rush, Mr. Cummings, Mr. Murtha, Mr. Bishop of Georgia, Ms. Norton, Mr. Meek of Florida, Mr. Payne, Ms. Waters, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Mr. Jackson of Illinois, Mr. Conyers, Ms. Eddie Bernice Johnson of Texas, Ms. Eshoo, Mr. Watt, Ms. Kilpatrick of Michigan, Mr. Brady of Pennsylvania, Mr. Neal of Massachusetts, Mr. Meeks of New York, Mr. Allen, Mr. Ackerman, Mr. Menendez, Mr. Mollohan, Mr. Butterfield, Mr. Filner, Mr. Owens, Mr. Abercrombie, Mr. Clyburn, Ms. Woolsey, Mr. Doggett, Mr. Berman, Mrs. Maloney, Mr. Nadler, Mr. Kucinich, Ms. Schwartz of Pennsylvania, Mr. Tierney, and Mr. Moore of Kansas):

H.R. 2178. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FORBES:

H.R. 2179. A bill to extend the suspension of duty on hexanedioic acid, polymer with 1,3-benzenedimethanamine; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 2180. A bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of variable contracts issued by life insurance companies subject to the laws of Puerto Rico; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 2181. A bill to amend the Internal Revenue Code of 1986 to allow the manufacturing deduction provided by the American Jobs Creation Act of 2004 with respect to income attributable to domestic production activities in Puerto Rico; to the Committee on Ways and Means.

By Mr. FORTUÑO (for himself and Mr. Ryan of Wisconsin):

H.R. 2182. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mrs. McCarthy, Mr. King of New York, Mr. Meeks of New York, Mr. Towns, Mr. Engel, Mr. Reynolds, Mr. Crowley, Mr. Ackerman, Mr. Bishop of New York, Mr. Higgins, Ms. Slaughter, Mr. Kuhl of New York, Mr. Boehlert, Mrs. Lowey, Mr. McNulty, Mr. Rangel, Mr. Serrano, Mr. McHugh, Mr. Walsh, Mr. Weiner, Mrs. Maloney, Mr. Owens, Mr. Israel, Mr. Nadler, Mrs. Kelly, Mr. Hinchey, Mr. Sweeney, and Ms. Velázquez):

H.R. 2183. A bill to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office"; to the Committee on Government Reform.

By Mr. HOLT:

H.R. 2184. A bill to provide for a study by the Institute of Medicine of the National Academy of Sciences to identify constraints encountered by schools of nursing in admitting and graduating the number of nurses sufficient to meet the health care needs of the United States, and for other purposes; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2185. A bill to amend title 23, United States Code, to allocate transportation funds to metropolitan areas and increase planning funds to relieve metropolitan congestion, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KLINE:

H.R. 2186. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself, Mr. Shays, and Mr. Van Hollen):

H.R. 2187. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Government Reform.

By Mr. LANGEVIN (for himself, Mr. Lynch, Mr. Sanders, Ms. Harris, Mrs. McCarthy, Mrs. Christensen, Ms. McCollum of Minnesota, Mr. Butterfield, Mr. McDermott, Mr. Rangel, Mr. Kildee, Mr. Salazar, Mr. Grijalva, Mr. Brown of Ohio, and Mr. Kennedy of Rhode Island):

H.R. 2188. A bill to amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission cemetery; to the Committee on Veterans' Affairs.

By Mrs. LOWEY:

H.R. 2189. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2190. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2191. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2192. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. TOWNS, Mr. SCHIFF, Mr. McCOTTER, Mr. SANDERS, Mr. McDERMOTT, Mr. BROWN of Ohio, Mrs. McCARTHY, Mr. OBERSTAR, Mr. SCOTT of Georgia, Mr. RANGEL, Mr. GRIJALVA, Mr. OLVER, Mr. RUPPERSBERGER, Mr. RUSH, Mr. HOLDEN, Mr. MORAN of Virginia, Mr. ROSS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOLEY, Mr. WEINER, Mr. HINCHEY, Ms. KAPTUR, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. LANTOS, Mr. STRICKLAND, Mr. FILNER, Mr. McGOVERN, Mr. KILDEE, Mrs. CAPPS, Mrs. CAPITO, Ms. NORTON, and Mr. ALEXANDER):

H.R. 2193. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 2194. A bill to amend title 18, United States Code, to provide additional protections for law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 2195. A bill to provide for the withdrawal of the drug OxyContin from the commercial market; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. RANGEL, Mr. HINCHEY, and Mrs. McCARTHY):

H.R. 2196. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 2197. A bill to provide health benefits for workers and their families; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. RYAN of Wisconsin, and Mr. GREEN of Wisconsin):

H.R. 2198. A bill to suspend temporarily the duty on fixed ratio speed changers for truck-mounted concrete mixers; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. KILDEE, Mrs. McCARTHY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. McNULTY, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Ms. LEE, Mr. PAYNE, Ms. WOOLSEY, and Mr. BUTTERFIELD):

H.R. 2199. A bill to provide for compassionate payments with regard to individuals who contracted human immunodeficiency virus due to the provision of a contaminated blood transfusion, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 2200. A bill to amend part D of title XVIII of the Social Security Act to provide to the Secretary of Health and Human Services authority similar to the authority of the Secretary of Veterans Affairs to negotiate the lowest possible prices for outpatient prescription drugs, to include in the determination of best price for covered outpatient drugs under the Medicaid Program prices charged by manufacturers to certain Federal agencies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 2201. A bill to amend chapter 7 of title 11 of the United States Code, to exclude medically distress debtors from the application of the means test, to amend the Truth in Lending Act to require certain disclosures in connection with credit card applications and solicitations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mr. KUHL of New York, Mr. MILLER of Florida, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2202. A bill to amend the Internal Revenue Code of 1986 to increase the base and adjusted base amounts used for purposes of determining the amount of Social Security benefits excluded from gross income; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 2203. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable and advancable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, and Mr. FOLEY):

H.R. 2204. A bill to amend the Internal Revenue Code of 1986 to impose penalties for the failure of 527 organizations to comply with disclosure requirements; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI:

H.R. 2205. A bill to amend title 5, United States Code, to extend the veterans' preference provisions of such title to individuals who served on active duty in the armed forces for a period of more than 180 consecutive days any part of which occurred after September 11, 2001, and before January 1, 2006, and separated from the armed forces under honorable conditions; to the Committee on Government Reform.

By Mr. ISRAEL (for himself, Mr. LANTOS, Mr. WEXLER, Mr. CHABOT, Mr. BERMAN, Mr. RANGEL, Mr. PENCE, Mr. SCHIFF, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. WOLF, Mr. ACKERMAN, Mr. KIRK, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. WEINER, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. FRANKS of Arizona, Mr. WYNN, Mrs. KELLY, Mr. VAN HOLLEN, Mr. PLATTS, Ms. BERKLEY, Mr. FOSSELLA, Mrs. McCARTHY, Mr. McCOTTER, Mr. BISHOP of New York, Mr. OTTER, and Ms. SCHWARTZ of Pennsylvania):

H.J. Res. 48. A joint resolution conferring honorary citizenship of the United States on Anne Frank; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. SHIMKUS, Mr. JOHNSON of Illinois, and Mr. HOBSON):

H. Con. Res. 145. Concurrent resolution expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself and Mr. ROHRABACHER):

H. Con. Res. 146. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on International Relations.

By Mr. PAUL:

H. Con. Res. 147. Concurrent resolution supporting the designation of a National American Waters Heritage Month each year; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas:

H. Res. 263. A resolution recognizing the Honorable Andrew L. Jefferson, Jr., on the occasion of the establishment of an endowment for trial advocacy called the "Andrew L. Jefferson Endowment for Trial Advocacy" at Texas Southern University's Thurgood Marshall School of Law in Houston, Texas; to the Committee on the Judiciary.

By Mr. WELDON of Florida:

H. Res. 264. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. BERKLEY (for herself and Mr. Burgess):

H. Res. 265. A resolution supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month; to the Committee on Energy and Commerce.

By Mr. HEFLEY (for himself and Mr. Stupak):

H. Res. 266. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Ms. HOOLEY:

H. Res. 267. A resolution providing for consideration of the bill (H.R. 376) to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs on behalf of Medicare beneficiaries; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. Gibbons and Mr. Langevin.

H.R. 25: Mr. Young of Alaska.

H.R. 36: Mr. Pence.

H.R. 98: Mr. Burton of Indiana.

H.R. 131: Ms. Hooley and Mr. Waxman.

H.R. 147: Ms. Bean and Mr. Osborne.

H.R. 154: Mrs. Maloney and Mr. Stupak.

H.R. 166: Mr. Lewis of Georgia.

H.R. 215: Mr. Smith of New Jersey, Mr. Chandler, Mr. Price of North Carolina, Mr. Simmons, and Mr. Allen.

H.R. 282: Mr. Bilirakis, Mr. Ramstad, Mr. Tiberi, Mr. Kind, and Mr. Brady of Pennsylvania.

H.R. 284: Mr. George Miller of California.

H.R. 297: Mr. Waxman, Mr. Weiner, Ms. Zoe Lofgren of California, and Mr. Bishop of New York.

H.R. 303: Mr. Bishop of New York.

H.R. 304: Mr. Wexler.

H.R. 312: Ms. Norton, Mr. Lynch, Mrs. Christensen, Mr. Holden, Mr. Towns, Mr. Faleomavaega, Ms. Wasserman Schultz, Ms. Kilpatrick of Michigan, Mrs. McCarthy, Mr. Holt, Mr. Weiner, Mrs. Myrick, Mr. Jefferson, Mr. Higgins, Mr. Owens, Mr. Oberstar, Mr. Barrow, Mr. Wu, Mr. Levin, Mr. Cummings, Mr. Marshall, Mr. Becerra, Mr. Inglis of South Carolina, Mr. Bachus, Mr. Davis of Illinois, Mr. McGovern, Ms. Harris, Mr. Farr, Mr. Garrett of New Jersey, Mr. Doolittle, Mr. LaHood, Mr. Neal of Massachusetts, Mr. Capuano, Mr. Al Green of Texas, Mr. Hastings of Florida, and Mr. Hinchey.

H.R. 323: Mr. Higgins.

H.R. 331: Ms. Wasserman Schultz.

H.R. 341: Mrs. McCarthy.

H.R. 371: Mr. Bilirakis.

H.R. 376: Mr. Oberstar.

H.R. 389: Mr. Saxton.

H.R. 420: Mrs. Cubin.

H.R. 475: Mr. Meeks of New York and Mr. Meek of Florida.

H.R. 501: Mr. Sanders, Mr. Ryan of Ohio, Mr. Case, Mr. Doggett, Mr. Pascrell, and Ms. Schakowsky.

H.R. 537: Mr. Linder.

H.R. 550: Ms. Slaughter.

H.R. 551: Mr. DeFazio and Mr. Pallone.

H.R. 554: Mr. Saxton and Mrs. Northup.

H.R. 558: Mr. Moran of Kansas, Mr. Boustany, and Mr. Sanders.

H.R. 575: Mr. Stark.

H.R. 581: Mr. Jenkins.

H.R. 583: Mr. Gilchrest, Mr. Schwarz of Michigan, and Mr. Smith of Washington.

H.R. 613: Mr. Udall of Colorado.

H.R. 676: Mr. Wynn, Mr. Stark, Mr. Farr, Ms. Lee, Ms. Watson, Mr. Cummings, Mr. Hinchey, and Mr. Abercrombie.

H.R. 688: Mr. Alexander.

H.R. 698: Mr. Davis of Kentucky, Mr. Everett, and Mr. Wamp.

H.R. 699: Mr. Terry, Mr. Wexler, Mr. Lucas, and Mr. Davis of Kentucky.

H.R. 700: Mr. Frank of Massachusetts, Mr. Filner, and Mr. DeFazio.

H.R. 710: Mr. Bishop of Georgia, Mr. Boswell, and Ms. Hooley.

H.R. 713: Mr. Rehberg.

H.R. 719: Mr. Costello, Mr. Ross, and Mr. Johnson of Illinois.

H.R. 737: Mr. Cummings.

H.R. 759: Ms. Eddie Bernice Johnson of Texas.

H.R. 761: Mr. Miller of North Carolina, Mr. Thompson of California, and Ms. Pelosi.

H.R. 765: Mr. Beauprez, Mr. Simmons, and Mr. LaHood.

H.R. 791: Mr. Cleaver, Mrs. Jones of Ohio, and Mr. Higgins.

H.R. 793: Mr. Goodlatte.

H.R. 808: Ms. Baldwin, Mr. Barrow, Mr. Bishop of New York, Ms. DeLauro, Mr. Etheridge, Ms. Foxx, Mr. Johnson of Illinois, Mr. LoBiondo, Mr. Mack, Mr. Petri, Ms. Schakowsky, Ms. Slaughter, Mr. Tanner, and Mr. Udall of Colorado.

H.R. 817: Mr. Porter, Mr. Renzi, Mr. Ryan of Wisconsin, Mr. Smith of Washington, and Mr. Kennedy of Minnesota.

H.R. 819: Mr. Rogers of Michigan and Mr. Knollenberg.

H.R. 827: Ms. Eshoo.

H.R. 831: Mr. Frank of Massachusetts and Mr. Case.

H.R. 844: Mr. Simmons, Ms. Jackson-Lee of Texas, and Mr. Sanders.

H.R. 846: Mrs. Christensen.

H.R. 877: Ms. Slaughter and Mr. Pascrell.

H.R. 896: Mr. Tiberi and Mr. Osborne.

H.R. 908: Mr. Lipinski.

H.R. 921: Ms. Jackson-Lee of Texas.

H.R. 923: Mr. Bishop of New York and Mr. Hulshof.

H.R. 925: Mr. Hayworth.

H.R. 930: Mr. Herger, Mr. Scott of Georgia, and Mr. Bachus.

H.R. 934: Ms. Slaughter and Mr. LaHood.

H.R. 935: Mr. Issa and Mr. Tiberi.

H.R. 946: Mr. Brady of Pennsylvania.

H.R. 949: Mr. Cunningham.

H.R. 968: Ms. Schakowsky, Mr. Tanner, and Mr. Israel.

H.R. 977: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 978: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 979: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 980: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 981: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 995: Mr. Shaw.

H.R. 997: Mr. Saxton, Mr. Tiahrt, and Mr. Neugebauer.

H.R. 1002: Mr. Platts, Mr. Dingell, and Mr. Watt.

H.R. 1028: Mr. Souder, Mr. Barrett of South Carolina, and Mr. Sam Johnson of Texas.

H.R. 1048: Mr. Lipinski.

H.R. 1100: Mr. Linder.

H.R. 1150: Mr. Jones of North Carolina.

H.R. 1156: Mr. Manzullo.

H.R. 1175: Mr. Ramstad.

H.R. 1182: Ms. McCollum of Minnesota and Ms. Eddie Bernice Johnson of Texas.

H.R. 1218: Mr. Lipinski.

H.R. 1243: Mr. Jenkins, Mrs. Capito, Mr. Franks of Arizona, Mr. McCotter, and Mr. Rogers of Alabama.

H.R. 1251: Mr. Holt.

H.R. 1259: Mr. Lewis of Georgia.

H.R. 1269: Mr. Cummings.

H.R. 1279: Mr. Tiberi.

H.R. 1288: Mr. Michaud, Mr. Bonner, Mr. Murtha, Mr. Boustany, Ms. Ros-Lehtinen, Mr. Paul, Mr. Taylor of Mississippi, Mrs. Northup, Mr. Schwarz of Michigan, Mr. Gerlach, Mr. Crenshaw, Mr. Davis of Kentucky, Mr. Melancon, Mr. Sodrel, and Mr. Goode.

H.R. 1295: Mr. Cox, Mr. Price of Georgia, and Mr. Fossella.

H.R. 1298: Mr. Higgins.

H.R. 1306: Ms. Foxx, Mr. Gordon, Mr. Rangel, Mr. Carnahan, and Mr. DeLay.

H.R. 1307: Mr. Andrews, Mr. Saxton, and Mr. Menendez.

H.R. 1308: Mr. Miller of Florida, Mr. McGovern, Mr. McDermott, Mr. Wamp, and Mr. Simmons.

H.R. 1309: Mr. Lewis of Georgia.

H.R. 1316: Mr. Hensarling, Mr. Pombo, Mr. Ryun of Kansas, Mr. Price of Georgia, Mr. Westmoreland, Mr. Kline, and Mr. Daniel E. Lungren of California.

H.R. 1330: Mr. McGovern.

H.R. 1351: Mr. Moran of Kansas.

H.R. 1352: Ms. Linda T. Sánchez of California, Mr. Pallone, Mrs. Emerson, Mr. Hinchey, Mr. Garrett of New Jersey, Mr. Scott of Virginia, Mr. Conyers, Ms. Kaptur, Mr. Engel, Mr. Etheridge, Mr. Kildee, Ms. Eddie Bernice Johnson of Texas, Mr. Shays, Mr. Payne, Mrs. Jones of Ohio, Mr. Meehan, Mr. Jackson of Illinois, and Mr. Sherman.

H.R. 1365: Mr. Davis of Alabama.

H.R. 1366: Mr. Hayes and Mr. Price of North Carolina.

H.R. 1376: Mr. Wexler.

H.R. 1380: Mrs. Jo Ann Davis of Virginia, Mr. Allen, and Mr. Turner.

H.R. 1401: Mr. Hinchey.

H.R. 1402: Ms. DeLauro.

H.R. 1405: Mr. Miller of North Carolina and Mr. Thompson of Mississippi.

H.R. 1409: Mr. Udall of Colorado, Mr. Schwarz of Michigan, Mr. Sanders, Mr. Wexler, Mr. Moore of Kansas, and Mr. Smith of New Jersey.

H.R. 1413: Mr. Simmons and Mr. Abercrombie.

H.R. 1419: Mr. McDermott.

H.R. 1424: Mrs. Jo Ann Davis of Virginia, Mr. Poe, Mr. Lipinski, Mr. Etheridge, Mr. Udall of New Mexico, and Ms. Slaughter.

H.R. 1426: Mr. Higgins, Mr. Inslee, Mr. Emanuel, Mr. Boehlert, Mr. Kind, and Mr. Simmons.

H.R. 1435: Mr. McDermott, Mr. Peterson of Minnesota, and Mr. Sanders.

H.R. 1443: Mr. Owens, Ms. Eshoo, Mrs. McCarthy, Mr. Weldon of Florida, and Mr. Osborne.

H.R. 1471: Mr. Crenshaw.

H.R. 1492: Mr. McDermott, Mr. Baca, Mr. Case, Ms. Jackson-Lee of Texas, Mr Abercrombie, Ms. Bordallo, Mr. Faleomavaega, Mr. McKeon, Mr. Udall of Colorado, Mr. Inslee, Mr. Foley, Mr. Filner, Mr. Rush, Mr. Davis of Illinois, Mr. Radanovich, Mr. Issa, Mr. Cardoza, Mr. Lewis of California, Mr. Calvert, Mr. Boozman, Mrs. Bono, Mr. Daniel E. Lungren of California, Mr. Farr, Mr. Thompson of California, Ms. Roybal-Allard, Ms. Granger, Mr. Simmons, Mr. English of Pennsylvania, Mr. Shays, Mr. Conyers, Mr. McCrery, Mr. Kildee, Mrs. Christensen, Mr. Grijalva, Mr. Smith of Washington, Mr. Cooper, Mr. Waxman, Ms. Eshoo, Mr. Costa, Ms. Pelosi, Ms. Lee, Mrs. Tauscher, Mr. Lantos, Mrs. Capps, Ms. Solis, and Mr. Jindal.

H.R. 1505: Ms. Carson.

H.R. 1517: Mr. Hall.

H.R. 1520: Mr. Baker.

H.R. 1538: Mr. Weiner.

H.R. 1548: Mr. Alexander, Mr. Hostettler, Mr. Manzullo, Mr. Moran of Kansas, Mr. Hayworth, Mr. Spratt, Mr. Emanuel, and Mr. Boozman.

H.R. 1558: Mrs. Bono.

H.R. 1578: Mr. Clay, Mr. Boehner, Mr. English of Pennsylvania, Mr. Israel, and Mr. Hayworth.

H.R. 1588: Mr. Spratt.

H.R. 1591: Mr. Case, Mr. Inslee, Mr. Grijalva, Mr. Smith of Washington, and Mr. Kennedy of Minnesota.

H.R. 1592: Mr. Brown of Ohio, Mr. Case, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Kildee, Mr. Levin, and Mr. Upton.

H.R. 1594: Mrs. Drake.

H.R. 1613: Ms. DeLauro and Mr. Conyers.

H.R. 1630: Mr. Cuellar, Mr. Menendez, Mr. Lipinski, Mr. McNulty, Ms. Matsui, Ms. Berkley, Ms. Woolsey, Mr. Engel, Mr. Baca, Mr. Ackerman, Mr. Lantos, Mr. Rangel, Mr. Pastor, Mr. Moran of Virginia, Mr. Evans, Mr. Doyle, Mr. McGovern, Mr. Kildee, Mr. LoBiondo, and Mr. Udall of Colorado.

H.R. 1631: Mr. Cuellar, Mr. Menendez, Mr. Lipinski, Mr. McNulty, Ms. Matsui, Ms. Berkley, Ms. Woolsey, Mr. Engel, Mr. Baca, Mr. Ackerman, Mr. Lantos, Mr. Rangel, Mr. Pastor, Mr. Moran of Virginia, Mr. Evans, Mr. Doyle, Mr. McGovern, Mr. Kildee, and Mr. LoBiondo.

H.R. 1633: Mr. Oxley.

H.R. 1637: Mr. Porter.

H.R. 1638: Mr. Gutknecht.

H.R. 1649: Mr. Rothman.

H.R. 1652: Ms. Berkley, Ms. Linda T. Sánchez of California, Mr. Owens, Ms. Millender-McDonald, Ms. Lee, Mr. Berman, Mr. Meehan, and Ms. Harman.

H.R. 1663: Mrs. Blackburn, Mr. Sessions, and Mr. Kuhl of New York.

H.R. 1671: Mr. Conaway.

H.R. 1709: Mr. Kucinich, Mr. Jefferson, Mr. Price of North Carolina, Mrs. Davis of California, Mr. Clay, Mr. Emanuel, Ms. Moore of Wisconsin, Mr. McGovern, Ms. Berkley, Mr. Israel, Mr. Holt, and Ms. Carson.

H.R. 1738: Mr. Stark, Mr. Wu, and Ms. Woolsey.

H.R. 1745: Mr. McNulty, Mr. Kuhl of New York, Mrs. McCarthy, and Mr. Deal of Georgia.

H.R. 1760: Mr. Rothman, Mr. Frank of Massachusetts, and Mr. Rush.

H.R. 1769: Mr. McCaul of Texas.

H.R. 1770: Mr. Green of Wisconsin, Mr. Sam Johnson of Texas, and Mr. Issa.

H.R. 1776: Mr. Mack.

H.R. 1792: Mr. McDermott, Mr. Abercrombie, Mr. Grijalva, Mr. Stark, Mr. Kind, Mr. Conyers, Mr. Al Green of Texas, Mr. Wexler, and Mr. Brady of Pennsylvania.

H.R. 1819: Mr. Lewis of Georgia.

H.R. 1823: Mr. Frank of Massachusetts.

H.R. 1835: Mr. Cunningham, Mr. Owens, Mr. Case, Mr. Honda, and Mr. Filner.

H.R. 1851: Mr. Osborne, Mr. Rehberg, and Mr. Peterson of Minnesota.

H.R. 1879: Mr. Foley and Mr. Doolittle.

H.R. 1898: Mr. Brady of Pennsylvania, Mr. Hayworth, Mr. Porter, Mr. Gillmor, Mr. Oxley, Mr. English of Pennsylvania, Mr. Stearns, and Mr. Calvert.

H.R. 1932: Mr. Andrews.

H.R. 1946: Mr. Van Hollen, Mr. Stupak, Ms. Eddie Bernice Johnson of Texas, Ms. Zoe Lofgren of California, Mr. Farr, Mr. Waxman, Mr. Sanders, and Ms. Schakowsky.

H.R. 2014: Mr. Hinojosa, Mr. Ross, Mr. Sanders, Mr. Farr, and Mr. Walsh.

H.R. 2018: Mr. Case.

H.R. 2034: Mr. Osborne, Mr. Walsh, and Mr. Murphy.

H.R. 2037: Mr. Waxman.

H.R. 2046: Ms. Ginny Brown-Waite of Florida.

H.R. 2049: Mr. Sam Johnson of Texas.

H.R. 2071: Mr. Abercrombie.

H.J. Res. 23: Mr. Inslee.

H. Con. Res. 44: Mr. Udall of Colorado and Mr. Engel.

H. Con. Res. 59: Mr. Wynn, Ms. Lee, Mr. Clay, Mr. Davis of Illinois, Ms. Watson, Mr. Jackson of Illinois, Mr. Cleaver, Mr. Al Green of Texas, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Scott of Virginia, Mrs. Jones of Ohio, Mr. Conyers, Mr. Fattah, Mr. Thompson of Mississippi, Mr. Cummings, and Mr. Rush.

H. Con. Res. 70: Mr. Bilirakis.

H. Con. Res. 71: Mr. Becerra.

H. Con. Res. 85: Mr. Ryan of Wisconsin and Mr. Jindal.

H. Con. Res. 90: Mr. Gutierrez.

H. Con. Res. 97: Mr. McDermott.

H. Con. Res. 105: Mrs. Jones of Ohio, Mr. Israel, Ms. Linda T. Sánchez of California, Mrs. Napolitano, Mr. Honda, Mr. Wexler, Mr. Menendez, Mr. Gonzalez, Mr. Grijalva, Mr. Gene Green of Texas, Mr. Ortiz, Mr. Baca, Mr. Jackson of Illinois, Mr. Hinchey, Ms. Wasserman Schultz, Mr. Berman, Mr. Oberstar, Mr. Rothman, Mr. Meeks of New York, Mrs. Davis of California, Mr. Clay, Ms. Eddie Bernice Johnson of Texas, Ms. Corrine Brown of Florida, Mr. Conyers, Ms. Solis, Ms. Watson, Mr. Schiff, Mr. Hoyer, Mr. Filner, Ms. Ros-Lehtinen, Mr. Strickland, Ms. Loretta Sanchez of California, Mr. Clyburn, Mr. Lewis of Georgia, Mr. Crowley, Mr. Gutierrez, Mr. Bishop of New York, Mr. Cardoza, Mr. Inslee, Mr. Bonilla, and Mr. Young of Alaska.

H. Con. Res. 128: Mr. Wolf.

H. Res. 37: Mr. Mack, Mr. Cardoza, and Mr. Chandler.

H. Res. 76: Mr. Rangel.

H. Res. 123: Mr. Peterson of Minnesota.

H. Res. 137: Ms. Ginny Brown-Waite of Florida and Mr. Gillmor.

H. Res. 146: Mr. Pence, Mr. Hensarling, and Mr. King of Iowa.

H. Res. 166: Mr. Pallone, Ms. Zoe Lofgren of California, Mr. Schwarz of Michigan, and Mr. McCotter.

H. Res. 196: Mrs. Napolitano, Ms. Kilpatrick of Michigan, and Mr. Meeks of New York.

H. Res. 209: Mr. Gillmor.

H. Res. 246: Mr. Honda.

H. Res. 247: Ms. Corrine Brown of Florida, Ms. Watson, Mr. Baca, Mrs. Napolitano, Mr. Sherman, Mr. Honda, Ms. Harman, Mr. Berman, Ms. Jackson-Lee of Texas, Ms. Kilpatrick of Michigan, Mr. Owens, Mr. Filner, Mr. Ford, Ms. Linda T. Sánchez of California, Mrs. Capps, and Mr. Waxman.

H. Res. 250: Mrs. Bono, Mrs. Wilson of New Mexico, and Mr. Gerlach.

H. Res. 260: Mr. Norwood and Mr. King of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 513: Ms. Lee.

H.R. 1638: Mr. Butterfield.

EXTENSIONS OF REMARKS

COMMUNITY OF DEMOCRACIES AND SECRETARY RICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. LANTOS. Last week, the Community of Democracies held its third meeting of Foreign Ministers in Santiago, Chile. This unique group of democracies from around the world met to discuss how democratic nations can cooperate to promote democracy around the world.

I would like to inform my colleagues that at the opening plenary meeting of that Ministerial on Thursday April 29, 2005, Secretary of State Condoleezza Rice made a compelling speech regarding United States support for those efforts. She expressed her deep seated views regarding the responsibilities of all democratic nations to do so and welcomed the establishment of a new International Center for Democratic Transition to be established in my hometown of Budapest, Hungary. Mr. Speaker, when Hungary was under the communist Boot, I would have never dreamed that such a Center would become a reality.

I am putting Secretary Rice's speech in the RECORD and I urge all my colleagues to read it in the coming days.

REMARKS AT THE COMMUNITY OF DEMOCRACIES OPENING PLENARY

(By Secretary Condoleezza Rice)

Thank you very much to the Chilean government, particularly to President Lagos and to Foreign Minister Walker for hosting this year's meeting of the Community of Democracies I think we have been all warmly welcomed here in Chile. I know that I speak for all my distinguished colleagues when I say that we are honored to gather here together in the name of democracy.

Every democracy in the world has shared the triumph of Chile's citizens, as they have renewed their commitment to democracy. Indeed we have all experienced the profound hope of people here throughout Latin America, who have transformed their continent through their desire to live in liberty. Today, all the members of the Community of Democracies declare our deep conviction that freedom is the universal longing of every soul and democracy is the ideal path for every nation.

The past year has brought forth a dramatic shift in the world's political landscape. Since our last meeting in Seoul, we have seen free elections in Afghanistan and in Iraq, and in the Palestinian territories. We have witnessed tremendous developments in places like Georgia and Ukraine and Kyrgyzstan and Lebanon.

There comes a time when the spark of freedom flashes in the minds of all oppressed people, and they raise their voices against tyranny. The Community of Democracies must match the bravery of these men and women with the courage of our own convictions. We on the right side of freedom's divide have an obligation to help those on the wrong side of that divide.

To support democratic aspirations, all free nations must clarify the moral choice between liberty and oppression. We must let all governments know that successful relations with our democratic community depend on the dignified treatment of their people. To strengthen democratic principles, all free nations must demand that leaders who are elected democratically have a responsibility to govern democratically. Abandoning the Rule of Law for the whim of rulers only leads to the oppression of innocent people.

To advance our democratic consensus, all free nations must insist that upholding democratic principles is the surest path to greater international status. The Community of Democracies is one of a growing number of international organizations that make democracy an actual condition for membership.

In the western hemisphere, the Organization of American States has adopted the Interamerican Democratic Charter and here in the southern cone, Mercosur is helping to bolster democracy. In Europe, only democracies can belong to the European community, and democratic principles have always been the cornerstone of NATO. The democratic character of states must become the cornerstone of a new, principled multilateralism.

The real division in our world is between those states that are committed to freedom, and those who are not. International organizations like the Community of Democracies can help to create a balance of power that favors freedom. One positive action that we can take together is to work through the United Nations Democracy Caucus, to support reform of the United Nations. In particular, we should encourage the creation of a legitimate human rights body within the United Nations. Serious action on human rights can only come from countries that respect and protect human rights. Our Democratic Community can cooperate in other ways at the United Nations. The UN Democracy Fund, which President Bush proposed last fall at the general assembly, is an ideal way to provide tangible support to emerging democracies. Financial assistance is essential for all nations working to build firm foundations for freedom.

The world's democracies must also help countries with their democratic transitions, every nation in this room has experienced a democratic transition of its own, some quite recently. Hungarian Foreign Minister Somogyi has proposed the creation of a democratic transition center. This is a terrific way, Minister, for our community to share with young democracies and democratic movements, the important lessons that we have learned from our own traditions and transitions.

Democratization is after all, not an event, it is a process. It takes many years, even decades to realize the full promise of democratic reform. For nearly a century after the founding of the United States, millions of black Americans like me were still condemned to the status below that of full citizenship. When the founding fathers of America said "We the People", they did not mean me; many of my ancestors were thought to be only 3/5 of a man. And it is only within my lifetime that the United States has begun to guarantee the right to vote for all of our citizens. And so we know, in the United States, that this is a long and difficult process, and every nation in this room has experienced moments of tyranny in its history, some not too long ago.

Today, our citizens share the common bond of having overcome tyranny through all our commitment to freedom and democracy. Now it is our historic duty to tell the world that tyranny is a crime of man, not a fact of nature. Our goal must always be the elimination of tyranny in our world. We, at the Community of Democracies must use the power of our shared ideals to accelerate democracies movement, to ever more places around the globe. We must usher in an era of democracy that thinks of tyranny as we thought of slavery today, a moral abomination that could not withstand the natural desire of every human being for a life of liberty and of dignity: This is our great purpose, together we will succeed.

KAWASAKI DISEASE AWARENESS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. COBLE. Mr. Speaker, an organization dedicated to the awareness of Kawasaki Disease, A Kawasaki Heart, is striving to increase public knowledge of Kawasaki Disease (KD) throughout the United States and, more particularly, among medical professionals.

I recently learned of a close call suffered by 3-year-old Bailey Buffkin, the granddaughter of Janis Moore of Thomasville, North Carolina, and the daughter of Amber Brewer. Bailey became ill this past March and her mom wasted no time in seeking medical care. Fortunately, her pediatrician was familiar with the symptoms of KD. The accurate diagnosis and timely treatment means that Bailey has a better chance to live a happy and healthy life.

According to the American Heart Association, KD is a disease that primarily affects children under the age of 5 years. It is the leading cause of acquired heart disease in children. There are a few thousand new cases each year in the U.S. If not detected and treated immediately, it can result in permanent heart damage or even death. The cause of KD is unknown, but scientists who have studied KD think the evidence strongly suggests it is caused by an infectious agent such as a virus. Children with KD have high fever, red eyes and lips, strawberry tongue, a rash, swollen lymph nodes, and inflamed arteries. The usual treatment, intravenous gamma globulin, is highly effective at preventing the heart complications if administered within the first few days of illness. That is why it is so important

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that a child who is suspected of having KD is seen by a doctor quickly and diagnosed correctly.

Because there are relatively few instances of KD diagnosed in the United States, it is important that parents, guardians and the medical community become familiar with the signs and symptoms so that other children are diagnosed and treated as quickly as Bailey Buffkin.

Additional information may be located on the web site of the American Heart Association (www.americanheart.org) and A Kawasaki Heart (www.kawasakidisease.us).

RECOGNIZING EARTH DAY IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. RANGEL. Mr. Speaker, I rise today in honor and recognition of Earth Day events in Harlem, New York, and to recognize the dedication of advocates of environmental justice. This year, Harlem will celebrate the 35th anniversary of Earth Day—a day designed to raise our collective awareness of the challenges facing our environmental and global communities.

In the first Earth Day celebration, the Nation directed its attention to the issues of the environment and ways to ensuring its protection for years to come. Congress adjourned—on a Wednesday—for the day to allow Members to hear from their constituents. Roughly 20 million Americans united to express their collective demand for a safer, cleaner, and healthier global community. The Clean Air Act, the Clean Water Act, the Endangered Species Act, and the creation of the Environmental Protection Agency followed shortly after that momentous day. These were true efforts, not in name alone, to provide important and needed protections to our environment and to make our communities safe, clean, and healthy.

This year, Harlem will focus on the environmental problems of communities of color. West Harlem Environmental Action, Inc (WE ACT) is a non-profit grassroots environmental group that has worked to improve environmental quality and to address equity and justice in environmental issues for predominately African-American and Latino communities. For the last 7 years, they have worked to raise community awareness of environmental hazards, to identify and research ecological threats to minority communities, and to attain governmental policies to protect local communities.

As part of their Earth Day celebrations, WE ACT will honor six luminaries in the field of environmental justice: Alphonse Fletcher, the chairman of Fletcher Asset Management; Dr. Kenneth Olden, the director of the National Institute of Environmental Health Services (NIEHS); Dr. Joseph Graziano from the Department of Environmental Health Sciences at Columbia University; Lucille McEwen, Esq., president and CEO of Harlem Congregations for Community Improvement; Dr. Rafael Lantigua, associate director of General Medicine at New York Presbyterian Hospital; and Full Spectrum Building and Development, Inc., a Harlem-based development firm that built the first green building in Harlem. These individuals will be awarded WE ACT for Environmental Justice Awards for making "substantial inroads to preserve natural and built environment, and improve environmental health in communities of color." They will be honored for their hard work in ensuring that minority communities are safe, clean, and healthy communities.

Fellow Members of Congress, please join me in thanking WE ACT for its hard work in organizing Earth Day activities in Harlem, New York. This is a significant day in American history and to our future. We must do more to truly protect our environment from the threats of pollution, industrial contamination, and abuse. We must find a balance that will protect our nature, the environment, and our communities.

RECOGNIZING THE 40TH ANNIVERSARY OF THE COUNCIL OF THE AMERICAS AND THE AMERICAS SOCIETY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to honor the Americas Society and Council of the Americas, based in my congressional district, on their 40th anniversary.

I believe the work of these organizations is invaluable in educating all of us about matters related to the Western Hemisphere. The Americas Society promotes cultural understanding through an exchange of ideas among writers, artists, musicians, filmmakers, and the general public. The Council of the Americas promotes open markets, democracy and the rule of law, through active engagement with U.S. and hemispheric governments.

Founded by David Rockefeller in 1965 as a private sector parallel to President Kennedy's Alliance for the Americas initiative, the Council of the Americas/Americas Society is now in its 40th anniversary year.

During the past 40 years, the Americas Society has promoted many of the great cultural achievements of the Western Hemisphere by showcasing Latin artists, musicians, and authors and contributing to the vibrant cultural diversity of New York City and especially my district.

I am also pleased to note the organization's commitment to arts education, which I believe is a crucial component of school curricula not only in New York, but across the country. By exposing New York City's underprivileged children to the music of the Americas, the Americas Society helps to instill a lifelong appreciation of music.

We must continue to strengthen relations among the nations in the Western Hemisphere. Like the Council of the Americas, I strongly support democracy, human rights, and the rule of law, and I commend the Council for its promotion of these ideals in U.S. policy in the Western Hemisphere.

Under the leadership of Chairman William Rhodes and President and CEO Susan Segal in New York, the Council of the Americas and the Americas Society have raised their profile significantly, adding new value to members while becoming even more active in the hemispheric policy debate. As consistent advocates for constructive engagement of the Western Hemisphere countries, the Americas Society and the Council of the Americas are contributing to peace, democratic stability, and shared prosperity in the Americas.

Today, Hispanic Americans are the fastest growing segment of the U.S. population. They are making dynamic contributions to the U.S. economy and culture. As the U.S. population becomes more and more diverse, it will be even more important to foster deeper cultural understandings and cross-border cooperation.

I congratulate the Council of the Americas and Americas Society on their 40th anniversary.

RECOGNIZING THE ACHIEVEMENTS AND DEDICATED SERVICE OF IRVING H. LEVIN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to commend former state legislator Irving H. Levin on his retirement from his profession as a real estate broker and insurance agent and thank him for his long career of service. Over his lifetime, Mr. Levin has worked on behalf of Rhode Islanders as a community activist, business leader, and model citizen.

Born July 21, 1915, in Providence, Irving Levin has dedicated his life to making Rhode Island a better place. He graduated from Hope High School in 1934 and attended Johnson & Wales College. He then served in the Army during World War II, which inspired his lifelong advocacy for veterans.

Mr. Levin received his real estate license in 1959, and he earned numerous honors and awards for his practice over the years. He was twice recognized as Realtor of the Year by the Greater Providence Board of Realtors, and he was honored as the Rhode Island Realtor of the Year in 1993. A true leader, Mr. Levin also served as the President of the Rhode Island Association of Realtors in 1990.

From 1971 to 1991, Mr. Levin represented Cranston and the citizens of the 27th district of Rhode Island in the General Assembly. During his tenure at the State House, he served as Vice Chairman of the House Corporations Committee and Chairman of the Joint Committee on Veterans Affairs. By the time he retired, Mr. Levin was the longest-serving member of the Rhode Island House of Representatives. In the General Assembly, Mr. Levin focused his priorities on veterans and senior citizens' issues.

In addition to realtor, insurance agent, and State Representative, Mr. Levin served as president of the Greater Cranston Chamber of Commerce and the National Conference of Insurance Legislators. After leaving public office, Mr. Levin continued his activism with the Jewish War Veterans and served as President of the United Veterans Council of Rhode Island. Mr. Levin's distinguished career has no doubt inspired countless others to follow in his footsteps.

I am proud to honor Mr. Levin today. It is through the efforts of dedicated public servants and community leaders like Mr. Levin that Rhode Island has moved into the 21st century ready to face whatever problems arise. I am confident that if other leaders follow the model set forth by Mr. Levin, Rhode Island and our Nation will continue to be a source of pride for all of us. I hope my colleagues will join me in commending Irving H. Levin.

HONORING THE LIFE OF CLAIRE McMILLEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of Mr. Claire McMillen, a fine gentleman from Fort Collins, Colorado, who passed away tragically on Sunday, April 3, 2005 in an airplane crash.

The 72-year-old, accomplished pilot had a passion for flying. When Claire wasn't spending time with his wife Janet, he spent it in the air, flying.

Claire McMillen was a majority shareholder at the Fort Collins Downtown Airport, he bought it to help further aviation in Colorado. Claire was also the owner of the Kiva Inn in Fort Collins.

Claire and Janet came out to Colorado from Beacon, New York to try working in the business profession. They fell in love with the area and have lived here for more than 30 years.

This tragic accident will be difficult for the McMillen family, the Fort Collins Downtown Airport, and the community. I ask my colleagues to extend their sympathies to the McMillen family.

HONORING THE VICTIMS OF THE KHMER ROUGE CAMBODIAN GENOCIDE

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, we solemnly commemorate the 30th Anniversary of the Khmer Rouge regime when they deliberately and systemically massacred millions of innocent Cambodians, with a large percentage of women and children. However, in the midst of this past sorrow, we have seen great hope as a result of the strength, resiliency, and courage of the Cambodian people. So while we mourn the loss, we celebrate the future filled with hope and promise.

In 1975, Pol Pot led the Communist guerrilla group, the Khmer Rouge, in a large-scale insurgency that resulted in the removal of Cambodians from their homes and into labor camps in an attempt to restructure Khmer society. The Khmer Rouge maintained control by mass public tortures and executions. Families were separated. Men, women and young children were sent into labor camps and forced to do strenuous farm work with very little food. Famine and disease were epidemic while health care was non-existent. Between April 1975 and January 1979 more than 1.7 million Cambodians were killed.

When the Khmer Rouge was overthrown in 1979, thousands of Cambodians fled to nearby refugee camps, and over 145,000 Cambodians made their way to the United States. With the assistance of the Federal government, state, local, and voluntary agencies, Cambodians were resettled in communities across America.

Despite the tremendous loss of family members, home, and even parts of their heritage, Cambodians have shown enormous resiliency. I am proud that the largest Cambodian population in the United States resides in my District. Their culture and contributions have enriched our communities and the American landscape.

Finally, Cambodians have been waiting for the past twenty-five years for the Khmer Rouge perpetrators to be brought to justice. Just a few days ago, UN Secretary General Kofi Annan declared that UN-Cambodian agreement funding requirements had been met and there is now enough funds to finance the Tribunal's staffing and operations for a sustained period of time.

This means that the Khmer Rouge Tribunal, only a dream for twenty-five years, will now become a reality. This means that the Cambodians can finally find closure on this brutal part of their history. As Martin Luther King, Jr. said, "The moral arc of the universe is long, but it bends towards justice."

RECOGNIZING ROBERT HUGHES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service and commitment of Robert Hughes. Mr. Hughes, our Nation's all-time "winningest" high school boys basketball coach, has dedicated 47 years of service to coaching and educating students; helping them to succeed not only on the court but also in life.

As Mr. Hughes retires this year we will no longer be measuring his wins on the court, but rather the wins, the lives, he has helped to create off the court. In taking the time to teach his students Mr. Hughes chose not only to teach them about health and basketball, but about values and self esteem as well. The loyalty with which Mr. Hughes has served his students and Dunbar High School is a testament to his passion of seeing every child succeed in life.

It is with great honor that I stand here today to recognize a man who has been a leader to so many. The legacy of Mr. Hughes, on and off the court, shall serve as an inspiration to all those who wish to pursue their passion and make a difference in the lives of others.

TRIBUTE TO LUISA TRUJILLO VASQUEZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. GRIJALVA. Mr. Speaker, Luisa Trujillo Vasquez was born in Nogales, Territory of Arizona on May 22, 1906. In the fall of that same year, Luisa's parents, Salome Vasquez and Reyes Trujillo, loaded their six sons and baby daughter into a horse-drawn wagon and made the journey to Tucson. Tucson has been Luisa's home since her arrival as an infant; earning her the title of a "Native Tucsonan."

The Trujillo family lived on the corner of Simpson Street and Main Avenue, across from the famous "Elysian Groves," where Luisa and her siblings often played as children and adolescents. Luisa attended Drachman and Safford Elementary schools until 6th grade when she left school in order to help her mother look after her brothers and help with household chores. The end of her formal education did not mark the end of Luisa's learning; indeed, Luisa's character was strengthened and her practical education supplemented when she joined the workforce at the young age of 13 in order to help support her family. Never one to complain, Luisa accepted this challenge willingly and with dignity and resolve.

Luisa has held many job titles throughout her lifetime, but she considers herself first and foremost to be a seamstress. She sewed for Levy's Department Store, Kaufman's Department Store (later known as Saccani's), the Lyric Outfitters, and she worked at Davis Monthan Air Force Base sewing and mending thousands of military uniforms for soldiers stationed there during World War II. Luisa is also known for designing and fitting many of the Hispanic brides and their bridesmaid dresses during the 1930's, 1940's and early 1950's.

Luisa has many fond memories of the Tucson of her youth where she used to ride the mule-drawn trolley named "El Urbano," danced at the old Armory Park Dance Hall, took in films at the Old "Opera House," and attended shows at the Teatro Carmen. She also vividly remembers family outings to Sabino Canyon, trips to Old Fort Lowell and Vail Communities, and Sunday outings to the old Southern Pacific Railroad Depot to listen to the military bands from Fort Lowell and the SPRR Civic Band.

Luisa raised her four children as well as her beloved niece and nephew in Tucson. Throughout the years and particularly during the Great Depression, Luisa struggled with quiet resolve to provide for her immediate and extended family and even her neighbors from time to time.

Though Luisa is proud of her Mexican-American heritage, her loyalty has always been to her American homeland. Since World War I, Luisa has also had a deep love for America's servicemen and women. Following the death of her much-loved nephew during World War II (whom Luisa raised), Luisa was recognized as a "Gold Star Mother." In honor of her nephew and the sacrifice he made for his country, Luisa has requested that her Gold

Star be pinned to her dress and buried with her upon her death.

Luisa has been the recipient of many well-deserved awards throughout the course of her lifetime. Most recently, the "Los Descendientes del Presidio de Tucson" recognized Luisa's achievements and her commitment to her native city.

Luisa has led a life full of love and friendship and distinguished by uncommon hospitality and service to her loved ones as well as her community. She is an exceptional woman, mother, grandmother, great-grandmother, and citizen. Her life has left an indelible mark on Tucson and the lives of its citizens.

OPPOSE H.R. 6. THE ENERGY POLICY ACT OF 2005

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, in 2001 the newly elected President George W. Bush visited St. Paul to announce his vision of energy independence to the American people. Unfortunately, the President's vision of limitless domestic petroleum exploration, natural resource exploitation and consumption are becoming a reality. Today, tragically, House Republicans expand the Bush agenda of tax cuts for the energy industry, dependence on foreign oil and destruction of our environment.

With only two percent of world oil reserves, the U.S. will never be able to produce enough petroleum to be self-sufficient. America needs a comprehensive energy policy that prioritizes incentives for efficiency, conservation, alternative energy sources. Our nation needs to invest in the development of the next generation fuel sources like fuel cells, hydrogen power and home grown Minnesota fuels like ethanol. A major commitment and investment in these advancements has the potential to create a revolutionary transformation of the global economy, liberate our nation from our addiction to oil from Saudi Arabia and the Middle East, and start the environmental healing that will keep our planet alive.

Unfortunately, H.R. 6 fails to even attempt to meet these goals and in fact undermines them. Instead, the Republican energy bill spends 93 percent of the $8.1 billion in tax incentives it provides to oil and coal companies. The same companies that are already making huge profits from the skyrocketing gas prices our families are paying to heat our homes and put gas in our cars. The President doesn't even believe these companies need incentives. At a recent speech to the American Society of Newspaper Editors, President Bush said, "I will tell you with $55 oil, we don't need incentives for oil and gas companies to explore. There are plenty of incentives. What we need is to put a strategy in place that will help this country over time become less dependent."

This Republican bill wastes enormous amounts of taxpayer money and it contributes to the destruction of our environment. It tramples the 'polluter pays' principle and forces the American people to pick up the $29 billion cost to clean up the mess created by MTBE—the mess that is contaminating the drinking water of tens of millions of Americans. It's an outrageous abuse of power to let these MTBE polluters off the hook and force a billion dollar unfunded mandate onto our counties and cities.

There were amendments that would have improved this bill, which I voted for, but they were defeated by Republican majorities. These amendments intended to protect our environment and our families while providing for responsible policies to advance a sustainable energy future for our nation.

It is with great disappointment that my colleagues and I who have visited the Arctic National Wildlife Refuge were unable to stop the majority party's obsession with destroying this pristine wilderness by allowing oil drilling. I also supported an amendment to stop MTBE producers from passing the $29 billion cost of cleaning up their pollution to the U.S. taxpayer. I also voted for an amendment to increase fuel-efficiency standards for our cars and trucks, saving billions of barrels of oil and improving our nation's air quality.

Each of these amendments failed because policy makers with a vision of a sustainable U.S. energy policy lost out to special interests determined to create larger corporate profits, but only after they receive the billions of dollars of corporate welfare benefits this Republican bill provides them.

Our nation cannot sustain its addiction to petroleum consumption. Incentives for efficiency, conservation and alternative energy sources combined with responsible leadership from the White House and Congress are all required if the U.S. is to lead the world in energy self sufficiency, rather than leading the world in energy dependency.

HONORING THE 25TH ANNIVERSARY OF QUEEN BEATRIX OF THE NETHERLANDS ON APRIL 30, 2005

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Queen Beatrix of the Netherlands on the occasion of the 25th anniversary of her coronation as Queen on April 30, 1980. Beloved by the people of the Netherlands, millions of Dutch citizens filled the streets of their cities to celebrate the event on April 30, 2005.

Since Queen Beatrix was installed in the Council of State and assumed the royal prerogative on her 18th birthday, she has accomplished a tremendous amount of good for the Netherlands. After completing college, she turned her attention to social welfare and the needs of disabled people. She became Patron of the National Fund for the Prevention of Poliomyelitis, which was later renamed the Princess Beatrix Fund in recognition of her work and contributions. She has assumed an active role in the formation of new governments in the Netherlands. Her dignity, grace and guiding presence underpin her importance as a unifying leader in her country.

The Netherlands has long been an important ally of the United States. From 1625 when the colony of New Amsterdam was first founded by the Dutch, the immigrants exemplified the ideals of tolerance, inclusion and the notion that hard work and study lead to success—important American values that endure today.

On April 19, 1982, the Netherlands and the United States celebrated the 200th Anniversary of the establishment of diplomatic relations. As Queen Beatrix stated at that celebration, "There are few countries whose relations down the centuries have been so genuinely cordial and mutually beneficial as those between your great country, Mr. President, and my own." We thank Her Majesty for her devotion to fostering that relationship and join her country in celebrating her long service to her Nation. Her enduring leadership continues to provide the strength and openness fundamental to helping lead the world against the tyrannies of oppression.

The Congress of the United States thanks Queen Beatrix and wishes her continued success.

UNITED STATES EXECUTIVE ACTION ON DARFUR: MORE IS NEEDED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. RANGEL. Mr. Speaker I rise today to discuss the ongoing crisis in Darfur. As many as 400,000 have died throughout the course of this crisis, and more than 10,000 continue to die each month. While the death and suffering continues, action on the part of the Administration has, in recent months, been subdued at best. A May 3, Op-Ed in the New York Times, entitled "Day 113 of the President's Silence", points out that the Administration's silence on the issue has been noticeable. This new stance is extremely perplexing considering the Administration's heavy engagement on the issue previously.

Part of that engagement involved early pressure on the Sudanese leadership to agree to a Darfur cease fire. The United States also had the distinction of being the first and only major world power to label the offenses of the Sudanese government in Darfur as genocide. The Administration was also generally supportive of the Comprehensive Peace in Sudan Act passed in late 2004, which admonished the Sudanese government for its actions in Darfur, provided humanitarian assistance for the region, and reiterated United States sanctions on Sudan.

The United States has also provided large amounts of assistance to the Darfur region, totaling some $615 million since 2003 ($357.6 million in FY 2005 alone). The 2005 Emergency Supplemental agreed to on Tuesday included $50 million to strengthen the African Union peacekeeping mission in Darfur, as well as $40 million in general humanitarian aid.

Despite the financial assistance, the Administration has been quiet on the political front recently. In fact they have seemingly backed away from referring to the crisis in Darfur as genocide, and have down played the casualty count in the region. As the New York Times Op-Ed asserts, Sudan's recent cooperation with the United States on intelligence matters, may be placating the Administration's stance towards the regime regarding Darfur.

In the most recent indication of its new stance on Darfur, the Administration came out in opposition to the Darfur Accountability Act introduced by Senator CORZINE. Among other things the act called for wide-ranging sanctions against the Sudanese government, the establishment of a special presidential envoy for Darfur, and a military no-fly zone for the region. The bill also sought to provide for the protection of Darfurian civilians by strengthening the African Union force in Darfur through a broadened Chapter 7 UN mandate and deployment of a supplemental UN force.

The bill was attached to the Emergency Supplemental which passed the Senate in late April, and was awaiting approval in conference committee. If accepted the bill would have represented a major step forward in bringing peace and security to the people of Darfur. However, the Administration made clear its opposition to the bill, and it was subsequently deleted from the final Emergency Supplemental Conference Report agreed to this week. With the Darfur Accountability Act off the table, what will the Administration do now regarding Darfur?

Financial assistance is not enough—there needs to be real political action. Though the Darfur Accountability Act was not passed, most of its provisions called for action at the Executive level. Thus, the Administration still has an opportunity to become effectively engaged on the Darfur issue. Most of the solutions to the Darfur crisis will entail a multi-lateral effort, so the President must become more involved in eliciting a response from the international community.

Though several UN Security Council resolutions have been passed to date, the UN has yet to agree on a comprehensive Security Council resolution which would cease the transgressions of the Sudanese government and its Janjaweed militia, and provide adequate protection for Darfurian civilians. The African Union will not be able to handle the situation in Darfur on their own. They need the troops, mandate, and logistical resources to effectively protect civilians dispersed across an area the size of Texas.

The Administration can bring this about; they need only increase their engagement. To that end the US must provide more leadership in the United Nations, especially the Security Council, to get a comprehensive resolution passed. It also needs to be especially forceful with China and Russia, who have been a major hindrance to achieving progress on the Darfur issue. The Administration must also sustain pressure on the Sudanese regime. We can not turn a blind eye to their transgressions in Darfur, simply because they are now cooperative with us on intelligence matters. Not only is that short-sighted, it is morally wrong.

In the cases of the Holocaust and Rwanda, inaction on the part of the international community allowed the mass murder of millions of innocent people. Now we find ourselves on the brink of a similarly momentous error. Once again, politics and national interests are delaying the type of action needed to make a significant impact on the Darfur Crisis.

During the observation of the Auschwitz anniversary in February 2005, Dr Jonathan Sacks, Chief Rabbi of Great Britain, wisely commented that "We can't bring the dead back to life, but we can fight for the sanctity of life." It is my hope that we take up the fight to which Rabbi Sacks refers: Unlike the Holocaust and Rwanda, the final story of Darfur has yet to be written. We still have the chance, however faint, to prevent the triumph of evil. Mr. President, we must do more for Darfur. If we choose not to act, history will forever echo our failure, and our consciences will forever hold our shame.

[From the New York Times, May 3, 2005]

DAY 113 OF THE PRESIDENT'S SILENCE

(By Nicholas D. Kristof)

Finally, finally, finally, President Bush is showing a little muscle on the issue of genocide in Darfur. Is the muscle being used to stop the genocide of hundreds of thousands of villagers? No, tragically, it's to stop Congress from taking action.

Incredibly, the Bush administration is fighting to kill the Darfur Accountability Act, which would be the most forceful step the U.S. has taken so far against the genocide. The bill, passed by the Senate, calls for such steps as freezing assets of the genocide's leaders and imposing an internationally backed no-fly zone to stop Sudan's Army from strafing villages.

The White House was roused from its stupor of indifference on Darfur to send a letter, a copy of which I have in my hand, to Congressional leaders, instructing them to delete provisions about Darfur from the legislation.

Mr. Bush might reflect on a saying of President Kennedy: "The hottest places in hell are reserved for those who in a period of moral crisis maintain their neutrality."

Aside from the effort to block Congressional action, there are other signs that the administration is trying to backtrack on Darfur. The first sign came when Condoleezza Rice gave an interview to The Washington Post in which she deflected questions about Darfur and low-balled the number of African Union troops needed there.

Then, in Sudan, Deputy Secretary of State Robert Zoellick pointedly refused to repeat the administration's past judgment that the killings amount to genocide. Mr. Zoellick also cited an absurdly low estimate of Darfur's total death toll: 60,000 to 160,000. Every other serious estimate is many times as high. The latest, from the Coalition for International Justice, is nearly 400,000, and rising by 500 a day.

This is not a partisan issue, for Republicans and the Christian right led the way in blowing the whistle on the slaughter in Darfur. As a result, long before Democrats had staggered to their feet on the issue, Mr. Bush was telephoning Sudan's leader and pressing for a ceasefire there.

Later, Mr. Bush forthrightly called the slaughter genocide, and he has continued to back the crucial step of a larger African Union force to provide security. Just the baby steps Mr. Bush has taken have probably saved hundreds of thousands of lives.

So why is Mr. Bush so reluctant to do a bit more and save perhaps several hundred thousand more lives? I sense that there are three reasons.

First, Mr. Bush doesn't see any neat solution, and he's mindful that his father went into Somalia for humanitarian reasons and ended up with a mess.

Second, Mr. Bush is very proud—justly—that he helped secure peace in a separate war between northern and southern Sudan. That peace is very fragile, and he is concerned that pressuring Sudan on Darfur might disrupt that peace while doing little more than emboldening the Darfur rebels (some of them cutthroats who aren't negotiating seriously).

Third, Sudan's leaders have increased their cooperation with the C.I.A. As The Los Angeles Times reported, the C.I.A. recently flew Sudan's intelligence chief to Washington for consultations about the war on terror, and the White House doesn't want to jeopardize that channel.

All three concerns are legitimate. But when historians look back on his presidency, they are going to focus on Mr. Bush's fiddling as hundreds of thousands of people were killed, raped or mutilated in Darfur—and if the situation worsens, the final toll could reach a million dead.

This Thursday marks Holocaust Remembrance Day. The best memorial would be for more Americans to protest about this administration's showing the same lack of interest in Darfur that F.D.R. showed toward the genocide of Jews. Ultimately, public pressure may force Mr. Bush to respond to Darfur, but it looks as if he will have to be dragged kicking and screaming by Republicans and Democrats alike.

Granted, Darfur defies easy solutions. But Mr. Bush was outspoken and active this spring in another complex case, that of Terry Schiavo. If only Mr. Bush would exert himself as much to try to save the lives of the two million people driven from their homes in Darfur. So I'm going to start tracking Mr. Bush's lassitude. The last time Mr. Bush let the word Darfur slip past his lips publicly (to offer a passing compliment to U.S. aid workers, rather than to denounce the killings) was Jan. 10. So today marks Day 113 of Mr. Bush's silence about the genocide unfolding on his watch.

INTRODUCTION OF THE BREASTFEEDING PROMOTION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. MALONEY. Mr. Speaker, I rise to introduce the Breastfeeding Promotion Act with my colleagues CHRIS SHAYS of Connecticut, ROBERT WEXLER of Florida, ADAM SCHIFF, LYNN WOOLSEY and LUCILLE ROYBAL-ALLARD of California, BERNARD SANDERS of Vermont, BRAD MILLER of North Carolina, DONALD PAYNE of New Jersey, SHEILA JACKSON-LEE of Texas, JOHN CONYERS and DALE KILDEE from Michigan and MAJOR OWENS and JOSEPH CROWLEY from New York.

Mr. Speaker, statistical surveys of families show that over 50 percent of mothers with children less than one year of age are in the labor force. Whereas women with infants and toddlers are a rapidly growing segment of the labor force today, arrangements must be made to allow a mother's expressing of milk if mother and child must separate.

The American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months but continuing for at least the first year of a child's life. Research studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, ear infections, allergies, and obesity. To encourage and promote breastfeeding we are introducing the Breastfeeding Promotion Act.

Specifically, the Breastfeeding Promotion Act includes four provisions:

> Protects Breastfeeding Under Civil Rights Law: The bill clarifies the Pregnancy Discrimination Act of 1978 to protect breastfeeding under civil rights law. This will ensure that women cannot be fired or discriminated against in the workplace for expressing milk or breastfeeding during lunch or breaks.
>
> Provides Tax Incentives for Employers: With more than half of mothers with infants (less than one year of age) in the work force, it is important to promote a mother-friendly work environment. The bill encourages employers to set up a safe, private, and sanitary environment for women to express (or pump) breast milk by providing a tax credit for employers who set up a lactation location, purchase or rent lactation-related equipment, hire a lactation consultant or otherwise promote a lactation-friendly work environment. Many companies would be able to receive a tax credit of up to fifty percent of their related expenses.
>
> Seeks Minimum Safety Standards for Breast Pumps: The bill requires the Food and Drug Administration to develop minimum quality standards for breast pumps to ensure that products on the market are safe and effective based on efficiency, effectiveness, and sanitation factors (in addition to providing full and complete information concerning breast pump equipment).
>
> Allows Breastfeeding Equipment to Be Tax Deductible: The bill amends the tax laws to include breastfeeding equipment and services as deductible medical care expenses.

I ask all of my colleagues to support this important legislation.

HONORING THE LIFE OF BECKY ZERLENTES

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of Becky Zerlentes who died, tragically, on Sunday, April 3, 2005 after a fatal blow from a boxing match the day before.

Becky was a well-loved member of the Fort Collins community; she was a geography and economics instructor at Front Range Community College. She taught swimming and had a black belt in Goshin Jitsu, and she had brown belts in other forms of martial arts.

In 2002, Becky won the Regional Golden Gloves in women's boxing. She took a short break and recently began to box again. Becky was knocked unconscious during a match, and never regained consciousness. She died the following day at the Denver Health Medical Center.

I ask my colleagues to extend their sympathies to Becky's family, including her husband, Stephan Weiler, and the Fort Collins community. Becky has touched the lives of many at Front Range and beyond.

A TRIBUTE TO PHIL FRIEDMAN AND COMPUTER GENERATED SOLUTIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. LANTOS. Mr. Speaker, on May 5, 2005 thirty years to the day after he arrived on this country's shore, Phil Friedman will once again cast his gaze on the awesome spectacle of the Statue of Liberty as so many other immigrants before and after him have done.

But this time, he will be seeing that spectacular symbol of America's promise from his new office, as the successful company that he founded two decades ago celebrates its move from Broadway to Lower Manhattan.

Phil's story is a singularly American one that would have done Horatio Alger proud. It can inspire other people who are U.S. citizens by choice, such as me and my wife, as well as anyone who understands what the American dream is about.

Phil Friedman came of age in the Soviet Union, where he was trained in electronic engineering, accounting and finance before fleeing the oppressive Soviet system. After surmounting the challenge of emigrating, he found that life in America as a new arrival was no walk in the park—in order to succeed, he needed a better facility in English, and even more professional credentials. So he went back to school while his wife, Rose, studied accounting. After earning multiple degrees from New York University, he spent eight years in various positions in the information technology industry—first as a programmer, and then director of management information systems.

Phil then took the plunge of entrepreneurship and began his own company, which he called Computer Generated Solutions (CGS). Like its founder, CGS rose from humble beginnings. At the start there were five employees in a small office in New York. The company now employs more than 1000 professionals in offices across the country and around the globe. Since its inception, both CGS and Phil have won numerous awards and gained the respect and praise of business analysts.

As CGS has expanded its operations, Phil Friedman has been mindful of the potential effect on the U.S. workforce. He has resisted the industry trend toward outsourcing services and management positions, and has used the company's overseas facilities primarily to serve customers in those regions. Not long ago, he told a reporter that "In the rush to send so many jobs offshore," the IT industry in this country was "neglecting our moral responsibility to our employees. We said we needed these skills; now we're abandoning these people." CGS has made substantial investments in training its U.S. employees and developing their skills.

On May 5, 2005 Computer Generated Solutions will inaugurate its new headquarters at the World Financial Center in Lower Manhattan, an event significant in its own right, since it marks the continued rebirth of an area devastated by the September 11th attacks. It is a fitting conclusion to this story that when Phil Friedman moves into the new CGS office building, he won't be gazing up at the Statue of Liberty looming overhead, but gazing out at the broad panorama of the harbor, Ellis Island and a horizon as full of promise as any immigrant's aspirations for a new life in the United States.

Mr. Speaker, Phil Friedman and his wife Rose have given much back to this country. They have thrown their time and energy into countless philanthropic efforts on behalf of numerous causes both here in America and in Israel, for which they have received widespread and well-deserved recognition. The Friedman's and their children, Alyx and Jeffery, are truly the personification of the American dream. I urge all of my colleagues to join me in congratulating them on their successes, and wishing CGS the best of luck in its new home.

RECOGNITION OF THE CONTRIBUTIONS OF U.S. MILITARY FAMILIES AND SPOUSES—

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. BEAN. Mr. Speaker, I rise today to pay tribute to the families and spouses of our United States Armed Forces.

Mr. Speaker, the family members of America's men and women in uniform have always been one of our Nation's greatest assets, and often our unsung heroes. Perhaps now as much as ever, the support of our military families on the Homefront is crucial to maintaining the spirit of our warfighters.

I would like to pay special recognition to the work of the Kious family of Mundelein Illinois. While Kevin Kious served as a Navy Seabee in Kuwait in support of Operation Iraqi Freedom, his son Marshall and wife Debbie organized a care package program called "Treats For Our Troops" which accepts and delivers hard to find supplies to our forces stationed overseas. Now, Mr. Kious is back home, but Treats For Our Troops—and countless other family-run efforts—still continues to send a small piece of home to our brave men and women across the globe.

Today, I ask my colleagues to join me in recognizing the contributions—and sacrifices—of our military spouses and families like the Kiouses who selflessly do so much for our country while their loved ones answer their nation's call to service.

CELEBRATING CINCO DE MAYO

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, today Mexican American communities throughout America are celebrating Cinco de Mayo, and I want to take this opportunity to join in commemorating this important day in Mexico's history. Today marks the triumphant victory of the Mexican Army over the French that led to Mexico's self-rule. It is a day that symbolizes Mexican unity and patriotism, and is a time of joy and national pride.

The United States and Mexico have a long history of friendship and economic partnership. Today, there are more than 25 million men and women of Mexican American origin who call America home. Mexican Americans have made great contributions to our nation.

They are our small business owners creating jobs for our communities, teachers and other professionals. Mexican Americans are government leaders, and today, there are eighteen Mexican American Members of Congress.

Mexican American culture has been deeply interwoven into the fabric of daily American life and is part of the American experience. Their contributions have made us a stronger and more vibrant nation. Mexican Americans have served in the Armed Forces defending our country and our freedom. In fact, today, more than 8,700 men and women born in Mexico now wear the United States military uniform.

The United States and Mexico are neighbors united by the common interests of security, prosperity and friendship. As we move forward in the 21st Century, we will continue working together with respect and commitment to our mutual goals.

So to my Mexican American constituents and colleagues, I extend my warmest tribute in celebration of Cinco de Mayo.

CELEBRATING 20 YEARS AT FLOWER MOUND ELEMENTARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor Flower Mound Elementary School as it celebrates 20 years in the 26th District of Texas. Flower Mound Elementary, a Blue Ribbon School, prides itself on offering students opportunities, which allow them to go farther than an average education.

Flower Mound Elementary has been enriching the lives of students, teachers and our community for two decades now. The foundation that Flower Mound Elementary and primary schools across our country provide is essential to the development and success of our children in the long-term. Education is one of the most important gifts we can give our children and I commend Principal Gail Ownby and all the teachers and staff at Flower Mound Elementary for their continued commitment to our future, our children.

Mr. Speaker, it is with great honor that I stand here today to honor Flower Mound Elementary and all those who serve the greater good by making the choice to teach in today's education system.

HONORING DR. ALICE S. PAUL

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today in honor of Dr. Alice S. Paul, an exceptional citizen of my community, our country, and the Tohono O'odham Nation. Dr. Paul's life, which unfortunately ended too soon on May 3, 2005, exemplifies the impact of public education at a time when we need to speak about its power.

Dr. Alice Paul is a product of public education and leaves a legacy of its worth. As a life-time educator, she extended the power of public education far beyond her own experience. Her focus was early childhood education, and she traveled widely helping communities improve their early childhood educational systems. Her work had direct impact on the lives of young children and their families throughout the United States, from rural Alaska to urban New Jersey. After her retirement she even served as a consultant to the Taiwanese educational system.

Alice Paul accomplished many firsts. She was the first Tohono O'odham to receive a doctorate degree and the first to teach in Tucson Unified School District. She was rooted in her tribal identity, but her openness reached far beyond. Whether meeting Native or non-Native people, Americans or Chinese, Christians or Muslims, her strong and gentle wisdom left a positive mark—because of who she was.

Combining her exceptional personal qualities, life experiences, and academic expertise, Dr. Paul touched individuals, organizations, and institutions. She was a classroom teacher. She was a Field Representative of Tucson's Early Education Model and later Director of its Follow Through Program which worked with former Head Start children and their families through the third grade. She was a University of Arizona Associate Professor of Education, and she served as head of its Department of Teaching and Teacher Education. In later years, she was a member of the Arizona State Museum Board of Directors. She was Chair of the T'ohono O'odham Community College Board of Trustees and realized its accreditation. The honors she received over the years would fill a page.

Initially, she postponed finishing college when the family could not afford to send both her and her younger brother to college. She joined the United States Navy where she met Richard Paul. When they married in 1952, it was illegal for a Native American and a non-Native American to marry in Arizona, so they traveled to New Mexico for a civil ceremony before returning to Tucson for a church wedding at Southside Presbyterian Church. Dr. Paul grew up as a member of that faith community and served as an Elder for over 50 years. Her leadership abilities were recognized by the wider church, and she was elected Moderator of Presbytery de Cristo, was a consultant to the Presbyterian Church (U.S.A.) regarding its Christian education curriculum for children, and served on the national church's Task Force on Reparations and its Commission on Preparation for Ministry.

Dr. Paul had a wide world view which allowed her to rise above conflict. She saw real problems and shared her opinions, but in a way which did not demean or incapacitate those with whom she disagreed. She credited her parents, Jones and Marianna Narcho, with teaching her the value of generosity and service. Once when asked how she happened to get a doctorate degree, Dr. Paul laughed and said, "My mother told me to learn all I could."

As a Native American, Dr. Paul observed and experienced serious inequities and violations of civil rights. She recalled that her father was arrested when he had a stroke on the sidewalk in front of their home. Because he was an Indian, the police presumed him to be drunk, and he died in jail of wounds that could never be explained. Even though the pain of that recollection stayed fresh, she used all her life experiences to become the outstanding woman she was.

As a Congressional District, as Nations, we could not be more privileged than to have had Dr. Alice Paul live and work among us.

TRIBUTE TO SHIRLEY QUEJA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. MATSUI. Mr. Speaker, I rise today in tribute to Shirley Queja, a dear friend and undeniably one of the most dependable, dedicated and trustworthy individuals on Capitol Hill. After twenty-seven years of service to three members of Congress, she is retiring. As her friends, family and peers gather to celebrate Shirley's wonderful career, I ask all of my colleagues to join me in honoring one of the Capitol's finest professional staff members.

The child of Millie and Sabas Dumlao and an older sister to four brothers, Shirley grew up in the small town of Wahiawa on the island of Oahu. She is a graduate of the University of Hawaii and came to Washington in 1978 to work for the late Senator Spark Matsunaga. Shirley served as the Senator's longtime assistant from 1978 until his passing in 1990.

In 1990, my husband Bob was looking for a new Executive Assistant. That was when Neil Dhillon, his Chief of Staff, came across Shirley's resume. After speaking to Shirley, Neil was immediately drawn to her, not by her impressive professional experience, but instead, he was drawn to her passion for this institution, the history of this chamber and the process of law making. As their initial conversation ended, Neil was so intrigued with Shirley that he immediately rushed over to the Senate side to speak with her in person.

As one who also was enamored with Congress and its steep traditions, I can see why Bob was impressed by these same qualities. Since that first meeting, she has served at the side of Bob, and later, myself as a trusted confidant and assistant.

Bob was always proud of the caliber of his staff, and Shirley was their foundation for her fifteen years as Bob's Executive Assistant. No matter the crisis or the challenge of the request, Shirley was always there for her coworkers with steady-hand solutions. Bob always noticed her central role in holding staff together and he loved how her quiet leadership allowed her co-workers—his staff—to reach their full potential.

Shirley possesses a dedication to her job and her co-workers that is unmatched by most. She often worked deep into the night, on weekends and routinely came in over the holidays. At times she placed her job before her family and it was clear that Bob and I could always count on Shirley. A trusted confidant to many, she was always prepared and left nothing to chance. Over time it was easy to see why so many of the people who worked with her hold Shirley in such high regard.

When I think of Shirley many things immediately come to mind. As many of you know, she might just have the biggest heart of anyone in this town. She was always perfectly poised, even on the most hectic of days and under the most trying of circumstances. For fifteen years she was the hub of the wheel that kept the Matsui office strong.

Shirley Queja is the mother of two beautiful and intelligent daughters, Noelani and Haunani. Both get their artistic talents and love for the Hawaiian culture from their parents. Haunani attends the University of Hawaii and Noelani attends the University of Maryland.

She is the devoted wife to Irvin, her husband of twenty-three years. They are both undoubtedly looking forward to her retirement. Irv too worked for Senator Matsunaga and now works with the Senate Sergeant at Arms. In his spare time he plays guitar and sings with the Aloha Boys, a local Hawaiian musical group. Both Shirley and Irv plan to remain active with the Halau O 'Aulani, a Hawaiian cultural school in Maryland.

Shirley, from the bottom of my heart, I thank you for everything you have done for the Matsui family. I am sure you never planned to stay in Washington so long, but we are all so glad that you have. All of us wish you a joyful and long retirement. Brian, Amy, Anna and I keep a special place for you in our hearts.

Mr. Speaker, Members of Congress search far and wide for staff members like Shirley, but if we are honest with ourselves, we will admit that she is an original. I am honored to pay tribute to Shirley Queja as she ends her twenty-seven years of distinguished service on Capitol Hill. Her contributions to my office and this body are immense and her personal friendship has been immeasurable. I ask all my colleagues to join with me in celebrating the career of this consummate professional and extraordinary person.

HONORING FLORENCE TREPP ON HER 80TH BIRTHDAY

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. GIBBONS. Mr. Speaker, devoted to her family and her community, Mrs. Florence Trepp stands as a role model and inspiration to so many people in Nevada. As she prepares to celebrate her 80th birthday, she maintains an unyielding commitment to serve her community. She has served as an advocate for abused children, a dedicated volunteer with numerous community organizations, and a committed supporter of the Parasol Community Foundation.

Florence's work with the Parasol Foundation specifically has enabled over 100 local non-profit organizations to communicate and work together towards improving their community and achieving their goals. Her son, Warren, cofounded the Parasol Foundation almost 10 years ago as a model for promoting collaboration among non-profit organizations. As an umbrella organization for numerous charities, the Parasol Foundation creates an all inclusive, safe environment encouraging groundbreaking ideas, sharing of information avoiding duplication of projects, programs and services, producing efficiency by saving time and money for each agency. Florence has staunchly supported these efforts which in turn, have benefited the entire Lake Tahoe community.

Florence is guided by her passion and by her faith. Her passion to help others and her sense of civic duty has propelled her to help others and better her community. In her short time in Nevada, she has become an inspiration for all. Florence has also a strong faith that helps her navigate the challenges of life. One of her most cherished memories is meeting the Pope and actually speaking to him in Polish, her native tongue.

Thirteen years ago, Florence had surgery for lung cancer. She thankfully is a survivor and never takes one day for granted. She enjoys the simple pleasures of life . . . including a good cup of hot coffee and America's favorite pastime, baseball. And Florence has a deep appreciation for her family, her friends, and people in general. She is always ready to lend a helping hand to those in need.

Her nickname in Polish is yacumda which means joy . . . and joy is what Florence brings to everyone she meets. Her commitment to helping people and her community is admirable. I am proud to call her a Nevadan and to call her my friend. I wish her a very happy birthday and thank her for her unyielding commitment to serving her community.

THE GENERATING RETIREMENT OWNERSHIP THROUGH LONG-TERM HOLDING ACT OF 2005

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I, along with Congressman WILLIAM JEFFERSON, introduced today the Generating Retirement Ownership Through Long-Term Holding ("GROWTH") Act of 2005. We introduced this important legislation in an effort to address one of the issues making it difficult for today's working investors to save for retirement. Most of our Nation's mutual fund shareholders report that retirement is the primary purpose for which they are saving. Almost 50 percent of U.S. households now own mutual funds, and 72 percent of fund investors say that their primary goal is to save for retirement.

Mutual fund investors are overwhelmingly middle-income Americans investing for the long term. For many of these investors, mutual funds are the low-cost, professionally managed, diversified way in which they are saving on their own for retirement. Currently, investors who buy shares in a mutual fund and hold for the long term nevertheless find themselves taxed as they go—even though no fund shares were sold and no income was received. This legislation, which I'm proud to introduce along with my distinguished colleague, Congressman JEFFERSON of Louisiana, allows mutual fund shareholders to keep more of their own money to work for them longer by deferring—not avoiding—capital gains taxes until they actually sell their investment. The "GROWTH" Act makes it easier for these individuals to meet their goals and enjoy a secure retirement.

Those investors who opt in advance to leave capital gains generated by the fund manager reinvested in the fund are doing what so many policymakers want to see—they are holding for the long term, contributing to national savings, and building up their own retirement nest egg. Tax treatment that annually shrinks the amount saved—rather than taxing the sale of fund shares when the investor taps the savings—only frustrates the behavior that so many other provisions in the tax code try to encourage.

The GROWTH Act will encourage Americans to save more and to save for the long term to better prepare for a secure retirement. I urge my colleagues to join us in this effort and cosponsor this legislation.

IN HONOR OF THE RESEARCH AND CONTRIBUTIONS OF THE LATE DR. KENNETH B. CLARK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize and honor the research and contributions of the late Dr. Kenneth B. Clark who passed away on Monday. In his 90 years, Dr. Clark through his research helped to end segregation, fought to improve educational opportunities and services in minority communities, and drew attention to the psychological challenges of minorities.

Dr. Clark's research as an educational psychologist focused on the effects of racial prejudices in shaping identity and influencing educational achievement. His research demonstrated that segregation cultivated feelings of inferiority in minority students. Thurgood Marshall convincingly used Dr. Clark's research on inferiority in segregated school systems to argue that "separate but equal" was unconstitutional.

Like most of us, Dr. Clark's mother played an important role in his educational commitment. She insisted in 1920's America that he not go to vocational school as advocated by guidance counselors. Instead, she was determined that her son could do and was worthy of much more. She stressed to him the value of a quality education and he worked to ensure that same standard for all Americans.

Dr. Clark worked to restructure the public school systems in New York and Washington. Committed to the importance of integration and the value of a quality education, Dr. Clark proposed major reforms in the school systems that would bring students from different backgrounds together and would challenge them academically.

Needless to say, Dr. Clark has long been a vocal and critical advocate for sound education policy and social justice. His research has already had a great impact on this country. I would further honor my dear friend, Dr. Kenneth B. Clark, by inserting the following two tributes to his memory. The first is a statement issued by Dennis Courtland Hayes, Interim President and CEO of the NAACP, and Julian Bond, Chairman of the NAACP Board of Directors. The second is a piece from the Washington Post about the research and life of Dr. Clark.

NAACP Mourns Death of Kenneth B. Clark, Psychologist and Educator Who Helped End School Segregation

Dr. Clark was a national authority on the negative effects of entrenched segregation.

May 2, 2005.—The NAACP mourns the passing of Dr. Kenneth B. Clark, whose groundbreaking studies of African American children in the south influenced the U.S. Supreme Court to rule that school segregation was unconstitutional. Clark died yesterday at his home in Hastings-on-the-Hudson, N.Y.

NAACP Interim President and CEO Dennis Courtland Hayes said: "Dr. Clark made a monumental contribution to the 1954 Brown v. Board of Education decision that has proven so important in this country. His research has been key to the understanding by African Americans that we are all created equal in the eyes of God and to value our heritage."

Clark's research verified the damaging effect of racial segregation to black school children in the early 1950's. This testimony was used by attorney Thurgood Marshall and the NAACP to challenge the constitutionality of the separate-but-equal doctrine that violated the equal protection clause of the Fourteenth Amendment.

Clark's testing of children in South Carolina showed that African American children educated in a segregated school system saw themselves as inferior and, as he wrote, "accepted the inferiority as part of reality."

In 1961, Clark was awarded the Spingarn Medal, the NAACP's highest award. Clark, a longtime professor at City College of New York, wrote several influential books and articles advancing the cause of integration.

Founded in 1909, the National Association for the Advancement of Colored People is the nation's oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities and monitor equal opportunity in the public and private sectors.

Kenneth Clark Dies; Helped Desegregate Schools

May 3, 2005.—Kenneth B. Clark, 90, an educational psychologist whose experiment with dolls of different colors helped convince the U.S. Supreme Court that racially segregated public schools were inherently unequal, died of cancer May 1 at his home in Hastings-on-Hudson, N.Y.

In the seminal 1954 desegregation case in U.S. history, Brown v. Board of Education, the court used Dr. Clark's findings to buttress its ruling that "separate but equal" public schools encouraged feelings of inferiority among black children, not only damaging their self-esteem but also adversely affecting their ability to learn.

As early as 1939, Dr. Clark and his wife, Mamie Phipps Clark, had begun conducting tests to assess black youngsters' self-perception. Using dolls they bought for 50 cents apiece at the Woolworth's on 125th Street in Harlem (one of the few places that sold black dolls), they showed groups of black and white children two black dolls and two white dolls and asked them to choose which doll was nice, which was pretty and which was bad. The data from their tests showed that both groups overwhelmingly favored the white dolls.

Dr. Clark concluded that the children he studied, "like other human beings who are subjected to an obviously inferior status in the society in which they live, have been definitely harmed in the development of their personalities; that the signs of instability in their personalities are clear. . . ."

Dr. Clark repeated the experiment in 1950 in Clarendon County, S.C., where white students in the school system received more than 60 percent of the funds earmarked for education, even though the schools had three times as many black students. The results confirmed, in Dr. Clark's view, that the black children saw themselves as inferior.

Thurgood Marshall, then an attorney for the NAACP, seized on Dr. Clark's findings as evidence that segregated schools did harm and that minority-only schools violated the 14th Amendment because they could not meet the separate-but-equal standard enshrined by the court in the case of Plessy v. Ferguson more than a half-century earlier.

Some of Marshall's colleagues on the case were dismissive, even derisive, of Dr. Clark's dolls. They assumed Marshall would use the social-science findings tangentially, but the data turned out to be decisive. The court accepted Dr. Clark's premise that school segregation contributed heavily to the psychological damage of black youngsters.

Chief Justice Earl Warren wrote that separating black children from white children "solely because of their race generates a feeling of inferiority as to their status in the community that may affect the children's heart and minds in a way unlikely ever to be undone."

A decade later, Dr. Clark observed: "The court saw the issue clearly and in the same human terms in which [African Americans] had felt it. A racist system inevitably destroys and damages human beings; it brutalizes and dehumanizes them, blacks and whites alike."

Kenneth Bancroft Clark was born in the Panama Canal Zone in 1914. When he was 5, his mother decided to move to the United States with her son and 2-year-old daughter, even though her husband vehemently objected. The family, without the father, settled in Harlem.

Dr. Clark recalled that when he started school, Harlem was still integrated. By the time he reached the ninth grade, his school was predominantly black, and teachers were encouraging black students to go to vocational school.

"Mama stormed into school, more the shop steward than the lady she usually was," Dr. Clark recalled in a 1964 interview with the New York Post. "She told my counselor, 'I don't give a damn where you send your son, but mine isn't going to any vocational school. . . ."

Dr. Clark graduated from George Washington High School in New York City and then enrolled at Howard University, where Ralph J. Bunche, a political science professor and later a Nobel Peace Prize winner, became a mentor. He received his undergraduate degree in psychology from Howard in 1935 and his master's degree in the same discipline from there the following year. He taught psychology at Howard in the 1937–38 school year.

In 1940, he became the first black person to receive a doctorate in psychology from Columbia University. Years later, while teaching at Columbia, he would mediate between students who had taken over a campus building and administrators trying to oust them.

From 1939 to 1941, Dr. Clark participated in a study of U.S. race relations headed by the Swedish economist Gunnar Myrdal. The results of the study were published in the book "An American Dilemma: The Negro Problem and Modern Democracy" (1944), a milestone in the nation's gathering awareness of the corrosive effects of racial prejudice.

Dr. Clark was an assistant professor of psychiatry at the Hampton (Va.) Institute in 1940–41, and he joined the psychology department at the City College of New York in 1942.

In 1946, Dr. Clark and his wife founded the nonprofit Northside Testing and Consultation Center in New York City to provide psychological services to Harlem residents. He later accused the New York City school system of allowing de facto segregation in some of its schools. Although school officials denied his charges, an investigation confirmed them and led to major reforms.

In 1960, Dr. Clark became the first black tenured professor at City College, and in 1966 the first black person to be elected to the New York state Board of Regents, where he served for 20 years.

In the early 1970s, the District of Columbia school board hired Dr. Clark as a consultant to revamp the schools. He submitted a comprehensive plan to focus on reading, mathematics and the measurement of teacher skills through student achievement. The "Clark plan" sparked controversy between the school board and the teachers union, and Dr. Clark cut his ties with the District after two years, with only pieces of his plan implemented.

He left with a rebuke of Superintendent Hugh Scott. "I'm glad the superintendent laughs at critics," he told The Washington Post in April 1972. "I'm glad he can laugh at anything. I can't laugh at the fact that these kids are no better off now than two years ago."

Dr. Clark retired from teaching in 1975 and formed a consulting firm that specialized in equal employment opportunity and affirmative action. He was the author of numerous books, including "Prejudice and Your Child" (1955), "Dark Ghetto" (1965), "A Possible Reality" (1972) and "Pathos of Power" (1975).

Dr. Clark's wife, his closest colleague, died in 1983.

Always one to speak his mind, Dr. Clark continued to express his support for integration, although as the years passed he began to express dismay at the lack of progress in race relations.

"I believed in the 1950s that a significant percentage of Americans were looking for a way out of the morass of segregation," he told the New York Times in 1984. "It was wishful thinking. It took me 10 to 15 years to realize that I seriously underestimated the depth and complexity of Northern racism."

Once described by a colleague as "the incorrigible integrationist," he lamented in later years that perhaps he had devoted himself to a lost cause. He felt that many old allies in the battle for an integrated, nonracist society, both black and white, had abandoned the struggle. He also lived long enough to witness an evolving uncertainty about Brown v. Board of Education and the unrealized benefits of school integration.

"I look back and I shudder and say, 'Oh God, you really were as naive as some people said you were,'" he told The Post in 1990. "My life has been a series of glorious defeats."

Survivors include a daughter, Kate C. Harris of Lausanne, Switzerland, and Osprey, Fla.; a son, Hilton B. Clark of New York City; three grandchildren; and five great-grandchildren.

IN SPECIAL RECOGNITION OF JOHN D. MOONSHOWER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that John D. Moonshower of Ohio City, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

John's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2009. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

John brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Van Wert High School in Van Wert, John has attained a grade point average of 3.97, which places him near the top of his class of more than one hundred fifty students. While a gifted athlete, John has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. John has been a member of the National Honor Society, Honor Roll, Beta Club, Key Club, and has earned awards and accolades as a scholar and an athlete.

Outside the classroom, John has distinguished himself as an excellent student-athlete. On the fields of competition, John has earned letters in Varsity Football, Baseball and Basketball. He was named Co-Captain of the Varsity Basketball team and served as President of the Spanish Club, Vice President of the Beta Club and as Senior class representative. John's dedication and service to the community and his peers has proven his ability to excel among the leaders at West Point. I have no doubt that John will take the lessons of his student leadership with him to West Point.

Mr. Speaker, I ask my colleagues to join me in congratulating John D. Moonshower on his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available anywhere in the world. I am sure that John will do very well during his career at West Point and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

FREEDOM FOR LEONEL GRAVE DE PERALTA ALMENARES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Leonel Grave de Peralta Almenares, a political prisoner in totalitarian Cuba.

Mr. Grave de Peralta is a member of the Christian Liberation Movement and an independent librarian. According to Human Rights First, as director of the Bartolomé Masó Library, Mr. Grave de Peralta had a circulation record of over 700 book loans. His life is dedicated to the proposition that the men and women of Cuba must be free: free to learn, free to worship, free to enjoy their inalienable human rights.

Unfortunately, Mr. Grave de Peralta has been targeted by the totalitarian regime because of his belief in freedom and democracy. According to Amnesty International, he was harassed in 2002 when his home was besieged by the tyrant's thugs. Despite the constant threat of oppression, harassment, and torture, Mr. Grave de Peralta continued his peaceful, pro-democracy activities.

In March 2003, as part of Castro's heinous crackdown on peaceful pro-democracy activists, Mr. Grave de Peralta was arrested. Subsequently, in a sham trial, he was sentenced to 20 years in the totalitarian gulag.

Mr. Grave de Peralta is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny. Thousands languish in the gulag because, like Mr. Grave de Peralta, they refuse to accept the tyrannical dictatorship in Cuba today.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, Mr. Grave de Peralta languishes in the horror of the totalitarian gulag because of his belief in freedom, democracy, and human rights. My Colleagues, we must demand the immediate and unconditional release of Leonel Grave de Perlata Almenares and every political prisoner in totalitarian Cuba.

INTRODUCTION OF THE SEPTEMBER 11TH ASSISTANCE TAX CLARIFICATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. MALONEY. Mr. Speaker, today I and several other New York Lawmakers introduced legislation to protect lower Manhattan businesses and residents from having to pay any taxes on 9/11 recovery assistance.

Despite a prior announcement by the IRS they were planning to exempt Lower Manhattan residents from most, if not all taxes, on Federal Grants given to them to recover from 9/11 or grants given as incentive to move to or stay in the area, the IRS has made a determination to tax aid received. A February 5, 2003 letter received by the Acting Commissioner, Bob Wenzel, stated the following:

> The legislation enacted in 2001 and 2002 that appropriated $2.7 billion of CDBG funds to aid in the recovery of New York City did not provide that the grants made from those funds were exempt from income tax. In addition, neither the Victims of Terrorist Attacks Relief Act of 2001 nor the Liberty Zone Benefits provision of the Job Creation and Workers Assistance Act of 2002 specifically exempted the grant payments from income tax. Therefore, we have had to apply existing general federal tax law principles to determine the tax status of the grants.

As incredible as it sounds, the IRS will tax this assistance unless we act. It was never the intention of this Congress to tax any of this money and it is time to pass this legislation to prevent this unfair and unjust tax.

HONORING MERRITT COLLEGE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. LEE. Mr. Speaker, I rise today to honor Merritt College, one of the 9th Congressional District's outstanding institutions of higher education, on the occasion of its 50th anniversary.

Located in the East Oakland hills, Merritt College is part of the Peralta Community College District in Alameda County. Merritt College is named for one of the pioneer developers of Oakland, Dr. Samuel Merritt, who first came to Oakland in 1850. When the community college concept was still evolving, Merritt College and one of its sister campuses, Laney College, were known earlier as the Merritt School of Business and the Joseph C. Laney Trade and Technical Institute. In July of 1953, the Board of Education created Oakland Junior College, developing Laney and Merritt as separate and distinct campuses of the new institution. The following year Merritt added a liberal arts curriculum to the already established business program, and in June 1955, the first students graduated with Associate in Arts degrees.

In November 1963, local residents voted to establish a separate junior college district, which was named in honor of Sgt. Luis Maria Peralta, the 19th-century owner of the 44,800 acres throughout which the district campuses are located. The following summer, the Board of Education voted to offer vocational, technical and liberal arts courses on each of the existing campuses. In 1965, voters passed a $47 million bond issue for the construction of additional campuses, and in 1971 Merritt College moved from Grove Street to its current home in the East Oakland hills.

Since that time, the faculty and students at Merritt College have continued the campus' tradition of academic excellence. Offering programs in over 70 different academic and vocational fields, Merritt enrolls more than 6,500 students each semester and equips its graduates for careers in law, medicine, art, nursing, government, radiological technology, early childhood education and more. Merritt offers day and evening programs of transfer, technical, occupational and basic skills education, and its programs and services have historically been provided by distinguished faculty and staff who are widely known and respected in their disciplines.

In addition, the student body at Merritt College represents a variety of cultures from throughout the U.S. and the world. Merritt is known for its outreach efforts and initiatives that seek to make education available to all, as evidenced by its work at the Fruitvale Education Center, local high schools and child care centers, and at Oakland City training centers for the police and fire departments. Merritt College sets a leading example of the steps that our educational institutions must take in order to make high-caliber educational experiences and credentials available, accessible and affordable to all.

On Friday, May 6, 2005, our community joins together to celebrate the innumerable contributions Merritt College has made to Oakland and the East Bay during the past half-century. Particularly during a time when our educational system is facing new and growing challenges, it is important for us to be able to look to exemplary institutions such as Merritt for encouragement and inspiration. On behalf of the 9th Congressional District, I salute and congratulate Merritt College for 50 extraordinary years of service to our community. Merritt's students and stewards have demonstrated that an institution of higher education can not only be dynamic and innovative, but can truly be a force for hope, community empowerment and social change.

OCCUPATIONAL THERAPY MONTH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, just last week, our nation recognized April as Occupational Therapy Month. Occupational therapy is a health, education, wellness, and rehabilitation service that helps individuals engage in everyday activities, or "occupations." More than 100,000 licensed occupational therapists and occupational therapy assistants provide services to children and adults in a variety of settings across the nation, including 766 in my home state of Rhode Island. Services are provided by qualified professionals whose training includes anatomy and physiology, sociology, and psychology, including how disability affects an individual's ability to develop "skills for the job of living."

Occupational therapy focuses on performance of meaningful daily life activities, such as education, work, play, leisure, and social participation, despite impairments or limitations in physical or mental functioning. Occupational therapy not only helps children with disabilities to learn in school, but, also assists adults recovering from stroke to lead full and productive lives.

With its roots in mental health, occupational therapy focuses on the relationship between the client and their performance abilities, the demands of the activity, and the physical and social contexts within which the activity is performed. An individuals' performance is evaluated through their psychological, social, and emotional responses, which assists the therapist in implementing specific treatments to address the patients current needs and problems. Occupational therapy was recently profiled by the Substance Abuse and Mental Health Services Administration (SAMHSA) on its National Mental Health Information Center's website.

I am pleased to recognize the importance of occupational therapy and the valuable service that it provides for millions of individuals and families.

IN HONOR OF THE CINCO DE MAYO CELEBRATION AT PIKE PARK

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the Cinco de Mayo celebration at Pike Park in Dallas, Texas.

Cinco de Mayo is a day for special pride and remembrance for the Hispanic community. It's a reminder of the proud heritage of many Americans and the warm and growing friendship between two great nations. It's a day worth celebrating. Today we recognize the continuous efforts to bring the community together through the Pike Park Advisory Council and the Pike Park Preservation League.

Originally called Summit Play Park, Pike Park was constructed in 1915 and through the efforts of the Consul General from Mexico. The Mexican American children of the neighborhood were finally allowed to use the park and swimming pool in the mid 1930's

The name changed in 1927 to Pike Park Recreation Center named after Mr. Edgar Pike, a member of the Dallas Park Board. Pike Park has served as the site of the "Fiestas Patrias" (Cinco de Mayo and Dies y Sies de Septiembre) since the late 1930's.

Pike Park has also served as the bastion for civic and social events of the Mexican-American community for over 65 years.

It is with great pride that I recognize the Pike Park Advisory Council and the Pike Park Preservation League are duly recognized as the future coordinators of the "Fiestas Patrias".

HONORING THE SERVICEMEMBERS LEGAL DEFENSE NETWORK (SLDN)

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor the hard work and dedication of Servicemembers Legal Defense Network (SLDN), a national non-profit organization dedicated to ending the military's failed "Don't Ask, Don't Tell" policy.

SLDN was co-founded by Dixon Osburn and Michelle Beneke in 1994 as a legal service agency with the mission of providing counsel to service members discharged under "Don't Ask, Don't Tell." Since that time, SLDN has assisted more than 6,500 gay and lesbian troops and obtained thirty-five improvements to military regulations related to the policy.

Today, SLDN is the Nation's leading advocacy organization dedicated to repealing "Don't Ask, Don't Tell" and ensuring open service in our armed forces. Through tenacity and strong leadership, the organization has made significant steps forward in breaking down the barrier that bans gays and lesbians from serving openly in the military. The gay, lesbian, bisexual, and transgender community looks to SLDN as a model for accomplishing policy change.

2004 was a groundbreaking year for the organization. SLDN filed a monumental lawsuit on behalf of twelve veterans of the War on Terror, challenging the constitutionality of "Don't Ask, Don't Tell" in federal court. SLDN's legal expertise also paved the way for two victorious cases before the Army Court of Criminal Appeals, overturning military sodomy convictions. And the staff mobilized veterans and supporters from twenty-two states to meet with 90 Congressional offices on their annual "Lobby Day."

I have had the pleasure of working with SLDN since my freshman term in Congress. Most recently, we came together to draft the Military Readiness Enhancement Act, historic legislation to repeal "Don't Ask, Don't Tell" and replace it with a nondiscrimination policy. Because of SLDN's staunch efforts to win support in Congress, I introduced the bill with more than fifty cosponsors on March 2, 2005. We now have more than eighty cosponsors of this bipartisan bill today.

As SLDN celebrates its national dinner on May 7th, I commend the staff, board, and supporters for their commitment and perseverance. Just as the advocacy of civil rights groups paved the way for desegregation in the military, I am confident that SLDN's hard work will soon lead to the demise of the discriminatory and counterproductive "Don't Ask, Don't Tell" policy.

"THE BIG SHOTS WALK"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, many Americans continue to be gravely embarrassed by our country's failure to address in a forthright manner the abuse of human rights which occurred at Abu Ghraib prison under our control. Clearly the great majority of Americans who have served in Iraq are innocent of any such pattern of abuse, but it is simply a defiance of common sense and the facts to hold accountable only a handful of low-level military personnel on the scene, while exonerating those in charge who are in various degrees culpable for either encouraging or allowing this to happen.

Bob Herbert's column in the New York Times on April 27 makes this point forcefully, noting that "under Commander in Chief George W. Bush, the notion of command accountability has been discarded. In Mr. Bush's world of war, it's the grunts who take the heat. Punishment is reserved for the people at the bottom. The people who foul up at the top are promoted."

Mr. Speaker, our country deserves better of its leadership, and so do the men and women in the armed services who should not see a small number of their comrades held accountable for their actions while those in charge suffer no such penalty. I ask that Bob Herbert's thoughtful discussion of this matter be printed here.

ON ABU GHRAIB, THE BIG SHOTS WALK

(By Bob Herbert)

When soldiers in war are not properly trained and supervised, atrocities are all but inevitable: This is one reason why the military command structure is so important. There was a time, not so long ago, when commanders were expected to be accountable for the behavior of their subordinates.

That's changed. Under Commander in Chief George W. Bush, the notion of command accountability has been discarded. In Mr. Bush's world of war, it's the grunts who take the heat. Punishment. is reserved for the people at the bottom. The people who foul up at the top are promoted.

It was a year ago today that the stories and photos of the shocking abuses at Abu Ghraib prison first came to the public's attention. It was a scandal that undermined the military's reputation and diminished the standing of the U.S. around the world.

It would soon become clear that the photos of hooded, naked and humiliated detainees were evidence of a much larger problem. The system for processing, interrogating and detaining prisoners at Abu Ghraib and elsewhere in Iraq was dangerously out of control, and the command structure responsible for it had collapsed. Detainees were beaten, tortured, sexually abused and, in some instances, killed. Many detainees should never have been imprisoned at all, as they had committed no offenses.

So what happened? A handful of grunts were court-martialed, a Marine major was cashiered, and the Army plans to issue a new interrogation manual that bars certain harsh techniques. There was no wholesale crackdown on criminal behavior.

We learned last week that after a high-level investigation, the Army had cleared four of the five top officers who were responsible for prison policies and operations in Iraq. The fifth officer, Brig. Gen. Janis Karpinski of the Army Reserve, had already been relieved of her command of the military police unit at Abu Ghraib. (She has complained, and not without reason, that she was a scapegoat for the failures of higher-ranking officers.)

As Eric Schmitt wrote in The Times: "Barring new evidence, the inquiry by the Army's inspector general effectively closes the Army's book on whether the highest-ranking officers in Iraq during the Abu Ghraib prison scandal, should be held accountable for command failings described in past reviews."

This is the way atrocities are dealt with in Mr. Bush's world of war. The higher-ups responsible for training, supervising and disciplining the troops—in other words, the big shots who presided over a system that ran shamefully amok—escaped virtually unscathed.

The abuses at Abu Ghraib, which seemed mind-boggling at the time, turned out to be symptomatic of the torture, abuse and institutionalized injustice that have permeated the Bush administration's operations in its so-called war against terror. Euphemisms like rendition, coercive interrogation, sleep adjustment and waterboarding are now widely understood. Yes, Virginia, it is the policy of the United States to kidnap individuals and send them off to regimes skilled in the art of torture.

Two things are needed. First, a truly independent commission, along the lines of the bipartisan 9/11 panel, should be set up to thoroughly investigate U.S. interrogation and detention operations and make recommendations to correct abuses.

Second, the U.S. government should make it clear, beyond any doubt, that torture and any other inhumane treatment of prisoners is wrong, just flat wrong, and will not be tolerated under any circumstances.

"In our contemporary world, torture is like the slave trade or piracy was to people in the 1790's," said Michael Posner, executive director of Human Rights First, which is suing Defense Secretary Donald Rumsfeld over the prisoner abuse issue. "Torture is a crime against mankind, against humanity. It's something that has to be absolutely prohibited."

If the president made it clear that men and women up and down the chain of command would be held responsible for the abuses that occur on their watch, the abuses would plummet. Instead, the message the administration has sent is that its demands for accountability will be limited to a few hapless, ill-trained grunts.

The big shots who presided over behavior that has shamed America in the eyes of the world can count on this president's embrace.

IN HONOR OF THE 100TH ANNIVERSARY OF THE AICPA'S JOURNAL OF ACCOUNTANCY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. SHAW. Mr. Speaker, I rise today to commend the Journal of Accountancy, the Journal of record for the accounting profession, on its 100th anniversary this year.

The Journal of Accountancy, which is published by the American Institute of Certified Public Accountants, is read by nearly 400,000 readers each month. Its contents include official releases of technical requirements for CPAs as well as news and information that enlighten readers about important relevant developments in and outside the profession and that enhance their professional competency.

As a CPA, I am keenly aware of the value of this publication. CPAs play a vital role in our economy, and since 1905 the Journal of Accountancy has helped keep them informed about key business trends.

I would like to acknowledge the significant contribution that the JofA has made during its first century and to recognize its editors, authors and art and production staff for their hard work. I extend my best wishes to the JofA for its continued success.

PAYING TRIBUTE TO AND HONORING 75 YEARS OF INDEPENDENT COMMUNITY BANKING

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. PETERSON of Minnesota. Mr. Speaker, on May 9, 1930, a group of Minnesota community bankers held their first official meeting in Glenwood, Minnesota, in my district. The agenda that day was to focus on how to respond to the broad challenges facing the nation, as well as the specific challenges to community banks—the stock market crash the year before, a nation struggling to get back on its economic feet, a rash of bank foreclosures, and the rapid growth of chain banks.

This meeting of 28 bankers grew from a one-state organization, focused on state issues, into today's Independent Community Bankers of America (ICBA), the largest constituency of community banks in the nation. 2005 marks ICBA's 75th anniversary. In 1962 the bankers returned to their original mission and set up the Independent Community Bankers of Minnesota (ICBM), to focus again on issues specific to Minnesota.

This year also denotes a special milestone for the state association, ICBM. Minnesota Governor Tim Pawlenty proclaimed May 9th Independent Community Bankers of Minnesota Day, commemorating the founding of the only state association that exclusively serves the independent community banking industry.

Initially, industry consolidation and interstate banking heightened the need for legislative representation of community bankers. Today that need remains strong as community banks continue to serve a vital role in our state and national economies by consistently reinvesting deposits in the communities they serve in the form of agricultural, educational, small business, real estate and consumer loans. Moreover, as industry consolidation continues, community banks stand out as the only financial institutions that keep control in local hands.

ICBM serves nearly 300 statewide members through its unique programming. In addition to its annual convention, various publications and wide-ranging committees, ICBM offers valuable services and products through its partnerships and associate memberships; a technology tradeshow; legislative representation; education resources; and networking opportunities.

ICBM continues the tradition started 75 years ago of innovation and community concern while it partners with the Pohlad Family Foundation to offer T.E.A.M. (Training, Educating, And Mentoring) Future Bankers, a unique summer youth jobs program that introduces students to community banking and invests in the futures of the next generation of community bankers. This year, 75 interns will be hired statewide to work in this valuable program. Every intern also will be invited as a guest of Twins owner Carl Pohlad at a baseball game on June 19th.

On the political side, ICBM launched a separate non-profit in 2004 called Debate Minnesota, a unique effort to bring civility back to Minnesota politics by hosting a series of roundtable debates that focus on issues. The Star Tribune, the state's largest daily newspaper, in an editorial on Election Day 2004, had this to say about Debate Minnesota, "Their concept for candidate debates is what made them stand out this year. The result was a series that drew considerable local media coverage, and expressions of appreciation from participants and observers alike. Debate Minnesota established a good name for itself in its first year. Debate Minnesota ought to be back, in more places and races in 2006."

From 28 original founders to a nationwide network of 5,000 banks, ICBA and ICBM continue to bring much-needed diversity and leadership to the banking world as well as the communities in which their members serve. I would like to commend both organizations for their innovative spirit and community dedication, and wish them well on their journey toward their 100th anniversary.

INTRODUCTION OF NATIONAL BIKE MONTH RESOLUTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. BLUMENAUER. Mr. Speaker, today I am introducing a resolution in support of National Bike Month. The League of American Bicyclists has celebrated every May since 1956 as National Bike Month. With this resolution, Congress will recognize the enormous role bicycling has in our lives. This month provides an opportunity to promote the benefits of cycling, appreciate those in the cycling community, and to encourage bicycle safety.

Bicycling is one of the cleanest, healthiest, most efficient, and environmentally friendly modes of transportation that exists. It is the most efficient form of urban transportation in history. There are over 57 million adult cyclists in the United States, 5 million of whom choose to commute to work by bike. This transportation choice helps ease congestion on our roads and reduce environmental pollution while allowing cyclists to incorporate exercise into their everyday lives. In an age of high energy prices, overcrowded roads, and a growing obesity epidemic, biking is more important to the well being of our communities than ever before.

Communities throughout the Nation have reaped the positive benefits of biking. According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation. National Bike Month provides the opportunity to recognize the significant impact of this noble invention and to inform others of the healthy, environmental, efficient, and neighborhood-friendly form of transportation.

HONORING THE MEMORY OF MR. R.B. "DICKIE" WILLIAMS, III

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. BONNER. Mr. Speaker, recently south Alabama lost one of its most colorful personalities, and I lost a dear friend, R.B. "Dickie" Williams, III, and I rise today to honor him and pay tribute to his memory.

A native of Mobile, Alabama, "Dickie" was raised on the Williams Plantation in Finchburg, Alabama. After graduating from Monroeville High School and attending Auburn University, he graduated in 1958 with a B.S. degree in pharmacy from Howard College (since renamed Samford University). In 1961, "Dickie" moved to Selma, Alabama, and worked for three years on the staff of Swift Drug Company. In 1964, he moved one last time to Monroeville, where he opened Williams Drug Store.

For nearly 40 years, Williams Drug Store was one of the foundations of the businesses found on Monroeville's town square and provided—in addition to one of the best and most efficient pharmacies anywhere in the area—a gathering place for members of the community who would come together for fresh coffee and good conversation. In addition, the store became an unofficial repository of decades of Monroe County history, and during the latter part of his life "Dickie" was known as Monroe County's "unofficial historian." During his life, he shared his vast knowledge of county history and personal recollections of life in Monroe County in a column for the town's newspaper, the Monroe Journal, and in a series of four books.

Perhaps most importantly, however, "Dickie" was deeply concerned for the personal well-being of his fellow Monroe Countians and for the preservation of his county's and his State's natural and historic sites. During the course of his life, he established the Monroe County Conservation Club and was instrumental in the creation of the Monroe County State Fishing Lake. Additionally, he was a past president of the Alabama Wildlife Federation and for 21 years was an elected Alabama delegate to the National Wildlife Federation. "Dickie" was also instrumental in helping to save the Old Monroe County Courthouse from demolition and was one of the founders of the Monroe County Heritage Museum.

Mr. Speaker, I ask my colleagues to join me in remembering a devoted citizen and longtime advocate for Monroe County, Alabama. "Dickie" will be deeply missed by his family—his wife, Nancy Beeland Williams, his brothers, Charles Robbins Williams and John Bonner Williams, his daughter, Elizabeth Williams Olsey, his son, Richard Russell Williams, his stepsons, Dr. David Stallworth and Jeff Stallworth, his stepdaughter, Nancy Stallworth Weiss, and his 9 grandchildren—as well as the many friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

FAIR TAXES. FAIR BENEFITS, FAIR SOCIAL SECURITY FOR THE WOMEN OF OUR NATION!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. FILNER. Mr. Speaker, I rise today to urge support for three bills that I have introduced to provide financial relief to women in our Nation. Both men and women will receive assistance from this legislation, but because women are often with less financial resources, they will particularly benefit.

My first bill, H.R. 2127, the "Fair Taxes for Seniors Act", will provide a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 years of age or older. Passing this bill will give many seniors the additional money they need for nursing home care, medical costs, and other retirement expenses.

The current capital gains tax exemption works well for younger people who often move from job to job, selling their homes. The current exemption works well for people who live in areas where housing prices are below average. But it is not working for individuals who have lived in one home for 20 to 50 years and have a capital gain that is much larger than the present exemption. In other words, it is not working for seniors who live in areas with higher housing prices, such as San Diego, California in my Congressional District.

My bill doubles the current exemption by providing a one-time increase to $500,000 for a single person and $1 million for a couple that can be excluded from the sale of a principal residence for taxpayers who have reached the age of 50. Because they will be able to keep more, an added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

My second bill is H.R. 2126, the "Social Security Survivors Fairness Act", legislation to provide Social Security widows' and widowers' benefits to people under the age of 60. Many of these survivors are women, women who have spent their life working in the home, raising their children, and supporting their husbands. They currently are allowed to receive Social Security widows' benefits, but to qualify they must be 60 years old.

It is very difficult for many to find a job at their age if they have never worked outside their homes. Women in their late 50s who are dependent on their husbands' Social Security are left with no means of support if their spouses die.

My bill would amend the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widows' or widowers' insurance benefits.

Finally, I have introduced H.R. 2125, the "Continued Benefits for Injured Military Spouses Act". Under current law, enacted in 1982, former spouses of military members or retirees are eligible for military medical benefits and exchange and commissary privileges if the military member had performed at least 20 years of military service, had been married for at least 20 years to one spouse, and 20 years of marriage and service were overlapping. This is known as the 20/20/20 restriction. Further legislation was enacted 2 years later to include additional former spouses under a 20/20/15 restriction.

While this law recognizes the contribution and sacrifice of many military spouses who later divorced, there is a group who are completely left out through no fault of their own. Spouses who must leave a marriage through divorce due to documented abuse are often left with none of these benefits. Domestic violence and physical or sexual endangerment to the spouse or the children, proven by medical or counseling records, should be taken into account. Divorced because of this situation, the injured spouse should continue to receive benefits.

H.R. 2125 will change the law to 20/20/10 only for these special circumstances, meaning that the military member would have been married for at least 20 years to one spouse, would have performed at least 20 years of military service, with 10 years of service and marriage overlapping. This change would allow an abused spouse to escape from a potentially dangerous marriage and still keep benefits.

Most of our military members are honorable and good people. But, in the few cases where spousal or child abuse is involved, we must protect the families. I invite my colleagues to join me in support of military spouses who have found themselves in dangerous marriages, in support of fairer taxes for senior citizens, and in support of widows' benefits for surviving spouses who are 55 and older.

HONORING SAM RAMPELLO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Sam Rampello, a tireless advocate for Hillsborough County, Florida's public schools. Sam's passing this weekend silences a passionate voice for our young people.

A Tampa native and graduate of Jesuit High School and the University of Tampa, Sam spent his career working to improve our local schools. He started by teaching history at Plant High School, and then went on to serve as a history professor at the University of Tampa. But it wasn't long before he came back to the public school system, working as dean of boys at Leto High School, then as assistant principal at Jefferson High School.

In 1972, Sam worked as director of Hillsborough Community College's temporary airport campus and a year later joined the Hillsborough County planning commission. In 1976, Gov. Reubin Askew appointed Sam to the Hillsborough County School board, where he served for nearly 18 years.

Humble by nature, Sam's focus was always on the best interests of his students and his persistent goal was to help make our schools the best they can be. His steadfast faith allowed Sam to see the potential in everyone—particularly our students and those who help them succeed.

Last year, in honor of all his work, a school was named in Sam's honor. When the Sam Rampello Downtown Partnership School open's next year, it will serve as a living testament to Sam's dedication to Hillsborough County Schools.

On behalf of the entire Tampa Bay community, I would like to thank Sam for all of his good deeds and extend my deepest sympathies to his family.

IN HONOR OF CURTIS HIGH SCHOOL UPON ITS RECEIPT OF THE COLLEGE BOARD'S 2005 INSPIRATION AWARD

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. FOSSELLA. Mr. Speaker, I'm proud to recognize today the great achievements of a high school in my hometown of Staten Island: Curtis High School (CHS). This important educational institution has just been given a $25,000 check from the College Board to accompany the school's receipt of the 2005 Inspiration Award. The Board levies this honor annually on only 3 schools that help students achieve equitable access to higher education despite social, economic, and cultural challenges. A focus on attendance led to CHS' receipt of the award this year. The school's pioneering programs have led to 90 percent attendance rate and an 88 percent rate of graduation. Such a feat is truly amazing considering the schools circumstances.

CHS is a 100-year-old Gothic-style building, embellished with gargoyles and ornate stone archways. The school has an active alumni association, and many of its teachers are graduates, but CHS has changed dramatically since the days when it served a small, homogeneous middle-class community.

Today, Curtis High School functions at 160 percent of capacity. Forty-six percent of its students are documented at or below the federal poverty level, and more than half of its students receive free or reduced-price lunches. Among its racially diverse population of more than 2,600 students, 40 percent are white, 33 percent are black, and 20 percent are Hispanic. The school also serves children who are recent immigrants from Latin America, West Africa, Eastern Europe, and Asia.

Curtis High School credits its success to 10 small learning communities called "houses." Every freshman who enters CHS chooses among the themed tracks, which include such varied subjects as the performing arts, Junior ROTC, business and computer science, nursing, and journalism. Each house has unique electives that develop the student's particular talents and interests—be it dance, computer graphic design, or law—while maintaining a college-preparatory curriculum for all students.

The school also offers afternoon and weekend tutoring programs, active college counseling, and a mentoring program that targets recent immigrants and students with little parental guidance. The Career Connections program, a partnership among CHS, local businesses, and other community-based organizations, helps students to upgrade their résumés by finding paid internships and part-time employment opportunities. Principal Curtis has also introduced programs for parents, such as "Parents As Art Partners," which offers a free photography class, to create more parent involvement at the school.

These innovative initiatives and the school's commitment to its 3 foundations of success, "Attendance, Attitude and Achievement," have allowed literally thousands of children to gain a high school diploma in the face of tremendous odds. In doing so, such efforts have put these children on the path to a better life, free from the shackles of poverty. I am honored to recognize this fine institution and hope its efforts serve as a model for schools throughout the country. The CHS example shows there is no limit to human ingenuity and that through creativity, commitment and perseverance, we can provide a better life for generations to come.

THE ACT TO PROVIDE MEMORIAL MARKERS FOR THOSE WHO DIED WHILE SERVING OVERSEAS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to introduce a bill that will help families memorialize those who died in service to our country and are buried in cemeteries overseas. According to the Department of Veterans Affairs, those servicemembers whose remains are classified as "unavailable for burial" are eligible for government-provided memorial markers or headstones. While this classification includes those whose remains have not been recovered or who were buried at sea, there is one glaring exception to this definition—those who died fighting for freedom abroad and were laid to rest there.

The United States currently has 24 permanent overseas burial grounds that are the final resting place for nearly 125,000 of our bravest men and women who died serving our country. These sites are the responsibility of the American Battle Monuments Commission and are a wonderful tribute to those buried there. However, the Department of Veterans Affairs maintains that because these graves can be visited, there is no need to provide families at home with a memorial marker for their deceased loved ones.

We should not deny these families the ability to obtain memorial markers when we already do it for so many others. To correct this, my legislation will add overseas burials to the VA's "unavailable for burial" classification and finally let these men and women be memorialized by their families here at home.

INTRODUCTION OF THE CLINICAL RESEARCH ACT OF 2005

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. WELDON of Florida. Mr. Speaker, I am very pleased to join with my colleague from Pennsylvania, Mr. DOYLE to introduce the "Clinical Research Act of 2005." This bill will address many of the problems confronting our Academic Health Centers as they attempt to leverage the enormous biomedical research gains made in the past century, and in the past several years in particular as the budget for the National Institutes of Health has doubled.

Breakthroughs in basic biomedical sciences over the past 5 decades, including human genomics, biomedical engineering, molecular biology, and immunology, have provided an unprecedented supply of information for improving human health. As a member of the Labor-HHS-Education Appropriations Subcommittee I am proud to say that the remarkable strides that have been made in basic science would not have occurred without the support of Congress and the general public. While we realize that research may not produce results overnight, we, as stewards of the taxpayers' dollar have every right to expect that the fruits of that research will result in better treatments for patients. This requires a federal commitment to clinical research, including a commitment to ensuring that the infrastructure is capable of translating, in a systemic and rational way, the fruits of basic research into improved patient care.

I, along with many of my colleagues in the Congress and the public in general, have become increasingly concerned that we have been too slow in getting improved patient therapies and interventions from the enormous investment we have made in basic research. The Congress and both the Clinton and Bush Administrations made significant commitments to doubling the NIH budget. Significant strides and advancements have been made in basic research. Unfortunately, I hear on an ongoing basis from patient advocacy groups concerned that this significant taxpayer investment has not had much direct benefit to those suffering from disease. In addition to hearing from patient advocacy groups, I hear from my colleagues about the apparent disconnect between the promise of basic science and the delivery of better health care for the citizens of this country. I believe that we can and should do a better job of moving the bench research to the bedside. That is what this bill is aimed at doing.

Without strong Academic Health Centers capable of conducting clinical research, the promise of improving the health of the American people will continue to elude us.

Unfortunately, the clinical research environment in the Academic Health Centers is encumbered by rising costs, inadequate funding, mounting regulatory burdens, fragmented infrastructure, incompatible databases, and a shortage of both qualified investigators and willing study participants. Without changes to help Academic Health Centers meet these challenges, these breakthroughs in basic science will remain in the laboratories. Rat after rat will continue to be cured, but due to the burdensome costs and the lack of clinical researchers cures for humans will not materialize. Let's face it, bench research is less burdensome and less costly than applying clinical therapies to human beings suffering various diseases. Furthermore, because of the rising cost of healthcare delivery and the fiscal pressures weighing on academic health centers, many of these physician researchers face institutional pressures to spend more and more of their time seeing billable patients rather than conducting innovative clinical research. The clinical researcher is a diminishing breed, yet they play a vital role in bringing cures out of the laboratory to the suffering patient.

It is also important to recognize that many of the potential cures for patients utilize therapies and interventions for which there is not a patentable product. In other words, there is no profit motive for large corporate backer to invest resources in developing these therapies. Without federal support for this clinical research, most of these trials and likely cures will remain out of the reach of patients.

The bill that Representative DOYLE and I are introducing today, through its clinical research support grants, infrastructure grants, and "partnerships in clinical research" grants, will provide our Nation's Academic Health Centers with the crucial resources they need and the opportunity to meet the public's expectations. This bill is specifically aimed at improving the translation of this new medical science knowledge to directly benefit those suffering from a wide array of diseases that impact all too many lives.

If we are going to reap the benefit of the enormous investment of taxpayer dollars in biomedical research it is important that we move this legislation forward.

I urge my colleagues to support this bill.

HONORING THE MARINE CORPS TRIKE PROGRAM OF CITRUS COUNTY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, since 1997, the Marine Corps League has presented trikes to handicapped children in Citrus County, FL.

Local Detachment #819 was involved with the Marine Corps League Auxiliary in conjunction with the Toys for Tots Program in starting and implementing the current trike program.

This past weekend I joined the Marine Corps League to help present modified tricycles to some of the handicapped children in Citrus County.

Each tricycle is modified to accommodate the individual handicap of the child.

I can tell you from firsthand experience that the Marines are doing an amazing service to these young children, and should be commended for their service and dedication to the community.

I would hope that other Members would identify Marine Corps Leagues back home in their districts, and help participate in this worthy program.

HONORING EAST BRUNSWICK HIGH SCHOOL STUDENTS WHO COMPETED IN THE 2005 NATIONAL SCIENCE BOWL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor five outstanding individuals, Eric Chang, Harrison Hsu, Aditya Panda, Zhengyang Zhang, and Alex Zozula who competed in the 2005 National Science Bowl representing East Brunswick High School. These five students exemplify the true academic spirit and scientific drive that our country needs as we enter the 21st century.

Since 1991, the National Science Bowl, through the sponsorship of the United States Department of Energy, has brought together more than 100,000 high school students to promote serious study of all fields of science, from biology to physics, from botany to astronomy. These students have prepared throughout the year for the regional elimination tournaments, where only the best-prepared and most scientifically-minded teams move on to the National Science Bowl.

The team of five, under the guidance of coach and teacher Paul Kimmel won their regional elimination tournament held at the Princeton Plasma Physics Laboratory.

As a scientist, I cannot stress enough the importance of science and math education. Science provides a bridge that connects all aspects of our lives. These disciplines form the basic building blocks that make up our knowledge of the world around us. Science and math education is the key to guiding future generations in their understanding of an ever changing world. Through programs such as the National Science Bowl, America's youth is exposed to this vital branch of learning in a way that sparks their interest and promotes serious study in these fields.

Part of this year's Science Bowl featured a Model Fuel Cell Car Race, where teams were able to build a model car powered by hydrogen to compete in a speed race or a king-of-the-hill climb. The participating students also had the opportunity to attend presentations by well known scientists that covered important scientific issues of today. The five exceptional students from East Brunswick team gained valuable knowledge from their participation in this year's Science Bowl that they will surely share with their fellow peers.

It is also important to acknowledge the parents, mentors, friends, and family who have helped these students succeed in their academic efforts. I applaud the Science Department at East Brunswick High School for preparing these exemplary students.

I congratulate the members of the East Brunswick High School science team for their successes and wish them the best of luck in their future scientific endeavors.

CINCO DE MAYO HOLIDAY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, Mexican-Americans across the country celebrate Cinco de Mayo—a day that commemorates the past and relishes the present by embracing American culture. So many Mexican-Americans have made positive contributions to our Nation.

One area in particular where Mexican-Americans have made great strides is in the Armed Forces. There are many Mexican-Americans proudly serving and giving back to their country right now. I want to share the story of Daniel from South Gate.

He is the son of Mexican immigrants, who came to this country to make a better life for his family. Growing up, Daniel said he always felt patriotic. When I asked him what he thought patriotism was, he replied, "I think it's working for freedom. I have always felt that I needed to earn my rights and that I had to contribute, even for the right to vote."

He went on to say that serving in the military was his civic duty. So as soon as he was able, Daniel enlisted in the Marines and graduated boot camp at 17. Daniel was one of the first Mexican-Americans that many Iraqis had ever seen. I can think of no better ambassador for our country. While he was shot at, he returned to southern California unharmed.

As you can see by this story, Mexican-Americans share the same goals as other Americans of freedom, opportunity, and a chance to build a better life. On this day, let us salute Daniel, and all other Mexican-American soldiers and veterans for their great service to this great Nation.

RECOGNIZING "COVER THE UNINSURED WEEK" MAY 1–8, 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. CUMMINGS. Mr. Speaker, as our Nation recognizes "Cover the Uninsured Week", I rise today to bring attention to the plight of the 45 million Americans who lack health insurance and access to healthcare.

Mr. Speaker, we are facing a health insurance and healthcare crisis in our country. While our Nation spends more per capita than any other country on healthcare, our delivery systems are disjointed and ineffective.

There was a time when it was assumed that having a job meant having health insurance. This is no longer the case. More than 80 percent of uninsured Americans are workers, most with full time jobs. Within my own state of Maryland, 90 percent of the 750,000 citizens lacking health insurance are employed.

Increasingly, more Americans lose health coverage every year, and those who have coverage pay more for it. Healthcare and drug costs are rising, as are premiums. As a result, many small businesses struggling to stay competitive in today's economy cannot afford to offer their employees insurance coverage. As a result, workers with access to employer-based group insurance plans often cannot afford the costs they must bear for insurance premiums.

The inability to obtain medical insurance unduly affects minorities. A staggering 1 in 3 of Hispanics are uninsured, compared to 1 in 10 of the Nation's white population.

Whereas, the African American community is disproportionately affected by diabetes, cardiovascular disease, and other health problems that require regular access to healthcare, 1 in 5 African Americans unfortunately are also uninsured.

The consequences are severe. Citizens without health insurance are less likely to seek preventative care or help with minor medical problems, leading to major, more costly medical problems. Without insurance, a person's health is compromised, and their lifespan is shortened. In fact, there are 18,000 deaths each year in this country caused by a lack of health insurance—these deaths are preventable.

The increase in the uninsured population affects not only the health of our citizens, but the health of our economy as well. In fact, nearly half of all bankruptcy filings result from medical expenses. Having just one uninsured family member suffer from just one major medical problem or hospital stay can devastate the financial and emotional resources of an entire family.

To stop the drain on our healthcare infrastructure, our society, and our economy, we must provide insurance coverage to all Americans. We must find a way to lower healthcare and drug costs. We must find a way to make premiums more affordable for employees and employers.

Our small businesses should not have to choose between economic success and meeting their employees' healthcare needs. Workers should not have to refuse insurance for themselves and their children because premiums are too high.

Please join me in supporting the goals of Cover the Uninsured Week. Join me and those stalwarts like Congressmen JOHN CONYERS, PETE STARK, CHARLIE RANGEL and FRANK PALLONE, and Congresswomen TAMMY BALDWIN, BARBARA LEE and DONNA CHRISTENSEN—as we continue our commitment to solving our health insurance crisis and to making sure that all Americans have access to healthcare.

Congress must urgently examine ways to transform our healthcare system so that it is comprehensive, universal, and sustainable. I look forward to taking part in that discussion.

GADSDEN HIGH SCHOOL, RECIPIENT OF THE COLLEGE BOARD 2005 INSPIRATION AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. PEARCE. Mr. Speaker, I rise today to acknowledge the accomplishments of an extraordinary New Mexico school. Gadsden High School in Anthony, New Mexico is the recipient of the College Board 2005 Inspiration Award. In its tireless pursuit of student success, Gadsden High School has seen a remarkable increase in Advanced Placement course enrollment and those taking the SAT, and record numbers of students are enrolling in and attending college.

Gadsden High School has helped students achieve equitable access to higher education despite social, economic and cultural challenges. It has made significant strides in exposing its students to higher education options and opportunities. One example of the school's ingenuity in this endeavor is a pre-college program called MESA that focuses on math, engineering and science. Students who achieve core requirements may earn up to $1,000 in college tuition, which some admitting colleges and universities elect to match.

In addition to the progress Gadsden High School has made in helping its seniors search and apply for scholarship opportunities, the school supports a summer camp for grades 9–12 to address college questions and planning. The staff also plans to develop an Applying to College Handbook to promote greater parental involvement. These efforts have resulted in an exceptional 57 percent matriculation rate, 98 percent of whom are first-generation college attendees.

Mr. Speaker, I am honored to congratulate Gadsden High School on this well-earned distinction and express my gratitude for the leadership and innovation they have demonstrated. I commend Gadsden High School for the hard work they continue to perform, and I am proud to recognize Gadsden High School—a true model of commitment to higher education—today before my colleagues.

Gadsden High School's motto puts it best by saying "Believe, hope and look for miracles." With an unwavering will to overcome adversity and find creative solutions, Gadsden High School is working to create its own "miracles."

INTRODUCTION OF THE GREAT LAKES ENVIRONMENTAL PROTECTION AND RESTORATION PROGRAMS REAUTHORIZATION ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. EHLERS. Mr. Speaker, I rise today to introduce comprehensive legislation to protect and restore the Great Lakes. I am pleased to be joined by Rep. MARK KIRK and 17 bipartisan original cosponsors.

The Great Lakes are a national treasure, providing drinking water to millions of people and supporting billions of dollars in trade, fishing, and recreation. While we have taken steps to improve environmental conditions in the basin, the Great Lakes still suffer from pollution from contaminated sediments, storm water and agricultural runoff, and wetlands and coastal habitat loss.

As its name indicates, the Great Lakes Environmental Protection and Restoration Programs Reauthorization Act reauthorizes several federal Great Lakes environmental programs in one comprehensive package. The bill also provides a mechanism for coordinating activities among the various federal agencies that carry out these programs, along with a process for coordination and future planning among federal, state and local program managers and the private sector. Finally, the bill reauthorizes the State Revolving Loan Fund under the Clean Water Act, in order to address wastewater infrastructure needs.

The bill provides about $4 billion over 6 years by increasing the authorization levels for current major environmental programs operating in the Great Lakes Basin. Mr. Speaker, I believe that the most effective way to undertake a major restoration initiative is to do so within the context of current programs, through higher funding and improved coordination among federal, state, and local agencies and cooperation with interested stakeholders. The bill includes federal programs at the Army Corps of Engineers, the Department of Agriculture, the Fish & Wildlife Service, the U.S. Geological Survey (USGS), and the Environmental Protection Agency (EPA).

The bill is specifically targeted to address the costly big-ticket items that will have a dramatic impact on improving the health of the Lakes. This includes $1.65 billion for cleaning up Areas of Concern, a total that is consistent with recent low-end estimates from site experts on AOC sediment remediation needs. It also provides $640 million for fisheries, wildlife, ecosystem and habitat restoration programs.

The bill provides about $900 million for research and monitoring programs at the EPA, the Great Lakes Environmental Research Laboratory (GLERL) within the National Oceanic and Atmospheric Administration, and the Great Lakes Science Center (GLSC) within the U.S. Geological Survey (USGS). The bill also authorizes extramural grants to public universities and private institutions to conduct this important work. These activities are critical to the successful planning, implementation and oversight of restoration efforts.

The bill also reauthorizes the national State Revolving Loan Fund and provides $20 billion over 5 years to assist communities with the critical task of upgrading and improving their wastewater infrastructure. This piece is taken from H.R. 1560, passed by the Water Resources Subcommittee in the 108th Congress. Sewer system needs are a critical component of keeping the Great Lakes and their tributaries clean, and the State Revolving Loan Fund has been a successful program for helping cities and towns undertake these very expensive upgrades.

Finally, the bill codifies Executive Order #13340, signed by the President in May 2004, and codifies the regional collaboration process outlined in conjunction with the E.O. on December 3, 2004, by the Administrator of the EPA, the Great Lakes governors, tribal leaders, several Members of Congress, and others. This will continue to improve collaboration among the many projects and programs operating in the Basin and ensure long-term stability to the preparation and oversight of the comprehensive restoration action plan currently under development.

Mr. Speaker, we have a responsibility to clean up and to protect this precious resource. My bill provides the funding and the coordination necessary to implement the programs we have in place and to accomplish the shared goals of the region. I urge my colleagues to support this important legislation.

ETHIOPIA AND ERITREA: PROMOTING STABILITY, DEMOCRACY AND HUMAN RIGHTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. SMITH of New Jersey. Mr. Speaker, earlier today, as chairman of the Africa, Global Human Rights and International Operation subcommittee, I convened a hearing on the precarious situation involving Ethiopia and Eritrea.

Seven years ago this month, the East African nations of Eritrea and Ethiopia began a devastating two-year conflict that cost the lives of as many as 100,000 soldiers and civilians. The war, which largely took place on Eritrean territory, displaced a third of that country's population and caused massive destruction. The deprivation in both countries continues long after the war ended, and the suffering goes on.

Eritrea's economy has been battered by four years of drought, which has further diminished this country's ability to feed its people. The U.S. Department of State estimates that large budget deficits have been caused by continued high defense spending. If not for remittances from Eritreans living abroad, the country's economy would be hard-pressed to sustain itself. In Ethiopia, the United Nations Children's Fund has identified 25 hot spots around the country where people are facing serious risk of malnutrition. This current crisis, according to UNICEF, is at least partly caused by delays in the start of the government's safety net program, and continued military spending will only further exacerbate the problems with an economy now surviving due to foreign assistance.

Human rights and democracy also are diminished by the concentration of both governments on resolving the border issue.

In the current U.S. Department of State Country Reports on Human Rights Practices, Eritrea was cited for its poor human rights record:

"Citizens did not have the ability to change their government. Security forces were responsible for unlawful killings; however, there were no new reports of disappearances. There were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations, and security forces severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international groups, except the International Committee of the Red Cross (ICRC). Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion."

Congress has been particularly interested in the case of Aster Yohannes, an Eritrean national who has been held incommunicado without due process since trying to visit her husband in jail in December 2003. A number of my colleagues and I sent a letter to Eritrean President Isaias (EE-SIGH-US) Afwerki (AF-WORK-EE) on January 6, 2004, concerning this matter:

"We respectfully urge you to release Aster Yohannes immediately and allow her to return to her family," the letter stated. "Web will regard this as a first step toward restoring human rights in Eritrea. We look forward to resolving this and other important issues in the very near future."

I personally have met with Eritrean officials at the UN Human Rights Commission in Geneva and here in the United States specifically on this issue last year and only a few weeks ago. Yet, more than a year later, Mrs. Yohannes is still imprisoned with no trial in sight, as are two U.S. Embassy personnel held without trial since 2001.

Eritrea's half Christian-half Muslim population has coexisted peacefully, but there are tensions that could lead to serious problems. There have been incidents of violence involving Muslim extremists and even violent incidents involving Coptics and other Christian groups. Government concern over the rapidly growing Pentecostal group has led to mistreatment of believers. On the whole, security issues seem to have put religious freedom aside in the priorities of the Eritrean government. The U.S. Commission on International Religious Freedom was unable to be with us today, but they have submitted for the record a statement and report that details troubling limitations on religious freedom in Eritrea.

For the first time last year, the Secretary of State designated Eritrea as a "Country of Particular Concern" under the International Religious Freedom Act for particularly severe violation of religious freedom.

Finally, after a promising start to its democracy at independence, Eritrea cracked down on the political opposition in September 2001 and continues to seriously limit the ability of citizens to express themselves through the vote.

The State Department human rights report noted improvements in Ethiopia's human rights record, but it continues to note serious remaining problems:

"Security forces committed a number of unlawful killings, including alleged political killings, and beat, tortured, and mistreated detainees. Prison conditions remained poor. The Government continued to arrest and detain persons arbitrarily, particularly those suspected of sympathizing with or being members of the OLF. Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem. The Government infringed on citizens' privacy rights, and the law regarding search warrants was often ignored. The Government restricted freedom of the press; however, compared with previous years, there were fewer reports that journalists were arrested, detained or punished for writing articles critical of the Government. Journalists continued to practice self censorship. The Government at times restricted freedom of assembly, particularly for members of opposition political parties; security forces at times used excessive force to disperse demonstrations."

In Ethiopia, Human Rights Watch has documented incidents of murder, rape and torture committed by the Ethiopian military against the Anuak (ANN-YOU-AK) people in the southwestern region of Gambella. As our witness will detail in his testimony, hundreds of Anuak villagers have been killed in a series of attacks by soldiers and civilian mobs since December 2003. Beatings and torture of Anuaks have become all too commonplace in Ethiopia under a government whose attention is not focused on such egregious human rights violations.

Concerns over a repeat of the irregularities surrounding Ethiopia's 2000 and 2001 elections prompted some of my colleagues to introduce H.R. 935 to urge the Government of Ethiopia to ensure free and fair elections on May 15th. I commend the sponsors of this legislation and support the call for orderly, peaceful, free and fair elections in Ethiopia.

The short time remaining may limit the impact of this important piece of legislation, which is aimed specifically at the upcoming elections. Therefore, I would like to work with the cosponsors of this bill on legislation soon after the elections in Ethiopia that would allow us to be more comprehensive and develop a legislative response that is consistent with the importance of this country in America's overall Africa policy.

Today, a number of colleagues joined me in sending a letter to Ethiopian Prime Minister Meles Zenawi, urging him to rescind the expulsion of three American NGOs helping to build democracy—the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems. For the sake of continuing democratic progress in Ethiopia, we hope the Prime Minister will respond positively to our request.

Again, Eritrea and Ethiopia are concentrating on building their military forces, and they are neglecting the very pressing needs of their people. Now their mutual militaries seem poised to renew open warfare due to unresolved issues involving their common border.

Both nations have increased their deployment of troops on the security zone border. Ethiopia recently added 30,000 troops for an estimated total of 90,000 armed men, most said to be within 40 kilometers of the frontier. While it is unclear exactly how many troops the Eritreans have deployed, they feel empowered to threaten military action if the current stalemate concerning the international border commission's ruling is not accepted fully by the Ethiopian government.

As recently as Tuesday of this week, Eritrean President Isaias announced at his ruling party conference that war with Ethiopia is imminent. President Isaias said his upcoming budget would be planned with war in mind. Presumably that budget will include funding for the arms the Eritreans agreed last month to buy from Russia.

If the war resumes, Ethiopia's Tekeze dam and Eritrea's port of Assab will be prime targets, which will only make worse an already precarious state of development in both nations.

It is difficult to understand why these formerly friendly nations would risk further devastation for territory not particularly blessed with natural resources. However, one must keep in mind that this border dispute actually dates back to the somewhat vague borders drawn by Italy, the former colonial power. So long as Eritrea and Ethiopia were united under colonial or dictatorial rule, the border issues were not pressing.

The peace process that eventually ended the war was predicated on an international commission impartially ruling on the demarcation of the 1000 kilometer border between the two countries. However, the decision of the commission has only been accepted "in principle" by the Ethiopians, who stand to lose their access to the Red Sea. The Ethiopian government is publicly complaining about loss of the town of Badme, hardly a strategic center. Meanwhile, the Eritreans refuse to even discuss the matter further.

U.S. policy should be clear on the Eritrea-Ethiopia dispute, but it appears to have depended on the old paradigm. We are supportive of both Eritrea and Ethiopia; however, issues such as the fight against global terrorism and the effort to contain Sudan's hostile government have caused American policy to tread lightly on development, democracy and human rights issues in those countries. We should not have to choose between security and democracy and human rights. It is not an "either-or" situation but "both-and." We must find a new framework for U.S. policy in the Horn of Africa, and we called this hearing partly to see how the Administration is addressing the full range of our concerns in this region.

Both Eritrea and Ethiopia make themselves more vulnerable to internal turmoil by their inability to address the many other vital issues they face even if there is a stalemate in the border dispute. This is neither in the short term interest of these two nations nor in the long term strategic interest of the United States. Identifying a more effective policy toward resolving the Eritrea-Ethiopia dispute was the focus of today's hearing.

IN HONOR OF MR. GEORGE COUCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. FARR. Mr. Speaker, I rise today to honor my good friend George Couch for his tremendous commitment to education in general, and to the Latino youth of my district in particular. This coming Saturday, May 7, 2005, the San Benito County Mexican-American Committee on Education (MACE) will recognize George for his tremendous help in making educational opportunities available to young people in San Benito County.

George graduated from Stanford University and followed that up with an MBA from Harvard. He has used this education and his business smarts to build several successful companies in the Monterey Bay Area. These include Triad Broadcasting Company in Monterey which operates 49 broadcast radio properties nationwide, and Couch Distributing Company in Watsonville which has retail beverage customers throughout the region.

George is a lion of a man who cares deeply about righting wrongs. He does not seek out the limelight, but rather looks for quiet ways to make a big impact. That theme of making an impact and getting results underpins all of his community and philanthropic work. George serves as a Trustee of the Community Hospital of the Monterey Peninsula Foundation; trustee of the Leon and Sylvia Panetta Institute for Public Policy; member of the Board of Directors of the Community Foundation of Santa Cruz County; member of the Governing Board of Cabrillo College in Aptos; member of the Board of Governors of the State Bar of California; and member of the Board of Directors of the Santa Cruz county Society for Prevention of Cruelty to Animals.

George Couch's work with MACE certainly follows this pattern of service. As an organization, MACE offers scholarships to Latino youth in San Benito County to further their education beyond high school. Over the years MACE has helped dozens of San Benito County students achieve their goals. The financial and moral support offered by MACE has been instrumental in their success. This achievement is in no small part due to the efforts of George Couch whose steadfast support and guidance of MACE over the last 19 years has played a central role.

Mr. Speaker, I know that I speak for the whole House when I congratulate Mr. Couch on this well deserved recognition. His service stands as a beacon to others. I am pleased to have this opportunity to honor Mr. Couch and express the gratitude of MACE and the broader community for the results that flow from his selfless leadership.

TRIBUTE TO MARLA RUZICKA

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. BISHOP of New York. Mr. Speaker, I rise today to pay tribute to an outstanding young woman, Marla Ruzicka, who was tragically killed in Iraq on Saturday, April 16, 2005, when a suicide bomber attacked a convoy of U.S. security contractors passing her vehicle on the road to Baghdad airport. Marla was traveling on the road to visit an Iraqi child injured by a bomb, part of her daily work with the humanitarian organization she founded—The Campaign for Innocent Victims of Conflict (CIVIC). Marla, who was only 28 years old, worked tirelessly and fearlessly on behalf of civilian victims of war in some of the most dangerous parts of the world, accomplishing more in the area of human rights during her short life than most people do in a lifetime.

It is Marla Ruzicka's affiliation with Southampton College, an institution which I served as Provost for many years, that has made her tragic death very personal to me. Marla earned her undergraduate degree through Southampton College's Friends World Program, an academic program that stresses the careful consideration of world problems, and encourages a life of committed action in the world community. Many of my colleagues on the faculty and staff can recall Marla's passionate commitment to making a difference in the world, and were moved by her enthusiasm for helping those in need. To those of us who knew of Marla, it was no surprise that she gave up her life to serve the needs of others.

Marla's concern for the victims of world injustice began early in life. A Northern California native, Marla began her work as a human rights activist for the San Francisco office of Global Exchange at the young age of 15. It was at this time that Marla first demonstrated her desire to educate others about global injustice by organizing discussions for her high school classmates about such issues as the U.S. trade embargo on Cuba. During her undergraduate education, Marla traveled to the Middle East, Cuba, Zimbabwe, and Nicaragua where she witnessed firsthand the suffering of those who lived there. After earning her degree, she continued her work with Global Exchange and traveled to Afghanistan after Operation Enduring Freedom, where she recorded the military campaign's effects on Afghan civilians and used the information to garner assistance for the families harmed by the conflict.

In 2003, Marla organized her efforts in assisting the victims of war by founding an organization she named CIVIC—The Campaign for Innocent Victims of Conflict. Marla's assigned mission for CIVIC was both to achieve an accurate accounting of civilian casualties caused by the wars in Iraq and Afghanistan, and to secure assistance for their families. In pursuing this mission, she spent weeks at a time traveling the dangerous roads of Afghanistan and Iraq to personally interview the injured and their families, document their experiences, and work with U.S. military officials to earn them compensation. In organizing a group of 150 Iraqi volunteers who went to hospitals and into towns, Marla helped produce the first comprehensive list of people killed or injured in Iraq by U.S. weapons.

Marla also achieved a great deal of success in recruiting the efforts of military personnel, humanitarian organizations, and the U.S. Congress for her cause. Through her boundless energy and determination, she lobbied the Senate and helped win the insertion of language in an appropriations bill that provided $2.5 million to help victims in Afghanistan; this money has now grown to $7.5 million. She also succeeded in securing a $10 million appropriation for Iraqi victims, which is used to rebuild homes and schools, provide medical assistance, and make loans. While in the Middle East, Marla networked with military commanders, realizing they often had the freedom and resources to assist victims quickly.

In her interactions with Congress, the U.S. military, and others in positions of authority, Marla persuasively argued that achieving an accurate accounting for the loss of life in Iraq and Afghanistan would not only make the recompense of wartime civilian casualties easier, but would also assist U.S. led reconstruction efforts. Through it all, Marla's sunny disposition and ability to make friends easily proved invaluable in recruiting the assistance of journalists, U.N. officials, non-governmental organization staff, and the U.S. military in documenting the plight of civilians and providing relief to war-torn families.

Marla's contributions to the most vulnerable of citizens did not come without making a great deal of personal sacrifice, however. CIVIC operated on a shoe-string budget of about $100,000 a year, which often left Marla depending on friends and family to secure enough money for airline tickets and living expenses. When returning to the U.S. from overseas, Marla would often stay with friends, sleeping on their sofas, to continue her work when returning to the United States. Her ability to succeed in the most difficult of circumstances is a testament to her natural ability and drive, and serves as an inspiration to many.

Mr. Speaker, few people possess the undying commitment to selflessly and courageously pursue justice on behalf of the less fortunate as did Marla Ruzicka. During her lifetime, Marla viewed it as her personal obligation to fight for the less fortunate in this world and, under the most difficult of circumstances, demanded and achieved justice for so many victims of war and conflict. Her relentless dedication and optimism won over the hearts of the most influential people, making it possible to relieve the suffering of those most in need. Her actions were nothing short of heroic, and should serve as an inspiration to us all. I ask those in this distinguished body to join me in offering my condolences to Marla's parents, Clifford and Nancy Ruzicka. They should be commended on their daughter's extraordinary commitment to improving the world one life at a time.

RISK AND RESPONSIBILITY: THE ROLES OF FDA AND PHARMACEUTICAL COMPANIES IN ENSURING THE SAFETY OF APPROVED DRUGS LIKE VIOXX

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. KUCINICH. Mr. Speaker, thank you for the opportunity to speak about this critical public health issue that has affected the entire U.S. The Vioxx case presents us with a valuable opportunity to examine an industry in order to help it improve. The problem is not only that the FDA does not have sufficient regulatory authority to protect the public, though that is certainly true. The problem actually lies with the way pharmaceuticals are priced. I'll explain.

In the Vioxx case, Merck displayed a litany of predatory behavior. Vioxx research teams were stacked with people who had financial associations with Merck. Merck manipulated research protocols. They delayed publication of negative findings about Vioxx. They succeeded in getting people to take Vioxx that did not have a medical need by spending $161 million for direct-to-consumer advertising alone. And direct lobbying to doctors is a well-known practice that has the same result. Lastly, 10 members of a 32-member FDA advisory board in charge of determining whether Vioxx should continue to be allowed on the market, had ties to industry. Had those advisers abstained, the committee would have voted that Vioxx should not return to the market. And these are only the things we know about. More concerns are likely to be uncovered as we dig deeper.

Would Merck be doing all this if Merck was the only maker of Vioxx? Absolutely not. When there is competition in manufacturing, just like there is in most other sectors, the capability to squeeze so much profit from a single drug is gone. But under a monopoly, which is what Merck has with its patented Vioxx, the sky is the limit on profits. Only the patent holder or licensee can sell it, so they control the market. And when a company controls the market, they have considerable leeway to corrupt the process in ways similar to what we have seen with Merck.

The usual justification for patent monopolies is that patents are yielding innovation, which is critical for new pharmaceuticals. But we are not getting that innovation. The number of New Molecular Entities approved by the FDA has been in decline several years running. Copycats or me-too's constitute roughly 70 percent of new FDA approved drugs. In other words, the pipeline is drying up.

If we want to avoid another Vioxx down the road, we need to get to the root of the problem. We need to bring innovation back up, control perverse incentives, and drive drug prices back down to a similar level as other developed nations. We do that by changing the financing of pharmaceuticals.

Put simply, the NIH, which is currently responsible for much of the innovation in pharmaceutical research, should drastically increase its already successful pharmaceutical research program. The innovations that result should be available for any qualified entity to manufacture, which would introduce competition into the market. It would boost innovation, competition would drive down prices as it does in the generics market, and the incentive to engage in Merck-like behavior would be drastically reduced.

IN RECOGNITION OF ANTHONY BENEDETTI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. PALLONE. Mr. Speaker, it is my great pleasure to rise today to honor a man who has spent 37 years of his life representing the interests of working men and women in Central New Jersey.

Anthony Benedetti, on June 1, 2005, retires as Financial Secretary and Treasurer of the Sheetmetal Workers International Association Local 27.

For the last several decades, Anthony Benedetti has unselfishly represented the Sheetmetal Workers International Association. His outstanding work and leadership have served as a guide to other employees throughout the years. It is doubtful that the Sheetmetal Workers International Association would have functioned the same way without his tireless efforts.

I want to offer Mr. Benedetti my congratulations and thanks for his outstanding career of service. It is with men like Anthony Benedetti that our nation's labor movement is such a huge success. He will be deeply missed.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Anthony Benedetti as a determined and exceptional worker who affected the lives of many people.

POINT OF PERSONAL PRIVILEGE ASSERTED BY REPRESENTATIVE NADLER, H. REP. 109-51, CONCERNING H.R. 748, THE CHILD INTERSTATE ABORTION NOTIFICATION ACT OF 2005

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the point raised by the gentleman from New York regarding the malreporting of the Republican Leadership of the Committee on the Judiciary with respect to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

Under Rule IX, paragraph (1) of the House Rules, Mr. NADLER justifiably asserts his point because not only his but my "rights and reputation" have been offended by the conduct of the Chairman in publishing House Report 109–51. To reiterate, the language used in pages 45–49 patently malreport and malign the authors of amendments to H.R. 748, the Child Interstate Abortion Notification Act of 2005.

Two days ago, on May 3, 2005, the Ranking Member of the Committee on the Judiciary led debate on his resolution of privilege, H. Res. 253 that concerned the ways in which the act of the Chairman of the Judiciary Committee negatively affected the "rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

So too, was this resolution properly and justifiably introduced because, in that case, the privileges of "dignity" and "the integrity of [the House's] proceedings" have been patently violated. To purposefully misreport the good-faith amendments that have been offered by Members of this venerable House debases the nature and trustworthiness of the House Report.

After this debacle, Members will have to scan committee reports with a fine-toothed comb—not for substantive value, but for accuracy and veracity of their reporting value! This is the diminution of the dignity of the process. This is the diminution of the integrity of the House.

The American people must be made aware that we, the authors of the amendments on pages 45–49 of House Report 109–51 do not associate ourselves with the misreported portions thereof.

House Report 109–51 not only improperly made negative inferences as to the import and intent of my amendments, but it combined two distinct and separately-offered amendments into one.

In terms of the personal privileges violated by the report, the misreporting—and the malreporting of the amendments offered by my colleagues Mr. SCOTT, Mr. NADLER, and me affected our rights, reputation, and conduct. As founder and Chair of the Congressional Children's Caucus, a report that cites an amendment offered by me that would exempt sexual predators from liability is at the very least offensive.

My constituents and the constituents of my colleagues do read House Reports, and the nefarious language that the Chairman avers as representative of his true intentions should be highlighted as contrary to the ideals on which this House, this government, and this nation were established.

TRIBUTE TO KATHRYN LEHMAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the distinguished service of an employee of this House. To do so, I'm reminded of an old phrase that doesn't fit anymore in today's society. It goes: behind every good man is a good woman. The saying may be outdated, but the point it tries to make still rings true: nobody gets very far without a lot of support.

Nowhere is that more accurate than in the world of politics and public service. I'd like to think that the modern corollary up here on the Hill might sound something like: behind every good politician is their staff. And, Kathryn Lehman has helped make many a good politician.

Kathryn may not have been in the headlines, she may not have been lauded with award after award and plaque after plaque, but she has done much to make our Republican caucus a success.

In her many roles, Kathryn has always been a go-to person. Working the halls of Congress with an in-depth knowledge of policy, an ability to handle even the toughest personalities and a dedication to public service that is second to none, Kathryn has remained a constant force in moving our agenda forward.

Kathryn is leaving us to take that next step in her already distinguished career. While I know that Kathryn's talents will be missed, I wish her the very best in her new endeavor.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. FLAKE. Mr. Speaker, yesterday I voted "Yes" on H.R. 366, the Vocational and Technical Education for the Future Act. My "Yes" vote was entirely the result of an error on my part. For the record, I intended to cast a "No" vote against H.R. 366. I do not believe that vocational and technical educational grants falls within the proper scope of the federal government.

Unfortunately, I did not realize that I had voted incorrectly until after the vote was concluded.

ON THE OCCASION OF THE ANNIVERSARY OF MOORE'S LAW

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. ESHOO. Mr. Speaker, I rise today to commemorate the 40th anniversary of Moore's Law, a prediction by Intel co-founder Gordon Moore about integrated circuits that has driven the pace of innovation, helped make America the world's technological leader, as well as helping to launch what is now the Silicon Valley.

In April of 1965, Gordon Moore, then an engineer with Fairchild Semiconductor, predicted that computer chips would double in power approximately every 18 months while staying at the same cost. Forty years later, Moore's Law has maintained its pace. Today we enjoy technological innovation that even the most enterprising minds could not have imagined four decades ago: Computers once the size of a refrigerator now fit on our laps or in the palm of our hands, and a talking doll enjoyed by kids around the world packs four times as much processing power as an Apollo moon lander.

Along with these extraordinary advances in processing power, the technological innovation driven by Moore's Law has led to advances in virtually every industry and almost every aspect of our lives. Doctors can access the Internet in the examining room or diagnose a patient remotely, while having access to the latest updates on chemical reactions, alternatives, and availability of prescriptions. On-the-go parents can carry games and other digital entertainment for their young children on the road while simultaneously checking in on their teenagers whereabouts and well-being.

Most importantly, the drive toward maintaining Moore's law has kept the U.S. technology industry at the forefront of innovation, growing quality, high-paying jobs and contributing to our Nation's economic stability. The premise of Moore's Law dictates that computing power improves essentially for free, bringing increases in productivity unprecedented since the Industrial Revolution and acting as a powerful deflationary force in the world's macroeconomy. As a result, consumers get more for less. Businesses can continually improve their operations, service and productivity at a cost advantage.

In Silicon Valley, which I'm proud to represent, we're proud to be a major driver in the technology industry to keep pace with Moore's Law. The small and large businesses which are part of our local technology industry have led to economic growth and development. Intel Corporation, leading the charge, has become a major local contributor to our economy and is an example of the impact that U.S. technological leadership has at a regional, national, and international level.

On April 19, 1965, the day which Gordon Moore's article first appeared, he certainly could not have predicted the powerful and dramatic influence his postulation would have on our world.

Beyond sharing a wonderful prediction, Gordon Moore has distinguished himself as a major philanthropist, donating $7 billion to various environmental, scientific and San Francisco Bay Area causes.

Mr. Speaker, I ask my colleagues to join me in honoring Gordon Moore for his vision in establishing Moore's Law, for his unique leadership, his integrity, and his incomparable contributions to make our nation great. How proud I am to be Gordon Moore's Representative in Congress. He has our collective gratitude for his contributions to our Nation.

RECOGNIZING VERN BROOKS, PRESIDENT OF TECHNICAL DIRECTORS, INC., ON BEING NAMED 2005 REGIONAL SUBCONTRACTOR OF THE YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize Vern Brooks, President of Technical Directors, Inc. (TDI), on being named 2005 Regional Subcontractor of the Year. Mr. Brooks' small business, Technical Directions Inc., manufactures proprietary jet engine technology. These engines have proven superior for use in small unmanned aircraft and powered weapons systems, including several Lockheed Martin mini-cruise missiles.

Mr. Brooks was recognized by the Small Business Administration for his entrepreneurial spirit at the 2005 U.S. Small Business Administration's National Small Business Week in Washington, D.C., an event that showcased Small Business Persons of the Year winners from each state. National Small Business Week honors some of the Nation's estimated 25 million small business owners that form the foundation of our Nation's economy.

Mr. Speaker, small businesses are the life blood of the American economy. They employ more than half the country's private work force, create three of every four new jobs and generate a majority of American innovations.' The entrepreneurs that found these businesses must be recognized for their contribution to economy. I ask my colleagues to join me in honoring Mr. Brooks for his recognition as 2005 Regional Subcontractor of the Year and in recognizing the contribution of small business owners to the growth of our economy.

HONORING HENRY FORD HEALTH SYSTEM ON WINNING THE 2004 FOSTER G. McGAW PRIZE FOR EXCELLENCE IN COMMUNITY SERVICE

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today to honor the Henry Ford Health System in Detroit for winning the 2004 Foster G. McGaw Prize for Excellence in Community Service—one of the health care field's most prestigious awards. Henry Ford was awarded this award May 2, 2005 at the American Hospital Association's Annual conference.

The Foster G. McGaw prize recognizes health care organizations that demonstrate commitment to community service through a variety of programs. These programs must exhibit a continuous dedication to making communities healthier. Each year, the $100,000 award is given to an organization committed to providing its community with innovative programs and services that promote the health and well being of the community. The American Hospital Association, the Baxter International Foundation and the Cardinal Health Foundation sponsored the award.

Henry Ford Health System's outstanding community programs are improving the health and quality of life of the people they serve, primarily Southeast Michigan's minority and disadvantaged residents.

Henry Ford Health System was recognized for its involvement in: The School-Based Health Initiative, which takes primary and preventive care to Detroit classrooms where it may be the only health care a child receives. The Henry Ford sites handle nearly 20,000 student visits each year.

AIM–HI—African American Initiative for Male Health Improvement, a program within the Institute on Multicultural Health at Henry Ford, that provides mobile health screenings and onsite health education for diabetes, hypertension, and strokes. SandCastles, a division of the Hospices of Henry Ford Health System, which offers grief support for children and families who have lost a loved one. In 2004, this program served 378 children and 274 adults from 228 families. City Year Detroit, a program that is supported financially and housed by Henry Ford Health System. In this program, outstanding young adults make a 10-month, full-time volunteer service commitment to help youth in Detroit's lowest-income neighborhoods.

Automobile pioneer Henry Ford founded the hospital in 1915 to improve the health of metro Detroit residents. Since that time, the health system has been devoted to patient safety, clinical excellence and superior service. The health system partners with dozens of local agencies and organizations to serve more than one million residents in southeast Michigan.

Again, Mr. Speaker I want to commend the Henry Ford Health System and its President and Chief Executive Officer, Nancy Schlichting for a job well done. What an honor for the Henry Ford Health System and the city of Detroit. Their commitment to quality health care and the community is to be applauded.

CONGRATULATING S. MARTIN TAYLOR ON THE OCCASION OF HIS RETIREMENT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. UPTON. Mr. Speaker, Mr. DINGELL and I rise today as the Senior Members of the Michigan Delegation to congratulate and pay tribute to S. Martin Taylor on the occasion of his retirement after 16 years of service as Executive Vice President of DTE Energy in Detroit, Michigan. We have both known this special man through not only his sixteen years at DTE Energy, but also throughout the many years he spent in public service working across and from both sides of the aisle to improve the lives of Michigan's citizens.

Mr. Taylor has shown an exceptional commitment to the people of the state of Michigan. After graduating from Western Michigan University in 1964, he went on to receive his Juris Doctor from the Detroit College of Law in 1967. A lifelong student of both academics and personal interaction, Mr. Taylor received an honorary Doctor of Laws Degree in 2002, from Marygrove College in Detroit, Michigan.

After two years of service in Chicago, Illinois as an attorney at the Container Corporation of America, Mr. Taylor was appointed by then-Governor of Michigan William G. Milliken, a Republican, to serve as the Deputy Director of the Michigan Department of Commerce. Two years later in 1971, Mr. Taylor was appointed by a bipartisan commission representing both labor and management, to serve as the Director of the Michigan Employment Security Commission (MESC), the State's third largest agency. His 13 years of remarkable service at that position led to his appointment by Democratic Governor James Blanchard as Director of the Michigan Department of Labor in 1983. In a remarkable feat of commitment, Mr. Taylor served concurrently as both the Director of the MESC and Michigan's Labor Department for nearly two years.

In 1984, after 15 years of service to the state of Michigan, Martin left his position as Director of Labor in order to serve the people of Detroit as the President of New Detroit Inc., the Nation's first urban coalition developed in response to the civil unrest of 1967. As President Mr. Taylor acted to facilitate an active and productive dialogue between all social, religious and economic organizations in the Metropolitan Detroit area. Mr. Taylor served with distinction for 5 years at that position.

Finally in 1989, Mr. Taylor was asked to serve as an Executive Vice President of DTE Energy. At this post, Martin was responsible for developing and implementing the company's strategies for human resources, corporate communications, and corporate and government affairs. He worked to enhance the public reputation of DTE Energy and to ensure that its workforce was fully capable of meeting the changing demands and challenges of the energy industry. As a member of the executive committee, Mr. Taylor worked with other senior officers to handle all corporate-wide responsibilities.

Aside from his remarkable service throughout his career, Mr. Taylor also serves on nearly twenty business, civic and community affiliations and boards, and in the past, Martin has been part of over thirty such organizations. In 1996, he was elected to the University of Michigan Board of Regents, where he continues to serve with distinction. He is also the recipient of two commendations of public service by the Michigan Legislature. His civic service provides a great testament to the spirit of commitment and community Mr. Taylor possesses. Martin is truly a model member of the

Michigan community and an example for us all.

In addition to his great success in both public and private service, Martin is also fortunate enough to share his life with his wife Ann Diggs Taylor, U.S. District Court Judge for the Eastern District of Michigan. Mr. Taylor also has two step-children, his son, Douglass, and daughter, Carla.

As Martin begins what is surely a deserved retirement, we offer him the best of luck on this long and well-earned journey. Mr. Speaker, we hope you will join with us and our colleagues in the Michigan Delegation to wish Mr. Taylor many years filled with family, friends, and good health and thank him for what he has done for our state.

RECOGNIZING THE 75TH ANNIVERSARY OF ST. ROBERT BELLARMINE PARISH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. EMANUEL. Mr. Speaker, I rise in recognition of the 75th Anniversary of St. Bellarmine Parish in Jefferson Park, Illinois. I am proud of the continuous support and inspiration this parish has provided to the people of Jefferson Park for the past 75 years, and I would like to thank the parishioners of St. Robert Bellarmine Parish for their dedicated service.

St. Robert Bellarmine has served as an essential part of the surrounding community since 1930, when a group of dedicated parishioners joined with Father Gillespie to celebrate the parish's first Mass in the auditorium of Prussing Public School.

Church and school buildings were constructed in 1931 to house the parish, and the church became an anchor for the community and a beacon of hope for its parishioners.

Today, St. Robert Bellarmine continues to inspire the Jefferson Park community under the exceptional leadership of Father Michael Goergen. This parish provides a prime example of what can be accomplished when we work together for the common good.

The 1,700 families that make up the parish create a welcoming and service-oriented community. Church activities such as the Stretch Program help needy members of the parish, adding to St. Robert Bellarmine's impressive history of donating time, talent, and resources to the community.

The 390 students at St. Robert Bellarmine school receive an excellent and well rounded education, with the active participation of the Parents Association in extracurricular programs.

Now as St. Robert Bellarmine Parish celebrates its 75th anniversary, I ask my colleagues to take a moment and recognize the importance of places like St. Robert Bellarmine in communities all across America.

Mr. Speaker, I congratulate the parishioners of St. Robert Bellarmine on the first 75 years of their parish, and I wish them continued success and inspiration in serving their community in the coming years.

TRIBUTE TO EILEEN HARRINGTON AND THE DO NOT CALL REGISTRY TEAM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. VAN HOLLEN. Mr. Speaker, this week is Public Service Recognition Week, a week when we salute government employees at the federal, state, county and local levels. As a member of the Congressional Public Service Caucus, I would like to honor one of my constituents who is a model public servant.

Eileen Harrington, of Kensington, Maryland, is the Associate Director for Marketing Practices at the Federal Trade Commission, Bureau of Consumer Protection. In this position, Ms. Harrington led the team that developed the heralded Do Not Call Registry. Ms. Harrington and her team won a 2004 Service to America Medal from the Partnership for Public Service and Atlantic Media Company for this great accomplishment and they continue to receive accolades for their groundbreaking work.

Opened on June 27, 2003, the FTC's Do Not Call Registry enables consumers to block phone calls from telemarketers. All consumers have to do is sign up online or through a toll-free number, and registration is free. By any measure, the success of this program has been phenomenal.

The registry quickly became the most searched-for site on the Internet, and more than 10 million people were registered in the first four days. According to a January 2004 Harris Poll, 91 percent of adults have heard of the registry, and 57 percent have actually registered—bringing the number of enrollees to almost 60 million. Ninety-two percent of enrollees report receiving fewer calls, and 78 percent say that they get "far fewer calls" or none at all.

Mr. Speaker, Eileen Harrington and the Do Not Call Registry Team demonstrates the government's ability to deliver practical solutions that are positively improving the everyday lives of millions of Americans. I commend Ms. Harrington and the Do Not Call Registry Team for their service to our great nation.

A TRIBUTE TO JUDGE ANDREW L. JEFFERSON, JR

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. AL GREEN of Texas. Mr. Speaker, on Friday, May 6, 2005, my alma mater, Thurgood Marshall School of Law located in the great city of Houston, will designate the Andrew L. Jefferson, Jr. Endowed Chair in Trial Advocacy in honor of my great friend and mentor, Judge Andrew L. Jefferson, Jr.

Born in Dallas, Texas in 1934, Judge Jefferson has lived in Houston since the ripe old age of 2. A graduate of Jack Yates High School, Texas Southern University and the University of Texas School of Law, Judge Jefferson has, over the years, distinguished himself not only as an accomplished legal scholar, but also as a dedicated community leader.

A humble man, Andrew Jefferson has had an exemplary career that began in the early sixties when he was a partner in the law firm of Washington and Jefferson. Because Judge Jefferson displayed, at an early age, a remarkable command of the law, he was recruited to serve as the Assistant District Attorney for Bexar County, a position he held until he was appointed Chief Assistant United States Attorney and subsequently Chief of the Criminal Section for the Western District of Texas, a job he held until Humble Oil and Refining Company beckoned him to join their ranks as Trial and Labor Relations Counsel. During the early seventies, he assumed the role of Judge in the Court of Domestic Relations #2 for Harris County, and in 1973 was elected to a full four-year term. At the end of his tenure in the Domestic Court, Judge Jefferson was appointed and then elected to the 208th District Court. In 1975, believing that he could inspire young people to enter the legal profession, the distinguished barrister left the bench and reentered private practice.

In addition to being honorably discharged as a Captain in the United States Army Reserve-Judge Advocate General's Corps, the distinguished gentleman from Texas is a member of the State Bar of Texas, Houston Bar Association, the Houston Trial Lawyers Association, the American Bar Association, the National Bar Association, Phi Alpha Delta Legal Fraternity, a Life Member of Alpha Phi Alpha Fraternity, Inc., former Chairman of the Board of Directors of the Houston Branch of the National Urban League, and a Life Member of the NAACP.

Among his many awards and accomplishments, Judge Jefferson has received the Anti-Defamation League National Torch of Liberty Award, the Forward Times Newspaper Community Service Award, the Charles A. George Community Service Award and the League of United Latin American Citizens National Community Service Award from LaRaza.

Mr. Speaker, I am blessed to have the opportunity to pay tribute to a great American hero. For those of us who know the Honorable Andrew L. Jefferson, we are always in awe of his ability as a coalition builder to bridge the gap between young and old and those of different cultural backgrounds. I believe that when history records the legacy of Andrew L. Jefferson, it will honor his role as a warrior who never forgot where he came from and always worked tirelessly on behalf of the least, the last and the lost.

TRIBUTE TO THE TEPEYAC ASSOCIATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Tepeyac Association. This outstanding organization has served the Latino American community in New York for the past 8 years. Their unyielding dedication to the building of a strong Mexican-American and Latino community in New York is commendable.

In the South Bronx, Mexican immigrants have played an important role in helping to reenergize various neighborhoods. The vibrant Mexican-American community brings added diversity and flavor to an area already rich with Puerto Ricans, Dominicans and African Americans. The result is a wonderful confluence of cultures that help to bring the Bronx to life. I am happy to welcome this new group of immigrants to our community. They, like the groups that have come before them have helped to make life in the Bronx as vibrant and diverse as it is today.

The tremendous strides that this community has made not only in my district but throughout New York, is in large part due to the great work of the Tepeyac Association Tepeyac is a non-profit 501 (c) 3 network of 40 community based organizations, whose mission is to promote the social welfare and human rights of Latino immigrants in New York City with a focus on those who are undocumented. Founded in September, 1997 by Mexican community leaders, the Association is the only public resource dedicated to organizing Mexican immigrants in the 5 boroughs. Tepeyac is also dedicated to informing and educating Mexican immigrants and their families about their rights and available resources. Through its grassroots structure and leadership the Association serves over 10,000 members.

Mr. Speaker, as we continue to debate legislation in the 109th Congress that will affect the lives of immigrants, it is important that we remember that we are a nation of immigrants. All of our families came to the U.S. in search of a better life, and the American Dream. To be anti-immigrant is to forget our history, and to reject the very values that make our country so great. I will continue to fight against policies that are hateful and unwelcoming to those who comes to this country seeking a better life. It is my hope that organizations such as Tepeyac will continue to make the transition into American life easier for the Mexican-American community.

On this day, Cinco de Mayo, 2005, I salute the many contributions that Tepeyac has made to the South Bronx. I thank the Mexican-American community for its continuing contribution to American life and culture and for playing such an important role in revitalizing our inner cities. I ask that my colleagues join me in paying tribute to Tepeyac.

HEALTH INSURANCE CRISIS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of Cover the Uninsured Week, May 1–8, 2005.

As we come together for this year's Cover the Uninsured Week, we will continue to let the leaders of this country know it is time that we make health coverage for all Americans our top priority. Today, 45 million Americans have no health insurance, including more than 8 million children. Eight out of 10 uninsured Americans either work or are in working families.

Being uninsured means going without needed care. It means minor illnesses become major ones because care is delayed. Tragically, it also means that one significant medical expense can wipe out a family's life savings. There are millions of working, uninsured Americans who go to bed every night worrying what will happen to them and their families if a major illness or injury strikes.

In my home state of Ohio there are currently 1,362,000 uninsured, an increase of 18,000 people since 2003. We have also seen the strain on many of the local hospitals in my district when people are forced to use emergency rooms as their source of primary care.

The problem is getting worse. As the price of health care continues to rise, fewer individuals and families can afford to pay for coverage. Fewer small businesses are able to provide coverage for their employees, and those that do are struggling to hold on to the coverage they offer. It is a problem that affects all of us and we cannot sit idly by while the people of this country continue to go without health insurance.

We must begin to move forward in a bipartisan manner to expand access to affordable, quality and reliable health coverage for America's families.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate May 2005 as National Asian Pacific American Heritage Month.

I am proud to represent the 29th District of California, home to one of the largest Asian American and Pacific Islander populations in Southern California; almost one-fourth of my constituents are of Asian Pacific heritage. Earlier this year I had the honor of naming Temple City, City Councilmember Judy S. Wong and Alice Lan-Hua Hwang 29th Congressional District Women of the Year for 2005 in recognition of their contributions to our community.

Countless lives in Southern California benefit from the leadership provided by these women and other prominent Asian Pacific Americans such as Board of Equalization Member John Chiang, Assembly Members Judy Chu and Carol Liu, Alhambra City Council Member Gary Yamauchi, Alhambra School Board Members Robert Gin and Chester Chau, Altadena Town Council Member Lucille Hino, Glendale Community College Trustee Victor King, Monterey Park Mayor Mike Eng, Monterey Park City Council Members Betty Tom Chu and David Lau and Monterey Park City Treasurer Mitchell Ing, Garvey School Board Members Henry Lo and John Yuen, Temple City School Board Member Edward Chen, South Pasadena Council Member Mike Ten, South Pasadena School Board Member Joseph Loo, San Gabriel City Council Member Chi Mui and San Gabriel School Board Member Ken Tcheng.

This week the House considered a resolution honoring the contributions of Vietnamese Americans to American society over the past thirty years. The consideration of this bill is timely as this year marks the 30th anniversary of the fall of South Vietnan to Communist rule. Over the course of three decades, through perseverance and hard work, the 1.5 million Vietnamese who resettled in the United States have been able to build new lives and form a vibrant community which has strengthened our nation immeasurably. Yet this community has not forgotten its heritage and has worked tirelessly to promote democracy and freedom in Vietnam; to extend the same rights they enjoy to the people of the land they were forced to leave.

From every tragedy springs a new hope. The fall of Saigon resulted in a world refugee crisis of historic proportions, creating over three million refugees. But were it not for this event, America would not be the same. As with millions of other Asian and Pacific Islanders, Vietnamese Americans have enriched our society and woven their own traditions into the beautiful tapestry that is America. I would like to thank the Asian Americans and Pacific Islanders for their contribution to our district and society, our community would be incomplete without them.

RECOGNIZING MARY NELL GODBEY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 2005

Mr. RAHALL. Mr. Speaker, the wonderful state of West Virginia has known many great Americans. My neighbors in southern West Virginia each have their own interesting story, they are all a pleasure for me to represent. Today, I am here to recognize Mary Nell Godbey who passed away at the end of April.

Mary Nell Godbey was an outstanding member of her community. As a WVU Extension Agent in Raleigh County, she helped southern West Virginians on a daily basis.

My thoughts and prayers are with her family during this difficult time. She touched so many people's lives throughout her many years and will surely be missed.

I also ask that the following article from the Register-Herald in Beckley be printed in the CONGRESSIONAL RECORD after these remarks. Bev Davis, a friend and former co-worker of Mary Nell Godbey, wrote this column which shows how well loved Ms. Godbey was in southern West Virginia.

BELOVED WVU EXTENSION AGENT LEAVES GREAT LEGACY BEHIND

(By Bev Davis)

"Call Mary Nell." Those were words I heard repeatedly when I worked at the West Virginia University Area Extension Office in Beckley. Area division leader Oscar Hutchison was my boss, overseeing the nine-county WVU Extension offices.

Mary Nell Godbey was a WVU extension agent for Raleigh County, and everything that had to do with homemaking, food preparation, food preservation and hand crafts fell under the umbrella of her expertise.

She taught workshops on everything from decoupage, macramé and quilting to canning foods and how to get mold off your carpet.

When I saw her obituary in our newspaper this week, it really hurt to t the fact she's gone. I remember her as such a lady—always impeccably dressed and a woman who always conducted herself with such dignity.

At the same time, she was warm, friendly and willing to help.

Mary Nell was a virtual encyclopedia of knowledge for all of us and for hundreds of callers. I lost count of the times I told someone, "Call Mary Nell Godbey. If anyone knows the answer to your question, she will."

A gentle woman with a great sense of humor, Mary Nell made friends easily. She made me laugh often, and I probably use something I learned from her almost every day of my life.

She was a lady with a quiet spiritual faith, and I know her long absence because of illness has left some big shoes to fill at First Baptist Church in Beckley, where she was a member for many years.

I'm sure I speak for a huge community of people when I extend my deepest condolences to Mary Nell's family. Her influence had a wide impact, and her passing leaves a vacant spot in our hearts.

In passing on her legacy, Mary Nell would want me to sound a trumpet for the organization to which she dedicated so much of her life.

As we have moved away from a more agrarian lifestyle, the function and scope of the WVU Extension has changed a great deal over the years.

It is, nevertheless, still a vital resource for our communities.

The county offices provide a wealth of information on homemaking, gardening, help for working women, parenting—just about any topic that enhances daily living.

I know Mary Nell would want me to remind people to think of a WVU Extension office first when a question comes to mind. She has passed the torch to a new generation of agents who are eager to make a difference in their community.

During the years I've worked at the newspaper, it's been rewarding to refer callers to this agency for help. Because of all the dedicated extension agents still around, it's a pleasure to say to someone on the phone, "Call the WVU Extension office. If anyone can answer that question, they can."

The next time I say that, however, it will become a tribute to Mary Nell.